

CITY OF MANDALAY DEVELOPMENT LAW (1992)

The State Law and Order Restoration Council Law No. 10/92
The 6th Waxing Day of Pyatho, 1354 M.E.
29 December 1992

The State Law and Order Restoration Council hereby enacts the following Law: -

Chapter I Title and Definition

1. This Law shall be called the City of Mandalay Development Law.
2. The following expressions contained in this Law shall have the meanings given hereunder: -
 - (a) Committee means the City of Mandalay Development Committee formed under this Law;
 - (b) Head of Office means the Head of the personnel of the City of Mandalay Development Committee Office.

Chapter II Formation

3. In order to carry out the development works of the City of Mandalay effectively, the Prime Minister: -
 - (a) shall form the Committee comprising a minimum of 5 members and a maximum of 7 members;
 - (b) in forming the Committee shall do so with suitable citizens;
 - (c) shall at the same time determine the Chairman and Secretary of the Committee.
4. The Chairman of the Committee is the Mayor of Mandalay.
5. The Head of Office is the Joint Secretary of the Committee.
6. The Committee shall operate under its own name and a common seal, and shall have perpetual succession with power to sue and be sued in its corporate name.

Chapter III Being Responsible

7. The Committee shall be directly responsible to the Prime Minister.
8. In carrying out city development works, the Committee shall carry out works in which policy matters are involved only after obtaining the approval of the Prime Minister.

Chapter IV Functions and Duties of the Committee

9. The Committee shall, in respect of the following functions and duties, lay down the policy, give guidance, supervise or implement: -
 - (a) preparation of civil projects and establishment of new towns within the limits of the City of Mandalay Municipality;

- (b) construction, repairing and demolition of buildings;
- (c) demolition and re-settlement of squatter houses, squatter buildings and squatter wards;
- (d) construction of roads and bridges and maintenance thereof;
- (e) stipulation of conditions for traffic and parking of vehicles and slow-moving vehicles
- (f) construction of gardens, parks, playgrounds and recreation centres and maintenance thereof;
- (g) carrying out works for lighting of roads
- (h) carrying out works for water supply;
- (i) carrying out works for sanitation;
- (j) carrying out works for public health;
- (k) construction, maintenance and administration of markets;
- (l) stipulation of conditions in respect of roadside stalls;
- (j) carrying out precautionary measures against fire hazards
- (m) carrying out other city development works in the interest of the public.

10. The Committee shall, in addition to the functions and duties contained in section 9 also carry out other functions and duties prescribed by the existing city development law, rules and bye-laws.

11. The Committee may, in carrying out its functions and duties co-ordinate with the relevant departments and obtain the assistance thereof, if necessary.

Chapter V

Powers of the Committee

12. The powers of the Committee are as follows: -

- (a) having the power to carry out city development works with funds owned by the Committee, in accordance with the existing law, rules and bye-laws;
- (b) determining, revising, assessing and collecting duties and taxes relating to city development works and the rates thereof, in accordance with the existing laws;
- (c) having the power to utilize foreign currency derived from the lease of buildings or lease of lands or by other means, for city development works'
- (d) having the power to carry out works contributing to city development by communicating with local and foreign organizations or local and foreign individuals;
- (e) having the power to obtain loans and grants from the Government or from foreign organizations, on its own responsibility;

- (f) having the power to carry out works by forming bodies work-wise;
- (g) arranging improved modern methods and systems in order to carry out city development works more effectively;
- (h) exercising powers conferred under the existing city development law, rules and bye-laws;
- (i) exercising powers conferred from time to time by the Prime Minister.

Chapter VI Finance

13. The Committee shall subsist on its own funds. In addition, it shall undertake responsibility for all its financial matters.

14. The Committee shall open a separate bank account for its funds and shall have the power to utilize such funds for city development works. Funds not immediately required for use may be invested in a suitable manner.

15. The Committee shall open a separate bank account for foreign currency accrued to it and shall have the power to utilize such foreign currency for city development works.

16. The Committee shall: -

- (a) after scrutinizing the annual budget estimate prepared and submitted by the Head of Office submit the same to the Prime Minister and obtain confirmation'
- (b) submit and report the progress of the annual finance and auditing work to the Prime Minister within 90 days of the end of the financial year.

Chapter VII Organizational Set-Up

17. The Committee shall prepare and maintain the necessary organizational set-up based on the functions and duties, with the confirmation of the Prime Minister.

18. The Committee may, in preparing the organizational set-up under section 17 also include in the set-up the following personnel contributing to the city development works, after consultation with the relevant departments: -

- (a) personnel carrying out work relating to precautionary measures against disease and public health;
- (b) personnel carrying out the function of precautionary measures against fire hazards;
- (c) personnel carrying out the function of security and maintenance of discipline.

19 The Committee, in appointing personnel : -

- (a) has the power to appoint within the organizational set-up, in accordance with the existing regulations and bye-laws;

(b) may appoint by transfer, personnel who would be able to carry out effectively city development works, in consultation with the relevant departments.

20. In appointing personnel, the Committee shall not utilize in excess of 30 percent of the annual income accrued.

21. In order that the Head of Office may supervise and control the personnel the Committee shall delegate as may be necessary powers relating to service affairs to the Head of Office.

Chapter VIII

Maintenance of Fund and Auditing of Accounts

22. In order that the Head of Office may maintain the accounts systematically and to enable auditing thereof, the Committee shall prescribe accounts procedures in consultation with the Auditor General. Accounts shall be maintained in accordance with the accounts procedures so prescribed.

23. The Committee shall cause the accounts maintained by the Head of Office to be audited by a person assigned responsibility by the Auditor General.

Chapter IX

Miscellaneous

24. Funds owned by the City of Mandalay Municipality, moveable and immoveable property, works in the process of execution, works which have been completed, assets and liabilities shall devolve respectively on the Committee.

25. The Committee shall apply the existing city development law, rules, bye-laws and orders in so far as they are not contrary to the objective and concepts of this Law.

26. For the purpose of carrying out the provisions of this Law, the Committee may: -

(a) issue such rules and procedures as may be necessary, with the approval of the Prime Minister;

(b) issue such by-laws, orders and directives as may be necessary.

Sd.I Than Shwe

General

Chairman

The State Law and Order Restoration Council

THE CITY OF MANDALAY DEVELOPMENT LAW (2002)

The State Peace and Development Council Law No. 8/2002
The 10th Waxing Day of Tazaungmon, 1364 M.E.
14th November, 2002

The State Peace and Development Council hereby enacts the following Law: -

Chapter I Title and Definition

1. This Law shall be called the City of Mandalay Development Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) City territory means City of Mandalay Development territory;
 - (b) Committee means City of Mandalay Development Committee formed under this Law
 - (c) Head of Office means the head of service personnel of the Office of the City of Mandalay Development Committee.

Chapter II Formation

3. For enabling to carry out the City of Mandalay Development works effectively, the Prime Minister shall -
 - (a) form the Committee comprising from a minimum of 5 members to a maximum of 9 members.
 - (b) in forming the Committee do so with suitable citizens.
 - (c) determine the Chairman and the Secretary of the Committee simultaneously. If necessary. Vice-Chairman may be determined.
4. The Chairman of the Committee is the Mayor. If the Vice-chairman be determined, the Vice-Chairman is the Vice-Mayor.
5. The Head of Office is the Joint Secretary of the Committee.
6. The Committee shall be directly responsible to the Prime Minister.
7. The Committee shall operate under its own name and a common seal and shall have perpetual succession with right to sue and be sued.

Chapter III Functions and Duties of the Committee

8. The Committee shall, in respect of the following functions and duties lay down policy, give guidance, supervise and implement within the City territory: -
 - (a) drawing up civil project and establishing new towns;
 - (b) administering the lands in accordance with the existing laws;
 - (c) constructing, maintaining and demolishing buildings;
 - (d) demolishing and resettlement of. squatter houses, squatter buildings and squatter wards;

- (e) constructing roads and bridges and maintaining thereof;
- (f) stipulating conditions and in respect of traffic and parking of vehicles and slow-moving vehicles;
- (g) determining road regulations and road use and naming of the road and determining the number of the building;
- (h) carrying out environmental conservation works
- (i) building gardens, parks, playgrounds and recreation centres and maintaining thereof;
- (j) carrying out works for lighting of roads;
- (k) carrying out works for water supply;
- (l) carrying out works for sanitation;
- (m) carrying out works for public health;
- (n) constructing, maintaining and administering of markets;
- (o) prescribing conditions in respect of food businesses, restaurants and roadside stalls;
- (p) granting permission to open guest houses to accommodate local travellers only and inspecting hotels, motels, inns and guest houses in respect of development matters;
- (q) granting permission and administering ferry services, braking businesses and private pawn shops businesses;
- (r) building slaughter houses and granting permission to slaughter cattle for consumptions.
- (s) holding and managing cattle fair;
- (t) granting permission for keeping and breeding animals and catching and impounding the stray animals;
- (u) carrying out tasks to look after the stray insane persons, lepers and baggers;
- (v) carrying out precautionary measures against fire, flood, storm and natural disaster;
- (w) determining and demolishing graveyards, cremating building and administering crematories;
- (x) carrying out other development works beneficial to the general public;
- (y) carrying out other functions and duties assigned from time to time by the Prime Minister.

9. The Committee shall, in carrying out development functions and duties contained in section 8, carry out works concerning policy matters and special projects to be implemented within the City territory only after obtaining the approval of the Prime Minister.

10. The Committee may, in carrying out its functions and duties, coordinate with the relevant government and organizations, if necessary.

Chapter IV

Powers of the Committee

11. The powers of the Committee are as follows: -

- (a) demarcating the City territory and amending thereof;
- (b) carrying out development works with funds owned by the Committee in accordance with the existing laws, rules, regulations and bye-laws;
- (c) determining, revising, assessing and collecting taxes and duties and rates thereof in respect of development works;
- (d) leasing the buildings and land owned by the Committee and evicting the occupants who violate any of the terms and conditions;
- (e) using the money obtained by lease of buildings and lease of the land and by other means for the development works in accordance with the procedures, regulations and bye-laws;
- (f) carrying out works contributing to development by communicating with foreign and local organizations or individuals;
- (g) obtaining loans and grants from the Government or from local and foreign organizations;
- (h) carrying out by forming sub-committees required according to the type of development works;
- (i) arranging with advanced modern technology to carry out the development works more effectively;
- (j) exercising powers conferred from time to time by the Prime Minister.

Chapter V

Finance

12. The Committee shall subsist on its own funds. In addition, it shall also take responsibility of its financial matters.

13. The Committee shall open a separate bank account for its funds and has the right to expend for development works. However, it may be expended for any work outside the City territory, if it is actually required for public interests.

14. The Committee may manage, as may be appropriate, the fund not immediately required for use for increment of the same.

15. The Committee may, open a separate bank account for foreign currency accrued to it and may expend the same for development works, in accordance with the procedures regulations and bye-laws.

16. The Committee shall;

- (a) scrutinize the annual budget estimate drawn up by the Head of Office and submit to and obtain approval of the Prime Minister.

(b) submit its financial condition and audit report to the Prime Minister annually within 90 days after expiry of the financial year.

Chapter VI

Organizational Set-up

17. The Committee shall, based on its functions and duties, draw up the necessary organizational set-up with the approval of the Prime Minister.

18. The Committee may, in drawing up the organizational set-up under section 17, also include in the set-up the following personnel contributing to the development works after coordination with the relevant government departments and organizations: -

- (a) Personnel carrying out work relating to precautionary measures against disease and public health.
- (b) Personnel carrying out the function of precautionary measures against fire hazards.
- (c) Members of Development Police Force and other service personnel carrying out the duty of security and maintenance of discipline.

19. The Committee, in appointing personnel -

- (a) has the right, to appoint in accordance with the existing regulations and bye-laws, within the organizational set-up.
- (b) may, in coordination with the relevant government departments and organizations, transfer, and appoint personnel who can carry out the development works effectively.

20. The Committee in appointing personnel, shall not expend more than 30 percent of the annual income accrued.

21. The committee may for enabling supervision of the personnel, delegate as may be necessary, powers relating to the personnel affairs to the Head of Office.

Chapter VII

Maintaining the Fund and Auditing of Accounts

22. The Committee shall, for enabling the Head of Office to maintain the accounts systematically and to conduct auditing, prescribe the procedures on accounts, in coordination with the Auditor-General.

23. The Head of Office shall -

- (a) compile and maintain the accounts in accordance with the procedures on accounts prescribed by the Committee.
- (b) submit to the auditing of the person assigned by the Auditor-General in respect of the accounts complied and maintained under subsection (a)

Chapter VIII

Offences and Penalties

24. Whoever violates or fails to abide by any of the rules made by the Committee under this Law shall, on conviction, be punished with imprisonment for a term which may extend to 1 year or with fine which may extend to kyats 50,000 or with both.

25. If a person convicted under section 24 violates or fails to abide by the said rule continuously, he shall be punished with fine extending from a minimum of kyats 500 to a maximum of kyats 5,000 for each day during which the offence continues.

26. Whoever violates or fails to abide by any of the bye-laws or orders issued by the Committee under this Law shall, on conviction be punished with imprisonment for a term which may extend to 3 months or with fine which may extend to kyats 10,000 or with both.

27. If a person convicted under section 26 violates or fails to abide by the said bye-law or order continuously, he shall be punished with fine extending from a minimum of kyats 200 to a maximum of kyats 2,000 for each day during which the offence continues.

Chapter IX Miscellaneous

28. Funds owned by the City of Mandalay Development Committee, moveable and immovable property, works underway and works which have been completed, assets and liabilities shall devolve respectively on the Committee.

29. The Committee may apply the bye-laws, orders and notifications relating to the City of Mandalay Development Committee issued under the laws of development that have been repealed, in so far as they are not contrary to this Law.

30. In order to have speedy trial and disposal of cases for which proceedings have been instituted under this Law, the Committee shall carry out in coordination with the Supreme Court for opening of Courts at appropriate places within the City territory.

31. (a) In executing instruments regarding transfer of immovable property situated in the City territory, the person chargeable with stamp duty shall, in addition to the value of stamp duty payable under the Myanmar Stamp Act, pay an increased rate of two percent.

(b) The Committee shall, for enabling the transfer and collection of the stamp duty chargeable under subsection (a) coordinate with the Ministry of Finance and Revenue.

32. The Committee may, for the purpose of implementing the provisions of the Law-

(a) issue, with approval of the Prime Minister, such rules as may be necessary.

(b) issue such procedures, bye-laws, notifications, orders and directives as may be necessary.

33. The City of Mandalay Development Law (Law No. 10/92) is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council