

THE LOCAL AUTHORITIES PENSIONS AND GRATUITIES ACT.

[INDIA ACT I, 1919.] (26th February, 1919.)

1. * * * *
- Definition.** 2. In this Act, "officer" means any person who has undertaken the service of the Government and who immediately prior to undertaking such service was paid and employed solely by a local authority and, but for undertaking such service, would in the ordinary course have continued in such employment.
- Power to grant extra-ordinary pensions and gratuities.** 3. Notwithstanding anything contained in any enactment or in any rule made thereunder regulating the powers of local authorities, and without prejudice to any powers conferred by or under any such enactment, a local authority may grant a pension or gratuity to any officer thereof who may, since the 4th day of August, 1914, have been wounded or otherwise incapacitated in the service of the Government, and to the widow or child of any such officer who may have died in consequence of injuries received or illness contracted since the 4th day of August, 1914, in the course of such service.
- Provisions as to pensions and gratuities.** 4. (1) Such pension or gratuity may be granted in addition to any pension or gratuity payable to the officer or his wife or child, as the case may be, under any general or special orders of [the Government]¹, but shall not, save with the sanction of the President of the Union, exceed the amount of the pension or gratuity to which the officer or his wife or child would have been entitled under any such orders if his employment by the local authority had been service for the same time and on the same pay under the Government.
- (2) Any pension granted under this Act may be made to take effect from such date subsequent to the 4th day of August, 1914, and subject to such conditions as the local authority may think fit.
- Procedure.** 5. Subject to the provisions of this Act, the decision of a local authority to grant a pension or gratuity thereunder shall be made in such manner and shall be subject to such sanction as may be prescribed by any enactment or rule regulating the grant by such local authority of pensions and gratuities :
- Provided that in every case the sanction of the President of the Union shall be necessary.

THE LOCAL AUTHORITIES (SUSPENSION) ACT.

[BURMA ACT III, 1946.] (1st February, 1946.)

WHEREAS in the present circumstances it is impracticable to hold elections for the constitution of local authorities in the Union of Burma, and as a consequence thereof it is expedient to suspend such authorities and to make

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

provision for carrying on their functions until such time as elections can be held ;

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It is hereby enacted as follows :—

1. (1) This Act may be called the Local Authorities (Suspension) Act, 1946. Short title, commencement and duration.
- (2) It shall come into force on such date ¹ as the President of the Union may, by notification, appoint, and shall remain in force until the President of the Union shall, by notification, declare it to be no longer in force.
2. In this Act—
- (a) “local authority” means a municipal committee, town committee, district council, circle board, school board or hospital committee constituted under the provisions of the Municipal Act or the Rural Self-Government Act and includes any other committee or person or body of persons notified by the President of the Union in this behalf ; Definitions.
- (b) “prescribed” means prescribed by rules made under this Act.
3. (1) Notwithstanding anything contained in the Municipal Act or the Rural Self-Government Act, or in any other law for the time being in force, the President of the Union may, by notification, assume to himself all the rights, privileges, duties, powers and functions vested in or exercisable by any local authority under any law relating thereto. Suspension of local authorities.
- (2) On the issue of such notification the following consequences shall ensue, namely :—
- (a) all rights, privileges, duties, powers and functions previously vested in or exercisable by such local authority shall cease and terminate ;
- (b) all members of such local authority shall be deemed to have vacated their offices as such ; and
- (c) all properties, whether movable or immovable, previously vested in any such local authority shall become vested in the Government.
4. Notwithstanding anything contained in the Municipal Act or the Rural Self-Government Act or in any other law for the time being in force, the President of the Union may, by notification, invest such person or persons as he thinks fit with all or any of the rights, privileges, duties, powers and functions which were previously vested in or exercisable by any local authority. Appointment of persons to administer local authorities.
5. A notification under sub-section (1) of section 3 or section 4 may be issued with reference to each local authority separately or with reference to all local authorities or any number of them. Notifications may refer to all or any number of local authorities.

¹ 1st February 1946. See *Burma Gazette*, 1946, Part I, page 160.

Vesting of property in persons appointed.

6. Upon an appointment being made under the provisions of section 4 the President of the Union may, by the same or a subsequent notification, direct that such of the properties as have become vested in the Government under the provisions of clause (c) of sub-section (2) of section 3 as may be specified in the notification shall, subject to such conditions, if any, as the President of the Union may deem fit to impose, vest in the person or persons appointed under section 4, and shall, together with all other property which may hereafter become similarly vested in such person or persons, be held in trust and administered by such person or persons for the same purposes as those for which such properties would have been utilized had this Act not been passed.

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Mode of exercise of powers by persons appointed under section 4.

7. The person or persons appointed under section 4 shall exercise and discharge the duties, powers and functions, imposed upon or vested in him or them, subject to such conditions and restrictions as may be prescribed, and if more than one such person is appointed, in exercising and discharging such duties, powers and functions, they may act jointly or severally.

Power to appoint officers and servants.

8. Subject to the control of the President of the Union, the person or persons appointed under section 4 shall have authority to appoint such officers and servants as may be considered necessary for the effective discharge of the duties, powers, and functions imposed upon or vested in such person or persons, and, subject to the provisions of this Act, the provisions of the Municipal Act or the Rural Self-Government Act, and the rules made thereunder, whichever of these Acts may be relevant, shall apply to any officer or servant so appointed.

Power to regulate procedure.

9. Notwithstanding anything contained in the Municipal Act or the Rural Self-Government Act, the person or persons appointed under section 4 may, subject to the control of the President of the Union, adopt such procedure as may be deemed practicable for the due exercise and discharge of the duties, powers and functions imposed upon or vested in such person or persons.

Bar to legal proceedings.

10. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under the provisions of this Act.

Saving.

11. Nothing in this Act shall be construed as an acceptance by Government of any liability on behalf of or towards any local authority ; but nothing in this Act shall prevent any person from establishing in a Court of law any right which he claims against a local authority.

Power of President to make rules.

12. (1) The President of the Union may make rules ² for carrying out the objects of this Act.

¹ The proviso to section 6 was deleted by Act, XIV, 1946.

² For such rules, see *Burma Gazette*, 1946, Part I, page 477.

(2) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may make rules prescribing—

- (a) the manner in which and the conditions subject to which any assets, property or funds vested in the person or persons appointed under section 4 shall be utilized ;—
- ¹(b) the manner in which pre-evacuation assets and liabilities of Local Authorities will be assessed, utilized or absorbed
- (c) the manner in which and the conditions subject to which the person or persons appointed under section 4 shall have, exercise and discharge the rights, privileges, duties, powers and functions vested in him or them ;
- (d) the manner in which accounts shall be kept and periodical statements of receipts and disbursements submitted to the President of the Union ;
- (e) the manner in which any such accounts shall be examined and audited ; and
- (f) the conditions subject to which officers and servants may be appointed by the person or persons appointed under section 4.

ကိုယ်ပိုင်ဈေးများကို ဒေသန္တရအဖွဲ့ပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ။*

[၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၅၃။] (၁၉၅၄ ခု၊အောက်တိုဘာလ ၁၃ ရက်။)

အောက်ပါအတိုင်းအက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ဤအက်ဥပဒေကို၊ ၁၉၅၄ ခုနှစ်၊ ကိုယ်ပိုင်ဈေးများကို ဒေသန္တရအဖွဲ့ပိုင်ပြုလုပ်ခြင်းအက်ဥပဒေဟုခေါ်ရမည်။

၂။ ။ဤအက်ဥပဒေတွင် အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၏အဓိပ္ပာယ်နှင့်ဖြစ်စေ မဆန့်ကျင်လျှင်—

- (က) “ဈေး” ဆိုသည်မှာ၊ မြို့နယ်အက်ဥပဒေ ပုဒ်မ ၂၊ အပိုဒ် (၁၄) တွင်အဓိပ္ပာယ်ဖော်ပြထားသည့်ဈေးကိုဆိုလိုသည်။
- (ခ) “ကိုယ်ပိုင်ဈေး” ဆိုသည်မှာ၊ မြို့နယ်အက်ဥပဒေပုဒ်မ ၁၃၄၊ ပုဒ်မခွဲ (၁) အရဖြစ်စေ၊ ရန်ကုန်မြို့တော်မြို့နယ်အက်ဥပဒေ ပုဒ်မ ၁၂၅၊ ပုဒ်မခွဲ (၁)အရဖြစ်စေ၊ တပ်မြို့ (Cantonments) အက်ဥပဒေ ပုဒ်မ ၂၀၂၊ ပုဒ်မခွဲ (၁) အရဖြစ်စေ၊ ကျေးလက်ကိုယ်ပိုင် အုပ်ချုပ်ရေး အက်ဥပဒေ ပုဒ်မ ၅၂၊ ပုဒ်မခွဲ (၂) အရဖြစ်စေ လိုင်စင်ထုတ်ပေးထားသော ကိုယ်ပိုင်ဈေးကိုဆိုလိုသည်။ သို့ရာတွင် ဘုရားပရဂုဏ်အတွင်းရှိသော ဈေး မပါဝင်ချေ။

¹ Substituted by Act XIV, 1946.
* မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၄ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၆၀၉ တွင်ထုတ်ပြန်ကျေညာသည်။