

THE RANGOON DEVELOPMENT TRUST ACT (1921)

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THE RANGOON DEVELOPMENT TRUST ACT

Burma Act V, 1920

1 February 1921

1. This Act shall extend to the City of Rangoon and to such areas in the neighbourhood thereof as the President of the Union may, by notification, specify in this behalf:

Provided that sections 68 and 70 and clause (7) of section 95 shall extend to the whole of the Union of Burma:

[Inserted by Act VIII, 1949] Provided further that for the purpose of section 69, the Mingaladon Airport and such other airport in the neighbourhood of the City of Rangoon as the President of the Union may, by notification, specify in this behalf shall be deemed to be included in the City of Rangoon.

2. In this Act, unless it is otherwise expressly provided or unless there is something repugnant in the subject or context:

(1) words shall be deemed to have the meaning ascribed to such words under any enactment for the time being in force relating to the municipal government of the City of Rangoon;

(2) (a) “the Board” means the Board of Trustees constituted under, this Act;

(b) “Chairman” means the Chairman of the Board;

(c) “City” means the City of Rangoon and comprises the area from a time to time notified by the President of the Union for the purposes of municipal government;

(d) “Court” means the highest Court of original jurisdiction in Rangoon;

(e) the expression “land likely to be used for building purposes” includes any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the President of the Union as to whether land is likely to be used for building purposes or not shall be final;

(f) “plot” means a continuous portion of land held in one ownership, other than land used, allotted or reserved for any public or municipal purpose;

(g) “reclamation” means the alteration by any means, including the use of refuse or rubbish or materials obtained by dredging, of the level of land in order that the effective drainage of such land may become practicable;

(h) “scheme” means a town planning scheme, framed in accordance with the provisions of this Act, and includes a plan relating to a town-planning scheme;

(i) “Trustee” means a member of the Board.

CHAPTER II THE BOARD OF TRUSTEES

Constitution of the Board.

3. The duty of carrying out the provisions of this Act shall, subject to the conditions and limitations hereinafter contained, be vested in a Board, to be called “The Trustees for the Development of the City of Rangoon”; and such Board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

[Substituted by Act LXVIII, 1951] 4. The Board shall consist of six members, namely:

(a) the Chief Executive Officer of the National Housing and Town and Country Planning Board who shall be the Chairman;

(b) the Chairman of the Commissioners for the Port of Rangoon;

(c) one Trustee elected by the Municipal Corporation of the City of Rangoon, and

(d) three Trustees appointed by the President of the Union.

5. (1) A person shall not be qualified to be elected as a Trustee to “represent any body or association referred to in section 4 unless he is at the time of the election a member of such body or association.

(2) The Secretary or other duly appointed officer of such body or association shall make a return to the President of the Union setting forth in full the name of every person elected under the provisions of this Act.

6. (1) If any body or association referred to in section 4 fails to elect all or any of the Trustees whom it is empowered under such section to elect, the President of the Union may appoint any persons belonging to such body or association to be Trustees in order to fill such vacancies; and any persons so appointed shall be deemed to be Trustees as if they had been duly elected by such body or association.

(2) If any body or association should, for any reason, be unable to elect a Trustee as provided in section 4, the President of the Union may, from time to time, by notification, substitute any other recognized and properly constituted body or association for the purposes of that section.

7. (1) A person shall be disqualified for being elected or appointed a Trustee if he:

(a) has been convicted of an offence punishable with imprisonment for a term exceeding six months, such conviction not having been subsequently set aside and such disqualification not having been removed by an order which the President of the Union is hereby empowered to make, if he thinks fit, in this behalf; or

(b) has been declared by the President of the Union unfit for employment in, or has been dismissed from, the public service; or

(c) is an undischarged insolvent or bankrupt; or

(d) holds any office or place of profit under the Board; or

(e) has directly or indirectly, by himself or by any partner, employer, or employee, any share or interest in any contract or employment with, by, or on behalf of, the Board; or

(f) is a director, or a secretary, manager or other salaried officer, of any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board; or

[Substituted by the Union of Burma (Adaptation of Laws) Order, 1948] (g) is not, or ceases to be, a citizen of the Union or a British subject:

(2) But a person shall not be disqualified or be deemed to have any share or interest in such a contract or employment by reason only of

(i) his having any share or interest in:

(a) any lease, sale or purchase of immoveable property or any agreement for the same; or

(b) any agreement for the loan of money or any security for the payment of money only; or

(c) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(d) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one financial year, of any article in which he trades; or

(ii) his having a share or interest, otherwise than as director, or secretary, manager or other salaried officer, in any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board.

(3) In the case of any person or class of persons the President of the Union may waive the disqualification referred to in sub-section (1), clause (f).

8. (1) The Chairman shall be the chief executive officer of the Board and may exercise and perform, subject to the provisions of this Act and of rules made thereunder and to the control of the Board, such of the powers and duties conferred or imposed by this Act on the Board as the Board may by rules made under section 96 delegate to him.

(2) The pay, allowances, leave, privileges and other conditions of tenure of the office of Chairman shall be determined by the President of the Union after consultation with the Board, and such pay and allowances shall be debited to the Rangoon Development Fund to such extent as the President of the Union may decide.

9. (1) The President of the Union may, after consultation with the Board, grant leave of absence to the Chairman or depute him to other duties for such period as he shall think fit.

(2) The President of the Union shall determine the amount (if any) of the allowance which shall be paid to the Chairman while absent on leave or deputation:

Provided that such allowance shall not exceed the amount of his salary and provided that if the Chairman is a Government officer, the amount of such allowance shall be such as he may be entitled to under any rules applicable to him relating to transfer to foreign service.

10. (1) Whenever the Chairman is granted leave of absence or deputed to other duties, the President of the Union may appoint a person to act as Chairman and may, subject to the provisions of section 8, direct the amount of the remuneration (if any) which shall be paid to such person.

(2) Any person appointed to act as Chairman shall exercise the powers and perform the duties conferred and imposed by and under this Act on the Chairman, and shall be subject to the same liabilities, restrictions and conditions as the Chairman.

11. The Board may permit any Trustee, other than the Chairman, the Mayor of Rangoon, or the Municipal Commissioner of the City of Rangoon, to absent himself from meetings of the Board for any period not exceeding six months.

12. (1) The President of the Union may, by notification, declare that any Trustee shall cease to be a Trustee:

(a) if he has acted in contravention of section 20; or

(b) if he has been absent from, or has been unable to attend, all meetings of the Board for any period exceeding six consecutive months; or

(c) if he has, without the permission of the Board, been absent from all meetings of the Board for any period exceeding three consecutive months; or

(d) if he is not qualified to be a Trustee under section 5, sub-section (1).

(2) The President of the Union shall, by notification, declare that a Trustee shall cease to be a Trustee if he becomes disqualified for appointment or election as a Trustee for any of the reasons mentioned in section 7, subsection (1).

13. If any Trustee be permitted by the Board to absent himself from meetings of the Board for any period exceeding three months, or if any Trustee dies or resigns office, or is removed from office under section 12, the vacancy may be filled by a fresh appointment or election under section 4.

14. (1) [...]

(2) Subject to the provisions of section 12, the term of office of Trustees (Other than an ex-officio Trustee) shall be as follows:-

(a) the Chairman - such period as may be fixed by the President of the Union;

(b) a Trustee appointed or elected in pursuance of section 13 the period of absence or the remainder of the period of office, as the case may be;

(c) other Trustees - three years.

(3) Any Trustee shall, if not disqualified for any of the reasons mentioned in section 5, sub-section (1), or section 7, sub-section (1), be eligible for re-appointment or re-election at the end of his term of office:

Provided that the President of the Union may declare by notification that any Trustee, in respect of whom a notification has been published under section 12, shall not be eligible for re-appointment or re-election.

15. Every election and appointment to office made, and every declaration made under section 7, sub-section (1), clause (b), section 12, sub-section (1) and sub-section (2), and the proviso to section 14, sub-section (3), of this Chapter shall be published by notification and shall be valid and take effect from the date of such notification, unless some other date is therein specified.

Conduct of Business.

16. (1) The Board shall meet and transact business in accordance with the rules made under section 96, sub-section (2).

(2) The Chairman shall be the presiding authority at all meetings: provided that in the event of the absence of the Chairman from any meeting, the Trustees present shall elect one of their number to be the presiding authority at such meeting.

(3) All questions shall be decided by a majority of votes of the Trustees present, the presiding authority having a second or casting vote in all cases of equality of votes.

17. (1) The Board may associate with themselves, in such manner and for such period as may be prescribed by rules made under section 96, any persons whose assistance or advice they may desire in carrying out any of the provisions of this Act.

(2) A person associated by the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relating to that purpose, but shall not have the right to vote at a meeting of the Board and shall not be a member of the Board for any other purpose.

18. (1) The Board may appoint committees, each consisting of not less than three Trustees in addition to any persons associated with the Board under section 17, and may, by general or special order, refer to such committees, for enquiry and report, any matter relating to any of the purposes of this Act.

(2) All proceedings of any such committee shall be subject to confirmation by the Board.

(3) The Chairman shall be a member of all such committees and shall, if present, preside at all meetings thereof.

(4) All questions at any meeting of a committee shall be decided by a majority of votes of the Trustees present, the presiding authority having a second or casting vote in all cases of equality of votes.

19. Every Trustee, except the Chairman, and every person associated with the Board under section 17, shall be entitled to receive such fees for each meeting of the Board and for each meeting of a committee at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof as the President of the Union from time to time may fix:

[Inserted by Act XX, 1946] Provided that no fees shall be payable to officials or persons who receive their pay directly or indirectly from Government funds.

20. (1) A Trustee who:

(a) has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in section 7, sub-section (2), or is a director, secretary,

manager or other salaried officer of an incorporated company which has any such share or interest, or

(b) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid, shall not vote or take any other part in any proceeding of the Board or any committee relating to such matter.

(2) If any Trustee, or any person associated with the Board under section 17, has, directly or indirectly any beneficial interest in any immovable property situated in an area comprised, or intended to be comprised, in a scheme.

(a) he shall, before taking part in any proceeding at a meeting of the Board or any committee relating to such area, inform the presiding authority at the meeting of the nature of such interest;

(b) he shall not vote at any meeting of the Board or of any committee upon any resolution or question relating to such immovable property; and

(c) he shall not take any other part in any proceeding at a meeting of the Board or of any committee relating to such area if the presiding authority at the meeting considers it inexpedient that he should do so.

21. (1) The Board may enter into and perform all such agreements and contracts as they may consider necessary for carrying out the purposes of this Act.

(2) Any such contract the value of which does not exceed two thousand rupees may be entered into on behalf of the Board by the Chairman, but no other such contract shall be entered into except with the previous sanction of the Board.

22. No new work shall be commenced and no contract in respect thereof shall be entered into if the estimated cost of such work exceeds:

(a) two thousand rupees, until the plan and estimate therefore shall have been determined on and approved by the Board; or

(b) two lakhs of rupees, until the plan and estimate therefore shall have been submitted to and approved by the President of the Union.

23. (1) Any such contract the value of which does not exceed two thousand rupees may be executed by the Chairman, and every other such contract shall be executed by the Chairman and one Trustee and shall be sealed with the common seal of the Board.

(2) No contract which is not executed in accordance with the provisions of this section shall be binding upon the Board.

24. The common seal of the Board shall remain in the custody of the Secretary of the Board and shall not be affixed to any contract or other instrument except in the presence of the Chairman and one Trustee.

25. (1) At least fourteen days before the Chairman enters into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding two thousand rupees, he shall give notice by advertisement in local newspapers inviting tenders for such contract.

(2) In every such case, the Chairman shall place before the Board the specifications, conditions and estimates and all the tenders received, specifying the particular tender (if any) which he proposes to accept:

Provided that:

(a) the Board may authorize the Chairman to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them; and

(b) the Board shall not be bound to sanction the acceptance of any tender which has been made, but may sanction the acceptance of any of such tenders which appears to them, upon a view of all the circumstances, to be the most advantageous, or may direct the rejection of all the tenders submitted to them.

26. The Chairman shall take sufficient security for the due performance of every contract involving an expenditure exceeding one thousand rupees.

Officers and Servants.

27. (1) The Board shall prepare schedules of the staff of officers and servants whom they consider it necessary and proper to employ for the purposes of this Act:

Provided that artisans, porters, labourers, sirdars of porters and labourers, employees who are paid by the day and employees whose pay is charged to temporary work, shall not be deemed to be officers and servants within the meaning of this section.

(2) Such schedules shall also set forth the amount and nature of the salaries, fees and allowances which the Board propose to sanction for each such officer or servant.

(3) A copy of all such schedules as last sanctioned by the Board shall be appended to the annual budget estimate prepared under section 73.

28. Subject to any directions contained in any schedule prepared under section 27 and any rules made under section 95 and for the time being in force, the power of appointing, promoting and granting leave to officers and servants of the Board, and reducing, suspending

or dismissing them for misconduct, and dispensing with their services for any reason other than misconduct, shall be vested:

(a) in the case of officers and servants whose monthly salary does not exceed three hundred rupees - in the Chairman; and

(b) in other cases - in the Board:

Provided that any officer or servant in receipt of a monthly salary exceeding one hundred rupees who is reduced, suspended or dismissed by the Chairman may appeal to the Board, whose decision shall be final.

29. (1) The Board shall not, without the previous sanction of the President of the Union.

(a) create or abolish any appointment the monthly emoluments of which amount to over eight hundred rupees, or

(b) increase the monthly emoluments of any existing appointment to a sum exceeding eight hundred rupees.

(2) All orders passed by the Board under section 28 and relating to any officer appointed to hold an office the monthly emoluments of which exceed eight hundred rupees, except orders granting leave to, or suspending, any such officer, shall be subject to the previous sanction of the President of the Union.

30. The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Board; and, subject to the foregoing sections, shall dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances.

31. (1) Subject to the sanction of the Board, given generally or with reference to any particular case, any of the powers, duties or functions conferred or imposed on the Chairman under this Act or any rule made thereunder may be delegated by him by an order in writing to any officer of the Board.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to control and revision by the Chairman.

CHAPTER III
POWERS AND DUTIES OF THE BOARD

32. The Board may, subject to the control of the President of the Union and the provisions of this Act, undertake any works and incur any expenditure for the improvement, expansion or development of the City, or of any area in the vicinity thereof to which the President of the Union may, by notification, declare this Act to apply, and for the purpose of framing and executing such town-planning schemes as may be necessary from time to time.

33. The Board may, for the purposes of this Act, purchase and hold moveable and immovable property within or without the City.

34. (1) The President of the Union on behalf of the Board may, under the Land Acquisition Act, subject to the modifications set out in Schedule I, and in addition to the provisions contained in Chapter IV, acquire any land or any right or interest therein, whether attached thereto or not, either in connection with any scheme or independently of any scheme, and any scheme may provide for such acquisition.

(2) The President of the Union on behalf of the Board may acquire under the Land Acquisition Act, at any time prior to the completion of the scheme under sub-section (1), in addition to any land comprised in the scheme, any other land which is beneficially or injuriously affected thereby.

(3) The President of the Union on behalf of the Board may acquire under the Land Acquisition Act any easement affecting any immovable property vested in the Board where such acquisition is necessary for the development of the City:

Provided that where there is any dispute as to the existence of such necessity such dispute shall be referred for decision to the Court as provided in section 39 before the issue of the notice of intention to acquire any such easement.

(4) The word "land" in the Land Acquisition Act shall, for the purposes of this Act, be deemed to include all the rights, interests and easements referred to in this section.

35. The Board shall pay to the Municipal Corporation of the City of Rangoon each year such sum of money as will suffice to pay the interest on the loans raised by the Municipal Committee of Rangoon for the purposes of the Town Lands Reclamation Fund and specified in Schedule II, and a further sum so calculated that it will, taking into account the amount in the sinking fund of the aforesaid loans on the 1st February, 1921 [Date of Commencement of this Act], and accumulations in the way of compound interest, be sufficient to repay each of the aforesaid loans on the date appointed for repayment when the loan was raised.

36. The Board shall be liable to pay such contributions for the leave allowances and pension of any servant of the Government employed as Chairman or as an officer or servant of the Board as may be prescribed in any rules applicable to him relating to transfer to foreign service.

Facilities for movement of the population.

37. With a view to facilitating the movement of the population in and around the City, the Board may from time to time:

(1) subject to any conditions they may think fit to impose:

(a) guarantee the payment, from the funds at their disposal, of such sums as they may think fit, by way of interest on capital expended on the construction, maintenance or working of any way or means of locomotion; or

(b) make such payments as they may think fit from the aid funds by way of subsidy to persons undertaking to provide, maintain and work any way or means of locomotion; or

(2) either singly or in combination with any other person, construct, maintain and work any way or means of locomotion, under the provisions of any law applicable thereto; or

(3) construct or widen, strengthen or otherwise improve, bridges:

Provided that no guarantee or subsidy shall be made under clause (1), and no means of locomotion shall be constructed, maintained or worked under clause (2), without the sanction of the President of the Union.

CHAPTER IV SCHEMES

Procedure relating to the framing, examination and sanctioning of a Scheme.

38. (1) Whenever it appears to the Board that any immovable property which is wholly or partially built upon or which is in course of development, or which is being or is likely to be used for building purposes, is so situated that, in order to secure proper sanitary conditions, amenity and convenience in connection with the laying out or use of the said immovable property or of any neighbouring immovable property, it is expedient that a scheme be prepared, the Board may declare by resolution their intention to prepare such scheme, with reference to the whole or any portion of such immovable property, including the whole or such portion as may be necessary of such neighbouring immovable property.

(2) Within twenty-one days from the date of such resolution, the Board shall serve notice of it upon the owner of any immovable property affected thereby or his agent and shall

publish it in the prescribed manner in the Gazette, and shall apply to the President of the Union for sanction to the making of such scheme.

(3) If, within one month from the date of such publication in the Gazette, any person communicates in writing to the President of the Union any objections or suggestions relating to such scheme, the President of the Union shall consider such objections or suggestions.

(4) After receiving such application and after making such enquiry as he may think fit, the President of the Union may, by notification, either sanction; the making of such scheme, with or without modification and subject to such conditions as he may think fit to impose, or he may, by similar notification, refuse to give sanction.

(5) Within twelve months from the date of the notification sanctioning the making of a scheme, the Board shall, in consultation with the local authorities concerned, and such owners or their agents as may be deemed necessary, prepare and publish in the prescribed manner a draft scheme for the area in respect of which sanction has been given.

(6) If, within three months from the date of publication of the draft scheme, any person affected by such scheme communicates in writing to the Board any objection relating to such scheme, the Board shall consider such objection and may modify such scheme in such manner as they think fit. The Board shall then submit the draft scheme, with any modifications which they may have made therein, together with the objections which may have been communicated to them, to the President of the Union.

(7) The President of the Union shall then decide all disputes between the Board and any other local authority arising from the scheme.

(8) At the request of any person who has communicated any objection under sub-section (6), the President of the Union shall appoint a referee with a sufficient establishment, whose powers and duties with respect to all such objections shall be as prescribed by the rules framed under section 95, and whose decision shall be final except as regards the matters specified in sub-section (9).

(9) If the decision of the referee is questioned as regards:

(a) estimates of the accrual of increment;

(b) the proportion of the accrued increment to be contributed to the cost of the scheme;

(c) the contribution to be levied on each plot included in the scheme;

(d) the contribution to be levied on any plot which is increased in value by the scheme but which is not included in the scheme;

(e) the compensation to be paid under section 56, or;

(f) the date or dates upon which the contributions shall be levied;

there shall be a right of reference to the Court as provided in section 39.

(10) After making such enquiries with respect to such referred questions as may be deemed necessary, the Court may accept, modify, vary or reject the decision of the referee on such questions.

(11) The Board shall then prepare a final scheme embodying all alterations and modifications which have been made, or rendered necessary, by the decisions of the referee or the Court, and shall forward such scheme to the President of the Union.

(12) The President of the Union, after consideration of such scheme, may:

(a) reject the said scheme and direct that all further proceedings in connection therewith shall be stayed; or

(b) approve of the said scheme.

(13) After the President of the Union has sanctioned and published such scheme in the Gazette, it shall have effect as if it were enacted in the body of this Act.

(14) The Board may permit any private owner to carry out, under the supervision of the Board, the reclamation and development of his own land in accordance with the provisions of such scheme.

Reference to the Court.

39. (1) A reference to the Court, under section 34, sub-section (2), and under section 38, sub-section (9), shall ordinarily lie to a single Judge, but a reference, except in the case of a reference under section 34, shall lie to a Bench of two Judges in the following cases:-

(a) where the amount of the claim involved exceeds the sum of rupees twenty-five thousand;

(b) in the matters mentioned in section 38, sub-section (9), clauses (a) and (b), respectively.

(2) The decision of the Court, whether the reference lies to a single Judge or to a Bench, shall be final:

Provided that in a reference to a Bench if the Judges constituting such Bench are unable to agree they shall refer any matter upon which they may differ to another Judge of the Court whose decision thereon shall be final.

40. (1) The referee shall, save where he is a servant of the Government be entitled to such remuneration, either by way of monthly salary or by way of fees, or partly in one way and partly in the other, as the President of the Union may from time to time determine.

(2) The salary of a referee who is a Government servant, and any remuneration payable under sub-section (I), and all expenses incidental to the work of the referee shall, unless the President of the Union otherwise determines, be paid by the Board and shall be added to the costs of the scheme.

Matter for which a Scheme may make Provision.

41. A scheme may make provision for:

(a) the construction, diversion, alteration and stopping up of streets, roads, water-channels and communications;

(b) the construction, alteration and removal of buildings and bridges and other structures;

(c) the plotting out of land as building sites whether such land is intended to be used for building purposes in the immediate future or not;

(d) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes of all kinds;

(e) reclamation and drainage, inclusive of sewerage and of surface drainage and sewage disposal;

(f) lighting;

(g) water-supply;

(h) the preservation of objects of historical interest or natural beauty;

(i) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, height, architectural features and character of buildings allowed in specified areas, and the purposes to which buildings or specified areas may or may not be appropriated;

(j) a building line on each side of every street which it is proposed to lay out, including a provision:

(i) that no person shall construct any portion of any building so as to encroach past the said line on to the street;

(ii) that owners shall build right up to the said line;

(c) such other matter not inconsistent with the objects of this Act as may be prescribed by the President of the Union.

42. A scheme may make provision for:

(a) the variation, extinction or transfer of any right or title or interest in or connected with, or the alteration or rearrangement of the boundaries of, any holding of land affected thereby, if such variation, extinction, transfer, alteration or re-arrangement is, in the opinion of the Board, necessary in order to render such holding more suitable for building purposes or for any object in furtherance of the scheme;

(b) the allotment of a plot to any owner dispossessed of immovable property in furtherance of the scheme;

(c) the transfer of the ownership of a plot from one person to another.

43, (1) A scheme may make provision for such and so many building sites or for the construction, maintenance and management of such and so many dwellings and shops within the limits of the land affected by the scheme or its vicinity as may be necessary for persons of the poorer and working classes.

(2) A scheme may also provide for the construction, maintenance and management of such dwellings and shops by the Board themselves, or either wholly or in part by some person who satisfies the Board of his ability to carry out such work, or either wholly or in part by the Municipal Corporation of the City of Rangoon.

(3) When any such scheme provides, either wholly or in part, for the construction, maintenance and management of the work by any person or by the Municipal Corporation of the City of Rangoon, the scheme shall embody the terms and conditions agreed upon between the Board and such person or between the Board and the Municipal Corporation of the City of Rangoon.

(4) The Board shall not themselves construct dwellings or shops under a scheme unless they are satisfied, after due enquiry, that neither any other person nor the Municipal Corporation of the City of Rangoon is willing and able to construct them.

44. Every scheme shall contain, as far as can be ascertained or prepared, the following particulars, namely:-

(41) a plan showing the existing state and situation of the land affected by such scheme;

(b) the area, ownership and tenures of each original plot;

(c) a statement of the existing population on the land affected by the scheme;

(d) the land allotted or reserved under section 41, clause (d), with a general indication of the uses to which such land is to be put and an estimate of the compensation to be paid under section 56;

- (e) a statement of the works which it is proposed to execute under section 41 on the land in respect of which the scheme has been prepared in order to give effect to the said scheme;
- (f) an estimate of the total costs of the scheme; and a statement specifying the proportion of such costs payable by, or leviable from, the Board, or any local bodies, owners, mortgagees, mortgagors, lessors, lessees or other persons affected by such scheme;
- (g) a statement of the increment on each plot;
- (h) a statement showing the proportion of the accrued increment on each plot to be contributed to the cost of the scheme;
- (i) a statement of the agency or agencies by means of which such works should be carried out and the means of providing funds wherewith to pay their cost;
- (j) a statement showing the lands and buildings, if any, which it is proposed to acquire and the estimated cost of acquiring the same;
- (k) a statement showing the plots on which it is proposed to levy a contribution under section 50;
- (l) proposals with reference to the order in which such works should be carried out and the dates on which they should be undertaken;
- (m) a plan showing the state of the land after the execution of the scheme and the extent to which it is proposed to change the boundaries of original plots;
- (n) the area, ownership and tenures of the plots into which it is proposed to divide the said land under the scheme;
- (o) a statement of the authority by whom the conditions and restrictions imposed under section 41, clauses (i) and (j), are to be enforced;
- (p) a statement of the arrangements made or proposed for temporary re-housing during the execution of the scheme and for re-housing persons of the poorer and working classes who are likely to be displaced by the execution of the scheme;
- (q) the date or dates upon which the contributions shall be levied;
- (r) such other particulars as the President of the Union may generally or with reference to any special scheme.

Effect of Scheme.

45. With effect from the date of publication of a resolution under section 38, sub-section (2), no person shall, without the permission in writing of the Board and except in accordance with the terms and conditions of such permission, erect or re-erect, add to or make any change in, any building situated within the area included in such scheme.

46. Subject to the provisions of this Act, and the rights of [the State] [Submitted by the Union of Burma (Adaptation of Laws) Order, 1948] the day on which the final scheme comes into force:

(a) all immovable property required by the Board as provided for in such scheme shall, unless it is otherwise determined in such scheme, vest absolutely in the Board free from all encumbrances;

(b) all rights in original plots which have been reconstituted shall determine and the reconstituted plots shall become subject to the rights settled by the final scheme.

47. On and after the day on which the final scheme comes into force any person continuing to occupy any land which he is not entitled to occupy under the final scheme may, in accordance with the prescribed procedure, be summarily evicted by the Board.

48. (1) On and after the day on which the final scheme comes into force the Board may, after giving the prescribed notice and in accordance with the provisions of the scheme, remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with.

(2) If any question arises as to whether any building or work contravenes a scheme, or whether any provision of a scheme is not complied with, that question shall be referred by the Board to the President of the Union and his decision shall be final and conclusive and binding on all persons.

Cost of Scheme.

49. The cost of a scheme shall be met wholly or in part by a contribution to be levied by the Board on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot:

Provided that no such contribution on account of land privately owned shall exceed seventy-five per cent of the increment estimated to accrue in respect of each plot.

50. When, by the making of any scheme, any immovable property not included in the final scheme is increased in value, the cost of such scheme may be met wholly or in part by a contribution levied by the Board on any plot which is so increased in value, calculated in proportion to the increment which is estimated to accrue in respect of such plot:

Provided that:

(i) no such contribution shall exceed fifty per cent of the increment estimated to accrue in respect of such plot; and

(ii) no such contribution shall be levied unless it is included within the particulars of the draft scheme published in accordance with the provisions of section 38, sub-section (5).

51. The sum of the contributions under sections 49 and 50 shall in no case exceed the actual cost of the scheme and in apportioning such costs all immoveable property included in such scheme except any plot vested in the Board shall bear its proportionate share.

52. The cost of reclaiming any immoveable property vested in the Board under section 58 or exchanged for any such immoveable property or purchased from the revenues of such immoveable property shall be debited solely against the account specified in clause (0) of section 77, sub-section (1).

53. For the purposes of this Act, the increment shall be deemed to be the amount by which the value of a plot estimated on the assumption that the scheme has been completed exceeds the value of the same plot estimated at its market value at the date of the declaration of intention to make a scheme without reference to improvements contemplated in the scheme:

Provided that, in estimating such values, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

54. (1) Any scheme may provide for the payment of the contributions under sections 49 and 50 in a lump sum or in installments of such amounts, not being less than twelve rupees per annum, for any plot and at such intervals as will suffice to discharge such contributions, together with interest thereon at the rate of six per centum per annum, within a period not exceeding thirty years.

(2) The said installments shall be payable by the owner of the plot on which the said contributions are so charged and may be recovered in the manner prescribed by section 86.

(3) The contributions payable in respect of any plot shall be and remain a continuing charge on the same during such time as they remain unpaid.

(4) At any time before the expiration of the period for the payment of any contributions under this section, the owner of the plot on which it is charged may redeem such charge by paying such part of the said contributions as may not have been defrayed by sums already levied in respect of the same.

55. In any case in which the President of the Union has sanctioned the acquisition of land under section 34, sub-section (2), the owner of any portion of such land may apply to the

Board to refrain from the acquisition thereof and to proceed under the provisions of section 50, or otherwise as may be agreed upon, and the Board may thereupon proceed accordingly.

Compensation.

56. (1) Where property or a private right of any sort is injuriously affected by reason of any provisions contained in a scheme, compensation shall, subject to the provisions of this Act, be payable by the Board or by any person benefited, or partly by the Board and partly by such person, as may be determined in each case by the final scheme.

(2) Such compensation may be paid either in cash, or by the allotment of a plot, or in such other manner as may be determined in each case by the final scheme:

Provided that:

(a) no compensation shall be payable under sub-section (1) if or in so far as the provisions of a scheme are such as would have been enforceable without compensation under any rule having the force of law, bye-law or Act in force at the time;

(b) property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provisions inserted in a scheme, which, with a view to securing the amenity of the area included in such scheme or any part thereof, impose any conditions and restrictions in regard to any of the matters specified in section 41, clauses (i) and (j);

(c) the Board shall not be bound to consider any claim to compensation which is made after three months from the publication of the draft scheme.

57. (1) Any scheme which has been notified in accordance with the provisions of section 38 may be revoked, or abandoned, or may be varied by a subsequent scheme prepared in accordance with this Act, and the President of the Union may, on the application of the Board, or of any other person appearing to him to be interested, by order revoke, abandon or vary any scheme so notified, if such revocation, abandonment or variation should appear to be expedient in the circumstances of the case:

Provided that no such variation, revocation or abandonment shall be effected without the publication of a notice in the prescribed manner.

(2) Any person who has incurred expenditure for the purpose of complying with a scheme revoked, abandoned or varied under sub-section (1) shall be entitled to compensation from the Board in so far as any such expenditure is rendered abortive by reason of such revocation, abandonment or variation.

(3) If a scheme is revoked or abandoned under sub-section (1), the Board shall pay to any person whose interests have been affected by such scheme compensation not exceeding

the amount of the costs reasonably incurred by him in the proceedings under this Act connected with such scheme.

CHAPTER V PROPERTY, TAXATION AND FINANCE

Property.

58. (1) From the day on which this Act comes into force, there shall vest in the Board the right, title and interests of Government in, and to, the following immovable property in the City, namely:-

- (a) all waste-land not especially reserved by the President of the Union; and
- (b) all immovable property held from Government under permit, licence or lease or occupied without title.

(2) All rents or fees now derived by Government on account of such permits, licences or leases shall be collected by and vest in, the Board.

(3) After the commencement of this Act! the President of the Union may, by notification, place any other Government immovable property at the disposal of the Board, and such property shall thereupon vest in the Board from the date of the notification.

59. (1) The Board may dispose of immovable property, vested in the Board under the provisions of section 58 or otherwise, by lease, sale, transfer or in any other manner, subject to any rules which may be made under section 95.

(2) If any immovable property vested in the Board is required. by the Government for administrative purposes, the Board shall transfer the same to the President of the Union upon payment of all costs incurred by the Board in acquiring, reclaiming or developing the same, together with interest thereon at the rate of six per cent per annum calculated from the 1st February, 1921, or from the date on which such costs were incurred, whichever is the later. The transfer of any such immovable property shall be notified in the Gazette and such property shall thereupon vest in the Government from the date of the notification.

60. The Municipal Corporation of the City of Rangoon shall pay from the Municipal Fund to the Board on the first day of each quarter, so long as the Board continues to exist, a sum of twenty—five thousand rupees, and may pay any further sum with the previous sanction of. the President of the Union.

61. On the day on which this Act comes into force:

- (a) the balance at the credit of and all assets and liabilities due to and payable from the account of the deposits of land sales and rents, Rangoon;

(b) all assets and liabilities of the Rangoon Town Lands Reclamation Fund including any contingent liability under any orders of the Secretary of State existing at the date when this Act comes into force. [This Act came into force on the 1st February, 1921].

shall respectively vest and be taken over by the Board.

62. All moneys to be credited to the Board on the day on which this Act comes into force [This Act came into force on the 1st February, 1921] and all moneys thereafter payable to the Board shall be received by the Chairman, and shall forthwith be paid into the [Union Bank of Burma] [Substituted by Act LXVIII, 1951], or such other Bank as may be selected by the Board subject to the approval of the President of the Union, to the credit of an account which shall be styled "The account of the Rangoon Development Fund", and shall be held by the Board in trust for the purposes of this Act subject to the provisions herein contained.

63. The moneys from time to time credited to the Rangoon Development Fund shall be applied:

firstly, in making due provision for the repayment of the outstanding balances of principal and interest of all loans mentioned in Schedule II, and secondly, in payment of all sums, charges and costs necessary for the purpose of carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act or any other Act, or payable under any order or decree of a civil or criminal Court.

64. (1) Surplus moneys at the credit of the Rangoon Development Fund may, from time to time, be:

(a) deposited at interest in the [Union Bank of Burma] [Substituted by Act LXVIII, 1951] or in any other Bank approved by the President of the Union in this behalf; or

(b) invested in Government securities, securities guaranteed by Government, Rangoon Municipal debentures, debentures issued by the Commissioners for the Port of Rangoon or by the Board, or with the approval of the President of the Union in any other manner.

(2) All such deposits and investments shall be made by the Chairman on behalf of the Board.

65. (1) No payment shall be made by the Bank out of the account referred to in section 62, except upon a cheque.

(2) Payment of any sum due by the Board exceeding one hundred rupees in amount shall be made by means of a cheque and not in any other way.

(3) Payment of any sum due by the Board not exceeding one hundred rupees in amount may be made by the Chairman in cash, cheques for sums not in excess of one thousand

rupees each, signed in accordance with the provisions of section 66, being drawn from time to time to cover such payments.

66. All orders for making any deposit or investment under section 64, or for any withdrawal or disposal thereof, and all cheques referred to in section 65 shall be signed:

(a) by the Chairman and the Secretary to the Board, or

(b) in the event of the illness or occasional absence from Rangoon of the Chairman or the Secretary, then by the Secretary or the Chairman, as the case may be, and by a Trustee other than the Chairman.

67. (1) No work shall be begun or executed unless provision for the expenditure required therefore has been made in a current budget-grant, and no sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by a current budget-grant or can be met by reappropriation or, with the previous sanction of the President of the Union, by drawing on the closing balance.

(2) The following items shall be exempted from the provisions of subsection (1), namely:-

(a) repayments of moneys belonging to contractors and other persons and held in deposit, and of moneys collected by, and credited to, the Board by mistake;

(b) payments due under a decree or order of a Court passed against the Board;

(c) sums payable under a compromise of any suit or other legal proceeding or claim;

(d) sums payable by way of compensation; and

(e) payments required to meet some pressing emergency.

(3) Whenever any sum exceeding five thousand rupees which cannot be met by reappropriation is expended under clause (b), clause (c), clause (d) or clause (e) of subsection (2), the Chairman shall forthwith report the circumstances to the President of the Union, and shall at the same time report how the Board propose to cover the expenditure.

Taxation.

63. (1) The duty charged by Articles 23, 33 and 40A respectively, of Schedule I of the Burma Stamp Act shall, in the case of instruments affecting immoveable property situated in the City and executed on and after the commencement of this Act, [That is, after the 1st February, 1921] be increased by two per centum on the value of the property so situated, as set forth in the instrument.

(2) For the purposes of this section, section 27 of the said Burma Stamp Act shall be read as if it specifically required the particulars referred to therein to be set forth separately in respect of:

(a) property situated in the City, and (b) property situated outside the City, respectively.

(3) For the purposes of this section, section 64 of the said Burma Stamp Act shall be read as if it referred to the Board as well as the Government.

(4) All collections resulting from the said increase shall, after deducting incidental expenses (if any), be paid to the Board at such time as may be prescribed by rule made under section 95.

69. (1) Every male passenger liable to pay the full fare leaving Rangoon by sea-going vessel [or aircraft] [Inserted by Act VIII, 1949] for a destination other than a port [or an airport] [Inserted by Act VIII, 1949] in the Union of Burma shall pay in respect of each journey so made by him a tax of such amount not exceeding two rupees as the President of the Union may determine.

(2) The said tax shall be collected as a surcharge on the fares in respect of such journeys by the persons by whom the fares are collected and, after making such deductions as the President of the Union may approve to meet expenses incurred in the collection of the tax, shall be paid to the Board by the owner of the vessel [or aircraft] in which the passengers are carried, or if the fares are collected by an agent of the owner of the vessel [or aircraft] [Inserted by Act VIII, 1949] or by a charterer or hirer of the vessel [or aircraft] [Inserted by Act VIII, 1949] or his agent, by such charterer or hirer or agent, at such time as may be prescribed by rule, and the owner of the vessel [or aircraft] [Inserted by Act VIII, 1949] and his agent or the charterer or hirer and his agent, as the case may be, shall be jointly and severally liable to pay and account for the tax to the Board.

(3) The owner or agent of the owner of every vessel [or aircraft] [Inserted by Act VIII, 1949] referred to in sub-section (1) shall prepare and deliver, or cause to be prepared and delivered, to the Chairman, each quarter, a return, in the form prescribed by rule made under section 95, of all passengers carried by such vessel, [or aircraft] [Inserted by Act VIII, 1949] by whom the tax imposed by that sub-section is payable;

and shall subscribe, at the foot of such return, a declaration of the truth thereof:

70. (1) Whenever the President of the Union considers that any duty or tax imposed by sections 68 and 69, or any contribution payable under section 60 of this Act, or any portion of any such duty, tax or contribution, is not required for the purposes of this Act, he may, by notification,-

(a) suspend, for any specified period, the levy of such duty, tax or contribution or any specified portion thereof; or

(b) abolish such duty, tax or contribution or any specified portion thereof, from a date to be specified in the notification.

(2) If at any time the President of the Union considers that any such duty, tax or contribution or any portion thereof, which has been suspended or abolished under sub-section (1), is required for the purposes of this Act, he may, by notification, cancel, such suspension or abolition, wholly or in part, as he may think fit, from a date to be specified in the notification.

Loans.

71. The Board shall be deemed to be a local authority, as defined in the Local Authorities Loans Act, for the purpose of borrowing money under that Act.

Enforcement of Liabilities.

72. (1) If the Board fail to pay any money borrowed in accordance with the provisions of section 71 or any interest or payments due in respect thereof, the Accountant-General, Burma, shall make such payment and the Municipal Corporation of the City of Rangoon shall forthwith pay from the Municipal Fund to the said Accountant-General a sum equivalent to the sum so paid by him.

(2) When payment has been made as aforesaid, or if the Board should fail to make any payments for which they are liable under the provisions of section 35, the Municipal Corporation of the City of Rangoon shall be deemed to be, and have all the rights of, a lender in respect of the said payments against the Board under section 5 of the Local Authorities Loans Act, and the Government shall reimburse the said Corporation out of the proceeds of any attachment levied under the provisions of that section, subject to the conditions and limitations therein prescribed.

(3) If the Municipal Corporation of the City of Rangoon fails to make any payments as required by section 60 or by sub-section (1), the Government may attach the Municipal Fund or any part thereof.

(4) All moneys paid by the Municipal Corporation of the City of Rangoon under sub-section (1), and not reimbursed by the Government under sub-section (2), and all moneys payable under sub-section (1) and levied under sub-section (3), shall constitute a charge upon the property belonging to or vested in the Board.

Budget Estimates.

73. The annual budget estimate shall be prepared in accordance with rules framed under section 96, and such estimate as approved by the Board shall be submitted to the President of the Union, who may approve or modify the same:

Provided that the President of the Union shall, before modifying any budget estimate, give to the Board an opportunity for the further consideration of the said estimate.

74. A copy of every such estimate shall, as finally approved by the resident of the Union be sent by the Board to the Municipal Corporation of the City of Rangoon.

175. [...] [Omitted by Act II, 1945]

76. (1) The Board may, at any time during the year for which a budget estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before them at a special meeting.

(2) The provisions of section 73 and section 74 shall apply to the said estimate.

Accounts.

77. (1) The accounts of the Board shall be kept in such a manner as to show separately:

(a) all income and expenditure in connection with immoveable property vested in the Board under section 58 or exchanged for any such immoveable property or purchased from the revenues of such immoveable property, and

(b) all other income and expenditure of the Board.

(2) Such accounts shall be subject to such audit as the Board may with the sanction of the President of the Union, direct.

Provident Fund.

78. The Board may, by rules framed under the provisions of section 96, establish and maintain a provident or annuity fund and may compel all;

any of the officers or servants of the Board, other than servants of the Government to subscribe to such fund and if necessary may deduct such subscriptions out of the salaries or emoluments of such officers or servants.

CHAPTER VI PROCEDURE

Power of Entry.

79. The Chairman, or any officer of the Board authorized by him in this behalf, may with or without assistants or workmen enter into or upon any immoveable property in order:

- (a) to make any inspection, survey, measurement, valuation or enquiry;
- (b) to take levels;
- (c) to dig or bore into the sub-soil;
- (d) to set out boundaries and intended lines of work;
- (e) to mark such levels, boundaries and lines by placing marks and cutting trenches, or
- (f) to do any other thing;

whenever it is necessary to do so for any of the purposes of this Act or any rule made thereunder or any scheme under preparation or sanctioned thereunder:

Provided as follows:

- (i) no such entry shall be made between sunset and sunrise;
- (ii) no building which is used as a dwelling place shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;
- (iii) sufficient notice shall in every case be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed;

(iv) due regard shall always be had, as far as may be compatible with the exigencies of the purpose for which the entry is made to the social and religious usages of the occupiers of the premises entered.

80. (1) The Board may:

(a) do any act which is necessary or desirable to be done in pursuance of the provisions of any scheme; and

(b) execute any work which it is the duty of any person to execute under such scheme and which such person has failed to execute.

(2) Any expenses incurred by the Board under clause (b) of sub-section (1) may be recovered by the Board from the person or persons in default.

(3) In the event of any question arising whether any action taken or purporting to be taken under sub-section (1) is in pursuance of the provisions of a scheme, such question shall be referred to the President of the Union, whose decision thereon shall be final and conclusive and binding on all persons.

Signature and Service of Notices or Bills.

81. Every notice, bill or rent receipt, which is required by this Act or by any rule made thereunder to bear the signature of the Chairman or of any other Trustee or of any officer or servant of the Board, shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairman or of such other Trustee or of such officer or servant, as the case may be, stamped thereon.

82. When any notice, bill or other document is required by this Act or by any rule made thereunder to be served upon or to be issued or presented to any person, such service, issue or presentation shall be effected:

(a) by giving or tendering such document to such person; or

(b) if such person is not found, by leaving such document at his last known place of abode in the city, or by giving or tendering the same to some adult male member of his family; or

(c) if such person does not reside in the city, and his address elsewhere is known to the Chairman, by forwarding such document to him by registered post under cover bearing the said address; or

(d) if none of the means aforesaid be available, by causing a copy of such document to be affixed on some conspicuous part of the property to which the document relates.

Legal Proceedings.

83. The Chairman may, subject to the control of the Board:

(a) institute, defend, or withdraw from, legal proceedings under this Act or any rule made thereunder;

(b) compound any offences against this Act or any rule made thereunder which, under any law for the time being in force may lawfully be compounded;

(c) admit, compromise or withdraw any claim made under this Act or any rule made thereunder; and

(d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the Board to obtain, for any of the purposes referred to in clauses (a), (b) and (c), or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or servant of the Board.

84. No suit shall be maintainable against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer of the Board, in respect of anything lawfully and without negligence done under this Act or any rule made thereunder.

85. No suit shall be instituted against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board in respect of any act purporting to be done under this Act or any rule made thereunder, until the expiration of one month next after written notice has been delivered or left at the office of the Board, or at the office or the place of abode of such officer, servant or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims, and the plaint must contain a statement that such notice has been so delivered or left.

Recovery of Dues.

36. (1) Any sum of money, or any tax or fee due to or claimable by the Board may be recovered by the Board as if it was an arrear of land-revenue.

(2) The President of the Union may, by notification, prescribe by whose orders and on whose application such money, tax or fee may be recovered.

CHAPTER VII OFFENCES

87. The offences mentioned in column 1 of the following table shall be punishable to the extent mentioned in column 2 thereof with reference to such offences, respectively:

1	2
(1) Contravening the provisions of a scheme in respect of the matters specified in section 41, clauses (i) and (j), or the provisions of section 45.	Fine not exceeding Rs. 500, and in case of continuing contravention, a further fine which may extend to Rs. 100 for each day after the first during which the contravention continues.
(2) Omitting to furnish the return required by section 69 (3), or refusing to sign or complete the same.	Fine not exceeding Rs. 1,000.
(3) Making and delivering any such return containing any statement not true to the best of the information and belief of the person making the same.	Imprisonment for a period which may extend to three years, or fine, or both.

88. Whoever disobeys any rule made or any lawful direction given by the Board by public notice given under the powers conferred upon them by any of the provisions of this Act, or any notice in writing lawfully issued by them under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the Board to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to Rs. 50 and, in the case of a continuing breach, with a further fine which may extend to Rs. 5 for every day after the date of first conviction on which the offender is proved to have persisted in the offence.

89. If any Trustee, or any officer or servant of the Board, knowingly acquires, directly or indirectly, by himself or by any partner, employer or employee, otherwise than as such Trustee, officer or servant, any share or interest in any contract or employment with, by or on behalf of, the Board, not being a share or interest such as, under section 7, sub-section (2), it is permissible for a Trustee to have without being thereby disqualified for being elected or appointed a Trustee, he shall be punishable with simple imprisonment for a term which may extend to one year, or with fine, or with both.

90. If any person:

(a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Board in the performance or execution by such person of his duty, or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule made thereunder; or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act or any rules thereunder;

he shall be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two months.

91. All fines and damages realized, and the proceeds of all confiscations, in cases in which prosecutions are instituted under, this Act or any rule made thereunder, shall be paid to the Board.

92. Notwithstanding anything contained in the Code of Criminal Procedure:

(a) all offences against this Act or any rule made thereunder shall, wherever committed, be cognizable by a Magistrate of the Rangoon Town District;

(b) no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence by reason only of being liable to pay any tax imposed by this Act or of his being benefited by the funds to the credit of which any fine imposed by him will be payable;

(c) it shall not be necessary, in respect of any offence under this Act or of any rule made thereunder, to examine the complainant when the complaint is presented in writing.

93. No person shall be liable to punishment for any offence referred to in section 87, column 1, item (1), of the table unless complaint of such offence is made before a Magistrate within three months next after the commission of such offence.

94. (1) If, on account of any act or omission, any person has been convicted of an offence against this Act or any rule made thereunder, and, by reason of the same act or omission of the said person damage has occurred to any property of the Board, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence.

(3) If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said Magistrate as if it were a line inflicted by him on the person liable therefore.

CHAPTER VIII

RULES

95. The President of the Union may make rules consistent with the provisions of this Act to provide for all or any of the following matters, namely:-

(1) Regulating elections under section 4, clauses (d), (e), (f), (g) and (h).

(2) (a) The particulars which a resolution declaring the intention to frame a scheme shall contain, including the submission of plans, and the description of buildings, if any, which may be affected by such scheme;

(b) the publication of such resolution, and the hearing and determination of objections against such scheme or any portion thereof;

(c) all other matters which may be provided for in a scheme;

(d) the publication of a draft or final scheme, the hearing and determination of objections against a scheme or any portion thereof, and the delegation to any person of the power of hearing and reporting on such objections;

(e) the inspection by the public of such draft or final scheme, and of the documents, plans and maps prepared with such scheme;

(f) regulating the sending of copies of such documents, plans and maps to the proper registering officer;

(g) the further particulars to be prescribed for inclusion in any draft scheme under section 44;

(h) the submission to the President of the Union of any scheme;

(i) the publication of notice of variation, revocation or abandonment of any scheme.

(3) (a) Fixing the remuneration of the referee;

(b) the staff and establishment to be provided for the referee and the remuneration of such staff and establishment;

(c) the procedure to be followed by the referee;

(d) determining the powers and duties conferred or imposed upon the referee;

(e) the form in which the Board shall draw up the final scheme, the particulars to be entered in such final scheme, and the extent to which variations may be made by the Board in the draft scheme;

(f) the period of limitation for references to the Court;

(g) fixing the fees payable on a reference under section 39;

(h) the procedure to be followed by a person who questions the decision of the referee as regards any of the points specified in section 38, sub-section (9), in applying for a reference to be made to the Court.

(4) The procedure to be followed by the Board in summarily evicting a person under section 47.

(5) The notice to be given by the Board before they take action under section 48.

(6) The maintenance of a register of charges created under section 54.

(7) The collection of the duty and taxes imposed by sections 68 and 69 and the payment thereof to the Board.

(8) The form of the returns required by section 69, sub-section (3), the particulars to be contained therein, the manner of verification thereof, and the time within which the same are to be delivered to the Chairman.

(9) The procedure to be followed by the officer deputed to hold an enquiry for the purpose of deciding a disputed claim to ownership under section 103.

(10) The preparation of the annual administration report, and prescribing the form and contents thereof.

(11) The lease, sale, transfer, or disposal of any immoveable property vested in the Board under section 58 or exchanged for any such immoveable property or purchased from the revenue of such immoveable property:

Provided that such disposal, sale or transfer shall not affect the rights of [the State] [Substituted by the Union of Burma (Adaptation of Laws) Order, 1948] therein or the conditions of any trust to which it may be subject.

(12) The preparation and submission of estimates and determining the authority by whom such estimates shall be prepared or submitted.

(13) Regulating the manner of publication of public notices and advertisements.

(14) The procedure to be adopted for securing co-operation on the part of the Board with the owners or persons interested in immoveable property proposed to be included in a scheme at every stage of the proceedings by means of conferences and such other means as may be expedient.

(15) Fixing of the period of limitation for claims for compensation.

(16) Fixing of fees for process and amount of fees payable to witnesses.

(17) The person by whom and the time, place and manner at or in which anything is to be done under this Act for which no express provision is made.

(18) The cases in which inspection and copies of documents and records may be granted, regulating the procedure in, and fixing the fees for, obtaining the same.

(19) The carrying out of the purposes of this Act with reference to all matters not specifically enacted therein.

96. (1) The Board may, from time to time, make rules, not inconsistent with any of the provisions of this Act or of any rules made by the President of the Union, for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for:

(a) associating persons with the Board under section 17;

(b) the guidance of persons employed by it under this Act;

(c) the time and place of meetings of the Board and committees;

(d) the manner in which notice of such meetings may be given;

(e) the quorum necessary for the transaction of business at meetings;

(f) the constitution and powers of committees appointed under section 18;

(g) delegating powers and duties to the Chairman subject to such limitations and restrictions on the exercise of such delegated powers and duties as may be deemed necessary;

(g) the filling of vacancies on committees;

(h) the manner in which a Trustee may resign;

(i) the manner in which minutes of proceedings shall be kept and published;

(l) regulating the preparation of the budget estimate;

(k) any other matter relating to the proceedings of the Board or committees, the holding or regulation of meetings, and the conduct of debate;

(l) the construction, maintenance and management of dwellings and shops constructed under any scheme;

(m) the qualifications ordinarily to be required of an officer or servant;

- (n) the procedure to be followed in dismissing or removing from his appointment any officer or servant;
- (o) the amount and the nature of the security to be demanded from any officer or servant from whom it may be deemed expedient to require security;
- (p) the grant of leave to officer or servants;
- (q) the payment of allowances to officers and servants, or to certain of them, whilst absent on leave;
- (r) the remuneration to be paid to the person appointed to act for any of the said officers or servants during their absence on leave;
- (s) the period of service of the said officers and servants;
- (t) the conditions under which the said officers or servants on retirement or discharge, or, in case of their death while in service, their widows or other dependent relations, shall receive pensions, gratuities or compassionate allowances, and the amount of conveyance allowance and travelling allowance payable to such officers or servants, provided that no pension, gratuity, leave allowance or other allowance, except gratuities or compassionate allowances to widows and dependents, shall exceed the sum to which any officer or servant would be entitled if such officer or servant had been employed by Government in a capacity similar to that in which he is employed by the Board;
- (tt) the payment of advances, and contingent and other expenditure;
- (ttt) other matters incidental to the control and administration of the Rangoon Development Fund;
- (u) the payment of contributions to any provident or annuity fund established by the Board;
- (v) the times, circumstances and conditions under which payments may be made out of any such fund and the conditions under which such payments shall relieve such fund from further liability;
- (w) the settlement, by arbitration or otherwise, of disputes relating to such fund, or the payments or subscriptions thereto, or claims thereon, between the Board and other persons or between persons claiming any share or interest therein; and
- (x) regulating generally such other matters incidental to such fund and the investment thereof as the President of the Union may approve.

97. (1) The power of the Board to make any rules under section 96 is subject to the control of the President of the Union and to the condition of the rules being made after previous publication.

(2) All rules made under this Act shall be published in the Gazette and shall thereafter have effect as if enacted in this Act.

CHAPTER IX SUPPLEMENTAL PROVISIONS

Status of Trustees, etc.

98. Every Trustee, and every officer and servant of the Board, and the referee shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

Police.

99. (1) The Commissioner of Police of Rangoon and his subordinates shall co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act.

(2) It shall be the duty of every police officer:

(a) to communicate without delay to the proper officer or servant of the Board any information which he receives of a design to commit or of the commission of any offence against this Act or any rule made thereunder; and

(b) to assist the Chairman or any officer or servant of the Board reasonably demanding his aid for the lawful exercise of any power vested in the Chairman or in such officer or servant under this Act or any such rule.

100. (1) Every police-officer shall arrest any person who commits, in his view, any offence against this Act or any rule made thereunder, if the name, and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or, without the order of a Magistrate, for any longer time, not exceeding at the most forty hours from his arrest, than is necessary for bringing him before a Magistrate.

(3) On the written application of the Chairman, any police officer above the rank of constable shall arrest any person who obstructs any officer or servant of the Board in the exercise of any of the powers conferred by this Act or any rule made thereunder.

Evidence.

101. Whenever, under this Act or any rule made thereunder, the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, permission, acceptance, declaration, opinion or satisfaction of:

- (a) the Board or the Chairman, or
- (b) any officer or servant of the Board,

a written document, signed in case (a) by the Chairman and in case (b) by the said officer or servant, purporting to convey or set forth such approval, sanction, permission, acceptance, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

Miscellaneous.

102. (1) No act or proceeding taken under this Act shall be questioned on the ground merely of:

- (a) the existence of any vacancy in, or any defect in the constitution of, the Board or any committee; or
- (b) any person having ceased to be a Trustee ; or
- (c) any Trustee having voted or taken any other part in any proceeding in contravention of section 20; or
- (d) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board, the minutes of the proceedings of which have been duly signed in the manner prescribed, shall be taken to have been duly convened and to be free from all defect and irregularity.

103. (1) Where there is a disputed claim as to the ownership of any if immoveable property included in an area in respect of which any of the provisions of this Act are to be applied, an enquiry may be held by such officer as the President of the Union may appoint for the purpose of deciding who shall be deemed to be the owner for the purposes of this Act.

(2) Such decision shall not be subject to appeal or revision, but it shall not operate as an bar to a regular suit.

(3) Such decision shall, in the event of a civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the Board either by the civil Court or by some person affected by such decree.

104. For the purposes of this Act, an officer appointed under section 103 or the referee may, in accordance as far as possible with the provisions of the Code of Civil Procedure, summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and produce documents.

105. In extending this Act to any area, the President of the Union shall follow the same procedure as is prescribed, for the time being in force, for including any area within the limits of the City of Rangoon.

106. (1) Nothing in the Registration Act shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a final scheme which has come into force and which has not been revoked, or of any document relating to a charge fixed on any plot in connection with a final scheme:

Provided that the Board shall, in accordance with rules made under section 95, cause a copy of any such document, plan and map to be sent to the registering officer in whose jurisdiction any part of the immovable property affected by such scheme is situated.

(2) All such documents, plans and maps shall be deemed to have been and to be duly registered under section 17 of the Registration Act for the purposes of sections 48 and 49 of that Act, and the registering officer shall file a copy in his book No. I:

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

(3) In section 90 of the Registration Act the word "Government" shall, for the purposes of this Act, be construed as referring both to the Government and the Board:

Provided that a copy of any document or map mentioned in that section and executed by or in favour of the Board shall be sent to the registering officer in whose jurisdiction any part of the land affected is situated, and such copy shall be filed by the registering officer in his book No. 1:

Provided also that, subject to rules made under section 95, all such documents and maps shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents and maps shall be given to all persons applying for such copies.

Compensation.

107. In any case not otherwise expressly provided for in this Act, the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of the powers vested, by this or any other Act or any rule thereunder, in the Board or the Chairman or any officer or servant of the Board.

Control.

108. The Chairman shall forward to the President of the Union a copy of the minutes of the proceedings of each meeting of the Board within ten days from the date on which the minutes of the proceedings of such meeting were signed in manner prescribed.

109. The President of the Union may at any time call upon the Board to furnish him with any extract from any proceedings of the Board or of any committee constituted under this Act, or from any record under the control of the Board, and with any statistics concerning or connected with the administration of this Act, and the Board shall furnish the same without unreasonable delay.

110. The President of the Union may require the Board to submit:

(a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Board;

(b) a report on any such matter;

(c) a copy of any document in their charge;

and the Board shall submit the same without unreasonable delay.

111. (1) If, on receipt of any report submitted or of any document furnished under section 110, the President of the Union is of opinion:

(a) that any of the duties imposed or powers conferred on the Board by this Act or by any other law for the time being in force has not been performed or exercised, or has been performed or exercised in an imperfect, inefficient or unsuitable manner; or

(b) that adequate financial provision has not been made for the performance of any such duty;

the President of the Union may, by an order in writing, direct the Board within a period to be specified in the order, to make arrangements to his satisfaction for the proper performance of the duties mentioned in clause (a), or to make financial provision to his satisfaction for the performance of any such duty, as the case may be;

and the Board shall comply with such directions without unreasonable delay.

(2) On failure of the Board to comply with such directions within the period specified, the President of the Union or any person or persons appointed in this behalf may, subject to the provisions of this Act, perform such duty or exercise such power or make such provision as the case may be.

Dissolution of Board.

112. The President of the Union may at any time, by notification, declare that, as and from a date to be specified in such notification, the Board shall be dissolved and that until further orders to be notified in this behalf all the powers and duties conferred and imposed upon the Board under this Act shall be exercised and performed by the Municipal Corporation of the City of Rangoon, and that all assets and liabilities of the Board shall for the time being vest in and be taken over respectively by the said Corporation.

113. When all the schemes sanctioned by the Board under this Act shall have been executed or shall have been so far executed as to render the continued existence of the Board in the opinion of the President of the Union unnecessary, the President of the Union may, by notification, declare that the Board shall be dissolved as and from such date as may be specified therein, and the Board shall be dissolved accordingly.

114. On the publication of a notification by the President of the Union declaring under section 112 that the powers and duties of the Municipal Corporation of the City of Rangoon under the Act have ceased, or under section 113 that the Board has been dissolved, all the immoveable property vested in the Board under section 53 or exchanged for any such immoveable property or purchased from the revenues of such immoveable property, together with the liabilities attaching thereto, shall respectively vest in and be taken over by the Government, and all other property belonging to the Board, together with the liabilities attaching thereto, shall respectively vest in and be taken over by the Municipal Corporation of the City of Rangoon.

SCHEDULE I

(Referred to in Section 34)

Modifications in the Land Acquisition Act.

1. In section 3:

(1) At the end of clause (c) the following shall be deemed to be inserted, namely:-

“the expression ‘local authority’ includes the Board constituted under the provisions of the Rangoon Development Trust Act.”

(2) In clause (f), after the word “includes” the following words shall be deemed to be inserted, namely

“any of the purposes of the Rangoon Development Trust Act, and”.

2. To section 11, the following shall be deemed to be added, namely “and (iv) the costs which, in his opinion, should be allowed to person who is found to be entitled to compensation,

and who is not entitled to receive the additional sum of fifteen per centum mentioned in section 23, sub-section (2), as having been actually and reasonably incurred by such person in preparing his claim and putting his case before the Collector:

Provided that the Collector may disallow, wholly or in part, costs incurred by any person, if he considers that the claim made by such person for compensation is extravagant.”

3. In section 15, for the word and figures “and 24” the figures, word and letter “24 and 24A” shall be deemed to be substituted.

4. In section 17, sub-section (3), after the figures “24” the words, figures and letter “or section 24A” shall be deemed to be inserted.

5. After section 17, the following shall be deemed to be inserted, namely:-

“17A. In every case referred to in section 16, or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Board and the land shall thereupon vest in the Board, subject to the liability of the Board to pay any further costs which may be incurred on account of its acquisition.”

6. At the end of sub-section (1) of section 18, the words, “or the amount of the costs allowed” shall be deemed to be inserted.

7. After the words “amount of compensation” in clause (c) of section 19, the words “and of costs (if any)” shall be deemed to be inserted.

8. After the words “amount of compensation” in clause (c) of section 20, the words “or costs” shall be deemed to be inserted.

9. (1) In sub-section (2) of section 23, after the words “in every case” the following shall be deemed to be inserted, namely:-

“except where the land acquired is comprised in a scheme which has been sanctioned by the President of the Union and published under section 38 of the Rangoon Development Trust Act.”

(2) At the end of section 23, the following shall be deemed to be added, namely:-

“(3) For the purposes of clause [...] of sub-section (1) of this section:

(a) the market value of any land in any area comprised in a scheme published under section 38 of the Rangoon Development Trust Act, and acquired for the purposes of such scheme, shall be deemed to be the market value of the land at the date of the resolution under sub-section (1) of section 38 of the Rangoon Development Trust Act, if such land is acquired

within three years from such date, or on the date of acquisition if such acquisition takes place more than three years after the date of such resolution;

(b) if it be shown that, before the date of such resolution, the owner of the land had taken active steps and incurred expenditure to secure a more profitable disposition of the same, further compensation, not exceeding in amount the said expenditure, may be paid to him;

(c) if the market value is especially high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded, and the market value shall be deemed to be the market value of the land if put to ordinary uses;

(d) if the market value of any building is specially high in consequence of the building being so over-crowded as to be dangerous to the health of the inmates, such over-crowding shall be disregarded, and the market value shall be deemed to be the market value of the building if occupied by such number of persons only as could be accommodated in it without risk of danger from over-crowding.

10. For clause seventhly of section 24 the following shall be deemed to be substituted, namely:-

“seventhly, any outlay on additions or improvements to land or buildings comprised in, and acquired for the purposes of, any scheme sanctioned by the President of the Union and published under section 38 of the Rangoon Development Trust Act, which was incurred after the date of the resolution under section 38, sub-section (1), of the Rangoon Development Trust Act, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair.”

11 After section 24, the following shall be deemed to be inserted, namely:-

“24A. In determining the amount of compensation to be awarded for any land acquired for the Board for the purposes of the Rangoon Development Trust Act, the Court shall also have regard to the following provisions, namely:-

(1) When any interest in any land acquired for the purposes of the said Act has been acquired after the date of the resolution under section 38, sub-section (1), of the said Act, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land.

(2) If, in the opinion of the Court, any building is in a defective state from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation shall not exceed the sum which the Court considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, minus the estimated cost of putting it into such condition or state.

(3) If, in the opinion of the Court, any building which issued or is intended or is likely to be used for human habitation, or human occupation for any purpose whatever, is not reasonably capable of being made fit for such human habitation or occupation, the amount of compensation shall not exceed the value of the materials of the building minus the cost of demolishing the building.

12. (1) After the words “the compensation” in sub-section (1) of section 31, and after the words “the amount of the compensation” in sub-section (2) of that section, the words “and costs (if any)” shall be deemed to be inserted.

(2) After the words “any compensation” in the concluding proviso to sub-section (2) of section 31, the words “or costs” shall be deemed to be inserted.

SCHEDULE II

(Referred to in Section 35)

Loans raised by the Municipal Committee of Rangoon for the purposes of the Town Lands Reclamation Fund.

(a) A loan of six lakhs of rupees, bearing interest at $4\frac{1}{2}$ per centum per annum, raised in 1902 and repayable after a currency of twenty years;

(b) a loan of five lakhs of rupees, bearing interest at $4\frac{1}{2}$ per centum per annum, raised in 1902 and repayable after a currency of twenty five;

(c) a loan of five lakhs of rupees, bearing interest at $4\frac{1}{2}$ per centum per annum, raised in 1902 and repayable after a currency of thirty years;

(d) a loan of two lakhs of rupees, bearing interest at $4\frac{1}{2}$ per centum per annum, raised in 1904 and repayable after a currency of thirty five years;

(c) a loan of twenty seven and a half lakhs of rupees, bearing interest at four per centum per annum, raised in 1908 and repayable after a currency of twenty five years; and

(f) a loan of fifteen lakhs of rupees, bearing interest at four per centum per annum, raised in 1910 and repayable after a currency of twenty-five years.