

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

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

Chapter I
Title and Definition

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

Chapter II
Formation

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

Chapter III
Functions and Duties of the Committee

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

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

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

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

Chapter IV Powers of the Committee

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

- (a) demarcating the City territory and amending thereof;
- (b) carrying out development works with funds owned by the Committee in accordance with the existing laws, rules, regulations and bye-laws;

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

Chapter V Finance

- 12.** The Committee shall subsist on its own funds. In addition, it shall also take responsibility of its financial matters.
- 13.** The Committee shall open a separate bank account for its funds and has the right to expend for development works. However, it may be expended for any work outside the City territory, if it is actually required for public interests.
- 14.** The Committee may manage, as may be appropriate, the fund not immediately required for use for increment of the same.
- 15.** The Committee may, open a separate bank account for foreign currency accrued to it and may expend the same for development works, in accordance with the procedures regulations and bye-laws.
- 16.** The Committee shall;
 - (a) scrutinize the annual budget estimate drawn up by the Head of Office and submit to and obtain approval of the Prime Minister.
 - (b) submit its financial condition and audit report to the Prime Minister annually within 90 days after expiry of the financial year.

Chapter VI Organizational Set-up

- 17.** The Committee shall, based on its functions and duties, draw up the necessary organizational set-up with the approval of the Prime Minister.
- 18.** The Committee may, in drawing up the organizational set-up under section 17, also include in the set-up the following personnel contributing to the development works after coordination with the relevant government departments and organizations: -
 - (a) Personnel carrying out work relating to precautionary measures against disease and public health.
 - (b) Personnel carrying out the function of precautionary measures against fire hazards.

(c) Members of Development Police Force and other service personnel carrying out the duty of security and maintenance of discipline.

19. The Committee, in appointing personnel -

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

(b) may, in coordination with the relevant government departments and organizations, transfer, and appoint personnel who can carry out the development works effectively.

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

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

Chapter VII Maintaining the Fund and Auditing of Accounts

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

23. The Head of Office shall -

(a) compile and maintain the accounts in accordance with the procedures on accounts prescribed by the Committee.

(b) submit to the auditing of the person assigned by the Auditor-General in respect of the accounts complied and maintained under subsection (a)

Chapter VIII Offences and Penalties

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

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

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

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

Chapter IX
Miscellaneous

- 28.** Funds owned by the City of Mandalay Development Committee, moveable and immovable property, works underway and works which have been completed, assets and liabilities shall devolve respectively on the Committee.
- 29.** The Committee may apply the bye-laws, orders and notifications relating to the City of Mandalay Development Committee issued under the laws of development that have been repealed, in so far as they are not contrary to this Law.
- 30.** In order to have speedy trial and disposal of cases for which proceedings have been instituted under this Law, the Committee shall carry out in coordination with the Supreme Court for opening of Courts at appropriate places within the City territory.
- 31.** (a) In executing instruments regarding transfer of immovable property situated in the City territory, the person chargeable with stamp duty shall, in addition to the value of stamp duty payable under the Myanmar Stamp Act, pay an increased rate of two percent.
- (b) The Committee shall, for enabling the transfer and collection of the stamp duty chargeable under sub-section (a) coordinate with the Ministry of Finance and Revenue.
- 32.** The Committee may, for the purpose of implementing the provisions of the Law-
- (a) issue, with approval of the Prime Minister, such rules as may be necessary.
- (b) issue such procedures, bye-laws, notifications, orders and directives as may be necessary.
- 33.** The City of Mandalay Development Law (Law No. 10/92) is hereby repealed.

(Sd.) Than Shwe
Senior General
Chairman
The State Peace and Development Council

http://web.archive.org/web/20110902222803/http://www.blc-burma.org/html/Myanmar%20Law/lr_e_ml02_08.html