

(Rules Under the Rangoon Development Trust Act, 1920)

No. 79

The 8th August 1922.

[Amendment : 18.06.1989]

Amending Law

No. 79.- In exercise of the powers conferred by section 95, clauses (2), (3), (4), (5), (6) and (9), of the Rangoon Development Trust Act, 1920, the Local Government is pleased to make the following rules to regulate the procedure to be followed in connection with the framing, examination, etc., of schemes under the Act:-

- 1.** A resolution of the Board under section 38 (1) declaring the intentions to frame a Development Scheme shall contain the following particulars:-
 - (a) The quarter and survey blocks in which the land affected by the scheme is situated, its approximate area, a description of its boundaries, and a statement where a plan of the land may be inspected;
 - (b) A general description of the nature of the reclamation proposed;
 - (c) A general description of the equipment to be provided in the matter of –
communications,
surface drainage,
water-supply,
sewers;
 - (d) The action proposed with respect to any buildings on the land.
- 2.** Notices containing the resolution shall be published twice in Part IV of the Gazette, and shall be advertised in one or more vernacular newspapers circulating in Rangoon. Copies of the notices in English and Myanmar shall be posted on the notice board of the Development Trust, and a copy in Myanmar shall be supplied to the headman of the quarter in which the land is situated.

<Amendment 18.06.1989>

- 3.** The notices shall include a statement that, within one month of the date of first publication in the Gazette, any person interested may communicate in writing to the Local Government objections to or suggestions regarding the scheme.
- 4.** The Local Government may appoint any officer to hear the objections and suggestions received, or may refer them to the Board for consideration.
- 5.** The enquiry held under section 38 (4) of the Act shall not enter into details, but shall be confined as far as possible to general considerations concerning the expediency and feasibility of the scheme proposed, and the suitability of the proposals by which it is to be carried out.
- 6.** When sanction has been accorded under section 38(4) to the making of a scheme the Board shall prepare a “provisional draft scheme” embodying the original proposals subject to all the modifications and conditions under which sanction was granted. The “provisional draft scheme” shall be drawn up as

far as is practicable on the lines prescribed in section 44. The Chairman shall then call one or more meetings of persons known to have rights in land or buildings in the area included in the "provisional draft scheme" and of persons known to be affected by the "provisional draft scheme," provided that tenants whose leases expire within a year of the date of the declaration of the intention to make a scheme need not be included. Due notice of such meetings shall be posted in the area concerned and shall be served on or posted to all persons believed to have an interest in the lands included in the "provisional draft scheme," and also to any Government Departments or public body concerned. Such meetings shall be held as soon as may be convenient after the Local Government has sanctioned the framing of a scheme.

- 7.** At such meetings the "provisional draft scheme" shall be generally described and explained, and a minute of each meeting shall be kept.
- 8.** Where the number of persons likely to be affected by the "provisional draft scheme" is large, the Chairman should, if possible, promote the formation of one or more Committees of representatives of such persons. Use should be made of such Committees for the purpose of explaining the "provisional draft scheme" to landowners, and for the purpose of discussion and consultation during the course of the preparation of a draft scheme to be published under section 38 (5).
- 9.** Before the publication of a "draft scheme" under section 38 (5) all objections to the "provisional draft scheme" as modified from time to time must be carefully considered by the Chairman, and the "draft scheme" shall, with due regard to the interests of the public and the provisions of the Act, be modified from the "provisional draft scheme" in order to meet as far as is possible the wishes of persons interested.
- 10.** Notices containing the "draft scheme" as prepared shall be published twice under section 38 (5) of the Act in Part IV of the Gazette and shall also be advertised in one or more vernacular newspapers circulating in Rangoon. Copies of the notice shall also be posted in prominent places in the area comprised in the scheme, and on the notice board of the Development Trust. Copies shall also be communicated to the Local Government, the Rangoon Municipality and the Port Commissioners. The notices published, in addition to giving the particulars required under section 44 of the Act, shall state the fact that a "draft scheme" has been prepared, and shall intimate that a copy of the scheme is open to the public for inspection at the Trust Office during office hours. It shall also recite section 38 (6) of the Act. The date of publication referred to in section 38 (6) of the Act means the first date on which the notice is published in Part IV of the Gazette.
- 11.** In submitting to the Local Government under section 38 (6) a "draft scheme," or "modified draft scheme" with objections, as the case may be, the Board shall submit also –
 - (1) copies of the minutes of the meetings held under Rule 6 and particulars regarding any representative Committees appointed under that rule;
 - (2) particulars of the steps taken to consult persons interested in the land in the preparation of the "draft scheme" under Rule 8;

- (3) particulars of the manner in which “the draft scheme” has been published under Rule 10;
- (4) records of the consideration of objections under section 38 (6) of the Act, and of the modifications effected as a result of such consideration;
- (5) a statement that the attention of each objector under section 38 (6) has been drawn to the provisions of section 38 (8).

The Referee.

- 12.** A Referee may be paid either by a fixed salary or by a fee for any specified reference, or by daily fees for each hearing, or by a combination of any of these methods. The Salary or fee shall be fixed by the Local Government.
- 13.** He is responsible for appointing his own establishment, and for its maintenance he shall receive such allowance as the Local Government may prescribe, and such allowance may be assessed in any of the ways mentioned in Rule 12.
- 14.** Where any person makes an objection under section 38 (6) he shall submit it to the Local Government in the form of a plaint filed before a Civil Court, provided that no court-fee need be paid thereon.
- 15.** The Local Government, on receipt of such objection, will forward it to the Board, which will submit a reply thereto in the form of a written statement filed before a Civil Court.
- 16.** The Local Government shall then forward the papers to the Referee appointed to enquire into the objection.
- 17.** The Referee shall forthwith proceed to enquire into the objection. The provisions of the Code of Civil Procedure applicable to the trial of a suit shall apply mutatis mutandis to all proceedings in the enquiry before the Referee, as if the persons making the objection were the plaintiff and the Board the defendant respectively and as if the Referee’s decision were a judgment in such suit, and the Referee may, in disposing of the enquiry, exercise any of the powers of a Civil Court, - including the award of costs to a successful party, - trying a suit:
Provided that no irregularity or omission, except such as would justify the setting aside of the award of an arbitrator, shall affect the finality of the Referee’s decision.
- 18.** All notices and summonses issued under the orders of the Referee may be applied for and shall, on the payment of the usual fees, be served by the Bailiff, Office of the Collector, Rangoon Town, as if they related to a revenue proceeding in his Court.
- 19.** The enquiry shall be deemed to be a “judicial proceeding” and the Referee a “Court” and a “public servant” within the meaning of the Indian Evidence Act, 1872, the Indian Oaths Act, 1873, the Indian Penal Code and the Code of Criminal Procedure.
- 20.** The copying establishment of the Collector, Rangoon Town, shall supply copies of any portion of the proceedings before the Referee on the same terms as copies are supplied of revenue proceedings; and the Referee shall give every facility to the said copying establishment to supply such copies.

References to Court.

- 21.** The period of limitation allowed for the filing of an application for reference under section 34 (3) or section 38 (9) of the Act shall, subject to the provisions of Part III of the Indian Limitation Act, 1908, for the computation of such period, be two months from the date of the publication of the notification prescribed by section 4 of the Land Acquisition Act, 1894, or the decision of the Referee, as the case may be.
- 22.** An application for a reference to the Court under section 38 (9) shall be in writing and made to the Referee and shall be signed and verified in the manner of a plaint filed in a Civil Court and shall be stamped with a Rs. 10 court-fee stamp; and shall state clearly each separate question to be referred and shall specify the clause of the said sub-section under which such question falls.
- 23.** The reference to the Court shall be in writing under the hand of the Referee and shall set forth clearly the grounds of his decision on each question referred.
- 24.** If the Referee is for any reason incapacitated from taking action under the preceding rules the Chairman shall make the reference in the manner therein prescribed.

Evictions.

- 25.** (1) When any person is liable under section 47 of this Act to be evicted by the Board from the occupation of land falling under a scheme, the Chairman shall serve a notice upon such person requiring him within a reasonable time, being not less than 15 days subsequent to the date on which the notice is served on him as provided in section 82, to vacate the land, and, if such person fails to comply with the notice, the Chairman shall depute an officer or servant to remove him.
(2) If any property other than Development Trust property remains on the land after the time specified in the order, the Chairman may cause the same to be removed at the risk and cost of the owner thereof.
(3) Nothing shall be deemed to be Development Trust property within the meaning of this rule merely by reason of its having been put into or affixed to the soil.
- 26.** A notice under section 48 shall call upon the owner to 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 has not yet been complied with, within a time to be specified in the notice not being less than 15 days subsequent to the date on which service of notice is effected under section 82.

Register of Charges.

- 27.** The Board shall cause to be maintained a register showing all payments of contributions towards the cost of a scheme due under sections 49 and 50, with the dates on which such payments are due; and, if payment by instalments has been permitted particulars of the amounts and dates of the payment of the instalments and of the interest to be charged for the deferred payment.

Enquiries under Section 103.

28. An officer holding an enquiry under section 103 shall have all the powers conferred by section 54A of the Lower Myanmar Land and Revenue Act, 1876, on a Revenue officer, and sections 54A and 54B of that Act shall apply to such enquiry as if it were business before a Revenue officer.

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W. BOOTH-GRAVELY,
Revenue Secretary to the Govt. of Myanmar.