

## **An Evaluation of Myanmar Municipal Laws in Colonial Era**

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### **Abstract**

This article presents the evaluation of Myanmar Municipal Laws imposed in Colonial Era. Municipal laws are the vital one in implementing its administration. Aiming to implement local administration in Myanmar, British imposed the Municipal laws. In order for arising rigid, firm, fine and systematic Municipal administration, it is also presented that the striving to impose state of the art Municipal Laws. This article could aid partially for the observers for the local administration in Myanmar. Historical research method is employed and it is presented as a longitudinal study. Data were collected from Mandalay University Library, Universities Central Library, and private book collectors. It is pointed out that 1898 Burma Municipal Act is finest, most systematic and all-inclusive one among those Municipal Laws imposed by the British government.

**Keywords:** Local administration, municipality, conduct of business, municipal regulation

### **Introduction**

Municipal administration is one of the types of local self government or local administration. Under local administration, there are Municipalities, town committees, District councils, boards of Commissioner's regional funds and other systems under the same category. In administrating regional administration, it is halved as urban administration and rural ones. In former one, Municipal committee and town committee are divided as two sections, the latter one as District council and board of Commissioner's regional funds. For urban development, the bodies that perform development affairs of the towns are Municipal bodies. The aims of organizing such bodies are introduction of markets for merchandising, cleans namely water access and trash collection for hygiene, providing streets lighting for the safety of residents, fire hazard prevention, constructing and maintaining roads, accessing to basic education for children, and other development processes in accordance with the situation of each town. To specify and organize those municipalities systematically, it can be said that the municipal law was promulgated.

### **Aims**

The aim of this research is to describe Municipal Acts imposed in Colonial era to conduct Municipal administration and to present the arising of fine and relevant a Municipal Act to successfully implement Municipal administration, a form of local administration, in the cities of Myanmar.

### **Research Questions**

1. How effective is Municipal laws imposed in Myanmar at Colonial era for Municipal administration?
2. To what extent is 1898 Municipal Act effective and admirable as a law?

### **Literature Review**

There is no published book titled Myanmar Municipal administration. On the one hand, since it is one form of local administration, it is found that it is one

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of the sections in the books of internal and external scholars written and published topics relating to Myanmar administration. Among them, founding of Municipal board by the British and its processing are compared according to the country in the “The Foundations of Local Self-Government in India, Pakistan, and Burma (1954)” by Hugh Tinker. In the book of “Colonial Policy and Practices (1916)” by J.S. Furnivall, the division of Central Government and local administration boards, the dividing of Municipal board and District council in local administration board are described.

Similarly, one of the Myanmar scholars like Myo Sin(U): “*Dethandaya Okchokeye* (1953)”(Local Administration) presents the history of Municipal Administration, the actions to form Municipal boards, faulty in some towns, and striving to found firm Municipal administration. Striving to conduct successfully the Municipal administration, it is a form of local administration, was written in the book “*Myanmar Okchokeye Thamaing* (1969)” (History of Myanmar administration) by Theikpan Soe Yin. Municipal administration has been starting in British era, and its prevailing in all regions and states after Independence is presented in the book, “*Myanmar naingngan Okchokeye Sanit a myomyo* (1993)” (A Variety of the administrative systems of Myanmar by Hnin Kay ThaYar. The founding of Municipal boards in Lower Burma (Myanmar) and the prevailing of 1898 Burma Municipal Act are described in the articles naming “*Mandalay sipintharyarmeiksak*” (An Introduction to Mandalay City Development Committee) by Toe Myint (U) and “The Formation and Early Growth of Municipalities in Myanmar” by Hla Thein (U). This paper is based on the data collected from above mentioned books and other evidences.

### Materials and Method

Historical research method is employed and it is presented as a longitudinal study. Data are collected from Mandalay University Library, Universities' Central Library, and private book collectors.

### Findings and Discussion

By imposing Municipal laws, implementation of Municipal administration in Myanmar dated back in colonial era. To conduct this, related towns are regarded as Municipal towns and its boards are organized.<sup>1</sup> In order to do this, Municipal laws are imposed. The imposed laws in Myanmar are The British Burma (Myanmar) Municipal Act, 1874 (Act No. VII of 1874), the Burma (Myanmar) Municipal Act, 1884 (Act No.XVII of 1884), The Upper Burma (Myanmar) Municipal Regulation, 1887 (Regulation No.V of 1887), The Burma (Myanmar) Municipal Act, 1898 (Act III of 1898) and The City of Rangoon (Yangon) Municipal Act, 1922 (Burma Act No. VI of 1922). Among them, The City of Rangoon (Yangon) Municipal Act, 1922 is merely concerned with Yangon Municipal Committee.

The British Burma (Myanmar) Municipal Act, 1874 is the first Myanmar Municipal Act issued by Indian Government for Myanmar. It was approved in 24 March 1874.<sup>2</sup> According to this Act, the very first Municipal committees were

<sup>1</sup>U Myo Sin, *De-than-da-ra-ok-choke-ye* (Local Self Government of Myanmar), Yangon, Gaung Hsaung Press, 1953, p.22 (Henceforth: Myo Sin, 1953)

<sup>2</sup>*Report on the Administration of British Burma during the year 1875-76*, Rangoon, Government Printing, 1876, p.43 (Henceforth: R.A.B.B., 1876)

organized in Yangon, Sittwe, Mawlamyaing, Patheingyi, Hinthada, Pyaw and Taungtha.<sup>1</sup> According to this Act, Bago,<sup>2</sup> Paungde and Nyaungdon<sup>3</sup> were designated as Municipal towns and its boards were organized. 10 cities in Lower Burma were designated as Municipal cities and its administration was commenced.

That Act was drafted by Chief Commissioner for Myanmar for development and welfares of the cities, and approved by Indian Legislative Council. It was comprised with six chapters.<sup>4</sup> It did not have limitation for tenure of Municipal Committee. Relating with Municipal revenue, water rate and lighting tax are allowed to levy without anything else. The authority is granted if they want to levy. No descriptions of welfares to conduct by Municipalities are lack. The British Burma (Myanmar) Municipal Act, 1874 has only 44 sections and it is not comprehensive one. It is projected that actions conducted by Municipalities organizing from this Act are not prevailed.

In October 1884, The British Burma (Myanmar) Municipal Act, 1874 was abolished and The British Burma (Myanmar) Municipal Act, 1884 was enacted.<sup>5</sup> It containing (160) sections was imposed according to Municipalities' need of conducting Municipal actions widely. It went into effect on 1 January 1885.<sup>6</sup> According to this Act, Thandwe, Kyaukpadaung and Zalon were recognized as Municipal towns.<sup>7</sup> This was the implementation of the opinion of the Chief Commissioner of Myanmar to conduct Municipal administration in towns where Europeans established headquarters, by means of organizing Municipalities.<sup>8</sup>

The British Burma (Myanmar) Municipal Act, 1884 contained nine chapters like the constitution of Municipalities, its rights and responsibilities exactly and stringently is more comprehensive than its preceding one. Facts like tenure of Municipalities, selection of President and Vice-president, imposing laws for levying Municipal taxes, and its conferment to conduct Municipal actions are contained. It aimed to be distinctive the position of preceded Municipalities. In other words, it is also aimed to implement effectively local administration laid by Government of India. After imposing that law, a few elected representatives are included in some Municipalities. Though it is comprehensive, it is duplicated from its version of Punjab Province in India.<sup>9</sup>

After annexing Upper Myanmar by the British, Upper Myanmar except from Shan States was specified as the Scheduled District according to Chapter

<sup>1</sup> U Hla Thein, "The Formation and Early Growth of Municipalities in Myanmar", Selected Writings of U Hla Thein, First Published, Yangon, Myanmar, Universities Press, 2004 (Henceforth: Hla Thein, 2004)

<sup>2</sup> A.J. Page, *Burma Gazetteer, The Pegu District*, Vol.A, Rangoon, Government Printing, 1917, p.113 (Henceforth: Page, 1917)

<sup>3</sup> *Report on the Administration of British Burma during the year 1884-85*, Rangoon, Government Printing, 1885, p.20 (Henceforth: R.A.B.B., 1885)

<sup>4</sup> *The British Burma Gazetteer*, Part.II, 18.4.1874, p.140 (Henceforth: B.B.G, 1874)

<sup>5</sup> *Report on the Administration of British Burma during the year 1883-84*, Rangoon, Government Printing, 1884, p.8 (Henceforth: R.A.B., 1884)

<sup>6</sup> *The British Burma Gazetteer*, Part.III, 25.10.1884, Rangoon, Published by Authority, 1884, p.210 (Henceforth: B.B.G., 1884)

<sup>7</sup> Theikpan Soe Yin, *Myanmar-naing-ngan Ok-choke-ye-thamaing* (History of the Administration of Myanmar), Yangon, Thihayadanar Press, 1969, p.101 (Henceforth: Soe Yin, 1969)

<sup>8</sup> H.P. Hewett and J. Clauge, *Burma Gazetteer, The Bassein District*, Vol.A, Rangoon, Government Printing, 1916, pp.105-6 (Henceforth: Hewett, 1916)

<sup>9</sup> Myo Sin, 1953, 124

(3), Statues Law (33) on 1 March 1886.<sup>1</sup> From that specification, Upper Myanmar was degraded as very outdated region, isolated administrative zone and undeveloped region that was not relevant to administer art of state laws. Also, specific regulations were imposed for Upper Myanmar since it was the Scheduled District which current laws and regulations could not be applied.<sup>2</sup> Those regulations for Upper Myanmar (The scheduled district) were adjusted and amended from the imposed acts of Lower Myanmar.

The Governor-General of India approved and imposed The Upper Burma (Myanmar) Municipal Regulation, 1887<sup>3</sup> by the virtue of introducing Municipal administration in Mandalay where foreigners stayed. That regulation went into effect on 1 July 1887. According to that regulations, (15) towns (Shwebo, Bamaw, Pakokku, Myingyan, Bagan, Minbu, Taungdwingyi, Yesagyo, Salin, Kyaukse, Myinmu, Sagaing, Monywa, Yamethin, and Pyinmana) along with Mandalay were recognized as Municipal towns<sup>4</sup> and commenced their Municipal administration by organizing Municipalities. The regulation was comprised with 4 Chapters along with 22 sections.<sup>5</sup> No facts relating with Municipal election could be found. Municipalities organized according to this regulation contained nominated members. That regulation was the summarized and amended version of The British Burma (Myanmar) Municipal Act, 1884 as Upper Myanmar Municipal regulation.

Since Municipal administration is part of the central administration that its mother part changes, the municipal institutions also used to change.<sup>6</sup> On 2 May 1897, the Chief Commissioner was promoted to Lt. Governor. The administration system also changed. That brought Governor's Executive Council which led to approve new Municipal Act that was agreed by Myanmar Lt. Governor on 10 March 1898 and accepted by Governor General of India on 25 April 1898.<sup>7</sup>

The Burma (Myanmar) Municipal Act, 1898 came into force on 1 July 1898.<sup>8</sup> (10) Chapters and (249) sections are contained. Chapter (1) is about title, its extent and commencement. Chapter (2) is for constitution of Municipalities, Chapter (3) is for organization of Municipal committees, conducting of business, establishing joint committee, and appointing officers and servants, Chapter (4) and (5) are for Municipalities' taxation and funds, Chapter (6) is for powers for sanitary and other purposes, Chapter (7) is for offences affecting the public health, safety, and convenience., Chapter (8) is a matter of fact that limitations to Municipalities like abolishment of Municipalities if they cannot conduct their course of business successfully and direct supervision of Commissioner and Deputy Commissioner, Chapter (9) is prosecution and power to withdraw the offences by Municipalities, and Chapter (10) is about small towns in which

<sup>1</sup>Ma Kyan, *Mahawun-shin-daw-min-gyi Ok-choke-ye (1886-97)* (The Administration of the Chief Commissioner), Yangon, Sarpelawka Press, 2003, p.12 (Henceforth: Ma Kyan, 2003)

<sup>2</sup>Ma Kyan, 2003, 26

<sup>3</sup>J.G. Scott and W.P Hardiman, *Gazetteer of Upper Burma and the Shan States*, Part.I, vol.ii, Rangoon, The Superintendent Government Printing, 1901, p.521 (Henceforth: G.U.B.S.S., 1901)

<sup>4</sup>*Report on the Administration of Burma during the year 1888-89*, Rangoon, Government Printing, Printing, 1889, p.38 (Henceforth: R.A.B., 1889)

<sup>5</sup>*The Burma Gazetteer*, Part.II, 16.7.1887, p.183 (Henceforth: B.G., 1887)

<sup>6</sup>Myo Sin, 1953, 124

<sup>7</sup>*The Burma Municipal Manual*, Rangoon, Superintendent Government Printing and Stationery, 1934, p.1 (Henceforth: B.M.M., 1934)

<sup>8</sup>*The Burma Municipal Act, 1898*, G.U.B.C.P.O., Burma, J.U.D. (Litho), Reprint 1963, p.1 (Henceforth: B.M.A., 1963)

descriptions to conduct if they are willing to process according to this law are explained.

That Act was the amendment of Myanmar Municipal Acts and the last version which could prevail throughout the country. Municipalities organized according to this act till the winter of 1922 are all together (53) including (38) for Lower Myanmar and (15) for Upper Myanmar.<sup>1</sup> In 1923, Danupyu,<sup>2</sup> Maymyo<sup>3</sup> (Pyin Oo Lwin), Magway, Meiktila, and Minhla<sup>4</sup> became the municipal cities and and Mawlamyainggyunmyowas in 1934.<sup>5</sup> According to this Act, together with Yangon (Mandalay, Sittwe, Thandwe, Insein, Thanlyin, Thongwa, Thonze, Letpadan, Gyobingauk, Zigon, Nyaunglebin, Pyay, Paungde, Nattalin, Shwedaung, Minhla, Thayet, Aunglan, Taungoo, Shwekyin, Pathein, Ngathainggyaung, Hninthada, Myanaung, Kyangin, Myaungmya, Wakema, Maubin, Nyaungdon, Pyapon, Kyaiklat, Kyonpyaw, Danubyu, Kyaikhto, Thaton, Mawlamyaing, Dawei, Myeik, Kyaukse, Yamethin, Pyinmana, Myingyan, Minbu, Salin, Taungdwingyi, Yenangyaung, Maymyo (Pyin Oo Lwin), Magway, Meiktila, Shwebo, Sagaing, Monywa, Pakokku, Phyu, Kyaukpyu, Bamaw, Bago, Mawlamyainggyun) totally (59) cities,<sup>6</sup> Municipal administration was carried out. Based on that Act, The City of Rangoon (Yangon) Municipal Act, 1922 was imposed. It is also practiced after gaining Independence which indicates that The Burma (Myanmar) Municipal Act, 1898 is the fine and comprehensive one.

Apart from it, the municipal acts imposed in Myanmar have accountability, and responsibility. Sections related with president, vice-president, member of committee, and municipal employees are contained in the municipal acts imposed in Myanmar. Those can be found in section (41) of The British Burma (Myanmar) Municipal Act, 1874,<sup>7</sup> section (37) of The British Burma (Myanmar) Municipal Act, 1884,<sup>8</sup> section (20) of The Upper Burma (Myanmar) Municipal Regulation, 1887<sup>9</sup> in turn. These prescriptions are concerned with penalty on committee, member, officer or servant of committee being interested in contract made with committee.

Those are more comprehensive in The British Burma (Myanmar) Municipal Act, 1898. That section (54)(1) mentions that when a contract made by or on behalf of the committee exceeds in value or amount one hundred kyats (rupees), it shall be in writing and signed by the president or vice – president and at least one other member of the committee.<sup>10</sup> In section (55)(1), if any member, officer or servant of the committee is directly or indirectly, interested in

<sup>1</sup> *Report on the Administration of Burma during the year 1921-22*, Rangoon, Government Printing, 1922, p.1 (Henceforth: R.A.B., 1922)

<sup>2</sup> W.S. Morrison, *Burma Gazetteer, The Henzada District*, Vol.A, Rangoon, Government Printing, 1936, p.79 (Henceforth: Morrison, 1936)

<sup>3</sup> H.F. Searle, *Burma Gazetteer, The Mandalay District*, Vol.A, Rangoon, Government Printing, 1928, p.207 (Henceforth: Searle, 1928)

<sup>4</sup> *Report on the Administration of Burma during the year 1923-24*, Rangoon, Government Printing, 1924, p.41 (Henceforth: R.A.B., 1924)

<sup>5</sup> *Report on the Administration of Burma during the year 1934-35*, Rangoon, Government Printing, 1935, p.50 (Henceforth: R.A.B., 1935)

<sup>6</sup> *The Municipal Electoral Rules*, Rangoon, Superintendent, Government Printing and Stationery, 1941, p.36 (Henceforth: M.E.R., 1941)

<sup>7</sup> B.B.G., 1874, 140

<sup>8</sup> B.B.G., 1884, 210

<sup>9</sup> B.G., 1887, 183

<sup>10</sup> B.M.A., 1963, 26

any contract made with the committee, he shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both, unless it still appear that he was not aware of such interest.<sup>1</sup> In section (59), it is prescribed that every person shall be liable for the loss, waste or misapplication of any money or the other property belonging to the committee if the loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of committee, and a suit for compensation may be instituted against him by the committee.<sup>2</sup> It is found the same prescription in the City of Rangoon (Yangon) Municipal Act, 1922. In section (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.<sup>3</sup> These prescriptions are not only broader but also more specific.

Moreover, there are firm laws which stand out for Municipalities in Municipal laws. In the Burma (Myanmar) Municipal Act, 1898's section (232), in any municipality to which the state authorities may apply this section, it shall not be necessary to examine the complaint, in respect of any offence punishable under this act or any rule or bye laws when the complaint is presented in writing.<sup>4</sup> This is also in line which prescribed in the city of Rangoon (Yangon) Municipal Act, 1922's section (213) sub-section (2) of Yangon Municipal Corporation Act (1922) as follow; 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 complaint when the complaint is presented in writing.<sup>5</sup> The above mentioned prescribed sections are based on justice and needy for responsibility and accountability. After discontinuing Municipal administration in Myanmar, there is no right prescribed sections like aforementioned in the Act of similar processing organization.<sup>6</sup>

### Conclusion

To conclude, Municipal administration was dated from Colonial era. Myanmar Municipal Acts were imposed to conduct Municipal works relevantly to the era. It was also drawn and imposed a comprehensive Act in accordance with situation and time. Myanmar Municipal Acts are the one which are accountable and responsible ones in order not to let shattering member of Municipalities and its servants' malpractices and moral character. Moreover, specifying the municipal works for social welfare, these Acts are much more effective for municipal administration of Myanmar. By looking its continue after Independence, it can be

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<sup>1</sup>B.M.M., 1934, 27

<sup>2</sup>B.M.A., 1963, 28

<sup>3</sup>*The City of Rangoon Municipal Act 1922*, Rangoon, Government Print, 1936, p.443 (Henceforth: R.M.A., 1936)

<sup>4</sup>B.M.A., 1963, 109

<sup>5</sup>R.M.A., 1936, 444

<sup>6</sup>Maung Toe Myint, "Mandalay-si-pin-thar-yar-meik-sak" (The Introduction of Mandalay City Development Committee), M.C.D.C. Silver Jubilee, *Annual Special Magazine*, Mandalay, Shwe Oh Press, 2017, p.202

said that The Burma (Myanmar) Municipal Act, 1898 is a comprehensive one for Municipal administration.

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