

The Irrigation Law
(Pyidaungsu Hluttaw Law No.27/2017)
The 10th Waxing of Tawthalin, 1379 M.E.
(31 August, 2017)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I
Title and Definition

1. This law shall be called **the Irrigation Law**.
2. The following expressions contained in this law shall have the meanings given below.
 - (a) **Canal** means dams, lakes, reservoirs, weirs, sluice gates, drains, pumping stations, artesian wells constructed or maintained for the supply and storage of water; parts of a river, stream, lake, pond and natural drain connected with the aforementioned; channels, irrigation and diversion channels, canal banks and retaining walls. In this expression, irrigation, and building and machinery relating to irrigation shall also be included;
 - (b) **Canal Boundary** means the boundary demarcated by the Ministry or Department with the notification for each canal;
 - (c) **Village Canal** means canals, drains or dams and lakes announced by the District Administrator as village canal;
 - (d) **Water Course** means ditches dug as specified manner and connected to any drain which supplies water from any canal constructed or maintained by the department, and other supporting work related to the said ditches;
 - (e) **Drainage Canal** means man-made drains or natural drains, and appurtenance structures relating to these drains for irrigation or to protect flood and erosion due to overflow of water from canals and naturally flowing water;
 - (f) **Village Drainage Canal** means drainage canals announced by the District Administrator as village drainage canals;

- (g) **Canals managed by the Region or State** means canals transferred to the Region Government, State Government or Nay Pyi Taw Council in order to manage them in accordance with the stipulation;
- (h) **Vessel** means boats, sampans, timber rafts, bamboo rafts, other motorised or non-motorised vessels and other floating objects;
- (i) **Ministry** means the Ministry of Agriculture, Livestock and Irrigation of the Union Government;
- (j) **Department** means the Irrigation and Water Utilization Management Department;
- (k) **Region or State Canal Officer** means the person in-charge of the department in the relevant Region or State or Union Territory;
- (l) **District Canal Officer** means the person in-charge of the department in the relevant Self -Administered Zone or Self -Administered Division or District;
- (m) **Township Canal Officer** means the person in-charge of the department in the relevant township.
- (n) **Water Tax** means tax collected for water use;
- (o) **Maintenance** means repair and maintenance works in accordance with the stipulations for retaining irrigation works and appurtenance structures relating to them;
- (p) **Emergency Service** means a timely repair work if a canal is likely to be broken or to be damaged due to any cause;
- (q) **Administrator** means administrators from the General Administration Department of the Ministry of Home Affairs.

Chapter II

Objectives

3. The objectives of this law are as follow:
 - (a) to implement canals construction for long-term development of agriculture sector;
 - (b) to maintain continuously the existing canals to be long-lasting;

- (c) to assist in construction and maintenance of village canal and village drainage canals;
- (d) to protect canal from the strike of natural disasters and to cooperate with the public in emergency service to mitigate loss and damage if they strike;
- (e) to easily fulfill water-requirement of the region including agriculture and breeding businesses;
- (f) to let the public know terms and conditions for sustainable conservation of canal comprehensively.

Chapter III

Canal Construction

4. The Ministry shall issue a prior notification to the public in the region by giving sufficient time if a canal is required to construct.
5. (a) The Region or State Canal Officer or the Officer from the department delegated by him may conduct a feasibility study of land and boundary survey for canal construction in coordination with District Administrator and Local farmers, from the date of notification under section 4.
 - (b) The Ministry shall occupy the land required for canal construction in accordance with the existing laws.
6. The District Administrator shall announce to the public in the region by giving sufficient time that they may claim compensation for the loss and damage of land, buildings, crops, tree and plants caused by canal construction.
7. (a) The District Administrator shall:
 - (i) inspect the matters of compensation by forming inspection team in accordance with the stipulations;
 - (ii) determine compensation in accordance with the existing laws if it found liable to pay under inspection;
 - (iii) notify his decision under clause (ii) in writing to the complainant promptly.

- (b) The complainant may appeal to the relevant Region or State Government or Nay Pyi Taw Council within 30 days from the date of receiving of the notice if he is dissatisfied with the determination of compensation of the District Administrator;
 - (c) The Region or State Government or Nay Pyi Taw Council may affirm, revise or cancel the determination of compensation under sub-section (a). The decision of the Region or State Government is final and conclusive;
 - (d) Payment for compensation shall be made in accordance with the Budget law and procedures of the Department.
8. The District Canal Officer shall carry out works related canals and embankments canals related works after payment for compensation under sub-section (d) of section 7 has been settled.
9. The District Canal Officer shall refer any claims for compensation to the District Administrator, for farm land, and loss and damage caused by construction of new canal and lateral drains, as canals and embankments deteriorate due to natural water flow or other causes and soil disposal.
10. The District Administrator shall settle the compensation claims contained in section 9 in accordance with the provisions of section 7.

Chapter IV

Maintenance of Irrigation

11. The Region or State Canal Officer, District Canal Officer and Township Canal Officer who are assigned for maintenance of the existing canals and their appurtenance structures, shall carry out as follows:
- (a) inspecting the section of canals and safety of irrigation structures, and if required, repairing them in time before irrigation;
 - (b) digging and removing termite mounds and ratholes on the canal banks and re-filling soil;

- (c) monitoring throughout the period of supplying water by fixing water gauge in canals;
 - (d) maintaining inspection roads;
 - (e) removing any obstacle which interferes with the steady flow of water in any irrigation channels;
 - (f) maintaining the reservoirs for safety and storage of water sufficiently;
 - (g) inspecting and necessary repairing of sluice gates, spillway and gates, shutters, under sluices and related machinery which are fitted to them;
 - (h) repairing concrete floors if they are destroyed by water flowed from weir or spillway;
 - (i) inspecting afflux bund of weir without fail after flood, as they are directly eroded by river water;
 - (j) repairing, in time, cracks in brick masonry and stone pitching which are likely to be destroyed;
 - (k) taking action against the persons who squat or cultivate within the boundary of any canal maintained by the Department;
 - (l) maintaining the dams, pumping stations, ground water drilling, water supply system and irrigation network system for effective and efficient utilization of water;
 - (m) assisting in construction and maintenance of village canals and village drainage canals;
12. Maintenances contained in section 11 shall be carried out by specifying the level as ordinary maintenance work, special repairing work or major repairing work.

Chapter V

Water Consumption from Canal

13. The person who wants to construct, to improve or to be transferred a water course for water consumption from a canal may apply to the relevant Township Canal Officer in accordance with the stipulations.
14. When the Township Canal Officer receives the application under section 13, he shall scrutinize and submit it, with this remark and remarks of farmers concerned, to the District Canal Officer in order to permit or deny constructing, improving or transferring the water course.

15. The District Canal Officer

- (a) shall permit or deny to construct, improve or transfer the water course after scrutinizing the submission of Township Canal Officer under section 14;
- (b) may align or construct required water courses within the irrigated area at any time while or after constructing a canal;
- (c) shall inform the District Administrator with his remark if necessary to pay compensation for lands where the water courses pass.

16. If the persons using water courses encounter the lack of places to dispose sediment and cost a lot due to the facts that there are a lot of water courses adjacent to each other, running for a long distance and very close to each other, they may report it to the District Canal Officer. The District Canal Officer shall inspect on such report and may decide to join or substitute and improve the water courses.

17. The current owners of lands on both sides of a water course are entitled to compensation only for the damage of plants and crops but not for the land in making or transferring the water course if they use water from it. If such current owner of land uses water from the water course, the compensation for land that he has received shall be repaid.

18. If a person having interest in the water course or land desires to object making new water course or transferring the water course under section 17, he may submit it to the District Administrator in accordance with the stipulation.

19. If the objection under section 18 is received, the District Administrator may:

- (a) carry out the required inspection with the District Canal Officer;
- (b) accept and handle or reject the objection according to inspection findings ;
- (c) make the final decision in respect of matters to compensate.

20. The water course-users shall collectively or individually be responsible to pay the cost or compensation for making or improving a water course.

21. In getting water from the water course:
 - (a) water-users shall pay the cost for improvement of water course if necessary to get water by crossing the public roads, canals or drainage canals;
 - (b) the District Canal Officer shall cooperate with the District Administrator in carry out under sub-section(a).
22. The District Administrator shall ensure that the person, who makes new water course or receives the transferred water course, pays the cost for making a new water course or transferring the water course and compensation for damage in transferring the water course.
23. If the water course-user does not pay the cost prescribed by the District Administrator for making a new water course or if the transferee does not pay the cost or the compensation for damage prescribed by the District Administrator for transferring the water course, the District Administrator may not give the right to enjoy benefit from the water course.
24. If the water course-user destroys or expands the water flow hole, the District Canal Officer shall determine him as person who does not maintain the water course and direct to pay the cost for improving that water course, and may cut off water supply from the canals.
25. The suitable canal crossing bridges over the canals management by the Ministry or by the Region or State shall be built in the required places to cross easily by the public.

Chapter VI

Cutting off Water Supply

26. The District Canal Officer may stop water supply from the canals by notifying water-users in advance if any of the following occurs:
 - (a) need for cutting off water supply according to the instruction of the Ministry;

- (b) being instructed to cut off water supply by the Region or State Canal Officer;
- (c) need for protection of the flowing of waste water from canals and the loss of irrigation water due to the weakness of water course maintenance.

27. The Ministry, relevant Region or State Government, or Nay Pyi Taw Council shall not be responsible to pay compensation for the loss and damage for cutting off water supply due to any cause under section 26 and any other causes. However, the water user may demand tax exemption from paying water charges collected for the use of irrigation water.

Chapter VII

Rights and Duties of Irrigation Water-Users

28. If water from a canal is supplied for mono crop, it may be utilized until the crops mature. If water is supplied for multiple crops within one year, it may be utilized until these crops mature.

29. The irrigation water user shall pay water tax for cultivation or breeding business in accordance with the stipulation.

30. The Department shall form the water users group to use water from irrigation or water course effectively in accordance with the stipulations. This group shall manage the amount of water supply themselves and maintain water supply system.

Chapter VIII

Village Canal and Village Drainage Canal Works

31. The District Administrator shall list completely the following relating to village canals or village drainage canals, situated in each township, and shall issue it, in the prescribed manner, with the approval of the Region or State Government or Nay Pyi Taw Council:

- (a) the location and category of canals, drainage canals, embankments, drains, weirs, sluice gate and related works;

- (b) farm land benefitting from the works contained in sub-section (a) and the list of water tax if water tax is collected on such land;
- (c) funds required for improving and maintaining the works effectively, contained in sub-section (a), and related embankments, drains, weirs, sluice gates, and other works. The list should include how funds are obtained.

Chapter IX

Notifying as a Drainage Canal, Removing Obstacles and Compensation

32. If the Ministry presumes that the obstacle in any river, stream, lake or drain can affect the public interests, it shall coordinate with the Ministries concerned, in accordance with the requirement, to remove the obstacle by notifying which part is a drainage canal for the purpose of this law.

33. (a) After issuing the notification under section 32, the District Canal Officer or the person empowered by the Ministry for this purpose may issue an order to carry out any of the following matters;

- (1) to remove any obstacle in the drainage canal within the specified period;
- (2) to improve any obstacle in the drainage canal in the specified way within the specified period;
- (3) to prohibit the construction of any obstacle in the drainage canal without receiving his written consent in advance.

(b) If the person who has been passed an order under sub-section (a) fails to comply with the order within the specified period, the person passing this order may remove or improve any obstacle. He may claim the cost for removing or improving it from the person who has been passed the order or the person who is interested person to him.

34. A person, who wants to claim compensation for damage due to removing or improving any obstacle or for carrying out these works by complying with the order issued under section 33, may submit to the District Administrator within the specified period. The District Administrator shall settle the compensation claim in accordance with the provision contained in section 7.

Chapter X

Duties of Region or State Canal Officer, District Canal Officer and Township Canal Officer for Natural Disaster Prevention

35. The Region or State Canal Officer, District Canal Officer and Township Canal Officer who is assigned for natural disaster prevention shall prepare the following measures:

- (a) given awareness to the public to save water in order to avoid shortage of agricultural water and drinking water as inflow water to reservoirs and weirs can be lessen, and the amount of water storage can be decreased if drought happens;
- (b) improving irrigation canals and water course in advance to reduce loss of irrigation water;
- (c) collecting, materials in advance to use in emergency prevention works for reservoirs, weirs and irrigation canals;
- (d) inspecting the leak holes and water leakage to strengthen the dams, lakes and reservoirs, and supervising that there are no water trickles and bushes;
- (e) carrying out the processes of suitable discharge of water, alteration of water flow, cutting off water for large reservoirs;
- (f) drawing up a natural disaster prevention plan in coordination with the persons responsible from the relevant township, wards and village-tracts;
- (g) conducting training of capacity building for public service personnel in the district and township and the public of the relevant ward and village-tract to carry out works practically for emergency preparedness and response in respect of disaster prevention;
- (h) forming Water Patrolling Groups and assigning duty to them at the reservoirs and weirs where there is likely to flood, setting up 24 hours communication system and informing about any flood, in time, as a special case;

- (i) setting early warning system to warn communities in at-risk area if a natural disaster strikes;
- (j) cooperating with the relevant local authorities to obtain necessary emergency supplies and workforce if a natural disaster strikes;
- (k) reducing impacts on water resources due to climate change and using suitable ways for disaster risk reduction.

Chapter XI

Emergency Service for Canals and Drainage Canals

36. If any canal or drainage canal breaks or is likely to be broken, the Ministry, Region or State Government or Nay Pyi Taw Council may direct the District Administrator to carry out the following:

- (a) to investigate wards or villages at-risk or which are likely to be at-risk;
 - (b) to direct the ward or village tract administrator to prepare the list of emergency labours in order to provide emergency services and to submit it through the township administrator.
37. (a) The District Administrator shall send the list of labours contained in sub-section (b) of section 36 to the District Canal Officer;
- (b) The District Canal Officer shall request the ward or village administrator to provide labour under sub-section (a) and assign them.
 - (c) The Persons who have been assigned under sub-section (b) shall carry out the duties under the direction of the Township Canal Officer or the person responsible for that purpose;
 - (d) Removing obstacles found in providing emergency services and trees, bamboos, timber, mats, bamboo walls, ropes, soil, bags, other materials and vehicle for transport, which are necessary for emergency services shall be used from neighbourhood.
38. (a) District Canal Officer shall promptly pay all payment to the relevant persons for all labours, for use and transport of materials and for any damage caused by removal of materials at the appropriate highest rate for each region.

- (b) The person, who dissatisfied with the amount of payment under subsection (a), may complain to the district administrator within thirty days. The district administrator may change the amount as may be necessary.
- (c) The decision of the district administrator is final and conclusive.

Chapter XII

Prohibitions

- 39. No one shall destroy, alter, enlarge, or any obstacle canal or water course.
- 40. No one shall destroy, increase or decrease supply of water or regular flow of water from canal or water course.
- 41. No one shall waste water from water course, disturb water supply or use water by the way without permission.
- 42. No one shall bath, wash any material, catch fish or prawn, pollute water or let their animals drink water in canal or drainage canal.
- 43. No one shall enter into navigate or stop by using vessel in canal without permission.
- 44. No one shall squat, cultivate or do livestock breeding within canal boundary.
- 45. No one shall destroy or remove any canal boundary post, water level gauge or water gauge without permission.
- 46. No one shall pass through canal or work of drainage or drain, herd animals or drive vessels without permission.
- 47. No one shall drive vehicles or use any machine in the canal boundaries or on canal bank without permission.
- 48. No one shall graze animals on the canal bank.
- 49. No one shall destroy the grass, shrub and covering materials maintained by Department to protect water erosion.

Chapter XIII

Offences and Penalties

50. Whoever violates any prohibition contained in section 39, section 40, section 43, section 44 and section 45 shall, on conviction, be punished with imprisonment for a term not exceeding one year or be liable with a fine from a minimum of one hundred thousand kyats to a maximum of three hundred thousand kyats or with both.

51. Whoever violates any prohibition contained in section 41, section 42, section 46, section 47, section 48 and section 49 shall, on conviction, be punished with imprisonment for a term not exceeding six months or be liable with a fine from a minimum of thirty thousand kyats to a maximum of one hundred thousand kyats or with both.

Chapter XIV

Miscellaneous

52. Offences contained in this Law are determined as cognizable offences.

53. Person assigned duty under sub-section (b) of section 37 shall be considered as public servants under section 21 of the Penal Code.

54. The Person responsible for using and wasting water by the way without permission may be sued and also assessed regular water tax.

55. Rules, regulations, notifications, orders, directives and procedures issued under the Canal Act (Burma Act II, 1905) may continue to have effect in so far as they are not contrary to this Law.

56. In implementing the provisions contained in this Law:

- (a) the Ministry may issue rules, regulations and by-laws with the approval of the Union Government;
- (b) the Ministry and the Department may issue notifications, orders, directives and procedures.

I hereby sign in accordance with the Constitution of the Republic of the Union of Myanmar.

Sd/ Htin Kyaw

President

Republic of the Union of Myanmar