

The Union of Myanmar

The State Peace and Development Council

The Nay Pyi Taw Development Law

(The State Peace and Development Council Law No. 4 / 2009)

The 14th Waxing of Pyatho , 1371, M.E.

(29 December, 2009)

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

Chapter I

Title and Definition

1. This Law shall be called **the Nay Pyi Taw Development Law**.
2. The following expressions contained in this Law shall have meanings given hereunder:
 - (a) **Committee** means the Nay Pyi Taw Development Committee formed under this Law;
 - (b) **Head of Office** means the head of the service personnel of the **Nay Pyi Taw Development Committee Office**;
 - (c) **Reserved Land** means the land determined in order to carry out the future plans by the Government within the limit of Nay Pyi Taw development area.

Chapter II

Formation

3. In order to carry out the development works effectively within the Nay Pyi Taw development area, the Chairman of the State Peace and Development Council shall:

- (a) form the Committee comprising a minimum of 5 members to a maximum of 9 members;
 - (b) in forming the Committee, it shall do so with suitable citizens and determine the Chairman, Vice-Chairman and Secretary of the Committee simultaneously.
4. The Chairman of the Committee is the Mayor of Nay Pyi Taw.
 5. The Vice-Chairman of the Committee is the Vice- Mayor of Nay Pyi Taw.
 6. The Head of Office is the Joint Secretary of the Committee.
 7. The Committee shall be directly responsible to the Chairman of the State Peace and Development Council.

Chapter III

Functions and Duties of the Committee

8. The Committee shall, within the limits of Nay Pyi Taw development area, lay down policy, give guidance, supervise or implement in respect of the following functions and duties:
 - (a) drawing up civil plans and establishment of new towns;
 - (b) administering lands in accordance with the existing laws;
 - (c) constructing , repairing, and maintaining , demoliting and inspecting of buildings;
 - (d) demoliting and resettlement of squatter houses, buildings and wards;
 - (e) constructing roads, bridges, and maintenance thereof;
 - (f) causing to remove and the removal of the buildings which are not be free from public road, bridge, drainage, water pipeline and sewage pipe etcetera;

- (g) prescribing conditions for traffic and for the use of road, naming of the wards and roads and prescribing building number;
- (h) stipulating conditions for the traffic and parking of vehicles and hackney carriages, and for construction of vehicle terminals;
- (i) carrying out works for sanitation, tidiness, pleasantness, beautifying, greening and liveliness;
- (j) carrying out environmental conservation works;
- (k) constructing, maintaining, and supervising of gardens, parks, playgrounds, swimming pools and recreation centres;
- (l) carrying out works for lighting of roads;
- (m) carrying out works for water supply;
- (n) carrying out works for construction and maintenance of reservoirs, water storage reservoirs and pipelines;
- (o) carrying out works for sanitation and sewage treatment;
- (p) carrying out prevention of disease and works for public health;
- (q) constructing, maintaining, and administering the markets owned by the Committee;
- (r) granting permission for the construction and administration of private-owned markets;
- (s) prescribing conditions relating to foodstuff business, restaurants and road-side stalls;
- (t) prescribing rules relating to works which may be dangerous;
- (u) carrying out precautionary measures against the danger of fire, flood, storm and natural disaster;
- (v) granting permission to open guest houses to accommodate local customers only;

- (w) inspecting hotels, motels and guest houses relating to development matters;
- (x) granting permission the operation of and administering ferry services, brokerage businesses and private pawn shops businesses;
- (y) granting permission for the establishment of slaughter houses, the slaughter of animals for consumption and prescribing conditions for sale of meat;
- (z) holding and managing of cattle fair;
- (aa) granting permission for keeping and breeding animals and catching and impounding strayed animals;
- (bb) carrying out tasks to look after the stray insane persons, lepers and beggars;
- (cc) determining and demolishing cemeteries, cremating, building and administering crematoriums;
- (dd) carrying out development works for public interest;
- (ee) carrying out the works of repairing, maintenance and extension of prescribed government offices and state-owned housing estates with allotment fund of Government;
- (ff) issuing conditions for the residents of the state-owned housing estates, supervising and taking action against the persons who violate the conditions;
- (gg) maintaining, placing and managing the state-owned housing estates and apartments;
- (hh) prescribing and collecting for state-owned housing estates and apartments rent;
- (ii) carrying out the functions and duties assigned from time to time by the Chairman of the State Peace and Development Council.

9. The Committee may, in carrying out its functions and duties, and co-ordinate with the relevant government departments and organizations if necessary.

Chapter IV

Powers of the Committee

10. The powers of the Committee are as follows:
- (a) demarcating and re-demarcating the territorial limit of the Nay Pyi Taw development area;
 - (b) carrying out the development works in accordance with the existing laws, rules, regulations and bye-laws with funds owned by the Committee;
 - (c) determining taxes and duties and rates in respect of development works and revising, assessing and collecting thereof;
 - (d) leasing the buildings and lands owned by the Committee and evicting the tenants who violate any of the terms and conditions;
 - (e) using money obtained by lease of buildings or lands or by other means, for the development works in accordance with the existing regulations and bye-laws;
 - (f) carrying out works contributing to development by communicating with local and foreign organizations or persons;
 - (g) taking loans or grants from the Government or from local and foreign organizations;
 - (h) carrying out development works by forming necessary sub-committees according to the type of development works;
 - (I) carrying out by applying advanced modern technologies and systems to enable to carry out the development works more effectively;

- (j) safeguarding to prevent trespass in the reserved lands by any person, organization and department and managing systematically the project works carried out only with the permission of the Government on such reserved land;
- (k) safeguarding and managing to prevent trespass in the committee-owned land by any person, organization or department;
- (l) coordinating with the Ministry of Forestry in order to determine the forest land limit within the limit of the Nay Pyi Taw development area;
- (m) coordinating with the Ministry of Defence in order to determine the cantonment area within the limit of the Nay Pyi Taw development area;
- (n) prohibiting and inspecting to prevent breaking, clearing, removing or felling the trees grown naturally within the limit of the Nay Pyi Taw development area, perennial trees, edible plants, shady trees grown in state-owned estates, trees and flower plants grown on left and right sides of the road, road islands and roundabouts without the permission of the committee;
- (o) prohibiting and inspecting to prevent trespass and construction by any person, organization and department within the road area determined within the limit of the Nay Pyi Taw development area;
- (p) exercising powers conferred from time to time by the Chairman of the State Peace and Development Council.

Chapter V

Finance

11. The Committee shall subsist on its own funds. If it is necessary, assistance from the Government may be taken for the fund desiring to fulfill. In addition, it shall also take responsibility of its financial matters.
12. The Committee shall open a separate bank account for its funds and has the right to expend for development works.
13. The Committee may manage in a suitable manner to increase the fund.
14. The Committee shall open a separate bank account for foreign currency accrued by it and may expend for the development works in accordance with procedures and regulations.
15. The Committee shall:
 - (a) after scrutinizing the annual budget estimate drawn up and submitted by the Head of Office, submit it to the Chairman of the State Peace and Development Council and obtain approval. Moreover, it shall be reported to the Government for the funds necessary to obtain assistance from the Government.
 - (b) submit the annual financial condition and audit-report within 90 days after expiry of the financial year to the Chairman of the State Peace and Development Council.

Chapter VI

Organizational Set-Up

16. The Committee shall, based on the functions and duties, draw up the necessary organizational set-up with the approval of the Chairman of the State Peace and Development Council.
17. The Committee may, in drawing up the organizational set-up under section 16, include in the set-up the following service personnel contributing to

the development works after consultation with the relevant government departments and organizations:

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

18. The Committee:

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

19. The Committee may, for enabling supervision of service personnel, delegate powers relating to personnel affairs to the Head of office as may be necessary.

Chapter VII

Maintaining the Fund and Auditing of Accounts

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

21. The Head of Office shall:

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

- (b) accept the audit of the person assigned duty by the Auditor General, in respect of the accounts compiled and maintained under sub-section (a).

Chapter VIII

Actions taken by Administrative Means

22. The Committee may, if the holder of the license, registration certificate or permit issued under this Law contravenes any of the stipulated conditions or if he is convicted by the prescribed Court under this Law, pass upon the license holder, permits holder, or registration certificate holder any of the following administrative order:

- (a) warning;
- (b) imposing stipulated fine;
- (c) suspending the license, registration certificate or permit, for a limited time;
- (d) cancelling the license, registration certificate or permit.

23. If there is failure to pay the imposed fine under the administrative order, it shall be recovered as if it were an arrears of land revenue.

Chapter IX

Offences and Penalties

24. Whoever violates or fails to comply with any rule made by the Committee under this Law shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine not exceeding kyats two hundred thousand, or with both.

25. If a person convicted under section , continues to violate or fails to comply with such rule, he shall be punished with fine which may extend from a minimum of kyats ten thousand to a maximum of kyats fifty thousand for each day during which the violation or failure continues.

26. Whoever violates or fails to comply with any condition or any order issued by the Committee under this Law shall, on conviction, be punished with imprisonment for a term not exceeding three months or with fine exceeding kyats one hundred thousand or with both.

27. If a person, convicted under section 26 , continues to violate or fails to comply with such condition or order, he shall be punished with fine which may extend from a minimum of Kyats ten thousand to a maximum of kyats fifty thousand for each day during which the violation or failure continues.

Chapter X

Miscellaneous

28. The public and the public service personnel shall abide by the orders, bye-laws and directives issued by the Committee since being duty bound to protect and preserve the works for cleanliness, tidiness, pleasantness, beauty, greenery and luxuriance within the limit of the Nay Pyi Taw development area;

29. The Committee shall, in performing its functions and duties in exercising its powers, carry out works involving the nature of policy, or special plans to be implemented within the development area of Nay Pyi Taw only after obtaining the permission of the Chairman of the State Peace and Development Council.

30. The Committee shall operate under its own name and common seal and shall have perpetual succession and power to sue and be sued in its corporate name.

31. The Committee is entitled to sue the responsible department and organization if it does not receive the reasonable value for its own immovable property that are transferred to the state.

32. In order to have speedy trial and disposal of development cases in which proceedings have been instituted for the violation of any rules, bye-laws or orders issued under this Law, the Committee shall carry out in co- ordination with the Supreme Court and Office of the Attorney General for the opening of

Courts and Law Offices at appropriate places within the Nay Pyi Taw development area.

33. The administrative order or decision passed by the Committee under section 22 shall be final and conclusive.

34. The Committee may in carrying out development works apply the existing Development Committees Law, rules, regulations, bye-laws, procedures, notifications, orders and directives made thereunder, in so far as they are not contrary to the objectives and concepts of this Law.

35. The funds and moveable and immoveable property owned by the previous Township Development Committees and Nay Pyi Taw Development Committee , within the Nay Pyi Taw development area works in the process of execution, works which have been completed, assets and liabilities shall devolve respectively on the Committee.

36. (a) In executing instruments regarding transfer of immoveable property situated within the Nay Pyi Taw development area, the person chargeable with stamp duty shall pay the excess percentage of stamp duty as prescribed , in addition to the value of stamp duty to be paid under the Myanmar Stamp Act.

(b) The Committee shall carry out in consultation with the Ministry of Finance and Revenue to transfer and obtain the excess value of the stamp duty under sub-section (a).

37. The Committee may, in carrying out its functions and exercising its powers, assign duties to any relevant subordinate Department or by forming a body or to any person, if necessary.

38. In implementing the provisions of this Law, the Committee may:

(a) issue necessary rules with the approval of the Chairman of the State Peace and Development Council;

- (b) issue necessary procedures, bye-laws, notifications, orders and directives.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council