

The Inland Water Transport Law
(The Pyidaungsu Hluttaw Law No. 13, 2017)
The 9th Waning Day of Waso, 1379 M.E.
(17 July 2017)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called **the Inland Water Transport Law**.
2. The following expressions in this Law shall have the meanings given hereunder:
 - (a) **State** means the Republic of the Union of Myanmar.
 - (b) **Government** means the Union Government of the Republic of the Union of Myanmar.
 - (c) **Ministry** means the Ministry of Transport and Communications of the Union Government.
 - (d) **Inland Water Transport** means the Inland Water Transport, a state-owned enterprise, formed in accordance with this Law.
 - (e) **Port** includes ports in rivers, creeks, canals where vessels of inland water transport can navigate and coastal towns and villages where vessels can berth.
 - (f) **Vessel** means any motorized or non-motorized vessel for waterways transport. In this expression, timber and bamboo rafts are also included.
 - (g) **Factory, Workshop** means any factory, workshop, workplace and divisions of work in dockyards owned by the Inland Water Transport.
 - (h) **Services** means any service provided for fees, consideration or commitment. Such expression also includes passengers and cargo transport by vessels, trading, entertainment business, hotel, tourism, guest house and restaurant and other business specified as services by the government from time to time.
 - (i) **Executive Committee** means the Executive Committee of the Inland Water Transport formed in accordance with this Law.

- (j) **Managing Director** means the Managing Director of the Inland Water Transport.

Chapter II

Objectives

3. The objectives of this Law are as follows:
- (a) to implement safe and secure passengers and cargo transport in navigable waterways of rivers, creeks and along the coast in Myanmar;
 - (b) to carry out waterways transport that can effectively assist stabilizing and lowering the commodity prices which is essential for food, clothing and shelter, social and economic needs of the public;
 - (c) to implement the administrative and financial system of the Inland Water Transport as a sustainable state-owned enterprise effectively and rapidly in accordance with the market economy system;
 - (d) to implement waterways transport systematically in accordance with the Law.

Chapter III

Formation of Inland Water Transport and its Duties and Powers

4. (a) The Inland Water Transport shall be established in accordance with the organizational structure approved by the Government.
- (b) The Inland Water Transport shall comply with the provisions of the Civil Service Personnel Law and rules for the entitlements and interests of its personnel.
5. The Inland Water Transport:
- (a) is a state-owned enterprise which is vested official powers to carry out its functions and duties successfully under the existing laws in accordance with the market economic system;
 - (b) shall succeed the capital and the assets including moveable or immoveable properties of the Inland Water Transport of the State;

(c) is entitled to carry out the enterprise in its own name and common seal, perpetual succession, to sue and be sued, obtain, possess and own all the assets prescribed by the State.

6. The duties of the Inland Water Transport are as follows:

(a) operating waterways transport within the State and other related services operated by vessels under this Law;

(b) operating waterways transport in accordance with the existing laws for the safety and security of vessels, crews, passengers and cargo, and not polluting environment;

(c) operating passengers and cargo transport by vessels in rivers and along the coast in Myanmar specified by the Ministry;

(d) procuring necessary raw materials, machinery, and fuel oil for construction and maintenance of vessels and dockyards;

(e) upgrading and repairing the vessels owned by the government departments, government organizations and local or foreign individual and organizations, constructing and selling new vessels and undertaking other works;

(f) performing duties relating to the Inland Water Transport assigned by the government or any existing laws;

(g) performing duties assigned by the government and the Ministry for national interests and national security;

(h) supervising state-owned properties and finance not to be waste, damaged, destroyed and lost;

(i) carrying out necessary matters to increase income and profit with the approval of the Government and the Ministry;

(j) collecting money payable to the Inland Water Transport in accordance with the existing laws and depositing it in the Union Fund.

(k) managing the expenditure in accordance with the financial regulations.

7. All service personnel of the Inland Water Transport shall take accountability and perform their duties to achieve success.

8. The powers of the Inland Water Transport are as follows:

- (a) purchasing, constructing and renting vessels, pontoon bridges, and other necessary materials;
- (b) constructing and renting warehouses and landing ports;
- (c) right to receive, carry, store and distribute cargo in towns and villages along waterways in accordance with the stipulations;
- (d) right to prescribe and revise service fees, wages, standards of production, service fees for passengers and cargo transport, working hours, workplace rules and disciplines in accordance with the existing laws and rules;
- (e) right to enter into joint venture with local and foreign partners for production, services, trading and vessel construction;
- (f) right to use necessary lands, ports and buildings for its enterprise in accordance with the provisions of the existing laws;
- (g) right to rent machinery and equipment, lands, buildings and other assets owned by the Inland Water Transport to local and foreign partners for relevant businesses which require approval of the Government and enter into joint ventures with them;
- (h) right to enter into joint ventures with local partners on the Inland Water Transport vessels;
- (i) right to prescribe, revise, refund, reduce, and collect rents and payment rates;
- (j) right to dispose and exchange vessels, vehicles and unnecessary materials owned by the Inland Water Transport and unnecessary excess of materials from repairing vessel in accordance with the existing laws, rules, directives and procedures;
- (k) making business contracts with government organizations and private organizations;
- (l) renting of individual vessel or fleet of vessels to government departments and government organizations, local or foreign individual and organizations;
- (m) operating ferry transport services;
- (n) providing services by using lands and buildings owned by the Inland Water Transport in accordance with the existing laws, rules, directives and procedures;

- (o) right to sue any person for reproducing, selling, using or transferring by any means without its authorization regarding its exclusive or granted intellectual property rights.

Chapter IV

Formation of the Executive Committee and its Duties and Powers

- 9. The Ministry shall form the Executive Committee comprising Managing Director as the chair person, and General Manager and Heads of the Inland Water Transport as members in order to manage operations of waterways transport of the Inland Water Transport.
- 10. The duties of the Executive Committee are as follows:
 - (a) implementing the duties of the Inland Water Transport successfully and systematically;
 - (b) managing passengers and cargo transport, services, financial matters, staff affairs and vessels of the Inland Water Transport purporting to interests of the State and the public in accordance with the existing laws, rules, directives and procedures.
- 11. The powers of the Executive Committee are as follows:
 - (a) implementing the powers of the Inland Water Transport successfully and systematically;
 - (b) submitting the administrative affairs which are beyond the power of the Inland Water Transport to the Ministry in accordance with the procedures.

Chapter V

Finance, Monetary and Statistics

- 12. The Inland Water Transport shall:
 - (a) pay taxes due under the existing laws of the State;
 - (b) draw total estimated budget in estimated Union Budget in accordance with the Union Budget Law according to financial year;
 - (c) open separate bank accounts for Myanmar currencies and foreign currencies;

- (d) abide by the financial laws, rules, regulations, orders, directives and procedures issued by the State;
- (e) submit the following statistics to the Ministry in accordance with the stipulations:
 - (i) the strength of staff list;
 - (ii) currency status;
 - (iii) list of production, sale and purchase or services;
 - (iv) loss and profit account;
 - (v) balance sheet.
- (f) The performance and statistics of the Inland Water Transport shall be audited by the Office of the Auditor General of the Union.

Chapter VI

Prohibitions

- 13. (a) No one shall do any of the following acts:
 - (i) boarding an Inland Water Transport vessel with used tickets purporting to avoid paying fees or without paying fees in advance;
 - (ii) intentionally boarding an Inland Water Transport vessel after buying a ticket for a particular route and continuing the route without paying fees in advance knowing that it is beyond the destination;
 - (iii) intentionally failing or refusing to leave the vessel after buying a ticket for a particular route and boarding an Inland Water Transport vessel knowing that it has already arrived at the destination;
 - (iv) taking a special seat or superior class with paying fees for a certain class on an Inland Water Transport vessel purporting to avoid paying actual fees;
 - (v) boarding an Inland Water Transport vessel without buying ticket or failing to show the ticket when a crew member of the vessel claims to show the ticket;
 - (vi) transferring his or her ticket to another or receiving a ticket from another person to show fraudulently the ticket to inspector purporting to avoid paying actual fees for a person boarding an Inland Water Transport vessel;

- (vii) taking a place for passenger by any means and selling it with a certain fee or reselling a ticket by taking a certain benefit on an Inland Water Transport vessel;
 - (viii) carrying freight on an Inland Water Transport vessel by illegal means purporting to avoid paying freight charges or to avoid paying full charges;
 - (ix) carrying properties with him or her on an Inland Water Transport vessel without paying any charges purporting to avoid paying charges or without paying full charges.
- (b) No one shall attempt or abet any acts contained in subsection (a).

Chapter VII

Taking Action under Administrative Means

14. Whoever violates or fails to comply with any prohibitions contained in section 13, one of the following administrative orders shall be passed by the person assigned to inspect by the Inland Water Transport:
- (a) if any person violates or fails to comply with any prohibitions contained in clauses (i) to (vii) of sub-section (a) and sub-section (b), he or she shall be fined the equivalence of three times of the price of the ticket for the particular route;
 - (b) if any person violates or fails to comply with any prohibitions contained in clauses (viii) and (ix) of sub-section (a), he or she shall be fined with the equivalence of five times of freight charge for the particular route.
15. (a) Any person who dissatisfied with the administrative order under section 14 may appeal to the Managing Director after paying the fine within 30 days from the date on which the order has been made;
- (b) The Managing Director may affirm, revise or set aside the decision after the appeal has been reviewed under subsection (a);
 - (c) The decision of the Managing Director is final and conclusive.

Chapter VIII
Miscellaneous

16. Any master of an Inland Water Transport vessel who carries passengers more than the permitted number or cargo till the specified load line submerges according to the type of passenger vessel or cargo barge, shall have action taken against him under the Inland Vessel Law.
17. Where an Inland Water Transport vessel is hired, the person who hired the vessel shall return the vessel in original condition at the time of such hire, or pay in market value for the vessel damaged or sunk within the prescribed period of time.
18. The Inland Water Transport is entitled to recover the fine from a person who fails to pay fine imposed under administrative means of this Law as if it were an arrears of income.
19. All properties of the Inland Water Transport are public owned properties.
20. The matters regarding to the compensation, debt and public owned property shall be complied with the existing laws, rules, directives and procedures.
21. All service personnel of the Inland Water Transport shall be deemed to be public servants under section 21 of the Penal Code while they are serving duties assigned by this Law.
22. The Inland Water Transport shall report annual accomplishment of its performance to the Ministry according to financial year.
23. In implementing the provisions of this Law:
 - (a) the Ministry may, with the approval of the Union Government, issue rules, regulations and by-laws;
 - (b) the Ministry and the Inland Water Transport may issue notifications, orders, directives and procedures.
24. The Board of Inland Water Transport Law (The Pyidaungsu Hluttaw Law No. 51/2014) is hereby repealed by this law.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

(Sd.) Htin Kyaw

President

The Republic of the Union of Myanmar