

LEGISLATIVE DEPARTMENT.
(The Upper Myanmar Towns Regulation, 1891.)
REGULATION NO. VI OF 1891.

Dated Calcutta, the 24th December 1891.

[Amendment : 18.06.1989]

Whereas by Resolution passed by the Secretary of State for India in Council the provisions of the 33rd of Vict., Chap. 3, sec. 1, were declared to be, from 1st March 1886, applicable to Upper Myanmar with the exception of the Shan States; and whereas the Chief Commissioner of Myanmar has proposed to the Governor- General in Council a draft of the following Regulation, together with the reasons for proposing the same;

A Regulation to further provide for the Administration of Towns in Upper Myanmar.

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent on the 21st day of December 1891;

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India:-

WHEREAS it is expedient to further provide for the administration of Towns in Upper Myanmar; It is hereby enacted as follows.

<Amendment 18.06.1989>

Title, extent, and commencement.

1. (1) This Regulation may be called the Upper Myanmar Towns Regulation, 1891.
- (2) It extends to the whole of Upper Myanmar except the Shan States; and
- (3) It shall come into force on such day as the local Government may, by notification in the Myanmar Gazette, appoint in this behalf.

<Amendment 18.06.1989>

Definition.

2. In this Regulation "town" means an area declared by the local Government, by notification in the Myanmar Gazette, to be a town for the purposes of the Regulation;

Provided that no such declaration shall be made with respect to any military cantonment or part of a military cantonment with out the previous consent of the Governor-General in Council.

<Amendment 18.06.1989>

Wards and blocks, and headmen and elders.

3. (1) The Deputy Commissioner may, by order in writing, divide any town into wards and any ward into blocks.
- (2) The Deputy Commissioner may, by a like order, appoint any person, with the consent of such person, to be the headman of a ward or the elder of a block.
- (3) The Deputy Commissioner may, by a like order, for reasons to be stated therein, suspend or dismiss the headman of a ward or the elder of a block.

Report of certain matters by headmen and elders.

4. (1) Every headman of a ward shall communicate forthwith to the officer in charge of the nearest police station or to the nearest Magistrate any information which he may obtain respecting-
 - (a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in his ward;
 - (b) the resort to any place within, or the passage through, his ward of any person whom he may know, or reasonably suspect to be a dacoit, robber, escaped convict, or proclaimed offender;
 - (c) the commission of, or attempt or intention to commit, within his ward, any of the following offences, namely,-
 - (i) murder;
 - (ii) culpable homicide not amounting to murder;
 - (iii) dacoity;
 - (iv) robbery;
 - (v) offence against the Indian Arms Act, 1878; and
 - (vi) any other offence respecting which the Deputy Commissioner by general or special order, with the previous sanction of the local Government, may direct him to communicate information;
 - (d) the occurrence in his ward of any sudden or unnatural death, or of any death under suspicious circumstances.

- (2) Every elder of a block shall communicate forthwith to the headman of his ward any information which he may obtain respecting any of the matters specified in sub-section (1), which may exist or occur in his block, and in the absence of the headman of his ward he shall communicate the information forthwith to the officer in charge of the nearest police station.

General duties of headman and elders.

5. (1) The headman of a ward shall be bound-

- (a) to assist the police in the investigation of every offence respecting which he is required by the last foregoing section to communicate information;
- (b) to search for and use his utmost endeavours to arrest any person whom he may have 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 ward 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 collect or aid in collecting, to the utmost of his ability, any revenue or other money due to the Government or to a municipal committee from residents of the ward or persons holding land therein;
- (f) to report to such officer as may be appointed by the Deputy Commissioner in this behalf all trespass or encroachments upon, and injuries to, State land and public property which may occur within his ward and of which he may reasonably and fairly be expected to have cognizance;
- (g) if so ordered by the Deputy Commissioner and in accordance with such rules as may be made in this behalf by the Commissioner with the previous sanction of the local Government, to register all births and deaths which take place within the ward, and any other vital statistics which may be prescribed by such rules;
- (h) to take such measures for the prevention of fires and public nuisances and for the general sanitation of the ward as may be prescribed by any rules made in this behalf by the Commissioner with the previous sanction of the local Government;

(i) to report all cases of small-pox, cholera and cattle-disease which occur within his ward and of which he may reasonably and fairly be expected to have cognizance, and to supply, to the best of his ability, any local information which any Magistrate, officer of police or municipal officer, may require; and

(j) generally to assist all officers of the Government and municipal officers in the execution of their public duties.

(2) The elder of a block shall be bound to assist the headman of his ward in the performance of the duties prescribed in sub-section (1).

Penalty for neglect of duty by headman or elder.

6. If any headman of a ward or elder of a block neglects, without reasonable excuse, to perform any of the duties imposed upon him by this Regulation or any rule made thereunder, he shall be liable to a fine which may extend to fifty rupees.

Obligation on residents of ward to aid headman.

7. (1) Every person residing in a ward shall, on the requisition of the headman, be bound to assist him in the execution of his public duties.

(2) If any such person refuses or neglects to comply with any lawful requisition of the headman, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable to a fine which may extend to fifty rupees.

Finality of orders.

8. (1) No appeal shall lie from any order made under this Regulation or any rule made thereunder.

(2) But the Deputy Commissioner may revise any such order made by any officer subordinate to him and the Commissioner may revise any such order made by the Deputy Commissioner.

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

Power to make rules.

9. The local Government may, subject to the control of the Governor-General in Council, make rules consistent with the foregoing sections for carrying into effect the purposes of this Regulation.

(2) All such rules shall be published in the Myanmar Gazette and shall thereupon have the force of law.

<Amendment 18.06.1989>

(The Upper Myanmar Towns Regulation, 1891.)

S. HARVEY JAMES,
Secretary to the Government of India.