

**B.—VILLAGES AND TOWNS.**

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**THE VILLAGE ACT.**

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**THE VILLAGE ACT.**

[BURMA ACT VI, 1907.] (1st January, 1908.)

## PRELIMINARY.

1-2. \* \* \* \*

Effect of  
Act.

3. This Act shall take effect notwithstanding anything in any enactment for the time being in force.

Definitions.

4. In this Act, unless there is anything repugnant in the subject or context,—

“ Head-  
man.”

(1) “ headman ” means the person appointed to be the headman of a village-tract under section 5 ;

“ Rule.”

(2) “ rule ” means a rule made by the President of the Union under this Act ;

- (3) "stolen property" has the meaning assigned to that term by section 410 of the Penal Code ; "Stolen property."
- (4) "Subdivisional Officer" means the officer in charge of a subdivision of a district as constituted for revenue and general purposes ; "Sub-divisional Officer."
- (5) "Township Officer" means the officer in charge of a township as constituted for revenue and general purposes ; "Township Officer."
- (6) "town" means a local area declared to be a town for the purposes of the Towns Act ; "Town."
- (7) "village" means an area appropriated to dwelling places not included within the limits of a town ; "Village."
- (8) "village-tract" means the local area under the jurisdiction of a headman, including a village or group of villages and adjacent lands ; and "Village-tract."
- (9) "village committee" means the village committee established for a village-tract under section 5A. "Village committee."

5. (1) The Deputy Commissioner may declare that any local area shall be a village-tract, and, when necessary, may determine the limits of any village tract. Determination of village-tracts and appointment of headmen and rural policemen.

1(2) The village headman of every village-tract shall be appointed by the Deputy Commissioner after he has ascertained the wishes of the villagers by means of an election, provided that the Deputy Commissioner may reject the application of any of the candidates by reason of his character or residence, or of any physical or mental disqualification, or of being below 21 years or above 55 years of age. The Deputy Commissioner may overrule the result of an election by the villagers—

- (a) if the candidate so elected owed his election to the exercise of undue influence or to intimidation ; or
- (b) if the candidate so elected cannot furnish such security as is or may be prescribed in this behalf.
- (c) \* \* \* \*

1(3) (a) The village headman so appointed shall hold office for a period of five years, but shall be eligible for re-election.

(b) Notwithstanding anything contained in any other law, the Deputy Commissioner may, in the case of any village headman appointed in his jurisdiction prior to the commencement of the Village (Amendment) Act, 1947, by three months' notice in writing to the headman concerned terminate the appointment of such headman with effect from the date to be mentioned in the notice.

2(4) The Deputy Commissioner, or a Subdivisional or Township Officer, empowered by the Deputy Commissioner in this behalf, may appoint a rural policeman or more than one such policeman in any village-tract.

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<sup>1</sup> Substituted by Act XXIX, 1947.  
<sup>2</sup> Re-numbered *ibid*.

Constitution  
of village  
committees.

**5A. (1)** For every village-tract there shall be constituted a village committee for the purpose of exercising such powers as are or may be conferred upon the village committee under this Act or any other law, and for the purpose of advising the headman in matters concerning the general welfare of the village-tract : provided that the President of the Union may by notification exclude any village-tract from the operation of this section, in which case all the provisions of this Act relating to village committees shall, where the context so permits, be deemed to apply to the headman.

(2) The headman shall be a member and the chairman of the village committee.

<sup>1</sup> (3) (a) The remaining members of the village committee shall not be less than four persons or more than eight persons to be elected by the residents of the village-tract in accordance with such rules as may be made in this behalf. The tenure of office of such village committee shall be five years, to be reckoned from the earliest date of appointment of any of its members other than the Chairman.

(b) Where any person is appointed to be a member of the village committee in the place of any member who has resigned or died, or has vacated the office of member of the village committee before the expiration of the said period of five years, such succeeding member shall hold office only for the unexpired period of the life of the village committee :

Provided that a member of the village committee shall be deemed to have resigned his office if the Deputy Commissioner, by order made on sufficient grounds, declares that the continuance in office of such member is contrary to the interests of the residents of the village-tract.

(c) Notwithstanding anything contained in any other law, the Deputy Commissioner may, in the case of members of a village committee appointed in his jurisdiction prior to the commencement of the Village (Amendment) Act, 1947, by one month's notice in writing to the members concerned, terminate the appointment of such members with effect from the date to be mentioned in the notice; and every member, whose appointment is so terminated, shall be eligible for election under the rules made under this section.

#### DUTIES AND POWERS OF VILLAGE COMMITTEES, HEADMEN AND RURAL POLICEMEN.

Civil juris-  
diction of  
village  
committees.

**6. (1)** The Commissioner may, by notification, invest any village committee with the powers of a civil Court for the trial of suits between persons of whom both or all, as the case may be, reside within the village-tract, and may, by general or special notification, specify the classes, and the value not exceeding fifty rupees, of the suits which such village committee may try.

(2) In any suit tried in exercise of powers conferred under sub-section (1), the decision of the village committee shall, subject to revision by the Township Judge in whose civil jurisdiction such suit was tried, be final.

<sup>1</sup> Substituted by Act XXIX, 1947.

(3) Notwithstanding anything in the Code of Civil Procedure, a person shall not be bound to institute a suit in the Court of a village committee.

(4) A fee shall be paid to the headman on the institution of a suit in the Court of a village committee at the following rate :—

One anna in the rupee on the value of the suit with a minimum fee of one rupee, or two rupees if the suit is a matrimonial suit or otherwise not capable of valuation.

7.1 [(1) Every headman shall forthwith communicate to the nearest Magistrate or the officer in charge of the nearest police-station or any other officer of the Government or an officer of the army, naval or air forces serving in the Union of Burma any information which he may obtain respecting—

Headman bound to report certain matters.

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in his village-tract ;

<sup>1</sup>(b) the resort to any place within, or the passage through, his village-tract of any person whom he knows, or reasonably suspects, to be a dacoit, robber, escaped convict, proclaimed offender or a deserter from any armed force whether of the Government or of any other Power ;

(c) the commission of, or attempt or intention to commit, any of the following offences within his village-tract, namely :—

(i) murder ;

(ii) culpable homicide not amounting to murder ;

(iii) dacoity ;

(iv) robbery ;

(v) offence against the Arms Act ; or

(vi) any other offence respecting which the Deputy Commissioner, by general or special order made with the previous sanction of the Commissioner, directs him to communicate information ;

<sup>1</sup>(d) the occurrence in his village-tract of any sudden or unnatural death or of any death under suspicious circumstances or the outbreak of any epidemic disease among human beings or cattle ;

<sup>1</sup>(e) the destruction of or damage to or any attempt to cause such destruction of or damage to any Government property including tele-communication lines, roads, bridges or railway lines ;

<sup>1</sup>(f) the presence in his village-tract of any person in possession of unlicensed arms or ammunition or the existence within his village-tract of any unlicensed arms or ammunition ;

<sup>1</sup>(g) any matter likely to affect the maintenance of law and order or the prevention of crime or the safety of person or property respecting which the Deputy Commissioner, by general or special order, has directed him to communicate information.

(2) Section 45 of the Code of Criminal Procedure shall not apply to the areas in which this Act is in force.

<sup>1</sup> Substituted by Act XXIX, 1947.

General  
duties of  
headman  
and rural  
policeman.

8. (1) Every headman shall be bound to perform the following public duties, namely :—

- (a) to investigate every offence respecting which he is required by section 7 to communicate information ;
- (b) to search for and arrest any person whom he has reason to believe to have been concerned in the commission or attempted commission of any such offence, and to recover, if possible, any property taken by any such person ;
- (c) to arrest any person found lurking within the limits of the village-tract who cannot give a satisfactory account of himself ;
- (d) to forward, as soon as may be, to the nearest police-station any person arrested by him or made over to his custody, together with any weapon or other article likely to be useful as evidence ;
- (e) to resist any unlawful attack made upon any village within the village-tract ;
- <sup>1</sup> (f) to take such measures and to execute such works for the protection of the villages within his tract and for keeping open the communications between them and for the maintenance of the water supply as the Deputy Commissioner or Subdivisional Officer may direct ;
- <sup>1</sup> (g) to collect and furnish, upon receipt of payment for the same at such rates as the Deputy Commissioner may fix, guides, messengers, porters, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village-tract or for any servant of the Government travelling on duty : provided that no headman shall requisition for personal service any resident of such village-tract who is not of the labouring class and accustomed to do such work as may be required ;
- (h) \* \* \* \*
- (i) to collect or aid in collecting revenue and other money due to the State <sup>2</sup> from residents of the village-tract or persons holding land therein ;
- (j) if so ordered, and in accordance with such rules as may be made in this behalf, to register all births and deaths which take place within the village-tract, and any other vital statistics which may be prescribed by such rules ;
- (k) to superintend and control and to take such measures as may be prescribed in any rules made in this behalf for—
  - firstly*,—the prevention of public nuisances ;
  - secondly*,—the cure or prevention of the spreading of any contagious or infectious disease among human beings or domestic animals of any kind ;
  - thirdly*,—the prevention and extinction of fires ;

<sup>1</sup> Substituted by Act XXIX, 1947.

<sup>2</sup> Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

*fourthly*,—the general sanitation of the village-tract ;

*fifthly*,—the regulation of the slaughter of horned cattle, ponies, sheep, goats and swine and the sale of the flesh thereof ;

(l) to supply to the best of his ability any local information which [any Magistrate, police-officer or any other officer of the Government or any officer of the army, naval or air forces serving in the Union of Burma]<sup>1</sup> may require ;

(m) to disarm any person found in possession of any weapon of the kind mentioned in section 21A while proceeding to, returning from or being present at a *pwè* held in the headman's village-tract ;

(n) generally to assist all officers of the Government in the execution of their public duties ; and

(o) generally to adopt such measures and do such acts as the exigency of the village may require.

(2) Every rural policeman shall be bound to perform such public duties similar to those imposed on a headman by sub-section (1) as may be imposed upon him by rules made in this behalf.

(3) Every headman shall have power to arrest any person who commits an offence punishable under section 510 of the Penal Code.

9. (1) If any of the offences mentioned in the next following sub-section is committed in a village-tract, the village committee may, on complaint made to the headman, take cognizance of it and try any person accused thereof.

Dispos  
of petty  
criminal  
cases by  
village  
committee.

(2) The offences referred to in sub-section (1) are the following, namely :—

(a) assault ;

(b) theft when the value of the property stolen does not exceed five rupees ;

(c) mischief when the mischief causes damage to an amount not exceeding five rupees ;

(d) criminal trespass ;

(e) any other offence which the President of the Union may, by notification, declare to be triable by a village committee under sub-section (1).

(3) If the accused is convicted, he may be sentenced to fine not exceeding five rupees or, if the offence was theft or mischief, twice the value of the property stolen or twice the amount of the damage caused, as the case may be, or to confinement for a term not exceeding twenty-four hours in such place as the Deputy Commissioner may appoint in this behalf, or to both.

(4) A village committee specially empowered by the Commissioner in this behalf may, on complaint, try any person accused of theft or mischief when the value of the property stolen or the amount of the damage caused does not exceed fifty rupees, and may in any case so triable sentence the

<sup>1</sup> Substituted by Act XXIX, 1947,

accused, on conviction, to fine not exceeding fifty rupees, or to confinement for a term not exceeding fifteen days in such place as the Deputy Commissioner may appoint in this behalf, or to both.

(5) Proceedings under this section shall be held in the presence of the complainant and the accused.

(6) The offence out of which the proceedings have arisen may be compounded at any time before the village committee pronounces its decision.

(7) The proceedings need not be reduced to writing, but such record shall be kept of the cases decided as the Deputy Commissioner directs.

(8) The whole or any part of any fine imposed for an offence referred to in this section may be awarded as compensation to any person injured by the offence.

(9) A fee of one rupee may be levied on a complaint under sub-section (1) and of two rupees on a complaint under sub-section (4), but no other fees shall be leviable in any case under this section.

(10) If the accused is convicted, the amount of any fee paid in respect of the complaint shall be recovered from him as if it were a fine imposed under this Act and be repaid to the complainant.

(11) Nothing contained in this section shall enable a village committee to try any person who is accused of an offence punishable under Chapter XII or Chapter XVII of the Penal Code with imprisonment for a term of three years or upwards and who has been previously convicted of any offence punishable under either of those Chapters with imprisonment for a term of three years or upwards.

Penalty for neglect of duty or abuse of authority by headman or rural policeman.

10. If a headman or a rural policeman neglects to perform any of the public duties imposed upon him by this Act or any rule thereunder, or abuses any of the powers conferred upon him by this Act or any such rule, he shall be liable, by order of the Deputy Commissioner, to pay a fine not exceeding fifty rupees.

#### GENERAL DUTIES OF VILLAGERS.

General duties of persons residing in village-tracts.

11. Every person residing in a village-tract shall be bound to perform the following public duties, namely :—

- (a) to communicate forthwith to the headman any information which he may obtain respecting the commission of, or attempt or intention to commit, within the village-tract, any offence with respect to which the headman is required by section 7 to communicate information ;
- (b) to resist any unlawful attack made upon any village within the village-tract ;
- (c) to take such measures as may be prescribed in any rules made in this behalf for—
  - (i) the registration of births, deaths and vital statistics ;
  - (ii) the prevention of public nuisances ;

- (iii) the cure or prevention of the spreading of any contagious or infectious disease among human beings or domestic animals of any kind ;
- (iv) the prevention and extinction of fires ;
- (v) the general sanitation of the village-tract ; and
- (vi) the regulation of the slaughter of horned cattle, ponies, sheep, goats and swine, and the sale of the flesh thereof ;
- (d) on the requisition of the headman or of a rural policeman, to assist him in the execution of his duties prescribed in sections 7 and 8 of the Act and the rules made under the Act.

*Explanation.*—A requisition under clause (d) may be either general or addressed to an individual.

12. If any person residing in a village-tract refuses or neglects to perform any of the public duties imposed upon him by this Act or by any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable—

Penalty on villagers for neglect of such duties or failure to assist headman or rural policeman.

- (i) by order of the headman, to fine not exceeding five rupees, or
- (ii) by order of the village committee, on the case being referred to it by the headman, to fine not exceeding ten rupees, or to confinement for a term not exceeding forty-eight hours in such place as the Deputy Commissioner may appoint in this behalf, or to both, or
- (iii) on conviction by a Magistrate, to fine not exceeding fifty rupees, or to imprisonment for a term not exceeding one month, or to both.

13. The Deputy Commissioner may, with the sanction of the Commissioner, impose fines on all or any residents of a village-tract if after enquiry he has found—

Fines on villagers accessory to crime.

- (a) that they or any of them have failed to resist an attack on the village or to take all reasonable means to prevent the escape of any criminal ;
- (b) that they have suppressed or combined to suppress evidence in any criminal case ;

and may, with the like sanction, order the whole or any part of the fines recovered to be applied in compensation for the injury, damage or loss to person or property caused by such attack or by the offence of which the criminal is accused.

14. \* \* \* \*

PROVISIONS RESPECTING RESIDENCE IN VILLAGE-TRACTS AND ERECTION OF HOUSES.

15. (1) If any person comes into a village-tract of which he is not a resident, he or the person, if any, in whose house he is living shall, within four hours of his arrival, report to the headman or in the village

Notification of residence of strangers in village-tracts.

where the headman does not reside to the *ywagaung* or ten-house *gaung* his arrival, his name and occupation, and the name of the place where he last resided.

(2) The departure from the village-tract of a person whose arrival has been reported under sub-section (1) shall also be reported by the person, if any, in whose house he has been living.

Penalty for breach of section 15 and disposal by village committee of such cases.

16. (1) Whoever contravenes the provisions of section 15 shall be punishable, on conviction by a Magistrate, with fine which may extend to fifty rupees, or with simple imprisonment for a term which may extend to fifteen days, or with both.

(2) Where no prosecution has been instituted before a Magistrate for the offence under sub-section (1), the headman of a village-tract in which a person contravenes the provisions of section 15 may, within eight days from the date of the commission of such offence, upon information received from any person or upon his own knowledge or suspicion that such offence has been committed, send up such person for trial by the village committee which shall, if it convicts the accused for such offence, sentence him to fine not exceeding five rupees, or to confinement for a term not exceeding twenty-four hours in such place as the Deputy Commissioner may appoint in this behalf, or to both.

(3) Proceedings before a village committee under sub-section (2) shall be held in the presence of the accused. Such proceedings need not be reduced to writing, but such record shall be kept of the cases decided as the Deputy Commissioner directs.

Prohibition of unauthorised settlement of strangers in village-tracts.

17. A person who is not a resident of a village-tract shall not build any house, hut or enclosure, or take up his residence, in the village-tract without the permission of the village committee.

Prohibition of the establishment of new villages without permission and of the erection of houses outside villages.

18. (1) No person shall, without the permission of the Deputy Commissioner, establish a new village or group of houses; and no person shall build or occupy a house on land which was not within a village on the 1st January, 1908,<sup>1</sup> until it has been appropriated to dwelling-places with the permission of the Deputy Commissioner.

(2) Nothing contained in this section shall be deemed to require a cultivator or fisherman, or other person whose vocation during a season of the year is carried on at a distance from a village, to obtain the permission of the Deputy Commissioner to build a house on the locality where his vocation is carried on, or to occupy it for any season of the year during which, having regard to the custom of his vocation, it is necessary that he should reside in such locality.

Penalty for breach of orders under

19. (1) Whoever contravenes the provisions of section 17 or section 18 shall be punishable, on conviction by a Magistrate, with fine which may

<sup>1</sup> Date of commencement of this Act.

extend to fifty rupees, or with imprisonment for a term which may extend to fifteen days, or with both.

(2) When a person has been convicted under this section, the Deputy Commissioner may issue an order requiring him and any other person (if any) occupying the houses and land in respect of which he was convicted to quit the same and to remove therefrom all property other than State <sup>1</sup> property within a specified time.

A copy of such order shall be posted up in some conspicuous position on the land or upon a building thereon.

(3) If after the time specified in the order any person remains upon or in occupation of the land, the Deputy Commissioner may, by warrant under his hand, cause such person to be arrested and may commit him to imprisonment in the civil jail for such period, not exceeding thirty days, as he may consider necessary for the purpose of preventing resistance or obstruction to his order.

(4) If any property other than State <sup>1</sup> property remains on the land after the time specified in the order, the Deputy Commissioner may cause the same to be removed and sold for the purpose of defraying the cost of its removal, custody and sale ; and thereupon the surplus proceeds of the sale (if any) shall be paid to the owner of the property.

(5) Nothing shall be deemed to be State <sup>1</sup> property within the meaning of this section merely by reason of its having been put into or affixed to the soil.

20. (1) When the Deputy Commissioner has reason to believe, on the report of a headman or otherwise, that a person residing in any place is harbouring, aiding or abetting dacoits, robbers or cattle thieves, or has taken up his residence in that place for the purpose of such harbouring, aiding or abetting, he may require that person to leave that place and to reside in such other place as the Deputy Commissioner may direct.

(2) Whoever disobeys a requisition under sub-section (1) shall be punishable, on conviction by a Magistrate, with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

#### PAWN-SHOPS.

20A. (1) No person shall keep a pawn-shop or carry on the business of a pawn-broker except under and in accordance with rules made by the President of the Union in this behalf.

(2) The President of the Union may make rules—

- (a) regulating pawn-shops and rendering licences necessary for pawn-brokers ;
- (b) prescribing the form of such licences and the conditions subject to which they shall be granted and may be revoked ;

immediately preceding sections. Procedure for evicting persons convicted under this section.

Power to require residents to remove.

Licensing and regulation of pawn-shops.

<sup>1</sup> Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(c) providing for the sale, issue, production and return of licences ;  
and

(d) generally for carrying into effect the objects of this section.

(3) The President of the Union may, by rule under this section, attach to the breach of any rule thereunder any punishment which may extend for a first offence to a fine of one hundred rupees, and for each subsequent offence to imprisonment for one month, or to a fine of two hundred rupees, or both :

Provided that this section shall apply only to such villages as the Deputy Commissioner may direct and shall not apply to any area notified under section 246 of the Municipal Act.

Pwès.

Penalty for holding, promoting or taking part in, an unlicensed *pwè*.

21. (1) Whoever—

- (a) holds a *pwè* in any village-tract, without a licence granted by the Deputy Commissioner or by an officer or other person appointed by the Deputy Commissioner in this behalf, or
- (b) promotes the holding of a *pwè* held without such licence, or
- (c) takes part in or in any manner assists the race, performance or other entertainment (if any) constituting a *pwè* held without such licence, or takes part in or in any manner assists the arrangement or management of a *pwè* held without such licence, or
- (d) being present thereat, permits the holding of a *pwè* without such licence on any land or premises under his control,

shall be punishable, on conviction by a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) No fee shall be paid on the application for, or on the issue of, the licence required by sub-section (1).

(3) For the purposes of this Act “ *pwè* ” ordinarily means a puppet-show or other theatrical or dramatic performance, or a native cart, pony, boat or other like race, held for public entertainment, whether on public or private property ;

and, in respect of any local area, also includes public entertainments or assemblies of any such class as the President of the Union may by notification declare to be *pwès* for the purposes of this Act when held in such local area.

Surrender of offensive weapons to headman on demand.

21A. (1) No person being present at a *pwè* shall have in his possession a *da* of a kind exempted from the provisions of the Arms Act, knife, bludgeon, loaded stick, hunting-crop or any other instrument which the Deputy Commissioner may declare for the purpose of this section to be an offensive weapon.

(2) Every person proceeding to, returning from, or being present at, a *pwè* and having in his possession any such weapon shall upon demand deliver

up the same to the headman of the village-tract in which the *pwè* is being held or to any rural policeman in such village-tract or to any person employed by the said headman to assist him in keeping order at the *pwè* or to any police-officer within the said village-tract ; and every weapon delivered up in accordance with the provisions of this sub-section shall be made over to the headman as soon as possible :

Provided that any weapon delivered up in accordance with the provisions of this sub-section may at any time be returned to the owner at the discretion of the headman.

(3) Whoever contravenes the provisions of this section shall be punishable, on conviction by a Magistrate, with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to fifteen days, or with both.

(4) The headman may within eight days from the commission of an offence under this section at his discretion either report the matter to the nearest Magistrate or try the accused himself, and upon conviction sentence him to a fine not exceeding five rupees or to confinement for a term not exceeding twenty-four hours in such place as the Deputy Commissioner may appoint in this behalf, or to both.

(5) Proceedings before a headman shall be held in the presence of the accused and such record shall be kept thereof as the Deputy Commissioner directs.

(6) When any person is convicted of an offence under sub-section (3) or sub-section (4) the instrument in respect of which he has been convicted shall be liable to be confiscated.

(7) This section shall not apply to any person exempted under the provisions of section 27 of the Arms Act or to any person employed by a headman to assist him in keeping order at a *pwè* or exempted by special or general order of the Deputy Commissioner.

SUPPLEMENTAL PROVISIONS.

22. (1) A fine imposed under this Act may be recovered as if it were an arrear of land-revenue. Mode of recovering fines.

(2) \* \* \* \*

23. <sup>1</sup>(1) An appeal shall lie to the Commissioner from an order passed by the Deputy Commissioner under the provisions of sub-section (2) of section 5, and, except as provided herein, no appeal shall lie from any order made under this Act. Finality of orders.

(2) But the Deputy Commissioner may revise any such order made by any authority subordinate to him ; the Commissioner may revise any such order made by the Deputy Commissioner ; and the President of the Union may revise any order made by the Deputy Commissioner or Commissioner.

(3) Save as provided by this section, an order made under this Act shall be final, and shall not be liable to be contested by suit or otherwise.

<sup>1</sup> Substituted by Act XXIX, 1947.

(4) The word " order " in this section does not include a decision of a village committee in a suit tried in exercise of powers conferred under section 6, sub-section (1).

Delegation of powers of Deputy Commissioner, Subdivisional Officer and Township Officer to certain classes of officers.

24. The President of the Union may authorize any Settlement Officer, Assistant Commissioner, Extra Assistant Commissioner,<sup>1</sup> or Subdivisional Officer, or any Forest Officer, as defined in section 3 (5) of the Forest Act, above the rank of Assistant Conservator to exercise all or any of the powers of the Deputy Commissioner, and any Forest Officer above the rank of Forest Ranger to exercise all or any of the powers of a Subdivisional or of a Township Officer under this Act in any district or part of a district.

Provision with respect to emoluments of headmen and rural policemen.

25. (1) The emoluments of a headman or rural policeman shall not be liable to attachment in execution of a decree or order of any civil Court.

(2) An assignment of or charge on, or an agreement to assign or charge, any such emoluments shall be void.

(3) Where the emoluments of a headman consist wholly or in part of a grant of land, the title to the grant shall pass with the office of headman, and the Deputy Commissioner may, upon such terms, if any, as to compensation for improvements or otherwise as he thinks fit, enforce the surrender of the land to the person for the time being holding that office.

(4) In enforcing a surrender under sub-section (3) the Deputy Commissioner may proceed in the manner provided in sub-sections (2) to (5) of section 19.

Bar to jurisdiction of civil Courts in matters relating to appointment of headman, etc.

26. A civil Court shall not have jurisdiction over any claim to the office of headman or other village-officer or to the position of member of a village committee, or in respect of any injury caused by exclusion from such office or position, or power to compel the performance of the duties or a division of the emoluments, thereof.

27. \* \* \* \*

Protection to headman or rural policeman in execution of his duty.

28. No complaint against a headman or member of a village committee or rural policeman of any act or omission punishable under this Act shall be entertained by any Court unless the prosecution is instituted by order of, or under authority from, the Deputy Commissioner.

Transfer of cases by Magistrate to village committee.

28A. (1) Notwithstanding anything contained in section 192 of the Code of Criminal Procedure, any Magistrate who has taken cognizance of a case may transfer it for inquiry or trial to any village committee which could have taken cognizance of it under section 9, and such village committee shall take cognizance of it accordingly.

(2) The District Magistrate may withdraw any case which has been transferred to a village committee under the preceding sub-section and may inquire into or try such case himself, or refer it for inquiry or trial to any Magistrate competent to inquire into or try the same.

<sup>1</sup> Now Officer of the Burma Civil Service (Senior Branch).

29. (1) The President of the Union may, by notification, make rules consistent with this Act— Power to make rules.

- (a) conferring on headmen or on rural policemen any powers or privileges which may be exercised or are enjoyed by police-officers under any enactment for the time being in force;
- (b) prescribing the duties to be performed by rural policemen, including any duties imposed upon police-officers by any enactment for the time being in force;
- (c) regulating the exercise, enjoyment and performance of those powers, privileges and duties by rural policemen;
- (cc) (i) prescribing the qualifications of electors and regulating the manner in which [a headman or]<sup>1</sup> members of village committees shall be elected;
- (ii) prescribing the number of members to be elected for village committees generally or with reference to certain village-tracts;
- (iii) prescribing the procedure in inquiries and trials, the times at which meetings of the village committee shall be held, the manner of summoning the same, the quorum necessary therefor, and the conduct of business thereat, with reference to the discharge of the special duties to be performed by the village committee under this Act and generally;
- (d) prescribing the duties to be performed by the headman and residents of a village-tract in respect of the matters mentioned in section 8, sub-section (1), clauses (j) and (k), and in section 11, clause (c);
- (e) regulating the emoluments of headmen and rural policemen;
- (f) prescribing the procedure to be observed by a village committee trying a suit in exercise of powers conferred under section 6, sub-section (1), the record which is to be made of the suit and the mode in which that record is to be disposed of, the powers which the village committee and the headman may exercise as regards the costs of the suit and of any proceeding arising thereout, the manner in which a decree or order made by the village committee may be executed by the headman and the manner, circumstances and conditions in and on which such a decree or order may be sent for execution to, and be executed by, another village committee or a civil Court;
- (g) for the disposal of fees levied under section 6, sub-section (4), and section 9, sub-section (9);
- (h) for the prevention and suppression of any contagious or infectious disease among human beings or domestic animals of any kind coming into or passing through a village-tract; and
- (i) generally, for carrying into effect the purposes of this Act.

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<sup>1</sup> Inserted by Act XXIX, 1947.

(2) All such rules shall, when published in the Gazette, have the same effect as if enacted by this Act.

Penalty on non-residents of village-tract for breach of rule under section 29 (1) (h).

30. Whoever, not being a resident of a village-tract, refuses to obey or contravenes any rule made under clause (h) of sub-section (1) of section 29 shall be punishable, on conviction by a Magistrate, with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to fifteen days, or with both.

## THE TOWNS ACT.

[BURMA ACT III, 1907.] (25th May, 1907.)

### PRELIMINARY.

1-2. \* \* \* \*

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) \* \* \* \*

(2) "town" means a local area declared to be a town for the purposes of this Act by a notification under section 4.

Notification of town for purposes of Act.

4. The President of the Union may, by notification, declare any local area to be a town for the purposes of this Act.

Wards and blocks, and appointment of headmen and elders.

5. (1) The Deputy Commissioner may, by order in writing, divide any town into wards and any ward into blocks.

1(2) The Deputy Commissioner shall appoint a person to be headman of a ward and may appoint persons to be elders of a block. Where there are more suitable candidates than the appointments to be made, the Deputy Commissioner shall be guided in his choice by the wishes of the inhabitants of the ward or block concerned to be ascertained by means of an election :

Provided that the Deputy Commissioner shall not be bound to accept the candidature of any person whom, on grounds to be recorded in writing, he considers for any reason to be unsuitable :

Provided also that the Deputy Commissioner shall not be bound by the results of the election where the successful candidate—

(a) owed his election to the exercise of undue influence or intimidation or corrupt practices ; or

(b) cannot furnish such security as is or may be prescribed in this behalf.

No person shall be eligible to be a headman of a ward or elder of a block unless he is eligible to vote.

1(3) The Deputy Commissioner may delegate to a Subdivisional Officer or Township Officer by name the duty of holding the election referred to in sub-section (2).

<sup>1</sup> Substituted by Act LXVI, 1947.