

**The Railway Transport Service Law**  
**(The Pyidaungsu Hluttaw Law No. 4, 2016)**  
**The 10th Waning of Nadaw, 1377 M.E.**  
**(5th January, 2016)**

The Pyidaungsu Hluttaw hereby enacts this Law.

**Chapter I**

**Title and Definition**

1. This Law shall be called the **Railway Transport Service Law**.
2. The following expressions contained in this Law shall have the meanings given below:
  - (a) **Railway transport service** means transport of passengers or goods or both to the whole or a part of the country or aboard by train for commercial purposes, and other related services;
  - (b) **Railway property** means trains or parts of trains built for the transport of passengers or goods or both. In this expression the following properties relating to railway are also included:
    - (i) all land within the fences relating to railway or all areas demarcated as railway boundary;
    - (ii) all railways, railway tunnels, railways raised up from the ground, branches or sidings used in a railway transport service or other related services;
    - (iii) all stations, offices, warehouses, wharves, factories and workshops, engine workshops, carriage and wagon workshops, rolling stock, railway platforms, railway hospitals and clinics, training schools, housings for railway servants, fixed machinery and other structures constructed for the purposes of, or in connection with, a railway or railway transport service;

- (iv) all ships, boats, rafts and ferries that belong to, are hired or administered by the railway organization for railway transport service;
- (c) **Myanma Railways** means the State-owned enterprise carrying out railway transport service by trains;
- (d) **Railway company** means companies incorporated under the Myanmar Companies Act or the Special Company Act, 1950 to carry out railway transport service. Myanma Railways is not included in this expression;
- (e) **Railway organization** means any railway company which has obtained a licence to carry out railway transport service and Myanma Railways;
- (f) **Railway boundary** means the station area, free area at left, right, above and under a railway, factory area relating to a railway required for railway transport service and land areas required for the works in connection with railway;
- (g) **Train** means an engine connected with carriages or not, or a motorized vehicle with a trailer or without a trailer like rolling stock which cannot be easily removed from rails;
- (h) **Rolling stock** means engines, locomotive engines, tenders, carriages, wagons, trucks and different types of trolleys;
- (i) **Ticket** means season tickets issued with payment for a single trip or round trip, or complementary passes issued by any railway organization or any authorized person to ride a train;
- (j) **Goods** includes all kinds of freights and animals;
- (k) **Animal** includes elephants, buffaloes, cows, mythuns, horses, donkeys, mules, pigs, sheep, goats herded by any person, and other animals which may endanger a train;
- (l) **Transport** means the transport of passengers and goods by rolling stock;
- (m) **Interlink transport** means the transport of passengers and goods carried out by two or more railway organizations in coordination with each other;
- (n) **Rate** means fares or charges fixed for the transport of passengers and goods, and any other related fares or charges;

- (o) **Service charge** means any charges paid for the use of railway stations, sidings, branches and warehouses, cranes and for any other service in railway transport service;
- (p) **Ferry** includes bridges of boats, pontoons, piers, rafts, arch bridges, temporary bridges, landings–stages and approaches to landings–stages which are required for railway transport service;
- (q) **Rest camp service** means providing services for temporary stops, having meals, repair of vehicles and trains at junctions or central points of railway transport service or other related transport or both, or providing any other service in connection with any such transport;
- (r) **Service license** means a license issued by the Central Supervisory Board for railway transport service or rest camp service;
- (s) **Interchange station** means stations located at the border area where the railways of contracting parties in the region are connected with each other to change directions of trains under the Protocol on Railways Border and Interchange Stations for railway transport service in Myanmar;
- (t) **Ministry** means the Ministry of Railway Transport of the Union Government;
- (u) **Central Supervisory Board** means the Central Supervisory Board for railway transport service formed by the Union Government under this Law;
- (v) **Administration Board** means the Administration Board for railway transport service formed by the Central Supervisory Board under this Law;
- (w) **Managing Director** means the Managing Director of the Myanma Railways;
- (x) **Inspection team** means the inspection team for railway transport service formed by the railway organization under this Law;
- (y) **Railway servant** means persons employed to carry out the duties relating to the railway transport service in railway organizations.

## Chapter II

### Formation of the Central Supervisory Board and its Duties and Powers

#### 3. The Union Government:

- (a) shall form the Central Supervisory Board comprising the Union Minister of Railway Transport as the Chairman, representatives from the Ministry of Railway Transport, other ministries, government departments and government organizations, representatives from non-governmental organizations and other suitable experts as members and a person assigned by the Ministry of Railway Transport as the Secretary.
- (b) may, in forming the Central Supervisory Board, assign the vice chairman and the joint secretary among the members of the board, if necessary.
- (c) may re-form the Central Supervisory Board, if necessary.

4. The Central Supervisory Board shall:

- (a) supervise and guide railway organizations for the implementation of their duties, and railway transport service;
- (b) scrutinize and approve the agreements made between railway organization and government departments, government organizations, non-governmental organizations, private organizations or consultative experts, and between railway organizations;
- (c) communicate and coordinate with the international organizations, regional organizations and neighboring countries for the railway transport service and other related matters;
- (d) advise on and assist for the matters relating to plans, loans and investment;
- (e) supervise, decide the matters of and issue the orders on opening a new railway, closing the railway which has been opened, and reopening the railway which has been closed;
- (f) administer and supervise the compliance of the provisions of this Law by railway organizations,
- (g) prescribe ways and issue procedures for the cooperation of railway organizations;
- (h) issue the necessary directives for and administer the maintenance of railway properties of railway organizations in the railway boundary, and direct railway organizations to destroy, remove the squats in the railway boundary and prosecute the squatters;

- (i) coordinate with the departments and organizations concerned in accordance with the rules issued under this Law with regard to the matters to be carried out under Intergovernmental Agreement on the Trans-Asian Railway Network, and Protocols on Railway Border and Interchange Stations in which Myanmar is a contracting party, and implement and supervise such matters;
- (j) carry out the duties assigned by the Union Government from time to time.

### **Chapter III**

#### **Formation of Administration Board and its Duties**

- 5. The Central Supervisory Board may:
  - (a) form the Administration Board with suitable persons to support the implementation of its duties, and prescribe the term and power of the said Board;
  - (b) re-form the Administration Board formed under sub-section (a), if necessary;
  - (c) form the necessary staff office in accordance with the organizational set-up and appoint the staff in order to carry out its duties, and duties of the Administration Board efficiently.
- 6. The Administration Board shall carry out the following duties:
  - (a) inspecting the transport of passengers and goods;
  - (b) doing periodical inspection, surprise inspection of railways, rolling stock and railway transport services, and inquiry into the accidents on railways;
  - (c) submitting reports to the Central Supervisory Board with its remark after scrutinizing railway projects for railway transport service;
  - (d) issuing the recognition certificate to railway companies for safety of railway transport service;
  - (e) giving training to engine drivers, guards, relevant engineers and railway servants who are engaged in running of trains, issuing recognition certificate after examining them, and revoking the recognition certificate if their performance is not satisfactory;
  - (f) carrying out other duties assigned by the Central Supervisory Board from time to time.

7. In carrying out its duties under section 6, the Administration Board:
  - (a) may call in any railway servant in writing from the relevant railway organization to give explanation in respect of scrutiny and inquiry;
  - (b) may call in and examine the relevant railway servants and witnesses, and instruct them to submit the accounts and evidence;
  - (c) shall have the right to inspect the properties, documents and evidence of railway transport service belonged to or maintained by the railway organizations if it thinks fit;
  - (d) may exercise the power conferred by the Central Supervisory Board.
8. The Administration Board shall mention the following facts in the report submitted to the Central Supervisory Board under sub-section (c) of section 6:
  - (a) proposed railway route, type of train and system to be applied, proposed fare, and collection system;
  - (b) rest camp service to be carried out in connection with railway transport service and other services;
  - (c) related facts supporting the assessment of the Central Supervisory Board and the Ministry;
  - (d) other necessary facts prescribed by the rules issued under this Law.
9. The Administration Board may issue the necessary directives in respect of running or suspension of running of railway, subway, tramway and rolling stock in accordance with the guidance of the Central Supervisory Board.
10. The Central Supervisory Board may permit, refuse or suspend the construction of railway according to the report of the Administration Board submitted under sub-section (c) of section 6 after taking into consideration the remark on possibility of diversion of waterway and roadway, safety at the junction of road and railway, environmental and social impacts of the construction, made by locals residing along the railway and regional administrative bodies.

#### **Chapter IV**

#### **Myanma Railways Administration Board**

11. The Ministry:

- (a) shall form the Myanmar Railways Administration Board comprising the managing director as the chairman and other suitable persons from the Myanmar Railways;
  - (b) may re-form the Myanmar Railway Administration Board formed under subsection (a), if necessary.
12. The Myanmar Railways Administration Board has the right to administer the following functions in accordance with the guidance of the Ministry, and under the close supervision of the Central Supervisory Board:
- (a) guiding, supervising and making decision on personnel affairs, accommodation and welfare of different levels of railway servants of the Myanmar Railways;
  - (b) making arrangements for not wasting State-owned properties and budget, administering financial matters in accordance with the existing laws, raising fund and establishing plans for services;
  - (c) guiding and supervising members of Myanmar Railways police force and medical staff who are serving in Myanmar Railways to support railway transport service and other related services;
  - (d) maintenance of railway properties including railway boundary, premises of Myanmar Railways, and destroying and removing the squats in the railway boundary and prosecuting the squatters;
  - (e) performing duties prescribed by the rules issued under this Law.

## Chapter V

### Service License

13. The company which wishes to carry out the railway transport service shall:
- (a) have registration certificate as a railway company under the Myanmar Companies Act or the Special Company Act, 1950 and have valid registration certificate;
  - (b) not be a company having been declared insolvent by the respective court;
  - (c) have obtained the confirmation certificate for the railway service project of the Central Supervisory Board;

- (d) meet with terms and conditions and other requirements prescribed by the rules issued under this Law.
14. In applying a service license to the Central Supervisory Board, any company which wishes to carry out the railway transport service:
- (a) shall prepare the project in accordance with the stipulations by stating the following facts, and submit it in advance to the Central Supervisory Board to obtain permission:
    - (i) proposed type of the railway and running system;
    - (ii) general route and destination in the proposed running system;
    - (iii) safety of the proposed running system;
    - (iv) proposed fares and freight charges;
    - (v) other requirements prescribed by the rules issued under this Law;
  - (b) shall submit the relevant particulars of the land to be acquired in accordance with the existing laws and procedures relating to the land acquisition if the land acquisition is required for the railway in the project submitted under subsection (a).
15. The Administration Board shall submit a report with its remark to the Central Supervisory Board after scrutinizing necessary facts in respect of the railway transport service project submitted under section 14.
16. The Central Supervisory Board:
- (a) may approve or direct to revise and re-submit or reject the railway transport service project after scrutinizing the facts and report submitted under sections 14 and 15. It shall issue the confirmation certificate to the company by prescribing terms and conditions if the project is approved;
  - (b) shall assign duty to the company which submitted the project to negotiate with land owner to acquire the land for the railway if the private land is required to use for the railway in the proposed railway transport service project;
  - (c) shall coordinate with the relevant Union Ministries to acquire the required land for the railway in accordance with the existing laws and procedures with the approval of the Union Government when the land owner refuses the use of



land although negotiation was conducted by the company assigned under sub-section (b). When so acquired, the company which submitted the railway transport service project shall compensate the land owner for the land.

17. (a) The railway company which wishes to carry out the railway transport service shall apply for a service license to the Central Supervisory Board if the facts in section 13 are fulfilled.
- (b) The Central Supervisory Board shall assign the Administration Board to scrutinize the application made under sub-section (a) and to submit its remark whether the requirements for railway transport service is fulfilled, it is in conformity with the terms and conditions of the railway transport service project, and the service license should be issued.
18. The Central Supervisory Board:
  - (a) may allow or refuse to issue the service license, or direct the applicant to fulfill the requirement within 90 days from the date of receipt of application after scrutinizing the application for service license, and remark of the Administration Board submitted under sub-section (b) of section 17;
  - (b) shall issue the service license by prescribing terms and conditions, and the term of license after imposing license fee if it allows to issue a license under sub-section (a).
19. (a) The person who wishes to carry out a rest camp service shall apply for a service license to the Central Supervisory Board in accordance with the stipulations.
- (b) The Central Supervisory Board may approve or reject the application made under sub-section (a) after scrutinizing it. If the application is approved, the Central Supervisory Board shall issue a license by prescribing terms and conditions, and the term of license after imposing license fee.
20. (a) The licensee shall apply for renewal of the license within 60 days before expiry of the term of license to the Central Supervisory Board in accordance with the stipulations if he wishes to continue the service.
- (b) The Central Supervisory Board may approve or reject the application made under sub-section (a) after scrutinizing it. If the application is approved, the

Central Supervisions Board shall renew the licence by prescribing terms and conditions, and the term of licence after imposing renewal fee.

21. The licensee shall:
  - (a) abide by the prescribed terms and conditions;
  - (b) not transfer the service license;
  - (c) abide by this Law and the rules issued under this Law.
22. The Central Supervisory Board may take any of the following administrative penalty against the licensee if it is found that the licensee violates any terms and conditions or fails to perform any obligations in the license:
  - (a) warning and imposing a fine prescribed by the rules issued under this Law;
  - (b) temporary suspension of the license subject to the time limit;
  - (c) cancellation of the license.

## **Chapter VI**

### **Right to carry out Railway Transport Service and Related Services**

23. The Myanmar Railways may submit any Build-Operate-Transfer (BOT), Build-Own-Operate-Transfer (BOOT), Build-Own-Operate (BOO), Build-Lease-Transfer (BLT), Design-Build-Finance-Operate (DBFO), Design-Construct-Manage-Finance (DCMF) or other joint operation project to the Central Supervisory Board in accordance with the stipulations to carry out a transport service in the form of joint venture with local or foreign investors or railway companies in order to facilitate public transport and support State economy.
24. The Central Supervisory Board:
  - (a) may approve or reject the project of the Myanmar Railways submitted under section 23 with the approval of Union Government, after scrutinizing it;
  - (b) shall issue a permit by prescribing terms and condition if the project of the Myanmar Railway is approved.
25. The Central Supervisory Board may allow railway organizations to carry out the following services related to railway transport service in order to obtain more income by effective utilization of the land, buildings and railway properties on which it has administrative power:

- (a) leasing land;
- (b) constructing or leasing buildings;
- (c) renting carriages, rates, engines, rolling stock, cables, factories, workshops, machinery, vehicles and properties;
- (d) collection of tolls at bridges constructed by railway organizations;
- (e) carrying out banking, tourism, money exchange, research, consultancy service, construction of container yards and inland ports, advertising, car rental, hotel industry, ferry industry, manufacturing and other services;
- (f) manufacturing and sale of carriages, engines, girder and other related products;
- (g) carrying out other services by taking advantages of the power of the railway organizations in accordance with the existing laws.

## Chapter VII

### Inspection of Railway Transport Service

- 26. The railway organization shall appoint inspectors or examiners for the safety and convenience of railway transport service. It shall form the inspection team comprising such inspectors or examiners, confer powers and assign duties to such teams, and may direct them to submit inspection reports.
- 27. The inspection team forming with inspectors or examiners appointed under section 26 shall perform the following duties, and exercise the following powers in connection with railway transport service:
  - (a) inspection of and examining the railway properties including trains, railway boundaries, rolling stock and instruction to submit the necessary documents when it is necessary;
  - (b) inspection of railways or rolling stock within the specified period whether they are in conformity with the standards;
  - (c) inspection of the accidents occurred on the railway urgently and submission of the report in accordance with the stipulations;
  - (d) surprise check of trains, railways, rolling stock and railway transport service, and submission of the report;

- (e) performing other duties and exercising powers prescribed by the rules issued under this Law.

## Chapter VII

### Construction and Maintenance of Railway Works

28. The railway organization may carry out the following works with the approval of the Central Supervisory Board in respect of construction, maintenance of railways and infrastructure in connection with the railway transport service for the interests of the public:
- (a) construction of temporary or permanent inclines, arches, tunnels, culverts, embankments, aqueducts, viaducts, bridges, railways, paths, conduits, drains, piers, cuttings and fences under or over any land or water;
  - (b) diverting the course of rivers, streams, brooks or springs, for the purpose of constructing and maintaining tunnels, bridges, paths or other works, and diverting the course of any rivers, streams, brooks or springs to flow easily over, under or by the sides of the railway and raising or lowering the level of ground of different types of roads if the railway organization thinks necessary;
  - (c) constructing drains or piping into, under or through any lands adjoining the railway for the purpose of conveying water from or to the railway;
  - (d) constructing warehouses, offices, houses and other buildings, yards, stations, factories, wharves, trains, rolling stock, installing machinery and carrying out other works that the railway organization thinks necessary;
  - (e) generating electricity for the railway transport service in accordance with the existing laws;
  - (f) altering position of gas, water and pressure pipelines, electric cables, communication cables, and position of drains which are not main drains.
29. The railway organization shall:
- (a) send a notice to the land user or occupant for objection to any work, if any, by stating purpose and reason before carrying out the works mentioned in section 28;

- (b) state the nature and volume of work exactly in the notice sent under sub-section (a) as much as possible;
  - (c) give a copy of notice sent under sub-section (a) to the Central Supervisory Board.
30. (a) The government department, government organization, regional organization, railway company or individual has the right to assign a representative to object, to negotiate for or to supervise and cooperate in carrying out the work on the receipt of the notice sent by the railway organization under section 29.
- (b) The railway organization shall carry out the work by taking into consideration of the submission of the representative assigned under sub-section (a), and arrange to supply gas, water, pressure pipelines, electricity and communication systems continuously while carrying out the work and to maintain drains.
31. In using cables or wireless and communication apparatuses in respect of railway transport service, the railway organization:
- (a) shall use wireless systems and radio communication apparatuses in accordance with the existing laws;
  - (b) may lay new cables and maintain existing cables by its own arrangement in laying communication cables such as copper wires, zinc coated iron wires and fiber cables on or underground within the railway boundary for the interests of railway transport service.
32. The railway organization:
- (a) may enter upon any land adjoining the railway boundary to prevent accidents and repair the damage with the approval of the Central Supervisory Board in case of landslide and other accidents, and in recognition of potential accidents in cuttings, embankments and other works under its supervision;
  - (b) shall have the right to enter upon the land and repair the damage without prior approval of the Central Supervisory Board if the damage contained in sub-section (a) requires emergency repair. Such action shall be reported to the Central Supervisory Board within 24 hours to obtain the approval, by

mentioning the occurrence or the nature of potential accident and works to be carried out.

33. The Central Supervisory Board may instruct the railway organization to cease the emergency work if such work aforesaid does not affect the public after scrutinizing the report of the railway organization submitted by sub-section (b) of section 32.
34. In carrying out the works in section 32, the railway organization:
  - (a) shall do as little damage as possible;
  - (b) shall ensure that there is minimum impact on and the least inconvenience to the people residing on the land through which railway passes during or after filling soil and measuring embankment bank for the construction of railway;
  - (c) shall pay compensation for damage to the aggrieved person, if any;
  - (d) if any dispute arises in respect of the amount of compensation, the aggrieved person shall apply for the award of compensation to the Central Supervisory Board.
35. The Central Supervisory Board shall instruct the relevant railway organization to pay compensation for the damage to aggrieved land user in accordance with existing laws and procedures after scrutinizing the dispute.
36. The railway organization shall carry out as follows in respect of causing danger or inconvenience to the land users and occupants due to alteration of land and watercourses caused by the construction of the railway and receiving the compensation by the land users and occupants:
  - (a) construction and maintenance of flyovers, bridges, arches, culverts, and paths over, under or by sides of the railway to reduce and remove inconvenience caused by construction of the railway;
  - (b) construction and maintenance of arches, tunnels, culverts, canals, drains and other ways over, under or by the sides of railway where necessary in order to flow water as the most similar condition before construction of the railway;
  - (c) in carrying out the works in sub-sections (a) and (b), if such works hinders or obstructs the running of train or the land users and occupants have accepted compensation, the railway organization shall not be responsible to do it.

37. The relevant railway organization shall carry out the following within the period prescribed by the Central Supervisory Board:
- (a) making and repairing boundary marks or fences along the railway or portion of a railway or at connected roads;
  - (b) fixing and renewing suitable bridges, chains, rotating gates, bars or hand rails and appointing the permanent staff to open and close these apparatuses if the railway is constructed across the public road.
38. The railway organization:
- (a) may cut down and remove the tree by its own arrangement after informing the person-in-charge from the department and local administrative authority if there is a danger that a tree standing beside the railway may fall down and block the railway or if the tree blocks the view of the signal posts;
  - (b) may decide to pay appropriate compensation to the owner of the tree if the tree cut down under sub-section (a) is the tree standing before the construction of the railway or before fixing the signal post, and the owner applies for compensation.
39. If the users or occupants of the land through which the railway passes or the local administrative authority presumes that the work carried out by the railway organization is insufficient, or if other Ministry or local administrative authority desires to construct public road or other works across, over or under the railway, they may request to do it to the railway organization within six years from the completion of the railway construction.
40. The expense for the work among the claims under section 39 agreed by the railway organization shall be borne by the requesting person or the railway organization, and if the negotiation fails, it shall be carried out in accordance with the administrative decision of the Ministry.
41. The Central Supervisory Board:
- (a) shall direct the railway organization to construct bridge or arch under or above the railway not to endanger the public when crossing the road if the railway is constructed across the public road;

- (b) may notify to the local administrative authority which is responsible for the maintenance of the road to pay the whole or part of the cost of the work carried out by the railway organization under sub-section (a).

## **Chapter IX**

### **Opening of New Railways, Closure, Alteration and Extension of Railways**

- 42. The railway organizations shall:
  - (a) request permission from the Central Supervisory Board for the date at least one month in advance to open a new railway if the requirement of public transport of passengers and goods are fulfilled, and they desire to open a new railway;
  - (b) request permission immediately from the Central Supervisory Board with sufficient evidence for closure of the railway which was opened by the permission of the Central Supervisory Board, from the date on which the railway is likely to endanger the public and goods;
  - (c) suspend running of the train temporarily, and shall have urgent repair of the railway if the train cannot run due to non-operable conditions of accidents, weather conditions and natural disasters. Then it shall report such suspension to the Central Supervisory Board immediately and request permission for temporary closure and also for the re-opening of the railway with supporting documents;
  - (d) request permission from the Central Supervisory Board in advance for extension of the railway, alteration of railway routes, changing timetables, schedules, or operation system using different types of rolling stock.
- 43. The Central Supervisory Board:
  - (a) shall assign the Administration Board, relevant inspectors, examiners and skilled engineer to inquire on the request made under any reasons in section 42 and to submit a findings report;
  - (b) may issue a permit for opening of a new railway, temporary closing, re-opening, alteration or extension of a railway route by prescribing terms and conditions after scrutinizing the report submitted under sub-section (a).



44. The railway organization shall abide by the terms and conditions in the permit prescribed by the Central Supervisory Board under sub-section (b) of section 43 when re-using the railway and re-running of the train by rolling stock.

## Chapter X

### Facilitation of Transport

45. The railway organizations shall:
- (a) coordinate with each other for receiving and transporting passengers and goods;
  - (b) not act anything which meant giving any undue or unreasonable preference or in favour of or disadvantage to any person or railway organization or kind of goods;
  - (c) transport conveniently without delay in accordance with sub-sections (a) and (b) if the railway tracks of railway organizations are connected or the terminal of a railway organization is two kilometer from the station of the other railway organization;
  - (d) collaborate with each other to receive, transport and deliver goods smoothly when the goods of a railway organization needs to be transported by the other railway organization with the same through rate and tariff;
  - (e) comply with the decision of the Central Supervisory Board if the negotiation between the railway organizations is failed.
46. The railway organization may collect the storage service charges stipulated by the Central Supervisory Board, based on the transport charges of the goods but not based on the actual cost for the construction of the buildings for storage.

## Chapter XI

### Specification of Working Hours for Railway Servants

47. The railway servants in a railway organization may be divided into four categories as follows according to the nature of their work:
- (a) staff who serve within the office hour;
  - (b) factory and workshop staff;

- (c) staff who serve according to the schedule of the train itinerary;
  - (d) staff who serve according to the nature of the work.
48. (a) The staff in sub-section (b) of section 47 shall be in accordance with the Factories Act and its rules, and orders and directives issued by the Ministry of Labour, Employment and Social Welfare.
- (b) With regard to the staff in sub-section (c) of section 47:
- (i) working hours shall not exceed 60 hours per week in any month;
  - (ii) leisure time shall not be less than twenty-four hours consecutively in every week.
49. The working hours and leisure time for the staff, who are specified by the authority that they are not working continuously because there is no physical and mental effort during their duties although they work for a long period, are as follows:
- (a) total working hours shall not exceed 84 hours per week;
  - (b) the consecutive leisure time within a week may be specified by the Central Supervisory Board.
50. If there are railway accidents, urgent repair of engines, carriages, rolling stock and machineries, and unexpected emergencies, the working hour specified under sub-section (b) of section 49 may be extended and the permitted leisure time may be reduced.
51. The Central Supervisory Board may change working hours and leisure time and, re-organize the organizational set-up for the staff in sub-section (c) of section 47 in order to enjoy appropriate working hour and leisure time after inspecting the number of trains and workload by forming an inspection team from time to time.

## Chapter XII

### Duties and Powers of Railway Organizations

52. The railway organizations shall carry out the following in accordance with the rules, regulations, notifications, orders, directives and procedures issued under this Law:
- (a) specifying necessary terms and conditions with regard to the matters relating to receipt, storage and transport of goods, matters relating to transport of

- passengers and transportation of dangerous goods, specification of speed limit and personnel affairs of staff;
- (b) specifying procedures to take administrative action and criminal action under this Law.
53. The railway organizations shall have the right to conclude an agreement with any other railway organization to construct, maintain and rent engines, carriages, factories and machinery for running of the train with the approval of the Central Supervisory Board.
54. The railway organizations shall have the right to conclude an agreement with any other railway organization to administer and maintain any railway, and use it for railway transport services with the approval of the Central Supervisory Board.
55. The railway organizations shall draw up a plan for railway transport service and submit it to the Central Supervisory Board to obtain its approval. In drawing up such plan, it shall be consistent with the existing laws and rules of transportation.
56. The railway organizations shall submit the capital, income and performance report to the Central Supervisory Board in accordance with the stipulations.

### Chapter XIII

#### Transport of Goods

57. The consignor shall:
- (a) make a list of the goods consigned, and pass it to the railway servant at the station, and keep a copy of it in hand;
- (b) not consign the goods restricted under any existing law, dangerous goods which are not conformity with the stipulations, offensive goods for the public and goods restricted by the government departments, government organizations or local administrative authorities.
58. The relevant railway servant:
- (a) shall receive, check and deliver goods in accordance with the rules for transport of goods;
- (b) may dispose the ownerless goods found on the train by appropriate means.

59. The railway organizations may collect the railway freight charge, warehouse fee, service charge, demurrage for goods and carriage, and the other cost in accordance with the stipulations.

## **Chapter XIV**

### **Transport of Passengers**

60. The railway organizations:
- (a) shall transport the passengers by the carriages endowed with good quality and service compatible with the standard of the train which will run for transport;
  - (b) shall set and announce train timetables, ticket fares and notice-boards for the passengers at the stations;
  - (c) shall provide clean public toilets commensurate with the number of passengers at the station;
  - (d) may grant special permission to a railway servant to arrange separate place for the person with infectious disease in a special carriage;
  - (e) shall insure the passengers against injury and death during the journey in accordance with the existing laws;
  - (f) shall perform other duties relating to the transport of passengers prescribed by the rules issued by this Law or assigned by the Central Supervisory Board.
61. The passengers shall abide by the rules issued under this Law, terms and conditions, and shall not violate the prohibitions relating to the railway ticket.

## **Chapter XV**

### **Duties of Railway Organizations**

62. Subject to other provisions of this Law and sections 151, 152 and 161 of the existing Contract Act, the railway organizations shall perform their duties as bailees in respect of loss and deterioration of goods and loss, injury and death of animals consigned to them.

63. The compensation may be claimed with sufficient evidence for the loss, damage and delay of goods and injury and death of animals consigned to the railway organizations.
64. The railway organization shall have no responsibility to pay the compensation for the loss, damage and deterioration of belongings or goods carried by passengers without freight receipt.
65. The compensation claim in respect of transport, collection of rates, damage and loss of valuable goods may be settled in accordance with the rules issued under this Law.
66. The person who wishes to claim a refund of an overcharge for goods or compensation for loss, damage or deterioration of consigned goods can receive it only if he claims the compensation in person or through the agent in writing to railway organizations within six months from the date of consignment.
67. The railway organization shall have no responsibility to pay the compensation for the loss, damage or deterioration of goods if kinds and lists of goods are mentioned incorrectly.
68. The compensation for the death or injury of passengers, or loss, damage, deterioration or delay of goods may be claimed procedurally to the respective railway organization if the transport of passenger and goods is carried out by two or more railway organizations, from the starting point to the final destination.
69. Notwithstanding anything contained in the provisions of this Chapter, any of the railway organization shall have no responsibility for the loss, damage or delay in delivery of goods during the transport of goods if the railway organization can prove that one or more of the following situations:
  - (a) act or negligence of consignors, consignees or their agents or representatives;
  - (b) incompleteness or defect in packaging, labelling or numbering goods;
  - (c) keeping, loading, unloading or storage of goods negligently by consignors, consignees, their agents or representatives;
  - (d) perishable goods, natural defect or unforeseen defect in goods;
  - (e) workers strike, closure of workplace, stoppage and obstruction not to work wholly or partly;
  - (f) force majeure including natural disasters.

## **Chapter XVI**

### **Accidents**

70. (a) The person responsible on the train shall inform immediately to the nearest station master if any event specified as an accident happens in railway transport service.
- (b) The respective railway organization shall immediately report the situation of the accident to the Ministry and Central Supervisory Board when receiving information about accident.
71. The submission of report and investigation into the accident shall be carried out in accordance with the stipulations.
72. The Central Supervisory Board shall:
- (a) make an inquiry to pay the compensation in accordance with the law for injury or loss of life in a railway accident;
- (b) direct the respective railway organization to compensate for the loss and damage of property of other railway organization if the property of other railway organization are lost and damaged due to the accident of the said railway organization. The compensation shall be paid in the value of lost and damaged property determined in accordance with the stipulations.

## **Chapter XVII**

### **Administrative Prohibition and Penalty**

73. No one shall:
- (a) carry goods on the carriage without freight receipt;
- (b) pile goods near the passenger carriages, stations, premises or yards of station with the purpose of carrying without freight receipt;
- (c) state the weight and item of the freight incorrectly with the purpose of paying the freight charge less than the actual charge;
- (d) enter into any special class or carriage which is full of passengers, or refuse the order to leave due to such entering;

- (e) destroy, revise or pull down any board or document set up or posted on or at stations, station premises, station yards, trains, or rolling stock, relating to the railway transport service to be known by the public or obliterate or alter any of the letters or figures upon such board or document;
- (f) ride on a train without sitting on a separate seat placed by the railway servant for persons with infectious disease;
- (g) beg, or sell, or dwell without permission on a train or railway boundary;
- (h) ride on a train without a ticket or beyond the class authorized by his ticket, or ride on a carriage of a higher class than for which he has purchased;
- (i) amend, alter or deface the date, the number of National Scrutiny Card, the name of station, number of passengers and text on his ticket;
- (j) re-sell, transfer, accept single trip ticket or round trip ticket or attempt to do so;
- (k) fail to show his ticket when being requested by a railway servant responsible for this purpose.

74. Any owner of animals or any person who herd animals shall not drive, cause to trespass or graze the animals in the railway boundary which is fenced with the suitable wall or fence.

75. The railway organization may impose any of the following administrative penalties on any person who violates any prohibition contained in section 73 or 74:

- (a) imposing a fine three times of railway freight charge against who violates any prohibition of sub-sections (a) to (c) contained in section 73;
- (b) imposing a fine a minimum 3000 Kyats to a maximum 30000 Kyats against who violates any prohibition of sub-sections (d) to (g) contained in section 73;
- (c) imposing a fine as prescribed by the Central Supervisory Board from time to time against who violates any prohibition of sub-sections (h) to (k) contained in section 73;
- (d) imposing a fine not exceeding fifty thousand kyats for one animal against who violates the prohibition contained in section 74. Moreover, the railway organization shall fine not more than one hundred thousand kyats against

who intentionally drive or knowingly allow to enter an animal into the railway boundary to endanger while the train is driven.

76. The railway organization shall:
- (a) report to the head of the relevant railway organization in respect of imposing a fine as an administrative penalty under section 75 with the prescribed form promptly;
  - (b) deposit the fines promptly in the account of the relevant railway organization in accordance with the stipulations.
77. (a) The person who is dissatisfied with any administrative penalty imposed under section 75 may appeal to the head of the relevant railway organization within 30 days after paying fine.
- (b) The head of the relevant railway organization shall confirm, revise or cancel the decision after scrutiny of the appeal filed under sub-section (a).
78. (a) The person who is dissatisfied with the decision of the head of the railway organization under sub-section (b) of section 77 may appeal to the Central Supervisory Board within 60 days.
- (b) The Central Supervisory Board may confirm, revise or cancel the decision of the head of the relevant railway organization after scrutiny of the appeal under sub-section (a).
- (c) The decision of the Central Supervisory Board is final and conclusive.

## **Chapter XVIII**

### **Prohibitions**

79. No person shall act any of the following with intent, or with Knowledge that he is likely to endanger the safety of any train, passenger, or railway servant and goods on a train:
- (a) putting or throwing any wood or stone or other thing upon railway;
  - (b) throwing something or doing something similar to the aforesaid act to the train;
  - (c) taking, loosening, removing or destroying the sleepers on railway and anything connected to railway;



- (d) turning, moving, destroying the control of, diverting any points or other machineries;
- (e) making or showing signal to any railway incorrectly, hiding or removing any signal for railway;
- (f) doing or causing to be done or attempting to do any other act that may cause damage to railway.

80. No person shall:

- (a) do any act intentionally, rashly or negligently to endanger the life or safety of passengers being upon a train while the train is moving or stopping;
- (b) carry or attempt to carry dangerous goods on a train without permission.

81. No person shall:

- (a) carry out the railway transport service or rest camp service without the service license issued by the Central Supervisory Board;
- (b) open a railway without the permission of the Central Supervisory Board although he has the service license;
- (c) re-open the railway which is closed due to any reason, without the permission of the Central Supervisory Board.

82. No railway servant or person with responsibility from the railway organization shall:

- (a) be in a state of intoxication or disturb or act carelessly or negligently to endanger the safety of or annoy any passenger during duty hours;
- (b) load a wagon with goods more than specified weight;
- (c) fail to close the gate at a level crossing before a train passes by and to open after a train passed over, in accordance with the stipulations;
- (d) fail to report immediately to the relevant department, organization or person under section 70 relating to the railway accident;
- (e) transport offensive goods on a train;
- (f) fail to post advertisements, train fares, notice, to set up notice boards and to place documents on trains and at stations for public relating to the railway transport service;
- (g) fail to report to the Central Supervisory Board at least once for every six months relating to railway transport service;

- (h) submit the report on railway transport service incorrectly.
83. No person shall:
- (a) use emergency tools on a train without reasonable and sufficient grounds;
  - (b) disturb or destroy the communication system and equipment of a train;
  - (c) jump up onto the train while the train starts moving or jump down from a train before stopping;
  - (d) ride on the roof, footboard, the place between two carriages and any prohibited place of a train;
  - (e) behave, speak or disturb other person on a train to annoy them;
  - (f) refuse to leave a train or railway boundary when railway servant instructs beggars, peddlers or dwellers without permission;
  - (g) obstruct, deter, restrain, or force any railway servant with responsibility;
  - (h) open a closed gate without permission or pass through when a train is passing by a level crossing or shall not close the open gate after the train has passed by;
  - (i) smoke at stations and on the carriages where smoking is prohibited.

## Chapter XIX

### Penalties

84. Whoever violates any prohibition contained in section 79, on conviction, shall be punished with imprisonment for a term from a minimum of five years to a maximum of twenty years, and shall also be liable to fine.
85. Whoever violates any prohibition contained in section 80, on conviction, shall be punished with imprisonment for a term from a minimum of three years to a maximum of ten years, and shall also be liable to fine.
86. Whoever:
- (a) violates any prohibition contained in sub-section (a) of section 81, on conviction, shall be punished with imprisonment for a term not exceeding five years or with fine from a minimum of one million kyats to a maximum of ten million kyats, or with both;

- (b) violates any prohibition contained in sub-sections (b) and (c) of section 81, on conviction, shall be punished with imprisonment for a term not exceeding three years or with fine from a minimum of five hundred thousand kyats to a maximum of five million kyat, or with both.
87. Any railway servant or person with responsibility from the railway organization:
- (a) violates any prohibition contained in sub-sections (a) to (g) of section 82, on conviction, shall be punished with fine to a maximum of one hundred thousand kyats;
  - (b) violates the prohibition of sub-section (h) of section 82, on conviction, shall be punished with imprisonment for a term not exceeding one year or with a fine from a minimum of one hundred thousand kyats to a maximum of one million kyats, or with both.
88. Whoever:
- (a) violates any prohibition contained in sub-sections (a) to (h) of section 83, on conviction, shall be punished with imprisonment for a term not exceeding three months, or with fine from a minimum of ten thousand kyats to a maximum of one hundred thousand kyats, or with both;
  - (b) violates the prohibition of sub-section (i) of section 83, on conviction, shall be taken action against him or her under the existing law.

## Chapter XX

### Miscellaneous

89. The specification of the railway boundary throughout the railway network is:
- (a) a minimum of 75 feet from the left and right of the bottom of embankment if the railway is constructed on an embankment;
  - (b) a minimum of 75 feet from each side of the top of the land if the railway is constructed on excavated land;
  - (c) a minimum of 50 feet from the left and right extremity of the rails for the specific railways.
90. The Central Supervisory Board, the Administration Body or the railway organization shall collect service license fees, service fees, other fees and fines payable under this

Law from the defaulters in accordance with the stipulations as if they were arrears of land revenue.

91. With regard to bonuses on fines for the lack of tickets or freight receipt:
  - (a) in the case of Myanmar Railways, the travelling ticket examiner team shall be given a percentage of fines specified by the Myanmar Railways Administration Board as a bonus;
  - (b) in the case of Railway Companies, the travelling ticket examiner team shall be given a percentage of fines specified by the Board of Directors as a bonus.
92.
  - (a) In the case of retirement, discharge, dismissal and death of or absconding Myanmar Railway servants, all officially authorized property, including accommodation and any official documents shall be returned at the end of their service to the authorized department within the specified period.
  - (b) If the railway servants or their family member refuses to leave official accommodation or return other official property, as required under subsection (a), the Myanmar Railways organization shall evict that member of staff or their family in accordance with the stipulations of the Myanmar Railway accommodation, and reclaim all official property.
93. The offences contained in this Law are designated as cognizable offences.
94. The members of the Central Supervisory Board and the members of the Administration Board who are not civil service personnel, are entitled to emoluments, allowances and other benefits specified by the Ministry, with the approval of the Union Government.
95. The expenditure related to the work of the Central Supervisory Board shall be paid from the budget of the Ministry.
96. The members of the Central Supervisory Board, the members of the Administration Board and the railway servants of the Myanmar Railways who are not civil service personnel shall be considered as public servants when performing the duties assigned under this Law.
97. The Central Supervisory Board may assign the duties of the Administration Board to the Myanmar Railways Administration Board in preparation for the establishment of private railway companies.

98. The rules, regulations, by-laws, notifications, order, instructions, directives and procedures issued under the Railway Act (India Act IX of 1890) will be applicable as long as they are not contrary to this Law.
99. In implementing the provisions of this Law:
- (a) the Ministry shall issue necessary rules, regulations and by-laws, with the approval of the Union Government;
  - (b) the Central Supervisory Board and the Myanma Railway Authority shall issue necessary notifications, orders, directives and procedures.
100. The Railways Act (India Act IX of 1890) is repealed by this Law.

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

(Sd) Thein Sein  
President  
Republic of the Union of Myanmar