

၄၄။ ။ပုဒ်မ ၄၃ အရ သုတေသနလုပ်ငန်းအဖွဲ့ တည်ထောင်ပြီးလျှင် ပြီးခြင်း သုတေသန လုပ်ငန်းအဖွဲ့သည်၊ လက်ရှိပြည်ထောင်စု စက်မှုလက်မှု သုတေသနလုပ်ငန်းအဖွဲ့ (The State Industrial Research Institute) ပိုင်ပစ္စည်းများနှင့် ကြွေးငြိတာဝန်များကိုဆက်ခံရမည်။

ပြည်ထောင်စု စက်မှုလက်မှု သုတေသန လုပ်ငန်းအဖွဲ့၏ ပစ္စည်းများနှင့် တာဝန်များကို ဆက်ခံခြင်း။

၄၅။ ။(၁) မြန်မာနိုင်ငံ သုတေသနအဖွဲ့က ပြုသည့်စည်းကမ်း ဥပဒေများနှင့် မဆန့်ကျင် စေဘဲ၊ သုတေသနလုပ်ငန်းအဖွဲ့ အုပ်ချုပ်ရေးမှူးသည်၊ မြန်မာနိုင်ငံ သုတေသနအဖွဲ့၏ အမှုဆောင် အရာရှိချုပ်အဖြစ်ဖြင့် သုတေသနလုပ်ငန်းအဖွဲ့၏ လုပ်ငန်းဆောင်တာအားလုံးကို တာဝန်ယူ ဆောင်ရွက်ရမည်။

(၂) အထူးသဖြင့် သုတေသနလုပ်ငန်းအဖွဲ့ အုပ်ချုပ်ရေးမှူးသည်၊ အောက်ပါကိစ္စများကို ဆောင်ရွက်ရမည်။

- (က) သုတေသန လုပ်ငန်းအဖွဲ့၏လုပ်ငန်းအမျိုးမျိုးကို ညှိနှိုင်းပူးပေါင်းဆောင်ရွက်ခြင်း။
- (ခ) သုတေသန လုပ်ငန်းအဖွဲ့၏ လုပ်ငန်းများကို ဦးစီးခေါင်းဆောင်သူများ အတွက် တိုးတက်အောင်ဆောင်ရွက်ခြင်း။
- (ဂ) သုတေသနလုပ်ငန်းအဖွဲ့၏ငွေရေး ကြေးရေးနှင့် စပ်လျဉ်းသည့် ဆောင်ရွက်မှုများကို ကြီးကြပ်အုပ်ချုပ်ခြင်း။
- (ဃ) သုတေသန လုပ်ငန်းအဖွဲ့၏ ဆောင်ရွက်မှုများကို ဟောပြောချက်များဖြင့်၊ ဆောင်းပါးများဖြင့်၊ သတင်းစာများမှကျေညာခြင်းအားဖြင့်၊ အလားတူ နည်းလမ်းများဖြင့်၊ အများပြည်သူတို့ သိရှိနားလည်ရန်ကျေညာခြင်း။
- (င) သုတေသန လုပ်ငန်းအဖွဲ့အရာရှိများနှင့် အမှုထမ်းများကို ကိုယ်တိုင်ခေါင်းဆောင်ခြင်းဖြင့် ထိရောက်စွာ လုပ်ကိုင်ဆောင်ရွက်ရန်အားပေးခြင်း။
- (စ) သုတေသနလုပ်ငန်းစဉ်များကို ဖြေရှင်းရာ၌ ညီညာပူးပေါင်း ဆောင်ရွက်ခြင်း။
- (ဆ) သုတေသနလုပ်ငန်းအဖွဲ့၏ ဆောင်ရွက်မှုများအတွက် နှစ်စဉ် ရာသုံး မှန်းခြေငွေစာရင်းကို မြန်မာနိုင်ငံသုတေသနအဖွဲ့သို့တင်ပြခြင်း။
- (ဇ) သုတေသနလုပ်ငန်းအဖွဲ့၏ ဆောင်ရွက်မှုများနှင့် စပ်လျဉ်းသည့် နှစ်ချုပ်အစီရင်ခံစာကို မြန်မာနိုင်ငံသုတေသနအဖွဲ့သို့တင်ပြခြင်း။
- (ဈ) မြန်မာနိုင်ငံသုတေသနအဖွဲ့က ပေးအပ်သည့်အခြားလုပ်ငန်းများကို တည်ထွင်ခြင်းနှင့် လုပ်ကိုင်ဆောင်ရွက်ခြင်း။

C.—AGRICULTURE.

၇။ ။လယ်ယာစိုက်ပျိုးရေး။

THE LAND IMPROVEMENT LOANS ACT.

[INDIA ACT XIX, 1883.] (12th October, 1883.)

1-2. * * * *

3. In this Act, "Collector" means the Collector of land-revenue of a "Collector" district, or the Deputy Commissioner, or any officer empowered by the ^{defn. ed.}

President of the Union by name or by virtue of his office to discharge the functions of a Collector under this Act.

Purposes for which loans may be granted under this Act.

4. (1) Subject to such rules as may be made under section 10, loans may be granted under this Act, by such officer as may, from time to time be empowered in this behalf by the President of the Union, for the purpose of making any improvement, to any person having a right to make that improvement, or, with the consent of that person, to any other person.

(2) "Improvement" means any work which adds to the letting value of land, and includes the following, namely:—

- (a) the construction of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture;
- (b) the preparation of land for irrigation;
- (c) the drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste-land which is cultivable;
- (d) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;
- (e) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto; and
- (f) such other works as the President of the Union may, from time to time, by notification in the Gazette, declare to be improvements for the purposes of this Act.

Mode of dealing with applications for loans.

5. (1) When an application for a loan is made under this Act, the officer to whom the application is made may, if it is, in his opinion, expedient that public notice be given of the application, publish a notice, in such manner as the President of the Union may, from time to time, direct, calling upon all persons objecting to the loan to appear before him at a time and place fixed therein and submit their objections.

(2) The officer shall consider every objection submitted under sub-section (1), and make an order in writing either admitting or overruling it;

Provided that, when the question raised by an objection is, in the opinion of the officer, one of such a nature that it cannot be satisfactorily decided except by a civil Court, he shall postpone his proceedings on the application until the question has been so decided.

Period for repayment of loans.

16. (1) Every loan granted under this Act shall be made repayable by instalments (in the form of an annuity or otherwise) within such period from the date of the actual advance of the loan, or, when the loan is advanced in instalments, from the date of the advance of the last instalment actually paid, as may, from time to time, be fixed by the rules made under this Act.

¹ Instruments executed by persons taking loans or by their sureties as security for the repayment of such loans are exempt from stamp duty, see Exemption (1) to Article 40 of Schedule I of the Burma Stamp Act.

(2) The period fixed as aforesaid shall not ordinarily exceed thirty-five years.

(3) The President of the Union, in making the rules fixing the period, shall, in considering whether the period should extend to thirty-five years, or whether it should extend beyond thirty-five years, have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by the work.

7. (1) Subject to such rules as may be made under section 10, all loans granted under this Act, all interest (if any) chargeable thereon and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Collector in all or any of the following modes, namely:—

Recovery of loans.

- (a) from the borrower—as if they were arrears of land-revenue due by him ;
- (b) from his surety (if any)—as if they were arrears of land-revenue due by him ;
- (c) out of the land for the benefit of which the loan has been granted—as if they were arrears of land-revenue due in respect of that land ;
- (d) out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land-revenue by the sale of immoveable property other than the land on which that revenue is due :

Provided that no proceeding in respect of any land under clause (c) shall affect any interest in that land which existed before the date of the order granting the loan, other than the interest of the borrower, and of mortgagees of, or persons having charges on, that interest, and, where the loan is granted under section 4 with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on, that interest.

(2) When any sum due on account of any such loan, interest or costs is paid to the Collector by a surety or an owner of property comprised in any collateral security, or recovered under sub-section (1) by the Collector from a surety or out of any such property, the Collector shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the benefit of which loan has been granted, in manner provided by sub-section (1).

(3) It shall be in the discretion of a Collector acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it.

8. A written order under the hand of an officer empowered to make loans under this Act granting a loan to, or with the consent of, a person mentioned herein, for the purpose of carrying out a work described therein, for the

Order granting loan conclusive.

on certain points.

benefit of land specified therein, shall, for the purposes of this Act, be conclusive evidence—

- (a) that the work described is an improvement within the meaning of this Act;
- (b) that the person mentioned had at the date of the order a right to make such an improvement; and
- (c) that the improvement is one benefiting the land specified.

Liability of joint borrowers as among themselves.

9. When a loan is made under this Act to the members of a village community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed by each of them and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

Power to make rules.

10. The President of the Union may, from time to time, by notification in the Gazette, make rules consistent with this Act to provide for the following matters, namely :—

- (a) the manner of making applications for loans;
- (b) the officers by whom loans may be granted;
- (c) the manner of conducting inquiries relative to applications for loans and the powers to be exercised by officers conducting those inquiries;
- (d) the nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans;
- (e) the inspection of works for which loans have been granted;
- (f) the instalments by which, and the mode in which, loans, the interest to be charged on them and the costs incurred in the making thereof, shall be paid;
- (g) the manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same; and
- (h) all other matters pertaining to the working of the Act.

Exemption of improvements from assessment to land-revenue.

11. When land is improved with the aid of a loan granted under this Act, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land :

Provided as follows :—

- (1) where the improvement consists of the reclamation of waste-land, or irrigation of land assessed at unirrigated rates, the increase may be so taken into account after the expiration of such period

as may be fixed by rules to be framed by the President of the Union ;

- (2) nothing in this section shall entitle any person to call in question any assessment of land-revenue otherwise than as it might have been called in question if this Act had not been passed.

12. The powers conferred on the President of the Union by sub-section (1) of section 4, sub-section (1) of section 5 and section 10 may be exercised in the like manner and subject to the like conditions by the Financial Commissioner ;

Delegation of powers to the Financial Commissioner.

Provided that rules made by the Financial Commissioner shall be subject to the control of the President of the Union.

THE AGRICULTURISTS LOANS ACT.

[INDIA ACT XII, 1884.] (1st August, 1884.)

1—3. * * * *

14. (1) The President or subject to the control of the President, [the Financial Commissioner or the Director, State Agricultural Credit]² may make rules as to loans to be made to owners and occupiers of arable land for the relief of distress.

Power to make rules.

(2) All such rules shall be published in the Gazette.

³5. Every loan made in accordance with such rules, all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same, shall, when they become due, be recoverable from the person to whom the loan was made, or from any person who has become surety for the repayment thereof, as if they were arrears of land-revenue or costs incurred in recovering the same due by the person to whom the loan was made or by his surety.

Recovery of loans.

6. When a loan is made under this Act to the members of a village community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked, or sealed by each of them or his agent duly authorized in this behalf and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

Liability of joint borrowers as among themselves.

¹ Substituted by Act XXVII, 1953.

² Substituted by Act LX, 1954.

³ Instruments executed by persons taking loans or by their sureties as security for the repayment of such loans are exempt from stamp duty, see Exemption (1) to Article 4 of schedule I of the Burma Stamp Act.