

MINISTRY OF AGRICULTURE AND FORESTS.

CO-OPERATIVE BRANCH.

(The Myanmar Agriculturists' Debt Relief Rules, 1948.)

No. 244

Rangoon, the 10th October 1948.

[Amendment : 18.06.1989]

No. 244. – In exercise of the powers conferred by section 31 of the Myanmar Agriculturists' Debt Relief Act, 1947 , the President makes the following Rules: -

1. These Rules may be called **the Myanmar Agriculturists' Debt Relief Rules, 1948.**

<Amendment 18.06.1989>

2. In these Rules -

(a) “**the Act**” means the Myanmar Agriculturists' Debt Relief Act, 1947 ; and

(b) “**Board**” means the Debt Settlement Board constituted under the Act.

<Amendment 18.06.1989>

Composition of the Board.

3. The members of a Debt Settlement Board constituted under sub-section (1) of section 3 of the Act except the Chairman shall ordinarily be non-officials the majority of whom shall represent agriculturists.

4. The quorum for a meeting of a Debt Settlement Board shall be three or two according as the number of members including the Chairman is five or three.

5. A Debt Settlement Board may , if required, entertain for its work one clerk on the lower division scale and a peon:

Procedure.

6. The Board shall ordinarily sit at the headquarters of a district or a subdivision.

7. On a decision by the Board to scale down the debt of a debtor under sub-section (1) of section 9 of the Act, the date fixed for hearing the application shall be such that the statement of debts to be filed by the creditor under sub-section (2) of section 9 of the Act shall have been examined by the Board. The creditor shall also be summoned to appear before the Board on the same date.

8. Notice to the creditor under sub-section (2) of section 9 shall be in Form A annexed and notice to the debtor and creditor for appearance before the Board shall be in Form B annexed.

9. No Board shall consider -

- (1) any debt payable to a money -lender who has not been registered under the Money- Lenders Act, 1945, and whose registration is not in force ; and
- (2) any debt which has not been registered under the Agricultural Debts Moratorium Act, 1947.

10. A summons issued under sub-section (1) of section 12 of the Act shall be in Form C annexed.

11. All notices and summons shall be issued through the District or the Subdivisional Court.

12. The Board may dispense with the examination of any witness if in its opinion no further substantial information can be obtained or is necessary.

Records.

13. The Board shall open separate proceedings for each application received by it under section 4 of the Act.

The Board shall record a memorandum of the statement or evidence of the applicant, party or witness or witnesses examined by it. Copies of notices issued by it together with statement of debts submitted by the creditors and all such other documents relating to such debts as required under sub-section (1) of section 10 of the Act shall also be filed in each proceeding. The order of the Board on each application under section 15 of the Act shall state briefly the reasons for the order.

14. The schedule of the creditors and of the assets and liabilities of the debtor prescribed in sub-section (3) of section 11 of the Act shall be in Form D annexed.

Reports and Returns.

15. The Board shall submit to the Government quarterly returns in Form E annexed.

Charges to be made by the Board.

16. Every application submitted by a debtor to a Board under section 4 of the Act shall bear a court fee stamp of annas twelve . No other charge shall be made by the Board either to the debtor or the creditor for notice or services in respect of the proceeding before the Board.

Fees and Expenses.

17. The Chairman or member of the Board who is a non-official shall draw a fee of Rs. 10 for each day on which he is engaged in the effective hearing of a case.

18. Persons summoned for appearance before a Board as witness or to produce any document for the purpose of any enquiry except a debtor and a creditor shall be granted such sum as is admissible under the Courts Manual to meet the travelling and other expenses incurred by them for their attendance.

19. All bills of the Board shall be countersigned by the Deputy Commissioner concerned. The fees of the Chairman and members of the Board shall be claimed on simple receipt.

By order,

BA NYEIN,

Deputy Secy. to the Govt. of the Union of Myanmar,
Ministry of Agriculture and Forests.

----- Attachment -----

[ATTACH LIST 1] 01 FORM A. (Rule 8.) NOTICE.

[ATTACH LIST 2] 02 FORM B. (Rule 8.) DEBT SETTLEMENT BOARD.

[ATTACH LIST 3] 03 FORM C. (Rule 10.) SUMMONS TO WITNESS. (Title.)

[ATTACH LIST 4] 04 FORM D. (Rule 14.) Schedule of Creditors, assets and liabilities of the debtor (Name)

[ATTACH LIST 5] 05 FORM E. (Rule 15.)