

**The Embankment Law**  
( The Pyidaungsu Hluttaw Law No.22,2017)  
**The 1<sup>st</sup> Wanning of Wagaung 1379 M.E.**  
( 8 August, 2017)

The Pyidaungsu Hluttaw hereby enacts this Law.

**Chapter I**

**Title and Definition**

1. This law shall be called **the Embankment Law**.
2. The following expressions in this Law shall have the meanings given below:
  - (a) **Embankment** means earthen walls, dams, fresh-water and salt-water barriers and levees constructed for the purpose of excluding, regulating or retaining water. In this expression, outlets, jetties, groins, sluice gates, appurtenance structures, water gauges and bench marks are also included;
  - (b) **Ministry** means the Ministry of Agriculture, Livestock and Irrigation of the Union Government;
  - (c) **Department** means the Irrigation and Water Utilization Management Department;
  - (d) **Region or State Embankment-Officer** means the officer-in-charge of the Department of the relevant Region or State or the Union Territory;
  - (e) **District Embankment-Officer** means the officer-in-charge of the District Department of the relevant Self-Administered Division or Self-Administered Zone or District;
  - (f) **Township Embankment-Officer** means the officer-in-charge of the relevant Township Department;
  - (g) **Animal** means buffaloes, cattle, elephants, horses, mules, pigs, sheep and goats;
  - (h) **Emergency Service** means a timely repair work when an embankment is likely to be damaged or is damaged due to various causes;

- (i) **Maintenance** means work carrying out to meet the strength of an embankment in accordance with the stipulations;
- (j) **Retirement** means a new embankment constructed behind the existing embankment if there is a serious condition that the salt-water barriers or embankments are likely to be damaged due to flood and erosion;
- (k) **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 follows:
- (a) to implement the construction of embankments for disaster risk reduction and the development of agriculture within the State;
  - (b) to maintain the exiting embankments;
  - (c) to safeguard the existing embankments from the strike of natural disaster and to cooperate with the public for emergency protective measures to mitigate loss and damage if a natural disaster strikes;
  - (d) to let the public know regulations for sustainable conservation of embankments comprehensively.

## **Chapter III**

### **Construction of Embankments**

4. The Ministry shall issue notification to the public in the affected area by giving sufficient time when the Union Government requires land for the construction of a new embankment and salt-water barrier or construction of retirement if the existing embankment is in a serious condition.

5. The Region or State Embankment-Officer or an officer of the Department delegated by him may delineate the boundary of the embankment and carry out the required preparatory work in coordination with the District Administrator from the date of the issuing of the notification under section 4.

6. The District Administrator shall announce to the public in the affected area by giving sufficient time that they may claim compensation for the loss of land, buildings and crops caused by the construction of embankments mentioned in section 4.
7. (a) The District Administrator shall:
  - (i) inspect by forming an inspection team in accordance with the stipulations if any compensation is claimed;
  - (ii) determine the compensation in accordance with law if it is found liable to pay under the inspection.
- (b) If the claimant is dissatisfied with the determination of compensation of the District Administrator, he may appeal to the relevant Region or State Government or the Nay Pyi Taw Council within 30 days from the date of the issuing of the order. The Region or State Government or Nay Pyi Taw Council may confirm, revise or cancel the determination of compensation.
- (c) The decision on compensation of the relevant Region or State Government or Nay Pyi Taw Council is final and conclusive.
- (d) Payment of compensation shall be made in accordance with the law and procedures relating to the budget of the Department.
8. The District Embankment-Officer may carry out the construction of an embankment after any claims for compensation has been settled.
9. The District Embankment-Officer shall refer the compensation claims, for the loss of land due to the construction of retirement and disposal of soil, to the District Administrator.
10. The District Administrator shall settle the compensation claim contained in section 9 in accordance with section 7.

## Chapter IV

### Duties of Embankment-Officers

#### Maintenance of Embankments

11. The Region or State Embankment-Officers, District Embankment-Officers and Township Embankment-Officers shall, for the maintenance of the existing embankments, carry out as follow:

- (a) surveying the condition of bank erosion in November annually;
- (b) re-excavating leak holes and refilling with excavated earth annually;
- (c) checking the strength of water gauges, repairing of water gauges and setting up new water gauges in December annually;
- (d) checking the free-board of the embankment according to the highest flood level which reached in the rainy season and preparing the arrangement for heightening the embankment;
- (e) carrying out the repair work if the height of the embankment, the width of top and bottom of the embankment which do not meet the standard of the prescribed design in inspecting the embankments;
- (f) inspecting and taking action against the persons who squat, cultivate, breed and graze animals within the boundary of the embankments maintained by the Department;
- (g) inspecting and repairing sluice gates and outlets;
- (h) providing technical assistance for embankments undertaken by the rural community.

12. Ordinary maintenance work, special repair work or major repair work shall be carried out by specifying the level in carrying out the maintenance in section 11.

#### Cooperation with the Public

13. The District Embankment-Officer shall, for the maintenance of an embankment, carry out the following in cooperation with the public:

- (a) finding out the requirements of the public with regard to the maintenance of an embankment;

- (b) collaborating with people in maintaining an embankment not to encounter difficulties arising from squatting in the boundary of the embankment;
- (c) taking the desire of potentially affected farmers by land acquisition in the construction of retirement due to any reasons and the desire of relevant Hluttaw representatives and submitting it to the different levels of relevant organizations and coordinating with them;
- (d) submitting the suggestions from farmers in beneficial areas of the embankment and relevant Hluttaw representatives to the appropriate higher level organizations in order to improve the embankment.

#### **Flood Protection Works**

14. An embankment-officer shall prepare the following for flood protection:
  - (a) reconditioning the embankments with mechanical power and manpower for strengthening of embankment before the rainy season;
  - (b) repairing defective areas in time not to be river bank erosion, wave wash, seepage, sand boil and embankment slip;
  - (c) building patrolling camps in prescribed manners and gathering emergency supplies when the rainy season starts;
  - (d) assigning patrolling groups according to the current situation and establishing 24 Hours Communication Centers;
  - (e) informing the relevant organization about any flood from the time it rises to danger level to the time it recedes in accordance with the stipulation as a special matter;
  - (f) establishing a flood protection plan in coordination with the authorities of the appropriate townships, wards and village-tracts;
  - (g) giving notice to the public in the potential flood area and taking emergency measures;
  - (h) cooperation with the appropriate administrative organizations and natural disaster management organizations to get required work force and materials for prevention of the collapse of the embankment when the emergency situation arises.

## Chapter V

### Providing Emergency Service

15. The District Administrator shall, with the approval of the relevant Region or State Government or Nay Pyi Taw Council, carry out the following when the embankment is likely to collapse:
- (a) forming patrolling groups to safeguard the embankments from potential flood damage and creating duty plans;
  - (b) directing 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;
  - (c) removing obstacles found in providing emergency services and using trees, bamboos, timber, mats, bamboo walls, ropes, soil, bags, other materials and vehicle for transport, those are necessary for emergency services, from neighbourhood.
16. The District Administrator shall send the list of labours contained in sub-section (b) of section 15, to the District Embankment-Officer.
17. The District Embankment-Officer or Township Embankment-Officer assigned by him shall request the Ward or Village Tract Administrator to provide the labours under section 16.
18. The persons who have been assigned under section 17 shall perform under the direction of the Township Embankment-Officer or the person responsible for that purpose.
19. (a) The District Embankment-Officer shall pay all payment for all labours, for use and transport of materials and compensation for any damage caused by removal of materials at the highest rate appropriate to the region and be made promptly.
- (b) The person, who dissatisfied with the sum paid under sub-section (a), may complain to the District Administrator within thirty days. The District Administrator may change the sum as may be necessary.
- (c) The decision of the District Administrator is final and conclusive.

## **Chapter VI**

### **Prohibitions**

20. No one shall, without permission, dig the surface of the embankment and drag materials such as boat, tree, timber, bamboo, and bundle of bamboos on the embankment which are likely to destroy it.
21. No one shall destroy the strength of embankment or appurtenance structures.
22. No one shall squat, cultivate, breed or construct buildings or use any machine on the embankment or within its boundary.
23. No one shall graze or pasture on the embankment or within its boundary.
24. No one shall destroy the grass, shrub and covering materials maintained by the Department to prevent rain erosion.
25. No one shall, without permission, block the drains or sluice gates connected to the embankment or disturb flow of water.
26. No one shall, without permission, drive vehicles on the embankment.
27. No one shall, without permission, construct the embankment and drain within flood protected area.

## **Chapter VII**

### **Offences and Penalties**

28. Whoever violates any prohibition contained in sections 21, 22, 25 and 27 shall, on conviction, be punished with imprisonment for a term not exceeding two years and be liable with a fine.
29. Whoever violates any prohibition contained in sections 20, 23, 24 and 26 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with a fine which may extend to one hundred thousand kyats or with both.

**Chapter VIII****Miscellaneous**

30. The offences contained in this Law are determined as cognizable offences.
31. The notification, orders, directives and procedures issued under the Embankment Act (Burma Act IV, 1909) shall remain in force in so far as they are not contrary to this Law.
32. In implementing the provisions contained in this Law:
  - (a) the Ministry may issue the 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.
33. The Embankment Act (Burma Act IV, 1909) is hereby repealed by this Law.

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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**