LAND REVENUE AND AGRICULTURAL DEPARTMENT.

Rules under the Land Improvement Loans Act, 1883.

NOTIFICATIONS.

No. 66

The 19th September 1885.

[Amendment : 18.06.1989]

No. 66. - The 19th September 1885.-In accordance with the provisions of section 10 of the Land Improvement Loans Act, 1883, and with the sanction of the Governor-General in Council, the following Rules, made by the Chief Commissioner under the said Act, are published for general information:-

Section 10 (a).

1. Applications for loans may be presented to the Township Officer or to the Subdivisional Officer either through the thugyi of the circle or direct.
2. Every application shall be in writing and shall be in Form A attached to these rules. Copies of the form in English and Myanmar may be obtained free of charge from any Revenue Officer or Gaung.

   <Amendment 18.06.1989>

Section 10 (b).

3. Subject to the provisions of these rules, Deputy Commissioners may, within the limits of the funds allotted to them, grant loans, not exceeding Rs. 500 each, for purposes specified in the Act. If the loan exceeds Rs. 500, the sanction of the Commissioner, and if it exceeds Rs. 3,000 that of the Chief Commissioner is necessary.

Section 10 (c).

4. The officer receiving an application for a loan shall, if the application was not presented through the thugyi of the circle, refer it to the thugyi for report. He shall also himself make, or cause to be made, a local enquiry for the purpose of ascertaining the particulars mentioned on the reverse of Form A.

   The officer making a local enquiry under this rule may exercise such of the powers of a Demareation Officer under the Myanmar Boundaries Act, 1880, as may be necessary.

   <Amendment 18.06.1989>

Section 5 (1).

5. Every notice published under section 5, sub-section (1), of the Act shall be published by affixing a copy of it to the house of the headman of the village nearest to the land in respect of which the loan is applied for.

Section 10 (c).

6. After completing the local enquiry under Rule 4, the officer making the enquiry shall submit the application, with the particulars endorsed thereon, to the Deputy Commissioner. The officer making the enquiry, unless he is himself the Subdivisional Officer, shall submit the application through the Subdivisional Officer, if any.

7. On receiving an application under Rule 6, the Deputy Commissioner may make, or cause to be made, such further enquiry as he may consider necessary, and may cause to be prepared such detailed plans and estimates of the proposed work, and may obtain such professional opinion on the project for which the loan is required, as he may think fit.

8. After the completion of any further enquiry ordered by him, and after obtaining the information, if any, which he requires under Rule 7, the Deputy Commissioner shall pass orders on the application. For reasons recorded the Deputy Commissioner may reject any application made under these rules.

9. If the amount of the loan required exceeds Rs. 500, and if the Deputy Commissioner does not reject the application under Rule 8, he shall submit the application, with the record of all proceedings connected with it and with a statement of his own opinion, to the Commissioner.

10. The provisions of Rules 8 and 9 shall, mutatis mutandis, regulate the procedure of the Commissioner on receiving an application under Rule 9. If the amount of the loan required exceeds Rs. 3,000, the application, if not rejected by the Commissioner, must be forwarded to the Chief Commissioner, who will pass such orders as he may think fit.

Section 10 (d).

11. No loan shall be granted under these rules unless at least two landholders, who reside permanently in the same circle with the applicant, undertake to be responsible, jointly and severally, with the applicant for the due application and re-payment of the loan according to the terms on which it is made, or the applicant furnishes such other security as the officer who sanctions the loan may deem sufficient.

12. An order granting a loan shall be in Form B hereto annexed, and shall be signed by the applicant, in token that he understands and agrees to the conditions contained therein. When the sureties, if any, whom the applicant furnishes, give personal security only, the bond to be executed by them shall be in

Form C hereto annexed. When immovable property is given as collateral security, the security bond shall be in Form D hereto annexed.

13. Interest at the rate of one anna in the rupee (i.e., 6(1/4) per cent.) per annum shall be charged on all loans from the date on which the loan is paid over to the borrower.

With the previous sanction of the Chief Commissioner, loans may be made without interest, or at a lower rate than that prescribed above.

14. If the officer sanctioning it so directs, a loan may be paid to the borrower by instalments.

Section 10 (e).

15. The Deputy Commissioner, or any officer appointed by him for the purpose, shall be entitled at any time to enter upon and inspect any work which is being carried out by means of a loan made under these rules.

If the work for which the loan was sanctioned is not being duly executed, the Deputy Commissioner may suspend the payment to the borrower of an unpaid instalment of the loan. And he may, with the previous sanction of the Commissioner, direct that the amount of the loan already paid shall be recovered, with interest and costs (if any), either forthwith, or in such instalments as he may think fit.

Section 10 (f).

16. The officer who grants a loan shall fix the dates on which, and the instalments by which, it shall be repaid.

The date for payment of the first instalment shall not exceed five years from the date of the actual advance of the loan, or when the loan is advanced in instalments, from the actual advance of the last instalment, and shall be fixed with reference to the time when the improvement will begin to yield a return.

The date of the payment of the last instalment shall not, without the sanction of the Chief Commissioner, exceed 10 years from the date on which the loan, or, if the loan is paid to the borrower by instalments, the last instalment of the loan, is paid to the borrower.

17. Every loan, with interest and costs (if any), shall ordinarily be repaid by equal instalments in accordance, as far as may be, with the annexed table (Form E), which shows the amount of equal half-yearly payments necessary to repay a loan advanced with interest at 6 (1/2) per cent. per annum for any number of years from one to ten. But the officer who grants the loan may direct that the loan shall be repaid in any other way consistent with these rules.

18. The Deputy Commissioner may suspend the re-payment of any instalment of a loan on proof of failure of crops or other exceptional calamity. When the payment of instalments is suspended under this rule, the date of payment of the last instalment shall be re-adjusted by excluding the period during which the payment has been suspended.

19. The plans and estimates, if any, required by Rule 7, shall be prepared by the applicant for the loan, or at his expense. Provided that the Deputy Commissioner may himself cause the plans and estimates to be prepared if the applicant gives security for the payment of the costs; and, if the loan is granted, the costs may, if the Deputy Commissioner so direct, be added to the amount of the loan and repaid with interest in the manner provided in Rules 16 and 17.

20. The Chief Commissioner will inform Commissioners what amount will be placed at their disposal for loans under the Act for each financial year. Commissioners will divide the sum between the districts of their division at their discretion, and they will have the power of transferring the sums assigned by them from one district to another. Expenditure in the division must be kept within the amount assigned. If an additional grant be required for the division, it should be at once applied for, by telegram, if necessary. The Chief Commissioner will have the power of transfer from one division to another.

J. E. BRIDGES,
Offg. Secretary.

----- Attachment -----

[ATTACH LIST 1] 01 FORM A. FORM OF APPLICATION.
[ATTACH LIST 2] 02 FORM B. Order granting a loan under the Land Improvement Loans Act, 1883.
[ATTACH LIST 3] 03 FORM C. Security Bond to be used when sureties give personal security only.
[ATTACH LIST 4] 04 FORM D. Security Bond to be used when immovable property is given as collateral security.
[ATTACH LIST 5] 05 FORM E. Equal half-yearly payment necessary to repay a loan with interest at 6 per cent. for any number of years from one to ten.