

THE CITY OF RANGOON MUNICIPAL ACT.

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[NOT RE-PRINTED].

SCHEDULE VI.

BOUNDARIES OF THE CITY OF RANGOON.

THE CITY OF RANGOON MUNICIPAL ACT.

[BURMA ACT VI, 1922.] (1st August, 1922.)

CHAPTER I.

PRELIMINARY.

- Extent.** 1. This Act extends to the City of Rangoon¹ only : Provided that the President of the Union may, by notification, extend this Act or any part thereof to any other local area in the Union of Burma.
2. * * * * *
- Definitions.** 3. In this Act, unless there is something repugnant in the subject or context,—
- (i) “authorized” means authorized by the Corporation either generally or specially ;
- (ii) “bakery” means any place in which are baked or cooked bread, biscuits or confectionery, for the purposes of sale or profit ;
- (iii) “budget grant” means any sum entered on the expenditure side of a budget estimate which has been approved by the Corporation and includes any sum by which such budget grant may at any time be increased under clause (b) of section 72 or under section 73 or 76 ;
- (iv) “building” means a house, hut, shed or other roofed structure, for whatsoever purpose and of whatsoever material constructed, and every part thereof, but shall not include a tent or other portable and merely temporary shelter ;
- (v) “building line” means a line to which the main wall of a building abutting on a street may lawfully extend ;
- (vi) * * * * *
- (vii) “the City” means the City of Rangoon, as described in Schedule VI as amended from time to time ;

¹ See clause (vii) of section 3 and Schedule VI.

- (viii) "closet accommodation" means a receptacle for human excreta, together with the structure comprising such receptacle and the fittings and apparatus connected therewith ;
- (ix) "the Commissioner" means the Municipal Commissioner for the City appointed under section 27, and includes any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the Commissioner to the extent to which such officer is so empowered ;
- (x) "the Corporation" means the Municipal Corporation of the City of Rangoon constituted under section 4 ;
- (xi) "councillor" means a member of the Corporation duly elected or appointed under this Act ;
- (xii) "dangerous disease" means cholera, plague, small-pox or any other disease which the Corporation may by public notice declare to be a dangerous disease ;
- (xiii) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel, and any cistern, flush-tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water, and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place ;
- (xiv) the expression "erect or re-erect any building" includes—
 - (a) any material alteration or enlargement of any building ;
 - (b) the conversion into a place for human habitation of any building not originally constructed for human habitation ;
 - (c) the conversion into more than one place for human habitation of a building originally constructed as one such place ;
 - (d) the conversion of two or more places of human habitation into a greater number of such places ;
 - (e) such alteration of the internal arrangements of a building as effects an alteration in its drainage or sanitary arrangements or affects its stability ;
 - (f) the addition of any rooms, buildings, out-houses or other structures to a building ; and
 - (g) the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of a wooden building ;
- (xv) "factory" means—
 - (a) any premises wherein, or within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam, water or other mechanical power or electrical power is used in aid of any

- process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article; or
- (b) any premises wherein, or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether any such power is used in aid thereof or not, which have been declared by the President of the Union, by notification, to be a factory;

A declaration under sub-clause (b) may be made in respect of any class of premises, or in respect of any particular premises;

- (xvi) "keeper" means the person in charge of a lodging-house, and may include the owner for the purposes of any rules;
- (xvii) "land" includes land which is built upon or covered with water;
- (xviii) "licensed plumber" and "licensed surveyor" mean, respectively, a person licensed by the Corporation as a plumber or surveyor under this Act;
- (xix) "local authority" includes the Trustees for the Development of the City of Rangoon;
- (xx) "lodging-house" means a building or part of a building—
- (a) which is let in lodgings; or
- (b) which is occupied to any extent in common by members of more than one family, and the rent of which does not exceed one hundred rupees per month; or
- (c) which is let as a human habitation for a period of less than a month: provided that this definition shall not include hotels or boarding-houses, when the daily charge for board and residence is not less than one rupee;
- (xxi) "market" includes any place where persons periodically assemble for the sale of meat, fish, fruit, vegetables, livestock or any other article of food;
- (xxii) "the Medical Acts" means the Medical Act, 1858, and the Acts amending the same;
- (xxiii) "municipal analyst" means any qualified person who has been appointed by the Corporation to perform the duties of an analyst;
- (xxiv) "municipal drain" means a drain vested in the Corporation;
- (xxv) "municipal market" means a market vested in or managed by the Corporation;
- (xxvi) "municipal slaughter-house" means a slaughter-house vested in or managed by the Corporation;
- (xxvii) "municipal tax" means any impost levied under the provisions of this Act by the Corporation;
- (xxviii) "municipal water-work" means a water-work vested in or managed by the Corporation;

- (xxix) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;
- (xxx) "offensive matter" includes animal carcasses, dung, dirt, putrid or putrifying substances, and filth of any kind which is not included in "sewage";
- (xxxix) "owner" includes the person who for the time being receives the rent of any building or land, whether on his own account or as agent or trustee, or who would so receive the rent if the building or land were let to a tenant, but does not include the Government;
- (xxxvii) "prescribed" means prescribed by this Act or by any rule under this Act;
- (xxxviii) "private street" means a street which is not a public street;
- (xxxix) the term "public securities" means Government securities and any securities guaranteed by Government, securities of the Commissioners for the Port of Rangoon, securities issued by the Corporation, securities heretofore issued by the Municipal Committee of Rangoon, and any other securities which the President of the Union may declare to be public securities for the purposes of this Act;
- (xxxv) "public street" means any street heretofore paved, metalled, channelled or sewered by the Municipal Committee of Rangoon, and any street which becomes a public street under any of the provisions of this Act;
- (xxxvi) a person is deemed "to reside" in any dwelling which he sometimes uses or some portion of which he sometimes uses, though perhaps interruptedly, as a sleeping apartment; and a person is not deemed to cease "to reside" in any such dwelling merely because he is absent from it, or has elsewhere another dwelling in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning thereto;
- (xxxvii) "rubbish" includes dust, ashes, broken bricks, mortar, broken-glass, garden or stable refuse and refuse of any kind which is not "offensive matter" or "sewage";
- (xxxviii) "rules" means rules and forms contained in Schedules¹ I, II, III or IV or made under sections 230, 231, 233 or 236;
- (xxxix) "sewage" includes night soil and other contents of water-closets, latrines, urinals, privies and cesspools, and polluted water from sinks, bath-rooms, stables, cattlesheds and other like places;
- (xl) "sewage-connection" includes any drain connecting any water-closet, latrine, urinal, privy, bath-room, sink, sullage-tray,

¹ For these Schedules, see the City of Rangoon Municipal Manual.

manhole or trap, with any drain set apart by the Corporation for sewage and other offensive matter ;

- (xli) "street" includes any highway and any cause-way, bridge, viaduct, arch, road, lane, foot-way, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access, and also the surface-soil, sub-soil, foot-way and drains of any street, and anything planted in such soil ;
- (xlii) "street alignment" means a line dividing the land comprised in and forming a part of a street from the adjoining land ;
- (xliii) "vehicle" means a wheeled conveyance capable of being used on a street ;
- (xliv) "water-closet" means closet accommodation used or adapted or intended to be used in connection with municipal water-works, and comprising provision for the flushing of the receptacle by means of a water supply, and^a having connection with a sewer ;
- (xlv) "water-connection" includes—
 - (a) any tank, cistern, hydrant, standpipe, meter or tap situated on private property and connected with a water-main or pipe belonging to the Corporation ; and
 - (b) the water-pipe connecting such tank, cistern, hydrant, standpipe, meter or tap with such water-main or pipe ;
- (xlvi) "water for domestic purposes" shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, or water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental purposes ;
- (xlvii) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine and any machinery, land, building or thing for supplying or used for supplying water ;
- (xlviii) "workshop" means any building, place or premises, or part of any building, place or premises not being a factory, in which, or within the close, compound, or precincts of which, any manual labour is exercised by way of trade or for the purposes of gain in or incidental to any of the following purposes, namely :—
 - (i) the making of any article or part of any article ; or
 - (ii) the altering, repairing, ornamenting or finishing of any article ; or
 - (iii) the adapting for sale of any article, and to or over which place or premises, or part of such place or premises the employer of the persons working therein has the right of access or control.

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Principal Municipal Authority.

4. The duty of carrying out the provisions of this Act shall, subject to the conditions and limitations herein after prescribed, be vested in a body to be called "The Municipal Corporation of the City of Rangoon"; and such body shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

Principal
Municipal
Authority.

Subordinate Municipal Authorities.

5. The powers conferred and the duties imposed on the Corporation by this Act in regard to all matters relating to education shall, subject to such conditions and limitations as may be prescribed and to the general control of the Corporation, be exercised or performed, as the case may be, by an Education Board constituted in the manner prescribed, and in all such matters the Corporation shall seek and consider the advice of the Education Board.

Education
Board.

6. (1) The Corporation may, in the manner prescribed, appoint standing committees for the execution and performance of such powers and duties conferred or imposed on the Corporation by this Act as it thinks fit.

Committees.

(2) The Corporation may appoint special committees and refer to such committees, for enquiry and report or for opinion, any subject relating to matters dealt with by this Act.

The Corporation.

7. The Corporation shall consist of as many councillors not in any case exceeding forty as may be prescribed, of whom at least three-fourths shall be elected in the manner prescribed from the general body of electors and the remainder shall be nominated by the President of the Union or elected by such local authorities and public bodies as may be prescribed :

The
Corporation

Provided that where no qualified candidate has been duly nominated to represent any ward or community at the time fixed for election the vacancy shall be filled in the manner prescribed in section 15, sub-section (4).

8. All members of the Corporation constituted as aforesaid shall come into office on the first day of March¹ following on the date of their election or appointment and shall retire from office at noon on the first day of March¹ three years after they take office, which day is in this Act referred to as the day for retirement.

Term of
office of
councillors.

9. In the event of non-acceptance of office by a person elected or appointed to be a councillor, or of the death or resignation of a councillor, or of his ceasing to hold office as such, or of his removal by the President of

Casual
vacancies,
how to be
filled up.

¹ Substituted for the word " January " by Act LV, 1948.

the Union, or of his becoming incapable of acting previous to the day for retirement, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have been entitled to hold it if the vacancy had not occurred.

Qualification
of electors
and council-
lors.

10. No person shall vote for, or stand for election as, a councillor unless he possesses the qualifications prescribed for an elector or councillor, as the case may be.

Councillors,
to take oath
of allegiance.

11. Notwithstanding anything contained in section 16 of the Oaths Act, no councillor shall exercise any of the rights of his office until he has at a meeting of the Corporation made an oath or affirmation that he will be [faithful to the Constitution of the Union]¹; and if any councillor fails within three months of his election or appointment, as the case may be (or within such further period as the President of the Union may in any particular case think fit to allow), to make such oath or affirmation he shall be deemed to have refused acceptance of his office.

Disqualifi-
cation for
election as,
or being a
councillor.

12. A person shall be disqualified for being elected or appointed and for being a councillor if such person—

- (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) is a municipal officer or servant or a licensed plumber or licensed surveyor; or
- (e) is a Judge of the Rangoon [City Civil Court]² or acting in that capacity; or
- (f) 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 Corporation; or
- (g) is a director, 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 Corporation:

Provided that no person shall be disqualified or be deemed to have any share or interest in such a contract or employment by reason only of his having any share or interest—

- (i) in any lease, sale, exchange or purchase of immoveable property or any agreement for the same; or

¹ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

² In this Act the words "City Civil Court" were substituted for the words "Small Cause Court" by Act XVI, 1946.

- (ii) in any agreement for the loan of money or any security for the payment of money only ; or
- (iii) in any newspaper in which any advertisement relating to the affairs of the Corporation is inserted ; or
- (iv) in any occasional sale to the Corporation of any article in which he regularly trades ; or
- (v) in any incorporated company which has any share or interest in any contract or employment with, by or on behalf of, the Corporation otherwise than as director, secretary, manager or salaried officer thereof.

13. (1) A councillor shall cease to hold office as such—

- (a) *ipso facto* on his becoming disqualified for office by reason of the provisions of section 12 ;
- (b) on the recommendation of the Corporation if, not being prevented by illness or granted leave of absence by the Corporation, he absents himself from all meetings thereof for a period of three consecutive months.

Cessation of office of councillor.

(2) The President of the Union may, if he thinks fit, on the recommendation of the Corporation made after due enquiry, in which the councillor shall have the right to be heard, remove any councillor elected or appointed under this Act if such councillor has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct.

14. Whenever it is alleged that any councillor has become disqualified for office for any reason aforesaid, and such councillor does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor or the Corporation may apply to the Chief Judge of the Rangoon [City Civil Court]¹ ; and the said Judge, after making such enquiry as he deems necessary, shall determine whether or not such councillor has become disqualified for being a councillor, and his decision shall be final.

Questions as to disqualifications to be determined by the Chief Judge of the Rangoon City Civil Court.

*Election Disputes.*²

15. (1) If the order of the Commissioner as to the validity of the nomination of any candidate for election as a councillor, or if the qualification of any person declared to be elected a councillor, is disputed, or if the validity of any election is questioned by reason of irregularity in the election proceedings, bribery, corruption, personation, treating, undue influence or for any other cause, any person whose name is entered in the register of electors in the ward or of the community concerned or (in the case of an election by a local authority or a public body) any person entitled to vote in such election may, at any time within eight days after the result of the election has been

Election petitions to be heard and disposed of by the High Court.

¹ Substituted by Act XVI, 1946.

² For rules of procedure prescribed by the High Court for filing and hearing of election petitions, see High Court Notification No. 18 (General), dated the 12th September, 1941, *Burma Gazette*, 1941, Part IV, p. 829.

declared, apply to the High Court in the exercise of its original civil jurisdiction for an adjudication on the matter. If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although not declared elected, have, according to the results declared by the Commissioner obtained a greater number of votes than the said candidate and proceed against them in the same manner as against the candidate who has been declared to be elected.

(2) If the said High Court, after making such inquiry as it deems necessary, finds that the election was a valid election, and that the person whose election is objected to was at the time of the election qualified to be elected as a councillor and was not disqualified for being a councillor, it shall confirm the declared result of the election. If it finds that the person whose election is objected to was at the time of the election not qualified to be elected as a councillor or was disqualified for being a councillor it shall declare such person's election null and void, in which case it shall direct that the candidate, if any, in whose favour the next highest number of votes is recorded after the said person or after all the persons who were declared to be elected at the said election, and against whose election no cause of objection is found, shall be deemed to have been elected. If it finds that the election is not a valid election it shall set it aside.

(3) The order made by a Judge of the said High Court in the exercise of its original civil jurisdiction shall be final and conclusive.

(4) If there is no person who may be deemed to be elected under subsection (2), the Commissioner shall submit a report of the circumstances to the President of the Union who may either—

(a) appoint a fit person to fill the vacancy; or

(b) direct the Commissioner to appoint another day and hold a fresh election to fill such vacancy.

Exclusion
of suits
relating to
elections.

16. No suit shall be brought in, nor application or appeal lie to, any Court in respect of any matters relating to the system of representation and election, unless such suit, application or appeal is expressly authorized by this Act.

The Mayor.

Appointment
of Mayor.

17. (1) The Corporation shall, at its first meeting in the month of March¹ every year, elect one of its number to be Mayor until the first meeting of the Corporation in the next following month of March,¹ unless the councillors in the meantime retire from office, and then until the day for retirement.

(2) Any councillor who ceases to be Mayor may be re-elected as Mayor.

(3) If any casual vacancy occurs in the office of Mayor, the Corporation shall, as soon as it conveniently can after the occurrence of such vacancy, elect one of its number to fill such vacancy, and the Mayor so elected shall

¹ Substituted for the word "January" by Act LV, 1948.

continue in office so long only as the person in whose place he is elected would have been entitled to continue therein if such vacancy had not occurred.

Proceedings.

18. (1) The Corporation shall meet for the transaction of business at Meetings. least once in each month.

(2) No business shall be transacted at any meeting of the Corporation unless the prescribed quorum is present: provided that if at such meeting a quorum is not present, the Mayor shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted at the adjourned meeting whether there is a quorum present thereat or not.

(3) Every such meeting shall be presided over by the Mayor, if he is present, and if the office of Mayor is vacant, or if the Mayor is absent, by such one of the councillors present as may be chosen by the meeting to be Chairman for the occasion.

(4) The presiding authority shall have a second or casting vote in all cases of equality of votes.

(5) Every such meeting shall be open to the press and the public, unless a majority of councillors present decide that any inquiry or deliberation pending before the Corporation is such as should be held in private: provided that the presiding authority may at any time cause any person other than a councillor to be removed who interrupts the proceedings.

(6) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the Corporation at every such meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting of the Corporation at which such minute is confirmed, and a copy thereof shall be submitted to the President of the Union as soon thereafter as may be practicable.

19. No councillor or member of the Education Board or any standing or other committee shall vote or take part in the discussion of any matter before any meeting of the Corporation or of such Board or committee if he—

When
councillors
not to vote
or take part
in the
discussion of
matters.

(a) has, directly or indirectly, by himself or by any partner, employer or employee, any such share or interest in such matter as is described in clause (f) of section 12, 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 or is acting professionally, in relation to any such matter, on behalf of any person having any such share or interest as aforesaid.

20. Any councillor or member of the Education Board or of any standing or other committee who, at a meeting of the Corporation or of the Education Board or of the standing or any other committee, as the case may

Preservation
of order at
meetings.

be, neglects or refuses to obey any direction of the presiding authority shall be removed from the place of meeting under the orders of such presiding authority and, notwithstanding anything said to the contrary in this Act, shall not be permitted to attend any meeting of the Corporation, or Education Board or any committee, without the express permission of the Corporation granted in that behalf, upon such terms, if any, as to apology, submission, suspension or the like, as the Corporation may in its discretion impose.

Right of Commissioner to speak at meetings.

21. The Commissioner shall have the same right of being present at a meeting of the Corporation or of the Education Board or of any standing or other committee, and of taking part in the discussions thereat, as a councillor or a member of such Board or committee respectively, and may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make, any proposition at any such meeting.

Validity of Proceedings.

Vacancy not to invalidate proceedings.

22. No act or proceeding of the Corporation or of the Education Board or of any standing committee appointed under this Act shall be questioned on account of any vacancy in its body.

Proceedings of Corporation not vitiated by disqualification of members thereof.

23. No disqualification of, or defect in the election or appointment of, any person acting as a councillor or as the Mayor or presiding authority of the Corporation, or as the chairman or as a member of the Education Board or of any standing committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Corporation or of such Board or of any such committee, as the case may be, in which such person has taken part; whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

24. Until the contrary is proved—

- (a) every meeting of the Corporation or of the Education Board or of a standing committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held, and all members of the meeting shall be deemed to have been duly qualified; and
- (b) where the proceedings are proceedings of a standing committee, such committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

CHAPTER III.

DUTIES AND POWERS OF THE CORPORATION.

25. The Corporation shall make adequate provision, by any means or measures which it is lawfully competent for it to use, for each of the following matters, namely :—

Matters to be provided for by the Corporation.

- (i) the construction or laying out of drains for effectually draining the City, and the maintenance, flushing and cleansing of all municipal drains ;
- (ii) the erection in proper and convenient situations on municipal land of water-closets, closet accommodation, urinals and other conveniences for the public, and the maintenance and cleansing of the same ;
- (iii) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish ;
- (iv) the watering, scavenging and cleansing of all public streets in the City and the removal of all sweeping therefrom ;
- (v) the management and maintenance of all municipal water-works and the construction or acquisition of new works necessary for a sufficient supply of suitable water for public and private purposes ;
- (vi) the reclamation of unhealthy localities, the removal of vegetation and generally the abatement of all nuisances ;
- (vii) the regulation of places for the disposal of the dead and the provision of new places for the said purpose ;
- (viii) the registration of births and deaths ;
- (ix) public vaccination in accordance with the provisions of the Vaccination Act ;
- (x) measures for preventing and checking the spread of disease ;
- (xi) the construction or acquisition of markets and cattle pounds and the maintenance of all municipal markets and cattle pounds ;
- (xii) the regulation of all markets, lodging-houses, camping grounds and rest-houses (*zayats*) in the City ;
- (xiii) the construction or acquisition of slaughter-houses and the maintenance and cleansing of municipal slaughter-houses ;
- (xiv) the regulation of offensive and dangerous trades ;
- (xv) the formation and maintenance of a fire insurance fund for the protection of municipal property ;
- (xvi) the maintenance of a fire brigade and of suitable appliances for the extinction of fires and the protection of life and property against fire ;
- (xvii) the maintenance of an ambulance service ;
- (xviii) the making secure or removal of dangerous buildings and places
- (xix) the construction, levelling, maintenance (including metalling or paving and channelling) and improvement of public streets and

- the construction and maintenance of public bridges, culverts, causeways and the like ;
- (xx) the lighting of all public streets and municipal markets and of buildings vested in the Corporation ;
 - (xxi) the removal of obstructions and projections in and upon streets, bridges and other public places ;
 - (xxii) the naming and numbering of streets and the numbering of buildings and lands ;
 - (xxiii) the construction or acquisition, improvement and maintenance of offices and buildings required for municipal purposes, and the maintenance of all public monuments and other property vested in the Corporation ;
 - (xxiv) the construction or acquisition and maintenance of hospitals for the treatment of contagious or infectious diseases, and the maintenance of any hospital (other than the Rangoon General Hospital), dispensary, poor-house and leper asylum the cost of which may be declared by the President of the Union to be a proper charge on the Municipal Fund ;
 - (xxv) the expenses of pauper lunatics and pauper lepers sent to public asylums from the City ;
 - (xxvi) the construction of any encampment ;
 - (xxvii) the maintenance and regulation of any public institution placed by the President of the Union within the sphere of or under the charge of the Corporation ;
 - (xxviii) the maintenance of public parks, gardens, recreation grounds and open spaces which were in existence on the 1st August 1922,¹ and are by this Act vested in the Corporation ;
 - (xxix) (a) the establishment of vernacular schools ; the management, visiting and maintenance of all vernacular schools so established or vested in the Corporation and in this Act hereinafter referred to as municipal vernacular schools ; the construction and repair of all buildings connected therewith and the pay and appointment of the teaching staff in such schools ;
(b) the recognition, control, visiting and aid of vernacular schools under private management ; and
 - (xxx) fulfilling any obligation imposed by this Act or any law for the time being in force.

Matters which may be provided for by the Corporation at its discretion.

26. The Corporation may in its discretion provide either wholly or in part for all or any of the following matters, namely :—

(i) the organisation, maintenance or management of—

(a) institutions within or without the City for the care of the sick or incurable or for the care and training of the blind or other partially helpless persons or children ;

¹ Date of commencement of this Act.

- (b) maternity homes or shelters, dispensaries or milk depôts for infants ;
 - (c) chemical or bacteriological laboratories (within or without the City) for the examination or analysis of water, food or drugs, for the detection of disease or for researches connected with public health ;
 - (d) public wash-houses, bathing places or other institutions designed for the improvement of public health ;
 - (e) dairies or farms within or without the City for the supply of milk or milk products or for municipal profit or for the purpose of experiments in the breeding of cattle or the cultivation of crops ;
- (ii) (where and so long as such schools or institutions are recognised by the Government or are under the control of the University of Rangoon)—
- (a) the establishment, maintenance or management of schools ;
 - (b) the aid of schools under private management ;
 - (c) the promotion or aid of higher or special education in institutions within or in close proximity to the City ;
- (iii) the building or purchase and maintenance of—
- (a) dwellings for municipal officers or servants ;
 - (b) suitable dwellings for the poorer and working classes ;
 - (c) sanitary stables or byres for horses, ponies or cattle used in hackney carriages or hack carts or for milch-kine ;
- (iv) the construction, purchase, organization, maintenance or management of tramways, trackless trams, or motor transport facilities for the carriage of the public ;
- (v) the laying out or maintenance of public parks, gardens or recreation grounds, and planting and care of trees on roadsides and elsewhere ;
- (vi) the construction and maintenance in the public streets of drinking fountains for men and water-troughs for animals ;
- (vii) the laying out in areas previously built on or not of new public streets ; and the construction of buildings to abut on such streets ;
- (viii) the organization or maintenance of libraries, museums, art-galleries, botanical or zoological collections or the purchase or construction of buildings therefor ;
- (ix) the holding of agricultural, industrial or scientific fairs or exhibitions or of athletic sports ;
- (x) the promotion of public health or infant welfare ;
- (xi) the organization or maintenance in times of scarcity of shops or stalls for the sale of the necessaries of life ;
- (xii) the prevention of cruelty to animals, including the construction or maintenance of infirmaries under the Prevention of Cruelty to Animals Act [* * *]¹ ;

¹ The figures " 1890 " were omitted by Act II, 1945.

- (xiii) the destruction of crows or any other animals causing nuisance or of vermin or the confinement or destruction of stray dogs or other domestic animals ;
- (xiv) contributions towards any public fund raised for the relief of human suffering within or without the City ;
- (xv) music in public places or places of public resort ;
- (xvi) public ceremonies or entertainments, including the preparation of addresses to persons of distinction ;
- (xvii) (on such terms and conditions as the President of the Union approves) the promotion, formation, extension or assistance of any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poorer and working classes, by any or all of the following means—
 - (a) the acquisition of land with a view to selling or leasing the same to such society ; or
 - (b) the making of grants or loans thereto ; or
 - (c) subscription for any share-capital therein ; or
 - (d) guaranteeing the payment of interest on money borrowed by such society or of any share-capital issued thereby ;
- (xviii) the acquisition of immoveable property for any of the purposes above mentioned, or the cost of surveys or examination of such property, or for the construction or adaptation of buildings necessary for such purposes ; and
- (xix) any measure not hereinbefore specifically named, expenditure whereon is declared by the President of the Union to be an appropriate charge on the Municipal Fund.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Chief Executive Officer.

The Com-
missioner.

27. (1) The Corporation shall appoint a fit person, to be styled the Commissioner, who shall be the chief executive officer of the Corporation, and to whom all other municipal officers and servants shall be subordinate.

(2) The Commissioner shall exercise and perform such powers and duties as are conferred or imposed on him by this Act, and further, such of the powers and duties conferred or imposed on the Corporation as it may, in the manner prescribed, delegate to him.

(3) He shall devote his whole time and attention to the duties of his office : provided that he may at any time—

- (i) be a member of the Union Parliament ; or
- (ii) hold the office of Commissioner for the Port of Rangoon ; or

- (iii) be a member of the Board of Trustees constituted under the Rangoon Development Trust Act ; or
- (iv) be a member of any body constituted under the University of Rangoon Act ; or
- (v) with the sanction of the Corporation, serve on any committee or tribunal constituted by the President of the Union for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

(4) During any absence or during any vacancy in the office of the Commissioner, the Corporation may appoint a person to act as Commissioner. Every person so appointed shall exercise the powers conferred and perform the duties imposed by this Act or by any other enactment at the time in force on the Commissioner, and shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is liable, and shall receive such monthly salary and allowances within the limits prescribed in section 28 or 29 as the President of the Union or the Corporation, as the case may be, shall determine.

(5) Any of the powers, duties or functions conferred or imposed upon the Commissioner by this Act may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as the Corporation shall think fit to provide, by any other municipal officer whom the Corporation generally or specially empowers in this behalf.

28. Where an officer in the service of the Government is appointed to be the Commissioner, the pay, allowances, leave privileges and other conditions of tenure of the office shall, subject to such rules as may be prescribed, be determined by the President of the Union after consultation with the Corporation ; and sections 29 to 36 shall not apply.

Provisions where Commissioner is a servant of the Government.

Municipal Officers and Servants generally.

29. (1) The Corporation shall appoint fit persons to be--

Heads of Departments.

- (a) Health Officer, Secretary, Assessor and Chief Accountant ; and
- (b) Chief Engineer or Engineers in charge of separate departments of Municipal Works.

(2) Each of the said officers shall—

- (a) devote his whole time and attention to the duties of his office : provided that, with the sanction of the Corporation, he may undertake other duties for the furtherance of any object of local importance or interest ;
- (b) receive such monthly salary as the Corporation shall, with the previous sanction of the President of the Union, determine ; and
- (c) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of his office, on the votes of

not less than two-thirds of the members present at a meeting of the Corporation :

Provided that—

- (i) no person shall be appointed to be Health Officer whose name is not registered under the Medical Acts as the holder of a diploma showing that he has passed an examination in public health ;
- (ii) the Corporation may, in its discretion, appoint a person probationally, for a limited period only, to any of the said offices ;
- (iii) every permanent appointment made under this section shall be subject to confirmation by the President of the Union ;
- (iv) no officer appointed under this section shall be removed from office in consequence of a vote under clause (c) of sub-section (2) without the sanction of the President of the Union ; and
- (v) no variation in the amount of salary determined under clause (b) of sub-section (2) shall be made by the Corporation except with the previous sanction of the President of the Union.

(3) To each of the said officers the Corporation shall pay, in addition to their salaries, such allowances, pensions and gratuities, and make on their behalf such payment to provident or annuity funds, as it thinks fit.

(4) The provisions of this section, excepting clause (a) of sub-section (2) shall apply to the officer appointed to be Commissioner or acting Commissioner not being a servant of the Government.

Provision for filling vacancies in offices of superior officers.

30. (1) In default of an appointment being made by the Corporation under section 27 or 29 within a reasonable time, the President of the Union may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the Corporation.

(2) Pending the settlement of a permanent appointment under sub-section (1), the President of the Union may appoint a person to fill the vacancy temporarily, and may direct that the person so appointed shall receive such monthly salary and allowances as he shall think fit.

Appointment of other officers and servants.

31. The Corporation shall appoint such other officers and servants as are necessary for the efficient carrying out of the purposes of this Act, and shall assign to them such duties, and shall pay them such salaries, allowances, pensions and gratuities, and make on their behalf such payments to provident or annuity funds, as it thinks reasonable.

Payment of pensions, gratuities, or compassionate allowances to dependants of officers or servants.

31A. The Corporation may, in accordance with rules made under section 230 read with section 235, grant pensions, gratuities or compassionate allowances to the widows or other dependent relations of any officers or servants appointed under sections 27, 29, 30 or 31 who have died while in the service of the Corporation.

32. (1) The Corporation may, where necessary, appoint any fit person to act in the place of an officer (other than the Commissioner) or servant absent on leave : provided that— Acting appointments.

- (i) any appointment of a person to act for any of the officers named in section 29, sub-section (1), may be disallowed by the President of the Union and from the time of being so disallowed shall be null and void ; and
- (ii) no person shall be appointed to act for the Health Officer unless such person possesses the qualifications specified in proviso (i) to section 29, sub-sections (1) and (2).

(2) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers which the said officer or servant is bound to perform or may exercise, and be subject to the same liabilities, restrictions and conditions to which the said officer and servant is liable ; and shall receive such pay and allowances as the Corporation thinks fit.

33. (1) Any person who—

- (a) has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in clause (f) of section 12, 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 or is acting professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid,

shall be disqualified for being a municipal officer or servant.

(2) Any municipal officer or servant who shall acquire, directly or indirectly by himself or by his partner, any such share or interest as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the Corporation as under the proviso to section 12 it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

34. Subject to the provisions of clause (c) of sub-section (2) of, and provisos (iv) and (v) to sub-sections (1) and (2) of, section 29, any municipal officer and servant may be suspended or dismissed, or the increment to the salary of such officer or servant may be withheld for any specified period, and any municipal officer or servant, other than the Commissioner or an officer appointed under section 29, may be fined or reduced in status, for any breach of departmental rules or discipline or for carelessness, incompetence, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed. Power of suspending, punishing and dismissing, in whom to vest.

Extra-ordinary pension in case of officer or servant injured or killed in execution of his duty.

35. The Corporation may, with the sanction of the President of the Union, give an extraordinary pension, gratuity, or compassionate allowance—

- (a) to any municipal officer or servant injured in the execution of his duty ; or
- (b) to the family or other relatives dependent on any municipal officer or servant who is killed in the execution of his duty or whose death is due to devotion to duty.

Essential Officers and Servants.

Essential officers and servants.

36 (1) Every essential officer and servant shall be entitled to one month's notice before discharge or to one month's pay and allowance in lieu thereof, unless he is discharged for misconduct or has completed the specified term of service for which he was engaged.

(2) No essential servant shall—

- (a) unless he is authorized in that behalf by the terms of his contract, resign his appointment or quit his employment without giving one month's notice to the authority appointing him ; or
- (b) otherwise than on leave duly granted and not subsequently cancelled, absent himself from duty ; or
- (c) neglect or refuse to perform any of his duties or wilfully perform them in an inefficient manner.

(3) The expression "essential officer or servant" includes every person employed in the Municipal Fire Brigade or in connection with the municipal air compressor or pumping stations or employed in or in connection with the drainage, conservancy or water-supply of the City and any such other municipal officer or servant as may be prescribed in this behalf.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Powers of Corporation as to acquisition of property.

37. The Corporation shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property or any interest therein, whether within or without the limits of the City.

Property vested in Corporation.

38. (1) All property, moveable or immoveable, of the nature hereinafter specified in this sub-section, shall vest in the Corporation and shall, except in the case of property of the nature described in clause (e), be held and applied by the Corporation for the purposes of this Act, namely,—

- (a) all property within or without the City vested in the Municipal Committee of Rangoon on the 1st August, 1922,¹ but subject to all trusts, charges, liabilities, reservations, easements or other incumbrances at that time appertaining or attaching thereto ;

¹ Date of commencement of this Act.

- (b) all property legally acquired by the Corporation and all buildings, erections and encampments constructed under this Act at the expense of the Municipal or Education Fund, whether within or without the City ;
- (c) all public streets within the City ;
- (d) (subject to any special reservation in this behalf which the President of the Union may at any time make) all public streams, waterways, tanks, reservoirs, cisterns, wells and springs, and land (not being privately owned) appertaining thereto ; and
- (e) all rubbish, offensive matter and sewage collected within or deposited within or without the City by the Corporation or its contractors or agents :

Provided that nothing in this sub-section shall apply to any immoveable property which, under section 58 of the Rangoon Development Trust Act, is vested in the Board of Trustees for the development of the City of Rangoon.

(2) All property, moveable or immoveable, leased or placed at the disposal or delivered into the custody or in any other manner transferred to the Municipal Committee of Rangoon, in the possession thereof on the 1st August, 1922,¹ shall be held by the Corporation on the terms and conditions applying thereto at such time.

39. (1) All property, endowments and funds belonging to any public institution, with the management, control and administration of which the Corporation is charged under the provisions of this Act or of any other enactment for the time being in force, shall vest in the Corporation in trust for the purposes to which such property, endowment and funds may lawfully be applied.

Property of public institutions managed by municipal authority to be held in trust.

(2) The Corporation may, with the sanction of the President of the Union, transfer to [the State]² any property, endowments and funds so vested in it in trust under sub-section (1) : provided that no trusts of public rights subject to which such property, endowments and funds are held shall be affected by such transfer.

40. The liabilities of the Municipal Committee of Rangoon on the 1st August, 1922,¹ in connection with any provident fund established for the benefit of municipal officers and servants under the Municipal Act and the by-laws framed thereunder, shall be assumed and discharged by the Corporation.

The management of a provident fund for municipal officers and servants.

41. (1) Whenever it is provided in this Act that the Corporation may, or whenever it is in the opinion of the Corporation necessary or expedient for the purposes of this Act to acquire any immoveable property or to acquire any easement affecting immoveable property already vested in the Corporation, it may, by agreement with the owner, acquire such property or easement.

Power to acquire immoveable property.

¹ Date of commencement of this Act.

² Substituted for the words " His Majesty " by the Union of Burma (Adaptation of Laws) Order, 1948.

(2) Where the Corporation is unable to acquire any immoveable property or easement under sub-section (1) except upon terms which are in its opinion unreasonable, the President of the Union may, if he thinks fit, upon the application of the Corporation, order proceedings to be taken for acquiring the same on behalf of the Corporation, as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act.

(3) The amount of the compensation awarded and all other charges incurred in the acquisition of any such property or easement shall, subject to all other provisions of this Act, immediately on acquisition be paid by the Corporation and thereupon the said property or easement shall vest in the Corporation : provided that nothing done under, or in pursuance of, this section shall affect the right or title of [the State]¹ in or to the said property or easement.

Disposal of
municipal
property.

42. The Corporation may, subject to such conditions and limitations as may be prescribed, sell, lease, convey or otherwise dispose of any property, moveable or immoveable, vested in the Corporation :

Provided that—

- (i) no property vested in the Corporation in trust shall be leased, sold or otherwise conveyed in such a manner that any trust subject to which such property is held is thereby affected ; and
- (ii) every sale, lease or other conveyance of property vested in the Corporation shall be deemed to be subject to the conditions and limitations imposed by this Act or by any other enactment for the time being in force.

Resumption
by Govern-
ment.

43. The Government may resume any immoveable property transferred to the Corporation by the Government or by any local authority, where such property is required for a public purpose, without payment of any compensation other than the amount paid by the Corporation for such transfer and the market value at the date of resumption of any permanent buildings or works subsequently erected or executed thereon by the Corporation :

Provided that compensation need not be paid for buildings or works constructed or erected in contravention of the terms of the transfer.

CHAPTER VI.

LOANS.

Power of
Corporation
to borrow
money.

44. (1) The Corporation may, in pursuance of any resolution, borrow by way of debenture or otherwise, on the security of any immoveable property vested in the Corporation or of all or any of the taxes, duties, tolls, fees and dues authorized by this Act, any sums of money which may be required—

- (a) for the execution of any work authorized by this Act, or
- (b) for the acquisition of land for the purposes of this Act, or
- (c) to pay off any debt due to Government, or

¹ Substituted for the words " His Majesty " by the Union of Burma (Adaptation of Laws) Order, 1948.

(d) to repay a loan raised under this Act or any other loan or debt for the repayment of which the Corporation is liable :

Provided that—

- (i) no loan shall be raised without the previous sanction of the President of the Union ;
- (ii) the terms upon, and the method in, which the loan is to be raised and repaid shall be subject to the sanction of the President of the Union ;
- (iii) * * * *
- (iv) the period within which the loan is to be repaid shall in no case exceed sixty years.

(2) When any sum of money has been borrowed under sub-section (1)—

- (a) no portion thereof shall, without the previous sanction of the President of the Union, be applied to any purpose other than that for which it was borrowed, and
- (b) no portion of any sum of money borrowed under clause (a) of sub-section (1) shall be applied to the payment of salaries or allowances of any municipal officers or servants other than those who are exclusively employed upon the works for the construction of which the money was borrowed.

(3) The amount of the loan, the period within which it shall be repaid and the terms upon, and the method in, which the loan is to be raised and repaid shall be duly notified by the President of the Union.

45. (1) Notwithstanding the provisions of section 44, whenever the borrowing of any sum has been sanctioned under the said section the Corporation may, on such terms as may be sanctioned by the President of the Union, instead of borrowing such sum or any part thereof from the public or any member thereof, take credit from any Bank on a cash account to be kept in the name of "the Municipal Corporation of the City of Rangoon" to the extent of such sum or part and, with the sanction of the President of the Union, may grant mortgages of all or any of the property vested in the Corporation by way of securing the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest.

Power of Corporation to open credit cash account with a Bank.

(2) The provisions of section 44, sub-section (3), shall apply to such sum or part.

46. (1) The borrowing powers of the Corporation shall be limited so that the total loan charges payable by the Corporation in any year shall not at any time exceed thirteen per cent. of the annual value of the buildings and lands in the City as defined in section 80, sub-section (2).

Limit of borrowing powers.

(2) For the purposes of sub-section (1) the total loan charges shall include the sums annually payable for interest and for the maintenance of sinking funds and, if any loans are repayable by equal payments of principal

and interest or by equal payments of principal or by annual drawings, the sums annually payable for such payments or drawings.

Form of debentures.

47. (1) All debentures issued under this Act shall be in such form as the Corporation may from time to time determine, with the previous sanction of the President of the Union.

(2) The holder of any debenture in any form duly authorized under sub-section (1) may obtain in exchange therefor, upon such terms as the Corporation shall from time to time determine, a debenture in any other form so authorized.

(3) Every debenture issued by the Corporation under this Act shall be transferable in such manner as shall be therein expressed.

(4) The right to sue in respect of the moneys secured by any debenture issued by the Corporation shall be vested in the holder thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Coupons attached to debentures to bear signature in the prescribed manner.

48. All coupons attached to debentures issued under this Act shall be signed on behalf of the Corporation in the prescribed manner, and such signature may be engraved, lithographed or impressed by any mechanical process.

Debentures issued to two or more persons jointly.

49. (1) When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Contract Act, the debenture or security shall be payable to the survivor or survivors of such persons: provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased person against such survivor or survivors.

(2) When two or more persons are joint holders of any debenture or security issued under this Act any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

When and how loan shall be repaid.

50. Every loan raised by the Corporation under section 44 shall be repaid within the time approved under proviso (ii) to section 44, sub-section (1), and by such of the following methods as may be approved under the said proviso, namely:—

- (a) by payment from a sinking fund established under section 51 in respect of the loan, or
- (b) by equal payments of principal and interest, or
- (c) by equal payments of principal, or
- (d) by annual drawings.

Maintenance of sinking fund.

51. Whenever the repayment of a loan from a sinking fund has been sanctioned under proviso (ii) to section 44, sub-section (1), the Corporation shall establish such a fund and the Corporation shall pay into it, on such

dates as may have been approved under the said proviso, such sum as will, with accumulations of compound interest, be sufficient, after payment of all expenses, to pay off the loan within the period approved :

Provided that if at any time the sum standing at credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest it will be sufficient to repay the loan within the period approved, then, with the permission of the President of the Union, further payments into such fund may be discontinued.

52. (1) Notwithstanding anything to the contrary contained in this Act, the Corporation may consolidate all or any of its loans, and for that purpose may invite tenders for a new loan to be called "the Rangoon Municipal Consolidated Loan, 19 ", and invite holders of municipal debentures to exchange their debentures for scrip of such loan. Power of Corporation to consolidate loans.

(2) The terms of every such consolidated loan, and the rates at which exchange into such consolidated loan shall be permitted, shall be subject to the previous sanction of the President of the Union.

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the President of the Union, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall establish a sinking fund for the repayment of every such consolidated loan.

(5) The provisions of section 51 shall apply to each sinking fund established under sub-section (4) : provided that, in calculating the sum to be paid into any such sinking fund in pursuance of section 51, any sums transferred to that fund in pursuance of the proviso to section 55 shall be taken into account.

53. (1) All money paid into a sinking fund shall as soon as possible be invested by the Corporation in— Investment of sinking fund.

- (a) Government securities, or
- (b) securities guaranteed by Government, or
- (c) Rangoon Municipal debentures, or
- (d) debentures issued by the Commissioners for the Port of Rangoon, or
- (e) debentures issued by the Trustees for the Development of the City of Rangoon.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).

(3) Money standing at credit of two or more sinking funds may, at the discretion of the Corporation, be invested together as a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several sinking funds.

(4) When any part of a sinking fund is invested in Rangoon Municipal debentures or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (1).

(5) The Corporation may from time to time vary any investment made under sub-section (1), or transfer from one sinking fund to another any investment made under sub-section (1): provided that the former sinking fund is reimbursed the value of such investment at the time when the transfer is made.

Corporation may invest in its own debentures.

54. (1) For the purposes of any investment which the Corporation is authorized to make by this Act (including sinking funds) the Corporation may reserve and set apart for issue at par, to and in the name of the Municipal Corporation of the City of Rangoon, any portion of the debentures to be issued on account of any loan: provided that the intention so to reserve and set apart such debentures shall have been specified as a condition of the loan in the notification issued in respect thereto under section 44, sub-section (3).

(2) The issue of any such debentures to the Corporation as aforesaid shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

Application of sinking funds towards the discharge of the loan.

55. The Corporation may apply a sinking fund, or any part thereof, in or towards the discharge of the loan for which such fund was established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose:

Provided that when any loan, or part thereof, is consolidated under section 52, the Corporation shall transfer to the sinking fund established for such consolidated loan the sum standing at credit of the sinking fund of the original loan, or, if part only of a loan is consolidated, then such part of the sum standing at credit of the sinking fund of such loan as is proportionate to the part of the original loan which is incorporated in the consolidated loan.

Provisions for loans raised by the Municipal Committee of Rangoon.

56. In the case of all loans raised by the Municipal Committee of Rangoon before the 1st August, 1922,¹ the following provisions shall apply:—

- (i) if when such loans were raised the loans were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of such loans and shall pay into such

¹ Date of commencement of this Act.

- funds such sums on such dates as may have been fixed when the loans were raised ;
- (ii) all securities and cash held by the Municipal Committee of Rangoon in sinking funds established for the repayment of such loans shall be transferred to the Corporation and shall be held by it as part of the sinking funds established under clause (i) ;
 - (iii) the provisions of section 51 shall apply to such sinking funds ;
 - (iv) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Corporation shall make such payments or annual drawings, on such dates and in such manner as may have been fixed when the loans were raised ;
 - (v) the provisions of section 58 shall apply to such loans.

57. (1) All sinking funds established under this Act shall be subject to annual examination by the Accountant-General, Burma, who shall ascertain whether the cash and the current value of the securities at credit of such funds are actually equal to the amount which would have accumulated had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

Annual examination of sinking funds.

(2) The Corporation shall forthwith pay into any sinking fund any amount which the Accountant-General may certify to be deficient, unless the President of the Union, by general or special order, sanctions a gradual readjustment.

(3) If any dispute arises as to the accuracy of any certificate issued by the Accountant-General under sub-section (2) the Corporation may, after making the payment, refer the matter to the President of the Union, whose decision shall be final.

58. (1) If any money borrowed by the Corporation, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the Government may, if itself the lender, and if the Government is not the lender, shall, on the application of the lender, attach the Municipal Fund or a portion thereof.

Attachment of Municipal Fund in default of repayment of loan.

(2) After such attachment no person, except an officer appointed in this behalf by the President of the Union, shall in any way deal with the attached fund or portion thereof ; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place and may apply the proceeds in satisfaction of the arrear and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings : provided that no such attachment shall defeat or prejudice any debt for which the fund or portion thereof attached was previously pledged in accordance with law ; but all such prior charges shall be paid out of the proceeds of the fund or portion thereof before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

Attachment of Municipal Fund in default of the Corporation paying into the sinking fund the deficit amount.

59. If the Corporation fails to make any payment as required by section 57, sub-section (2), the Government may attach the Municipal Fund or any portion thereof; and the provisions of section 58, sub-section (2), shall, with all necessary modifications, be deemed to apply.

Annual statement to be prepared by Corporation.

60. (1) The Corporation shall, at the end of each year, cause to be prepared a statement showing—

- (a) the amount which has been invested during the year under section 53,
- (b) the date of the last investment made previous to the submission of the statement,
- (c) the aggregate amount of the securities then in the hands of the Corporation, and
- (d) the aggregate amount which has up to the date of the statement been applied under section 55 in or towards repaying loans.

(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the Gazette.

CHAPTER VII.

REVENUE AND EXPENDITURE.

Funds and Accounts.

Constitution of the Municipal Fund.

61. (a) All moneys received by or on behalf of the Corporation under the provisions of this Act or of any other enactment for the time being in force, or under any contract,

(b) * * * *

(c) the annual contribution paid by the Commissioners for the Port of Rangoon under the provisions of section 46 of the Rangoon Port Act,

(d) all fines levied by any Magistrate in respect of any offences against the provisions of this Act, or in respect of any offence under section 41 of the Rangoon Police Act, or in respect of any offence under the Ghee Adulteration Act committed in the City, or in respect of municipal property, or in respect of offences under any other enactment the fines under which shall have been or may be ordered by the President of the Union to be paid to the Municipal Fund,

(e) all proceeds of the disposal of property by, or on behalf of, the Corporation,

(f) all rents accruing from any property of the Corporation,

(g) all moneys raised by any tax levied for the purposes of this Act,

(h) all fees and fines payable and levied under this Act,

- (i) all moneys received by way of compensation or for compounding offences under the provisions of this Act,
- (j) such proportion as the President of the Union may from time to time determine of the balance, after all necessary contingent expenses have been defrayed, of all fees for licences for vehicles granted by the Commissioner of Police of Rangoon under the provisions of the Rangoon Hackney Carriages Act and of the Burma Motor Vehicles Act,
- (k) all moneys received by, or on behalf of, the Corporation from the Government or private individuals by way of grant or gift or deposit, and
- (l) all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation,

shall be credited to a fund, which shall be called "The Municipal Fund", and which shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions herein contained.

62. The moneys from time to time credited to the Municipal Fund shall be applied in the following order of preference :—

Application
of Municipal
Fund.

Firstly, in making due provision for the repayment of all loans repayable by the Corporation under the provisions of Chapter VI :

¹ [* * * *]

Thirdly, in payment of all sums, charges and costs necessary for the purposes specified in sections 25 and 26 and for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

- (a) the cost of auditing the municipal accounts ;
- (b) the expenses of every election of councillors held under this Act ;
- (c) the salary, allowances and contributions to pensions and leave allowances of the Commissioner or any other officer whose services may, at the request of the Corporation, be placed by Government at its disposal ;
- (d) the salaries and allowances of all municipal officers and servants, and all pensions, gratuities, contributions and compassionate allowances payable under the provisions of this Act ;
- (e) the salaries and fees of experts for service or advice in connection with any matter arising out of the administration or undertakings of the Corporation ;
- (f) all expenses and costs incurred by the Corporation or by any municipal officer on behalf of the Corporation in the exercise of any power conferred or the discharge of any duty imposed on it or him by this Act, including moneys which the

¹ This paragraph beginning "*Secondly*" was omitted by Act II, 1945.

Corporation is required or empowered to pay by way of compensation ; and

(g) every sum payable—

- (i) under section 227, sub-section (1), or section 240 or 241 by order of the President of the Union or the High Court ;
- (ii) under a decree or order of a civil or criminal Court passed against the Corporation ;
- (iii) under a compromise of any suit or other legal proceeding or claim.

The
Education
Fund.

63. (1) All money received by the Education Board for or in the discharge of its functions under this Act shall be credited to a fund which shall be called "The Education Fund".

(2) The Education Fund shall, subject to the control of the Corporation, be administered by the Education Board and shall be applied to all expenditure incurred in the payment of salaries, fees and allowances (including provident fund contributions) and pensions of all officers and servants employed under such Board and any other expenses incurred by the Board in exercising any power or discharging any duty conferred or imposed on it by section 5.

Receipt and
disposal of
payments on
account
of the
Municipal
Fund.

64. All moneys payable to the credit of the Municipal Fund or of the Education Fund shall be received by the authorized officer and shall be forthwith paid into the Imperial Bank of India, or such other bank as may be selected by the Corporation, subject to the approval of the President of the Union, to the credit of an account which shall be styled "The account of the Municipal Fund of the City of Rangoon" or "The account of the Education Fund of the City of Rangoon", as the case may be.

How the
funds shall
be drawn
against.

65. No payment shall be made out of the Municipal Fund or out of the Education Fund except upon a cheque signed in the prescribed manner :

Provided that payment of any sum due by the Corporation, not exceeding one hundred rupees in amount, may be made in cash by the officer authorized in that behalf, cheques for sums not in excess of one thousand rupees each, signed in the prescribed manner, being drawn from time to time to cover such payments.

Deposit of
portion of
Municipal
Fund
outside
Rangoon.

66. Notwithstanding anything contained in section 64 or section 65, the Corporation may remit any portion of the Municipal Fund to a bank or other agency at any place beyond the City at which it may be desirable for the Corporation to have funds in deposit ; and any money payable to the credit of, or chargeable against, the Municipal Fund which can, in the opinion of the Corporation, be most conveniently paid into or out of the account of the Corporation at any such bank or agency, may be so paid.

67. (1) Surplus moneys at the credit of the Municipal Fund or of any loan raised under this Act which cannot immediately or at an early date be applied for the purposes of the Act or of the loan, as the case may be, may be deposited by the Corporation at interest in such banks as may be approved by the President of the Union or may be invested in public securities.

Investment of surplus moneys.

(2) The Corporation may at any time withdraw any deposit so made or dispose of any securities, and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities.

(3) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

68. Accounts of the receipts and expenditure of the Corporation or of the Education Board shall be kept in such manner and in such form as the President of the Union may approve.

Accounts to be kept in a form approved by the President of the Union.

69. The Corporation shall, as soon as may be after each first day of July, cause to be prepared a detailed report of the municipal administration of the City during the previous year, together with a statement showing the accounts of the receipts and disbursements respectively credited and debited to the Municipal Fund and Education Fund during the previous financial year and the balance at the credit of each fund at the close of the said financial year.

Publication of annual administration report and statement of accounts.

Budgets.

70. (1) Except as hereinafter provided, no payment of any sum shall be made out of the Municipal Fund unless the expenditure of the same is covered by a current budget grant, and a sufficient balance of such budget grant is still available :

Prohibition of expenditure not budgeted for.

Provided that the following items shall be excepted from this prohibition, namely :—

- (i) sums of which the expenditure has been sanctioned by the Corporation under section 74 ;
- (ii) refunds of taxes and other moneys which the Corporation is authorized by this Act to make ;
- (iii) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the Municipal Fund by mistake ;
- (iv) sums which the Corporation is required or empowered by this Act to pay by way of compensation ;
- (v) sums payable in any of the circumstances mentioned in clause (g) of section 62 ;
- (vi) expenses incurred by the Corporation in the exercise of the powers conferred on it by section 149 ; and
- (vii) expenses incurred by the Commissioner in the exercise of the powers conferred on him by section 148 or 151.

(2) No payment of any sum shall be made out of the Education Fund unless the expenditure of the same is covered by a current budget grant.

(3) Where any sums have been expended under the terms of the proviso to sub-section (1), the Corporation shall take such action, if any, under section 72, 73 or 75 as is deemed necessary or expedient to meet such expenditure.

Preparation
of Budget
Estimates.

71. (1) The Corporation shall each year cause to be prepared, on or before such date as may be prescribed, and in such form and such manner as it may approve, having regard to all the requirements of this Act, budget estimates of the income and expenditure of the Municipal and Education Funds for the next financial year.

(2) Such estimates shall—

(a) provide for the repayment of all loans with interest due thereon for whose repayment the Corporation is liable ;

¹(b) * * * *

(c) provide for the payment from the Municipal Fund in convenient instalments to the Education Fund of an amount not less than 5 per cent. of the estimated receipts to be derived from the " general tax " specified in clause (a) of section 80, sub-section (1); and

(d) allow for a cash-balance at the end of the said year of not less than the amount which the President of the Union may, from time to time, fix in this behalf.

(3) The Corporation shall finally adopt the budget estimates before the beginning of the year to which they relate and shall forthwith submit copies thereof to the President of the Union.

Reduction
or transfer
by the
Corporation
of budget
grants.

72. The Corporation may, if it thinks necessary, at any time during a financial year—

(a) reduce the amount of a budget grant ; or

(b) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant :

Provided that due regard be had when making any such reduction or transfer to all the requirements of this Act.

Corporation
may increase
amount of
budget grants
and make
additional
grants.

73. The Corporation may, from time to time, during a financial year, increase the amount of any budget grant, or make an additional budget grant, for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash-balance at the close of the year shall be reduced below the amount fixed under clause (d) of section 71, sub-section (2).

Rules as to
unexpended
budget
grants.

74. If any portion of a budget grant remains unexpended at the close of the year in the budget estimates for which such grant was included, and if the amount thereon has not been taken into account in the opening balance of the Municipal Fund entered in the budget estimates of the next following year,

¹ Clause (b) was omitted by Act II, 1945.

the Corporation may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object.

75. (1) If it shall at any time during the financial year appear to the Corporation that, notwithstanding any reduction of budget grants that may have been made under section 72, the income of the Municipal Fund in the said year will not suffice to meet the expenditure sanctioned in the budget estimate for the said year, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for adjusting the year's income to the expenditure.

Readjustment of income and expenditure to be made by the Corporation during the course of the financial year whenever necessary.

(2) For this purpose the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do, with due regard to all the requirements of this Act, or have recourse, subject to the conditions and limitations prescribed by this Act, to supplementary taxation.

(3) Whenever the Corporation determines to have recourse to such supplementary taxation, it shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied, or by adding to the number of articles, if any, on which terminal-tax is being levied, but every such increase or addition shall be made subject to the limitations and conditions prescribed in regard to such tax.

76. The Education Board may in regard to the Education Fund exercise, subject to the control of the Corporation, all the powers vested in the Corporation in regard to the Municipal Fund under sections 72, 73, 74 and 75.

Powers of Education Board with regard to Education Fund.

Audit.

77. The Corporation shall cause to be conducted under its superintendence a monthly scrutiny of the municipal accounts, and to be published monthly a monthly abstract of the receipts and expenditure of the month last preceding signed in the prescribed manner.

Monthly scrutiny of accounts.

78. The municipal accounts shall also be examined and audited in accordance with the procedure approved by the President of the Union in this behalf. The auditors shall forthwith report to the Corporation any material impropriety or irregularity which they may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts.

Audit of municipal accounts.

CHAPTER VIII.

MUNICIPAL TAXATION.

Taxes.

79. (1) For the purposes of this Act, taxation shall be imposed as follows, namely :—

Taxes to be imposed under this Act.

- (a) property taxes, and
- (b) a tax on vehicles.

(2) In addition to the taxes mentioned in sub-section (1), the Corporation may, with the previous sanction of the President of the Union, impose any other tax.

Property taxes.

80. (1) The following taxes shall, subject to the limitations hereinafter provided, be levied on buildings and lands, and shall be called "Property Taxes," namely :—

- (a) a general tax of not more than twelve per cent. of their annual value, to which may be added a fire brigade tax at such percentage not exceeding two per cent. of their annual value as will, in the opinion of the Corporation, suffice to provide for the expenses necessary for fulfilling the duties of the Corporation arising under clause (xvi) of section 25 ;
- (b) a lighting-tax at such percentage of their annual value as will, in the opinion of the Corporation, suffice to provide for lighting the public streets, municipal markets and buildings vested in the Corporation ;
- (c) a conservancy-tax at such percentage of their annual value as will, in the opinion of the Corporation, suffice to provide for the collection, removal and disposal, by municipal agency, of all sewage, offensive matter and rubbish and for efficiently constructing, maintaining and repairing municipal drains for the reception and conveyance of any such matter ; and
- (d) a water-tax at such percentage of their annual value as the Corporation shall deem reasonable with reference to the expense of providing a water-supply for the City : provided that the Corporation may direct that the water supplied for any domestic or non-domestic purpose to any buildings or lands separately assessed to water-tax shall be paid for by measurement, at such rates and on such terms and conditions as it may deem reasonable and no water-tax shall be levied on any buildings or lands in respect of which such direction has been made.

(2) In this Chapter "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, from year to year, and, in the case of houses, may be expected to let unfurnished.

General tax on what properties to be levied.

81. (1) The general tax shall be levied in respect of all buildings and lands except—

- (a) buildings and lands or portions thereof exclusively occupied for public worship ;
- (b) buildings and lands vested in the Corporation ;
- (c) lands used as places for the disposal of the dead.

(2) Unless the Corporation, with the sanction of the President of the Union, in any particular case for any special reasons otherwise directs, the

following buildings and lands or portions thereof shall not be deemed to be exclusively occupied for public worship within the meaning of clause (a) of sub-section (1), namely :—

- (a) those in which any trade or business is carried on ; and
- (b) those in respect of which rent is derived, whether such rent is or is not applied exclusively to religious purposes.

(3) When any portion of any building or land is exempt from the general tax by reason of its being exclusively occupied for public worship, such portion shall be deemed to be a separate property for the purpose of municipal taxation.

(4) The Corporation may, for special reasons, exempt any building or land belonging to the classes specified in clause (a), (b) or (c) of sub-section (1) from all or any of the property taxes other than the general tax.

82. The fire brigade tax may be levied at different rates in respect of different classes of buildings in accordance with the annual values of such buildings, the varying degrees of risk of being damaged or destroyed by fire incurred on account of the materials or methods of construction of such buildings or the goods stored or industries carried on therein.

Fire brigade tax may be levied at different rates on different classes of buildings.

83. The lighting-tax shall be levied only in respect of buildings and lands some part of which is less than one thousand feet from a street lamp erected and maintained by the Corporation.

Lighting-tax on what property to be levied.

84. (1) The conservancy-tax shall be levied only in respect of lands and buildings—

Conservancy-tax on what property to be levied.

- (a) situated in any portion of the City in which public notice has been given by the Corporation that the collection and removal of sewage, offensive matter and rubbish will be undertaken by municipal agency ; or
- (b) in which, wherever situate, there is a connection for the removal of sewage to a municipal drain.

(2) In any portion of the City in which underground sewers have been or may be provided by the Corporation the conservancy-tax may be levied at a higher percentage on the annual value of buildings and lands than in other portions of the City.

85. (1) The water-tax shall be levied only in respect of buildings or lands—

Water-tax on what property to be levied.

- (a) which are connected by means of communication-pipes with any municipal water-works ; or
- (b) which are situated in a portion of the City in which the Corporation has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply

of water for domestic purposes to all the buildings and lands in the said portion.

(2) The water-tax may be levied in respect of buildings and lands which are liable under clause (b) of sub-section (1) at a lower rate than in respect of buildings and lands which are liable under clause (a).

Responsibility for payment of property taxes.

86. (1) Property taxes in respect of any building or land shall be leviable jointly and severally from all persons who have been either owners or occupiers of the building or land at any time during the period in respect of which any instalment of such property taxes is payable under this Act.

(2) In the absence of any agreement to the contrary between an owner and occupier of any building or land, any general tax, in which is included the fire brigade tax, if any, paid by the occupier shall be recoverable by him from the owner, and any lighting, conservancy, or water-tax paid by the owner shall be recoverable by him from the occupier.

(3) A sum recoverable by the occupier from the owner may be deducted from the rent due or payable by him to the owner.

Exemptions.

Buddhist monasteries exempt from all municipal taxation.

87. Notwithstanding anything contained in this Act, no property or other tax shall be levied on any Buddhist *kyaungdaik* :

Provided that—

- (i) unless the Corporation, with the sanction of the President of the Union, in any particular case for any special reasons otherwise directs, this exemption shall not extend to any buildings or land in which trade or business is carried on or for which rent is paid;
- (ii) the Corporation shall not be bound to provide a supply of water to or to remove sewage, offensive matter or rubbish from any building or land exempted from taxation under this section, except upon a guarantee of payment for the supply of such water or the removal of such sewage, offensive matter or rubbish at such rates as may be determined by the Corporation.

Remission or refund of property taxes on account of vacancies.

88. When any building or land, or any portion of any building or land, which the Corporation has treated as a separate property for the purpose of assessment under any provision of this Act, has been neither occupied nor productive of rent for a period of at least thirty consecutive days, the Corporation shall, subject to and in accordance with the terms and conditions prescribed,—

- (a) remit one-half of the general tax, which includes the fire brigade tax, if any, and the whole of the water-tax and conservancy-tax payable in respect of such building or land during such period, or
- (b) if any tax or instalment thereof has been paid and application for refund has been made within six months of such payment, refund the amount which might have been remitted under this section,

89. No tax of any kind shall be levied on land vested in the Trustees for the Development of the City of Rangoon under clause (a) of section 58, sub-section (1), of the Rangoon Development Trust Act, so long as such land is neither occupied nor productive of rent.

Exemption to vacant land vested in Development Trust.

90. (1) The Corporation may, with the previous sanction of the President of the Union, exempt in whole or in part from the payment of any tax any person or class of persons, or any property or description of property, animals or vehicles.

Power to exempt from taxation.

(2) The Corporation may exempt in whole or in part, for any period not exceeding one year, from the payment of any tax imposed under this Act, any person who by reason of poverty may in its opinion be unable to pay the same.

Appeals and Assessments.

91. (1) The Commissioner shall, in accordance with the manner prescribed, determine the annual value of lands and buildings for the purpose of assessment thereof under section 80.

Appeals against valuations.

(2) An appeal against any determination made by the Commissioner under sub-section (1) shall lie to, and be heard and determined by, the Chief Judge of the Rangoon [City Civil Court]¹; provided that no such appeal shall be heard by the said Judge unless a notice in writing of the intention to appeal has been left at the office of the Corporation within fourteen days from the date of the aforesaid order.

(3) When any question arises as to the liability of any building or land to assessment, or as to the basis or principle of assessment, an appeal shall lie from the decision of the said Chief Judge to the High Court, whose decision shall be final.

(4) Effect shall be given by the Commissioner to the decision of the Court under this section.

(5) The pendency of an appeal under this section shall not operate to delay or prevent the levy of any tax, or, when the tax is payable by instalments, of any instalment of any tax payable in respect of any building or land according to the assessment of the Commissioner; but, if by the final decision in the appeal it is determined that such tax or instalment ought not to have been levied in whole or in part, the Corporation shall refund to the person from whom the same has been levied the amount of such tax or instalment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

92. (1) The taxes specified in section 80 shall be levied on all buildings or parts thereof, the property of the State², which are occupied for residential purposes and the occupants of which pay rent to Government. The annual value of such buildings shall be the actual rent payable for such buildings unfurnished by the occupants to Government and all taxes levied under this sub-section shall be collected and paid by the Government.

Taxation and contribution in lieu of taxation on State property.

¹ Substituted by Act XVI, 1946.

² Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(2) In lieu of the taxes leviable under section 80 on all other buildings and lands, the property of the State¹, there shall be paid annually by Government to the Corporation such sum as may be determined, after consultation with the Corporation, by an officer appointed by the President of the Union, to be fair and reasonable having regard to the extent of State¹ property in the City, and the mutual services rendered by Government and the Corporation to each other.

(3) The President of the Union shall communicate to the Corporation the name of the officer whom he proposes to appoint to perform the duty specified in sub-section (2) and shall take into consideration any representation which the Corporation may, within a reasonable period, submit with reference thereto, but the orders of the President of the Union after such consideration shall be final.

(4) The sum determined under sub-section (2) shall be paid annually by Government for a period of five years, on the expiry of which a further enquiry shall be held to determine the sum payable for a further period of five years.

(5) Nothing in this section shall be deemed to affect the provisions of the Municipal Taxation Act.

Assessment of property held by the Commissioners for the Port of Rangoon.

93. The sum to be paid to the Corporation by the Commissioners for the Port of Rangoon under section 80 shall be an amount equal to three per centum of the total annual revenues of the said Commissioners from whatever sources derived.

CHAPTER IX.

CONVENIENCES.

Municipal Drains.

Cleansing drains.

94. For the purpose of flushing and cleansing the municipal drains the Corporation may construct or set up such reservoirs, sluices, engines and other works as it shall deem necessary.

Places for emptying of drains and disposal of sewage.

95. The Corporation may cause all or any municipal drains to empty into the Rangoon, Pegu or Hlaing rivers or any other place, whether within or without the City, and may dispose of the sewage at any place, whether within or without the City, and in any manner, which it shall deem suitable for such purpose :

Provided that the President of the Union may prohibit the Corporation from causing any municipal drain to empty into any place, or from disposing of any sewage at any place, or in any manner, which he considers unsuitable.

Provision of means for disposal of sewage.

96. For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Corporation may—

(a) construct any work within or without the City ;

(b) purchase or take on lease any land, building, engine, material or apparatus, either within or without the City ; and

¹ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

- (c) enter into an arrangement with any person, for a period not exceeding twenty years, for the removal or disposal of sewage within or without the City.

97. The Corporation may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in its opinion, become useless or unnecessary :

Alteration and discontinuance of drains.

Provided that if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Corporation shall, as soon as may be, provide for his use some other drain as effectual as the drain which has been discontinued, closed up or destroyed.

Drainage of Premises.

98. When any premises are, in the opinion of the Corporation, without sufficient means for their effectual drainage and a municipal drain or some place set apart by the Corporation for the discharge of drainage already exists or is about to be constructed within a distance not exceeding one hundred feet from some part of the said premises, the Corporation may, by written notice, require the owner or occupier of the said premises—

Drainage of premises situate within a hundred feet of a municipal drain.

- (a) to make a drain which will empty into such municipal drain or place so set apart ;
- (b) to provide and set up all such appliances and fittings as may appear to the Corporation necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ; and
- (c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is, in the opinion of the Corporation, injurious to health.

99. When in any case not provided for in section 98 any premises are, in the opinion of the Corporation, without sufficient means for their effectual drainage, it may, by written notice, require the owner or occupier of the said premises—

Drainage of premises not situate within a hundred feet of a municipal drain.

- (a) to construct a drain up to a point to be specified in such notice, but not distant more than one hundred feet from some part of the said premises ; or
- (b) to construct a closed catch-pit or sump of such material, size and description, and in such position as it may direct, and a drain or drains emptying into such catch-pit or sump.

100. It shall not be lawful to erect or re-erect any building any part of which is within one hundred feet of a municipal drain or of some place set apart by the Corporation for the discharge of drainage, or to occupy any such building newly erected or re-erected, unless and until—

New buildings not to be erected without drains.

- (a) a drain is constructed which, in the opinion of the Corporation, shall be sufficient for the effectual drainage of such building to such municipal drain or place, and

- (b) there have been provided for and set up in such building and in the premises appurtenant thereto all such appliances and fittings as may appear to the Corporation to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

Sewage and rain-water drains to be distinct.

101. Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the Corporation may require that there shall be one drain for offensive matter and sewage, and another drain for rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other places set apart by the Corporation for the discharge of drainage or into other suitable places.

Rights of owners and occupiers of premises to carry drains through lands belonging to other persons.

102. (1) If it shall appear to the Corporation that the only means, or the most convenient means, by which the owner or occupier of any land or building can cause his drain to empty into a municipal drain or other place set apart by the Corporation for the discharge of drainage, is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Corporation, after giving to the person to whom the said land belongs a reasonable opportunity of stating any objection, may, if no objection is raised, or if any objection which is raised appears to it invalid or insufficient, by an order in writing authorize the said owner or occupier to carry his drain into, through or under the said land in such manner as it shall think fit to allow.

(2) Every such order, bearing the signature of such officer as the Corporation shall prescribe, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving to the owner of the land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drains so constructed.

(4) In executing any work under this section, as little damage as can be, shall be done, and the owner or occupier of the premises for the benefit of which the work is done shall--

- (a) cause the work to be executed with the least practicable delay ;
 (b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or

other construction opened, broken up or removed for the purpose of executing the said work ; and

(c) pay compensation to any person who sustains damage by the execution of the said work.

(5) If the owner of any land into, through or under which a drain has been carried under this section, whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Corporation shall, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by it, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same : provided that no such requisition shall be made unless in the opinion of the Corporation it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

103. Every owner of a drain, connected with a municipal drain or other place set apart by the Corporation for drainage, shall be bound to allow the use of it to other persons, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 105.

Obligation of owners of drains to allow use of or joint ownership therein to others.

104. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Corporation for authority to use such drain or to be declared joint owner thereof.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

105. (1) Where the Corporation is of opinion, whether on receipt of such application or otherwise, that the only or the most convenient means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place set apart by the Corporation for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier, the Corporation, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, with the approval of the standing committee concerned, if no objection is raised or if any objection which is raised appears to it invalid and insufficient, by an order in writing authorize the said owner or occupier to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing and cleansing the joint drain or otherwise, as may appear to it equitable.

Corporation may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

(2) Every such order, bearing the signature of such officer as the Corporation shall prescribe, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situated with assistants and workmen, at any time between sunrise and sunset, and subject to all provisions of this Act, to do all such things as may be necessary for—

- (a) connecting the two drains ; or
- (b) renewing, repairing or altering the connection ; or
- (c) discharging any responsibility attaching to the person in whose favour the Corporation's order is made for maintaining, repairing, flushing or cleansing the joint drains or any part thereof.

(3) In respect of the execution of any work under sub-section (2) the person in whose favour the aforeaid officer's order is made shall be subject to the same restrictions and liabilities as are specified in section 102, sub-section (4).

Power of Corporation to drain premises in combination.

106. (1) If it appears to the Corporation that any group or block of premises any part of which is situated within one hundred feet of any municipal drain, or of some place set apart by the Corporation for the discharge of drainage, which already exists or is about to be constructed, may be drained more economically or advantageously in common than separately, the Corporation may cause such group or block of premises to be drained by such method as appears to it to be most suitable therefor, and the expenses incurred by the Corporation in so doing shall be paid by the owners of such premises in such proportions as the Corporation may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the Corporation shall give written notice to the owners of all the premises to be drained, of—

- (a) the nature of the intended work ;
- (b) the estimated expenses thereof ; and
- (c) the proportion of such expenses payable by each owner.

Connecting drains to be constructed at expense of owners of premises.

107. (1) In the case of premises abutting on a public street in which there is a municipal drain and in the case of premises drained in pursuance of the provisions of section 98 or 106 the Corporation shall construct, at the expense of the owner of the premises for the use and benefit of which the drain is constructed, such portion of the drain of the premises to be connected with such municipal drain as it shall be necessary to lay under any part of a public street.

(2) The portion of any connecting drain so laid under a public street shall vest in the Corporation and be maintained and kept in repair by the Corporation as a municipal drain.

(3) The remainder of every drain constructed, erected, set up or continued for the sole use and benefit of any premises shall—

- (a) vest in the owner of such premises ;
- (b) be maintained and kept in repair by the owner or occupier of such premises ; and
- (c) be from time to time flushed, cleansed and emptied by the Corporation at the charge of the Municipal Fund :

Provided that, where several premises are drained in common under section 106, such remainder shall vest in the owners jointly and the cost of maintenance and repair thereof shall be distributed in the same proportions as are fixed by the Corporation under the said section.

108. (1) When a drain connecting any premises with a municipal drain or other place set apart by the Corporation for the discharge of drainage is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not in the opinion of the Corporation adapted to the general drainage system of the City, or of that part of the City in which such drain is situated, the Corporation may—

Corporation may close or limit the use of existing private drains.

- (a) close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done ; or
- (b) direct that such drain shall, from such date as it prescribes in this behalf, be used for offensive matter and sewage only, or for rain-water and unpolluted sub-soil water only.

(2) No drain may be closed, discontinued or destroyed by the Corporation under sub-section (1) except on condition of its providing another drain equally effectual for the drainage of the premises and communicating with such municipal drain or other place aforesaid as the Corporation thinks fit ; and the expenses of construction of any drain so provided by the Corporation and of any work done under clause (a) of the said sub-section shall be paid from the Municipal Fund.

109. (1) For the purpose of ventilating any drain, whether belonging to the Corporation or to any other person, the Corporation may erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as shall appear to the Corporation necessary, and cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection, and lay in, through or under any land, such appliances as may in the opinion of the Corporation be necessary for connecting such ventilating shaft or pipe with the drain intended to be ventilated.

Affixing of pipes for ventilation of drains

(2) Any shaft or pipe so erected or affixed shall—

- (a) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom ;
- (b) if the same be affixed to a wall supporting the eaves of a roof, be carried at least five feet higher than such eaves ; and

(c) be removed by the Corporation to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

(3) If the Corporation declines to remove a shaft or pipe under clause (c) of sub-section (2) the owner of the premises, building or tree upon or to which the same has been erected or affixed may apply to the Chief Judge of the Rangoon [City Civil Court]¹, and the said Judge may, after such enquiry as he thinks fit to make, direct the Corporation to remove the shaft or pipe, and it shall be incumbent on the Corporation to obey such order.

(4) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain intended to be ventilated, the Corporation shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the Municipal Fund.

Right of Corporation to drains constructed at charge of Municipal Fund on premises not belonging to Corporation.
Deposit of rubbish and offensive matter.

110. All drains, ventilation shafts and pipes, and all appliances and fittings connected with drains constructed, erected, or set up at the charge of the Municipal Fund upon premises not belonging to the Corporation, shall, unless the Corporation has otherwise determined, or shall at any time otherwise determine, vest in the Corporation.

Scavenging and Cleansing.

111. For the purpose of collecting, treating and removing rubbish and offensive matter, the Corporation shall provide public receptacles, depôts and places for the temporary deposit or final disposal thereof :

Provided that the President of the Union may prohibit such final disposal in any specified place or manner.

Collection and removal of sewage, etc.

112. When the Corporation has given public notice under clause (a) of section 84, sub-section (1), that the collection and removal of sewage, offensive matter and rubbish from the buildings and lands in any portion of the City will be under taken by municipal agency, it shall forthwith take measures for the due collection and removal of such matter from any buildings and lands situated in the said portion of the City.

Least practicable nuisance to be caused.

113. In carrying out the duties imposed on the Corporation by clauses (i), (ii) and (iii) of section 25, or exercising the power conferred thereon by sections 94, 95, 96, 97, 109, 111 and 112, the Corporation is responsible that the least practicable nuisance is created.

Water-supply.

Water-supply.

114. Where the Corporation has under clause (b) of section 85, sub-section (1), given public notice that sufficient water is available from

¹ Substituted by Act XVI, 1946.

municipal water-works for furnishing a reasonable supply of water for domestic purposes, it shall forthwith take measures to ensure the supply of such water.

115. For the purpose of making provision for a supply of water proper and sufficient for public and private purposes the Corporation may—

General powers for supplying the City with water.

- (a) construct and maintain water-works, either within or without the City, and do any other necessary acts ;
- (b) purchase or take on lease any water-work or any water or right to store or to take and convey water, whether within or without the City ; and
- (c) enter into an arrangement with any person for a supply of water.

116. The Corporation may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-work, at all reasonable times,—

Power of access to municipal water-works

- (a) by any authorized person enter upon and pass through any land, within or without the City, adjacent to or in the vicinity of such water-work, in whomsoever such land may vest ;
- (b) cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

117. Except with the permission of the Corporation, no person shall—

Prohibition of erection of any building which would injure sources of water-supply.

- (a) erect any building for any purpose whatever on any part of the area enclosed by the boundary-fence of any lake or reservoir from which a supply of water is derived for a municipal water-work ; or
- (b) remove, alter, injure, damage or in any way interfere with the aforesaid boundary-fence.

118. Except as hereinafter provided, no person shall—

Prohibition of bathing in, or polluting, water.

- (a) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought thereinto or thereupon anything, or to be done any act, whereby the water therein shall be in any way fouled or its quality altered ;
- (b) alter the surface of any municipal land adjacent to or forming part of any such work by digging thereinto or depositing thereon any substance ;
- (c) cause or suffer to enter into the water in such work any animal ;
- (d) throw or put into or upon the water in such work anything ;
- (e) bathe in or near such work ; or
- (f) wash or cause to be washed in or near such work any animal or other thing.

119. If it shall be shown that an offence against any provision of this Act has occurred on any premises to which a private supply of water is supplied by the Corporation, it shall be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

Occupier of premises to be primarily liable for certain offences against the Act.

*General Provisions with reference to Drainage, Water-supply
and other Mains.*

Power of carrying wires, pipes, drains, etc.

120. The Corporation may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water-supply or lighting through, across, under or over any street or railway or any place laid out as or intended for a street, and, after giving reasonable notice in writing to the owner or occupier, through, across, under, over or up the side of any land or building whatsoever, within or without the City, and may place and maintain any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights on any immoveable property in the City, and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

Buildings not to be erected without permission over drains or water, gas or air mains.

121. (1) Without the permission of the Corporation, no building, wall or other structure shall be erected or re-erected, and no street or railway or tramway shall be constructed, over any municipal drain or municipal water, gas or air main.

(2) If any building, wall or other structure be so erected or re-erected, or any street or railway or tramway be so constructed, the Corporation may remove or otherwise deal with the same as it shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Compensation for damage.

122. In the exercise of any power conferred by section 116 or 120 as little damage or inconvenience as can be shall be done or caused, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the Corporation.

CHAPTER X.

PUBLIC HEALTH AND SAFETY.

Factories and Trades.

Factory not to be newly established without permission of Corporation

123. (1) No person shall—

- (a) newly establish, or
- (b) remove from one place to another, or
- (c) re-open or renew after discontinuance for a period of not less than two years, or
- (d) enlarge the area or dimensions of,

any factory, workshop or bakery in any area other than an area set apart for the accommodation of industries by any Act for the time being in force or by any local authority, except with the permission of the Corporation and in accordance with the terms and conditions stated in such permission.

(2) The Corporation may refuse to give such permission if it is of opinion that the establishment of such factory, workshop or bakery in the proposed position is objectionable by reason of the nature of the site thereof or the density of the population in the neighbourhood thereof or will be a nuisance to the inhabitants of the neighbourhood.

(3) The Corporation may, as a condition of granting such permission, require the owner of any such factory, workshop or bakery to provide housing accommodation sufficient for the number of persons permanently employed by him on the premises.

(4) In the event of any act being done in contravention of the provisions of sub-section (1), the Corporation may cause to be forcibly removed all persons from the premises in which the factory, workshop or bakery in respect of which the offence has been committed is situated and no person shall thereafter enter into or remain in the said premises without the permission of the Corporation.

124. No person shall, otherwise than in accordance with the provisions of this Act,—

Regulation
of dangerous
and offensive
trades.

- (a) store or keep in any premises any articles which are prescribed as dangerous or offensive, or as being, or likely to be, a nuisance to the public, or dangerous to life, health or property;
- (b) store or keep in any premises the hide or any part of the carcase of any animal afflicted at the time of its death with infectious or contagious disease; or
- (c) carry on or allow to be carried on, in any premises, any trade, manufacture, industry or operation which is prescribed as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reason of the manner in which or the conditions under which the same is, or is proposed to be, carried on:

Provided that nothing in this section shall affect the provisions of the Explosives Act or the Petroleum Act.

Markets and Slaughter-houses.

125. (1) No person shall, without, or otherwise than in conformity with the terms of, a licence granted by the Corporation in this behalf,—

Private
markets not
to be kept
open with-
out a licence.

- (a) keep open, or
- (b) newly establish, or
- (c) remove from one place to another, or
- (d) re-open or re-establish after discontinuance for a period of not less than one year, or
- (e) enlarge the area or dimensions of,

a private market:

Provided that the Corporation shall not refuse, cancel or suspend any licence for keeping open a private market for any cause other than the failure

of the owner thereof to comply with some provision of this Act or condition of his licence after his attention has been drawn to such failure.

(2) When the Corporation has refused, cancelled or suspended any licence to keep open a private market it shall cause a notice of its having so done to be affixed [* * * *]¹ on some conspicuous spot on or near the building or place where such market has been held.

Licensing of sale of meat outside market.

126. (1) No person shall, without a licence from the Corporation, sell or expose for sale, any four-footed animal, or any meat or fish intended for human food, in any place other than a municipal or licensed market.

(2) Nothing in sub-section (1) shall apply—

(a) to meat or fish sold in any hotel or eating-house for consumption on the premises, or

(b) to fresh fish sold from, or exposed for sale on, a vessel in which it has been brought direct to Rangoon after being caught at sea or in the river.

Prohibition of establishment of slaughter-houses.

127. No person shall, at any place other than a municipal slaughter-house, except with the permission of the Corporation and in accordance with the terms and conditions of such permission, slaughter or cause or permit to be slaughtered any four-footed animal, the flesh of which may be used as human food :

Provided that, notwithstanding the provisions of section 178, sub-section (3), the Corporation shall not charge any fee for the grant of permission for the sacrificial slaughter, on the occasion of any festival or ceremony, of animals, the flesh of which is not intended for sale.

Inspection of places for illicit slaughter of animals and seizure of carcasses so slaughtered.

128. (1) If there are reasonable grounds for believing that any animal has been or is being or is likely to be slaughtered in contravention of the provisions of section 127, any municipal officer authorized in this behalf may, at any time by day or night, enter into and inspect any such place or premises, and may seize any animal or the carcase of any slaughtered animal found therein.

(2) The officer so authorized may remove and sell by auction or otherwise dispose of any animal or the carcase of any animal seized under sub-section (1), and shall place in deposit in the Municipal Fund the proceeds of any such sale.

(3) If the owner of any animal or carcase so seized fails to appear within one month from the date of such seizure, and prove his claim to the satisfaction of the Corporation, or if such owner is convicted of an offence under this Act with respect to such animal or carcase, the proceeds of the aforesaid sale shall vest in the Corporation.

(4) If the owner of any animal or carcase so seized appears and proves his claim to the animal or carcase or to the proceeds of the sale thereof to the

¹ The words "in the English and Burmese languages were omitted by the Union of" Burma (Adaptation of Laws) Order, 1948.

satisfaction of the Corporation, within one month from the date of such seizure, the Corporation shall, if it does not prosecute such owner or if as a result of the institution of a prosecution such owner is acquitted or discharged, pay to such owner the proceeds of the sale of such animal or carcase.

129. The Corporation may—

- (a) charge such stallages, rents and fees as it may from time to time fix for the use or occupation of any stall, shop, shed, standing, pen, lairage or other building in a municipal market or municipal slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any municipal market;
- (b) farm the stallages, rents and fees leviable under clause (a); and
- (c) put up to public auction the privilege of occupying or using any stall, shop, shed, standing, pen, lairage or other building in a municipal market or municipal slaughter-house for such period and on such conditions as it may think fit.

Levy of charges in municipal markets and slaughter-houses.

Weights and Measures.

130. (1) Any municipal officer authorized in this behalf may, at all reasonable times, enter into any market, building, shop, stall or place used for the sale of any goods, food, drink or drugs and inspect any instruments for weighing, weights or measures found therein and test the same with other weights and measures, and may seize any such instrument for weighing, weight or measure which he reasonably suspects to be false or other than those prescribed and may cause the same to be examined or tested.

Inspection of markets and seizure of weights and measures.

(2) Every person for the time being in charge of, or employed in, such market, building, shop, stall or place, shall, if so required by the officer authorized, produce for such inspection and comparison all instruments for weighing, weights and measures kept or used therein.

Seizure of Animals.

131. (1) Any municipal officer authorized in this behalf may—

- (a) if he has reason to believe that any animal is being kept in any place or premises in contravention of any provision of this Act, at any time of the day or night, enter into and inspect such place or premises and seize and remove any animals so kept therein; or
- (b) seize and remove any animal found in the course of importation into, or transport within, the City, in contravention of any provision of this Act.

Inspection and seizure of animals.

(2) If the owner of any animal seized under sub-section (1) fails to appear within one month from the date of such seizure, and prove his claim to such animal to the satisfaction of the Corporation, the Corporation may

sell such animal by auction or otherwise and the proceeds of such sale shall be credited to the Municipal Fund.

(3) If the owner of any animal seized under sub-section (1) appears within one month from the date of such seizure and proves his claim to such animal to the satisfaction of the Corporation, the Corporation shall, if reasonable charges for feeding and tending are paid, return such animal to such owner and may direct the prosecution of such owner under the provisions of this Act.

Food, Drink and Drugs.

Prohibition
of sale of
diseased
animals or
unwhole-
some
articles
intended for
human food.

132. No person shall sell, expose for sale or keep for sale any animal, food, drink or drug intended for human consumption or medical treatment, or manufacture any such food, drink or drug which is diseased, unsound, unwholesome or unfit for human food.

Explanation.—Meat into which air or water has been blown or injected shall be deemed to be unfit for human food.

Adulteration
of food,
drink
or drugs

133. (1) No person shall sell or expose, manufacture or store for sale any article of food or drink or any drug which has been adulterated.

(2) An article or drug shall be deemed to be adulterated—

(a) in the case of an article of food or drink—

- (i) if any substance has been mixed or packed therewith so as to reduce or lower or injuriously affect its quality or strength, or
- (ii) if any valuable constituent of the article has been wholly or in part abstracted ;

(b) in the case of a drug—

- (i) if, when it is sold or exposed for sale under or by a name recognised in the British Pharmacopœia, it differs from the standard of strength, quality or purity laid down in the said Pharmacopœia, unless the standard of strength, quality or purity of such drugs is plainly stated on the bottle, box or other receptacle, or
- (ii) if its strength, quality or purity falls below the professed standard under which it is sold or exposed for sale :

Provided that no adulteration shall be deemed to have taken place where—

- (i) the article or drug was unavoidably mixed with any extraneous matter in the process of collection or preparation, or
- (ii) any matter or ingredient not injurious to health has been added thereto or mixed therewith because such matter or ingredient was required for the production or preparation thereof as an article of commerce in a state fit for conveyance or consumption, and not fraudulently to increase the bulk, weight or measure thereof or to conceal its inferior quality, if the

vendor in the prescribed manner brought to the notice of the purchaser the fact that such matter or ingredient had been so added or mixed.

(3) The President of the Union may, with reference to any particular article of food or drink, or to any drug,—

(a) declare by notification what deficiency in any of the normal constituents, or what addition of extraneous substance or proportion of water,

(b) fix by notification a standard of quality, specific gravity or percentage of constituent parts, failure to conform with which,

shall, for the purposes of this Act, raise a presumption, until the contrary is proved, that the food, drink or drug, as the case may be, is adulterated.

134. No person shall sell or expose, manufacture or store for sale any article of food or drink or any drug to which the President of the Union has by notification applied this section unless it fulfils the conditions specified therefor in such notification. Standardized food and drugs.

135. No person shall sell or expose, manufacture or store for sale, as being any specified article of food or drink or any specified drug, to which the President of the Union has by notification extended this section, any article (hereinafter referred to as a "substitute") which resembles or purports to be but is different in nature, substance or quality from such notified article or drug. Substitutes.

136. In any prosecution under section 132, 133, 134 or 135—

(a) the Court shall presume, unless and until the contrary is proved, that any animal, food, drink or drug or substitute therefor found in the possession of any person who is or has recently been in the habit of selling that class of animal, or of manufacturing, storing or selling such food, drink or drug, or what purports or purported to be such food, drink or drug, was being kept, manufactured or stored for sale by such person ;

(b) it shall be no defence for such person to plead that he was ignorant that the animal, food, drink or drug or substitute was diseased, unsound, unwholesome or unfit for human food or was adulterated or did not fulfil the conditions specified or was a substitute, as the case may be ;

(c) no offence shall be deemed to have been committed where such person proves to the satisfaction of the Court that he obtained the food, drink, drug or substitute under a warranty from the manufacturer in, or importer into, the Union of Burma, as the case may be, that the food, drink, drug or substitute had not been adulterated, did fulfil the conditions specified or was not a substitute, and that he had no reason to believe otherwise.

Provisions relating to prosecutions.

Liability of
warrantors.

137. When any person has been discharged or acquitted of an offence by reason of the provisions of clause (c) of section 136, and the warranty proves to be incorrect or misleading, the warrantor shall be deemed to have committed such offence.

Inspection
of place for
sale of food
or drink, and
seizure of
unwholesome
articles
or utensils
found
therein.

138. (1) Any municipal officer authorized in this behalf may at any time enter into and inspect any market, building, shop, stall or place used for the sale of any animals, food, drink or drugs intended for human consumption or medical treatment or for the preparation, manufacture or storage of the same for sale, and may inspect and examine any such animal, food, drink or drug and any utensil or vessel used for preparing, manufacturing or containing any such food, drink or drug which may be therein.

(2) If any such animal appears to such officer to be diseased, or if any such food, drink or drug appears to him to be unsound, unwholesome or unfit for human consumption or medical treatment, as the case may be, or to be adulterated, or not to fulfil the specified conditions or to be a substitute, or if any such utensil or vessel is of such kind or in such state as to render any food, drink or drug prepared, manufactured or contained therein unwholesome or unfit for human consumption or medical treatment, as the case may be, he may seize and remove such animal, food, drink, drug, utensil or vessel in order that the same may be dealt with as hereinafter in this Chapter provided.

(3) The authorized officer may, instead of removing any such animal, food, drink, drug, utensil or vessel seized under sub-section (2), leave the same in such safe custody as the Corporation directs in order that the same may be dealt with as hereinafter in this Chapter provided; and no person shall remove such animal, food, drink, drug, utensil or vessel from such custody or interfere or tamper with the same in any way while so detained.

Seizure of
articles
during
importation
or transport.

139. Any municipal officer authorized in this behalf may at any time seize any articles of food or drink or any drugs which are in course of importation into or transport within the City in contravention of the provisions of this Act.

Destruction
of animals
and articles
seized under
section 138
or 139.

140. (1) When any animal, food, drink, drug, utensil or vessel is seized under section 138, sub-section (2), or section 139, it may, at the discretion of the officer making the seizure and with the consent of the owner or the person in whose possession it was found, be forthwith destroyed; provided that if any food, drink or drug so seized is of a perishable nature and is in the opinion of the officer making the seizure, diseased, unsound, unwholesome or unfit for human consumption or medical treatment, it may be destroyed without such consent.

(2) The expenses incurred on behalf of the Corporation in taking any action under sub-section (1) shall be paid by the person in whose possession such animal, food, drink, drug, utensil or vessel was at the time of its seizure.

141. (1) Any animal, food, drink, drug, utensil or vessel seized under section 138, sub-section (2), or section 139 which is not destroyed in pursuance of section 140 shall, subject to the provisions of section 138, sub-section (3), be taken before a Magistrate as soon as may be after such seizure.

Taking before Magistrate of animals and articles seized under section 138 or 139.

(2) If it appears to the Magistrate that such animal, food, drink, drug, utensil or vessel was rightly seized, he shall cause the same—

- (a) to be forfeited to the Corporation, or
- (b) to be destroyed at the expense of the person in whose possession it was found at the time of its seizure.

(3) If the Magistrate is of the contrary opinion the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss or expenses which he has sustained or incurred, as the Magistrate may think proper.

142. When any authority directs, in exercise of any powers conferred by this Chapter, the destruction of any animal or any food, drink or drug or the disposal of the same so as to prevent its being used as food or medicine, the same shall thereupon be deemed to be the property of the Corporation.

Foods and drugs directed to be destroyed deemed to be the property of the Corporation.

143. Any dealer in, or purchaser of, any food, drink or drug, who submits the same to the Municipal Analyst and pays such fee as the Corporation may fix in this behalf, shall be entitled to have the same analysed by the Municipal Analyst and to receive from him a certificate of the results of his analysis.

Power of dealer in, or purchaser of, article to have it analysed.

144. (1) Any municipal officer authorized in this behalf may apply to purchase any article of food, drink or drug, which may be kept or exposed for sale, or be in course of importation into, or transport within, the City, or for the regulation of the sale, importation or transport of which provision has been made under this Act, upon tendering the price for a quantity not more than reasonably requisite for the purpose of analysis, and the person in charge of such article of food, drink or drug, shall, if he has authority to sell, be bound to sell such quantity.

Purchase or seizure of article of food, drink or drug for purposes of analysis.

(2) If the person in charge of any article of food, drink or drug as aforesaid shall be unable for want of authority to sell such quantity as shall be reasonably requisite as aforesaid, the authorized officer may seize a quantity not more than reasonably requisite as aforesaid and shall grant him a certificate stating the nature and quantity of the article seized, and the date and place of seizure, and, upon claim being made, shall pay to the owner the price of the article seized.

(3) The authorized officer, after purchasing or seizing any article under sub-section (1) or sub-section (2), and any person purchasing any article with the intention of submitting the same to analysis, shall, after completing the purchase, forthwith notify to the person in charge of such article his intention

to have the same analysed, and shall divide the article into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit.

(4) The authorized officer and any such person as is mentioned in sub-section (3) shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to the Municipal Analyst.

Disposal of the Dead.

President may direct the closing of any place for the disposal of the dead.

145. (1) If, from information furnished by competent persons and personal inspection by an officer authorized in that behalf, the Corporation is of opinion—

(a) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults and graves in or about the same, or of any churchyard or burial ground adjacent thereto, or

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

it may submit its opinion, with the reasons therefor, for the consideration of the President of the Union.

(2) Upon receipt of such opinion the President of the Union, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published in the Gazette and the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead.

(3) On the expiration of two months from the date of any such order of the President of the Union, the place to which the same relates shall be closed for the disposal of the dead.

President may sanction the re-opening of places that have been closed for the disposal of the dead.

146. (1) If the Corporation is of opinion that any place formerly used for the disposal of the dead, but closed under the provisions of section 145 or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, it may submit its opinion, with the reasons therefor, for the consideration of the President of the Union.

(2) Upon receipt of such opinion the President of the Union, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published as aforesaid, direct that such place be re-opened for the disposal of the dead.

Burials and exhumations not to be made without the permission of the Corporation.

147. (1) No person shall, without the permission of the Corporation under sub-section (2),—

(a) make any vault or grave or interment within the wall, or underneath any passage, porch, portico, plinth or verandah of any public place of worship; or

- (b) make any interment, or otherwise dispose of any corpse, in any place which is closed for the disposal of the dead under section 145 ; or
- (c) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place not registered as a place for the disposal of the dead ; or
- (d) exhume any corpse.

(2) The Corporation may, in special cases, grant permission for any of the purposes aforesaid, subject to such general or special orders as the President of the Union may from time to time make in this behalf.

(3) An offence under this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the Code of Criminal Procedure.

Emergency Provisions.

148. In the event of the City being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the City amongst men or animals, the Commissioner, if he is of the opinion that the ordinary provisions of this Act or of any other law for the time being in force are insufficient for the purpose, may—

Emergency measures on outbreak of any dangerous disease.

- (a) take such special measures, and
- (b) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

149. (1) If the Corporation is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, it may, after giving to the owner or occupier of such hut or shed such previous notice of its intention as may in the circumstances of the case appear to it reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

Destruction of huts and sheds when necessary.

(2) Compensation may be paid by the Corporation, in any case in which it thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed ; but except as so allowed by the Corporation, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

150. In any case in which the Commissioner is empowered to cause the disinfection of clothing, bedding or other articles which have become infected with disease, he may direct the destruction of such clothing, bedding or other articles if they are likely to retain infection, and may, in his discretion, give compensation for any article so destroyed.

Power to destroy infected clothing, etc.

Emergency measures in unforeseen disasters.

151. On the occurrence of any sudden accident or unforeseen event, or in the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property, or danger to human or animal life, the Commissioner shall take such action as the emergency shall appear to him to justify or to require.

Action by Commissioner to be reported.

152. Whenever the Commissioner takes any action under section 148, 150 or 151 he shall immediately report to the Corporation the action he has taken, the reasons therefor and the cost incurred thereby; and he shall comply with any directions given by the Corporation in respect of such matter.

CHAPTER XI.

BUILDINGS AND STREETS.

Buildings.

Prohibition of erection or re-erection of buildings without permission of Corporation.

153. No person shall commence the work of erection or re-erection of any building or of any excavation for the foundations thereof—

- (a) unless and until the Corporation has either granted permission for the erection or re-erection thereof or has failed to intimate within the prescribed period its refusal of such permission; or
- (b) after the expiry of one year from the date of the said order granting permission or from the end of the prescribed period, as the case may be.

Completion certificates and permission to occupy or use buildings.

154. (1) Every person who erects or re-erects any building shall, within one month after the completion of the work of erection or re-erection, deliver or send to the Corporation notice in writing of such completion and shall give to the Corporation all necessary facilities for the inspection of such building.

(2) The Corporation shall, within seven days after the receipt of the said notice, depute an officer to commence the work of inspection of such building.

(3) The Corporation may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates,—

- (a) give permission for the occupation of the building erected or the use of the part of the building re-erected, or
- (b) refuse such permission in case such building has been erected or re-erected so as to contravene any provision of this Act.

(4) No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection of such building—

- (a) until the permission referred to in clause (a) of sub-section (3) has been granted in the prescribed manner, or

- (b) unless the Corporation has failed for twenty-one days after the receipt of notice of completion to intimate its refusal of the said permission.

155. (1) If any person—

- (a) commences the work of erection or re-erection of any building, or of any excavation for the foundations thereof, without the permission of the Corporation, or
- (b) proceeds with the work of erection or re-erection of any building or otherwise than after compliance in full with the lawful requirements of any prescribed notice by the Corporation, or
- (c) occupies or permits to be occupied or uses or permits to be used any building or part of a building erected or re-erected without the permission of the Corporation under section 154,

Power of Corporation to direct removal of person from buildings in which works are being unlawfully carried on or which are unlawfully occupied.

the Corporation may, after twenty-four hours' notice, direct that all persons engaged in any capacity in the work of erection or re-erection of such building or part of a building, or occupying or using such building or part of a building, shall be removed therefrom, and may call upon the Commissioner of Police of Rangoon to enforce such removal, and the Commissioner of Police, on receipt of any such requisition, shall cause all the persons aforesaid to be removed from such building and shall take such measures as will prevent any such person from again entering into or remaining upon such building or part of a building except with the permission of the Corporation: provided that any person occupying or using such building or part of a building as a tenant shall not be removed under clause (c) unless one week's notice in writing requiring such person to vacate the same has been served on him by the Corporation.

(2) All expenditure incurred in the enforcement of the provisions of this section may be recovered from the person offending.

156. (1) If for any reason it shall appear to the Corporation that any building or part of a building intended for or used for human habitation or human occupation for any purpose whatever is unfit for such habitation or occupation, it shall give to the owner or occupier of such building notice in writing, stating such reason and signifying its intention to prohibit the further use of such building or part of a building for such purpose, and calling upon the owner or occupier of such building to state in writing any objection thereto within seven days after the receipt of such notice, and, if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Corporation invalid or insufficient, it may, by an order in writing, prohibit the further use of such building or part of a building for human habitation or occupation: provided that, before such order is given, the owner or occupier of the building shall have an opportunity of appearing before the Corporation (or such standing committee as may be prescribed in this behalf), in person or by agent, in support of his objection.

Provisions regarding buildings unfit for human habitation.

(2) When any such prohibition as aforesaid has been made, the Corporation shall cause notice of such prohibition to be served upon the owner of, and upon every person who occupies or uses for any purpose, the building or part of a building thereby affected; such notice shall specify a day, being not less than fourteen days from the date thereof, on or before which every such occupier shall remove himself and his property from the said building or part of a building, and, if on the day so appointed any occupier has failed to comply with the terms of the said notice, the Corporation may cause such occupier and his property to be removed from the said building or part of a building and may for such purpose enforce the prohibition by calling upon the Commissioner of Police of Rangoon in the manner provided for in section 155; and all expenditure incurred in such enforcement may be recovered from the person offending.

(3) When a building or part of a building has been evacuated under sub-section (2), the Corporation shall mark it in the manner prescribed and no person shall, except with the permission of the Corporation and in accordance with the terms and conditions of such permission, enter into or remain in such building or part of a building.

(4) At any time after a building or part of a building has been evacuated under sub-section (2), the Corporation may, if it considers that such building or part of a building can be rendered fit for human habitation by structural alterations or repairs, by notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs as it deems necessary, or may, if it considers it impossible to render such building or part of a building fit for human habitation, by notice in writing call upon the owner to demolish such building or part of a building within a period of thirty days from the receipt of such notice.

(5) If at the expiration of the aforesaid period of six months such structural alterations or repairs have not been executed to the satisfaction of the Corporation it shall issue to the owner thereof a notice in writing ordering the demolition of such building or part of a building within a period of thirty days from the date of receipt of such notice.

(6) If at the expiration of the period of thirty days an order to demolish a building or part of a building, issued under sub-section (4) or sub-section (5), has not been complied with, the Corporation may direct, by an order in writing, the demolition of such building or part of a building by any municipal officer or servant or contractor, and the materials of such building or part of a building shall become the property of the Corporation: provided that, before such order is made, the owner of the building or part of a building shall have an opportunity of appearing before the Corporation (or such standing committee as may be prescribed in this behalf), in person or by agent, and of showing cause why such order should not be made.

(7) For sufficient cause, the Corporation may extend the time allowed under, or prescribed by, sub-sections (4), (5) and (6).

(8) If any building or part of a building in respect of which an order under this section has been made is the subject of a lease, such lease shall be voidable at the option of the lessee with effect from the date on which the said order comes into force.

157. (1) If any building, wall, structure or any thing affixed thereto is in a ruinous or dangerous state the Corporation may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made thereto as it considers necessary for the public safety, and if it appears to it to be necessary in order to prevent imminent danger, it may forthwith take such steps as may be necessary to avert such danger, and such steps may include the forcible removal without notice from such building of all the occupiers thereof and their property.

Removal of buildings in ruinous or dangerous state.

(2) Any expense incurred by the Corporation under sub-section (1) shall be paid by the owner of the said building, wall, structure or thing affixed thereto.

(3) No person shall enter into or remain in any building from which the occupiers have been removed under sub-section (1) except with the permission of the Corporation.

158. (1) If for any reason it shall appear to the Corporation that the level of the site of any building is so low that such building is, or is likely to become, insanitary or to create a nuisance, it shall give to the owner or occupier of such building notice in writing, calling upon such owner or occupier to show cause in writing within thirty days after the receipt of such notice why the said site should not be reclaimed with such materials and raised to such a height and within such period, being not less than six months from the date of the notice, as it shall think fit, and shall also specify in the said notice the cost at which it is prepared to perform the work required by municipal agency, if asked so to do by the said owner or occupier.

Reclamation of low-lying sites.

(2) If no objection is raised by such owner or occupier within such period as aforesaid or any objection which is raised by such owner or occupier appears to the Corporation invalid or insufficient, it may, by notice in writing, direct such owner or occupier—

- (a) to carry out such reclamation and raising of the height within the period prescribed; or
- (b) within thirty days after the receipt of the said notice to pay to the Corporation the estimated cost of performing the work by municipal agency.

(3) In any case in which the estimated cost of the reclamation has not been paid to the Corporation, if the aforesaid owner or occupier fails to commence the work of reclamation within three months after the receipt by him of the notice under sub-section (2), or if he thereafter fails to carry on and complete the reclamation to the specified height and with the specified materials within a reasonable period, the Corporation may recover from him

the estimated cost of the work as stated in the notice issued under sub-section (1), or so much thereof as it may consider necessary to complete the work, and may carry out and complete the work by municipal agency.

Power to prohibit re-erection of building on insanitary site.

159. (1) If any building, the site of which is so low as to be, or to be in the opinion of the Corporation likely to become, insanitary, is demolished or destroyed by fire or by any other cause, the Corporation may, by notice in writing addressed to the owner or occupier of such site, direct that no building shall be erected thereon unless and until the said site has been raised to such height and with such materials as it may specify in such notice.

(2) No person shall erect or re-erect any building in contravention of such notice.

Public Streets.

Closing of public streets.

160. The Corporation may permanently close the whole or any part of a public street :

Provided that—

(i) no such street or part of such street shall be closed unless, one month at least before the meeting at which the matter is decided, a notice has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the Corporation ;

(ii) where the site thereof was transferred to or placed at the disposal of the Municipal Committee of Rangoon or of the Corporation by the President of the Union for use as a street, the previous sanction of the President of the Union has been obtained in that behalf.

Disposal of land forming site of public street.

161. Whenever any public street or part of a public street is permanently closed under section 160, the site of such street, or of the portion thereof which has been closed, may be disposed of, subject to the provisions of section 42, as land vested in the Corporation.

Permission to lay tramways or railways on public streets to need the sanction of the Corporation and confirmation by the President.

162. (1) Without the permission of the Corporation no person shall lay or work on, under or above any public street any railway or tramway, and no permission shall have validity unless and until it is confirmed by the President of the Union.

(2) Nothing in this section shall be deemed to affect the railway lines which were laid in or upon or in the vicinity of any public street on the 1st August, 1922 ¹, or any provision of the Railways Act, the Electricity Act or of the Tramways Act.

¹ Date of commencement of this Act.

163. (1) No person shall, except with the permission of the Corporation and in accordance with such terms and conditions, including the payment of rent, as it may impose, erect, add to, set up or place against or in front of any premises any structure or fixture, or obstruction, which will—

Prohibition of projections upon streets.

(a) overhang, jut or project into, or in any way encroach upon or obstruct the passage of the public along any street ; or

(b) jut or project into or encroach upon or cover over any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Corporation may, by written notice, require the owner or occupier of any premises to remove any structure, fixture or covering which has been erected, set up or placed against, or in front of, the said premises in contravention of this section or of section 94 of the Burma Municipal Act, 1884 ¹, or to alter the same in such manner as the Corporation thinks fit to direct.

Power to require removal of the same.

India Act XVII, 1884.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit an account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

164. (1) If any such structure, fixture or covering as is described in section 163 has been erected, set up or placed against, or in front of, any premises, at any time before the Burma Municipal Act, 1884 ¹ came into force, the Commissioner may give notice under sub-section (2) of the said section to the owner or occupier of the said premises.

Power to require removal of projection made before Burma Municipal Act, 1884, came into force.

India Act XVII, 1884.

(2) No compensation shall be paid to any person who sustains loss or damage by the removal or alteration of any such structure or fixture or covering which has been so erected, set up or placed at any time since the first day of December, 1884 ².

Private Streets.

165. Every person who intends to make or lay out a new private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give written notice of his intention to the Corporation and shall, along with such notice, submit plans and sections, showing the intended level, direction and width and means of drainage of such street, and the height and means of drainage of the buildings to be erected on each side thereof.

Notice of intention to lay out new private street to be given to Corporation.

¹ Repealed by the Municipal Act, 1898 (Burma Act III, 1898).

² Date of commencement of the Burma Municipal Act, 1884.

Level of new private streets to be determined by the Corporation.

166. The level, direction, width and means of drainage of every new private street, and the height and means of drainage of the buildings to be erected on each side thereof, shall be fixed and determined by the Corporation.

New private street not to be made and buildings on either side thereof not to be erected except in accordance with Corporation's direction or approval.

167. (1) No person shall make or lay out any new private street, or erect any building on either side thereof, otherwise than in accordance with the directions of the Corporation under section 166.

(2) If any such new private street be made or laid out, or if any building on either side of any such street be erected, in contravention of this section, the Corporation may, by written notice, require the person who is making or laying out or has made or laid out such street, or who is erecting or has erected such buildings, on or before such date as shall be specified in such notice, by a statement in writing subscribed by him in that behalf and addressed to the Corporation, to show cause why such street or building should not be altered to the satisfaction of the Corporation or, if that is impracticable, why the same should not be demolished or removed ; or may require the said person on such day and at such time and place as shall be specified in such notice to appear before the Corporation or such standing committee as may be prescribed in this behalf, either personally or by an agent, and show cause as aforesaid.

(3) If such person shall fail to show sufficient cause to the satisfaction of the Corporation why such street or building should not be so altered or demolished or removed, the Corporation may cause the street or building to be so altered or demolished or removed, and the expenses thereof shall be paid by the said person.

Levelling and draining of private streets.

168. (1) If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the Corporation, it may, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street or which will benefit by works executed under this section, to level, metal or pave, drain and light the same in such manner as it shall direct.

(2) If such requisition be not complied with on or before the date specified in such notice, the Corporation may cause the work to be done by municipal or other agency under its own orders, and the expenses incurred by the Corporation in so doing shall be paid by the owners of the premises aforesaid in such proportions as the Corporation shall think fit.

(3) Not less than fifteen days before the commencement of any work under sub-section (2) the Corporation shall give written notice to all the said owners of—

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner.

(4) Any owner who is of opinion that the proportion of expenses payable by him in accordance with the order of the Corporation under sub-section (2) is incorrect or unjust may appeal against such order to the Chief Judge of the Rangoon [City Civil Court]¹.

(5) Effect shall be given by the Corporation to the decision of the Court under sub-section (4).

Conversion of Private into Public Streets.

169. When any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the Corporation, it may, with the consent of, and shall, upon the request of the owner or of any of the owners of such street, by notice put up in any part of such street, declare the same to be a public street and thereupon the same shall become a public street.

Power to declare private streets, when sewered, public streets.

Building Schemes.

170. (1) The Corporation may give public notice of its intention to declare—

- (a) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as the Corporation may consider suitable to the localities ; or
- (b) that in any localities specified in the notice there will be allowed the construction of only detached or semi-detached buildings or both, each with not less than an area of land specified in such notice appurtenant thereto ; or
- (c) that in any localities specified in the notice the construction of more than a limited number of houses on each acre of land, such number being specified in the notice, will not be allowed ; or
- (d) that in any streets, portions of streets, or localities specified in such notice, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character, or buildings destined for particular uses, will not be allowed without the special permission of the Corporation.

Power to regulate future construction of certain classes of buildings in particular streets or localities.

(2) No objection to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The Corporation shall consider all objections received within the said period, and shall, within a period of two months after the receipt thereof, submit the notice with a statement of all objections received and of its opinion thereon to the President of the Union.

(4) The President of the Union may pass such orders with respect to such declaration as he may think fit : provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued by the Corporation under sub-section (1).

¹ Substituted by Act XVI, 1946.

(5) The declaration, as confirmed or modified by the President of the Union, shall be published in the Gazette and shall take effect from the date of such publication.

(6) No person shall erect or re-erect any building in contravention of any such declaration.

Procedure for Corporation to prescribe building line and street alignment.

171. (1) If the Corporation consider it expedient to fix for any existing or proposed public street a building line or a street alignment, or both a building line and a street alignment, as the case may be, it shall give public notice of its intention so to do,

(2) Every such notice shall specify a period within which objections thereto will be received.

(3) The Corporation shall consider all objections received within the said period and may then make an order fixing a building line or a street alignment or both a building line and a street alignment, as the case may be, for such public street.

(4) A building line shall not be prescribed so as to extend farther back than the front of any building (other than a boundary wall) abutting on the street.

(5) Every order made under sub-section (3) shall be published in the Gazette and shall take effect from the date of such publication.

Erection or re-erection of building beyond street alignment prohibited.

172. (1) No person shall erect or re-erect a building or part of a building so as to project beyond a street alignment fixed under section 171.

(2) Any owner of land who is prevented by the provisions of this section from erecting or re-erecting any building on any land may require the Corporation to make compensation for any damage which he may sustain by reason of such prevention, and, upon the payment of compensation in respect of any land situated within such street alignment, such land shall become part of the said street and shall vest in the Corporation.

(3) The Corporation may require the alteration or demolition of any building or part of a building erected or re-erected in contravention of sub-section (1).

Setting forward of front to building line.

173. (1) If the front of any building which abuts on a public street is in rear of a building line fixed under section 171 and it is proposed to erect or re-erect such building in any manner that will involve the removal of such building or of the portion thereof which abuts on the said street, to an extent exceeding one half of such building or portion thereof above the ground level, such half to be measured in cubic feet, the Corporation may, in any order which it issues under this Act concerning the erection or re-erection of such building, permit or require the front of such building to be set forward to the building line.

(2) Except with the permission of the Corporation, no person shall erect or re-erect any building or any portion of a building between a street alignment and a building line fixed under section 171.

174. (1) The Corporation may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine. Buildings at corner of streets.

(2) The owner of the site of such building may require the Corporation to compensate him for the loss of any portion of such site resulting from a requirement of the Corporation under sub-section (1) and on payment of compensation such portion of the site shall vest in the Corporation.

175. (1) The Corporation may, by notice in writing, require the owner of any land which is intended for division into building sites to prepare and submit for its approval, within a period to be specified in such notice, a plan, drawn to some convenient scale to be specified in such notice, and signed in token of having been prepared by him or under his supervision by a licensed surveyor, in which shall be shown the streets which such owner proposes to construct on such land and the position and boundaries of the building sites into which he proposes to divide such land. Preparation of standard plans for division of lands into building sites.

(2) On receipt of any plan prepared as aforesaid the Corporation may either intimate its approval thereof or direct such alterations and amendments to be made therein as it shall think fit.

(3) If the said owner fails to submit the aforesaid plan within the period specified, the Corporation may cause such a plan as is described in sub-section (1) to be prepared in accordance with its instructions and shall cause a copy thereof to be delivered at the last known place of abode of such owner and to be affixed to some conspicuous position on the land.

(4) Such owner may appeal to the President of the Union—

- (a) against an order under sub-section (1); or
- (b) against an order directing any alterations or amendments in a plan issued under sub-section (2); or
- (c) against any plan prepared under sub-section (3);

and the order of the President of the Union on such appeal shall be final.

(5) Such appeal shall be made—

- (a) within ninety days after the date of an order under sub-section (1) or sub-section (2); or
- (b) within ninety days after the date on which a copy of the plan prepared under sub-section (3) has been delivered at the last known place of abode of such owner or has been affixed to a conspicuous place on the land, whichever is earlier;

and if not made within such period may be summarily rejected by the President of the Union.

(6) When a plan has been approved by the Corporation under sub-section (2) or has been prepared under the instructions of the Corporation under sub-section (3), such plan, modified in accordance with the order, if any, of the President of the Union under sub-section (4), shall be known as the "standard plan" of such land and a copy thereof, signed by such person as may be authorized in this behalf, shall be deposited in the office of the Corporation,

and another copy similarly signed shall be supplied on application to the owner of such land.

(7) No person shall, except with the permission of the Corporation or otherwise than in accordance with the terms and conditions of such permission, construct any street or erect any building on such land otherwise than in accordance with such "standard plan."

Saving as to Development Trust.

Power to exempt operations of Development Trust.

176. The President of the Union may, by notification, exempt from all or any of the provisions of this Chapter the operations of the Trustees for the Development of the City of Rangoon.

CHAPTER XII.

GENERAL PROVISIONS FOR THE CARRYING ON OF MUNICIPAL ADMINISTRATION.

Validity of Contracts.

Contracts.

177. (1) Every contract entered into by or on behalf of the Corporation shall, if it involves an expenditure exceeding two thousand rupees, be in writing and sealed with the common seal of the Corporation.

(2) A contract not executed in accordance with sub-section (1) shall not be binding on the Corporation.

Licences and Written Permission.

Licences and written permission.

178. (1) Wherever it is prescribed that the permission of the Corporation is necessary for the doing of any act, such permission shall (unless it is expressly provided otherwise) be in writing.

(2) Whenever it is provided in this Act that a licence or a permission may be given for any purpose, such licence or permission shall specify the period for which, and the conditions and limitations subject to which, the same is granted, and shall be signed in the prescribed manner.

(3) For every such licence or permission a fee may be charged at such rate as shall from time to time be fixed by the Corporation.

(4) Such licence or permission granted under this Act may at any time be suspended or revoked by the Corporation, if any of its conditions or limitations is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act in any matter to which such licence or permission relates.

(5) When any such licence or permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or permission, until the Corporation's order suspending or revoking the licence or permission is cancelled, or until the licence or permission is renewed, as the case may be.

(6) Every person to whom such licence or permission has been granted shall, at all reasonable times while such licence or permission remains in force, if so required by the Corporation, produce such licence or permission.

(7) The acceptance by the Corporation of the payment of the fee for a licence or permission shall not entitle the person making such payment to the licence or permission, as the case may be, but only to a refund of the fee in case of refusal of the licence or permission; but an applicant for the renewal of a licence or permission shall, until communication of orders on his application, be entitled to act as if the licence or permission had been renewed; and, save for a licence or permission required under the provisions of sections 123 and 124, if orders on an application for a licence or permission are not communicated to the applicant within six weeks after the receipt of the application by the Corporation, the application shall be deemed to have been allowed for the year, or for such less period as is mentioned in the application, and subject to this Act and all conditions ordinarily imposed.

Power of Entry and Inspection.

179 Any municipal officer duly authorized to make inspections or surveys or execute any works may enter into or upon any building or land, with or without assistants or workmen, whenever in his opinion such entry is necessary or expedient for the purposes of this Act:

Power of entry on premises for purposes of inspection, survey or execution of necessary work.

Provided that, except where it is in this Act otherwise expressly provided,—

- (i) no such entry shall be made between sunset and sunrise;
- (ii) no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier not less than six hours' previous written notice of the intention to make the said entry, and, unless for any sufficient reason it shall be deemed inexpedient to furnish such information of the purpose thereof;
- (iii) sufficient notice shall in every instance 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, so 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 occupants of the premises entered.

180. (1) Any municipal officer duly authorized to carry out works may deposit upon any land, adjoining, or within one hundred yards of, any such works, any soil, gravel, sand, lime, bricks, stone or other materials necessary for such works,

Power of entry on lands adjacent to works.

(2) Such person shall, before depositing materials under sub-section (1), give the owner and occupier reasonable notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned, or referred to, in the said sub-section.

(3) The Corporation shall not be bound to make any payment, tender or deposit before so using any land under sub-section (1), but shall do as little damage as may be, and shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

Right of entry into and inspection of premises licensed for any purpose.

181. Any municipal officer duly authorized in that behalf may, at any time, by day or night, without notice, enter into or upon any place or premises used or intended to be used for any purpose for which any licence, leave or permission is required by or under this Act in order to satisfy himself as to whether any provision of this Act or any condition of any licence, leave or permission granted, or which any person was bound to obtain, under this Act, is being contravened, or as to whether any nuisance is created upon such place or premises.

Enforcement of Orders to execute Works.

Execution of works which any person is required to execute by the Corporation at such person's cost.

182. (1) When any requisition or order is made by written notice by the Corporation under this Act, a reasonable period shall (where no period is prescribed by the Act) be specified in such notice for carrying such requisition or order into effect, and if within the period so specified such requisition or order or any portion of such requisition or order is not complied with, the Corporation may take such measures or cause such work to be executed or thing to be done as shall, in its opinion, be necessary for giving due effect to the requisition or order so made, and the expense thereof shall be paid by the person or by any one of the persons in default.

(2) On the written request of any person who is required under any provision of this Act to supply any materials or fittings or to do any work, the Corporation may, on such person's behalf, supply the necessary materials or fittings or cause the necessary work to be done, but it may refuse to do so unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Corporation, suffice to cover the cost of the said materials, fittings and work.

(3) The Corporation may, if it thinks fit, cause any work required to be done under any provision of this Act to be executed by municipal or other agency under its own orders without giving the person by whom the same would otherwise have to be executed any option of doing the same. The expenses of the work so done shall be paid by the person aforesaid, unless the Corporation shall, by general or special order or resolution, sanction the execution of such work at the charge of the Municipal Fund.

183. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act, the occupier, if any, of such building or land may, with the approval of the Corporation, execute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may deduct the amount thereof from the rent which, from time to time, becomes due by him to the owner.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

184. No person who receives the rent of any building or land in the capacity of agent or trustee only shall be liable to do anything which is by this Act required to be done by the owner if he is able to prove to the satisfaction of the Corporation that he has not sufficient funds of or due to the owner to pay for the same :

Limitation of liability of agent or trustee of owner.

Provided that nothing in this section shall be deemed to prevent the Corporation from carrying out the necessary works and recovering the expenses so incurred from the actual owner.

Recovery of Expenses incurred by the Corporation.

185. Unless it is otherwise expressly provided by this Act, whenever under this Act the expenses of any work executed or of any measure taken or thing done by or under the order of the Corporation are payable by any person, the same shall be payable on demand.

Expenses recoverable under this Act to be payable on demand.

186. Instead of recovering any such expenses as aforesaid, the Corporation may, if it thinks fit, take an agreement from the person liable for the payment thereof to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine *per cent. per annum*, within a period of not more than five years.

Corporation may receive payment in instalments.

187. (1) Any expenses incurred by the Corporation under any other provision of this Act in respect of, or for the benefit of, any land or building, may, if the Corporation thinks fit, be declared to be improvement expenses.

Expenses incurred by Corporation may be declared improvement expenses and recovered by instalments.

(2) Improvement expenses shall be a charge on the land or building in respect of which, or for the benefit of which, the same have been incurred and shall be recoverable in instalments of such amounts not being less for any premises than twelve rupees *per annum*, and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of nine *per cent. per annum*, within such period, not exceeding thirty years, as the Corporation may, in each case, determine.

(3) The said instalments shall be payable by the owner or occupier of the land or building on which the expenses are so charged.

(4) At any time before the expiration of the period for the payment of any improvement expenses the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Corporation such part of the said expenses as may not have been defrayed by sums already levied in respect of the same.

In cases falling under section 185, disputes to be determined by the Chief Judge of the Rangoon City Civil Court.

188. (1) If, when the Corporation demands payment for any expenses under section 185, its right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Corporation or by the Commissioner in taking temporary measures in the interests of public safety under the provisions of this Act, the necessity for such temporary measures is disputed, the Corporation shall refer the case for the determination of the Chief Judge of the Rangoon [City Civil Court.]¹

(2) Pending the Judge's decision, the Corporation shall defer further proceedings for the recovery of the sum claimed by it and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due :

Provided that the Corporation or Commissioner, as the case may be, shall not, by reason only of the pendency of any dispute or reference to the said Judge, defer the execution of any temporary measures which may be necessary under any provision of this Act.

Payment of Compensation by Corporation.

Compensation to owner for value of immovable property deteriorated

189. (1) In any case in which immovable property has deteriorated in value owing to the exercise of any power conferred by section 94, 95, 96, 97, 109, 111, 112, 148 or 151, the Corporation may pay to the owner of the property reasonable compensation.

(2) On receipt of the compensation referred to in sub-section (1) the owner of the property which has deteriorated in value shall be deemed to have granted the Corporation a perpetual easement to continue the exercise of its powers under the said sections in such a manner as not to create a greater nuisance than at the time when compensation was received.

Procedure on complaint of injury.

190. (1) Any person who is injuriously affected thereby may complain to the President of the Union that in the exercise of any power conferred by section 94, 95, 96, 97, 109, 111 or 112 more than the least practicable nuisance has been created.

(2) Upon receipt of any such complaint, the President of the Union shall appoint an officer to enquire into the complaint, and such officer shall for the purpose of his enquiry have all the powers of a civil Court trying a suit and shall submit his report to the President of the Union.

(3) Upon receipt of his report the President of the Union may, if he thinks fit, direct the Corporation—

- (a) to take such measures as it shall deem practicable and reasonable for preventing, abating, diminishing or removing such nuisance ;
- (b) to pay to the complainant all reasonable costs of and relating to the said complaint.

The costs may include compensation for the complainant's loss of time in prosecuting the complaint.

(4) It shall be incumbent on the Corporation to obey every such order.

¹ Substituted by Act XVI, 1946.

191. Nothing in this Act shall affect the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 94, 95, 96, 97, 109, 111 or 112 to recover damages for the same.

Saving of right to claim damages for injury.

192. In any case not otherwise expressly provided for in this Act, the Corporation may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested in the Corporation, or vested in or delegated to the Commissioner, or to any other municipal officer or servant under this Act.

Payment of compensation.

193. (1) If, in any case not falling under section 185, the Corporation or any other person is required by this Act to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in section 217 and in the Land Acquisition Act, by the Chief Judge of the Rangoon [City Civil Court.]¹ on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Rangoon City Civil Court.

(2) If the amount of such expenses or compensation is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under a decree of the said Court.

Recovery of Dues.

194. (1) Any arrears of tax or any fee or other money claimable by the Corporation under this Act may be recovered as if they were arrears of land-revenue.

Recovery of arrears of taxes and other dues.

(2) The President of the Union may, by notification, prescribe the officers by whose orders and on whose application such arrears may be recovered.

195. The Corporation may write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in its opinion, be irrecoverable.

Writing off irrecoverable taxes.

Interference with Municipal Officers.

196. No person shall prevent any person duly authorized in that behalf from exercising his power under this Act of entering on any land or into any building.

Corporation not to be prevented from exercising power of entry.

197. No person shall obstruct or molest any person with whom the Corporation has entered into a contract, 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.

Prohibition of obstruction of contractor.

¹ Substituted by Act XVI, 1946.

Prohibition of removal of mark. 198. No person shall remove any mark set up for the purpose of indicating any lawful direction necessary to the execution of works authorized by this Act.

Legal Proceedings.

Decision of the Chief Judge of the Rangoon City Civil Court. 199. Notwithstanding anything contained to the contrary in the Rangoon [City Civil Court]¹ Act or any other enactment, the Chief Judge of the Rangoon [City Civil Court]¹ shall exercise all powers and jurisdiction conferred on, or vested in, the said Judge under the provisions of this Act, and, unless it is otherwise expressly provided by this Act, his decision on any matter in respect of which he exercises such powers or jurisdiction shall be final.

Procedure in inquiries before civil Courts. 200. (1) For the purposes of any appeal, inquiry or proceeding under this Act, the High Court or the Chief Judge of the Rangoon [City Civil Court]¹ may exercise all the powers conferred on the said Court by the Code of Civil Procedure or the Rangoon [City Civil Court]¹ Act, as the case may be, and the said Chief Judge shall observe the procedure prescribed in the said Code and Act so far as the same is consistent with the provisions of this Act.

(2) The costs of every such appeal, inquiry or proceeding, as determined by the said Court, shall be payable by such parties and in such proportions as the Court shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Court.

Fees in proceedings before civil Courts. 201. (1) The President of the Union may, by notification, prescribe what fee, if any, shall be paid—

(a) on any application, appeal or reference made under this Act to a civil Court; and

(b) previous to the issue, in any inquiry or proceeding of the Court under this Act, of any summons or other process :

provided that the fee, if any, prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fee at the time being levied in such Court in cases in which the value of the claim or subject-matter is of like amount.

(2) The President of the Union may by a like notification determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.

(3) No application, appeal or reference shall be received by any Court until the fee, if any, prescribed under clause (a) of sub-section (1) has been paid.

Limitation of time. 202. Where no time is prescribed by this Act for the presentation of an application, appeal or reference, such application or appeal shall be presented, subject to the provisions of section 5 of the Limitation Act, within thirty days after the date of the order in respect of or against which the application or appeal is made or preferred.

¹ Substituted by Act XVI, 1946.

Suits.

203. No suit shall be maintainable against the Corporation or any committee or the Education Board or officer or servant or any person acting under and in accordance with the directions of such authority, officer or servant or of a Magistrate in respect of anything in good faith and with due care and attention done or intended to be done under this Act.

Indemnity for acts done in good faith.

204. (1) No suit shall be instituted against the Corporation or against the Commissioner or any other municipal officer or servant in respect of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act—

Protection of persons acting under this Act against suits.

(a) until the expiration of one month next after notice in writing has been, in the case of the Corporation, left at the chief municipal office and, in the case of the Commissioner or of a municipal officer or servant, delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader or agent, if any, for the purpose of such suit; nor

(b) unless it is commenced within six months next after the accrual of the cause of action.

(2) At the trial of any such suit—

(a) the plaintiff shall not be permitted to adduce evidence relating to any cause of action save such as is set forth in the notice delivered or left by him as aforesaid;

(b) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(3) Where the defendant in any such suit is the Commissioner or any other municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the sanction of the Corporation, from the Municipal Fund.

CHAPTER XIII.

PUNISHMENT OF OFFENCES.

205 Whoever—

(a) contravenes any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table, or of any regulation or order made thereunder, or

Certain offences punishable with fine.

(b) fails to comply with any direction lawfully given to, or requisition lawfully made upon him, under any of the said provisions. shall be punished for each such offence with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed “Subject”, are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references on the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column :—

Section, sub-section or clause. (1)	Subject. (2)	Fine which may be imposed. (3)
Section 98 ...	Requisition by Corporation to connect premises with municipal drain.	One hundred rupees.
Section 99 ...	Requisition to connect undrained premises situated more than a hundred feet from municipal drain.	One hundred rupees.
Section 100 ...	New buildings not to be erected without drains ...	One thousand rupees.
Section 103 ...	Owners of drain to allow use thereof or joint ownership therein to others.	Fifty rupees.
Section 108, sub-section (1), clause (b).	Direction limiting use of drain or notice requiring the use of a distinct drain.	One hundred rupees.
Section 121, sub-section (1).	Erection of buildings, etc., over drains, water-mains, air-mains, etc., without permission.	Two hundred rupees.
Section 123, sub-section (1).	Establishment, etc., of factory, etc., without permission of Corporation.	One thousand rupees.
Section 124 ...	Storing dangerous or offensive articles, and carrying on dangerous or offensive trades.	Five hundred rupees.
Section 125, sub-section (1), clause (a).	Keeping open a private market	Two hundred rupees.
Section 125, sub-section (1), clauses (b) to (e).	Establishment, removal, re-opening, re-establishment and enlargement of private market without permission.	One thousand rupees.
Section 126, sub-section (1).	Selling animals' meat or fish outside market without licence	One hundred rupees.
Section 127 ...	Slaughter of animals without permission outside municipal slaughter-house.	One hundred rupees.
Section 130, sub-section (2).	Failure to produce weights, measures, etc.	Fifty rupees.

Section, sub-section or clause. (1)	Subject. (2)	Fine which may be imposed. (3)
Section 132 ..	Sale of diseased or unwholesome animal or article intended for human food.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 133 ...	Sale, etc., of adulterated food or drug	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 134 ...	Sale, etc., of notified article, which is not of prescribed standard of purity.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 135 ...	Sale, etc., of substitutes	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.
Section 138, sub-section (3).	Removing, interfering or tampering with animal, food, drink, drug, etc., seized and left in custody.	Two hundred rupees.
Section 144, sub-section (1).	Sale or surrender of articles of food, drink or drug required for purposes of analysis.	Two hundred rupees.
Section 147, sub-section (1).	Prohibition of burials within places of worship and exhumations without permission.	Five hundred rupees.
Section 153 ...	Prohibition of erection or re-erection of buildings without permission of Corporation.	One thousand rupees.
Section 154, sub-section (1).	Notice to be given to Corporation of completion of building.	One hundred rupees.
Section 154, sub-section (4).	Prohibition of occupation of new or re-erected building without permission of Corporation.	One thousand rupees.
Section 156, sub-section (3).	Entering into or remaining in a building which has been declared unfit for human habitation.	Five hundred rupees.
Section 157, sub-section (1).	Requisition to repair or remove buildings in ruinous or dangerous state.	One hundred rupees.
Section 157, sub-section (3).	Entering into or remaining in a ruinous or dangerous building from which occupants have been removed.	Fifty rupees.
Section 159, sub-section (2).	Erection or re-erection of building on site declared insanitary.	One thousand rupees.

Section, sub-section or clause (1)	Subject. (2)	Fine which may be imposed. (3)
Section 162, sub-section (1).	Laying a tramway or railway on a public street ...	One thousand rupees.
Section 163, sub-section (1).	Requisition to remove projections upon street, etc. ...	Two hundred rupees.
Section 164, sub-section (1).	Requisition to remove projections upon street, etc. ...	One hundred rupees.
Section 167, sub-section (1).	Laying out a private street otherwise than in accordance with the directions of the Corporation	One thousand rupees.
Section 170, sub-section (b).	Erection or re-erection of a building in contravention of a declaration published under section 170, sub-section (5).	One thousand rupees.
Section 172 ...	Constructing building beyond the street alignment without permission.	One thousand rupees.
Section 173, sub-section (2).	Constructing a building within the regular line of the street without permission.	One thousand rupees.
Section 175, sub-section (7)	Construction of street or erection of building otherwise than in accordance with standard plan.	One thousand rupees.

Continuing offences.

206. Whoever, after having been convicted of—

(a) contravening any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table, or of any regulation or order lawfully made thereunder, or

(b) failing to comply with any direction lawfully given to, or requisition lawfully made upon, him under any of the said provisions,

continues to contravene the said provision or to neglect to comply with the said direction or requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished for each day that he continues so to offend with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed "Subject", are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted

merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column :—

Section, sub-section or clause. (1)	Subject. (2)	Daily fine which may be imposed. (3)
Section 98 ...	Requisition by Corporation to connect premises with municipal drain.	Ten rupees.
Section 99 ...	Requisition to connect undrained premises situated more than a hundred feet from municipal drain.	Ten rupees.
Section 100 ...	New buildings not to be erected without drains ...	Fifty rupees.
Section 103 ...	Owners of drain to allow use thereof or joint ownership therein to others.	Five rupees.
Section 108, sub-section (1), clause (b).	Direction limiting use of drain or notice requiring the use of a distinct drain.	Ten rupees.
Section 122, sub-section (1).	Erection of buildings, etc., over drains, water-mains, air-mains, etc., without permission.	Twenty rupees.
Section 123, sub-section (1).	Establishment, etc., of factory, etc., without permission of Corporation.	One hundred rupees.
Section 124 ...	Storing dangerous or offensive articles and carrying on dangerous or offensive trades.	Fifty rupees.
Section 125, sub-section (1), clause (a).	Keeping open a private market	Twenty-five rupees.
Section 125, sub-section (1), clauses (b) to (c).	Establishment, removal, re-opening, re-establishment or enlargement of private market without permission.	One hundred rupees.
Section 126, sub-section (1).	Selling animals' meat or fish outside market without licence.	Ten rupees.
Section 153 ...	Prohibition of erection or re-erection of buildings without permission of Corporation.	One hundred rupees.
Section 157, sub-section (1).	Requisition to repair or remove buildings in ruinous or dangerous state.	Ten rupees.
Section 157, sub-section (3).	Entering into or remaining in a ruinous or dangerous building from which occupants have been removed.	Five rupees.
Section 159, sub-section (2).	Erection or re-erection of building on site declared insanitary.	One hundred rupees.
Section 162, sub-section (1).	Laying a tramway or railway on a public street ...	One hundred rupees.
Section 163, sub-section (1).	Requisition to remove projections upon street, etc. ...	Ten rupees.
Section 164, sub-section (1).	Requisition to remove projections upon street, etc. ...	Ten rupees.

Section, sub-section or clause. (1)	Subject. (2)	Daily fine which may be imposed. (3)
Section 167, sub-section (1).	Laying out private street otherwise than in accordance with direction of Corporation.	One hundred rupees.
Section 170, sub-section (6).	Erection or re-erection of a building in contravention of a declaration published under section 170, sub-section (5).	One hundred rupees.
Section 172 ...	Constructing building beyond the street alignment without permission.	One hundred rupees.
Section 173 ...	Constructing building within the regular line of street without permission.	One hundred rupees.
Section 175, sub-section (7).	Laying out of street or erection of building otherwise than in accordance with standard plan.	One hundred rupees.

Certain offences punishable with imprisonment without option of fine.

207. Whoever contravenes any of the provisions of section 117, 118, 148, 196, 197 or 198 or of any regulation or order made thereunder, or fails to comply with any direction lawfully given to, or requisition lawfully made upon, him under any of the said provisions, shall be punished for each such offence with imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Punishment of offences relating to the terminal tax

208. The law for the time being in force for the punishment of offences relating to the levy or payment of customs duties and the grant of drawbacks in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment or refund of any terminal tax which may be imposed under this Act, and any omission or misdescription in passing for export any goods, in respect of which refund of such terminal tax may be claimable, shall be punishable as if such omission or misdescription had been made in passing the said goods for import.

Punishment for acquiring share or interest in contract, etc., with the Corporation.

209. Any councillor, municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of, the Corporation, not being a share or interest such as, under the proviso to section 12, it is permissible for a councillor to have without being thereby disqualified for being a councillor, shall be punishable with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Punishment for essential officer leaving employment.

210. Any essential officer or servant contravening any of the provisions of sub-section (2) of section 36 shall be liable to imprisonment for a term not exceeding two months.

Procedure in Municipal Prosecutions.

Offenders against this Act may in certain cases

211. (1) Any police-officer or any municipal officer or servant specially empowered in this behalf by the Corporation may arrest any person who commits in his view any offence punishable under this Act, 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.

be arrested by the police and municipal officers or servants.

(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 forty hours from the arrest, than is necessary for bringing him before a Magistrate.

212. Notwithstanding anything contained in the Code of Criminal Procedure, an offence punishable under this Act and committed outside the City may be tried by a Magistrate having jurisdiction within the City as if such offence had been committed within the City and such Magistrate shall not be deemed to be incapable of taking cognizance of any such offence, or of any offence against any enactment hereby repealed,¹ by reason only of his being liable to pay any municipal tax or of his being benefited by the Municipal Fund to the credit of which any fine imposed by him is payable.

Jurisdiction of City Magistrates.

213. (1) No Court shall take cognizance of any offence punishable under this Act except on a complaint signed by some person duly authorized in that behalf.

Procedure in prosecutions.

(2) Notwithstanding anything contained in section 200 of the Code of Criminal Procedure, it shall not be necessary in respect of any offence punishable under this Act to examine the complainant when the complaint is presented in writing.

214. (1) No Magistrate shall take cognizance of any offence punishable under this Act unless complaint of such offence is made before a Magistrate—

Limitation of time for prosecution.

(a) within three months next after the date of commission of such offence; or

(b) if such date is not known or the offence is a continuing one, within three months next after the date on which the commission or existence of such offence was first brought to the notice of the Corporation or of any officer or servant whose duty it is to report such offence to the Corporation.

(2) Failure to take out a licence under this Act shall be deemed, for the purpose of sub-section (1), to be a continuing offence until the expiration of the period for which the licence ought to have been taken out.

215. If any person summoned to appear before a Magistrate to answer a charge of an offence punishable under this Act fails to appear at the time and place mentioned in the summons, the Magistrate may, if service of summons is proved to his satisfaction and no sufficient cause is shown for the non-appearance of such person, hear and determine the case in his absence.

Power of Magistrate to hear cases in absence of accused.

¹ See Schedule V to this Act as reprinted in Volume II, Burma Code, sixth edition, 1934.

Report of
Municipal
Analyst.

216. Any document, purporting to be a report under the hand of the Municipal Analyst upon any article duly submitted to him for an analysis, may be used as evidence of the facts therein stated in any enquiry or prosecution under this Act.

Compensation to be paid by offenders against this Act for any damage caused by them.

217. (1) If, on account of any act or omission, any person has been convicted of an offence punishable under this Act and, by reason of the same act or omission of the said person, damage has occurred to any property of the Corporation, compensation shall be payable by the said person for the said damage, in addition to 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 has been convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall, under a warrant from the said Magistrate, be recovered as if it were a fine inflicted on the said person.

Recovery of licence fees on conviction.

218. (1) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission required by the provisions of this Act, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Corporation the amount of the fee chargeable for such licence or permission.

(2) Recovery of the fee under sub-section (1) shall not entitle the person convicted to such licence or permission.

Compounding offences against this Act.

219. The Corporation may accept from any person, against whom a reasonable suspicion exists that he has committed an offence punishable under this Act, a sum of money by way of compensation for such offence, and on payment of such sum of money no further proceedings shall be taken against such person on account of the offence so compounded.

CHAPTER XIV.

ALTERATION OF LIMITS OF THE CITY.

Notification of intention to alter limits of Rangoon.

220. (1) The President of the Union may, by notification and in such other manner as he may determine, declare his intention—

(a) to exclude from the City any local area comprised therein and defined in the notification, or

(b) to include within the City any local area defined in the notification,

(2) The Corporation or any inhabitant of the City or of a local area, in respect of which a notification has been published under sub-section (1), may submit to the President of the Union any objection in writing to the alteration proposed within six weeks from the publication of the notification, and the President of the Union shall take such objection into consideration.

(3) When six weeks from the date of the publication of a notification under sub-section (1) have expired and the President of the Union has considered the objections (if any) which have been submitted under sub-section (2), the President of the Union may, by a further notification, exclude from, or include within, the City, any local area in respect of which the notification under sub-section (1) was issued or any part thereof, and Schedule VI shall be amended accordingly.

221. (1) When a local area is excluded from the City under section 220—

Effect of
exclusion of
local area.

- (a) this Act, and all rules, orders, directions, notices and powers made, issued or conferred thereunder, or in force throughout the City at the time when the local area is so excluded, shall, subject to the proviso to section 1, [* * *]¹, cease to apply thereto ; and
- (b) the President of the Union shall, after consulting the Corporation, frame a scheme determining what portion of the balance of the Municipal Fund and other property vested in the Corporation shall vest in [the State]² for the benefit of such excluded area, and in what manner the liability of the Corporation shall be apportioned between the Corporation and the Government ; and, on the publication of the scheme in the Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in [the State]² under sub-section (1) shall be applied, under orders of the President of the Union, to discharging the liabilities imposed on the Government under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the said excluded area.

222. When any local area is included in the City under section 220, this Act and, except as the President of the Union may by notification otherwise direct, all rules, orders, directions and powers made, issued or conferred thereunder and in force throughout the City at the time the local area is so included, shall apply in such area.

Effect of
including
local area.

CHAPTER XV.

CONTROL BY THE PRESIDENT OF THE UNION.

223. The President of the Union may, by order in writing, suspend the execution of any resolution or order of the Corporation or of any municipal authority or officer subordinate thereto, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in the opinion of the President of the Union, such resolution, order

Power of
President to
suspend
action under
Act.

¹ The word and figure "sub-section (2)" were omitted by Act II, 1945.

² Substituted for the words "His Majesty" by the Union of Burma (Adaptation of Laws Order, 1948).

or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace or to cause serious injury or annoyance to the public or to any class or body of persons.

Power of President to call for extracts from proceedings.

224. The President of the Union may at any time call upon the Corporation to furnish him with any extract from any proceedings of the Corporation or of the Education Board or of any standing committee constituted under this Act, and the Corporation shall furnish the same without unreasonable delay.

Power of President for purposes of examination and inspection.

225. (1) The President of the Union may require the Corporation to submit—

- (a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Corporation ;
- (b) a report on any such matter ;
- (c) a copy of any document in its charge.

(2) The President of the Union may, on receipt of any information or otherwise, depute any officer or officers to make any inspection or examination of any department, office, service, work or thing under the control of the Corporation and to report to him the result of such inspection or examination.

(3) Any officer so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of the City, and may require the Corporation—

- (a) to produce any record, correspondence, plan or other document which is in its possession or under its control, or which is recorded or filed in its office or in the office of any municipal officer or servant ;
- (b) to furnish any report, return, plan, estimate, statement, account or statistics.

(4) Every requisition made under this section shall be complied with by the Corporation without unreasonable delay.

Power of President to require municipal authority to take action.

226. If, on receipt of any report submitted or of any document furnished under section 225, the President of the Union is of opinion—

- (a) that any of the duties imposed on the Corporation by this Act or by any other law for the time being in force has not been performed or has been performed in an imperfect, inefficient or unsuitable manner ; or
- (b) that adequate financial provision has not been made for the performance of any such duty ;

he may, by an order in writing, direct the Corporation, 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 :

Provided that, unless in the opinion of the President of the Union the immediate execution of any such order is necessary, the President of the Union shall, before making an order under this section, give the Corporation an opportunity of showing cause why such an order should not be made.

227. (1) If, within the period fixed by any order made under section 226, any action directed by such order has not been duly taken, the President of the Union may by order—

- (a) appoint some person to take the action so directed ;
- (b) fix the remuneration to be paid to such person ; and
- (c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal Fund, and, if necessary, that any one or more of the taxes authorized by Chapter VIII shall be levied or increased, but not so as to exceed any maximum prescribed by that Chapter.

Powers of President when municipal authority fails to take action.

(2) The person appointed under sub-section (1) may, for the purpose of taking the action directed as aforesaid, exercise any of the powers conferred on the Corporation or on any municipal officer by this Act, which is specified in this behalf in the order made under sub-section (1) ; and such powers may include the power to draw cheques on the accounts specified in section 64.

(3) The President of the Union may, in addition to or instead of directing under sub-section (1) the levy or increase of any taxes, direct by notification that any sum of money which may, in his opinion, be required for giving effect to any order made under that sub-section, be borrowed by way of debenture or otherwise on the security of all or any of the said taxes, at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in such notification.

(4) The provisions of Chapter VI shall apply to any loan raised in pursuance of sub-section (3).

228. (1) If at any time, upon representation made or otherwise, it appears to the President of the Union that the Corporation is not competent to perform, or persistently makes default in the performance of, any duty or duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the President of the Union may, by an order, direct that all the members of the Corporation for the time being shall retire from office as and from such date as the President of the Union may appoint, and that general elections shall take place, as if such date were the day for retirement within the meaning of section 8, in accordance with the provisions of this Act, in so far as they may be applicable. Such order shall be published in the Gazette together with the reasons for making the same.

Powers to President to dissolve Corporation in case of incompetency, persistent default or excess or abuse of powers.

(2) The members of the Corporation so elected and appointed shall come into office immediately after their names have been published in the Gazette by the President of the Union and shall retire from office at noon on the first day of January next preceding the completion of a period of three years after they take office.

(3) All members of the Corporation shall vacate their office as such members from the date of the publication of an order under sub-section (1), and from that date until the date of the publication of the names of the new members under sub-section (2) all the powers and duties of the Corporation shall be exercised and performed by the Commissioner.

CHAPTER XVI.

SCHEDULES AND RULES.

Schedules to be part of the Act.

229. The Schedules ¹ attached to this Act as from time to time amended in accordance with the provisions of this Act shall be deemed to be part of this Act and all references in this Act to the said Schedules shall be construed as referring to such Schedules as so amended.

Alteration of and addition to Schedules.

230. The Corporation may add to Schedules I, II, III and IV rules not inconsistent with the provisions of this Act (which expression shall in this section be deemed not to include the said Schedules) to provide for any of the matters dealt with in such Schedules, or for any of the purposes specified in section 235, and may, subject to the same limitation, amend, alter, or annul any rule in the said Schedules :

Provided that, if any rule regulating the punishment of an offence is altered or amended, the punishment to be awarded under such altered or amended rule shall not exceed the maximum prescribed in section 234.

Power to make rules enforceable outside the City.

231. In all cases where articles of food or drink produced or manufactured without the City are intended for sale or consumption, or are likely to be sold or consumed, within the City, the Corporation shall have the same powers of making rules in respect of, and the same powers of inspecting, seizing and disposing of, such articles as if they were produced or manufactured within the City :

Provided that such powers shall not extend over a place which is administered by a municipal or town committee constituted under the Municipal Act, without the sanction of the President of the Union granted subject to such conditions and limitations as he may prescribe and for reasons to be stated, and after opportunity has been given to such committee to show cause against such sanction.

¹ Schedules I, II, III and IV are not reprinted in this Code as they have been amended from time to time by the Corporation of the City of Rangoon under section 230. For these Schedules see the City of Rangoon Municipal Manual. Schedule V, which contained a list of enactments repealed, is also not reprinted in this Code. Schedule VII, which contained certain transitory provisions, has been omitted by the Burma Laws (Adaptation) Act (Burma Act XXVII, 1940). Schedule VI, which contains the boundaries of the City of Rangoon, is alone reprinted in this Code.

232. (1) The power to make, add to, alter or rescind rules under section 230 or 231 is subject to the sanction of the President of the Union and to the condition of the rules being made after previous publication.

(2) All rules made under section 230 or 231 shall be finally published in the Gazette and shall thereupon have effect as if enacted in this Act.

(3) In addition to the publication required by sub-sections (1) and (2), the Corporation may determine in each case what further publication, if any, is required for rules which it is proposed to make and which have been made.

Power to make rules subject to the sanction of the President and all rules to be published.

233. (1) The President of the Union may, at any time, require the Corporation to make rules under section 230 or 231, as the case may be, in respect of any purpose or matter specified therein.

(2) If the Corporation fails to comply with such requisition within such reasonable time as may be fixed by the President of the Union, the President of the Union may, after previous publication, make such rules which shall, on final publication in the Gazette, have effect as if enacted in this Act.

(3) * * * *

Power of the President to make rules.

234. In making a rule under section 230, 231 or 233, sub-sections (2) and (3), the Corporation or the President of the Union, as the case may be, may provide that any breach thereof shall be punishable—

- (a) with fine which may extend to five hundred rupees, and in case of a continuing breach, with fine which may extend to twenty rupees for every day during which the breach continues after the conviction for the first breach, or
- (b) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of written notice from the Corporation to discontinue the breach.

Penalty for breach of rules.

235. In particular and without prejudice to the generality of the powers conferred by sections 230, 231 and 233, sub-sections (2) and (3), rules made thereunder may provide for or regulate all or any of the following purposes and matters, namely:—

- (i) (a) the total number of councillors and the number to be elected ;
- (b) the qualifications to be possessed by an elector or councillor ;
- (c) deciding what associations are "public bodies" for the purpose of this Act and what "public bodies" may be represented on the Corporation :
- (ii) (a) the preparation, publication, correction or revision of the register of electors ;
- (b) the manner in, the conditions under, and the authority by, which claims to, or objections against, registration may be made and decided ;
- (c) the date on which the register of electors shall come into operation and the period for which it shall continue in operation ;

Matters in respect of which rules may be made.

Constitution of Council.

Elections.

¹ Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

- (d) the nomination of candidates, and objections to such nominations, and the authority or officer by which or by whom such objections may be investigated or decided ;
 - (e) the mode of voting in the case of companies or associations ;
 - (f) the date and time of elections, the mode of recording votes, the management of contested elections, and the procedure in case of equality of votes or in the event of one councillor being elected to represent more than one ward or interest ;
 - (g) fixing of elections to fill casual vacancies ;
 - (h) the division of the electorate into wards or communities for the purpose of electing councillors to represent the same and the allocation of councillors thereto ;
 - (i) any other matter relating to the system of representation and election for which it may be expedient to provide :
- Education Board and standing committees.
- (iii) (a) the constitution and term of office of the Education Board and standing committees ;
 - (b) the qualifications of members of such board and committees and the mode of election, appointment or retirement of such members ;
 - (c) the powers and duties conferred or imposed on such board and committees and the conditions and limitations subject to which such powers may be exercised ;
 - (d) the dissolution and re-appointment of such board or of any such committee :
- Conduct of business.
- (iv) (a) the time and place of meetings of the Corporation, the Education Board or any committee ;
 - (b) the manner in which notice of such meetings may be given ;
 - (c) the quorum necessary for the transaction of business at meetings of the Corporation, the Education Board or any committee ;
 - (d) the appointment and tenure of office of or election of a chairman of the Education Board or any committee ;
 - (e) the filling of vacancies on the Education Board or any committee ;
 - (f) the manner in which minutes of proceedings may be kept and published ;
 - (g) the manner in which any councillor or member of the Education Board may resign any office and the manner in which such resignation may be accepted, and the date as from which such resignation may have effect ;
 - (h) any other matter relating to the proceedings of the Corporation, Education Board or any committee, the holding and regulation of meetings, and the conduct of debate :
- Delegation of powers.
- (v) the exercise by the Commissioner, or by any other officer or by any of the servants of the Corporation, of the powers conferred upon the Corporation by this or any other Act, and the conditions and limitations subject to which such powers may be exercised :

- (vi) (a) the qualifications without which no person shall be ordinarily appointed to be a municipal officer or servant ; Municipal officers and servants.
- (b) the conditions of service of municipal officers or servants ;
- (c) the procedure to be followed in dismissing or removing from his appointment or otherwise punishing or penalising any municipal officer or servant ;
- (d) the amount and the nature of the security to be demanded from any municipal officer or servant from whom it may be deemed expedient to require security ;
- (e) the grant of leave to municipal officers and servants ;
- (f) the payment of allowances to municipal officers and servants, or to certain of them, whilst absent on leave ;
- (g) the remuneration to be paid to the person appointed to act for any of the said officers or servants during their absence on leave ;
- (h) the period of service of municipal officers and servants ;
- (i) the conditions under which municipal officers or servants, or any of them, shall, on retirement or discharge, receive pensions, gratuities or compassionate allowances ; and under which the widows or other dependent relations of any of the said officers or servants who have died while in the service of the Corporation may receive pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities or compassionate allowances ;
- (j) the amount of conveyance allowance payable to municipal officers ;
- (k) the travelling allowance of municipal officers or servants ;
- (l) the rent to be paid by the Commissioner or other municipal officers and servants for accommodation provided for them under clause (iii) (a) of section 26 ;
- (m) prescribing what municipal officers and servants are "essential" for the purposes of section 36 :
- (vii) (a) maintaining a provident or annuity fund ; Provident or annuity fund.
- (b) compelling all or any municipal officers and servants, not being in the service of the Government, to subscribe to such fund, and, if necessary, providing for the deduction of such subscription out of the salaries or emoluments of such officers and servants ;
- (c) the payment of contributions to such funds by the Corporation from the Municipal Fund ;
- (d) fixing the times, circumstances and conditions under which payments may be made out of any funds established under this section and the conditions under which such payments shall discharge the fund from further liability ;
- (e) the settlement by arbitration or otherwise of disputes relating to such fund, or the payments or subscriptions thereto or claims thereon, between the Corporation and other persons or between persons claiming any share or interest therein ;

- (f) such other matters incidental to such fund and the investment thereof as the President of the Union may approve :
- Transfer of property. (viii) prescribing the conditions and limitations under which immoveable property vested in the Corporation may be transferred or disposed of :
- Publication of annual administration report and statement of accounts. (ix) (a) the form and contents of the report and statement to be prepared under section 69 ;
(b) the publication of the said report and statement ;
(c) the submission of a copy of the same by the Corporation to the President of the Union :
- Contracts. (x) (a) the manner in which and the persons by whom (subject to section 177) contracts may be executed ;
(b) the security to be demanded for the due performance of contracts ;
(c) requiring estimates of works before contracts are entertained ;
(d) the examination and acceptance of tenders :
- Signature of cheques, etc. (xi) (a) the manner in which and the person by whom payments may be made out of the Municipal and Education Funds or cheques drawn upon the said funds may be signed ;
(b) the manner in which and the person by whom coupons attached to debentures issued under this Act may be signed :
- The common seal. (xii) the custody of the common seal of the Corporation and the manner in which and the person by whom the common seal may be fixed :
- Preparation of budget estimate. (xiii) the manner in which the budget estimate shall be prepared :
- Classification of buildings for the fire-brigade tax. (xiv) the classification of buildings in order to carry out the provisions of section 82 :
- Tax on animals and vehicles. (xv) the classes of animals and vehicles on which, and the rate at which, the tax on such animals and vehicles may be imposed :
- Time and mode of collection of taxes. (xvi) the regulation of the time and mode of collection of any tax which may be imposed under section 79, sub-section (2) :
- Assessment, collection, remission, refund and recovery of taxes. (xvii) (a) fixing the date before which, and the rates at which, municipal taxes to be levied shall be determined ;
(b) the assessment, collection, composition, remission, refund and recovery of taxes and in addition, in the case of the tax on vehicles and animals, the exemptions from such tax ;
(c) the dates on, and the manner in, which any tax or any instalment of any tax imposed under this Act shall be payable ;
(d) the place at which any such tax or instalment shall be payable ;
(e) the person to whom such tax shall be payable :

- (xviii) (a) the maintenance and improvement of existing drains ; Drains.
 (b) the construction of new drains ;
 (c) the alteration and discontinuance of drains ;
 (d) the flushing and cleansing of drains ;
 (e) the drainage of any building or land ;
 (f) the drainage of private streets ;
 (g) the construction and position of closet accommodation, water-closets, privies, urinals and similar conveniences, public or private, and bathing and washing places and the prevention of nuisance arising therefrom ;
 (h) the construction and maintenance of a sufficient number of the aforesaid conveniences in all buildings ;
 (i) similar provision for the use of the public ;
 (j) the inspection of drains ;
 (k) the payment of the cost of works executed by municipal agency under the authority conferred by this Act :
- (xix) (a) the maintenance and regulation of urinals, closet accommodation, water-closets, bathing and washing places, and premises appurtenant thereto, belonging to the Corporation ; Public latrines and washing places.
 (b) the regulation of urinals, closet accommodation, water-closets, and bathing and washing places, provided for the use in common of the inhabitants of one or more buildings :
- (xx) the scavenging of streets and the removal or disposal from all lands and buildings within the City of sewage and rubbish ; Scavenging and disposal of refuse.
- (xxi) (a) the maintenance and management of water-works ; Water-works.
 (b) the inspection of water-works ;
 (c) the power of access to water-works ;
 (d) the protection of water-works from waste, injury or contamination ;
 (e) the maintenance of fire-hydrants ;
 (f) the regulation or prohibition of boating, fishing or bathing in any water-works ;
 (g) the terms and conditions of the supply of water to buildings and lands and the provision of meters ;
 (h) the cutting off of private water-supplies ;
 (i) the prevention of fraud in connection with water-supply or the use of meters ;
 (j) prohibiting or regulating the digging or construction of any new well, tank, pond, cistern or fountain ;
 (k) the prevention of the pollution of water within the City :
- (xxii) (a) the maintenance and improvement of public streets ; Streets.
 (b) the prohibition and regulation of projections, obstructions or encroachments and the issue of licences and the conditions under which they may be issued, including the payment of rent or fees ;

- (c) the execution of works in or near public streets and the temporary occupation of public streets ;
 - (d) the naming and numbering of streets and the numbering of houses ;
 - (e) the prohibition and regulation of bill-posting and sky-signs ;
 - (f) dealing with dangerous places ;
 - (g) the lighting of public streets ;
 - (h) the watering of public streets :
- Prohibition and regulation of use of barbed wire, etc. (xxiii) the prohibition and regulation of the use on any street, pathway or place, which the public are entitled to use or frequent, of barbed wire or any material likely to cause injury to persons or animals on any land or premises abutting on the same :
- Hedges. (xxiv) the removal, trimming and cutting of trees, shrubs and hedges :
- Lodging-houses. (xxv) (a) fixing, from time to time, the number of persons who may occupy a lodging-house, and rendering licences necessary for the keepers of lodging-houses ;
- (b) the inspection of lodging-houses ;
 - (c) promoting cleanliness and ventilation in lodging-houses ;
 - (d) lighting of common spaces and staircases in lodging-houses ;
 - (e) the precautions to be taken, in the case of any dangerous or infectious disease breaking out in a lodging-house ;
 - (f) the general regulation and control of lodging-houses :
- Over-crowding. (xxvi) the prevention of overcrowding, by fixing from time to time the number of persons who may occupy any building :
- Rest-houses, etc. (xxvii) the inspection and proper regulation of stables, camping grounds, pounds and rest-houses :
- Camping public ground. (xxviii) prohibiting encamping or picketing of animals or the collection or parking of vehicles in any public place, or the use of such place for the halting of vehicles :
- Animals. (xxix) (a) the prohibition and regulation of the keeping of animals in the City ;
- (b) the prohibition and regulation of the importation of animals into the City and the transport of animals within the City ;
 - (c) prohibiting the allowing of any animals to be astray, or, where any animal is likely to annoy or intimidate the public, to be at large in any street or public place ;
 - (d) the destruction and confiscation of swine and dogs found straying in the City ;
 - (e) the prevention of cruelty to animals ;
 - (f) the disposal of carcasses of animals dying in the City ;
 - (g) the destruction of any animals in the City which from old age or other causes are in a moribund or infirm state or have received such injuries or are suffering from such dangerous disease that their recovery therefrom is unlikely ;

- (h) the prevention of the sale or use as human food of the carcasses of animals which die naturally or from disease ;
- (i) the prohibition of importation into the City, or sale or disposal or use of any animal, or the hide or any portion of the carcase of any animal, dying or slaughtered on account of, or suffering from, any contagious or infectious disease :
- (xxx) the maintenance and regulation of public wash-houses and the prohibition of the exercise of their calling by washermen at places other than those appointed or approved by the Corporation : Wash-houses.
- (xxxii) (a) (i) determining which articles are included in the description contained in clause (a) of section 124 ; Dangerous and offensive trades, and factories.
 (ii) the prohibition and regulation of the storage or keeping of such articles, by rendering necessary licences or otherwise ;
- (b) (i) determining which trades, manufactures, industries or operations are included in the description contained in clause (c) of section 124 ;
 (ii) the prohibition and regulation of the exercise of such trades, manufactures, industries or operations, by rendering licences necessary or otherwise ;
- (c) the supervision and sanitary regulation of factories and workshops :
- (xxxii) (a) the prevention and regulation of the discharge of smoke, steam, fumes and noxious vapours ; Nuisances connected with industries.
 (b) the prohibition and regulation of the use of whistles, trumpets, and noise-producing instruments operated by any mechanical means :
- (xxxiii) (a) the prohibition of the sale of the flesh of any four-footed animal not slaughtered in a municipal slaughter-house and the prohibition and regulation of the importation into the City of the flesh of any such animal slaughtered without the City ; Management of municipal markets, etc. and the supervision of the manufacture, storage and sale of food.
 (b) the prohibition of the sale of meat by any person except under and in conformity with the terms and conditions of a licence granted by the Corporation ;
 (c) requiring sellers of meat to procure from the Corporation and on requisition to produce passes showing that the meat sold or exposed for sale by them has been derived from animals slaughtered in a municipal slaughter-house ;
 (d) the management and sanitary condition of municipal slaughter-houses ;
 (e) the management and sanitary condition of municipal markets ;
 (f) the regulation of the manufacture for sale and the sale of articles of food, drink or drugs either by rendering licences necessary or otherwise ;

- (g) fixing the qualifications of persons who may compound, mix, prepare, dispense or sell any drug, by rendering certificates or permissions necessary or otherwise ;
- (h) the regulation of the hours and manner of importation into, or of transport within, the City of any articles of food, drink or drugs by rendering licences for such importation or transport necessary or otherwise ;
- (i) fixing the places at which articles of food, drink or drugs shall be produced for inspection prior to importation, transport or exposure for sale ;
- (j) fixing the places in which articles of food, drink or drugs may or may not be manufactured, kept, sold or exposed for sale ;
- (k) requiring notice-boards and labels to be affixed by the vendors to articles of food, drink or drugs which have been adulterated and prescribing the particulars with which such notice-boards and labels shall conform ;
- (l) the prohibition of the importation into, or transport within, the City of any articles of food or drink produced under such conditions as to be, or to be likely to be, injurious to the health of persons consuming the same ;
- (m) the supervision and sanitary condition of bakeries, places where sweets are manufactured, public eating-houses, stalls and aerated water and ice factories, and of dairies, stables and buildings or enclosures where animals are kept, whether or not the animals therein are kept for profit ;
- (n) the prohibition and regulation of the exposure of goods for sale on streets and the levying of fees from persons setting up stalls or otherwise selling or exposing for sale goods on streets ;
- (o) the regulation of the manner in which food grain, whether intended for sale or for private consumption, may be stored ;
- (p) the precautions to be taken for protecting milch-cattle, milk and milk-products against infection or contamination ;
- (q) requiring notice to be given of the outbreak of contagious disease among animals, and prescribing precautions to be taken for preventing the spread of such disease ;

**Private
markets**

- (xxxiv) (a) the construction and structural and architectural features of private markets ;
- (b) the drainage, water-supply, ventilation, lighting, sanitary condition and regulation of private markets ;
- (c) the prevention of cruelty, nuisances, obstruction, overcrowding in, or in the approaches to, or in the passages of, private markets ;
- (d) the supervision of private markets ;
- (e) the appointment and removal of superintendents of private markets ;
- (f) fixing the days and the hours on, and during which, any private market may be held or kept open ;

- (g) preventing undesirable or diseased persons from entering private markets ;
- (h) prohibiting persons from selling in a private market the licence for which has been refused, cancelled or suspended :
- (xxxv) rendering licences necessary for pawn-brokers and determining, by public auction or otherwise, the amount to be paid for such licences : Pawn-brokers.
- (xxxvi) notwithstanding the provisions of the Weights and Measures of Capacity Act,— Weights and measures.
- (a) prescribing the standard weights and measures to be used within the City ;
- (b) the verification and rectification of instruments for weighing, weights and measures, including the payment of fees for verifying or rectifying the same ;
- (c) making the use of standard weights and measures compulsory ;
- (d) preventing and detecting the use of false or defective instruments for weighing, weights and measures in any market, building, shop, stall or place used for the sale of any goods, food, drink or drug :
- (xxxvii) the registration of all births and deaths which take place within the City, and the taking of a census : Registration of births and deaths.
- (xxxviii)(a) the regulation of the sanitation of theatres, music-halls, cinematograph exhibitions or other places of public entertainment or resort and the control and inspection thereof, in order to ensure the safety, health and convenience of persons employed in, or visiting, attending, or resorting to the same ; Licensing of theatres, music-halls, etc.
- (b) rendering licences necessary for such exhibitions and entertainments :
- (xxxix) (a) the information and plans to be submitted with applications for the approval of sites and for permission to erect or re-erect any building ; Construction of buildings.
- (b) fixing the period in which refusal to permit erection of buildings must be expressed ;
- (c) rendering compulsory the appointment of a person to supervise the work of erection or re-erection of buildings or of any specified class or classes of buildings and the description of the qualifications which such person shall possess ;
- (d) the grant of completion certificates in respect of newly erected or re-erected buildings, including the description of the cases in which, and of the persons by whom, such certificates shall be granted ;
- (e) the height of buildings, whether absolute or relative to the width of streets ;

- (f) the level and width of the foundation, the level of the lowest floor or plinth, and the stability of the structure ;
- (g) the number and height above the ground, or above the next lower storey, of the storeys of which any building may consist ;
- (h) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;
- (i) the space to be left about any building to secure the free circulation of air and facilitate scavenging and for the prevention of fire ;
- (j) the ventilation and drainage of buildings ;
- (k) the means and appliances to be provided and maintained for egress from a building and protection of life in case of fire ;
- (l) the materials to be used and method of construction to be adopted ;
- (m) the position, materials and methods of construction of fire-places, smoke-escapes, chimneys, stair-cases, water closets, closet accommodation and drains in buildings ;
- (n) specifying the parts or portions of building sites on which no building shall be erected and the position thereof ;
- (o) the paving of any passage between two buildings or appurtenant to any building ;
- (p) the restrictions on the use of inflammable materials in buildings ;
- (q) the precautions to be taken for the purpose of preventing danger or injury to the public or to persons employed in the work, and of securing the stability of the various parts of the structure and of buildings and property in the vicinity thereof, during the progress of the work or of any demolition or excavation therefor :

Insanitary buildings.

- (xi) (a) the removal or improvement of insanitary buildings and buildings in a ruinous or dangerous condition ;
- (b) the marking of evacuated uninhabitable buildings ;
- (c) the cleansing, lime-washing or painting of buildings ;
- (d) compelling the owners or occupiers to take such order with abandoned, unoccupied or neglected buildings or lands as the Corporation may direct ;
- (e) the prohibition and regulation of the excavation of earth, stone or other materials from any place :

Construction and working of lifts.

- (xli) (a) the regulation of the construction, maintenance and working of passenger-lifts and all machinery and apparatus pertaining thereto ;
- (b) the regulation of the construction, maintenance, fencing and lighting of shafts, landings, hatches, and gates connected with passenger-lifts ;
- (c) the entry upon, and inspection by such person as the Corporation may authorize in this behalf of any premises containing a passenger-lift ;

(d) the prohibition of the use of any lift where any rule made under this sub-section has not been complied with :

provided that such rules shall not affect any provision of the Factories Act, or of the Electricity Act, nor any rules framed thereunder :

Explanation.—A lift actually used as a lift by passengers is, for the purposes of this sub-section, a “passenger-lift,” notwithstanding that it may not have been constructed for that purpose and that its use as a passenger-lift is not authorized by the owner or occupier.

- (xlii) (a) the precautions to be taken for the prevention of danger or injury to the public during, and to persons engaged in, the demolition of buildings or parts of a building and for the protection of other parts of the same building and of other buildings in the vicinity thereof ; Precautions in demolition of buildings.
- (b) requiring any persons intending to demolish a building or part of a building to give such previous notice to the Corporation as may be prescribed, together with particulars of the proposed demolitions and of the precautions to be taken during the progress of the work ;
- (c) the prohibition of the commencement of the demolition within the prescribed period except with the permission of the Corporation ;
- (d) the prohibition of the commencement or continuance of the demolition unless and until all precautions have been and are being taken in accordance with such rules, and with any directions and requisitions in writing which the Corporation may issue to the person in charge of the work, or to the person who submitted the notice, if any, required under such rules :
- (xliii) (a) rendering licences necessary for the proprietors and drivers of vehicles or animals plying for hire in the City ; Licensing of vehicles.
- (b) limiting the rates which may be demanded for the hire of any vehicle or of any animals hired to carry loads, or for the service of any person hired to carry loads, and the loads to be carried by such vehicles, animals, or persons, when they are hired within the City for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours :
provided that no rules shall be made under this clause in respect of any vehicle to which the Rangoon Hackney Carriages Act applies :
- (xliv) holding of fairs and industrial exhibitions in the City : Holding of fairs, etc.
- (xlv) protecting the property of the Corporation from injury or interference : Protection of property of the Corporation.
- (xlvi) the prohibition and regulation of the stacking of inflammable materials and of the lighting of fires in any specified portion of the City : Protection against fire.

- Charges for services by municipal authorities. (xlvii) fixing charges for services rendered by any municipal authority :
- Register of improvement charges. (xlviii) the maintenance of a register showing charges on buildings or lands for improvement expenses under section 187 :
- Mode of performance of acts not otherwise provided for. (xlix) determining the person by whom and the time, place and manner at or in which anything prescribed under this Act, for which no express provision is made, shall be done :
- Inspection of municipal records. (l) determining the cases in which inspection and copies of municipal records may be granted, and regulating the procedure and fixing the fees for obtaining the same :
- Licences and notices. (li) the forms of licences and notices issued under this Act and the authority entitled to sign or issue the same : and
- General. (lii) generally for carrying out the purposes of this Act.
- The High Court to make rules for regulating the procedure of the City Civil Court. **236.** The High Court may, in accordance with the provisions of Part X of the Code of Civil Procedure, in so far as they may be applicable, and subject to the conditions and limitations prescribed therein, make rules, consistent with the provisions of this Act, for regulating the procedure of the Rangoon [City Civil Court]¹ in the exercise of any powers or jurisdiction conferred on, or vested in, the said Court under the provisions of this Act.

CHAPTER XVII.

SUPPLEMENTAL PROVISIONS.

- Councillors to be deemed to be public servants. **237.** Every councillor and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax, and every servant or other person employed by such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.
- Co-operation of police. **238. (1)** The Commissioner of Police, Rangoon, shall, as far as may be, co-operate with the Corporation for carrying into effect the provisions of this Act and for the maintenance of good order in the City.
(2) It shall be the duty of every police-officer in the City to communicate without delay to the proper municipal officer any information which he receives of a design to commit, or of the commission of, any offence against this Act, and to assist the Commissioner and any other municipal officer or servant reasonably demanding his aid in the lawful exercise of any power conferred on such municipal officer or servant under this Act.

¹ Substituted by Act XVI, 1946.

239. (1) Any informality, clerical error, omission or other defect in any assessment made, or in any notice, bill, schedule, summons, or other document issued under this Act, may at any time, as far as possible, be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, notice, bill, schedule, summons, or other document invalid or illegal, if the provisions of this Act have in substance and effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission, or other defect shall be entitled to recover compensation.

Informalities and errors in assessments not to be deemed to invalidate such assessments.

240. If any dispute arises between the Corporation and any local authority as regards anything done or to be done under this Act, it shall be referred to the President of the Union for decision, and such decision may include an order as to the costs of any enquiry ordered by the President of the Union and shall be final and binding on the parties and be given effect to:

Disputes between Corporation and local authorities.

Provided that nothing in this section shall be deemed to affect the provisions of the Municipal Taxation Act.

241. Where any dispute arises between the Corporation and the President of the Union as to the interpretation of any of the provisions of this Act, the President of the Union may, and at the request of the Corporation shall, draw up a statement of the case and refer it, with the opinion of the [Attorney-General] ¹ thereon, for the decision of the High Court which shall be final:

Disputes between Corporation and President.

Provided that nothing in this section shall derogate from the authority of the President of the Union as laid down in Chapter XV.

242-243. * * * *

SCHEDULES I-V. ³

* * * *

SCHEDULE VI. ³

BOUNDARIES OF THE CITY OF RANGOON.

[Section 3, clause (vii).]

The City of Rangoon comprises the area enclosed within the following boundaries but excludes the areas mentioned in Exceptions (1), (2) and (3):—

North.—A straight line drawn in an easterly direction from municipal boundary pillar No. 3, 5 feet west of theodolite survey station N on the northern boundary of survey block No. 38A to municipal boundary pillar

¹ Substituted for the word "Advocate-General" by the Union of Burma (Adaptation of Laws) Order, 1948.

² See the foot-note to section 229.

³ Notifications have been issued from time to time under the provisions of section 220 altering the limits of the City of Rangoon. For such notifications, see the City of Rangoon Municipal Manual.

No. 4, at the point of intersection of the said northern boundary of survey block No. 38A with the western bank of the Hlaing River; thence south-eastwards, in a straight line, across the said river, to municipal boundary pillar No. 5, 150 feet north-west and 362 feet west of north-west of theodolite survey stations B-617 and H⁴, respectively; thence along the northern boundary of Hanthawaddy Road to municipal boundary pillar No. 6 on the eastern side of the bridge over the railway line to Prome; thence in a northerly direction along the eastern boundary of the railway line to municipal boundary pillar No. 7, at the point of junction of the said eastern boundary of the railway line with the northern boundary of survey block 37-F; thence eastwards along the northern boundary of survey block 37-F, and across Prome Road, for a distance of 2,232 feet, to municipal boundary pillar No. 8, on the eastern boundary of Prome Road, 12 feet east of theodolite survey station I⁶; thence northwards along the eastern boundary of Prome Road, to municipal boundary pillar No. 9, at the south-eastern corner of the bridge over Kamayut creek; thence south-eastwards to municipal boundary pillar No. 16, at the south end of Victoria Lake bund No. 1; thence along the water edge at the lowest water level of Victoria Lake to municipal boundary pillar No. 11 at the southern end of Victoria Lake bund No. 3; thence south-eastwards for a distance of 125 feet to municipal boundary pillar No. 12, 14 feet north of theodolite survey station C³; thence northwards along the western boundary of Kôkkaing Road to municipal boundary pillar No. 13, at the point of intersection of the said western boundary of Kôkkaing Road with the northern boundary of the municipal water pipeline; thence in a south-westerly direction along the northern boundary of the municipal water pipeline, to municipal boundary pillar No. 14, for a distance of 3,112 feet; thence north-eastwards in a straight line along the northern boundary of survey block 35-C and across the Bauktaw stream for a distance of 1,431 feet to municipal boundary pillar No. 15, on the northern bank of that stream; thence along the northern bank of the Bauktaw stream to municipal boundary pillar No. 16, built on permanent theodolite station H; thence south-eastwards in a straight line across the Pazundaung creek, to municipal boundary pillar No. 17 on the left bank of that creek and 281 feet north-east of theodolite survey station Q; thence running parallel to the Pazundaung creek and the Pegu River, through the points marked by municipal boundary pillar No. 18, 345 feet east of theodolite station N⁶ and 15 feet north of theodolite station M⁶; municipal boundary pillar No. 19, 467 feet south-east of theodolite station K⁶, and 291 feet north-west of theodolite station J⁶; municipal boundary pillar No. 20 built upon theodolite station H⁶; municipal boundary pillar No. 21, 225 feet south-east of theodolite survey station S⁷, and 188 feet north-east of theodolite survey station S⁷; municipal boundary pillar No. 22, built upon theodolite survey station S⁷²; municipal boundary pillar No. 23, 415 feet south-west of theodolite survey station S⁶⁹, and 11 feet south-west of theodolite survey station S⁶⁸; municipal boundary pillar No. 24, 138 feet south-west of theodolite survey station S⁶⁷, and 708 feet north-east of theodolite survey station S⁶⁶; municipal boundary pillar No. 25, 248 feet south-west of theodolite survey station S⁶³, and 77 feet north of theodolite

survey station S⁶²; municipal boundary pillar No. 26, 480 feet south-west of theodolite survey station S⁵⁹, and 403 feet north-west of theodolite survey station S⁵⁸; municipal boundary pillar No. 27, 740 feet south-west of theodolite survey station S⁵⁷, and 454 feet north-west of theodolite survey station S⁵⁶; municipal boundary pillar No. 28, 811 feet south-east of theodolite survey station S⁸⁰ and 661 feet north-west of theodolite survey station S⁸¹; municipal boundary pillar No. 29, built upon theodolite survey station S⁸⁴; municipal boundary pillar No. 30 on the northern bank of the Hlaingbongale stream, and 153 feet south-west of theodolite survey station S⁸⁶, and 114 feet north-west of theodolite survey station S²¹; municipal boundary pillars Nos. 31, 32, 33, built upon theodolite survey stations S¹¹², S¹, S¹⁰.

East.—From the terminating point of the northern boundary at pillar No. 33, a straight line drawn in a south-easterly direction through port boundary pillar No. 61A, 334 feet south-east and 185 feet north-east of theodolite survey station A⁴ and S¹⁰⁴, respectively, to a point in the middle of the Pegu River.

South.—From the terminating point of the eastern boundary in the middle of the Pegu River a straight line drawn in a south-westerly direction to a point No. 38 situated 2,980 feet from municipal boundary pillar No. 40, which is on the southern bank of the Rangoon River at King's Point, 11 feet east of theodolite survey station O¹, and 4,600 feet from boundary pillar No. 41; thence north-westwards in a straight line, through municipal boundary pillar No. 41, built upon theodolite survey station K¹ to municipal boundary pillar No. 42, 407 feet north-west of theodolite survey station H, and 88 feet north of theodolite survey station G; thence south-westwards in a straight line, to municipal boundary pillar No. 43 on the northern bank of the Thada stream, 15 feet east of theodolite survey station R²; thence south-westwards in a straight line, to municipal boundary pillar No. 44 on the western bank of the Seikgyi stream and 14 feet east of theodolite survey station T¹; thence westwards in a straight line to municipal boundary pillar No. 45, built upon theodolite survey station M¹; thence to a point on the southern bank of the Thingyaing stream and 35 feet south of theodolite survey station M¹; thence along the southern bank of the Thingyaing stream to municipal boundary pillar No. 46, 110 feet south-west of theodolite survey station W; thence north-eastwards in a straight line to municipal boundary pillar No. 47, built upon theodolite survey station D; thence west of north-westwards in a straight line, to municipal pillar No. 48, built upon theodolite survey station E¹; thence south-westwards in a straight line to municipal boundary pillar No. 49, 187 feet south of theodolite survey station R², and 189 feet south-west of theodolite survey station Q²; thence north-westwards in a straight line to municipal boundary pillar No. 50, 110 feet north-west of theodolite survey station N², and 295 feet north-east of theodolite survey station M²; thence south-westwards in a straight line to municipal boundary pillar No. 51, 125 feet south of theodolite survey station H², and 6 feet east of theodolite survey station G²; thence west of north-westwards in a straight line to municipal

boundary pillar No. 52, 478 feet north-west of theodolite survey station T¹, and 337 feet east of north-east of theodolite survey station R¹; thence north-westwards in a straight line to municipal boundary pillar No. 53, on the southern bank of the Kanaungto creek and 182 feet north of north-west of theodolite survey station N¹; thence northwards in a straight line, across the Kanaungto creek, to municipal boundary pillar No. 54, on the northern bank of the said creek and 270 feet south-west of theodolite survey station A; thence westwards along the northern bank of the Hlegweyo stream, to a point 73 feet south of theodolite survey station E¹; thence in a straight line to municipal boundary pillar No. 55, built upon the abovementioned survey station E¹.

West.—From the terminating point of the southern boundary at pillar No. 55, a straight line, drawn in a north-easterly direction, to municipal boundary pillar No. 56, built upon theodolite survey station Y; thence east of south-eastwards in a straight line to municipal boundary pillar No. 57, built upon theodolite survey station Q; thence north-eastwards in a straight line to municipal boundary pillar No. 58, built upon theodolite survey station L; thence north-westwards in a straight line to municipal boundary pillar No. 59, on the southern bank of the Gyaungwaing stream and 12 feet west of theodolite survey station Q; thence north of north-eastwards in a straight line to municipal boundary pillar No. 60, on the northern bank of the Alatchaung creek and 5 feet 6 inches west of theodolite survey station Q¹; thence north of north-westwards in a straight line to municipal boundary pillar No. 61, on the northern bank of Nabebauk creek and 5 feet west of theodolite station F¹; thence north of north-westwards in a straight line to municipal boundary pillar No. 1, on the southern bank of Panhlaing creek, 5 feet west of theodolite survey station T; thence north-westwards in a straight line across the Panhlaing creek to municipal boundary pillar No. 2, on the northern bank of the said creek and 521 feet south of theodolite survey station Q; thence northwards in a straight line to municipal boundary pillar No. 3, the starting point of the northern boundary.

All the theodolite survey stations cited above belong to the boundary main traverse circuits of the Rangoon Town District. The survey block numbers and other details given have been taken from the Rangoon Town Survey sheets for the year 1919-20.

Exceptions.

- (1) The area notified from time to time to be the Rangoon Cantonment.
- (2) The area known as Monkey Point and contained within the following boundaries:—

North and East.—The Pazundaung Creek.

South.—The Rangoon River.

West.—A line drawn from boundary pillar No. 1, on the bank of the Rangoon River at a point 160 feet from the eastern limits of ship building and timber yard allotment No. 36 (as demarcated in 1896 under the Boundaries

Act) in a northerly direction for a distance of 865 feet 6 inches to boundary pillar No. 2; thence in an easterly direction for a distance of 24 feet 6 inches to boundary pillar No. 3, and continuing in the same direction for a distance of 28 feet to boundary pillar No. 4; thence across and at right angles to Monkey Point Road for a distance of 104 feet to boundary pillar No. 5; thence along the north-east side of the Lower Pazundaung Road for a distance of 173 feet to boundary pillar No. 6; thence continuing in the same direction for a distance of 187 feet to boundary pillar No. 7; thence in a north-easterly direction along the eastern limit of Battery Road for a distance of 345 feet to boundary pillar No. 8; thence in a south-easterly direction for a distance of 76 feet 6 inches to boundary pillar No. 9; thence in a north-easterly direction for a distance of 75 feet to boundary pillar No. 10 on the bank of the Pazundaung creek at a point 50 feet to the east of the north-western corner of the Forest Depôt lot, as demarcated in 1896 under the Boundaries Act.

(3) All lands and erections used for the purposes of the Rangoon Central Jail and the Rangoon Lunatic Asylum.

THE RANGOON WATER-WORKS ACT.

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