

ပြည်ထောင်စုမြန်မာနိုင်ငံ

ဥပဒေ

အတွဲ ၆

THE BURMA CODE

VOLUME VI

ပြည်ထောင်စုမြန်မာနိုင်ငံအစိုးရအမိန့်အရ ပုံနှိပ်ဖြန့်ချိသည်။

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နိဒါန်း။

ဤဥပဒေအတွဲ ၆ တွင်ပါရှိသည့် အက်ဥပဒေများမှာ၊ အဝိုင်း ၇၊ ပြည်သူ့အဖွဲ့များဆိုင်ရာ ဟူသည့် ခေါင်းကြီးအောက်ဘွင် က၊ အရပ်ရပ်ဆိုင်ရာ။ ခ၊ ကျေးရွာနှင့်နွယ်ပြဆိုင်ရာ။ ဂ၊ ကျေးလက်ဆိုင်ရာ။ ဃ၊ မြို့နိုစပါယ်အဖွဲ့များဆိုင်ရာနှင့် ၎၊ တပ်မြို့များဆိုင်ရာ ဟူ၍အမျိုးအစားခွဲခြားထားသည့် ဥပဒေများဖြစ်ပါသည်။

၎င်းဥပဒေများကို ၁၉၅၄ ခုနှစ်၊ ဒီဇင်ဘာလ ၃၁ ရက်နေ့ထိ ပြင်ဆင်ထားသည့်အတိုင်း ပုံနှိပ်ခြင်း ဖြစ်ပါသည်။

စံညွှန့်၊
အတွင်းရေးမှူး၊
ဥပဒေပြင်ဆင်ရေးကော်မီတီ၊
တရားရေးဝန်ကြီးဌာန။

ရန်ကုန်မြို့၊ ၁၃၁၈ ခု၊ တော်သလင်းလဆန်း ၁၅ ရက်။
(၁၉၅၆ ခု၊ စက်တင်ဘာလ ၁၉ ရက်။)

TABLE OF CONTENTS.

အကျဉ်းဒေးများ၏အစီအစဉ်။

PART VII.—PUBLIC BODIES.

အပိုင်း ၇ မြည်သူ့အဖွဲ့များဆိုင်ရာ။

A. General.

က။ အရပ်ရပ်ဆိုင်ရာ။

	PAGE စာမျက်နှာ
1. The Municipal Taxation Act	1
2. The Government Buildings Act	2
3. The Local Authorities Loans Act	3
4. The Local Authorities Pensions and Gratuities Act ...	6
5. The Local Authorities (Suspension) Act	6
6. ကိုယ်ပိုင်ရေးများကိုဒေသန္တရအဖွဲ့ပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ	၉

B. Villages and Towns.

ခ။ ကျေးရွာနှင့်မြို့ပြဆိုင်ရာ။

1. The Village Act	13
2. The Towns Act	28
၃. ၁၉၅၃ ခုနှစ်၊ ဒီဒုံကရော်စီဒေသန္တရ အုပ်ချုပ်ရေးအက်ဥပဒေ	၃၄

C. Rural.

ဂ။ ကျေးလက်ဆိုင်ရာ။

1. The Rural Self-Government Act	74

D. Municipalities.

ဃ။ မြို့နိုင်ပါယ်အဖွဲ့များဆိုင်ရာ။

1. The Municipal Act	115
2. The City of Rangoon Municipal Act	211
3. The Rangoon Water Works Act	321
4. The Underground Water Act	332
5. ရူရတီဘာရားဘဇါး (သိင်္ကြီးရော်း) ကိုမြို့နိုင်ပါယ်ပိုင် ပြုလုပ်ခြင်း အက်ဥပဒေ	၃၃၄
6. မော်လမြိုင်မြို့၊ ကုလားတန်း ရူရဘီရော်းကို မြို့နိုင်ပါယ်ပိုင် ပြုလုပ်ခြင်း အက်ဥပဒေ	၃၄၀

E. Cantonments.

င။ တပ်မြို့များဆိုင်ရာ။

1. The Cantonments Act....	343
2. The Cantonments (House Accommodation) Act	453

PART VII—PUBLIC BODIES.

အပိုင်း ၇—ပြည်သူ့အဖွဲ့များဆိုင်ရာ။

A.—GENERAL.

က။ ။အရပ်ရပ်ဆိုင်ရာ

THE MUNICIPAL TAXATION ACT.

[INDIA ACT XI, 1881.] (25th February, 1881.)

1. * * * *

2. In this Act, "Municipal Committee"[1] includes a Municipal Corporation or a body of Municipal Commissioners constituted by or under the provisions of any enactment for the time being in force. "Municipal Committee" defined.

3. Notwithstanding anything contained in any enactment for the time being in force, the President of the Union may, by an order in writing, prohibit the levy by a Municipal Committee of any specified tax— Power to prohibit levy of tax.

[2](*a*) payable by any person subject to any Act for the regulation of the Burma army, navy or air force who is compelled by the exigencies of military, naval or air force duty to reside within the limits of a municipality.

(*b*) payable by the Government.

4. So long as any order made under section 3, prohibiting the levy of a tax on any person mentioned in clause (*a*) of that section, remains in force, the Government shall be liable to pay to the Municipal Committee mentioned in the order the amount which otherwise would have been payable to such Committee by such person : Government to pay taxes referred to in section 3, clause (*a*).

Provided that the Government shall not be liable to pay any sum in respect of any horse which such person is bound, by the regulations of the service to which he belongs, to keep.

5. So long as any order made under section 3, prohibiting the levy of any tax payable by the Government, remains in force, the Government shall be liable to pay to the Municipal Committee, in lieu of such tax, such sums (if any) as an officer from time to time appointed in this behalf by the President of the Union may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable. Payments to be made in lieu of taxes referred to in section 3, clause (*b*).

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[1] Section 97 of the Cantonments Act (*post*) says that every Cantonment Authority shall be deemed to be a Municipal Committee for the purposes of this Act.

[2] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Decision of questions arising under this Act.

6. If any question arises whether any duty is military, naval or air-force duty within the meaning of this Act, the decision of the President of the Union thereon shall be conclusive.

If any question arises whether any person is compelled as aforesaid to reside within the limits of a municipality or is bound as aforesaid to keep any horse, the decision thereon of such authority as the President of the Union may, from time to time, appoint in this behalf shall be conclusive.

THE GOVERNMENT BUILDINGS ACT.

[INDIA ACT IV, 1899.] (3rd February, 1899.)

1. * * * *

"Municipal authority" defined.

2. In this Act, the expression "municipal authority" includes a municipal corporation or a body of municipal commissioners constituted by, or under the provisions of, any law or enactment for the time being in force.

Exemption of certain Government buildings from municipal laws to regulate the erection, etc., of buildings within municipalities.

3. Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erection, construction, alteration or maintenance of buildings within the limits of any municipality shall apply to any building used or required for the public service or for any public purpose, which is the property of the [State][1] or in the occupation of the Government, or which is to be erected on land which is the property or in the occupation of the Government :

Provided that, where the erection, re-erection, construction or material structural alteration of any such building as aforesaid (not being a building connected with defence, or a building the plan or construction of which ought, in the opinion of the President of the Union, to be treated as confidential or secret) is contemplated, reasonable notice of the proposed work shall be given to the municipal authority before it is commenced.

Objections or suggestions as to erection, etc., of certain Government buildings within municipalities how to be made and dealt with.

4. (*1*) In the case of any such building as is mentioned in the last preceding section (not being a building connected with defence or a building the plan or construction of which ought, in the opinion of the President of the Union, to be treated as confidential or secret), the municipal authority, or any person authorized by it in this behalf, may, with the permission of the President of the Union previously obtained, but not otherwise, and subject to any restrictions or conditions which may, by general or special order, be imposed by the President of the Union, inspect the land and building and all plans connected with its erection, re-erection, construction or material structural alteration, as the case may be, and may submit to the President of the Union a statement in writing of any objections or suggestions which such municipal authority may deem fit to make with reference to such erection, re-erection, construction or material structural alteration.

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[1] Substituted for the word "Crown" by the Union of Burma (Adaptation of Laws) Order, 1948

(2) Every objection or suggestion submitted as aforesaid shall be considered by the President of the Union, who shall, after such investigation (if any) as he shall think advisable, pass orders thereon, and the building referred to therein shall be erected, re-erected, constructed or altered, as the case may be, in accordance with such orders :

Provided that, if the President of the Union overrules or disregards any such objection or suggestion as aforesaid, he shall give his reasons for so doing in writing.

THE LOCAL AUTHORITIES LOANS ACT.

[INDIA ACT IX, 1914.] (28th February, 1914.)

1. * * * *

2. In this Act, " local authority " means any person legally entitled to the control or management of any local or municipal fund, or legally entitled to impose any cess, rate, duty or tax within any local area ; Definitions.

" funds", used with reference to any local authority, includes any local or municipal fund to the control or management of which such authority is legally entitled, and any cess, rate, duty or tax which such authority is legally entitled to impose, and any property vested in such authority ;

" prescribed " means prescribed by rules made under this Act ; and

" work " includes a survey, whether incidental to any other work or not.

3. (*1*) A local authority may, subject to the prescribed conditions, borrow on the security of its funds or any portion thereof for any of the following purposes, namely :— Borrowing powers of local authorities.

(i) the carrying out of any works which it is legally authorized to carry out,

(ii) the giving of relief and the establishment and maintenance of relief works in times of famine or scarcity,

(iii) the prevention of the outbreak or spread of any dangerous epidemic disease,

(iv) any measures which may be connected with or ancillary to any purposes specified in clauses (ii) and (iii),

(v) the repayment of money previously borrowed in accordance with law :

Provided that nothing in clause (v) shall be deemed to empower a local authority to fix a period for the repayment of any money borrowed thereunder which, when the period fixed for the repayment of the money previously borrowed is taken into account, will exceed the maximum period fixed for the repayment of a loan by or under any enactment for the time being in force :

Provided further that, in the case of loans other than loans made by the Government, no amount exceeding twenty-five lakhs of rupees shall be

borrowed unless the terms, including the date of flotation, of such loan have been approved by the President of the Union.

(*2*) Nothing in this section shall be deemed to authorize any local authority—

(*a*) to borrow or spend money for any purpose for which, under the law for the time being in force, it is not authorized to apply its funds, or

(*b*) to borrow money by means of the issue of bills or promissory notes payable within any period not exceeding twelve months.

Power to President to make rules.

4. (*1*) The President of the Union may make rules [1] consistent with this Act as to—

(i) the nature of the funds on the security of which money may be borrowed ;

(ii) the works for which money may be borrowed ;

(iii) the manner of making applications for permission to borrow money ;

(iv) the inquiries to be made in relation to such loans, and the manner of conducting such inquiries ;

(v) the cases and the forms in which particulars of applications and proceedings, and orders thereon, shall be published ;

(vi) the cases in which the Government may make loans ;

(vii) the cases in which local authorities may take loans from persons other than the Government ;

(viii) the manner of recording and enforcing the conditions on which money is to be borrowed ;

(ix) the manner and time of making or raising loans ;

(x) the inspection of any works carried out by means of loans ;

(xi) the instalments, if any, by which loans shall be repaid, the interest to be charged on loans, and the manner and time of repaying loans and of paying the interest thereon ;

(xii) the sum to be charged against the funds which are to form the security for the loan, as costs in effecting the loan ;

(xiii) the attachment of such funds, and the manner of disposing of or collecting them ;

(xiv) the accounts to be kept in respect of loans ;

(xv) the utilization of unexpended balances of loans either in the reduction in any way of the debt of the local authority, or in carrying out any works which that authority is legally authorized to carry out, and the sanction necessary to such utilization ;

and as to all other matters incidental to carrying this Act into effect.

(*3*) All rules made under this Act shall be published in the Gazette, and on such publication shall have effect as if enacted in this Act.

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[1] For rules under this Act, see *Burma Gazette*, 1938, Part I, p. 20.

Remedy by attachment if loan not repaid.

5. If any money borrowed in accordance with the provisions of this Act, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the Government, if itself the lender, may, and, if the Government is not the lender, shall, on the application of the lender, attach the funds on the security of which the loan was made. After such attachment, no person, except an officer appointed in this behalf by the President of the Union, shall in any way deal with the attached funds ; but such officer may do all acts in respect thereof which the borrowers might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the loan and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings :

Attachment not to defeat prior charges legally made.

Provided that no such attachment shall defeat or prejudice any debt for which the funds attached were previously pledged in accordance with law ; but all such prior charges shall be paid out of the proceeds of the funds before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

Issue of short term bills.

6. (*1*) Subject to the law relating to paper-currency, the Municipal Corporation of the City of Rangoon, the Commissioners for the Port of Rangoon and any other local authority to which the President of the Union may, by notification, extend the provisions of this section may, with the previous sanction of the President of the Union, borrow money by means of the issue of bills or promissory notes payable within any period, not exceeding twelve months, for any purpose for which such local authority may lawfully borrow money under any law for the time being in force :

Provided that the amount of the bills or promissory notes which may be so issued shall not exceed, when the amount of the other moneys for the time being borrowed by such local authority is taken into account, the total amount which such local authority is empowered by law to borrow.

(*2*) The President of the Union may, by general or special order, regulate the conditions on which money may be borrowed or repaid under this section.

Loans not to be effected except under this Act.

7. Except as provided by or under this Act, no local authority shall for any purpose borrow money upon, or otherwise charge its funds ; and any contract otherwise made for that purpose after the passing of this Act shall be void :

Provided that nothing herein contained shall be deemed—

(*a*) to preclude any local authority from exercising the borrowing powers conferred on it by any special enactment now or hereafter in force ; or

(*b*) to affect the power conferred on any local authority by any such enactment to charge its funds, by guaranteeing the payment of interest on money to be applied to any purpose to which the funds of the local authority can legally be applied.

THE LOCAL AUTHORITIES PENSIONS AND GRATUITIES ACT.

[INDIA ACT I, 1919.] (26th February, 1919.)

1. * * * *

Definition.

2. In this Act, " officer " means any person who has undertaken the service of the Government and who immediately prior to undertaking such service was paid and employed solely by a local authority and, but for undertaking such service, would in the ordinary course have continued in such employment.

Power to grant extra-ordinary pensions and gratuities.

3. Notwithstanding anything contained in any enactment or in any rule made thereunder regulating the powers of local authorities, and without prejudice to any powers conferred by or under any such enactment, a local authority may grant a pension or gratuity to any officer thereof who may, since the 4th day of August, 1914, have been wounded or otherwise incapacitated in the service of the Government, and to the widow or child of any such officer who may have died in consequence of injuries received or illness contracted since the 4th day of August, 1914, in the course of such service.

Provisions as to pensions and gratuities.

4. (*1*) Such pension or gratuity may be granted in addition to any pension or gratuity payable to the officer or his wife or child, as the case may be, under any general or special orders of [the Government][1], but shall not, save with the sanction of the President of the Union, exceed the amount of the pension or gratuity to which the officer or his wife or child would have been entitled under any such orders if his employment by the local authority had been service for the same time and on the same pay under the Government.

(*2*) Any pension granted under this Act may be made to take effect from such date subsequent to the 4th day of August, 1914, and subject to such conditions as the local authority may think fit.

Procedure.

5. Subject to the provisions of this Act, the decision of a local authority to grant a pension or gratuity thereunder shall be made in such manner and shall be subject to such sanction as may be prescribed by any enactment or rule regulating the grant by such local authority of pensions and gratuities :

Provided that in every case the sanction of the President of the Union shall be necessary.

THE LOCAL AUTHORITIES (SUSPENSION) ACT.

[BURMA ACT III, 1946.] (1st February, 1946.)

WHEREAS in the present circumstances it is impracticable to hold elections for the constitution of local authorities in the Union of Burma, and as a consequence thereof it is expedient to suspend such authorities and to make

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

provision for carrying on their functions until such time as elections can be held ;

* * * *

It is hereby enacted as follows :—

Short title, commencement and duration.

1. (*1*) This Act may be called the Local Authorities (Suspension) Act, 1946.

(*2*) It shall come into force on such date [1] as the President of the Union may, by notification, appoint, and shall remain in force until the President of the Union shall, by notification, declare it to be no longer in force.

Definitions.

2. In this Act—

(*a*) "local authority" means a municipal committee, town committee, district council, circle board, school board or hospital committee constituted under the provisions of the Municipal Act or the Rural Self-Government Act and includes any other committee or person or body of persons notified by the President of the Union in this behalf ;

(*b*) "prescribed" means prescribed by rules made under this Act.

Suspension of local authorities.

3. (*1*) Notwithstanding anything contained in the Municipal Act or the Rural Self-Government Act, or in any other law for the time being in force, the President of the Union may, by notification, assume to himself all the rights, pivileges, duties, powers and functions vested in or exercisable by any local authority under any law relating thereto.

(*2*) On the issue of such notification the following consequences shall ensue, namely :—

(*a*) all rights, privileges, duties, powers and functions previously vested in or exercisable by such local authority shall cease and terminate ;

(*b*) all members of such local authority shall be deemed to have vacated their offices as such ; and

(*c*) all properties, whether movable or immovable, previously vested in any such local authority shall become vested in the Government.

Appointment of persons to administer local authorities.

4. Notwithstanding anything contained in the Municipal Act or the Rural Self-Government Act or in any other law for the time being in force, the President of the Union may, by notification, invest such person or persons as he thinks fit with all or any of the rights, privileges, duties, powers and functions which were previously vested in or exercisable by any local authority.

Notifications may refer to all or any number of local authorities.

5. A notification under sub-section (*1*) of section 3 or section 4 may be issued with reference to each local authority separately or with reference to all local authorities or any number of them.

[1] 1st February 1946. See *Burma Gazette*, 1946, Part I, page 160.

Vesting of property in persons appointed.

6. Upon an appointment being made under the provisions of section 4 the President of the Union may, by the same or a subsequent notification, direct that such of the properties as have become vested in the Government under the provisions of clause (*c*) of sub-section (*2*) of section 3 as may be specified in the notification shall, subject to such conditions, if any, as the President of the Union may deem fit to impose, vest in the person or persons appointed under section 4, and shall, together with all other property which may hereafter become similarly vested in such person or persons, be held in trust and administered by such person or persons for the same purposes as those for which such properties would have been utilized had this Act not been passed.

[1] * * * *

Mode of exercise of powers by persons appointed under section 4.

7. The person or persons appointed under section 4 shall exercise and discharge the duties, powers and functions, imposed upon or vested in him or them, subject to such conditions and restrictions as may be prescribed, and if more than one such person is appointed, in exercising and discharging such duties, powers and functions, they may act jointly or severally.

Power to appoint officers and servants.

8. Subject to the control of the President of the Union, the person or persons appointed under section 4 shall have authority to appoint such officers and servants as may be considered necessary for the effective discharge of the duties, powers, and functions imposed upon or vested in such person or persons, and, subject to the provisions of this Act, the provisions of the Municipal Act or the Rural Self-Government Act, and the rules made thereunder, whichever of these Acts may be relevant, shall apply to any officer or servant so appointed.

Power to regulate procedure.

9. Notwithstanding anything contained in the Municipal Act or the Rural Self-Government Act, the person or persons appointed under section 4 may, subject to the control of the President of the Union, adopt such procedure as may be deemed practicable for the due exercise and discharge of the duties, powers and functions imposed upon or vested in such person or persons.

Bar to legal proceedings.

10. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under the provisions of this Act.

Saving.

11. Nothing in this Act shall be construed as an acceptance by Government of any liability on behalf of or towards any local authority ; but nothing in this Act shall prevent any person from establishing in a Court of law any right which he claims against a local authority.

Power of President to make rules.

12. (*1*) The President of the Union may make rules [2] for carrying out the objects of this Act.

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[1] The proviso to section 6 was deleted by Act. XIV, 1946.

[2] For such rules, see *Burma Gazette*, 1946, Part I, page 477.

(2) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may make rules prescribing—

(*a*) the manner in which and the conditions subject to which any assets, property or funds vested in the person or persons appointed under section 4 shall be utilized ;—

[1](*b*) the manner in which pre-evacuation assets and liabilities of Local Authorities will be assessed, utilized or absorbed

(*c*) the manner in which and the conditions subject to which the person or persons appointed under section 4 shall have, exercise and discharge the rights, privileges, duties, powers and functions vested in him or them ;

(*d*) the manner in which accounts shall be kept and periodical statements of receipts and disbursements submitted to the President of the Union ;

(*e*) the manner in which any such accounts shall be examined and audited ; and

(*f*) the conditions subject to which officers and servants may be appointed by the person or persons appointed under section 4.

ကိုယ်ပိုင်ဈေးများကို ဒေသန္တရအဖွဲ့ပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ။*

[၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၅၃။] (၁၉၅၄ ခု၊အောက်တိုဘာလ ၁၃ ရက်။)

အောက်ပါအတိုင်းအက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ဤအက်ဥပဒေကို၊ ၁၉၅၄ ခုနှစ်၊ ကိုယ်ပိုင်ဈေးများကို ဒေသန္တရအဖွဲ့ပိုင်ပြုလုပ်ခြင်းအက်ဥပဒေဟုခေါ်ရမည်။

၂။ ။ဤအက်ဥပဒေတွင် အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၏အဓိပ္ပါယ်နှင့်ဖြစ်စေ မဆန့်ကျင်လျှင်—

(က) ''ဈေး'' ဆိုသည်မှာ၊ မြို့နိုစီပါယ်အက်ဥပဒေ ပုဒ်မ ၂၊ အပိုဒ် (၁၄) တွင်အဓိပ္ပါယ်ဖော်ပြထားသည့်ဈေးကိုဆိုလိုသည်။

(ခ) ''ကိုယ်ပိုင်ဈေး'' ဆိုသည်မှာ၊ မြို့နိုစီပါယ်အက်ဥပဒေပုဒ်မ ၁၃၄၊ ပုဒ်မခွဲ (၁) အရဖြစ်စေ၊ ရန်ကုန်မြို့တော်မြို့နိုစီပါယ် အက်ဥပဒေ ပုဒ်မ ၁၂၅၊ ပုဒ်မခွဲ (၁) အရဖြစ်စေ၊ တပ်မြို့ (Cantonments) အက်ဥပဒေ ပုဒ်မ ၂၀၂၊ ပုဒ်မခွဲ (၁) အရဖြစ်စေ၊ ကျေးလက်ကိုယ်ပိုင် အုပ်ချုပ်ရေး အက်ဥပဒေ ပုဒ်မ ၅၂၊ ပုဒ်မခွဲ (၂) အရဖြစ်စေ လိုင်စင်ထုတ်ပေးထားသောကိုယ်ပိုင်ဈေးကိုဆိုလိုသည်။သို့ရာတွင် ဘုရားပရဝုဏ်အတွင်းရှိရိုးသောဈေး မပါဝင်ချေ။

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[1] Substituted by Act XIV, 1946.

* မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၄ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၆၀၉ တွင်ထုတ်ပြန်ကြေညာသည်။

(ဂ) ''ရေးပိုင်ရှင်'' ဆိုသည်မှာ၊ ကိုယ်ပိုင်ရေးအတွက် လိုင်စင်ရသူကို၊ သို့တည်း မဟုတ် လိုင်စင်လက်ရှိထားသူကိုဆိုလိုသည်။

(ဃ) ''ဒေသန္တရအဖွဲ့'' ဆိုသည်မှာ၊မြို့နိုစီပါယ် အက်ဥပဒေအရဖြစ်စေ၊ ရန်ကုန် မြို့တော်မြို့နိုစီပါယ် အက်ဥပဒေအရဖြစ်စေ၊ တပ်မြို့အက်ဥပဒေ အရဖြစ်စေ၊ ကျေးလက် ကိုယ်ပိုင် အုပ်ချုပ်ရေးအက်ဥပဒေအရဖြစ်စေ၊ ၁၉၅၃ ခုနှစ်၊ ဒီမိုကရေစီ ဒေသန္တရအုပ်ချုပ်ရေးအက်ဥပဒေ အရဖြစ်စေ နည်းလမ်းတကျ ဖွဲ့စည်းထားသောအာဏာပိုင်အဖွဲ့ကိုဆိုလိုသည်။

၃။ ။မြို့နိုစီပါယ်အက်ဥပဒေ ပုဒ်မ ၅၆ သည်၎င်း၊ ရန်ကုန်မြို့တော်မြို့နိုစီပါယ် အက်ဥပဒေ ပုဒ်မ ၎၁ သည်၎င်း၊ တပ်မြို့အက်ဥပဒေ ပုဒ်မ ၁၁၀ သည်၎င်း၊ကျေးလက်ကိုယ်ပိုင်အုပ်ချုပ်ရေး အက်ဥပဒေ ပုဒ်မ ၅၅ သည်၎င်း၊ ၁၉၅၃ ခုနှစ်၊ ဒီမိုကရေစီဒေသန္တရ အုပ်ချုပ်ရေးအက်ဥပဒေ ပုဒ်မ ၂၄ သည်၎င်း ၎အက်ဥပဒေပါကိစ္စများနှင့်သက်ဆိုင်ခြင်းမရှိစေရ။

၄။ ။အခြားတည်ဆဲ တရားဥပဒေတခုခုတွင်ဖြစ်စေ၊ သဘောတူစာချုပ်စာတမ်း တခုခုတွင်ဖြစ်စေ မည်သို့ပင်ဆန့်ကျင်လျက်ပါရှိစေကာမူ၊ နိုင်ငံတော်သမတသည် အမိန့်ကြော်ငြာစာဖြင့် မိမိသတ်မှတ်သည့်နေ့ရက်တွင် မည်သည့်ကိုယ်ပိုင်ရေးကို မဆို ဒေသန္တရအဖွဲ့ပိုင် ပြုလုပ်လိုက်သည်ဟု ကျေညာနိုင်သည်။ ယင်းသို့ကျေညာသည့်အခါ ထိုရေးသည် အဆိုပါနေ့ရက်မှစ၍၊ သက်ဆိုင်ရာဒေသန္တရအဖွဲ့၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ ရောက်ရှိလာရမည်ဖြင့်၊ ထိုဒေသန္တရအဖွဲ့ပိုင်ဖြစ်လာရမည်။

၅။ ။(၁) ပုဒ်မ ၄ တွင် မည်သို့ပင်ပါရှိစေကာမူ၊ နိုင်ငံတော်သမတသည်၊ အမိန့်ကြော်ငြာစာဖြင့် မိမိသတ်မှတ်သည့်နေ့ရက်တွင် မည်သည့်ကိုယ်ပိုင်ရေးကိုမဆို ရေးပိုင်ရှင်ထံမှ သိမ်းယူလိုက်သည်ဟု ကျေညာနိုင်သည်။ ယင်းသို့ကျေညာသည့် အခါ၊ ထိုရေးသည်၊ နိုင်ငံတော်သမတ ခန့်ထားသည့်ရေးအုပ်ချုပ်ရေးအဖွဲ့၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ ရောက်ရှိလာရမည့်ပြင် နိုင်ငံတော်သမတက ပုဒ်မခွဲ (၃) အရ သက်ဆိုင်ရာဒေသန္တရအဖွဲ့သို့ လွှဲအပ်ခြင်းမပြုမီ ထိုအဖွဲ့၏ကြီးကြပ်အုပ်ချုပ်မှုအောက်တွင်ဆက်လက်တည်ရှိရမည်။

(၂) ရေးအုပ်ချုပ်ရေးအဖွဲ့သည် နိုင်ငံတော်သမတ၏ ကြီးကြပ်အုပ်ချုပ်ခြင်းကို လိုက်နာလျက်၊ မိမိသင့်လျော်သည် ထင်မြင်သည့်အတိုင်း ထိုရေးရှိရေးဆိုင်များနှင့် ရေးရောင်းသည့်နေရာများကို အငှါးချထားနိုင်ရမည်ဖြင့်၊ ထိုရေးကိုလည်း မိမိသင့်လျော်သည် ထင်မြင်သည့်အတိုင်း၊ နိုင်ငံတော်သမတ ပြဋ္ဌာန်းသည့်နည်းဥပဒေများနှင့် မဆန့်ကျင်စေဘဲ စီမံအုပ်ချုပ်နိုင်ရမည်။

(၃) ပုဒ်မခွဲ (၁) အရသိမ်းယူသောရေးကို၊ မည်သည့်အခါတွင်မဆို နိုင်ငံတော်သမတသည်၊အမိန့်ကြော်ငြာစာဖြင့် ထိုအမိန့်ကြော်ငြာစာတွင် သတ်မှတ်သည့်နေ့ရက်၌ သက်ဆိုင်ရာဒေသန္တရအဖွဲ့သို့ အပြီးအပိုင်လွှဲအပ်လိုက်သည်ဟု ကျေညာနိုင်သည်။ ယင်းသို့ကျေညာသည့် အခါ ထိုရေးသည်၊ အဆိုပါနေ့ရက်မှစ၍ သက်ဆိုင်ရာဒေသန္တရအဖွဲ့ပိုင်ဖြစ်ရမည်။

၆။ ။နိုင်ငံတော်သမတသည်၊ ပုဒ်မ ၄ အရ၊ ဒေသန္တရအဖွဲ့ပိုင်ပြုလုပ်သည့်၊ သို့တည်း မဟုတ် ပုဒ်မ ၅၊ ပုဒ်မခွဲ (၁) အရ၊ ရေးပိုင်ရှင်ထံမှ သိမ်းယူသည့်၊ ရေး၏ မြေယာ အဆောက်အဦစသည့်ပစ္စည်းများကို သီးခြားဖေါ်ပြ၍ ကျေညာရမည်။

၇။ ။နိုင်ငံတော်သမတသည်၊ ပုဒ်မ ၄ အရ၊ သို့တည်းမဟုတ် ပုဒ်မ ၅၊ ပုဒ်မခွဲ (၁) အရ၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်သည့်နေ့ နောက်တလအတွင်း ဥက္ကဋ္ဌတဦးနှင့် အခြားအဖွဲ့ဝင်

နှစ်ဦးပါဝင်သော ကော်မရှင်အဖွဲ့တခုကို ခန့်ရမည်။ ထိုကော်မရှင်အဖွဲ့သည်၊ အောက်ပါကိစ္စများကို သတ်မှတ်ဆုံးဖြတ်ရမည်။

(က) ဤအက်ဥပဒေအရ၊သိမ်းယူသည့်ပစ္စည်းများအတွက် ဈေးပိုင်ရှင်ကို ပေးသင့်သည့် တရားမျှတသောလျော်ကြေး၊ ဈေးပိုင်ရှင်က သက်ဆိုင်ရာ ဒေသန္တရအဖွဲ့ကိုပေးရန်ရှိသော ကြွေးမြီများနှင့် ထိုဒေသန္တရအဖွဲ့က ဈေးပိုင်ရှင်ကို ပေးရန်ရှိသော ကြွေးမြီများ၊ ထို့ပြင်

(ခ) လျော်ကြေးပေးရမည့်နည်းလမ်းများ။

(၂) ပုဒ်မခွဲ (၁) အရ၊လျော်ကြေးကိုသတ်မှတ်ဆုံးဖြတ်ရာတွင်၊ ဤအက်ဥပဒေအရ ဒေသန္တရအဖွဲ့ပိုင်ပြုလုပ်သည့်၊ သို့တည်းမဟုတ် နိုင်ငံတော်သမတက ဈေးပိုင်ရှင်ထံမှ သိမ်းယူသည့် ပစ္စည်းများ၏ ထိုသို့ဒေသန္တရအဖွဲ့ပိုင်ပြုလုပ်သည့်၊ သို့တည်းမဟုတ် သိမ်းယူသည့်နေ့ရှိ ကာလ တန်ဘိုးကို၊ သို့တည်းမဟုတ် ထိုနေ့အထိထိုပစ္စည်းများအပေါ်တွင် ဈေးပိုင်ရှင်က ကုန်ကျသည့်စရိတ်ကို ကော်မရှင်အဖွဲ့က တရားမျှတမည် ထင်မြင်သည့်အတိုင်း ထည့်သွင်းစဉ်းစားရမည်။

ခြွင်းချက်။ ။သို့ရာတွင် အဆောက်အဦတခု၏ တန်ဘိုးကို သတ်မှတ် ဆုံးဖြတ်ရာတွင်၊ ထိုအဆောက်အဦကို ဆောက်လုပ်စဉ်က ကုန်ကျငွေမှ ဤအက်ဥပဒေအရ ဈေးပိုင်ရှင်၏ပစ္စည်းများကိုသိမ်းယူသည့်နေ့အထိ ကုန်လွန်ခဲ့သော နှစ်များအတွက် တနှစ်လျှင် ၃ ရာခိုင်နှုန်းကျ နှုတ်ပယ်၍ ကျန်သောငွေနှင့် ညီမျှသောတန်ဘိုးအတိုင်းသတ်မှတ်ရမည်။

၈။ ။ပုဒ်မ ၇ အရလျော်ကြေးကို သတ်မှတ်ဆုံးဖြတ်ရာ၌၊ ကော်မရှင် အဖွဲ့သည် တရားမကျင့်ထုံးဥပဒေကို၊ သို့တည်းမဟုတ် အခြားတည်ဆဲတရားဥပဒေတခုခုကို လိုက်နာရန်မလို အပ်စေရ။ သို့ရာတွင် ထိုကော်မရှင်အဖွဲ့သည် တရားမျှတစွာဆောင်ရွက်ရမည်။

၉။ ။(၁) ကော်မရှင်အဖွဲ့သည်၊အောက်ပါကိစ္စများနှင့် စပ်လျဉ်း၍ တရားမကျင့်ထုံးဥပဒေအရ၊ တရားရုံး အား၊ အပ်နှင်းထားသောအာဏာများရှိရမည်—

(က) အကြောင်းအရာများကို ဖွင့်လှစ်ထုတ်ဖော်စေခြင်းနှင့် ကြည့်ရှုစစ်ဆေးခြင်း။

(ခ) သက်သေများကို လာရောက်စေရန်အတင်းအကြပ်ဆင့်ခေါ်ခြင်း၊ သက်သေစရိတ်တင်သွင်းစေရန်ဆင့်ဆိုခြင်း။

(ဂ) စာချုပ်စာတမ်းများကို တင်ပြစေရန်အတင်းအကြပ်ဆင့်ဆိုခြင်း။

(ဃ) သက်သေများကိုကျမ်းသစ္စာဖြင့် စစ်ဆေးခြင်း။

(င) ရွှေဆိုင်းခွင့်ပေးခြင်း။

(စ) ကျမ်းကျိန်လွှာဖြင့် ထွက်ဆိုသော သက်သေထွက်ချက်ကို လက်ခံခြင်း။

(ဆ) သက်သေများကိုစစ်ဆေးရန် အာဏာလွှဲအပ်နှံများထုတ်ခြင်း။

ထိုမှတပါး၊ ကော်မရှင်အဖွဲ့ သည်၊ရာဇဝတ်ကျင့်ထုံးဥပဒေ ပုဒ်မ ၄၀၀ နှင့် ၄၀၂ တို့၏ အဓိပ္ပါယ်အရ၊ တရားမရုံးဖြစ်သည်ဟုမှတ်ယူရမည်။

(၂) ကော်မရှင်အဖွဲ့ဝင်များ ထင်မြင်ယူဆချက်ကွဲလွဲသည့်အခါ ထိုကော်မရှင်အဖွဲ့ဝင်များရာ၏ထင်မြင်ယူဆချက်သည် အတည်ဖြစ်ရမည်။

(၃) ကော်မရှင်အဖွဲ့ဝင် တယောက်သည် ကော်မရှင်အဖွဲ့ဝင်အဖြစ်ဖြင့် ဆက်လက်မဆောင်ရွက်နိုင်လျှင်၊ နိုင်ငံတော်သမတ သည်၊ ထိုအဖွဲ့ဝင်အစား၊ အခြားသူတယောက်ကိုခန့်ထားရမည်။ ထိုသူကိုကော်မရှင်အဖွဲ့စတင်ဖွဲ့စည်းစဉ်ကပင် အဖွဲ့ဝင်အဖြစ်ခန့်ထားဘိသကဲ့သို့ ကော်မရှင်အဖွဲ့သည် မိမိ၏မှုခင်းကိစ္စများကို ဆက်လက်ဆောင်ရွက်ရမည်။

၁၀။ ။သက်ဆိုင်ရာစွမ်းပိုင်ရှင်ကသော်၎င်း၊ သက်ဆိုင်ရာ ဒေသန္တရအဖွဲ့ကသော်၎င်း၊ အစိုးရကသော်၎င်း လျော်ကြေးနှင့်စပ်လျဉ်းသည့် ကော်မရှင်အဖွဲ့၏ဆုံးဖြတ်ချက်ကို ထိုဆုံးဖြတ်ချက်ချမှတ်သည့်နေ့မှစ၍ ရက်ပေါင်း ၉၀ အတွင်း ဥပဒေကြောင်းနှင့်ဖြစ်စေ၊ အမှုခြင်းရာနှင့်ဖြစ်စေ တရားလွှတ်တော်ချုပ်သို့ အယူခံဝင်နိုင်သည်။

၁၁။ ။(၁) နိုင်ငံတော်သမတသည်၊ ပုဒ်မ ၅ ပါကိစ္စများကိုဆောင်ရွက်ရန်အလို့ငှါ နည်းဥပဒေများပြဋ္ဌာန်းနိုင်သည်။ ထို့ပြင် ဆိုင်ရာဒေသန္တရအဖွဲ့ကဖြစ်စေ၊ ထိုအဖွဲ့ဆိုင်ရာအာဏာပိုင်တဦးဦးကဖြစ်စေ၊ ထိုအဖွဲ့ပိုင်စွမ်းနှင့် စပ်လျဉ်း၍ တရားဥပဒေအရ သုံးစွဲဆောင်ရွက်နိုင်သည့် အာဏာများနှင့် တာဝန်ဝတ်တရားများကို ပုဒ်မ ၅ အရ၊ သိမ်းယူသည့်စွမ်းနှင့်စပ်လျဉ်း၍ သုံးစွဲဆောင်ရွက်နိုင်ရန် နိုင်ငံတော်သမတက စွမ်းအုပ်ချုပ်ရေးအဖွဲ့အားအပ်နှင်းနိုင်သည်။

(၂) အဆိုပါအာဏာ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အထူးသဖြင့် ထိုနည်းဥပဒေများသည်၊ အောက်ပါကိစ္စများကို ပြဋ္ဌာန်းနိုင်သည်—

(က) စွမ်းအုပ်ချုပ်ရေးအဖွဲ့ ဖွဲ့စည်းပုံ၊ ထိုအဖွဲ့၏အာဏာများနှင့် တာဝန်ဝတ်တရားများ။

(ခ) စွမ်းအုပ်ချုပ်ရေးအဖွဲ့၏ ရာထူးမူထမ်းများ ခန့်ထားခြင်းနှင့် ထိုသူတို့၏လစာစရိတ်ကြေးငွေနှင့် အမှုထမ်းစည်းကမ်းများကို သတ်မှတ်ခြင်း။

(ဂ) ရာထူးမူထမ်းများ၏တာဝန်ဝတ်တရားများနှင့်အာဏာများ။

(ဃ) နိုင်ငံတော်သမတထံ အစီရင်ခံစာများတင်သွင်းခြင်း။

(င) စွမ်းအုပ်ချုပ်ရေးအဖွဲ့က ထားရှိရမည့်စာရင်းများကို စစ်ဆေးခြင်း။

(စ) စွမ်းကိုပြုပြင်ထားရှိခြင်းနှင့် ကြီးကြပ်အုပ်ချုပ်ခြင်း။

(၃) ဤပုဒ်မအရ နည်းဥပဒေများ ပြဋ္ဌာန်းသည့်အခါ၊ နည်းဥပဒေတခုခုကို ဆန့်ကျင်သည့်အတွက် ကျပ်ငါးဆယ်ထိ ငွေဒဏ်ဖြစ်စေ၊ ဆက်လက်ဆန့်ကျင်သည့်အတွက် တနေ့လျှင် ငါးကျပ်ထိ ငွေဒဏ်ဖြစ်စေ ထိုက်သင့်စေရမည်ဟု နိုင်ငံတော်သမတကပြဋ္ဌာန်းနိုင်သည်။

၁၂။ ။(၁) ဤအက်ဥပဒေအရ၊ စွမ်းအုပ်ချုပ်ရေးအဖွဲ့က တောင်းခံရန် ကျန်ရှိသောဆိုင်ခ၊ စွမ်းကောက်၊ ငှါးရမ်းခ၊ သို့တည်းမဟုတ် အခြားမပြေကျန်ငွေများကို မြေခွန်တော်မပြေကျန်ငွေကဲ့သို့ အရတောင်းဆိုနိုင်သည်။

(၂) နိုင်ငံတော်သမတသည်၊ ထိုမပြေကျန်ငွေများကို မည်သည့်အရာရှိ၏ လျော့ကင်းလွှာအရငင်း၊ အမိန့်အရငင်း၊ တောင်းဆိုနိုင်ရမည်ဟု အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်နိုင်သည်။

(၃) စွမ်းအုပ်ချုပ်ရေးအဖွဲ့သည်၊ နိုင်ငံတော်သမတ၏ ခွင့်ပြုချက်ကို ကြိုတင်ရယူပြီးနောက်၊ ဆိုင်ခ၊ စွမ်းကောက်၊ သို့တည်းမဟုတ် ငှါးရမ်းခနှင့် စပ်လျဉ်းသည့်ငွေတရပ်ရပ်ကိုဖြစ်စေ၊ ၎င်းကိုကောက်ခံရာ၌ ကုန်ကျသည့် စရိတ်ငွေတရပ်ရပ်ကိုဖြစ်စေ စွမ်းအုပ်ချုပ်ရေးအဖွဲ့က တောင်းခံ၍မရတော့ပြီဟု ယူဆခဲ့လျှင် လျော့ပစ်နိုင်သည်။

၁၃။ ။(၁) ဤအက်ဥပဒေနှင့်အညီ သဘောရိုးဖြင့် ပြုလုပ်သည့်၊ သို့တည်းမဟုတ် ပြုလုပ်ရန်ကြံရွယ်သည့်အပြုအမူတခုခုအတွက် မည်သူကိုမျှတရားမမှု၊ ရာဇဝတ်မှု၊ သို့တည်းမဟုတ် အခြားမှုခင်းစွဲဆိုခြင်းမပြုရ။

(၂) ဤအက်ဥပဒေတွင် အတည့်အလင်းပြဋ္ဌာန်းထားသည်မှတပါး၊ ဤအက်ဥပဒေအရပြုလုပ်သည့်အပြုအမူအတွက် အစိုးရအား၊ မည်သည့်တရားမမှု၊ သို့တည်းမဟုတ် အခြားမှုခင်းမှု စွဲဆိုခြင်းမပြုရ။

B.—VILLAGES AND TOWNS.

ခ။ ။ကျေးရွာနှင့်မြို့ပြဆိုင်ရာ။

THE VILLAGE ACT.

CONTENTS.

PRELIMINARY.

Sections.

1-2. * * * *
3. Effect of Act.
4. Definitions.
5. Determination of village-tracts and appointment of headmen and rural policemen.
5A. Constitution of village committees.

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

6. Civil jurisdiction of village committees.
7. Headmen bound to report certain matters.
8. General duties of headman and rural policeman.
9. Disposal of petty criminal cases by village committee.
10. Penalty for neglect of duty or abuse of authority by headman or rural policeman.

GENERAL DUTIES OF VILLAGERS.

11. General duties of persons residing in village-tracts.
12. Penalty on villagers for neglect of such duties or failure to assist headman or rural policeman.
13. Fines on villagers accessory to crime.
14. * * * *

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

15. Notification of residence of strangers in village-tracts.
16. Penalty for breach of section 15 and disposal by village committee of such cases.
17. Prohibition of unauthorized settlement of strangers in village-tracts.
18. Prohibition of the establishment of new villages without permission and of the erection of houses outside villages.

19. Penalty for breach of orders under immediately preceding sections. Procedure for evicting persons convicted under this section.
20. Power to require residents to remove.

PAWN-SHOPS.

20A. Licensing and regulation of pawn-shops.

PWÈS.

21. Penalty for holding, promoting or taking part in an unlicensed *pwè*.
21A. Surrender of offensive weapons to headman on demand.

SUPPLEMENTAL PROVISIONS.

22. Mode of recovering fines.
23. Finality of orders.
24. Delegation of powers of Deputy Commissioner, Subdivisional Officer and Township Officer to certain classes of officers.
25. Provision with respect to emoluments of headmen and rural policemen.
26. Bar to jurisdiction of civil Courts in matters relating to appointment of headmen, etc.
27. * * * *
28. Protection to headman or rural policeman in execution of his duty.
28A. Transfer of cases by Magistrate to village committee.
29. Power to make rules.
30. Penalty on non-residents of village-tract for breach of rule under section 29 (*1*) (*h*).

THE VILLAGE ACT.

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

PRELIMINARY.

1-2. * * * *

Effect of Act.

3. This Act shall take effect notwithst anding 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,—

"Headman."

(*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 ; " Subdivisional Officer."

(*5*)" Township Officer " means the officer in charge of a township as constituted forrevenue 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 Commissionre, 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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[1] Substituted by Act XXIX, 1947.
[2] 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.

[1] (*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 jurisdiction 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.

[1] 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.

Headman bound to report certain matters.

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--

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

[1](*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 ;

[1](*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 ;

[1](*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 ;

[1](*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 ;

[1](*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.

[1] 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 ;

[1] (*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 ;

[1] (*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 [2] 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 ;

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[1] Substituted by Act XXIX, 1947.

[2] 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] [1] 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.

Disposal of petty criminal cases by village committee.

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.

(*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

[1] 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 police-man.

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.

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

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—

(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.

Fines on villagers accessory to crime.

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—

(*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.

Notification of residence of strangers in village-tracts.

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

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,[1] 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

[1] 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. immediately preceding sections.

(*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 [1] property within a specified time. Procedure for evicting persons convicted under this section.

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 [1] 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 [1] 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. Power to require residents to remove.

(*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. Licensing and regulation of pawn-shops.

(*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 ;

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[1] 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 withimprisonment 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.

Mode of recovering fines.

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

(*2*) * * * *

Finality of orders.

23. [1] (*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.

(*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.

[1] 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,[1] 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.

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[1] 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][1] 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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[1] 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*).

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[1] Substituted by Act LXVI, 1947.

[1](*4*) (*a*) The headman of a ward or elder of a block 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 a headman of a ward or elder of a block appointed in his jurisdiction prior to the commencement of the Towns (Amendment) Act, 1947, by three months' notice in writing to the headman or elder concerned, terminate the appointment of such headman or elder with effect from the date to be mentioned in the notice.

GENERAL DUTIES OF HEADMEN AND ELDERS.

Duty of headmen and elders to report certain matters.

6. (*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, house-breaker, 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) offences against the Arms Act;
(vi) offences against section 10A; and
(vii) any other offence respecting which the Deputy Commissioner, by general or special order, with the previous sanction of the President of the Union, may direct him to communicate information;

(*d*) the occurrence in his ward of any sudden or unnatural death, or of 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 headmen and elders.

7. (*1*) The headman of a ward shall be bound to perform the following public duties, namely:—

(*a*) to assist the police in the investigation of every offence respecting which he is required by the last foregoing section to communicate information;

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[1] Substituted by Act LXVI, 1947.

(*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 prevent to the best of his ability the commission of any offence regarding which he is required by section 6, sub-section (*1*), to communicate information, and to arrest the person designing to commit such offence if it appears to him that the commission of such offence cannot otherwise be prevented ;

(*f*) 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 or town committee from residents of the ward or persons holding land therein ;

(*g*) 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 ;

(*h*) if so ordered by the Deputy Commissioner, in accordance with such rules as may be made in this behalf by the President of the Union, to register all births and deaths which take place within the ward, and any other vital statistics which may be prescribed by such rules ;

(*i*) to take such measures as may be prescribed in any rules made in this behalf by the Commissioner with the previous sanction of the President of the Union,—

(*firstly*), for the prevention and extinction of fires;

(*secondly*), for the prevention of public nuisances ;

(*thirdly*), for the general sanitation of the ward and the prevention of the spreading of any contagious or infectious disease among human beings ;

(*j*) to take such measures as may be prescribed in any rules made in this behalf for the prevention and suppression of any contagious or infectious disease among domestic animals ;

(*k*) to report all cases of small-pox, plague, 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 ;

(*l*) to collect and furnish, upon receipt of payment for the same in advance at such rates as the Deputy Commissioner, with the

sanction of the Commissioner, may from time to time fix, guides, supplies of food, carriage, and means of transport for any troops or police posted in or near or marching through or near the town :

Provided that no headman shall be bound to collect supplies beyond the limits of the ward of which he is headman, or to furnish carriage or means of transport for more than twelve hours' journey from such town unless the Deputy Commissioner certifies in writing that it is necessary in the public interests that carriage or means of transport should be supplied for a longer period, in which case the Deputy Commissioner shall fix higher rates of payment than the rates of payment for journeys of twelve hours or less:

Provided also that no headman shall requisition for personal service any resident of such ward who is not of the labouring class and accustomed to do such work as may be required; and

(*m*) 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*).

(*3*) The President of the Union may, by notification, direct that particular clauses of sub-section (*1*) shall not apply to any town specified in such notification.

Penalty for neglect of duty by headman or elder.

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

GENERAL DUTIES OF RESIDENTS.

General duties of residents of wards.

9. Persons residing in a ward shall be bound to perform the following public duties, namely :—

(*a*) to take such measures as may be prescribed in any rules made in this behalf for the prevention and suppression of any contagious or infectious disease among domestic animals ;

(*b*) on a general or individual requisition of the headman to assist him in the execution of his public duties.

Penalty on residents for neglect of general duties.

9A. If any person residing in a ward refuses or neglects to perform any of the public duties imposed upon him by this Act or any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable, on conviction by a Magistrate, to a fine which may extend to fifty rupees.

Notification of residence of strangers

10. (*1*) If in any town in [the Union of Burma][1] which the President of the Union may, by notification, declare to be within the operation of this

[1] The word "Upper" was omitted from the original expression "Upper Burma" by the Union of Burma (Adaptation of Laws) Order, 1948.

in certain towns in the Union of Burma.

section, any person who is not a resident of such town comes into a ward thereof, he or the person (if any) in whose house he is living shall, within twelve hours of his coming into such ward, report to the headman his arrival, his name and occupation, and the name of the place where he last resided.

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

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

Surrender of offensive weapons on demand.

10A. (1) The Deputy Commissioner may, by a notification publicly promulgated or addressed to individuals, prohibit the carrying of *das* of a kind exempted from the provisions of the Arms Act, bludgeons, loaded sticks, hunting crops, clasp-knives of a specified size, or other offensive instruments in any public place.

(2) Any person being in a public place shall upon demand deliver up to a police-officer or to the ward headman any such offensive instrument as is referred to in sub-section (1) which may be in his possession.

Penalties.

(3) Whoever contravenes a prohibition under sub-section (1) or the provisions of sub-section (2) shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Confiscation of instrument on conviction.

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

(5) This section shall not apply to Rangoon Town.

PWÉS, BILLIARD SALOONS, PAWN-SHOPS, ETC.

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

11. (1) Whoever—

(a) holds a *pwè* in any town, without a licence granted by the Deputy Commissioner or by an officer 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 punished, 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 section " *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 section when held in such local area.

Licensing of billiard saloons and other public resorts.

11A. (*1*) No person shall keep a public billiard table, bagatelle board, ring-throwing establishment, or any place of public resort for any form of game or amusement which the President of the Union may, by notification, declare to be within the provisions of this section, except under and in accordance with the conditions of a licence granted by the Deputy Commissioner or by an officer appointed by the Deputy Commissioner in this behalf.

(*2*) The President of the Union may by rules prescribe the circumstances in which such licences may be refused, the fees to be paid for such licences and the conditions on which such licences may be granted or revoked.

(*3*) Any person who commits a breach of sub-section (*1*) or of any of the conditions of a licence granted under this section shall be liable for a first offence to a fine which may extend to one hundred rupees, and for a subsequent offence to imprisonment for a term which may extend to one month, or to fine which may extend to five hundred rupees, or to both.

Licensing and regulation of pawn-shops.

11B. (*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 ;

(*c*) providing for the sale, issue, production and return of such 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 rupees one hundred, 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 towns as the President of the Union may, by notification, direct.

SUPPLEMENTAL.

Finality of orders.

12. (*1*) No appeal shall lie from any order made under this Act or any rule made thereunder.

(*2*) But the Deputy Commissioner may revise any such order made by any officer 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, every order made under this Act shall be final and shall not be liable to be contested by suit or otherwise.

Power to make rules.

13. (*1*) The President of the Union may make rules to carry out the objects and purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the duties to be performed by the headman and residents of a ward in respect of the matters mentioned in section 7, sub-section (*1*), clause (*j*), and in section 9, clause (*a*) ;

(*b*) prescribe the measures to be taken for the prevention and suppression of any contagious or infectious disease among domestic animals coming into or passing through a ward :

Provided that the President of the Union may, by notification, exclude from the operation of all or any of the rules made under clauses (*a*) and (*b*) any town which has been constituted a municipality under the provisions of the Municipal Act.

Penalty on non-resident of a ward for breach of rule under section 13 (2) (*b*).

13A. Whoever, not being a resident of a ward, refuses to obey or contravenes any rule made under clause (*b*), sub-section (*2*), of section 13 shall be punishable, on conviction by a Magistrate, with a fine which may extend to fifty rupees.

Publication of rules.

14. All rules made under this Act by the President of the Union or by a Commissioner shall be published in the Gazette, and, when so published, shall have the same effect as if enacted by this Act.

၁၉၅၃ ခုနှစ်၊ ဒီဇင်ဘာလ ၁၀ ရက်နေ့ထုတ် ပြည်ထောင်စု သတင်းစာ

မာတိကာ။

အခန်း ၁။

စကားချီး။

၁။ ။အမည်။
၂။ ။အာဏာတည်သည့်နေ့။
၃။ ။အဓိပ္ပါယ်ရှင်းလင်းဖော်ပြချက်။

အပိုင်း ၁။

စီးပွါးရေးနှင့်လူမှုရေး။

အခန်း ၂။

ဒေသန္တရအုပ်ချုပ်ရေးအဖွဲ့များဖွဲ့စည်းခြင်း။

၄။ ။ဒေသန္တရအဖွဲ့ ဖွဲ့စည်းခြင်းနှင့် အတည်ဖြစ်ခြင်း။
၅။ ။နယ်ပယ်။
၆။ ။ဒေသန္တရအဖွဲ့ ဖွဲ့စည်းနည်း။
၇။ ဒေသန္တရအဖွဲ့၏ သက်တမ်း။
၈။ ။မဲဆန္ဒပေးပိုင်ခွင့်။
၉။ ။မဲဆန္ဒပေးရန်တာဝန်။
၁၀။ ။မဲဆန္ဒပေးသည့်စံနစ်။
၁၁။ ။လူကြီးအဖြစ်အရွေးခံပိုင်ခွင့်။
၁၂။ ။ကိုယ်စားလှယ်များရွေးချယ်ခြင်း။
၁၃။ ။လူကြီးနေရာ လစ်လပ်ခြင်း။
၁၄။ ။ရှောင်းတခင်လစ်လပ်သောနေရာဖြည့်သွင်းခြင်း။
၁၅။ ။ဥက္ကဋ္ဌနှင့် ဒုတိယဥက္ကဋ္ဌ။
၁၆။ ။အစည်းအဝေးသဘာပတိ။

အခန်း ၃။

တာဝန်ဝတ်တရားများနှင့်အခွင့်အာဏာများ။

၁၇။ ။တရားဝင်အဖွဲ့ဖြစ်ခြင်း။
၁၈။ ။အဆင့်ဆင့်တာဝန်ခံ၍ဆောင်ရွက်ခြင်း။
၁၉။ ။ပြည်သူတို့၏ ကြီးပွါးချမ်းသာရေးအတွက် အာဏာ၊ တာဝန်နှင့် လုပ်ငန်း။
၂၀။ ။ရာထူးမှထမ်းခန့်ထားခြင်းနှင့် စာရင်းအင်း စသည်များထားရှိခြင်း။
၂၁။ ။ဒေသန္တရအဖွဲ့ဝင်လူကြီးများ၏စရိတ်ကြွေး။
၂၂။ ။စည်းကမ်းဥပဒေပြုအာဏာ။
၂၃။ ။ဖေါက်ဖျက်ကျူးလွန်မှုပြစ်ဒဏ်။
၂၄။ ။ပစ္စည်းလက်ရှိထားခြင်း။
၂၅။ ။ရံပုံငွေများ။
၂၆။ ။ရ-သုံးမှန်းခြေငွေစာရင်း။
၂၇။ ။အခွန်တော်အတွက် တာဝန်နှင့်အာဏာ။
၂၈။ ။ကုန်ပစ္စည်းဖြင့်အခွန်ဆောင်ခြင်း။
၂၉။ ။လုပ်အားဖြင့်အခွန်ဆောင်ခြင်း။
၃၀။ ။အခွန်မပြေ့်ကွန်ငွေအရတောင်းခံခြင်း။
၃၁။ ။ဘဏ္ဍာငွေအတွက်တာဝန်။
၃၂။ ။အကြောင်းမဲ့အခွန်မဆောင်ခြင်း။
၃၃။ ။အထောက်အပံ့။

အခန်း ၄။

လုပ်ငန်းဆောင်တာများနှင့် ဌာနများဖွဲ့စည်းခြင်း။

၃၄။ ။ကော်မီတီရွေးကောက်ခြင်းနှင့် ဆပ်ကော်မီတီခန့်ထားခြင်း။
၃၅။ ။အစည်းအဝေးကျင်းပခြင်း။
၃၆။ ။ဌာနနှင့်တာဝန် ။
၃၇။ ။ရာထူးမူထမ်းများ။
၃၈။ ။ရာထူးတို့၏ အဆင့်အတန်း။
၃၉။ ။ရာထမ်းများ၏တာဝန်။
၄၀။ ။ပြည်သူ့ဝန်ထမ်းဖြစ်ခြင်း။
၄၁။ ။ကင်းလွတ်ခွင့်။
၄၂။ ။နှစ်ပတ်လည်အစီရင်ခံစာသွင်းခြင်း။

အပိုင်း ၂။

ငြိမ်ဝပ်ပိပြားရေး။

အခန်း ၅။

ကျေးရွာလုံခြုံရေး။

၄၃။ ။ကျေးရွာရဲအဖွဲ့။
၄၄။ ။ကျေးရွာကာကွယ်ရေးအဖွဲ့။
၄၅။ ။ကျေးရွာသားက သတင်းပေးရန်တာဝန်။
၄၆။ ။ကျေးရွာလူကြီးက သတင်းပေးရန်တာဝန်။
၄၇။ ။အရေးပေါ်ကိစ္စ။
၄၈။ ။အကူအညီပေးခြင်း။
၄၉။ ။လုံခြုံရေးအတွက် စည်းကမ်းဥပဒေပြုအာဏာ။
၅၀။ ။ရာဇဝတ်အာဏာ။
၅၁။ ။တာဝန်ပျက်ကွက်မှုပြစ်ဒဏ်။
၅၂။ ။ဖမ်းဆီးခြင်း။
၅၃။ ။အသက်မွေးဝမ်းကျောင်း ထင်ရှားမရှိသူထံမှ အာမခံ တောင်းခြင်း။
၅၄။ ။မကောင်းသတင်းကျော်စောသူထံမှ အာမခံဘောင်းခြင်း။

အခန်း ၆။

ကျေးရွာတရားရုံး။

၅၅။ ။ကျေးရွာတရားရုံး။
၅၆။ ။ကျေးရွာတရားရုံး၏ နာယက။

၅၇။ ။ကျေးရွာတရားရုံး၏ဆောင်ရွက်မှုများ။
၅၈။ ။ကျေးရွာတရားရုံး လူကြီးအဖြစ်ဖြင့် မပါဝင်စေခြင်း။
၅၉။ ။တရားရုံးကို မထီလေးစားပြုခြင်း။
၆၀။ ။ရာဇဝတ်မှုများ။
၆၁။ ။ခရိုင်ရာဇဝတ်တရားသူကြီး၏အာဏာ။
၆၂။ ။ရဲဌာနအုပ်၊ သို့တည်းမဟုတ်ရဲဌာနာ တာဝန်ခံ၏ဝတ်တရား။
၆၃။ ။လိုက်နာရမည့်ကျင့်ထုံး။
၆၄။ ။ရာဇဝတ်မှုပြစ်ဒဏ်။
၆၅။ ။ငွေဒဏ်နှင့် အလုပ်ဒဏ်အစားပြစ်ဒဏ်။
၆၆။ ။ဒဏ်ငွေမှ လျော်ကြေးပေးခြင်း။
၆၇။ ။လုံလောက်သောပြစ်ဒဏ်အတွက် အထက်ရုံးသို့ပို့ခြင်း။
၆၈။ ။ငယ်ရွယ်သူကို အပြစ်ပေးခြင်း။
၆၉။ ။ပြင်ဆင်ခြင်းနှင့်အယူခံခြင်း။
၇၀။ ။တရားမမှုများ။
၇၁။ ။တရားမ ခရိုင်တရားသူကြီး၏အာဏာ။
၇၂။ ။ပြင်ဆင်ခြင်းနှင့် အယူခံခြင်း။

အပိုင်း ၃။

အရပ်ရပ်ဆိုင်ရာပြဋ္ဌာန်းချက်များ။

အခန်း ၇။

ဒေသန္တရအဖွဲ့များကိုကြီးကြပ်ခြင်း။

၇၃။ ။နည်းဥပဒေပြုခြင်း။
၇၄။ ။နုတ်ပယ်ခြင်း။
၇၅။ ။ဖျက်သိမ်းခြင်း။
၇၆။ ။ထုချေခွင့်။
၇၇။ ။အသနားခံခွင့်။
၇၈။ ။လူကြီးများကိုနုတ်ပယ်ပိုင်ခွင့်။

အခန်း ၈။

အကူးအပြောင်းကာလပြဋ္ဌာန်းချက်များ။

၇၉။ ။ကြားဖြတ်အာဏာပိုင်။
၈၀။ ။မပြီးပြတ်သေးသောအမှုများ။
၈၁။ ။အာဏာဆက်လက်သုံးစွဲခြင်း။
၈၂။ ။လက်ရှိ ဒေသန္တရအဖွဲ့နှင့် ထိုအဖွဲ့၏ရာထမ်းမှုထမ်းများရပ်စဲခြင်း။
၈၃။ ။လက်ရှိရာထမ်းမှုထမ်းများ၏ ရာထူးအပြောင်းအလဲ။
၈၄။ ။အခွင့်အရေးနှင့်တာဝန်များဆက်ခံခြင်း။
၈၅။ ။ရုပ်သိမ်းခြင်း။

ဇယား။

ပုဒ်မ ၆၀အရ၊ ကျေးရွာတရားရုံးက စီရင်ပိုင်ခွင့်ရှိသော ရာဇဝတ်မှုများစာရင်း။

၁၉၅၃ ခုနှစ်၊ ဒီဇိုကရေစီဒေသန္တရအုပ်ချုပ်ရေးအက်ဥပဒေ။

[၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၂၈။] (၁၉၅၃ ခု၊ ဇွန်လ ၂၃ ရက်)

အချုပ်အခြာအာဏာသည်၊ ပြည်သူတို့၌တည်သည်ဟု ပြည်ထောင်စု မြန်မာနိုင်ငံ၏ ဖွဲ့စည်းအုပ်ချုပ်ပုံ အခြေခံဥပဒေ ပုဒ်မ ၃ တွင်၊ အထင်အရှား ပြဋ္ဌာန်းထားရှိသည်တကြောင်း။

ထိုအချုပ်အခြာအာဏာကို ပြည်သူတို့ထံမှခံယူ၍၊ ဥပဒေအရ တည်ထောင်သော ပြည်သူ့ကိုယ်စားလှယ်အဖွဲ့များက ပြည်သူတို့၏ကိုယ်စား သုံးစွဲဆောင်ရွက်ရမည်ဟု ထိုဖွဲ့စည်းအုပ်ချုပ်ပုံ အခြေခံဥပဒေ ပုဒ်မ ၄ တွင်၊ အထင်အရှား ပြဋ္ဌာန်းထားသည်လည်းတကြောင်း။

ဒေသအလိုက် ကိုယ်ပိုင်အုပ်ချုပ်ခွင့်ရှိသည်ဟူသော ရည်ရွယ်ချက်၊ ဒီဇိုကရေစီသဘောတရားကို အခြေခံ၍၊ အုပ်ချုပ်ရေးကိစ္စ၊ ယဉ်ကျေးမှုကိစ္စ၊ စီးပွါးရေးကိစ္စများအဘက်၊ သက်ဆိုင်ရာဒေသ၏ ပြည်သူ့ကိုယ်စားလှယ်များဖြင့် ဖွဲ့စည်းသော ဒီဇိုကရေစီ ဒေသန္တရအဖွဲ့များသို့ တရားဥပဒေဖြင့် အာဏာများကို လွှဲအပ်နိုင်စေရန်၊ အဆိုပါဖွဲ့စည်းအုပ်ချုပ်ပုံ အခြေခံဥပဒေ ပုဒ်မ ၉၁ တွင်၊ အထင်အရှားရည်ညွှန်းဖော်ပြထားရှိသည်လည်းတကြောင်း။

ထို့ပြင် ပြည်သူတို့အတွက်နှင့် ပြည်သူတို့အား တာဝန်ခံယူ၍ ပြည်သူတို့၏ ကြီးပွါးချမ်းသာရေးကိစ္စအဝဝတို့ကို၊ ဆောင်ရွက်စေနိုင်သည့် ဒီဇိုကရေစီဒေသန္တရပြည်သူ့ကိုယ်စားလှယ်တာဝန်ခံအဖွဲ့များကို ဖွဲ့စည်းရန်လိုအပ်သည်လည်းတကြောင်း။

ထိုအကြောင်းများကြောင့် အောက်ပါအတိုင်း အက်ဥပဒေပြဋ္ဌာန်းလိုက်သည်။

အခန်း ၁။

စကားရှိုး။

အမည်။

၁။ ။ဤအက်ဥပဒေကို ၁၉၅၃ ခုနှစ်၊ ဒီဇိုကရေစီ ဒေသန္တရ အုပ်ချုပ်ရေး အက်ဥပဒေဟု ခေါ်ရမည်။

အာဏာ တည်သည့်နေ့။

၂။ ။(၁) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမ္မတက၊ အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်သည့်နေ့တွင် စတင်အာဏာတည်ရမည်။

(၂) ဤအက်ဥပဒေတခုလုံး ကိုသော်၎င်း၊ အစိတ်အပိုင်းကိုသော်၎င်း၊ နိုင်ငံတော်သမ္မတက မည်သည့်ဒေသတွင် မည်သည့်နေ့ရက်၌ စတင်အာဏာတည်ရမည်ဟု အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်နိုင်သည်။[၁]

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[၁] ဤအက်ဥပဒေသည်၊ အင်းစိန်ခရိုင် (မင်္ဂလာတိုက်စစ်ဘက်ဆိုင်ရာ လေယာဉ်ပျံကွင်းမပါ)၊ မိတ္ထီလာခရိုင် (မိတ္ထီလာမြို့ စစ်တပ်မြေမပါ)၊ ကျောက်ဆည်ခရိုင်နှင့် ကျောက်ဖြူခရိုင်များ၌၊ ၁၉၅၃ ခု၊ ဇွန်လ ၂၃ ရက်နေ့တွင် စတင်အာဏာတည်သည်။ ။မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၃ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၇၂၀ တွင် ကြည့်။ ထို့ပြင် ရွှေဘိုခရိုင်၊ မြင်းခြံခရိုင်၊ သာယာဝတီခရိုင်၊ ဟသၤာတခရိုင်၊ ဖျာပုံခရိုင်၊ ပဲခူးခရိုင်၊ တောင်ငူခရိုင် ပြည်ခရိုင်နှင့် ဟံသာဝတီခရိုင် များ၌၊ ၁၉၅၄ ခု၊ ဩဂုတ်လ ၁၃ ရက်နေ့တွင် စတင်အာဏာတည်သည်။ ။မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၄ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၂၂၀ တွင်ကြည့်။

အဓိပ္ပါယ်ရှင်းလင်းခြင်း မြွက်။

၃။ ။ဤအက်ဥပဒေတွင် အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက် စကားတို့၏အဓိပ္ပါယ်နှင့်ဖြစ်စေ၊ မဆန့်ကျင်လျှင်—

(က) ''ရွာ'' ဆိုသည်မှာ၊ နို့ပြု၏ ပြင်ပဘို့ရှိ၍ အစဉ်အလာအရ နေအိမ်များတည်ရှိသည့်၊ သို့တည်းမဟုတ် နေအိမ်များအတွက် ဆိုင်ရာအာဏာပိုင်က ''ရွာမြေ'' ဟု သတ်မှတ်ထားသည့် လူအများ စုပေါင်းနေထိုင်သော ဒေသကို ဆိုလိုသည်။

(ခ) ''ကျေးရွာ'' ဆိုသည်မှာ၊ ရွာတရွာ၊ သို့တည်းမဟုတ် ရွာအများ ပါဝင်သည့် ကျေးရွာအက်ဥပဒေအရ ကျေးရွာနယ်မြေ (Village-Tract) ဟု အသိအမှတ်ပြုထားသည့်အရပ်ဒေသကို၊ သို့တည်းမဟုတ် ပုဒ်မ ၅၊ ပုဒ်မခွဲ (၂) အရ၊ ကျေးရွာအဖြစ် ကျေညာထားသည့် လူအများ စုပေါင်းနေထိုင်ရာအရပ်ဒေသကို ဆိုလိုသည်။

(ဂ) ''တိုက်နယ်'' (Circle) ဆိုသည်မှာ၊ ပုဒ်မ ၅၊ ပုဒ်မခွဲ (၄) အရ၊ ကျေးရွာများကို စုပေါင်းခွဲစည်းထားသည့် ကျေးရွာစုကို ဆိုလိုသည်။

(ဃ) ''မြို့မ'' ဆိုသည်မှာ၊ မြို့များအက်ဥပဒေအရ မြို့ဟု အဓိပ္ပါယ်ဖော်ပြထားသည့် အရပ်ဒေသ၊ သို့တည်းမဟုတ် မြို့နယ်ဗဟိုယ် အက်ဥပဒေအရ ကျေညာထားသည့်အရပ်ဒေသ၊ သို့တည်းမဟုတ် ပုဒ်မ ၅၊ ပုဒ်မခွဲ (၁) အရ၊ မြို့မဟု ကျေညာထားသည့် အရပ်ဒေသကို ဆိုလိုသည်။

(င) ''ရပ်ကွက်'' ဆိုသည်မှာ၊ မြို့များ အက်ဥပဒေအရသော်၎င်း၊ မြို့နယ်ဗဟိုယ် အက်ဥပဒေအရသော်၎င်း၊ ''ရပ်ကွက်'' ဟု သတ်သတ်မှတ်ပြုထားသည့် အရပ်ဒေသကို၊ သို့တည်းမဟုတ် ပုဒ်မ ၅၊ ပုဒ်မခွဲ (၃) အရ၊ ရပ်ကွက်အဖြစ် ကျေညာထားသည့် လူအများနေထိုင်ရာ အရပ်ဒေသကို ဆိုလိုသည်။

(စ) ''မြို့နယ်'' ဆိုသည်မှာ၊ အခွန်နှင့်အရပ်ရာ စီရင်အုပ်ချုပ်မှုကိစ္စအလို့ငှါ၊ မြို့နယ်အဖြစ် ခွဲစည်းသားသည့်၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရ၊ မြို့နယ်အဖြစ် ကျေညာထားသည့် ဒေသကိုဆိုလိုသည်။

(ဆ) ''ခရိုင်'' ဆိုသည်မှာ၊ အခွန်နှင့်အရာရပ်စီရင်အုပ်ချုပ်မှုကိစ္စအလို့ငှါ၊ ခရိုင်အဖြစ် ခွဲစည်းထားသည့်၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရ၊ ခရိုင်အဖြစ်ကျေညာထားသည့်အရပ်ဒေသကိုဆိုလိုသည်။

(ဇ) ''ကျေးရွာကောင်စီ'' ဆိုသည်မှာ၊ [ပုဒ်မ ၄]* အရခွဲစည်းထားသည့် ကျေးရွာကောင်စီကို ဆိုလိုသည်။

(ဈ) ''ရပ်ကွက်ကော်မိတီ'' ဆိုသည်မှာ၊ [ပုဒ်မ ၄]* အရခွဲစည်းထားသည့်ရပ်ကွက်ကော်မိတီကို ဆိုလိုသည်။

(ည) ''မြို့မကောင်စီ'' ဆိုသည်မှာ၊ [ပုဒ်မ ၄]*အရ ခွဲစည်းထားသည့် မြို့မ ကောင်စီကို ဆိုလိုသည်။

(ဋ) ''မြို့နယ်ကောင်စီ'' ဆိုသည်မှာ၊ [ပုဒ်မ ၄]* အရ ခွဲစည်းထားသည့် မြို့နယ်ကောင်စီကို ဆိုလိုသည်။

(ဌ) ''ခရိုင်ကောင်စီ'' ဆိုသည်မှာ၊ [ပုဒ်မ ၄]* အရ၊ ခွဲစည်းထားသည့်ခရိုင်ကောင်စီကို ဆိုလိုသည်။

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* ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

(၄) ''ကျေးရွာလူကြီး''ဆိုသည်မှာ၊ ဤဥပဒေအရ၊ ကျေးရွာကောင်စီသို့ ရွေးကောက်တင်မြှောက်ခြင်း ခံရသူကို ဆိုလိုသည်။

(၅) ''ဒေသန္တရအဖွဲ့''ဆိုသည်မှာ၊ ခရိုင်ကောင်စီ၊ သို့တည်းမဟုတ် မြို့နယ်ကောင်စီ၊ သို့တည်းမဟုတ် မြို့မကောင်စီ၊ သို့တည်းမဟုတ် ကျေးရွာကောင်စီ၊ သို့တည်းမဟုတ် ရပ်ကွက်ကော်မတီတို့ကို ဆိုလိုသည်။

(၆) ''ကျေးရွာတရားရုံး''[၁]ဆိုသည်မှာ၊ ပုဒ်မ ၅၅ အရ၊ ဖွဲ့စည်းဆားသည့် အဖွဲ့ကို ဆိုလိုသည်။

(တ) ''နည်းဥပဒေ''ဆိုသည်မှာ၊ နိုင်ငံတော်သမ္မတကဤအက်ဥပဒေအရ၊ ပြဋ္ဌာန်းသည့် နည်းဥပဒေကို ဆိုလိုသည်။

(ထ) ''စည်းကမ်းဥပဒေ''ဆိုသည်မှာ၊ ဒေသန္တရအဖွဲ့က ဤအက်ဥပဒေအရ၊ ပြဋ္ဌာန်းသည့် စည်းကမ်းဥပဒေ (Bye-laws) ကိုဆိုလိုသည်။

(ဒ) ''အတိုင်ပင်ခံအဖွဲ့''ဆိုသည်မှာ၊ ဤအက်ဥပဒေအရ ဒေသန္တရအဖွဲ့၏ အခွင့်အာဏာများနှင့် လုပ်ငန်းဆောင်တာများကို သုံးသပ်ဆောင်ရွက်ရန် ခန့်ထားသော ရာထူးအား၊ သို့တည်းမဟုတ် ပုဂ္ဂိုလ်အား အကြံဉာဏ်ပေးရန် ခန့်ထားသည့်အတိုင်ပင်ခံအဖွဲ့ကို ဆိုလိုသည်။

(ဓ) ''ပြည်သူ့ရှေ့နေ'' (People's Counsel) ဆိုသည်မှာ၊ပုဒ်မ ၃၇၊ ပုဒ်မခွဲ (၉) အရ ခန့်ထားသည့် [ရာထူး]ကို ဆိုလိုသည်။

(န) ''တရားမခရိုင်တရားသူကြီး''ဆိုသည့် စကားရပ်တွင်၊ ရာဘာက်တရားမ ခရိုင်တရားသူကြီးလည်းပါဝင်သည်။

(ပ) '' ခရိုင်ရာဇဝတ်တရားသူကြီး '' ဆိုသည့်စကားရပ်တွင်၊ ကွဲဘာက်ခုံရာဇဝတ်တရားသူကြီးလည်းပါဝင်သည်။

(ဖ) ''ဥက္ကဋ္ဌ''ဆိုသည့် စကားရပ်တွင်၊ ဥက္ကဋ္ဌမရှိသောကာလ၌၊ ၎င်း၏ကိုယ်စား၊ ဥက္ကဋ္ဌ၏ဝတ်တရားများကို ဆောင်ွက်ရသည့် ပုဂ္ဂိုလ်လည်း ပါဝင်သည်။

(ဗ) ''ဗဟိုဌာန''ဆိုသည်မှာ၊ ဌာနအသီးသီးကို တခုနှင့်တခု ပူးပေါင်းဆက်သွယ်သွားနိုင်ရန်၊ ကြီးကြပ်အုပ်ချုပ်ရသည့် ခရိုင်အုပ်ချုပ်ရေးမှူးက၊ သို့တည်းမဟုတ် မြို့နယ်အုပ်ချုပ်ရေးမှူးကလက်ကိုင်ထားသောဌာန (General Department) ကိုဆိုလိုသည်။

(ဘ) ''အခွန်''ဆိုသည်မှာ၊ပြည်သောင်စု အစိုးရနှင့် ပြည်နယ်အစိုးရတို့က စီးကြပ်ကောက်ခံသည့် အခွန်တော် (Revenue)မှတပါး၊ ဒေသန္တရအဖွဲ့ကစီးကြပ်ကောက်ခံသည့် အခွန် (Rates and Taxes)၊ အကောက် (Tolls)၊အခ (Fees, Rents and other cognate incomes)နှင့် ခိုင်ကြေး (Cess) တို့ကို ဆိုလိုသည်။

(မ) ''လုပ်အား''ဆိုသည်မှာ၊ အလုပ်ကို ကိုယ်ထိလက်ရောက်လုပ်ခြင်း (Labour) ကိုဆိုလိုသည်။

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[၁] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၁ အရ၊ အစားထည့်သွင်းသည်။
[၂] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

အပိုင်း ၁။

စီးပွါးရေးနှင့် လူမှုရေး။

အခန်း ၂။

ဒေသန္တရအုပ်ချုပ်ရေးအဖွဲများဖွဲစည်းခြင်း။

ဒေသန္တရ အဖွဲ့ဖွဲစည်း ခြင်း နှင့် အ တည် ဖြစ် ခြင်း။

[1]၄။ ။(၁) ဤအက်ဥပဒေ စတင်အာဏာတည်သည့် ခရိုင်တွင်း၊သို့တည်းမဟုတ် ခရိုင်၏ အစိတ်အပိုင်းတွင် ခရိုင်ကောင်စီ၊ မြို့နယ်ကောင်စီ၊ မြို့မကောင်စီ၊ ရပ်ကွက်ကော်မီတီနှင့် ကျေးရွာကောင်စီများ ဖွဲ့စည်းထားရမည်။

(၂) ပုဒ်မခွဲ(၁)အရ၊ ဖွဲ့စည်းထားသော ဒေသန္တရ အဖွဲ့အသီးသီးသည်၊ နိုင်ငံတော်သမ္မတက၊ အမိန့်ကြော်ငြာစာ ထုတ်ပြန်ကျေညာ၍ သတ်မှတ်သည့် နေ့ရက်မှစ၍ အတည်ဖြစ်စေရမည်။

သို့ရာတွင် ပုဒ်မခွဲ(၁)အရ၊ ဖွဲ့စည်းထားသော ဒေသန္တရအဖွဲ့အသီးသီးမှာ၊ ပုဒ်မခွဲ (၂) အရ၊ အတည်မဖြစ်သေးမီ၊ပုဒ်မ ၁၂၊ ၁၅ နှင့် ၁၆ တွင် ပြဋ္ဌာန်းတားသည့် ၎င်းတို့၏ သက်ဆိုင်ရာအာဏာနှင့် တာဝန်ဝတ်တရားများကို သုံးဆွဲဆောင်ရွက်နိုင်ခွင့်ရှိရမည်။

နယ်ပယ်။

၅။ ။(၁) နိုင်ငံတော်သမ္မတသည်၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်၍၊ ဤအက်ဥပဒေအလိုငှါ မည်သည့်အရပ်ဒေသကိုမဆို မြို့မအဖြစ်၊ သို့တည်းမဟုတ် မြို့နယ်အဖြစ်၊ သို့တည်းမဟုတ်ခရိုင်အဖြစ် ကျေညာနိုင်သည်။ ထို့ပြင် ယင်းကဲ့သို့ကျေညာထားပြီးသောမြို့မ၏၊သို့တည်းမဟုတ်မြို့နယ်၏၊ သို့တည်းမဟုတ် ခရိုင်၏နယ်နိမိတ်ကိုသတ်မှတ်၊ သို့တည်းမဟုတ် ပြင်ဆင်နိုင်သည်။

(၂) ခရိုင်ကောင်စီ သည်၊ သက်ဆိုင်ရာ ခရိုင်အတွင်းရှိ မည်သည့်ဒေသကိုမဆို ကျေးရွာအဖြစ်၊ သို့တည်းမဟုတ် ရွာအဖြစ်ကျေညာနိုင်သည်။ ထို့ပြင် ကျေးရွာ၏၊ သို့တည်းမဟုတ် ရွာ၏နယ်နိမိတ်ကို သတ်မှတ်နိုင်သည်၊ သို့တည်းမဟုတ် ပြင်ဆင်နိုင်သည်။ သို့ရာတွင် ဤအက်ဥပဒေအရ၊ မြို့မအဖြစ် သတ်မှတ်ထားသည့်အရပ်ဒေသများ မပါဝင်စေရ။

(၃) မြို့မကောင်စီသည်၊ ခရိုင်ကောင်စီ၏အမိန့်ကို ကြိုတင်ရယူပြီးလျှင်၊ သက်ဆိုင်ရာ မြို့မအတွင်းရှိ မည်သည့်အရပ်ဒေသကိုမဆို ရပ်ကွက်အဖြစ်ကျေညာနိုင်သည်။ ထို့ပြင် ရပ်ကွက်၏ နယ်နိမိတ်ကိုသတ်မှတ်၊ သို့တည်းမဟုတ် ပြင်ဆင်နိုင်သည်။

(၄) ဤကိစ္စအလို့ငှါထားသည့် နည်းဥပဒေအရ၊ ခရိုင်ကောင်စီသည်၊ သက်ဆိုင်ရာ ကျေးရွာများ၏ အကျိုးတူဖြစ်ထွန်းစေရန်ကျေးရွာနှစ်ခုကိုသော်၎င်း၊ နှစ်ခုထက်ပိုမိုသည့်ကျေးရွာများကိုသော်၎င်း စုပေါင်း၍တိုက်နယ်အဖြစ် ဖွဲ့စည်းနိုင်သည်။ ထို့ပြင် ခရိုင်ကောင်စီသည်၊ ယင်းသို့ဖွဲ့စည်းထားသည့် တိုက်နယ်တွင်ပါဝင်သော ကျေးရွာများက လိုက်နာဆောင်ရွက်ရမည့် လုပ်ငန်းများကို စည်းကမ်းဥပဒေများဖြင့်သော်၎င်း၊ ညွှန်ကြားချက်များဖြင့်သော်၎င်း သတ်မှတ်နိုင်သည်။

ဒေသန္တရ အဖွဲ့ဖွဲစည်းနည်း။

၆။ ။(၁) ကျေးရွာကောင်စီတွင်ရွေးကောက်ခြင်းခံရသောငါးဦးအောက်မနည်း ခုနစ်ဦးထက်မပိုသည့် လူကြီးများပါဝင်ရမည်။

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[1] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၅၂ အရ၊ အစားထည့်သွင်းသည်။

(၂) ရပ်ကွက် ကော်မီတီတွင် ရွေးကောက်ခြင်းခံရသော သုံးဦးအောက်မနည်း၊ ငါးဦးထက်မပိုသည့် လူကြီးများပါဝင်ရမည်။

(၃) မြို့မကောင်စီတွင်၊ ထိုမြို့မအတွင်းရှိ ရပ်ကွက်ကော်မီတီ အသီးသီးမှ ရွေးချယ်သော ရပ်ကွက်ကော်မီတီ လူကြီးကိုယ်စားလှယ်တဦး၊ သို့တည်းမဟုတ် သုံးဦးဘက်မပိုသော ရပ်ကွက်ကော်မီတီလူကြီးကိုယ်စားလှယ်များပါဝင်ရမည်။

(၄) မြို့နယ်ကောင်စီတွင်၊ ထိုမြို့နယ်အတွင်းရှိ ကျေးရွာကောင်စီ အသီးသီးမှ ရွေးချယ်သော ကျေးရွာလူကြီးကိုယ်စားလှယ်တဦးနှင့် မြို့မကောင်စီအသီးသီးမှ ရွေးချယ်သော ငါးဦးအောက်မနည်း၊ ဆယ်ဦးထက်မပိုသည့် မြို့မကောင်စီလူကြီးကိုယ်စားလှယ်များ ပါဝင်ရမည်။

(၅) ခရိုင်ကောင်စီတွင်၊ ထိုခရိုင်အတွင်းရှိ မြို့နယ်ကောင်စီအသီးသီးမှ ရွေးချယ်သော လေးဦးအောက်မနည်း၊ ရှစ်ဦးထက်မပိုသည့် မြို့နယ်ကောင်စီ လူကြီးကိုယ်စားလှယ်များ ပါဝင်ရမည်။

(၆) ဤပုဒ်မ၏ပြဋ္ဌာန်းချက်များကို [ပဆန့်ကျင်စေဘဲ][၁] နိုင်ငံတော်သမ္မတ သည်၊ အခါအားလျော်စွာဒေသန္တရခုအဆဲတဖွဲ့တွင်ပါဝင်ရမည့် လူကြီးဦးရေ၊ သို့တည်းမဟုတ် ကိုယ်စားလှယ်ဦးရေနှင့်ဇယ်လျှောခြင်းနည်းဥပဒေပြဋ္ဌာန်းနိုင်သည်။

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[၂](၇) ဤပုဒ်မပါပြဋ္ဌာန်းချက်များ၏ ယေဘုယျသဘောကိုမသိမ်းဆီးစေဘဲ၊ ဒေသန္တရအဖွဲ့တဖွဲ့သည်ပိမိ၏ကိုယ်စားလှယ်များကိုသက်ဆိုင်ရာအထက်ကောင်စီသို့ ရွေးချယ်စေလွှတ်ရန် ပျက်ကွက်စေကာမူ၊ ထိုသက်ဆိုင်ရာအထက်ကောင်စီသည်၊ ပြည်၏လုပ်ငန်းဆောင်တာများကို အောင်ရွက်ရန် အာဏာရှိရမည်။

ခြွင်းချက်။ ။သို့ရာတွင် (၁) တည်ဆဲတရားဥပဒေအရ၊ လျှို့ဝှက်သော မဲဆန္ဒပေးစံနှုန်းဖြင့် ရွေးကောက်ခန့်အပ်ခြင်းခံရသော ရွာသူကြီးသည်၊ သို့တည်းမဟုတ် ရပ်ကွက်သူကြီးသည်၊ ပဌမရွေးကောက်ပွဲကူးပသည့်နေ့၌ ကျေးရွာသူကြီးအဖြစ်၊ သို့တည်းမဟုတ် ရပ်ကွက်သူကြီးအဖြစ်ဖြင့် ဆောင်ရွက်နေလျှင်၊ ထိုသူကြီးသည် ဤအက်ဥပဒေအရ၊ ပဌမမဖွဲ့စည်းသော ကျေးရွာကောင်စီတွင်၊ သို့တည် မဟုတ် ရပ်ကွက်ကော်မီတီတွင်ရွေးကောက် တင်မြှောက်ခြင်းခံရသော လူကြီးဘဝဖြင့်ပါဝင်စေရမည်။

(၂) မဲဆန္ဒနယ်တနယ် သည်၊ သို့တည်းမဟုတ် ဒေသန္တရအဖွဲ့တဖွဲ့သည်၊ သင့်မှတ်ထားသည့် အဖွဲ့ဝင်လူကြီးများကို၊ သို့တည်းမဟုတ် ကိုယ်စားလှယ်များကို သတ်မှတ်ထားသည့်အချိန်ကာလအတွင်း ပြည့်စုံအောင်ရွေးကောက်ခြင်း၊ သို့တည်းမဟုတ် ရွေးချယ်ခြင်းမပြုခဲ့လျှင်၊ နိုင်ငံတော်သမ္မတက၊ လစ်လပ်သောနေရာအတွက် နည်းဥပဒေနှင့်အညီ ဖြည့်သွင်းနိုင်သည်။ ထိုသို့ ဖြည့်သွင်းခြင်းခံရသော လူကြီးသည်၊ ရွေးကောက်ခြင်းခံရသောလူကြီး၊ သို့တည်းမဟုတ် ရွေးချယ်ခြင်းခံရသောလူကြီးအဖြစ်ဖြင့် ပါဝင်စေရမည်။

ဒေသန္တရအဖွဲ့၏သက်တမ်း။

[၃]၇။ ။ဒေသန္တရအဖွဲ့၏သက်တမ်း သည်၊ ပုဒ်မ ၄ အရ၊ နိုင်ငံတော်သမ္မတက၊ အတည်ပြုသည့်နေ့ရက်မှစ၍ငါးနှစ်ဖြစ်ရမည်။ သို့ရာတွင်နိုင်ငံတော်သမ္မတ သည်၊ မိမိသင့်လျော်သည်ဟု ထင်မြင်ယူဆလျှင်၊ မည်သည့်အချိန်အခါမဆို၊ ဒေသန္တရအဖွဲ့တခု၏ သက်တမ်းကို လျော့နိုင်သည်။ ထို့ပြင်

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[၁] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

[၂] ၎င်းအက်ဥပဒေအရ၊ ခြွင်းချက်ကိုပယ်ဖျက်သည်။

[၃] ၎င်းအက်ဥပဒေအရ၊ ထည့်သွင်းသည်။

[၄] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၅၂ အရ၊ ပုဒ်မခွဲ (၂) ကို ပယ်ဖျက်၍၊ ပုဒ်မခွဲ (၁) အစား ထည့်သွင်းသည်။

ဒေသန္တရအဖွဲ့တခု၏သက်တမ်း ကုန်ဆုံးသော်လည်း၊ ဒေသန္တရအဖွဲ့သစ်ကို ဖွဲ့စည်းအုပ်ပြုသည့် နေ့ရက်အထိ သက်ဆိုင်ရာ ဒေသန္တရအဖွဲ့ဝင် လူကြီးများသည်၊ မိမိတို့၏ အာဏာနှင့် တာဝန် ဝတ်တရားများကို ဆက်လက်သုံးစွဲဆောင်ရွက်ရမည်။

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မဲဆန္ဒပေးပိုင်ခွင့်။

၈။ ။ကျေးရွာ၊ သို့တည်းမဟုတ် ရပ်ကွက်အတွင်း၌ နေထိုင်လျက်၊ ပါလီမန်ငွေးကောက်ပွဲတွင် မဲဆန္ဒပေးပိုင်ခွင့်ရှိသူတိုင်းမှာ နည်းဥပဒေနှင့်အညီ မိမိတို့နေထိုင်သော ကျေးရွာအတွက်၊သို့တည်းမဟုတ် ရပ်ကွက်အတွက် လူကြီးရွေးကောက်ပွဲတွင် မဲဆန္ဒပေးပိုင်ခွင့်ရှိသည်။

မဲဆန္ဒပေးရန် တာဝန်။

၉။ ။(၁) နည်းဥပဒေတွင် ပြဋ္ဌာန်းထားသည်နှင့်အညီမှတပါး၊ မဲဆန္ဒ ပေးပိုင်ခွင့်ရှိသူတိုင်းသည်၊ မိမိနှင့်သက်ဆိုင်ရာ ကျေးရွာလူကြီးရွေးကောက်ပွဲ၊ သို့တည်းမဟုတ် ရပ်ကွက်လူကြီးရွေးကောက်ပွဲမဲရုံသို့ ကိုယ်တိုင်သွားရောက်မဲပေးရမည်၊ သို့တည်းမဟုတ် မဲမပေးလိုက မိမိရောက်ကြောင်းကို မဲရုံမှူးအား တိုင်ကြားရမည်။

(၂) မည်သည့်မဲဆန္ဒ ပေးပိုင်ခွင့်ရှိသူမဆို လုံလောက်သော အကြောင်းမရှိဘဲ ပုဒ်မခွဲ(၁) အရ၊ဆောင်ရွက်ရန်ပျက်ကွက်လျှင်၊ [ထိုပျက်ကွက်သူသည်၊ကျပ်တစ်ထောင်ထက်မပိုသည့် ငွေဒဏ်ချမှတ်ခြင်းခံရမည်။] [1]

မဲဆန္ဒ ပေ သည့် စံနှုန်း။

၁၀။ ။ကျေးရွာလူကြီးနှင့်ရပ်ကွက်ကောင်စီတိုလူကြီးများကို လျှို့ဝှက်သောမဲဆန္ဒပေးစံနစ်ဖြင့် ရွေးကောက်ရမည်။ ရွေးကောက်ပွဲနှင့် စပ်လျဉ်းသည့် အခြားကိစ္စရပ်များကို နည်းဥပဒေဖြင့် သတ်မှတ်ရမည်။

လူကြီးအဖြစ် အရွေးခံပိုင်ခွင့်။

၁၁။ ။ပါလီမန်အမတ်အဖြစ် အရွေးခံပိုင်ခွင့်ရှိသူတိုင်းမှာ ဤကိစ္စအလို့ငှါ ပြဌာန်းသည့်နည်းဥပဒေနှင့်အညီ၊ မိမိအမြဲနေထိုင်သော ကျေးရွာအတွက်သာလျှင် ကျေးရွာလူကြီးအဖြစ်အရွေးခံပိုင်ခွင့်ရှိသည်။ ပါလီမန် အမတ်အဖြစ် အရွေးခံပိုင်ခွင့်ရှိသူတိုင်းမှာ၊ ဤကိစ္စအလို့ငှါ ပြဌာန်းသည့် နည်းဥပဒေနှင့်အညီ မိမိအမြဲနေထိုင်သော မြို့မအတွင်းရှိရပ်ကွက်တခုအတွက်သာလျှင်၊ ရပ်ကွက်ကောင်စီတိုလူကြီးအဖြစ် အရွေးခံပိုင်ခွင့်ရှိသည်။

[2] ခြွင်းချက်။ ။သို့ရာတွင် လျှို့ဝှက်သောမဲဆန္ဒပေးစံနစ်ဖြင့် ရွေးကောက်ခန့်အပ်သူမဟုတ်ဘဲ သူကြီးအဖြစ် ဆောင်ရွက်နေရသော လက်ရှိကျေးရွာသူကြီးအား၊ သို့တည်းမဟုတ် ရပ်ကွက်သူကြီးအား ကျေးရွာလူကြီးအဖြစ်၊ သို့တည်းမဟုတ် ရပ်ကွက်ကောင်စီတိုလူကြီးအဖြစ် အရွေးခံခြင်းမှ ဤအက်ဥပဒေအရ တားဆီးပိတ်ပင်ခြင်းမရှိစေရ။

ကိုယ်စားလှယ်များရွေးချယ်ခြင်း။

၁၂။ ။ရပ်ကွက်ကောင်စီတိုမှ ပြုမကောင်စီ ကိုယ်စားလှယ်များ၊ ကျေးရွာ ကောင်စီနှင့် ပြုမကောင်စီမှပြဋ္ဌာန်းကောင်စီကိုယ်စားလှယ်များ၊ ၎င်းပြင်ပြဋ္ဌာန်းကောင်စီမှ ခရိုင်ကောင်စီကိုယ်စားလှယ်များကို ရွေးချယ်ချာ၌၊ ဤကိစ္စအလို့ငှါ ပြဌာန်းသည့်နည်းဥပဒေနှင့်အညီဆောင်ရွက်ရမည်။

[3] လူကြီးနေရာလစ်လပ်ခြင်း။

၁၃။ ။ဒေသန္တရအဖွဲ့ဝင်လူကြီးတဦးသည်—

(က) သေဆုံးသော်၊

(ခ) လူကြီးအဖြစ်မှနုတ်ထွက်သော်၊

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[1] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၃၁ အရ၊ အစားထည့်သွင်းသည်။

[2] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

(ဂ) ဤအက်ဥပဒေ၏ ပြဋ္ဌာန်းထံုးဆက်များအရ၊ လူကြီးအဖြစ်မှ ရာ်စဉ်ခြင်းသော်၎င်း၊ နုတ်ပယ်ခြင်းသော်၎င်းခံရသော်၊

(ဃ) နည်းဥပဒေဖြင့် ပြဋ္ဌာန်းထားသည့်အတိုင်း အစည်းအဝေးများကို တက်ရောက် ရန်ပျက်ကွက်ခဲ့သော်၊

(င) မိမိအလွှဲးခံရသောကျေးရွာတွင်၊ သို့တည်းမဟုတ်မြို့မဘွင်နည်းဥပဒေဖြင့် ပြဋ္ဌာန်း ထားသည့်အတိုင်းဆက်လက်နေထိုင်ခြင်းမပြုဘဲ ရွှေ့ပြောင်းသွားသော်၊

(စ) ပါလီမန် အမတ်အဖြစ် အလွှဲးခံပိုင်ခွင့် အရည်အချင်းပျက်ယွင်းလာသော်

ထိုလူကြီး၏နေရာသည်၊ထိုအခါတွင်လစ်လပ်သည်ဟုမှတ်ယူရမည်။

ရွာင်းတခင် လစ် လပ်သော နေရာဖြည့်သွင်း ခြင်း။

၁၄။ ။(၁) ကျေးရွာလူကြီး၏ နေရာသည်၊ သို့တည်းမဟုတ် ရပ်ကွက်ကော်မီတီလူကြီး ၏နေရာသည် လစ်လပ်ခဲ့သော်၊ ထိုနေရာကိုနည်းဥပဒေနှင့်အညီ ဆောလျင်နိုင်သမျှ ဆောလျင်စွာ ထပ်မံရွေးကောက်ခြင်းဖြင့်ဖြည့်သွင်းရမည်။

(၂) မြို့မကောင်စီ၊ မြို့နယ်ကောင်စီ၊သို့တည်းမဟုတ် ခရိုင်ကောင်စီအတွက် ကိုယ်စားလှယ် နေရာလစ်လပ်ခဲ့သော်၊ ရွေးချယ်ခွင့်ရသောသက်ဆိုင်ရာဒေသန္တရအဖွဲ့က နည်းဥပဒေနှင့်အညီ ဆော လျင်နိုင်သမျှဆောလျင်စွာ ထပ်မံရွေးချယ်ရမည်။

(၃) ယင်းကဲ့သို့လစ်လပ်သည့်နေရာတွင်၊ ရွေးကောက်ခြင်း၊ သို့တည်းမဟုတ်ရွေးချယ်ခြင်း ခံရသောလူကြီးသည်၊ ထိုရာထူးဌာ ယခင်လူကြီးရာထူးရပ်စဲခြင်း မရှိသျှင် ဆက်လက်ထမ်းရွက်ရမည့် ကာလအပိုင်းအခြားအတွင်းသာထမ်းရွက်ရမည်။

ဥက္ကဋ္ဌနှင့် ဒုတိယ ဥက္ကဋ္ဌ။

၁၅။ ။(၁) ဒေသန္တရအဖွဲ့အသီးသီးသည်၊ ၎င်းတို့အနက်မှ မြို့ယာသည့် နည်းဥပဒေ အရ၊ ဥက္ကဋ္ဌတဦးစီရွေးကောက်ရမည်။

(၂) မြို့မကောင်စီ၊ မြို့နယ်ကောင်စီနှင့် ခရိုင်ကောင်စီများ သည်၊ ၎င်းတို့အနက်မှ ဒုတိယ ဥက္ကဋ္ဌတဦးစီကိုလည်းရွေးကောက်ရမည်။

(၃) ဥက္ကဋ္ဌနှင့် ဒုတိယဥက္ကဋ္ဌ ရာထူးသက်တင်းသည်၊ တဆယ့်နှစ်လဖြစ်ရမည်။ *

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[1](၄) ဒေသန္တရအဖွဲ့အသီးသီးသည်၊ ဥက္ကဋ္ဌမရှိသည့်အခါ၊ ၎င်းတို့အနက်မှ ပြထားသော နည်းဥပဒေအတိုင်းဆောင်ရွက်ရမည်။

အစည်း အဝေး သဘာပတိ။

၁၆။ ။ဒေသန္တရအဖွဲ့ အစည်းအဝေးတိုင်းတွင် ဥက္ကဋ္ဌက သဘာပတိအဖြစ် ဆောင်ရွက်ရ မည်။ မြို့မကောင်စီ၊ မြို့နယ်ကောင်စီ၊ သို့တည်းမဟုတ် ခရိုင်ကောင်စီအစည်းအဝေးသို့ ဥက္ကဋ္ဌမတက် ရောက်လျှင်၊ ဒုတိယဥက္ကဋ္ဌက သဘာပတိအဖြစ် ဆောင်ရွက်ရမည်။ ဥက္ကဋ္ဌနှင့်ဒုတိယဥက္ကဋ္ဌ နှစ်ဦးစလုံး မတက်ရောက်လျှင်၊ အစည်းအဝေးသို့တက်ရောက်သောလူကြီးများအထဲမှ တဦးဦးကို ထိုအစည်း အဝေး၏ သဘာပတိအဖြစ်ဖြင့်ရွေးချယ်ရမည်။

ကျေးရွာကောင်စီ၊သို့တည်းမဟုတ် ရပ်ကွက်ကော်မီတီအစည်းအဝေးသို့ ဥက္ကဋ္ဌမတက်ရောက် လျှင်၊ တက်ရောက်သော လူကြီးများအထဲမှ တဦးဦးကို ထိုအစည်းအဝေး၏ သဘာပတိအဖြစ်ဖြင့် ရွေးချယ်ရမည်။

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[1] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၃၁ အရ၊ ပယ်ဖျက်သည်။

[2] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊အစားထည့်သွင်းသည်။

အခန်း ၃။

တာဝန် ဝတ်တရားများနှင့် အခွင့် အာဏာများ။

တရားဝင်အဖွဲ့ဖြစ်ခြင်း။

၁၇။ ။ဒေသန္တရအဖွဲ့အသီးသီး သည်၊သက်ဆိုင်ရာ အဖွဲ့အမည်နှင့် စဉ်ဆက်မပြတ်ဆက်ခံ ဆောင်ရွက်နိုင်ခွင့်ရှိသော တရားဝင်အဖွဲ့ဖြစ်ရမည်ဖြင့်၊ အဖွဲ့ပိုင် တံဆိပ်တံခုံစိုရှိရမည်။ ထိုအဖွဲ့ အသီးသီးသည်၊ဤအက်ဥပဒေပါကိစ္စအလို့ငှါ၊ သက်ဆိုင်ရာအဖွဲ့အမည်နှင့် ပဋိညာဉ်စာချုပ် ချုပ်ဆို ရန်၎င်း၊ လိုအပ်သည့်အမှုကိစ္စများဆောင်ရွက်ရန်၎င်း ၎ာဏာရှိရမည်ဖြင့်၊ တရားစွဲဆိုနိုင်၍၊ တရား စွဲဆိုခြင်းကိုလည်းခံနိုင်ရမည်။

အဆင့်ဆင့် တာဝန်ခံ၍ ဆောင်ရွက်ခြင်း။

၁၈။ ။(၁) ဤအက်ဥပဒေနှင့်သော်၎င်း၊ အခြားတည်ဆဲ တရားဥပဒေနှင့်သော်၎င်း မဆန့်ကျင်စေဘဲ၊ ခရိုင်ကောင်စီ သည်၊မိမိ၏ဝတ်တရားများကို နိုင်ငံတော်သမ္မတ အား၊တာဝန်ခံ၍ ဆောင်ရွက်ရမည်။

(၂) ဤအက်ဥပဒေနှင့်သော်၎င်း၊ အခြားတည်ဆဲ တရားဥပဒေနှင့်သော်၎င်း မဆန့်ကျင် စေဘဲ၊ ဤကိစ္စအလို့ငှါပြဋ္ဌာန်းထားသောနည်းဥပဒေနှင့်အညီ—

(က) မြို့နယ်ကောင်စီသည်၊ မိမိ၏ဝတ်ဘာရားများကို ခရိုင်ကောင်စီအား၊ တာဝန်ခံ၍ ဆောင်ရွက်ရမည်။

(ခ) မြို့မကောင်စီသည်၊ မိမိ၏ဝတ်တရားများကို မြို့နယ်ကောင်စီမှတဆင့် ခရိုင်ကောင် စီအားတာဝန်ခံ၍ဆောင်ရွက်ရမည်။

ခြွင်းချက်။ ။သို့ရာတွင် နိုင်ငံတော်သမ္မတက သီးခြားသတ်မှတ်သော မြို့မကောင်စီများ သည်၊ သက်ဆိုင်ရာ ခရိုင်ကောင်စီအား၊ တိုက်ရိုက်တာဝန်ခံ၍ ဆောင်ရွက် ရမည်။

(ဂ) ကျေးရွာကောင်စီ သည်၊ မိမိ၏ဝတ်တရားများကို မြို့နယ်ကောင်စီအား တာဝန် ခံ၍ဆောင်ရွက်ရမည်။

(ဃ) ရပ်ကွက်ကော်မီတီ သည်၊မိမိ၏ဝတ်တရားများကို မြို့မကောင်စီအား တာဝန်ခံ၍ ဆောင်ရွက်ရမည်။

ပြည်သူတို့၏ ကြီးပွါး ချမ်း သာရေးအ တွက် အာဏာ၊ တာဝန်နှင့် လုပ်ငန်း။

[၁] ၁၉။ ။(၁) ဒေသန္တရ အဖွဲ့တိုင်း၏အာဏာ၊ တာဝန် ဝတ်တရားနှင့် လုပ်ငန်းဆောင် တာများသည်၊ အောက်ပါအတိုင်းဖြစ်ရမည်။

(က) ဤဥပဒေတရပ်လုံး၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေ၏ အစိတ်အပိုင်း စတင် အာဏာတည်သောခရိုင်တခုလုံးဌာဖြစ်စေ၊ ခရိုင်၏တစိတ်တဒေသဌာဖြစ်စေ၊လက် ရှိတိုင်းမင်းကြီး၊ ခရိုင်ဝန်၊ နယ်ပိုင်ဝန်ထောက်၊ မြို့နယ်အရာရှိ၊ အခြားအစိုးရ ရာထူး မှထူး၊ ရွာသူကြီး၊ ဒေသန္တရအဖွဲ့နှင့် ဒေသန္တရအဖွဲ့ ရာထူး မှထူး များအား တည်ဆဲတရားဥပဒေအရ အပ်နှင်းထားခံသော မည်သည့် အာဏာ၊ တာဝန်ဝတ်တရားနှင့် လုပ်ငန်းဆောင်တာကိုမဆို နိုင်ငံတော်သမ္မတ၊ ဤ အက်ဥပဒေအရ ဖွဲ့စည်းသော ဒေသန္တရအဖွဲ့သို့သုံးစွဲဆောင်ရွက်စေရန် လွှဲအပ် နိုင်သည်။

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[၁] ၁၉၅၁ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊အစားထည့်သွင်းသည်။

(ခ) နိုင်ငံတော်သမ္မတက၊ သို့တည်းမဟုတ် ပုဒ်မ ၁၈ တွင်ဖော်ပြသည့် သက်ဆိုင်ရာ အထက်ဒေသန္တရအဖွဲ့က တရားဥပဒေအရ လွှဲအပ်သည့်အခြားအာဏာ၊ တာဝန်ဝတ်တရားနှင့်လုပ်ငန်းဆောင်တာကိုလည်းသက်ဆိုင်ရာဒေသန္တရ အဖွဲ့သည် သုံးစွဲဆောင်ရွက်ရမည်။

(ဂ) ဒေသန္တရအဖွဲ့တိုင်းသည်၊ ယေဘုယျအားဖြင့် ပြည်သူတို့၏ ကြီးပွါးချမ်းသာရေး ကိစ္စနှင့်စပ်လျဉ်း၍ဖြစ်စေ၊ အထူးအားဖြင့် အောက်ပါကိစ္စများနှင့် စပ်လျဉ်း၍ ဖြစ်စေ နိုင်ငံတော်သမ္မတက၊ သို့တည်းမဟုတ် ပုဒ်မ ၁၈ တွင်ဖော်ပြသည့်သက်ဆိုင်ရာ အထက်ဒေသန္တရအဖွဲ့က တရားဥပဒေအရ၊ လွှဲအပ်သည့် အာဏာ၊ တာဝန်ဝတ်ဘရားနှင့် လုပ်ငန်းဆောင်တာကိုလည်း သုံးစွဲဆောင်ရွက်ရမည်။

(၁) ပညာရေးကိစ္စ။
(၂) ကျန်းမာရေးနှင့် ဆေးဝါးကုသစောင့်ရှောက်ရေးကိစ္စ။
(၃) လယ်ယာစိုက်ပျိုးရေးကိစ္စ။
(၄) တိရစ္ဆာန်များစောင့်ရှောက်ရေးကိစ္စ။
(၅) ဆည်မြောင်း၊တား၊တမံများနှင့်စပ်လျဉ်းသောကိစ္စ။
(၆) ပြည်သူ့လုပ်ငန်းများ (Public Works) နှင့်စပ်လျဉ်းသောကိစ္စ။
(၇) သမဝါယမလုပ်ငန်းအမျိုးမျိုးနှင့် စပ်လျဉ်းသောကိစ္စ။
(၈) လူမှုတိုးတက်ရေးဝန်ထမ်းလုပ်ငန်းများ (Social Welfare Services) နှင့် စပ်လျဉ်းသောကိစ္စ။

(၂) ဒေသန္တရအဖွဲ့တိုင်းသည်၊ ပုဒ်မခွဲ (၁) တွင်ပါရှိသည့် ပြဋ္ဌာန်းချက်များနှင့်မဆန့်ကျင်စေဘဲ၊ ပုဒ်မခွဲ (၁)၊ အပိုဒ် (ဂ) တွင် ဖော်ပြပါရှိသော ကိစ္စများသာမက မည်သည့်ကိစ္စနှင့်မဆို စပ်လျဉ်း၍ မိမိ၏သက်ဆိုင်ရာနယ်အသီးသီးတွင် နေထိုင်သည့်ပြည်သူတို့၏ ကြီးပွါးချမ်းသာရေးကို ထောက်ထား၍ သင့်လျော်သည်ထင်မြင်သည့်အတိုင်း နည်းဥပဒေနှင့်မဆန့်ကျင်စေဘဲ အရေးယူဆောင်ရွက်နိုင်သည်။

ရာထမ်း မှုထမ်း ခန့်ထားခြင်းနှင့် စာရင်း အင်း စ သည် များ ထားရှိခြင်း။

၂၀။ ။ဒေသန္တရအဖွဲ့များ…၌၊ မိမိတို့အား၊ နိုင်ငံတော်သမ္မတက၊ [သို့တည်းမဟုတ် ပုဒ်မ ၁၈ တွင် ဖော်ပြသည့် သက်ဆိုင်ရာအထက်ကောင်စီက တရားဥပဒေအရ သတ်မှတ်ထားသည့် အတိုင်း][၁] သက်ဆိုင်ရာအဖွဲ့အတွက်ရာထမ်းမှုထမ်းများခန့်ထားခြင်း၊မှတ်ပုံတင်စာရင်းများထားရှိခြင်း၊ ဌေစာရင်းများ ထားရှိခြင်းနှင့် အစီရင်ခံစာများတင်သွင်းခြင်းတို့ကို ဆောင်ရွက်ရမည်။

ဒေသန္တရ အဖွဲ့ ဝင် လူကြီးများ၏ စရိတ်ကြေး ငွေ။

၂၁။ ။ဒေသန္တရအဖွဲ့ဝင်လူကြီးများမှာ၊ နည်းဥပဒေဖြင့် ပြဋ္ဌာန်းသည့်အတိုင်းနေ့တွက်နှင့် ခရီးစရိတ်များ ထုတ်ယူနိုင်ခွင့်ရှိသည်။

စည်းကမ်း ဥပ ဒေပြု အာဏာ။

၂၂။ ။(၁) မည်သည့်ဒေသန္တရအဖွဲ့မဆို၊ ဤအက်ဥပဒေ၏ ပြဋ္ဌာန်းချက်များ အကျိုး သက်ရောက်စေရန်ကိစ္စအလိုငှါ စည်းကမ်းဥပဒေများကိုပြုနိုင်သည်။ သို့ရာတွင် အထက်အာဏာပိုင်က တရားဥပဒေအရ အမိန့်ထုတ်ပြန်သွန်ကြားလျှင်၊ စည်းကမ်းဥပဒေများကိုပြုရမည်။ ထိုကဲ့သို့ပြုသော စည်းကမ်းဥပဒေများ သည်၊ ဤအက်ဥပဒေနှင့်သော်၎င်း၊ နည်းဥပဒေနှင့်သော်၎င်း၊ ဤအက်ဥပဒေအရ ထုတ်ပြန်ထားသောအမိန့်များနှင့်သော်၎င်း မဆန့်ကျင်စေဘဲ၊ နိုင်ငံတော်သမ္မတ၏ သဘော

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[၁] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။
[၂] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၅၂ အရ၊ ထည့်သွင်းသည်။

တူညီချက်ဖြင့်ဖြစ်စေရမည်ဟုပြင်၊ ဤကိစ္စအလို့ငှါ နိုင်ငံတော်သမ္မတက ပြဋ္ဌာန်းထားသည့်နည်းအတိုင်း အများပြည်သူတို့ သိရန် ကြိတင်ကျေညာပြီးဖြစ်စေရမည်။

[(၂) ပုဒ်မခွဲ (၁) ဖြင့် အပ်နှင်းထားသည့် အာဏာများ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ဒေသန္တရအဖွဲ့သည် အထူးသဖြင့် အောက်ပါကိစ္စများအတွက် စည်းကမ်းဥပဒေကိုပြဋ္ဌာန်းနိုင်သည်။]

(က) အိုးဆောက်ရေး၊အိမ်ဆောက်ပုံ နည်းစံနစ်၊အိမ်ပြုပြင်ရေးနှင့်အဝဲဖျက် သိမ်းရေး။

(ခ) အများပြည်သူတို့ဆိုင်ရာ နှောင့်ယှက်မှုများကိုတားဆီးရေး။

(ဂ) အလေး၊ တင်း၊ တောင်း၊ အတိုင်းအတာများအသုံးပြုရေး။

(ဃ) လူများတွင်သော်၎င်း၊ ကျွန်းတိရစ္ဆာန်များတွင်သော်၎င်း၊ ကောက်ပဲသီးနှံများတွင်သော်၎င်း ကူးစက်ပြန့်ပွားစေတတ်သော အနာရောဂါ၊ အန္တရာယ်များကိုတားဆီးကုသရေး။

(င) အရပ်ရပ်သန့်ရှင်းစင်ကြယ်မှုကို ဆောင်ရွက်အားပေးရေးနှင့် ပြည်သူတို့ သုံးစွဲသော [ရေတွင်း၊ ရေကန်၊ ချောင်းမြောင်း စသည်များ] မည်စ်ညစ်းစေရန် တားဆီးရေး။

(စ) တိရစ္ဆာန်များသတ်ဖြတ်ခြင်းကို စည်းမျဉ်း သတ်မှတ်ရေး။

(ဆ) တိရစ္ဆာန်များကို ညှဉ်းဆဲခြင်းမှကာကွယ်ရေး။

(ဇ) မီးဘေးကာကွယ်ရေးနှင့် မီးငြိမ်းသတ်ရေး။

(ဈ) ပွဲများကျင်းပခြင်းကို စည်းမျဉ်းသတ်မှတ်ရေး။

၂၃။ ။မည်သူမဆို ဤအက်ဥပဒေ၏၊ သို့တည်းမဟုတ် နည်းဥပဒေ၏၊ သို့တည်းမဟုတ် စည်းကမ်းဥပဒေ၏၊ သို့ဘင်းမဟုတ် ဤအက်ဥပဒေအရ ထုတ်ပြန်တားသော အမိန့်၏ ပြဋ္ဌာန်းချက်များကို ဖေါက်ဖျက် ကျူးလွန်လျှင်၊ ထိုသူကို ကျပ်ငါးဆယ်ထက် မပိုသော ငွေဒဏ်၊ သို့တည်းမဟုတ် တလထက်မပိုသော အလုပ်ဒဏ်၊ သို့တည်းမဟုတ် တလထက်မပိုသောအကျဉ်းဒဏ်၊သို့တည်းမဟုတ် ငွေဒဏ်၊ အလုပ်ဒဏ်နှစ်ရပ်ဖြစ်စေ၊ ငွေဒဏ်အကျဉ်းဒဏ်နှစ်ရပ် ဖြစ်စေချမှတ်ရမည်။ ထို့ပြင် ထိုပြစ်မှုကို လုံလောက်သော အကြောင်း မရှိဘဲ ဆက်လက်၍ ဖေါက်ဖျက် ကျူးလွန်လျှင်၊ ထိုဖေါက်ဖျက် ကျူးလွန်သည်ဟု ထင်ရှားသော နေ့မှ စ၍ တနေ့လျှင် ငါးကျပ်ထက် မပိုသော ငွေဒဏ် ဆက်လက်ချမှတ်ရမည်။ ဖေါက်ဖျက် ကျူးလွန်မှု ပြစ်ဒဏ်။

[ကျေးရွာကောင်စီ နယ်နိမိတ်အတွင်းဖြစ်ပွါးသည့် အဆိုပါပြစ်မှုကို၊ ထိုကျေးရွာကောင်စီနှင့်သက်ဆိုင်သည့် ကျေးရွာတရားရုံးက စစ်ဆေးစီရင်ရမည်။]

ခြွင်းချက်။ ။သို့ရာတွင်၊ ဤပုဒ်မအရ ဖေါက်ဖျက်ကျူးလွန်သည်ဟုစွပ်စွဲခံရသူသည်၊ ထိုပြစ်မှုဖြစ်ပွါးရာ ကျေးရွာ၏ ကျေးရွာလူကြီးဖြစ်လျှင်၊ ထိုလူကြီးကို မြို့နယ်ကောင်စီ၏ တိုင်တန်းချက် အရသော်၎င်း၊ မြို့နယ်ကောင်စီ၏ အခွင့်အမိန့်ဖြင့် တိုင်ဘန်းချက်အရသော်၎င်း၊ ရာဇဝတ် တရားသူကြီးရုံးကသာလျှင် စစ်ဆေးစီရင်ရမည်။

၂၄။ ။ဒေသန္တရ အဖွဲ့တိုင်းသည်၊ ပြည်သူ အတွက် နည်းဥပဒေ နှင့် အညီ ရွှေပြောင်းနိုင်သည့် ပစ္စည်းကိုသော်၎င်း၊မရွှေ့ပြောင်းနိုင်သည့် ပစ္စည်းကိုသော်၎င်းရယူခြင်း၊ လက်ရှိထားခြင်း၊ ထိန်းသိမ်းခန့်ခွဲခြင်းနှင့် လွှဲပြောင်းခြင်းကိုပြုလုပ်နိုင်ခွင့်အာဏာရှိရမည်။ ပစ္စည်း လက်ရှိထားခြင်း။

၁၉၅၁ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

ရုံပုံငွေများ။

၂၅။ ။(၁) ဒေသန္တရအဖွဲ့၏ ရုံပုံငွေတွင်အောက်ပါငွေများပါဝင်ရမည်။

(က) ဒေသန္တရအဖွဲ့ပိုင်ပစ္စည်းများမှ ရရှိသော ဝင်ငွေ၊
(ခ) ဒေသန္တရအဖွဲ့က ဆောင်ရွက်သဖြင့် ရရှိသော ဝင်ငွေ၊
(ဂ) ဒေသန္တရအဖွဲ့၏၊ သို့ဘည်းမဟုတ် ဒေသန္တရအဖွဲ့အတွက်လုပ်ငန်းများမှရရှိသော ဝင်ငွေ၊
(ဃ) ဒေသန္တရအဖွဲ့အချင်းချင်းထောက်ပံ့ငွေ၊
(င) ပြည်ထောင်စုအစိုးရက၊ သို့တည်းမဟုတ်ပြည်နယ်အစိုးရက ထောက်ပံ့ငွေ၊
(စ) ပုဂ္ဂိုလ်များက ဖြစ်စေ၊အဖွဲ့အစည်းအရုံးအသင်းအဖွဲ့များကဖြစ်စေပေးငွေ၊
(ဆ) ဤအက်ဥပဒေအရ၊ စည်းကြပ်ကောက်ယူသောအခွန်နှင့်ခိုင်ကြေး၊
[၃](ဇ) ချေးငွေ၊
[၂](ဈ) အထွေထွေရငွေ။

(၂) ဒေသန္တရအဖွဲ့၏ ရုံပုံငွေကို ကြိုးကြပ် အုပ်ချုပ်ရန်နိုင်ငံတော်သမ္မတက၊ အခါအား လျော်စွာ နည်းဥပဒေပြုနိုင်သည်။

(၃) ဒေသန္တရအဖွဲ့၏ ရုံပုံငွေကို နည်းဥပဒေနှင့်စည်းကမ်းဥပဒေအရ သုံးစွဲရမည်။

ရာသုံး မှန်းခြေငွေစာရင်း။

[၃]၂၆။ ။(၁) ကျေးရွာကောင်စီ၊ မြို့မကောင်စီ၊ မြို့နယ်ကောင်စီနှင့် ခရိုင်ကောင်စီ အသီးသီးသည်၊ ဘဏ္ဍာတော်နှစ် အသီးသီးမကုန်ဆုံးခီ၊ ထိုနှစ်နောက်လာမည့် ဘဏ္ဍာဘော်နှစ်အတွက် မိမိတို့၏ ရ-သုံးမှန်းခြေငွေစာရင်းကို၊ နိုင်ငံတော်သမ္မတ၏၊ သို့တည်းမဟုတ် ပုဒ်မ ၁၈ တွင် ဖော်ပြသည့် သက်ဆိုင်ရာ အထက်ကောင်စီ၏ သဘောတူညီချက်ရရန် နည်းဥပဒေနှင့်အညီ တင်သွင်းရမည်။ အဆိုပါမှန်းခြေငွေစာရင်းကို ပြင်ဆင်သည့်နောက်ဆက် မှန်းခြေငွေစာရင်းကိုလည်း အခါအားလျော်စွာ ထိုနည်းတူ တင်သွင်းနိုင်သည်။

ခြွင်းချက်။ ။သို့ရာတွင် ဤအက်ဥပဒေအရ ကျင်းပသော ပဌမသွေးကောက်ပွဲပြီးသည့်နောက် ဖွဲ့စည်းသောအဆိုပါကောင်စီအသီးသီးက အလုပ်ဝတ်တရား စတင်ဆောင်ရွက်သောပဌမနှစ်အတွက် မှာမူ၊ ထိုသို့စတင်ဆောင်ရွက်သောနေ့မှအစပြု၍ ဘဏ္ဍာတော်နှစ် ကုန်ဆုံးသည်အထိ ကာလအပိုင်းအခြားအတွက် မှန်းခြေ ငွေစာရင်း ကို လျင်မြန်နိုင်သမျှ လျင်မြန်စွာ တင်သွင်းရမည်။

(၂) မည်သည့်ကောင်စီမဆို ပုဒ်မခွဲ (၁)အရ၊ ခွင့်ပြုပြီးဖြစ်သော မှန်းခြေငွေစာရင်း ထက်ပို၍ သုံးစွဲခြင်းမပြုရ၊ ထို့ပြင် ခွင့်ပြုပြီးဖြစ်သောမှန်းခြေငွေစာရင်းပါခေါင်းစဉ်တခုအောက်ရှိ မည်သည့်ငွေကိုမျှ အခြားခေါင်းစဉ်အောက်သို့ နည်းဥပဒေနှင့်အညီမှတပါး ပြောင်းလွှဲခြင်းမပြုရ။

အခွန်တော် အတွက်တာဝန် နှင့်အာဏာ။

[၃]၂၇။ ။(၁) ကောင်စီများသည် နိုင်ငံတော်သမ္မတက၊ သို့တည်းမဟုတ် ပုဒ်မ ၁၈ တွင် ဖော်ပြသည့် သက်ဆိုင်ရာ အထက်ကောင်စီကတရားဥပဒေအရ ညွှန်ကြားသည့်အတိုင်းအခွန်တော်နှင့် အခွန်ကို စည်းကြပ်တောင်းခံ ကောက်ယူရမည်။ ဤကဲ့သို့ စည်းကြပ်တောင်းခံ ကောက်ယူရာတွင် ဤအက်ဥပဒေအရ ပြုသည့် နည်းဥပဒေများနှင့်အညီသော်၎င်း၊ တည်ဆဲ အခြားတရားဥပဒေများ၊ သို့တည်းမဟုတ် ထိုတရားဥပဒေများအရ ပြဋ္ဌာန်းထားသည့် နည်းဥပဒေများနှင့်အညီသော်၎င်း လိုက်နာဆောင်ရွက်ရမည်။

(၂) နိုင်ငံတော်သမ္မတ၏၊ သို့တည်းမဟုတ် ပုဒ်မ ၁၈ တွင် ဖော်ပြသည့် သက်ဆိုင်ရာ အထက်ကောင်စီ၏ သဘောတူညီချက်ကို ကြိုတင်ရယူပြီးလျှင်၊ နည်းဥပဒေနှင့်အညီ ကောင်စီများ

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[၁] ၁၉၅၁ ခုနှစ်၊အက်ဥပဒေအမှတ် ၆၄ အရ၊ ထည့်သွင်းသည်။
[၂] ၎င်းအက်ဥပဒေအရ၊ မူလအပိုဒ် (၈)ကို (ဈ) အဖြစ် ပြန်လည်အမှတ်စဉ်သည်။
[၃] ၎င်းအက်ဥပဒေအရ၊ အစားထည့်သွင်းသည်။

သည်၊ မိမိတို့၏နယ်အသီးသီးတွင် နေထိုင်သူတို့၏ ကြီးပွါးချင်းသာရေးအလို့ငှါ ထိုသူများ၊သို့တည်း မဟုတ် မရွေးမပြောင်းနိုင်သည့် ပစ္စည်းပိုင်ဆိုင်သူများ၊ သို့တည်းမဟုတ် မရွေးမပြောင်းနိုင်သည့်ပစ္စည်း လက်ရှိဖြစ်သူများအပေါ်တွင် အခွန်ကိုစည်းကြပ်၊တောင်းခံ၊ကောက်ယူခြင်း၊ဆိုင်းငံ့ခြင်းနှင့်လွှတ်ငြိမ်း ချမ်းသာခွင့်ပေးခြင်းကို ပြုနိုင်သည်။ ထို့ပြင်တည်ဆဲတရားဥပဒေတွင် မည်သို့ပင်ပါရှိစေကာမူ နိုင်ငံ တော် သမ္မတ က၊ သို့တည်းမဟုတ် ပုဒ်မ ၁၀ တွင်ဖေါ်ပြသည့် သက်ဆိုင်ရာအထက်ကောင်စီက စည်းကြပ်ထားသောအခွန်တော်နှင့်အခွန်များပေါ်တွင် ခိုင်ကြေးစည်းကြပ်နိုင်သည်။

ခြွင်းချက်။ ။သို့ရာတွင် အခွန်ထမ်းတဦးထံမှ ပစ္စည်းတခုတည်းအပေါ်၌ဖြစ်စေ၊ ကိစ္စတမျိုး တည်းအတွက်ဖြစ်စေ အာဏာပိုင်တဦးကစည်းကြပ်ပြီးသောအခွန်တော်နှင့်အခွန်ကို အခြားအာဏာ ပိုင်တဦးက ထပ်မံစည်းကြပ်ခြင်းမပြုရ။

ကုန်ပစ္စည်းဖြင့် အခွန်ဆောင်ခြင်း။

၂၀။ ။ဤကိစ္စအလို့ငှါ ပြဋ္ဌာန်းသည့်နည်းဥပဒေနှင့်အညီ၊ မည်သည့်ကောင်စီမဆို၊ အခွန်ကို ကောက်ယူရာ၌ နိုင်ငံတော် သမ္မတ၏ အခွင့်ကို ကျိုတင်ရယူပြီးလျှင်၊ ငွေအစား တန်ဘိုးညီမျှသော ကုန်ပစ္စည်းကိုအခွန်အဖြစ်ကောက်ယူနိုင်သည်။

လုပ်အားဖြင့် အခွန်ဆောင်ခြင်း။

၂၁။ ။ဤကိစ္စအလို့ငှါ ပြဋ္ဌာန်းသည့်နည်းဥပဒေအရ၊ ကျေးရွာကောင်စီသည်၊ သို့တည်း မဟုတ် မြို့မကောင်စီသည်၊ မိမိတို့အရပ်ဒေသခံကြီးပွါးချင်းသာရေး လုပ်ငန်းများအတွက် သက်ဆိုင် ရာအခွန်ထမ်းများထံမှ အခွန်ကိုကောက်ခံရာ၌ သက်ဆိုင်ရာခရိုင်ကောင်စီ၏ သဘောတူညီချက်ကို ကြိုတင်ရယူပြီးလျှင် ငွေအစားပြည်သူ့အလုပ်ကို လုပ်ကိုင်ပေးခြင်းဖြင့် တန်ဘိုးညီမျှသောလုပ်အားကို အခွန်အဖြစ်လက်ခံနိုင်သည်။

အခွန်မပြေ ကျန်ငွေအရ တောင်းခံခြင်း။

၂၀။ ။မည်သည့် [ကောင်စီက] ၁မဆို သူတဦးတယောက်ထံမှသော်၎င်း၊ ထိုသူအတွက် အာမခံ တာဝန်ခံသူထံမှ သော်၎င်း၊ ဤအက်ဥပဒေအရ မပြေ ကျန်နေသော အခွန်ကို ဖြစ်စေ၊ ၂* * * * အခြားငွေကိုဖြစ်စေ၊မြေခွန်တော်မပြေ ကျန်ငွေကဲ့သို့ အရတောင်းခံနိုင်သည်။

နိုင်ငံတော်သမ္မတသည်၊ မပြေကျန်ငွေကိုမည်သူ၏တောင်းဆိုချက်အရ၊ မည်သူ၏အမိန့်နှင့်အရ တောင်းခံနိုင်ရမည်ဟု နည်းဥပဒေဖြင့်သတ်မှတ်နိုင်သည်။

ဘဏ္ဍာငွေအတွက်တာဝန်။

၂၁။ ။(၁) ဒေသန္တရအဖွဲ့ဝင်လူကြီး တဦးသည်၊ သို့တည်းမဟုတ် လူကြီးများသည်၊ ဤအက်ဥပဒေအရ၊ သို့တည်းမဟုတ် နည်းဥပဒေအရ၊ သို့တည်းမဟုတ် စည်းကမ်းဥပဒေအရ ပြဋ္ဌာန်း ထားသော အလုပ်ဝတ်တရားများကို ပြစ်ဒဏ် ထိုက်သင့်လောက်သည့် ပေါ့လျော့မှုကြောင့် ဖြစ်စေ၊ ပျက်ပြားမှုကြောင့်ဖြစ်စေ၊ နိုင်ငံတော် အစိုးရသို့၊ သို့တည်းမဟုတ် [ကောင်စီ တခုသို့ ပေးဆောင်ရမည့် အခွန်တော်ကို၊ သို့တည်းမဟုတ် အခွန်ကို၊ သို့တည်းမဟုတ် အခြားငွေများကို ကောက်ခံခြင်း မပြုလျှင် သက်ဆိုင်ရာ ကောင်စီကသော်၎င်း၊]၃ အထက်အာဏာပိုင်ကသော်၎င်း အာဏာအပ်နှင်း ခန့်ထားခြင်းခံရသူသည် မပေးဆောင် ပျက်ကွက်သူများထံမှ အရတောင်းခံရမည်။တောင်းခံ၍မရလျှင် သက်ဆိုင်ရာ အဖွဲ့ဝင်လူကြီးက၊ သို့တည်းမဟုတ် လူကြီးများကတဦးစီဖြစ်စေ၊တွဲဖက်၍ဖြစ်စေ ပေးရန် ထိုအာဏာ အပ်နှင်းခန့်ထားခြင်းခံရသူသည် တရားဥပဒေအရ ဆက်လက်အရေးယူရမည်။

(၂) ဒေသန္တရအဖွဲ့ဝင်လူကြီးတဦး၏၊ သို့တည်းမဟုတ် လူကြီးများ၏ ပြစ်ဒဏ် ထိုက်သင့် လောက်သည့် အလုပ်ဝတ်တရား ပေါ့လျော့မှုကြောင့်ဖြစ်စေ၊ ပျက်ပြားမှုကြောင့်ဖြစ်စေ နိုင်ငံတော်

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၁ ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

၂ ၎င်းအက်ဥပဒေအရ "နိုင်ကြေးကိုဖြစ်စေ" ဆိုသည့်စကားရပ်ကိုပယ်ဖျက်သည်။

အစိုးရ၏၊ သို့တည်းမဟုတ် ဒေသန္တရ အဖွဲ့၏ ငွေဖြစ်စေ၊ ပစ္စည်းဖြစ်စေ ဆုံးရှုံးခြင်းဖြင့် သော်၎င်း၊ ဖြုန်းတီးခြင်းဖြင့်သော်၎င်း၊ နည်းလမ်းမကျ သုံးစွဲခြင်းဖြင့်သော်၎င်း၊ ထိခိုက်နစ်နာလျှင် သက်ဆိုင်ရာ ဒေသန္တရအဖွဲ့ကသော်၎င်း အထက်အာဏာပိုင်ကသော်၎င်း၊ အာဏာအပ်နှင်းခန့်ထားခြင်းခံရသူသည်၊ သက်ဆိုင်ရာ အဖွဲ့ဝင် လူကြီးက၊ သို့တည်းမဟုတ် လူကြီးများက တဦးစီ ဖြစ်စေ၊ တွဲဖက်၍ ဖြစ်စေ ထိခိုက်နစ်နာသမျှကို ပေးလျော်ရန် အရတောင်းခံရမည်။ တောင်းခံ၍မရလျှင် ထိုအာဏာအပ်နှင်းခန့်ထားခြင်းခံရသူသည်၊ တရားဥပဒေအရ ဆက်လက်အရေးယူရမည်။

အကြောင်းမဲ့ အလုပ်မဆောင်ခြင်း။

၃၂။ ။[ကောင်စီ၏မပြေကျန်ရှိနေသောအခွန်သည်သက်ဆိုင်ရာအခွန်ထမ်းအားလုံးက၊]* သို့တည်းမဟုတ် အချို့က ညှိနှိုင်းတိုင်ပင်၍လုံလောက်သောအကြောင်းမရှိဘဲမပေးဆောင်ခြင်းကြောင့် မပြေကျန်ရှိနေသည်ဟု နိုင်ငံတော်သမ္မတ က ထင်မြင်ယူဆလျှင်၊ထိုမပြေကျန်ရှိနေသော [အခွန်ကို]* သက်ဆိုင်ရာ ဒေသန္တရအဖွဲ့၏ မဲဆန္ဒရှင်အားလုံးထံမှဖြစ်စေ၊ အချို့ထံမှဖြစ်စေ၊ မြေခွန်မပြေ ကျန်ငွေကဲ့သို့နည်းဥပဒေနှင့်အညီအရတောင်းခံနိုင်သည်။

အထောက်အပံ့။

*၃၃။ ။(၁) မည်သည့်ကောင်စီမဆို မိမိ၏တာဝန်ဝတ်ဘရားများကို ထိရောက်စွာ ဆောင်ရွက်နိုင်ရန်အလို့ငှါ၊ လိုအပ်သည့် အထောက်အပံ့ငွေကိုသော်၎င်း၊ အခြားအကူအညီကိုသော်၎င်း၊ နှစ်ရှည်လုံးကိုသော်၎င်း ပုဒ်မ ၁၈ တွင်ဖော်ပြသည့် သက်ဆိုင်ရာအထက်အာဏာပိုင်မှတောင်းဆိုနိုင်ခွင့်ရှိသည်။ ထိုသက်ဆိုင်ရာ အထက်အာဏာပိုင်ကလည်း သင့်လျော်မည်ဟု ထင်မြင်သည့်အတိုင်း ထောက်ပံ့ကူညီနိုင်သည်။

(၂) ခရိုင်ကောင်စီသည်၊ သို့တည်းမဟုတ် မြို့နယ်ကောင်စီသည်၊ သို့တည်းမဟုတ် မြို့မကောင်စီသည် မိမိ၏တာဝန်ဝတ်တရားများကို ထိရောက်စွာ ဆောင်ရွက်နိုင်ရန်အလို့ငှါ၊ လိုအပ်သည့်ငွေကို ဒေသန္တရအဖွဲ့များ ငွေချေးယူခြင်းနှင့် စပ်လျဉ်းသည့် တရားဥပဒေနှင့်အညီ အခါအားလျော်စွာ ချေးယူနိုင်ခွင့်ရှိသည်။

အခန်း ၄။

လုပ်ငန်းဆောင်တာများနှင့်ဌာနများဖွဲ့စည်းခြင်း။

ကော်မိတီ ရွေးကောက်ခြင်းနှင့် ဆပ်ကော်မိတီ ခန့်ထားခြင်း။

၃၄။ ။(၁) ခရိုင်ကောင်စီတိုင်းသည်၊ သို့တည်းမဟုတ် မြို့နယ်ကောင်စီတိုင်းသည်၊ မိမိတို့အထဲမှ အလုပ်အမှုဆောင် ကော်မိတီတခုကို ဤကိစ္စအလို့ငှါ ပြဌာန်းသည့်နည်းဥပဒေနှင့်အညီ ရွေးကောက်ရမည်။ ထိုအလုပ်အမှုဆောင်ကော်မိတီ သည်၊ နည်းဥပဒေအရ လွှဲအပ်သည့် တာဝန်များနှင့် အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရမည်။

(၂) မည်သည့်ဒေသန္တရအဖွဲ့မဆို၊ မိမိကလိုအပ်သည်ဟုထင်မြင်သောလုပ်ငန်းဆောင်တာများ ဆောင်ရွက်ရန် ဆပ်ကော်မိတီကို ရွေးချယ်ခန့်ထားနိုင်သည်။

ခြွင်းချက်။ ။သို့ရာတွင်နှစ်စဉ်ရ-သုံးမှန်းခြေငွေစာရင်းကို အတည်ပြုခြင်း၊ သို့တည်းမဟုတ် စည်းကမ်းဥပဒေပြုခြင်း၊ သို့တည်းမဟုတ် ပြည်သူ့ကြီးပွါးချမ်းသာရေးအတွက် စည်းကမ်းဥပဒေသဘောသက်ရောက်သော အခြံနှုတ်ပြန်ခြင်းများကို သက်ဆိုင်ရာကောင်စီကသာလျှင် ပြုနိုင်သည်။

အစည်းအဝေး ကျင်းပခြင်း။

၃၅။ ။(၁) ဒေသန္တရအဖွဲ့တိုင်း သည်၊ အစည်းအဝေးကို နည်းဥပဒေအရ၊ သတ်မှတ်သော အချိန်အခါများတွင်သော်၎င်း၊ ကျင်းပရန်လိုအပ်သည့် အချိန်အခါများတွင်သော်၎င်း ကျင်းပရမည်။

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* ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

(၂) ကျေးရွာကောင်စီ၊ မြို့မကောင်စီ၊ မြို့နယ်ကောင်စီနှင့် ခရိုင်ကောင်စီ သည်၊ နှစ်စဉ် ရ-သုံးမှန်းခြေငွေစာရင်းကို အတည်ပြုရန်၊ တဆယ့်နှစ်လအတွင်းတွင် အစည်းအဝေးကို အနည်းဆုံး တကြိမ်ကျင်းပရမည်။

(၃) ခရိုင်ကောင်စီ၏၊ သို့တည်းမဟုတ် မြို့နယ်ကောင်စီ၏ အလုပ်အမှုဆောင် ကော်မီတီ အစည်းအဝေးကို တလလျှင်အနည်းဆုံး တကြိမ် ကျင်းပရမည်။ ထို့ပြင် သက်ဆိုင်ရာကောင်စီက ညွှန်ကြားသည့် အချိန်အခါတွင်သော်၎င်း၊ စည်းဝေးရန်လိုအပ်သည့် အချိန်အခါများတွင်သော်၎င်း အစည်းအဝေးကို ကျင်းပရမည်။

(၄) အစည်းအဝေးကျင်းပရာတွင်၊ အစည်းအဝေးအထမြောက်ရေးအတွက် လိုအပ်သည့် လူကြီးဦးရေနှင့် အစည်းအဝေးကျင်းပခြင်းနှင့် စပ်လျဉ်းသည့် အခြားကိစ္စရပ်များကို နည်းဥပဒေဖြင့် ပြဋ္ဌာန်းရမည်။

ဥ၆။ ။(၁) [မြေသည့်ကောင်စီမဆို] * ၌ကိစ္စအလို့ငှါ ပြထားသော နည်းဥပဒေ ဌာနနှင့် များနှင့်အညီ လိုအပ်သည့်အလျောက် ဌာနများခွဲ၍ မိမိတို့၏ မည်သည့် လုပ်ငန်းဆောင်တာများကို တာဝန်။ မည်သည့်ဌာနက ဆောင်ရွက်ရမည်ဟု ထိုနည်းဥပဒေများဖြင့် သတ်မှတ်နိုင်သည်။

(၂) ခရိုင်ကောင်စီ၏၊ သို့တည်းမဟုတ် မြို့နယ်ကောင်စီ၏ ဌာနတခုကိုဖြစ်စေ၊ တခုထက်ပိုမို သောဌာနများကိုဖြစ်စေ၊ အလုပ်အမှုဆောင်ကော်မီတီမှ လူကြီးတဦးကအုပ်ချုပ်ရမည်။ထိုလူကြီးသည်၊ ဌာနဆိုင်ရာလုပ်ငန်းဆောင်တာများကို ဒေသန္တရအဖွဲ့၏ဝါဒနှင့်အညီ ဆောင်ရွက်ခြင်းကို ကြီးကြပ်ရန်၎င်း၊ ဌာနဆိုင်ရာ ရာထူးများနှင့် ပြည်သူတို့ကြည်ဖြူရင်းနှီးစွာ ဆက်သွယ်မှုကိုအားပေးရန်၎င်း သက်ဆိုင်ရာကောင်စီအား တာဝန်ခံရမည်။

(၃) မြို့မကောင်စီ သည်၊ ဆပ်ကော်မီတီသို့ ဌာနဆိုင်ရာလုပ်ငန်းဆောင်တာတခုကိုဖြစ်စေ၊ တခုထက်ပို၍ဖြစ်စေ ဆောင်ရွက်ရန်လွှဲအပ်လျှင် ထိုဆပ်ကော်မီတီ၏သဘာပတိသည်၊ ထိုလုပ်ငန်း ဆောင်တာများကို မြို့မကောင်စီ၏ဝါဒနှင့်အညီ ဆောင်ရွက်ခြင်းကို ကြီးကြပ်ရန်၎င်း၊ ဌာနဆိုင်ရာ ရာထူးများနှင့် ပြည်သူတို့ ကြည်ဖြူရင်းနှီးစွာဆက်သွယ်မှုကိုအားပေးရန်၎င်း သက်ဆိုင်ရာမြို့မကောင်စီ အား တာဝန်ခံရမည်။

ဥ၇။ ။(၁) ခရိုင်ကောင်စီတိုင်းနှင့် မြို့နယ်ကောင်စီတိုင်းတွင် ဌာနအသီးသီးအတွက် ရာထူး ဌာနမှူးတဦးစီရှိရမည်။ သို့ရာတွင် ဌာနနှစ်ခုကိုဖြစ်စေ၊ နှစ်ခုထက်ပိုသောဌာနများကိုဖြစ်စေ ဌာနမှူး မူထမ်းများ။ တဦး၏လက်အောက်တွင် ထားနိုင်သည်။

(၂) မြို့မကောင်စီတိုင်းအတွက် မြို့မအုပ်ချုပ်ရေးမှူးတဦးရှိနှင့် ကျေးရွာ ကောင်စီတိုင်း အတွက် ကျေးရွာအုပ်ချုပ်ရေးမှူးတဦးစီရှိရမည်။

(၃) နိုင်ငံတော်သမ္မတ သည်၊ ၌ကိစ္စအလို့ငှါ ပြထားသော နည်းဥပဒေနှင့်အညီ ခရိုင် ကောင်စီ၏၊ သို့တည်းမဟုတ် မြို့နယ်ကောင်စီ၏ မည်သည့်ဌာနအတွက်မဆို ဌာနမှူးတဦးခန့်ထားရ မည့်ပြင်၊ လိုအပ်သည်ဟုထင်မြင်လျှင် ဌာနဆိုင်ရာ ရာထူးမူထမ်းများကိုလည်း ခန့်ထားနိုင်သည်။ ထို့ပြင် ၎င်းတို့အသီးသီး၏ လုပ်ငန်းဆောင်တာများနှင့် အမှုထမ်းစည်းကမ်းများကိုလည်း သတ်မှတ် နိုင်သည်။

(၄) ခရိုင်ကောင်စီနှင့်မြို့နယ်ကောင်စီ၏ ဌာနမှူးအသီးသီး သည်၊သက်ဆိုင်ရာကောင်စီနှင့် ပုဒ်မ ၃၆ (၂) တွင်ဖော်ပြသော တာဝန်ခံလူကြီး၏ အရပ်ရပ်အုပ်ချုပ် ညွှန်ကြားခြင်းနှင့်အညီ သက်ဆိုင်ရာဌာန လုပ်ငန်းဆောင်တာများကို ဆောင်ရွက်ရန် ကောင်စီအား တာဝန်ခံရမည်။

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* ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

(၅) ပုဒ်မခွဲ (၃) ၏ ပြဋ္ဌာန်းချက်နှင့် မဆန့်ကျင်စေဘဲ [ကောင်စီတိုင်းသည် ဤကိစ္စအလို့ငှါ ပြဌာန်းသောနည်းဥပဒေနှင့်အညီ မိမိတို့၏သက်ဆိုင်ရာကောင်စီအတွက်] [၃] လိုအပ်သည်ဟု ထင်မြင်သည့်အလျောက် ရာထမ်းမှုထမ်းများကိုလည်း ခန့်ထားနိုင်သည်။ ထို့ပြင် ၎င်းတို့အသီးသီး၏ လုပ်ငန်းဆောင်တာများကိုလည်း သတ်မှတ်နိုင်သည်။

ခြွင်းချက်။ ။သို့ရာတွင် အခွန်ကောက်ခံရန်ဖြစ်စေ၊ ပြည်သူပိုင်ကြေးငွေကို၊ သို့တည်းမဟုတ် ပြည်သူပိုင်ပစ္စည်းကိုလက်ခံရန်၊ ထိန်းသိမ်းရန်၊ သုံးစွဲရန်ဖြစ်စေ [ကောင်စီ] [၃] က ရာထမ်း [မှုထမ်း] [၄]တဦးဦးအား တာဝန်ပေးခဲ့လျှင် လုံလောက်သောအာမခံကို တောင်းယူရမည်။ ထို့ပြင် အခွန်နှင့်ပြည်သူပိုင် ကြေးငွေပစ္စည်းများသည် အထက်အာဏာပိုင်နှင့်သက်ဆိုင်လျှင် ထိုအတွက် အထက်အာဏာပိုင်က သတ်မှတ်သည့်အတိုင်း အာမခံကိုတောင်းယူရမည်။

(၆) နိုင်ငံတော်သမ္မတ သည်၊ ဤကိစ္စအလို့ငှါ ပြဌာန်းသည့် နည်းဥပဒေနှင့်အညီ ခရိုင်ကောင်စီတိုင်းနှင့် မြို့နယ်ကောင်စီတိုင်းအတွက် အုပ်ချုပ်ရေးမှူးတဦးစီကို ခန့်ထားရမည်။ ထိုအုပ်ချုပ်ရေးမှူးသည် သက်ဆိုင်ရာ ဗဟိုဌာနမှူးဖြစ်ရမည့်ပြင်၊ သက်ဆိုင်ရာကောင်စီနှင့် ဥက္ကဋ္ဌ၊ သို့တည်းမဟုတ် ပုဒ်မ ၃၆ (၂) အရ၊ ဗဟိုဌာနအတွက် တာဝန်ခံလူကြီး၏ အရပ်ရပ်အုပ်ချုပ်ညှိနှိုင်းကြားခြင်းနှင့်အညီ ဌာနအားလုံးကို ကြီးကြပ်ရန်နှင့် ပူးပေါင်းဆက်စပ်ပေးရန် တာဝန်ရှိသည်။ ထို့ပြင် သက်ဆိုင်ရာကောင်စီက အခါအားလျော်စွာ သတ်မှတ်သောလုပ်ငန်းဆောင်တာများကို ဆောင်ရွက်ရန် တာဝန်ယူရမည်။

(၇) မြို့မအုပ်ချုပ်ရေးမှူးနှင့် ကျေးရွာအုပ်ချုပ်ရေးမှူးသည်၊ သက်ဆိုင်ရာကောင်စီနှင့် ဥက္ကဋ္ဌ၊ သို့တည်းမဟုတ် လူကြီးတဦးဦး၏ အရပ်ရပ် အုပ်ချုပ်ညှိနှိုင်းခြင်းနှင့်အညီ ကောင်စီ၏လုပ်ငန်းအားလုံးကို ကြီးကြပ်ရန်နှင့် ပူးပေါင်းဆက်စပ်ပေးရန် တာဝန်ရှိသည်။ ထို့ပြင်ဤကိစ္စအလို့ငှါ ပြဌာန်းသော နည်းဥပဒေအရ သတ်မှတ်ထားသည့်၊ သို့တည်းမဟုတ် ကောင်စီက အခါအားလျော်စွာ သတ်မှတ်သည့် လုပ်ငန်းဆောင်တာများကိုဆောင်ရွက်ရန် တာဝန်ယူရမည်။

(၈) အုပ်ချုပ်ရေးမှူး သည်၊ သက်ဆိုင်ရာကောင်စီ၏အစည်းအဝေးအားလုံးကိုတက်ရောက်ရမည်။ အုပ်ချုပ်ရေးမှူးသည် အစည်းအဝေး၌ ဆွေးနွေးပိုင်ခွင့် ရှိစေရမည်။ သို့သော် ဆန္ဒမဲပေးပိုင်ခွင့် မရှိစေရ။

အုပ်ချုပ်ရေးမှူးမှအပ၊ အခြားဌာနမှူးများကို ကောင်စီအသီးသီး၏ အစည်းအဝေးများသို့ တက်ရောက်စေရန် ကိစ္စနှင့်စပ်လျဉ်း၍ နည်းဥပဒေဖြင့်ပြဋ္ဌာန်းထားရမည်။

(၉) နိုင်ငံတော်သမ္မတ သည်၊ ဤကိစ္စအလို့ငှါ ပြဌာန်းသော နည်းဥပဒေနှင့်အညီ ခရိုင်ကောင်စီအသီးသီးအတွက် ပြည်သူ့ဝန်ထမ်းတဦးစီခန့်ထားရမည်။ ထိုပြည်သူ့ဝန်ထမ်းသည်၊ သက်ဆိုင်ရာ ကောင်စီနှင့် ပုဒ်မ ၃၆ (၂) အရ၊ ခန့်ထားသော တရားဌာနတာဝန်ခံလူကြီး၏ အရပ်ရပ် အုပ်ချုပ်ညှိနှိုင်းခြင်းနှင့်အညီ [ဥပဒေ] [၅] နှင့် စပ်လျဉ်းသည့် ကိစ္စရပ်များတွင် ဒေသန္တရအဖွဲ့များအား အကြံပေးရန်၎င်း၊ ပြည်သူတို့အား တရားမျှတမှုကို ရရှိစေရန် ကူညီစောင့်ရှောက်ပေးရန်၎င်း၊ အုပ်ချုပ်ရေးဌာနအသီးသီးတွင် အဂတိလိုက်စားခြင်းမှ ကင်းရှင်းစေရန်ထိရောက်စွာ စုံစမ်းအရေးယူနိုင်ရန်အလို့ငှါ အကူအညီပေးရန်၎င်း၊ ဖွဲ့စည်းအုပ်ချုပ်ပုံအခြေခံဥပဒေအရ ပြည်သူတို့သို့ ပေးအပ်ထားသော အခွင့်အရေးများကို ထိုသူတို့ရရှိခံစားနိုင်စေခြင်းငှါ ကူညီစောင့်ရှောက် ပေးရန်၎င်း တာဝန်ယူရမည်။

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[၃] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။
[၄] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၃၁ အရ၊ အစားထည့်သွင်းသည်

ရာထမ်းတို့၏ အဆင့်အတန်း။

၃၈။ ။(၁) [နိုင်ငံတော်သမ္မတက]* ခရိုင်ကောင်စီသို့ခန့်အပ်သောဌာနဆိုင်ရာ ရာထမ်းများ၏အကြီးအကဲသည်၊ နိုင်ငံတော်သမ္မတက အခါအားလျော်စွာ သတ်မှတ်ထားသော နိုင်ငံတော်အစိုးရ ရာထမ်းဖြစ်ရမည်။

(၂) ခရိုင်ကောင်စီ၏ ဌာနမှူးအသီးသီး သည်၊ မြို့နယ်နှင့်မြို့မကောင်စီ၏ အလားတူဌာနဆိုင်ရာ ရာထမ်းအားလုံး၊ သို့တည်းမဟုတ် အလားတူလုပ်ငန်းဆောင်တာများကို ဆောင်ရွက်ရသော ရာထမ်းအားလုံး၏ အကြီးအကဲဖြစ်ရမည်။

(၃) မြို့နယ်ကောင်စီ၏ ဌာနမှူးအသီးသီး သည်၊ ကျေးရွာကောင်စီ၏ အလားတူ လုပ်ငန်းဆောင်တာများကို ဆောင်ရွက်ရသော ရာထမ်းအားလုံး၏ အကြီးအကဲဖြစ်ရမည်။

ရာထမ်းများ၏ တာဝန်။

၃၉။ ။[ကောင်စီ၏ ရာထမ်းအားလုံးသည်၊ သက်ဆိုင်ရာကောင်စီ၏ ဝါဒအတိုင်း လုပ်ကိုင်ဆောင်ရွက်ရန် ထိုကောင်စီအား တာဝန်ခံရမည်]* ထို့ပြင် လုပ်ငန်းများနှင့် စပ်လျဉ်း၍ ဆောင်ရွက်ရမည့် ဝတ်တရားကျေပွန်ခြင်းနှင့် ရံပုံငွေကို စေ့စပ်စွာသုံးခြင်းအတွက် လုပ်ရည်ကိုင်ရည်နှင့် ကျွမ်းကျင်မှု အဆင့်အတန်းပြည့်မှီရန် ဌာနဆိုင်ရာအကြီးအကဲအား တာဝန်ခံရမည်။

ပြည်သူ့ဝန်ထမ်းဖြစ်ခြင်း။

၄၀။ ။ဒေသန္တရအဖွဲ့ဝင်လူကြီးနှင့် အဖွဲ့၏ရာထမ်းမှထမ်းတိုင်းသည်၊ ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်အရ ဆောင်ရွက်သောအခါ၊ သို့တည်းမဟုတ် ဆောင်ရွက်သည့်သဘော သက်ရောက်သော အပြုအမူကိုပြုသောအခါ ရာဇသတ်ကြီးပုဒ်မ ၂၁ အရ၊ ပြည်သူ့ဝန်ထမ်းဖြစ်သည်ဟု မှတ်ယူရမည်။

ကင်းလွတ်ခွင့်။

၄၁။ ။ဤအက်ဥပဒေအရ သဘောရိုးဖြင့်ပြုသော၊ သို့တည်းမဟုတ် သဘောရိုးဖြင့်ပြုရာရောက်သော အပြုအမူတခုခုနှင့်စပ်လျဉ်း၍ ဒေသန္တရအဖွဲ့ကိုဖြစ်စေ၊ အဖွဲ့ဝင် တဦးဦးကို ဖြစ်စေ၊ အဖွဲ့၏ရာထမ်းမှထမ်း တဦးဦးကိုဖြစ်စေ တရားမမှုသော်၎င်း၊ ရာဇဝတ်မှုသော်၎င်း၊ အခြားတရားမှုခင်းသော်၎င်း စွဲဆိုခြင်းမပြုရ။

နှစ်ပတ်လည်အစီရင်ခံစာသွင်းခြင်း။

၄၂။ ။ခရိုင်ကောင်စီ သည်၊ ခရိုင်အတွင်းရှိ ဒေသန္တရအဖွဲ့အသီးသီး၏ဆောင်ရွက်ခဲ့သော လုပ်ငန်းများနှင့် ဘဏ္ဍာရေးအခြေအနေကိုဖေါ်ပြသည့် နှစ်ပတ်လည်အစီရင်ခံစာကို ဒီမိုကရေစီဒေသန္တရအုပ်ချုပ်ရေး ဝန်ကြီးဌာနသို့၊ သို့တည်းမဟုတ် နိုင်ငံတော်သမ္မတက သတ်မှတ်သည့် ဝန်ကြီးဌာနသို့တင်ပို့ရမည်။ ထို့ပြင် ထိုအစီရင်ခံစာကို ပြည်သူအများသိစေရန် ခရိုင်ကောင်စီက ထုတ်ပြန်ကြေညာရမည်။

အပိုင်း ၂။

ပြဋ္ဌာန်းပိုပြားရေး။

အခန်း ၅။

ကျေးရွာလုံခြုံရေး။

ကျေးရွာရဲအဖွဲ့။

၄၃။ ။နိုင်ငံတော်သမ္မတ၏ အမိန့်ကိုကြိုတင်ရယူပြီးလျှင်၊ ဤကိစ္စအလို့ငှါ ပြဋ္ဌာန်းသည့် နည်းဥပဒေနှင့်အညီ ခရိုင်ကောင်စီကပြုသော စည်းကမ်းဥပဒေများကိုလိုက်နာ၍ ကျေးရွာကောင်စီသည် ကျေးရွာရဲအဖွဲ့ကို ဖွဲ့စည်းထားရမည်။

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* ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

ကျေးရွာရဲအဖွဲ့ဝင်တို့သည်၊ သက်ဆိုင်ရာကျေးရွာကောင်စီအား တာဝန်ခံရမည်။ ၎င်းတို့သည် ရဲအက်ဥပဒေ (Police Act) နှင့် ရာဇဝတ်ကုဒ်ထုံး ဥပဒေများဖြင့် ရဲမှုထမ်းများအား အပ်နှင်းထားသော အခွင့်အရေးနှင့် အာဏာများကိုရရှိစေရမည်။

ကျေးရွာကာကွယ်ရေးအဖွဲ့။

၄၄။ ။နိုင်ငံတော်သမ္မတ၏အမိန့်ကို ကြိုတင်ရယူပြီးလျှင်၊ ဤကိစ္စအလို့ငှါ ပြဌာန်းသည့် နည်းဥပဒေနှင့်အညီ ခရိုင်ကောင်စီက ပြုသော စည်းကမ်းဥပဒေများကို လိုက်နာ၍ ကျေးရွာကောင်စီ သည်၊ ရန်သူ၊ သို့တည်းမဟုတ် လက်နက်ကိုင်လူဆိုးတို့၏ တိုက်ခိုက်ခြင်းမှ လုံခြုံရေးနှင့် ကာကွယ်ရေးအတွက် ကျေးရွာကာကွယ်ရေးအဖွဲ့ကို ဖွဲ့စည်းထားရမည်။

ကျေးရွာသား က သတင်းပေးရန်တာဝန်။

၄၅။ ။(၁) ကျေးရွာနယ်နိမိတ်အတွင်း၌ နေထိုင်သော ကျေးရွာသားတိုင်းသည်၊ ကျေးရွာအတွင်း၌ အောက်ပါပြစ်မှုဘခုခု ကျူးလွန်ခြင်းကိုသော်၎င်း၊ ကျူးလွန်ရန်အားထုတ်ခြင်းကိုသော်၎င်း၊ ကျူးလွန်ရန် ကြံရွယ်ခြင်းကိုသော်၎င်း သိသည်နှင့်တပြိုင်နက် ကျေးရွာကောင်စီ ဥက္ကဋ္ဌ အား၊ သို့တည်းမဟုတ် ဥက္ကဋ္ဌမရှိလျှင် ကျေးရွာလူကြီး တဦးဦးအား အကြောင်းကြားရမည်။ အကြောင်းမကြားလျှင် အဘယ်ကြောင့်အကြောင်းမကြားကြောင်း၊ လုံလောက်သည့်အကြောင်းပြရန် ထိုသူ၌ တာဝန်ရှိစေရမည်။

(က) နိုင်ငံတော်သစ္စာဖေါက်ဖျက်ပုန်ကန်ရန် လှုံ့ဆော်မှု၊ သို့တည်းမဟုတ် နိုင်ငံတော်သစ္စာဖေါက်ဖျက်ပုန်ကန်ရာတွင်ပါဝင်မှု၊ သို့တည်းမဟုတ် နိုင်ငံတော်အစိုးရကို လက်နက်အားဖြင့် ပုန်ကန်မှု၊ ပုန်ကန်ရန်အားထုတ်မှု၊ သို့တည်းမဟုတ် ငြိမ်ဝပ်ပိပြားခြင်းကို ပျက်ပြားအောင်လှုံ့ဆော်မှု။

(ခ) လူသတ်မှု၊ သို့တည်းမဟုတ် လူသေစေမှု။

(ဂ) လုယက်မှု၊ သို့တည်းမဟုတ် ဓါးပြတိုက်မှု။

(ဃ) ရာဇဝတ်ပြစ်ဒဏ်မကင်းသည့် မီးရှို့မှု။

(င) လက်နက် ဥပဒေကျူးလွန်မှု။

(စ) နိုင်ငံတော်သမ္မတ က မိမိအလိုအလျောက်သော်၎င်း၊ ခရိုင်ကောင်စီက တောင်းဆိုချက်အရသော်၎င်း အခါကာလအားလျော်စွာ နည်းဥပဒေဖြင့်ပြဋ္ဌာန်းသည့် အခြားပြစ်မှု။

(၂) ကျေးရွာနယ်နိမိတ်အတွင်း၌နေထိုင်သော ကျေးရွာသားတိုင်း သည်၊ အောက်ပါကိစ္စများနှင့်စပ်လျဉ်းသည့်သတင်းများကိုရရှိလျှင်၊ ကျေးရွာကောင်စီ ဥက္ကဋ္ဌ အား၊ သို့တည်းမဟုတ် ဥက္ကဋ္ဌမရှိလျှင် ကျေးရွာလူကြီးတဦးဦးအားအကြောင်းကြားရမည်။ အကြောင်းမကြားလျှင် အဘယ်ကြောင့် အကြောင်းမကြားကြောင်း လုံလောက်သည့် အကြောင်းပြရန် ထိုသူ၌တာဝန်ရှိစေရမည်။

(က) ဒိုးရာပါ ပစ္စည်းကို လက်ခံသည်ဟု၊ သို့တည်းမဟုတ် ထုခွဲရောင်းချသည်ဟု ကျော်စော သူသည် ကျေးရွာအတွင်း၌ အမြဲဖြစ်စေ၊ခေတ္တဖြစ်စေ နေထိုင်လျက်ရှိသည့်ကိစ္စ။

(ခ) လုယက်သူ၊ သို့တည်းမဟုတ် ဓါးပြတိုက်သူ၊ သို့တည်းမဟုတ် ထောင်ပြေး၊ သို့တည်းမဟုတ် ဝရမ်းပြေး၊ သို့တည်းမဟုတ် ပြည်ထောင်စု နိုင်ငံတော်၏ ရေတပ်၊ကုန်းတပ်၊လေတပ်မှထွက်ပြေးသူဖြစ်ကြောင်း မိမိကိုယ်တိုင်သိသူသည်၊ သို့တည်းမဟုတ် အဆိုပါသူဖြစ်သည်ဟု သက်ဘမကင်းဘွယ်ရာ အကြောင်းရှိသူ

° ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

သည်၊ ကျေးရွာအတွင်းသို့ ရောက်ရှိနေသည့်ကိစ္စ၊ သို့တည်းဟုတ် ဖြတ်သန်း သွားလာသည့်ကိစ္စ။

(ဂ) ကျေးရွာအတွင်း၌ ရုတ်တရက် သေခြင်း၊ သို့တည်းမဟုတ် ဓမ္မတာအလျောက် မဟုတ်ဘဲသေခြင်း၊ သို့တည်းမဟုတ် သင်္ဘောမကင်းလောက်သောအကြောင်းနှင့် သေခြင်းကိစ္စ။

(ဃ) နိုင်ငံတော်သမ္မတ က မိမိအလိုအလျောက်သော်၎င်း၊ ခရိုင်ကောင်စီက တောင်းဆိုချက်အရသော်၎င်း၊ ကျေးရွာ ငြိမ်ဝပ်ပိပြားရေးအတွက်ဖြစ်စေ၊ ရာဇဝတ်မှုများအတွက်ဖြစ်စေ၊ လူ၏၊ သို့တည်းမဟုတ် ပစ္စည်း၏ဘေးအန္တရာယ် လုံခြုံရေးအတွက်ဖြစ်စေ၊ သတင်းပေးရမည်ဟု အခါအားလျော်စွာ နည်းဥပဒေဖြင့် သတ်မှတ်သည့် အခြားကိစ္စ။

ကျေးရွာလူကြီးက သတင်းပေးရန်တာဝန်။

၄၆။ ။(၁) ကျေးရွာလူကြီးတိုင်းသည် ပုဒ်မ ၄၅၊ ပုဒ်မခွဲ (၁) တွင် ပြဋ္ဌာန်းထားသည့် ပြစ်မှုတခုခုနှင့်၊ သို့တည်းမဟုတ် ပုဒ်မ ၄၅၊ ပုဒ်မခွဲ (၂) တွင် ပြဋ္ဌာန်းထားသည့် ကိစ္စတခုခုနှင့် စပ်လျဉ်းသည့် အကြောင်းကြားချက်ကို ရရှိလျှင်သော်၎င်း၊ ထိုပြစ်မှု တခုခုကို၊ သို့တည်းမဟုတ် ထိုကိစ္စတခုခုကို မိမိကိုယ်တိုင် သိလျှင်သော်၎င်း၊ အနီးဆုံး ရာဇဝတ် တရားသူကြီး ထံသို့ ဖြစ်စေ၊ အနီးဆုံး ရဲဌာနာသို့ဖြစ်စေ ချက်ခြင်းသတင်းပေးရမည်။ သတင်းမပေးခဲ့လျှင်၊ အဘယ်ကြောင့် မပေးနိုင်ကြောင်း လုံလောက်သည့် အကြောင်းပြရန် ထိုသူ၌ တာဝန်ရှိစေရမည်။

(၂) ကျေးရွာကောင်စီ ဥက္ကဋ္ဌ သည်၊ ပုဒ်မ ၄၅၊ ပုဒ်မခွဲ(၁)၌ ဖော်ပြပါ ပြစ်မှုများနှင့် စပ်လျဉ်းသည့် အကြောင်းများကိုသိလျှင် စုံစမ်းရမည်။ ထိုပြစ်မှု၌ ပါဝင်ကျူးလွန်သည့် သူဟုယူဆရန် အကြောင်းရှိလျှင်၊ ထိုသူအား ဖမ်းဆီးရမည်။ ထို့ပြင် ထိုသူထံ၌ ပြစ်မှုနှင့်စပ်လျဉ်းသည့် တွေ့ရှိသောပစ္စည်းများကို သိမ်းဆည်းရမည်။ ဖမ်းဆီးခြင်းခံရသူနှင့် သိမ်းဆည်းသော ပစ္စည်းများကို အနီးဆုံးရဲဌာနာသို့ အဆောတလျင်ပို့ရမည်။

(၃) ရာဇဝတ်ကျင့်ထုံး ဥပဒေပုဒ်မ ၄၅ ၏ပြဋ္ဌာန်းချက်များ သည်၊ ဤအက်ဥပဒေအရ၊ ကျေညာထားသည့် ကျေးရွာများနှင့် မသက်ဆိုင်စေရ။

အရေးပေါ်ကိစ္စ။

၄၇။ ။ကျေးရွာ ကြီးပွါး ချမ်းသာရေးနှင့် သက်ဆိုင်သော အရေးတကြီးကိစ္စ ပေါ်ပေါက်လျှင်၊ ကျေးရွာကောင်စီ ဥက္ကဋ္ဌ သည်၊ သို့တည်းမဟုတ် ဥက္ကဋ္ဌမရှိလျှင်၊ ကျေးရွာလူကြီးတဦးဦးသည်၊ အထက်အာဏာပိုင်များ၏ အခွင့်အမိန့်ကို ရယူခြင်းမပြုဘဲ၊ လိုအပ်သည့်အလျောက် ရွာသားများကို ခေါ်ယူ၍ သော်၎င်း၊ လိုအပ်သလောက် ပစ္စည်းများကို သိမ်းယူအသုံးချ၍သော်၎င်း၊ ထိုအရေးတကြီးကိစ္စကို ဆောင်ရွက်ရန် အာဏာရှိရမည်။ ဤကဲ့သို့ဆောင်ရွက်ရာ၌ လုပ်အားနှင့် ပစ္စည်းများ အတွက် တရားမျှတသော ကာလတန်ဘိုးကိုပေးရမည်။

အကူအညီပေးခြင်း။

၄၈။ ။ကျေးရွာနယ်နိမိတ် အတွင်း၌ နေထိုင်သော ကျေးရွာသားတိုင်း သည်၊ ရဲရာထမ်းမှထမ်းကသော်၎င်း၊ ကျေးရွာလူကြီးက သော်၎င်း၊ ကျေးရွာရဲမှထမ်းကသော်၎င်း၊ ငြိမ်ဝပ်ပိပြားမှုပျက်ပြားခြင်းကို တားဆီးနှိမ်နင်းရာ၌ဖြစ်စေ၊ ဤအက်ဥပဒေအရသော်၎င်း၊ နည်းဥပဒေအရသော်၎င်း၊ စည်းကမ်းဥပဒေအရသော်၎င်း၊ ဤအက်ဥပဒေအရ ထုတ်ပြန်သည့် အမိန့်အရသော်၎င်း အဆိုပါ ရဲရာထမ်း မှထမ်း၊ ကျေးရွာလူကြီးနှင့် ကျေးရွာရဲမှထမ်းများအား ပေးအပ်ထားသည့် တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရာ၌ဖြစ်စေ သင့်လျော်သော အကူအညီ တောင်းဆိုသည့်အခါ၊ အကူအညီပေးရမည်။ ထို့ပြင်ကျေးရွာ ကာကွယ်ရေးအဖွဲ့က မိမိ၏ တာဝန်ဝတ်တရားကို ဆောင်ရွက်ရာ၌လည်း သင့်လျော်သော အကူအညီ တောင်းဆိုသည့်အခါ အကူအညီပေးရမည်။

လုံခြုံရေးအတွက် စည်းကမ်းဥပဒေပြုအာဏာ။

၄၉။ ။ကျေးရွာကောင်စီ သည်၊ အောက်ပါကိစ္စများ အတွက်စည်းကမ်းဥပဒေကိုပြုနိုင်သည်။ သို့ရာတွင် အထက်အာဏာပိုင်က တရားဥပဒေအရ အမိန့်ဖြင့် ညွှန်ကြားလျှင် အဆိုပါ ကိစ္စများ အတွက် စည်းကမ်းဥပဒေကိုပြုရမည်။ ထိုကဲ့သို့ ပြုသောစည်းကမ်းဥပဒေများသည် ဤအက်ဥပဒေနှင့် သော်၎င်း၊ နည်းဥပဒေနှင့်သော်၎င်း၊ ဤအက်ဥပဒေအရ ထုတ်ပြန်ထားသော အမိန့်များနှင့်သော်၎င်း မဆန့်ကျင်စေဘဲ၊ နိုင်ငံတော်သမ္မတ၏ သဘောတူညီချက်ဖြင့် ဖြစ်စေရမည့်အပြင်၊ ဤကိစ္စအလို့ငှါ နိုင်ငံတော် သမ္မတ ကပြဋ္ဌာန်းထားသည့် နည်းအတိုင်း အများပြည်သူတို့သိရန် ကြိုတင်ကျေညာပြီး ဖြစ်ရမည်။

(က) ငြိမ်ဝပ်မှုပြားရေးနှင့်လုံခြုံရေး။

(ခ) ကျေးရွာကို မတရားကျူးကျော် တိုက်ခိုက်ခြင်းမှ ကာကွယ်ရေး။

(ဂ) ကျေးရွာသို့ ဧည့်သည်များ လာရောက်ကြောင်း တိုင်ကြားရေးနှင့် ၎င်းတို့အား လက်ခံနေထိုင်ခွင့်ပြုရေး။

(ဃ) အလုပ်ဝတ်တရားနှင့် ခရီးသွားသည့် ပြည်သူ့ ဝန်ထမ်းများအတွက် သော်၎င်း၊ အထက်အာဏာပိုင်၏ စာမိန့်ရရှိသော ခရီးသည်များအတွက်သော်၎င်း သင့်လျော်သော အကူအညီပေးရေး။

ရာဇဝတ် အာဏာ။

၅၀။ ။ကျေးရွာလူကြီးသည်၊ ရာဇဝတ်ကျင့်ထုံး ဥပဒေအရ အောက်ပါရာဇဝတ် အာဏာများကို ရစေရမည်။

(က) ရာဇဝတ်ကျင့်ထုံး ဥပဒေပုဒ်မ ၅၉ နှင့်အညီ အာမခံပေးခွင့်မရသော အရေးယူပိုင်သည့် ပြစ်မှုတခုခုကို မိမိမျက်မှောက်၌ ကျူးလွန်သူအား ကိုယ်တိုင် ဖမ်းဆီးပိုင်သည့်အာဏာအပြင်၊ ကျေးရွာတရားရုံးက စစ်ဆေးပိုင်ခွင့်ရှိသော ပြစ်မှုတခုခုကို ကျူးလွန်သူအား ကိုယ်တိုင်ဖမ်းဆီးပိုင်သည့်အာဏာ၊ သို့တည်းမဟုတ် ဖမ်းဆီးစေရန် သူတပါးဘယောက်အား ဆင့်ဆိုပိုင်သည့် အာဏာနှင့် ကျူးလွန်သူကို အချုပ်သို့ လွှဲအပ်နိုင်သည့်အာဏာ။

(ခ) မိမိ၏ကျေးရွာနယ်နိမိတ်အတွင်း ငါးဦးအောက်မနည်းသော လူစုလူဝေးသည် ငြိမ်ဝပ်ပြားမှုကို နှောင့်ယှက်တန်သည်ဟု ယုံကြည်ခဲ့လျှင်၊ ထိုလူစုလူဝေးကို ခွဲခွါသွားရန် အမိန့်ပေးနိုင်သည့်အာဏာနှင့် ထိုလူစုလူဝေးကို ပျက်ပြားအောင် လိုအပ်သလောက် အနိုင်အနင်း ပြုလုပ်၍ ထိုလူစုလူဝေးတွင် ပါဝင်သူများကို ဖမ်းဆီးပိုင်သည့်အာဏာ။

(ဂ) ကျေးရွာတရားရုံးက စစ်ဆေးစီရင်ပိုင်ခွင့်ရှိသည့် ပြစ်မှုနှင့်စပ်လျဉ်းသော ပစ္စည်းကို အမှုစစ်ဆေးခြင်း မပြီးပြတ်သေးမီအတွင်း ထိန်းသိမ်းစီမံခန့်ခွဲပိုင်သည့် အာဏာ၊ အမှုစစ်ဆေးစီရင်ဆုံးဖြတ်ပြီးသည့်အခါ အမှုနှင့်စပ်လျဉ်းသည့် ပစ္စည်းကို သင့်လျော်သလို စီမံခန့်ခွဲပိုင်သည့် အာဏာနှင့် ကျေးရွာတရားရုံးက စစ်ဆေးစီရင်ပိုင်ခွင့်ရှိသည့် ပြစ်မှုတစုံတရာကျူးလွန်ကြောင်း သက်သေခံအကောင်းစားဖြစ်သော ပစ္စည်းကို သင့်လျော်သလို စီမံခန့်ခွဲပိုင်သည့်အာဏာ။

(ဃ) ကျေးရွာတရားရုံးက စစ်ဆေးစီရင်ပိုင်သည့်အမှုတွင် သက်သေခံချက်ကို နေရာကျစွာစီစဉ်စေး ဆင်ခြင်နိုင်ရန် အလို့ငှါ သက်ဆိုင်ရာနေရာ၌ စစ်ဆေးကြည့်ရှုနိုင်သည့်အာဏာ။

တာဝန် ပျက်ကွက်မှု ပြစ်ဒဏ်။

၅၁။ ။(၁) ပုဒ်မ ၂၃ တွင် မည်သို့ပင် ပါရှိစေကာမူ၊ ကျေးရွာအတွင်း နေထိုင်သူ မည်သူမဆို ပုဒ်မ ၂၂ (၂)၊ အပိုဒ် (က)၊ အပိုဒ် (ခ)၊ အပိုဒ် (ဃ)၊ အပိုဒ် (င)၊ အပိုဒ် (ဇ) နှင့် ပုဒ်မ ၄၉၊ အပိုဒ် (က) နှင့် အပိုဒ် (ခ) အရ ပြဌာန်းသည့် စည်းကမ်းဥပဒေများကို ကျူး

လွန်ဖေါက်ဖျက်လျှင်သော်၎င်း၊ ပုဒ်မ ၄၇ နှင့် ပုဒ်မ ၄၈ အရ တောင်းဆိုသည့် အကူအညီကိုမပေးခြင်းဆန့်လျှင်သော်၎င်း၊ အပြစ်ကင်းလွတ်ခွင့်ပေးသင့်သည့် လုံလောက်သောအကြောင်းကို ထိုသူက မပြနိုင်လျှင်၊ ထိုသူကို ကျေးရွာကောင်စီ ဥက္ကဋ္ဌ၊ သို့တည်းမဟုတ် ဥက္ကဋ္ဌမရှိလျှင်၊ ဥက္ကဋ္ဌ အဖြစ်နည်းလမ်းတကျ ခန့်ထားခြင်းခံရသူက၊ ဤကိစ္စအလို့ငှါ ပြုထားသည့်နည်းဥပဒေအရ ကျင်တဆယ်ထက်မပိုသည့် ငွေဒဏ် ချမှတ်နိုင်သည်။ ထိုသို့ချမှတ်သည့်ဒဏ်ငွေကိုမပေးလျှင် ဥက္ကဋ္ဌ သည်၊ သို့တည်းမဟုတ် ဥက္ကဋ္ဌ အဖြစ်ခန့်ထားခြင်းခံရသူသည် ကျေးရွာ ရဲမှူးထမ်း အား၊ ထိုသူကိုဖမ်းဆီးစေပြီးလျှင် ကျေးရွာတရားရုံးသို့ အမှုဖွဲ့တင်ရမည်။

(၂) မည်သူမဆို ဤအက်ဥပဒေအရဖြစ်စေ၊ နည်းဥပဒေအရဖြစ်စေ၊ စည်းကမ်း ဥပဒေအရဖြစ်စေ၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရ ထုတ်ပြန်ထားသည့် အမိန့်အရဖြစ်စေ မိမိအပေါ်တွင် ချထားသည့် တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရန်ပျက်ကွက်ခဲ့လျှင် ထိုသူသည်၊ ပုဒ်မ ၆၄၊ ပုဒ်မခွဲ (၁) တွင် ဖေါ်ပြထားသော ပြစ်ဒဏ်တရပ်ရပ်ကို ချမှတ်ခြင်းခံရမည်။ ထိုပျက်ကွက်မှုကို သက်ဆိုင်ရာကျေးရွာတရားရုံးကသာလျှင် စစ်ဆေးစီရင်ရမည်။

ခြွင်းချက်။ ။ထိုသူသည် ထိုပြစ်မှုဖြစ်ပွားရာ ကျေးရွာ၏ ကျေးရွာလူကြီးဖြစ်လျှင် ထိုလူကြီးကို မြို့နယ်ကောင်စီ၏ တိုင်တန်းချက်အရသော်၎င်း၊ မြို့နယ်ကောင်စီ၏ အခွင့်အမိန့်ဖြင့် တိုင်တန်းချက်အရသော်၎င်း၊ ရာဇဝတ်တရားသူကြီးရုံးကသာလျှင် စစ်ဆေးစီရင်ရမည်။

(၃) ကျေးရွာ ရဲမှူးထမ်းတဦးသည်၊ ဤအက်ဥပဒေအရဖြစ်စေ၊ နည်းဥပဒေအရဖြစ်စေ၊ စည်းကမ်းဥပဒေအရဖြစ်စေ ပြဋ္ဌာန်းထားသော အလုပ်ဝတ်တရားများကိုဆောင်ရွက်ရန် ပျက်ကွက်ခဲ့လျှင်သော်၎င်း၊ အပ်နှင်းထားသော အာဏာများကို ဖေါက်လွဲဖေါက်ပြန် သုံးစွဲခြင်းပြုလုပ်ခဲ့လျှင်သော်၎င်း ထိုသူသည် ကျေးရွာတရားရုံးကသာလျှင် စစ်ဆေး၍ ပုဒ်မ ၆၄၊ ပုဒ်မခွဲ (၁) တွင် ဖေါ်ပြထားသော ပြစ်ဒဏ်တရပ်ရပ် ချမှတ်ခြင်းခံရမည်။

၅၂။ ။(၁) မည်သူကိုမဆို ဤအက်ဥပဒေအရ၊ ကျေးရွာတရားရုံးက စစ်ဆေးစီရင်ပိုင် ဖမ်းဆီးခြင်း။
ခွင့်ရှိသော ရာဇဝတ်မှုနှင့်စပ်လျဉ်း၍ ဖမ်းဆီးခဲ့လျှင်၊ ထိုသူကို ကျေးရွာတရားရုံး လူကြီးတဦးဦးထံသို့ အဆောတလျင်ပို့ရမည်။

(၂) ကျေးရွာတရားရုံး လူကြီး သည်၊ ဖမ်းဆီးခြင်းခံရသောသူကို မိမိထံသို့ ခေါ်ဆောင်လာလျှင်၊ ထိုသူကို ရှေ့လာမည့် ရုံးထိုင်သည့်နေ့တွင် တရားရုံးသို့ လာရောက်စေရန် ကိုယ်ဘိုင်ခံဝန်ချုပ်နှင့်ဖြစ်စေ၊ အာမခံနှင့်ဖြစ်စေ ခံဝန်ချုပ်ပြုလုပ်ပြီးလျှင် လွှတ်နိုင်သည်။

(၃) ကျေးရွာတရားရုံးလူကြီး က တောင်းဆိုသောအာမခံကို မိမိထံသို့ခေါ်ဆောင်လာခြင်းခံရသူက မပေးနိုင်လျှင်၊ ကျေးရွာတရားရုံးလူကြီးသည်၊ ထိုသူကိုရှေ့လာမည့် ရုံးထိုင်သည့်နေ့တွင် တင်ပြရန် ခရိုင်ကောင်စီက သတ်မှတ်ထားသောနေရာသို့ ပို့ထားရမည်။

၅၃။ ။(၁) အသက်မွေး ဝမ်းကြောင်း ထင်ရှားမရှိသူသည်၊ သို့တည်းမဟုတ် မိမိ၏ အသက်မွေး
[အကြောင်းခြင်းရာ]* ကို ကျေနပ်လောက်အောင် မပြဆိုနိုင်သူသည်၊ ကျေးရွာအတွင်း၌ရှိနေကြောင်း ဝမ်းကြောင်း
ကျေးရွာတရားရုံးသို့ ကျေးရွာလူကြီးတဦးဦးက တိုင်တန်းခဲ့လျှင်၊ ထိုသူကို ကျေးရွာတရားရုံးက ထင်ရှားမရှိသူ
သင့်လျော်သည်ဟု ထင်မြင်သည့်အာမခံငွေနှင့် သင့်လျော်သည်ဟုထင်မြင်သည့် ကာလအပိုင်းအခြား ထံမှ အာမခံ
အတွင်း ကောင်းမွန်စွာကျင့်ဆောင် အသက်မွေးစေခြင်းငှါ ခံဝန်သူများနှင့်သော်၎င်း၊ ခံဝန်သူ တောင်းခြင်း။
မပါဘဲနှင့်သော်၎င်း၊ ခံဝန်ချုပ်ကိုချုပ်ဆိုရန် မည်သည့်အကြောင်းကြောင့် အမိန့်မထုတ်သင့်ကြောင်းကို အကြောင်းပြထုချေရမည်ဟု တိုင်တန်းချက်၏ အခြေခံ အကြောင်း အချက်များကို ဖေါ်ပြ၍ ဆင့်ဆိုနိုင်သည်။

* ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

ဆိုခဲ့သည့်ခံဝန်ချုပ်၏ အာမခံတန်ဘိုးသဲ့သည်၊ ကျပ်နှစ်ရာသာက်မပိုစေရ။ ထို့ပြင် ကာလအပိုင်းအခြားသည် တနှစ်ထက်မပိုစေရ။ အာမခံတန်ဘိုးနှင့်ကာလအပိုင်းအခြားကို [မများလွန်းစေရန်][1] သက်ဆိုင်သောသူ၏ အခြေအနေကိုဆင်ခြင်ရှိသော်ငင်း၊ အမှု၏အကြောင်းအရာကို ထောက်ထားရှိသော်ငင်း သတ်မှတ်ရမည်။

(၂) ဤကဲ့သို့ဆင့်ဆိုချက်အရ ခံဝန်ချုပ်ကိုချုပ်စေရန် အမိန့်မထုတ်သင့်ကြောင်းလုံလောက်အောင် အကြောင်းမပြနိုင်လျှင်၊ ကျေးရွာတရားရုံး သည်၊ ထိုသူ၏အကြောင်းကို နည်းလမ်းတကျစစ်ဆေးရှာ၊ ထိုသူကိုလွှတ်နိုင်သည်၊ သို့တည်းမဟုတ် ကျေးရွာတရားရုံးက သင့်လျော်သည်ဟုထင်မြင်သည့် အာမခံတန်ဘိုးမည်ရွှေမည်မျှနှင့် ကာလအပိုင်းအခြားကို သတ်မှတ်၍ ခံဝန်ချုပ်ကိုချုပ်ဆိုရန်အမိန့်ပေးနိုင်သည်။ ထိုအာမခံသည်၊ မူလအမိန့်စာတွင် တောင်းဆိုခဲ့သော အာမခံတန်ဘိုးနှင့် ကာလအပိုင်းအခြားထက် မပိုစေရ။ ခံဝန်ချုပ်ကိုချုပ်ဆိုရန်ပျက်ကွက်လျှင်၊ ကျေးရွာတရားရုံးသည်၊ ထိုသူကိုအမှုတွဲနှင့်တကွ ခရိုင်ရာဇဝတ်တရားသူကြီးက သတ်မှတ်ထားသည့် ရာဇဝတ်တရားသူကြီးထံသို့ပို့ရမည်။

ခရိုင်ရာဇဝတ်တရားသူကြီးသည်၊ ရာဇဝတ်ကျင့်ထုံးဥပဒေ ပုဒ်မ ၁၀၉ အရ၊ စစ်ဆေးစီရင်ပိုင်ခွင့်ရှိသော ရာဇဝတ်တရားသူကြီးကို ဤကိစ္စအလို့ငှါ ဆောင်ရွက်စေရန် သတ်မှတ်နိုင်သည်။

(၃) ပုဒ်မခွဲ (၂) အရ၊ တင်ပို့သောအမှုကို လက်ခံရရှိသော ရာဇဝတ်တရားသူကြီးသည်၊ ထိုအမှုအတွက် အာမခံတောင်းခြင်းခံရသူကို အချုပ်နှင့်ထားစေရန် အမိန့်ချမှတ်နိုင်သည်။ထိုနောက် ထပ်မံစစ်ဆေးသင့်သည်ဟု ထင်မြင်လျှင် လိုအပ်သလောက် ထပ်မံစစ်ဆေး၍ သင့်လျော်သည်ဟု မိမိသဘောအရ သတ်မှတ်သော ခံဝန်ချုပ်ကိုချုပ်ဆိုစေရန်၊ အမိန့်ချမှတ်ရမည်။ ထိုကဲ့သို့အမိန့်ချမှတ်သော အာမခံသည် မူလအမိန့်စာတွင် တောင်းဆိုခဲ့သော အာမခံတန်ဘိုးနှင့် ကာလအပိုင်းအခြားထက်မပိုစေရ။

ဤကဲ့သို့တောင်းဆိုသည့် ခံဝန်ချုပ်ကိုချုပ်ဆိုရန် ပျက်ကွက်လျှင်၊ ရာဇဝတ်တရားသူကြီးသည်၊ ထိုသူကိုအစိုးရက သတ်မှတ်ခန့်ထားသည့် အကျင့်စာရိတ္တပြုပြင်ရေးဌာနသို့ဖြစ်စေ၊ ရာထူးထံသို့ဖြစ်စေပို့အပ်နိုင်သည်။ အဆိုပါဌာန သည်၊ သို့တည်းမဟုတ် ရာထူးသည် ထိုသူကိုမူလအမိန့်တွင်ပါရှိသည့် ကာလကုန်ဆုံးသည့်တိုင်အောင် သော်ငင်း၊ ထိုကာလအတွင်း တောင်းဆိုသော ခံဝန်ချုပ်ကိုချုပ်ဆိုသည့် နေ့ထိသော်ငင်း ထိန်းသိမ်းထားရမည်။

အဆိုပါဌာနကိုသော်ငင်း၊ ရာထူးကိုသော်ငင်း အစိုးရက သတ်မှတ်ခန့်ထားခြင်းမရှိသေးလျှင်၊ ထိုသူကို မူလအမိန့်တွင်ပါရှိသည့် ကာလကုန်ဆုံးသည့် တိုင်အောင်သော်ငင်း၊ ထိုကာလအတွင်း တောင်းဆိုသော ခံဝန်ချုပ်ကို ချုပ်ဆိုသည့်နေ့အထိသော်ငင်း အကျဉ်းဒဏ်ချမှတ်ရမည်။

ရာဇဝတ်တရားသူကြီးသည်၊ ကျေးရွာတရားရုံးက ခံဝန်ချုပ်ကိုချုပ်ဆိုရန် အမိန့်ချမှတ်ခြင်းခံရသူအား လွှတ်သင့်သည်ဟုထင်မြင်ယူဆလျှင်၊ မိမိ၏ထင်မြင်ယူဆချက်ကို အကြောင်းပြရေးသား၍ အမှုတွဲကို ခရိုင်ရာဇဝတ်တရားသူကြီးထံသို့ပို့ရမည်။

(၄) ထိုသို့ရာဇဝတ်တရားသူကြီးက ပို့သည့်အမှုတွဲကို ခရိုင်ရာဇဝတ် တရားသူကြီး သည်၊ စီစစ်၍၊ ခံဝန်ချုပ်ကိုချုပ်ဆိုရန် အမိန့်ချမှတ်ခြင်း ခံရသူအား လွှတ်နိုင်သည်၊ သို့တည်းမဟုတ် သင့်လျော်သည်ဟု မိမိသဘောအရသတ်မှတ်သော ခံဝန်ချုပ်ကို ချုပ်ဆိုစေရန် အမိန့်ချမှတ်နိုင်သည်။ ထိုကဲ့သို့အမိန့်ချမှတ်သော အာမခံသည် မူလအမိန့်စာတွင် တောင်းဆိုခဲ့သော အာမခံတန်ဘိုးနှင့် ကာလအပိုင်းအခြားထက်မပိုစေရ။ ဤကဲ့သို့တောင်းဆိုသည့် ခံဝန်ချုပ်ကိုချုပ်ဆိုရန် ပျက်ကွက်လျှင်၊ ထိုသူကိုအစိုးရက သတ်မှတ်ခန့်ထားသည့် အကျင့်စာရိတ္တပြုပြင်ရေးဌာနသို့ဖြစ်စေ၊ ရာထူးထံသို့ဖြစ်စေ ပို့အပ်နိုင်သည်။ အဆိုပါဌာနသည်၊ သို့တည်းမဟုတ် ရာထူးသည် ထိုသူကိုမူလအမိန့်

[1] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

တွင်ပါရှိသည့် ကာလကုန်ဆုံးသည့် တိုင်အောင်သော်၎င်း၊ ထိုကာလအတွင်း တောင်းဆိုသော ခံဝန်ချုပ်ကို ချုပ်ဆိုသည့်နေ့အထိသော်၎င်း ထိန်းသိမ်းထားရမည်။ အဆိုပါဌာနကို သော်၎င်း၊ ရာထမ်းကိုသော်၎င်း အစိုးရကာသတ်မှတ်ခန့်ထားခြင်း မရှိသေးလျှင် ထိုသူကိုမူလအမိန့်တွင်ပါရှိသည့် ကာလကုန်ဆုံးသည့်တိုင်အောင်သော်၎င်း၊ ထိုကာလအတွင်း တောင်းဆိုသောခံဝန်ချုပ်ကို ချုပ်ဆိုသည့်နေ့အထိသော်၎င်း အကျဉ်းဒဏ်ချမှတ်ရမည်။

၁၄။ ။(၁) ကျေးရွာလူကြီးတဦးဦးက၊ မိမိ၏ကျေးရွာအတွင်း နေထိုင်သူသည်— မကောင်းသတင်းကျော်စောသူထံမှ အာမခံတောင်းခြင်း။

(က) [တရားဥပဒေ][1] နှင့် ဆန့်ကျင်သည့် လောင်းကစားဝိုင်း အမြဲထောင်စားလေ့ရှိသူဟု၊ သို့တည်းမဟုတ်

(ခ) တရားဥပဒေအရ ထုတ်ပေးသော အမိန့်လက်မှတ်မရှိဘဲ၊ သေရည် သေရက် ချက်ခြင်း၊ ဖေါက်ခြင်း၊ တယ်ခြင်းအမြဲပြုလုပ်သူဟု၊ သို့တည်းမဟုတ် သေရည် သေရက်အမြဲရောင်းချသူဟု၊ သို့တည်းမဟုတ်

(ဂ) တရားဥပဒေအရထုတ်ပေးသော အမိန့်လက်မှတ်မရှိဘဲ၊ ဘိန်းအမြဲလက်ရှိထားသူဟု၊ သို့တည်းမဟုတ် ဘိန်းအမြဲရောင်းချသူဟု၊ သို့တည်းမဟုတ်

(ဃ) ပြည့်တန်းဆာလုပ်ငန်းဝင်ရွေဖြင့် အမြဲအသက်မွေးလေ့ရှိသူဟု၊ သို့တည်းမဟုတ်

(င) လူအရောင်းအဝယ်ပြုခြင်းဖြင့် အမြဲအသက်မွေးလေ့ရှိသူဟု

ယုံကြည်ရန်အကြောင်းရှိ၍ ကျေးရွာဘရားရုံးသို့ တိုင်တန်းခဲ့လျှင်၊ ထိုသူကို ကျေးရွာတရားရုံးက ပုဒ်မ ၅၃ တွင် ပြဋ္ဌာန်းထားသည့်နည်းအတိုင်း အရေးယူဆောင်ရွက်ရမည်။

(၂) ပုဒ်မခွဲ (၁)အရ၊ အရေးယူရာ၌၊ ဤကဲ့သို့ အမြဲကျူးလွန်သူဖြစ်ကြောင်းကို သတင်းကျော်စောခြင်းအရဖြစ်စေ၊အခြားနည်းသက်သေခံချက်အရဖြစ်စေထင်ရှားစေနိုင်သည်။

အခန်း ၆။

ကျေးရွာတရားရုံး။

ကျေးရွာတရားရုံး။

၁၅။ ။ကျေးရွာတိုင်းတွင် ရာဇဝတ်မှုများနှင့် တရားမမှုများကိုစစ်ဆေးရန်အလို့ငှါ၊ ကျေးရွာတရားရုံးတခုစီ ဖွဲ့စည်းထားရှိရမည်။ ကျေးရွာတိုင်း၏ ကျေးရွာလူကြီးများသည်၊ ထိုကျေးရွာ၏တရားရုံးလူကြီးများဖြစ်စေရမည်။

ကျေးရွာတရားရုံးဝင်ခွင့်နှင့် ကျေးရွာတရားရုံး၏နယ်ကန့်သတ်ချက်။

၁၆။ ။အမှုစစ်ဆေးရန်အတွက် ကျေးရွာတရားရုံးသို့ ကျေးရွာကောင်စီဥက္ကဋ္ဌတက်ရောက်လျှင်၊ ဥက္ကဋ္ဌသည် တရားရုံးနာယကဖြစ်ရမည်။ ဥက္ကဋ္ဌမတက်ရောက်လျှင် တက်ရောက်သောလူကြီးများသည် မိမိတို့အထဲမှတဦးဦးကို နာယကအဖြစ်ဖြင့် ရွေးချယ်ရမည်။

ကျေးရွာတရားရုံး၏ဆောင်ရွက်မှုများ။

၁၇။ ။(၁) ကျေးရွာလူကြီးအားလုံးသည်၊ ကျေးရွာတရားရုံးက စီရင်ပိုင်ခွင့်ရှိသောမည်သည့်အမှုကိုမဆို စီရင်ဆုံးဖြတ်ရန် ရုံးထိုင်နိုင်ခွင့်ရှိရမည်။ မည်သည့်အမှုကိုမျှ သုံးဦးအောက်နည်းသော ကျေးရွာတရားရုံးလူကြီးများက စီရင်ဆုံးဖြတ်ခြင်းမပြုရ။

(၂) အမှုတမှုကို စစ်ဆေးစီရင်ရာ၌ အနည်းဆုံး ကျေးရွာတရားရုံးလူကြီး နှစ်ဦးသည်၊ ပြောင်းလဲခြင်းမရှိဘဲ အစမှအဆုံးအထိ ကြားနာစစ်ဆေးရာတွင် တက်ရောက်ပါဝင်ခဲ့လျှင်၊တက်ရောက်

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[1] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

သောကျေးရွာတရားရုံး၌ အခြားလူကြီး အတိုး၊ အလျော့၊ အပြောင်းအလဲရှိခြင်းကြောင့် ကျေးရွာတရားရုံး၏ ကြားနာစစ်ဆေးဆောင်ရွက်မှုများသည် ပျက်ပြယ်ခြင်းမရှိစေရ။

(၃) ကျေးရွာတရားရုံး၏ စီရင်ချက်သည်၊ အမှုစစ်သောကျေးရွာတရားရုံး နာယကပါဝင်သည့် ကျေးရွာတရားရုံး လူကြီးများရာ၏မဲဖြင့် ဆုံးဖြတ်သည့်အတိုင်းဖြစ်ရမည်။ မဲတူညီနေလျှင်၊ ကျေးရွာတရားရုံးနာယကသည် အနိုင်မဲကိုပေးရမည်။

(၄) ရုံးခွန်တော်အက်ဥပဒေတွင် မည်သို့ပင်ပါရှိစေကာမူ၊ ကျေးရွာတရားရုံးတွင်ပေးဆောင်ရမည့် ရုံးခွန်တော်သည်၊ နည်းဥပဒေဖြင့်ပြဋ္ဌာန်းထားသည့်အတိုင်း ဖြစ်ရမည်။

[ကျေးရွာတရားရုံး လူကြီးအဖြစ်ဖြင့်မပါဝင်စေခြင်း]

၅၈။ ။(၁) ကျေးရွာလူကြီးတဦးသည်၊ အမှုသည်အဖြစ်ဖြင့် မိမိပါဝင်နေသော အမှုတွင်ဖြစ်စေ၊ မိမိကိုယ်ကျိုးသက်ဝင်နေသော အမှုတွင်ဖြစ်စေ၊ မိမိကဲ့ဆိုစေသည့် အမှုဘွင်ဖြစ်စေ ကျေးရွာတရားရုံးက ထိုအမှုကိုစစ်ဆေးရာ၌ ကျေးရွာတရားရုံးလူကြီးအဖြစ်ဖြင့် မပါဝင်စေရ။

[၁] (၂) ကျေးရွာလူကြီးတဦးသည်၊ နည်းဥပဒေဖြင့်သတ်မှတ်သည့် မိမိနှင့်သက်ဆိုင်တော်စပ်သော ပုဂ္ဂိုလ်တဦးဦးသည် အမှုသည်အဖြစ်ဖြင့်၊ သို့တည်းမဟုတ် နည်းဥပဒေဖြင့်သတ်မှတ်သည့် အခြားတနည်းနည်းဖြင့်ပါဝင်သော်၊ ထိုအမှုကိုစစ်ဆေးရာ၌ ကျေးရွာတရားရုံးလူကြီးအဖြစ်ဖြင့် ပါဝင်ဆောင်ရွက်ခွင့်မရှိစေရ။

တရားရုံးကို မထီလေးစားပြုခြင်း။

၅၉။ ။(၁) မည်သူမဆို လုံလောက်သောအကြောင်းမပြဘဲ—

(က) ကျေးရွာတရားရုံးက၊ တရားဥပဒေနှင့်အညီ ထုတ်ဆင့်ပိုင်သည့်အတိုင်း ချိန်းဆိုသောကာလတွင် ချိန်းဆိုသောနေရာသို့လာရောက်ရန် ထုတ်ဆင့်သည့်အမိန့်ကို မလိုက်နာလျှင်၊ သို့တည်းမဟုတ်

(ခ) ကျေးရွာတရားရုံးသို့ စာမှတ်စာတန်းတခုခု တင်ပြရန်သော်၎င်း၊ ပေးအပ်ရန်သော်၎င်း၊ တရားဥပဒေနှင့်အညီ အမိန့်ထုတ်ဆင့်သည့်အတိုင်း ထိုစာမှတ်စာတမ်း အမှတ်အသားကိုမတင်ပြဘဲ၊ သို့တည်းမဟုတ် မပေးအပ်ဘဲပျက်ကွက်လျှင်၊ သို့တည်းမဟုတ်

(ဂ) အကြောင်းအရာ တခုခုနှင့်စပ်လျဉ်း၍ ကျေးရွာတရားရုံးက တရားဥပဒေအရ အာဏာသုံးစွဲလျက် မေးသောမေးခွန်းကို တရားဥပဒေအရ အမှန်ကိုဖြေဆိုရန် တာဝန်ရှိလျက်နှင့် ငြင်းပယ်လျှင်၊ သို့တည်းမဟုတ်

(ဃ) အမှန်ထွက်ဆိုပါမည်ဟု ကျမ်းသစ္စာဖြစ်စေ၊ ကတိသစ္စာဖြစ်စေ ပြုစေရန်တရားဥပဒေအရ ခိုင်းပိုင်သော ကျေးရွာတရားရုံးက ခိုင်းသည်ကို ငြင်းပယ်လျှင်၊ သို့တည်းမဟုတ်

(င) မိမိ၏ထွက်ဆိုချက်ကို လက်မှတ်ရေးထိုးရန် တရားဥပဒေအရခိုင်းပိုင်သော ကျေးရွာတရားရုံးက ခိုင်းသည်ကိုငြင်းပယ်လျှင်

ကျေးရွာတရားရုံးက ထိုသူကိုတိုင်တန်းချက်မရှိဘဲ ချက်ခြင်းအရေးယူစစ်ဆေးပြီးလျှင်၊ ကျပ်ငါးဆယ်ထက်မပိုသော ငွေဒဏ်ချမှတ်ရမည်။

(၂) မည်သူမဆို ရုံးထိုင်လျက်တရားစီရင် စစ်ဆေးနေသည့်အခါတွင် ကျေးရွာတရားရုံးလူကြီးကို တမင်မလေးမခန့်ပြုလျှင်၊ သို့တည်းမဟုတ် အနှောင့်အယှက်ပြုလျှင်၊ ကျေးရွာတရားရုံးက ထိုသူကိုတိုင်တန်းချက်မရှိဘဲ ချက်ခြင်းအရေးယူစစ်ဆေးပြီးလျှင်၊ ကျပ်ငါးဆယ်ထက်မပိုသောငွေဒဏ်ချမှတ်နိုင်သည်။

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[၁] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

ရာဇဝတ်မှုများ။

၆၀။ ။(၁) ဤအက်ဥပဒေ၏ ဇယားတွင်ဖေါ်ပြထားသော ရာဇဝတ်မှု တခုခုသည်၊ ကျေးရွာနယ်မြေအတွင်း၌ ဖြစ်ပွါးခဲ့လျှင်၊ ထိုအမှုကိုယက်ဆိုင်ရာ ကျေးရွာတရားရုံးက စစ်ဆေးစီရင်ပိုင်ခွင့်ရှိသည်။

ဤပုဒ်မခွဲတွင် မည်သို့ပင်ပါရှိစေကာမူ၊ ကျေးရွာတရားရုံးက အောက်ပါအမှုများကို စစ်ဆေးစီရင်ပိုင်ခွင့်မရှိစေရ—

(က) ကျူးလွန်သောပြစ်မှုကြောင့် ပစ္စည်းတန်ဘိုးကျပ်နှစ်ရာထက် ပိုရှိပျက်စီးဆုံးရှုံးစေမှု။

(ခ) တန်ဘိုးကျပ်နှစ်ရာထက် ပိုသောပစ္စည်းနှင့် သက်ဆိုင်သည့်အမှု။

(ဂ) တလ၊ သို့တည်းမဟုတ် တလထက်ပိုသော အကျဉ်းဒဏ်ခံရဘူးသော တရားခံပါသည့်အမှု။

(ဃ) အလားတူပြစ်မှုမျိုးအတွက် ကျပ်ငါးဆယ်၊ သို့တည်းမဟုတ် ကျပ်ငါးဆယ်ထက်ပိုသည့်ဒွေဒဏ် [ချမှတ်ခြင်းခံရဘူး]* သော တရားခံပါသည့်အမှု။

(၂) ပုဒ်မ ၆၁၊ ပုဒ်မခွဲ (၁) ၏ ပြဋ္ဌာန်းချက်ကိုထောက်ထား၍၊ ကျေးရွာတရားရုံးက စစ်ဆေးစီရင်ပိုင်ခွင့်ရှိသည့်အမှုများကို ကျေးရွာတရားရုံးကသာလျှင် စစ်ဆေးစီရင်ရမည်။

ခရိုင်ရာဇဝတ်တရားသူကြီး၏အာဏာ။

၆၁။ ။(၁) ခရိုင်ရာဇဝတ်တရားသူကြီးသည်၊ မိမိအလိုအလျောက်သော်၎င်း၊ သက်ဆိုင်ရာခရိုင်ပြည်သူ့ရှေ့နေကဖြစ်စေ၊ သက်ဆိုင်ရာအမှုသည် တဦးဦးကဖြစ်စေ လျှောက်ထားလျှင်သော်၎င်း ကျေးရွာတရားရုံးတွင် စစ်ဆေးနေဆဲဖြစ်သည့် ရာဇဝတ်မှုအမှုတွဲကို မည်သည့်အချိန်၌မဆို တောင်းယူပြီးလျှင်၊ ထိုအမှုတွဲကိုစီစစ်၍ မူလကျေးရွာတရားရုံးသို့ စစ်ဆေးရန်ပြန်ပို့နိုင်သည်၊ သို့တည်းမဟုတ် ထိုအမှုကို မိမိကသင့်လျော်သည်ဟုယူဆလျှင်၊ နှတ်သိမ်း၍ ထိုပြစ်မှုကျူးလွန်ကြောင်းစွပ်စွဲချက်ကို၊ ရာဇဝတ်ကျင့်ထုံးဥပဒေ ပုဒ်မ ၁၉၀ အရ ရရှိသောတိုင်တန်းချက်၊ သို့တည်းမဟုတ် သတင်းပေးချက်ဖြစ်ဘိသကဲ့သို့ ထိုအမှုကိုအရေးယူပြီးလျှင်၊ ရာဇသတ်ကြီးအရသော်၎င်း၊ သက်ဆိုင်သည့်အက်ဥပဒေအရသော်၎င်း မိမိကိုယ်တိုင်စစ်ဆေးနိုင်သည်၊ သို့တည်းမဟုတ် စစ်ဆေးရန်အာဏာရှိသော မိမိ [လက်အောက်ရာဇဝတ်တရားသူကြီး]* တဦးဦးထံသို့ စစ်ဆေးရန်လွှဲပြောင်းနိုင်သည်။

(၂) ခရိုင်ရာဇဝတ်တရားသူကြီးသည်၊ ကျေးရွာတရားရုံးက စုံစမ်းစစ်ဆေးပိုင်ခွင့်ရှိသောအမှုကို မိမိ [လက်အောက်ရာဇဝတ်တရားသူကြီး]* တဦးဦးထံမှ နှတ်သိမ်း၍ သက်ဆိုင်ရာခရိုင်ရာဇဝတ်တရားသူကြီးသည်၊ မည်သည့်အကြောင်းကြောင့် လွှဲပြိုသည်ကို စာဖြင့်မှတ်ချက်ချရမည်။

ရဲဌာနာအုပ်၊ သို့တည်းမဟုတ် ရဲဌာနာတာဝန်ခံ၏ တရား။

၆၂။ ။(၁) [ရဲဌာနာအုပ်၊ သို့တည်းမဟုတ် ရဲဌာနာတာဝန်ခံ]* သည်၊ ဤအက်ဥပဒေ၏ ဇယားတွင်ဖေါ်ပြထားသည့် ပြစ်မှုများအနက်၊ ရာဇဝတ်ကျင့်ထုံးဥပဒေအရ အရေးယူပိုင်သည့် ပြစ်မှုတခုခုကို ကျေးရွာအတွင်း၌ ကျူးလွန်ကြောင်း မိမိအားတိုင်ကြားလျှင် ထိုအမှု၏ [အကြောင်းခြင်းရာ]* ကို သက်ဆိုင်ရာမှတ်ဘမ်းစာအုပ်တွင်ရေးမှတ်ပြီး၊ တိုင်တန်းသူအားစစ်ဆေးစီရင်ပိုင်ခွင့်ရှိသည့် ကျေးရွာတရားရုံးသို့ တိုင်တန်းရန်ညွှန်ကြားရမည်။

(၂) [ရဲဌာနာအုပ်၊ သို့တည်းမဟုတ် ရဲဌာနာတာဝန်ခံ]* သည်၊ ဤအက်ဥပဒေ၏ဇယားတွင် ဖေါ်ပြထားသည့်ပြစ်မှုများအနက် ရာဇဝတ်ကျင့်ထုံးဥပဒေအရ အရေးယူပိုင်သည့် ပြစ်မှုတခုခုကို ကျေးရွာအတွင်း၌ ကျူးလွန်ကြောင်းကိုသိလျှင်၊ ထိုအမှု၏ [အကြောင်းခြင်းရာ]* ကို သက်ဆိုင်ရာမှတ်တမ်းစာအုပ်တွင် ရေးမှတ်ပြီးလျှင်၊ ထိုမှတ်သားချက်၏မိတ္တူနှင့်တကွ အစီရင်ခံစာကို စစ်ဆေး

* ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

စီရင်ပိုင်ခွင့်ရှိသည့် ကျေးရွာတရားရုံးသို့ပို့ရမည်။ ၎င်းပြင် ထိုအမှုနှင့် သက်ဆိုင်သည့်တရားခံတဦးဦးကို ဖမ်းဆီးလျှင်၊ ထိုတရားခံကိုအကြောင်းမဲ့ကြန့်ကြာခြင်းမရှိစေဘဲ သက်ဆိုင်ရာကျေးရွာတရားရုံးသို့ပို့ရမည်။

° ခြွင်းချက်။ ။သို့ရာတွင် (၁) ကျူးလွန်သောပြစ်မှုကြောင့် ပျက်စီးဆုံးရှုံးသည့်၊ သို့တည်းမဟုတ် ထိုအမှုနှင့်သက်ဆိုင်သည့် ပစ္စည်းတန်ဘိုးသည် ကျပ်နှစ်ရာထက်ကျော်လွန်လျှင်ဖြစ်စေ၊ တရားခံသည်တလ၊ သို့တည်းမဟုတ် တလထက်ပိုသည့် အကျဉ်းဒဏ်ခံရဘူးလျှင်ဖြစ်စေ၊ အလားတူပြစ်မှုမျိုးအတွက် ကျပ်ငါးဆယ်၊ သို့တည်းမဟုတ် ကျပ်ငါးဆယ်ထက်ပိုသည့် ငွေဒဏ်ချမှတ်ခြင်းခံရဘူးလျှင်ဖြစ်စေ ထိုအမှုကို ရဲဌာနာအုပ်က၊ သို့တည်းမဟုတ် ရဲဌာနာတာဝန်ခံက ရာဇဝတ်ကျင့်ထုံးဥပဒေအရအရေးယူရမည်။

(၂) ရဲဌာနာအုပ်သည်၊ သို့တည်းမဟုတ် ရဲဌာနာတာဝန်ခံသည်၊ ထိုအမှုတွင် တရားခံအား ကျေးရွာတရားရုံးက လုံလောက်သောပြစ်ဒဏ်မပေးနိုင်ဟု မိမိကယူဆခဲ့လျှင်၊ ထိုအမှု၏ အကြောင်းခြင်းရာကို မိမိထင်မြင်ချက်နှင့်တကွ ခရိုင်ရဲဝန်ထံသို့ အစီရင်ခံရမည်။ ခရိုင်ရဲဝန်သည် ထိုအမှုကို စစ်ဆေးစီရင်ပိုင်ခွင့် အာဏာရှိသော ရာဇဝတ်တရားသူကြီးတဦးဦးက စစ်ဆေးစီရင်စေရန် ခရိုင်ရာဇဝတ်တရားသူကြီးထံသို့ အစီရင်ခံနိုင်သည်။

လိုက်နာရမည့် ကျင့်ထုံး။

၆၃။ ။(၁) ကျေးရွာတရားရုံးသည်၊ မိမိစစ်ဆေးစီရင်ပိုင်ခွင့်ရှိသည့်အမှုများကို နှုတ်ဖြင့်ဖြစ်စေ၊ စာဖြင့်ဖြစ်စေ တိုင်တန်းသောတိုင်တန်းချက်အရသော်၎င်း၊ ရဲရာထမ်း၏အစီရင်ခံချက်အရသော်၎င်း အရေးယူပိုင်ခွင့်ရှိသည်။

(၂) တည်ဆဲအခြားတရားဥပဒေတွင် မည်သို့ပင်ပါရှိစေကာမူ၊ ဤအက်ဥပဒေပါဇယား၏ဇယားကွက် (၄) တွင် ပြေငြိမ်းခွင့်မရဟု ဖော်ပြထားသော ပြစ်မှုများမှတပါး၊ ထိုဇယားတွင်ပါရှိသည့်ပြစ်မှုများကို ထိုဇယား၏ဇယားကွက် (၄) တွင် ဖော်ပြထားသောသူများက မည်သည့်အခါမဆို စီရင်ချက်မချမီ ထိုဇယားကွက်တွင်ပါရှိသည့်အတိုင်း ပြေငြိမ်းနိုင်သည်။

(၃) ကျေးရွာတရားရုံးက အမှုစစ်ဆေးရာ၌ လိုက်နာရမည့်ကျင့်ထုံးနှင့် ထားရှိရမည့် မှတ်တမ်းများသည်၊ ဤကိစ္စအလို့ငှါ ပြဌာန်းသည့်နည်းဥပဒေအရ ဖြစ်ရမည်။

ရာဇဝတ်မှုပြစ်ဒဏ်။

၆၄။ ။(၁) ကျေးရွာတရားရုံးသည်၊ ရာဇဝတ်မှုကျူးလွန်သူအား ပြစ်ဒဏ်ပေးသောအခါ အောက်ပါပြစ်ဒဏ်တမျိုးမျိုးကို ချမှတ်နိုင်သည်။

(က) ကျပ်ငါးဆယ်ထက်မပိုသည့်ငွေဒဏ်။

(ခ) ငွေဒဏ်နှင့်တွဲ၍ဖြစ်စေ၊ ငွေဒဏ်နှင့်မတွဲဘဲဖြစ်စေ ကျေးရွာ၏ကြီးပွါးရေးဖြစ်စေမည့် တလထက်မပိုသည့်အလုပ်ဒဏ်။

၂ (ဂ) ငွေဒဏ်နှင့်တွဲ၍ဖြစ်စေ၊ ငွေဒဏ်နှင့်မတွဲဘဲဖြစ်စေ အလုပ်ကြမ်းနှင့်သော်၎င်း၊ အလုပ်မဲ့နှင့်သော်၎င်း တလထက်မပိုသည့်အကျဉ်းဒဏ်။

(၂) ပုဒ်မခွဲ (၁)တွင် မည်သို့ပင်ပါရှိစေကာမူ၊ နိုင်ငံတော်သမ္မတ သည်၊ ကျပ်နှစ်ရာထက်မပိုသော ငွေဒဏ်ကိုသော်၎င်း၊ အလုပ်ကြမ်းနှင့်ဖြစ်စေ၊ အလုပ်မဲ့နှင့်ဖြစ်စေ ခြောက်လထက်မပိုသော အကျဉ်းဒဏ်ကိုသော်၎င်း၊ ငွေဒဏ်အကျဉ်းဒဏ်နှစ်ရပ်လုံးကိုသော်၎င်း အပြစ်ပေးစီရင်နိုင်ခွင့်အာဏာကို မည်သည့်ကျေးရွာတရားရုံးအား မဆိုအပ်နှင်းနိုင်သည်။

° ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

၂ ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၁ အရ၊ အစားထည့်သွင်းသည်။

(၃) ကျေးရွာတရားရုံးက အကျဉ်းဒဏ်အပြစ်ပေးခံရသော တရားခံကို ဤကိစ္စအလို့ငှါ ပြဌာန်းသည့်နည်းဥပဒေအရ၊ ခရိုင်ကောင်စီက သတ်မှတ်ထားသော နည်းအတိုင်းနှင့်သတ်မှတ်ထား သောနေရာတွင် အကျဉ်းချထားရမည်။

ကျေးရွာတရားရုံးက ပြစ်ဒဏ်အဖြစ်ချမှတ်သော အလုပ်ဒဏ်သည်၊ ဤကိစ္စအလို့ငှါ ပြဌာန်း သည့်နည်းဥပဒေအရဖြစ်စေရမည်။

ဒွေဒဏ်နှင့် အလုပ်ဒဏ် အစားပြစ်ဒဏ်။

၆၅။ ။တည်ဆဲအခြားတရားဥပဒေတွင် မည်သို့ပင်ပါရှိစေကာမူ၊ ကျေးရွာတရားရုံးသည်၊ ဒွေဒဏ်ချမှတ်ခဲ့လျှင်၊ ဒွေဒဏ်ပေးဆောင်ရန် ပျက်ကွက်သူအား၊ ဤကိစ္စအလို့ငှါပြဌာန်းသည့် နည်း ဥပဒေနှင့်အညီ အလုပ်ဒဏ်၊ သို့တည်းမဟုတ် အကျဉ်းဒဏ်ခံစေရန် အမိန့်ချမှတ်နိုင်သည်။ ထို့ပြင် ကျေးရွာတရားရုံးသည်၊ အလုပ်ဒဏ်ချမှတ်ခဲ့လျှင်၊ အလုပ်ဒဏ်ကိုလုပ်ရန် ပျက်ကွက်သူအား၊ ဤကိစ္စ အလို့ငှါပြဌာန်းသည့် နည်းဥပဒေနှင့်အညီ အကျဉ်းဒဏ်ခံစေရန်အမိန့်ချမှတ်နိုင်သည်။

ဒဏ်ငွေမလျော်ကြေးပေးခြင်း။

၆၆။ ။ကျေးရွာတရားရုံးက ဒွေဒဏ်သော်ငင်း၊ ဒွေဒဏ်နှင့်တွဲဖက်၍ အခြားပြစ်ဒဏ်သော်ငင်း ချမှတ်သည့်အခါ၊ တောင်းခံရရှိသည့် ဒဏ်ငွေအားလုံးကိုဖြစ်စေ၊ အချို့ကိုဖြစ်စေ ပြစ်မှုကျူးလွန်ခြင်းကြောင့် အကျိုးပျက်စီးဆုံးရှုံးခြင်း၊ သို့တည်းမဟုတ် ထိခိုက်နာကျင်ခြင်းခံရသူအား လျော်ကြေးအဖြစ် နည်းဥပဒေအရပေးရန် အမိန့်ချမှတ်နိုင်သည်။

လုံလောက်သောပြစ်ဒဏ် အတွက် အထက်ရုံးသို့ ပို့ခြင်း။

၆၇။ ။ကျေးရွာတရားရုံးသည်၊ ပုဒ်မ ၆၄ ဖြင့် သတ်မှတ်ထားသည့်ပြစ်ဒဏ်ထက်ပိုသော ပြစ်ဒဏ်ချမှတ်နိုင်သည့်ရာဇဝတ်မှုဖြစ်သည့်ပြင် မိမိကစစ်ဆေးစီရင်ပိုင်ခွင့်လည်းရှိသော ရာဇဝတ်မှု တွင် တရားခံကိုပြစ်ဒဏ်ပေးရန် စဉ်းစားရာ၌ ထိုတရားခံအား မိမိရုံးကချမှတ်နိုင်သည့်အာဏာထက် ပိုရှိပြစ်ဒဏ်ချမှတ်သင့်သည်ဟု ယူဆလျှင်၊ ထိုသို့ပြစ်ဒဏ်ပိုမိုချမှတ်ထိုက်သည့် [အကြောင်းခြင်းရာ] ၁ ကို စုံလင်စွာရေးဖွဲ့ တရားခံနှင့်တကွ အမှုတွဲကို ဤကိစ္စအလို့ငှါ ခရိုင်ရာဇဝတ်တရားသူကြီးက သတ် မှတ်ထားသော ရာဇဝတ်တရားသူကြီးထံသို့ပို့ရမည်။

ဤပုဒ်မအရပို့သော အမှုတွဲကိုရရှိသည့် ရာဇဝတ်တရားသူကြီးသည်၊ ထိုအမှုကို ရာဇဝတ် ကျင့်ထုံးဥပဒေ ပုဒ်မ ၃၄၉၊ ပုဒ်မခွဲ (၂) အရဲ့ဆက်လက်ဆောင်ရွက်ရမည်။

ငယ်ရွယ်သူကို အပြစ်ပေးခြင်း။

၆၈။ ။အသက် ၁၆ နှစ်မပြည့်သေးသူကို ကျေးရွာတရားရုံးက ပြစ်မှုထင်ရှားစီရင်ရာတွင် ထိုသူကိုပြစ်ဒဏ်ချမှတ်မည့်အစား ထိုက်သင့်စွာ နှုတ်ဖြင့်သွန်သင်ပြီးလျှင် လွှတ်နိုင်သည်၊ သို့တည်း မဟုတ် ထိုသူကိုချက်ခြင်းပြစ်ဒဏ်မချမှတ်သေးဘဲ၊ ရုံးကသတ်မှတ်သည့် တန်ခိုးထက်မပိုသည့် ကာလ အပိုင်းအခြားအတွင်း ဆင့်ဆိုသည့်အခါ၊ လာရောက်၍ ပြစ်ဒဏ်ချမှတ်ချက်ကို နာခံမည့်အကြောင်း၊ ထိုပြင် အဆိုပါကာလအတွင်း ကောင်းမွန်စွာနေထိုင်မည့်အကြောင်း ခံဝန်သူများနှင့် ခံဝန်ချုပ်ကို ချုပ်ဆိုစေပြီးလွှတ်ထားရန် အမိန့်ချမှတ်နိုင်သည်။

မြင်ဆင်ခြင်းနှင့် အယူခံခြင်း။

၆၉။ ။ကျေးရွာတရားရုံးက ကျပ်ငါးဆယ်ထက်မပိုသည့် ဒွေဒဏ်ချမှတ်သော စီရင်ချက်ကို အယူခံပိုင်ခွင့်မရှိစေရ။ သို့ရာတွင် ခရိုင်ရာဇဝတ်တရားသူကြီးသည်၊ မည်သည့်အမှုတွင်မဆို၊ ကျေးရွာတရားရုံး၏စီရင်ချက်သည်၊ဘရားမှုတခြင်းရှိ မရှိသိရန်အလို့ငှါ မိမိအလိုအလျောက်သော်ငင်း၊ သက်ဆိုင်ရာအမှုသည် တဦးဦးက လျောက်ထားလျှင်သော်ငင်း ထိုအမှုတွဲကိုတောင်းယူနိုင်သည်။ ပြည်သူ့ရှေ့နေ၊ သို့တည်းမဟုတ် [ခရိုင်ရဲဝန်] ၂ သို့တည်းမဟုတ် သက်ဆိုင်ရာ အခြားပြည်သူ့ဝန် ထမ်းတဦးဦးက တိုက်တွန်းလျှင်မူကား၊ ထိုအမှုတွဲကိုတောင်းယူရမည်။

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၁ ၁၉၅၁ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

ကျေးရွာတရားရုံးက ကျပ် ငါးဆယ်ထက်ပိုသည့် ငွေဒဏ်ချမှတ်သောစီရင်ချက်ကို၊ သို့တည်းမဟုတ် ငွေဒဏ်နှင့်တဲ့ဖက်၍ဖြစ်စေ၊ မတဲ့ဖက်ဘဲဖြစ်စေ အလုပ်ဒဏ်ချမှတ်သော စီရင်ချက်ကို၊ သို့တည်းမဟုတ် ငွေဒဏ်နှင့်တဲ့ဖက်၍ဖြစ်စေ၊ မဲ့ဖက်ဘဲဖြစ်စေ အကျဉ်းဒဏ်ချမှတ်သော စီရင်ချက်ကို၊ ခရိုင်ရာဇဝတ်တရားသူကြီးရုံးတွင် အယူခံနိုင်ခွင့်ရှိသည်။

၄၇။ ဤကဲ့သို့အမှုတွဲကို တောင်းယူစီစစ်ရာတွင်ဖြစ်စေ၊ အယူခံရာတွင်ဖြစ်စေ၊ ကျေးရွာတရားရုံးက ထိုအမှုကိုစစ်ဆေးစီရင်ပိုင်ခွင့် မရှိလျှင်သော်၎င်း၊ စီရင်ချက်သည်တရားမျှတခြင်း မရှိလျှင်သော်၎င်း ခရိုင်ရာဇဝတ်တရားသူကြီးသည်—

(က) ကျေးရွာတရားရုံး စီရင်ချက်ကိုပယ်ဖျက်၍ ထိုအမှုကို [လက်အောက်ရာဇဝတ်တရားသူကြီး] ° ရုံးတခုခုကပြန်၍ စစ်ဆေးစီရင်ရန် အမိန့်ချမှတ်နိုင်သည်၊ သို့တည်းမဟုတ်

(ခ) ပြစ်မှုထင်ရှားစီရင်ချက်နှင့် ပြစ်ဒဏ်ကိုပယ်ဖျက်၍ တရားခံအား လွှတ်နိုင်သည်။ တရားခံက ဒဏ်ငွေပေးဆောင်ပြီးဖြစ်လျှင်၊ ထိုဒဏ်ငွေကို ပြန်ပေးရန်အမိန့်ချမှတ်နိုင်သည်၊ သို့တည်းမဟုတ် ပြစ်မှုထင်ရှားစီရင်ချက်ကို ပြင်ဆင်ခြင်းမပြုဘဲ ပြစ်ဒဏ်ကိုလျော့ပေါ့နိုင်သည်၊ သို့တည်းမဟုတ် ပြစ်မှုထင်ရှားစီရင်ချက်ကို ပြင်ဆင်၍၊ တရားဥပဒေအရ ပေးနိုင်သော သင့်လျော်သည့်ပြစ်ဒဏ်ကို ချမှတ်နိုင်သည်၊ သို့တည်းမဟုတ်

(ဂ) ကျေးရွာတရားရုံးက ချမှတ်သော အခြားမည်သည့်အမိန့်ကိုမဆို ပြင်ဆင်နိုင်သည်၊ သို့တည်းမဟုတ် ပယ်ဖျက်နိုင်သည်။

° ခြွင်းချက်။ ။သို့ရာတွင် ခရိုင်ရာဇဝတ်တရားသူကြီးသည် သက်ဆိုင်ရာအမှုသည်အားကိုယ်တိုင်ဖြစ်စေ၊ ရှေနေဖြင့်ဖြစ်စေ ထုချေရန်အခွင့်မပေးဘဲ ထိုအမှုသည်၏ အကျိုးယုတ်လျော့နစ်နာမည်ဖြစ်သော မည်သည့်အမိန့်ကိုမျှ အပိုဒ် (က) အရ၊ သို့တည်းမဟုတ် အပိုဒ် (ခ) အရ၊ သို့တည်းမဟုတ် အပိုဒ် (ဂ) အရ မချမှတ်ရ။

တရားမမှုများ။

၄၀။ ။(၁) အမှုတန်ဘိုး ကျပ်ငါးရာထက်မပိုသည့် အောက်တွင် သီးခြားဖေါ်ပြထားသော တရားမမှုများကို ကျေးရွာတရားရုံးက စစ်ဆေးစီရင်ရမည်။

(က) လက်ရောက်ကျူးလွန်သည့်၊ သို့တည်းမဟုတ် နာကျင်စေသည့်အတွက် စွဲဆိုသော လျော်ကြေးမှု။

(ခ) အသရေဖျက်သည့်အတွက် စွဲဆိုသောလျော်ကြေးမှု။

(ဂ) ကွဲ၊ နွား စသည့်တိရစ္ဆာန်များ ကျော်နင်းဝင်ရောက်သောကြောင့် အကျိုးပျက်စီးသည့်အတွက် စွဲဆိုသော လျော်ကြေးမှု။

(ဃ) ကြေးငွေ၊ သို့တည်းဟုတ် ရွှေပြောင်းနိုင်သည့် ပစ္စည်းနှင့်စပ်လျဉ်းသောအမှု။

(င) ပဋိညာဉ်မှု။

(စ) ကုန်စည်ရောင်းဝယ်မှု။

(ဆ) ဖြတ်သန်းသွားလာခွင့်နှင့်စပ်လျဉ်းသည့်အမှု။

(ဇ) ရေတွင်း၊ ရေကန်၊ ဆည်၊ မြောင်း၊ တာ၊ တမံ၊ သို့တည်းမဟုတ် ရေလာရေကျမှရေရေယူပိုင်ခွင့်နှင့်စပ်လျဉ်းသည့်အမှု။

° ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၄ အရ၊ ဖြတ်အစားထည့်သွင်းသည်။

(၂) အမှုတန်ဘိုးမည်မျှပင်ဖြစ်စေကာမူ အောက်တွင်သီးခြားဖော်ပြထားသော တရားမမှုများကို ကျေးရွာတရားရုံးကစစ်ဆေးစီရင်ရမည်။

(က) လင်မယားကွာရှင်းမှု။

(ခ) လင်မယားပြန်လည်ပေါင်းသင်းစေလိုမှု။

[၁] ခြွင်းချက်။ ။သို့ရာဘွင် အပိုဒ် (က) ၌ဖော်ပြပါရှိသည့်လင်မယား ကွာရှင်းမှုတွင် ပစ္စည်းခွဲဝေစေလိုမှုပါပူးပေါင်းစွဲဆိုလျှင် ခွဲဝေရမည့် ပစ္စည်းတန်ဘိုးသည် ကျပ်တထောင်ထက် မပိုစေရ။

(၃) [ပုဒ်မခွဲ (၁) နှင့် (၂)] [၂] တွင် ပါရှိသောတရားမမှုများကို အောက်ပါအတိုင်းသက်ဆိုင်သည့်တရားရုံး၌သာလျှင် စွဲဆိုရမည်။

(က) အမှုတမှုနှင့်သက်ဆိုင်သော တရားခံအားလုံးသည် တခုတည်းသောကျေးရွာနယ်နိမိတ်အတွင်း၌ နေကြိုင်သောသူများ [ဖြစ်သည့်ပြင်] [၁] ထိုအမှုနှင့်သက်ဆိုင်သော အချင်းဖြစ်အကြောင်းအရာအားလုံးသည်လည်း၊ ထိုကျေးရွာနယ်နိမိတ်အတွင်း၌ ပေါ်ပေါက်လျှင် ထိုအမှုကို ထိုကျေးရွာတရားရုံး၌သာလျှင် စွဲဆိုရမည်။

(ခ) အမှုတမှုနှင့်သက်ဆိုင်သော တရားခံအားလုံးသည်၊ တခုတည်းသောကျေးရွာနယ်နိမိတ်အတွင်း၌ နေလျှင်သော်ငင်း၊ ထိုအမှုနှင့်သက်ဆိုင်သော အချင်းဖြစ်အကြောင်းအရာအားလုံးသည်၊ တခုတည်းသောကျေးရွာနယ်နိမိတ်အတွင်း၌ ပေါ်ပေါက်လျှင်သော်ငင်း ထိုအမှုကိုတရားခံအားလုံးနေသည့် [ကျေးရွာတရားရုံး၌] [၁] ဖြစ်စေ၊ အချင်းဖြစ်အကြောင်း အရာအားလုံး ပေါ်ပေါက်သည့် ကျေးရွာတရားရုံး၌ဖြစ်စေ စွဲဆိုရမည်။

(ဂ) အပိုဒ် (က) နှင့် (ခ) တွင်အကျုံးမဝင်သောအမှုများအတွက်မှာမူ ထိုအမှုမျိုးကို စီရင်ပိုင်ခွင့်ရှိသည့် တရားမရုံးတခုခု၌စွဲဆိုရမည်။

[၂] (၄) ကျေးရွာတရားရုံးတွင်စွဲဆိုသည့် တရားမမှုများအတွက် စည်းကမ်းသတ်ကာလအပိုင်းအခြားသည် နည်းဥပဒေတွင် အတိုအလင်း သတ်မှတ်ထားခြင်းမရှိလျှင်၊ ကာလစည်းကမ်းသတ်အက်ဥပဒေတွင် သတ်မှတ်ထားသည့်အတိုင်းဖြစ်ရမည်။

(၅) ကျေးရွာတရားရုံးကအမှုစစ်ဆေးရာတွင် လိုက်နာရန်ကျင့်ထုံးနှင့် ထားရှိရန်မှတ်တမ်းများသည်၊ ဤကိစ္စအလို့ငှါ ပြဋ္ဌာန်းသည့်နည်းဥပဒေအရ [ဖြစ်ရမည်] [၂] ။

၇၁။ ။တရားမခရိုင်တရားသူကြီးသည်၊ ကျေးရွာတရားရုံးတွင် စစ်ဆေးနေဆဲဖြစ်သော မည်သည့်တရားမမှုကိုမဆို သက်ဆိုင်ရာအမှုသည်တဦးဦးကဖြစ်စေ၊ ပြည်သူ့ရှေ့နေကဖြစ်စေလျှောက်ထားသည့်အခါ၊ မိမိကအကြောင်းလုံလောက်သည်ဟု ယူဆလျင်၊ ထိုအမှုကို ကျေးရွာတရားရုံးမှနုတ်သိမ်းပြီးလျှင်၊ မိမိကိုယ်တိုင် စစ်ဆေးစီရင်နိုင်သည်၊ သို့တည်းမဟုတ် မိမိလက်အောက်တရားမရုံးတရပ်ရပ်သို့ စစ်ဆေးစီရင်ရန်လွှဲပြောင်းနိုင်သည်၊ သို့တည်းမဟုတ် မူလကျေးရွာတရားရုံးသို့ စစ်ဆေးစီရင်ရန်ပြန်ပို့နိုင်သည်။ တရားမခရိုင်တရားသူကြီး၏ အာဏာ။

[၃] ၇၂။ ။(၁) တန်ဘိုးကျပ်နှစ်ရာထက်မပိုသည့် တရားမမှုများတွင် ကျေးရွာတရားရုံးကချမှတ်သည့်စီရင်ချက်ကို၊ သို့တည်းမဟုတ် ဒီကရီကို၊ သို့တည်းမဟုတ် အမိန့်ကိုအယူခံခွင့်မရှိစေရ။ ခြွင်းချက်။ ။သို့ရာတွင် သက်ဆိုင်ရာ အမှုသည်တဦးဦးကဖြစ်စေ၊ ပြည်သူ့ရှေ့နေကဖြစ်စေလျှောက်ထားခဲ့သော်၊ တရားမခရိုင်တရားသူကြီးက ထိုစီရင်ချက်သည်၊ သို့တည်းမဟုတ် ဒီကရီသည်၊ ပြင်ဆင်ခြင်းနှင့် အယူခံခြင်း။

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[၁] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

[၂] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၁ အရ၊ အစားထည့်သွင်းသည်။

သို့တည်းမဟုတ် ထိုအမိန့်သည် တရားမျှတမှုမရှိဟုထင်မြင်ယူဆလျှင်၊ ထိုစီရင်ချက်ကို၊ သို့တည်းမဟုတ် ထိုဒီကရီကို၊ သို့တည်းမဟုတ် ထိုအမိန့်ကိုပြင်ဆင်နိုင်သည်။

(၂) တန်ဘိုးကျပ်နှစ်ရာထက်ပိုသော တရားမမှုများတွင် ချမှတ်သည့်စီရင်ချက်ကို၊ သို့တည်းမဟုတ် ဒီကရီကို၊ သို့တည်းမဟုတ် အမိန့်ကို တရားဥပဒေ အချက်အလက်အရဖြစ်စေ၊ အမှု၏အကြောင်းခြင်းရာအရဖြစ်စေ တရားမခရိုင်တရားသူကြီး၏ရုံးတွင် အယူခံဝင်နိုင်သည်။ တရားမခရိုင်တရားသူကြီး၏ဆုံးဖြတ်ချက်သည် အစွဲးအပြတ်အတည်ဖြစ်ရမည်။

အပိုင်း ၃။

အရပ်ရပ်ဆိုင်ရာပြဋ္ဌာန်းချက်များ။

အခန်း ၇။

ဒေသန္တရအဖွဲ့များကို ကြီးကြပ်ခြင်း။

နည်းဥပဒေ ပြုခြင်း။

၇၃။ ။နိုင်ငံတော်သမ္မတသည်၊ ဤအက်ဥပဒေ ပြဋ္ဌာန်းချက်များအကျိုးသက်ရောက်စေခြင်း ၄၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်ကျေညာ၍ ဤအက်ဥပဒေနှင့်အညီ နည်းဥပဒေများ ° ကိုပြုနိုင်သည်။

နုတ်ပယ်ခြင်း။

၇၄။ ။(၁) ခရိုင်ကောင်စီ၏၊ သို့တည်းမဟုတ် မြို့နယ်ကောင်စီ၏၊ သို့တည်းမဟုတ် မြို့မကောင်စီ၏ အဖွဲ့ဝင်လူကြီးတဦးသည်၊ မိမိ၏တာဝန်ကိုဆောင်ရွက်ရန် ထပ်တလဲလဲပျက်ကွက်ခဲ့လျှင်သော်၎င်း၊ အာဏာကို ပိုမိုသုံးစွဲခြင်းပြုခဲ့လျှင်သော်၎င်း၊ အာဏာကို အလွဲသုံးစွဲခြင်း ပြုခဲ့လျှင်သော်၎င်း နိုင်ငံတော်သမ္မတက၊ နည်းဥပဒေနှင့်အညီ စုံစမ်းစစ်ဆေးစေပြီးလျှင်၊ ထိုလူကြီးကိုရာထူးမှ နုတ်ပယ်ရန်၊ သို့တည်းမဟုတ် သင့်လျော်သည်ဟု ယူဆသောကာလအပိုင်းအခြားအတွင်း ရာထူးမှ ချထားရန်၊ သို့တည်းမဟုတ် ထိုလူကြီး၏အခွင့်အာဏာအားလုံးကိုဖြစ်စေ၊ အချို့ကိုဖြစ်စေ သင့်လျော်သည်ဟု ယူဆသောကာလအပိုင်းအခြားအတွက် ရုပ်သိမ်းရန်အမိန့်ချမှတ်နိုင်သည်။

(၂) ကျေးရွာကောင်စီ၏၊ သို့တည်းမဟုတ် ရပ်ကွက်ကော်မတီ၏ အဖွဲ့ဝင်လူကြီးတဦးသည်၊ မိမိ၏တာဝန်ကိုဆောင်ရွက်ရန် ထပ်တလဲလဲပျက်ကွက်ခဲ့လျှင်သော်၎င်း၊ အာဏာကိုပိုမိုသုံးစွဲခြင်းပြုခဲ့လျှင်သော်၎င်း၊ အာဏာကိုအလွဲသုံးစွဲခြင်းပြုခဲ့လျှင်သော်၎င်း ခရိုင်ကောင်စီက နည်းဥပဒေနှင့်အညီ စုံစမ်းစစ်ဆေးစေပြီးသျှင်၊ ထိုလူကြီးကိုရာထူးမှနုတ်ပယ်ရန်၊ သို့တည်းမဟုတ် သင့်လျော်သည်ဟုယူဆသော ကာလအပိုင်းအခြားအတွင်း ရာထူးမှချထားရန်၊ သို့တည်းမဟုတ် ထိုလူကြီး၏အခွင့်အာဏာအားလုံးကိုဖြစ်စေ၊ အချို့ကိုဖြစ်စေ သင့်လျော်သည်ဟုယူဆသောကာလအပိုင်းအခြားအတွက် ရုပ်သိမ်းရန်အမိန့်ချမှတ်နိုင်သည်။

ဖျက်သိမ်းခြင်း။

၇၅။ ။(၁) ခရိုင်ကောင်စီသည်၊ သို့တည်းမဟုတ် မြို့နယ်ကောင်စီသည်၊ သို့တည်းမဟုတ် မြို့မကောင်စီသည်၊ မိမိ၏တာဝန်ကိုဆောင်ရွက်ရန် ထပ်တလဲလဲပျက်ကွက်ခဲ့လျှင်သော်၎င်း၊ အာဏာကိုပိုမိုသုံးစွဲခြင်းပြုခဲ့လျှင်သော်၎င်း၊ အာဏာကိုအလွဲသုံးစွဲခြင်းပြုခဲ့လျှင်သော်၎င်း နိုင်ငံတော်

° ဤပုဒ်မအရ နည်းဥပဒေများကို၊ မြန်မာနိုင်ငံ ပြန်တမ်း၊ ၁၉၅၃ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၆၉၈ နှင့် အဆိုပါ ပြန်တမ်း၊ ၁၉၅၄ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၆၉ တွင်ထုတ်ပြန်ကျေညာသည်။

သမ္မတက၊ နည်းဥပဒေနှင့်အညီစုံစမ်းစစ်ဆေးစေပြီးလျှင်၊ ထိုကောင်စီကိုဖျက် သိမ်းရန်၊ သို့တည်းမဟုတ် သင့်လျော်သည်ဟုယူဆသော ကာလအပိုင်းအခြားအတွင်းရပ်ဆိုင်းထားရန်၊ သို့တည်းမဟုတ် အခွင့်အာဏာအားလုံးကိုဖြစ်စေ၊ အချို့ကိုဖြစ်စေ သင့်လျော်သည်ဟုယူဆသော ကာလအပိုင်းအခြားအတွက် ရုပ်သိမ်းရန် အမိန့်ချမှတ်နိုင်သည်။

(၂) ကေ့ရွာကောင်စီသည်၊ သို့တည်းမဟုတ် ရပ်ကွက်ကော်မတီသည်၊ မိမိ၏တာဝန်ကို ဆောင်ရွက်ရန်လစ်လပ်ယွင်းကွက်ခဲ့လျှင်သော်၎င်း၊ အာဏာကိုပိုမိုသုံးစွဲခြင်းပြုခဲ့လျှင်သော်၎င်း၊ အာဏာကိုအလွဲသုံးမှုခြင်းပြုခဲ့လျှင်သော်၎င်း သက်ဆိုင်ရာခရိုင်ကောင်စီက နည်းဥပဒေနှင့်အညီစုံစမ်းစစ်ဆေးစေပြီးလျှင်၊ ထိုကေ့ရွာကောင်စီကို၊ သို့တည်းမဟုတ် ရပ်ကွက်ကော်မတီကိုဖျက်သိမ်းရန်၊ သို့တည်းမဟုတ် သင့်လျော်သည်ဟုယူဆသော ကာလအပိုင်းအခြားအတွင်း ရပ်ဆိုင်းထားရန်၊ သို့တည်းမဟုတ် အခွင့်အာဏာအားလုံးကိုဖြစ်စေ၊ အချို့ကိုဖြစ်စေ သင့်လျော်သည်ဟုယူဆသောကာလအပိုင်းအခြားအတွက် ရုပ်သိမ်းရန်အမိန့်ချမှတ်နိုင်သည်။

(၃) ဒေသန္တရအဖွဲ့ကိုဖျက်သိမ်းရန်၊ သို့တည်းမဟုတ် ရပ်ဆိုင်းရန်၊ သို့တည်းမဟုတ် အခွင့်အာဏာကို ရုပ်သိမ်းရန် အမိန့်ချမှတ်သောအာဏာပိုင်သည်၊ ဖျက်သိမ်းခြင်း၊ သို့တည်းမဟုတ် ရပ်ဆိုင်းခြင်းခံရသည့် ဒေသန္တရအဖွဲ့၏ လုပ်ငန်းဆောင်တာများကို ဆောင်ရွက်ရန်သော်၎င်း၊ အခွင့်အာဏာရုပ်သိမ်းခြင်းခံရသော ဒေသန္တရအဖွဲ့၏အခွင့် အာဏာများကို သုံးစွဲစေရန်သော်၎င်း သက်ဆိုင်ရာအုပ်ချုပ်ရေးမှူးအား၊ သို့တည်းမဟုတ် အခြားသင့်လျော်သော ပုဂ္ဂိုလ်တဦးအား ဤကိစ္စအလို့ငှါပြုထားသည့်နည်းဥပဒေနှင့်အညီ အမိန့်ချမှတ်ရမည်။ ထို့ပြင် ဦးပုဂ္ဂိုလ်အား အကြံဉာဏ်ပေးရန် အတိုင်ပင်ခံအဖွဲ့တစ်ခုကိုလည်းခန့်ထားနိုင်သည်။

၇၆။ ။ဒေသန္တရအဖွဲ့ဝင်လူကြီးတဦးအပေါ်တွင် ပုဒ်မ ၇၄ အရအရေးယူလျှင်ဖြစ်စေ၊ ဒေသန္တရအဖွဲ့တစ်ခုပေါ်တွင် ပုဒ်မ ၇၅ အရအရေးယူလှုပ်ရှားခြင်းဖြစ်စေ ထိုအဖွဲ့ဝင်လူကြီးအား၊ သို့တည်းမဟုတ် ထိုဒေသန္တရအဖွဲ့အား ထုချေရှင်းလင်းရန်အခွင့်မပေးဘဲ၊ ထိုအဖွဲ့ဝင်လူကြီး၏၊ သို့တည်းမဟုတ် ထိုဒေသန္တရအဖွဲ့၏ အကျိုးယုတ်လျော့နစ်နာစေမည့် မည်သည့်အမိန့်ကိုမျှမချမှတ်ရ။ ထုချေခွင့်။

၇၇။ ။ကေ့ရွာကောင်စီပေါ်တွင်ဖြစ်စေ၊ ရပ်ကွက်ကော်မတီပေါ်တွင်ဖြစ်စေ ပုဒ်မ ၇၅၊ ပုဒ်မခွဲ (၂) အရချမှတ်သည့်အမိန့်ကို၊ သို့တည်းမဟုတ် ထိုအဖွဲ့များ၏ အဖွဲ့ဝင်လူကြီးတဦးဦးပေါ်တွင် ပုဒ်မ ၇၄၊ ပုဒ်မခွဲ (၂) အရချမှတ်သည့် အမိန့်ကိုမကျေနပ်လျှင်၊ နိုင်ငံတော်သမ္မတထံသို့ အသနားခံနိုင်သည်။ သို့ရာတွင် တရားမျှတခြင်း မရှိဟုဆိုသော အကြောင်းပြချက်ကို၊ သို့တည်းမဟုတ် ပြည်သူ့ကျန်းမာရေးနှင့် ဆန့်ကျင်သည်ဆိုသော အကြောင်းပြချက်ကိုအသနားခံလွှာတွင်ဖော်ပြရမည်။ အသနားခံခွင့်။

၇၈။ ။(၁) ကျေးရွာ လူကြီးတဦးသည်၊ သို့တည်းမဟုတ် [ရပ်ကွက်ကော်မတီလူကြီးတဦးသည်] [၁] မဆန္ဒရှင်အများ၏ ဆက်လက်ထောက်ခံခြင်းမရရှိဟူသော အကြောင်းပြချက်ဖြင့် ထိုလူကြီးကို နုတ်ပယ်ရန်ဤကိစ္စအလို့ငှါပြုထားသော နည်းဥပဒေနှင့်အညီ တောင်းဆိုနိုင်သည်။ လူကြီးများကို နုတ်ပယ်ပိုင်ခွင့်။

(၂) အဆိုပါတောင်းဆိုချက်နှင့် သက်ဆိုင်သည့် ကျေးရွာလူကြီးသည်၊ သို့တည်းမဟုတ် ရပ်ကွက်ကော်မတီလူကြီးသည်မဲဆန္ဒရှင်အများ၏ ဆက်လက်ထောက်ခံခြင်းမရရှိဟု ဤကိစ္စအလို့ငှါပြုထားသောနည်းဥပဒေအရထင်ရှားလျှင် ထိုလူကြီးကိုနုတ်ပယ်ရမည်။

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[1] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၄ အရ၊ အစားထည့်သွင်းသည်။

အခန်း ၈။ [၁]

အကူးအပြောင်းကာလ ပြဋ္ဌာန်းချက်များ။

ကြားဖြတ်အာဏာပိုင်။

၇၉။ ။(၁) ဤအက်ဥပဒေစတင် အာဏာတည်သည့် ဒေသတွင် ဒေသန္တရအဖွဲ့ ဖွဲ့စည်းခြင်းမရှိသေးပါက နိုင်ငံတော်သမ္မတသည်၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်ကျေညာ၍၊ ထိုအမိန့်ကြော်ငြာစာတွင် ဖေါ်ပြသည့် ဒေသန္တရအဖွဲ့၏ ဤအက်ဥပဒေအရ ပြဋ္ဌာန်းထားသောလုပ်ငန်းဆောင်တာအားလုံးကိုသော်၎င်း၊ အချို့ကိုသော်၎င်းဆောင်ရွက်ရန် အတိုင်ပင်ခံအဖွဲ့ပါလျက်ဖြစ်စေ၊ အတိုင်ပင်ခံအဖွဲ့မပါဘဲလျက်ဖြစ်စေ၊ အစိုးရရာထမ်းတဦးအား၊ သို့တည်းမဟုတ် အခြားသင့်လျော်သောပုဂ္ဂိုလ်တဦးအား အာဏာအပ်နှင်းနိုင်သည်။

(၂) ပုဒ်မခွဲ (၁) အရ နိုင်ငံတော်သမ္မတက အာဏာအပ်နှင်းခြင်းခံရသော အာဏာပိုင်သည်၊ ထိုဒေသအတွက် ဒေသန္တရအဖွဲ့ကိုဖွဲ့စည်းပြီး၍ အတည်ဖြစ်သည့်အချိန်အထိသော်၊ သို့တည်းမဟုတ် နိုင်ငံတော်သမ္မတက အခြားနည်း အမိန့်ထုတ်ဆင့်သည့်အချိန်အထိသော မိမိအားအပ်နှင်းထားသောအာဏာများ၊ တာဝန်ဝတ်တရားများနှင့် လုပ်ငန်းဆောင်တာများကို သုံးစွဲဆောင်ရွက်ရမည်။ ထို့ပြင် အတိုင်ပင်ခံအဖွဲ့ရှိလျှင်၊ ထိုအတိုင်ပင်ခံအဖွဲ့သည်လည်း အဆိုပါအချိန်တွင် ပယ်ဖျက်ပြီးဖြစ်သည်ဟုမှတ်ယူရမည်။

မပြီးပြတ်သေးသောအမှုများ။

၈၀။ ။ဤအက်ဥပဒေစတင် အာဏာတည်သည့်နေ့၌ မည်သည့်တရားရုံးတွင်မဆို၊ သို့တည်းမဟုတ် မည်သည့်အာဏာပိုင်ထံတွင်မဆို၊ ဤအက်ဥပဒေအရ ကျေးရွာတရားရုံးကဖြစ်စေ၊ သက်ဆိုင်ရာ ဒေသန္တရအဖွဲ့ကဖြစ်စေ စစ်ဆေးစီရင်ဆောင်ရွက်ပိုင်ခွင့်ရှိသည့် ရာဇဝတ်မှုသည်၊ သို့တည်းမဟုတ် တရားမမှုသည်၊ သို့တည်းမဟုတ် အခွန်တော်မှုသည် အဆိုပါတရားရုံးတွင်သော်၎င်း၊ အာဏာပိုင်ထံဘွင်သော်၎င်း မပြီးမပြတ်သေးပါက ထိုမှုခင်းကိစ္စများကို ထိုတရားရုံးက၊ သို့တည်းမဟုတ် ထိုအာဏာပိုင်ကပြီးပြတ်အောင်ဆက်လက် စစ်ဆေးစီရင်ဆောင်ရွက်ရမည်။

အာဏာ ဆက်လက်သုံးစွဲခြင်း။

၈၁။ ။ဤအက်ဥပဒေတွင်မည်သို့ပင်ပါရှိစေကာမူ၊ ဤအက်ဥပဒေစတင်အာဏာတည်သည့်နေ့နှင့် ဒေသတွင် မြို့နိုင်စီပါယ် အက်ဥပဒေအရသော်၎င်း၊ ကျေးလက် ကိုယ်ပိုင်အုပ်ချုပ်ရေး အက်ဥပဒေအရသော်၎င်း၊ ၁၉၄၆ ခုနှစ်၊ ဒေသန္တရအဖွဲ့များ (ရပ်ဆိုင်းထားခြင်း) အက်ဥပဒေအရသော်၎င်း ခန့်အပ်ခြင်းခံရသော၊ သို့တည်းမဟုတ် အာဏာအပ်နှင်းခြင်းခံရသောရာထမ်း မူထမ်းများသည်၊ နိုင်ငံတော်သမ္မတက အခြားနည်းဆင့်ဆိုသည့်အချိန်အထိ ၎င်းတို့၏အာဏာများ၊ တာဝန်ဝတ်တရားများနှင့်လုပ်ငန်းဆောင်တာများကို ဆက်လက်သုံးစွဲဆောင်ရွက်ရမည်။

လက်ရှိဒေသန္တရအဖွဲ့နှင့် ထိုအဖွဲ့၏ရာထမ်း မူထမ်းများရပ်စဲခြင်း။

၈၂။ ။တည်ဆဲအခြားတရားဥပဒေများတွင် မည်သို့ပင်ပါရှိစေကာမူ၊ ဤအက်ဥပဒေ စတင်အာဏာတည်သည့်ဒေသတွင်—

(က) ပုဒ်မ ၇၉ အရ၊ ခရိုင်ကောင်စီအဖွဲ့က အာဏာပိုင်ခန့်လျှင်၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရ ခရိုင်ကောင်စီဖွဲ့စည်းပြီး၍ အတည်ဖြစ်လျှင်၊ ထိုခရိုင်ရှိ ကျေးလက်ကိုယ်ပိုင်အုပ်ချုပ်ရေး အက်ဥပဒေအရ ဖွဲ့စည်းထားသော အဖွဲ့များသည် ယင်းဖျက်ပြီးဖြစ်သည်ပြင်၊ ထိုအဖွဲ့များ၏အဖွဲ့ဝင်လူကြီးများသည်၊ အဖွဲ့ဝင်လူကြီးများအဖြစ်မှ ရပ်စဲပြီးဖြစ်သည်ဟုဆိုင်း၊ ၁၉၄၆ ခုနှစ်၊ ဒေသန္တရအဖွဲ့များ (ရပ်ဆိုင်းထားခြင်း) အက်ဥပဒေအရ ခန့်ထားသည့်အာဏာပိုင်အား၊ အဆိုပါအက်ဥပဒေအရ အပ်နှင်းထားသော အာဏာများသည် ရပ်သိမ်းခြင်းဖြစ်သည်ဟုဆိုင်း မှတ်ယူရမည်။

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[၁] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၃၁ အရ၊ အစား ထည့်သွင်းသည်။

(ခ) ပုဒ်မ ၇၉ အရ မြို့မကောင်စီအတွက် အာဏာပိုင်ခန့်လျှင်၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရ မြို့မကောင်စီဖွဲ့စည်းပြီးချိန်အတည်ဖြစ်လျှင်၊ ထိုမြို့မရှိ မြို့နိုစီပါယ်အက်ဥပဒေအရဖွဲ့စည်းထားသော အဖွဲ့များသည် ပယ်ဖျက်ပြီးဖြစ်သည့်ပြင်၊ ထိုအဖွဲ့များ၏ အဖွဲ့ဝင်လူကြီးများသည်၎င်း၊ မြို့များအက်ဥပဒေအရ ရွေးကောက်ခံထားသော ရပ်ကွက်သူကြီးများနှင့် အကွက်အုပ်များသည်၎င်း အဆိုပါအဖွဲ့ဝင်လူကြီးအဖြစ်မှ၊ သို့တည်းမဟုတ် ရပ်ကွက်သူကြီးအဖြစ်မှ၊ သို့တည်းမဟုတ် အကွက်အုပ်အဖြစ်မှ ရပ်စဲပြီးဖြစ်သည်ဟုမှတ်ယူရမည်။

(ဂ) ပုဒ်မ ၇၉ အရ ကျေးရွာကောင်စီအတွက် အာဏာပိုင်ခန့်လျှင်၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရ ကျေးရွာကောင်စီဖွဲ့စည်းပြီးချိန်အတည်ဖြစ်လျှင်၊ ထိုကျေးရွာရှိ ကျေးရွာ အက်ဥပဒေအရ ရွေးကောက်ခံထားသော ရွာသူကြီးနှင့် ကျေးရွာကော်မီတီလူကြီးများသည်၊ ထိုကျေးရွာ၏ ရွာသူကြီးအဖြစ်မှ၊ သို့တည်းမဟုတ် ကျေးရွာကော်မီတီလူကြီးအဖြစ်မှရပ်စဲပြီးဖြစ်သည်ဟုမှတ်ယူရမည်။

လက်ရှိရာထူးမှထွမ်းများ၏ ရာထူး အပြောင်းအလဲ။

၈၃။ ။ပုဒ်မ ၈၂ အရ ရပ်သိမ်းဖယ်ဖျက်ပြီးဖြစ်သည့် အဖွဲ့များ၏ ရာထမ်း မှုထမ်းများသည်၊ သို့တည်းမဟုတ် ၁၉၄၆ ခုနှစ်၊ ဒေသန္တရအဖွဲ့များ (ရပ်ဆိုင်းထားခြင်း) အက်ဥပဒေအရ ခန့်ထားသည့် ရာထမ်း မှုထမ်းများသည်၊ ဤအက်ဥပဒေရှိ ဖွဲ့စည်းထားသည့်ဒေသန္တရအဖွဲ့များ၏ ရာထမ်း မှုထမ်းများအဖြစ် ဆက်လက်အမှုထမ်းခွင့်ရှိစေရမည်။

အခွင့်အရေးနှင့် တာဝန်များ ဆက်ခံခြင်း။

၈၄။ ။(၁) ဤအက်ဥပဒေ စတင်အာဏာတည်သည့် နေ့ရက်နှင့်ဒေသတွင်၊ ပုဒ်မ ၇၉ အရ ခန့်အပ်ခြင်းခံရသည့် အာဏာပိုင်သည်၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရ ဖွဲ့စည်းပြီးချိန်အဘည် ဖြစ်သည့်ဒေသန္တရအဖွဲ့သည် မြို့နိုစီပါယ်အက်ဥပဒေအရသော်၎င်း၊ ကျေးလက်ကိုယ်ပိုင်အုပ်ချုပ်ရေး အက်ဥပဒေအရသော်၎င်း ဖွဲ့စည်းထားသောအဖွဲ့၏၊ သို့တည်း မဟုတ် ၁၉၄၆ ခုနှစ်၊ ဒေသန္တရအဖွဲ့များ (ရပ်ဆိုင်းထားခြင်း) အက်ဥပဒေအရ အာဏာအပ်နှင်းခြင်းခံရသူ၏ အာဏာများ၊ တာဝန် ဝတ်တရားများနှင့် လုပ်ငန်းဆောင်တာများကို နိုင်ငံတော်သမ္မတက အမိန့်ထုတ်ဆင့်သည့်အတိုင်း ဆက်ခံသုံးစွဲဆောင်ရွက်ရမည်။

(၂) ပုဒ်မခွဲ (၁) အရ၊ နိုင်ငံတော်သမ္မတက အမိန့်ထုတ်ဆင့်သည်နှင့်တပြိုင်နက် မြို့နိုစီပါယ်အက်ဥပဒေအရသော်၎င်း၊ ကျေးလက်ကိုယ်ပိုင်အုပ်ချုပ်ရေး အက်ဥပဒေအရသော်၎င်း ဖွဲ့စည်းထားသည့်အဖွဲ့များ၏၊ သို့တည်းမဟုတ် ၁၉၄၆ ခုနှစ်၊ ဒေသန္တရအဖွဲ့များ (ရပ်ဆိုင်းထားခြင်း) အက်ဥပဒေအရ အာဏာအပ်နှင်းခြင်းခံရသူက ထိန်းသိမ်းအုပ်ချုပ်ခဲ့သည့် အဖွဲ့၏ပစ္စည်း၊ တောင်းဆိုရယူခွင့်များနှင့် ကြွေးမြီတာဝန်အားလုံးသည်၊ ဤအက်ဥပဒေအရ ခန့်အပ်သည့် အာဏာပိုင်တွင်၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရ ဖွဲ့စည်းပြီး၍ အတည်ဖြစ်သည့်ဒေသန္တရအဖွဲ့တွင် တည်ရှိရမည့်ပြင်၊ အဆိုပါအက်ဥပဒေများအရ ဖွဲ့စည်းထားသောအဖွဲ့များက ချုပ်ဆိုခဲ့သည့်ပဋိညာဉ်အားလုံးသည်၊ သို့တည်းမဟုတ် ၁၉၄၆ ခုနှစ်၊ ဒေသန္တရအဖွဲ့များ (ရပ်ဆိုင်းထားခြင်း) အက်ဥပဒေအရ အာဏာအပ်နှင်းခြင်းခံရသူက ထိန်းသိမ်းအုပ်ချုပ်ရသည့်အဖွဲ့အတွက် ချုပ်ဆိုခဲ့သည့် ပဋိညာဉ်အားလုံးသည်၊ ဤအက်ဥပဒေအရ ခန့်အပ်သည့်အာဏာပိုင်က၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရဖွဲ့စည်းပြီး၍ အတည်ဖြစ်သည့် ဒေသန္တရအဖွဲ့ကချုပ်ဆိုသောပဋိညာဉ်ဖြစ်သည်ဟု မှတ်ယူရမည်။

ရုပ်သိမ်းခြင်း။

၈၅။ ။၁၉၄၉ ခုနှစ်၊ ဒီဇိုက်ရေစီဒေသန္တရအုပ်ချုပ်ရေးအက်ဥပဒေ (၁၉၄၉ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၂၆) ကို ရုပ်သိမ်းလိုက်သည်။

ဇယား။

ပုဒ်မ ၆၀ အရ၊ ကျေးရွာတရားရုံးကစီရင်ပိုင်ခွင့်ရှိသော ရာဇဝတ်မှုများစာရင်း။*

အမှတ်စဉ်။ (၁)	ပြစ်မှုအမည်။ (၂)	ရာဇသတ်ကြီးပုဒ်မ၊ သို့တည်းမဟုတ် အခြားအက်ဥပဒေပုဒ်မ။ (၃)	မည်သူကပြစ်မှုကိုပြုခြင်းစသည်။ (၄)
		ရာဇသတ်ကြီးပုဒ်မ	
၁	သတ်ပုတ်နှောင့်ယှက်မှု	၁၆၀	တိုင်တန်းသူကကျေးရွာတရားရုံး၏ ခွင့်ပြုချက်ဖြင့်။
၂	အများပြည်သူဆိုင်ရာလမ်းတွင် အရှိမ်းမောင်းခြင်း၊ သို့တည်းမဟုတ် အရှိမ်းစီးခြင်းစသည့်ပြစ်မှု။	၂၇၉	၎င်း
၃	ညစ်ညမ်းသော ပြုလုပ်မှုနှင့် ညစ်ညမ်းသောသီချင်းဆိုမှု။	၂၉၄	၎င်း
၄	တမင်ကြံရွယ်၍ သူတပါးအား နာကျင်စေမှု။	၃၂၃	ထိခိုက်နာကျင်ခြင်း ခံရသူကကျေးရွာ တရားရုံး၏ ခွင့်ပြုချက်ဖြင့်။
၅	နာကျင်စေရန် အကြံအရွယ်မရှိဘဲ၊ အကြိုးအကျယ် ဒေါသထွက်အောင် ပြုမူခြင်းကြောင့် နာကျင်စေမှု။	၃၃၄	ထိခိုက် နာကျင်ခြင်းခံရသူ။
၆	အခြားသူ၏အသက်ကိုဖြစ်စေ၊ သို့တည်းမဟုတ် လုံခြုံရေးကိုဖြစ်စေ ဘေးဖြစ်စေသောပြုလုပ်မှု။	၃၃၆	တိုင်တန်းသူကကျေးရွာတရားရုံး၏ ခွင့်ပြုချက်ဖြင့်။
၇	အကြိုးအကျယ် ဒေါသထွက်အောင်ပြုမူကြောင့်မဟုတ်ဘဲ အခြားအကြောင်းကြောင့်ဖြစ်သော လက်ဆောက်မှု၊ သို့တည်းမဟုတ် ရာဇဝတ် မကင်းသော အနှိုင်အထက်ပြုမှု။	၃၅၂	လက်ဆောက်ပြုခြင်းခံရသူ၊ သို့တည်းမဟုတ် အနှိုင်အထက်ပြုခြင်းခံရသူ။

* ဤခေါင်းစဉ် စကားရပ်ကို ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၁ အရ၊ အစားထည့်သွင်းသည်။

ဇယား။ ။အဆက်။

ပုဒ်မ ၆၀ အရ၊ ကျေးရွာတရားရုံးကစီရင်ပိုင်ခွင့်ရှိသောရာဇဝတ်မှုများစာရင်း။ ။အဆက်။

အမှတ်စဉ်။ (၁)	ပြစ်မှုအမည်။ (၂)	ရာဇသတ်ကြီးပုဒ်မ၊ သို့တည်းမဟုတ် အခြားအက်ဥပဒေပုဒ်မ။ (၃)	မည်သူကပြစ်မှုကိုပြေငြိမ်းစေနိုင်သည်။ (၄)
၈	မိန်းမ၏ကာယိန္ဒြေ ပျက်စီးစေရန် အကြံဖြင့် ကျူးလွန်သည့်လက်ရောက်မှု၊ သို့တည်းမဟုတ် ရာဇဝတ်မကင်းသော အနိုင်အထက်ပြုမှု။	ရာဇသတ်ကြီးပုဒ်မ ၃၅၄	လက်ရောက်ကျူးလွန်ခြင်း ခံရသောမိန်းမက၊ သို့တည်းမဟုတ် အနိုင်အထက်ပြုခြင်းခံရသော မိန်းမက၊ ကျေးရွာတရားရုံး၏ ခွင့်ပြုချက်ဖြင့်။
၉	အကြီးအကျယ်ဒေါသထွက်အောင်ပြုမှုခံရ၍ကျူးလွန်သော လက်ရောက်မှု၊ သို့တည်းမဟုတ် ရာဇဝတ် မကင်းသော အနိုင်အထက်ပြုမှု။	၃၅၈	လက်ရောက်ပြုခြင်းခံရသူ၊ သို့တည်းမဟုတ် အနိုင်အထက်ပြုခြင်းခံရသူ။
၁၀	ကျွန်ခြားမဟုတ်သည့် ပစ္စည်းကိုခိုးမှု ...	၃၇၉	ပစ္စည်း ဆုံးရှုံးခြင်း ခံရသူက၊ ကျေးရွာ တရားရုံး၏ ခွင့်ပြုချက်ဖြင့်။
၁၁	ကျွန်ခြား မဟုတ်သည့် ပစ္စည်းကို နေအိမ်စသည်တို့အတွင်းတွင်ခိုးမှု။	၄၅၀	၎င်း
၁၂	ခြောက်လှန့်၍တောင်းယူမှု	၃၈၄	ခြောက်လှန့်၍ ပစ္စည်းတောင်းယူခြင်းခံရသူက ကျေးရွာတရားရုံး၏ ခွင့်ပြုချက်ဖြင့်။
၁၃	ပစ္စည်းကို မှုံးမဖြောင့်သောသဘောဖြင့် အလွဲသုံးစားမှု။	၄၀၃	အလွဲသုံးစားခံရသည့် ပစ္စည်းရှင်က ကျေးရွာတရားရုံး၏ ခွင့်ပြုချက်ဖြင့်။

ဇယား။ ။အဆက်။

ပုဒ်မ ၆၀ အရ၊ ကျေးရွာတရားရုံးကစီရင်ပိုင်ခွင့်ရှိသော ရာဇဝတ်မှုများစာရင်း။ ။အဆက်။

အမှတ်စဉ်။ (၁)	ပြစ်မှုအမည်။ (၂)	ရာဇသတ်ကြီးပုဒ်မ၊ သို့တည်းမဟုတ် အခြားအက်ဥပဒေပုဒ်မ။ (၃)	မည်သူကပြစ်မှုကိုပြေငြိမ်းစေနိုင်သည်။ (၄)
၁၄	လိမ်လည်မှု	ရာဇသတ်ကြီးပုဒ်မ ၄၁၇	လိမ်လည်ခံရသူက ကျေးရွာတရားရုံး၏ ခွင့်ပြုချက်ဖြင့်။
၁၅	အကျိုးဖျက်ဆီးမှု	၄၂၆ မှ ၄၃၄ အထိ။	ပြည်သူနှင့် မသက်ဆိုင်သော ပုဂ္ဂလိက ပစ္စည်း ဖြစ်လျှင်၊ အကျိုး ပျက်စီးခြင်း ခံရသူ။ ပြည်သူနှင့် သက်ဆိုင်လျှင်၊ တရားလိုက ကျေးရွာတရားရုံး၏ခွင့်ပြုချက်ဖြင့်။
၁၆	ရာဇဝတ်မကင်းသော ကျော်နင်းမှု	၄၄၇	ကျော်နင်း ကျူးလွန်ခံရသည့် ပစ္စည်းလက်ရှိဖြစ်သူ။
၁၇	အိမ်ကျော်နင်းမှု	၄၄၈	ကျော်နင်း ကျူးလွန်ခံရသည့် ပစ္စည်းလက်ရှိဖြစ်သူ။
၁၈	ငြိမ်ဝပ်ရေး ပျက်ပြားစေရန် အကြံဖြင့် တမင်စော်ကားမှု။	၅၀၄	စော်ကားခြင်းခံရသူ။
၁၉	ရာဇဝတ်မကင်းသောခြောက်လှန့်မှု	၅၀၆	ခြောက်လှန့်ခြင်းခံရသူ။
၂၀	မိန်းမတို့ကာယရှေ့ကို စော်ကားရန် ကြံရွယ်၍နှုတ်ဖြင့်ဖြစ်စေ၊ ကိုယ်အမူအရာဖြင့်ဖြစ်စေ ပြုမှု။	၅၀၉	စော်ကားခြင်း ခံရသည့်မိန်းမက ကျေးရွာတရားရုံး၏ ခွင့်ပြုချက်ဖြင့်။

ဇယား။ ။အဆုံး။

ပုဒ်မ ၆၀ အရ၊ ကျေးရွာတရားရုံးကစီရင်ပိုင်ခွင့်ရှိသောခုနစ်ဝတ်မှုများစာရင်း။ ။အဆုံး။

အမှတ်စဉ်။ (၁)	ပြစ်မှုအပည်။ (၂)	ရာဇသတ်ကြီးပုဒ်မ၊ သို့တည်းမဟုတ် အခြားအက်ဥပဒေပုဒ်မ။ (၃)	မည်သူကပြစ်မှုကိုပြေငြိမ်းစေနိုင်သည်။ (၄)
၂၁	မူးယစ်သူက အများဆိုင်သော နေရာ၌ မလျော်သောပြုမူမှု။	ရာဇသတ်ကြီးပုဒ်မ ၅၁၀	တိုင်တန်းသူကကျေးရွာတရားရုံး၏ခွင့်ပြုချက်ဖြင့်။
၂၂	ဤအက်ဥပဒေအရ ပြဋ္ဌာန်း ထားသော ပြစ်မှုများ။	....	ကျေးရွာတရားရုံး။
၂၃	အများနှင့်ဆိုင်သောနေရာတွင် လောင်းကစားခြင်း၊ သို့တည်းမဟုတ် ကြက်၊ ငှက်၊ တိရစ္ဆာန်တိုက်ခြင်းပြုမှု။	လောင်းကစားအက်ဥပဒေပုဒ်မ ၁၀။	၎င်း
၂၄	တရားဥပဒေအရ ထုတ်ပေးသော လက်မှတ်မရှိဘဲ၊ မူးယစ်စေတတ်သည့် သေရည်သေရေက်ကိုချက်ခြင်း၊ ဖေါက်ခြင်း၊ တယ်ခြင်း၊ သို့တည်းမဟုတ် ရောင်းခြင်းပြုမှု။	ယစ်မျိုးအက်ဥပဒေပုဒ်မ ၃၀။	ပြေငြိမ်းခွင့်မရ။
၂၅	တရားဥပဒေအရ ထုတ်ပေးသော လက်မှတ်မရှိဘဲ၊ ဘိန်းကိုလက်ရှိထားမှု။	ဘိန်းအက်ဥပဒေပုဒ်မ ၉။	၎င်း
၂၆	တရားဥပဒေအရ ထုတ်ပေးသော လက်မှတ်မရှိဘဲ၊ ကျွဲ၊ နွားတိရစ္ဆာန်ကို သတ်ဖြတ်မှု။	ကျွဲ၊ နွား၊ တိရစ္ဆာန်တို့သတ်ဖြတ်ခြင်းကို တားမြစ်ခြင်းအက်ဥပဒေ ပုဒ်မ ၃။	၎င်း

C.—RURAL.

ဂ။ ။ကျေးလက်ဆိုင်ရာ။

THE RURAL SELF-GOVERNMENT ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. * * * *
2. Definitions.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF DISTRICT COUNCILS, CIRCLE BOARDS AND SCHOOL BOARDS.

3. Areas in which District Councils, Circle Boards and School Boards shall be established.
4. Aggregation of village-tracts into groups and of groups into circles.
5. Establishment of Circle Boards: establishment of District Councils.
6. Composition of Circle Boards.
7. Composition of District Councils.
8. Qualifications of electors and members for Circle Boards.
9. Appointment of School Boards.
9A. Appointment of Hospital Committees.
10. Appointment of Joint Committees by District Councils with other local bodies.
11. Appointment of Joint Committees by two or more Circle Boards.
12. Term of office.
13. Chairman and Vice-Chairman.
14. Leave of absence to members.
15. Resignation of membership.
16. Disqualification from membership.
17. Termination of membership on disqualification or by notification of President.
17A. Further provisions as to removal of members.
17B. Removal of Chairman or Vice-Chairman.
18. Filling up of casual vacancies.
19. President to make rules to regulate transaction of business by local bodies.
20. Conditions under which members to be disqualified from voting or taking part in proceedings.

CHAPTER III.

OFFICERS AND SERVANTS.

Sections.

21. Employment of officers and servants.
21A. Provisions regarding appointment of Chief Executive Officer.
22. Pay, pension and allowances of officers and servants.
23. Employment of officers and establishments by two or more local bodies conjointly.

CHAPTER IV.

CONSTITUTION OF INDEPENDENT CIRCLE BOARDS AND OF VILLAGE COMMITTEES.

24. Establishment of Circle Boards in areas where there is no District Council and powers and duties of such Boards.
25. Delegation of powers to village committees.

CHAPTER V.

TAXATION, PROPERTY AND FINANCE.

26. Tax on circumstances and property.
27. Tax in aid of embankment, light railway or irrigation work.
28. Imposition of other tax, toll or fee.
29. Maximum scale of school fees.
29A. Scale of fees for attendance at hospital.
30. Rules to regulate imposition, etc., of taxes, tolls and fees.
31. Power of President to suspend levy of tax or toll.
32. Property to vest in District Council.
33. Assets of District Fund.
34. Investment of funds by District Council.
35. Raising of loans by District Council.
36. Objects on which District Fund to be expended.
37. Assets of Circle Fund.
37A. Assets of Hospital Fund.
38. Assets of District School Fund.
39. Objects on which District School Fund to be expended.
40. Decision of disputes as to apportionment of expenditure between districts.
41. Annual budget estimates of District Councils.
42. Minimum balance to be kept in District Funds.
43. Annual budget estimates of Circle Boards.
44. Annual budget estimates of School Boards.
44A. Annual budget estimates of Hospital Committees.
45. Periodical audit of accounts.
46. Inspection of budget estimates.
47. Annual publication of accounts.

CHAPTER VI.

DUTIES AND POWERS OF DISTRICT COUNCILS, CIRCLE BOARDS AND SCHOOL BOARDS.

Sections.

48. Matters to be administered by District Councils.
49. Powers which may be given to District Councils under certain Acts.
50. Other matters administration of which may be made over to District Councils.
51. Provision to be made by District Council for matters administered by it.
52. Establishment of public and licensing of private markets by bye-law.
53. Delegation by District Councils to Circle Boards.
54. Incorporation and common seal of, and transfer of property by, District Council.
55. Acquisition of land for District Council.
56. Local bodies may enter into contracts.
57. Approval of plans and estimates before work is commenced.
58. Execution of contracts.
59. Tenders to be called for.
60. Security for performance of contracts.

CHAPTER VII.

CONTROL.

61. Duty and powers of President and officers subordinate to him to supervise, annul and inspect.
62. Supervision by Commissioners and Deputy Commissioners of District Councils, Circle Boards and School Boards.
63. Powers of Deputy Commissioner to suspend execution of any order and of Commissioner to pass orders in any such case.
64. Powers of Commissioner to order local body to carry out any duty.
65. Powers of Deputy Commissioner to order execution of emergent work.
65A. Powers of Deputy Commissioner to take measures in case of outbreak of dangerous disease.
66. Control of Commissioner over Deputy Commissioners.

CHAPTER VIII.

DISSOLUTION OR SUPERSESSION IN CASE OF DEFAULT.

67. Dissolution or supersession of local body by President in case of persistent default or abuse of powers.
68. Consequence of supersession.

CHAPTER IX.

LEGAL PROCEEDINGS AND RECOVERY OF DUES.

Sections.

69. Powers of Chairman to institute, compound and defend cases and to take legal advice.
70. Indemnity.
71. Institution of suits against local bodies.
72. Judge or Magistrate when not to be deemed personally interested in prosecution.
73. Mode of recovery of money, tax, toll or fee.

CHAPTER X.

SUPPLEMENTARY PROVISIONS.

74. Members, etc., deemed to be public servants.
75. Acts not to be questioned by reason of technical irregularity.
76. Liability of members for loss, waste or misapplication.
77. Members not to be interested in contracts.

CHAPTER XI.

ORDERS, RULES AND BYE-LAWS.

78. Powers of President to make orders: previous publication of draft orders: confirmation of orders: first orders to be those in Schedule II.
79. Power of President to make rules: previous publication of draft rules: rules to take effect as if enacted in Act.
80. Power of District Councils to make bye-laws: penalty which may be attached: previous publication of, and control of Commissioner over, bye-laws.
81. Power of School Board to make bye-laws: previous publication of, and control of Commissioner over, bye-laws.
82. Prosecutions.
83. Exemption from provisions of section 200 of Code of Criminal Procedure.

SCHEDULE I.

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SCHEDULE II.

FIRST ORDERS.

THE RURAL SELF-GOVERNMENT ACT.

[BURMA ACT IV. 1921.] (6th March, 1922.)

WHEREAS it is expedient to make provision for the introduction of self-government in rural areas in the Union of Burma for the purpose of associating the inhabitants of such areas more closely with the administration of matters affecting their daily lives;

And whereas it is expedient that District Councils, Circle Boards and School Boards should be constituted and invested with powers for carrying out the objects of this Act;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. * * * *

Definitions.

2. In this Act, unless it is otherwise expressly provided or unless there is something repugnant in the subject or context,—

(*a*) "Bye-law" means a bye-law made by a District Council or by a School Board under this Act;

(*b*) "Cantonment" means any place declared to be a cantonment under section 3 of the Cantonments Act;

(*c*) "Cattle" includes elephants, oxen, buffaloes, ponies, mules, pigs, sheep and goats;

(*d*) "Circle Board" means a Circle Board established under section 5, sub-section (*1*);

(*e*) "Civil Station" means any area of land notified as a civil station under any enactment from time to time in force;

(*f*) "District" means an area constituted a district for revenue and administrative purposes;

(*g*) "District Council" means a District Council established under section 5, sub-section (*2*);

(*gg*) "Hospital Committee" means a Hospital Committee appointed under section 9A;

(*h*) (i) "Market" means any place where persons periodically assemble for the sale of goods, livestock or articles of food;

(ii) "Public Market" means any market belonging to a District Council, or constructed, repaired, or maintained out of a District Fund;

(iii) "Private Market" means any market, not being a public market;

(*i*) "Municipality" and "Municipal Committee" have the same meaning as in the Municipal Act, and include respectively an area declared to be a "notified area" and a Town Committee under the said Act;

(*j*) "Order" means an order made by the President of the Union and confirmed under section 78;

(*k*) "Rule" means a rule made by the President of the Union under this Act;

(*l*) "School Board" means a District School Board or a Joint School Board appointed under section 9;

(*m*) "Village-tract" means a village-tract as defined in section 4, sub-section (*8*), of the Village Act or declared to be a village-tract under section 5, sub-section (*1*), of the said Act.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF DISTRICT COUNCILS, CIRCLE BOARDS AND SCHOOL BOARDS.

Areas in which District Councils, Circle Boards and School Boards shall be established.

3. In every district or part of a district notified by the President of the Union in this behalf, a District Council, Circle Boards and School Boards shall be established.

Aggregation of village-tracts into groups and of groups into circles.

4. In any district or part of a district, in which Circle Boards are to be established, the President of the Union shall, by notification, aggregate the several village-tracts situated therein into groups and the groups into circles:

Provided that such groups and circles shall not include any area for the time being included in a cantonment, civil station or municipality.

Establishment of Circle Boards.

5. (*1*) For each such circle there shall be established a Circle Board, having authority, as hereinafter more particularly defined, over all the village-tracts comprised within the circle.

Establishment of District Councils.

(*2*) For all such circles, comprised within the limits of a district, there shall be established a District Council having authority, as hereinafter more particularly defined, over all the areas comprised within such circles.

Composition of Circle Boards.

6. The Circle Boards shall consist of—

(*a*) members elected by groups of village-tracts, in accordance with rules made in this behalf, to represent such groups: provided that where any group of village-tracts fails to elect the prescribed number of members the Commissioner may fill any such vacancy by nomination, and members so nominated shall be deemed to be elected members for the purposes of this Act;

(*b*) such officers of the Medical, Public Works, Sanitary or Veterinary Departments, or of such other departments as the President of the Union may by order direct, as the members

elected under clause (*a*) may from time to time, with the consent of such officers, co-opt for purposes of professional advice only: provided that no officer so appointed may propose, or vote on, any resolution.

Composition of District Councils.

7. The District Council shall consist of—

(*a*) members of Circle Boards within the district elected by the Circle Boards in accordance with rules made in this behalf to represent such Boards: provided that where any Circle Board perversely refuses to elect the prescribed number of members the Commissioner, with the assent of the President of the Union, may fill any such vacancy by nomination, and members so nominated shall be deemed to be elected members for the purposes of this Act, and it shall not be necessary for persons so nominated to be members of any Circle Boards;

(*b*) such officers of the Medical, Public Works, Sanitary or Veterinary Departments, or of such other departments as the President of the Union may by order direct, as the members elected under clause (*a*) may from time to time, with the consent of such officers, co-opt for purposes of professional advice only: provided that no officers so appointed may propose, or vote on, any resolution;

(*c*) persons nominated by the President of the Union, if the President of the Union may deem such nomination to be expedient: provided that the number of persons so nominated shall not exceed three or one-sixth of the number of members elected under clause (*a*), whichever is less: provided further that no person shall be so nominated unless he is qualified for election as a member of a Circle Board within the area for which the District Council has been constituted.

Qualifications of electors and members for Circle Boards.

8. (*1*) For the purpose of elections under section 6, clause (*a*), the qualifications of electors and the qualifications for being an elected member of a Circle Board shall be determined by order.

(*2*) An official shall not be qualified for election as a member of a District Council or Circle Board, and if an elected member of such Council or Board becomes an official his seat on such Council or Board shall be vacated.

(*3*) For the purpose of the preceding sub-section, "official" shall mean a person who is in the civil or military service of the Government and being a whole-time servant of the Government is remunerated either by salary or fees.

If any question arises whether any officer is or is not a whole-time servant of the Government for the purposes of this Act the decision of the President of the Union shall be final.

(*4*) A village headman who has been elected or nominated as a member of a District Council shall not be deemed to be a member of such Council until he has resigned his appointment of village headman: provided that nothing in this sub-section shall apply to a village headman nominated under the proviso to clause (*a*) of section 7.

Appointment of School Boards.

9. (*1*) Every District Council shall, subject to rules made in this behalf, appoint some of its members to form a District School Board, or to form, in combination with members appointed for the purpose by any Municipal Committees within the district, a Joint School Board for—

(*a*) the establishment, management, visiting and maintenance of all public vernacular schools within their respective jurisdictions, the construction and repair of all buildings connected therewith and the appointment and pay of the teaching staff;

(*b*) the recognition, control, visiting and support of vernacular schools under private management within their respective jurisdictions.

(*2*) (*a*) The proportion of members to be appointed by the District Council and by Municipal Committees shall be determined by the Commissioner in each case.

(*b*) If any District Council or Municipal Committee is dissatisfied with the decision of the Commissioner under clause (*a*), such Council or Committee may appeal to the President of the Union, who shall fix the proportion as he thinks fit.

(*3*) The members appointed under sub-section (*1*) may co-opt as members of the School Board such other persons as they think fit, provided that the members so co-opted shall not exceed one-third of the number of members of the School Board appointed under sub-section (*1*).

(*4*) A School Board may from time to time appoint school committees for the several schools under its control and administration, and shall, as far as may be practicable, conduct the management of any school for which such committee has been appointed through that committee.

(*5*) Subject to the general control of the Director of Public Instruction, the Inspector of Schools, within whose jurisdiction the district lies, shall act as Adviser to the School Board, and he or any other officer authorized by him in this behalf shall have the same right of being present at a meeting of the School Board and of taking part in its discussions as if he were a member, and may, at any time, make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make, any proposition at any such meeting.

Appointment of Hospital Committees.

9A. (*1*) For every hospital or dispensary within a circle there shall be constituted a Hospital Committee, composed as follows:—

not more than two members appointed by the Circle Board from among its own members;

not more than two members appointed by the District Council from among its own members;

not more than two members nominated by the Deputy Commissioner to represent the general public of the vicinity; and

the medical officer in charge of the hospital and such other local civil officer as the Deputy Commissioner may nominate.

(*2*) The Hospital Committee shall be responsible for the management, maintenance and visiting of the said hospital or dispensary, and for the construction and repair of all buildings connected therewith and for the appointment and pay of the staff excepting the medical officer in charge who shall be appointed and paid by the President of the Union.

(*3*) The members of a Hospital Committee shall elect one of their number to be Chairman and one of their number to be Vice-Chairman.

(*4*) The provisions of sections 12, 13, sub-sections (*2*), (*3*) and (*4*), 14, 15, 17, 18, 20, 21, excluding sub-sections (*6*) and (*8*), 22, 45, 46, 57, clauses (*b*), (*c*) and (*d*), 58, 59, 60, 61, 62, 63, 64, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 shall apply, *mutatis mutandis*, to Hospital Committees, and to Hospital Funds formed under section 37A.

Appointment of Joint Committees by District Councils with other local bodies.

10. (*1*) A District Council may combine with any other District Council, or with any Municipal Committee, or with any cantonment or civil station authority, or with more than one such council, committee or authority in appointing, out of their respective bodies, in accordance with rules made in this behalf, a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power, which might be exercised by either or any of the councils, committees or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

(*2*) If any dispute arises between two or more District Councils, committees or authorities acting under this section, the decision thereon of the Commissioner, if the councils, committees or authorities are in the same division or, if they are not in the same division, of the Commissioners of the respective divisions, or if the said Commissioners are unable to agree, of the President of the Union, shall be final.

Appointment of Joint Committees by two or more Circle Boards.

11. (*1*) A Circle Board may combine with any other Circle Board in the same district, or with more than one such Board, in appointing, out of their respective bodies, in accordance with rules made in this behalf, a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power, which might be exercised by either or any of the Boards concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence for which the joint committee is appointed.

(*2*) A District Council may similarly direct the formation of such a joint committee by two or more of its subordinate Circle Boards.

(*3*) If any dispute arises between two or more Circle Boards acting under this section, the decision thereon of the District Council of their district shall be final.

Term of office.

12. The term of office of members of District Councils, Circle Boards and School Boards shall be determined by the President of the Union by an order made in this behalf.

Chairman and Vice-Chairman.

13. (*1*) The members of every District Council, Circle Board and School Board, not being co-opted or nominated members, shall elect one of their number to be Chairman, and one of their number to be Vice-Chairman, in accordance with rules made in this behalf.

(*2*) The term of office of a Chairman or Vice-Chairman elected under sub-section (*1*) shall ordinarily be the residue of his term of office as a member of the District Council, Circle Board or School Board, as the case may be.

(*3*) The office of Chairman or Vice-Chairman shall be deemed vacant if the Chairman or Vice-Chairman, as the case may be—

(*a*) resigns, or

(*b*) is absent without the permission of the Council or Board from all meetings of such Council or Board for a period exceeding three consecutive months.

(*4*) A District Council, Circle Board or School Board may grant leave of absence to its Chairman or Vice-Chairman for any period not exceeding three months at a time and may elect any of its members, not being a co-opted or nominated member, to carry on the duties of Chairman or Vice-Chairman for the period of such absence.

Leave of absence to members.

14. A District Council, Circle Board or School Board may permit any of its members to absent himself from meetings of such Council or Board for any period not exceeding six months.

Resignation of membership.

15. A member of a District Council, Circle Board or School Board may resign by notifiying in writing to the Chairman his intention to do so, and, on the acceptance by the Chairman of such resignation, the member shall be deemed to have vacated his seat.

Disqualification from membership.

16. (*a*) Any member of a District Council who ceases to be a member of the Circle Board electing him;

(*b*) any member of a Circle Board (other than a co-opted member) who ceases to retain the qualifications necessary for election to such Board;

(*c*) any member of a School Board who ceases to be a member of the District Council or Municipal Committee appointing him; and

(*d*) any member of a Hospital Committee who ceases to be a member of the District Council or Circle Board appointing him,

shall thereupon be deemed to be disqualified from being a member of such District Council, Circle Board, School Board or Hospital Committee, as the case may be.

Termination of membership on disqualification or by notification of President.

17. (*1*) Any member of a District Council, Circle Board or School Board, who, after his entry on office, ceases to be qualified for election as a member under any order, or becomes disqualified under section 16, shall forthwith resign his office as a member of such Council or Board.

(*2*) The President of the Union, either of his own motion or on the motion of a District Council, Circle Board or School Board, may, by notification, declare that any member of such Council or Board has ceased to be a member if—

(*a*) he has been absent from all meetings of the Council or Board for any period exceeding six months; or

(*b*) he has, without the permission of the Council or Board, been absent from all its meetings for any period exceeding three consecutive months;

and shall make such declaration if such member—

(i) has refused or neglected to resign his office under sub-section (*1*); or

(ii) has acted in contravention of section 20:

Provided that no notification shall be issued under this sub-section until such member has been given an opportunity of explaining his default.

(*3*) The President of the Union may by order remove any member of a District Council, Circle Board or School Board, if he considers that his continuance in office is dangerous to the public peace or order.

(*4*) Any termination of membership under the preceding sub-section shall disqualify such member from re-election or re-appointment to the District Council, Circle Board or School Board of which he was a member for the period during which, but for such termination, he would have been entitled to remain in office.

Further provisions as to removal of members.

17A. (*1*) Where it appears that the continuance in office of a Chairman or Vice-Chairman, elected under section 13, sub-section (*1*), or section 9A, or of a member of a District Council, Circle Board, School Board or Hospital Committee, is contrary to the public interest, the President of the Union may, after giving the Chairman, the Vice-Chairman or the member concerned an opportunity to show cause against the holding of an enquiry, subject to the provisions of any rules that may be made in this behalf, appoint a Committee of Enquiry with an officer not below the rank of Commissioner as President, and two members, one being a member of the Council, Board or Committee concerned and the other being an elector on the electoral roll for

any Circle Board in the district who is not in the whole-time or part-time employment of the Government, to enquire into all the circumstances of the case.

(*2*) Where the President of the Union appoints a Committee of Enquiry under sub-section (*1*) to deal with the case of a Chairman or Vice-Chairman, the Chairman or Vice-Chairman concerned shall cease to exercise the functions of his office and the President of the Union may appoint any member of the Council, Board or Committee concerned to exercise them in his stead.

When the President of the Union appoints a Committee of Enquiry under sub-section (*1*) in respect of the continuance in office of a member of a District Council, Circle Board, School Board or Hospital Committee, he shall cease to act as such member.

(*3*) The Committee of Enquiry shall have power to take evidence on oath, and shall have power to summon witnesses and to enforce the attendance of witnesses and to compel the production of documents, by the same means and, so far as may be, in the same manner as is provided in the case of a civil Court under the Code of Civil Procedure.

(*4*) On the conclusion of its enquiry, the Committee of Enquiry shall submit a report to the President of the Union, who may then, where the continuance in office of a Chairman or Vice-Chairman is concerned, order his reinstatement, or may declare him to be removed from his office, or to be removed both from his office and from membership of the Council, Board or Committee concerned and of any other local body of which he is a member; and where the continuance in office of a member of a District Council, Circle Board, School Board or Hospital Committee is concerned, may either order his reinstatement as such member, or declare him to be removed from such office, and from membership of any other local body of which he is a member.

(*5*) Where a person has been removed from membership of a District Council, Circle Board, School Board or Hospital Committee under the provisions of the last preceding sub-section, he shall not, save as provided in sub-section (*6*), be eligible for five years from the date of the order of removal for election or appointment to any local body constituted under the provisions of this Act or of the Municipal Act.

(*6*) The President of the Union may in special cases remove the disability imposed by sub-section (*5*).

(*7*) The proceedings of a Committee of Enquiry appointed under this section shall not, unless the President of the Union so directs, abate because the term of office of the Chairman or Vice-Chairman or member concerned has come to an end.

Removal of Chairman or Vice-Chairman.

17B. Where a District Council, Circle Board, School Board or Hospital Committee has, subject to the provisions of any rules that may be made in this behalf, passed a resolution expressing want of confidence in its Chairman or Vice-Chairman and confirmed it by a majority of two to one at a meeting specially convened to consider the question and held not less than one month

after the meeting at which the original resolution was passed, the President of the Union may, if he thinks fit—

(*a*) record his opinion that the continuance in office of such Chairman or Vice-Chairman is contrary to the public interest and remove him from office: provided that such Chairman or Vice-Chairman shall not be removed from office until he has first been given an opportunity to show cause against such removal, or

(*b*) declare the case to be one for enquiry under section 17A, in which case all the provisions of section 17A shall apply.

Filling up of casual vacancies.

18. (*1*) When the place of a member of a District Council, Circle Board or School Board becomes vacant by the resignation, removal or death of the member, or any other cause, such casual vacancy shall be filled up, as soon as conveniently may be, by the election, co-option, nomination or appointment, as the case may be, of a qualified person thereto, who shall hold office so long only as the member whose place he fills would have been entitled to hold it if the vacancy had not occurred.

(*2*) No act of any District Council, Circle Board or School Board, or of its officers shall be deemed to be invalid by reason only of the fact that the number of members of the Council or Board at the time of such act was less than the prescribed number.

President to make rules to regulate transaction of business by local bodies.

19. The President of the Union may make rules to regulate the manner in which a District Council, Circle Board, School Board and Hospital Committee shall meet and transact business, and the manner in which the minutes of all meetings shall be kept, and the authorities to whom copies of such minutes shall be forwarded.

Conditions under which members to be disqualified from voting or taking part in proceedings.

20. Any member of a District Council, Circle Board or School Board who—

(*a*) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of, such Council or Board, or

(*b*) is a director, secretary, manager or other salaried officer of an incorporated company which has any such share or interest, or

(*c*) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid,

shall not vote or take any other part in any proceeding of the Council or Board, or of any Committee thereof, relating to such matter.

CHAPTER III.

Officers and Servants.

Employment of officers and servants.

21. (*1*) Subject to the provisions of sub-sections (*2*) and (*3*) and to any rules that may be made in this behalf, the District Council or School Board

may employ a Chief Executive Officer and such other officers and servants as may be necessary for the efficient execution of their respective duties. No appointment of a Chief Executive Officer by a District Council or a School Board shall be made without the sanction of the President of the Union.

(*2*) In the case of the Secretary, the Health Officer or any other officer who may be specified by the President of the Union by rule, no post shall be created or abolished, and no alteration in the emoluments thereof, shall be made without the approval of the Commissioner, and every appointment to, and dismissal or removal from, such post shall be subject to confirmation by the Commissioner.

(*3*) No other post, the monthly salary of which exceeds three hundred rupees or such other sum as the President of the Union may by general or special order direct, shall be created or abolished, and no alteration in the emoluments thereof be made without the approval of the Commissioner, and every appointment to, and dismissal or removal from, such post shall be subject to confirmation by the Commissioner.

(*4*) Nothing in the preceding sub-sections shall be deemed to necessitate the confirmation of an order of suspension pending the decision of the Commissioner, but the Commissioner may reverse any such order of suspension.

(*5*) If in the opinion of the Commissioner any officer of the class specified in or under sub-section (*2*) or any other officer holding a post, the monthly salary of which exceeds one hundred rupees or such other sum as the President of the Union may by general or special order direct, is incompetent to perform his duties, or the retention of his services is otherwise against the public interest, the District Council shall, on the requirement of the Commissioner, dispense with his services with or without notice.

(*6*) In any local area in any district to which the President of the Union may by order extend this sub-section the District Council shall employ as District Health Officer an officer appointed by the President of the Union in that behalf: provided that in any such case the pay of the said Health Officer shall be defrayed from the revenues of the Union of Burma.

(*7*) A District Council or School Board shall not, except with the assent of the President of the Union, dispense with the services of a servant of the Government which have been placed at its disposal, whether in whole or in part, without giving the President of the Union three months' notice in writing to that effect.

(*8*) A Circle Board may employ such officers or servants and pay them such pay and allowances, and grant them such leave, as the District Council may by bye-laws prescribe; and, with the general or special sanction of the President of the Union, grant them pensions or subscribe on their behalf for pension or gratuity under any general or special orders of the President of the Union for the time being in force.

(*9*) Subject to rules made in this behalf, every officer or servant of a District Council, Circle Board or School Board who is entrusted with money in the course of his employment shall give such security as may be prescribed by rule.

Provisions regarding appointment of Chief Executive Officer.

21A. (*1*) In any District Council or School Board where there is a Chief Executive Officer appointed under sub-section (*1*) of section 21, such officer shall exercise such powers of the Council or Board, or of the Chairman or Vice-Chairman under this Act, or any rule or bye-law thereunder, as may be conferred on the said officer by the Council or Board by bye-law.

(*2*) All other officers and servants of the Council or Board shall, subject to any exceptions and conditions that may be laid down by rule by the President of the Union in this behalf, be subordinate to the Chief Executive Officer.

(*3*) With the sanction of the Council or Board, a Chief Executive Officer may empower, by general or special order in writing, any officer or servant of the Council or Board to exercise, under his control, any power conferred on him by or under this Act.

(*4*) An order by the Chief Executive Officer under sub-section (*3*) may prescribe any condition and impose any restriction in respect of the exercise of any power.

(*5*) Any order passed by an officer or servant of the Council or Board in the exercise of a power conferred on him under sub-section (*3*) may be revised by the Chief Executive Officer who shall report any such case to the Council or Board.

(*6*) The Chief Executive Officer shall have the right to attend all meetings of the Council or Board and of any standing committee or sub-committees and may, with the permission of the Chairman, or in virtue of a resolution passed in this behalf at a meeting of the Council or Board or standing committee or sub-committee, make an explanation in regard to a subject under discussion, but shall not move, second or vote on, any resolution.

(*7*) Where the President of the Union decides that a District Council or School Board has made persistent default in the performance of the duties imposed upon it by or under this Act, or is exceeding or abusing its powers, the President of the Union may, in lieu of making an order to dissolve or supersede the Council or Board under the provisions of Chapter VIII of this Act, require the Council to appoint a Chief Executive Officer in accordance with rules made under this Act, within such period as he may prescribe in the requisition.

(*8*) If the Council or Board fails to appoint a Chief Executive Officer within the period fixed in the requisition, or, having appointed a person whose appointment is not approved by the President of the Union, fails, within a further period to be fixed by the President of the Union, to appoint an approved person, the President of the Union may—

(*a*) select and appoint a person to be Chief Executive Officer;

(*b*) fix the pay and allowances and general conditions of service of such Chief Executive Officer and if he is a servant of the Government the conditions under which his services are lent to the District Council or School Board.

(*9*) Where a Chief Executive Officer is appointed under the provisions of sub-section (*7*) or sub-section (*8*) the President of the Union shall determine

which powers, if any, of the Council or Board, or of the Chairman or Vice-Chairman, under this Act or any rule or bye-law thereunder shall be exercised by the said Chief Executive Officer, in addition to or to the exclusion of their exercise by the said Council, Board, Chairman or Vice-Chairman.

Pay, pension and allowances of officers and servants.

22. (*1*) The District Council or School Board may—

(*a*) subject to any rules that may be made in this behalf, pay its officers and servants such pay and allowances and grant them such leave as it may think fit;

(*b*) subject to such conditions as the President of the Union may by rules prescribe, establish and maintain a provident fund on behalf of its own officers and servants, the officers and servants of any Circle Board within the jurisdiction of the District Council, and the teachers of any school aided by grants from the District School Fund, and may compel any or every such officer or servant to contribute thereto, and may supplement such contributions out of the District Fund or the District School Fund, as the case may be;

(*c*) with the general or special sanction of the President of the Union, grant them pensions, or subscribe on their behalf for pension or gratuity under any general or special orders of the President of the Union for the time being in force:

Provided that—

(i) the conditions of the grant of leave and of leave allowances, pension or gratuity shall not be more favourable than those prescribed for servants of the Government; and

(ii) no leave allowances, pension or gratuity shall exceed the sum which, under any general or special orders of the President of the Union for the time being in force, such officer or servant would be entitled to if his service had been under the Government.

(*2*) In the case of an officer lent by Government, the District Council or School Board shall contribute to any leave allowance, gratuity, or pension, to which he may become entitled, in accordance with any general or special orders of the President of the Union for the time being in force.

(*3*) If any dispute arises regarding the interpretation of provisos (i) and (ii) to sub-section (*1*), the decision of the President of the Union thereon shall be final.

Employment of officers and establishments by two or more local bodies conjointly.

23. Subject to the provisions of this chapter and to any rules made in this behalf, two or more District Councils may from time to time conjointly appoint and employ any officers or establishments, and provide for the payment of their salaries and their control.

CHAPTER IV.

CONSTITUTION OF INDEPENDENT CIRCLE BOARDS AND OF VILLAGE COMMITTEES.

Establishment of Circle Boards in areas where there is no District Council and powers and duties of such Boards.

24. (*1*) In any locality not falling within any of the areas set out in a notification under section 3 and for which no District Council has been established under section 5, the President of the Union may, by notification, direct that Circle Boards shall be established, and that such Boards shall exercise and perform such of the powers and duties conferred and imposed on District Councils by this Act and the orders and rules made thereunder as may be specified in the notification, subject to any rules made under sub-section (*2*).

(*2*) The President of the Union may make rules specifying the modifications with which this Act and the orders and rules made thereunder shall apply to such Circle Boards.

Delegation of powers to village committees.

25. (*1*) * * * *

(*2*) Where a village committee has been established for any village-tract under the Village Act, the Circle Board may direct that within the village-tract any matter placed under the control and administration of the Circle Board under this Act shall be wholly or partly transferred to the control and administration of the village committee with adequate funds for the purposes of such control and administration.

(*3*) The village committee, subject to the control of the Circle Board, shall, so far as the funds at its disposal permit, make due provision for all matters transferred to its control and administration by this section. It shall be the duty of the Circle Board to enforce the responsibility imposed on the village committee by this section.

(*4*) The village committee may exercise all or any of the powers of the Circle Board delegated to it, and shall conform to all the rules and orders to which the Board is subject in respect of such powers.

(*5*) The village committee shall not incur expenses or undertake liabilities to an amount exceeding the funds placed at its disposal.

(*6*) The President of the Union may make rules regulating the procedure which such village committees shall follow in the conduct of business and in their relations with District Councils and Circle Boards, the registers of accounts which they shall keep and the reports and returns which they shall submit.

CHAPTER V.

TAXATION, PROPERTY AND FINANCE.

Tax on circumstances and property.

26. (*1*) A District Council may, with the previous sanction of the President of the Union, levy a tax on persons residing within, or owning or occupying houses, buildings or lands within, its jurisdiction.

(*2*) Such tax shall be imposed according to the circumstances and property of such persons within the limits of the said jurisdiction, and shall

not apply to circumstances and property outside such limits of a person residing within them.

(*3*) The rate at which such tax shall be levied shall not average less than rupees two or more than rupees eight *per annum* per person liable to pay it.

(*4*) In any area in which such tax is levied, no person shall be liable to pay capitation-tax under section 34 of the Land and Revenue Act, or land rate in lieu of capitation-tax under section 35 of the said Act, or *thathameda*-tax under section 22, sub-section (*1*), of the Upper Burma Land and Revenue Regulation, for the financial year for which such tax is levied.

Tax in aid of embankment, light railway or irrigation work.

27. (*1*) With the previous sanction of the President of the Union, a District Council may levy a tax for the construction and maintenance of any embankment, light railway, canal or other irrigation work or for the payment of charges incurred in connection with any loan raised for such construction, or, in the case of a light railway, for the payment of a guarantee.

(*2*) Such tax shall be levied on all occupied lands which lie within the jurisdiction of the District Council and are so situated that their occupiers can derive benefit, direct or indirect, from such embankment, light railway, canal or other irrigation work.

(*3*) Any person objecting to the levying of such tax on him on the ground that he does not derive or is not likely to derive any benefit, direct or indirect, from such embankment, light railway, canal or other irrigation work, may appeal to the Commissioner whose decision thereon shall be final:

Provided that a District Council shall not raise by such tax any amount in excess of what is required for the construction and maintenance of such embankment, light railway or irrigation work, the repayment of loans with interest thereon and management charges.

Imposition of other tax, toll or fee.

28. (*1*) With the previous sanction of the Commissioner, a Disrict Council may levy a toll or fee—

(*a*) for the right to expose goods or livestock for sale in any public market within the area over which its jurisdiction extends or for the use of any building or structure therein;

(*b*) for the registration of animals sold in such market;

(*c*) for the right to expose goods or livestock for sale on roads or streets within the area over which its jurisdiction extends;

(*d*) for the service of any bull or stallion being the property of the District Council;

(*e*) for the right to exhibit goods or livestock at any fair, show or exhibition held under its authority within the area over which its jurisdiction extends;

(*f*) a tax, toll or fee on any or all of the following, namely—vehicles, boats, animals, menials and domestic servants, trades, professions and callings, private markets;

(*g*) a tax, toll or fee for services rendered as respects any of the following, namely—water-supply, lighting, scavenging, sewage, sanitation, drainage, public conveniences;

(*h*) a tax on land or buildings or both;

(*i*) an octroi:

Provided that not more than one tax shall be imposed under clauses (*f*) to (*h*) in respect of the same buildings or land.

(*2*) * * * *

Maximum scale of school fees.

29. A District School Board, subject to the control of the District Council, or a Joint School Board, subject to control of the Commissioner, may fix a maximum scale of fees to be levied in schools under its control.

Scale of fees for attendance at hospital.

29A. A Hospital Committee may, subject to the approval of the District Council, fix a scale of fees to be paid by different classes of patients attending a hospital or dispensary under its control.

Rules to regulate imposition, etc., of taxes, tolls and fees.

30. The President of the Union may make rules to regulate the imposition, assessment, collection, suspension and remission of any taxes, tolls or fees levied under this Act.

Power of President to suspend levy of tax or toll.

31. If at any time it appear to the President of the Union, on complaint made or otherwise, that any tax, toll or fee imposed under this Act is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the public, he may require the District Council to take within a specified period measures to remove the objection, and if within that period such requisition is not complied with to the satisfaction of the President of the Union, the President of the Union may, by notification, suspend the levy of the tax, toll or fee, or any part thereof until the objection has been removed.

Property to vest in District Council.

32. (*1*) Every road, building or other work constructed by a District Council or a Circle Board subordinate thereto from the District Fund shall vest in the District Council.

(*2*) All land acquired at the request of a District Council under section 55 shall vest in the District Council on payment by the Council of the cost of acquisition.

(*3*) On the establishment of a District Council in any district, every road, building or other work constructed or maintained from the District Cess Fund in Lower Burma or from the local fund hitherto known as the District Fund in Upper Burma shall, if situate within the area subject to the authority of the District Council, vest in such Council, subject to such exceptions as the President of the Union may by rule direct.

Assets of District Fund.

33. (*1*) There shall be formed for each district a fund to be called the District Fund, which shall vest in the District Council, and there shall be placed to the credit thereof—

(*a*) in Lower Burma, the balance standing to the credit of that district, on the date on which the District Council is established, of all cesses and house-taxes levied under the District Cesses Act, and in Upper Burma, the balance standing likewise to the credit of that district of the sums hitherto appropriated to it for local purposes under the name of the District Fund, subject to all debts, liabilities and obligations affecting such funds: provided that in districts where this Act shall not apply to the whole district such proportionate share of the balance of the local funds as the President of the Union may decide shall remain at the disposal of Government;

(*b*) the proceeds of all taxes, tolls and fees levied under this Act;

(*c*) all rents and profits accruing from property vested in the District Council, or managed by the District Council or any Circle Board subordinate thereto;

(*d*) all sums received by the District Council, or by a Circle Board subordinate thereto, in the discharge of functions exercised by it under this Act, including the proceeds of fees and fines realised under the Ferries Act and the Cattle Trespass Act;

(*e*) all sums contributed to the District Fund by Government, or by any local bodies or private persons;

(*f*) in Lower Burma—one-half, or such greater portion as the President of the Union may for any district by rule direct, of any of the annual cesses levied in any district under the District Cesses Act; in Upper Burma—such portion, if any, of the land-revenue levied in any district as the President of the Union may by rule direct;

(*g*) the proceeds of any other source of income which the President of the Union may by rule direct to be placed at the disposal of the District Council;

(*h*) all licence fees received from any pawn-shop licensed under the [1][Village Act], within the jurisdiction of the District Council;

(*i*) all fines recovered from persons convicted of offences committed against this Act or orders, rules or bye-laws made thereunder, and all sums recovered on account of composition for such offences; and

(*j*) the proceeds of all loans made to the District Council.

(*2*) The balance standing to the credit of the District Fund shall be kept in the Government Treasury of the district or, with the previous sanction of the President of the Union, in such bank at the headquarters of the district as may be approved by the President of the Union in this behalf.

[1] The words "Village Act" were substituted for the words and figures "Burma Village (Amendment) Act, 1921" by Act II, 1945.

Investment of funds by District Council.

34. A District Council may, from time to time, with the previous sanction of the President of the Union, invest any portion of its District Fund in [* * * *] [1] Union of Burma Government securities, or in such other securities (including fixed deposits in recognised banks) as the President of the Union may approve in this behalf, and may exchange such investments for others of the like nature, and the income resulting from the securities and proceeds of the sale of the same shall be credited to the District Fund.

Raising of loans by District Council.

35. It shall be lawful for a District Council, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, to raise loans, from time to time, for the purpose of carrying out any of the provisions of this Act, and to guarantee the payment of interest on such loans and to form a sinking fund.

Objects on which District Fund to be expended.

36. The District Fund shall, subject to any rules which may be made in this behalf, be applicable to the payment by the District Council or by a Circle Board subordinate thereto of the charges and expenses incidental to the matters under the control and administration of the District Council and incurred within the area subject to the authority of the District Council, and, with the sanction of the Commissioner, outside that area when such application of the Fund is for the benefit of the inhabitants of that area, and also to the following purposes, namely :—

(*a*) contributions for the maintenance of agricultural, industrial, medical and educational institutions;

(*b*) expenses incidental to the audit of the accounts of the District Council or Circle Boards within the district;

(*c*) payment of expenses of pauper lunatics and pauper lepers sent to public asylums from the area under the authority of the District Council;

(*d*) payment of any sums which the District Council may be liable to pay as interest upon loans raised by it under section 35 for the purposes of this Act, and the formation of a sinking fund when required;

(*e*) payment, at such rates and subject to such conditions and limitations as the President of the Union may by rule direct, of the travelling expenses of members of District Councils and Circle Boards;

(*f*) payment of—

(i) expenses incurred by the District Council, subject to any rules that may be made by the President of the Union, in the acquisition by purchase or otherwise of lands and buildings, and in the construction and maintenance of buildings, for offices of the District Council or of Circle Boards subordinate thereto, or for the residence of any member of the

[1] The words " securities of the Government of India or " were deleted by Act XXIX, 1950.

establishment employed by the District Council or in its behalf;

(ii) advances granted to members of the establishment employed by the District Council or by a Circle Board subordinate thereto or on its behalf for the purpose of enabling them to acquire or construct residences for themselves, or for any other purpose for which advances may be made to servants of the Government;

(*g*) payment of any expenses that may be incurred through the default of the District Council in carrying out any of the duties imposed on it under this Act;

(*h*) with the previous sanction of the Commissioner, payment of contributions in aid of distress caused by fire, drought, flood or similar calamity within the district;

(*i*) payment of salaries to officers and servants employed by the District Council or by a Circle Board subordinate thereto;

(*j*) payment of commission, fee or other remuneration to persons employed by the District Council or by a Circle Board subordinate thereto;

(*k*) expenses and charges incidental to the matter specified in sections 21 and 22;

(*l*) placing of funds at the disposal of Circle Boards under section 53, sub-section (*1*);

(*m*) payment of any other sums which the District Council may, with the sanction of the Commissioner, declare to be an appropriate charge on the District Fund.

Assets of Circle Fund.

37. (*1*) There shall be formed for each circle constituted under section 4 a fund to be known as the Circle Fund, which shall vest in the Circle Board, and to which shall be credited all moneys made over to it by the District Council to which it is subordinate, to meet the expenses incidental to the control and administration of all matters delegated to the Circle Board under section 53.

(*2*) The balance standing to the credit of the Circle Fund shall be kept in the Government Treasury of the district or in such sub-treasury as the District Council may direct or, with the previous sanction of the President of the Union, in such bank at the headquarters either of the district or of the circle as may be approved by the President of the Union in this behalf.

Assets of Hospital Fund.

37A. (*1*) There shall be formed for every hospital or dispensary for which a Hospital Committee has been appointed under section 9A of this Act a fund to be known as the Hospital Fund, to meet the expenses incidental to the control and administration of all matters for which the Hospital Committee is responsible under section 9A. This fund shall vest in the Hospital Committee, and there shall be placed to the credit thereof—

(*a*) all sums contributed to the Hospital Fund by the District Council or other local bodies, or by Government, or by private persons;

(*b*) all sums received from patients under section 29A.

(*2*) The balance standing to the credit of the Hospital Fund shall be kept in the Government Treasury of the district or in such sub-treasury as the District Council may direct or, with the previous sanction of the President of the Union, in such bank at the headquarters either of the district or of the circle within which the hospital or dispensary concerned is situate as may be approved by the President of the Union in this behalf.

Assets of District School Fund.

38. (*1*) There shall be formed for each district in which a School Board has been established under section 9 of this Act a fund to be known as the District School Fund, which shall vest in the case of a District School Board in the District Council, or in the case of a Joint School Board jointly in the District Council and the Municipal Committee or Committees which has or have combined with such Council for the appointment of such Board, and there shall be placed to the credit thereof—

(*a*) all sums contributed to the District School Fund by local bodies, or by Government, or by private persons;

(*b*) all school fees or other money received by the School Board in the discharge of any functions exercised by it under this Act, or the orders and rules made thereunder.

(*2*) The balance standing to the credit of the District School Fund shall be kept in the Government Treasury of the district or, with the previous sanction of the President of the Union, in such bank at the headquarters of the district as may be approved by the President of the Union in this behalf.

Objects on which District School Fund to be expended.

39. The District School Fund shall, subject to rules made by the President of the Union in this behalf, be applicable to—

(*a*) expenses incidental to the maintenance and development of vernacular schools under the management of the School Board;

(*b*) grants-in-aid payable to vernacular schools under private management;

(*c*) payment of scholarships to pupils in vernacular schools;

(*d*) grants for the encouragement of school games and athletics;

(*e*) expenses incidental to the several matters specified in section 9;

(*f*) expenses incidental to the audit of the Fund;

(*g*) payment, at such rates and subject to such conditions and limitations as the President of the Union may by rule direct, of the travelling expenses of members of School Boards;

(*h*) advances granted to officers and servants of the School Board for the purpose of enabling them to acquire or construct residences for themselves, or for any other purpose for which advances may be made to servants of the Government;

(*i*) payment of any expenses that may be incurred through the default of the School Board in carrying out any of the duties imposed on it by this Act, or the orders and rules made thereunder;

(*j*) payment of any other expenses which the District School Board with the sanction of the District Council, or the Joint School Board with the sanction of the Commissioner, may declare to be an appropriate charge on the District School Fund.

Decision of disputes as to apportionment of expenditure between districts.

40. When District Councils cannot agree as to the apportionment of the cost of works or undertakings, which benefit more districts than one, the Commissioner of the division, if the districts are in the same division, or, when the districts are in different divisions, the Commissioners of the respective divisions, or, if the Commissioners cannot agree, the President of the Union may determine what proportion of the expenses of the work or undertaking shall be borne by each of the district funds of the districts benefited thereby, and such proportion shall be payable out of the several district funds accordingly.

Annual budget estimates of District Councils.

41. (*1*) Every District Council shall appoint a finance committee of not less than three of its members.

(*2*) Every District Council shall, on or before such date in each year as may be prescribed either generally or specially by the Commissioner, hold a meeting, at which the finance committee shall submit to the District Council an estimate of the income and expenditure of the District Council for the next ensuing financial year, in such form as the President of the Union may by rule direct.

(*3*) The District Council shall consider the estimate, and may provisionally approve it with or without modification.

(*4*) The District Council shall, on or before such date in each year as may be prescribed either generally or specially by the Commissioner, cause copies of the estimate, as provisionally approved by it, to be sent through the Deputy Commissioner to the Commissioner.

(*5*) The Commissioner may object to the estimate on the ground that any particular contained therein appears to him to be unnecessary, defective, excessive or outside the purposes of this Act.

(*6*) If no objection is received from the Commissioner within six weeks from the date of its despatch the estimate shall be taken as approved. If the Commissioner disapprove of the estimate he shall signify in writing to the Council his disapproval of the estimate and state the nature of his objection. The Council shall then modify the estimate in terms of the Commissioner's decision.

(*7*) If within six weeks from the date of the despatch no objection has been received, or if the estimate has been modified in accordance with the Commissioner's decision, the estimate shall be deemed to be finally sanctioned.

(*8*) No expenditure which is not provided for in the estimate shall be incurred during the year to which the estimate relates, and no funds provided under one or more head or heads of expenditure in the estimate shall be transferred to any other head or heads of expenditure except in accordance with rules made in this behalf.

Minimum balance to be kept in District Funds.

42. Except with the sanction of the President of the Union, no estimate shall be approved unless provision is made therein for the District Council having to its credit at the end of the financial year a balance of not less than such amount as the President of the Union may by rule direct.

Annual budget estimates of Circle Boards.

43. (*1*) Every Circle Board shall submit annually to the District Council to which it is subordinate, in such manner and on or before such date as the District Council may by bye-law prescribe in this behalf, a statement of its requirements, and an estimate of its expenditure for the coming financial year, and shall submit, as often as the District Council may by bye-law require, accounts of its receipts and expenditure.

(*2*) *The District Council shall signify in writing to the Circle Board its* approval of an estimate submitted under this section, after modifying it in such manner as it may think fit, and no expenditure not provided for in the estimate shall be incurred by the Circle Board during the year for which such estimate has been framed except with the previous approval of the District Council.

Annual budget estimates of School Boards.

44. (*1*) Every School Board shall appoint a finance committee of not less than three of its members.

(*2*) Every School Board shall, on or before such date in each year as may be prescribed either generally or specially by the Commissioner, hold a meeting, at which the finance committee shall submit to the School Board an estimate of the income and expenditure of the School Board for the next ensuing financial year, in such form as the President of the Union may by rule direct.

(*3*) The School Board shall consider the estimate and may provisionally approve it with or without modification.

(*4*) The School Board shall, on or before such date in each year as may be prescribed either generally or specially by the Commissioner, cause copies of the estimate, as provisionally approved by it, to be sent to the District Council, and, if the School Board is a Joint School Board, to the Municipal Committee or Committees which is or are represented on the School Board.

(*5*) In the case of a District School Board, the District Council shall signify in writing its approval or disapproval of the estimate. If it disapprove of the estimate it shall modify it accordingly. In the case of a Joint School Board, the District Council and the Municipal Committee or Committees, as the case may be, shall consider the estimate and on their approving the same in its entirety or with modification, shall signify their approval, as the case may be, in writing to the Joint School Board. In the event of any disagreement between the District Council and the Municipal Committee or Committees, the matter shall be referred to the Commissioner, whose decision shall be final.

(*6*) When the estimate has been finally approved, no expenditure which is not provided for therein shall be incurred during the year for which such estimate has been framed except with the previous approval of the local bodies represented on the School Board.

44A. (*1*) Every Hospital Committee shall submit annually to the District Council on such date as may be prescribed by the Commissioner an estimate of its income and expenditure for the ensuing financial year. Annual budget estimates of Hospital Committees.

(*2*) The District Council shall signify in writing to the Hospital Committee its approval of an estimate under this section, after modifying it in such manner as it may think fit, and no expenditure not provided for in the estimate shall be incurred by such Hospital Committee during the year for which such estimate has been framed except with the previous approval of the District Council.

45. Accounts of the receipts and expenditure of every District Council, Circle Board and School Board shall be made up periodically to such days and in such form as the President of the Union may by rule direct and shall be examined and audited by such persons as the President of the Union may appoint in this behalf. Periodical audit of accounts.

46. Every District Council, Circle Board and School Board shall keep at its office a copy of every estimate as approved under sections 41, 43 and 44, respectively, and of every account made up under section 45, and any person may, at any reasonable time, inspect such estimate or account without payment of any fee. Inspection of budget estimates.

47. An abstract of every annual account of a District Council showing the income of the District Fund under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work and the balance, if any, of the fund remaining unspent shall be prepared by the District Council and shall be published annually in such manner as the President of the Union may by rule direct. Annual publication of accounts.

CHAPTER VI.

Duties and Powers of District Councils, Circle Boards and School Boards.

48. In addition to appointing a School Board for the purposes mentioned in section 9, a District Council shall, subject to such exceptions and conditions as the President of the Union may by general or special order make and impose, be responsible for the proper carrying out of the following matters within the area subject to its authority:— Matters to be administered by District Councils.

(*a*) the management of all property vested in the District Council;

(*b*) the construction, repair and maintenance of all public roads, other than roads declared by the President of the Union to be main roads, including the planting and preservation of roadside trees along such roads;

(*c*) the construction, repair and maintenance of public waterways other than waterways declared by the President of the Union to be main waterways

(*d*) the improvement of sanitation and the protection of the public health, including the prevention of the spread of contagious and infectious diseases among human beings;

(*e*) the protection of the health and well-being of cattle, including the prevention of the spread of contagious and infectious diseases among cattle;

(*f*) the regulation of the slaughter of cattle;

(*g*) the establishment, visiting and maintenance of public hospitals and dispensaries, and of veterinary dispensaries, the construction and repair of all buildings connected with such institutions, and the appointment and pay of the necessary subordinate establishment;

(*h*) the establishment, visiting, maintenance and management of markets, slaughter-houses, cattle-pounds, ferries, drains, public latrines, tanks, wells and other public works of a similar nature, and the construction and repair of all buildings connected therewith;

(*i*) the institution, holding and management of public fairs, agricultural shows and industrial exhibitions.

Powers which may be given to District Councils under certain Acts.

49. (*1*) Notwithstanding anything contained in any of the undermentioned Acts, the President of the Union may, by notification, extend to all or any of the areas for which a District Council has been established, or to any portion thereof, all or any of the provisions of the following Acts which apply or may be declared to apply to a municipality, and may declare that in any such area the District Council shall exercise all or any of the powers which are or may be exercised by Municipal Committees under the said Acts:—

(*a*) the Hackney Carriage Act;

(*b*) the Vaccination Act, Part I;

(*c*) the Ferries Act;

(*d*) the Vaccination Act, Part III.

Other matters administration of which may be made over to District Councils.

50. The President of the Union may, by order, direct that any of the following matters shall, subject to such exceptions and conditions as may be specified in such order, be under the control and administration of a District Council within the area subject to its authority:—

(*a*) the construction and maintenance of a light railway;

(*b*) the construction, maintenance and repair of embankments and canals and the supply, storage and control of water for agricultural purposes;

(*c*) the preservation and reclamation of soil and the drainage and reclamation of swamps; and

(*d*) any other matter affecting the public health, safety, comfort and convenience, or the agricultural or industrial prosperity of the district.

Provision to be made by District Council for matters administered by it.

51. A District Council shall, so far as the funds at its disposal permit, make due provision for all matters placed under its control or administration by or under sections 48, 49 and 50.

Establishment of public and licensing of private markets by bye-law.

52. (*1*) Where a public market is vested in or has been established by a District Council, such Council may frame bye-laws for its regulation, and for the levy of fees for the right to sell goods or occupy stalls or buildings in such market.

(*2*) A District Council may also—

(*a*) frame bye-laws for the regulation of private markets, and for the prohibition of the opening of any new private market after the date of the commencement of this Act, except in accordance with the terms and conditions of a licence granted by itself, and

(*b*) frame bye-laws for the regulation or prohibition of the exposure of goods for sale on roads and streets within half a mile of a public or private market, and for the levy of fees from persons setting up stalls or otherwise exposing goods for sale on such roads and streets.

(*3*) In making a bye-law under this section the District Council may direct that a breach thereof shall be punishable with fine not exceeding fifty rupees and, if the breach is a continuing breach, with a further fine not exceeding five rupees for every day after the first during which the breach is proved to have been persisted in.

(*4*) The power conferred under this section to make bye-laws is subject to the condition of previous publication in such manner as the President of the Union may by rule direct and to the control of the Commissioner.

Delegation by District Councils to Circle Boards.

53. (*1*) A District Council may, subject to the control of the Commissioner, direct that, within the area subject to the authority of a Circle Board, any matter placed under the control and administration of the District Council by or under sections 48, 49 and 50 shall be transferred to the control and administration of the Circle Board, with adequate funds for the purposes of such control and administration.

(*2*) A Circle Board, subject to the control of the District Council, shall, so far as the funds at its disposal permit, make due provision for all matters so transferred to its control and administration.

(*3*) It shall be the duty of the District Council to enforce the responsibility so imposed on a Circle Board.

(*4*) A District Council may reverse or vary resolutions of any Circle Board within the district.

(*5*) If a Circle Board makes default in the performance of any duty imposed on it by or under this section, the District Council may, by order in writing, fix a period for the performance of the duty.

(*6*) If the duty is not performed within that period, the District Council may appoint some person to perform it, and may provide for the expenses of, and incidental to, its performance out of the funds appropriated to or for the purposes of the Circle Board.

Incorporation and common seal of, and transfer of property by, District Council.

54. Every District Council shall be a body corporate by the name of the District Council of its district, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to any rules that may be made by the President of the Union in this behalf, to transfer any such property held by it, and to contract and to do all other things necessary for the purposes of this Act, and may sue and be sued in its corporate name.

Acquisition of land for District Council.

55. When any land is required for the purposes of this Act, the President of the Union may, at the request of the District Council, and on payment by the Council of the cost of acquisition, proceed to acquire it under the provisions of the Land Acquisition Act.

Local bodies may enter into contracts.

56. (*1*) A District Council, Circle Board, School Board or Hospital Committee may enter into and perform all such agreements and contracts as it may consider necessary for carrying out the purposes of this Act.

(*2*) Any such contract may be entered into on behalf of a District Council or of a School Board by the Chairman thereof if the value of such contract does not exceed two thousand rupees, or such other amount as the President of the Union may by general or special order direct, and on behalf of a Circle Board or Hospital Committee by the Chairman thereof if the value of such contract does not exceed five hundred rupees, or such other amount as the President of the Union may by general or special order direct.

Approval of plans and estimates before work is commenced.

57. No new work shall be commenced and no contract in respect thereof shall be entered into, if the estimated cost of such work exceeds—

(*a*) in the case of a work to be carried out by a District Council, or by a School Board, two thousand rupees or such other amount as the President of the Union may by general or special order direct, until the plan and estimate therefor shall have been determined on and approved by the District Council or by the School Board, as the case may be;

(*b*) in the case of a work to be carried out by a Circle Board, five hundred rupees or such other amount as the President of the Union may by general or special order direct, until the plan and estimate therefor shall have been determined on and approved by the District Council;

(*c*) fifty thousand rupees or such other amount as the President of the Union may by general or special order direct, until the plan and estimate therefor shall have been submitted to and approved by the Commissioner;

(*d*) one lakh of rupees or such other amount as the President of the Union may by general or special order direct, until the plan and estimate therefor shall have been submitted to and approved by the President of the Union.

Execution of contracts.

58. (*1*) The Chairman of any District Council, Circle Board or School Board may execute on behalf of such Council or Board any contract which he is competent to enter into on behalf of such Council or Board under section 56.

(*2*) All other contracts shall be executed by the Chairman and one member, and shall be sealed with the common seal of the Council or Board.

(*3*) No contract, which is not executed in accordance with the provisions of this section, shall be binding upon a District Council, Circle Board or School Board.

Tenders to be called for.

59. (*1*) No contract for the execution of any work which a Chairman is not competent under section 56 to enter into on behalf of a District Council, Circle Board or School Board shall be given to any person except after tenders have been called for.

(*2*) All tenders so received shall be placed before the District Council, Circle Board or School Board, and such Council or Board shall not be bound to accept any tender, and may accept any tender which appears upon a view of all the circumstances to be the most advantageous.

Security for performance of contracts.

60. The Chairman of a District Council, Circle Board or School Board, as the case may be, shall see that sufficient security is taken for the due performance of any contract, the value of which exceeds five hundred rupees or such other amount as the President of the Union may by general or special order direct.

CHAPTER VII.

CONTROL.

Duty and powers of President and officers subordinate to him to supervise, annul and inspect.

61. (*1*) It shall be the duty of the President of the Union and of all Commissioners and Deputy Commissioners acting under his orders to see that the proceedings of District Councils, Circle Boards and School Boards are in conformity with this Act, and with the orders and rules in force thereunder.

(*2*) The President of the Union may annul any proceeding which he considers not to be in conformity with law and with the orders or rules, and may do all things necessary to secure such conformity.

Supervision by Commissioners and Deputy Commissioners of District Councils, Circle Board and School Boards.

62. The Commissioner or the Deputy Commissioner may—

(*a*) enter on and inspect, or authorize any qualified derson to enter on and inspect any immoveable property vested in or occupied by a District Council, Circle Board or School Board or any work in progress under its direction;

(*b*) make a written request for and inspect any pocument which may be, for the purpose of this Act, in the possession of or under the control of such Council or Board,

(*c*) make a written request to such Council or Board to furnish such statements, accounts and reports as may be thought necessary ;

(*d*) record in writing for the consideration of such Council or Board any observations he may think proper in regard to its proceedings or duties.

Powers of Deputy Commissioner to suspend execution of any order and of Commissioner to pass orders in any such case.

63. (*1*) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a District Council, Circle Board or School Board, or the doing of any act which is about to be done or is being done in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public, or to any class or body of persons, or is likely to lead to a breach of the peace, he may, by order in writing, suspend the execution of such order or prohibit the doing of such act.

(*2*) If a Deputy Commissioner makes any order under sub-section (*1*), he shall forthwith forward to the Commissioner a copy of the order with a statement of the reasons for making it, and it shall be in the discretion of the Commissioner to rescind the order or to direct that it continue in force, with or without modification, indefinitely or for such period as he may think fit.

(*3*) A District Council may appeal to the Commissioner against any order passed under sub-section (*1*) within two months of the date of the passing of such order, and the decision of the Commissioner thereon shall be final.

Powers of Commissioner to order local body to carry out any duty.

64. (*1*) If at any time it appears to the Commissioner that a District Council, Circle Board or School Board has made default in performing, or has inefficiently performed, any duty imposed on it by this Act, he may, by order in writing, direct such Council or Board to perform that duty, or to take such measures as he may think proper for the performance thereof, and may fix a time within which the duty shall be performed or the measures shall be taken.

(*2*) If the order is not obeyed to his satisfaction within the time fixed, the Commissioner may appoint some person to execute it, and may direct that the expense of executing it shall be paid by such Council or Board, within such time as he may fix, to the person so appointed.

(*3*) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the District Fund or of the District School Fund, as the case may be, to pay the expense, or so much thereof as is from time to time possible, from that balance in priority to any or all other charges against the same.

(*4*) The Commissioner shall report to the President of the Union every case in which he uses the powers conferred by this section.

(*5*) A District Council may appeal to the President of the Union against any order passed by the Commissioner under this section within two months of the date of the passing of such order, and the President of the Union may confirm, modify or rescind any such order as he may think fit.

Powers of Deputy Commissioner

65. (*1*) In case of emergency, the Deputy Commissioner may provide for the execution of any work or the doing of any act, which a District Council is empowered to execute or do, and the immediate execution or doing of which

is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by such Council. to order execution of emergent work.

(*2*) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the District Fund to pay the expense, or so much thereof as is from time to time possible, from that balance in priority to any or all other charges against the same.

(*3*) The Deputy Commissioner shall, except in cases of extreme urgency or danger, obtain the previous sanction of the Commissioner to the use of the powers conferred on him by this section, and shall report forthwith to the Commissioner every case in which he uses these powers. The Commissioner shall in like manner report forthwith to the President of the Union all instances in which either he or a Deputy Commissioner uses the powers conferred by this section. The President of the Union may, on receipt of such report, confirm, modify or rescind any order passed under this section.

65A. (*1*) In the event of any district or part of a district in which a District Council has been established being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the said district or part of a district amongst men or animals, the Deputy Commissioner may in his discretion— Powers of Deputy Commissioner to take measures in case of outbreak of dangerous disease.

(*a*) take any special measures,

(*b*) employ any staff maintained by the District Council,

(*c*) employ any additional staff, and

(*d*) by public notice prescribe temporary regulations to be observed by the public or by any person or classes of persons in the above area,

for the purpose of preventing the outbreak of such disease or the spread thereof.

(*2*) Any expense so incurred shall be paid by the District Council and shall be recoverable in the manner prescribed in section 65.

66. In all matters connected with this Act, the Commissioner shall have and exercise the same authority over Deputy Commissioners subordinate to him as he has and exercises over them in the general and revenue administration of his division. Control of Commissioner over Deputy Commissioners.

CHAPTER VIII.

Dissolution or Supersession in case of Default.

67. If a District Council, Circle Board or School Board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the President of the Union may, by order— Dissolution or supersession of local body by President in case of persistent default or abuse of powers.

(*a*) direct that all the members of such Council or Board shall cease to hold office as and from such date as may be appointed, and that a re-election or re-appointment shall take place as if such

date were the day of expiration of their term of office in accordance with the provisions of this Act, in so far as they may be applicable, and fix the term of office of members so elected or appointed, or

(*b*) supersede such Council or Board either indefinitely or for a period to be specified in such order.

On a re-election or re-appointment under clause (*a*) the members who cease to hold office shall be eligible for election or appointment.

Consequence of supersession.

68. When a District Council, Circle Board or School Board is superseded under the last foregoing section, the following consequences shall ensue:—

(*a*) All members constituting such Council or Board shall, from the date of the order, vacate their offices as such members.

(*b*) All powers and duties of such Council or Board may, until such Council or Board is reconstituted, be exercised and performed by such person or persons as the President of the Union may, from time to time, appoint in that behalf, and such person or persons may utilise the balance standing to the credit of the District Fund or of the District School Fund, as the case may be, for the performance of such duties.

(*c*) When a District Council is superseded, all property vested in it shall, pending the reconstitution of the Council, be vested in the President of the Union.

On the expiration of the period of supersession specified in the order, such Council or Board shall be re-established, and the persons who vacated their offices under clause (*a*) shall be eligible to become members thereof.

CHAPTER IX.

Legal Proceedings and Recovery of Dues.

Powers of Chairman to institute, compound and defend cases and to take legal advice.

69. The Chairman of any District Council, Circle Board or School Board may, in respect of any matter falling within the jurisdiction of, and on behalf of and subject to the control of, such Council or Board—

(*a*) institute, defend or withdraw from legal proceedings under this Act, or any order, rule or bye-law;

(*b*) subject to any conditions and exceptions prescribed by rules made in this behalf, compound any offences against any order, rule or bye-law;

(*c*) admit, compromise or withdraw any claim made under this Act, or any order, rule or bye-law, and

(*d*) obtain such legal advice and assistance as he may from time to time think necessary or expedient to obtain, for any of the purposes referred to in clauses (*a*), (*b*) and (*c*), or for securing the

lawful exercise or discharge of any power or duty vested in or imposed upon such Council or Board, or in or upon any officer or servant of such Council or Board.

Indemnity.

70. No suit shall be maintainable against a District Council, Circle Board or School Board, or against any member, officer or servant of such Council or Board, or against any person acting under the direction of such Council or Board, or of the Chairman or of any officer or servant thereof, in respect of anything lawfully and in good faith and with due care and attention done under this Act or any order, rule or bye-law.

Institution of suits against local bodies.

71. (*1*) No suit shall be instituted against a District Council, Circle Board or School Board, or against any member, officer or servant of such Council or Board, or against any person acting under the direction of such Council or Board, or of the Chairman or of any officer or servant thereof, in respect of any act purporting to be done under this Act or any order, rule or bye-law, until the expiration of one month after written notice has been delivered or left at the office of the Council or Board, or at the office or the place of abode of such officer, servant or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims.

(*2*) Every such suit shall be dismissed unless it is instituted within three months from the date of the accrual of the alleged cause of action, and unless service of notice as aforesaid is admitted or proved.

(*3*) If it is proved to the satisfaction of the Court that, before the suit was instituted, tender of sufficient amends has been made to the plaintiff, the plaintiff shall not recover his costs nor any relief not included in such tender, and shall defray the costs of the defendant in the suit.

(*4*) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act or to any suit instituted under section 76 of this Act.

Judge or Magistrate when not to be deemed personally interested in prosecution.

72. A Judge or Magistrate shall not be deemed to be within the meaning of section 556 of the Code of Criminal Procedure a party to, or personally interested in, any prosecution under this Act or any order, rule or bye-law made thereunder, merely because he is a member of the District Council or of a Circle Board or School Board.

Mode of recovery of money, tax, toll or fee.

73. (*1*) Any sum of money or any tax, toll or fee due to, or claimable by, a District Council, Circle Board or School Board, may be recovered by such Council or Board as if it were an arrear of land-revenue, or in such other manner as the President of the Union may by rule direct.

(*2*) Subject to any rules made by the President of the Union in this behalf, all applications for the recovery of such money, tax, toll or fee shall be made under the orders of the Chairman of the Council or Board, and by the Secretary or by such other officer as the Council or Board may generally or specially direct.

CHAPTER X.

SUPPLEMENTARY PROVISIONS.

Members, etc., deemed to be public servants.

74. Every member, and every officer and servant of a District Council, Circle Board or School Board shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

Acts not to be questioned by reason of technical irregularity.

75. No act done or proceeding taken under this Act or any order, rule or bye-law shall be questioned on the ground merely of the existence of any vacancy in any District Council, Circle Board or School Board, or on account of any defect or irregularity not affecting the merits of the case.

Liability of members for loss, waste or misapplication.

76. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the District Council, Circle Board or School Board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a District Council or of a Circle Board or of a School Board, and a suit for compensation for the same may be instituted against him by the District Council or School Board, as the case may be, or by the Government.

Members not to be interested in contracts.

77. If any member, officer or servant of a District Council, Circle Board or School Board is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that District Council, Circle Board or School Board, he shall be deemed to have committed an offence under section 168 of the Penal Code:

Provided that—

(i) a person shall not, by reason of being a shareholder in, or a member of any incorporated or registered company, or of having a share or interest in any newspaper in which any advertisement relating to the affairs of the local authority may be inserted, be held to be interested in any contract between such company or the manager or publisher of such newspaper and the local authority of which he is a member, but he shall not take part in any proceedings of the local authority relating to such contract;

(ii) nothing in this section shall apply to the payment of fees to a legal or medical practitioner for services rendered by him in his professional capacity;

(iii) nothing in this section shall apply to any member of a District Council by reason of his holding a debenture, or being otherwise concerned, in any loan raised by or on behalf of such Council;

(iv) nothing in this section shall apply to any member of a local authority who undertakes or executes on behalf of that authority any work in a fiduciary capacity without deriving therefrom any pecuniary profit.

CHAPTER XI.

ORDERS, RULES AND BYE-LAWS.

Powers of President to make orders.

78. (*1*) The President of the Union may make orders consisdent with this Act, and with reference, if necessary, to the varying circumstances of different local areas—

(*a*) * * * *

(*b*) declaring the departments, the officers of which may be co-opted as members of District Councils and Circle Boards ;

(*c*) prescribing the qualifications of electors and the qualifications for being elected members of Circle Boards ;

(*d*) determining the term of office of members of District Councils, Circle Boards and School Boards ;

(*e*) removing a member of a District Council, Circle Board or School Board from office under section 17, sub-section (*3*) ;

(*f*) varying the limit of salary fixed in section 21, sub-section (*3*) ;

(*g*) varying the limit of salary fixed under section 21, sub-section (*5*) ;

(*gg*) extending sub-section (*6*) of section 21 to any local area ;

(*h*) making and imposing exceptions and conditions in respect of matters placed under the control and administration of District Councils under section 48 ;

(*i*) placing under the control and administration of District Councils any of the matters specified under section 50 ;

(*j*) varying the value of contracts below which such contracts may be entered into by the Chairman of a District Council, Circle Board or School Board under section 56 ;

(*k*) varying the value of contracts in respect of which work may be commenced without the plan and estimate having to be determined on and approved by the authorities specified under section 57 ;

(*l*) fixing the value of contracts for which the Chairman has to take security under section 60 ;

(*m*) dissolving or superseding a District Council, Circle Board or School Board under section 67 ;

(*n*) delegating to any person or persons, subject to any conditions which may be prescribed, the powers conferred on the President of the Union or on a Commissioner under this Act.

Previous publication of draft orders.

(*2*) A draft of any order proposed to be made under this section shall be published in not less than four successive issues of the Gazette, and shall then be laid before both Chambers of the Union Parliament, which may confirm it with or without amendment, or may reject it.

Confirmation of orders.

(*3*) Any order, which has been confirmed under sub-section (*2*), shall have effect as if enacted in the body of this Act, unless or until it is amended or annulled by both Chambers of the Union Parliament, either without amendment or with amendments to which both the Chambers agree.

First orders to be in the Schedule II.

(*4*) The orders set out in Schedule II[1] when this Act came into force shall be deemed to have been made under this section on the 6th March, 1922.

Power of President to make rules.

79. (*1*) The President of the Union may, in addition to making rules in respect of the matters mentioned in sections 19, 24, sub-section (*2*), 25, sub-section (*6*) and 30, make rules[2] consistent with this Act, and with any orders made thereunder, and with reference, if necessary, to the varying circumstances of different local areas—

(*a*) for the election of members of District Councils and Circle Boards under sections 6 and 7, the investigation of allegations of corrupt practices or intimidation at such elections, the making void of any election at which such corrupt practices or intimidation have been proved to have taken place, and the making incapable of membership, either indefinitely or for a period of years, of any person who is proved to have been guilty of such corrupt practices or intimidation or of the abetment thereof ;

(*b*) regulating the appointment of School Boards ;

(*c*) for the appointment by a District Council, Circle Board or School Board of any Committee, and the manner in which such Committee shall transact business ;

(*d*) for the appointment of Joint Committees under sections 10 and 11 ;

(*e*) for the election of Chairmen and Vice-Chairmen under section 13 ;

(*ee*) regulating generally the procedure at meetings at which a resolution is moved expressing want of confidence in a Chairman or Vice-Chairman or at which such a resolution is brought up for confirmation ; in particular, prescribing a quorum ; imposing a time-limit on the debate ; forbidding or regulating adjournments; providing for the appointment of a Chairman to preside at such meetings and prescribing the action to be taken if there is no quorum, or if the resolution is not carried or confirmed, as the case may be ;

(*f*) regulating the employment of officers and servants by District Councils and School Boards, the grant of leave and the payment of allowances and advances to all such officers and servants, and the establishment and maintenance of provident funds for their benefit ;

(*ff*) regulating the appointment and removal of a Chief Executive Officer and the management by him of District Council or School Board business ;

(*g*) fixing security to be given by officers or servants of District Councils, Circle Boards or School Boards ;

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[1] For the first Orders contained in Schedule II to this Act, see the Rural Self-Government Manual.

[2] For rules made under section 79, see Local Government (Administration) Department (Ministry of Education) Notification No. 198, dated 7th November, 1936.

(*h*) prescribing the special appointments referred to in section 21, sub-section (*2*) ;

(*i*) regulating the appointment and employment of officers and establishments by two or more District Councils conjointly under section 23 ;

(*j*) prescribing the exceptions subject to which the works mentioned in section 32, sub-section (*3*), shall vest in District Councils ;

(*k*) regulating the portion of cesses and land-revenue as specified in section 33, sub-section (*1*), clause (*f*) ;

(*l*) appropriating the proceeds of any source of income to the District Fund ;

(*m*) regulating the charges and expenses to the payment of which District Funds and Circle Funds shall be applicable ;

(*n*) prescribing the rates at which and the conditions and limitations subject to which the travelling expenses of members of District Councils and Circle Boards shall be payable under section 36, clause (*e*) ;

(*o*) regulating the incurring of expenditure on any of the matters referred to in section 36, clause (*f*) ;

(*p*) regulating the charges and expenses to the payment of which District School Funds shall be applicable ;

(*q*) prescribing the rates at which and the conditions and limitations subject to which the travelling expenses of members of School Boards shall be payable under section 39, clause (*g*) ;

(*r*) prescribing the form in which the annual budget estimates of District Councils and School Boards shall be prepared ;

(*s*) regulating the incurring of expenditure not provided for in the budget estimate and the transfer of funds under section 41, sub-section (*8*) ;

(*t*) regulating the minimum balance to be kept under section 42 ;

(*u*) prescribing the dates up to which, and the form in which, accounts of the receipts and expenditure of District Councils, Circle Boards and School Boards shall be made up under section 45, and the form in which abstracts of such accounts shall be published under section 47 ;

(*v*) regulating the transfer of property by District Councils under section 54 ;

(*w*) prescribing the conditions under which offences against this Act, or any order, rule or bye-law thereunder, may be compounded under section 69, clause (*b*) ;

(*x*) regulating the manner in which any money, tax, toll or fee shall be recovered, and the persons under whose orders and by whom application for such recovery shall be made under section 73 ;

(*y*) prescribing the cases in which, the authorities to whom, and the conditions subject to which, orders and decisions made or

given under the provisions of this Act, or of the orders or rules thereunder, shall be appealable, when no express provision therefor has been made in the Act;

(*z*) defining the manner, place and time of publishing for criticism any bye-laws proposed to be made under section 80 or section 81, and of their publication after they have been made;

(*aa*) regulating generally the manner in which District Councils, Circle Boards and School Boards shall exercise their powers, perform their duties, and conduct their business under this Act.

Previous publication of draft rules.

(*2*) The power of the President of the Union to make rules under this section is subject to the condition of the rules being made after previous publication.

Rules to take effect as if enacted in Act.

(*3*) All rules made under this Act shall be published in the Gazette and shall thereafter have effect as if enacted in this Act.

Power of District Councils to make bye-laws.

80. (*1*) A District Council may, in addition to making bye-laws under section 52, make bye-laws consistent with this Act, and with any orders or rules made thereunder—

(*a*) regulating the employment of officers and servants by Circle Boards, the grant of leave and the payment of allowances and advances to all such officers and servants, and the establishment and maintenance of provident funds for their benefit;

(*b*) regulating the powers and procedure of Circle Boards and School Boards in respect of matters not otherwise specifically provided for in this Act, or in the orders or rules made thereunder;

(*c*) regulating the assessment and collection of any tax, toll or fee levied under section 28, in respect of which no rules have been made by the President of the Union under section 30;

(*d*) for the efficient performance of its duties in connection with all matters which are, or may be, placed under its control and administration under sections 48, 49 and 50;

(*e*) for the delegation of powers to, and the distribution of duties among, the members, officers and servants of the District Council, Circle Board and School Board;

(*f*) for the custody of the common seal, and the purposes for which it shall be used;

(*g*) defining the persons by whom receipts may be granted on behalf of the District Council, Circle Board or School Board for money paid under this Act, and

(*h*) generally for carrying out all or any of the purposes of this Act.

Penalty which may be attached.

(*2*) In making a bye-law under this section, the District Council may direct that a breach thereof shall be punishable with fine not exceeding fifty rupees, and, if the breach is a continuing breach, with a further fine not exceeding five rupees for every day after the first during which the breach is proved to have been persisted in.

(*3*) The power conferred under this section to make bye-laws is subject to the condition of previous publication in such manner as the President of the Union may by rule direct, and to the control of the Commissioner. Previous publication of, and control of Commissioner over bye-laws.

81. (*1*) The District School Board with the approval of the District Council, or the Joint School Board with the approval of the Commissioner, may make bye-laws consistent with this Act and with the orders and rules made thereunder, for carrying out any of the functions entrusted to it under this Act. Power of School Board to make bye-laws.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such bye-laws may make provision--

(*a*) for regulating the time and place of meeting of the School Board, the business to be transacted at such meetings, and the manner in which notice of meetings shall be given;

(*b*) for regulating the appointment, powers and proceedings of local school committees and of sub-committees of the School Board;

(*c*) for the delegation of powers to and the distribution of duties among the members, officers and servants of the School Board;

(*d*) for the levying and collection of school fees;

(*e*) for determining the scale of remuneration of teachers and the scale of grants-in-aid authorized by this Act or the orders made thereunder;

(*f*) for determining the person by whom receipts may be granted for money paid under this Act;

(*g*) for prescribing the accounts, registers and records to be kept, and the reports to be submitted, by teachers and by servants of the School Board.

(*3*) The power conferred under this section to make bye-laws is subject to the condition of previous publication in such manner as the President of the Union may by rule direct, and to the control of the Commissioner. Previous publication of, and control of Commissioner over, bye-laws.

82. (*1*) No Court shall take cognizance of any offence punishable under this Act or any order, rule or bye-law thereunder except on the complaint of the District Council or, in the case of an offence arising out of matters delegated to the Circle Board, the Circle Board, as the case may be. Prosecutions.

(*2*) The District Council or Circle Board may by resolution authorize persons to prosecute, either generally in regard to all offences against this Act and the orders, rules and bye-laws thereunder, or specially in regard only to specified offences, or offences of a specified class. The person authorized may be authorized by office or personally. The authority must in all cases be in writing, and may at any time by resolution be cancelled.

Exemption from provisions of section 200 of Code of Criminal Procedure.

83. It shall not be necessary in respect of any offence punishable under this Act or any order, rule or bye-law thereunder to examine the complainant, when the complaint is presented in writing, notwithstanding anything contained in section 200 of the Code of Criminal Procedure.

SCHEDULE I.

* * * *

SCHEDULE II.[1]

FIRST ORDERS.

[Section 78, sub-section (4).

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[1] For the First Orders made under s. 78 (4) of this Act and their subsequent amendments, *see* the Rural Self-Government Manual. They are not reprinted here as they are in the nature of rules.

D.—MUNICIPALITIES.

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THE MUNICIPAL ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. * * * *
2. Definitions.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

3. Proposal to create, alter the limits of, or abolish, a municipality.
4. Creation, alteration of limits, or abolition, of a municipality.
5. * * * *
6. Effect of including or excluding local area in or from a municipality.

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

7. Committee to consist of elected members.
8. Power for President to make rules regarding election of members of committees.
9. Term of office of members of committee.
10. Resignation of member of committee.
11. Removal of member.
12. Filling of casual vacancies.
13. Incorporation of committee.
14. Time for committee coming into existence.
15. * * * *
16. Member of committee to be municipal commissioner.

Chairman and Vice-Chairman.

17. Election of Chairman and Vice-Chairman.
18. Term of office of Chairman and Vice-Chairman.

Sections.

19. Vacancies in office of Chairman or Vice-Chairman.
20. Further provisions as to removal of members.
21. Conduct of business during interregnum.

Notification of Elections, Appointments and Removals.

22. Notification of elections and removals.

Conduct of Business.

23. Time for holding meetings.
24. Ordinary and special meetings.
25. Quorum.
26. Chairman of meeting,
27. Voting and exclusion of members from voting when interested.
27A. Exclusion of Chairman from voting when interested.
28. Vote of majority decisive.
29. Resolutions to be recorded and published.
30. Language of discussions and proceedings.
31. Power of committees to make bye-laws as to conduct of business.

Joint Committees.

32. Joint committee of two or more committees or other local authorities.

Defects in Constitution and Irregularities.

33. Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

34. Appointment of Secretary.
35. Power to appoint Chief Executive Officer.
36. Conferment of powers of committee, Chairman or Vice-Chairman on Chief Executive Officer.
37. Delegation of powers by Chief Executive Officer.
38. Right of Chief Executive Officer to attend meetings.
39. Power of President to require committee to appoint Chief Executive Officer.
40. Appointment of Health Officer,
41. Duties of Health Officer.
42. Power of President to effect appointment of Health Officer.
43. Appointment of Inspector of Public Health,
44. Power of President to effect appointment of additional Inspectors of Public Health.
45. Employment of other officers and servants by committee,

Sections.

46. Employment of officers and establishments by committee and other local authority conjointly.
47. Power of President to make rules as to the qualifications, pay and manner of appointment, etc., of certain officers and servants of committees.
48. Power to make bye-laws as to appointment, conduct, duties, leave, etc., of officers and servants of committee.
49. Power to prevent extravagance in establishments.
50. Pensions of Government officials serving committee.
51. Pensions, etc., of other officers and servants.
52. Power to establish provident fund for officers and servants.
53. Extraordinary pension, etc., in case of officer or servant injured or killed in execution of his duty, etc.

Contracts and Transfers of Property.

54. Mode of executing contracts and making transfers of immoveable property of committee.
55. Penalty for member, officer or servant of committee being interested in contract made with committee.

Acquisition of Land.

56. Acquisition of land.

Privileges and Liabilities.

57. Suits against committee and its officers.
58. Indemnity to municipal authorities and servants.
59. Liability for loss, waste or misapplication.
60. Members, officers, servants and agents of committee to be deemed public servants.
61. Notice of resignation or discharge of sweepers.

CHAPTER IV.

TAXATION.

General Provisions.

62. Taxes which may be imposed for general purposes of Act.
63. Water-tax.
64. Lighting-tax.
65. Latrine-tax.
66. Scavenging-tax.
67. Procedure for imposing such taxes.

Sections.

68. Power to abolish, reduce or suspend tax.
69. Power to exempt from taxation.
70. Power to President to suspend levy of tax.
71. Power to make rules for assessment, collection and remission of taxes.
72. Taxes not invalid for defect of form.
73. * * * *
74. Taxes when payable.
75. Receipts to be given.

Taxes on Immoveable Property.

76. Preparation of assessment-list.
77. Publication of notice of assessments.
78. Public notice of time fixed for revising assessment-list.
79. Settlement of list.
80. Further amendments of assessment-list.
81. Addition of new buildings to assessment-list.
82. New list need not be prepared every year.
83. Joint and several liability of owners and occupiers for taxes.
84. Liability of owners and occupiers as between themselves for taxes.

Remission and Refund.

85. Remission and refund of taxes.

CHAPTER V.

FUNDS AND PROPERTY.

86. Municipal fund constituted.
87. Application of fund.
88. * * * *
89. Hospital fund.
90. Custody of and disbursements from funds.
91. Investment of same.
92. Delegation of management of hospital fund to sub committee.
93. Property vested in committee.
94. Management of public institutions.
95. Transfer to State of property vesting in committee.
96. Resumption by Government of land vested in committee.
97. Settlement of questions as to boundaries of, or compensation for land resumed.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Sections.

Streets and Buildings.

98. Acquisition of land for building-sites adjoining new streets.
99. Closure of streets.
100. Prohibition of use of streets by a class of animals or vehicles.
101. Temporary occupation of streets, etc.
102. Brackets for lamps.
103. Names of streets and numbers of buildings.
104. Use of inflammable materials in buildings.
105. Fixing term for wearing out of inflammable roofs and walls.
106. Line of buildings.
107. Removal of projections and obstructions.
108. Precautions on demolition of buildings.
109. Power of carrying wires, pipes, drains, etc.
110. Prohibition of disposal of land for construction of buildings not abutting on street without constructing street giving access thereto.
111. Making of new private streets.
112. Alteration or demolition of street made in breach of section 111.
113. Levelling and drainage of private streets.
114. Power to declare private streets, when sewered, to be public streets.
115. Power to make bye-laws for control of buildings.

Lodging Houses.

116. Prohibition of keeping unlicensed lodging-house. Power to make bye-laws relating to lodging-houses.

Theatres, Music Halls, etc.

117. Power to make bye-laws for inspection, regulation and licensing of theatres, music halls, etc.

Insanitary and Dangerous Buildings, etc.

118. Power to make bye-laws for prevention of overcrowding, removal of insanitary or dangerous buildings, etc.
119. Provisions regarding buildings unfit for human habitation.

Ruinous Buildings, Structures, Wells, etc.

120. Removal of buildings, etc., in ruinous or dangerous state.
121. Repair, etc., of wells, tanks, etc.

Fences.

Sections.

122. Fencing of land.

Clearing of noxious Vegetation, etc.

123. Clearance of noxious vegetation, etc., trimming of hedges and trees, and cleaning of filthy land or building.

Parks and Recreation Grounds.

124. Public parks and recreation grounds.

Precautions against Fire.

125. Precautions against fire.

Camping Grounds.

126. Prohibition of keeping open unlicensed public camping ground or halting place for vehicles or animals.

Bathing and Washing Places.

127. Bathing and washing places. Power to charge rent or fee and to make bye-laws for management and regulation of such places.

Burial and Burning Grounds.

128. Prohibition of keeping corpses unburied beyond specified period.
129. Provision and maintenance of burial or burning grounds.
130. Closure and formation of burial and burning grounds.
131. Removal of corpses.
132. Power to make bye-laws regulating the use of burial and burning grounds.

Registration of Births and Deaths.

133. Power to make bye-laws regarding registration of births and deaths, and taking of census.

Private Markets.

134. Prohibition of private markets without licence.

Occupation and Obstruction of Streets.

135. Occupation of streets or land for sale of commodities.
136. Prohibition of obstructions in street.

Offensive and Dangerous Trades.

Sections.

137. Regulation of offensive or dangerous trades.
138. Prohibition of such trades.

Bakeries, Eating Houses, etc.

139. Power to make bye-laws regarding bakeries, eating houses, etc., and licensing thereof.

Slaughter-Houses.

140. Prohibition of establishment of slaughter-houses.
141. Levy of rents or fees for use of municipal slaughter-houses.
142. Power to make bye-laws as to management of slaughter-houses.
143. Regulation of the slaughter of animals for other purposes.

Keeping and Importation of Animals.

144. Power to make bye-laws for prohibition and regulation of keeping or importation, etc., of animals.

Deposit of Offensive Matter.

145. Removal and deposit of offensive matter.
146. Receptacles for rubbish and offensive matter.
147. Prohibition of keeping rubbish, offensive matter or sewage.
148. Prohibition of accumulation of offensive matter.

Drainage, Sewerage and Water Supply.

149. Troughs and pipes for rain water.
150. Paving of courtyard, etc., for efficient drainage of building or land.
151. Drainage, etc., of unwholesome tanks, etc.
152. Reclamation of low lying sites.
153. Prohibition of excavations rendering land unsuitable for building, etc.
154. Power to make bye-laws regarding collection and storage of water and prevention of breeding of mosquitoes.
155. Prohibition of cultivation, use of manure or irrigation injurious to health.
156. Prohibition of use, and closure, of water-works.
157. Power to make bye-laws regarding water-works.
158. Provision of privies and the like.
159. Closing, alteration and repair of privies and the like.
160. Making and maintaining sewerage-connection with sewer.
161. Places for emptying of sewers or drains and disposal of sewage.
162. Provision of means for disposal of sewage.

Sections.

163. Least practicable nuisance to be created in exercising foregoing powers.
164. Carriage of sewerage-connection or water-connection through adjoining land.
165. Compensation for use of land for sewerage or water-connection.
166. Connection with existing sewerage-connection or water-connection.

Dangerous and Epidemic Diseases.

167. Obligation to report outbreak of dangerous disease.
168. Entry and inspection when dangerous disease suspected.
169. Removal of patient suffering from dangerous disease.
170. Prohibition of exposure of infected persons and things.
171. Disinfection of conveyance used by person suffering from dangerous disease.
172. Disinfection of buildings on occurrence of dangerous disease.
173. Emergency measures on outbreak of any dangerous disease.
174. Destruction of huts and sheds and disinfection or destruction of clothing, etc., when necessary.
175. Emergency measures in unforeseen disasters.
176. Action by Chairman or Vice-Chairman to be reported.
177. Saving of Epidemic Diseases Act.
178. Exercise of powers by Director of Public Health under section 173, 174 or 175.

Entry and Inspection.

179. Power of entry on premises for purposes of inspection, survey execution of necessary work.
180. Inspection of places for illicit slaughter of animals and seizure carcases of animals so slaughtered.
181. Inspection of places for animals illicitly kept and seizure of animal so found.
182. Inspection of places for sale of food or drink, etc., and seizure of unwholesome articles exposed for sale.
183. Inspection of sewers, etc.
184. Power of entry and inspection of building or land to ascertain sanitary condition.
185. Entry for purpose of scavenging.
186. Other powers of entry on building or land.
187. Extraordinary powers of Chairman and Vice-Chairman in cases of emergency.
188. Precautions to be observed in entering dwellings.
189. Committee not to be prevented from exercising power of entry.
190. Prohibition of obstruction of contractor.

Extinction of Fire.

Sections.

191. Establishment and maintenance of fire-brigade.
192. Powers of fire-brigade and other persons for suppression of fire.
193. Power of President to make rules concerning the use of the foregoing powers.
194. Application of sections 191 to 193.

Additional Power to make Bye-laws.

195. Power to make various bye-laws.
196. Fees for licences and inspection.

Supplemental.

197. Confirmation of bye-laws under Chapter VI.
198. Execution of acts not done after notice.
199. Recovery of costs of execution.
200. Compensation out of municipal fund.
201. Appeals against certain orders of committee.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

202. Certain offences punishable with fine.
203. Continuing offences.
204. Certain offences punishable with imprisonment or fine or both.
205. Certain offences punishable with fine.
206. Stay of prosecution pending appeal.
207. Driving vehicles without proper lamps.
208. Discharging fire-arms, etc.
209. Allowing animals to stray on street.
210. Riding, driving or leading of animals or vehicles contrary to public notice.
211. Quarrying, blasting, cutting timber, or building.
212. Destroying direction-posts, lamp-posts, etc.
213. Destruction of name-boards and number-boards.
214. Unauthorized posting of advertisements.
215. * * * *
216. * * * *
217. * * * *

CHAPTER VIII.

CONTROL.

Sections.

218. Control by Commissioner and Deputy Commissioner.
219. Power to suspend action under Act.
220. Extraordinary powers of Deputy Commissioner in cases of emergency.
221. Power of President in cases of default of committee.
222. Powers of President and his officers over committees.
223. Power of President to supersede committee in case of incompetency persistent default, or excess or abuse of powers.
224. Disputes.
225. Annual reports and statements.
226. Estimates of receipts and expenditure.
227. Sanction to works.
228. Powers of Commissioner.
229. Power of President to frame forms and make rules.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

230. Powers and duties of police in respect of offences against Act, etc., and assistance to municipal authorities.
231. Prosecutions.
232. Exemption of municipal cases from the provisions of section 200 of the Code of Criminal Procedure.
233. Power to compound offences.
234. Member not to be deemed interested in prosecution.
235. Saving of prosecutions under other laws.

Rules, Bye-laws and Public Notices.

236. Procedure for making bye-laws.
237. Publication of rules, bye-laws and public notices.
238. * * * *

Notices.

239. Authentication, service and validity of notice in writing.
240. Mode of giving notice in writing to unknown owner or occupier of property.

Powers to except Municipalities from Provisions of the Act.

241. Power to except municipality from provisions of Act unsuited thereto.

Recovery of Money claimable by Committee.

242. Recovery of taxes, etc.

Sections.

243. Saving of Local Authorities Loans Act.
244. Decision of questions as to whether persons are "inhabitants."
245. Power to extend Rangoon Water-Works Act.

CHAPTER X.

SMALL TOWNS.

246. Notification of area.
247. Powers of President.
248. Adaptation of enactments and rules.
249. Effect of including or excluding local area in or from a notified area.

THE MUNICIPAL ACT.

[BURMA ACT III. 1898.] (1st July, 1898.)

CHAPTER I.

PRELIMINARY.

1. * * * *

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

(1) "bakery" means any place in which are baked or cooked bread, biscuits or confectionery for the purposes of sale or profit;

(2) "building" includes a house, hut, shed or other roofed structure for whatsoever purpose and of whatsoever material constructed, and every part thereof, but shall not include a tent or other portable and merely temporary shelter;

(3) "building line" means a line to which the main wall of a building abutting on a street may lawfully extend;

(4) "Commissioner" means the Commissioner of the division in which a municipality or notified area is situated;

(5) "Committee" means the committee constituted by or under this Act for a municipality or notified area;

(6) "dangerous disease" means cholera, plague, small-pox or any other disease which the President of the Union may, by notification, declare to be a dangerous disease;

(7) "Deputy Commissioner" means the Deputy Commissioner of the district in which a municipality or notified area is situated;

(8) "drain" includes a pipe, ditch, channel or any other device for carrying off liquid which is not sewage;

(9) " factory " means a factory as defined in sub-section (*3*) of section 2 of the Factories Act ;

(10) " inhabitant " of an area includes any person ordinarily residing or carrying on business, [* * * *][1] in such area ;

(11) " keeper " of a lodging-house means the person in charge of a lodging-house ;

(12) " to keep a lodging-house " means to be in charge of a lodging-house ;

(13) " lodging-house " includes—

(*a*) a common lodging-house, meaning a building or part of a building in which a common sleeping room is kept for occupation by more than two persons not being members of the same family ; and

(*b*) an apartment house, meaning a building or part of a building which is let in lodgings or occupied to any extent in common by members of more than one family :

Provided that nothing in this definition shall be deemed to include the dormitory of any school or college which the President of the Union may, by general or special order, declare to be subject to inspection by a medical officer of Government, or any jail, hospital, monastery or similar institution, or a hotel or boarding house where the daily charge for board and residence is not less than one rupee per head ;

(14) " market " includes any place where persons periodically assemble for the sale of meat, fish, fruit, vegetables, livestock or any other article of food ;

(15) " municipal market " means any market vested in or belonging to a committee ;

(16) " municipality " means a local area declared under Chapter II to be a municipality ;

(17) " municipal slaughter-house " means a slaughter-house vested in or belonging to or managed by a committee ;

(18) " notified area " means an area in respect of which the President of the Union has issued a declaration under section 246 ;

(19) " offensive matter " includes animal carcases, dung, dirt, putrid or putrifying substances, and filth of any kind which is not included in " sewage " ;

(20) " owner " includes the person who for the time being receives the rent of any building or land, whether on his own account or as agent or trustee, or who would so receive the rent if the building or land were let to a tenant, but does not include the Government ;

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[1] The words " or owning or occupying immoveable property " were deleted by Act LII, 1950.

[1](21) " pauper affected with leprosy " means a person suffering from leprosy as defined in section 2, sub-section (*2*) of the Leprosy Act ;

(22) " prescribed " means prescribed by this Act or by any rule or bye-law under this Act ;

(23) " private market " means any market other than a municipal market ;

(24) " reclamation " means the alteration by any means, including the use of materials of any description, of the level of land in order that the effective drainage of such land may become practicable ;

(25) " rubbish " includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not " offensive matter " or " sewage " ;

(26) " sanitary work " or " sanitary project " includes any work or project or class of work or project which the President of the Union may, by notification, declare to be a sanitary work or project ;

(27) " sewage " includes night-soil and other proper contents of water closets, latrines, urinals, privies and cess pools, and polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places ;

(28) " sewer " includes a pipe, ditch or channel, or any other device for carrying off sewage ;

(29) " sewerage-connection " includes—

(*a*) any sewer between any water-closet, latrine, urinal, privy, bath-room, kitchen, sink, sullage-tray, manhole or trap on the one hand, and any sewer vested in or belonging to a committee on the other hand ; and

(*b*) any cistern, flush-tank, land, building, machinery, work or thing constructed or used for collecting and passing any sewage into any sewer vested in or belonging to a committee ;

(30) (*a*) " street " includes any highway and any cause-way, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access, and also the surface-soil, sub-soil, footway and drains of any street, and anything planted in such soil ;

(*b*) " public street " means any street wholly or partially maintained by the committee, and any street declared by the committee to be a public street under the provisions of section 114 or otherwise ;

(*c*) " private street " means any street, other than a public street, but does not include a street maintained by Government ;

[1] Substituted by Act XL, 1950.

(31) " street alignment " means a line dividing the land included in a street from the adjoining land ;

(32) " water-connection " includes—

(*a*) any tank, cistern, hydrant, stand-pipe, meter or tap situated on private property and connected with a water-main or pipe vested in or belonging to the committee ; and

(*b*) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe ;

(33) " water-work " includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine and any machinery, land, building or thing for supplying or used for supplying water ;

(34) " water for domestic purposes " shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, or water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental purposes ;

(35) the expression " erect or re-erect any building " with its grammatical variations and cognate expressions includes—

(*a*) any material alteration or enlargement of any building ;

(*b*) the conversion into a place for human habitation of any building not originally constructed for human habitation ;

(*c*) the conversion of one or more places of human habitation into a greater or smaller number of such places ;

(*d*) such alteration of the internal arrangements of a building as effects an alteration in its drainage or sanitary arrangements or affects its security ;

(*e*) the addition of any rooms, buildings, outhouses or other structures to a building ; and

(*f*) the re-construction of the whole or any part of the external walls of a building or the renewal of the posts of a wooden building.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal to create, alter the limits of, or abolish, a municipality.

3. (*1*) The President of the Union may, by notification and by such other means as he may determine, signify his intention—

(*a*) to declare any town, or any group of towns in the immediate neighbourhood of one another, a municipality under this Act;

(*b*) to include within a municipality any local area in the vicinity of the same ;

(*c*) to exclude from a municipality any local area comprised therein ; or

(*d*) to withdraw the whole area comprised in any municipality from the operation of this Act.

(*2*) Every notification under this section shall define the limits of the local area proposed to be affected thereby, and may include within the limits of any municipality or proposed municipality any railway station, village, building or land in the vicinity thereof.

Creation, alteration of limits, or abolition of a municipality.

4. (*1*) Any inhabitant of any part of a local area defined in a notification published under section 3 and proposed to be affected thereby may, if he objects to anything therein contained, submit his objection in writing to the President of the Union within six weeks from the date of the publication of such notification, and the President of the Union shall take his objection into consideration.

(*2*) When six weeks from the date of the publication of such notification have expired, the President of the Union may, by a further notification—

(*a*) declare the local area or any specified part thereof to be a municipality under this Act, or

(*b*) include the local area or any part thereof in the municipality or exclude it therefrom, or

(*c*) withdraw the whole area comprised in the municipality from the operation of this Act, as the case may be.

5. * * * *

Effect of including or excluding local area in or from a municipality.

6. (*1*) When a local area is included in a municipality under section 4, all rules and bye-laws made, orders, directions and notices issued, and powers conferred and in force throughout the municipality at the time when the local area is so included, shall apply thereto unless the President of the Union shall, in and by the notification directing such inclusion, otherwise direct.

(*2*) When a local area is excluded from a municipality under section 4,—

(*a*) this Act and all rules and bye-laws made, orders, directions and notices issued, and powers conferred thereunder shall cease to apply thereto ; and

(*b*) the President of the Union shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal, school and hospital funds and other property vested in the committee shall vest in [the State][1] for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Government ; and, on the publication of such scheme in the Gazette, such property and liabilities shall vest and be apportioned accordingly.

(*3*) When the whole area comprised in any municipality is withdrawn from the operation of this Act under section 4, this Act and all rules and

[1] Substituted for the words "His Majesty" by the Union of Burma (Adaptation of Laws) Order, 1948.

bye-laws made, orders, directions or notices issued, and powers conferred thereunder, shall cease to apply thereto ; and the balance of the municipal fund and all other property at the time of the issue of the notification vested in the committee shall vest in [the State][1], and the liabilities of the committee shall be transferred to the Government.

(*4*) All property vested in [the State][1] under this section shall be applied, under the orders of the President of the Union, to the discharge of the liabilities imposed on the Government thereby, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the area affected.

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected members.

[2] **7.** There shall be constituted for each municipality under this Act a committee having authority thereover and consisting of so many inhabitants of the municipality as may be determined by the President of the Union, elected in manner next hereinafter prescribed to represent wards of the municipality.

Power for President to make rules regarding election of members of committees.

8. [2](*1*) The President of the Union shall make rules regulating the following matters, namely—

[2](*a*) the division of the municipality into wards ;

[2](*b*) the number of representatives proper for each ward ;

(*c*) the qualifications of electors and of candidates for election ;

(*d*) the registration of electors ;

(*e*) the nomination of candidates, the time of election and the mode of recording votes ; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(*2*) The President of the Union may, after the committee has come into existence as hereinafter provided, amend, after consulting such committee, the rules under this section.

(*3*) The members of the committee shall be elected in accordance with the rules under this section for the time being in force.

Term of office of members of committee.

9. [3](*1*) * * * *

[2](*2*) The term of office of all the members of the committee shall be fixed by the President of the Union by rules, but shall not exceed three years.

(*3*) The term of office of members shall commence,—

(*a*) in the case of a member elected at a general election of members, on the first day of January following the election [4][or on such

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[1] Substituted for the words " His Majesty " by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] Substituted by Act LII, 1950.

[3] Deleted *ibid.*

[4] Added *ibid.*

other date as the President of the Union may, by notification, appoint in this behalf ; and]

(*b*) in the case of a member elected to fill a casual vacancy, on the date of the meeting of the committee next following his election.

[1](*c*) * * * *

(*4*) An outgoing member may, if otherwise qualified, be re-elected [* * * *].[1]

Resignation of member of committee.

10. (*1*) Any member of the committee who may wish to resign shall forward his resignation in writing, through the Chairman of the committee, to the Deputy Commissioner for submission to the Commissioner.

(*2*) When the acceptance of such resignation by the Commissioner has been communicated to the committee, such member shall be deemed to have vacated his office as such.

Removal of member.

11. (*1*) The President of the Union may remove any member of the committee,—

(*a*) if he ceases to be an inhabitant of the municipality ;

(*b*) if he refuses to act or becomes, in the opinion of the President of the Union, incapable of acting ;

(*c*) if he is declared a bankrupt or an insolvent ;

(*d*) if he is convicted of any such offence or subjected by a criminal Court to any such order as renders him, in the opinion of the President of the Union, unfit to continue to be a member ;

(*e*) if he is declared by the President of the Union disqualified for employment in, or is dismissed from, the public service ;

(*f*) if he attends none of the meetings of the committee held during the space of three consecutive months ;

(*g*) if his continuance in office is, in the opinion of the President of the Union, dangerous to the public peace or order ; or

[2](*h*) if he is a salaried officer of the Government of the Union of Burma or of any State or of any local authority, established by law.

(*2*) A person removed under this section on any ground other than those mentioned in clauses (*a*) and (*f*) shall be disqualified for election unless and until the President of the Union shall otherwise direct.

Filling of casual vacancies.

12. (*1*) When the place of [a member][2] of the committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected, in manner prescribed under section 8, to fill the place so vacated.

[1](*2*) * * * *

(*3*) A person elected [* * *][1] under this section to fill a casual vacancy shall hold office until the person whose place he fills would in the ordinary

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[1] Deleted by Act LII, 1950.
[2] Substituted *ibid.*

course have vacated office, and shall then vacate office, but may, if otherwise qualified, be re-elected [* * *].[1]

1(*4*) * * * *

Incorporation of committee.

13. Every committee shall be a body corporate by the name of "The Municipal Committee of ", and shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name :

Provided that no committee shall transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the President of the Union.

Time for committee coming into existence.

14. The committee shall come into existence at such time as the President of the Union may, by notification, appoint in this behalf.

15. * * * *

Member of committee to be municipal commissioner.

16. Every member of the committee shall be deemed to be a municipal commissioner within the meaning of any enactment for the time being in force.

Chairman and Vice-Chairman.[2]

Election of Chairman and Vice-Chairman.

17. (*1*) The committee shall from time to time elect one of its members to be Chairman, and may from time to time elect another of its members to be Vice-Chairman.

3 * * * *

3 (*2*)—(*4*) * * *

Term of office of Chairman and Vice-Chairman.

18. [4](*1*) Except as provided in section 19, sub-section (*3*), every Chairman and every Vice-Chairman shall hold office for such term not exceeding three years as the President of the Union may by rule fix.

(*2*) Whenever the Chairman or Vice-Chairman ceases to be a member of the committee or tenders in writing to the committee his resignation of his office, he shall vacate his office, and any Chairman or Vice-Chairman may be removed from office by the President of the Union in pursuance of a resolution to that effect passed by two-thirds of the members present at a special meeting.

(*3*) Every resignation of office tendered under this section shall be reported as soon as may be to the Commissioner.

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[1] Deleted by Act LII, 1950.

[2] In this Act the expressions "Chairman" and "Vice-Chairman" were substituted for the expressions "President" and "Vice-President" by the Union of Burma (Adaptation of Laws) Order, 1948.

[3] Proviso to sub-section (*1*) and sub-sections (*2*), (*3*) and (*4*) were deleted by Act LII, 1950.

[4] Substituted *ibid*.

19. (*1*) Upon the occurrence of any vacancy in the office of Chairman or Vice-Chairman during the term fixed under section 18, a new Chairman or Vice-Chairman shall be elected [* * *][1] in manner provided by section 17. **Vacancies in office of Chairman or Vice-Chairman.**

(*2*) Upon the expiration of the term of office fixed under section 18 for the Chairman or Vice-Chairman, a new Chairman shall, and a new Vice-Chairman may, be elected [* * *][1] in manner provided by section 17.

(*3*) A person elected [* * *][1] under sub-section (*1*) to fill a casual vacancy shall hold office until the person whose place he fills would in the ordinary course have vacated office, and shall then vacate office.

(*4*) An outgoing Chairman or Vice-Chairman may, if otherwise qualified, be re-elected [* * *][1].

20. (*1*) Where it appears that the continuance in office of a Chairman or Vice-Chairman elected [* * *][1] under section 17, or of a member of a municipal committee or of a school or hospital sub-committee is contrary to the public interest, the President of the Union may, after giving the Chairman, the Vice-Chairman or the member concerned an opportunity to show cause against the holding of an enquiry, subject to the provisions of any rules that may be made in this behalf, appoint a Committee of Enquiry with an officer not below the rank of Commissioner as Chairman, and two members, one being a member of the municipal committee or of the [* * *][1] hospital sub-committee concerned and the other being an elector on the electoral roll of the municipality who is not in the whole-time employment of Government, to enquire into all the circumstances of the case. **Further provisions as to removal of members.**

(*2*) When the President of the Union appoints a Committee of Enquiry under sub-section (*1*) to deal with the case of a Chairman or Vice-Chairman, the Chairman or Vice-Chairman concerned shall cease to exercise the functions of his office and the President of the Union may appoint any member of the municipal committee concerned to exercise them in his stead.

When the President of the Union appoints a Committee of Enquiry under sub-section (*1*) in respect of the continuance in office of a member of a municipal committee or of a [* * *][1] hospital sub-committee, he shall cease to act as such member.

(*3*) The Committee of Enquiry shall have power to take evidence on oath, and shall also have power to summon witnesses and to enforce the attendance of witnesses and to compel the production of documents, by the same means and so far as may be in the same manner as is provided in the case of a civil Court under the Code of Civil Procedure.

(*4*) On the conclusion of its enquiry, the Committee of Enquiry shall submit a report to the President of the Union, who may then, where the continuance in office of a Chairman or Vice-Chairman is concerned, order his reinstatement, or may declare him to be removed from his office, or to be removed both from his office and from membership of the municipal committee concerned and of any other local body of which he is a member ; and where the continuance in office of a member of a municipal committee or [* * *][1] hospital sub-committee is concerned, may either order his

[1] Deleted by Act LII, 1950.

reinstatement as such member, or declare him to be removed from office and from membership of any other local body of which he is a member.

(*5*) Where a person has been removed from membership of a municipal committee or [* * *][1] hospital sub-committee under the provisions of sub-section (*4*), he shall not, save as provided under sub-section (*6*), be eligible for five years from the date of the order of removal for election or appointment to any local body constituted under the provisions of this Act or of the Rural Self-Government Act.

(*6*) The President of the Union may in special cases remove the disability imposed by sub-section (*5*).

(*7*) The proceedings of a Committee of Enquiry appointed under this section shall not, unless the President of the Union so directs, abate because the term of office of the Chairman or Vice-Chairman or member concerned has come to an end.

Conduct of business during inter-regnum.

21. Notwithstanding anything in sections 9, 12, 18 and 19, an outgoing Chairman or Vice-Chairman may continue to exercise the powers conferred on a Chairman or Vice-Chairman by this Act, or by any rule, bye-law, public notice, resolution or direction made thereunder, between the expiry of his term of office and the election [* * *][1] of a new Chairman or Vice-Chairman.

Notification of Elections, Appointments and Removals.

Notification of elections and removals.

22. (*1*) Every election of a Chairman or Vice-Chairman of the committee shall be subject to confirmation by the Commissioner, and shall, when so confirmed, be notified by him in the Gazette ; but, unless and until disallowed by the Commissioner, every such election shall be valid and shall take effect from the date thereof.

[1](*2*) * * * *

(*3*) Every election of a member or members of the committee shall be notified by the Commissioner in the Gazette.

(*4*) Every order removing a member from the committee shall be notified by the President of the Union in the Gazette, and shall be communicated to the person removed and to the committee of which he was a member, and shall take effect from the date on which the committee received such communication.

Conduct of Business.

Time for holding meetings.

23. (*1*) The committee shall meet for the transaction of business at least once in every month at such time as may be fixed by bye-law made under section 31.

(*2*) The Chairman, or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene an ordinary or a special meeting at any other time :

Provided that, when the entire number of members does not exceed five, the concurrence of two of them in any such requisition shall be necessary.

[1] Deleted by Act LII, 1950.

Ordinary and special meetings.

24. (*1*) Every meeting of the committee shall be either ordinary or special.

(*2*) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules or bye-laws thereunder to be transacted at a special meeting.

Quorum.

25. (*1*) The quorum necessary for the transaction of business at a special meeting shall be one-half of the whole committee :

Provided that when the committee consists of less than six members, the quorum shall be three.

(*2*) The quorum necessary for the transaction of business at an ordinary meeting shall be such number, not less than three, as may be fixed by bye-law made under section 31 :

Provided that, if at any ordinary or special meeting a quorum is not present, the Chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted at the adjourned meeting whether there is a quorum present thereat or not.

Chairman of meeting.

26. At every meeting of the committee, the Chairman, if present, shall preside. Should he be absent or his office vacant, the Vice-Chairman, if present, shall preside. Should both be absent or be debarred under the proviso or their offices vacant, the members present shall elect one of their number to preside :

Provided that when the business to be transacted is the election of a Chairman or Vice-Chairman, no person who is a candidate for either office shall preside at the meeting.

Voting and exclusion of members from voting when interested.

27. (*1*) Every member of the committee shall be entitled to attend every meeting of the committee, to take part in the proceedings and to vote upon any matter before it, not being a matter—

(*a*) in which he is, either directly or indirectly, pecuniarily interested, or

(*b*) in regard to which his conduct is in any way in question.

(*2*) The Chairman of a meeting may, after such inquiry as he may think fit, require any member to absent himself from a meeting during the discussion of any matter—

(*a*) in which it is believed that he is, either directly or indirectly, pecuniarily interested, or

(*b*) in regard to which his conduct is in any way in question,

and any member refusing to comply with such requisition shall not be permitted to take part in the proceedings regarding such matter, nor shall his vote thereon be recorded.

Exclusion of Chairman from voting when interested.

27A. If any member present at the meeting has reason to believe that the Chairman of the meeting has a pecuniary interest in any matter under discussion, or desires to call in question the conduct of such Chairman in regard to any matter under discussion, he may move that such Chairman be required to absent himself from the meeting during such discussion, stating his reasons therefor. If the motion is carried and the Chairman refuses to comply with such requisition, he shall not be permitted to take part in the proceedings regarding such matter, nor shall his vote thereon be recorded.

Vote of majority decisive.

28. (*1*) Except as otherwise provided by this Act or the rules or bye-laws thereunder, every question coming before a meeting of the committee shall be decided by a majority of the votes of the members present and entitled to vote thereon.

(*2*) In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

Resolutions to be recorded and published.

29. Every resolution passed by the committee at a meeting shall be recorded in a book to be kept for the purpose, shall be signed by the Chairman of the meeting or of the next ensuing meeting, shall be open to inspection by the public at the municipal office at all reasonable times without charge, and shall be published in such manner as the President of the Union may direct.

Language of discussions and proceedings.

[1]**30.** The discussions and proceedings of the committee shall be conducted in Burmese and recorded in Burmese.

Power of committees to make bye-laws as to conduct of business.

31. (*1*) The committee may, from time to time at a special meeting, make bye-laws consistent with this Act as to—

(*a*) the time and place of its meetings ;

(*b*) the manner in which notice of its meetings is to be given ;

(*c*) the quorum necessary for the transaction of business at ordinary meetings ;

(*d*) the conduct of proceedings at meetings and the adjournment of meeting ;

(*e*) the exercise by the Chairman, by the Vice-Chairman, by sub-committees, by individual members or by officers or servants of the committee, of any powers conferred upon the committee by this or any other Act, or by the rules or bye-laws thereunder ;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid to it ;

[2](*g*) * * * *

(*h*) the appointment, duties, leave, suspension and removal of its officers and servants , and

(*i*) other similar matters.

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[1] Substituted by Act LII, 1950.

[2] Deleted *ibid.*

(2) No bye-law made under this section shall take effect until it has been confirmed by the President of the Union.

Joint Committees.

Joint committee of two or more committees or other local authorities.

32. The committee may, from time to time, concur with any other committee or cantonment, port or other local authority, or with more than one such committee or authority, in appointing, from their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a Chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the said committees or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which it is appointed.

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

33. Nothing done and no proceeding taken under this Act shall be questioned by reason only of any vacancy in the committee, or joint committee, or of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

Appointment of Secretary.

34. (*1*) The committee shall, from time to time, at a special meeting, appoint one of its members, or, subject to the previous sanction of the Commissioner, any person to be its secretary, and may, at a like meeting and subject to the like sanction, remove any person so appointed.

(*2*) If the secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him such remuneration as it may think fit.

Power to appoint Chief Executive Officer.

35. Subject to the provisions of this Act and to such rules as may be made by the President of the Union thereunder, the committee may appoint a Chief Executive Officer for the management of municipal business. Any such appointment shall be subject to the sanction of the President of the Union.

Conferment of powers of Committee, Chairman or Vice-Chairman on Chief Executive Officer.

36. (*1*) In any municipality where there is a Chief Executive Officer appointed under section 35, such officer shall exercise such powers of the committee, Chairman or Vice-Chairman under this Act, or any rule or bye-law thereunder, as may be conferred on the said officer by the committee by bye-law.

(*2*) Save as provided in section 41, sub-section (*2*), and in such rules as may be made by the President of the Union in this behalf, all other officers and servants of the committee shall be subordinate to the Chief Executive Officer.

(*3*) No bye-law made under this section shall take effect until it has been confirmed by the President of the Union.

Delegation of powers by Chief Executive Officer.

37. (*1*) With the sanction of the committee, a Chief Executive Officer may empower, by general or special order in writing, any officer or servant of the committee to exercise, under his control, any power conferred on him by or under this Act.

(*2*) An order by the Chief Executive Officer under sub-section (*1*) may prescribe any condition and impose any restriction in respect of the exercise of any such power.

(*3*) Any order passed by an officer or servant of the committee in the exercise of a power conferred on him under sub-section (*1*) may be revised by the Chief Executive Officer who shall report any such case to the committee.

Right of Chief Executive Officer to attend meetings.

38. The Chief Executive Officer shall have the right to attend all meetings of the committee and of any standing committee or sub-committee, and may, with the permission of the Chairman, or in virtue of a resolution passed in this behalf at a meeting of the committee or standing committee or sub-committee, make an explanation in regard to a subject under discussion, but shall not move, second or vote on, any resolution.

Power of President to require committee to appoint Chief Executive Officer.

39. (*1*) Where the President of the Union decides that a municipal committee has made persistent default in the performance of the duties imposed upon it by or under this Act, or is exceeding or abusing its powers, the President of the Union may, in lieu of superseding the committee under the provisions of section 223 of this Act, require the committee to appoint a Chief Executive Officer in accordance with the rules made under this Act, within such period as he may prescribe in the requisition.

(*2*) If the committee fails to appoint a Chief Executive Officer within the period fixed in the requisition or, having appointed a person whose appointment is not approved by the President of the Union, fails within a further period to be fixed by the President of the Union to appoint an approved person, the President of the Union may—

(*a*) select and appoint a person to be Chief Executive Officer;

(*b*) fix the pay and allowances and general conditions of service of such Chief Executive Officer, and, if he is a Government officer, the conditions under which his services are lent to the municipal committee.

(*3*) Where a Chief Executive Officer is appointed under the provisions of sub-section (*1*) or sub-section (*2*), the President of the Union shall determine which powers, if any, of the committee, Chairman or Vice-Chairman under this Act or any rule or bye-law thereunder shall be exercised by the said Chief Executive Officer, in addition to, or to the exclusion of, their exercise by the said committee, Chairman or Vice-Chairman.

Appointment of Health Officer.

40. The committee may, at a meeting, appoint a Health Officer.

Duties of Health Officer.

41. (*1*) It shall be the duty of the Health Officer—

(*a*) to act as adviser to the committee on all matters affecting the public health;

(*b*) to perform all duties imposed upon him by this Act and by any Act in force for the time being in the municipality or notified area;

(*c*) to enforce, so far as they relate to public health, the bye-laws of the committee and resolutions made by it in conformity with the law;

(*d*) on the occurrence of any outbreak of dangerous disease, to take immediately all lawful steps necessary for its suppression; and

(*e*) to submit such reports and returns as the President of the Union may from time to time direct in such form and to such person as he may direct.

(*2*) All Inspectors of Public Health, vaccinators and officers or servants of the council employed for conservancy or any purpose relating to public health shall be subordinate to the Health Officer.

Power of President to effect appointment of Health Officer.

42. (*1*) The President of the Union may, if in his opinion the appointment of a Health Officer is necessary in any municipality for the promotion of public health, require the committee to appoint a Health Officer.

(*2*) A requisition under sub-section (*1*) shall prescribe the period within which the committee shall comply therewith.

(*3*) If the committee fails to appoint a Health Officer within the prescribed period, the President of the Union may, if he thinks fit—

(*a*) select and appoint a person to be Health Officer, and

(*b*) fix his pay, allowances, rate of contribution to provident fund or pension and other conditions of service.

Appointment of Inspector of Public Health.

43. Every committee shall appoint one or more Inspectors of Public Health.

Power of President to effect appointment of additional Inspectors of Public Health.

44. (*1*) If the committee fails to appoint an Inspector of Public Health, or if in the opinion of the President of the Union the number of Inspectors of Public Health in any municipality is insufficient for the promotion of the public health, the President of the Union may require the committee to appoint an Inspector of Public Health or such additional Inspectors of Public Health as he may think fit.

(*2*) A requisition under sub-section (*1*) shall prescribe the period within which the committee shall comply therewith.

(*3*) If the committee fails to appoint such Inspector or Inspectors of Public Health within the prescribed period, the President of the Union may—

(*a*) select and appoint a person or persons to be an Inspector or Inspectors of Public Health; and

(*b*) fix the pay, allowances, rate of contribution to provident fund or pension and other conditions of service of such persons.

Employment of other officers and servants by committee.

45. Subject to the provisions of this Act and to such rules as may be made by the President of the Union thereunder, the committee may appoint and remove such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such remuneration as it may think fit.

Employment of officers and establishments by committee and other local authority conjointly.

46. Subject to the provisions of this Chapter and to any rules made in this behalf, a committee and any other committee or other local authority, or more than one such committee or authority, may conjointly appoint and employ any officers or establishments, and provide for the payment of their salaries and for their control.

Power of President to make rules as to the qualifications, pay and manner of appointment, etc., of certain officers and servants of committees.

47. The President of the Union may make rules,—

(*a*) as to the qualifications of persons to be appointed as Health Officer, Inspector of Public Health, Assistant Health Officer, Medical Registrar, Superintendent of Vaccination or the equivalent of any such posts, and for the maintenance of registers of persons possessing such qualifications and the entry of names in, and their removal from, such registers;

(*b*) regulating the rates of pay and allowances to be granted to such officers and servants;

(*c*) as to the manner of appointment of such officers or servants and as to the sanction required to any appointment; and

(*d*) as to the procedure to be followed in dismissing or removing from his appointment or otherwise punishing or penalising any such officer or servant of a committee and as to the sanction required in the case of removal and dismissal.

Power to make bye-laws as to appointment, conduct, duties, leave, etc., of officers and servants of committee.

48. (*1*) The committee may make bye-laws to regulate such matters relating to the appointment, conduct, duties, leave, suspension, removal and dismissal of its officers and servants as are not provided for by this Act or any rules thereunder.

(*2*) No bye-law made under this section shall take effect until it has been confirmed by the President of the Union.

Power to prevent extravagance in establishments.

49. If, in the opinion of the Commissioner, the number of persons employed by the committee as officers or servants, or whom the committee proposes to employ as such, or the remuneration assigned by the committee to those persons, or any of them, is excessive, the committee shall, on the requisition of the Commissioner, reduce the number of those persons, or their remuneration, as the case may be:

Provided that the committee may appeal against any such requisition to the President of the Union, and the decision of the President of the Union on such appeal shall be final.

50. In the case of an officer or servant, being a Government official, the committee may,— Pensions of Government officials serving committee.

(*1*) if his services are wholly lent to it, meet any charges prescribed or authorized by the conditions of his service under the Government for the time being in force regarding contributions towards pension or gratuity and leave allowances; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the committee, meet any such charges as aforesaid in such proportion as may be determined by the President of the Union.

51. In the case of an officer or servant, not being a Government official, the committee may— Pensions, etc., of other officers and servants.

(*1*) grant him—

(*a*) leave allowances;

(*b*) a gratuity on his retirement, if his monthly pay does not exceed ten rupees;

(*2*) with the sanction of the President of the Union,—

(*c*) grant him on his retirement a gratuity in any other case; or

(*d*) subscribe, in accordance with any general or special orders of the President of the Union for the time being in force, for a pension or gratuity payable on his retirement; or

(*e*) purchase for him from the Government or otherwise an annuity on his retirement; or

(*f*) purchase and set apart securities of the Government of India or Pakistan or Union of Burma Government securities or such other securities as the President of the Union may approve in this behalf, and provide on his retirement for the payment to him of the income arising therefrom as an annuity during the remainder of his life and for the realization of such securities by the committee on his death; or

(*g*) pay him an annuity on his retirement:

Provided that no pension, annuity or gratuity shall be granted unless the officer or servant would be entitled to either pension or gratuity if the service had been service under the Government:

And provided that no gratuity under sub-clause (*b*) and no pension, leave allowance or annuity shall exceed the sum to which the officer or servant would be entitled if the service had been service under the Government; and a gratuity under sub-clause (*c*) shall not exceed one month's pay for every completed year of service and shall not in any case exceed a maximum of ten months' pay in all:

And provided that the application of sub-clauses (*f*) and (*g*) shall be restricted to municipalities where a provident fund has been constituted and to individuals who joined the service of the municipality before the establishment of such fund.

Power to establish provident fund for officers and servants.

52. (*1*) The committee of any municipality to which the President of the Union may by notification declare this section to apply may make bye-laws for the purpose of—

(*a*) establishing and maintaining a provident or annuity fund ;

(*b*) compelling all or any of the officers or servants of the committee (other than Government officials) to subscribe to such fund, and, if necessary, providing for the deduction of such subscriptions out of the salaries or emoluments of such servants or officers ;

(*c*) providing for the payment of contributions to such fund by the committee out of other funds vested in the committee ;

(*d*) fixing the times, circumstances and conditions under which payments may be made out of any fund established under this section and the conditions under which such payments shall discharge the fund from further liability ;

(*e*) providing for the settlement by arbitration or otherwise of disputes relating to such fund, or the payments or subscriptions thereto or claims thereon, between the committee and other persons or between persons claiming any share or interest therein, and

(*f*) regulating generally such other matters incidental to such fund and the investment thereof as the President of the Union may approve.

(*2*) No bye-law made under this section shall come into force until it has been confirmed by the President of the Union.

Extraordinary pension, etc., in case of officer or servant injured or killed in execution of his duty, etc.

53. The committee may, with the sanction of the President of the Union, give an extraordinary pension or gratuity—

(*a*) to any officer or servant injured in the execution of his duty ; or

(*b*) to the family of any officer or servant who is killed in the execution of his duty, or whose death is due to devotion to duty ;

Provided that no such pension or gratuity shall exceed the sum to which such officer or servant, or his family, would be entitled if the service had been service under the Government.

Contracts and Transfers of Property.

Mode of executing contracts and making transfers of immoveable property of committee.

54. (*1*) When a contract made by or on behalf of the committee exceeds in value or amount one hundred rupees, it shall be in writing and signed by the Chairman or Vice-Chairman and at least one other member of the committee.

(*2*) Every transfer of immoveable property belonging to the committee shall be made by an instrument in writing, executed by the Chairman or Vice-Chairman and by at least two other members of the committee, and shall recite the number and date of the order of the President of the Union approving the resolution for such transfer passed under section 13.

(*3*) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

Penalty for member, officer or servant of committee being interested in contract made with committee.

55. (*1*) If any member, officer or servant of the committee is directly or indirectly interested in 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 shall appear that he was not aware of such interest :

Provided that the President of the Union may, in special circumstances, make exemption from the provisions of this sub-section in the case of any person but such exempted person shall not hold the office of Chairman or Vice-Chairman of the committee.

(*2*) No person shall, by reason only of being a shareholder in, or a member of, any incorporated or registered company, be deemed to be interested in any contract entered into between such company and the committee, but every such person shall be treated as pecuniarily interested in such contract within the meaning of section 27.

Acquisition of Land.

Acquisition of land.

56. Where any land, whether within or beyond the limits of the municipality, is required by the committee for the purposes of this Act, or for any other object which it is empowered to carry out under any other enactment for the time being in force, the President of the Union may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the President of the Union in connection with the proceedings, the land shall vest in the committee.

Privileges and Liabilities.

Suits against committee and its officers.

57. No suit shall be instituted against the committee, or against a member or officer of the committee, in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of the committee, delivered or left at its office, and, in the case of a member or officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff, and the plaint must contain a statement that such notice has been so delivered or left :

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act.

Indemnity to municipal authorities and servants

58. No suit shall be maintainable against any municipal authority, officer or servant, or any person acting under the direction of any municipal authority, officer or servant, or of a Magistrate, in respect of anything

lawfully and in good faith and with due care and attention done under this Act or any rule, bye-law or order made thereunder.

Liability for loss, waste or misapplication

59. Every person shall be liable for the loss, waste or misapplication of any money or 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 the committee, and a suit for compensation may be instituted against him by the committee or by the Government.

Members, officers, servants and agents of committee to be deemed public servants.

60. Every member, officer or servant of the committee, and every farmer or agent for the recovery on behalf of the committee of any tax, fee or other impost, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

Notice of resignation or discharge of sweepers.

61. (*1*) In the absence of a written contract to the contrary, every sweeper employed by the committee shall be entitled to one month's notice before discharge, or to one month's wages in lieu thereof, unless he is discharged for misconduct or at the end of a specified term for which he was engaged.

(*2*) Should any sweeper employed by a committee, in the absence of a written contract authorizing him so to do and without reasonable cause, resign his employment, or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment for a term which may extend to two months.

(*3*) The President of the Union may, by notification, direct that, on and from a date to be specified in such notification, the provisions of sub-sections (*1*) and (*2*) with respect to sweepers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

CHAPTER IV.

TAXATION.

General Provisions.

Taxes which may be imposed for general purposes of Act.

62. (*1*) Subject to any general or special rules or orders which the President of the Union may issue or may have issued in this behalf, the committee may, for the purposes of this Act, impose in the whole or any part of the municipality, with the sanction hereinafter specified in each case, any of the following taxes, namely :—

(*A*) with the previous sanction of the President of the Union,—

(*a*) a tax on buildings and lands not exceeding ten per centum of the annual value of such buildings and lands ;

(*b*) a tax on lands covered by buildings at a rate not exceeding three pies per square foot per annum, or, if the lands are

covered by buildings of two or more storeys, at a rate not exceeding four pies per square foot per annum ;

(*c*) a tax on lands not covered by buildings at a rate not exceeding ten rupees per acre per annum ;

(*d*) a tax on buildings according to the length of street frontage occupied by such buildings at rates not exceeding the following, namely :—

	Per annum. Rs.	A.
For a building having not more than ten feet of street frontage	0	8
For a building having more than ten, but not more than twenty, feet of street frontage	1	8
For a building having more than twenty, but not more than thirty, feet of street frontage	2	8
For a building having more than thirty, but not more than forty, feet of street frontage	4	0
For a building having more than forty, but not more than fifty, feet of street frontage	7	0
For a building having more than fifty, but not more than sixty, feet of street frontage	10	0
And for each additional ten, or part of ten, feet of street frontage	4	8

(*e*) a tax on households or families at a rate not exceeding thirty per centum per annum on the amount of the *thathameda* tax assessed upon each household or family ;

(*f*) a tax not exceeding nine rupees per quarter on every vehicle, boat, beast used for driving, riding, draught or burden, or dog, kept within the municipality or any part thereof ;

(*g*) a tax on private markets at a rate not exceeding five per centum of the net annual profits derived by the owners therefrom ;

(*h*) a toll, not exceeding eight annas, on every vehicle or beast used as aforesaid, entering the municipality and not liable to taxation under clause (*f*) :

Provided that any person may compound for exemption from all tolls leviable in respect of any vehicle or animal under this clause by paying the tax which would have been leviable in respect thereof under clause (*f*) if the same had been kept within the municipality ;

(*i*) a tax on trades, professions and callings.

(*B*) with the previous sanction of the President of the Union, any tax not authorized under division (*A*).

(*2*) Only one of the taxes mentioned in clauses (*a*), (*b*), (*c*) and (*d*) of sub-section (*1*) shall be imposed in respect of the same buildings or lands, and no tax under clause (*e*) thereof shall be leviable from a person who is liable to pay a tax under clause (*a*), (*b*), (*c*) or (*d*).

(*3*) Only one of the taxes mentioned in clauses (*a*) and (*g*) shall be imposed in respect of the same premises.

(*4*) In this section " annual value " means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished.

(*5*) A tax may be imposed at different rates in different parts of the municipality.

Water-tax.

63. (*1*) Besides the taxes imposed under section 62, the committee may, with the previous sanction of the President of the Union, for the purpose of constructing or maintaining works for the supply of water throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by such works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level :

Provided that, in fixing such rate or amount, regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

Lighting-tax.

64. Besides the taxes imposed under the foregoing sections, the committee may, with the previous sanction of the President of the Union, for the purpose of lighting the streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose a tax, to be called the lighting-tax, upon buildings and lands situated within the municipality, or such part thereof, as the case may be :

Provided that, in fixing the rate or amount of the tax, regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Latrine-tax.

65. Besides the taxes imposed under the foregoing sections, the committee may, with the previous sanction of the President of the Union, for the purpose of providing and maintaining public latrines sufficient in number and situation for the ordinary wants of the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for that purpose, impose a tax, to be called the latrine-tax, upon buildings and lands in the municipality, or such part thereof, as the case may be :

Provided that, in fixing the rate or amount of the tax, regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Scavenging-tax.

66. (*1*) Besides the taxes imposed under the foregoing sections, the committee may, with the previous sanction of the President of the Union, for the purpose of providing for the removal and disposal of sewage or rubbish, or both, from any buildings or lands, or paying the principal or interest of any loan raised for the construction of works required for that purpose, impose upon such buildings or lands a tax, to be called the scavenging-tax, at such rate or rates as may be necessary.

(*2*) The rate or amount of the tax so imposed may vary according as sewage or rubbish or both is or are removed:

Provided that, in fixing the rate or rates of such tax, regard shall be had to the principle that the net proceeds thereof should not exceed the net cost of the removal and disposal of the said sewage or rubbish, or both, including the cost of the maintenance and repair of all materials, appliances and works connected with such removal and disposal after deducting the produce of the sale of such materials, appliances and works, if sold.

Procedure for imposing such taxes.

67. (*1*) The imposition in any municipality of any tax under this Act shall first be proposed at a special meeting of the committee.

(*2*) If and when a resolution has been passed approving of the imposition of a tax proposed under sub-section (*1*), the committee shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(*3*) Any person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the date of the publication of such notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(*4*) If no objection is received within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the committee may submit its proposals to the President of the Union, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(*5*) The President of the Union, on receiving such proposals, may sanction the same, or refuse to sanction them, or sanction so much thereof as he may think fit, or return the same to the committee for further consideration.

(*6*) * * * *

(*7*) When any proposal of the committee in respect of a tax has been sanctioned in whole or in part by the President of the Union, the President of the Union may notify the imposition of the tax as sanctioned from a specified date, which date shall be the first day of January, April, July, or October in any year and shall be distant not less than three months from the date of such notification, and thereupon the tax shall come into force from the date so specified, and if it is a tax leviable by the year and comes into force on any day other than the first day of January, it shall be leviable in quarterly instalments until the first day of January then next ensuing.

(*8*) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish, reduce or suspend tax.

68. (*1*) The committee may, by resolution passed at a special meeting, propose to abolish or reduce in amount any tax imposed under this Act, or to suspend the levy of any tax for any specified period, and the President of the Union may sanction, or refuse to sanction, such proposal in whole or in part only. If the President of the Union sanctions such proposal in whole or in part, he shall notify in the Gazette the abolition or reduction of the tax or the suspension of the levy thereof, as the case may be.

(*2*) A tax may be abolished or reduced in amount or the levy thereof suspended in the whole or any part of the municipality.

Power to exempt from taxation.

69. (*1*) The committee may, by resolution passed at a special meeting, sanctioned by the President of the Union and published in the Gazette, and the President of the Union may, by notification, exempt in whole or in part from the payment of any tax any person or class of persons, or any property or description of property, animals or vehicles.

(*2*) The committee may, by resolution supported by two-thirds of the whole number of members, exempt in whole or in part, for any period not exceeding one year, from the payment of any tax imposed under this Act, any person who by reason of poverty may, in its opinion, be unable to pay the same.

Power to President to suspend levy of tax.

70. (*1*) If at any time it appears to the President of the Union, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the public, he may require the committee to take, within a specified period, measures to remove the objection; and if within that period such requisition is not complied with to the satisfaction of the President of the Union, the President of the Union may, by notification, suspend the levy of the tax or of any part thereof until the objection has been removed.

(*2*) * * * *

Power to make rules for assessment, collection and remission of taxes.

71. (*1*) The President of the Union may make rules consistent with this Act for the assessment, collection and remission or refund of taxes leviable under this Act and for preventing evasion of the same.

Such rules may also authorize the committee to dispose in accordance with such rules, by way of lease or otherwise, of the right to collect any tolls leviable under section 62, sub-section (*1*), division (*A*) clause (*h*).

(*2*) In making any rule under this section, the President of the Union may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

72. No tax imposed under this Act shall be invalid merely for defect of form ; and it shall be enough in connection with any such tax on property, or any assessment of value for the purpose of the tax, if the property taxed or assessed is so described as to be generally known ; and it shall not be necessary to name the owner or occupier (if any) thereof. Taxes not invalid for defect of form.

73. * * * *

74. Any tax imposed under this Act and payable periodically shall be payable on such dates during the period in respect of which it is leviable, and in such instalments (if any) as the committee may, subject to the provisions of section 67, sub-section (*7*), and to any rules made by the President of the Union in this behalf, from time to time direct. Taxes when payable.

75. For every sum paid on account of any tax under this Act a receipt stating the amount and the tax on account of which it has been paid shall be tendered by the person receiving the same on behalf of the committee to the person making the payment. Receipts to be given.

Taxes on Immoveable Property.

76. (*1*) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing— Preparation of assessment-list.

(*a*) the name of the street or division in which the property is situate ;

(*b*) the designation of the property, either by name or by number, sufficient for identification ;

(*c*) the names of the owner and occupier if known ;

(*d*) the annual value, area, street frontage or profit on which the tax is assessed ; and

(*e*) the amount of the tax asssesed thereon by the committee.

(*2*) For the purpose of preparing such list the committee may require the owners or occupiers of buildings or lands to furnish it with returns of the measurements or of the rent or annual value or profit of such buildings or lands.

(*3*) Whoever omits to comply with such requisition, or furnishes a return which is untrue, shall be punishable with fine which my extend to fifty rupees, and shall be precluded from objecting to any assessment made by the committee in respect of any building or land of which he is the owner or occupier,

77. When the assessment-list has been completed, it shall be signed by the Chairman or Vice-Chairman and the committee shall give public notice of the fact and of the place where the list or a copy thereof may be inspected ; and every person claiming to be either an owner or an occupier of any property included in such list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge. Publication of notice of assessments.

Public notice of time fixed for revising assessment-list.

78. (*1*) The committee shall, at the time of publishing the assessment-list under the last foregoing section, give public notice of a time, not less than one month from the publication of such notice, when it will proceed to revise the assessment; and in all cases in which any property is for the first time assessed, or the assessment of any property is increased, it shall also give notice of such assessment, or increased assessment, as the case may be, to the owner or occupier of the property, whichever of them will be liable as between themselves to pay the tax.

(*2*) Every objection to any such assessment or increased assessment shall be made in writing and shall be submitted at least eight days before the time fixed in the notice referred to in sub-section (*1*):

Provided that the committee may in its discretion receive oral objections at the time specified in the notice.

Settlement of list.

79. (*1*) A sub-committee of not less than two members appointed for this purpose by the committee shall inquire into any objection submitted under the last foregoing section, and in the course of such inquiry shall allow the objector an opportunity of being heard, either in person or by authorized agent, as the objector may think fit, and shall have authority to receive evidence on any matter arising therein, and shall record the proceedings and a summary of the evidence taken therein, and shall give a separate decision on each objection submitted as aforesaid, either at the hearing thereof or on a subsequent day of which notice shall be given to the objector.

(*2*) An appeal from every decision of a sub-committee under sub-section (*1*) shall lie by petition in writing to the Deputy Commissioner, or, if the Deputy Commissioner is a member of the committee, to the Commissioner:

Provided—

(*a*) that the petition of appeal shall have been presented to the Deputy Commissioner or Commissioner within thirty days from the date of the communication to the appellant of the sub-committee's decision;

(*b*) that a notice in writing of the intention to appeal shall have been given to the Chairman of the committee within seven days from the date of the communication to the appellant of the sub-committee's decision; and

(*c*) that the petition is stamped under article 11 of Schedule II of the Court-fees Act.

(*3*) The appellant shall not be permitted, without the consent of the Deputy Commissioner or Commissioner, as the case may be, at the hearing of the appeal, to put forward any ground of appeal not set forth in his petition of appeal.

(*4*) It shall not be necessary for the respondent committee to appear before the Deputy Commissioner or Commissioner, and any letter which may be addressed by, or by order of, such committee to such Deputy Commissioner or Commissioner regarding the appeal shall, if a copy thereof has, before the

hearing of the appeal, been supplied to the appellant, be received and considered before the decision on the appeal is delivered.

(*5*) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of, assessment arises on which he entertains doubt, the Deputy Commissioner or Commissioner hearing the appeal may, of his own motion, and shall, on the application of the appellant, or of the Chairman of the respondent committee, made at the hearing, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement, with his own opinion on the point and the record of the case, for the decision of the High Court.

(*6*) When a case has been stated under the provisions of the last foregoing sub-section, the High Court shall, after considering the question so referred, send a ruling thereon to the officer by whom the reference was made, and such officer shall, on receipt of the ruling, dispose of the case in conformity therewith. It shall not be necessary for any party to the case to be present, either personally or by authorized agent, at the consideration of the case by the High Court.

(*7*) Subject to the foregoing provisions of this section, the decision of the sub-committee, Deputy Commissioner or Commissioner, as the case may be, shall be final.

(*8*) The Deputy Commissioner or Commissioner, as the case may be, shall in his decision direct by whom the costs of the appellant and those of the respondent committee are to be paid, and, if he directs that one party shall pay the other party's costs or any part thereof, he shall fix the amount of the costs to be so paid.

(*9*) Costs awarded under this section to the committee shall be recoverable by the committee as if they were arrears of a tax due from the appellant.

(*10*) The pendency of any appeal from a decision of the sub-committee shall not operate to delay or prevent the levy of any tax, or, when the tax is payable by instalments, of any instalment of any tax payable in respect of any property according to the assessment of the committee; but if, by the final decision upon an objection, it is determined that such tax or instalment ought not to have been levied in whole or in part, the committee shall refund to the person from whom the same has been levied the amount of such tax or instalment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

(*11*) If, in accordance with the provisions of this section, a refund of any payment made by an appellant be required, the committee shall make such refund within ten days after receipt of a certified copy of the final decision of the Deputy Commissioner or Commissioner, as the case may be.

(*12*) If the committee fails to pay any costs awarded to an appellant under sub-section (*8*) or any refund due to an appellant under sub-sections (*10*) and (*11*) within ten days from receipt of a certified copy of the final decision of the Deputy Commissioner or Commissioner, as the case may be, the Deputy Commissioner or Commissioner shall, on the application of the appellant, order the person having the custody of the balance of the municipal

fund to pay the amount, together with the costs of the application and of the service of the order, and such person shall be legally bound to comply with such order and shall debit the amount so paid against the balance of the municipal fund.

(*13*) The assessment-list shall be amended under the direction and signature of the Chairman or Vice-Chairman so as to make it correspond with the decisions upon objections submitted, or, in the case of appeals from such decisions, with the decisions on such appeals: and, subject to such amendments as may thereafter be duly made, the assessments in the list shall be the assessments on which the tax shall be calculated and levied for the year of assessment next ensuing, and, in the case of a tax imposed for the first time, for the period between the date of the coming into force of the tax and the commencement of the next year of assessment.

(*14*) The assessment-list, when amended under this section, shall be deposited in the committee's office, and shall there be open to inspection during office hours by all owners or occupiers of property comprised therein, and a public notice that it is so open to inspection shall forthwith be published.

Further amendments of assessment-list.

80. (*1*) The committee may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by including any property which ought to have been included, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to the person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(*2*) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same, either in person or by authorized agent, as he may think fit.

(*3*) The provisions of section 79 shall apply to objections and appeals in such cases.

Addition of new buildings to assessment-list.

81. When a new building is erected after the completion of the assessment-list, the committee may cause it to be added to the list, and in such a case the provisions of sections 76 to 78 and section 79 shall apply, except that no public notice shall be required. In such a case the assessment shall take effect from the beginning of the month following the date on which the assessment is settled by the committee.

New list need not be prepared every year.

82. It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice as if a new valuation and assessment-list had been prepared.

Joint and several liability of owners and occupiers for taxes.

83. Every tax payable under section 62, sub-section (*1*), division (*A*), clause (*a*), clause (*b*), clause (*c*) or clause (*d*), or section 63 or section 64 or section 65 or section 66, in respect of any building or land, shall be payable jointly and severally by all persons who have been either owners or occupiers of the building or land at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable.

Liability of owners and occupiers as between themselves for taxes.

84. (*1*) In the absence of any agreement to the contrary between an owner and an occupier of any building or land, any tax payable under section 62, sub-section (*1*), division (*A*), clause (*a*), clause (*b*), clause (*c*) or clause (*d*), which is paid by or recovered from the occupier, shall be recoverable by him from the owner, and any tax payable under section 63, section 64, section 65 or section 66, which is paid by or recovered from the owner, shall be recoverable by him from the occupier.

(*2*) A sum recoverable under sub-section (*1*) by an occupier from an owner may be deducted by the occupier from any rent due or afterwards accruing due from him to the owner.

Remission and Refund.

Remission and refund of taxes.

85. (*1*) When any building in respect of which a tax is leviable under section 62, sub-section (*1*), division (*A*), clause (*a*), or clause (*b*), or clause (*d*), or under section 63, or section 64, or section 65 or section 66, remains unoccupied throughout the period on account of which an instalment of such tax is payable, the amount payable in respect of such building on account of such period shall, on application in writing to the committee, be remitted, and, if such amount has been paid, it shall be refunded:

Provided that it shall be in the discretion of the committee to direct that no such remission or refund shall be granted under this sub-section unless notice in writing of the vacancy has been given to it within such time after the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(*2*) When any such building as aforesaid—

(*a*) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(*b*) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit or refund such portion (if any) of the tax or instalment as it may think equitable.

(*3*) The burden of proving the facts entitling any person to claim relief under this section shall lie upon such person.

CHAPTER V.

FUNDS AND PROPERTY.

Municipal fund constituted.

86. There shall be formed for each municipality a municipal fund and there shall, save as by this Act otherwise provided, be credited thereto—

(*a*) all sums received by or on behalf of the committee under this Act or otherwise;

(*b*) all fines realized from persons convicted under this Act or the rules or bye-laws thereunder, or under section 34 of the Police Act, for offences committed within the municipality;

(*c*) the whole, or any such part as the President of the Union may approve, of any contributions from the port fund of any port abutting on, or situated within, the municipality, made under the authority of the Ports Act.

Application of fund.

87. (*1*) The committee shall set apart and apply annually out of the municipal fund,—

(*a*) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions, payments, and contributions as are referred to in sections 50, 51, 52 and 53 and the payment of advances granted to members of the establishment for the purpose of enabling them to acquire or construct residences for themselves or for any other purpose for which advances may be made to servants of the Government; and

(*c*) thirdly, such sums as may be required to pay the expenses of pauper lunatics and [paupers affected with leprosy][1] sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the departments of [* * *][2] Sanitation, Vaccination, Medical Relief and Public Works as may be deemed by the President of the Union to be equitably debitable to the committee in return for services rendered to it by such departments or any of them.

(*2*) Subject to the charges specified in sub-section (*1*) and to such rules as the President of the Union may make with respect to the priority to be given to the several obligations of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the undermentioned matters within the municipality and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(*a*) the construction, maintenance, improvement, cleansing, and repair of streets and of public bridges, embankments, drains, latrines, tanks and water-courses;

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[1] Substituted by Act XL, 1950.
[2] Deleted by Act LII, 1950.

(*b*) the watering and lighting of the streets or any of them;

(*c*) the prevention and extinction of fires;

(*d*) the construction, establishment and maintenance of [* * *][1] hospitals, dispensaries, [leprosy homes][2] and other institutions [* * *][1] for the benefit of the public health, and of rest-houses, *zayats*, wharves, poor-houses, markets, encamping grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(*e*) grants-in-aid to [* *][1] hospitals, dispensaries, poor-houses, [leprosy homes][2] and other [* * *][1] charitable institutions;

[1] (*f*) * * * *

(*g*) the giving of relief and the establishment and maintenance of relief works in time of scarcity or famine;

(*h*) the supply, storage and preservation from pollution of water for the use of men or animals;

(*i*) the planting and preservation of trees;

(*j*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measures;

(*k*) the keeping and auditing of the accounts of the municipal fund [* * *][1] and the hospital fund;

(*l*) the holding of fairs and industrial exhibitions; and

(*m*) all other acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the President of the Union, to be an appropriate charge on the municipal fund.

[1] **88.** * * * *

89. (*1*) There may be formed for each municipality a hospital fund, to which shall be credited— Hospital fund.

(*a*) any fees received from paying patients in any hospital maintained by the fund;

(*b*) any money realized by the sale of medicines or other stores or articles purchased by the fund;

(*c*) any assignment that may be made to the hospital fund from the revenues of the Union of Burma or from any district or local fund;

(*d*) any other funds or income that may be entrusted to the committee for the construction or maintenance of hospitals, dispensaries or [leprosy homes][2], or the provision of medical aid or relief; and

(*e*) any sums assigned for medical purposes from the municipal fund.

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[1] Deleted by Act LII, 1950.

[2] Substituted by Act XL, 1950.

(*2*) No expenditure, except expenditure for the construction or maintenance of dispensaries, hospitals or [leprosy homes][1], or the provision of medical aid or relief or vaccination, shall be charged against the hospital fund. In case of doubt the Commissioner shall decide whether any expenditure is or is not for any of the purposes above mentioned, and his decision shall be final.

Custody of and disbursements from funds.

90. (*1*) The balances standing to the credit of the municipal [* * *][2] and hospital funds shall be kept in the nearest Government treasury or sub-treasury or, with the previous sanction of the President of the Union, in such bank as may be approved by the President of the Union in this behalf.

Where such treasury, sub-treasury or bank is situated outside the limits of the municipality, money required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, direct.

(*2*) Save as provided in section 92, no disbursement from the municipal fund [* * *][2] or the hospital fund shall be made except under the signature of the Chairman or Vice-Chairman and one other member of the committee.

Investment of same.

91. (*1*) The committee may, from time to time, with the previous sanction of the President of the Union, invest any portion of the municipal fund [* * *][2] or hospital fund in [* * * *][3] Union of Burma Government securities or such other securities as the President of the Union may approve in this behalf, and may, with the like sanction, realize any such funds so invested or vary such investments for others of a like nature.

(*2*) The income resulting from such securities and the proceeds of the sale of the same shall be credited to the municipal fund, [* * *][2] or hospital fund, as the case may be.

Delegation of management of hospital fund to sub-committee.

92. (*1*) The committee may delegate [* * * *][2] to a hospital sub-committee the management of the hospital fund.

(*2*) [The hospital sub-committee][4] (if any) formed under sub-section (*1*) shall [* *][2] consist of such members of the committee as may be appointed by the committee for this purpose, and of such other persons (if any) as may be nominated for this purpose by the committee, the President of the Union or the Commissioner under rules made by the President of the Union in this behalf.

(*3*) Every hospital sub-committee [* * * *][2] shall elect a chairman.

(*4*) When the management of the [* * *][2] hospital fund has been delegated in manner provided by sub-section (*1*), disbursements therefrom may be made under the signature of the chairman of the [* * *][2] hospital sub-committee and one other member of [such hospital sub-committee][4].

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[1] Substituted by Act XL, 1950.
[2] Deleted by Act LII, 1950.
[3] Deleted by Act XL, 1950.
[4] Substituted by Act LII, 1950.

93. Subject to any special reservation made by the President of the Union in this behalf, all property in a municipality of the nature hereinafter specified shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say,— Property vested in committee.

(*a*) all public town-halls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of municipal funds;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto;

(*d*) all dust, dirt, dung, ashes, refuse, animal-matter or filth, or rubbish of any kind, collected by the committee from the streets, drains, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 145;

(*e*) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) all land or other property transferred to the committee by the Government or by gift or otherwise, for local public purposes; and

(*g*) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

94. (*1*) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee: Management of public institutions.

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the President of the Union:

Provided also that the committee may delegate its authority over [* *][2] hospitals maintained or aided by it to a [* *][1] hospital sub-committee, if any, formed under section 92.

(*2*) When the management, control and administration of any public institution are vested in the committee, all property, endowments and funds

[1] Deleted by Act LII, 1950.

belonging to such institution shall be held by the committee in trust for the purposes to which such property, endowments and funds are lawfully applicable.

Transfer to State of property vesting in committee.

95. The committee may, with the sanction of the President of the Union, transfer to the [State][1] any property vesting in and belonging to the committee under section 93, or any property, endowments and funds held by the committee in trust under section 94, sub-section (*2*), but not so as to affect any trusts or public rights subject to which such property, endowments and funds are held.

Resumption by Government of land vested in committee.

96. If any land which is vested in the committee, and which has been transferred from the [State][1] to the committee, is required by the Government for a public purpose, it may be resumed by the Government without compensation to the committee, except for the cost or the present value, whichever may be less, of any permanent buildings erected, or other works executed, thereon by the committee, and for the amount (if any) paid to the Government therefor.

Settlement of questions as to boundaries of, or compensation for, land resumed.

97. If any question arises between the Government and the committee as to the boundaries of any land vested in the committee by section 93, or as to the compensation to be paid under section 96 to the committee in respect of anything on any land to be resumed, the decision of the President of the Union shall be final.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Acquisition of land for building sites adjoining new streets.

98. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Closure of streets.

99. The committee may close temporarily any street vested in it, or any part thereof, for the purpose of repairs, or for the purpose of constructing or repairing any drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Prohibition of use of streets by a class of animals or vehicles.

100. The committee may by public notice prohibit the driving, riding or leading of animals or vehicles of any particular kind along any street or part of a street vested in it.

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[1] Substituted for the word "Crown" by the Union of Burma (Adaptation of Laws Order, 1948.

Temporary occupation of streets, etc.

101. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, or, subject to the provisions of the Dramatic Performances Act, the Towns Act, and of any other law for the time being in force, for holding a *pwé* or other entertainment thereon, and may make such conditions as it may think fit, either by bye-law or in any particular case by resolution, for the safety or convenience of persons passing by, or dwelling or working in, the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw such permission.

Brackets for lamps.

102. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any inconvenience or injury thereto.

Names of streets and numbers of buildings.

103. The committee may at a meeting cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

Use of inflammable materials in buildings.

104. The committee may, by bye-law, fix limits within which the roof and external walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves, or other highly inflammable material unless with its permission in writing; and may, by notice in writing, require any person who has disobeyed any such bye-law to remove or alter the roofs or external walls so made or renewed as it may think fit.

Fixing term for wearing out of inflammable roofs and walls.

105. (*1*) The committee may, by bye-law, prescribe that, within certain limits and after a day to be fixed by the bye-law, no building shall have a roof or external walls of bamboos, grass, mat, leaves, or other highly inflammable material without its permission in writing.

(*2*) The committee may, after the date so fixed, by notice in writing, require the owner of any building situated within the limits specified in such bye-law to remove any roof or external wall made of any such material.

(*3*) The date to be specified in a bye-law made under sub-section (*1*) of this section shall be such as, in the opinion of the committee, to allow the roofs and external walls of any such material in existence at the time of the making of such bye-law to remain until they would in ordinary course, if not repaired, require to be removed.

Line of buildings.

106. (*1*) If any building or part of a building projects beyond the regular line of a street, either existing or in process of formation, or beyond the front of the buildings on either side thereof, the committee may, whenever such first-named building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice in writing require such building or part, when being rebuilt, to be set back to or towards the said regular line of the front of the adjoining buildings; and the portion of

the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee :

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of his building or any part thereof being set back.

(*2*) The committee may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of a street.

Removal of projections and obstructions.

107. (*1*) The committee may, by notice in writing, require the owner or occupier of any building to remove or alter any projection, encroachment, or construction built or placed against or in front thereof so as to form part thereof, if the same overhangs, or projects into, or encroaches on, any street or any sewer, drain or aqueduct in the street, or any door, gate, bar, window, venetian shutter or other thing opening outwards into any street, so as to cause any obstruction therein.

The committee may, without giving any notice, remove any other encroachment or obstruction which has been erected or set up in a street, or in or over any sewer, drain or aqueduct in the street, whether the offender be prosecuted or not :

Provided that in lieu of requiring the removal or alteration of any such projection, encroachment, obstruction, door, gate, bar, window, venetian shutter or other thing opening outwards into a street, the committee may, upon such terms as to it shall seem fit, grant permission for the continuance thereof, either at the will of the committee or for a period of years not exceeding seven, and may reserve a rent for such permission.

(*2*) It shall not be lawful, unless with the permission in writing of the committee, for the owner or occupier of any building abutting on a street to add to or place against or in front of the building, any projection or structure overhanging, projecting into, or encroaching on, the street or any sewer, drain or aqueduct therein, or to spread, deposit, hang out or suspend any cloth, mat, goods or other article in or over any street or any sewer, drain or, aqueduct therein.

(*3*) The committee may give permission in writing to the owners or occupiers of buildings in streets to put up open verandahs, balconies, or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in such written permission.

Precautions on demolition of buildings.

108. (*1*) The committee may make bye-laws in respect of the demolition of buildings or of parts of a building for the purpose of prescribing the precautions to be taken for the prevention of danger or injury to the public and those engaged in the work, and for the protection of other parts of the same building and of other property in the vicinity thereof.

(*2*) Such bye-laws may also require any persons intending to demolish a building or part of a building to give at least three days' previous notice to such officer as may be specified in the bye-law, together with particulars of

the proposed demolition and of the precautions to be taken during the progress of the work, and may prohibit—

(i) the commencement of the demolition within such period of three days without the express consent of such officer as aforementioned, or

(ii) the commencement or continuance of the demolition unless and until all precautions have been and are being taken in accordance with such bye-laws and with any directions or requisitions in writing which the committee may serve on the person in charge of the work or on the person who submitted the notice, if any, required under such bye-laws.

(*3*) This section shall not take effect in any municipality until it has been specially declared to apply thereto by the President of the Union at the request of the committee.

Power of carrying wires, pipes, drains, etc.

109. The committee may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water-supply or lighting through, across, under or over any street or railway or any place laid out as or intended for a street, and, after giving reasonable notice in writing to the owner or occupier, through, across, under, over or up the side of any land or building whatsoever within or without the municipality, and may place and maintain any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights on any immoveable property in the municipality, and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

Prohibition of disposal of land for construction of buildings not abutting on street without constructing street giving access thereto.

110. No person shall, without the permission of the committee, utilize, sell, lease, or otherwise dispose of land for the construction of buildings, except where each site abuts on an existing street, until he has laid down and constructed a street or streets giving access to each site and connecting with an existing public or private street.

Making of new private streets.

111. (*1*) Any person intending to make or lay out a new private street shall make a written application to the committee accompanied by plans and sections showing the following particulars, namely :—

(*a*) the intended level, direction and width of the street,

(*b*) the connection of the street with any existing street or streets,

(*c*) the street alignment and the building line, and

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(*2*) Within sixty days after the receipt of any application under sub-section (*1*), the committee shall either sanction the making of the street on such conditions as it may think fit, or disallow it, or ask for further information with respect to it.

(*3*) Such sanction may be refused—

(i) if the proposed streets would conflict with any arrangements which have been made, or which are in the opinion of the committee likely to be made, for carrying out any general scheme for the laying out of streets ;

(ii) if the width or level of the proposed street is, in the opinion of the committee, not in accordance with the requirements of the public health, safety and convenience ;

(iii) if the proposed street is not designed so as to connect at one end with an existing street ; or

(iv) if the connection of the proposed street with any existing street is, in the opinion of the committee, not in accordance with the requirements of the public health, safety or convenience.

(*4*) No person shall make or lay out any new private street without or otherwise than in conformity with the orders of the committee. If further information is asked for, no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information; provided that the passing of such orders shall not in any case be delayed for more than sixty days after the committee has received all the information which it considers necessary to enable it to deal finally with the said application. Any application not disallowed within a period of one hundred and twenty days from the date of receipt by the committee shall be deemed to have been sanctioned.

Alteration or demolition of street made in breach of section 111.

112. (*1*) If any person makes or lays out any street referred to in section 111 without or otherwise than in conformity with the orders of the committee, the committee may, whether or not the offender be prosecuted under this Act, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him or his duly authorized agent and sent to the committee on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the committee or, if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the committee either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(*2*) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the committee why such street should not be so altered or demolished, the committee may by notice require the said person to alter or demolish the said street.

113. (*1*) If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the committee, it may, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street, or which will benefit by works executed under this section, to level, metal or pave, drain and light the same in such manner as it shall direct. Levelling and draining of private streets.

(*2*) If such requisition be not complied with on or before the date specified in such notice, the committee may cause the work to be done by municipal or other agency under its own orders, and the expenses incurred by the committee in so doing shall be paid by the owners of the premises aforesaid in such proportions as the committee shall think fit.

(*3*) Not less than fifteen days before the commencement of any work under sub-section (*2*) the committee shall give written notice to all the said owners of—

(*a*) he nature of the intended work;
(*b*) the estimated expenses thereof; and
(*c*) the proportion of such expenses payable by each owner.

(*4*) Any owner who is of opinion that the proportion of expenses payable by him in accordance with the order of the committee under sub-section (*2*) is incorrect or unjust may appeal against such order to the District Court.

(*5*) Effect shall be given by the committee to the decision of the Court under sub-section (*4*).

114. When any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the committee, the committee may, with the consent of, and shall, upon the request of the owner or of any of the owners of such street, by notice put up in any part of such street, declare the same to be a public street and thereupon the same shall become a public street. Power to declare private streets, when sewered, to be public streets.

115. (*1*) The committee shall make bye-laws for the control of buildings which may, without prejudice to the generality of the foregoing power, provide for and regulate the following matters, namely:— Power to make bye-laws for control of buildings.

(*a*) rendering compulsory a notice to the committee of intention to erect or re-erect any building;
(*b*) the information and plans, specifications and particulars to be submitted with applications for the approval of sites and for permission to erect or re-erect any building;
(*c*) rendering compulsory the appointment of a person to supervise the work of erection or re-erection of bulidings or of any specified class or classes of buildings and the description of the qualifications which such person shall possess;
(*d*) the grant of completion certificates in respect of newly erected or re-erected buildings, including the description of the cases in

which, and of the persons by whom, such certificates shall be granted;

(*e*) the height of buildings, whether absolute or relative to the width of streets;

(*f*) the level and width of the foundation, the level of the lowest floor or plinth, and the stability of the structure;

(*g*) the number and height above the ground, or above the next lower storey, of the storeys of which any building may consist;

(*h*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(*i*) the free passage or way in front of buildings;

(*j*) the space to be left about any building to secure the free circulation of air and facilitate scavenging and for the prevention of fire;

(*k*) the ventilation and drainage of buildings;

(*l*) the means and appliances to be provided and maintained for egress from a building and protection of life in case of fire;

(*m*) the materials to be used and method of construction to be adopted;

(*n*) the number, position, materials and methods of construction of fire-places, smoke-escapes, chimneys, staircases, water-closets, closet accommodation, latrines, urinals, privies, sewers, sewerage-connection, ventilating pipes, cesspools, traps, sinks, sullage trays, water connections, wells and drains in buildings;

(*o*) specifying the parts or portions of building sites on which no building shall be erected and the position thereof;

(*p*) the paving of any passage between two buildings or appurtenant to any buildings;

(*q*) the restrictions on the use of inflammable materials in buildings;

(*r*) the precautions to be taken for the purpose of preventing danger or injury to the public or to persons employed in the work, and of securing the stability of the various parts of the structure and of buildings and property in the vicinity thereof, during the progress of the work or of any demolition or excavation therefor; and

(*s*) the building line, if the building abuts on a street:

Provided that the committee may, for sufficient reasons to be recorded by a resolution dispense with the observance of any or all of the bye-laws (if any) made under this sub-section in regard to the erection or re-erection of any particular building.

(*2*) The committee may, at any time within six weeks after the receipt of any notice required by any bye-law made under sub-section (*1*), clause (*a*), and any document required by any bye-law made under sub-section (*1*), clause (*b*), by notice in writing either prohibit the erection or re-erection of the building, or may require further plans, specifications and particulars of the kind referred to in any bye-law made under sub-section (*1*), clause (*b*), or give any directions consistent with this Act or any bye-laws made thereunder.

(*3*) If any building is begun or erected or re-erected in contravention of any such bye-law, prohibition, or direction as aforesaid or in contravention of the provisions of sub-section (*5*), the committee may, by notice in writing, require the building to be altered or demolished, as it may deem necessary.

(*4*) If any person, after delivering plans and specifications regarding any building under any bye-law made under sub-section (*1*), clause (*b*), departs, except under the orders or with the permission of the committee, from such plans and specifications, the committee may, by notice in writing, require such building to be altered or demolished, as it may deem necessary.

(*5*) The work of the erection or re-erection of a building or of any excavation for the foundations thereof shall not be commenced unless and until such erection or re-erection has been permitted by the committee under sub-section (*2*). But if within six weeks next following the day on which all documents, plans, specifications and particulars called for have been submitted to the committee, or if such have not been called for within six weeks of an application, the committee shall not have passed orders granting or refusing permission, such permission shall be deemed to have been given, and the applicant may proceed to erect or re-erect such building but not so as to contravene any provision of this Act.

Lodging-Houses.

Prohibition of keeping unlicensed lodging-house.

116. (*1*) No person shall, except under and in conformity with the terms and conditions of a licence granted by the committee, keep any lodging-house.

Power to make bye-laws relating to lodging-houses.

(*2*) The committee may, and in the case of common lodging-houses shall, make bye-laws providing for—

(*a*) fixing the number of persons who may occupy a lodging-house;

(*b*) the inspection of lodging-houses;

(*c*) promoting cleanliness and ventilation in lodging-houses, and a clean and sanitary condition in the premises connected therewith;

(*d*) the lighting of common spaces and staircases in lodging-houses;

(*e*) the precautions to be taken in the case of any dangerous disease breaking out in a lodging-house; and

(*f*) the general regulation and control of lodging-houses.

Theatres, Music Halls, Etc.

Power to make bye-laws for inspection, regulation and licensing of theatres, music halls, etc.

117. The committee may make bye-laws—

(*a*) for the inspection and general and sanitary regulation of theatres, music halls and other buildings used for public entertainment;

(*b*) for regulating the holding of entertainments in such buildings in order to ensure the health, safety and convenience of persons employed in or resorting to the same; and

(*c*) for rendering licences necessary for the keeping of such buildings:

Provided that no bye-laws under this section shall apply to any building to which the Cinematograph Act applies.

Insanitary and Dangerous Buildings, Etc.

Power to make bye-laws for prevention of over-crowding, removal of insanitary or dangerous buildings, etc.

118. The committee may make bye-laws for—

(*a*) the prevention of overcrowding by fixing the number of persons who may occupy any building ;

(*b*) the removal or improvement of insanitary buildings or buildings in a dangerous or ruinous condition ; and

(*c*) the cleansing, lime-washing or painting of buildings.

Provisions regarding buildings unfit for human habitation.

119. (*1*) If for any reason it shall appear to the committee that any building or part of a building, intended for or used for human habitation or human occupation for any purpose whatever, is unfit for such habitation or occupation, it shall give to the owner or occupier of such building notice in writing stating such reason and signifying its intention to prohibit the further use of such building or part of a building for such purpose and calling upon the owner or occupier of such building to state in writing any objection thereto within seven days after the receipt of such notice, and, if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the committee invalid or insufficient, it may, by an order in writing, prohibit the further use of such building or part of a building for human habitation or occupation.

(*2*) When any such prohibition as aforesaid has been made, the committee shall cause notice of such prohibition to be served upon the owner of, and upon every person who occupies or uses for any purpose, the building or part of a building thereby affected; such notice shall specify a day, being not earlier than fourteen days after the date thereof, on or before which every such occupier shall remove himself and his property from the said building or part of a building, and, if on the day so appointed any occupier has failed to comply with the terms of the said notice, the committee may cause such occupier and his property to be removed from the said building or part of a building and may for such purpose enforce the prohibition by calling upon the senior police-officer within the municipality to enforce such removal, and such police-officer, on receipt of such requisition, shall cause all the persons aforesaid to be removed from such building, and shall take such measures as will prevent any such person from again entering into or remaining upon such building or part of a building except with the permission of the committee; and all expenditure incurred in such enforcement may be recovered from the person offending.

(*3*) When a building or part of a building has been evacuated under sub-section (*2*), the committee shall [mark it in such a way as to indicate clearly that it is unfit for human habitation] [1], and no person shall, except with the permission of the committee and in accordance with the terms and conditions of such permission, enter into or remain in such building or part of a building.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*4*) At any time after a building or part of a building has been evacuated under sub-section (*2*), the committee may, if it considers that such building or part of a building can be rendered fit for human habitation by structural alterations or repairs, by notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs as it deems necessary, or may, if it considers it impossible to render such building or part of a building fit for human habitation, by notice in writing call upon the owner to demolish such building or part of a building within a period of thirty days from the date of receipt of such notice.

(*5*) If at the expiration of the aforesaid period of six months such structural alterations or repairs have not been executed to the satisfaction of the committee, it shall issue to the owner thereof a notice in writing ordering the demolition of such building or part of a building within a period of thirty days from the date of receipt of such notice.

(*6*) For sufficient cause, the committee may extend the time allowed under, or prescribed by, sub-sections (*4*) and (*5*).

(*7*) If any building or part of a building in respect of which an order under this section has been made is the subject of a lease, such lease shall be voidable at the option of the lessee with effect from the date on which the said order comes into force.

Ruinous Buildings, Structures, Wells, Etc.

Removal of buildings, etc., in ruinous or dangerous state.

120. If any building, wall, structure or anything affixed thereto, or any tree, branch or hedge is in a ruinous state or in any way dangerous the committee may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made therein as it considers necessary for the public safety ; and if it appears to be necessary in order to prevent imminent danger, it shall forthwith take such steps as may be necessary to avert such danger.

Repair, etc, of wells, tanks, etc.

121. If any well, tank or other excavation is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice in writing, require the owner or occupier thereof to repair, protect, or enclose the same, and if it appears to it to be necessary in order to prevent immediate danger, it shall forthwith take such steps as may be necessary to avert such danger.

Fences.

Fencing of land.

122. Where the Committee decides that it is necessary, it may, by notice in writing, require the owner of any land to erect, and thereafter to maintain, a fence around such land, or to put in repair to the satisfaction of the committee any existing fence on such land.

Clearing of noxious Vegetation, Etc.

Clearance of noxious vegetation, etc., trimming of hedges and trees and cleaning of filthy land or building.

123. The Health Officer, or any officer or servant of the committee authorized by the Health Officer or the committee in this behalf, may, by notice in writing, require the owner or occupier of any building or land to clear away and remove any thick or noxious vegetation, jungle or undergrowth, to cut or trim any hedge bordering on, or any branch of any tree overhanging, any street or public place or land or building vested in or belonging to the committee, or, if such land or building is in a filthy or unwholesome state, to cleanse the same and otherwise put it in a proper state.

Parks and Recreation Grounds.

Public parks and recreation grounds.

124. The committee may establish and maintain public parks and recreation grounds and may make bye-laws for the sanitary and general regulation thereof.

Precautions against Fire.

Precautions against fire.

125. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice—

(*a*) prohibit all persons from stacking or collecting bamboos, dry grass, straw, or other inflammable material, or lighting fires, in any place or within any limits specified in such notice;

(*b*) declare under what conditions, and at what times, fires may be lighted in any such place or within any such limits; and

(*c*) require the owners or occupiers of any buildings with thatched roofs within the municipality to place mats thereon of such descriptions as the committee may prescribe.

Camping Grounds.

Prohibition of keeping open unlicensed public camping ground or halting place for vehicles or animals.

126. (*1*) No person shall, except under and in conformity with the terms and conditions of a licence granted by the committee, establish or keep open any public camping ground or halting place for vehicles or animals of any description.

(*2*) The committee may make bye-laws prescribing the conditions which shall apply to licences issued under sub-section (*1*) and for the general and sanitary regulation of camping grounds and halting places.

(*3*) The committee may charge a fee not exceeding five rupees per annum for such licence.

(*4*) The committee may provide and maintain public camping grounds and halting places for vehicles and animals and may charge fees for the use of the same.

Bathing and Washing Places.

Bathing and washing places. Power to charge rent or fee and to make bye-laws for management and regulation of such places.

127. (*1*) The committee may set apart suitable places for the purpose of bathing, and may by public notice prescribe the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants ; and may by public notice prohibit bathing or the washing of animals or clothes in any public place not so set apart, or at times or by persons other than those so specified, and any other acts, to be specified in such notice, by which water in public places may be rendered foul or unfit for use.

(*2*) The committee may provide such bathing and washing places and may charge a rent or fee for the use of the same.

(*3*) The committee may make bye-laws for the management and general and sanitary regulation of bathing and washing places.

Burial and Burning Grounds.

Prohibition of keeping corpses unburied beyond specified period.

128. No person shall, without the permission in writing of the Health Officer or, where there is no Health Officer, of such officer or person as may be authorized by the committee in this behalf, keep a corpse or cause a corpse to be kept unburied when seventy-two hours or, if the cause of death was cholera or small-pox, twenty-four hours after death have elapsed.

Provision and maintenance of burial or burning grounds.

129. The committee may provide and maintain or may assist in the provision and maintenance of burial or burning grounds.

Closure and formation of burial and burning grounds.

130. (*1*) The committee may, by public notice, order any burial or burning ground to be closed from a date to be specified in the notice, and shall in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*2*) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf : provided that the limits of such burial-places are sufficiently defined, and that they are used only for the burial of members of the family of the owner thereof.

(*3*) No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act without the permission in writing of the committee.

Removal of corpses.

131. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning grounds.

Power to make bye-laws regulating the use of burial and burning grounds.

132. The committee may make bye-laws for controlling and regulating the use and management of burial and burning grounds.

Registration of Births and Deaths.

Power to make bye-laws regarding registration of births and deaths and taking of census.

133. The committee shall make bye-laws for the registration of all births and deaths which take place within the municipality, and for the taking of a census.

Private Markets.

Prohibition of private markets without licence.

134. (*1*) No person shall, without or otherwise than and in conformity with the terms of a licence granted by the committee in this behalf,

(*a*) keep open,

(*b*) newly establish,

(*c*) remove from one place to another,

(*d*) re-open, or re-establish after discontinuance for a period of not less than one year, or

(*e*) enlarge the area or dimensions of

a private market:

Provided that the committee shall not refuse, cancel or suspend any licence for keeping open a private market, lawfully in existence on the 1st July 1898,[1] for any other cause than the failure of the owner thereof to comply with some provision of this Act or the rules and bye-laws thereunder or condition of his licence after his attention has been drawn to such failure.

(*2*) When the committee has refused, cancelled or suspended any licence to keep open a private market it shall cause a notice of its having done so to be affixed [* * * *][2] on some conspicuous spot on or near the building or place where such market has been held.

(*3*) The committee may charge a fee not exceeding one hundred rupees per annum for such licence.

(*4*) The committee may make bye-laws for the management and sanitary and general regulation of markets, or of any market whether municipal or private.

Occupation and Obstruction of Streets.

Occupation of streets or land for sale of commodities.

135. The committee may grant permission in writing for the occupation of any street or land vested in or belonging to it for the purpose of erecting stalls or booths for the sale of any commodity and may charge rent for such

[1] Date of commencement of this Act.

[2] Deleted by the Union of Burma (Adaptation of Laws) Order, 1948.

permission and may make such conditions as it may think fit by bye-law for the regulation of such stalls or booths:

Provided that such permission shall, in the case of a public street, be at the will of the committee.

Prohibition of obstructions in street.

136. No person shall, except with the permission of the committee, and in accordance with such conditions, including the payment of rent, as the committee may impose either generally or specially in that behalf, place or deposit upon any street or drain, well, or channel therein, any stall, chair, bench, box, ladder, bale, tray or other things, and the committee may, after giving three days' notice, remove any such stall, chair, bench, box, ladder, bale, tray or other thing or may, in lieu of such removal, collect such rent for the use of the land as it may impose.

Offensive and Dangerous Trades.

Regulation of offensive or dangerous trades.

137. (*1*) No person shall, except under and in conformity with the terms and conditions of a licence granted by the committee—

(*a*) keep in or upon any premises for any purpose whatever, any blood;

(*b*) keep in or upon any premises for sale or for other than domestic use any of the following articles, namely:—bamboos, celluloid goods, charcoal, cinematograph films, bones, coal, coir, coke, *dani*, firewood, flax, hair, hay, hemp, hides (dried or wet), hoofs, horns, jute, matches (more than one gross of boxes), petroleum and dangerous petroleum as defined in the Petroleum Act, rags, skins, straw, timber, thatching grass, wool, or any other article which the President of the Union may, by notification, declare to be in his opinion dangerous to life, health or property, or likely to create a nuisance; or

(*c*) carry on or allow to be carried on, in or upon any premises, any of the following trades or operations connected with such trades, namely:— breeding pigs or ducks, dyeing cloth or yarn, tanning, pressing or packing hides or skins, whether raw or dried, par-boiling of paddy, oil boiling, manufacturing, packing, pressing, cleaning, cleansing or preparing by any process whatever any of the following articles, namely:—bones, *bratties* (cowdung cakes), bricks or tiles, candles, catgut, chemicals, cotton, cotton refuse, cotton seed, fat, flax, *ghee*, lac, lime, *ngapi*, oilcloth, paper, pitch, pottery, rags, soap, soy sauce, sugar, tallow, tar, wool, or any trade or operation which the President of the Union may, by notification, declare to be in his opinion dangerous to life, health or property, or likely to create a nuisance, either from its nature or by reason of the manner in which or the conditions under which the same is or is proposed to be carried on.

(*2*) The committee may make bye-laws prescribing the general conditions which shall apply to all licences granted under sub-section (*1*) and special

conditions for the storage of any article or carrying on any trade or operation, which conditions may include the provision of suitable buildings and their separation from other buildings.

(*3*) Subject to such conditions, the licence shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood:

Provided that the committee may, with the approval of the President of the Union, by public notice prohibit the establishment or maintenance of any business or class of business referred to in sub-section (*1*) in the whole or any part of the municipality:

Provided also that nothing in this section shall affect the provisions of the Petroleum Act or the Explosives Act.

Prohibition of such trades.

138. If it is shown to the satisfaction of the committee at a meeting that any place licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice in writing, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or likely to be dangerous.

Bakeries Eating-Houses, Etc.

Power to make bye-laws regarding bakeries, eating-houses, etc., and licensing thereof.

139. The committee may make bye-laws for the inspection and general and sanitary regulation of milk-sellers, bakeries, places where sweets are manufactured, public eating-houses, refreshment stalls and aerated water and ice factories, and for rendering licences necessary for the same.

Slaughter-Houses.

Prohibition of establishment of slaughter-houses.

140. No person shall, at any place other than a municipal slaughter-house, slaughter or cause or permit to be slaughtered any four-footed animal, the flesh of which may be used as human food:

Provided that—

(i) Any person may slaughter animals, the flesh of which is not intended for sale, on the occasion of any festival or ceremony, provided that not less than twelve hours' notice before such slaughter has been given to the committee and provided further that this section shall not apply to the sacrifice of animals in religious temples or other places of worship.

(ii) The committee may, with the previous sanction of the President of the Union and in accordance with such conditions as the President of the Union may prescribe, grant a licence for a private slaughter-house and charge a fee for such licence.

Levy of rents or fees for use of municipal slaughter-houses.

141. The committee may charge rents or fees for the use or occupation of any municipal slaughter-house or any shed, standing, pen, lairage or other building or space therein.

142. The committee may make bye-laws for— Power to make bye-laws as to management of slaughter-houses.

(*a*) the management and sanitary and general regulation of slaughter-houses or of any slaughter-house, and of the slaughtering of animals therein;

(*b*) the prohibition of the sale of the flesh of any four-footed animal not slaughtered in a municipal slaughter-house and the prohibition and regulation of the importation into the municipality of the flesh of any such animal slaughtered without the municipality;

(*c*) the prohibition of the sale of meat by any person except under and in comformity with the terms and conditions of a licence granted by the committee; and

(*d*) requiring sellers of meat to procure from the committee and, on requisition, to produce passes showing that the meat sold or exposed for sale by them has been derived from animals slaughtered in a municipal slaughter-house.

143. Whenever it appears to the District or Subdivisional Magistrate that a breach of the peace is imminent, he may prohibit or regulate, by proclamation published in such manner as the President of the Union may, by notification, prescribe, the slaughter within the limits of a municipality or of any portion thereof of animals or of any specified description of animals for purposes other than sale, and may by order prescribe the mode and route in and by which meat shall be conveyed from the place where such animals are slaughtered. Regulation of the slaughter of animals for other purposes.

Keeping and Importation of Animals.

144. The committee may make bye-laws for— Power to make bye-laws for prohibition and regulation of keeping or importation, etc., of animals.

(*a*) the prohibition and regulation of the keeping of animals in the municipality;

(*b*) the inspection and general and sanitary regulation of dairies, stables and buildings or enclosures where animals are kept, whether or not the animals therein are kept for profit, and, if the animals are kept for profit, for the regulation of the feeding of such animals and for rendering licences necessary for the same;

(*c*) the prohibition and regulation of the importation of animals into the municipality and the transport of animals within the municipality;

(*d*) the destruction and confiscation of swine and dogs found straying in the municipality, and the confinement and destruction of dogs suffering or reasonably suspected to be suffering from rabies or bitten by any dogs so suffering or suspected, and the control and muzzling of dogs likely to annoy or intimidate the public, and the destruction of crows and crows' nests;

(*e*) the disposal of carcases of animals dying in the municipality ;

(*f*) the destruction of any animals in the municipality which from old age or other causes are in a moribund or infirm state or have received such injuries or are suffering from such dangerous disease that their recovery therefrom is unlikely ;

(*g*) the prevention of the sale or use as human food of the carcases of animals which die naturally or from disease ;

(*h*) the prohibition of importation into the municipality, or sale or disposal or use of any animal or the hide, or any portion of the carcase, of any animal dying or slaughtered on account of, or suffering from, any disease ; and

(*i*) the segregation of diseased animals.

Deposit of Offensive Matter.

Removal and deposit of offensive matter.

145. (*1*) The committee shall, subject to any rules made in this behalf by the President of the Union, provide for the cleansing of all streets, drains and public places within the limits of the municipality, and the removal therefrom of all refuse or rubbish of every kind, and shall provide for the removal of all sewage and house refuse of any kind from premises within such limits.

(*2*) The committee shall provide, and shall equip and maintain in a sanitary condition, sufficient suitable places for the collection, deposit, and disposal of all refuse, rubbish, sewage and offensive matter, either within the municipality, or, subject to the consent of the District Council or other local authority having jurisdiction or, where no local authority has jurisdiction, of the Deputy Commissioner, outside the municipality.

(*3*) Where any such local authority or Deputy Commissioner refuses consent, or where there is a dispute as to the suitability of the places so provided outside the municipality or as to the standard of equipment or maintenance thereof, the case shall be referred to the Commissioner, who may overrule all objections of the local authority or Deputy Commissioner, and may decide all other points in dispute.

(*4*) The committee may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish, sewage or offensive matter may be removed along any street and deposited at such places.

(*5*) The committee may make bye-laws to provide for the levy of a charge on any person from whose premises garden rubbish or stable or trade refuse is deposited in any street, drain or public place, sufficient to cover the cost of removing and disposing of such rubbish or refuse.

Receptacles for rubbish and offensive matter.

146. The committee may by public notice require the owners or occupiers of buildings or lands, within the whole or any specified portion of the municipal limits, to provide proper receptacles for collecting and keeping rubbish and offensive matter prior to removal by the committee or its agents and to place such receptacles where they may conveniently be emptied by the persons employed by the committee to remove the same.

147. No owner or occupier of any building or land shall keep or allow to be kept, otherwise than in some proper receptacle, any rubbish, offensive matter or sewage in or upon such building or land or shall allow any such receptacle to be in a filthy or noxious state. Prohibition of keeping rubbish, offensive matter or sewage.

148. No person—

(*a*) shall throw or place any sewage, offensive matter or rubbish on any street, or in any place not provided or appointed for the purpose under the provisions of this Act ; Prohibition of accumulation of offensive matter.

(*b*) who is the owner or occupier of any building or land, shall allow any sewage or offensive matter to flow, soak or be thrown therefrom or keep or suffer to be kept therein or thereupon anything so as to be a nuisance to any person, or negligently suffer any receptacle or place for the deposit of offensive matter or rubbish on his premises to be kept in such a state as to be offensive or injurious to health.

Drainage, Sewerage and Water Supply.

149. The committee may, by notice in writing, require the owner of any building to put up and keep in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building, and for discharging the water so that it shall not fall upon any street or damage any street or any property vested in or belonging to the committee. Troughs and pipes for rainwater.

150. For the purpose of efficiently draining any building or land the committee may, by notice in writing served on the owner,— Paving of courtyard, etc., for efficient drainage of building or land.

(*a*) require any courtyard, alley or passage between two or more buildings to be paved with such materials and in such manner as may be approved of by it, and

(*b*) require such paving to be kept in proper repair.

151. The committee may, by notice in writing, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein which appears to the committee to be injurious to health or offensive : Drainage, etc., of unwholesome tanks, etc.

Provided that if, for the purpose of effecting any drainage under this section, it is necessary to acquire any land not belonging to the person who is required to drain his land, or any easement over land not so belonging, or to pay compensation to any other person, the committee shall acquire such land or pay such compensation.

152. (*1*) If for any reason it shall appear to a committee that the level of the site of any building is so low that such site cannot be effectively drained and that such building is, or is likely to become, insanitary or to create a nuisance, it shall give to the owner of such building notice in writing, calling upon such owner to show cause in writing within thirty days after the Reclamation of lowlying sites.

receipt of such notice why the said site, together with such land as in the opinion of the committee may reasonably be required for the proper occupation of the building, should not be reclaimed with such materials and raised to such a height and within such period, being not less than six months from the date of the notice, as it shall think fit.

(2) If no objection is raised by such owner within such period as aforesaid or any objection which is raised by such owner appears to the committee invalid or insufficient, it may, by notice in writing, direct such owner or occupier to carry out such reclamation and raising of the height within the period prescribed.

Prohibition of excavations rendering land unsuitable for building, etc.

153. No person shall, except in any area which the committee may, with the previous sanction of the President of the Union, exclude from the operation of this section, make any excavation in any land which is likely to render such land unsuitable for building or to render the effective drainage of such land impracticable.

Power to make bye-laws regarding collection and storage of water and prevention of breeding of mosquitoes.

154. The committee may, without prejudice to the generality of the powers conferred by sections 149, 150, 151, 152 and 153, make bye-laws for—

(*a*) requiring owners or occupiers of lands and buildings to prevent the collection of water in or on any building or land ;

(*b*) prohibiting and regulating the collection and storage of water on any premises ; and

(*c*) in general, the prevention of the breeding of mosquitoes.

Prohibition of cultivation, use of manure or irrigation injurious to health.

155. The committee may, if in its opinion the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner in any place within any municipality is injurious to the health of persons dwelling in the neighbourhood, by public notice prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent injury arising therefrom :

Provided that, when on any land to which such public notice applies the act prohibited has been practised during the five years next preceding such public notice in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such public notice.

Prohibition of use, and closure, of water-works.

156. The committee may by public notice prohibit the use of any water-work, whether public or private, for the supply of water for human consumption and may require the owner thereof to take such steps as may be necessary effectually to prevent such use and, in the case of a water-work vested in or belonging to the committee, may permanently close such water-work.

Power to make bye-laws regarding water-works.

157. The committee may make bye-laws for—

(*a*) the regulation of the use by the public of any water-works vested in or belonging to it ;

(*b*) the prevention of pollution of any such water-works ; and

(*c*) the prevention of waste of the water supplied from any such water-works.

Provision of privies and the like.

158. (*1*) The committee may, by notice in writing, require the owner of any building or land to provide, in such manner as it may direct, any water-closet, latrine, urinal, privy, sewer, sewerage-connection, cesspool, trap, sink, sullage-trays or ventilating pipes which should, in its opinion, be provided for such building or land.

(*2*) The committee may, by notice in writing, require any person employing more than twenty workmen or labourers to provide such water-closets, latrines, urinals, privies, sewers, sewerage-connections, cesspools, traps, sinks, sullage-trays, or ventilating-pipes as it may think fit, and to cause the same to be kept in proper order and, in the case of water-closets, latrines, urinals, and privies, to be daily cleansed.

(*3*) The committee may, by notice in writing, require the owner or occupier of any building or land to have any water-closet, latrine, urinal or privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as it may direct, any door or trap-door of a water-closet, latrine urinal or privy opening on to any street or drain.

Closing, alteration and repair of privies and the like.

159. (*1*) The committee may, by notice in writing, require the owner or occupier of any building or land to close, remove, repair, alter or put in good order any water-closet, latrine, urinal, privy, sewer, sewerage-connection, cesspool, or other receptacle for sewerage, or any trap, sink, sullage-tray or ventilating pipe belonging thereto.

(*2*) The committee may, by notice in writing, require any person who makes or alters any water-closet, latrine, urinal, privy, sewer, sewerage-connection, cesspool, trap, sink, sullage-tray or ventilating pipe without its permission in writing, or contrary to its requisition in writing or to the provisions of this Act, or who constructs, re-erects, or opens any water-closet, latrine, urinal, privy, sewer, sewerage-connection, cesspool, trap, sink, sullage-tray or ventilating pipe, which it has required to be closed or removed, to demolish such sewerage-connection, water-closet, latrine, urinal, privy, sewer, cesspool, trap, sink, sullage-tray or ventilating pipe, or to make such alteration therein as it may think fit.

Making and maintaining sewerage-connection with sewer.

160. (*1*) Where any building or land situated within one hundred feet of a sewer is at any time not provided to the satisfaction of the committee with a sufficient sewerage-connection with such sewer, the committee may, by notice in writing, require the owner of such building or land to make and maintain a sewerage-connection with the sewer in such manner as it may think fit, and within such time, not being less than ninety days, as may be specified in the notice.

(*2*) The provisions of sections 198 and 199 shall apply to any default in compliance with a requisition under sub-section (*1*) notwithstanding that part

of the land through which the said sewerage-connection is required to pass may not belong to the person so making default, unless such person shall prove that the default was caused by the act of the owner or occupier of such last mentioned land.

Places for emptying of sewers or drains and disposal of sewage.

161. The committee may cause all or any municipal sewers or drains to empty into any river, creek or other place, whether within or without the municipality, and may dispose of sewage at any place, whether within or without the municipality, and in any manner which it shall deem suitable for such purpose :

Provided that the President of the Union may prohibit the committee from causing any municipal sewer or drain to empty into any place, or from disposing of any sewage at any place or in any manner, which he considers unsuitable.

Provision of means for disposal of sewage.

162. For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage the committee may—

(*a*) construct any work within or without the municipality, and

(*b*) purchase or take on lease any land, building, engine, material or apparatus either within or without the municipality.

Least practicable nuisance to be created in exercising foregoing powers.

163. Any power conferred by section 161 or 162 shall be exercised in such manner as to create the least practicable nuisance.

Carriage of sewerage-connection or water-connection through adjoining land.

164. (*1*) If it appears to the committee that the only or most convenient means by which the owner of any building or land can make a sewerage-connection or water-connection is by carrying the same into, through, or under land belonging to, or occupied by, another person, the committee, after giving such other person a reasonable opportunity of stating any objection, may, if no objection is raised, or if any objection which is raised appears to it to be invalid or insufficient, by notice in writing, require such other person to permit the owner first mentioned to carry the sewerage-connection or water-connection into, through, or under his land in such manner as shall be specified in the said notice, and on such equitable terms as to compensation for disturbance or temporary damage as to the committee may appear reasonable.

(*2*) After the service of the said notice the committee may, by an order in writing, authorize the first-mentioned owner to carry the sewerage-connection or water-connection into, through, or under the said land in the manner aforesaid, and every such order shall be a complete authority to the person in whose favour it is made or to any agent or person employed by him for this purpose, after giving to such other person as aforesaid reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen at any time between sunrise and sunset, and to construct the said sewerage-connection or water-connection, and thereafter, upon the necessity

arising and after the like notice, to repair and alter the same, or to construct a new sewerage-connection or water-connection in place thereof in such manner and at such time as aforesaid.

Compensation for use of land for sewerage or water-connection.

165. All compensation payable to such other person as aforesaid under the foregoing section shall be paid by the committee out of the municipal fund, and the committee may recover the amount from the first-mentioned owner.

Connection with existing sewerage-connection or water-connection.

166. If it appears to the committee that it is desirable to use an existing sewerage-connection for the purpose of connecting any building or land with the sewers, or to use an existing water-connection for the purpose of supplying water to any building or land, the committee may, by notice in writing, require the owner of such sewerage-connection or water-connection to allow a connection therewith to be made on such terms as may to it seem equitable :

Provided that the owner of such sewerage-connection or water-connection may refuse to allow the connection to be made until any payment to which he may be entitled in respect thereof has been made by the committee, which payment may be recovered by the committee from the owner of any building or land served by the connection made under the circumstances aforesaid.

Dangerous and Epidemic Diseases.

Obligation to report outbreak of dangerous disease.

167. In the event of any person within the municipality, other than a patient in a public hospital, being attacked with any dangerous disease, each of the following persons, namely :—

(*a*) every registered medical practitioner or person openly and usually practising the medical profession, who in the course of such practice becomes cognizant of the fact, and

(*b*) the occupier of the building in which the person so attacked may be residing or, if the occupier is himself the person attacked, then every adult member of the household, and

(*c*) every person in charge of or in attendance on any person so attacked,

shall, as soon as he becomes cognizant of the fact, forthwith report the same, or cause a report thereof to be made, to the Health Officer or any officers authorized by him to receive such reports or, if there is no Health Officer, to such officers as the committee may appoint in this behalf :

Provided that no person shall be bound to make such report, or cause such report to be made, if he has reason to believe that such report has been made by some other person.

Entry and inspection when dangerous disease suspected.

168. The Health Officer, and any Assistant Health Officer or Inspector of Public Health, or any medical officer of Government authorized by the committee or by the President of the Union in this behalf, may at any time enter and inspect any building where there is reason to believe that there is

any person suffering from a dangerous disease in respect of whom no report has been made under section 167.

Removal of patient suffering from dangerous disease.

169. When any person suffering from any dangerous disease is—

(*a*) without proper lodging or accommodation, or

(*b*) living in a *zayat* or inn, or in a building registered as a lodging-house in pursuance of bye-laws under section 116, sub-section (*2*), or

(*c*) living in a room or house which he neither owns nor pays rent for,

the Health Officer, or if there is no Health Officer, any officer authorized by the committee in this behalf, may remove or cause to be removed such person to any hospital or place at which persons suffering from such diseases are received for medical treatment, and may do anything necessary for such removal, and no person so removed shall leave such hospital without the permission of the medical officer in charge thereof.

Prohibition of exposure of infected persons and things.

170. (*1*) No person suffering from any dangerous disease shall wilfully expose himself without proper precautions against spreading the said disease in any street, public place, shop or public conveyance, or enter any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering.

(*2*) No person being in charge of any person so suffering shall so expose the sufferer.

(*3*) No person shall give, lend, sell, keep, transmit or expose, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disease.

Disinfection of conveyance used by person suffering from dangerous disease.

171. Every owner, puller or driver of a public conveyance which has to his knowledge conveyed any person suffering from any dangerous disease shall disinfect such conveyance to the satisfaction of the Health Officer or, if there be no Health Officer, of the officer authorized by the committee in this behalf, and the Health Officer or any person authorized by him, or such officer, as the case may be, may inspect the process of disinfection, but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense likely to be incurred by him in complying with the provisions of this section.

Disinfection of buildings on occurrence of dangerous disease.

172. The Health Officer, and any other officer of the committee authorized by it in this behalf, may require the owner or occupier of any building in which a case of dangerous disease has occurred immediately to disinfect the whole or any part of such building in such manner and with such materials as he may deem necessary.

Emergency measures on outbreak of any dangerous disease.

173. In the event of the municipality being at any time visited or threatened with an outbreak of any dangerous disease, the Chairman, if he is of the opinion that the ordinary provisions of this Act or of any other law for the time being in force are insufficient for the purpose, may—

(*a*) take such special measures, and

(*b*) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

Destruction of huts and sheds and disinfection or destruction of clothing, etc., when necessary.

174. (*1*) If the committee is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, it may, after giving to the owner or occupier of such hut or shed such previous notice of its intention as may in the circumstances of the case appear to it reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(*2*) If the committee is of opinion that the disinfection or destruction of any clothing, bedding or other articles which have become infected with disease, or are reasonably suspected to have become so infected, is necessary to prevent the spread of any dangerous disease, it may cause such clothing, bedding or other articles to be seized and destroyed or disinfected.

(*3*) Compensation may be paid by the committee, in any case in which it thinks fit, to any person who sustains substantial loss by the destruction of any such hut, shed, clothing, bedding or other articles; but except as so allowed by the committee, no claim for compensation shall lie for any loss or damage caused by an exercise of the power conferred by this section.

Emergency measures in unforeseen disasters.

175. On the occurrence of any sudden accident or unforeseen event, or in the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property, or danger to human or animal life, the Chairman or, in his absence the Vice-Chairman, shall, if he is of opinion that the ordinary provisions of this Act or any other law for the time being in force are insufficient to secure the safety of life and property, take such action as the emergency shall appear to him to justify or to require.

Action by Chairman or Vice-Chairman to be reported.

176. Whenever the Chairman or Vice-Chairman takes any action under section 173 or 175 he shall immediately report to the committee the action he has taken, the reasons therefor and the cost incurred thereby; and he shall comply with any directions given him by the committee in respect of such matter.

Saving of Epidemic Diseases Act.

177. Nothing in sections 173, 174, 175 and 176 shall be deemed to affect the provisions of the Epidemic Diseases Act.

Exercise of powers by Director of Public Health under section 173, 174 or 175.

178. The Director of Public Health, Burma, may, if in his opinion the measures taken by the Chairman, Vice-Chairman or the committee under sections 173, 174 or 175 are insufficient, issue directions to the committee and, in the event of non-compliance by the committee with such directions, may authorize the Deputy Commissioner or an Assistant Director of Public Health to exercise all the powers of the Chairman, Vice-Chairman and committee under those sections.

Entry and Inspection.

Power of entry on premises for purposes of inspection, survey or execution of necessary work.

179. Any municipal officer duly authorized to make inspections or surveys or execute any works may enter into or upon any building or land, with or without assistants or workmen, whenever in his opinion such entry is necessary or expedient for the purposes of this Act :

Provided that, except where it is in this Act otherwise expressly provided,—

(i) no such entry shall be made between sunset and sunrise ;

(ii) no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier not less than six hours' previous written notice of the intention to make the said entry, and, unless for any sufficient reason it shall be deemed inexpedient to furnish such information, of the purpose thereof ;

(iii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed ; and

(iv) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Inspection of places for illicit slaughter of animals and seizure of carcases of animals so slaughtered.

180. (*1*) If there are reasonable grounds for believing that any animal has been or is being or is likely to be slaughtered in contravention of the provisions of section 140, the Health Officer or any other officer or servant of the committee authorized by the Health Officer or by the committee in this behalf may, at any time by day or night, enter into and inspect any such place or premises and may seize any animal or the carcase of any slaughtered animal found therein.

(*2*) The said officer may remove and sell by auction or otherwise dispose of any animal or the carcase of any animal seized under sub-section (*1*), and shall place in deposit in the municipal fund the proceeds of any such sale.

(*3*) If the owner of any animal or carcase so seized fails to appear within one month from the date of such seizure, and prove his claim to the satisfaction of the committee, or if such owner is convicted of an offence under this Act with respect to such animal or carcase, the proceeds of the aforesaid sale shall vest in the committee.

(*4*) If the owner of any animal or carcase so seized appears and proves his claim to the animal or carcase or to the proceeds of the sale thereof to the satisfaction of the committee within one month from the date of such seizure, the committee shall, if it does not prosecute such owner or if as a result of the institution of a prosecution such owner is acquitted or discharged, pay to such owner the proceeds of the sale, if any, of such animal or carcase.

Inspection of places for animals illicitly kept and seizure of animals so found.

181. (*1*) If there are reasonable grounds for believing that any animal is being kept in any place or premises in contravention of any bye-law made under section 144, the Health Officer or any officer or servant authorized by the Health Officer or by the committee in this behalf may, at any time by day or night, enter into and inspect any such place and may seize and remove such animal found therein.

(*2*) If the owner of any animal seized under this section fails to appear and substantiate his claim to the animal to the satisfaction of the committee within one month from the date of seizure, the committee shall have power to sell such animal by auction or otherwise and the proceeds of such sale shall be at the disposal of the committee.

(*3*) If the owner of any animal seized under this section appears and substantiates his claim to the animal to the satisfaction of the committee within one month from the date of seizure, the animal shall be returned to him on payment of the ordinary charges leviable under the Cattle Trespass Act, section 5, but it shall be open to the committee to prosecute him for breach of bye-law under section 144.

Inspection of places for sale of food or drink, etc. and seizure of unwholesome articles exposed for sale.

182. (*1*) The Health Officer or any other officer of the committee authorized by it in this behalf may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of any kind of food, drink or drugs for man, or for the preparation, manufacture or storage of the same for sale, or as a slaughter-house, and inspect and examine any food, drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor or to have been manufactured or exposed for sale in contravention of any bye-laws made under sections 139, 142 or 144, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its exposure for sale or its use for such consumption; and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation, or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for inquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Explanation.—Meat into which air has been blown, or which has been watered in order to make it appear fresher than it really is, shall be deemed to be unfit for human food.

(*2*) The Health Officer or any other officer of the committee authorized by it in this behalf may, at all reasonable times, enter into and inspect any premises, for the licensing or regulation of which bye-laws have been made under sections 116, 117, 118, 126, 132, 134, 135, 137, 139, 142 and 144.

Inspection of sewers, etc.

183. (*1*) The Health Officer or any other officer of the committee authorized by it in this behalf may, after giving six hours' notice in writing to the occupier of any land or building in which any sewers, sewerage-connections, privies or cesspools are situated, inspect any such sewers,

sewerage-connections, privies or cesspools at any time between sunrise and sunset and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the sewers, sewerage-connections, privies or cesspools.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power of entry and inspection of building or land to ascertain sanitary condition.

184. The Health Officer or any other officer of the committee authorized by it in this behalf may, after giving twenty-four hours' notice in writing to the occupier or, if there is no occupier to the owner of any building or land, at any time between sunrise and sunset, enter and inspect the building or land for the purpose of ascertaining whether any of the provisions of this Chapter or of any bye-law thereunder have been complied with, or generally for the purpose of ascertaining the sanitary condition of such building or land.

Entry for purpose of scavenging.

185. The persons employed by the committee for the collection and removal of sewage, offensive matter and rubbish may enter any building, water-closet, latrine, urinal, privy, sewer, cesspool, dust-bin, or other receptacle for sewage or offensive matter or rubbish, or enter on any land at all reasonable times, in so far as may be necessary for the proper discharge of those duties; and the Health Officer or any other officer of the committee authorized by it in this behalf may enter on such property at all reasonable times for the purpose of ascertaining whether such duties have been duly performed.

Otherpowers of entry on building or land.

186. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice in writing to the occupier or, if there is no occupier to the owner, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation; and

(*c*) enter any building or land for the purpose of ascertaining the course of sewers, sewerage-connections, water-works and water-connections, or repairing any work which it is by this Act empowered to execute or maintain:

Provided that, in the exercise of these powers, the committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act.

Extraordinary powers of Chairman and Vice-Chairman in cases of emergency.

187. In cases of emergency the Chairman, or in his absence the Vice-Chairman, of the committee may direct the execution of any work or the doing of any act which the committee is empowered by the foregoing provisions of this Act to execute or do and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund :

Provided that—

(*a*) no order shall be made under this section in contravention of any order of the committee passed at a meeting ; and

(*b*) every order made under this section, and all proceedings consequent thereon, shall be reported to the committee at its next meeting.

Precautions to be observed in entering dwellings.

188. When any building used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers ; and before any apartment in the actual occupancy of any woman who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Committee not to be prevented from exercising power of entry.

189. No person shall prevent any person duly authorized in that behalf from exercising his power under this Act of entering on any land or into any building.

Prohibition of obstruction of contractor.

190. No person shall obstruct or molest any person, with whom the committee has entered into a contract, in the performance or execution by such person of his duty, or of anything which he is empowered or required to do by virtue or in consequence of this Act.

Extinction of Fire.

Establishment and maintenance of fire-brigade.

191. (*1*) For the prevention and extinction of fire the committee may establish and maintain a fire-brigade, and may provide any implements, machinery or means of communicating intelligence which it may think necessary for the efficient discharge of their duties by the brigade.

(2) The committee may recognize and aid a volunteer fire-brigade, and make bye-laws for the guidance, training, discipline and conduct of the members thereof.

Powers of fire-brigade and other persons for suppression of fire.

192. (*1*) On the occasion of a fire the person directing operations for extinguishing or arresting the fire or for saving life or property being—

(i) a Magistrate, or

(ii) a police-officer of or above the rank of Inspector, or

(iii) a member or officer of the committee, or

(iv) a member of a fire-brigade maintained or aided by the committee, may give orders for the following matters:—

(*a*) the removal of any person who by his presence interferes with or impedes such operations;

(*b*) the closure of any street or passage in or near which the fire is burning;

(*c*) the breaking into or through or demolition of any premises, or the use thereof for the passage of any hose or other appliance, and the taking of water from any stream, tank, cistern, well or other source or store of water, whether public or private property;

(*d*) the closure of mains and pipes so as to give greater pressure of water in or near the place where the fire has occurred;

(*e*) the rendering of such assistance as he may deem advisable by the persons in charge of any fire-engine or others; and

(*f*) generally such measures as may appear necessary for the preservation of life or property.

(*2*) No person shall be liable to pay damages for any act done by him in good faith under sub-section (*1*).

(*3*) Any damage caused by the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

(*4*) Every person empowered by sub-section (*1*) to do any of the acts enumerated therein shall in that behalf for the purposes of Chapter X of the Penal Code be deemed to be a public servant within the meaning of section 21 of the said Code.

Power of President to make rules concerning the use of the foregoing powers.

193. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rules made in this behalf by the President of the Union.

Application of sections 191 to 193.

194. Sections 191, 192 and 193 shall not take effect in any municipality until they have been specially declared to apply thereto by the President of the Union at the request of the committee.

Additional Power to make Bye-laws.

Power to make various bye-laws.

195. The committee may, from time to time, at a special meeting, make bye-laws—

(*a*) for rendering licences necessary for the proprietors or drivers of vehicles, boats or beasts plying for hire within the limits of the municipality, and for fixing the fees payable for such licences and the conditions on which they shall be granted and may be revoked;

(*b*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of beasts hired to carry loads, or for the service of persons hired to carry loads, and the loads to be carried by such conveyances, beasts or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours ;

(*c*) for rendering licences necessary for pawn-brokers and determining by public auction or otherwise the amount to be paid for any such licence and the conditions subject to which they shall be granted and may be revoked :

Provided that the committee may, for sufficient reason and with the prior sanction of the Commissioner, remit any portion of the licence fee payable by the pawn-broker ;

(*d*) for the inspection and proper regulation of encamping grounds, pounds, *zayats*, wharves not within the limits of any port, markets, wash-houses, washerman's tanks and public washing and bathing places ;

(*e*) for controlling and regulating the use of any public river, creek or stream, and the foreshore and banks thereof, within the municipality and not included within the limits of a port, and for levying fees for the use of such public river, creek or stream ;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under the committee's control ;

(*g*) for requiring and regulating the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality ;

(*h*) for requiring occupiers of houses to keep ready at hand buckets or pots of water, hooks, bamboo-flappers, and other appliances for extinguishing small fires ;

(*i*) (i) for prescribing, notwithstanding the provisions of the Weights and Measures of Capacity Act, the standard weights and measures to be used within the municipality, and for making the use of such standards compulsory ; and

(ii) for preventing and detecting the use of false or defective instruments for weighing, weights and measures in any market, building, shop, stall or place used for the sale of any goods, food, drink or drug ;

(*j*) for protecting from injury or interference anything within the municipality which is the property of the committee ;

(*k*) for regulating or prohibiting the exposure of goods for sale on the streets and for levying fees from persons setting up stalls or otherwise selling goods on streets ;

(*l*) for regulating or prohibiting the use of barbed wire or any material likely to cause injury to persons or animals on any land or

premises abutting upon any street or place which persons are entitled to use or frequent; and

(*m*) generally, for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act is in force shall not make bye-laws under clauses (*a*) and (*b*) in respect of any vehicles to which that Act applies.

Fees for licences and inspection.

196. Where under any section of this Act power is conferred on the committee to make bye-laws for the issue of a licence, such bye-laws may prescribe and fix:—

(*a*) a fee for any licence; and

(*b*) a fee for any inspection required by such bye-law as a preliminary to the issue or renewal of such licence.

Supplemental.

Confirmation of bye-laws under Chapter VI.

197. (*1*) No bye-law made under any section of this Chapter shall come into force until it has been confirmed by the President of the Union.

(*2*) The President of the Union may, by notification, cancel the confirmation of any such bye-law, and thereupon such bye-law shall cease to have effect.

Execution of acts not done after notice.

198. (*1*) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, such notice shall fix a reasonable time for doing the same:

Provided that it shall rest with the Court to determine, in any case in which the question arises, whether the time so fixed was a reasonable time within the meaning of this Act.

(*2*) When the owner or occupier of any land or building fails to comply with the terms of any notice under this Chapter requiring him to do any act upon such land or building, the committee may, after six hours' notice, by its officers cause such act to be done.

Recovery of costs of execution.

199. (*1*) Where under this Act the owner or occupier of property is required by the committee to execute any work and makes default in complying with such requisition, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(*2*) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made or otherwise recover it from the owner.

(*3*) Provided that an occupier shall not be required to pay under sub-section (*2*) any sum greater than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and after notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

200. (*1*) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(*2*) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree upon, or in default of agreement in the manner provided by the Land Acquisition Act, so far as the provisions of the said Act can be made applicable.

Appeals against certain orders of committee.

201. (*1*) Any person aggrieved by any order made by the committee under the powers vested in it by section 119, section 130, section 138, section 149 or section 150, may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner, according as the President of the Union may direct in this behalf; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if the Deputy Commissioner is himself a member of the Committee, the appeal shall lie to the Commissioner.

(*2*) The appellate authority may, for sufficient cause, extend the period hereby allowed for an appeal.

(*3*) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be set aside until the appellant and the committee have had a reasonable opportunity of being heard

CHAPTER VII.

Offences Affecting the Public Health, Safety or Convenience.

202. Whoever—

Certain offences punishable with fine.

(*a*) contravenes, or fails to comply with, any provision of any of the sections, sub-sections or clauses of this Act mentioned in the

first column of the following table, or of any rule or bye-law made thereunder ; or

(*b*) fails to comply with any direction lawfully given to, or requisition lawfully made upon him, under any of the said provisions,

shall be punished for each such offence with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed "Subject", are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column :—

Section, sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)
Section 107, sub-section (*1*).	Notice requiring removal or alteration of projection, encroachment or obstruction.	One hundred rupees.
Section 107, sub section (2).	Prohibition of encroachments on, and obstruction of public streets.	One hundred rupees.
Section 110 ...	Prohibition of disposal of land for construction of buildings not abutting on street without constructing street giving access thereto.	One thousand rupees.
Section 111, sub-section (*1*).	Prohibition of making of new private street without or otherwise than in conformity with orders of committee.	One thousand rupees.
Section 115 ...	Bye-laws for control of buildings	One hundred rupees.
Section 116, sub-section (*1*).	Prohibition of keeping unlicensed lodging-house ...	One hundred rupees
Section 116, sub-section (2).	Bye-laws relating to lodging-houses	One hundred rupees.

Section, sub-section or clause. (1)	Subject. (2)	Fine which may be imposed. (3)
Section 117 ...	Bye-laws for the inspection and general and sanitary regulation of theatres, music halls, etc., regulating the holding of entertainments therein and rendering licences necessary for keeping such buildings.	One hundred rupees.
Section 118 ...	Bye-laws for prevention of overcrowding of buildings, removal or improvement of insanitary or dangerous buildings, and cleansing, lime-washing, or painting of buildings.	One hundred rupees.
Section 119 ...	Notice prohibiting the use of building unfit for human habitation.	Five hundred rupees.
Section 120 ...	Notice requiring removal of building, wall, structure, etc., in ruinous or dangerous state.	One hundred rupees.
Section 121 ...	Notice requiring dangerous wells, tanks or other excavations to be repaired, protected or enclosed.	One hundred rupees.
Section 122 ...	Notice requiring the fencing of land and repairing of existing fences.	One hundred rupees.
Section 123 ...	Notice requiring owner or occupier of building or land to clear away noxious vegetation, etc., to cut or trim hedges or branches of trees and to put filthy or unwholesome building in proper state.	One hundred rupees.
Section 124 ...	Bye-laws for the sanitary and general regulation of public parks and recreation grounds	One hundred rupees.
Section 126, sub-section (*1*).	Prohibition of establishing public camping ground or halting place for vehicles or animals, without licence.	One hundred rupees.
Section 126, sub-section (2).	Bye-laws prescribing conditions applicable to licences issued under sub-section (*1*) and for the general and sanitary regulation of camping grounds and halting places.	One hundred rupees.
Section 127, sub-section (*1*).	Prohibition of bathing or the washing of animals or clothes in public places not set apart therefor or of other acts specified in public notice.	One hundred rupees.
Section 127, sub-section (3).	Bye-laws for the management and regulation of bathing and washing places.	One hundred rupees.

Section, sub-section or clause. (1)	Subject. (2)	Fine which may be imposed. (3)
Section 128 ...	Prohibition of keeping corpses unburied beyond specified period.	One hundred rupees.
Section 130, sub-section (*1*).	Closure and formation of burial and burning grounds ...	One hundred rupees.
Section 130, sub-section (*3*).	Prohibition of formation of new burial or burning grounds without permission.	One hundred rupees.
Section 131 ...	Notice prescribing routes for removal of corpses to burial or burning grounds.	One hundred rupees.
Section 132 ...	Bye-laws for controlling and regulating the use and management of burial and burning grounds.	One hundred rupees.
Section 133 ..	Bye-laws for registration of births and deaths and taking of a census.	One hundred rupees.
Section 134, sub-section (*1*).	Prohibition of keeping open, etc., without licence, private markets.	Five hundred rupees.
Section 134, sub-section (*4*).	Bye-laws for the management and sanitary and general regulation of markets.	One hundred rupees.
Section 135 ...	Bye-laws for regulation of stalls or booths	One hundred rupees.
Section 136 ...	Prohibition of obstructions in streets, drains, wells or channels.	One hundred rupees
Section 137, sub-section (*1*).	Prohibition of carrying on of offensive or dangerous trades without licence.	Five hundred rupees.
Section 137, sub-section (*2*).	Bye-laws prescribing the general conditions applicable to licences issued under sub-section (*1*) and special conditions for the storage of any article or carrying on any trade or operation.	Five hundred rupees.
Section 138 ...	Notice requiring the discontinuance of use of place licensed under section 137.	Five hundred rupees.

Section, sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)
Section 139 ...	Bye-laws for inspection and general and sanitary regulation of milk-sellers, bakeries, public eating houses, refreshment stalls and aerated water and ice factories, and for the licensing thereof.	One hundred rupees.
Section 140 ...	Prohibition of establishment of slaughter-houses ...	One hundred rupees.
Section 142 ...	Bye-laws for management and sanitary and general regulation of slaughter-houses, or of any slaughter-house, and of the slaughtering of animals therein, etc.	One hundred rupees.
Section 143 ...	Prohibition or regulation of slaughter of animals when breach of peace is imminent.	Five hundred rupees.
Section 144 ...	Bye-laws for prohibition and regulation of keeping, importation, etc., of animals, destruction of swine, dogs, crows, crows' nests, and disposal of carcases, etc.	One hundred rupees.
Section 145 ...	Notice giving directions as to removal and deposit of rubbish and offensive matter.	One hundred rupees.
Section 146 ...	Notice requiring provision of proper receptacles for rubbish and offensive matter.	One hundred rupees.
Section 147 ...	Prohibition of keeping rubbish, offensive matter or sewage otherwise than in proper receptacle or allowing receptacle to be in filthy or noxious state.	One hundred rupees.
Section 148 ...	Prohibition of accumulations of offensive matter ...	One hundred rupees.
Section 149 ...	Notice requiring provision of troughs and pipes for rain water.	One hundred rupees.
Section 150 ...	Notice requiring pavement of courtyard, alley or passage between buildings for efficient drainage.	One hundred rupees.
Section 151 ...	Notice requiring the cleansing, repairing, covering, filling up or draining off of private tanks, wells, reservoirs, pools or excavations therein.	One hundred rupees.
Section 152, sub-section (2). ...	Notice directing the carrying out of reclamation of low-lying sites.	One hundred rupees.

Section, sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)
Section 153 ...	Prohibition of making excavation in any land rendering such land unsuitable for building or the effective drainage thereof impracticable.	One hundred rupees.
Section 154 ...	Bye-laws requiring prevention of overcrowding of buildings, prohibiting storage of water and for prevention of the breeding of mosquitoes.	One hundred rupees.
Section 155 ...	Notice prohibiting the cultivation of crops, use of manure or irrigation of land injurious to health.	One hundred rupees.
Section 156 ...	Notice prohibiting the use of public or private water-works.	One thousand rupees.
Section 157 ...	Bye-laws for regulating the use, etc., of water-works ...	One thousand rupees.
Section 158, sub-section (*1*).	Notice requiring provision of water-closets, latrines, urinals, privies, sewers, etc., for buildings or lands.	One hundred rupees.
Section 158, sub-section (*2*).	Notice requiring employers of more than twenty workmen or labourers to provide water-closets, latrines, etc.	One hundred rupees.
Section 158, sub-section (*3*).	Notice requiring water-closets, latrines, urinals, or privies to be shut out from view by roof, wall or fence.	One hundred rupees.
Section 159, sub-section (*1*).	Notice requiring water-closets, latrines, urinals, etc., to be closed, removed, repaired, altered or put in good order.	One hundred rupees.
Section 159, sub-section (*2*).	Notice requiring demolition or alteration of water-closets, latrines, urinals, etc., made without permission or contrary to bye-law, directions, etc.	One hundred rupees.
Section 160 ...	Notice requiring making and maintaining of sufficient sewerage-connection with sewer.	One hundred rupees.
Section 164 ...	Notice requiring carriage of sewerage-connection or water-connection through adjoining land.	One hundred rupees.
Section 166 ...	Notice requiring connection with existing water-connection or sewerage-connection.	One hundred rupees.

Section, sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)
Section 167 ...	Obligation to report outbreak of dangerous disease ...	Five hundred rupees.
Section 169 ...	Prohibition of person suffering from dangerous disease from leaving hospital without permission.	Five hundred rupees.
Section 170 ...	Prohibition of exposure of person suffering from dangerous disease or of things exposed to infection.	Five hundred rupees.
Section 171 ...	Disinfection of conveyance used by person suffering from dangerous disease.	One hundred rupees.
Section 172 ...	Requisition for immediate disinfection of whole or part of any building in which dangerous disease has occurred.	One hundred rupees.
Section 195, clause (*c*).	Bye-laws for licensing of pawn-brokers	Five hundred rupees.

Continuing offences.

203. Whoever, after having been convicted of—

(*a*) contravening, or failing to comply with, any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table, or of any rule or bye-law lawfully made thereunder, or

(*b*) failing to comply with any direction lawfully given to or requisition lawfully made upon him under any of the said provisions,

continues to contravene the said provision or to neglect to comply with the said direction or requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished for each day that he continues so to offend with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed "Subject", are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column';—

Section, sub-section or clause. (1)	Subject. (2)	Daily fine which may be imposed. (3)
Section 107, sub-section (*1*).	Notice requiring removal or alteration of projection, encroachment or obstruction.	Ten rupees.
Section 107, sub-section (*2*).	Prohibition of encroachments on, and obstruction of, public streets.	Ten rupees.
Section 111, sub-section (*4*).	Prohibition of making of new private street without, or otherwise than in conformity with, orders of committee.	One hundred rupees.
Section 115 ...	Bye-laws for control of buildings	Ten rupees.
Section 116, sub-section (*1*)	Prohibition of keeping unlicensed lodging-house ...	Ten rupees.
Section 116, sub-section (*2*).	Bye-laws relating to lodging-houses	Ten rupees.
Section 117 ...	Bye-laws for the inspection and general and sanitary regulation of theatres, music-halls, etc., for regulating the holding of entertainments therein and rendering licences necessary for the keeping of such buildings.	Ten rupees.
Section 118 ...	Bye-laws for prevention of overcrowding of buildings, removal or improvement of insanitary or dangerous buildings and cleansing, lime-washing or painting of buildings.	Ten rupees.
Section 119 ...	Notice prohibiting the use of buildings unfit for human habitation.	Fifty rupees.
Section 120 ...	Notice requiring removal of building, wall, structure, etc., in ruinous or dangerous state.	Ten rupees.
Section 121 ...	Notice requiring dangerous wells, tanks or other excavations to be repaired, protected or enclosed.	Ten rupees.
Section 122 ...	Notice requiring the fencing of land and repairing of existing fences.	Ten rupees.
Section 123 ...	Notice requiring owner or occupier of building or land to clear away noxious vegetation, etc., to cut or trim hedges or branches of trees and to put filthy or unwholesome building in proper state.	Ten rupees.

Section, sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)
Section 124 ...	Bye-laws for the sanitary and general regulation of public parks and recreation grounds.	Ten rupees.
Section 126, sub-section (1).	Prohibition of establishing public camping ground or halting place for vehicles or animals without licence.	Ten rupees.
Section 126, sub-section (2).	Bye-laws prescribing conditions applicable to licences issued under sub-section (1) and for the general and sanitary regulation of camping grounds and halting places.	Ten rupees.
Section 127, sub-section (1).	Prohibition of bathing or the washing of animals or clothes in public places not set apart therefor, or of other acts specified in public notice.	Ten rupees.
Section 127, sub-section (3).	Bye-laws for the management and regulation of bathing and washing places.	Ten rupees.
Section 128 ...	Prohibition of keeping corpses unburied beyond specified period.	Ten rupees.
Section 130, sub-section (1).	Closure and formation of burial and burning grounds ...	Ten rupees.
Section 130, sub-section (3).	Prohibition of formation of new burial or burning grounds without permission.	Ten rupees.
Section 132 ...	Bye-laws for controlling and regulating the use and management of burial and burning grounds.	Ten rupees.
Section 134, sub-section (1).	Prohibition of keeping open, etc., without licence private markets.	Fifty rupees.
Section 134, sub-section (4).	Bye-laws for the management and sanitary and general regulation of markets.	Ten rupees.
Section 135 ...	Bye-laws for regulation of stalls or booths ...	Ten rupees.
Section 136 ...	Prohibition of obstructions in streets, drains, wells or channels.	Ten rupees.
Section 137, sub-section (1).	Prohibition of carrying on of offensive or dangerous trades without licence.	Fifty rupees.

Section, sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)
Section 137, sub-section (2).	Bye-laws prescribing the general conditions applicable to licences issued under sub-section (*1*) and special conditions for the storage of any article or carrying on any trade or operation.	Fifty rupees.
Section 138 ...	Notice requiring the discontinuance of use of place licensed under section 137.	Fifty rupees.
Section 139 ...	Bye-laws for inspection and general and sanitary regulation of milk-sellers, bakeries, public eating-houses, refreshment stalls, and aerated water and ice factories, and for the licensing thereof.	Ten rupees.
Section 140 ...	Prohibition of establishment of slaughter-houses ...	Ten rupees.
Section 142 ...	Bye-laws for management and sanitary and general regulation of slaugthter-houses, or of any slaughter-house, and of the slaughtering of animals therein, etc.	Ten rupees.
Section 143 ...	Prohibition or regulation of slaughter of animals when breach of peace is imminent.	Fifty rupees.
Section 144 ...	Bye-laws for prohibition and regulation of keeping, importation, etc., of animals, destruction of swine, dogs, crows, crows' nests and disposal of carcases, etc.	Ten rupees.
Section 146 ...	Notice requiring provision of proper receptacles for rubbish and offensive matter.	Ten rupees.
Section 147 ...	Prohibition of keeping rubbish, offensive matter or sewage otherwise than in proper receptacle, or allowing receptacle to be in filthy or noxious state.	Ten rupees.
Section 149 ...	Notice requiring provision of troughs and pipes for rain water.	Ten rupees.
Section 150 ...	Notice requiring pavement of courtyard, alley or passage between buildings for efficient drainage.	Ten rupees.
Section 151 ...	Notice requiring the cleansing, repairing, covering, filling up or draining off of private tanks, wells, reservoirs, pools or excavations therein.	Ten rupees.
Section 152, sub-section (2).	Notice directing the carrying out of reclamation of low-lying sites.	Ten rupees.

Section, sub-section or clause. (1).	Subject. (2)	Daily fine which may be imposed. (3)
Section 153 ...	Prohibition of making excavations in any land rendering such land unsuitable for building or the effective drainage thereof impracticable.	Ten rupees.
Section 154 ...	Bye-laws requiring prevention of overcrowding of buildings, prohibiting storage of water and for prevention of the breeding of mosquitoes.	Ten rupees.
Section 155 ...	Notice prohibiting the cultivation of crops, use of manure or irrigation of lands injurious to health.	Ten rupees.
Section 156 ...	Notice prohibiting the use of public or private water-works.	One hundred rupees.
Section 157 ...	Bye-laws for regulating the use, etc., of water-works ...	One hundred rupees.
Section 158, sub-section (*1*).	Notice requiring provision of water-closets, latrines, urinals, privies, sewers, etc., for buildings or lands.	Ten rupees.
Section 158, sub-section (*2*).	Notice requiring employers of more than twenty workmen or labourers to provide water-closets, latrines, etc.	Ten rupees.
Section 158, sub-section (*3*).	Notice requiring water-closets, latrines, urinals or privies to be shut out from view by roof, wall or fence.	Ten rupees.
Section 159, sub-section (*1*).	Notice requiring water-closets, latrines, urinals, etc., to be closed, removed, repaired, altered or put in good order.	Ten rupees.
Section 159, sub-section (*2*).	Notice requiring demolition or alteration of sewerage-connection, water-closets, latrines, urinals, etc., made without permission or contrary to bye-laws, directions, etc.	Ten rupees.
Section 160 ...	Notice requiring making and maintaining of sufficient sewerage-connection with sewer.	Ten rupees.
Section 164 ...	Notice requiring carriage of sewerage-connection or water-connection through adjoining land.	Ten rupees.
Section 166 ...	Notice requiring connection with existing water-connection or sewerage-connection.	Ten rupees.

Section, sub-section or clause. (1)	Subject. (2)	Daily fine which may be imposed. (3)
Section 170 ...	Prohibition of exposure of person suffering from dangerous disease or of things exposed to infection.	Fifty rupees.
Section 171 ...	Disinfection of conveyance used by person suffering from dangerous disease.	Ten rupees.
Section 172 ...	Requisition for immediate disinfection of whole or part of any building in which dangerous disease has occurred.	Ten rupees.
Section 195, clause (*c*).	Bye-laws for licensing of pawn-brokers	Fifty rupees.

Certain offences punishable with imprisonment or fine or both.

204. Whoever contravenes any of the provisions of section 189 or 190 or any regulation prescribed under section 173 may be punished for each such offence with imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Certain offences punishable with fine.

205. Whoever contravenes or fails to comply with any notice, direction, requisition or bye-law made or issued by the committee under this Act may, if no penalty for such contravention or failure is provided by this Act, be punished with fine which may extend to one hundred rupees, and shall further be punished for each day that he continues so to offend with a fine which may extend to ten rupees.

Stay of prosecution pending appeal.

206. A prosecution for an offence consisting in the failure to comply with or contravention of any order which is appealable shall, if and when the Court learns that an appeal has been instituted against such order, be stayed pending such appeal.

Driving vehicles without proper lamps.

207. Whoever drives any vehicle after dark in any street, unless the vehicle is properly supplied with lamps, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, etc.

208. Whoever discharges fire-arms or lets off fire-works or fire-balloons, without the permission of such officer as the President of the Union may appoint in this behalf or in a place other than that specified by such officer, and whoever engages in any game in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

209. Whoever allows any animal in his possession or under his control and power to stray into or be loose in any street, or in any unfenced place adjacent to a street, and whoever fastens or tethers any such animal so near to any street as to render it possible for it to enter into such street, shall be punishable with fine which may extend to twenty rupees. Allowing animals to stray on street.

210. Whoever, in contravention of a public notice issued by the committee under section 100, rides, drives or leads any animal or vehicle, shall be punishable with fine which may extend to twenty rupees. Riding, driving or leading of animals or vehicles contrary to public notice.

211. Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees. Quarrying, blasting, cutting timber or building.

212. Whoever in a public place, without being authorized by the committee, defaces or disturbs any direction-post or lamp-post or fence, or injures any tree or gabion, or extinguishes any light, shall be punishable with fine which may extend to ten rupees. Destroying direction-posts, lamp-posts, etc.

213. Whoever destroys, pulls down, or defaces any name or number affixed by order of the committee under section 103, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees. Destruction of name-boards and number-boards.

214. (*1*) Whoever, not being authorized by law so to do, affixes any poster, advertisement or notice on any public property without the consent of the person in charge thereof, or on any private property without the consent of the owner or occupier thereof, shall be punishable with fine which may extend to twenty rupees. Unauthorized posting of advertisements.

(*2*) Any person by whose direction any such poster, advertisement or notice is so affixed shall be punishable as if he himself had affixed the same

[1] **215—217.** * * * *

CHAPTER VIII.

CONTROL.

218. (*1*) The Commissioner or the Deputy Commissioner may— Control by Commissioner and Deputy Commissioner.

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property situate within the limits of his division or

[1] Repealed by Act XXIV, 1949.

district, as the case may be, and occupied by any committee, hospital sub-committee [* * * *][1] or joint committee, or any work which is in progress within such limits under the direction of any such committee, sub-committee or joint committee;

(*b*) call for and inspect any book or document in the possession or under the control of any such committee, sub-committee or joint committee having authority within such limits;

(*c*) require any such committee, sub-committee or joint committee to furnish such statements, accounts, reports, and copies of documents relating to the proceedings or duties of such committee, sub-committee or joint committee as he may think fit to call for; and

(*d*) record in writing, for the consideration of any such committee, sub-committee or joint committee, any observations he may think proper in regard to the proceedings or duties of such committee, sub-committee or joint committee:

Provided that,—

(i) when the Deputy Commissioner is a member of a committee, sub-committee or joint committee, he shall not exercise, in respect of that committee, sub-committee or joint committee, the powers conferred upon him by this section; and

(ii) in the case of any municipality, the President of the Union may, by notification in the Gazette, direct that all or any of the powers conferred on the Commissioner and Deputy Commissioner by this section shall be exercised by him alone, and not by such Commissioner and Deputy Commissioner.

(*2*) When the President of the Union, the Commissioner or Deputy Commissioner requests the committee to consider any observations under sub-section (*1*), clause (*d*), nothing in any bye-law made under section 31 shall prevent such consideration.

Power to suspend action under Act.

219. (*1*) The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of his division or district, as the case may be, the execution of any resolution or order of a committee or joint committee, or prohibit the doing within such limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, such resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(*2*) When the Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it and of any representations regarding it submitted

[1] Deleted by Act LII, 1950.

to him by the committee, to the President of the Union, who may thereupon rescind the order or direct that it shall continue in force, with or without modification, permanently or for such period as he may think fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

220. (*1*) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act which a committee is empowered to execute or to do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be forthwith paid by the committee.

(*2*) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in preference to any or all other charges against the same.

(*3*) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

Power of President in case of default of committee.

221. (*1*) If at any time it appears to the President of the Union that the committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the President of the Union may, by order in writing, fix a period for the performance of such duty.

(*2*) If such duty is not performed within the period so fixed, the President of the Union may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as the President of the Union may fix, to the Deputy Commissioner by the committee.

(*3*) If the expense is not so paid, the Deputy Commissioner, with the previous sanction of the President of the Union, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in preference to any or all other charges against the same.

Powers of President and his officers over committees.

222. (*1*) The President of the Union and the Commissioner and Deputy Commissioner, within their respective jurisdictions, acting under the orders of the President of the Union, shall be bound to require the proceedings of every committee to be in conformity with law and with any rules in force under any enactment for the time being applicable to the Union of Burma generally or to the area over which such committee has authority.

(*2*) The President of the Union may exercise all powers necessary for the performance of the duty, and may, amongst other things, by order in writing annul or modify any proceeding which he may consider not to be in conformity with law or with any such rules as aforesaid.

(*3*) The Commissioner and the Deputy Commissioner may, within their respective jurisdictions, for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the President of the Union.

Power of President to supersede committee in case of incompetency, persistent default, or excess or abuse of powers.

223. (*1*) If the committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the President of the Union may, by an order published, with the reasons for making it, in the Gazette, declare the committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and direct its supersession for a period to be specified in such order.

(*2*) When the committee is so superseded, the following consequences shall ensue, namely :—

(*a*) all members of the committee shall, as from the date of the order published under sub-section (*1*), vacate their offices as such members ;

(*b*) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the President of the Union shall appoint in that behalf ; and

(*c*) all property vested in the committee shall, during the period of supersession, vest in the [State].[1]

(*3*) On the expiration of the period of supersession specified in the order published under sub-section (*1*), the committee shall be re-constituted, and the persons who vacated their offices under sub-section (*2*), clause (*a*), shall not, if otherwise qualified, be deemed disqualified from being members thereof.

Disputes.

224. (*1*) If any dispute for the decision of which this Act does not otherwise provide arises between the committee and any other local authority, it shall be referred—

(*a*) to the Deputy Commissioner if the local authorities concerned are in the same district ;

(*b*) to the Commissioner if the local authorities concerned are in different districts of the same division ;

(*c*) to the President of the Union if the local authorities concerned are in different divisions.

(*2*) The decision of the authority to which any dispute is referred under this section shall be final.

(*3*) If in the case mentioned in sub-section (*1*), clause (*a*), the Deputy Commissioner is one of the persons constituting any of the local authorities concerned, his functions under this section shall be discharged by the Commissioner.

Annual reports and statements.

225. (*1*) The Committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the President of the Union in this behalf, submit to the President of the Union a statement of its receipts and disbursements in such form as the President of the Union may prescribe, and a general report of its proceedings during that period :

[1] Substituted for the word " Crown " by the Union of Burma (Adaptation of Laws) Order, 1948.

Provided that separate accounts shall be submitted of—

(*a*) all receipts of the water-tax, and all expenditure on the purposes for which the water-tax is levied;

(*b*) all receipts of the lighting-tax, and all expenditure on the purposes for which the lighting-tax is levied;

(*c*) all receipts of the latrine-tax, and all expenditure on the purposes for which the latrine-tax is levied;

(*d*) all receipts of the scavenging-tax, and all expenditure on the purposes for which the scavenging-tax is levied; and

[1](*e*) * * * *

(*f*) all income under the heads mentioned in section 89, and all expenditure on medical purposes.

(*2*) Accounts submitted under this section shall be examined or audited in such manner as the President of the Union may prescribe.

Estimates of receipts and expenditure.

226. (*1*) The committee shall submit, before such date in each year as may be directed by the President of the Union, for the sanction of such authority as the President of the Union may appoint in this behalf, an estimate of its probable receipts for the financial year next following, with proposals for the expenditure, and may, from time to time, submit in like manner further estimates or proposals or in modification of those submitted as aforesaid.

(*2*) No expenditure shall be incurred by a committee unless it is provided for in an estimate and proposals sanctioned under this section.

Sanction to works.

227. (*1*) No work, the estimated cost of which exceeds five hundred rupees, shall be begun by the committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(*2*) If the estimated cost of any such work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 226, or exceeds—

twenty thousand rupees in the case of the municipalities of Moulmein, Bassein and Akyab, or

one-tenth of the estimated annual income of the municipal fund in the case of any other municipality,

such work shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the President of the Union, or by an officer empowered by the President of the Union in this behalf.

Powers of Commissioner.

228. In all matters connected with the administration of this Act, the Commissioner shall have and exercise the same authority and control over every Deputy Commissioner subordinate to him as he has and exercises over such Deputy Commissioner in the general and revenue administration.

[1] Deleted by Act LII, 1950.

Power of President to frame forms and make rules.

229. The President of the Union may frame forms for any of the proceedings of committees for which he considers that a form should be provided, and may, in addition to rules made under any other powers conferred by this Act, make rules consistent with this Act—

(*a*) as to the officers to be addressed by committees when desirous of communicating with the President of the Union or officers of the Government;

(*b*) as to the preparation of estimates of the receipts and expenditure of committees, and as to the conditions subject to which such estimates may be sanctioned;

(*c*) as to the returns, statements and reports to be submitted by committees;

(*d*) as to the keeping and auditing of the accounts of municipal funds [* * * *][1] and hospital funds;

(*e*) as to the appointment and removal of a Chief Executive Officer and the management by him of municipal business;

(*f*) as to the appointment and removal of officers and servants of committees; and

[2](*g*) generally for all matters connected with the carrying out of this Act.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

Powers and duties of police in respect of offences against Act, etc., and assistance to municipal authorities.

230. (*1*) Every police-officer employed within the limits of the municipality shall give immediate information to the committee of any offence committed against this Act or the rules or bye-laws thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(*2*) Any such police-officer may arrest any person committing in his view any offence against this Act or the rules or bye-laws thereunder—

(*a*) if the name and address of the person are unknown to him, and

(*b*) if the person declines to give his name and address, or there is reason to doubt the accuracy of the name and address if given.

(*3*) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless an order of a Magistrate for his detention is obtained.

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[1] Deleted by Act LII, 1950.
[2] Substituted by Act XXXVI, 1953.

Prosecutions

231. No Court shall take cognizance of any offence punishable under this Act or any rule or bye-law thereunder except on the complaint of the committee or of some person authorized by the committee in this behalf.

Explanation.—The committee may by resolution authorize persons to prosecute either generally in regard to all offences against this Act and the rules or bye-laws thereunder, or specially in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office, if he is Chairman, Vice-Chairman, *ex-officio* member, secretary, engineer, or health officer of the committee; in other cases the authority must be personal. The authority must in all cases be in writing, and may at any time by resolution be cancelled by the committee.

Exemption of municipal cases from the provisions of section 200 of the Code of Criminal Procedure.

232. In any municipality to which the President of the Union may, by notification, apply this section, it shall not be necessary, in respect of any offence punishable under this Act or any rule or bye-law thereunder, to examine the complainant when the complaint is presented in writing, notwithstanding anything contained in section 200 of the Code of Criminal Procedure.

Power to compound offences.

233. (*1*) In any municipality the President of the Union may empower the committee or its Chairman, Vice-Chairman, secretary, health officer or engineer or, any member appointed by office, or any sub-committee, to accept from any person, against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law thereunder, a sum of money by way of composition for such offence.

(*2*) On payment of such sum of money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

(*3*) Sums paid by way of composition under this section shall be credited to the municipal fund.

(*4*) Power under sub-section (*1*) to accept composition for alleged offences may be given either generally in regard to all offences under this Act and the rules and bye-laws thereunder, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the President of the Union.

(*5*) The President of the Union may make rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

Member not to be deemed interested in prosecution.

234. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Act or any rule or bye-law thereunder, or under any other law, within the meaning of the Code of Criminal Procedure, by reason only of his being a member of the committee by the order or with the approval of which such prosecution has been instituted.

Saving of prosecutions under other laws.

235. Nothing in this Act shall prevent any person from being prosecuted under any other law for the time being in force for any act or omission which constitutes an offence against this Act or the rules or bye-laws thereunder, or from being liable under any other law to any other or higher punishment or penalty than that provided by this Act or the rules or bye-laws thereunder:

Provided that no person shall be punished twice for the same offence.

Rules, Bye-laws and Public Notices.

Procedure for making bye-laws.

236. Before making any bye-law the committee shall publish, in such manner as may be sufficient for giving information to all persons interested, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration; and shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

Publication of rules, bye-laws and public notices.

237. (*1*) Every bye-law shall, after being sanctioned or confirmed by the President of the Union, be published in the Gazette [* * * *][1]; and such publication shall be conclusive evidence that the bye-law was made in accordance with the requirements of this Act.

(*2*) Every public notice which, under this Act, does not require the sanction of, or confirmation by, the President of the Union, and every rule which the President of the Union is by this Act empowered to make, shall be published in such manner as the President of the Union may by notification direct, and shall have no force or validity until so published.

238. * * * *

Notices.

Authentication, service and validity of notice in writing.

239. (*1*) Every notice in writing issued by the committee under this Act shall be sufficiently authenticated by the signature of the Chairman, Vice-Chairman, health officer, engineer or secretary, or of any officer specially authorized by the committee to sign such notice, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

(*2*) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(*3*) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(*4*) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*5*) No notice issued by the committee under this Act shall be invalid merely by reason of any defect of form.

Mode of giving notice in writing to unknown owner or occupier of property.

240. When any notice in writing is under the provisions of this Act to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

(*a*) by delivery to some person on the property, or if there is no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property, or

(*b*) by posting a prepaid letter containing it, and addressed to the "owner" or "occupier" of the property (to be named) in respect of which the notice is given, without further name or description.

Powers to except Municipalities from provisions of the Act.

Power to except municipality from provisions of Act unsuited thereto.

241. (*1*) If the circumstances of any municipality are such that, in the opinion of the President of the Union, any of the provisions of this Act are unsuited thereto, the President of the Union may, by notification, except the municipality from the operation of such provisions; and thereupon such provisions shall cease to apply to the municipality.

(*2*) While an exception notified under sub-section (*1*) remains in force, the President of the Union may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Recovery of Money claimable by Committee.

Recovery of taxes, etc.

242. (*1*) Any arrears of any tax or fee or any other money claimable by the committee under this Act or from any person who has collected the same, or his surety may be recovered as if they were arrears of land revenue.

(*2*) The President of the Union may, by notification, prescribe by whose order and on whose application such arrears may be recovered.

Miscellaneous.

Saving of Local Authorities Loans Act.

243. Nothing in this Act shall affect the Local Authorities Loans Act.

Decision of questions as to whether persons are "inhabitants."

244. If any question arises as to whether a person [is an inhabitant][1] of a local area within the meaning of this Act, it shall be referred to the President of the Union, and the decision of the President of the Union thereon shall be final.

Power to extend Rangoon Water-works Act.

245. The President of the Union may, by notification, extend to any municipality any of the provisions of the Rangoon Water-works Act, other than those contained in section 3 thereof, and may, by such notification, declare with what modifications, not affecting the substance, such provisions shall apply to the said municipality.

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[1] Substituted by Act LII, 1950.

CHAPTER X.

SMALL TOWNS.

Notification of area.

246. (*1*) The President of the Union may, by notification, declare that, in respect of some or all of the matters upon which a municipal fund may be expended under section 87, improved arrangements are required within a specified area which nevertheless it is not expedient to establish as a municipality.

(*2*) An area with regard to which a notification has been issued under sub-section (*1*) is hereinafter called a "notified area".

(*3*) No area shall be declared a notified area unless it contains less than ten thousand inhabitants according to the returns of the most recent official census, is not a purely agricultural village, and contains a town or market.

(*4*) The President of the Union may at any time, in like manner, vary or rescind any notification issued under this section.

Powers of President.

247. (*1*) The President of the Union may, by notification,—

(i) appoint, or empower the Commissioner to appoint, two or more persons to be a town committee for any notified area;

(ii) extend or apply to any notified area the provisions of any section of this Act or of any rules for the time being in force under this Act, subject to such restrictions and modifications (if any) as the President of the Union may think fit;

(iii) impose in any notified area any tax which could have been imposed therein if such area were a municipality;

(iv) arrange for the due expenditure of the proceeds of taxes imposed under clause (iii) and of any other funds which may come to the hands of the committee for the purposes of the notified area, and for the preparation and maintenance of proper accounts; and

(v) vary or rescind any notification issued under this section.

(*2*) The proceeds of any tax levied in any notified area under this section shall not be expended except in payment of charges and expenses incidental to some one or more of the matters on which the municipal fund of such area might be expended if such area were a municipality.

Adaptation of enactments and rules.

248. For the purposes of any section or rules extended or applied to a notified area under this Chapter, and of Part I of the Vaccination Act, and of any other enactment which the President of the Union may, by notification, specify in this behalf for any notified area, the town committee appointed under section 247 shall be deemed to be a committee and the area a municipality.

Effect of including or excluding local area in or from a notified area.

249. Where by reason of a notification under section 246, sub-section (*4*), any local area is included in or excluded from or ceases to be a notified area, the provisions of section 6 shall apply as if the notified area were a municipality altered or abolished under section 4.

THE CITY OF RANGOON MUNICIPAL ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. Extent.
2. * * * *
3. Definitions.

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Principal Municipal Authority.

4. Principal Municipal Authority.

Subordinate Municipal Authorities.

5. Education Board.
6. Committees.

The Corporation.

7. The Corporation.
8. Term of office of councillors.
9. Casual vacancies how to be filled up.
10. Qualification of electors and councillors.
11. Councillors to take oath of allegiance.
12. Disqualification for election as, or being a, councillor.
13. Cessation of office of councillor.
14. Questions as to disqualification to be determined by the Chief Judge of the Rangoon City Civil Court.

Election Disputes.

15. Election petitions to be heard and disposed of by the High Court.
16. Exclusion of suits relating to elections.

The Mayor.

17. Appointment of Mayor.

Proceedings.

18. Meetings.
19. When councillors not to vote or take part in the discussion of matters.

Sections.

20. Preservation of order at meetings.
21. Right of Commissioner to speak at meetings.

Validity of Proceedings.

22. Vacancy not to invalidate proceedings.
23. Proceedings of Corporation not vitiated by disqualification of members thereof.
24. Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

CHAPTER III.

DUTIES AND POWERS OF THE CORPORATION.

25. Matters to be provided for by the Corporation.
26. Matters which may be provided for by the Corporation at its discretion.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Chief Executive Officer.

27. The Commissioner.
28. Provisions where Commissioner is a servant of the Government.

Municipal Officers and Servants generally.

29. Heads of Departments.
30. Provision for filling vacancies in offices of superior officers.
31. Appointment of other officers and servants.
31A. Payment of pensions, gratuities or compassionate allowances to dependants of officers or servants.
32. Acting appointments.
33. Municipal officer or servant not to be interested in any contract with the Corporation.
34. Power of suspending, punishing and dismissing, in whom to vest.
35. Extraordinary pension in case of officer or servant injured or killed in execution of his duty.

Essential Officers and Servants.

36. Essential officers and servants.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Sections.

37. Powers of Corporation as to acquisition of property.
38. Property vested in Corporation.
39. Property of public institutions managed by municipal authority to be held in trust.
40. The management of a provident fund for municipal officers and servants.
41. Power to acquire immoveable property.
42. Disposal of municipal property.
43. Resumption by Government.

CHAPTER VI.

LOANS.

44. Power of Corporation to borrow money.
45. Power of Corporation to open credit cash account with a Bank.
46. Limit of borrowing powers.
47. Form of debentures.
48. Coupons attached to debentures to bear signature in the prescribed manner.
49. Debentures issued to two or more persons jointly.
50. When and how loan shall be repaid.
51. Maintenance of sinking fund.
52. Power of Corporation to consolidate loans.
53. Investment of sinking fund.
54. Corporation may invest in its own debentures.
55. Application of sinking funds towards the discharge of the loan.
56. Provisions for loans raised by the Municipal Committee of Rangoon.
57. Annual examination of sinking funds.
58. Attachment of Municipal Fund in default of repayment of loan.
59. Attachment of Municipal Fund in default of the Corporation paying into the sinking fund the deficit amount.
60. Annual statement to be prepared by Corporation.

CHAPTER VII.

REVENUE AND EXPENDITURE.

Funds and Accounts.

61. Constitution of the Municipal Fund.
62. Application of Municipal Fund.

Sections.

63. The Education Fund.
64. Receipt and disposal of payments on account of the Municipal Fund.
65. How the funds shall be drawn against.
66. Deposit of portion of Municipal Fund outside Rangoon.
67. Investment of surplus moneys.
68. Accounts to be kept in a form approved by the President of the Union.
69. Publication of annual administration report and statement of accounts.

Budgets.

70. Prohibition of expenditure not budgeted for.
71. Preparation of Budget Estimates.
72. Reduction or transfer by the Corporation of budget grants.
73. Corporation may increase amount of budget grants and make additional grants.
74. Rules as to unexpended budget grants.
75. Readjustment of income and expenditure to be made by the Corporation during the course of the financial year whenever necessary.
76. Powers of Education Board with regard to Education Fund.

Audit.

77. Monthly scrutiny of accounts.
78. Audit of municipal accounts.

CHAPTER VIII.

MUNICIPAL TAXATION.

Taxes.

79. Taxes to be imposed under this Act.
80. Property taxes.
81. General tax on what properties to be levied.
82. Fire-brigade tax may be levied at different rates on different classes of buildings.
83. Lighting-tax on what property to be levied.
84. Conservancy-tax on what property to be levied.
85. Water-tax on what property to be levied.
86. Responsibility for payment of property taxes.

Exemptions.

Sections.

87. Buddhist monasteries exempt from all municipal taxation.
88. Remission or refund of property taxes on account of vacancies.
89. Exemption to vacant land vested in Development Trust.
90. Power to exempt from taxation.

Appeals and Assessments.

91. Appeals against valuations.
92. Taxation and contribution in lieu of taxation on State property.
93. Assessment of property held by the Commissioners for the Port of Rangoon.

CHAPTER IX.

CONVENIENCES.

Municipal Drains.

94. Cleansing drains.
95. Places for emptying of drains and disposal of sewage.
96. Provision of means for disposal of sewage.
97. Alteration and discontinuance of drains.

Drainage of Premises.

98. Drainage of premises situate within a hundred feet of a municipal drain.
99. Drainage of premises not situate within a hundred feet of a municipal drain.
100. New buildings not to be erected without drains.
101. Sewage and rain-water drains to be distinct.
102. Rights of owners and occupiers of premises to carry drains through lands belonging to other persons.
103. Obligation of owners of drains to allow use of or joint ownership therein to others.
104. How right of use or joint ownership of a drain may be obtained by a person other than the owner.
105. Corporation may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.
106. Power of Corporation to drain premises in combination.
107. Connecting drains to be constructed at expense of owners of premises.
108. Corporation may close or limit the use of existing private drains.
109. Affixing of pipes for ventilation of drains.
110. Right of Corporation to drains constructed at charge of Municipal Fund on premises not belonging to Corporation.

Scavenging and Cleansing.

Sections.

111. Deposit of rubbish and offensive matter.
112. Collection and removal of sewage, etc.
113. Least practicable nuisance to be caused.

Water Supply.

114. Water-supply.
115. General powers for supplying the City with water.
116. Power of access to municipal water-works.
117. Prohibition of erection of any building which would injure sources of water-supply.
118. Prohibition of bathing in, or polluting, water.
119. Occupier of premises to be primarily liable for certain offences against the Act.

General provisions with reference to Drainage, Water-supply and other Mains.

120. Power of carrying wires, pipes, drains, etc.
121. Buildings not to be erected without permission over drains or water, gas or air mains.
122. Compensation for damage.

CHAPTER X.

PUBLIC HEALTH AND SAFETY.

Factories and Trades.

123. Factory not to be newly established without permission of Corporation.
124. Regulation of dangerous and offensive trades.

Markets and Slaughter-houses.

125. Private markets not to be kept open without a licence.
126. Licensing of sale of meat outside market.
127. Prohibition of establishment of slaughter-houses.
128. Inspection of places for illicit slaughter of animals and seizure of carcases so slaughtered.
129. Levy of charges in municipal markets and slaughter-houses.

Weights and Measures.

130. Inspection of markets and seizure of weights and measures.

Seizure of Animals.

Sections.

131. Inspection and seizure of animals.

Food, Drink and Drugs.

132. Prohibition of sale of diseased animals or unwholesome articles intended for human food.
133. Adulteration of food, drink or drugs.
134. Standardized food and drugs.
135. Substitutes.
136. Provisions relating to prosecutions.
137. Liability of warrantors.
138. Inspection of place for sale of food or drink, and seizure of unwholesome articles or utensils found therein.
139. Seizure of articles during importation or transport.
140. Destruction of animals and articles seized under section 138 or 139.
141. Taking before Magistrate of animals and articles seized under section 138 or 139.
142. Foods and drugs directed to be destroyed deemed to be the property of the Corporation.
143. Power of dealer in, or purchaser of, article to have it analysed.
144. Purchase or seizure of article of food, drink or drug for purposes of analysis.

Disposal of the Dead.

145. President may direct the closing of any place for the disposal of the dead.
146. President may sanction the re-opening of places that have been closed for the disposal of the dead.
147. Burials and exhumations not to be made without the permission of the Corporation.

Emergency Provisions.

148. Emergency measures on outbreak of any dangerous disease.
149. Destruction of huts and sheds when necessary.
150. Power to destroy infected clothing, etc.
151. Emergency measures in unforeseen disasters.
152. Action by Commissioner to be reported.

CHAPTER XI.

BUILDINGS AND STREETS.

Buildings.

153. Prohibition of erection or re-erection of buildings without permission of Corporation.

Sections.

154. Completion certificates and permission to occupy or use buildings.
155. Power of Corporation to direct removal of person from buildings in which works are being unlawfully carried on or which are unlawfully occupied.
156. Provisions regarding buildings unfit for human habitation.
157. Removal of buildings in ruinous or dangerous state.
158. Reclamation of low-lying sites.
159. Power to prohibit re-erection of building on insanitary site.

Public Streets.

160. Closing of public streets.
161. Disposal of land forming site of public street.
162. Permission to lay tramways or railways on public streets to need the sanction of the Corporation and confirmation by the President.
163. Prohibition of projections upon streets. Power to require removal of the same.
164. Power to require removal of the projection made before Burma Municipal Act, 1884, came into force.

Private Streets.

165. Notice of intention to lay out new private street to be given to Corporation.
166. Level of new private streets to be determined by the Corporation.
167. New private street not to be made and buildings on either side thereof not to be erected except in accordance with Corporation's direction or approval.
168. Levelling and draining of private streets.

Conversion of Private into Public Streets.

169. Power to declare private streets, when sewered, public streets.

Building Schemes.

170. Power to regulate future construction of certain classes of buildings in particular streets or localities.
171. Procedure for Corporation to prescribe building line and street alignment.
172. Erection or re-erection of building beyond street alignment prohibited.
173. Setting forward of front to building line.
174. Buildings at corner of streets.
175. Preparation of standard plans for division of lands into building sites.

Saving as to Development Trust.

Sections.

176. Power to exempt operations of Development Trust.

CHAPTER XII.

GENERAL PROVISIONS FOR THE CARRYING ON OF MUNICIPAL ADMINISTRATION.

Validity of Contracts.

177. Contracts.

Licences and Written Permission.

178. Licences and written permission.

Power of Entry and Inspection.

179. Power of entry on premises for purposes of inspection, survey or execution of necessary work.
180. Power of entry on lands adjacent to works.
181. Right of entry into and inspection of premises licensed for any purpose.

Enforcement of Orders to execute Works.

182. Execution of works which any person is required to execute by the Corporation at such person's cost.
183. In default of owner the occupier of any premises may execute required work and recover expenses from the owner.
184. Limitation of liability of agent or trustee of owner.

Recovery of Expenses incurred by the Corporation.

185. Expenses recoverable under this Act to be payable on demand.
186. Corporation may receive payment in instalments.
187. Expenses incurred by Corporation may be declared improvement expenses and recovered by instalments.
188. In cases falling under section 185 disputes to be determined by the Chief Judge of the Rangoon City Civil Court.

Payment of Compensation by Corporation.

189. Compensation to owner for value of immoveable property deteriorated.
190. Procedure on complaint of injury.
191. Saving of right to claim damages for injury.
192. Payment of compensation.
193. Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Rangoon City Civil Court.

Recovery of Dues.

Sections.

194. Recovery of arrears of taxes and other dues.
195. Writing off irrecoverable taxes.

Interference with Municipal Officers.

196. Corporation not to be prevented from exercising power of entry.
197. Prohibition of obstruction of contractor.
198. Prohibition of removal of mark.

Legal Proceedings.

199. Decision of the Chief Judge of the Rangoon City Civil Court.
200. Procedure in inquiries before civil Courts.
201. Fees in proceedings before civil Courts.
202. Limitation of time.

Suits.

203. Indemnity for acts done in good faith.
204. Protection of persons acting under this Act against suits.

CHAPTER XIII.

PUNISHMENT OF OFFENCES.

205. Certain offences punishable with fine.
206. Continuing offences.
207. Certain offences punishable with imprisonment without option of fine.
208. Punishment of offences relating to the terminal tax.
209. Punishment for acquiring share or interest in contract, etc., with the Corporation.
210. Punishment for essential officer leaving employment.

Procedure in Municipal Prosecutions.

211. Offenders against this Act may in certain cases be arrested by the police and municipal officers or servants.
212. Jurisdiction of City Magistrates.
213. Procedure in prosecutions.
214. Limitation of time for prosecution.
215. Power of Magistrate to hear cases in absence of accused.
216. Report of Municipal Analyst.
217. Compensation to be paid by offenders against this Act for any damage caused by them.
218. Recovery of licence fees on conviction.
219. Compounding offences against this Act.

CHAPTER XIV.

ALTERATION OF LIMITS OF THE CITY.

Sections.
220. Notification of intention to alter limits of Rangoon.
221. Effect of exclusion of local area.
222. Effect of including local area.

CHAPTER XV.

CONTROL BY THE PRESIDENT OF THE UNION.

223. Power of President to suspend action under Act.
224. Power of President to call for extracts from proceedings.
225. Power of President for purposes of examination and inspection.
226. Power of President to require municipal authority to take action.
227. Power of President when municipal authority fails to take action.
228. Power to President to dissolve Corporation in case of incompetency, persistent default or excess or abuse of powers.

CHAPTER XVI.

SCHEDULES AND RULES.

229. Schedules to be part of the Act.
230. Alteration of and addition to Schedules.
231. Power to make rules enforceable outside the City.
232. Power to make rules subject to the sanction of the President and all rules to be published.
233. Power of the President to make rules.
234. Penalty for breach of rules.
235. Matters in respect of which rules may be made.
236. The High Court to make rules for regulating the procedure of the Rangoon City Civil Court.

CHAPTER XVII.

SUPPLEMENTAL PROVISIONS.

237. Councillors to be deemed to be public servants.
238. Co-operation of police.
239. Informalities and errors in assessments not to be deemed to invalidate such assessments.

Sections.

240. Disputes between Corporation and local authorities.
241. Disputes between Corporation and President.

SCHEDULES I—V.

[NOT RE-PRINTED].

SCHEDULE VI.

BOUNDARIES OF THE CITY OF RANGOON.

THE CITY OF RANGOON MUNICIPAL ACT.

[BURMA ACT VI, 1922.] (1st August, 1922.)

CHAPTER I.

PRELIMINARY.

Extent.

1. This Act extends to the City of Rangoon [1] only: Provided that the President of the Union may, by notification, extend this Act or any part thereof to any other local area in the Union of Burma.

2. * * * * *

Definitions.

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

(i) "authorized" means authorized by the Corporation either generally or specially;

(ii) "bakery" means any place in which are baked or cooked bread, biscuits or confectionery, for the purposes of sale or profit;

(iii) "budget grant" means any sum entered on the expenditure side of a budget estimate which has been approved by the Corporation and includes any sum by which such budget grant may at any time be increased under clause (*b*) of section 72 or under section 73 or 76;

(iv) "building" means a house, hut, shed or other roofed structure, for whatsoever purpose and of whatsoever material constructed, and every part thereof, but shall not include a tent or other portable and merely temporary shelter;

(v) "building line" means a line to which the main wall of a building abutting on a street may lawfully extend;

(vi) * * * * *

(vii) "the City" means the City of Rangoon, as described in Schedule VI as amended from time to time;

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[1] See clause (vii) of section 3 and Schedule VI.

(viii) "closet accommodation" means a receptacle for human excreta, together with the structure comprising such receptacle and the fittings and apparatus connected therewith;

(ix) "the Commissioner" means the Municipal Commissioner for the City appointed under section 27, and includes any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the Commissioner to the extent to which such officer is so empowered;

(x) "the Corporation" means the Municipal Corporation of the City of Rangoon constituted under section 4;

(xi) "councillor" means a member of the Corporation duly elected or appointed under this Act;

(xii) "dangerous disease" means cholera, plague, small-pox or any other disease which the Corporation may by public notice declare to be a dangerous disease;

(xiii) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel, and any cistern, flush-tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water, and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(xiv) the expression "erect or re-erect any building" includes—

(*a*) any material alteration or enlargement of any building;

(*b*) the conversion into a place for human habitation of any building not originally constructed for human habitation;

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place;

(*d*) the conversion of two or more places of human habitation into a greater number of such places;

(*e*) such alteration of the internal arrangements of a building as effects an alteration in its drainage or sanitary arrangements or affects its stability;

(*f*) the addition of any rooms, buildings, out-houses or other structures to a building; and

(*g*) the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of a wooden building;

(xv) "factory" means—

(*a*) any premises wherein, or within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam, water or other mechanical power or electrical power is used in aid of any

process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article; or

(*b*) any premises wherein, or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether any such power is used in aid thereof or not, which have been declared by the President of the Union, by notification, to be a factory;

A declaration under sub-clause (*b*) may be made in respect of any class of premises, or in respect of any particular premises;

(xvi) "keeper" means the person in charge of a lodging-house, and may include the owner for the purposes of any rules;

(xvii) "land" includes land which is built upon or covered with water;

(xviii) "licensed plumber" and "licensed surveyor", mean, respectively, a person licensed by the Corporation as a plumber or surveyor under this Act;

(xix) "local authority" includes the Trustees for the Development of the City of Rangoon;

(xx) "lodging-house" means a building or part of a building—

(*a*) which is let in lodgings; or

(*b*) which is occupied to any extent in common by members of more than one family, and the rent of which does not exceed one hundred rupees per month; or

(*c*) which is let as a human habitation for a period of less than a month: provided that this definition shall not include hotels or boarding-houses, when the daily charge for board and residence is not less than one rupee;

(xxi) "market" includes any place where persons periodically assemble for the sale of meat, fish, fruit, vegetables, livestock or any other article of food;

21 and 22 Vict., c. 90.

(xxii) "the Medical Acts" means the Medical Act, 1858, and the Acts amending the same;

(xxiii) "municipal analyst" means any qualified person who has been appointed by the Corporation to perform the duties of an analyst;

(xxiv) "municipal drain" means a drain vested in the Corporation;

(xxv) "municipal market" means a market vested in or managed by the Corporation;

(xxvi) "municipal slaughter-house" means a slaughter-house vested in or managed by the Corporation;

(xxvii) "municipal tax" means any impost levied under the provisions of this Act by the Corporation;

(xxviii) "municipal water-work" means a water-work vested in or managed by the Corporation;

(xxix) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(xxx) "offensive matter" includes animal carcases, dung, dirt, putrid or putrifying substances, and filth of any kind which is not included in "sewage";

(xxxi) "owner" includes the person who for the time being receives the rent of any building or land, whether on his own account or as agent or trustee, or who would so receive the rent if the building or land were let to a tenant, but does not include the Government;

(xxxii) "prescribed" means prescribed by this Act or by any rule under this Act;

(xxxiii) "private street" means a street which is not a public street;

(xxxiv) the term "public securities" means Government securities and any securities guaranteed by Government, securities of the Commissioners for the Port of Rangoon, securities issued by the Corporation, securities heretofore issued by the Municipal Committee of Rangoon, and any other securities which the President of the Union may declare to be public securities for the purposes of this Act;

(xxxv) "public street" means any street heretofore paved, metalled, channelled or sewered by the Municipal Committee of Rangoon, and any street which becomes a public street under any of the provisions of this Act;

(xxxvi) a person is deemed "to reside" in any dwelling which he sometimes uses or some portion of which he sometimes uses, though perhaps interruptedly, as a sleeping apartment; and a person is not deemed to cease "to reside" in any such dwelling merely because he is absent from it, or has elsewhere another dwelling in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning thereto;

(xxxvii) "rubbish" includes dust, ashes, broken bricks, mortar, broken-glass, garden or stable refuse and refuse of any kind which is not "offensive matter" or "sewage";

(xxxviii) "rules" means rules and forms contained in Schedules [1] I, II, III or IV or made under sections 230, 231, 233 or 236;

(xxxix) "sewage" includes night soil and other contents of water-closets, latrines, urinals, privies and cesspools, and polluted water from sinks, bath-rooms, stables, cattlesheds and other like places;

(xl) "sewage-connection" includes any drain connecting any water-closet, latrine, urinal, privy, bath-room, sink, sullage-tray,

[1] For these Schedules, see the City of Rangoon Municipal Manual.

manhole or trap, with any drain set apart by the Corporation for sewage and other offensive matter;

(xli) "street" includes any highway and any cause-way, bridge, viaduct, arch, road, lane, foot-way, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access, and also the surface-soil, sub-soil, foot-way and drains of any street, and anything planted in such soil;

(xlii) "street alignment" means a line dividing the land comprised in and forming a part of a street from the adjoining land;

(xliii) "vehicle" means a wheeled conveyance capable of being used on a street;

(xliv) "water-closet" means closet accommodation used or adapted or intended to be used in connection with municipal water-works, and comprising provision for the flushing of the receptacle by means of a water supply, and having connection with a sewer;

(xlv) "water-connection" includes—

(*a*) any tank, cistern, hydrant, standpipe, meter or tap situated on private property and connected with a water-main or pipe belonging to the Corporation; and

(*b*) the water-pipe connecting such tank, cistern, hydrant, standpipe, meter or tap with such water-main or pipe;

(xlvi) "water for domestic purposes" shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, or water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental purposes;

(xlvii) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine and any machinery, land, building or thing for supplying or used for supplying water;

(xlviii) "workshop" means any building, place or premises, or part of any building, place or premises not being a factory, in which, or within the close, compound, or precincts of which, any manual labour is exercised by way of trade or for the purposes of gain in or incidental to any of the following purposes, namely:—

(i) the making of any article or part of any article; or

(ii) the altering, repairing, ornamenting or finishing of any article; or

(iii) the adapting for sale of any article, and to or over which place or premises, or part of such place or premises the employer of the persons working therein has the right of access or control.

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Principal Municipal Authority.

Principal Municipal Authority.

4. The duty of carrying out the provisions of this Act shall, subject to the conditions and limitations herein after prescribed, be vested in a body to be called "The Municipal Corporation of the City of Rangoon"; and such body shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

Subordinate Municipal Authorities.

Education Board.

5. The powers conferred and the duties imposed on the Corporation by this Act in regard to all matters relating to education shall, subject to such conditions and limitations as may be prescribed and to the general control of the Corporation, be exercised or performed, as the case may be, by an Education Board constituted in the manner prescribed, and in all such matters the Corporation shall seek and consider the advice of the Education Board.

Committees.

6. (*1*) The Corporation may, in the manner prescribed, appoint standing committees for the execution and performance of such powers and duties conferred or imposed on the Corporation by this Act as it thinks fit.

(*2*) The Corporation may appoint special committees and refer to such committees, for enquiry and report or for opinion, any subject relating to matters dealt with by this Act.

The Corporation.

The Corporation

7. The Corporation shall consist of as many councillors not in any case exceeding forty as may be prescribed, of whom at least three-fourths shall be elected in the manner prescribed from the general body of electors and the remainder shall be nominated by the President of the Union or elected by such local authorities and public bodies as may be prescribed:

Provided that where no qualified candidate has been duly nominated to represent any ward or community at the time fixed for election the vacancy shall be filled in the manner prescribed in section 15, sub-section (*4*).

Term of office of councillors.

8. All members of the Corporation constituted as aforesaid shall come into office on the first day of March [1] following on the date of their election or appointment and shall retire from office at noon on the first day of March [1] three years after they take office, which day is in this Act referred to as the day for retirement.

Casual vacancies, how to be filled up.

9. In the event of non-acceptance of office by a person elected or appointed to be a councillor, or of the death or resignation of a councillor, or of his ceasing to hold office as such, or of his removal by the President of

[1] Substituted for the word "January" by Act LV, 1948.

the Union, or of his becoming incapable of acting previous to the day for retirement, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have been entitled to hold it if the vacancy had not occurred.

Qualification of electors and councillors.

10. No person shall vote for, or stand for election as, a councillor unless he possesses the qualifications prescribed for an elector or councillor, as the case may be.

Councillors, to take oath of allegiance.

11. Notwithstanding anything contained in section 16 of the Oaths Act, no councillor shall exercise any of the rights of his office until he has at a meeting of the Corporation made an oath or affirmation that he will be [faithful to the Constitution of the Union][1]; and if any councillor fails within three months of his election or appointment, as the case may be (or within such further period as the President of the Union may in any particular case think fit to allow), to make such oath or affirmation he shall be deemed to have refused acceptance of his office.

Disqualification for election as, or being a councillor.

12. A person shall be disqualified for being elected or appointed and for being a councillor if such person—

(*a*) has been convicted of an offence punishable with imprisonment for a term exceeding six months, such conviction not having been subsequently set aside and such disqualification not having been removed by an order which the President of the Union is hereby empowered to make, if he thinks fit, in this behalf; or

(*b*) has been declared by the President of the Union unfit for employment in, or has been dismissed from, the public service; or

(*c*) is an undischarged insolvent or bankrupt; or

(*d*) is a municipal officer or servant or a licensed plumber or licensed surveyor; or

(*e*) is a Judge of the Rangoon [City Civil Court][2] or acting in that capacity; or

(*f*) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of, the Corporation; or

(*g*) is a director, secretary, manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of, the Corporation:

Provided that no person shall be disqualified or be deemed to have any share or interest in such a contract or employment by reason only of his having any share or interest—

(i) in any lease, sale, exchange or purchase of immoveable property or any agreement for the same; or

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] In this Act the words "City Civil Court" were substituted for the words "Small Cause Court" by Act XVI, 1946.

(ii) in any agreement for the loan of money or any security for the payment of money only; or

(iii) in any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or

(iv) in any occasional sale to the Corporation of any article in which he regularly trades; or

(v) in any incorporated company which has any share or interest in any contract or employment with, by or on behalf of, the Corporation otherwise than as director, secretary, manager or salaried officer thereof.

Cessation of office of councillor.

13. (*1*) A councillor shall cease to hold office as such—

(*a*) *ipso facto* on his becoming disqualified for office by reason of the provisions of section 12;

(*b*) on the recommendation of the Corporation if, not being prevented by illness or granted leave of absence by the Corporation, he absents himself from all meetings thereof for a period of three consecutive months.

(*2*) The President of the Union may, if he thinks fit, on the recommendation of the Corporation made after due enquiry, in which the councillor shall have the right to be heard, remove any councillor elected or appointed under this Act if such councillor has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct.

Questions as to disqualifications to be determined by the Chief Judge of the Rangoon City Civil Court.

14. Whenever it is alleged that any councillor has become disqualified for office for any reason aforesaid, and such councillor does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor or the Corporation may apply to the Chief Judge of the Rangoon [City Civil Court][1]; and the said Judge, after making such enquiry as he deems necessary, shall determine whether or not such councillor has become disqualified for being a councillor, and his decision shall be final.

Election Disputes.[2]

Election petitions to be heard and disposed of by the High Court.

15. (*1*) If the order of the Commissioner as to the validity of the nomination of any candidate for election as a councillor, or if the qualification of any person declared to be elected a councillor, is disputed, or if the validity of any election is questioned by reason of irregularity in the election proceedings, bribery, corruption, personation, treating, undue influence or for any other cause, any person whose name is entered in the register of electors in the ward or of the community concerned or (in the case of an election by a local authority or a public body) any person entitled to vote in such election may, at any time within eight days after the result of the election has been

[1] Substituted by Act XVI, 1946.

[2] For rules of procedure prescribed by the High Court for filing and hearing of election petitions, see High Court Notification No. 18 (General), dated the 12th September, 1941, *Burma Gazette*, 1941, Part IV, p. 829.

declared, apply to the High Court in the exercise of its original civil jurisdiction for an adjudication on the matter. If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although not declared elected, have, according to the results declared by the Commissioner obtained a greater number of votes than the said candidate and proceed against them in the same manner as against the candidate who has been declared to be elected.

(*2*) If the said High Court, after making such inquiry as it deems necessary, finds that the election was a valid election, and that the person whose election is objected to was at the time of the election qualified to be elected as a councillor and was not disqualified for being a councillor, it shall confirm the declared result of the election. If it finds that the person whose election is objected to was at the time of the election not qualified to be elected as a councillor or was disqualified for being a councillor it shall declare such person's election null and void, in which case it shall direct that the candidate, if any, in whose favour the next highest number of votes is recorded after the said person or after all the persons who were declared to be elected at the said election, and against whose election no cause of objection is found, shall be deemed to have been elected. If it finds that the election is not a valid election it shall set it aside.

(*3*) The order made by a Judge of the said High Court in the exercise of its original civil jurisdiction shall be final and conclusive.

(*4*) If there is no person who may be deemed to be elected under sub-section (*2*), the Commissioner shall submit a report of the circumstances to the President of the Union who may either—

(*a*) appoint a fit person to fill the vacancy; or

(*b*) direct the Commissioner to appoint another day and hold a fresh election to fill such vacancy.

Exclusion of suits relating to elecetions.

16. No suit shall be brought in, nor application or appeal lie to, any Court in respect of any matters relating to the system of representation and election, unless such suit, application or appeal is expressly authorized by this Act.

The Mayor.

Appointment of Mayor.

17. (*1*) The Corporation shall, at its first meeting in the month of March[1] every year, elect one of its number to be Mayor until the first meeting of the Corporation in the next following month of March,[1] unless the councillors in the meantime retire from office, and then until the day for retirement.

(*2*) Any councillor who ceases to be Mayor may be re-elected as Mayor.

(*3*) If any casual vacancy occurs in the office of Mayor, the Corporation shall, as soon as it conveniently can after the occurrence of such vacancy, elect one of its number to fill such vacancy, and the Mayor so elected shall

[1] Substituted for the word "January" by Act LV, 1948.

continue in office so long only as the person in whose place he is elected would have been entitled to continue therein if such vacancy had not occurred.

Proceedings.

18. (*1*) The Corporation shall meet for the transaction of business at least once in each month. **Meetings.**

(*2*) No business shall be transacted at any meeting of the Corporation unless the prescribed quorum is present: provided that if at such meeting a quorum is not present, the Mayor shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted at the adjourned meeting whether there is a quorum present thereat or not.

(*3*) Every such meeting shall be presided over by the Mayor, if he is present, and if the office of Mayor is vacant, or if the Mayor is absent, by such one of the councillors present as may be chosen by the meeting to be Chairman for the occasion.

(*4*) The presiding authority shall have a second or casting vote in all cases of equality of votes.

(*5*) Every such meeting shall be open to the press and the public, unless a majority of councillors present decide that any inquiry or deliberation pending before the Corporation is such as should be held in private: provided that the presiding authority may at any time cause any person other than a councillor to be removed who interrupts the proceedings.

(*6*) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the Corporation at every such meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting of the Corporation at which such minute is confirmed, and a copy thereof shall be submitted to the President of the Union as soon thereafter as may be practicable.

19. No councillor or member of the Education Board or any standing or other committee shall vote or take part in the discussion of any matter before any meeting of the Corporation or of such Board or committee if he— **When councillors not to vote or take part in the discussion of matter.**

(*a*) has, directly or indirectly, by himself or by any partner, employer or employee, any such share or interest in such matter as is described in clause (*f*) of section 12, or is a director, secretary, manager or other salaried officer of an incorporated company which has any such share or interest, or

(*b*) has acted or is acting professionally, in relation to any such matter, on behalf of any person having any such share or interest as aforesaid.

20. Any councillor or member of the Education Board or of any standing or other committee who, at a meeting of the Corporation or of the Education Board or of the standing or any other committee, as the case may **Preservation of order at meetings.**

be, neglects or refuses to obey any direction of the presiding authority shall be removed from the place of meeting under the orders of such presiding authority and, notwithstanding anything said to the contrary in this Act, shall not be permitted to attend any meeting of the Corporation, or Education Board or any committee, without the express permission of the Corporation granted in that behalf, upon such terms, if any, as to apology, submission, suspension or the like, as the Corporation may in its discretion impose.

Right of Commissioner to speak at meetings.

21. The Commissioner shall have the same right of being present at a meeting of the Corporation or of the Education Board or of any standing or other committee, and of taking part in the discussions thereat, as a councillor or a member of such Board or committee respectively, and may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make, any proposition at any such meeting.

Validity of Proceedings.

Vacancy not to invalidate proceedings.

22. No act or proceeding of the Corporation or of the Education Board or of any standing committee appointed under this Act shall be questioned on account of any vacancy in its body.

Proceedings of Corporation not vitiated by disqualification of members thereof.

23. No disqualification of, or defect in the election or appointment of, any person acting as a councillor or as the Mayor or presiding authority of the Corporation, or as the chairman or as a member of the Education Board or of any standing committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Corporation or of such Board or of any such committee, as the case may be, in which such person has taken part; whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

24. Until the contrary is proved—

(*a*) every meeting of the Corporation or of the Education Board or of a standing committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held, and all members of the meeting shall be deemed to have been duly qualified ; and

(*b*) where the proceedings are proceedings of a standing committee, such committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

CHAPTER III.

DUTIES AND POWERS OF THE CORPORATION.

Matters to be provided for by the Corporation.

25. The Corporation shall make adequate provision, by any means or measures which it is lawfully competent for it to use, for each of the following matters, namely :—

(i) the construction or laying out of drains for effectually draining the City, and the maintenance, flushing and cleansing of all municipal drains;

(ii) the erection in proper and convenient situations on municipal land of water-closets, closet accommodation, urinals and other conveniences for the public, and the maintenance and cleansing of the same;

(iii) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish;

(iv) the watering, scavenging and cleansing of all public streets in the City and the removal of all sweeping therefrom;

(v) the management and maintenance of all municipal water-works and the construction or acquisition of new works necessary for a sufficient supply of suitable water for public and private purposes;

(vi) the reclamation of unhealthy localities, the removal of vegetation and generally the abatement of all nuisances;

(vii) the regulation of places for the disposal of the dead and the provision of new places for the said purpose;

(viii) the registration of births and deaths;

(ix) public vaccination in accordance with the provisions of the Vaccination Act;

(x) measures for preventing and checking the spread of disease;

(xi) the construction or acquisition of markets and cattle pounds and the maintenance of all municipal markets and cattle pounds;

(xii) the regulation of all markets, lodging-houses, camping grounds and rest-houses (*zayats*) in the City;

(xiii) the construction or acquisition of slaughter-houses and the maintenance and cleansing of municipal slaughter-houses;

(xiv) the regulation of offensive and dangerous trades;

(xv) the formation and maintenance of a fire insurance fund for the protection of municipal property;

(xvi) the maintenance of a fire brigade and of suitable appliances for the extinction of fires and the protection of life and property against fire;

(xvii) the maintenance of an ambulance service;

(xviii) the making secure or removal of dangerous buildings and places

(xix) the construction, levelling, maintenance (including metalling or paving and channelling) and improvement of public streets and

the construction and maintenance of public bridges, culverts, causeways and the like ;

(xx) the lighting of all public streets and municipal markets and of buildings vested in the Corporation ;

(xxi) the removal of obstructions and projections in and upon streets, bridges and other public places ;

(xxii) the naming and numbering of streets and the numbering of buildings and lands ;

(xxiii) the construction or acquisition, improvement and maintenance of offices and buildings required for municipal purposes, and the maintenance of all public monuments and other property vested in the Corporation ;

(xxiv) the construction or acquisition and maintenance of hospitals for the treatment of contagious or infectious diseases, and the maintenance of any hospital (other than the Rangoon General Hospital), dispensary, poor-house and leper asylum the cost of which may be declared by the President of the Union to be a proper charge on the Municipal Fund ;

(xxv) the expenses of pauper lunatics and pauper lepers sent to public asylums from the City ;

(xxvi) the construction of any encampment ;

(xxvii) the maintenance and regulation of any public institution placed by the President of the Union within the sphere of or under the charge of the Corporation ;

(xxviii) the maintenance of public parks, gardens, recreation grounds and open spaces which were in existence on the 1st August 1922,[1] and are by this Act vested in the Corporation ;

(xxix) (*a*) the establishment of vernacular schools ; the management, visiting and maintenance of all vernacular schools so established or vested in the Corporation and in this Act hereinafter referred to as municipal vernacular schools ; the construction and repair of all buildings connected therewith and the pay and appointment of the teaching staff in such schools ;
(*b*) the recognition, control, visiting and aid of vernacular schools under private management ; and

(xxx) fulfilling any obligation imposed by this Act or any law for the time being in force.

Matters which may be provided for by the Corporation at its discretion.

26. The Corporation may in its discretion provide either wholly or in part for all or any of the following matters, namely :—

(i) the organisation, maintenance or management of—

(*a*) institutions within or without the City for the care of the sick or incurable or for the care and training of the blind or other partially helpless persons or children ;

[1] Date of commencement of this Act.

(*b*) maternity homes or shelters, dispensaries or milk depôts for infants;

(*c*) chemical or bacteriological laboratories (within or without the City) for the examination or analysis of water, food or drugs, for the detection of disease or for researches connected with public health;

(*d*) public wash-houses, bathing places or other institutions designed for the improvement of public health;

(*e*) dairies or farms within or without the City for the supply of milk or milk products or for municipal profit or for the purpose of experiments in the breeding of cattle or the cultivation of crops;

(ii) (where and so long as such schools or institutions are recognised by the Government or are under the control of the University of Rangoon)—

(*a*) the establishment, maintenance or management of schools;

(*b*) the aid of schools under private management;

(*c*) the promotion or aid of higher or special education in institutions within or in close proximity to the City;

(iii) the building or purchase and maintenance of—

(*a*) dwellings for municipal officers or servants;

(*b*) suitable dwellings for the poorer and working classes;

(*c*) sanitary stables or byres for horses, ponies or cattle used in hackney carriages or hack carts or for milch-kine;

(iv) the construction, purchase, organization, maintenance or management of tramways, trackless trams, or motor transport facilities for the carriage of the public;

(v) the laying out or maintenance of public parks, gardens or recreation grounds, and planting and care of trees on roadsides and elsewhere;

(vi) the construction and maintenance in the public streets of drinking fountains for men and water-troughs for animals;

(vii) the laying out in areas previously built on or not of new public streets; and the construction of buildings to abut on such streets;

(viii) the organization or maintenance of libraries, museums, art-galleries, botanical or zoological collections or the purchase or construction of buildings therefor;

(ix) the holding of agricultural, industrial or scientific fairs or exhibitions or of athletic sports;

(x) the promotion of public health or infant welfare;

(xi) the organization or maintenance in times of scarcity of shops or stalls for the sale of the necessaries of life;

(xii) the prevention of cruelty to animals, including the construction or maintenance of infirmaries under the Prevention of Cruelty to Animals Act [* * *][1];

[1] The figures "1890" were omitted by Act II, 1945.

(xiii) the destruction of crows or any other animals causing nuisance or of vermin or the confinement or destruction of stray dogs or other domestic animals;

(xiv) contributions towards any public fund raised for the relief of human suffering within or without the City;

(xv) music in public places or places of public resort;

(xvi) public ceremonies or entertainments, including the preparation of addresses to persons of distinction;

(xvii) (on such terms and conditions as the President of the Union approves) the promotion, formation, extension or assistance of any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poorer and working classes by any or all of the following means—

(*a*) the acquisition of land with a view to selling or leasing the same to such society; or

(*b*) the making of grants or loans thereto; or

(*c*) subscription for any share-capital therein; or

(*d*) guaranteeing the payment of interest on money borrowed by such society or of any share-capital issued thereby;

(xviii) the acquisition of immoveable property for any of the purposes above mentioned, or the cost of surveys or examination of such property, or for the construction or adaptation of buildings necessary for such purposes; and

(xix) any measure not hereinbefore specifically named, expenditure whereon is declared by the President of the Union to be an appropriate charge on the Municipal Fund.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Chief Executive Officer.

The Commissioner.

27. (*1*) The Corporation shall appoint a fit person, to be styled the Commissioner, who shall be the chief executive officer of the Corporation, and to whom all other municipal officers and servants shall be subordinate.

(*2*) The Commissioner shall exercise and perform such powers and duties as are conferred or imposed on him by this Act, and further, such of the powers and duties conferred or imposed on the Corporation as it may, in the manner prescribed, delegate to him.

(*3*) He shall devote his whole time and attention to the duties of his office: provided that he may at any time—

(i) be a member of the Union Parliament; or

(ii) hold the office of Commissioner for the Port of Rangoon; or

(iii) be a member of the Board of Trustees constituted under the Rangoon Development Trust Act; or

(iv) be a member of any body constituted under the University of Rangoon Act; or

(v) with the sanction of the Corporation, serve on any committee or tribunal constituted by the President of the Union for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

(*4*) During any absence or during any vacancy in the office of the Commissioner, the Corporation may appoint a person to act as Commissioner. Every person so appointed shall exercise the powers conferred and perform the duties imposed by this Act or by any other enactment at the time in force on the Commissioner, and shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is liable, and shall receive such monthly salary and allowances within the limits prescribed in section 28 or 29 as the President of the Union or the Corporation, as the case may be, shall determine.

(*5*) Any of the powers, duties or functions conferred or imposed upon the Commissioner by this Act may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as the Corporation shall think fit to provide, by any other municipal officer whom the Corporation generally or specially empowers in this behalf.

Provisions where Commissioner is a servant of the Government.

28. Where an officer in the service of the Government is appointed to be the Commissioner, the pay, allowances, leave privileges and other conditions of tenure of the office shall, subject to such rules as may be prescribed, be determined by the President of the Union after consultation with the Corporation; and sections 29 to 36 shall not apply.

Municipal Officers and Servants generally.

Heads of Departments.

29. (*1*) The Corporation shall appoint fit persons to be—

(*a*) Health Officer, Secretary, Assessor and Chief Accountant; and

(*b*) Chief Engineer or Engineers in charge of separate departments of Municipal Works.

(*2*) Each of the said officers shall—

(*a*) devote his whole time and attention to the duties of his office: provided that, with the sanction of the Corporation, he may undertake other duties for the furtherance of any object of local importance or interest;

(*b*) receive such monthly salary as the Corporation shall, with the previous sanction of the President of the Union, determine; and

(*c*) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of his office, on the votes of

not less than two-thirds of the members present at a meeting of the Corporation :

Provided that—

(i) no person shall be appointed to be Health Officer whose name is not registered under the Medical Acts as the holder of a diploma showing that he has passed an examination in public health ;

(ii) the Corporation may, in its discretion, appoint a person probationally, for a limited period only, to any of the said offices ;

(iii) every permanent appointment made under this section shall be subject to confirmation by the President of the Union ;

(iv) no officer appointed under this section shall be removed from office in consequence of a vote under clause (*c*) of sub-section (*2*) without the sanction of the President of the Union ; and

(v) no variation in the amount of salary determined under clause (*b*) of sub-section (*2*) shall be made by the Corporation except with the previous sanction of the President of the Union.

(*3*) To each of the said officers the Corporation shall pay, in addition to their salaries, such allowances, pensions and gratuities, and make on their behalf such payment to provident or annuity funds, as it thinks fit.

(*4*) The provisions of this section, excepting clause (*a*) of sub-section (*2*) shall apply to the officer appointed to be Commissioner or acting Commissioner not being a servant of the Government.

Provision for filling vacancies in offices of superior officers.

30. (*1*) In default of an appointment being made by the Corporation under section 27 or 29 within a reasonable time, the President of the Union may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the Corporation.

(*2*) Pending the settlement of a permanent appointment under sub-section (*1*), the President of the Union may appoint a person to fill the vacancy temporarily, and may direct that the person so appointed shall receive such monthly salary and allowances as he shall think fit.

Appointment of other officers and servants.

31. The Corporation shall appoint such other officers and servants as are necessary for the efficient carrying out of the purposes of this Act, and shall assign to them such duties, and shall pay them such salaries, allowances, pensions and gratuities, and make on their behalf such payments to provident or annuity funds, as it thinks reasonable.

Payment of pensions, gratuities, or compassionate allowances to dependants of officers or servants.

31A. The Corporation may, in accordance with rules made under section 230 read with section 235, grant pensions, gratuities or compassionate allowances to the widows or other dependent relations of any officers or servants appointed under sections 27, 29, 30 or 31 who have died while in the service of the Corporation.

Acting appointments.

32. *(1)* The Corporation may, where necessary, appoint any fit person to act in the place of an officer (other than the Commissioner) or servant absent on leave : provided that—

(i) any appointment of a person to act for any of the officers named in section 29, sub-section *(1)*, may be disallowed by the President of the Union and from the time of being so disallowed shall be null and void ; and

(ii) no person shall be appointed to act for the Health Officer unless such person possesses the qualifications specified in proviso (i) to section 29, sub-sections *(1)* and *(2)*.

(2) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers which the said officer or servant is bound to perform or may exercise, and be subject to the same liabilities, restrictions and conditions to which the said officer and servant is liable ; and shall receive such pay and allowances as the Corporation thinks fit.

Municipal officer or servant not to be interested in any contract with the Corporation.

33. *(1)* Any person who—

(*a*) has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in clause (*f*) of section 12, or is a director, secretary, manager or other salaried officer of an incorporated company which has any such share or interest, or

(*b*) has acted or is acting professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid,

shall be disqualified for being a municipal officer or servant.

(2) Any municipal officer or servant who shall acquire, directly or indirectly by himself or by his partner, any such share or interest as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the Corporation as under the proviso to section 12 it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

Power of suspending, punishing and dismissing, in whom to vest.

34. Subject to the provisions of clause (*c*) of sub-section (2) of, and provisos (iv) and (v) to sub-sections *(1)* and (2) of, section 29, any municipal officer and servant may be suspended or dismissed, or the increment to the salary of such officer or servant may be withheld for any specified period, and any municipal officer or servant, other than the Commissioner or an officer appointed under section 29, may be fined or reduced in status, for any breach of departmental rules or discipline or for carelessness, incompetence, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed.

Extra-ordinary pension in case of officer or servant injured or killed in execution of his duty.

35. The Corporation may, with the sanction of the President of the Union, give an extraordinary pension, gratuity, or compassionate allowance—

(*a*) to any municipal officer or servant injured in the execution of his duty; or

(*b*) to the family or other relatives dependent on any municipal officer or servant who is killed in the execution of his duty or whose death is due to devotion to duty.

Essential Officers and Servants.

Essential officers and servants.

36 (*1*) Every essential officer and servant shall be entitled to one month's notice before discharge or to one month's pay and allowance in lieu thereof, unless he is discharged for misconduct or has completed the specified term of service for which he was engaged.

(*2*) No essential servant shall—

(*a*) unless he is authorized in that behalf by the terms of his contract, resign his appointment or quit his employment without giving one month's notice to the authority appointing him; or

(*b*) otherwise than on leave duly granted and not subsequently cancelled, absent himself from duty; or

(*c*) neglect or refuse to perform any of his duties or wilfully perform them in an inefficient manner.

(*3*) The expression "essential officer or servant" includes every person employed in the Municipal Fire Brigade or in connection with the municipal air compressor or pumping stations or employed in or in connection with the drainage, conservancy or water-supply of the City and any such other municipal officer or servant as may be prescribed in this behalf.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Powers of Corporation as to acquisition of property.

37. The Corporation shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property or any interest therein, whether within or without the limits of the City.

Property vested in Corporation.

38. (*1*) All property, moveable or immoveable, of the nature hereinafter specified in this sub-section, shall vest in the Corporation and shall, except in the case of property of the nature described in clause (*e*), be held and applied by the Corporation for the purposes of this Act, namely,—

(*a*) all property within or without the City vested in the Municipal Committee of Rangoon on the 1st August, 1922,[1] but subject to all trusts, charges, liabilities, reservations, easements or other incumbrances at that time appertaining or attaching thereto;

[1] Date of commencement of this Act.

(*b*) all property legally acquired by the Corporation and all buildings, erections and encampments constructed under this Act at the expense of the Municipal or Education Fund, whether within or without the City;

(*c*) all public streets within the City;

(*d*) (subject to any special reservation in this behalf which the President of the Union may at any time make) all public streams, waterways, tanks, reservoirs, cisterns, wells and springs, and land (not being privately owned) appertaining thereto; and

(*e*) all rubbish, offensive matter and sewage collected within or deposited within or without the City by the Corporation or its contractors or agents:

Provided that nothing in this sub-section shall apply to any immoveable property which, under section 58 of the Rangoon Development Trust Act, is vested in the Board of Trustees for the development of the City of Rangoon.

(*2*) All property, moveable or immoveable, leased or placed at the disposal or delivered into the custody or in any other manner transferred to the Municipal Committee of Rangoon, in the possession thereof on the 1st August, 1922,[1] shall be held by the Corporation on the terms and conditions applying thereto at such time.

Property of public institutions managed by municipal authority to be held in trust.

39. (*1*) All property, endowments and funds belonging to any public institution, with the management, control and administration of which the Corporation is charged under the provisions of this Act or of any other enactment for the time being in force, shall vest in the Corporation in trust for the purposes to which such property, endowment and funds may lawfully be applied.

(*2*) The Corporation may, with the sanction of the President of the Union, transfer to [the State][2] any property, endowments and funds so vested in it in trust under sub-section (*1*): provided that no trusts of public rights subject to which such property, endowments and funds are held shall be affected by such transfer.

The management of a provident fund for municipal officers and servants.

40. The liabilities of the Municipal Committee of Rangoon on the 1st August, 1922,[1] in connection with any provident fund established for the benefit of municipal officers and servants under the Municipal Act and the bye-laws framed thereunder, shall be assumed and discharged by the Corporation.

Power to acquire immoveable property.

41. (*1*) Whenever it is provided in this Act that the Corporation may, or whenever it is in the opinion of the Corporation necessary or expedient for the purposes of this Act to acquire any immoveable property or to acquire any easement affecting immoveable property already vested in the Corporation, it may, by agreement with the owner, acquire such property or easement.

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[1] Date of commencement of this Act.

[2] Substituted for the words "His Majesty" by the Union of Burma (Adaptation of Laws) Order, 1948.

(*2*) Where the Corporation is unable to acquire any immoveable property or easement under sub-section (*1*) except upon terms which are in its opinion unreasonable, the President of the Union may, if he thinks fit, upon the application of the Corporation, order proceedings to be taken for acquiring the same on behalf of the Corporation, as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act.

(*3*) The amount of the compensation awarded and all other charges incurred in the acquisition of any such property or easement shall, subject to all other provisions of this Act, immediately on acquisition be paid by the Corporation and thereupon the said property or easement shall vest in the Corporation : provided that nothing done under, or in pursuance of, this section shall affect the right or title of [the State][1] in or to the said property or easement.

Disposal of municipal property.

42. The Corporation may, subject to such conditions and limitations as may be prescribed, sell, lease, convey or otherwise dispose of any property, moveable or immoveable, vested in the Corporation :

Provided that—

(i) no property vested in the Corporation in trust shall be leased, sold or otherwise conveyed in such a manner that any trust subject to which such property is held is thereby affected ; and

(ii) every sale, lease or other conveyance of property vested in the Corporation shall be deemed to be subject to the conditions and limitations imposed by this Act or by any other enactment for the time being in force.

Resumption by Government.

43. The Government may resume any immoveable property transferred to the Corporation by the Government or by any local authority, where such property is required for a public purpose, without payment of any compensation other than the amount paid by the Corporation for such transfer and the market value at the date of resumption of any permanent buildings or works subsequently erected or executed thereon by the Corporation :

Provided that compensation need not be paid for buildings or works constructed or erected in contravention of the terms of the transfer.

CHAPTER VI.

LOANS.

Power of Corporation to borrow money.

44. (*1*) The Corporation may, in pursuance of any resolution, borrow by way of debenture or otherwise, on the security of any immoveable property vested in the Corporation or of all or any of the taxes, duties, tolls, fees and dues authorized by this Act, any sums of money which may be required—

(*a*) for the execution of any work authorized by this Act, or

(*b*) for the acquisition of land for the purposes of this Act, or

(*c*) to pay off any debt due to Government, or

[1] Substituted for the words "His Majesty" by the Union of Burma (Adaptation of Laws) Order, 1948.

(*d*) to repay a loan raised under this Act or any other loan or debt for the repayment of which the Corporation is liable :

Provided that—

(i) no loan shall be raised without the previous sanction of the President of the Union ;

(ii) the terms upon, and the method in, which the loan is to be raised and repaid shall be subject to the sanction of the President of the Union ;

(iii) * * * *

(iv) the period within which the loan is to be repaid shall in no case exceed sixty years.

(*2*) When any sum of money has been borrowed under sub-section (*1*)—

(*a*) no portion thereof shall, without the previous sanction of the President of the Union, be applied to any purpose other than that for which it was borrowed, and

(*b*) no portion of any sum of money borrowed under clause (*a*) of sub-section (*1*) shall be applied to the payment of salaries or allowances of any municipal officers or servants other than those who are exclusively employed upon the works for the construction of which the money was borrowed.

(*3*) The amount of the loan, the period within which it shall be repaid and the terms upon, and the method in, which the loan is to be raised and repaid shall be duly notified by the President of the Union.

Power of Corporation to open credit cash account with a Bank.

45. (*1*) Notwithstanding the provisions of section 44, whenever the borrowing of any sum has been sanctioned under the said section the Corporation may, on such terms as may be sanctioned by the President of the Union, instead of borrowing such sum or any part thereof from the public or any member thereof, take credit from any Bank on a cash account to be kept in the name of "the Municipal Corporation of the City of Rangoon" to the extent of such sum or part and, with the sanction of the President of the Union, may grant mortgages of all or any of the property vested in the Corporation by way of securing the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest.

(*2*) The provisions of section 44, sub-section (*3*), shall apply to such sum or part.

Limit of borrowing powers.

46. (*1*) The borrowing powers of the Corporation shall be limited so that the total loan charges payable by the Corporation in any year shall not at any time exceed thirteen per cent. of the annual value of the buildings and lands in the City as defined in section 80, sub-section (*2*).

(*2*) For the purposes of sub-section (*1*) the total loan charges shall include the sums annually payable for interest and for the maintenance of sinking funds and, if any loans are repayable by equal payments of principal

and interest or by equal payments of principal or by annual drawings, the sums annually payable for such payments or drawings.

Form of debentures.

47. (*1*) All debentures issued under this Act shall be in such form as the Corporation may from time to time determine, with the previous sanction of the President of the Union.

(*2*) The holder of any debenture in any form duly authorized under sub-section (*1*) may obtain in exchange therefor, upon such terms as the Corporation shall from time to time determine, a debenture in any other form so authorized.

(*3*) Every debenture issued by the Corporation under this Act shall be transferable in such manner as shall be therein expressed.

(*4*) The right to sue in respect of the moneys secured by any debenture issued by the Corporation shall be vested in the holder thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Coupons attached to debentures to bear signature in the prescribed manner.

48. All coupons attached to debentures issued under this Act shall be signed on behalf of the Corporation in the prescribed manner, and such signature may be engraved, lithographed or impressed by any mechanical process.

Debentures issued to two or more persons jointly.

49. (*1*) When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Contract Act, the debenture or security shall be payable to the survivor or survivors of such persons: provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased person against such survivor or survivors.

(*2*) When two or more persons are joint holders of any debenture or security issued under this Act any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

When and how loan shall be repaid.

50. Every loan raised by the Corporation under section 44 shall be repaid within the time approved under proviso (ii) to section 44, sub-section (*1*), and by such of the following methods as may be approved under the said proviso, namely :—

(*a*) by payment from a sinking fund established under section 51 in respect of the loan, or

(*b*) by equal payments of principal and interest, or

(*c*) by equal payments of principal, or

(*d*) by annual drawings.

Maintenance of sinking fund.

51. Whenever the repayment of a loan from a sinking fund has been sanctioned under proviso (ii) to section 44, sub-section (*1*), the Corporation shall establish such a fund and the Corporation shall pay into it, on such

dates as may have been approved under the said proviso, such sum as will, with accumulations of compound interest, be sufficient, after payment of all expenses, to pay off the loan within the period approved:

Provided that if at any time the sum standing at credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest it will be sufficient to repay the loan within the period approved, then, with the permission of the President of the Union, further payments into such fund may be discontinued.

Power of Coropration to consolidate loans.

52. (*1*) Notwithstanding anything to the contrary contained in this Act, the Corporation may consolidate all or any of its loans, and for that purpose may invite tenders for a new loan to be called "the Rangoon Municipal Consolidated Loan, 19 ", and invite holders of municipal debentures to exchange their debentures for scrip of such loan.

(*2*) The terms of every such consolidated loan, and the rates at which exchange into such consolidated loan shall be permitted, shall be subject to the previous sanction of the President of the Union.

(*3*) The period for the extinction of any such consolidated loan shall not, without the sanction of the President of the Union, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(*4*) The Corporation shall establish a sinking fund for the repayment of every such consolidated loan.

(5) The provisions of section 51 shall apply to each sinking fund established under sub-section (*4*): provided that, in calculating the sum to be paid into any such sinking fund in pursuance of section 51, any sums transferred to that fund in pursuance of the proviso to section 55 shall be taken into account.

Investment of sinking fund.

53. (*1*) All money paid into a sinking fund shall as soon as possible be invested by the Corporation in—

(*a*) Government securities, or
(*b*) securities guaranteed by Government, or
(*c*) Rangoon Municipal debentures, or
(*d*) debentures issued by the Commissioners for the Port of Rangoon, or
(*e*) debentures issued by the Trustees for the Development of the City of Rangoon.

(*2*) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (*1*).

(*3*) Money standing at credit of two or more sinking funds may, at the discretion of the Corporation, be invested together as a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several sinking funds.

(*4*) When any part of a sinking fund is invested in Rangoon Municipal debentures or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentrues or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (*1*).

(*5*) The Corporation may from time to time vary any investment made under sub-section (*1*), or transfer from one sinking fund to another any investment made under sub-section (*1*): provided that the former sinking fund is reimbursed the value of such investment at the time when the transfer is made.

Corporation may invest in its own debentures.

54. (*1*) For the purposes of any investment which the Corporation is authorized to make by this Act (including sinking funds) the Corporation may reserve and set apart for issue at par, to and in the name of the Municipal Corporation of the City of Rangoon, any portion of the debentures to be issued on account of any loan: provided that the intention so to reserve and set apart such debentures shall have been specified as a condition of the loan in the notification issued in respect thereto under section 44, sub-section (*3*).

(*2*) The issue of any such debentures to the Corporation as aforesaid shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(*3*) The purchase by, or the transfer, assignment or endorsement to, the Corporation of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same shall be vaild and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

Application of sinking funds towards the discharge of the loan.

55. The Corporation may apply a sinking fund, or any part thereof, in or towards the discharge of the loan for which such fund was established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose:

Provided that when any loan, or part thereof, is consolidated under section 52, the Corporation shall transfer to the sinking fund established for such consolidated loan the sum standing at credit of the sinking fund of the original loan, or, if part only of a loan is consolidated, then such part of the sum standing at credit of the sinking fund of such loan as is proportionate to the part of the original loan which is incorporated in the consolidated loan.

Provisions for loans raised by the Municipal Committee of Rangoon.

56. In the case of all loans raised by the Municipal Committee of Rangoon before the 1st August, 1922,[1] the following provisions shall apply:—

(i) if when such loans were raised the loans were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of such loans and shall pay into such

[1] Date of commencement of this Act.

funds such sums on such dates as may have been fixed when the loans were raised;

(ii) all securities and cash held by the Municipal Committee of Rangoon in sinking funds established for the repayment of such loans shall be transferred to the Corporation and shall be held by it as part of the sinking funds established under clause (i);

(iii) the provisions of section 51 shall apply to such sinking funds;

(iv) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Corporation shall make such payments or annual drawings, on such dates and in such manner as may have been fixed when the loans were raised;

(v) the provisions of section 58 shall apply to such loans.

Annual examination of sinking funds.

57. (*1*) All sinking funds established under this Act shall be subject to annual examination by the Accountant-General, Burma, who shall ascertain whether the cash and the current value of the securities at credit of such funds are actually equal to the amount which would have accumulated had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(*2*) The Corporation shall forthwith pay into any sinking fund any amount which the Accountant-General may certify to be deficient, unless the President of the Union, by general or special order, sanctions a gradual readjustment.

(*3*) If any dispute arises as to the accuracy of any certificate issued by the Accountant-General under sub-section (*2*) the Corporation may, after making the payment, refer the matter to the President of the Union, whose decision shall be final.

Attachment of Municipal Fund in default of repayment of loan.

58. (*1*) If any money borrowed by the Corporation, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the Government may, if itself the lender, and if the Government is not the lender, shall, on the application of the lender, attach the Municipal Fund or a portion thereof.

(*2*) After such attachment no person, except an officer appointed in this behalf by the President of the Union, shall in any way deal with the attached fund or portion thereof; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place and may apply the proceeds in satisfaction of the arrear and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings: provided that no such attachment shall defeat or prejudice any debt for which the fund or portion thereof attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund or portion thereof before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

Attachment of Municipal Fund in default of the Corporation paying into the sinking fund the deficit amount.

59. If the Corporation fails to make any payment as required by section 57, sub-section (*2*), the Government may attach the Municipal Fund or any portion thereof; and the provisions of section 58, sub-section (*2*), shall, with all necessary modifications, be deemed to apply.

Annual statement to be prepared by Corporation.

60. (*1*) The Corporation shall, at the end of each year, cause to be prepared a statement showing—

(*a*) the amount which has been invested during the year under section 53,

(*b*) the date of the last investment made previous to the submission of the statement,

(*c*) the aggregate amount of the securities then in the hands of the Corporation, and

(*d*) the aggregate amount which has up to the date of the statement been applied under section 55 in or towards repaying loans.

(*2*) Every such statement shall be laid before a meeting of the Corporation and shall be published in the Gazette.

CHAPTER VII.

Revenue and Expenditure.

Funds and Accounts.

Constitution of the Municipal Fund.

61. (*a*) All moneys received by or on behalf of the Corporation under the provisions of this Act or of any other enactment for the time being in force, or under any contract,

(*b*) * * * *

(*c*) the annual contribution paid by the Commissioners for the Port of Rangoon under the provisions of section 46 of the Rangoon Port Act,

(*d*) all fines levied by any Magistrate in respect of any offences against the provisions of this Act, or in respect of any offence under section 41 of the Rangoon Police Act, or in respect of any offence under the Ghee Adulteration Act committed in the City, or in respect of municipal property, or in respect of offences under any other enactment the fines under which shall have been or may be ordered by the President of the Union to be paid to the Municipal Fund,

(*e*) all proceeds of the disposal of property by, or on behalf of, the Corporation,

(*f*) all rents accruing from any property of the Corporation,

(*g*) all moneys raised by any tax levied for the purposes of this Act,

(*h*) all fees and fines payable and levied under this Act,

(*i*) all moneys received by way of compensation or for compounding offences under the provisions of this Act,

(*j*) such proportion as the President of the Union may from time to time determine of the balance, after all necessary contingent expenses have been defrayed, of all fees for licences for vehicles granted by the Commissioner of Police of Rangoon under the provisions of the Rangoon Hackney Carriages Act and of the Burma Motor Vehicles Act,

(*k*) all moneys received by, or on behalf of, the Corporation from the Government or private individuals by way of grant or gift or deposit, and

(*l*) all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation,

shall be credited to a fund, which shall be called "The Municipal Fund", and which shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions herein contained.

62. The moneys from time to time credited to the Municipal Fund shall be applied in the following order of preference :— Application of Municipal Fund.

Firstly, in making due provision for the repayment of all loans repayable by the Corporation under the provisions of Chapter VI ;

[1] [* * * *]

Thirdly, in payment of all sums, charges and costs necessary for the purposes specified in sections 25 and 26 and for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

(*a*) the cost of auditing the municipal accounts ;

(*b*) the expenses of every election of councillors held under this Act ;

(*c*) the salary, allowances and contributions to pensions and leave allowances of the Commissioner or any other officer whose services may, at the request of the Corporation, be placed by Government at its disposal ;

(*d*) the salaries and allowances of all municipal officers and servants, and all pensions, gratuities, contributions and compassionate allowances payable under the provisions of this Act ;

(*e*) the salaries and fees of experts for service or advice in connection with any matter arising out of the administration or undertakings of the Corporation ;

(*f*) all expenses and costs incurred by the Corporation or by any municipal officer on behalf of the Corporation in the exercise of any power conferred or the discharge of any duty imposed on it or him by this Act, including moneys which the

[1] This paragraph beginning "*Secondly*" was omitted by Act II, 1945.

Corporation is required or empowered to pay by way of compensation ; and

(*g*) every sum payable—

(i) under section 227, sub-section (*1*), or section 240 or 241 by order of the President of the Union or the High Court;

(ii) under a decree or order of a civil or criminal Court passed against the Corporation;

(iii) under a compromise of any suit or other legal proceeding or claim.

The Education Fund.

63. (*1*) All money received by the Education Board for or in the discharge of its functions under this Act shall be credited to a fund which shall be called " The Education Fund ".

(*2*) The Education Fund shall, subject to the control of the Corporation, be administered by the Education Board and shall be applied to all expenditure incurred in the payment of salaries, fees and allowances (including provident fund contributions) and pensions of all officers and servants employed under such Board and any other expenses incurred by the Board in exercising any power or discharging any duty conferred or imposed on it by section 5.

Receipt and disposal of payments on account of the Municipal Fund.

64. All moneys payable to the credit of the Municipal Fund or of the Education Fund shall be received by the authorized officer and shall be forthwith paid into the Imperial Bank of India, or such other bank as may be selected by the Corporation, subject to the approval of the President of the Union, to the credit of an account which shall be styled " The account of the Municipal Fund of the City of Rangoon " or "The account of the Education Fund of the City of Rangoon ", as the case may be.

How the funds shall be drawn against.

65. No payment shall be made out of the Municipal Fund or out of the Education Fund except upon a cheque signed in the prescribed manner :

Provided that payment of any sum due by the Corporation, not exceeding one hundred rupees in amount, may be made in cash by the officer authorized in that behalf, cheques for sums not in excess of one thousand rupees each, signed in the prescribed manner, being drawn from time to time to cover such payments.

Deposit of portion of Municipal Fund outside Rangoon.

66. Notwithstanding anything contained in section 64 or section 65, the Corporation may remit any portion of the Municipal Fund to a bank or other agency at any place beyond the City at which it may be desirable for the Corporation to have funds in deposit ; and any money payable to the credit of, or chargeable against, the Municipal Fund which can, in the opinion of the Corporation, be most conveniently paid into or out of the account of the Corporation at any such bank or agency, may be so paid.

67. (*1*) Surplus moneys at the credit of the Municipal Fund or of any loan raised under this Act which cannot immediately or at an early date be applied for the purposes of the Act or of the loan, as the case may be, may be deposited by the Corporation at interest in such banks as may be approved by the President of the Union or may be invested in public securities. **Investment of surplus moneys.**

(*2*) The Corporation may at any time withdraw any deposit so made or dispose of any securities, and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities.

(*3*) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

68. Accounts of the receipts and expenditure of the Corporation or of the Education Board shall be kept in such manner and in such form as the President of the Union may approve. **Accounts to be kept in a form approved by the President of the Union.**

69. The Corporation shall, as soon as may be after each first day of July, cause to be prepared a detailed report of the municipal administration of the City during the previous year, together with a statement showing the accounts of the receipts and disbursements respectively credited and debited to the Municipal Fund and Education Fund during the previous financial year and the balance at the credit of each fund at the close of the said financial year. **Publication of annual administration report and statement of accounts.**

Budgets.

70. (*1*) Except as hereinafter provided, no payment of any sum shall be made out of the Municipal Fund unless the expenditure of the same is covered by a current budget grant, and a sufficient balance of such budget grant is still available : **Prohibition of expenditure not budgeted for.**

Provided that the following items shall be excepted from this prohibition, namely :—

(i) sums of which the expenditure has been sanctioned by the Corporation under section 74 ;

(ii) refunds of taxes and other moneys which the Corporation is authorized by this Act to make ;

(iii) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the Municipal Fund by mistake ;

(iv) sums which the Corporation is required or empowered by this Act to pay by way of compensation ;

(v) sums payable in any of the circumstances mentioned in clause (*g*) of section 62 ;

(vi) expenses incurred by the Corporation in the exercise of the powers conferred on it by section 149 ; and

(vii) expenses incurred by the Commissioner in the exercise of the powers conferred on him by section 148 or 151.

(*2*) No payment of any sum shall be made out of the Education Fund unless the expenditure of the same is covered by a current budget grant.

(*3*) Where any sums have been expended under the terms of the proviso to sub-section (*1*), the Corporation shall take such action, if any, under section 72, 73 or 75 as is deemed necessary or expedient to meet such expenditure.

Preparation of Budget Estimates.

71. (*1*) The Corporation shall each year cause to be prepared, on or before such date as may be prescribed, and in such form and such manner as it may approve, having regard to all the requirements of this Act, budget estimates of the income and expenditure of the Municipal and Education Funds for the next financial year.

(*2*) Such estimates shall—

(*a*) provide for the repayment of all loans with interest due thereon for whose repayment the Corporation is liable ;

[1](*b*) * * * *

(*c*) provide for the payment from the Municipal Fund in convenient instalments to the Education Fund of an amount not less than 5 per cent. of the estimated receipts to be derived from the " general tax " specified in clause (*a*) of section 80, sub-section (*1*) ; and

(*d*) allow for a cash-balance at the end of the said year of not less than the amount which the President of the Union may, from time to time, fix in this behalf.

(*3*) The Corporation shall finally adopt the budget estimates before the beginning of the year to which they relate and shall forthwith submit copies thereof to the President of the Union.

Reduction or transfer by the Corporation of budget grants.

72. The Corporation may, if it thinks necessary, at any time during a financial year—

(*a*) reduce the amount of a budget grant ; or

(*b*) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant :

Provided that due regard be had when making any such reduction or transfer to all the requirements of this Act.

Corporation may increase amount of budget grants and make additional grants.

73. The Corporation may, from time to time, during a financial year, increase the amount of any budget grant, or make an additional budget grant, for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash-balance at the close of the year shall be reduced below the amount fixed under clause (*d*) of section 71, sub-section (*2*).

Rules as to unexpended budget grants.

74. If any portion of a budget grant remains unexpended at the close of the year in the budget estimates for which such grant was included, and if the amount thereon has not been taken into account in the opening balance of the Municipal Fund entered in the budget estimates of the next following year,

[1] Clause (*b*) was omitted by Act II, 1945.

the Corporation may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object.

Readjustment of income and expenditure to be made by the Corporation during the course of the financial year whenever necessary.

75. (*1*) If it shall at any time during the financial year appear to the Corporation that, notwithstanding any reduction of budget grants that may have been made under section 72, the income of the Municipal Fund in the said year will not suffice to meet the expenditure sanctioned in the budget estimate for the said year, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for adjusting the year's income to the expenditure.

(*2*) For this purpose the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do, with due regard to all the requirements of this Act, or have recourse, subject to the conditions and limitations prescribed by this Act, to supplementary taxation.

(*3*) Whenever the Corporation determines to have recourse to such supplementary taxation, it shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied, or by adding to the number of articles, if any, on which terminal-tax is being levied, but every such increase or addition shall be made subject to the limitations and conditions prescribed in regard to such tax.

Powers of Education Board with regard to Education Fund.

76. The Education Board may in regard to the Education Fund exercise, subject to the control of the Corporation, all the powers vested in the Corporation in regard to the Municipal Fund under sections 72, 73, 74 and 75.

Audit.

Monthly scrutiny of accounts.

77. The Corporation shall cause to be conducted under its superintendence a monthly scrutiny of the municipal accounts, and to be published monthly a monthly abstract of the receipts and expenditure of the month last preceding signed in the prescribed manner.

Audit of municipal accounts.

78. The municipal accounts shall also be examined and audited in accordance with the procedure approved by the President of the Union in this behalf. The auditors shall forthwith report to the Corporation any material impropriety or irregularity which they may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts.

CHAPTER VIII.

MUNICIPAL TAXATION.

Taxes.

Taxes to be imposed under this Act.

79. (*1*) For the purposes of this Act, taxation shall be imposed as follows, namely :—

(*a*) property taxes, and

(*b*) a tax on vehicles.

(2) In addition to the taxes mentioned in sub-section (1), the Corporation may, with the previous sanction of the President of the Union, impose any other tax.

Property taxes.

80. (1) The following taxes shall, subject to the limitations hereinafter provided, be levied on buildings and lands, and shall be called "Property Taxes," namely:—

(a) a general tax of not more than twelve per cent. of their annual value, to which may be added a fire brigade tax at such percentage not exceeding two per cent. of their annual value as will, in the opinion of the Corporation, suffice to provide for the expenses necessary for fulfilling the duties of the Corporation arising under clause (xvi) of section 25;

(b) a lighting-tax at such percentage of their annual value as will, in the opinion of the Corporation, suffice to provide for lighting the public streets, municipal markets and buildings vested in the Corporation;

(c) a conservancy-tax at such percentage of their annual value as will, in the opinion of the Corporation, suffice to provide for the collection, removal and disposal, by municipal agency, of all sewage, offensive matter and rubbish and for efficiently constructing, maintaining and repairing municipal drains for the reception and conveyance of any such matter; and

(d) a water-tax at such percentage of their annual value as the Corporation shall deem reasonable with reference to the expense of providing a water-supply for the City: provided that the Corporation may direct that the water supplied for any domestic or non-domestic purpose to any buildings or lands separately assessed to water-tax shall be paid for by measurement at such rates and on such terms and conditions as it may deem reasonable and no water-tax shall be levied on any buildings or lands in respect of which such direction has been made.

(2) In this Chapter "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, from year to year, and, in the case of houses, may be expected to let unfurnished.

General tax on what properties to be levied.

81. (1) The general tax shall be levied in respect of all buildings and lands except—

(a) buildings and lands or portions thereof exclusively occupied for public worship;

(b) buildings and lands vested in the Corporation;

(c) lands used as places for the disposal of the dead.

(2) Unless the Corporation, with the sanction of the President of the Union, in any particular case for any special reasons otherwise directs, the

following buildings and lands or portions thereof shall not be deemed to be exclusively occupied for public worship within the meaning of clause (*a*) of sub-section (*1*), namely :—

(*a*) those in which any trade or business is carried on ; and

(*b*) those in respect of which rent is derived, whether such rent is or is not applied exclusively to religious purposes.

(*3*) When any portion of any building or land is exempt from the general tax by reason of its being exclusively occupied for public worship, such portion shall be deemed to be a separate property for the purpose of municipal taxation.

(*4*) The Corporation may, for special reasons, exempt any building or land belonging to the classes specified in clause (*a*), (*b*) or (*c*) of sub-section (*1*) from all or any of the property taxes other than the general tax.

Fire brigade tax may be levied at different rates on different classes of buildings.

82. The fire brigade tax may be levied at different rates in respect of different classes of buildings in accordance with the annual values of such buildings, the varying degrees of risk of being damaged or destroyed by fire incurred on account of the materials or methods of construction of such buildings or the goods stored or industries carried on therein.

Lighting-tx on what property to be levied.

83. The lighting-tax shall be levied only in respect of buildings and lands some part of which is less than one thousand feet from a street lamp erected and maintained by the Corporation.

Conservancy-tax on wh: t property to be levied.

84. (*1*) The conservancy-tax shall be levied only in respect of lands and buildings—

(*a*) situated in any portion of the City in which public notice has been given by the Corporation that the collection and removal of sewage, offensive matter and rubbish will be undertaken by municipal agency ; or

(*b*) in which, wherever situate, there is a connection for the removal of sewage to a municipal drain.

(*2*) In any portion of the City in which underground sewers have been or may be provided by the Corporation the conservancy-tax may be levied at a higher percentage on the annual value of buildings and lands than in other portions of the City.

Water-tax on what property to be levied.

85. (*1*) The water-tax shall be levied only in respect of buildings or lands—

(*a*) which are connected by means of communication-pipes with any municipal water-works ; or

(*b*) which are situated in a portion of the City in which the Corporation has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply

of water for domestic purposes to all the buildings and lands in the said portion.

(*2*) The water-tax may be levied in respect of buildings and lands which are liable under clause (*b*) of sub-section (*1*) at a lower rate than in respect of buildings and lands which are liable under clause (*a*).

Responsibility for payment of property taxes.

86. (*1*) Property taxes in respect of any building or land shall be leviable jointly and severally from all persons who have been either owners or occupiers of the building or land at any time during the period in respect of which any instalment of such property taxes is payable under this Act.

(*2*) In the absence of any agreement to the contrary between an owner and occupier of any building or land, any general tax, in which is included the fire brigade tax, if any, paid by the occupier shall be recoverable by him from the owner, and any lighting, conservancy, or water-tax paid by the owner shall be recoverable by him from the occupier.

(*3*) A sum recoverable by the occupier from the owner may be deducted from the rent due or payable by him to the owner.

Exemptions.

Buddhist monasteries exempt from all municipal taxation.

87. Notwithstanding anything contained in this Act, no property or other tax shall be levied on any Buddhist *kyaungdaik* :

Provided that—

(i) unless the Corporation, with the sanction of the President of the Union, in any particular case for any special reasons otherwise directs, this exemption shall not extend to any buildings or land in which trade or business is carried on or for which rent is paid;

(ii) the Corporation shall not be bound to provide a supply of water to or to remove sewage, offensive matter or rubbish from any building or land exempted from taxation under this section, except upon a guarantee of payment for the supply of such water or the removal of such sewage, offensive matter or rubbish at such rates as may be determined by the Corporation.

Remission or refund of property taxes on account of vacancies.

88. When any building or land, or any portion of any building or land, which the Corporation has treated as a separate property for the purpose of assessment under any provision of this Act, has been neither occupied nor productive of rent for a period of at least thirty consecutive days, the Corporation shall, subject to and in accordance with the terms and conditions prescribed,—

(*a*) remit one-half of the general tax, which includes the fire brigade tax, if any, and the whole of the water-tax and conservancy-tax payable in respect of such building or land during such period, or

(*b*) if any tax or instalment thereof has been paid and application for refund has been made within six months of such payment, refund the amount which might have been remitted under this section.

Exemption to vacant land vested in Development Trust.

89. No tax of any kind shall be levied on land vested in the Trustees for the Development of the City of Rangoon under clause (*a*) of section 58, sub-section (*1*), of the Rangoon Development Trust Act, so long as such land is neither occupied nor productive of rent.

Power to exempt from taxation.

90. (*1*) The Corporation may, with the previous sanction of the President of the Union, exempt in whole or in part from the payment of any tax any person or class of persons, or any property or description of property, animals or vehicles.

(*2*) The Corporation may exempt in whole or in part, for any period not exceeding one year, from the payment of any tax imposed under this Act, any person who by reason of poverty may in its opinion be unable to pay the same.

Appeals and Assessments.

Appeals against valuations.

91. (*1*) The Commissioner shall, in accordance with the manner prescribed, determine the annual value of lands and buildings for the purpose of assessment thereof under section 80.

(*2*) An appeal against any determination made by the Commissioner under sub-section (*1*) shall lie to, and be heard and determined by, the Chief Judge of the Rangoon [City Civil Court][1]: provided that no such appeal shall be heard by the said Judge unless a notice in writing of the intention to appeal has been left at the office of the Corporation within fourteen days from the date of the aforesaid order.

(*3*) When any question arises as to the liability of any building or land to assessment, or as to the basis or principle of assessment, an appeal shall lie from the decision of the said Chief Judge to the High Court, whose decision shall be final.

(*4*) Effect shall be given by the Commissioner to the decision of the Court under this section.

(*5*) The pendency of an appeal under this section shall not operate to delay or prevent the levy of any tax, or, when the tax is payable by instalments, of any instalment of any tax payable in respect of any building or land according to the assessment of the Commissioner ; but, if by the final decision in the appeal it is determined that such tax or instalment ought not to have been levied in whole or in part, the Corporation shall refund to the person from whom the same has been levied the amount of such tax or instalment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

Taxation and contribution in lieu of taxation on State property.

92. (*1*) The taxes specified in section 80 shall be levied on all buildings or parts thereof, the property of the State[2], which are occupied for residential purposes and the occupants of which pay rent to Government. The annual value of such buildings shall be the actual rent payable for such buildings unfurnished by the occupants to Government and all taxes levied under this sub-section shall be collected and paid by the Government.

[1] Substituted by Act XVI, 1946.
[2] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*2*) In lieu of the taxes leviable under section 80 on all other buildings and lands, the property of the State[1], there shall be paid annually by Government to the Corporation such sum as may be determined, after consultation with the Corporation, by an officer appointed by the President of the Union, to be fair and reasonable having regard to the extent of State[1] property in the City, and the mutual services rendered by Government and the Corporation to each other.

(*3*) The President of the Union shall communicate to the Corporation the name of the officer whom he proposes to appoint to perform the duty specified in sub-section (*2*) and shall take into consideration any representation which the Corporation may, within a reasonable period, submit with reference thereto, but the orders of the President of the Union after such consideration shall be final.

(*4*) The sum determined under sub-section (*2*) shall be paid annually by Government for a period of five years, on the expiry of which a further enquiry shall be held to determine the sum payable for a further period of five years.

(*5*) Nothing in this section shall be deemed to affect the provisions of the Municipal Taxation Act.

Assessment of property held by the Commissioners for the Port of Rangoon.

93. The sum to be paid to the Corporation by the Commissioners for the Port of Rangoon under section 80 shall be an amount equal to three per centum of the total annual revenues of the said Commissioners from whatever sources derived.

CHAPTER IX.

CONVENIENCES.

Municipal Drains.

Cleansing drains.

94. For the purpose of flushing and cleansing the municipal drains the Corporation may construct or set up such reservoirs, sluices, engines and other works as it shall deem necessary.

Places for emptying of drains and disposal of sewage.

95. The Corporation may cause all or any municipal drains to empty into the Rangoon, Pegu or Hlaing rivers or any other place, whether within or without the City, and may dispose of the sewage at any place, whether within or without the City, and in any manner, which it shall deem suitable for such purpose :

Provided that the President of the Union may prohibit the Corporation from causing any municipal drain to empty into any place, or from disposing of any sewage at any place, or in any manner, which he considers unsuitable.

Provision of means for disposal of sewage.

96. For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Corporation may—

(*a*) construct any work within or without the City ;

(*b*) purchase or take on lease any land, building, engine, material or apparatus, either within or without the City ; and

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*c*) enter into an arrangement with any person, for a period not exceeding twenty years, for the removal or disposal of sewage within or without the City.

Alteration and discontinuance of drains.

97. The Corporation may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in its opinion, become useless or unnecessary :

Provided that if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Corporation shall, as soon as may be, provide for his use some other drain as effectual as the drain which has been discontinued, closed up or destroyed.

Drainage of Premises.

Drainage of premises situate within a hundred feet of a municipal drain.

98. When any premises are, in the opinion of the Corporation, without sufficient means for their effectual drainage and a municipal drain or some place set apart by the Corporation for the discharge of drainage already exists or is about to be constructed within a distance not exceeding one hundred feet from some part of the said premises, the Corporation may, by written notice, require the owner or occupier of the said premises—

(*a*) to make a drain which will empty into such municipal drain or place so set apart ;

(*b*) to provide and set up all such appliances and fittings as may appear to the Corporation necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ; and

(*c*) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is, in the opinion of the Corporation, injurious to health.

Drainage of premises not situate within a hundred feet of a municipal drain.

99. When in any case not provided for in section 98 any premises are, in the opinion of the Corporation, without sufficient means for their effectual drainage, it may, by written notice, require the owner or occupier of the said premises—

(*a*) to construct a drain up to a point to be specified in such notice, but not distant more than one hundred feet from some part of the said premises ; or

(*b*) to construct a closed catch-pit or sump of such material, size and description, and in such position as it may direct, and a drain or drains emptying into such catch-pit or sump.

New buildings not to be erected without drains.

100. It shall not be lawful to erect or re-erect any building any part of which is within one hundred feet of a municipal drain or of some place set apart by the Corporation for the discharge of drainage, or to occupy any such building newly erected or re-erected, unless and until—

(*a*) a drain is constructed which, in the opinion of the Corporation, shall be sufficient for the effectual drainage of such building to such municipal drain or place, and

(*b*) there have been provided for and set up in such building and in the premises appurtenant thereto all such appliances and fittings as may appear to the Corporation to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

Sewage and rain-water drains to be distinct.

101. Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the Corporation may require that there shall be one drain for offensive matter and sewage, and another drain for rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other places set apart by the Corporation for the discharge of drainage or into other suitable places.

Rights of owners and occupiers of premises to carry drains through lands belonging to other persons.

102. (*1*) If it shall appear to the Corporation that the only means, or the most convenient means, by which the owner or occupier of any land or building can cause his drain to empty into a municipal drain or other place set apart by the Corporation for the discharge of drainage, is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Corporation, after giving to the person to whom the said land belongs a reasonable opportunity of stating any objection, may, if no objection is raised, or if any objection which is raised appears to it invalid or insufficient, by an order in writing authorize the said owner or occupier to carry his drain into, through or under the said land in such manner as it shall think fit to allow.

(*2*) Every such order, bearing the signature of such officer as the Corporation shall prescribe, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(*3*) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving to the owner of the land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drains so constructed.

(*4*) In executing any work under this section, as little damage as can be, shall be done, and the owner or occupier of the premises for the benefit of which the work is done shall--

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or

other construction opened, broken up or removed for the purpose of executing the said work ; and

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

(*5*) If the owner of any land into, through or under which a drain has been carried under this section, whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Corporation shall, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by it, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same : provided that no such requisition shall be made unless in the opinion of the Corporation it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

Obligation of owners of drains to allow use of or joint ownership therein to others.

103. Every owner of a drain, connected with a municipal drain or other place set apart by the Corporation for drainage, shall be bound to allow the use of it to other persons, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 105.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

104. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Corporation for authority to use such drain or to be declared joint owner thereof.

Corporation may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

105. (*1*) Where the Corporation is of opinion, whether on receipt of such application or otherwise, that the only or the most convenient means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place set apart by the Corporation for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier, the Corporation, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, with the approval of the standing committee concerned, if no objection is raised or if any objection which is raised appears to it invalid and insufficent, by an order in writing authorize the said owner or occupier to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing and cleansing the joint drain or otherwise, as may appear to it equitable.

(*2*) Every such order, bearing the signature of such officer as the Corporation shall prescribe, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situated with assistants and workmen, at any time between sunrise and sunset, and subject to all provisions of this Act, to do all such things as may be necessary for—

(*a*) connecting the two drains ; or

(*b*) renewing, repairing or altering the connection ; or

(*c*) discharging any responsibility attaching to the person in whose favour the Corporation's order i made for maintaining, repairing, flushing or cleansing the joint drains or any part thereof.

(*3*) In respect of the execution of any work under sub-section (*2*) the person in whose favour the aforeaid officer's order is made shall be subject to the same restrictions and liabilities as are specified in section 102, sub-section (*4*).

Power of Corporation to drain premises in combination.

106. (*1*) If it appears to the Corporation that any group or block of premises any part of which is situated within one hundred feet of any municipal drain, or of some place set apart by the Corporation for the discharge of drainage, which already exists or is about to be constructed, may be drained more economically or advantageously in common than separately, the Corporation may cause such group or block of premises to be drained by such method as appears to it to be most suitable therefor, and the expenses incurred by the Corporation in so doing shall be paid by the owners of such premises in such proportions as the Corporation may think fit.

(*2*) Not less than fifteen days before any work under this section is commenced, the Corporation shall give written notice to the owners of all the premises to be drained, of—

(*a*) the nature of the intended work ;

(*b*) the estimated expenses thereof ; and

(*c*) the proportion of such expenses payable by each owner.

Connecting drains to be constructed at expense of owners of premises.

107. (*1*) In the case of premises abutting on a public street in which there is a municipal drain and in the case of premises drained in pursuance of the provisions of section 98 or 106 the Corporation shall construct, at the expense of the owner of the premises for the use and benefit of which the drain is constructed, such portion of the drain of the premises to be connected with such municipal drain as it shall be necessary to lay under any part of a public street.

(*2*) The portion of any connecting drain so laid under a public street shall vest in the Corporation and be maintained and kept in repair by the Corporation as a municipal drain.

(*3*) The remainder of every drain constructed, erected, set up or continued for the sole use and benefit of any premises shall—

(*a*) vest in the owner of such premises ;

(*b*) be maintained and kept in repair by the owner or occupier of such premises ; and

(*c*) be from time to time flushed, cleansed and emptied by the Corporation at the charge of the Municipal Fund :

Provided that, where several premises are drained in common under section 106, such remainder shall vest in the owners jointly and the cost of maintenance and repair thereof shall be distributed in the same proportions as are fixed by the Corporation under the said section.

Corporation may close or limit the use of existing private drains.

108. (*1*) When a drain connecting any premises with a municipal drain or other place set apart by the Corporation for the discharge of drainage is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not in the opinion of the Corporation adapted to the general drainage system of the City, or of that part of the City in which such drain is situated, the Corporation may—

(*a*) close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done ; or

(*b*) direct that such drain shall, from such date as it prescribes in this behalf, be used for offensive matter and sewage only, or for rain-water and unpolluted sub-soil water only.

(2) No drain may be closed, discontinued or destroyed by the Corporation under sub-section (*1*) except on condition of its providing another drain equally effectual for the drainage of the premises and communicating with such municipal drain or other place aforesaid as the Corporation thinks fit ; and the expenses of construction of any drain so provided by the Corporation and of any work done under clause (*a*) of the said sub-section shall be paid from the Municipal Fund.

Affixing of pipes for ventilation of drains

109. (*1*) For the purpose of ventilating any drain, whether belonging to the Corporation or to any other person, the Corporation may erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as shall appear to the Corporation necessary, and cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection, and lay in, through or under any land, such appliances as may in the opinion of the Corporation be necessary for connecting such ventilating shaft or pipe with the drain intended to be ventilated.

(*2*) Any shaft or pipe so erected or affixed shall—

(*a*) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom ;

(*b*) if the same be affixed to a wall supporting the eaves of a roof, be carried at least five feet higher than such eaves ; and

(*c*) be removed by the Corporation to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

(*3*) If the Corporation declines to remove a shaft or pipe under clause (*c*) of sub-section (*2*) the owner of the premises, building or tree upon or to which the same has been erected or affixed may apply to the Chief Judge of the Rangoon [City Civil Court][1], and the said Judge may, after such enquiry as he thinks fit to make, direct the Corporation to remove the shaft or pipe, and it shall be incumbent on the Corporation to obey such order.

(*4*) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (*1*) is not the owner of the drain intended to be ventilated, the Corporation shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the Municipal Fund.

Right of Corporation to drains constructed at charge of Municipal Fund on premises not belonging to Corporation.

110. All drains, ventilation shafts and pipes, and all appliances and fittings connected with drains constructed, erected, or set up at the charge of the Municipal Fund upon premises not belonging to the Corporation, shall, unless the Corporation has otherwise determined, or shall at any time otherwise determine, vest in the Corporation.

Scavenging and Cleansing.

Deposit of rubbish and offensive matter.

111. For the purpose of collecting, treating and removing rubbish and offensive matter, the Corporation shall provide public receptacles, depôts and places for the temporary deposit or final disposal thereof:

Provided that the President of the Union may prohibit such final disposal in any specified place or manner.

Collection and removal of sewage, etc.

112. When the Corporation has given public notice under clause (*a*) of section 84, sub-section (*1*), that the collection and removal of sewage, offensive matter and rubbish from the buildings and lands in any portion of the City will be under taken by municipal agency, it shall forthwith take measures for the due collection and removal of such matter from any buildings and lands situated in the said portion of the City.

Least practicable nuisance to be caused.

113. In carrying out the duties imposed on the Corporation by clauses (i), (ii) and (iii) of section 25, or exercising the power conferred thereon by sections 94, 95, 96, 97, 109, 111 and 112, the Corporation is responsible that the least practicable nuisance is created.

Water-supply.

Water-supply.

114. Where the Corporation has under clause (*b*) of section 85, sub-section (*1*), given public notice that sufficient water is available from

[1] Substituted by Act XVI, 1946.

municipal water-works for furnishing a reasonable supply of water for domestic purposes, it shall forthwith take measures to ensure the supply of such water.

General powers for supplying the City with water.

115. For the purpose of making provision for a supply of water proper and sufficient for public and private purposes the Corporation may—

(*a*) construct and maintain water-works, either within or without the City, and do any other necessary acts ;

(*b*) purchase or take on lease any water-work or any water or right to store or to take and convey water, whether within or without the City ; and

(*c*) enter into an arrangement with any person for a supply of water.

Power of access to municipal water-works

116. The Corporation may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-work, at all reasonable times,—

(*a*) by any authorized person enter upon and pass through any land, within or without the City, adjacent to or in the vicinity of such water-work, in whomsoever such land may vest ;

(*b*) cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

Prohibition of erection of any building which would injure sources of water-supply.

117. Except with the permission of the Corporation, no person shall—

(*a*) erect any building for any purpose whatever on any part of the area enclosed by the boundary-fence of any lake or reservoir from which a supply of water is derived for a municipal water-work ; or

(*b*) remove, alter, injure, damage or in any way interfere with the aforesaid boundary-fence.

Prohibition of bathing in, or polluting, water.

118. Except as hereinafter provided, no person shall—

(*a*) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought thereinto or thereupon anything, or to be done any act, whereby the water therein shall be in any way fouled or its quality altered ;

(*b*) alter the surface of any municipal land adjacent to or forming part of any such work by digging thereinto or depositing thereon any substance ;

(*c*) cause or suffer to enter into the water in such work any animal ;

(*d*) throw or put into or upon the water in such work anything ;

(*e*) bathe in or near such work ; or

(*f*) wash or cause to be washed in or near such work any animal or other thing.

Occupier of premises to be primarily liable for certain offences against the Act.

119. If it shall be shown that an offence against any provision of this Act has occurred on any premises to which a private supply of water is supplied by the Corporation, it shall be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

General Provisions with reference to Drainage, Water-supply and other Mains.

Power of carrying wires, pipes, drains, etc.

120. The Corporation may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water-supply or lighting through, across, under or over any street or railway or any place laid out as or intended for a street, and, after giving reasonable notice in writing to the owner or occupier, through, across, under, over or up the side of any land or building whatsoever, within or without the City, and may place and maintain any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights on any immoveable property in the City, and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

Buildings not to be erected without permission over drains or water, gas or air mains.

121. (*1*) Without the permission of the Corporation, no building, wall or other structure shall be erected or re-erected, and no street or railway or tramway shall be constructed, over any municipal drain or municipal water, gas or air main.

(*2*) If any building, wall or other structure be so erected or re-erected, or any street or railway or tramway be so constructed, the Corporation may remove or otherwise deal with the same as it shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Compensation for damage.

122. In the exercise of any power conferred by section 116 or 120 as little damage or inconvenience as can be shall be done or caused, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the Corporation.

CHAPTER X.

PUBLIC HEALTH AND SAFETY.

Factories and Trades.

Factory not to be newly established without premission of Corporation

123. (*1*) No person shall—

(*a*) newly establish, or

(*b*) remove from one place to another, or

(*c*) re-open or renew after discontinuance for a period of not less than two years, or

(*d*) enlarge the area or dimensions of,

any factory, workshop or bakery in any area other than an area set apart for the accommodation of industries by any Act for the time being in force or by any local authority, except with the permission of the Corporation and in accordance with the terms and conditions stated in such permission.

(*2*) The Corporation may refuse to give such permission if it is of opinion that the establishment of such factory, workshop or bakery in the proposed position is objectionable by reason of the nature of the site thereof or the density of the population in the neighbourhood thereof or will be a nuisance to the inhabitants of the neighbourhood.

(*3*) The Corporation may, as a condition of granting such permission, require the owner of any such factory, workshop or bakery to provide housing accommodation sufficient for the number of persons permanently employed by him on the premises.

(*4*) In the event of any act being done in contravention of the provisions of sub-section (*1*), the Corporation may cause to be forcibly removed all persons from the premises in which the factory, workshop or bakery in respect of which the offence has been committed is situated and no person shall thereafter enter into or remain in the said premises without the permission of the Corporation.

Regulation of dangerous and offensive trades.

124. No person shall, otherwise than in accordance with the provisions of this Act,—

(*a*) store or keep in any premises any articles which are prescribed as dangerous or offensive, or as being, or likely to be, a nuisance to the public, or dangerous to life, health or property;

(*b*) store or keep in any premises the hide or any part of the carcase of any animal afflicted at the time of its death with infectious or contagious disease; or

(*c*) carry on or allow to be carried on, in any premises, any trade, manufacture, industry or operation which is prescribed as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reason of the manner in which or the conditions under which the same is, or is proposed to be, carried on:

Provided that nothing in this section shall affect the provisions of the Explosives Act or the Petroleum Act.

Markets and Slaughter-houses.

Private markets not to be kept open without a licence.

125. (*1*) No person shall, without, or otherwise than in conformity with the terms of, a licence granted by the Corporation in this behalf,—

(*a*) keep open, or

(*b*) newly establish, or

(*c*) remove from one place to another, or

(*d*) re-open or re-establish after discontinuance for a period of not less than one year, or

(*e*) enlarge the area or dimensions of,

a private market:

Provided that the Corporation shall not refuse, cancel or suspend any licence for keeping open a private market for any cause other than the failure

of the owner thereof to comply with some provision of this Act or condition of his licence after his attention has been drawn to such failure.

(2) When the Corporation has refused, cancelled or suspended any licence to keep open a private market it shall cause a notice of its having so done to be affixed [* * * *][1] on some conspicuous spot on or near the building or place where such market has been held.

Licensing of sale of meat outside market.

126. (*1*) No person shall, without a licence from the Corporation, sell or expose for sale, any four-footed animal, or any meat or fish intended for human food, in any place other than a municipal or licensed market.

(*2*) Nothing in sub-section (*1*) shall apply—

(*a*) to meat or fish sold in any hotel or eating-house for consumption on the premises, or

(*b*) to fresh fish sold from, or exposed for sale on, a vessel in which it has been brought direct to Rangoon after being caught at sea or in the river.

Prohibition of establishment of slaughter-houses.

127. No person shall, at any place other than a municipal slaughter-house, except with the permission of the Corporation and in accordance with the terms and conditions of such permission, slaughter or cause or permit to be slaughtered any four-footed animal, the flesh of which may be used as human food :

Provided that, notwithstanding the provisions of section 178, sub-section (*3*), the Corporation shall not charge any fee for the grant of permission for the sacrificial slaughter, on the occasion of any festival or ceremony, of animals, the flesh of which is not intended for sale.

Inspection of places for illicit slaughter of animals and seizure of carcases so slaughtered.

128. (*1*) If there are reasonable grounds for believing that any animal has been or is being or is likely to be slaughtered in contravention of the provisions of section 127, any municipal officer authorized in this behalf may, at any time by day or night, enter into and inspect any such place or premises, and may seize any animal or the carcase of any slaughtered animal found therein.

(*2*) The officer so authorized may remove and sell by auction or otherwise dispose of any animal or the carcase of any animal seized under sub-section (*1*), and shall place in deposit in the Municipal Fund the proceeds of any such sale.

(*3*) If the owner of any animal or carcase so seized fails to appear within one month from the date of such seizure, and prove his claim to the satisfaction of the Corporation, or if such owner is convicted of an offence under this Act with respect to such animal or carcase, the proceeds of the aforesaid sale shall vest in the Corporation.

(*4*) If the owner of any animal or carcase so seized appears and proves his claim to the animal or carcase or to the proceeds of the sale thereof to the

[1] The words " in the English and Burmese languages were omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

satisfaction of the Corporation, within one month from the date of such seizure, the Corporation shall, if it does not prosecute such owner or if as a result of the institution of a prosecution such owner is acquitted or discharged, pay to such owner the proceeds of the sale of such animal or carcase.

129. The Corporation may—

Levy of charges in municipal markets and slaughter-houses.

(*a*) charge such stallages, rents and fees as it may from time to time fix for the use or occupation of any stall, shop, shed, standing, pen, lairage or other building in a municipal market or municipal slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any municipal market;

(*b*) farm the stallages, rents and fees leviable under clause (*a*); and

(*c*) put up to public auction the privilege of occupying or using any stall, shop, shed, standing, pen, lairage or other building in a municipal market or municipal slaughter-house for such period and on such conditions as it may think fit.

Weights and Measures.

Inspection of markets and seizure of weights and measures.

130. (*1*) Any municipal officer authorized in this behalf may, at all reasonable times, enter into any market, building, shop, stall or place used for the sale of any goods, food, drink or drugs and inspect any instruments for weighing, weights or measures found therein and test the same with other weights and measures, and may seize any such instrument for weighing, weight or measure which he reasonably suspects to be false or other than those prescribed and may cause the same to be examined or tested.

(*2*) Every person for the time being in charge of, or employed in, such market, building, shop, stall or place, shall, if so required by the officer authorized, produce for such inspection and comparison all instruments for weighing, weights and measures kept or used therein.

Seizure of Animals.

Inspection and seizure of animals.

131. (*1*) Any municipal officer authorized in this behalf may—

(*a*) if he has reason to believe that any animal is being kept in any place or premises in contravention of any provision of this Act, at any time of the day or night, enter into and inspect such place or premises and seize and remove any animals so kept therein; or

(*b*) seize and remove any animal found in the course of importation into, or transport within, the City, in contravention of any provision of this Act.

(*2*) If the owner of any animal seized under sub-section (*1*) fails to appear within one month from the date of such seizure, and prove his claim to such animal to the satisfaction of the Corporation, the Corporation may

sell such animal by auction or otherwise and the proceeds of such sale shall be credited to the Municipal Fund.

(*3*) If the owner of any animal seized under sub-section (*1*) appears within one month from the date of such seizure and proves his claim to such animal to the satisfaction of the Corporation, the Corporation shall, if reasonable charges for feeding and tending are paid, return such animal to such owner and may direct the prosecution of such owner under the provisions of this Act.

Food, Drink and Drugs.

Prohibition of sale of diseased animals or unwholesome articles intended for human food.

132. No person shall sell, expose for sale or keep for sale any animal, food, drink or drug intended for human consumption or medical treatment, or manufacture any such food, drink or drug which is diseased, unsound, unwholesome or unfit for human food.

Explanation.—Meat into which air or water has been blown or injected shall be deemed to be unfit for human food.

Adulteration of food, drink or drugs

133. (*1*) No person shall sell or expose, manufacture or store for sale any article of food or drink or any drug which has been adulterated.

(*2*) An article or drug shall be deemed to be adulterated—

(*a*) in the case of an article of food or drink—

(i) if any substance has been mixed or packed therewith so as to reduce or lower or injuriously affect its quality or strength, or

(ii) if any valuable constitsuent of the article has been wholly or in part abstracted ;

(*b*) in the case of a drug—

(i) if, when it is sold or exposed for sale under or by a name recognised in the British Pharmacopœia, it differs from the standard of strength, quality or purity laid down in the said Pharmacopœia, unless the standard of strength, quality or purity of such drugs is plainly stated on the bottle, box or other receptacle, or

(ii) if its strength, quality or purity falls below the professed standard under which it is sold or exposed for sale :

Provided that no adulteration shall be deemed to have taken place where—

(i) the article or drug was unavoidably mixed with any extraneous matter in the process of collection or preparation, or

(ii) any matter or ingredient not injurious to health has been added thereto or mixed therewith because such matter or ingredient was required for the production or preparation thereof as an article of commerce in a state fit for conveyance or consumption, and not fraudulently to increase the bulk, weight or measure thereof or to conceal its inferior quality, if the

vendor in the prescribed manner brought to the notice of the purchaser the fact that such matter or ingredient had been so added or mixed.

(*3*) The President of the Union may, with reference to any particular article of food or drink, or to any drug,—

(*a*) declare by notification what deficiency in any of the normal constituents, or what addition of extraneous substance or proportion of water,

(*b*) fix by notification a standard of quality, specific gravity or percentage of constituent parts, failure to conform with which,

shall, for the purposes of this Act, raise a presumption, until the contrary is proved, that the food, drink or drug, as the case may be, is adulterated.

Standardized food and drugs.

134. No person shall sell or expose, manufacture or store for sale any article of food or drink or any drug to which the President of the Union has by notification applied this section unless it fulfils the conditions specified therefor in such notification.

Substitutes.

135. No person shall sell or expose, manufacture or store for sale, as being any specified article of food or drink or any specified drug, to which the President of the Union has by notification extended this section, any article (hereinafter referred to as a "substitute") which resembles or purports to be but is different in nature, substance or quality from such notified article or drug.

Provisions relating to prosecutions.

136. In any prosecution under section 132, 133, 134 or 135—

(*a*) the Court shall presume, unless and until the contrary is proved, that any animal, food, drink or drug or substitute therefor found in the possession of any person who is or has recently been in the habit of selling that class of animal, or of manufacturing, storing or selling such food, drink or drug, or what purports or purported to be such food, drink or drug, was being kept, manufactured or stored for sale by such person;

(*b*) it shall be no defence for such person to plead that he was ignorant that the animal, food, drink or drug or substitute was diseased, unsound, unwholesome or unfit for human food or was adulterated or did not fulfil the conditions specified or was a substitute, as the case may be;

(*c*) no offence shall be deemed to have been committed where such person proves to the satisfaction of the Court that he obtained the food, drink, drug or substitute under a warranty from the manufacturer in, or importer into, the Union of Burma, as the case may be, that the food, drink, drug or substitute had not been adulterated, did fulfil the conditions specified or was not a substitute, and that he had no reason to believe otherwise.

Liability of warrantors.

137. When any person has been discharged or acquitted of an offence by reason of the provisions of clause (*c*) of section 136, and the warranty proves to be incorrect or misleading, the warrantor shall be deemed to have committed such offence.

Inspection of place for sale of food or drink, and seizure of unwholesome articles or utensils found therein.

138. (*1*) Any municipal officer authorized in this behalf may at any time enter into and inspect any market, building, shop, stall or place used for the sale of any animals, food, drink or drugs intended for human consumption or medical treatment or for the preparation, manufacture or storage of the same for sale, and may inspect and examine any such animal, food, drink or drug and any utensil or vessel used for preparing, manufacturing or containing any such food, drink or drug which may be therein.

(*2*) If any such animal appears to such officer to be diseased, or if any such food, drink or drug appears to him to be unsound, unwholesome or unfit for human consumption or medical treatment, as the case may be, or to be adulterated, or not to fulfil the specified conditions or to be a substitute, or if any such utensil or vessel is of such kind or in such state as to render any food, drink or drug prepared, manufactured or contained therein unwholesome or unfit for human consumption or medical treatment, as the case may be, he may seize and remove such animal, food, drink, drug, utensil or vessel in order that the same may be dealt with as hereinafter in this Chapter provided.

(*3*) The authorized officer may, instead of removing any such animal, food, drink, drug, utensil or vessel seized under sub-section (*2*), leave the same in such safe custody as the Corporation directs in order that the same may be dealt with as hereinafter in this Chapter provided; and no person shall remove such animal, food, drink, drug, utensil or vessel from such custody or interfere or tamper with the same in any way while so detained.

Seizure of articles during importation or transport.

139. Any municipal officer authorized in this behalf may at any time seize any articles of food or drink or any drugs which are in course of importation into or transport within the City in contravention of the provisions of this Act.

Destruction of animals and articles seized under section 138 or 139.

140. (*1*) When any animal, food, drink, drug, utensil or vessel is seized under section 138, sub-section (*2*), or section 139, it may, at the discretion of the officer making the seizure and with the consent of the owner or the person in whose possession it was found, be forthwith destroyed: provided that if any food, drink or drug so seized is of a perishable nature and is in the opinion of the officer making the seizure, diseased, unsound, unwholesome or unfit for human consumption or medical treatment, it may be destroyed without such consent.

(*2*) The expenses incurred on behalf of the Corporation in taking any action under sub-section (*1*) shall be paid by the person in whose possession such animal, food, drink, drug, utensil or vessel was at the time of its seizure.

141. (*1*) Any animal, food, drink, drug, utensil or vessel seized under section 138, sub-section (*2*), or section 139 which is not destroyed in pursuance of section 140 shall, subject to the provisions of section 138, sub-section (*3*), be taken before a Magistrate as soon as may be after such seizure. Taking before Magistrate of animals and articles seized under section 138 or 139.

(*2*) If it appears to the Magistrate that such animal, food, drink, drug, utensil or vessel was rightly seized, he shall cause the same—

(*a*) to be forfeited to the Corporation, or

(*b*) to be destroyed at the expense of the person in whose possession it was found at the time of its seizure.

(*3*) If the Magistrate is of the contrary opinion the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss or expenses which he has sustained or incurred, as the Magistrate may think proper.

142. When any authority directs, in exercise of any powers conferred by this Chapter, the destruction of any animal or any food, drink or drug or the disposal of the same so as to prevent its being used as food or medicine, the same shall thereupon be deemed to be the property of the Corporation. Foods and drugs directed to be destroyed deemed to be the property of the Corporation.

143. Any dealer in, or purchaser of, any food, drink or drug, who submits the same to the Municipal Analyst and pays such fee as the Corporation may fix in this behalf, shall be entitled to have the same analysed by the Municipal Analyst and to receive from him a certificate of the results of his analysis. Power of dealer in, or purchaser of, article to have it analysed.

144. (*1*) Any municipal officer authorized in this behalf may apply to purchase any article of food, drink or drug, which may be kept or exposed for sale, or be in course of importation into, or transport within, the City, or for the regulation of the sale, importation or transport of which provision has been made under this Act, upon tendering the price for a quantity not more than reasonably requisite for the purpose of analysis, and the person in charge of such article of food, drink or drug, shall, if he has authority to sell, be bound to sell such quantity. Purchase or seizure of article of food, drink or drug for purposes of analysis.

(*2*) If the person in charge of any article of food, drink or drug as aforesaid shall be unable for want of authority to sell such quantity as shall be reasonably requisite as aforesaid, the authorized officer may seize a quantity not more than reasonably requisite as aforesaid and shall grant him a certificate stating the nature and quantity of the article seized, and the date and place of seizure, and, upon claim being made, shall pay to the owner the price of the article seized.

(*3*) The authorized officer, after purchasing or seizing any article under sub-section (*1*) or sub-section (*2*), and any person purchasing any article with the intention of submitting the same to analysis, shall, after completing the purchase, forthwith notify to the person in charge of such article his intention

to have the same analysed, and shall divide the article into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit.

(*4*) The authorized officer and any such person as is mentioned in sub-section (*3*) shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to the Municipal Analyst.

Disposal of the Dead.

President may direct the closing of any place for the disposal of the dead.

145. (*1*) If, from information furnished by competent persons and personal inspection by an officer authorized in that behalf, the Corporation is of opinion—

(*a*) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults and graves in or about the same, or of any churchyard or burial ground adjacent thereto, or

(*b*) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

it may submit its opinion, with the reasons therefor, for the consideration of the President of the Union.

(*2*) Upon receipt of such opinion the President of the Union, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published in the Gazette and the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead.

(*3*) On the expiration of two months from the date of any such order of the President of the Union, the place to which the same relates shall be closed for the disposal of the dead.

President may sanction the re-opening of places that have been closed for the disposal of the dead.

146. (*1*) If the Corporation is of opinion that any place formerly used for the disposal of the dead, but closed under the provisions of section 145 or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, it may submit its opinion, with the reasons therefor, for the consideration of the President of the Union.

(*2*) Upon receipt of such opinion the President of the Union, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published as aforesaid, direct that such place be re-opened for the disposal of the dead.

Burials and exhumations not to be made without the permission of the Corporation.

147. (*1*) No person shall, without the permission of the Corporation under sub-section (*2*),—

(*a*) make any vault or grave or interment within the wall, or underneath any passage, porch, portico, plinth or verandah of any public place of worship; or

(*b*) make any interment, or otherwise dispose of any corpse, n any place which is closed for the disposal of the dead under section 145 : or

(*c*) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place not registered as a place for the disposal of the dead ; or

(*d*) exhume any corpse.

(*2*) The Corporation may, in special cases, grant permission for any of the purposes aforesaid, subject to such general or special orders as the President of the Union may from time to time make in this behalf.

(*3*) An offence under this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the Code of Criminal Procedure.

Emergency Provisions.

Emergency measures on outbreak of any dangerous disease.

148. In the event of the City being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the City amongst men or animals, the Commissioner, if he is of the opinion that the ordinary provisions of this Act or of any other law for the time being in force are insufficient for the purpose, may—

(*a*) take such special measures, and

(*b*) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

Destruction of huts and sheds when necessary.

149. (*1*) If the Corporation is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, it may, after giving to the owner or occupier of such hut or shed such previous notice of its intention as may in the circumstances of the case appear to it reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(*2*) Compensation may be paid by the Corporation, in any case in which it thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed ; but except as so allowed by the Corporation, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Power to destroy infected clothing, etc.

150. In any case in which the Commissioner is empowered to cause the disinfection of clothing, bedding or other articles which have become infected with disease, he may direct the destruction of such clothing, bedding or other articles if they are likely to retain infection, and may, in his discretion, give compensation for any article so destroyed.

Emergency measures in unforeseen disasters.

151. On the occurrence of any sudden accident or unforeseen event, or in the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property, or danger to human or animal life, the Commissioner shall take such action as the emergency shall appear to him to justify or to require.

Action by Commissioner to be reported.

152. Whenever the Commissioner takes any action under section 148, 150 or 151 he shall immediately report to the Corporation the action he has taken, the reasons therefor and the cost incurred thereby; and he shall comply with any directions given by the Corporation in respect of such matter.

CHAPTER XI.

BUILDINGS AND STREETS.

Buildings.

Prohibition of erection or re-erection of buildings without permission of Corporation.

153. No person shall commence the work of erection or re-erection of any building or of any excavation for the foundations thereof—

(*a*) unless and until the Corporation has either granted permission for the erection or re-erection thereof or has failed to intimate within the prescribed period its refusal of such permission; or

(*b*) after the expiry of one year from the date of the said order granting permission or from the end of the prescribed period, as the case may be.

Completion certificates and permission to occupy or use buildings.

154. (*1*) Every person who erects or re-erects any building shall, within one month after the completion of the work of erection or re-erection, deliver or send to the Corporation notice in writing of such completion and shall give to the Corporation all necessary facilities for the inspection of such building.

(*2*) The Corporation shall, within seven days after the receipt of the said notice, depute an officer to commence the work of inspection of such building.

(*3*) The Corporation may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates,—

(*a*) give permission for the occupation of the building erected or the use of the part of the building re-erected, or

(*b*) refuse such permission in case such building has been erected or re-erected so as to contravene any provision of this Act.

(*4*) No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection of such building—

(*a*) until the permission referred to in clause (*a*) of sub-section (*3*) has been granted in the prescribed manner, or

(*b*) unless the Corporation has failed for twenty-one days after the receipt of notice of completion to intimate its refusal of the said permission.

Power of Corporation to direct removal of person from buildings in which works are being unlawfully carried on or which are unlawfully occupied.

155. (*1*) If any person—

(*a*) commences the work of erection or re-erection of any building, or of any excavation for the foundations thereof, without the permission of the Corporation, or

(*b*) proceeds with the work of erection or re-erection of any building or otherwise than after compliance in full with the lawful requirements of any prescribed notice by the Corporation, or

(*c*) occupies or permits to be occupied or uses or permits to be used any building or part of a building erected or re-erected without the permission of the Corporation under section 154,

the Corporation may, after twenty-four hours' notice, direct that all persons engaged in any capacity in the work of erection or re-erection of such building or part of a building, or occupying or using such building or part of a building, shall be removed therefrom, and may call upon the Commissioner of Police of Rangoon to enforce such removal, and the Commissioner of Police, on receipt of any such requisition, shall cause all the persons aforesaid to be removed from such building and shall take such measures as will prevent any such person from again entering into or remaining upon such building or part of a building except with the permission of the Corporation: provided that any person occupying or using such building or part of a building as a tenant shall not be removed under clause (*c*) unless one week's notice in writing requiring such person to vacate the same has been served on him by the Corporation.

(*2*) All expenditure incurred in the enforcement of the provisions of this section may be recovered from the person offending.

Provisions regarding buildings unfit for human habitation.

156. (*1*) If for any reason it shall appear to the Corporation that any building or part of a building intended for or used for human habitation or human occupation for any purpose whatever is unfit for such habitation or occupation, it shall give to the owner or occupier of such building notice in writing, stating such reason and signifying its intention to prohibit the further use of such building or part of a building for such purpose, and calling upon the owner or occupier of such building to state in writing any objection thereto within seven days after the receipt of such notice, and, if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Corporation invalid or insufficient, it may, by an order in writing, prohibit the further use of such building or part of a building for human habitation or occupation: provided that, before such order is given, the owner or occupier of the building shall have an opportunity of appearing before the Corporation (or such standing committee as may be prescribed in this behalf), in person or by agent, in support of his objection.

(*2*) When any such prohibition as aforesaid has been made, the Corporation shall cause notice of such prohibition to be served upon the owner of, and upon every person who occupies or uses for any purpose, the building or part of a building thereby affected : such notice shall specify a day, being not less than fourteen days from the date thereof, on or before which every such occupier shall remove himself and his property from the said building or part of a building, and, if on the day so appointed any occupier has failed to comply with the terms of the said notice, the Corporation may cause such occupier and his property to be removed from the said building or part of a building and may for such purpose enforce the prohibition by calling upon the Commissioner of Police of Rangoon in the manner provided for in section 155 : and all expenditure incurred in such enforcement may be recovered from the person offending.

(*3*) When a building or part of a building has been evacuated under sub-section (*2*), the Corporation shall mark it in the manner prescribed and no person shall, except with the permission of the Corporation and in accordance with the terms and conditions of such permission, enter into or remain in such building or part of a building.

(*4*) At any time after a building or part of a building has been evacuated under sub-section (*2*), the Corporation may, if it considers that such building or part of a building can be rendered fit for human habitation by structural alterations or repairs, by notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs as it deems necessary, or may, if it considers it impossible to render such building or part of a building fit for human habitation, by notice in writing call upon the owner to demolish such building or part of a building within a period of thirty days from the receipt of such notice.

(*5*) If at the expiration of the aforesaid period of six months such structural alterations or repairs have not been executed to the satisfaction of the Corporation it shall issue to the owner thereof a notice in writing ordering the demolition of such building or part of a building within a period of thirty days from the date of receipt of such notice.

(*6*) If at the expiration of the period of thirty days an order to demolish a building or part of a building, issued under sub-section (*4*) or sub-section (*5*), has not been complied with, the Corporation may direct, by an order in writing, the demolition of such building or part of a building by any municipal officer or servant or contractor, and the materials of such building or part of a building shall become the property of the Corporation : provided that, before such order is made, the owner of the building or part of a building shall have an opportunity of appearing before the Corporation (or such standing committee as may be prescribed in this behalf), in person or by agent, and of showing cause why such order should not be made.

(*7*) For sufficient cause, the Corporation may extend the time allowed under, or prescribed by, sub-sections (*4*), (*5*) and (*6*).

(*8*) If any building or part of a building in respect of which an order under this section has been made is the subject of a lease, such lease shall be voidable at the option of the lessee with effect from the date on which the said order comes into force.

Removal of buildings in ruinous or dangerous state.

157. (*1*) If any building, wall, structure or any thing affixed thereto is in a ruinous or dangerous state the Corporation may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made thereto as it considers necessary for the public safety, and if it appears to it to be necessary in order to prevent imminent danger, it may forthwith take such steps as may be necessary to avert such danger, and such steps may include the forcible removal without notice from such building of all the occupiers thereof and their property.

(*2*) Any expense incurred by the Corporation under sub-section (*1*) shall be paid by the owner of the said building, wall, structure or thing affixed thereto.

(*3*) No person shall enter into or remain in any building from which the occupiers have been removed under sub-section (*1*) except with the permission of the Corporation.

Reclamation of low-lying sites.

158. (*1*) If for any reason it shall appear to the Corporation that the level of the site of any building is so low that such building is, or is likely to become, insanitary or to create a nuisance, it shall give to the owner or occupier of such building notice in writing, calling upon such owner or occupier to show cause in writing within thirty days after the receipt of such notice why the said site should not be reclaimed with such materials and raised to such a height and within such period, being not less than six months from the date of the notice, as it shall think fit, and shall also specify in the said notice the cost at which it is prepared to perform the work required by municipal agency, if asked so to do by the said owner or occupier.

(*2*) If no objection is raised by such owner or occupier within such period as aforesaid or any objection which is raised by such owner or occupier appears to the Corporation invalid or insufficient, it may, by notice in writing, direct such owner or occupier—

(*a*) to carry out such reclamation and raising of the height within the period prescribed; or

(*b*) within thirty days after the receipt of the said notice to pay to the Corporation the estimated cost of performing the work by municipal agency.

(*3*) In any case in which the estimated cost of the reclamation has not been paid to the Corporation, if the aforesaid owner or occupier fails to commence the work of reclamation within three months after the receipt by him of the notice under sub-section (*2*), or if he thereafter fails to carry on and complete the reclamation to the specified height and with the specified materials within a reasonable period, the Corporation may recover from him

the estimated cost of the work as stated in the notice issued under sub-section (*1*), or so much thereof as it may consider necessary to complete the work, and may carry out and complete the work by municipal agency.

Power to prohibit re-erection of building on insanitary site.

159. (*1*) If any building, the site of which is so low as to be, or to be in the opinion of the Corporation likely to become, insanitary, is demolished or destroyed by fire or by any other cause, the Corporation may, by notice in writing addressed to the owner or occupier of such site, direct that no building shall be erected thereon unless and until the said site has been raised to such height and with such materials as it may specify in such notice.

(*2*) No person shall erect or re-erect any building in contravention of such notice.

Public Streets.

Closing of public streets.

160. The Corporation may permanently close the whole or any part of a public street :

Provided that—

(i) no such street or part of such street shall be closed unless, one month at least before the meeting at which the matter is decided, a notice has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the Corporation ;

(ii) where the site thereof was transferred to or placed at the disposal of the Municipal Committee of Rangoon or of the Corporation by the President of the Union for use as a street, the previous sanction of the President of the Union has been obtained in that behalf.

Disposal of land forming site of public street.

161. Whenever any public street or part of a public street is permanently closed under section 160, the site of such street, or of the portion thereof which has been closed, may be disposed of, subject to the provisions of section 42, as land vested in the Corporation.

Permission to lay tramways or railways on public streets to need the sanction of the Corporation and confirmation by the President.

162. (*1*) Without the permission of the Corporation no person shall lay or work on, under or above any public street any railway or tramway, and no permission shall have validity unless and until it is confirmed by the President of the Union.

(*2*) Nothing in this section shall be deemed to affect the railway lines which were laid in or upon or in the vicinity of any public street on the 1st August, 1922 [1], or any provision of the Railways Act, the Electricity Act or of the Tramways Act.

[1] Date of commencement of this Act.

Prohibition of projections upon streets.

163. (*1*) No person shall, except with the permission of the Corporation and in accordance with such terms and conditions, including the payment of rent, as it may impose, erect, add to, set up or place against or in front of any premises any structure or fixture, or obstruction, which will—

(*a*) overhang, jut or project into, or in any way encroach upon or obstruct the passage of the public along any street ; or

(*b*) jut or project into or encroach upon or cover over any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

Power to require removal of the same.

(*2*) The Corporation may, by written notice, require the owner or occupier of any premises to remove any structure, fixture or covering which has been erected, set up or placed against, or in front of, the said premises in contravention of this section or of section 94 of the Burma Municipal Act, 1884 [1], or to alter the same in such manner as the Corporation thinks fit to direct.

India Act XVII, 1884.

(*3*) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit an account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Power to require removal of projection made before Burma Municipal Act, 1884, came into force.

164. (*1*) If any such structure, fixture or covering as is described in section 163 has been erected, set up or placed against, or in front of, any premises, at any time before the Burma Municipal Act, 1884 [1] came into force, the Commissioner may give notice under sub-section (*2*) of the said section to the owner or occupier of the said premises.

India Act XVII, 1884.

(*2*) No compensation shall be paid to any person who sustains loss or damage by the removal or alteration of any such structure or fixture or covering which has been so erected, set up or placed at any time since the first day of December, 1884 [2].

Private Streets.

Notice of intention to lay out new private street to be given to Corporation.

165. Every person who intends to make or lay out a new private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give written notice of his intention to the Corporation and shall, along with such notice, submit plans and sections, showing the intended level, direction and width and means of drainage of such street, and the height and means of drainage of the buildings to be erected on each side thereof.

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[1] Repealed by the Municipal Act, 1898 (Burma Act III, 1898).

[2] Date of commencement of the Burma Municipal Act, 1884.

Level of new private streets to be determined by the Corporation.

166. The level, direction, width and means of drainage of every new private street, and the height and means of drainage of the buildings to be erected on each side thereof, shall be fixed and determined by the Corporation.

New private street not to be made and buildings on either side thereof not to be erected except in accordance with Corporation's direction or approval.

167. (*1*) No person shall make or lay out any new private street, or erect any building on either side thereof, otherwise than in accordance with the directions of the Corporation under section 166.

(*2*) If any such new private street be made or laid out, or if any building on either side of any such street be erected, in contravention of this section, the Corporation may, by written notice, require the person who is making or laying out or has made or laid out such street, or who is erecting or has erected such buildings, on or before such date as shall be specified in such notice, by a statement in writing subscribed by him in that behalf and addressed to the Corporation, to show cause why such street or building should not be altered to the satisfaction of the Corporation or, if that is impracticable, why the same should not be demolished or removed ; or may require the said person on such day and at such time and place as shall be specified in such notice to appear before the Corporation or such standing committee as may be prescribed in this behalf, either personally or by an agent, and show cause as aforesaid.

(*3*) If such person shall fail to show sufficient cause to the satisfaction of the Corporation why such street or building should not be so altered or demolished or removed, the Corporation may cause the street or building to be so altered or demolished or removed, and the expenses thereof shall be paid by the said person.

Levelling and draining of private streets.

168. (*1*) If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the Corporation, it may, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street or which will benefit by works executed under this section, to level, metal or pave, drain and light the same in such manner as it shall direct.

(*2*) If such requisition be not complied with on or before the date specified in such notice, the Corporation may cause the work to be done by municipal or other agency under its own orders, and the expenses incurred by the Corporation in so doing shall be paid by the owners of the premises aforesaid in such proportions as the Corporation shall think fit.

(*3*) Not less than fifteen days before the commencement of any work under sub-section (*2*) the Corporation shall give written notice to all the said owners of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(*4*) Any owner who is of opinion that the proportion of expenses payable by him in accordance with the order of the Corporation under sub-section (*2*) is incorrect or unjust may appeal against such order to the Chief Judge of the Rangoon [City Civil Court][1].

(*5*) Effect shall be given by the Corporation to the decision of the Court under sub-section (*4*).

Conversion of Private into Public Streets.

169. When any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the Corporation, it may, with the consent of, and shall, upon the request of the owner or of any of the owners of such street, by notice put up in any part of such street, declare the same to be a public street and thereupon the same shall become a public street.

Power to declare private streets, when sewered, public streets.

Building Schemes.

170. (*1*) The Corporation may give public notice of its intention to declare—

Power to regulate future construction of certain classes of buildings in particular streets or localities.

(*a*) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as the Corporation may consider suitable to the localities ; or

(*b*) that in any localities specified in the notice there will be allowed the construction of only detached or semi-detached buildings or both, each with not less than an area of land specified in such notice appurtenant thereto ; or

(*c*) that in any localities specified in the notice the construction of more than a limited number of houses on each acre of land, such number being specified in the notice, will not be allowed ; or

(*d*) that in any streets, portions of streets, or localities specified in such notice, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character, or buildings destined for particular uses, will not be allowed without the special permission of the Corporation.

(*2*) No objection to any such declaration shall be received after a period of three months from the publication of such notice.

(*3*) The Corporation shall consider all objections received within the said period, and shall, within a period of two months after the receipt thereof, submit the notice with a statement of all objections received and of its opinion thereon to the President of the Union.

(*4*) The President of the Union may pass such orders with respect to such declaration as he may think fit : provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued by the Corporation under sub-section (*1*).

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[1] Substituted by Act XVI, 1946.

(5) The declaration, as confirmed or modified by the President of the Union, shall be published in the Gazette and shall take effect from the date of such publication.

(6) No person shall erect or re-erect any building in contravention of any such declaration.

Procedure for Corporation to prescribe building line and street alignment.

171. (1) If the Corporation consider it expedient to fix for any existing or proposed public street a building line or a street alignment, or both a building line and a street alignment, as the case may be, it shall give public notice of its intention so to do.

(2) Every such notice shall specify a period within which objections thereto will be received.

(3) The Corporation shall consider all objections received within the said period and may then make an order fixing a building line or a street alignment or both a building line and a street alignment, as the case may be, for such public street.

(4) A building line shall not be prescribed so as to extend farther back than the front of any building (other than a boundary wall) abutting on the street.

(5) Every order made under sub-section (3) shall be published in the Gazette and shall take effect from the date of such publication.

Erection or re-erection of building beyond street alignment prohibited.

172. (1) No person shall erect or re-erect a building or part of a building so as to project beyond a street alignment fixed under section 171.

(2) Any owner of land who is prevented by the provisions of this section from erecting or re-erecting any building on any land may require the Corporation to make compensation for any damage which he may sustain by reason of such prevention, and, upon the payment of compensation in respect of any land situated within such street alignment, such land shall become part of the said street and shall vest in the Corporation.

(3) The Corporation may require the alteration or demolition of any building or part of a building erected or re-erected in contravention of sub-section (1).

Setting forward of front to building line.

173. (1) If the front of any building which abuts on a public street is in rear of a building line fixed under section 171 and it is proposed to erect or re-erect such building in any manner that will involve the removal of such building or of the portion thereof which abuts on the said street, to an extent exceeding one half of such building or portion thereof above the ground level, such half to be measured in cubic feet, the Corporation may, in any order which it issues under this Act concerning the erection or re-erection of such building, permit or require the front of such building to be set forward to the building line.

(2) Except with the permission of the Corporation, no person shall erect or re-erect any building or any portion of a building between a street alignment and a building line fixed under section 171.

Buildings at corner of streets.

174. (*1*) The Corporation may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine.

(*2*) The owner of the site of such building may require the Corporation to compensate him for the loss of any portion of such site resulting from a requirement of the Corporation under sub-section (*1*) and on payment of compensation such portion of the site shall vest in the Corporation.

Preparation of standard plans for division of lands into building sites.

175. (*1*) The Corporation may, by notice in writing, require the owner of any land which is intended for division into building sites to prepare and submit for its approval, within a period to be specified in such notice, a plan, drawn to some convenient scale to be specified in such notice, and signed in token of having been prepared by him or under his supervision by a licensed surveyor, in which shall be shown the streets which such owner proposes to construct on such land and the position and boundaries of the building sites into which he proposes to divide such land.

(*2*) On receipt of any plan prepared as aforesaid the Corporation may either intimate its approval thereof or direct such alterations and amendments to be made therein as it shall think fit.

(*3*) If the said owner fails to submit the aforesaid plan within the period specified, the Corporation may cause such a plan as is described in sub-section (*1*) to be prepared in accordance with its instructions and shall cause a copy thereof to be delivered at the last known place of abode of such owner and to be affixed to some conspicuous position on the land.

(*4*) Such owner may appeal to the President of the Union—

(*a*) against an order under sub-section (*1*); or

(*b*) against an order directing any alterations or amendments in a plan issued under sub-section (*2*); or

(*c*) against any plan prepared under sub-section (*3*);

and the order of the President of the Union on such appeal shall be final.

(*5*) Such appeal shall be made—

(*a*) within ninety days after the date of an order under sub-section (*1*) or sub-section (*2*); or

(*b*) within ninety days after the date on which a copy of the plan prepared under sub-section (*3*) has been delivered at the last known place of abode of such owner or has been affixed to a conspicuous place on the land, whichever is earlier;

and if not made within such period may be summarily rejected by the President of the Union.

(*6*) When a plan has been approved by the Corporation under sub-section (*2*) or has been prepared under the instructions of the Corporation under sub-section (*3*), such plan, modified in accordance with the order, if any, of the President of the Union under sub-section (*4*), shall be known as the "standard plan" of such land and a copy thereof, signed by such person as may be authorized in this behalf, shall be deposited in the office of the Corporation,

and another copy similarly signed shall be supplied on application to the owner of such land.

(7) No person shall, except with the permission of the Corporation or otherwise than in accordance with the terms and conditions of such permission, construct any street or erect any building on such land otherwise than in accordance with such "standard plan."

Saving as to Development Trust.

Power to exempt operations of Development Trust.

176. The President of the Union may, by notification, exempt from all or any of the provisions of this Chapter the operations of the Trustees for the Development of the City of Rangoon.

CHAPTER XII.

General Provisions for the carrying on of Municipal Administration.

Validity of Contracts.

Contracts.

177. (1) Every contract entered into by or on behalf of the Corporation shall, if it involves an expenditure exceeding two thousand rupees, be in writing and sealed with the common seal of the Corporation.

(2) A contract not executed in accordance with sub-section (1) shall not be binding on the Corporation.

Licences and Written Permission.

Licences and written permission.

178. (1) Wherever it is prescribed that the permission of the Corporation is necessary for the doing of any act, such permission shall (unless it is expressly provided otherwise) be in writing.

(2) Whenever it is provided in this Act that a licence or a permission may be given for any purpose, such licence or permission shall specify the period for which, and the conditions and limitations subject to which, the same is granted, and shall be signed in the prescribed manner.

(3) For every such licence or permission a fee may be charged at such rate as shall from time to time be fixed by the Corporation.

(4) Such licence or permission granted under this Act may at any time be suspended or revoked by the Corporation, if any of its conditions or limitations is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act in any matter to which such licence or permission relates.

(5) When any such licence or permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or permission, until the Corporation's order suspending or revoking the licence or permission is cancelled, or until the licence or permission is renewed, as the case may be.

(*6*) Every person to whom such licence or permission has been granted shall, at all reasonable times while such licence or permission remains in force, if so required by the Corporation, produce such licence or permission.

(*7*) The acceptance by the Corporation of the payment of the fee for a licence or permission shall not entitle the person making such payment to the licence or permission, as the case may be, but only to a refund of the fee in case of refusal of the licence or permission; but an applicant for the renewal of a licence or permission shall, until communication of orders on his application, be entitled to act as if the licence or permission had been renewed; and, save for a licence or permission required under the provisions of sections 123 and 124, if orders on an application for a licence or permission are not communicated to the applicant within six weeks after the receipt of the application by the Corporation, the application shall be deemed to have been allowed for the year, or for such less period as is mentioned in the application, and subject to this Act and all conditions ordinarily imposed.

Power of Entry and Inspection.

Power of entry on premises for purposes of inspection, survey or execution of necessary work.

179 Any municipal officer duly authorized to make inspections or surveys or execute any works may enter into or upon any building or land, with or without assistants or workmen, whenever in his opinion such entry is necessary or expedient for the purposes of this Act:

Provided that, except where it is in this Act otherwise expressly provided,—

(i) no such entry shall be made between sunset and sunrise;

(ii) no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier not less than six hours' previous written notice of the intention to make the said entry, and, unless for any sufficient reason it shall be deemed inexpedient to furnish such information of the purpose thereof;

(iii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed;

(iv) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Power of entry on lands adjacent to works.

180. (*1*) Any municipal officer duly authorized to carry out works may deposit upon any land, adjoining, or within one hundred yards of, any such works, any soil, gravel, sand, lime, bricks, stone or other materials necessary for such works.

(2) Such person shall, before depositing materials under sub-section (1), give the owner and occupier reasonable notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned, or referred to, in the said sub-section.

(3) The Corporation shall not be bound to make any payment, tender or deposit before so using any land under sub-section (1), but shall do as little damage as may be, and shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

Right of entry into and inspection of premises licensed for any purpose.

181. Any municipal officer duly authorized in that behalf may, at any time, by day or night, without notice, enter into or upon any place or premises used or intended to be used for any purpose for which any licence, leave or permission is required by or under this Act in order to satisfy himself as to whether any provision of this Act or any condition of any licence, leave or permission granted, or which any person was bound to obtain, under this Act, is being contravened, or as to whether any nuisance is created upon such place or premises.

Enforcement of Orders to execute Works.

Execution of works which any person is required to execute by the Corporation at such person's cost.

182. (1) When any requisition or order is made by written notice by the Corporation under this Act, a reasonable period shall (where no period is prescribed by the Act) be specified in such notice for carrying such requisition or order into effect, and if within the period so specified such requisition or order or any portion of such requisition or order is not complied with, the Corporation may take such measures or cause such work to be executed or thing to be done as shall, in its opinion, be necessary for giving due effect to the requisition or order so made, and the expense thereof shall be paid by the person or by any one of the persons in default.

(2) On the written request of any person who is required under any provision of this Act to supply any materials or fittings or to do any work, the Corporation may, on such person's behalf, supply the necessary materials or fittings or cause the necessary work to be done, but it may refuse to do so unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Corporation, suffice to cover the cost of the said materials, fittings and work.

(3) The Corporation may, if it thinks fit, cause any work required to be done under any provision of this Act to be executed by municipal or other agency under its own orders without giving the person by whom the same would otherwise have to be executed any option of doing the same. The expenses of the work so done shall be paid by the person aforesaid, unless the Corporation shall, by general or special order or resolution, sanction the execution of such work at the charge of the Municipal Fund.

183. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act, the occupier, if any, of such building or land may, with the approval of the Corporation, execute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may deduct the amount thereof from the rent which, from time to time, becomes due by him to the owner.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

184. No person who receives the rent of any building or land in the capacity of agent or trustee only shall be liable to do anything which is by this Act required to be done by the owner if he is able to prove to the satisfaction of the Corporation that he has not sufficient funds of or due to the owner to pay for the same :

Limitation of liability of agent or trustee of owner.

Provided that nothing in this section shall be deemed to prevent the Corporation from carrying out the necessary works and recovering the expenses so incurred from the actual owner.

Recovery of Expenses incurred by the Corporation.

185. Unless it is otherwise expressly provided by this Act, whenever under this Act the expenses of any work executed or of any measure taken or thing done by or under the order of the Corporation are payable by any person, the same shall be payable on demand.

Expenses recoverable under this Act to be payable on demand.

186. Instead of recovering any such expenses as aforesaid, the Corporation may, if it thinks fit, take an agreement from the person liable for the payment thereof to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine *per cent. per annum*, within a period of not more than five years.

Corporation may receive payment in instalments.

187. (*1*) Any expenses incurred by the Corporation under any other provision of this Act in respect of, or for the benefit of, any land or building, may, if the Corporation thinks fit, be declared to be improvement expenses.

Expenses incurred by Corporation may be declared improvement expenses and recovered by instalments.

(*2*) Improvement expenses shall be a charge on the land or building in respect of which, or for the benefit of which, the same have been incurred and shall be recoverable in instalments of such amounts not being less for any premises than twelve rupees *per annum*, and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of nine *per cent. per annum*, within such period, not exceeding thirty years, as the Corporation may, in each case, determine.

(*3*) The said instalments shall be payable by the owner or occupier of the land or building on which the expenses are so charged.

(*4*) At any time before the expiration of the period for the payment of any improvement expenses the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Corporation such part of the said expenses as may not have been defrayed by sums already levied in respect of the same.

In cases falling under section 185, disputes to be determined by the Chief Judge of the Rangoon City Civil Court.

188. (*1*) If, when the Corporation demands payment for any expenses under section 185, its right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Corporation or by the Commissioner in taking temporary measures in the interests of public safety under the provisions of this Act, the necessity for such temporary measures is disputed, the Corporation shall refer the case for the determination of the Chief Judge of the Rangoon [City Civil Court.][1]

(*2*) Pending the Judge's decision, the Corporation shall defer further proceedings for the recovery of the sum claimed by it and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due:

Provided that the Corporation or Commissioner, as the case may be, shall not, by reason only of the pendency of any dispute or reference to the said Judge, defer the execution of any temporary measures which may be necessary under any provision of this Act.

Payment of Compensation by Corporation.

Compensation to owner for value of immoveable property deteriorated

189. (*1*) In any case in which immoveable property has deteriorated in value owing to the exercise of any power conferred by section 94, 95, 96, 97, 109, 111, 112, 148 or 151, the Corporation may pay to the owner of the property reasonable compensation.

(*2*) On receipt of the compensation referred to in sub-section (*1*) the owner of the property which has deteriorated in value shall be deemed to have granted the Corporation a perpetual easement to continue the exercise of its powers under the said sections in such a manner as not to create a greater nuisance than at the time when compensation was received.

Procedure on complaint of injury.

190. (*1*) Any person who is injuriously affected thereby may complain to the President of the Union that in the exercise of any power conferred by section 94, 95, 96, 97, 109, 111 or 112 more than the least practicable nui ance has been created.

(*2*) Upon receipt of any such complaint, the President of the Union shall appoint an officer to enquire into the complaint, and such officer shall for the purpose of his enquiry have all the powers of a civil Court trying a suit and shall submit his report to the President of the Union.

(*3*) Upon receipt of his report the President of the Union may, if he thinks fit, direct the Corporation—

(*a*) to take such measures as it shall deem practicable and reasonable for preventing, abating, diminishing or removing such nuisance;

(*b*) to pay to the complainant all reasonable costs of and relating to the said complaint.

The costs may include compensation for the complainant's loss of time in prosecuting the complaint.

(*4*) It shall be incumbent on the Corporation to obey every such order.

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[1] Substituted by Act XVI, 1946.

191. Nothing in this Act shall affect the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 94, 95, 96, 97, 109, 111 or 112 to recover damages for the same. **Saving of right to claim damages for injury.**

192. In any case not otherwise expressly provided for in this Act, the Corporation may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested in the Corporation, or vested in or delegated to the Commissioner, or to any other municipal officer or servant under this Act. **Payment of compensation.**

193. (*1*) If, in any case not falling under section 185, the Corporation or any other person is required by this Act to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in section 217 and in the Land Acquisition Act, by the Chief Judge of the Rangoon [City Civil Court,][1] on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable. **Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Rangoon City Civil Court.**

(*2*) If the amount of such expenses or compensation is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under a decree of the said Court.

Recovery of Dues.

194. (*1*) Any arrears of tax or any fee or other money claimable by the Corporation under this Act may be recovered as if they were arrears of land-revenue. **Recovery of arrears of taxes and other dues.**

(*2*) The President of the Union may, by notification, prescribe the officers by whose orders and on whose application such arrears may be recovered.

195. The Corporation may write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in its opinion, be irrecoverable. **Writing off irrecoverable taxes.**

Interference with Municipal Officers.

196. No person shall prevent any person duly authorized in that behalf from exercising his power under this Act of entering on any land or into any building. **Corporation not to be prevented from exercising power of entry.**

197. No person shall obstruct or molest any person with whom the Corporation has entered into a contract, in the performance or execution by such person of his duty, or of anything which he is empowered or required to do by virtue or in consequence of this Act. **Prohibition of obstruction of contractor.**

[1] Substituted by Act XVI, 1946.

Prohibition of removal of mark.

198. No person shall remove any mark set up for the purpose of indicating any lawful direction necessary to the execution of works authorized by this Act.

Legal Proceedings.

Decision of the Chief Judge of the Rangoon City Civil Court.

199. Notwithstanding anything contained to the contrary in the Rangoon [City Civil Court] [1]Act or any other enactment, the Chief Judge of the Rangoon [City Civil Court][1] shall exercise all powers and jurisdiction conferred on, or vested in, the said Judge under the provisions of this Act, and, unless it is otherwise expressly provided by this Act, his decision on any matter in respect of which he exercises such powers or jurisdiction shall be final.

Procedure in inquiries before civil Courts.

200. (*1*) For the purposes of any appeal, inquiry or proceeding under this Act, the High Court or the Chief Judge of the Rangoon[City Civil Court][1] may exercise all the powers conferred on the said Court by the Code of Civil Procedure or the Rangoon [City Civil Court][1]Act, as the case may be, and the said Chief Judge shall observe the procedure prescribed in the said Code and Act so far as the same is consistent with the provisions of this Act.

(*2*) The costs of every such appeal, inquiry or proceeding, as determined by the said Court, shall be payable by such parties and in such proportions as the Court shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Court.

Fees in proceedings before civil Courts.

201. (*1*) The President of the Union may, by notification, prescribe what fee, if any, shall be paid—

(*a*) on any application, appeal or reference made under this Act to a civil Court; and

(*b*) previous to the issue, in any inquiry or proceeding of the Court under this Act, of any summons or other process:

provided that the fee, if any, prescribed under clause (*a*) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fee at the time being levied in such Court in cases in which the value of the claim or subject-matter is of like amount.

(*2*) The President of the Union may by a like notification determine by what person any fee prescribed under clause (*a*) of sub-section (*1*) shall be payable.

(*3*) No application, appeal or reference shall be received by any Court until the fee, if any, prescribed under clause (*a*) of sub-section (*1*) has been paid.

Limitation of time.

202. Where no time is prescribed by this Act for the presentation of an application, appeal or reference, such application or appeal shall be presented, subject to the provisions of section 5 of the Limitation Act, within thirty days after the date of the order in respect of or against which the application or appeal is made or preferred.

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[1] Substituted by Act XVI, 1946.

Suits.

203. No suit shall be maintainable against the Corporation or any committee or the Education Board or officer or servant or any person acting under and in accordance with the directions of such authority, officer or servant or of a Magistrate in respect of anything in good faith and with due care and attention done or intended to be done under this Act. **Indemnity for acts done in good faith.**

204. (*1*) No suit shall be instituted against the Corporation or against the Commissioner or any other municipal officer or servant in respect of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act— **Protection of persons acting under this Act against suits.**

(*a*) until the expiration of one month next after notice in writing has been, in the case of the Corporation, left at the chief municipal office and, in the case of the Commissioner or of a municipal officer or servant, delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader or agent, if any, for the purpose of such suit; nor

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit—

(*a*) the plaintiff shall not be permitted to adduce evidence relating to any cause of action save such as is set forth in the notice delivered or left by him as aforesaid;

(*b*) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is the Commissioner or any other municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the sanction of the Corporation, from the Municipal Fund.

CHAPTER XIII.

PUNISHMENT OF OFFENCES.

205 Whoever— **Certain offences punishable with fine.**

(*a*) contravenes any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table, or of any regulation or order made thereunder, or

(*b*) fails to comply with any direction lawfully given to, or requisition lawfully made upon him, under any of the said provisions,

shall be punished for each such offence with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed "Subject", are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references on the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column :—

Section, sub-section or clause. (1)	Subject. (2)	Fine which may be imposed. (3)
Section 98 ...	Requisition by Corporation to connect premises with municipal drain.	One hundred rupees.
Section 99 ...	Requisition to connect undrained premises situated more than a hundred feet from municipal drain.	One hundred rupees.
Section 100 ...	New buildings not to be erected without drains ...	One thousand rupees.
Section 103 ...	Owners of drain to allow use thereof or joint ownership therein to others.	Fifty rupees.
Section 108, sub-section (*1*), clause (*b*).	Direction limiting use of drain or notice requiring the use of a distinct drain.	One hundred rupees
Section 121, sub-section (*1*).	Erection of buildings, etc., over drains, water-mains, air-mains, etc., without permission.	Two hundred rupees.
Section 123, sub-section (*1*).	Establishment, etc., of factory, etc., without permission of Corporation.	One thousand rupees.
Section 124 ...	Storing dangerous or offensive articles, and carrying on dangerous or offensive trades.	Five hundred rupees.
Section 125, sub-section (*1*), clause (*a*).	Keeping open a private market	Two hundred rupees.
Section 125, sub-section (*1*), clauses (*b*) to (*e*).	Establishment, removal, re-opening, re-establishment and enlargement of private market without permission.	One thousand rupees.
Section 126, sub-section (*1*).	Selling animals' meat or fish outside market without licence	One hundred rupees.
Section 127 ...	Slaughter of animals without permission outside municipal slaughter-house.	One hundred rupees.
Section 130, sub-section (2).	Failure to produce weights, measures, etc.	Fifty rupees

Section, sub-section or clause. (1)	Subject. (2)	Fine which may be imposed. (3)
Section 132 ..	Sale of diseased or unwholesome animal or article intended for human food.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 133 ...	Sale, etc., of adulterated food or drug	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 134 ...	Sale, etc., of notified article, which is not of prescribed standard of purity.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 135 ...	Sale, etc., of substitutes	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.
Section 138, sub-section (3).	Removing, interfering or tampering with animal, food, drink, drug, etc., seized and left in custody.	Two hundred rupees.
Section 144, sub-section (1).	Sale or surrender of articles of food, drink or drug required for purposes of analysis.	Two hundred rupees.
Section 147, sub-section (1).	Prohibition of burials within places of worship and exhumations without permission.	Five hundred rupees.
Section 153 ...	Prohibition of erection or re-erection of buildings without permission of Corporation.	One thousand rupees.
Section 154, sub-section (1).	Notice to be given to Corporation of completion of building.	One hundred rupees.
Section 154, sub-section (4).	Prohibition of occupation of new or re-erected building without permission of Corporation.	One thousand rupees.
Section 156, sub-section (3).	Entering into or remaining in a building which has been declared unfit for human habitation.	Five hundred rupees.
Section 157, sub-section (1).	Requisition to repair or remove buildings in ruinous or dangerous state.	One hundred rupees.
Section 157, sub-section (3).	Entering into or remaining in a ruinous or dangerous building from which occupants have been removed.	Fifty rupees.
Section 159, sub-section (2).	Erection or re-erection of building on site declared insanitary.	One thousand rupees.

Section, sub-section or clause (1)	Subject. (2)	Fine which may be imposed. (3)
Section 162, sub-section (*1*).	Laying a tramway or railway on a public street ...	One thousand rupees.
Section 163, sub-section (*1*).	Requisition to remove projections upon street, etc. ...	Two hundred rupees.
Section 164, sub-section (*1*).	Requisition to remove projections upon street, etc. ...	One hundred rupees.
Section 167, sub-section (*1*).	Laying out a private street otherwise than in accordance with the directions of the Corporation	One thousand rupees.
Section 170, sub-section (*6*).	Erection or re-erection of a building in contravention of a declaration published under section 170, sub-section (5).	One thousand rupees.
Section 172 ...	Constructing building beyond the street alignment without permission.	One thousand rupees.
Section 173, sub-section (2).	Constructing a building within the regular line of the street without permission.	One thousand rupees.
Section 175, sub-section (7)	Construction of street or erection of building otherwise than in accordance with standard plan.	One thousand rupees.

Continuing offences.

206. Whoever, after having been convicted of—

(*a*) contravening any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table, or of any regulation or order lawfully made thereunder, or

(*b*) failing to comply with any direction lawfully given to, or requisition lawfully made upon, him under any of the said provisions,

continues to contravene the said provision or to neglect to comply with the said direction or requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished for each day that he continues so to offend with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed "Subject", are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserte d

merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column :—

Section, sub-section or clause. (1)	Subject. (2)	Daily fine which may be imposed. (3)
Section 98 ...	Requisition by Corporation to connect premises with municipal drain.	Ten rupees.
Section 99 ...	Requisition to connect undrained premises situated more than a hundred feet from municipal drain.	Ten rupees.
Section 100 ...	New buildings not to be erected without drains ...	Fifty rupees.
Section 103 ...	Owners of drain to allow use thereof or joint ownership therein to others.	Five rupees.
Section 108, sub-section (*1*), clause (*b*).	Direction limiting use of drain or notice requiring the use of a distinct drain.	Ten rupees.
Section 122, sub-section (*1*).	Erection of buildings, etc., over drains, water-mains, air-mains, etc., without permission.	Twenty rupees.
Section 123, sub-section (*1*).	Establishment, etc., of factory, etc., without permission of Corporation.	One hundred rupees.
Section 124 ...	Storing dangerous or offensive articles and carrying on dangerous or offensive trades.	Fifty rupees.
Section 125, sub-section (*1*), clause (*a*).	Keeping open a private market	Twenty-five rupees.
Section 125, sub-section (*1*), clauses (*b*) to (*c*).	Establishment, removal, re-opening, re-establishment or enlargement of private market without permission.	One hundred rupees.
Section 126, sub-section (*1*).	Selling animals' meat or fish outside market without licence.	Ten rupees.
Section 153 ...	Prohibition of erection or re-erection of buildings without permission of Corporation.	One hundred rupees.
Section 157, sub-section (*1*).	Requisition to repair or remove buildings in ruinous or dangerous state.	Ten rupees.
Section 157, sub-section (*3*).	Entering into or remaining in a ruinous or dangerous building from which occupants have been removed.	Five rupees.
Section 159, sub-section (*2*).	Erection or re-erection of building on site declared insanitary.	One hundred rupees.
Section 162, sub-section (*1*).	Laying a tramway or railway on a public street ...	One hundred rupees.
Section 163, sub-section (*1*).	Requisition to remove projections upon street, etc. ...	Ten rupees.
Section 164, sub-section (*1*).	Requisition to remove projections upon street, etc. ...	Ten rupees.

Section, sub-section or clause. (1)	Subject. (2)	Daily fine which may be imposed. (3)
Section 167, sub-section (*1*).	Laying out private street otherwise than in accordance with direction of Corporation.	One hundred rupees.
Section 170, sub-section (*6*).	Erection or re-erection of a building in contravention of a declaration published under section 170, sub-section (*5*).	One hundred rupees.
Section 172 ...	Constructing building beyond the street alignment without permission.	One hundred rupees.
Section 173 ...	Constructing building within the regular line of street without permission.	One hundred rupees.
Section 175, sub-section (*7*).	Laying out of street or erection of building otherwise than in accordance with standard plan.	One hundred rupees.

Certain offences punishable with imprisonment without option of fine.

207. Whoever contravenes any of the provisions of section 117, 118, 148, 196, 197 or 198 or of any regulation or order made thereunder, or fails to comply with any direction lawfully given to, or requisition lawfully made upon, him under any of the said provisions, shall be punished for each such offence with imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Punishment of offences relating to the terminal tax

208. The law for the time being in force for the punishment of offences relating to the levy or payment of customs duties and the grant of drawbacks in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment or refund of any terminal tax which may be imposed under this Act, and any omission or misdescription in passing for export any goods, in respect of which refund of such terminal tax may be claimable, shall be punishable as if such omission or misdescription had been made in passing the said goods for import.

Punihsment for acquiring share or interest in contract, etc., with the Corporation.

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.

Punishment for essential officer leaving employment.

210. Any essential officer or servant contravening any of the provisions of sub-section (*2*) of section 36 shall be liable to imprisonment for a term not exceeding two months.

Procedure in Municipal Prosecutions.

Offenders against this Act may in certain cases

211. (*1*) Any police-officer or any municipal officer or servant specially empowered in this behalf by the Corporation may arrest any person who commits in his view any offence punishable under this Act, if the name and

address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false. **be arrested by the police and municipal officers or servants.**

(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained, or without the order of a Magistrate for any longer time, not exceeding forty hours from the arrest, than is necessary for bringing him before a Magistrate.

212. Notwithstanding anything contained in the Code of Criminal Procedure, an offence punishable under this Act and committed outside the City may be tried by a Magistrate having jurisdiction within the City as if such offence had been committed within the City and such Magistrate shall not be deemed to be incapable of taking cognizance of any such offence, or of any offence against any enactment hereby repealed,[1] by reason only of his being liable to pay any municipal tax or of his being benefited by the Municipal Fund to the credit of which any fine imposed by him is payable. **Jurisdiction of City Magistrates.**

213. (*1*) No Court shall take cognizance of any offence punishable under this Act except on a complaint signed by some person duly authorized in that behalf. **Procedure in prosecutions.**

(*2*) 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 complainant when the complaint is presented in writing.

214. (*1*) No Magistrate shall take cognizance of any offence punishable under this Act unless complaint of such offence is made before a Magistrate— **Limitation of time for prosecution.**

(*a*) within three months next after the date of commission of such offence; or

(*b*) if such date is not known or the offence is a continuing one, within three months next after the date on which the commission or existence of such offence was first brought to the notice of the Corporation or of any officer or servant whose duty it is to report such offence to the Corporation.

(*2*) Failure to take out a licence under this Act shall be deemed, for the purpose of sub-section (*1*), to be a continuing offence until the expiration of the period for which the licence ought to have been taken out.

215. If any person summoned to appear before a Magistrate to answer a charge of an offence punishable under this Act fails to appear at the time and place mentioned in the summons, the Magistrate may, if service of summons is proved to his satisfaction and no sufficient cause is shown for the non-appearance of such person, hear and determine the case in his absence. **Power of Magistrate to hear cases in absence of accused.**

[1] See Schedule V to this Act as reprinted in Volume II, Burma Code, sixth edition, 1934.

Report of Municipal Analyst.

216. Any document, purporting to be a report under the hand of the Municipal Analyst upon any article duly submitted to him for an analysis, may be used as evidence of the facts therein stated in any enquiry or prosecution under this Act.

Compensation to be paid by offenders against this Act for any damage caused by them.

217. (*1*) If, on account of any act or omission, any person has been convicted of an offence punishable under this Act and, by reason of the same act or omission of the said person, damage has occurred to any property of the Corporation, compensation shall be payable by the said person for the said damage, in addition to any punishment to which he may have been sentenced for the said offence.

(*2*) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he has been convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall, under a warrant from the said Magistrate, be recovered as if it were a fine inflicted on the said person.

Recovery of licence fees on conviction.

218. (*1*) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission required by the provisions of this Act, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Corporation the amount of the fee chargeable for such licence or permission.

(*2*) Recovery of the fee under sub-section (*1*) shall not entitle the person convicted to such licence or permission.

Compounding offences against this Act.

219. The Corporation may accept from any person, against whom a reasonable suspicion exists that he has committed an offence punishable under this Act, a sum of money by way of compensation for such offence, and on payment of such sum of money no further proceedings shall be taken against such person on account of the offence so compounded.

CHAPTER XIV.

Alteration of Limits of the City.

Notification of intention to alter limits of Rangoon.

220. (*1*) The President of the Union may, by notification and in such other manner as he may determine, declare his intention—

(*a*) to exclude from the City any local area comprised therein and defined in the notification, or

(*b*) to include within the City any local area defined in the notification.

(*2*) The Corporation or any inhabitant of the City or of a local area, in respect of which a notification has been published under sub-section (*1*), may submit to the President of the Union any objection in writing to the alteration proposed within six weeks from the publication of the notification, and the President of the Union shall take such objection into consideration.

(*3*) When six weeks from the date of the publication of a notification under sub-section (*1*) have expired and the President of the Union has considered the objections (if any) which have been submitted under sub-section (*2*), the President of the Union may, by a further notification, exclude from, or include within, the City, any local area in respect of which the notification under sub-section (*1*) was issued or any part thereof, and Schedule VI shall be amended accordingly.

Effect of exclusion of local area.

221. (*1*) When a local area is excluded from the City under section 220—

(*a*) this Act, and all rules, orders, directions, notices and powers made, issued or conferred thereunder, or in force throughout the City at the time when the local area is so excluded, shall, subject to the proviso to section 1, [* * *][1], cease to apply thereto ; and

(*b*) the President of the Union shall, after consulting the Corporation, frame a scheme determining what portion of the balance of the Municipal Fund and other property vested in the Corporation shall vest in [the State][2] for the benefit of such excluded area, and in what manner the liability of the Corporation shall be apportioned between the Corporation and the Government ; and, on the publication of the scheme in the Gazette, the property and liabilities shall vest and be apportioned accordingly.

(*2*) All property vested in [the State][2] under sub-section (*1*) shall be applied, under orders of the President of the Union, to discharging the liabilities imposed on the Government under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the said excluded area.

Effect of including local area.

222. When any local area is included in the City under section 220, this Act and, except as the President of the Union may by notification otherwise direct, all rules, orders, directions and powers made, issued or conferred thereunder and in force throughout the City at the time the local area is so included, shall apply in such area.

CHAPTER XV.

Control by the President of the Union.

Power of President to suspend action under Act.

223. The President of the Union may, by order in writing, suspend the execution of any resolution or order of the Corporation or of any municipal authority or officer subordinate thereto, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in the opinion of the President of the Union, such resolution, order

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[1] The word and figure "sub-section (2)" were omitted by Act II, 1945.

[2] Substituted for the words "His Majesty" by the Union of Burma (Adaptation of Laws Order, 1948.

or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace or to cause serious injury or annoyance to the public or to any class or body of persons.

Power of President to call for extracts from proceedings.

224. The President of the Union may at any time call upon the Corporation to furnish him with any extract from any proceedings of the Corporation or of the Education Board or of any standing committee constituted under this Act, and the Corporation shall furnish the same without unreasonable delay.

Power of President for purposes of examination and inspection.

225. (*1*) The President of the Union may require the Corporation to submit—

(*a*) any return, statement, estimate, statistics or other information regarding any matter under the control of the Corporation ;

(*b*) a report on any such matter ;

(*c*) a copy of any document in its charge.

(*2*) The President of the Union may, on receipt of any information or otherwise, depute any officer or officers to make any inspection or examination of any department, office, service, work or thing under the control of the Corporation and to report to him the result of such inspection or examination.

(*3*) Any officer so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of the City, and may require the Corporation—

(*a*) to produce any record, correspondence, plan or other document which is in its possession or under its control, or which is recorded or filed in its office or in the office of any municipal officer or servant ;

(*b*) to furnish any report, return, plan, estimate, statement, account or statistics.

(*4*) Every requisition made under this section shall be complied with by the Corporation without unreasonable delay.

Power of President to require municipal authority to take action.

226. If, on receipt of any report submitted or of any document furnished under section 225, the President of the Union is of opinion—

(*a*) that any of the duties imposed on the Corporation by this Act or by any other law for the time being in force has not been performed or has been performed in an imperfect, inefficient or unsuitable manner ; or

(*b*) that adequate financial provision has not been made for the performance of any such duty ;

he may, by an order in writing, direct the Corporation, within a period to be specified in the order, to make arrangements to his satisfaction for the proper

performance of the duties mentioned in clause (*a*), or to make financial provision to his satisfaction for the performance of any such duty, as the case may be :

Provided that, unless in the opinion of the President of the Union the immediate execution of any such order is necessary, the President of the Union shall, before making an order under this section, give the Corporation an opportunity of showing cause why such an order should not be made.

Powers of President when municipal authority fails to take action.

227. (*1*) If, within the period fixed by any order made under section 226, any action directed by such order has not been duly taken, the President of the Union may by order—

(*a*) appoint some person to take the action so directed ;

(*b*) fix the remuneration to be paid to such person ; and

(*c*) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal Fund, and, if necessary, that any one or more of the taxes authorized by Chapter VIII shall be levied or increased, but not so as to exceed any maximum prescribed by that Chapter.

(*2*) The person appointed under sub-section (*1*) may, for the purpose of taking the action directed as aforesaid, exercise any of the powers conferred on the Corporation or on any municipal officer by this Act, which is specified in this behalf in the order made under sub-section (*1*) ; and such powers may include the power to draw cheques on the accounts specified in section 64.

(*3*) The President of the Union may, in addition to or instead of directing under sub-section (*1*) the levy or increase of any taxes, direct by notification that any sum of money which may, in his opinion, be required for giving effect to any order made under that sub-section, be borrowed by way of debenture or otherwise on the security of all or any of the said taxes, at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in such notification.

(*4*) The provisions of Chapter VI shall apply to any loan raised in pursuance of sub-section (*3*).

Powers to President to dissolve Corporation in case of incompetency, persistent default or excess or abuse of powers.

228. (*1*) If at any time, upon representation made or otherwise, it appears to the President of the Union that the Corporation is not competent to perform, or persistently makes default in the performance of, any duty or duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the President of the Union may, by an order, direct that all the members of the Corporation for the time being shall retire from office as and from such date as the President of the Union may appoint, and that general elections shall take place, as if such date were the day for retirement within the meaning of section 8, in accordance with the provisions of this Act, in so far as they may be applicable. Such order shall be published in the Gazette together with the reasons for making the same.

(*2*) The members of the Corporation so elected and appointed shall come into office immediately after their names have been published in the Gazette by the President of the Union and shall retire from office at noon on the first day of January next preceding the completion of a period of three years after they take office.

(*3*) All members of the Corporation shall vacate their office as such members from the date of the publication of an order under sub-section (*1*), and from that date until the date of the publication of the names of the new members under sub-section (*2*) all the powers and duties of the Corporation shall be exercised and performed by the Commissioner.

CHAPTER XVI.

SCHEDULES AND RULES.

Schedules to be part of the Act.

229. The Schedules [1] attached to this Act as from time to time amended in accordance with the provisions of this Act shall be deemed to be part of this Act and all references in this Act to the said Schedules shall be construed as referring to such Schedules as so amended.

Alteration of and addition to Schedules.

230. The Corporation may add to Schedules I, II, III and IV rules not inconsistent with the provisions of this Act (which expression shall in this section be deemed not to include the said Schedules) to provide for any of the matters dealt with in such Schedules, or for any of the purposes specified in section 235, and may, subject to the same limitation, amend, alter, or annul any rule in the said Schedules:

Provided that, if any rule regulating the punishment of an offence is altered or amended, the punishment to be awarded under such altered or amended rule shall not exceed the maximum prescribed in section 234.

Power to make rules enforceable outside the City.

231. In all cases where articles of food or drink produced or manufactured without the City are intended for sale or consumption, or are likely to be sold or consumed, within the City, the Corporation shall have the same powers of making rules in respect of, and the same powers of inspecting, seizing and disposing of, such articles as if they were produced or manufactured within the City:

Provided that such powers shall not extend over a place which is a ministered by a municipal or town committee constituted under the Municipal Act, without the sanction of the President of the Union granted subject to such conditions and limitations as he may prescribe and for reasons to be stated, and after opportunity has been given to such committee to show cause against such sanction.

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[1] Schedules I, II, III and IV are not reprinted in this Code as they have been amended from time to time by the Corporation of the City of Rangoon under section 230. For these Schedules see the City of Rangoon Municipal Manual. Schedule V, which contained a list of enactments repealed, is also not reprinted in this Code. Schedule VII, which contained certain transitory provisions, has been omitted by the Burma Laws (Adaptation) Act (Burma Act XXVII, 1940). Schedule VI, which contains the boundaries of the City of Rangoon, is alone reprinted in this Code.

232. (*1*) The power to make, add to, alter or rescind rules under section 230 or 231 is subject to the sanction of the President of the Union and to the condition of the rules being made after previous publication. **Power to make rules subject to the sanction of the President and all rules to be published.**

(*2*) All rules made under section 230 or 231 shall be finally published in the Gazette and shall thereupon have effect as if enacted in this Act.

(*3*) In addition to the publication required by sub-sections (*1*) and (*2*), the Corporation may determine in each case what further publication, if any, is required for rules which it is proposed to make and which have been made.

233. (*1*) The President of the Union may, at any time, require the Corporation to make rules under section 230 or 231, as the case may be, in respect of any purpose or matter specified therein. **Power of the President to make rules.**

(*2*) If the Corporation fails to comply with such requisition within such reasonable time as may be fixed by the President of the Union, the President of the Union may, after previous publication, make such rules which shall, on final publication in the Gazette, have effect as if enacted in this Act.

[1](*3*) * * * *

234. In making a rule under section 230, 231 or 233, sub-sections (*2*) and (*3*), the Corporation or the President of the Union, as the case may be, may provide that any breach thereof shall be punishable— **Penalty for breach of rules.**

(*a*) with fine which may extend to five hundred rupees, and in case of a continuing breach, with fine which may extend to twenty rupees for every day during which the breach continues after the conviction for the first breach, or

(*b*) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of written notice from the Corporation to discontinue the breach.

235. In particular and without prejudice to the generality of the powers conferred by sections 230, 231 and 233, sub-sections (*2*) and (*3*), rules made thereunder may provide for or regulate all or any of the following purposes and matters, namely :— **Matters in respect of which rules may be made.**

(i) (*a*) the total number of councillors and the number to be elected; **Constitution of Council.**

(*b*) the qualifications to be possessed by an elector or councillor;

(*c*) deciding what associations are "public bodies" for the purpose of this Act and what "public bodies" may be represented on the Corporation :

(ii) (*a*) the preparation, publication, correction or revision of the register of electors; **Elections.**

(*b*) the manner in, the conditions under, and the authority by, which claims to, or objections against, registration may be made and decided;

(*c*) the date on which the register of electors shall come into operation and the period for which it shall continue in operation;

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*d*) the nomination of candidates, and objections to such nominations, and the authority or officer by which or by whom such objections may be investigated or decided ;

(*e*) the mode of voting in the case of companies or associations ;

(*f*) the date and time of elections, the mode of recording votes, the management of contested elections, and the procedure in case of equality of votes or in the event of one councillor being elected to represent more than one ward or interest ;

(*g*) fixing of elections to fill casual vacancies ;

(*h*) the division of the electorate into wards or communities for the purpose of electing councillors to represent the same and the allocation of councillors thereto ;

(*i*) any other matter relating to the system of representation and election for which it may be expedient to provide :

Education Board and standing committees.

(iii) (*a*) the constitution and term of office of the Education Board and standing committees ;

(*b*) the qualifications of members of such board and committees and the mode of election, appointment or retirement of such members ;

(*c*) the powers and duties conferred or imposed on such board and committees and the conditions and limitations subject to which such powers may be exercised ;

(*d*) the dissolution and re-appointment of such board or of any such committee :

Conduct of business.

(iv) (*a*) the time and place of meetings of the Corporation, the Education Board or any committee ;

(*b*) the manner in which notice of such meetings may be given ;

(*c*) the quorum necessary for the transaction of business at meetings of the Corporation, the Education Board or any committee ;

(*d*) the appointment and tenure of office of or election of a chairman of the Education Board or any committee ;

(*e*) the filling of vacancies on the Education Board or any committee ;

(*f*) the manner in which minutes of proceedings may be kept and published ;

(*g*) the manner in which any councillor or member of the Education Board may resign any office and the manner in which such resignation may be accepted, and the date as from which such resignation may have effect ;

(*h*) any other matter relating to the proceedings of the Corporation, Education Board or any committee, the holding and regulation of meetings, and the conduct of debate :

Delegation of powers.

(v) the exercise by the Commissioner, or by any other officer or by any of the servants of the Corporation, of the powers conferred upon the Corporation by this or any other Act, and the conditions and limitations subject to which such powers may be exercised :

(vi) (*a*) the qualifications without which no person shall be ordinarily appointed to be a municipal officer or servant; Municipal officers and servants.

(*b*) the conditions of service of municipal officers or servants;

(*c*) the procedure to be followed in dismissing or removing from his appointment or otherwise punishing or penalising any municipal officer or servant;

(*d*) the amount and the nature of the security to be demanded from any municipal officer or servant from whom it may be deemed expedient to require security;

(*e*) the grant of leave to municipal officers and servants;

(*f*) the payment of allowances to municipal officers and servants, or to certain of them, whilst absent on leave;

(*g*) the remuneration to be paid to the person appointed to act for any of the said officers or servants during their absence on leave;

(*h*) the period of service of municipal officers and servants;

(*i*) the conditions under which municipal officers or servants, or any of them, shall, on retirement or discharge, receive pensions, gratuities or compassionate allowances; and under which the widows or other dependent relations of any of the said officers or servants who have died while in the service of the Corporation may receive pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities or compassionate allowances;

(*j*) the amount of conveyance allowance payable to municipal officers;

(*k*) the travelling allowance of municipal officers or servants;

(*l*) the rent to be paid by the Commissioner or other municipal officers and servants for accommodation provided for them under clause (iii) (*a*) of section 26;

(*m*) prescribing what municipal officers and servants are "essential" for the purposes of section 36:

(vii) (*a*) maintaining a provident or annuity fund;

(*b*) compelling all or any municipal officers and servants, not being in the service of the Government, to subscribe to such fund, and, if necessary, providing for the deduction of such subscription out of the salaries or emoluments of such officers and servants; Provident or annuity fund.

(*c*) the payment of contributions to such funds by the Corporation from the Municipal Fund;

(*d*) fixing the times, circumstances and conditions under which payments may be made out of any funds established under this section and the conditions under which such payments shall discharge the fund from further liability;

(*e*) the settlement by arbitration or otherwise of disputes relating to such fund, or the payments or subscriptions thereto or claims thereon, between the Corporation and other persons or between persons claiming any share or interest therein;

(*f*) such other matters incidental to such fund and the investment thereof as the President of the Union may approve :

Transfer of property.

(viii) prescribing the conditions and limitations under which immoveable property vested in the Corporation may be transferred or disposed of :

Publication of annual administration report and statement of accounts.

(ix) (*a*) the form and contents of the report and statement to be prepared under section 69 ;

(*b*) the publication of the said report and statement :

(*c*) the submission of a copy of the same by the Corporation to the President of the Union :

Contracts.

(x) (*a*) the manner in which and the persons by whom (subject to section 177) contracts may be executed :

(*b*) the security to be demanded for the due performance of contracts ;

(*c*) requiring estimates of works before contracts are entertained :

(*d*) the examination and acceptance of tenders :

Signature of cheq ier, etc.

(xi) (*a*) the manner in which and the person by whom payments may be made out of the Municipal and Education Funds or cheques drawn upon the said funds may be signed ;

(*b*) the manner in which and the person by whom coupons attached to debentures issued under this Act may be signed :

The common seal.

(xii) the custody of the common seal of the Corporation and the manner in which and the person by whom the common seal may be fixed :

Prepa:ation of budget estimate.

(xiii) the manner in which the budget estimate shall be prepared :

Classification of buildings for the fire-brigade tax.

(xiv) the classification of buildings in order to carry out the provisions of section 82 :

Tax on animals and vehicles.

(xv) the classes of animals and vehicles on which, and the rate at which, the tax on such animals and vehicles may be imposed :

Time and mode of collection of taxes.

(xvi) the regulation of the time and mode of collection of any tax which may be imposed under section 79, sub-section (*2*) :

Assessn.ent, collection, remission, refund and recovery of taxes.

(xvii) (*a*) fixing the date before which, and the rates at which, municipal taxes to be levied shall be determined ;

(*b*) the assessment, collection, composition, remission, refund and recovery of taxes and in addition, in the case of the tax on vehicles and animals, the exemptions from such tax ;

(*c*) the dates on, and the manner in, which any tax or any instalment of any tax imposed under this Act shall be payable ;

(*d*) the place at which any such tax or instalment shall be payable ;

(*e*) the person to whom such tax shall be payable ;

(xviii) (*a*) the maintenance and improvement of existing drains; **Drains.**
(*b*) the construction of new drains;
(*c*) the alteration and discontinuance of drains;
(*d*) the flushing and cleansing of drains;
(*e*) the drainage of any building or land;
(*f*) the drainage of private streets;
(*g*) the construction and position of closet accommodation, water-closets, privies, urinals and similar conveniences, public or private, and bathing and washing places and the prevention of nuisance arising therefrom;
(*h*) the construction and maintenance of a sufficient number of the aforesaid conveniences in all buildings;
(*i*) similar provision for the use of the public;
(*j*) the inspection of drains;
(*k*) the payment of the cost of works executed by municipal agency under the authority conferred by this Act:

(xix) (*a*) the maintenance and regulation of urinals, closet accommodation, water-closets, bathing and washing places, and premises appurtenant thereto, belonging to the Corporation; **Public latrines and washing places.**
(*b*) the regulation of urinals, closet accommodation, water-closets, and bathing and washing places, provided for the use in common of the inhabitants of one or more buildings:

(xx) the scavenging of streets and the removal or disposal from all lands and buildings within the City of sewage and rubbish: **Scavenging and disposal of refuse.**

(xxi) (*a*) the maintenance and management of water-works; **Water-works.**
(*b*) the inspection of water-works;
(*c*) the power of access to water-works;
(*d*) the protection of water-works from waste, injury or contamination;
(*e*) the maintenance of fire-hydrants;
(*f*) the regulation or prohibition of boating, fishing or bathing in any water-works;
(*g*) the terms and conditions of the supply of water to buildings and lands and the provision of meters;
(*h*) the cutting off of private water-supplies;
(*i*) the prevention of fraud in connection with water-supply or the use of meters;
(*j*) prohibiting or regulating the digging or construction of any new well, tank, pond, cistern or fountain;
(*k*) the prevention of the pollution of water within the City:

(xxii) (*a*) the maintenance and improvement of public streets; **Streets.**
(*b*) the prohibition and regulation of projections, obstructions or encroachments and the issue of licences and the conditions under which they may be issued, including the payment of rent or fees;

(*c*) the execution of works in or near public streets and the temporary occupation of public streets;
(*d*) the naming and numbering of streets and the numbering of houses;
(*e*) the prohibition and regulation of bill-posting and sky-signs;
(*f*) dealing with dangerous places;
(*g*) the lighting of public streets;
(*h*) the watering of public streets:

Prohibition and regulation of use of barbed wire, etc.

(xxiii) the prohibition and regulation of the use on any street, pathway or place, which the public are entitled to use or frequent, of barbed wire or any material likely to cause injury to persons or animals on any land or premises abutting on the same:

Hedges.

(xxiv) the removal, trimming and cutting of trees, shrubs and hedges:

Lodging-houses.

(xxv) (*a*) fixing, from time to time, the number of persons who may occupy a lodging-house, and rendering licences necessary for the keepers of lodging-houses;
(*b*) the inspection of lodging-houses:
(*c*) promoting cleanliness and ventilation in lodging-houses;
(*d*) lighting of common spaces and staircases in lodging-houses;
(*e*) the precautions to be taken in the case of any dangerous or infectious disease breaking out in a lodging-house;
(*f*) the general regulation and control of lodging-houses:

Over-crowding.

(xxvi) the prevention of overcrowding, by fixing from time to time the number of persons who may occupy any building:

Rest-houses, etc.

(xxvii) the inspection and proper regulation of stables, camping grounds, pounds and rest-houses:

Camping public ground.

(xxviii) prohibiting encamping or picketing of animals or the collection or parking of vehicles in any public place, or the use of such place for the halting of vehicles:

Animals.

(xxix) (*a*) the prohibition and regulation of the keeping of animals in the City;
(*b*) the prohibition and regulation of the importation of animals into the City and the transport of animals within the City;
(*c*) prohibiting the allowing of any animals to be astray, or, where any animal is likely to annoy or intimidate the public, to be at large in any street or public place;
(*d*) the destruction and confiscation of swine and dogs found straying in the City;
(*e*) the prevention of cruelty to animals;
(*f*) the disposal of carcases of animals dying in the City;
(*g*) the destruction of any animals in the City which from old age or other causes are in a moribund or infirm state or have received such injuries or are suffering from such dangerous disease that their recovery therefrom is unlikely;

(*h*) the prevention of the sale or use as human food of the carcases of animals which die naturally or from disease;

(*i*) the prohibition of importation into the City, or sale or disposal or use of any animal, or the hide or any portion of the carcase of any animal, dying or slaughtered on account of, or suffering from, any contagious or infectious disease:

(xxx) the maintenance and regulation of public wash-houses and the prohibition of the exercise of their calling by washermen at places other than those appointed or approved by the Corporation: **Wash-houses.**

(xxxi) (*a*) (i) determining which articles are included in the description contained in clause (*a*) of section 124; **Dangerous and offensive trades, and factories.**

(ii) the prohibition and regulation of the storage or keeping of such articles, by rendering necessary licences or otherwise;

(*b*) (i) determining which trades, manufactures, industries or operations are included in the description contained in clause (*c*) of section 124;

(ii) the prohibition and regulation of the exercise of such trades, manufactures, industries or operations, by rendering licences necessary or otherwise;

(*c*) the supervision and sanitary regulation of factories and workshops:

(xxxii) (*a*) the prevention and regulation of the discharge of smoke, steam, fumes and noxious vapours; **Nuisances connected with industries.**

(*b*) the prohibition and regulation of the use of whistles, trumpets, and noise-producing instruments operated by any mechanical means:

(xxxiii) (*a*) the prohibition of the sale of the flesh of any four-footed animal not slaughtered in a municipal slaughter-house and the prohibition and regulation of the importation into the City of the flesh of any such animal slaughtered without the City; **Management of municipal markets, etc. and the supervision of the manufacture, storage and sale of food.**

(*b*) the prohibition of the sale of meat by any person except under and in conformity with the terms and conditions of a licence granted by the Corporation;

(*c*) requiring sellers of meat to procure from the Corporation and on requisition to produce passes showing that the meat sold or exposed for sale by them has been derived from animals slaughtered in a municipal slaughter-house;

(*d*) the management and sanitary condition of municipal slaughter-houses;

(*e*) the management and sanitary condition of municipal markets;

(*f*) the regulation of the manufacture for sale and the sale of articles of food, drink or drugs either by rendering licences necessary or otherwise;

(*g*) fixing the qualifications of persons who may compound, mix, prepare, dispense or sell any drug, by rendering certificates or permissions necessary or otherwise;

(*h*) the regulation of the hours and manner of importation into, or of transport within, the City of any articles of food, drink or drugs by rendering licences for such importation or transport necessary or otherwise;

(*i*) fixing the places at which articles of food, drink or drugs shall be produced for inspection prior to importation, transport or exposure for sale;

(*j*) fixing the places in which articles of food, drink or drugs may or may not be manufactured, kept, sold or exposed for sale;

(*k*) requiring notice-boards and labels to be affixed by the vendors to articles of food, drink or drugs which have been adulterated and prescribing the particulars with which such notice-boards and labels shall conform;

(*l*) the prohibition of the importation into, or transport within, the City of any articles of food or drink produced under such conditions as to be, or to be likely to be, injurious to the health of persons consuming the same;

(*m*) the supervision and sanitary condition of bakeries, places where sweets are manufactured, public eating-houses, stalls and aerated water and ice factories, and of dairies, stables and buildings or enclosures where animals are kept, whether or not the animals therein are kept for profit;

(*n*) the prohibition and regulation of the exposure of goods for sale on streets and the levying of fees from persons setting up stalls or otherwise selling or exposing for sale goods on streets;

(*o*) the regulation of the manner in which food grain, whether intended for sale or for private consumption, may be stored;

(*p*) the precautions to be taken for protecting milch-cattle, milk and milk-products against infection or contamination;

(*q*) requiring notice to be given of the outbreak of contagious disease among animals, and prescribing precautions to be taken for preventing the spread of such disease:

Private markets

(xxxiv) (*a*) the construction and structural and architectural features of private markets;

(*b*) the drainage, water-supply, ventilation, lighting, sanitary condition and regulation of private markets;

(*c*) the prevention of cruelty, nuisances, obstruction, overcrowding in, or in the approaches to, or in the passages of, private markets;

(*d*) the supervision of private markets;

(*e*) the appointment and removal of superintendents of private markets;

(*f*) fixing the days and the hours on, and during which, any private market may be held or kept open;

(*g*) preventing undesirable or diseased persons from entering private markets ;

(*h*) prohibiting persons from selling in a private market the licence for which has been refused, cancelled or suspended :

(xxxv) rendering licences necessary for pawn-brokers and determining, by public auction or otherwise, the amount to be paid for such licences : Pawn-brokers.

(xxxvi) notwithstanding the provisions of the Weights and Measures of Capacity Act,— Weights and measures.

(*a*) prescribing the standard weights and measures to be used within the City ;

(*b*) the verification and rectification of instruments for weighing, weights and measures, including the payment of fees for verifying or rectifying the same ;

(*c*) making the use of standard weights and measures compulsory ;

(*d*) preventing and detecting the use of false or defective instruments for weighing, weights and measures in any market, building, shop, stall or place used for the sale of any goods, food, drink or drug :

(xxxvii) the registration of all births and deaths which take place within the City, and the taking of a census : Registration of births and deaths.

(xxxviii)(*a*) the regulation of the sanitation of theatres, music-halls, cinematograph exhibitions or other places of public entertainment or resort and the control and inspection thereof, in order to ensure the safety, health and convenience of persons employed in, or visiting, attending, or resorting to the same ; Licensing of theatres, music-halls, etc.

(*b*) rendering licences necessary for such exhibitions and entertainments :

(xxxix) (*a*) the information and plans to be submitted with applications for the approval of sites and for permission to erect or re-erect any building ; Construction of buildings.

(*b*) fixing the period in which refusal to permit erection of buildings must be expressed ;

(*c*) rendering compulsory the appointment of a person to supervise the work of erection or re-erection of buildings or of any specified class or classes of buildings and the description of the qualifications which such person shall possess ;

(*d*) the grant of completion certificates in respect of newly erected or re-erected buildings, including the description of the cases in which, and of the persons by whom, such certificates shall be granted ;

(*e*) the height of buildings, whether absolute or relative to the width of streets ;

(*f*) the level and width of the foundation, the level of the lowest floor or plinth, and the stability of the structure ;

(*g*) the number and height above the ground, or above the next lower storey, of the storeys of which any building may consist ;

(*h*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;

(*i*) the space to be left about any building to secure the free circulation of air and facilitate scavenging and for the prevention of fire ;

(*j*) the ventilation and drainage of buildings ;

(*k*) the means and appliances to be provided and maintained for egress from a building and protection of life in case of fire ;

(*l*) the materials to be used and method of construction to be adopted;

(*m*) the position, materials and methods of construction of fire-places, smoke-escapes, chimneys, stair-cases, water closets, closet accommodation and drains in buildings ;

(*n*) specifying the parts or portions of building sites on which no building shall be erected and the position thereof ;

(*o*) the paving of any passage between two buildings or appurtenant to any building ;

(*p*) the restrictions on the use of inflammable materials in buildings ;

(*q*) the precautions to be taken for the purpose of preventing danger or injury to the public or to persons employed in the work, and of securing the stability of the various parts of the structure and of buildings and property in the vicinity thereof, during the progress of the work or of any demolition or excavation therefor :

Insanitary buildings.

(xl) (*a*) the removal or improvement of insanitary buildings and buildings in a ruinous or dangerous condition ;

(*b*) the marking of evacuated uninhabitable buildings ;

(*c*) the cleansing, lime-washing or painting of buildings ;

(*d*) compelling the owners or occupiers to take such order with abandoned, unoccupied or neglected buildings or lands as the Corporation may direct ;

(*e*) the prohibition and regulation of the excavation of earth, stone or other materials from any place :

Construction and working of lifts.

(xli) (*a*) the regulation of the construction, maintenance and working of passenger-lifts and all machinery and apparatus pertaining thereto ;

(*b*) the regulation of the construction, maintenance, fencing and lighting of shafts, landings, hatches, and gates connected with passenger-lifts ;

(*c*) the entry upon, and inspection by such person as the Corporation may authorize in this behalf of any premises containing a passenger-lift ;

(*d*) the prohibition of the use of any lift where any rule made under this sub-section has not been complied with :

provided that such rules shall not affect any provision of the Factories Act, or of the Electricity Act, nor any rules framed thereunder :

Explanation.—A lift actually used as a lift by passengers is, for the purposes of this sub-section, a "passenger-lift," notwithstanding that it may not have been constructed for that purpose and that its use as a passenger-lift is not authorized by the owner or occupier.

(xlii) (*a*) the precautions to be taken for the prevention of danger or injury to the public during, and to persons engaged in, the demolition of buildings or parts of a building and for the protection of other parts of the same building and of other buildings in the vicinity thereof ; Precautions in demolition of buildings.

(*b*) requiring any persons intending to demolish a building or part of a building to give such previous notice to the Corporation as may be prescribed, together with particulars of the proposed demolitions and of the precautions to be taken during the progress of the work ;

(*c*) the prohibition of the commencement of the demolition within the prescribed period except with the permission of the Corporation ;

(*d*) the prohibition of the commencement or continuance of the demolition unless and until all precautions have been and are being taken in accordance with such rules, and with any directions and requisitions in writing which the Corporation may issue to the person in charge of the work, or to the person who submitted the notice, if any, required under such rules :

(xliii) (*a*) rendering licences necessary for the proprietors and drivers of vehicles or animals plying for hire in the City ; Licensing of vehicles.

(*b*) limiting the rates which may be demanded for the hire of any vehicle or of any animals hired to carry loads, or for the service of any person hired to carry loads, and the loads to be carried by such vehicles, animals, or persons, when they are hired within the City for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours :

provided that no rules shall be made under this clause in respect of any vehicle to which the Rangoon Hackney Carriages Act applies :

(xliv) holding of fairs and industrial exhibitions in the City : Holding of fairs, etc.

(xlv) protecting the property of the Corporation from injury or interference : Protection of property of the Corporation.

(xlvi) the prohibition and regulation of the stacking of inflammable materials and of the lighting of fires in any specified portion of the City : Protection against fire.

Charges for services by municipal authorities.

(xlvii) fixing charges for services rendered by any municipal authority :

Register of improvement charges.

(xlviii) the maintenance of a register showing charges on buildings or lands for improvement expenses under section 187 :

Mode of performance of acts not otherwise provided for.

(xlix) determining the person by whom and the time, place and manner at or in which anything prescribed under this Act, for which no express provision is made, shall be done :

Inspection of municipal records.

(l) determining the cases in which inspection and copies of municipal records may be granted, and regulating the procedure and fixing the fees for obtaining the same :

Licences and notices.

(li) the forms of licences and notices issued under this Act and the authority entitled to sign or issue the same : and

General.

(lii) generally for carrying out the purposes of this Act.

The High Court to make rules for regulating the procedure of the City Civil Court.

236. The High Court may, in accordance with the provisions of Part X of the Code of Civil Procedure, in so far as they may be applicable, and subject to the conditions and limitations prescribed therein, make rules, consistent with the provisions of this Act, for regulating the procedure of the Rangoon [City Civil Court][1] in the exercise of any powers or jurisdiction conferred on, or vested in, the said Court under the provisions of this Act.

CHAPTER XVII.

SUPPLEMENTAL PROVISIONS.

Councillors to be deemed to be public servants.

237. Every councillor and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax, and every servant or other person employed by such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

Co-operation of police.

238. (*1*) The Commissioner of Police, Rangoon, shall, as far as may be, co-operate with the Corporation for carrying into effect the provisions of this Act and for the maintenance of good order in the City.

(*2*) It shall be the duty of every police-officer in the City to communicate without delay to the proper municipal officer any information which he receives of a design to commit, or of the commission of, any offence against this Act, and to assist the Commissioner and any other municipal officer or servant reasonably demanding his aid in the lawful exercise of any power conferred on such municipal officer or servant under this Act.

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[1] Substituted by Act XVI, 1946.

239. (*1*) Any informality, clerical error, omission or other defect in any assessment made, or in any notice, bill, schedule, summons, or other document issued under this Act, may at any time, as far as possible, be rectified. Informalities and errors in assessments not to be deemed to invalidate such assessments.

(*2*) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, notice, bill, schedule, summons, or other document invalid or illegal, if the provisions of this Act have in substance and effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission, or other defect shall be entitled to recover compensation.

240. If any dispute arises between the Corporation and any local authority as regards anything done or to be done under this Act, it shall be referred to the President of the Union for decision, and such decision may include an order as to the costs of any enquiry ordered by the President of the Union and shall be final and binding on the parties and be given effect to: Disputes between Corporation and local authorities.

Provided that nothing in this section shall be deemed to affect the provisions of the Municipal Taxation Act.

241. Where any dispute arises between the Corporation and the President of the Union as to the interpretation of any of the provisions of this Act, the President of the Union may, and at the request of the Corporation shall, draw up a statement of the case and refer it, with the opinion of the [Attorney-General] [1] thereon, for the decision of the High Court which shall be final: Disputes between Corporation and President.

Provided that nothing in this section shall derogate from the authority of the President of the Union as laid down in Chapter XV.

242-243. * * * *

SCHEDULES I-V. [2]

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SCHEDULE VI. [3]

BOUNDARIES OF THE CITY OF RANGOON.

[Section 3, clause (vii).]

The City of Rangoon comprises the area enclosed within the following boundaries but excludes the areas mentioned in Exceptions (1), (2) and (3):—

North.—A straight line drawn in an easterly direction from municipal boundary pillar No. 3, 5 feet west of theodolite survey station N on the northern boundary of survey block No. 38A to municipal boundary pillar

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[1] Substituted for the word "Advocate-General" by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] See the foot-note to section 229.

[3] Notifications have been issued from time to time under the provisions of section 220 altering the limits of the City of Rangoon. For such notifications, see the City of Rangoon Municipal Manual.

No. 4, at the point of intersection of the said northern boundary of survey block No. 38A with the western bank of the Hlaing River; thence south-eastwards, in a straight line, across the said river, to municipal boundary pillar No. 5, 150 feet north-west and 362 feet west of north-west of theodolite survey stations B-617 and H 4, respectively; thence along the northern boundary of Hanthawaddy Road to municipal boundary pillar No. 6 on the eastern side of the bridge over the railway line to Prome; thence in a northerly direction along the eastern boundary of the railway line to municipal boundary pillar No. 7, at the point of junction of the said eastern boundary of the railway line with the northern boundary of survey block 37-F; thence eastwards along the northern boundary of survey block 37-F, and across Prome Road, for a distance of 2,232 feet, to municipal boundary pillar No. 8, on the eastern boundary of Prome Road, 12 feet east of theodolite survey station I 6; thence northwards along the eastern boundary of Prome Road, to municipal boundary pillar No. 9, at the south-eastern corner of the bridge over Kamayut creek; thence south-eastwards to municipal boundary pillar No. 16, at the south end of Victoria Lake bund No. 1; thence along the water edge at the lowest water level of Victoria Lake to municipal boundary pillar No. 11 at the southern end of Victoria Lake bund No. 3; thence south-eastwards for a distance of 125 feet to municipal boundary pillar No. 12, 14 feet north of theodolite survey station C 3; thence northwards along the western boundary of Kôkkaing Road to municipal boundary pillar No. 13, at the point of intersection of the said western boundary of Kôkkaing Road with the northern boundary of the municipal water pipeline; thence in a south-westerly direction along the northern boundary of the municipal water pipeline, to municipal boundary pillar No. 14, for a distance of 3,112 feet; thence north-eastwards in a straight line along the northern boundary of survey block 35-C and across the Bauktaw stream for a distance of 1,431 feet to municipal boundary pillar No. 15, on the northern bank of that stream; thence along the northern bank of the Bauktaw stream to municipal boundary pillar No. 16, built on permanent theodolite station H; thence south-eastwards in a straight line across the Pazundaung creek, to municipal boundary pillar No. 17 on the left bank of that creek and 281 feet north-east of theodolite survey station Q; thence running parallel to the Pazundaung creek and the Pegu River, through the points marked by municipal boundary pillar No. 18, 345 feet east of theodolite station N 6 and 15 feet north of theodolite station M 6; municipal boundary pillar No. 19, 467 feet south-east of theodolite station K 6, and 291 feet north-west of theodolite station J 6; municipal boundary pillar No. 20 built upon theodolite station H 6; municipal boundary pillar No. 21, 225 feet south-east of theodolite survey station S 77, and 188 feet north-east of theodolite survey station S 7; municipal boundary pillar No. 22, built upon theodolite survey station S 72; municipal boundary pillar No. 23, 415 feet south-west of theodolite survey station S 69, and 11 feet south-west of theodolite survey station S 68; municipal boundary pillar No. 24, 138 feet south-west of theodolite survey station S 67, and 708 feet north-east of theodolite survey station S 66; municipal boundary pillar No. 25, 248 feet south-west of theodolite survey station S 63, and 77 feet north of theodolite

survey station S ^{62}; municipal boundary pillar No. 26, 480 feet south-west of theodolite survey station S ^{59}, and 403 feet north-west of theodolite survey station S ^{58}; municipal boundary pillar No. 27, 740 feet south-west of theodolite survey station S ^{57}, and 454 feet north-west of theodolite survey station S ^{56}; municipal boundary pillar No. 28, 811 feet south-east of theodolite survey station S ^{80} and 661 feet north-west of theodolite survey station S ^{81}; municipal boundary pillar No. 29, built upon theodolite survey station S ^{84}; municipal boundary pillar No. 30 on the northern bank of the Hlaingbongale stream, and 153 feet south-west of theodolite survey station S ^{86}, and 114 feet north-west of theodolite survey station S ^{21}; municipal boundary pillars Nos. 31, 32, 33, built upon theodolite survey stations S ^{112}, S ^{1}, S ^{10}.

East.—From the terminating point of the northern boundary at pillar No. 33, a straight line drawn in a south-easterly direction through port boundary pillar No. 61A, 334 feet south-east and 185 feet north-east of theodolite survey station A ^{4} and S ^{104}, respectively, to a point in the middle of the Pegu River.

South.—From the terminating point of the eastern boundary in the middle of the Pegu River a straight line drawn in a south-westerly direction to a point No. 38 situated 2,980 feet from municipal boundary pillar No. 40, which is on the southern bank of the Rangoon River at King's Point, 11 feet east of theodolite survey station O ^{1}, and 4,600 feet from boundary pillar No. 41; thence north-westwards in a straight line, through municipal boundary pillar No. 41, built upon theodolite survey station K ^{1} to municipal boundary pillar No. 42, 407 feet north-west of theodolite survey station H, and 88 feet north of theodolite survey station G; thence south-westwards in a straight line, to municipal boundary pillar No. 43 on the northern bank of the Thada stream, 15 feet east of theodolite survey station R ^{2}; thence south-westwards in a straight line, to municipal boundary pillar No. 44 on the western bank of the Seikgyi stream and 14 feet east of theodolite survey station T ^{1}; thence westwards in a straight line to municipal boundary pillar No. 45, built upon theodolite survey station M ^{1}; thence to a point on the southern bank of the Thingyaing stream and 35 feet south of theodolite survey station M ^{1}; thence along the southern bank of the Thingyaing stream to municipal boundary pillar No. 46, 110 feet south-west of theodolite survey station W; thence north-eastwards in a straight line to municipal boundary pillar No. 47, built upon theodolite survey station D; thence west of north-westwards in a straight line, to municipal pillar No. 48, built upon theodolite survey station E ^{1}; thence south-westwards in a straight line to municipal boundary pillar No. 49, 187 feet south of theodolite survey station R ^{2}, and 189 feet south-west of theodolite survey station Q ^{2}; thence north-westwards in a straight line to municipal boundary pillar No. 50, 110 feet north-west of theodolite survey station N ^{2}, and 295 feet north-east of theodolite survey station M ^{2}; thence south-westwards in a straight line to municipal boundary pillar No. 51, 125 feet south of theodolite survey station H ^{2}, and 6 feet east of theodolite survey station G ^{2}; thence west of north-westwards in a straight line to municipal

boundary pillar No. 52, 478 feet north-west of theodolite survey station T 1, and 337 feet east of north-east of theodolite survey station R 1; thence north-westwards in a straight line to municipal boundary pillar No. 53, on the southern bank of the Kanaungto creek and 182 feet north of north-west of theodolite survey station N 1; thence northwards in a straight line, across the Kanaungto creek, to municipal boundary pillar No. 54, on the northern bank of the said creek and 270 feet south-west of theodolite survey station A; thence westwards along the northern bank of the Hlegweyo stream, to a point 73 feet south of theodolite survey station E 1; thence in a straight line to municipal boundary pillar No. 55, built upon the abovementioned survey station E 1.

West.—From the terminating point of the southern boundary at pillar No. 55, a straight line, drawn in a north-easterly direction, to municipal boundary pillar No. 56, built upon theodolite survey station Y; thence east of south-eastwards in a straight line to municipal boundary pillar No. 57, built upon theodolite survey station Q; thence north-eastwards in a straight line to municipal boundary pillar No. 58, built upon theodolite survey station L; thence north-westwards in a straight line to municipal boundary pillar No. 59, on the southern bank of the Gyaungwaing stream and 12 feet west of theodolite survey station Q; thence north of north-eastwards in a straight line to municipal boundary pillar No. 60, on the northern bank of the Alatchaung creek and 5 feet 6 inches west of theodolite survey station Q 1; thence north of north-westwards in a straight line to municipal boundary pillar No. 61, on the northern bank of Nabebauk creek and 5 feet west of theodolite station F 1; thence north of north-westwards in a straight line to municipal boundary pillar No. 1, on the southern bank of Panhlaing creek, 5 feet west of theodolite survey station T; thence north-westwards in a straight line across the Panhlaing creek to municipal boundary pillar No. 2, on the northern bank of the said creek and 521 feet south of theodolite survey station Q; thence northwards in a straight line to municipal boundary pillar No. 3, the starting point of the northern boundary.

All the theodolite survey stations cited above belong to the boundary main traverse circuits of the Rangoon Town District. The survey block numbers and other details given have been taken from the Rangoon Town Survey sheets for the year 1919-20.

Exceptions.

(1) The area notified from time to time to be the Rangoon Cantonment.

(2) The area known as Monkey Point and contained within the following boundaries:—

North and East.—The Pazundaung Creek.

South.—The Rangoon River.

West.—A line drawn from boundary pillar No. 1, on the bank of the Rangoon River at a point 160 feet from the eastern limits of ship building and timber yard allotment No. 36 (as demarcated in 1896 under the Boundaries

Act) in a northerly direction for a distance of 865 feet 6 inches to boundary pillar No. 2; thence in an easterly direction for a distance of 24 feet 6 inches to boundary pillar No. 3, and continuing in the same direction for a distance of 28 feet to boundary pillar No. 4; thence across and at right angles to Monkey Point Road for a distance of 104 feet to boundary pillar No. 5; thence along the north-east side of the Lower Pazundaung Road for a distance of 173 feet to boundary pillar No. 6; thence continuing in the same direction for a distance of 187 feet to boundary pillar No. 7; thence in a north-easterly direction along the eastern limit of Battery Road for a distance of 345 feet to boundary pillar No. 8; thence in a south-easterly direction for a distance of 76 feet 6 inches to boundary pillar No. 9; thence in a north-easterly direction for a distance of 75 feet to boundary pillar No. 10 on the bank of the Pazundaung creek at a point 50 feet to the east of the north-western corner of the Forest Depôt lot, as demarcated in 1896 under the Boundaries Act.

(3) All lands and erections used for the purposes of the Rangoon Central Jail and the Rangoon Lunatic Asylum.

THE RANGOON WATER-WORKS ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. * * * *
2. Definitions.

CHAPTER II.

VESTING OF PROPERTY.

3. Vesting of Royal Lake and cisterns, etc., in committee.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

4. Duty of committee to construct works for supply of water.
5. Duty of committee to erect stand-pipes.
6. Power for committee to execute works.
7. Power for committee to break up streets.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of Water for Domestic Purposes to Occupiers of Houses or Lands.

8. Right of occupier to certain supply of water for domestic purposes.

Sections.

9. Right of occupier paying water-tax to have water brought into his house or land.
10. Construction of communication-pipes.
11. Inspection of works, pipes and fittings before connection with service-pipes.
12. Connection with service-pipes to be executed only by an officer of the committee.
13. Power for officer of committee to enter premises.
14. Power for committee to turn off water or effect repairs when pipes etc., are out of repair.

B.—Supply for gratuitous use in Stand-pipes.

15. Duty of committee to supply water for gratuitous use in stand-pipes.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

16. Duty of committee to fix fire plugs in mains.
17. Duty of committee to supply water for cleansing sewers and drains.

D.—Supply of Water for other than Domestic Purposes.

18. Supply for other than domestic purposes.

E.—Pressure of Water supplied.

19. Pressure at which water must be kept.

CHAPTER V.

RECIPROCAL RIGHTS OF OWNERS AND OCCUPIERS TO SUPPLY OF WATER TO HOUSES.

20. Power for occupier of house to require owner to provide works for water-supply.
21. Power for occupier to make works in default of owner.
22. What works are sufficient for supply of water to house.
23. Estimate and specification of works to be sent.
24. Power to refer to committee.
25. Fee on reference.
26. Duty of owner to keep works in repair.
27. Power for owner to recover sums payable by occupier.
28. Saving of contracts between owners and occupiers.

CHAPTER VI.

RULES.

29. Power for President to make rules.
30. Power for committee to make rules.

Sections.

31. Procedure for making rules.
32. Publication of rules.

CHAPTER VII.

ARREARS AND OFFENCES.

33. Arrears of water-rents.
34. Power for committee to turn off on neglect to pay water-tax or water-rent.
35. Penalty for obstructing, diverting or wasting water.
36. Penalty for unauthorized application of water.
37. Penalties for causing the water of the committee to be fouled, etc.
38. Prosecutions.

THE RANGOON WATER-WORKS ACT.[1]

[INDIA ACT XIX. 1884.] (14th February, 1885.)

CHAPTER I.

PRELIMINARY.

1. * * * *

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

(1) " town " means the local area for the time being comprised within the municipal limits of the town of Rangoon ;

(2) " street " means any street, road, thoroughfare, passage or place over which the public have a right of way, and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street ;

(3) " owner " includes—

(*a*) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person ;

(*b*) an agent of that person ; and

(*c*) a trustee for that person ;

(4) " house " includes schools, also factories and other buildings in which persons are employed ;

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[1] So much of this Act as applies to Rangoon has been repealed by the City of Rangoon Municipal Act, 1922 (Burma Act VI, 1922) ; see Schedule V thereof.

Section 245 of the Municipal Act says that the President of the Union may, by notification, extend the provisions of this Act (except those contained in section 3) to any municipality,

(5) " water-works " includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the town of Rangoon ;

(6) " the committee " means the municipal committee for the town of Rangoon ;

(7) " water-rent " includes any rent, reward or payment to be made to the committee in connection with the supply of water under this Act, but does not include the water-tax leviable under the Municipal Act ; and

(8) a " supply of water for domestic purposes " does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

CHAPTER II.

VESTING OF PROPERTY.

Vesting of Royal Lake and cisterns, etc., in committee.

3. There shall vest in, and be under the control of, the committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

(*a*) the Royal Lake at Rangoon ; and

(*b*) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto :

Provided as follows :—

(1) any person may at any time, subject to such rules as the committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake ;

(2) nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

Duty of committee to construct works for supply of water.

4. Subject to rules to be made under this Act by the President of the Union, the committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town :

[1] This will mean the municipal committee of the municipality to which the Act is extended by reason of section 245 of the Municipal Act.

Provided that the President of the Union may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

Duty of committee to erect stand-pipes.

5. The committee shall cause such stand-pipes or pumps to be erected, at such intervals as the President of the Union, by rules made under this Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Power for committee to execute works.

6. The committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land :

Provided that, in the exercise of these powers, the committee shall do as little damage as may be and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act.

Power for committee to break up streets.

7. The committee may open and break up the soil and pavement of the streets, and lay down and place pipes, conduits and other works and engines, and from time to time repair, alter or remove the same, and do all other acts which the committee from time to time deem necessary for supplying water to the town.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of Water for Domestic Purposes to Occupiers of Houses or Lands.

Right of occupier to certain supply of water for domestic purposes.

8. (*1*) Subject to the provisions of this Act, the occupants of a house or land separately assessed to water-tax and situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have, free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of pure and wholesome water for domestic purposes to the extent during each quarter of either of the following quantities, whichever may be the greater, namely :—

(*a*) three thousand gallons for every rupee paid to the committee for water-tax on account of such house or land for such quarter ; or

(*b*) a total quantity of four thousand five hundred and fifty gallons irrespective of the amount paid for water-tax for such quarter.

(2) If the committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-meter at their own expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further charge under this section, he shall pay for it at the rate of one rupee for every three thousand gallons, or part of three thousand gallons.

Right of occupier paying water-tax to have water brought into his house or land.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the committee for bringing into his house or land a reasonable supply of water:

Provided that the committee may cut off the supply of water to any house or land while the house or land is unoccupied.

Construction of communication-pipes.

10. The communication-pipes leading the water from the service-pipes of the committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the committee fix and approve, and shall be constructed at the expense of the person requiring them.

Inspection of works, pipes and fittings before connection with service-pipes

11. (1) Before a connection for the supply of water from the service-pipes of the committee to any house or land is sanctioned by the committee, the committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the committee appoint in this behalf.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the committee at a special meeting, from time to time, direct.

(3) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the committee's service-pipes shall not be permitted.

Connection with service-pipes to be executed only by an officer of the committee.

12. (1) The connection with the service-pipes of the committee, and the laying of communication-pipes under any street, shall be executed by an officer of the committee authorized in that behalf.

(2) The expense of making the connection shall be payable in advance, by the person applying for the same, at such rate as the committee, at a special meeting, from time to time, direct.

Power for officer of committee to enter premises.

13. (1) The officer authorized in that behalf by the committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in

order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

(*2*) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the committee may forthwith turn off or cut off the water from the house or land.

Power for committee to turn off water or effect repairs, when pipes, etc., are out of repair.

14. (*1*) If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination by any officer of the committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect on the owner or occupier,

(*a*) cause the water to be turned off or cut off from the house or land; or

(*b*) in addition to or instead of so turning off or cutting off the water, repair such pipes, works or fittings so as to obviate such waste of water;

and may recover the expense incurred for either or both such turning off or cutting off the water and such repairs from the owner or occupier of the house or land.

(*2*) If any expenses are recovered by the committee under sub-section (*1*) from an occupier or owner who would, under the provisions of sections 26 and 28 or of a special contract, be entitled to require the owner or occupier (as the case may be) to effect the repairs, the person from whom such expenses are recovered may recover the same from the owner or occupier so bound to execute the repairs and (if he is an occupier) may deduct the same from any rent due by him to the owner.

B.—Supply for gratuitous use in Stand-pipes.

Duty of committee to supply water for gratuitous use in stand-pipes.

15. The committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the committee under section 5.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

Duty of committee to fix fire-plugs in mains.

16. The committee shall fix and renew and keep in effective order such fire-plugs in such of the mains and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the President of the Union, by rules made under this Act, directs.

Duty of committee to supply water for cleansing sewers and drains.

17. In all the mains and pipes to which any fire-plug is fixed, the committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than Domestic Purposes.

Supply for other than domestic purposes.

18. (*1*) The committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the committee and the person :

Provided that—

(*a*) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act ; and

(*b*) the committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(*2*) When any such agreement has been entered into by the committee with any person, the committee may, subject to such charges or rates as may have been fixed by the committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works of such dimensions and character as may be fixed by the committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

Pressure at which water must be kept.

19. From such a day as the President of the Union, by notification in the Gazette, directs in this behalf, the supply of water in the mains and pipes which the committee are required to lay under this Act shall be laid on at such pressure as the President of the Union, by rules made under this Act, prescribes.

CHAPTER V.

Reciprocal Rights of Owners and Occupiers to Supply of Water to Houses.

Power for occupier of house to require owner to provide works for water-supply.

20. (*1*) Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

(*2*) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(*3*) If the house or the land attached thereto does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

Power for occupier to make works in default of owner.

21. (*1*) If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house :

Provided that the occupier shall not recover on account of the cost—

(*a*) a sum exceeding the amount of six months' rent, or,

(*b*) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

(*2*) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(*3*) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided namely :—

(*a*) two taps in the house ;

(*b*) one tap in the cook-room of, or other building attached to the house ; and

(*c*) one tap in or near the stables or other out-houses belonging to the house :

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

Power to refer to committee.

24. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the committee, and the written award of any officer authorized by the committee in this behalf shall be final and binding on the owner and the occupier.

Fee on reference.

25. There shall be payable by the person making a reference to the committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Duty of owner to keep works in repair.

26. (*1*) The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

(*2*) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

Power for owner to recover sums payable by occupier.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Saving of contracts between owners and occupiers.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

CHAPTER VI.

RULES.

Power for President to make rules

29. The President of the Union may from time to time make rules consistent with this Act—

(*a*) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be constructed by the committee for the supply of water under this Act;

(*b*) to prescribe the size and nature of the stand-pipes or pumps to be erected by the committee under this Act, and the intervals at which they must be erected ;

(*c*) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the committee under this Act;

(*d*) to prescribe the pressure at which the water supplied by the committee under this Act is to be laid on either generally or at specified times; and

(*e*) generally to define and regulate the powers and duties of the committee under this Act.

Power for committee to make rules.

30. (*1*) The committee may from time to time, at a special meeting, make rules consistent with this Act—

(*a*) for regulating rowing, sailing and fishing on or in the Royal Lake, and

(*b*) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, casks, cisterns and other apparatus to be used by every person supplied by them with water.

(*2*) In making a rule under this section the committee may direct that breach of it shall be punishable with fine which may extend to fifty rupees and,

when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(*3*) If any person, having or requiring a supply of water from the committee, fails to comply with any rules made under clause (*b*) of sub-section (*1*) of this section, the committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Procedure for making rules.

31. (*1*) The President of the Union or committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested.

(*2*) The publication shall be made,—

(*a*) in the case of rules under section 29, in such manner as, in the opinion of the President of the Union, is sufficient; and

(*b*) in the case of rules under section 30, in such manner as the President of the Union by order directs.

(*3*) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(*4*) The President of the Union or committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

32. Every rule made under section 29 or section 30 shall be published in the Gazette [* * *][1] and such publication shall be conclusive evidence that the rule has been made as required by section 31.

CHAPTER VII.

ARREARS AND OFFENCES.

Arrears of water-rents.

33. All arrears of water-rents under this Act may be recovered, on application to such revenue-officer as the President of the Union may appoint in this behalf, as if they were arrears of land-revenue.

Power for committee to turn off water on neglect to pay water-tax or water-rent.

34. If any person supplied with water neglects to pay—

(*a*) the water-tax leviable under the Municipal Act, or

(*b*) any water-rent payable by him to the committee,

the committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable by cutting off the pipe to the house or land, or by such other means as the committee think fit, and

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948

may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person :

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Penalty for obstructing, diverting or wasting water.

35. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the committee, or from any water or streams by which these water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for unauthorized application of water.

36. If any person—

(*a*) uses for other than domestic purposes any water supplied under this Act for domestic purposes ; or

(*b*) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the committee to recover from him the price of the water misused.

Penalties for causing the water of the committee to be fouled, etc.

37. If any person—

(*a*) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or

(*b*) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(*c*) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

Prosecutions.

38. Prosecutions under this Act or the rules made under this Act may be instituted by the committee or any person authorized by them in this behalf, and not otherwise.

THE UNDERGROUND WATER ACT.

[BURMA ACT IV, 1930.] (21st June, 1930.)

WHEREAS it is expedient to conserve and protect underground sources of water supply in the Union of Burma ; it is hereby enacted as follows :—

Extent.

1. This Act extends to such areas as the President of the Union may, by notification, [1] direct and shall apply only to tubes exceeding a depth to be prescribed by the President of the Union: Provided that the President of the Union may prescribe different depths for different local areas.

Definitions.

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

(*a*) "underground water" means water obtained from below the surface of the ground by the sinking of tubes; and

(*b*) "water officer" means such officer as the President of the Union may, by notification, prescribe in this behalf.

Licence necessary for sinking of tubes.

3. No person shall sink a tube for the purpose of obtaining underground water except under and in accordance with the terms of a licence granted by the water officer.

Every person owning a tube which was in existence before the extension of this Act to the local area concerned shall apply to the water officer for a licence for the said tube, and such licence shall be granted free of charge.

Power to close unlicensed tubes.

4. (*1*) Any Magistrate taking cognizance of an offence under section 3 may at any time order the tube in respect of which the offence has been or is alleged to have been committed to be forthwith closed until such time as a licence for the same has been taken out in accordance with the provisions of the said section.

(*2*) If the order for the closure of a tube under sub-section (*1*) is not complied with, the Deputy Commissioner, Subdivisional Officer or Township Officer exercising jurisdiction over the local area concerned may cause the said tube to be closed, and the expense of such closure shall be recoverable from the owner of the tube as if it were an arrear of land-revenue.

Supply of information.

5. Every person obtaining or attempting to obtain underground water shall supply the water officer with such information as the President of the Union may by rule prescribe.

Power to make rules.

6. The President of the Union may make rules [2]—

(*a*) prescribing the conditions subject to which licences may be granted by the water officer under section 3;

(*b*) prescribing the form of and the procedure for granting such licences and the fees payable for the issue thereof;

(*c*) prescribing the information to be supplied to the water officer under section 5.

Penalty

7. Whoever contravenes the provisions of section 3 or of section 5 shall be punishable with fine which may extend to one thousand rupees.

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[1] This Act has been extended to the Rangoon, Hanthawaddy and Insein districts and applies to tube-wells exceeding a depth of 40 feet below ground level in the said localities; see *Burma Gazette*, 1941, Part I, page 1266.

[2] For such rules see *Burma Gazette*, 1941, Part I, page 1267.

ဩရတီ ဘာသာရေးဘဏ္ဍာ (သိမ်ကြီးချော်) ကို မြို့နယ်စီပါယ်ဒိုင် ဖြိုလုပ်ခြင်း အက်ဥပဒေ။*

[၁၉၅၁ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၁၅။] (၁၉၅၁ ခု၊ ဖေဖော်ဝါရီလ ၆ ရက်။)

အောက်ပါအတိုင်းအက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းသည်။

၁။ ။ဤအက်ဥပဒေသည် ချက်ချင်းအာဏာတည်ရမည်။

၂။ ။ဤအက်ဥပဒေ၌ပါရှိသည်ဟု—

(၁) ကုမ္ပဏီ ဆိုသည်မှာ၊ ရန်ကုန်မြို့၊ ဩရတီဘာရေးဘဏ္ဍာ ကုမ္ပဏီ လီမိတက်ကို ဆိုလိုသည်။

(၂) ကော်ပိုရေးရှင်းဆိုသည်မှာ၊ ၁၉၂၂ ခုနှစ်၊ ရန်ကုန် မြို့နိုစီပါယ် အက်ဥပဒေ ပုဒ်မ ၄ အရ၊ ဖွဲ့စည်း ထားသော ရန်ကုန် မြို့နိုစီပါယ် ကော်ပိုရေးရှင်းကို ဆိုလိုသည်။

၃။ ။ဤအက်ဥပဒေ ကိစ္စများအလို့ငှါ ရန်ကုန်မြို့နိုစီပါယ် ကော်ပိုရေးရှင်း အက်ဥပဒေ ပုဒ်မ ၄၁၊ ပုဒ်မခွဲ (၃) သည်သက်ဆိုင်ခြင်းမရှိစေရ။

၄။ ။ဤအက်ဥပဒေ စတင်အာဏာတည်သည့်နေ့မှ တလအတွင်း၊အောက်ပါကိစ္စများ အလို့ငှါ၊ ဥက္ကဋ္ဌတဦးနှင့် အဖွဲဝင်နှစ်ဦး ပါဝင်သည့်ကော်မရှင်အဖွဲကို၊ နိုင်ငံတော်သမတက ခန့်ရမည်။

(က) ကုမ္ပဏီထံမှ သိမ်းယူမည့် ပစ္စည်းများ၏ အကြောင်းအရာများကို သတ်မှတ် ဆုံးဖြတ်ရန်။

(ခ) ကုမ္ပဏီသို့ ပေးသင့်သည့် တရားမျှတသော လျော်ကြေးငွေ၊ ကုမ္ပဏီမှ ကော်ပိုရေးရှင်းသို့ ပေးရန် ရှိသော ကြွေးမြီများနှင့် ကော်ပိုရေးရှင်းမှ ကုမ္ပဏီသို့ပေးရန်ရှိသော ကြွေးမြီများကို သတ်မှတ်ဆုံးဖြတ်ရန်။

(ဂ) ပေးမည့်နည်းလမ်းများကို သတ်မှတ်ဆုံးဖြတ်ရန်။

၅။ ။ပုဒ်မ ၄ အရ၊ ပေးသင့်သည့် တရားမျှတသော လျော်ကြေးကို သတ်မှတ်ဆုံးဖြတ် ရာတွင် ကော်မရှင်အဖွဲက၊ ဤအက်ဥပဒေ စတင်အာဏာတည်သည့်နေ့တွင် သိမ်းယူရမည့်ပစ္စည်း ၏ ကာလတန်ဘိုးကို၊ သို့တည်းမဟုတ် ထိုနေ့အထိ ကုမ္ပဏီ၌ ထိုပစ္စည်းအပေါ်တွင် ကုန်ကျသည့်ငွေကို တရားမျှတမည်ထင်မြင်သည့်အတိုင်း၊ ထည့်သွင်းစဉ်းစားရမည်။

ခြွင်းချက်။ ။သို့ရာတွင် အဆောက်အဦတခု၏ တန်ဘိုးကို သတ်မှတ် ဆုံးဖြတ် ရာတွင်၊ ထိုအဆောက်အဦကို ဆောက်လုပ်စဉ်က ကုန်ကျငွေမှ၊ ဤအက်ဥပဒေ အာဏာ တည်သည့် နေ့ထိ ကုန်လွန်ခဲ့သော နှစ်များအတွက် တနှစ်လျှင် ၃ ရာခိုင်နှုန်းကျနှုတ်ပယ်၍၊ ကျန်သောငွေနှင့်ညီမျှသော တန်ဘိုးအတိုင်းသတ်မှတ်စေရမည်။

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* မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၁ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၂၁၅ တွင်ဆုတ်ပြန်ဖော်ကူးသွားသည်။

၆။ ။ပေးသော်သည့် တရားမျှတသော လျော်ကြေးကို သတ်မှတ် ဆုံးဖြတ်ရာတွင် ကော်မရှင်အဖွဲ့သည်၊ တရားမကျင့်ထုံးဥပဒေ၊ သို့တည်းမဟုတ် အခြားဥပဒေ တခုခုကို လိုက်နာရန် မလိုအပ်စေရ။ သို့ရာတွင် ထိုကော်မရှင်အဖွဲ့သည်၊ တရားမှုတစ်ခု ဆောင်ရွက်ရမည်။

၇။ ။ပေးသော်သည့်လျော်ကြေးနှင့်စပ်လျဉ်း၍၊ ကော်မရှင်အဖွဲ့က ချမှတ်သော ဆုံးဖြတ်ချက်ကို ဥပဒေကြောင်းနှင့်ဖြစ်စေ၊အမှုခြင်းရာနှင့်ဖြစ်စေ၊ [အငိုးရသည်၊သို့တည်းမဟုတ်] [၁]ကော်ပိုရေးရှင်းသည်၊ သို့တည်းမဟုတ် ကုမ္ပဏီသည် [ထိုဆုံးဖြတ်ချက်ချမှတ်သည့်နေ့မှ စ၍ ရက်ပေါင်း ၉၀ အတွင်း] [၂] တရားလွှတ်တော်ချုပ်သို့ အယူခံနိုင်သည်။

၈။ ။(၁) ကော်မရှင်အဖွဲ့သည်၊ အောက်ပါကိစ္စများနှင့်စပ်လျဉ်း၍၊ တရားမကျင့်ထုံးဥပဒေအရ တရားရုံးသို့အပ်နှင်းထားသောအာဏာများ ရရှိရမည်။

(က) ရှာဖွေခြင်းနှင့် စစ်ဆေးကြည့်ရှုခြင်း၊
(ခ) ကော်မရှင်အဖွဲ့သို့တက်ရောက်ရန်သက်သေများကိုဆင့်ဆိုခြင်းနှင့်တရားစရိတ်များကို ပေးသွင်းထားစေခြင်း၊
(ဂ) စာချုပ်စာတန်းများကို ထုတ်ဖော်တင်ပြအောင်ပြုခြင်း၊
(ဃ) သက်သေများကို ကျမ်းသစ္စာကျိန်စေ၍စစ်ဆေးခြင်း၊
(င) ရွှေဆိုင်းခွင့်ပေးခြင်း၊
(စ) ကျမ်းကျိန်လွှာဖြင့် ထွက်ဆိုသော သက်သေထွက်ချက်ကို လက်ခံခြင်း၊
(ဆ) သက်သေများကိုစစ်ဆေးရန် အာဏာလွှဲအပ်နိုင်များကိုထုတ်ခြင်းနှင့်ကော်မရှင်အဖွဲ့ကို၊ ရာဇဝတ် ကျင့်ထုံး ဥပဒေ ပုဒ်မ ၄၈၀ နှင့် ၄၈၂ တို့၏သဘောအတွင်း၌သက်ဝင်နေသည့်တရားမရုံးဟူ၍ မှတ်ယူရမည်။

(၂) ကော်မရှင်အဖွဲ့ဝင်များ ထင်မြင်ယူဆချက် ကွဲလွဲသည့်အခါ၊ ထိုကော်မရှင်အဖွဲ့ဝင်များရာ၏ ထင်မြင်ယူဆချက်သည် အတည်ဖြစ်ရမည်။

(၃) ကော်မရှင် အဖွဲ့ဝင်တယောက်သည်၊ကော်မရှင်အဖွဲ့ဝင်အဖြစ်ဆက်လက် မဆောင်ရွက်နိုင်လျှင်၊ နိုင်ငံတော်သမတသည်၊ ထိုအဖွဲ့ဝင်အစား အခြားသူတယောက်ကို ခန့်ထားရမည်။ ကော်မရှင်အဖွဲ့သည် မိမိတို့၏ဆောင်ရွက်မှုကို ကော်မရှင်အဖွဲ့ စတင်ဖွဲ့စည်းစဉ်ကပင် ထိုသူအားအဖွဲ့ဝင်ခန့်ထားခံသကဲ့သို့ ဆက်လက် ဆောင်ရွက်ရမည်။

[၃]၉။ ။(၁) အခြားတည်ဆဲ တရားဥပဒေ တခုခုတွင်ဖြစ်စေ၊ သဘောတူစာချုပ်စာတမ်းတခုခုတွင် ဖြစ်စေ၊ မည်သို့ပင် ဆန့်ကျင်လျက် ပါရှိစေကာမူ၊ နိုင်ငံတော် သမတက ဤကိစ္စအတွက် သတ်မှတ်သည့်နေ့ရက်တွင်၊ [၄][ဤအက်ဥပဒေ၏ဇယားတွင် ဖော်ပြထားသော ရန်ကုန်မြို့ရှိ စူရတီဘာရားဘဇား(သိမ်ကြီးစေး)ဟု ခေါ်တွင်သည့် မြေရာအဆောက်အဦ စသည်တို့နှင့် ကုမ္ပဏီပိုင်အခြား မြေရာ အဆောက်အဦ စသည်တို့ကို ၎င်းတို့တွင် အမြဲတပ်ဆင်ထားသော အရာများနှင့်တကွ ကုမ္ပဏီထံမှ လွှဲယူပိုင်ခွင့်သည် နိုင်ငံတော်သမတ၌ ရှိစေရမည့်အပြင်၊ နိုင်ငံတော်သမတသည် အဆိုပါ မြေရာ အဆောက်အဦ စသည်တို့ကို နေ့ရက် ခွဲခြား သတ်မှတ်၍ လွှဲယူနိုင်သည်။ ယင်းသို့

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[၁] ၁၉၅၁ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၈ အရ ထည့်သွင်းသည်။
[၂] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၄၄ အရ ထည့်သွင်းသည်။
[၃] ၁၉၅၁ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၂၃ အရ ထည့်သွင်းသည်။
[၄] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၂၆ အရ အစား ထည့်သွင်းသည်။

လွှဲယူသည့်အခါ အဆိုပါ စူရတီဘာရားဘဇား (သိမ်ကြီးစေး) နှင့် အခြား မြေရောအဆောက်အဦ စသည်တို့သည်] နိုင်ငံတော်သမတက ခန့်မည့် အုပ်ချုပ်ရေး အဖွဲ့၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ ရောက်ရှိလာရမည်ဖြင့်၊ နိုင်ငံတော်သမတက ဤကိစ္စအတွက် သတ်မှတ်သည့်အချိန်အထိ၊ ထိုအဖွဲ့၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်တွင် ဆက်လက်တည်ရှိရမည်။

[1](၁-က) အခြားတည်ဆဲ တရားဥပဒေတခုခုတွင် ဖြစ်စေ၊ သဘောတူစာချုပ်စာတမ်း တခုခုတွင်ဖြစ်စေ၊ မည်သို့ပင် ဆန့်ကျင်လျက် ပါရှိစေကာမူ၊ ထိုအုပ်ချုပ်ရေး အဖွဲ့သည် နိုင်ငံတော် သမတ၏ ကြီးကြပ်အုပ်ချုပ်ခြင်းကို လိုက်နာလျက်၊ မိမိသင့်လျော်သည်ထင်မြင်သည့်အတိုင်း၊ အဆိုပါ စူရတီဘာရားဘဇား (သိမ်ကြီးစေး)ရှိ စေးဆိုင်များနှင့် စေးရောင်းသည့် နေရာများကို အငှါးချထားနိုင်ရမည်ဖြင့်၊ ထိုစေးကိုလည်း မိမိသင့်လျော်သည်ထင်မြင်သည့်အတိုင်း၊ နိုင်ငံတော်သမတက၊ ဤကိစ္စအတွက်ပြုလုပ်သည့် နည်းဥပဒေများနှင့် မဆန့်ကျင်စေဘဲ စီမံအုပ်ချုပ်နိုင်ရမည်။ နိုင်ငံတော် သမတက၊ သို့တည်းမဟုတ် ထိုအုပ်ချုပ်ရေးအဖွဲ့က ဤပုဒ်မခွဲအရ ဆောင်ရွက်သည့်အတွက်၊ တဦးတယောက်သောသူကို လျော်ကြေး၊ ပြီတည်းမဟုတ် အခြားကြေးငွေပေးရန်၊ နိုင်ငံတော်သမတမှာ သော်ငင်း၊ ထိုအဖွဲ့မှာသော်ငင်း၊ တာဝန်မရှိစေရ။

(၂) အဆိုပါ စူရတီဘာရားဘဇား (သိမ်ကြီးစေး)ကို လွှဲယူ ပြီးနောက် မည်သည့် အခါတွင်မဆို၊ နိုင်ငံတော်သမတသည်၊ အမိန့်ကြော်ငြာစာဖြင့် ထိုအမိန့်ကြော်ငြာစာတွင် သတ်မှတ် သည့်နေ့မှစ၍၊ အဆိုပါ သိမ်ကြီးစေးကို ကော်ပိုရေးရှင်းသို့ အပြီးအပိုင်လွှဲအပ်လိုက်သည်ဟုကျေညာ နိုင်သည်။ ယင်းသို့ ကျေညာသည့် အတိုင်း၊ အဆိုပါ စူရတီဘာရားဘဇား (သိမ်ကြီးစေး) သည် အဆိုပါ နေ့မှစ၍ ကော်ပိုရေးရှင်းပိုင်ဖြစ်စေရမည်။

(၃) နိုင်ငံတော် သမတသည်၊ ဤပုဒ်မပါ ကိစ္စများကို ဆောင်ရွက်ရန်နည်းဥပဒေများ ပြုလုပ်နိုင်သည်။ [ထိုပြင် ရန်ကုန်မြို့တော်မြူနီစီပါယ်အက်ဥပဒေအရ ရန်ကုန်မြို့တော် ကော်ပိုရေးရှင်း ကဖြစ်စေ၊ မြူနီစီပါယ်မင်းကြီးကဖြစ်စေ၊ မြူနီစီပါယ်စေးများနှင့် စပ်လျဉ်း၍ သုံးစွဲဆောင်ရွက်နိုင်သည့် အာဏာများနှင့် တာဝန်ဝတ်တရားများကို ဤအက်ဥပဒေအရ လွှဲယူသည့် စေးနှင့်စပ်လျဉ်း၍ သုံးစွဲ ဆောင်ရွက်နိုင်ရန် နိုင်ငံတော်သမတက အုပ်ချုပ်ရေးအဖွဲ့အား အပ်နှင်းနိုင်သည်။]

(၄) အဆိုပါအာဏာ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အထူးသဖြင့် ထိုနည်း ဥပဒေများသည်၊အောက်ပါကိစ္စများကိုပြဋ္ဌာန်းနိုင်သည်။

(က) အဖွဲ့ ဖွဲ့စည်းပုံ၊ အဖွဲ့၏အာဏာများနှင့် တာဝန်ဝတ်တရားများ။

(ခ) အဖွဲ့၏ ရာထူးမှထူးများ ခန့်ထားခြင်းနှင့် ထိုသူတို့၏ လစာစရိတ် ကြေးငွေ နှင့်အမှုထမ်း စည်းကမ်းများကို သတ်မှတ်ခြင်း။

(ဂ) ရာထူးမှထမ်းများ၏ တာဝန်ဝတ်တရားများနှင့် အာဏာများ။

(ဃ) နိုင်ငံတော်သမတထံ အစီရင်ခံစာများ တင်သွင်းခြင်း။

(င) အဖွဲ့ကထားရှိရမည့် စာရင်းများကို စစ်ဆေးခြင်း။

(စ) စေးကိုစီမံထားရှိခြင်းနှင့် ကြီးကြပ်အုပ်ချုပ်ခြင်း။

[2](၅) ဤပုဒ်မအရ နည်းဥပဒေများပြုလုပ်သည့်အခါ နည်းဥပဒေတခုခုကိုဆန့်ကျင်သည့် အတွက်ကျပ်ငါးဆယ်ထိ ငွေဒဏ် ဖြစ်စေ၊ ဆက်လက် ဆန့်ကျင်သည့်အတွက် တနေ့လျှင် ငါးကျပ်ထိ ငွေဒဏ်ဖြစ်စေ၊ ထိုက်သင့်စေရမည်ဟု နိုင်ငံတော်သမတက ပြဋ္ဌာန်းနိုင်သည်။

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[1] ၁၉၅၁ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၅၃ အရ ထည့်သွင်းသည်။

[2] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၄၄ အရ ထည့်သွင်းသည်။

၁၀။ ။(၁) ဤအက်ဥပဒေနှင့်အညီ သဘောရိုးဖြင့် ပြုလုပ်သည့်၊ သို့တည်းမဟုတ် ပြုလုပ်ရန် ကြံရွယ်သည့် အပြုအမူ တခုခုအတွက် မည်သူကိုမျှ တရားမမှု၊ ရာဇဝတ်မှု၊သို့တည်းမဟုတ် အခြားမှုခင်းစွဲဆိုခြင်းမပြုရ။

(၂) ဤအက်ဥပဒေတွင် အတိအလင်း ပြဋ္ဌာန်းထားသည်မှတပါး၊ ဤအက်ဥပဒေ အရ ပြုလုပ်သည့်အပြုအမူအတွက် အစိုးရအား မည်သည့်တရားမမှု၊ သို့တည်းမဟုတ် အခြားမှုခင်းမျှ စွဲဆိုခြင်းမပြုရ။

[၁] ၁၁။ ။(၁) ဤအက်ဥပဒေအရ၊အုပ်ချုပ်ရေးအဖွဲ့ကတောင်းခံရန်ကျန်ရှိသောဆိုင်ခ၊ ဈေးကောက်၊ ငှါးရမ်းခ၊ သို့တည်းမဟုတ် အခြား မပြေ ကျန်ငွေများကို မြေခွန်ဘော်မပြေ ကျန်ငွေကဲ့သို့အရေးတောင်းဆိုနိုင်သည်။

(၂) နိုင်ငံတော် သမတသည်၊ ထိုမပြေကျန်ငွေများကိုမည်သည့်အချိန်၏လျော့လွှာအရင်း၊ အမိန့်အရင်း တောင်းဆိုနိုင်ရမည်ဟု အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်နိုင်သည်။

(၃) အုပ်ချုပ်ရေးအဖွဲ့သည် နိုင်ငံတော်သမတ၏ ကြိုတင်ခွင့်ပြုချက်ကို ရယူပြီးနောက်၊ ဆိုင်ခ၊ ဈေးကောက်၊ သို့တည်းမဟုတ် ငှါးရမ်းခနှင့် စပ်လျဉ်းသည့် ငွေတရပ်ရပ်ကို ဖြစ်စေ၊ ၎င်းကို ကောက်ခံရာ၌ ကုန်ကျသည့် စရိတ်ငွေတရပ်ရပ်ကိုဖြစ်စေ၊ အုပ်ချုပ်ရေးအဖွဲ့ကခတောင်းခံ၍မရတော့ပြီဟု ယူဆခဲ့လျှင် လျော်ပစ်နိုင်သည်။

ဇယား[၂]

အမှတ်စဉ်	ရပ်ကွက်အမှတ်	မြေအတန်းအစားနှင့် မြေကွက်အမှတ်	ပစ္စည်းအမျိုးအမည် အဆောက်အဦအမှတ်
၁	၁၆စွ[၂]	III Northern Portion of ၁၅ မှ Southern Portion of ၂၃ N½ II— ၇ II— ၀ မှ Southern Portion of ၁၁	အရှေ့။
၂	၁၆စွ[၂]	I— ၂ V— ၁ မှ ၁၁ V— ၂၁ မှ ၃၁ S½ V— ၃၂ III— ၁၁ နှင့် ၁၃	အနောက်။

[၁] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၄၄ အရ ထည့်သွင်းသည်။
[၂] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၂၆ အရ ထည့်သွင်းသည်။

(သိန်ကြီးရေး)ကို မြန်စီပါယ်ဝိုင်ပြုလုပ်ခြင်း။

အမှတ်စဉ်	ရင်ကွက်အမှတ်	မြေအတန်းအစားနှင့် မြေကွက်အမှတ်	ပစ္စည်းအမျိုးအမည် / အဆောက်အဦအမှတ်
၃	၁၆စီ၂	I— ၁ II— ၁ မှ ၅ S½ II— ၆ နှင့် Centre ½ and S½ of N½ of II— ၆ III— ၁ မှ ၆ နှင့် ၈ မှ ၁၀ IV— ၁	စိမ်း။
၄	၂၁ဘီ၂	I— ၆ I— ၁၂ II— ၁၉ မှ ၂၄ III— ၃၉ မှ ၄၈ IV— ၄ IV— ၈	ဒိန်း။
၅	၂၁ဘီ	N½ I— ၁၂ နှင့် Extra Strip	အီးဇုံ။
၆	၁၆စီ၂	V— ၁၃	၂၅ လမ်း၊ နံပါတ် ၁၁၄။
၇	၁၆စီ၂	V— ၁၅	၂၅ လမ်း၊ နံပါတ် ၁၁၈။
၈	၁၆စီ၂	V— ၁၈	၂၅ လမ်း၊ နံပါတ် ၁၂၄။
၉	၁၆စီ၂	V— ၂၀	၂၅ လမ်း၊ နံပါတ် ၁၂၈။

အမှတ်စဉ်	ရပ်ကွက်အမှတ်	ခြေအတန်းအစားနှင့် ခြေကွက်အမှတ်	ပစ္စည်းအမျိုးအမည် / အဆောက်အဦအမှတ်
၁၀	၁၆၆၂	2nd Northern ½ of IV— ၅ နှင့် Extra Strip	၂၅ လမ်း၊ နံပါတ် ၁၃၁။
၁၁	၁၆၆၂	I— ၈ နှင့် III— ၁၄	၂၅ လမ်း၊ နံပါတ် ၁၄၄ မှ ၁၄၀။ ၂၆ လမ်း၊ နံပါတ် ၁၄၅ မှ ၁၅၁။ ဖရေဇာလမ်း၊နံပါတ် ၃၁၅ မှ ၃၁၉။ ဖရေဇာလမ်း၊နံပါတ် ၃၂၁ မှ ၃၂၃။
၁၂	၁၆၆၂	V— ၁၃	၂၆ လမ်း၊ နံပါတ် ၁၂၇။
၁၃	၁၆၆၂	V— ၁၄ မှ ၁၆	၂၆ လမ်း၊ နံပါတ် ၁၂၉ မှ ၁၃၅။
၁၄	၁၆၆၂	V— ၁၇	၂၆ လမ်း၊ နံပါတ် ၁၃၇။
၁၅	၁၆၆၂	V— ၁၀	၂၆ လမ်း၊ နံပါတ် ၁၃၉။
၁၆	၁၆၆၂	III— ၂၄ နှင့် Northern Portion of ၂၃	၂၆ လမ်း၊ နံပါတ် ၁၃၀ မှ ၁၄၂။
၁၇	၁၆၆၂	V— ၁၉ နှင့် ၄၀	၂၆ လမ်း၊ နံပါတ် ၁၄၁ မှ ၁၄၃။
၁၀	၁၆၆၂	IV— ၆ II— ၁၂ I— ၉ နှင့် Extra Strip နှင့် N. Portion II— ၁၁	၂၆ လမ်း၊ နံပါတ် ၁၄၄ မှ ၁၅၀။ ကုန်ရေးတန်း၊နံပါတ် ၂၅၃ မှ ၂၀၅။ ဖရေဇာလမ်း၊နံပါတ် ၃၀၃ မှ ၃၁၃။

အမှတ်စဉ်	
၁၉	၂၄ လမ်းနှင့် တရုပ်တန်းအတွင်းရှိ နောက်ဖေးလမ်းကြား။ ၂၅ လမ်းနှင့် တရုပ်တန်းအတွင်းရှိ နောက်ဖေးလမ်းကြား။ ၂၅ လမ်းနှင့် ၂၆ လမ်းအတွင်းရှိ နောက်ဖေးလမ်းကြား။ ၂၆ လမ်းနှင့် ကုန်စျေးတန်းအတွင်းရှိ နောက်ဖေးလမ်းကြား။

မော်လမြိုင်မြို့ ကုလားတန်း စူရတီစျေးကို မြို့နိုစီပါယ်ဝိုင် ပြုလုပ်ခြင်း အက်ဥပဒေ။

[၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၇။] (၁၉၅၃ ခု၊ ဒီဇင်ဘာလ ၁ ရက်။)

အောက်ပါအတိုင်းအက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။(၁) ဤအက်ဥပဒေကို၊ ၁၉၅၃ ခုနှစ်၊ မော်လမြိုင်မြို့ ကုလားတန်းစူရတီစျေးကို မြို့နိုစီပါယ်ဝိုင်ပြုလုပ်ခြင်း အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည် နိုင်ငံတော်သမတက အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်သည့် နေ့[*]တွင် စတင်အာဏာတည်ရမည်။

၂။ ။ဤအက်ဥပဒေတွင် အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၏အဓိပ္ပါယ်နှင့်ဖြစ်စေ မဆန့်ကျင်လျှင်—

(က) ''ကုလားတန်းစူရတီစျေး'' ဆိုသည်မှာ မော်လမြိုင်မြို့ရှိ ကုလားတန်းစူရတီစျေး (စျေးကြိုး) ကိုဆိုလိုသည်။

(ခ) ''ကုမ္ပဏီ'' ဆိုသည်မှာ မော်လမြိုင်မြို့ကုလားတန်းစူရတီစျေးကုမ္ပဏီလီမိတက်ကိုဆိုလိုသည်။

(ဂ) ''မြို့နိုစီပါယ်ကော်မိတီ'' ဆိုသည်မှာ မြို့နိုစီပါယ်အက်ဥပဒေအရ၊ နည်းလမ်းတကျ ဖွဲ့စည်းထားသော မော်လမြိုင်မြို့ မြို့နိုစီပါယ်ကော်မိတီကိုဆိုလိုသည်။

၃။ ။မြို့နိုစီပါယ် အက်ဥပဒေပုဒ်မ ၅၆ သည်၊ ဤအက်ဥပဒေပါကိစ္စများနှင့် သက်ဆိုင်ခြင်းမရှိစေရ။

၄။ ။(၁) အခြားတည်ဆဲတရားဥပဒေတခုခုတွင်ဖြစ်စေ၊ သဘောတူစာချုပ်စာတမ်းတခုခုတွင်ဖြစ်စေ၊ မည်သို့ပင်ဆန့်ကျင်လျက်ပါရှိစေကာမူ၊ နိုင်ငံတော်သမတမှာ အမိန့်ကြော်ငြာစာဖြင့် မိမိသတ်မှတ်သည့် နေ့ရက်တွင် မော်လမြိုင်မြို့ရှိ ကုလားတန်း စူရတီစျေး (စျေးကြိုး) ဟုခေါ်တွင်သည့် မြေရာ အဆောက်အဦစသည်တို့ကို ကုမ္ပဏီထံမှ လွှဲယူရန်အာဏာရှိရမည်။ ယင်းသို့လွှဲယူသည့်အခါ ကုလားတန်းစူရတီ စျေးသည် နိုင်ငံတော် သမတ ခန့်ထားသည့် စျေးအုပ်ချုပ်ရေး အဖွဲ့၏ ကြီးကြပ်

[*] ၁၉၅၃ ခု၊ ဒီဇင်ဘာလ ၁ ရက်။ ။မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၃ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၅၇၀ တွင်ကြည့်ရှု။

အုပ်ချုပ်မှုအောက်သို့ ရောက်ရှိလာရမည်ဟုပြင်၊ နိုင်ငံတော် သမတက ပုဒ်မခွဲ (၄) အရ မြို့နိုစီပါယ်ကော်မိတီသို့ လွှဲအပ်ခြင်းမပြုမီ ထိုအဖွဲ့၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်တွင် ဆက်လက် တည်ရှိရမည်။

(၂) နိုင်ငံတော် သမတသည်၊ ပုဒ်မခွဲ(၁) အရ ကုမ္ပဏီထံမှ လွှဲယူသည့် မြေရာအဆောက်အဦစသည့် ပစ္စည်းများကို သိမ်းခြားဖော်ပြ၍ကျေညာရမည်။

(၃) စျေးအုပ်ချုပ်ရေးအဖွဲ့သည် နိုင်ငံတော် သမတ၏ ကြီးကြပ်အုပ်ချုပ်ခြင်းကို လိုက်နာလျက်၊ မိမိသင့်လျော်သည် ထင်မြင်သည့် အတိုင်း ကုလားတန်း စူရတီ ဈေးဒါ ဈေးဆိုင် များနှင့် ဈေးရောင်းသည့်နေရာများကို အငှါးချထားနိုင်ရမည်ဟုပြင်၊ ထိုဈေးကိုလည်းမိမိသင့်လျော်သည်ထင်မြင်သည့်အတိုင်း၊ နိုင်ငံတော် သမတ ပြဋ္ဌာန်းသည့် နည်းဥပဒေများနှင့် မဆန့်ကျင် စေဘဲ စိမံအုပ်ချုပ်နိုင်ရမည်။

(၄) ကုလားတန်း စူရတီဈေးကို ပုဒ်မခွဲ (၁) အရ လွှဲယူပြီးနောက်၊ မည်သည့်အခါတွင်မဆို နိုင်ငံတော်သမတသည်၊ အမိန့်ကြော်ငြာစာဖြင့်၊ ထိုအမိန့်ကြော်ငြာစာတွင် သတ်မှတ်သည့် နေ့၌ ကုလာ တန်းစူရတီဈေးကိုမြို့နိုစီပါယ် ကော်မိတီသို့ အပြီးအပိုင်လွှဲအပ်လိုက်သည်ဟု ကျေညာနိုင်သည်။ယင်းသို့ ကျေညာသည့် အခါ ကုလားတန်း စူရတီဈေးသည် အဆိုပါ နေ့မှစ၍ မြို့နိုစီပါယ် ကော်မိတီပိုင်ဖြစ်ရမည်။

၅။ ။(၁) နိုင်ငံတော်သမတသည်၊ ပုဒ်မ ၄၊ ပုဒ်မခွဲ(၁)အရ၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်သည့်နေ့ နောက်တလအတွင်း ဥက္ကဋ္ဌကင်းနှင့် အခြားအဖွဲဝင်နှစ်ဦး ပါဝင်သော ကော်မရှင်အဖွဲတခုကိုခန့်ရမည်။ ထိုကော်မရှင်အဖွဲသည်၊ အောက်ပါကိစ္စများကိုသတ်မှတ်ဆုံးဖြတ်ရမည်။

(က) ဤအက်ဥပဒေအရ လွှဲယူသည့် ပစ္စည်းများအတွက် ကုမ္ပဏီကိုပေးသင့်သည့် တရားမျှတသောလျော်ကြေး၊ ကုမ္ပဏီက မြို့နိုစီပါယ် ကော်မိတီကို ပေးရန်ရှိသော ကြွေးမြီ များနှင့် မြို့နိုစီပါယ်ကော်မိတီက ကုမ္ပဏီကို ပေးရန်ရှိသော ကြွေးမြီများ၊ ထို့ပြင်

(ခ) လျော်ကြေးပေးရမည့် နည်းလမ်းများ။

(၂) ပုဒ်မခွဲ (၁) အရလျော်ကြေးကို သတ်မှတ် ဆုံးဖြတ်ရာတွင်၊ ဤအက်ဥပဒေအရ နိုင်ငံတော်သမတက၊ ကုမ္ပဏီထံမှ လွှဲယူသည့် ပစ္စည်းများ၏ လွှဲယူသည့် နေ့ရှိ ကာလ တန်ဘိုးကို၊ သို့တည်းမဟုတ် ထိုနေ့အထိ ထိုပစ္စည်းများ အပေါ်တွင် ကုမ္ပဏီက ကုန်ကျသည့် စရိတ်ကိုကော်မရှင်အဖွဲက တရားမျှတမည်ထင်မြင်သည့်အတိုင်း ထည့်သွင်းစဉ်းစားရမည်။

ခြွင်းချက်။ ။သို့ရာဘွင် အဆောက်အဦတခု၏ တန်ဘိုးကို သတ်မှတ် ဆုံးဖြတ်ရာတွင်၊ ထိုအဆောက်အဦကို ဆောက်လုပ်စဉ်က ကုန်ကျငွေမှ၊ ဤအက်ဥပဒေ အရ ကုမ္ပဏီ၏ ပစ္စည်းများကို လွှဲယူသည့်နေ့အထိ ကုန်လွန်ခဲ့သောနှစ်များအတွက် တနှစ်လျှင် ၃ ရာခိုင်နှုန်းကျနှုတ်ပယ်၍ကျန်သော ငွေနှင့်ညီမျှသော တန်ဘိုးအတိုင်းသတ်မှတ်ရမည်။

၆။ ။ပုဒ်မ ၅ အရ လျော်ကြေးကို သတ်မှတ် ဆုံးဖြတ် ရာတွင် ကော်မရှင်အဖွဲသည်၊ တရားမကျင့်ထုံး ဥပဒေကို၊ သို့တည်းမဟုတ်အခြားတည်ဆဲဥပဒေဘခုခုကို လိုက်နာရန်မလိုအပ်စေရ၊ သို့ရာတွင် ထိုကော်မရှင်အဖွဲသည် တရားမျှတစွာ ဆောင်ရွက်ရမည်။

၇။ ။(၁) ကော်မရှင် အဖွဲသည်၊ အောက်ပါကိစ္စများနှင့် စပ်လျဉ်း၍တရားမကျင့်ထုံး ဥပဒေအရ တရားရုံးအားအပ်နှင်းထားသော အာဏာများရရှိရမည်။

(က) အကြောင်းအရာများကို ဖွင့်လှစ်ထုတ်ဖော်စေခြင်းနှင့် ကြည့်ရှုစစ်ဆေးခြင်း။
(ခ) သက်သေများကိုလာရောက်စေရန် အတင်းအကြပ်ဆင့်ခေါ်ယူခြင်း၊ သက်သေ စရိတ်တင်သွင်းစေရန်ဆင့်ဆိုခြင်း။
(ဂ) စာချုပ်စာတမ်းများကို တင်ပြစေရန် အတင်းအကြပ်ဆင့်ဆိုခြင်း။
(ဃ) သက်သေများကို ကျမ်းသစ္စာဖြင့် စစ်ဆေးခြင်း။
(င) ရွှေဆိုင်းခွင့်ပေးခြင်း။
(စ) ကျမ်းကျိန်လွှာဖြင့် ထွက်ဆိုသော သက်သေထွက်ချက်ကိုလက်ခံခြင်း။
(ဆ) သက်သေများကို စစ်ဆေးရန် အာဏာလွှဲအပ်မှုများထုတ်ခြင်း။

ထိုမှတပါး ကော်မရှင်အဖွဲ့သည်၊ ရာဇဝတ်ကျင့်ထုံး ဥပဒေ ပုဒ်မ ၄၀၀ နှင့် ၄၀၂ တို့၏ အဓိပ္ပါယ်အရ တရားမရုံးဖြစ်သည်ဟုမှတ်ယူရမည်။

(၂) ကော်မရှင်အဖွဲ့ဝင်များထင်မြင်ယူဆချက် ကွဲလွဲသည့်အခါ၊ ထိုကော်မရှင် အဖွဲ့ဝင်များရာ၏ ထင်မြင်ယူဆချက်သည်၊ အတည်ဖြစ်ရမည်။

(၃) ကော်မရှင် အဖွဲ့ဝင် တယောက်သည်၊ ကော်မရှင် အဖွဲ့ဝင် အဖြစ်ဖြင့် ဆက်လက် မဆောင်ရွက်နိုင်လျှင်၊ နိုင်ငံတော်သမတသည်၊ ထိုအဖွဲ့ဝင်အစား အခြားသူတယောက်ခန့်ထားရမည်။ ထိုသူကို ကော်မရှင်အဖွဲ့စတင်ဖွဲ့စည်းစဉ်ကပင် အဖွဲ့ဝင်အဖြစ်ခန့်ထားခဲ့သကဲ့သို့ ကော်မရှင်အဖွဲ့သည်၊ မိမိ၏မှုခင်းကိစ္စများကို ဆက်သက်ဆောင်ရွက်ရမည်။

၈။ ။ကုမ္ပဏီကသော်၎င်း၊ အစိုးရကသော်၎င်း လျော်ကြေးနှင့်စပ်လျဉ်းသည့်ကော်မရှင် အဖွဲ့၏ ဆုံးဖြတ် ချက်ကို ဥပဒေကြောင်းနှင့်ဖြစ်စေ၊ အမှုခြင်းရာနှင့်ဖြစ်စေ တရား လွှတ်တော် ချုပ်သို့ အယူခံဝင်နိုင်သည်။

၉။ ။(၁) နိုင်ငံတော် သမတသည်၊ ဤအက်ဥပဒေပါ ကိစ္စများကို ဆောင်ရွက်ရန် အလို့ငှါ၊ နည်းဥပဒေများပြဋ္ဌာန်းနိုင်သည်။

(၂) အဆိုပါအာဏာ၏ ယေဘုယျသတော်ကို မထိခိုက်စေဘဲ အထူးသဖြင့် ထိုနည်း ဥပဒေများသည်၊ အောက်ပါကိစ္စများကို ပြဋ္ဌာန်းနိုင်သည်။

(က) စျေးအုပ်ချုပ်ရေး အဖွဲ့ ဖွဲ့စည်းပုံ၊ ထိုအဖွဲ့၏ အာဏာ များနှင့် တာဝန် ဝတ်တရားများ။
(ခ) စျေးအုပ်ချုပ်ရေးအဖွဲ့၏ ရာထမ်းမှုထမ်းများခန့်ထားခြင်းနှင့်ထိုသူတို့၏ လစာ စရိတ်ကြေးငွေနှင့် အမှုထမ်းစည်းကမ်းများကို သတ်မှတ်ခြင်း။
(ဂ) ရာထမ်းမှုထမ်းများ၏ တာဝန်ဝတ်တရားများနှင့် အာဏာများ။
(ဃ) နိုင်ငံတော်သမတထံ အစီရင်ခံစာများတင်သွင်းခြင်း။
(င) စျေးအုပ်ချုပ်ရေးအဖွဲ့က ထားရှိရမည့်စာရင်းများကို စစ်ဆေးခြင်း။
(စ) စျေးကိုပြုပြင်ထားရှိခြင်းနှင့် ကြီးကြပ်အုပ်ချုပ်ခြင်း။

၁၀။ ။(၁) ဤအက်ဥပဒေနှင့် အညီ သဘောရိုးဖြင့် ပြုလုပ်သည့်၊ သို့တည်း မဟုတ် ပြုလုပ်ရန် ကြိုးစားသည့် အပြုအမူတခုခုအဘွက်၊ မည်သူကိုမျှတရားမမှု၊ ရာဇဝတ်မှု၊ သို့တည်းမဟုတ် အခြားမှုခင်းနဲ့ဆိုခြင်းမပြုရ။

(၂) ဤအက်ဥပဒေတွင် အတိုအပေါင်း ပြဋ္ဌာန်းထားသည်မှတပါး၊ ဤအက်ဥပဒေ အရ ပြုလုပ်သည့် အပြုအမူ အတွက် အစိုးရအား၊ မည်သည့် တရားမမှု၊ သို့တည်းမဟုတ် အခြားမှုခင်းမျှ စွဲဆိုခြင်းမပြုရ။

E.—CANTONMENTS.

၈။ ။တပ်မြို့များဆိုင်ရာ။

THE CANTONMENTS ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. * * * *
2. Definitions.

CHAPTER II.

DEFINITION AND DELIMITATION OF CANTONMENTS.

3. Definition of cantonments.
4. Alteration of limits of cantonments.
5. The effect of including area in cantonment.
6. Disposal of cantonment fund when area ceases to be a cantonment.
7. Disposal of cantonment fund when area ceases to be included in a cantonment.
8. Application of funds and property transferred under sections 6 and 7.
9. Limitation of operation of Act.

CHAPTER III.

CANTONMENT AUTHORITIES AND CANTONMENT BOARDS.

Cantonment Authorities.

10. Cantonment Authority and Executive Officer.
11. President to decide whether Cantonment Board shall be constituted.
12. Incorporation of Cantonment Authority.
13. Appointment of Executive Officer.
14. Constitution of Cantonment Board.
15. Term of office of members.

Sections.

16. Filling of vacancies.
17. Vacancies in special cases.
18. Oath or affirmation.
19. Resignation.
20. Chairman and Vice-Chairman.
21. Term of office of Vice-Chairman.
22. Duties of Chairman.
23. Duties of Vice-Chairman.
24. Duties of the Executive Officer.
25. Special power of the Executive Officer.

Elections.

26. Electoral rolls.
27. Qualification of electors.
28. Qualification for being a member of the Board.
29. Interpretation.
30. Joint families, etc.
31. Power to make rules regulating elections.

Members.

32. Member not to vote on matter in which he is interested.
33. Liability of members.
34. Removal of members.
35. Consequences of removal.

Servants.

36. Disqualification of person as servant of Cantonment Authority.
36A. Cantonment servant to be deemed a public servant.

Procedure.

37. Meetings.
38. Business to be transacted.
39. Quorum.
40. Presiding officer.
41. Minutes.
42. Meetings to be public.
43. Method of deciding questions.
44. Power to make regulations.
45. Joint action with other local authority.

Control.

46. Power of President to require production of documents.
47. Inspection.

Sections.

48. Power to call for documents.
49. Power to require execution of work, etc.
50. Power to provide for enforcement of direction under section 49.
51. Power to override decision of Board.
52. Power of Officer Commanding-in-Chief, the Command, on reference under section 51 or otherwise.
53. Powers of President on a reference made under section 51.
54. Supersession of Board.

Validity of Proceedings.

55. Validity of proceedings, etc.

CHAPTER IV.

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS.

56. Unauthorized sale of spirituous liquor or intoxicating drug.
57. Unauthorized possession of spirituous liquor.
58. Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections.
59. Saving of articles sold or supplied for medicinal purposes.

CHAPTER V.

TAXATION.

Imposition of Taxation.

60. General power of taxation.
61. Framing of preliminary proposals.
62. Objections.
63. Consideration of objections and imposition of tax.
64. Definition of " annual value. "
65. Incidence of taxation.

Assessment List.

66. Assessment list.
67. Publication of assessment list.
68. Revision of assessment list.
69. Authentication of assessment list.
70. Evidential value of assessment list.
71. Amendment of assessment list.
72. Preparation of new assessment list.
73. Notice of transfers.
74. Notice of erection of buildings.

Sections. *Remission and Refund.*

75. Demolition, etc., of buildings.
76. Remission of tax.
77. Power to require entry in assessment list of details of buildings.
77A. Notice to be given of the circumstances in which remission or refund is claimed.
78. What buildings, etc., are to be deemed vacant.
79. Notice to be given of every occupation of vacant building or house.

Charge on Immoveable Property.

80. Tax on buildings and land to be a charge thereon.

Octroi, Terminal Tax and Toll.

81. Inspection of imported goods, etc.
82. Evasion of octroi or terminal tax.
83. Lease of octroi, terminal tax or toll.

Appeals.

84. Appeals against assessment.
85. Costs of appeal.
86 Recovery of costs from Cantonment Authority.
87. Conditions of right to appeal.
88. Finality of appellate orders.

Payment and Recovery of Taxes.

89. Time and manner of payment of taxes
90. Presentation of bill.
91. Notice of demand.
92. Recovery of tax.
93. Distress.
94. Disposal of distrained property.
95. Recovery from a person about to leave cantonment.
96. Power to institute suit for recovery.

Special Provisions relating to Taxation.

97. Power to prohibit or exempt from taxation.
98. Power to make special provision for conservancy in certain cases.
99. Exemption in the case of buildings.
99A. General power of exemption.
100. Exemption of poor persons.
101. Composition.
102. Irrecoverable debts.
103. Obligation to disclose liability.

Sections.

104. Immaterial error not to affect liability.
105. Distraint not to be invalid by reason of immaterial defect.

CHAPTER VI.

CANTONMENT FUND AND PROPERTY.

Cantonment Fund.

106. Cantonment fund.
107. Custody of cantonment fund.

Property.

108. Property.
109. Application of cantonment fund and property.
110. Acquisition of immoveable property.
111. Power to make rules regarding cantonment fund and property.

CHAPTER VII.

CONTRACTS.

112. Contracts by whom to be executed.
113. Sanction.
114. Execution of contracts.
115. Contracts improperly executed not to be binding on a Cantonment Authority.

CHAPTER VIII.

DUTIES AND DISCRETIONARY FUNCTIONS OF CANTONMENT AUTHORITIES.

116. Duties of Cantonment Authority.
116A. Power to manage property.
117. Discretionary functions of Cantonment Authority.
117A. Power of expenditure for educational purposes outside the cantonment.

CHAPTER IX.

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES.

General Nuisances.

118. Penalty for causing nuisances.

Dogs.

119. Registration and control of dogs.

Sections.

Traffic.

120. Rule of the road.

Prevention of Fire, etc.

121. Use of inflammable materials for building purposes.
122. Stacking or collecting inflammable materials.
123. Care of naked lights.
124. Regulation of cinematographic and dramatic performances.
125. Discharging fire-works, fire-arms, etc.
126. Power to require buildings, wells, etc., to be rendered safe.
127. Enclosure of waste land used for improper purposes.

CHAPTER X.

SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE.

Sanitary Authorities.

128. Responsibility for sanitation.
129. General duties of Health Officer.

Conservancy and Sanitation.

130. Public latrines, urinals and conservancy establishments.
131. Power of Cantonment Authority to undertake private conservancy arrangements.
132. Deposit and disposal of rubbish, etc.
133. Cess-pools, receptacles for filth, etc.
134. Filling up of tank, etc.
135. Provision of latrines, etc.
136. Sanitation in factories, etc.
137. Private latrines.
138. Removal of congested buildings.
139. Overcrowding of dwelling houses.
140. Power to require repair or alteration of building
141. Power to require land or building to be cleansed.
142. Power to order disuse of house.
143. Removal of noxious vegetation.
144. Agriculture and irrigation.

Burial and Burning Grounds.

145. Power to call for information regarding burial and burning grounds.
146. Permission for use of new burial or burning ground.
147. Power to require closing of burial or burning ground.
148. Exemption from operation of sections 145 to 147.
149. Removal of corpses.

Prevention of Infectious or Contagious Diseases.

Sections.

150. Obligation to give information of infectious or contagious diseases.
151. Special measures in case of outbreak of infectious or epidemic diseases.
152. Power to require names of dairyman's customers.
153. Power to require names of a washerman's customers.
154. Report after inspection of dairy or washerman's place of business
155. Action on report submitted by Health Officer.
156. Examination of milk or washed clothes.
157. Contamination of public conveyance.
158. Disinfection of public conveyance.
159. Penalty for failure to report.
160. Driver of conveyance not bound to carry person suffering from infectious or contagious disease.
161. Disinfection of building or articles therein.
162. Destruction of infectious hut or shed.
163. Temporary shelter for inmates of disinfected or destroyed building or shed.
164. Disinfection of building before letting the same.
165. Disposal of infected article without disinfection.
166. Means of disinfection.
167. Making or selling of food, etc., or washing clothes by infected person.
168. Power to restrict or prohibit sale of food or drink.
169. Control over wells, tanks, etc.
170. Disposal of infectious corpse.

Hospitals and Dispensaries.

171. Maintenance or aiding of hospitals or dispensaries.
172. Medical supplies, appliances, etc.
173. Free patients.
174. Paying patients.
175. Power to order person to attend hospital or dispensary.
176. Power to exclude from cantonment persons refusing to attend hospital or dispensary.

Control of Traffic for Hygienic Purposes.

177. Routes for pilgrims and others.

Special Conditions regarding Essential Services.

178. Conditions of service of sweepers.

Sections.

CHAPTER XI.

CONTROL OVER BUILDINGS, STREETS, BOUNDARIES, TREES, ETC.

Buildings.

179. Notice of new buildings.
180. Conditions of valid notice.
181. Power of Cantonment Authority to sanction or refuse.
182. Compensation.
183. Lapse of sanction.
184. Illegal erection and re-erection.
185. Power to stop erection or re-erection or to demolish.
186. Power to make bye-laws.
187. Projections and obstructions.
188. Unauthorized buildings over drains, etc.
189. Drainage and sewer connections.
190. Power to attach brackets for lamps.

Streets.

191. Temporary occupation of street, land, etc.
192. Closing and opening of streets.
193. Names of streets and numbers of buildings.

Boundaries and Trees.

194. Boundary walls, hedges and fences.
195. Felling, lopping and trimming of trees.
196. Digging of public land
197. Improper use of land.

CHAPTER XII.

MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS.

198. Public markets and slaughter-houses.
199. Use of public market.
200. Levy of stallages, rents and fees.
201. Stallages, rents, etc., to be published.
202. Private markets and slaughter-houses.
203. Conditions of grant of licence for private market or slaughter-house.
204. Penalty for keeping market or slaughter-house open without licence, etc.
205. Penalty for using unlicensed market or slaughter-house.
206. Prohibition and restriction of use of slaughter-houses.
207. Power to inspect slaughter-houses.
208. Power to make bye-laws.

Sections.

Trades and Occupations.

209. Provision of washing places.
210. Licences required for carrying on of certain occupations.
211. Conditions which may be attached to licences.

General Provisions.

212. Power to vary licence.
213. Carrying on trade, etc., without licence or in contravention of section 212.
214. Feeding animals on dirt, etc.

Entry, Inspection and Seizure.

215. Powers of entry and seizure.

Import of Cattle and Flesh.

216. Import of cattle and flesh.

CHAPTER XIII.

WATER SUPPLY, DRAINAGE AND LIGHTING.

Water Supply.

217. Maintenance of water supply.
218. Control over sources of public water supply.
219. Power to require maintenance or closing of private source of public drinking water supply.
220. Supply of water.
221. Power to require water supply to be taken.
222. Supply of water under agreement.
223. Cantonment Authority not liable for failure of supply.
224. Conditions of universal application.
225. Supply to persons outside cantonment.
226. Penalty.

Water, Drainage and other Connections.

227. Power of Cantonment Authority to lay wires, connections, etc.
228. Wires, etc., laid above surface of ground.
229. Connection with main not to be made without permission.
230. Power to prescribe ferrules and to establish meters, etc.
231. Power of inspection.
232. Power to fix rates and charges.

Sections.

Application of this Chapter to Government Water Supplies.

233. Government water supply.
234. Recovery of charges.

CHAPTER XIV.

REMOVAL AND EXCLUSION FROM CANTONMENTS AND SUPPRESSION OF SEXUAL IMMORALITY.

235. Power to remove brothels and prostitutes.
236. Penalty for loitering and importuning for purposes of prostitution.
237. Removal of lewd persons from cantonment.
238. Removal and exclusion from cantonments of disorderly persons.
239. Removal and exclusion from cantonment of seditious persons.
240. Penalty.

CHAPTER XV.

POWERS, PROCEDURE, PENALTIES AND APPEALS.

Entry and Inspection.

241. Powers of entry.
242. Powers of inspection by member of a Board.
243. Power of inspection, etc.
244. Power to enter land adjoining land where work is in progress.
245. Breaking into premises.
246. Entry to be made in the day time.
247. Owner's consent ordinarily to be obtained.
248. Regard to be had to social and religious usages.
249. Penalty for obstuction.

Powers and Duties of Police Officers.

250. Arrest without warrant.
251. Duties of police officers.

Notices.

252. Notices to fix reasonable time.
253. Authentication and validity of notices issued by Cantonment Authority.
254. Service of notice, etc.
255. Method of giving notice.
256. Powers of Cantonment Authority in case of non-compliance with notice, etc.

Sections.

Recovery of Money.

257. Liability of occupier to pay in default of owner.
258. Relief to agents and trustees.
259. Method of recovery.

Committees of Arbitration.

260. Application for a Committee of Arbitration.
261. Procedure for convening Committee of Arbitration.
262. Constitution of Committee of Arbitration.
263. No person to be nominated who has direct interest or whose services are not immediately available.
264. Meetings and powers of Committees of Arbitration.
265. Decisions of Committees of Arbitration.

Prosecutions.

266. Prosecutions.
267. Composition of offences.

General Penalty Provisions.

268. General penalty.
269. Cancellation and suspension of licences.
270. Recovery of amount payable in respect of damage to cantonment property.

Limitation.

271. Limitation for prosecution.

Suits.

272. Protection of Cantonment Authority, Executive Officer, etc.
273. Notice to be given of suits.

Appeals and Revision.

274. Appeals from executive orders.
275. Petition of appeal.
276. Suspension of action pending appeal.
277. Revision.
278. Finality of appellate orders.
279. Right of appellant to be heard.

CHAPTER XVI.

RULES AND BYE-LAWS.

280. Power to make rules.
281. Supplemental provisions respecting rules.

Sections.

282. Power to make bye-laws.
283. Penalty for breach of bye-laws.
384. Supplemental provisions regarding bye-laws.
285. Rules and bye-laws to be available for inspection and purchase.

CHAPTER XVII.

SUPPLEMENTAL PROVISIONS.

286. Extension of certain provisions of the Act and rules to places beyond cantonments.
286A. Power to delegate functions of Executive Officer.
287. Registration.
288. Validity of notices and other documents.
289. Admissibility of document or entry as evidence.
290. Evidence by officer or servant of the Cantonment Authority.
291. Application of Government Buildings Act.

SCHEDULE I.—Notice of Demand.
SCHEDULE II.—Form of Warrant.
SCHEDULE III.—Form of Inventory of Property Distrained and Notice of Sale.
SCHEDULE IV.—Cases in which Police may arrest without Warrant.
SCHEDULE V.—Appeals from Orders.

THE CANTONMENTS ACT.

[INDIA ACT II, 1924.] (1st May, 1924.)

1. * * * *

Definitions.

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

(i) " Assistant Health Officer " means the medical officer appointed by the Officer Commanding-in-Chief, the Command, to be the Assistant Health Officer for a cantonment;

(ii) " Board " means a Cantonment Board constituted under this Act ;

(iii) " Brigade area " means one of the brigade areas, whether occupied by a brigade or not, into which the Union of Burma is for military purposes for the time being divided, and includes for all or any of the purposes of this Act any area which the President of the Union may, by notification in the Gazette, declare to be a brigade area for such purpose or purposes ;

(iv) " building " means any house, hut, outhouse, shed, stable or other roofed structure, for whatever purpose or of whatever material constructed, or any part thereof, and includes a well, but does not include a tent or other portable and temporary shelter ;

(v) "Cantonment Authority" means a Board or, in the case of a cantonment where a Board has not been constituted or has ceased to exist, the military officer appointed by the President of the Union in this behalf;

(vi) "casual election" means an election held to fill a casual vacancy;

(vii) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board;

(viii) * * * *

(ix) "Officer Commanding-in-Chief, the Command" means the General Officer Commanding the Forces in the Union of Burma;

(x) "dairy" includes any farm, cattle-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for sale into butter, ghee, cheese or curds and, in relation to a dairyman who does not occupy any premises for the sale of milk, includes any place in which he keeps the vessels used by him for the storage or sale of milk;

(xi) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or is intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy;

(xii) "Executive Engineer" means the Public Works officer of that grade, or the officer of the Military Engineer Services of the corresponding grade, having charge of the military works in a cantonment, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;

(xiii) "Executive Officer" means the person appointed under this Act to be the Executive Officer of a cantonment;

(xiv) "Health Officer" means the senior executive medical officer in military employ on duty in a cantonment;

(xv) "hill cantonment" means any cantonment declared by the President of the Union, by notification in the Gazette, to be a hill cantonment for the purposes of this Act;

(xvi) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;

(xvii) "infectious or contagious disease" means cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague, influenza, venereal disease, and any other epidemic, endemic or infectious disease which the President of the Union may, by notification in the Gazette, declare to be an infectious or contagious disease for the purposes of this Act;

(xviii) "inhabitant," in relation to a cantonment or local area, means any person ordinarily residing or carrying on business

or owning or occupying immoveable property therein, and in case of a dispute means any person declared by the District Magistrate to be an inhabitant ;

(xix) " intoxicating drug " means opium, ganja, bhang, charas and any preparation or admixture thereof, and includes any other intoxicating substance or liquid which the President of the Union may, by notification in the Gazette, declare to be an intoxicating drug for the purposes of this Act ;

(xx) " market " includes any place where persons assemble for the purpose of selling meat, fish, fruit, vegetables, live-stock or any other article of food ;

[1] (xxi) " military officer " means—

(*a*) a person who, being an officer within the meaning of the Acts relating to the Burma army or the air force, is commissioned and in pay as an officer doing military or air force duty within the military or air force, or is an officer doing such duty in any arm, branch or part of those forces, or

(*b*) a person doing military or air force duty as a warrant officer with either of those forces or within any arm, branch or part thereof, whether he is or is not an officer within the meaning of the Acts relating to the Burma army or air force ;

(xxii) " nuisance " includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property ;

(xxiii) " occupier " includes an owner in occupation of, or otherwise using, his own land or building ;

(xxiv) * * * *

(xxiv*a*) " Officer Commanding the Station " means the military officer for the time being in command of the forces in a cantonment, or, if that officer is the Officer Commanding-in-Chief, the Command, the military officer who would be in command of those forces in the absence of the Officer Commanding-in-Chief, the Command ;

(xxv) " ordinary election " means an election held to fill a vacancy in the office of an elected member of a Board arising by efflux of time ;

(xxvi) " owner " includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant ;

(xxvii) " party wall " means a wall forming part of a building and used or constructed to be used for the support or separation

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons ;

(xxviii) " private market " means a market which is not maintained by a Cantonment Authority and which is licensed by a Cantonment Authority under the provisions of this Act ;

(xxix) " private slaughter-house " means a slaughter-house which is not maintained by a Cantonment Authority and which is licensed by a Cantonment Authority under the provisions of this Act ;

(xxx) " public market " means a market maintained by a Cantonment Authority ;

(xxxi) " public place " means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not ;

(xxxii) " public slaughter-house " means a slaughter-house maintained by a Cantonment Authority ;

(xxxiii) " shed " means a slight or temporary structure for shade or shelter ;

(xxxiv) " slaughter-house " means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption ;

(xxxv) " soldier " means a person who is a soldier or airman within the meaning of the Acts relating to the Burma army or air force and who is not a military officer ;

(xxxvi) " spirituous liquor " means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation, or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the President of the Union may, by notification in the Gazette, declare to be a spirituous liquor for the purposes of this Act ;

(xxxvii) " street " includes any way, road, lane, square, court, alley, passage or open space in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right-of-way and also the road-way or foot-way over any bridge or causeway ;

(xxxviii) " vehicle " means a wheeled conveyance of any description which is capable of being used on a street, and includes a motor-car, motor lorry, motor-omnibus, cart, locomotive, tram-car, hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw ; and

(xxxix) " water-work " includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trucks, sluices, mains, pipes, culverts, hydrants, stand-pipes, and conduits, and all machinery, lands, buildings, bridges and things, used for, or intended for the purpose of, supplying water to a cantonment.

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

CHAPTER II.

DEFINITION AND DELIMITATION OF CANTONMENTS.

Definition of cantonments.

3. (*1*) The President of the Union may, by notification in the Gazette, declare any place or places, in which any part of [the Burma][1] regular forces or regular air force is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces, to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and may, by a like notification, declare that any cantonment shall cease to be a cantonment.

(*2*) The President of the Union may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

Alteration of limits of cantonments.

4. (*1*) The President of the Union may, by notification in the Gazette, declare his intention to include within a cantonment any local area situated in the vicinity thereof or to exclude from a cantonment any local area comprised therein.

(*2*) Any inhabitant of a cantonment or local area in respect of which a notification has been published under sub-section (*1*) may, within six weeks from the date of the notification, submit in writing to the President of the Union through the Officer Commanding-in-Chief, the Command, an objection to the notification, and the President of the Union shall take such objection into consideration.

(*3*) On the expiry of six weeks from the date of the notification, the President of the Union may, after considering the objections, if any, which have been submitted under sub-section (*2*), by notification in the Gazette, include the local area in respect of which the notification was published under sub-section (*1*), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.

The effect of including area in cantonment.

5. When, by a notification under section 4, any local area is included in a cantonment, such area shall thereupon become subject to this Act and to all other enactments for the time being in force throughout the cantonment and to all notifications, rules, regulations, bye-laws, orders and directions issued or made thereunder.

Disposal of cantonment fund when area ceases to be a cantonment.

6. (*1*) When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the balance of the cantonment fund and other property vesting in the Cantonment Authority shall vest in such local authority, and the liabilities of the Cantonment Authority shall be transferred to such local authority.

(*2*) When in like manner any cantonment ceases to be a cantonment and the local area comprised therein is not immediately placed under the control of a local authority, the balance of the cantonment fund and other property

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

vesting in the Cantonment Authority shall vest in [the State],[1] and the liabilities of the Cantonment Authority shall be transferred to the Government.

Disposal of cantonment fund when area ceases to be included in a cantonment.

7. (*1*) When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a particular Cantonment Authority and is immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the Cantonment Authority, and such portion of the liabilities of the Cantonment Authority as the President of the Union may, by general or special order, direct, shall be transferred to that other local authority.

(*2*) When, in like manner, any local area forming part of a cantonment ceases to be under the control of a particular Cantonment Authority and is not immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the Cantonment Authority shall vest in [the State],[1] and such portion of the liabilities of the Cantonment Authority shall be transferred to the Government as the President of the Union may, by general or special order, direct.

Application of funds and property transferred under sections 6 and 7.

8. Any cantonment fund or portion of a cantonment fund or other property of a Cantonment Authority vesting in [the State][1] under the provisions of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the Cantonment Authority transferred under such provisions to the Government, and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

Limitation of operation of Act.

9. The President of the Union may, by notification in the Gazette, exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment specified in the notification in which there is no Board, apply with such modifications as may be so specified.

CHAPTER III.

CANTONMENT AUTHORITIES AND CANTONMENT BOARDS.

Cantonment Authorities.

Cantonment Authority and Executive Officer.

10. (*1*) For every cantonment there shall be a Cantonment Authority and an Executive Officer.

(*2*) * * * *

President to decide whether Cantonment Board shall be constituted.

11. The President of the Union may, by notification in the Gazette, order in respect of any cantonment that a Cantonment Board shall be constituted therein, and may, by a like notification, order that any Board so constituted shall cease to exist.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Incorporation of Cantonment Authority.

12. (*1*) Every Board shall, by the name of the Board of the place by reference to which the cantonment is known, be a body corporate having perpetual succession and a common seal with power to acquire and hold property both moveable and immoveable and to contract and shall, by the said name, sue and be sued.

(*2*) In the case of any cantonment where there is no Board, the Cantonment Authority shall be a corporation sole by the name of the Cantonment Authority of the place by reference to which the cantonment is known, and as such Cantonment Authority shall have perpetual succession and an official seal with power to acquire and hold property both moveable and immoveable and to contract and shall, by the said name, sue and be sued.

Appointment of Executive Officer.

13. The Executive Officer of every cantonment shall be appointed by the President of the Union or by such person as the President of the Union may authorize in this behalf, and, in a cantonment where there is a Board, shall be the Secretary, but shall not be a member, thereof:

Provided that, in the case of any cantonment where there is a Board, the President of the Union may direct that the Executive Officer may be appointed by the Board subject to such conditions as the President of the Union may impose.

Constitution of Cantonment Board.

14. (*1*) Every Board shall consist of the following members, namely:—

(*a*) the Officer Commanding the station;

(*b*) a Magistrate of the first class nominated by the District Magistrate;

(*c*) the Health Officer;

(*d*) the Executive Engineer;

(*e*) such military officers not exceeding four in number as may be nominated by name by the Officer Commanding the station by order in writing:

Provided that the Officer Commanding the station may, if he thinks fit, with the sanction of the Officer Commanding-in-Chief, the Command, nominate in place of any military officer whom he is empowered to nominate under this clause any person, whether in the service of the Government or not, who is ordinarily resident in the cantonment or in the vicinity thereof, to represent any interest or community not otherwise represented on the Board.;

(*f*) such number of members elected under this Act as is equal to the number of members constituted or nominated by or under clauses (*b*) to (*e*):

Provided that, in the case of any cantonment in which the total civil population is, according to the latest census, less than two thousand five hundred in number, the President of the Union may, by notification in the Gazette, declare that the provisions of clauses (*e*) and (*f*) shall not apply and

may, by a like notification, nominate as members of the Board not more than three persons who are resident in the cantonment or in the vicinity thereof and who either own land or house property in the cantonment or carry on business therein.

(*2*) Every election or nomination of a member of a Board and every vacancy in the membership thereof shall be notified by the President of the Union in the Gazette.

Term of office of members.

15. (*1*) Save as otherwise provided in this section, the term of office of a member of a Board shall be three years and shall commence from the date of the notification of his election or nomination under sub-section (*2*) of section 14, or from the date on which the vacancy has occurred in which he is elected or nominated, whichever date is later.

(*2*) The term of office of an *ex-officio* member of a Board shall continue so long as he holds the office in virtue of which he is such a member.

(*3*) The term of office of a member elected to fill a casual vacancy shall commence from the date of election, and shall continue so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(*4*) An outgoing member shall, unless the President of the Union otherwise directs, continue in office until the election or nomination of his successor is notified under sub-section (*2*) of section 14.

(*5*) Any outgoing member may, if qualified, be re-elected or re-nominated.

Filling of vacancies.

16. (*1*) Vacancies arising by efflux of time in the office of an elected member of a Board shall be filled by an ordinary election to be held on such date as the President of the Union may, by notification in the Gazette, direct.

(*2*) A casual vacancy shall be filled by a casual election the date of which shall be fixed by the President of the Union by notification in the Gazette, and shall be as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within three months of any date on which the vacancy will occur by efflux of time, but such vacancy shall be filled at the next ordinary election.

Vacancies in special cases.

17. (*1*) If from any cause at an ordinary election no member is elected, or if the elected member is unwilling to serve on the Board, the outgoing member shall, if qualified and willing to serve, be deemed to have been re-elected.

(*2*) If in any such case the outgoing member is not qualified or is not willing to serve, or if at a casual election no member is elected, the vacancy shall be filled by nomination by the President of the Union with the concurrence of the Officer Commanding-in-Chief, the Command.

(*3*) The term of office of a member nominated or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

Oath or affirmation.

18. (*1*) Every person who is by virtue of his office, or who is nominated or elected to be, a member of a Board shall, before taking his seat, make at a meeting of the Board an oath or affirmation of his allegiance to the Government in the following form, namely:—

"I, A.B., having $\frac{\text{become}}{\text{been elected}}{\text{been nominated}}$ a member of this Board, do solemnly swear (*or* affirm) that I will be faithful [to the Constitution of the Union],[1] and that I will faithfully discharge the duty upon which I am about to enter."

(*2*) If any such person fails to make the oath or affirmation within such time as the President of the Union considers reasonable, the President of the Union shall, by notification in the Gazette, declare his seat to be vacant.

Resignation.

19. (*1*) Any nominated or elected member of a Board who wishes to resign his office may forward his resignation in writing through the [Chairman][1] of the Board to the Officer Commanding-in-Chief, the Command, who shall forward it for orders to the President of the Union.

(*2*) If the President of the Union accepts the resignation, such acceptance shall be communicated to the Board, and thereupon the seat of the member resigning shall become vacant.

Chairman and Vice-Chairman.

20. (*1*) The Officer Commanding the station shall be the [Chairman][1] of the Board:

Provided that when a military officer holding the office of [Chairman][1] ceases to be the Officer Commanding the station merely by reason of a temporary absence from the station on duty or on station leave, or during the transfer of his headquarters to a hill station, he shall not vacate the office of [Chairman].[1]

(*2*) There shall be a [Vice-Chairman][1] of every Board elected from among the members at a meeting thereof:

Provided that, where the Board includes elected members, the [Vice-Chairman][1] shall be elected by those members only from among their number.

Term of office of Vice-Chairman.

21. (*1*) The term of office of a [Vice-Chairman][1] shall be—

(*a*) in the case of a person who is not in the service of the Government, three years or the residue of his term of office as a member, whichever is less, or

(*b*) in the case of a person in the service of the Government, the residue of the term of his office as a member.

(*2*) A [Vice-Chairman][1] may resign his office by notice in writing to the [Chairman][1] and, on the resignation being accepted by the Board, the office shall become vacant.

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Duties of Chairman.

22. (*1*) It shall be the duty of the [Chairman][1] of every Board—

(*a*) unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to regulate the conduct of business thereat;

(*b*) to exercise supervision and control over the financial and executive administration of the Board;

(*c*) to perform all the duties and exercise all the powers specifically imposed or conferred on the [Chairman][1] by or under this Act; and

(*d*) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power for the purpose of carrying out the provisions of this Act and to be directly responsible for the fulfilment of the purposes of this Act.

(*2*) The [Chairman][1] may, by order in writing, empower the [Vice-Chairman][1] to exercise all or any of the powers and duties referred to in clause (*c*) of sub-section (*1*) other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate.

(*3*) The exercise or discharge of any powers, duties or functions delegated by the [Chairman][1] under this section shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the [Chairman][1] and to the control of, and to revision by, the [Chairman].[1]

(*4*) Every order made under sub-section (*2*) shall forthwith be communicated to the Board and to the Officer Commanding-in-Chief, the Command.

Duties of Vice-Chairman.

23. It shall be the duty of the [Vice-Chairman][1] of every Board—

(*a*) in the absence of the [Chairman][1] and unless prevented by reasonable cause, to preside at meetings of the Board and when so presiding to exercise the authority of the [Chairman][1] under sub-section (*1*) of section 22;

(*b*) during the incapacity or temporary absence of the [Chairman][1] or pending his appointment or succession, to perform any other duty and exercise any other power of the [Chairman];[1] and

(*c*) to exercise any power and perform any duty of the [Chairman][1] which may be delegated to him under sub-section (*2*) of section 22.

Duties of the Executive Officer.

24. The Executive Officer shall perform all the duties imposed upon him by or under this Act, and shall be responsible for the custody of all the records of the Cantonment Authority, and shall arrange for the performance of such duties relative to the proceedings of the Board or of any committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him, and shall comply with every requisition of the Cantonment Authority on any matter pertaining to the administration of the cantonment.

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Special power of the Executive Officer.

25. The Executive Officer may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Cantonment Authority and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the cantonment fund :

Provided that—

(*a*) where there is a Board, he shall not act under this section without the previous sanction of the [Chairman][1] or, in his absence, of the [Vice-Chairman] ;[1]

(*b*) he shall not act under this section in contravention of any order of the Cantonment Authority prohibiting the execution of any particular work or the doing of any particular act ; and

(*c*) he shall report forthwith the action taken under this section and the reasons therefor to the Cantonment Authority.

Elections.

Electoral rolls.

26. (*1*) Where a Board is to be constituted in any cantonment, otherwise than in accordance with the proviso to sub-section (*1*) of section 14, the Cantonment Authority shall prepare and publish an electoral roll showing the names of persons qualified to vote at elections to the Board. Such roll shall be prepared, revised and finally published in such manner and on such date in each year as the President of the Union may by rule prescribe.

(*2*) Every person whose name appears in the final electoral roll shall, so long as the roll remains in force, be entitled to vote at an election to the Board, and no other person shall be so entitled.

(*3*) When a cantonment has been divided into wards, or the inhabitants into classes, the electoral roll shall be divided into separate lists for each ward or class, as the case may be.

(*4*) If a new electoral roll is not published in any year on the date prescribed, the President of the Union may direct that the old electoral roll shall continue in operation until the new roll is published.

Qualification of electors.

27. (*1*) The following persons shall, if not otherwise disqualified, be entitled to be enrolled as electors, namely :—

(*a*) every person who in any year has, on or before such date as may be fixed by the President of the Union in this behalf by notification in the Gazette (hereinafter in this section referred to as the aforesaid date), been assessed directly and on his own account to taxes under this Act (other than octroi, toll or terminal tax), the aggregate value whereof is not less than such amount as the President of the Union may by rule prescribe, and who on the aforesaid date is not in arrears in the payment of any such tax ;

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*b*) every person who has for a period of not less than twelve months immediately preceding the aforesaid date resided in the cantonment and on the aforesaid date—

(i) is the owner or the mortgagee in possession or the lessee of any building or land in the cantonment, of an annual value calculated in such manner, and of not less than such amount, as the President of the Union may by rule prescribe; or

(ii) is carrying on any business in the cantonment from which he derives an annual income calculated in such manner, and of not less than such amount, as the President of the Union may by rule prescribe; or

(iii) is a graduate of any University established by law in the Union of Burma [* * *];[1] or

(iv) is a retired or pensioned officer, whether commissioned or non-commissioned, of [the Burma] [2] forces;

(*c*) every person who has, during a period of not less than twelve months immediately preceding the aforesaid date, resided in the cantonment and has during that period been assessed to income-tax.

(*2*) A person, notwithstanding that he is otherwise qualified, shall not be entitled to be enrolled as an elector if he on the aforesaid date—

(i) is not a [citizen of the Union] [2], or

(ii) is less than [18] [3] years of age, or

(iii) has been adjudged by a competent Court to be of unsound mind, or

(iv) is an undischarged insolvent, or

(v) has been sentenced by a criminal Court to imprisonment for a term exceeding six months or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, or has been sentenced by a criminal Court for any offence under Chapter IXA of the Penal Code:

Provided that the President of the Union may, by order in writing, remove any disqualification incurred by a person under clause (v).

(*3*) If any person having been enrolled as an elector in any electoral roll subsequently becomes subject to any of the disqualifications referred to in clauses (i), (iii), (iv) and (v) of sub-section (*2*), his name shall be removed from the electoral roll unless, in the case referred to in clause (v), the disqualification is removed by the President of the Union.

Qualification for being a member of the Board.

28. (*1*) Save as hereinafter provided, every person, not being a stipendiary Magistrate or a military officer or soldier, whose name is entered on the electoral roll of a cantonment shall be qualified for election as a member of the Board in that cantonment.

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[1] Deleted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] Substituted *ibid.*

(2) No person shall be qualified for election or nomination as a member of a Board, if he—

(*a*) has been dismissed from the service of the Government and is debarred from re-employment therein, or is a dismissed servant of the Cantonment Authority;

(*b*) is debarred from practising as a legal practitioner by order of any competent authority;

(*c*) holds any place of profit in the gift or at the disposal of the Board, or is a police-officer, or is the servant or employer of a member of the Board; or

(*d*) is interested in a subsisting contract made with, or in work being done for, the Board except as a shareholder (other than a director) in an incorporated company; or

(*e*) is disqualified under any other provision of this Act:

Provided that—

(i) any of the disqualifications referred to in clauses (*a*) and (*b*) may be removed by an order of the President of the Union in this behalf; and

(ii) a person shall not be deemed to have any interest in such a contract or work as is referred to in clause (*d*) by reason only of his having a share or interest in—

(*a*) any lease or sale or purchase of immoveable property or any agreement for the same; or

(*b*) any agreement for the loan of money or any security for the payment of money only; or

(*c*) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(*d*) the sale to the Board of any articles in which he regularly trades or the purchase from the Board of any articles, to a value in either case not exceeding Rs. 1,500 in the aggregate in any year during the period of the contract or work.

Interpretation.

29. For the purposes of sections 26, 27 and 28—

(*a*) "person" means an individual human being, and

(*b*) a person shall be deemed to pay a tax directly if he pays the tax either himself or through a legally appointed agent.

Joint families, etc.

30. Notwithstanding anything hereinbefore contained, the President of the Union may make rules conferring on the manager or representative of an undivided family or of any company or firm or other association or body or on any trustee of any land a right to be enrolled as an elector or to be nominated as a candidate at elections to a Board.

Power to make rules regulating elections.

31. The President of the Union may, either generally or specially for any cantonment or group of cantonments, after previous publication, make rules consistent with this Act to regulate all or any of the following matters for the purpose of the holding of elections under this Act, namely :—

(*a*) the division of a cantonment into wards, or of the inhabitants of a cantonment into classes, or both ;

(*b*) the determination of the number of members to be elected by each ward or class of persons ;

(*c*) the method by which the annual value of buildings and lands shall be calculated for the purposes of section 27 ;

(*d*) the preparation, revision and final publication of electoral rolls ;

(*e*) the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded ;

(*f*) the authority by which and the manner in which disputes relating, to electoral rolls or arising out of elections shall be decided and the powers and duties of such authority and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected ;

(*g*) any other matter relating to elections or election disputes in respect of which the President of the Union is empowered to make rules under this Chapter or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the President of the Union, necessary.

Members.

Member not to vote on matter in which he is interested.

32. No member of a Board shall vote at a meeting of the Board on any question relating to his own conduct or on any matter, other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent,

Liability of members.

33. Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member ; and a suit for compensation for the same may be instituted against him either by the Board or by the Government.

Removal of members.

34. (*1*) The President of the Union may remove from a Board any member thereof who—

(*a*) becomes subject to any of the disqualifications specified in sub-section (*2*) of section 27, or in sub-section (*2*) of section 28 ; or

(*b*) has absented himself for more than three consecutive months from the meetings of the Board and is unable to explain such absence to the satisfaction of the Board ; or

(*c*) has knowingly contravened the provisions of section 32 ; or

(*d*) being a legal practitioner, acts or appears on behalf of any other person against the Board in any legal proceeding or against [* * * * *] [1] the Government in any such proceeding relating to any matter in which the Board is or has been concerned, or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person.

(*2*) The President of the Union may remove from a Board any member who, in the opinion of the President of the Union, has so flagrantly abused in any manner his position as a member of the Board as to render his continuance as a member detrimental to the public interests.

(*3*) No member shall be removed from a Board under this section unless he has been given a reasonable opportunity of showing cause against his removal.

Consequences of removal.

35. (*1*) A member removed under clause (*b*) of sub-section (*1*) of section 34 shall, if otherwise qualified, be eligible for re-election or re-nomination.

(*2*) A member removed under clause (*c*) or clause (*d*) of sub-section (*1*) of section 34 shall not be eligible for re-election or nomination for the period during which, but for such removal, he would have continued in office.

(*3*) A member removed under sub-section (*2*) of section 34 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.

Servants.

Disqualification of person as servant of Cantonment Authority.

36. (*1*) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a Cantonment Authority or in any employment under, by or on behalf of a Cantonment Authority, otherwise than as a servant of the Cantonment Authority, shall become or remain a servant of such Cantonment Authority.

(*2*) A servant of a Cantonment Authority who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Cantonment Authority or in any employment under, by or on behalf of, the Cantonment Authority, otherwise than as a servant of the Cantonment Authority, shall be deemed to have committed an offence under section 168 of the Penal Code.

(*3*) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of a Cantonment Authority if the same is a share in a company contracting with, or employed by, or on behalf of, the Cantonment Authority or is a share or

[1] The words "the Secretary of State or" were omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

interest acquired or retained with the permission of the Officer Commanding-in-Chief, the Command, in any lease or sale to, or purchase by, the Cantonment Authority of land or buildings or in any agreement for the same.

Cantonment servant to be deemed a public servant.

36A. Every officer or servant, permament or temporary, of a Cantonment Authority shall be deemed to be a public servant within the meaning of the Penal Code, and in the definition of "legal remuneration" in section 161 of that Code, the word "Government" shall, for the purposes of this section, be deemed to include a Cantonment Authority.

Procedure.

Meetings.

37. (*1*) Every Board shall ordinarily hold at least one meeting in every month on such day as may be fixed, and of which notice shall be given in such manner as may be provided by regulations made by the Board under this Chapter.

(*2*) The [Chairman][1] may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.

(*3*) Any meeting may be adjourned until the next or any subsequent day, and an adjourned meeting may be further adjourned in like manner.

Business to be transacted.

38. Subject to any regulation made by the Board under this Chapter, any business may be transacted at any meeting:

Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless notice of the same and of the date fixed therefor has been sent to each member not less than seven days before that date.

Quorum.

39. (*1*) The quorum necessary for the transaction of business at a meeting of a Board shall be five or one-half of the number of members of the Board actually holding office at the time, whichever is the greater number:

Provided that, where the Board does not include any elected member, the quorum shall be four.

(*2*) If a quorum is not present the [Chairman][1] shall adjourn the meeting, and the business which would have been brought before the original meeting if there had been a quorum present thereat shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

Presiding officer.

40. In the absence of both the [Chairman][1] and the [Vice-Chairman][1] from any meeting, the members present shall elect one from among their own number to preside.

Minutes.

41. (*1*) Minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the [Chairman][1] before the close of the meeting.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

and shall, at such times and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment.

(*2*) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to the Officer Commanding-in-Chief, the Command, the Officer Commanding the brigade area, and the District Magistrate.

Meetings to be public.

42. Every meeting of a Board shall be open to the public unless in any case the [Chairman],[1] for reasons to be recorded in the minutes, otherwise directs.

Method of deciding questions.

43. (*1*) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting.

(*2*) In the case of an equality of votes, the [Chairman][1] shall have a second or casting vote.

(*3*) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes, together with a short statement of the grounds for such dissent.

Power to make regulations.

44. (*1*) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely :—

(*a*) the time and place of its meetings ;

(*b*) the manner in which notice of the meeting shall be given ;

(*c*) the conduct of proceedings at meetings and the adjournment of meetings ;

(*d*) the custody of the common seal of the Board and the purposes for which it shall be used ; and

(*e*) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws.

(*2*) No regulation made under clause (*e*) of sub-section (*1*) shall take effect until it has been approved by the President of the Union.

(*3*) No regulation made under this section shall take effect until it has been published in such manner as the President of the Union may direct.

Joint action with other local authority.

45. (*1*) A Cantonment Authority may—

(*a*) join with any other local authority—

(i) in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee ;

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(ii) in delegating to such committee power to frame terms binding on the Cantonment Authority and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by either of the said authorities; and

(iii) in making rules for regulating the proceedings of any such committee relating to the purposes for which it has been appointed; or

(*b*) with the previous sanction of the President of the Union, enter into an agreement with any other local authority regarding the levy of any tax or toll whereby the said tax or toll respectively leviable by the authorities so contracting may be levied together instead of separately within the limits of the aggregate area comprising the areas subject to the control of the said authorities.

(*2*) If any difference of opinion arises between any authorities acting together under this section, the decision thereon of the President of the Union or of an officer appointed by the President of the Union in this behalf shall be final.

(*3*) When any agreement such as is referred to in clause (*b*) of sub-section (*1*) has been entered into, then—

(*a*) where the agreement relates to an octroi or terminal tax or toll, the other local authority with which the Cantonment Authority has made such agreement shall have the same powers to establish octroi limits and octroi stations and places for the collection of the terminal tax and terminal toll within the cantonment as it has within the area ordinarily subject to its control;

(*b*) such other local authority shall have the same power of collecting such tax or toll in the cantonment, and the provisions of any enactment in force relating to the levy of such tax or toll by such other local authority shall apply in the same manner as if the cantonment were comprised within the area ordinarily subject to its control; and

(*c*) the total of the collection of such tax and toll made in the cantonment and in the area ordinarily subject to the control of such other local authority and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority in such proportion as may have been determined by the agreement.

Control.

Power of President to require production of documents.

46. The President of the Union may at any time require a Cantonment Authority—

(*a*) to produce any record, correspondence, plan or other document in its possession or under its control;

(*b*) to furnish any return, plan, estimate, statement, account or statistics relating to its proceedings, duties or works;

(*c*) to furnish or obtain and furnish any report.

Inspection.

47. The President of the Union or the Officer Commanding-in-Chief, the Command, may depute any person in the service of the Government to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a Cantonment Authority, and to report thereon, and the Cantonment Authority and its officers and servants shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the Cantonment Authority and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

Power to call for documents.

48. The President of the Union or the Officer Commanding-in-Chief, the Command, may, by order in writing,—

(*a*) call for any book or document in the possession or under the control of the Cantonment Authority;

(*b*) require the Cantonment Authority to furnish such statements, accounts, reports and copies of documentsre lating to its proceedings, duties or works as he thinks fit.

Power to require execution of work, etc.

49. If, on receipt of any information or report obtained under section 47 or section 48, the President of the Union or the Officer Commanding-in-Chief, the Command, is of opinion—

(*a*) that any duty imposed on a Cantonment Authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(*b*) that adequate financial provision has not been made for the performance of any such duty,

he may (in the case of the Officer Commanding-in-Chief, the Command, after consulting the President of the Union) direct the Cantonment Authority, within such period as he thinks fit, to make arrangements to his satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to his satisfaction for the performance of the duty:

Provided that, unless in the opinion of the President of the Union or the Officer Commanding-in-Chief, the Command, as the case may be, the immediate execution of such order is necessary, he shall, before making any direction under this section, give the Cantonment Authority an opportunity of showing cause why such direction should not be made.

Power to provide for enforcement of direction under section 49.

50. If, within the period fixed by a direction made under section 49, any action the taking of which has been directed under that section has not been duly taken, the President of the Union or the Officer Commanding-in-Chief, the Command, as the case may be, may make arrangements for the taking of such action, and may direct that all expenses connected therewith shall be defrayed out of the cantonment fund.

Power to override decision of Board.

51. (*1*) If the [Chairman][1] dissents from any decision of the Board, which he considers prejudicial to the health, welfare or discipline of the troops in the cantonment, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month and, if he does so, shall forthwith refer the matter to the Officer Commanding-in-Chief, the Command.

(*2*) If the District Magistrate considers any decision of a Cantonment Authority to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the Cantonment Authority, refer the matter to the President of the Union; and, pending the disposal of the reference to the President of the Union, no action shall be taken on the decision.

(*3*) If any Magistrate who is a member of a Board, being present at a meeting, dissents from any decision which he considers prejudicial to the public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the [Chairman],[1] report the matter to the District Magistrate; and the [Chairman][1] shall, on receipt of such notice, direct the suspension of action on the decision for a period sufficient to allow of a communication being made to the District Magistrate and of his taking proceedings as provided by sub-section (*2*).

Power of Officer Commanding-in-Chief, the Command, on reference under section 51 or otherwise.

52. (*1*) The Officer Commanding-in-Chief, the Command, may at any time—

(*a*) direct that any matter or any specific proposal other than one which has been referred to the President of the Union under sub-section (*2*) of section 51 be considered or re-considered by the Cantonment Authority; or

(*b*) direct the suspension, for such period as may be stated in the order, of action on any decision of a Cantonment Authority, other than a decision which has been referred to him under sub-section (*1*) of section 51, and thereafter cancel the suspension or direct that the decision shall not be carried into effect or that it shall be carried into effect with such modifications as he may specify.

(*2*) When any decision of a Board has been referred to him under sub-section (*1*) of section 51, the Officer Commanding-in-Chief, the Command, may, by order in writing,—

(*a*) cancel the order given by the [Chairman][1] directing the suspension of action; or

(*b*) extend the duration of the order for such period as he thinks fit; or

(*c*) direct that the decision be carried into effect by the Board with such modifications as he may specify.

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Powers of President on a reference made under section 51.

53. When any decision of a Cantonment Authority has been referred to the President of the Union under sub-section (2) of section 51, the President of the Union may, after consulting the Officer Commanding-in-Chief, the Command, by order in writing,—

(*a*) direct that no action be taken on the decision ; or

(*b*) direct that the decision be carried into effect either without modification or with such modifications as he may specify.

Supersession of Board.

54. (*1*) If, in the opinion of the President of the Union, any Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the President of the Union, by an order published, together with the statement of the reasons therefor, in the Gazette, declare the Board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order :

Provided that no Board shall be superseded unless a reasonable opportunity has been given to it to show cause against the supersession.

(*2*) When a Board is superseded by an order under sub-section (*1*)—

(*a*) all members of the Board shall, on such date as may be specified in the order, vacate their offices as such members but without prejudice to their eligibility for election or nomination under clause (*c*) ;

(*b*) during the supersession of the Board, all powers and duties conferred and imposed upon the Board by or under this Act or otherwise by law shall be exercised and performed by the Officer Commanding the station subject to such reservation, if any, as the President of the Union may prescribe in this behalf ; and

(*c*) before the expiry of the period of supersession elections shall be held and nominations made for the purpose of reconstituting the Board.

Validity of Proceedings.

Validity of proceedings, etc.

55. (*1*) No act or proceeding of a Board or of any committee of a Board shall be invalid by reason only of the existence of a vacancy in the Board or committee.

(*2*) No disqualification or defect in the election, nomination or appointment of a person acting as the [Chairman][1] or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or committee if the majority of the persons present at the time of the act being done or the proceeding being taken were duly qualified members thereof.

(*3*) Any document or minutes which purport to be the record of the proceedings of a Board or of any committee of a Board shall, if made and

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be, whereof all the members were duly qualified.

CHAPTER IV.

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS.

Unauthorized sale of spirituous liquor or intoxicating drug.

56. If within a cantonment, or within such limits adjoining a cantonment as the President of the Union may, by notification in the Gazette, define, any person not subject to military or air-force law or any person subject to military or air-force law otherwise than as a military officer or a soldier knowingly barters, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or follower or soldier's wife or minor child without the written permission of the Officer Commanding the station or of some person authorized by the Officer Commanding the station to grant such permission, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Unauthorized possession of spirituous liquor.

57. If within a cantonment, or within any limits defined under section 56,—

(*a*) any person subject to military or air-force law otherwise than as a military officer or a soldier, or

(*b*) the wife or servant of any such person or of a soldier,

has in his or her possession, except on behalf of the Government or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt-liquor, without the written permission of the Officer Commanding the station or of some person authorized by the Officer Commanding the station to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to fifty rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections.

58. (*1*) Any police officer or excise officer may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence under section 56 or section 57, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained.

(*2*) Where a person accused of an offence under section 56 has been previously convicted of an offence under that section, an officer in charge of a police-station may, with the written permission of a Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged

commission of the subsequent offence, belonged to, or was in the possession of, such person.

(*3*) The Court convicting a person of an offence under section 56 or section 57 may order the confiscation of the whole or any part of anything seized under sub-section (*1*) or sub-section (*2*).

(*4*) Subject to the provisions of Chapter XLIII of the Code of Criminal Procedure, anything seized under sub-section (*1*) or sub-section (*2*) and not confiscated under sub-section (*3*) shall be restored to the person from whom it was taken.

Saving of articles sold or supplied for medicinal purposes.

59. The foregoing provisions of this Chapter shall not apply to the sale or supply of any article in good faith for medicinal purposes by a medical practitioner, chemist or druggist authorized in this behalf by a general or special order of the Officer Commanding the station.

CHAPTER V.

TAXATION.

Imposition of Taxation.

General power of taxation.

60. The President of the Union may, by notification in the Gazette, impose in any cantonment any tax which, under any enactment in force on the date of the notification, may be imposed in any municipality within [the Union of Burma.][1]

Framing of preliminary proposals

61. (*1*) When the President of the Union proposes to impose any tax under section 60, he shall, by notification in the Gazette, and in such other manner as is in his opinion best suited for the purpose, give notice of his intention.

(*2*) Every notification issued under sub-section (*1*) shall specify—

(*a*) the tax which it is proposed to impose ;

(*b*) the persons or classes of persons to be made liable and the description of the property or other taxable thing or circumstance in respect of which they are to be made liable ; and

(*c*) the rate at which the tax is to be levied.

Objections.

62. Any inhabitant of the cantonment may, within thirty days from the date of the notification under section 61, submit to the President of the Union an objection in writing to all or any of the proposals framed therein, and the President of the Union shall take any objection so submitted into consideration.

Consideration of objections and imposition of tax.

63. After the expiry of thirty days from the date of the notification and after considering all objections submitted thereto under section 62, the President of the Union may impose the tax either in the original form or, if any such objection has been so submitted, in that form or in such modified form as he thinks fit.

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[1] Substituted for the words " the province " by Act II, 1945, and the Union of Burma (Adaptation of Laws) Order, 1948.

Definition of "annual value."

64. For the purposes of this Chapter "annual value" means—

(*a*) in the case of railway stations, hotels, colleges, schools, hospitals, factories and any other buildings which a Cantonment Authority decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto, and

(*b*) in the case of a building or land not assessed under clause (*a*), the gross annual rent for which such building (exclusive of furniture or machinery therein) or such land is actually let or, where the building or land is not let or in the opinion of the Cantonment Authority is let for a sum less than its fair letting value, might reasonably be expected to let from year to year :

Provided that, where the annual value of any building is, by reason of exceptional circumstances, in the opinion of the Cantonment Authority, excessive if calculated in the aforesaid manner, the Cantonment Authority may fix the annual value at any less amount which appears to it to be just.

Incidence of taxation.

65. (*1*) Save as otherwise expressly provided in the notification imposing the tax, every tax assessed on the annual value of buildings or lands or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or lands or holds them on a building or other lease from the Government or from the Cantonment Authority or on a building lease from any person.

(*2*) In any other case, the tax shall be primarily leviable as follows, namely :—

(*a*) if the property is let, upon the lessor ;

(*b*) if the property is sub-let, upon the superior lessor ;

(*c*) if the property is unlet, upon the person in whom the right to let the same vests.

(*3*) On failure to recover any sum due on account of such tax from the person primarily liable, there may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due such portion of the sum due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.

(*4*) An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount so paid from the amount of any rent from time to time becoming due from him to such person.

Assessment List.

Assessment list.

66. When a tax assessed on the annual value of buildings or lands or both is imposed, the Cantonment Authority shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared in such form as the President of the Union may by rule prescribe.

Publication of assessment list.

67. When the assessment list has been prepared, the Cantonment Authority shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any property included in the list, and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

Revision of assessment list.

68. (*1*) The Cantonment Authority shall, at the same time, give public notice of a date, not less than one month thereafter, when it will proceed to consider the valuations and assessments entered in the assessment list, and, in all cases in which any property is for the first time assessed or the assessment is increased, it shall also give written notice thereof to the owner and to any lessee or occupier of the property.

(*2*) Any objection to a valuation or assessment shall be made in writing to the Cantonment Authority before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the Cantonment Authority.

(*3*) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard, either in person or by authorized agent, by an Assessment Committee appointed by the Cantonment Authority.

(*4*) The Assessment Committee shall consist of not less than three persons, and, where there is a Board, it shall not be necessary to appoint to the Assessment Committee any member thereof.

Authentication of assessment list.

69. (*1*) When all objections made under section 68 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the members of the Assessment Committee who shall, at the same time, certify that they have considered all objections duly made and have amended the list so far as is required by their decisions on such objections.

(*2*) The assessment list so authenticated shall be deposited in the office of the Cantonment Authority, and shall there be open, free of charge, during office hours to all owners, lessees and occupiers of property comprised therein, or the authorized agents of such persons, and a public notice that it is so open shall forthwith be published.

Evidentia value of assessment list.

70. Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 69 shall be accepted as conclusive evidence—

(i) for the purpose of assessing any tax imposed under this Act, of the annual value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.

Amendment of assessment list.

71. (*1*) The Cantonment Authority may, at any time, amend the assessment list by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Cantonment Authority or of the Assessment Committee or of the assessee, or, in the case of a tax payable by an occupier, by a change in the tenancy, after giving notice to any person affected by the amendment of a time, not less than one month from the date of service, at which the amendment is to be made :

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the financial year in which the amendment is made.

(2) Any person interested in any such amendment may tender an objection to the Cantonment Authority in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent.

Preparation of new assessment list.

72. The Cantonment Authority shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 66 to 71 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

Notice of transfers.

73. (*1*) Whenever the title of any person primarily liable for the payment of a tax on the annual value of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument executed, give notice of such transfer to the Executive Officer.

(*2*) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Executive Officer within six months from the death of the deceased.

(*3*) The notice to be given under this section shall be in such form as the Executive Officer may direct, and the transferee or other person on whom

the title devolves shall, if so required, be bound to produce before the Executive Officer any documents evidencing the transfer or devolution.

(*4*) Every person who makes a transfer as aforesaid without giving such notice to the Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Cantonment Authority, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

Notice of erection of buildings.

74. (*1*) If any building is erected or re-erected within the meaning of section 179, the owner shall give notice thereof to the Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.

(*2*) Any person failing to give the notice required by sub-section (*1*) shall be punishable with fine which may extend to fifty rupees or ten times the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

Remission and Refund.

Demolition, etc., of buildings.

75. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Cantonment Authority may, on the application in writing of the owner, remit or refund such portion of any tax assessed on the annual value thereof as it thinks fit.

Remission of tax.

76. In a cantonment other than a hill cantonment, when any building or land has remained vacant and unproductive of rent for ninety or more consecutive days during any year, the Cantonment Authority shall remit or refund, as the case may be, such portion of any tax assessed on the annual value thereof and payable in respect of that year as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent.

Power to require entry in assessment list of details of buildings.

77. For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Cantonment Authority, at the time of the assessment of the building, to enter in the assessment list, in addition to the annual value of the whole building, a note recording in detail the annual value of each separate tenement. When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for ninety or more consecutive days during any year, such portion of any tax assessed on the annual value of the whole building and payable in respect of that year shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

Notice to be given of the circumstances in which

77A. No remission or refund under section 76 or section 77 shall be made unless notice in writing of the fact that the building, land or tenement has become vacant and unproductive of rent has been given to the Cantonment

Authority, and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice. remission or refund is claimed.

78. (*1*) For the purposes of sections 76 and 77 no building, tenement or land shall be deemed vacant if maintained as a pleasure resort or town or country house, or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not. What buildings, etc., are to be deemed vacant.

(*2*) The burden of proving all facts entitling any person to claim relief under section 75, or section 76, or section 77, shall be upon him.

79. (*1*) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 76 or section 77 shall give notice of the re-occupation of such building, tenement or land within fifteen days of such re-occupation. Notice to be given of every occupation of vacant building or house.

(*2*) Any owner failing to give the notice required by sub-section (*1*) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied, and which may extend to fifty rupees, or to ten times the amount of the said tax, whichever sum is greater.

Charge on Immoveable Property.

80. A tax assessed on the annual value of any building or land shall, subject to the prior payment of the land-revenue, if any, due to the Government thereon, be a first charge upon the building or land. Tax on buildings and land to be a charge thereon.

Octroi, Terminal Tax and Toll.

81. Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll is leviable, shall, when so required by an officer duly authorized by the Cantonment Authority in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable— Inspection of imported goods, etc.

(*a*) permit that officer to inspect, examine or weigh such goods, vehicles or animals; and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such goods, vehicles or animals.

82. (*1*) Any person who takes or attempts to take past any octroi station or any other place appointed within a cantonment for the collection of octroi, terminal tax or toll any goods, vehicles or animals on account of which octroi, terminal tax or toll is leviable, and thereby evades, or attempts to evade, the payment of such octroi, terminal tax or toll, and any person who abets any such evasion or attempt at evasion, shall be punishable with fine which may extend either to ten times the value of such octroi, terminal tax or toll, or to fifty rupees, whichever is greater, and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be. Evasion of octroi or terminal tax.

(*2*) In case of non-payment of any octroi or terminal tax or toll on demand, the officer empowered to collect the same may seize any goods, vehicles or animals on which the octroi, terminal tax or toll is chargeable, or any part or number thereof which is of sufficient value to satisfy the demand.

(*3*) The Cantonment Authority, after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the goods, vehicles or animals were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and any expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid :

Provided that the Executive Officer may, in any case, order that any article of a perishable nature which cannot be kept for five days without serious risk of damage, or which cannot be kept save at a cost which, together with the amount of octroi, terminal tax or toll, is likely to exceed its value, shall be sold after the lapse of such shorter time as he may, having regard to the nature of the article, think proper.

(*4*) If, at any time before the sale has begun, the person whose property has been seized tenders to the Executive Officer the amount of all expenses incurred and of the octroi, terminal tax or toll, the Executive Officer shall release the property seized.

(*5*) The surplus, if any, of the sale-proceeds shall be credited to the cantonment fund, and shall, on application made to the Cantonment Authority within one year after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall be the property of the Cantonment Authority.

Lease of octroi, terminal tax or toll.

83. It shall be lawful for the Cantonment Authority, with the previous sanction of the Officer Commanding-in-Chief, the Command, to lease the collection of any octroi, terminal tax or toll for any period not exceeding one year ; and the lessee and all persons employed by him in the management and collection of the octroi, terminal tax or toll shall, in respect thereof,—

(*a*) be bound by any orders made by the Cantonment Authority for their guidance ;

(*b*) have such powers exercisable by officers or servants of the Cantonment Authority under this Act as the Cantonment Authority may confer upon them ; and

(*c*) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the Cantonment Authority for the management and collection of the octroi, terminal tax or toll, as the case may be :

Provided that no article distrained may be sold except under the orders of the Cantonment Authority.

Appeals.

Appeals against assessment.

84. (*1*) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Magistrate or to such other officer as may be empowered by the President of the Union in this behalf :

Provided that, where there is a Board and the person to whom the appeal would ordinarily lie is, or was when the tax was imposed, a member of the Board, the appeal shall lie to the Commissioner of the Division.

(*2*) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the High Court.

(*3*) On a reference being made under sub-section (*2*), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure.

Costs of appeal.

85. In every appeal the costs shall be in the discretion of the officer hearing the appeal.

Recovery of costs from Cantonment Authority.

86. If the Cantonment Authority fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

Conditions of right to appeal.

87. No appeal shall be heard or determined under this Chapter unless—

(*a*) the appeal is, in the case of a tax assessed on the annual value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 69 (exclusive of the time requisite for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 71, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof :

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the Court before whom the appeal is preferred that he had sufficient cause for not preferring it within that period ;

(*b*) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Cantonment Authority.

Finality of appellate orders.

88. The order of an appellate authority confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final :

Provided that it shall be lawful for the appellate authority, upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.

Payment and Recovery of Taxes.

Time and manner of payment of taxes.

89. Save as otherwise expressly provided under this Act, any tax imposed under the provisions of this Act shall be payable on such dates and in such instalments, if any, as the Cantonment Authority may, by public notice, direct.

Presentation of bill.

90. (*1*) When any tax has become due, the Executive Officer shall cause to be presented to the person liable for the payment thereof a bill for the amount due.

(*2*) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

Notice of demand.

91. (*1*) If the amount of the tax for which any bill has been presented is not paid to the Cantonment Authority within thirty days from the presentation thereof, the Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule I.

(*2*) For every notice of demand which the Executive Officer causes to be served on any person under this section, a fee of such amount, not exceeding one rupee, as shall in each case be fixed by the Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

Recovery of tax.

92. (*1*) If the person liable for the payment of any tax does not, within thirty days from the service of the notice of demand, pay the amount due, or show sufficient cause for non-payment of the same to the satisfaction of the Executive Officer, such sum, with all costs of recovery, may be recovered under a warrant, issued in the form set forth in Schedule II, by distress and sale of the moveable property of the defaulter :

Provided that the Executive Officer shall not recover any sum the liability for which has been remitted on appeal under this Chapter.

(*2*) Every warrant issued under this section shall be signed by the Executive Officer.

Distress.

93. (*1*) It shall be lawful for any servant of the Cantonment Authority to whom a warrant issued under section 92 is addressed to distrain, wherever it may be found, any moveable property of the person therein named

as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(*a*) the following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children.

(ii) tools of artisans,

(iii) books of account, or

(iv) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood ;

(*b*) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Executive Officer, should not have been distrained, it shall forthwith be returned.

(*2*) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

Disposal of distrained property.

94. (*1*) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(*2*) If the warrant is not in the meantime suspended by the Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (*2*) of section 93, be sold by public auction by order of the Executive Officer.

(*3*) The surplus of the sale-proceeds, if any, shall forthwith be credited to the cantonment fund, and notice of such credit shall be given at the same time to the person from whose possession the property was taken, and, if the same is claimed by written application to the Cantonment Authority within one year from the date of the notice, a refund thereof shall be made to such person. Any surplus not claimed within one year as aforesaid shall be the property of the Cantonment Authority.

(*4*) For every distraint made under this Chapter a fee of such amount, not exceeding one rupee, as shall in each case be fixed by the Executive Officer, shall be charged, and the said fee shall be included in the costs of recovery.

Recovery from a person about to

95. (*1*) If the Executive Officer has reason to believe that any person from whom any sum is due or is about to become due on account of any tax

leave cantonment.

is about to remove from the cantonment, he may direct the immediate payment by such person of the sum so due or about to become due and cause a bill for the same to be served on such person.

(*2*) If, on the service of such bill, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale in the manner hereinbefore provided in this Chapter, except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant for distress and sale may be issued and executed without any delay.

Power to institute suit for recovery.

96. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided in this Chapter, or after a defaulter has been so proceeded agaist unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction.

Special Provisions relating to Taxation.

Power to pronibit or exempt from taxation.

97. Every Cantonment Authority shall be deemed to be a Municipal Committee for the purposes of the Municipal Taxation Act.

Power to make special provision for conservancy in certain cases.

98. A Cantonment Authority may make special provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payment thereof, which shall be determined by a written agreement with the person liable for the payment of the conservancy or scavenging tax in respect of such factory, hotel, club or group of buildings or lands :

Provided that, in fixing the amount, proper regard shall be had to the probable cost to the Cantonment Authority of the services to be rendered.

Exemption in the case of buildings.

99. (*1*) When, in pursuance of section 98, a Cantonment Authority has fixed a special rate for the cleansing of any factory, hotel, club or group of buildings or lands, such premises shall be exempted from the payment of any conservancy or scavenging tax imposed in the cantonment.

(*2*) The following buildings and lands shall be exempt from any tax on property, namely :—

(*a*) places set apart for public worship and either actually so used or used for no other purpose ;

(*b*) buildings used for educational purposes and public libraries, playgrounds and *dharmsalas* which are open to the public and from which no income is derived ;

(*c*) hospitals and dispensaries maintained wholly by charitable contributions ;

(*d*) burning and burial grounds, not being the property of Government or a Cantonment Authority, which are controlled under the provisions of this Act ;

(*e*) buildings or lands vested in a Cantonment Authority ; and

(*f*) any buildings or lands, used or acquired for the public service or for any public purpose, which are the property of the [State][1], or in the occupation of the Government.

General power of exemption.

99A. The President of the Union may, by notification in the Gazette, exempt, either wholly or in part, from the payment of any tax imposed under this Act any person or class of persons or any property or goods or class of property or goods.

Exemption of poor persons.

100. A Cantonment Authority may exempt, for a period not exceeding one year at a time, from the payment of any tax or any portion of a tax imposed under this Act any person who is in its opinion by reason of poverty unable to pay the same.

Composition.

101. (*1*) A Cantonment Authority may, with the previous sanction of the Officer Commanding-in-Chief, the Command, allow any person to compound for any tax.

(*2*) Every sum due by reason of the composition of a tax under sub-section (*1*) shall be recoverable as if it were a tax.

Irrecoverable debts.

102. A Cantonment Authority may write off any sum due on account of any tax or of the costs of recovering any tax if such sum is, in its opinion, irrecoverable.

Obligation to disclose liability.

103. (*1*) The Executive Officer may, by written notice, call upon any inhabitant of the cantonment to furnish such information as may be necessary for the purpose of ascertaining—

(*a*) whether such inhabitant is liable to pay any tax imposed under this Act ;

(*b*) at what amount he should be assessed ; or

(*c*) the annual value of the building or land which he occupies and the name and address of the owner or lessee thereof.

(*2*) If any person, when called upon under sub-section (*1*) to furnish information, neglects to furnish it or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees.

Immaterial error not to affect liability.

104. No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment, charge or demand, if the directions contained in this Act and the rules and bye-laws

[1] Substituted for the word "Crown" by the Union of Burma (Adaptation of Laws) Order, 1948.

made thereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Distraint not to be invalid by reason of immaterial defect.

105. No distress levied under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand, warrant of distress or other proceeding relating thereto; nor shall any such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

CHAPTER VI.

CANTONMENT FUND AND PROPERTY.

Cantonment Fund.

Cantonment fund.

106. There shall be formed for every cantonment a cantonment fund, and there shall be placed to the credit thereof the following sums, namely:—

(*a*) * * * *

(*b*) all sums received by or on behalf of the Cantonment Authority, and

(*c*) subject to any deductions made under section 545 of the Code of Criminal Procedure, or under any other law for the time being in force, or under any order of the President of the Union, all fines recovered from persons convicted of offences committed within the cantonment—

(i) under this Act or any rule or bye-law made thereunder, or

(ii) under section [47] [1] of the Police Act, or under any corresponding enactment for the time being in force, or

(iii) under Chapter XIII or Chapter XIV of the Penal Code, or

[2](iv) * * * *

(v) under the provisions of any enactment wherein or whereunder provision is made for a fine being credited to the cantonment fund, or

(vi) under any other enactment for the time being in force in respect of which the President of the Union may, by general or special order, direct that fines realised thereunder shall be credited to the cantonment fund.

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[1] Substituted for the figure "34" by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] Omitted *ibid*.

Custody of cantonment fund.

107. (*1*) Where in or near a cantonment there is a Government treasury or sub-treasury, or a branch of the Imperial Bank of India, the cantonment fund shall be kept in such treasury, sub-treasury or bank, as the case may be.

(*2*) Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any bank to which the Government treasury business has been entrusted, and, in the absence of such a bank, with any banker or person acting as a banker who has given such security for the safe custody of the fund and the payment on demand of the funds so deposited as the President of the Union may in each case direct.

(*3*) A Cantonment Authority may, from time to time, with the previous sanction of the President of the Union, invest any portion of its cantonment fund in securities of the Government of India or Pakistan or Union of Burma Government securities or in such other securities, including fixed deposits in banks, as the President of the Union may approve in this behalf, and may dispose of such investments or vary them for others of a like nature.

(*4*) The income resulting from any fixed deposit or from any such security as is referred to in sub-section (*3*) or from the proceeds of the sale of any such security shall be credited to the cantonment fund.

Property.

Property.

108. Subject to any special reservation made by the President of the Union, all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a Cantonment Authority shall vest in and belong to that Cantonment Authority, and shall be under its direction, management and control, that is to say,—

(*a*) all markets, slaughter-houses, manure and nightsoil depôts, and buildings of every description;

(*b*) all water-works for the supply, storage or distribution of water for public purposes, and all bridges, buildings, engines, materials, and things connected therewith or appertaining thereto;

(*c*) all sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto;

(*d*) all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals collected by the Cantonment Authority from the streets, houses, privies, sewers, cess-pools or elsewhere, or deposited in places appointed by the Cantonment Authority for such purpose;

(*e*) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) all land or other property transferred to the Cantonment Authority by [the State][1], or by gift, purchase or otherwise for local public purposes; and

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*g*) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

Application of cantonment fund and property.

109. The cantonment fund and all property vested in a Cantonment Authority shall be applied for the purposes, whether express or implied, for which, by or under this Act or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the Cantonment Authority:

Provided that the Cantonment Authority shall not incur any expenditure for acquiring or renting land beyond the limits of the cantonment or for constructing any work beyond such limits except—

(*a*) with the sanction of the President of the Union, and

(*b*) on such terms and conditions as the President of the Union may impose:

Provided further, that priority shall be given in the order hereinafter set forth to the following liabilitites and obligations of a Contonment Authority, that is to say,—

(*a*) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the Cantonment Authority;

(*b*) to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loans Act;

(*c*) to the payment of establishment charges;

(*d*) to the payment of such expenses on account of pauper lunatics sent from the cantonment to public lunatic asylums and mental hospitals as the President of the Union directs the Cantonment Authority to pay; and

(*e*) to the payment of any sum the payment of which is expressly required by the provisions of this Act or any rule or bye-law made thereunder.

Acquisition of immoveable property.

110. When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a Cantonment Authority for the purposes of this Act, the President of the Union may, at the request of the Cantonment Authority, proceed to acquire it under the provisions of the Land Acquisition Act, and, on payment by the Cantonment Authority of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Cantonment Authority.

Power to make rules regarding cantonment fund and property.

111. The President of the Union may make rules consistent with this Act to provide for all or any of the following matters, namely:—

(*a*) the conditions on which property may be acquired by Cantonment Authorities or on which property vested in a Cantonment Authority may be transferred by sale, mortgage, lease, exchange or otherwise; and

(*b*) any other matter relating to the cantonment fund or cantonment property in respect of which no provision or insufficient provision is made by or under this Act, and provision is, in the opinion of the President of the Union, necessary.

CHAPTER VII.

CONTRACTS.

Contracts by whom to be executed.

112. Subject to the provisions of this Chapter, every Cantonment Authority shall be competent to enter into and perform any contract necessary for the purposes of this Act.

Sanction.

113. (*1*) Every contract—

(*a*) for which budget provision does not exist, or

(*b*) which involves a value or amount exceeding one hundred rupees,

shall require the sanction of the Cantonment Authority.

(*2*) Every contract other than a contract such as is referred to in sub section (*1*) shall be sanctioned by the Cantonment Authority or by the Executive Officer on behalf of the Cantonment Authority.

Execution of contracts.

114. (*1*) Every contract made by or on behalf of a Cantonment Authority, the value or amount of which exceeds fifty rupees, shall be in writing, and every such contract shall, where there is a Board, be signed by two members, of whom the Chairman or the Vice-Chairman shall be one, and be countersigned by the Executive officer and be sealed with the common seal of the Board, or, where there is no Board, be signed by the Officer Commanding the station and be sealed with the official seal of the Cantonment Authority:

Provided that, where there is a Board, the Executive Officer may in a case of urgency, with the previous sanction of the Chairman of the Board, execute on behalf of the Board any contract the value or amount of which does not exceed two hundred rupees.

(*2*) Where an Executive Officer executes a contract on behalf of a Board under sub-section (*1*), he shall submit a report of his action and of the reasons therefor to the Board at its next meeting.

Contracts improperly executed not to be binding on a Cantonment Authority.

115. If any contract is executed by or on behalf of a Cantonment Authority otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the Cantonment Authority.

CHAPTER VIII.

DUTIES AND DISCRETIONARY FUNCTIONS OF CANTONMENT AUTHORITIES.

Duties of Cantonment Authority.

116. It shall be the duty of every Cantonment Authority, so far as the funds at its disposal permit, to take reasonable provision within the cantonment for—

(*a*) lighting streets and other public places ;

(*b*) watering streets and other public places ;

(*c*) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation ;

(*d*) regulating offensive, dangerous or obnoxious trades, callings and practices ;

(*e*) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places ;

(*f*) securing or removing dangerous buildings and places ;

(*g*) acquiring, maintaining, changing and regulating places for the disposal of the dead ;

(*h*) constructing, altering and maintaining streets, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works ;

(*i*) planting and maintaining trees on roadsides and other public places ;

(*j*) providing or arranging for a sufficient supply of pure and wholesome water, where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used ;

(*k*) registering births and deaths ;

(*l*) establishing and maintaining a system of public vaccination ;

(*m*) establishing and maintaining or supporting public hospitals and dispensaries, and providing public medical relief ;

(*n*) establishing and maintaining primary schools ;

(*o*) rendering assistance in extinguishing fires, and protecting life and property when fires occur ;

(*p*) maintaining and developing the value of property vested in, or entrusted to the management of, the Cantonment Authority ; and

(*q*) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

Power to manage property.

116A. A Cantonment Authority may, subject to any conditions imposed by the President of the Union, manage any property entrusted to its management by the President of the Union on such terms as to the sharing of rents and profits accruing from such property as may be determined by rule made under section 280.

Discretionary functions of Cantonment Authority.

117. A Cantonment Authority may, within the cantonment, make provision for—

(*a*) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets ;

(*b*) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility ;

(*c*) reclaiming unhealthy localities ;

(*d*) furthering educational objects by measures other than the establishment and maintenance of primary schools ;

(*e*) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics ;

(*f*) making a survey ;

(*g*) giving relief on the occurrence of local epidemics by the establishment or maintenance of relief works or otherwise ;

(*h*) securing or assisting to secure suitable places for the carrying on of any offensive, dangerous or obnoxious trade, calling or occupation ;

(*i*) establishing and maintaining a farm or other place for the disposal of sewage ;

(*j*) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power works ;

(*k*) adopting any measure, other than a measure specified in section 116 or in the foregoing provisions of this section, likely to promote the safety, health or convenience of the inhabitants of the cantonment ; or

(*l*) the doing of anything on which expenditure is declared by the President of the Union or by the Cantonment Authority with the sanction of the President of the Union to be an appropriate charge on the cantonment fund.

Power of expenditure for educational purposes outside the cantonment.

117A. A Cantonment Authority may make provision for educational objects outside the cantonment if it is satisfied that the interests of the residents of the cantonment will be served thereby.

CHAPTER IX.

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES.

Gene al Nuisances,

Penalty for causing nuisances.

118. (*1*) Whoever—

(*a*) in any street or other public place within a cantonment,—

(i) is drunk and disorderly or drunk and incapable of taking care of himself ; or

(ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned ; or

(iii) eases himself, or wilfully or indecently exposes his person ; or

(iv) loiters, or begs importunately, for alms ; or

(v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound ; or

(vi) carries meat exposed to public view ; or

(vii) is found gaming ; or

(viii) pickets animals, or collects carts ; or

(ix) being engaged in the removal of night-soil or other offensive matter or rubbish, wilfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place ; or

(x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document ; or

(xi) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing ; or

(xii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act ; or

(xiii) without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with, the pavement, gutter, stormwater-drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the Cantonment Authority in any such street or public place, or extinguishes a public light ; or

(xiv) carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health or annoyance to passers-by or to persons dwelling in the neighbourhood ; or

(xv) carries night-soil or other offensive matter or rubbish at any hour prohibited by the Cantonment Authority by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the Cantonment Authority, or fails to close such cart or receptacle when in use ; or

(*b*) carries night-soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the Cantonment Authority by public notice ; or

(*c*) deposits, or causes or permits to be deposited, earth or materials of any description, or any offensive matter or rubbish, in any place not intended for the purpose in any street or other public place or waste or unoccupied land under the management of the Cantonment Authority ; or

(*d*) having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death ; or

(*e*) makes any grave or buries or burns any corpse in any place not set apart for such purpose ; or

(*f*) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house, or assists in conducting the business of any common gaming house ; or

(*g*) at any time or place at which the same has been prohibited by the Cantonment Authority by public or special notice, beats a drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music ; or

(*h*) disturbs the public peace or order by singing, screaming or shouting ; or

(*i*) lets loose any animal so as to cause, or negligently allows any animal to cause, injury, danger, alarm or annoyance to any person ; or

(*j*) being the occupier of any building or land in or upon which an animal dies, neglects within three hours of the death of the animal, or, if the death occurs at night, within three hours after sunrise, either—

(i) to report the occurrence to the Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcase by the public conservancy establishment ; or

(ii) to remove and dispose of the carcase in accordance with any general directions given by the Cantonment Authority by public notice or any special directions given by the Executive Officer on receipt of such report as aforesaid ; or

(*k*) save with the written permission of the Cantonment Authority and in such manner as it may authorize, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell ; or

(*l*) uses or permits to be used as a latrine any place not intended for that purpose ;

shall be punishable with fine which may extend to fifty rupees.

(*2*) Whoever does not take reasonable means to prevent any child under the age of twelve years being in his charge from easing himself in any street or other public place within the cantonment shall be punishable with fine which may extend to twenty-five rupees.

(*3*) The owner or keeper of any animal found picketed or straying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to twenty rupees.

(*4*) Any animal found picketed as aforesaid may be removed by any officer or servant of the Cantonment Authority or by any police-officer to a pound as if the animal had been found straying.

Dogs.

119. (*1*) A Cantonment Authority may make bye-laws to provide for the registration of all dogs kept within the cantonment. **Registration and control of dogs.**

(*2*) Such bye-laws shall---

(*a*) require the registration, by the Officer Commanding each military unit, of all dogs kept in the lines occupied by that unit ;

(*b*) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof ;

(*c*) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose ; and

(*d*) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week ;

and may provide for such other matters as the Cantonment Authority thinks fit.

(*3*) A Cantonment Authority may—

(*a*) cause to be destroyed, or to be confined for such period as that Authority may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies ;

(*b*) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed, and cause them to be destroyed accordingly.

(*4*) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(*5*) Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without being muzzled and without being secured by a chain lead in any case in which—

(*a*) he knows that the dog is likely to annoy or intimidate any person, or

(*b*) the Cantonment Authority has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads,

shall be punishable with fine which may extend to one hundred rupees.

(*6*) Whoever in a cantonment—

(*a*) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or

(*b*) sets on or urges any dog or other animal to attack, worry or intimidate any person, or

(*c*) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies,

neglects to give immediate information of the fact to the Executive Officer or gives information which is false,

shall be punishable with fine which may extend to two hundred rupees

Traffic.

120. Whoever in driving, leading or propelling a vehicle along a street fails, except in a case of actual necessity,— **Rule of the road.**

(*a*) to keep to the left when passing a vehicle coming from the opposite direction, or

(*b*) to keep to the right when passing a vehicle going in the same direction as himself,

shall be punishable with fine which may extend to fifty rupees.

Prevention of Fire, etc.

121. (*1*) A Cantonment Authority may, by public notice, direct that within such limits in the cantonment as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission in writing of the Cantonment Authority, be made or renewed of grass, mats, leaves or other inflammable materials, and may, by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed. **Use of inflammable materials for building purposes.**

(*2*) A Cantonment Authority may, by notice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (*1*) has not been issued or that such roof or wall was made with the consent of the Cantonment Authority or before the issue of such public notice :

Provided that, in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the Cantonment Authority, that authority shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

122. A Cantonment Authority may, by public notice, prohibit in any case where such prohibition appears to it to be neeessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the cantonment, or within any limits therein, which may be specified in the notice. **Stacking or collecting inflammable materials.**

123. No person shall set a naked light on or near any building in any street or other public place in a cantonment in such manner as to cause danger of fire : **Care of naked lights.**

Provided that nothing in this section shall be deemed to prohibit the use, subject to the permission in writing of the Cantonment Authority, of lights for purposes of illumination on the occasion of a festival or public or private entertainment.

Regulation of cinematographic and dramatic performances.

124. (*1*) Notwithstanding anything contained in the Cinematograph Act, no exhibition of pictures or other optical effects by means of a cinematograph or other like apparatus for the purpose of which inflammable films are used, and no public dramatic performance or pantomime shall be given in any cantonment, elsewhere than in premises for which a licence has been granted by the Cantonment Authority under this section.

(*2*) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes any part in any public dramatic performance or pantomime, in contravention of the provisions of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to two hundred rupees, and in the case of a continuing offence, with an additional fine which may extend to fifty rupees for each day after the first during which the offence continues.

(*3*) Nothing in this section shall be deemed to prohibit the giving of any exhibition or any dramatic performance or pantomime in any theatre or institute which is the property of the Government where the exhibition, performance or pantomime is held with the permission and under the control of the military authorities.

Discharging fire-works, fire-arms, etc.

125. Whoever in a cantonment discharges any fire-arm or lets off fire-works or fire-balloons, or engages in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be liable to fine which may extend to fifty rupees.

Power to require buildings, wells, etc., to be rendered safe.

126. Where in a cantonment any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is, in the opinion of the Cantonment Authority, in a ruinous state or, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Cantonment Authority may, by notice in writing, require the owner thereof either to remove the same or to repair, protect or enclose the same in such manner as it thinks necessary; and, if the danger is, in the opinion of the Cantonment Authority, imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

Enclosure of waste land used for improper purposes.

127. A Cantonment Authority may, by notice in writing, require the owner or part owner, or person claiming to be the owner or part owner, of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

CHAPTER X.

SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE.

Sanitary Authorities.

Responsibility for sanitation.

128. The following officers shall, for the purposes of sanitation, have control over, and be responsible for maintaining in a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say :—

(*a*) the Officer Commanding the station—all buildings and lands which are occupied or used for military purposes ;

(*b*) the Officer Commanding the air forces in the cantonment—all buildings and lands which are occupied or used for air-force purposes ;

(*c*) the head of any civil department or railway administration occupying as such any part of the cantonment—all buildings and lands in his charge as head of that department or administration.

General duties of Health Officer.

129. (*1*) The Health Officer shall exercise a general sanitary supervision over the whole cantonment, and shall submit monthly to the Cantonment Authority a report as to the sanitary condition of the cantonment, together with such recommendations in connection therewith as he thinks fit.

(*2*) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Cantonment Authority, allotted to him by the Health Officer.

Conservancy and Sanitation.

Public latrines, urinals, and conservancy establishments.

130. All public latrines and urinals provided or maintained by a Cantonment Authority shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

Power of Cantonment Authority to undertake private conservancy arrangements.

131. (*1*) On the application or with the consent of the occupier of any building or land, or, where the occupier of any building or land fails to make arrangements to the satisfaction of the Cantonment Authority for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, a Cantonment Authority may undertake the house scavenging of any building or land in the cantonment for such period as it thinks fit on such terms as it may prescribe in this behalf.

(*2*) Where the Cantonment Authority has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of that Authority.

(*3*) For the purposes of this section, "house scavenging" means the removal of filth or rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool, or other common receptacle for such matter.

Deposit and disposal of rubbish, etc.

132. (*1*) Every Cantonment Authority shall provide or appoint, in proper and convenient situations, public receptacles, depôts or places for the temporary deposit or disposal of household rubbish, offensive matter, carcases of dead animals and sewage.

(*2*) The Cantonment Authority may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (*1*) may be removed along a street or may be deposited or otherwise disposed of.

(*3*) All matter deposited in receptacles, depôts or places provided or appointed under this section shall be the property of the Cantonment Authority.

Cesspools, receptacles for filth, etc.

133. The Executive Officer of any cantonment may, by notice in writing,—

(*a*) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to close any cesspool appertaining to the land or building which is, in the opinion of the Executive Officer, a nuisance, or

(ii) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle for filth or sewage accumulating on the land or in the building, or

(iii) to prevent the water of any private latrine, urinal, sink or bath-room, or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place, or into any watercourse or into any drain not intended for the purpose, or

(iv) to collect and deposit for removal by the conservancy establishment of the Cantonment Authority, within such time and in such receptacle or place, situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land ; or

(*b*) require any person to desist from making or altering any drain leading into a public drain ; or

(*c*) require any person having the control of a drain in the cantonment to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

Filling up of tank, etc.

134. (*1*) Where any well, tank, cistern, reservoir, receptacle, or other place in the cantonment where water is stored or accumulates, whether within any private enclosure or not, is in such a condition as to create a nuisance or, in the opinion of the Health Officer or the Assistant Health Officer, is or is likely to be a breeding place for mosquitoes, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier thereof, within such period as may be specified in the notice, to fill up or cover the well, cistern, reservoir or receptacle, or to fill up the tank, or to drain off or remove the water, as the case may be.

(*2*) The Cantonment Authority may, if it thinks fit, with the previous sanction of the Officer Commanding-in-Chief, the Command, meet the whole or any portion of the expenses incurred in complying with a requisition under sub-section (*1*).

Provision of latrines, etc.

135. A Cantonment Authority may, by notice in writing, require the owner or lessee of any building or land in the cantonment to provide, in such manner as may be specified in the notice, any latrine, urinal, cesspool, dust-bin or other receptacle for filth, sewage, or rubbish, or any additional latrine, urinal, cesspool or other receptacle as aforesaid, which should, in its opinion, be provided for the building or land.

Sanitation in factories, etc.

136. Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or labourers, and every person managing or having control of a market, school, theatre or other place of public resort, in a cantonment shall give notice of the fact to the Cantonment Authority, and shall provide such latrines and urinals, and shall employ such number of sweepers, as the Cantonment Authority thinks fit, and shall cause the latrines and urinals to be kept clean and in proper order :

Provided that nothing in this section shall apply in the case of a factory to which the Factories Act applies.

Private latrines.

137. A Cantonment Authority may, by notice in writing,—

(*a*) require the owner or other person having the control of any private latrine or urinal in the cantonment not to put the same to public use ; or

(*b*) where any plan for the construction of private latrines or urinals has been approved by the Cantonment Authority, and copies thereof may be obtained free of charge on application,—

(i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Health Officer and approved by him as conforming with such plan, or

(ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan ; or

(*c*) require the owner or the person having control of any such private latrine or urinal which, in the opinion of the Cantonment Authority, constitutes a nuisance, to remove the latrine or urinal ; or

(*d*) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or

(ii) to cleanse in such manner as the Cantonment Authority may specify in the notice any latrine or urinal belonging to the land or building ; or

(*e*) require any person being the owner and having the control of any drain in the cantonment to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

Removal of congested buildings.

138. (*1*) Where it appears to a Cantonment Authority that any block of buildings in the cantonment is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of—

(*a*) the Health Officer,

(*b*) the Civil Surgeon of the district or, if his services are not available, some other medical officer of the Government,

(*c*) the Executive Engineer or a person deputed by the Executive Engineer in this behalf, and

(*d*) where there is a Board, two non-official members thereof.

(*2*) The committee shall make a report in writing to the Cantonment Authority regarding the sanitary condition of the block, and, if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise to endanger the public health, it shall clearly indicate, on a plan verified by the Executive Engineer or the person deputed by him to serve on the committee, the buildings which should, in its opinion, wholly or in part be removed in order to abate the unhealthy condition of the block.

(*3*) If, upon receipt of such report, the Cantonment Authority is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them :

Provided that the Cantonment Authority shall make compensation to the owners for any buildings so removed which may have been erected under proper authority :

Provided further, that the Cantonment Authority may, if it considers it equitable in the circumstances so to do, pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.

(*4*) For the purposes of this section "buildings" includes enclosure walls and fences appertaining to buildings.

Over-crowding of dwelling houses.

139. (*1*) Where it appears to a Cantonment Authority that any building or part of a building in the cantonment which is used as a dwelling house is so over crowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not

being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice.

(*2*) Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (*1*) shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, to an additional fine which may extend to five rupees for every day after the first during which the failure has continued.

Power to require repair or alteration of building.

140. (*1*) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the Cantonment Authority, in an insanitary state, the Cantonment Authority may, by notic in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose of removing such defects.

(*2*) A copy of every notice issued under sub-section (*1*) shall be conspicuously posted on the building to which it relates.

(*3*) A notice issued under sub-section (*1*) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

Power to require land or building to be cleansed.

141. (*1*) The Executive Officer may, by notice in writing, require the owner, lessee or occupier of any building or land in the cantonment, which appears to him to be in a filthy or insanitary state, within twenty-four hours to cleanse the same or otherwise put it in a proper state, in such manner as may be specified in the notice.

(*2*) If, within three months from the date of the service of a notice under sub-section (*1*), any building or land in respect of which the notice was issued is again in a filthy or insanitary state, the owner, lessee or occupier, as the case may be, shall be punishable with fine which may extend to two hundred rupees.

Power to order disuse of house.

142. If a Cantonment Authority is satisfied that any building or part of a building in the cantonment which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be posted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation, or allowing it to be so used, until it has been rendered fit for such use to the satisfaction of the Cantonment Authority.

Removal of noxious vegetation.

143. A Cantonment Authority may, by notice in writing, require the owner, lessee, or occupier of any land in the cantonment to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to persons residing in the neighbourhood.

Agriculture and irrigation.

144. Where, in the opinion of a Cantonment Authority, the cultivation in the cantonment of any description of crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner is likely

to be injurious to the health of persons dwelling in the neighbourhood, the Cantonment Authority may, by public notice, prohibit such cultivation, use or irrigation after such date as may be specified in the notice, or may, by a like notice, direct that it shall be carried out subject to such conditions as the Cantonment Authority thinks fit:

Provided that if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the Cantonment Authority shall, if it directs that the notice is to take effect on a date earlier than that by which the crop would ordinarily be sown or reaped, as the case may be, make compensation to all persons interested in the land or crop for the loss, if any, incurred by them respectively by reason of compliance with the notice.

Burial and Burning Grounds.

Power to call for information regarding burial and burning grounds.

145. A Cantonment Authority may, by notice in writing, require the owner or person in charge of any burial or burning ground in the cantonment to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

Permission for use of new burial or burning ground.

146. (*1*) No place in a cantonment which has not been used as a burial or burning ground before the 1st May, 1924,[1] shall be so used without the permission in writing of the Cantonment Authority.

(*2*) Such permission may be granted subject to any conditions which the Cantonment Authority thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood.

Power to require closing of burial or burning ground.

147. (*1*) Where a Cantonment Authority, after making or causing to be made local inquiry, is of opinion that any burial or burning ground in the cantonment has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the President of the Union, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

(*2*) Where the President of the Union sanctions the issue of any notice under sub-section (*1*), he shall declare the conditions on which the burial or burning ground may be re-opened, and a copy of such declaration shall be annexed to the notice.

(*3*) Where the President of the Union sanctions the issue of any such notice, he shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, the President of the Union shall require a grant to be made from the cantonment fund towards the cost of the same.

(*4*) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

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[1] Date of commencement of this Act.

148. The provisions of sections 145, 146 and 147 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government. Exemption from operation of sections 145 to 147.

149. A Cantonment Authority may, by public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning grounds. Removal of corpses.

Prevention of Infectious or Contagious Diseases.

150. Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from a contagious or infectious disease, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any such person is so suffering, shall, if he fails to give information, or if he gives false information, to the Cantonment Authority respecting the existence of such disease, be punishable with fine which may extend to one hundred rupees: Obligation to give information of infectious or contagious diseases.

Provided that no person shall be punishable under this section for failure to give information if he had reasonable cause to believe that the information had already been duly given:

Provided further, that this section shall not apply in the case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is, by reason of his habits and conditions of life and residence, unlikely to spread the disease.

151. (*1*) In the event of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Officer Commanding-in-Chief, the Command, if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment are insufficient for the purpose, may with the previous sanction of the President of the Union,— Special measures in case of outbreak of infectious or epidemic diseases.

(*a*) take such special measures, and

(*b*) by public notice, make such temporary regulations to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or the spread of the disease:

Provided that, where in the opinion of the Officer Commanding-in-Chief, the Command, immediate measures are necessary, he may take action without such sanction as aforesaid and if he does so, shall forthwith report such action to the President of the Union.

(*2*) Whoever commits a breach of any temporary regulation made under sub-section (*1*) shall be deemed to have committed an offence under section 188 of the Penal Code.

Power to require names of dairyman customers.

152. Where it is certified to the Executive Officer by a medical practitioner that the outbreak or spread of any infectious or contagious disease in the cantonment is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Executive Officer may, by notice in writing, require the dairyman, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

Power to require names of a washerman's customers.

153. Where it is certified to the Executive Officer by the Health Officer that it is desirable, with a view to prevent the spread of any infectious or contagious disease in the cantonment, that the Health Officer should be furnished with a list of the customers of any washerman, the Executive Officer may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Health Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

Report after inspection of dairy or washerman's place of business.

154. Where, after inspection, the Health Officer is of opinion that any infectious or contagious disease is caused or is likely to arise in the cantonment from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the Executive Officer.

Action on report submitted by Health Officer.

155. Upon receipt of a report submitted by the Health Officer under section 154, the Executive Officer may, by notice in writing,—

(*a*) prohibit the supply of milk from the dairy until the notice has been withdrawn; or

(*b*) prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn, or unless he uses such place in such manner, or washes by such process, as the Executive Officer may direct in the notice.

Examination of milk or washed clothes.

156. The Health Officer may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 152, or of any clothes or other articles which are or have recently been in the possession of any washerman on whom a notice has been served under section 153, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Cantonment Authority shall pay from the cantonment fund all the costs of the process, and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

Contamination of public conveyance.

157. Whoever in a cantonment—

(*a*) uses a public conveyance while suffering from an infectious or contagious disease, or

(*b*) uses a public conveyance for the carriage of a person who is suffering from any such disease, or

(*c*) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person in charge of the conveyance, and further to report without delay to the Executive Officer the number of the conveyance and the name of the person so notified.

Disinfection of public conveyance.

158. (*1*) Where any person suffering from, or the corpse of any person who has died from, an infectious or contagious disease has been carried in a public conveyance which ordinarily plies in a cantonment, the driver thereof shall forthwith report the fact to the Executive Officer, who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(*2*) No such conveyance shall be brought again into use until the Executive Officer has granted a certificate stating that it can be used without causing risk of infection.

Penalty for failure to report.

159. Whoever fails to make to the Executive Officer any report which he is required to make by section 157 or section 158 shall be punishable with fine which may extend to one hundred rupees.

Driver of conveyance not bound to carry person suffering from infectious or contagious diseases.

160. Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of a cantonment any person suffering from an infectious or contagious disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

Disinfection of building or articles therein.

161. Where a Cantonment Authority is, upon the advice of the Health Officer, of opinion that the cleansing and disinfection of any building or part of a building in the cantonment or of any articles in any such building or part which are likely to retain infection, or the renewal of the flooring of any such building or part of such building, would tend to prevent or check the spread of any infectious or contagious disease, it may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring within such time as may be specified in the notice:

Provided that where, in the opinion of the Cantonment Authority, the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Cantonment Authority may, at the expense

of the cantonment fund, cleanse and disinfect the building, part or articles, or, as the case may be, renew the flooring.

Destruction of infectious hut or shed.

162. (*1*) Where the destruction of any hut or shed in a cantonment is, in the opinion of the Cantonment Authority, necessary to prevent the spread of any infectious or contagious disease, the Cantonment Authority may, by notice in writing, require the owner to destroy the hut or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the Chairman of a Board, or, where there is no Board, the Officer Commanding the station, is satisfied that the destruction of any hut or shed in the cantonment is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith, or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.

(*3*) The Cantonment Authority shall pay compensation to the owner of any hut or shed destroyed under this section.

Temporary shelter for inmates of disinfected or destroyed building or hed.

163. The Cantonment Authority shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disease has appeared who have been compelled to leave their dwelling by reason of any proceedings taken under section 161 or section 162, and who desire such shelter or accommodation as aforesaid to be provided for them.

Disinfection of building before letting the same.

164. (*1*) Where in a cantonment any building or part of a building is intended to be let in which any person has, within the six weeks immediately preceding, been suffering from an infectious or contagious disease, the person letting the building or part shall before doing so disinfect the same in such manner as the Cantonment Authority may, by public or special notice, direct, together with all articles therein liable to retain infection.

(*2*) For the purposes of this section, the keeper of an hotel, lodging house or *sarai* shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

Disposal of infected article without disinfection.

165. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any infectious or contagious disease and is likely to be used in, or taken into, a cantonment.

Means of disinfection.

166. (*1*) Every Cantonment Authority shall—

(*a*) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection ;

(*b*) cause conveyances, clothing or other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as it may fix.

(*2*) A Cantonment Authority may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and, if it does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(*3*) The Chairman of a Board or, where there is no Board, the Officer Commanding the station, may direct the destruction of any clothing, bedding or other article in the cantonment likely to retain infection, and may give such compensation as he thinks fit for any article so destroyed.

Making or selling of food, etc., or washing clothes by infected person.

167. Whoever, while suffering from, or in circumstances in which he is likely to spread, any infectious or contagious disease,—

(*a*) makes, carries or offers for sale in a cantonment or takes any part in the business of making, carrying or offering for sale therein any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

(*b*) takes any part in the business of the washing or carrying of clothes,

shall be punishable with fine which may extend to one hundred rupees.

Power to restrict or prohibit sale of food or drink.

168. When a cantonment is visited or threatened by an outbreak of any infectious or contagious disease, the Cantonment Authority may, by public notice, restrict in such manner or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animals so specified.

Control over wells, tanks, etc.

169. (*1*) If a Cantonment Authority is of opinion that the water in any well, tank or other place is likely, if used for drinking, to engender, or cause the spread of, any disease, it may,—

(*a*) by public notice, prohibit the removal or use of such water for drinking; or

(*b*) by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or

(*c*) take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.

(*2*) In the event of a cantonment or any part of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease, the Health Officer or any person authorized by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other

place from which water is, or is likely to be, taken for the purposes of drinking, and may further take such steps as he thinks fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

Disposal of infectious corpse.

170. Where any person has died in a cantonment from any infectious or contagious disease, the Executive Officer may, by notice in writing,—

(*a*) require any person having charge of the corpse to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or

(*b*) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

Hospitals and Dispensaries.

Maintenance or aiding of hospitals or dispensaries.

171. (*1*) A Cantonment Authority may—

(*a*) provide and maintain either within or without the cantonment as many hospitals and dispensaries as it thinks fit; or

(*b*) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary, whether within or without the cantonment, not maintained by it.

(*2*) Every hospital or dispensary maintained or aided under sub-section (*1*) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious diseases.

(*3*) A medical officer, appointed in such manner as the President of the Union may direct, shall be in charge of every hospital or dispensary maintained or aided under this section.

Medical supplies, appliances, etc.

172. (*1*) Every hospital or dispensary maintained or aided under section 171 shall be maintained in accordance with any general or special orders of the President of the Union for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the President of the Union thinks fit.

(*2*) The Cantonment Authority shall cause every such hospital or dispensary to be provided with all requisite drugs, instruments, apparatus, furniture and appliances and with sufficient cots, bedding and clothing for in-patients.

Free patients.

173. At every hospital or dispensary maintained or aided under section 171, the sick poor of the cantonment, and other inhabitants of the cantonment suffering from infectious or contagious diseases, and, with the sanction of the Cantonment Authority, any other sick persons, may receive medical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the Cantonment Authority may fix:

Provided that the subsistence allowance shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment debtors by the President of the Union under section 57 of the Code of Civil Procedure

Paying patients.

174. Any sick person who is ineligible to receive medical treatment free of cost in any hospital or dispensary under section 173 may be admitted to treatment therein upon such terms as the Cantonment Authority thinks fit.

Power to order person to attend hospital or dispensary.

175. (*1*) If the Health Officer or the medical officer in charge of a hospital or dispensary maintained or aided under section 171 has reason to believe that any person living in the cantonment is suffering from an infectious or contagious disease, he may, by notice in writing, call upon such person to attend for examination at any such hospital or dispensary at such time as may be specified in the notice and not to quit it without the permission of the medical officer in charge; and, on the arrival of such person at the hospital or dispensary, the medical officer in charge thereof may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious or contagious disease:

Provided that, if having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Health Officer or medical officer, as the case may be, considers that the attendance of such person at a hospital or dispensary is likely to prove unnecessary or inexpedient, he shall examine such person at such person's own residence.

(*2*) If any person, on examination under sub-section (*1*), is found to be suffering from an infectious or contagious disease, the Health Officer or medical officer, as the case may be, may cause him to be detained in hospital until he is free from the infection or contagion:

Provided that, if having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, he considers that the detention of such person at a hospital or dispensary is unnecessary or inexpedient, he shall discharge such person and take such measures or give such directions in the matter as he thinks necessary.

Power to exclude from cantonment persons refusing to attend hospital or dispensary.

176. (*1*) If the Health Officer or the medical officer in charge of a hospital or dispensary maintained or aided under section 171 reports in writing to the Officer Commanding the station that any person having received a notice under section 175 has refused or omitted to attend at the hospital or dispensary specified in the notice, or that such person, having attended the hospital or dispensary, has quitted it without the permission of such medical officer, or that any person has failed to comply with any direction given to him under section 175, the Officer Commanding the station may, by order in writing, direct such person to remove from the cantonment within twenty-four hours and not to re-enter it without his permission in writing.

(*2*) No person who has under sub-section (*1*) been ordered to remove from and not to re-enter a cantonment shall enter any other cantonment in the Union of Burma without the written permission of the Officer Commanding the station.

Control of Traffic for Hygienic Purposes.

Routes for pilgrims and others.

177. (*1*) A Cantonment Authority may provide or prescribe suitable routes for the use of persons passing through the cantonment—

(*a*) on their way to or from fairs or places of pilgrimage or other places of public resort; or

(*b*) during times when an infectious or contagious disease is prevalent;

and may, by public notice, require such persons as aforesaid to use such routes and no others.

(*2*) All routes provided or prescribed under sub-section (*1*) shall be clearly and sufficiently indicated by the Cantonment Authority.

Special Conditions regarding Essential Services.

Conditions of service of sweepers.

178. (*1*) Whoever, being a sweeper employed by a Cantonment Authority in the absence of a written contract authorizing him so to do and without reasonable cause, resigns his employment or absents himself from his duty without having given one month's notice to the Cantonment Authority, or neglects or refuses to perform his duties, or any of them, shall be punishable with imprisonment which may extend to one month.

(*2*) The President of the Union may, by notification in the Gazette, direct that, on and from such date as may be specified in the notification, the provisions of this section shall apply in the case of any specified class of servants employed by a Cantonment Authority whose functions intimately concern the public health or safety.

(*3*) For the purpose of this section, "sweeper" includes any menial servant employed by a Cantonment Authority in the removal or disposal of filth or rubbish.

CHAPTER XI.

CONTROL OVER BUILDINGS, STREETS, BOUNDARIES, TREES, ETC.

Buildings.

Notice of new buildings.

179. (*1*) Whoever intends to erect or re-erect any building in a cantonment shall give notice in writing of his intention to the Cantonment Authority.

(*2*) For the purposes of this Act, a person shall be deemed to erect or re-erect a building who—

(*a*) makes any material alteration or enlargement of any building, or

(*b*) converts into a place for human habitation any building not originally constructed for that purpose, or

(*c*) converts into more than one place for human habitation a building originally constructed as one such place, or

(*d*) converts two or more places of human habitation into a greater number of such places, or

(*e*) converts into a stable, cattle-shed or cowhouse any building originally constructed for human habitation, or

(*f*) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the

condition of any building in respect of drainage, sanitation or hygiene, or

(*g*) makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Act.

Conditions of valid notice.

180. (*1*) A person giving the notice required by section 179 shall specify the purpose for which it is intended to use the building to which such notice relates.

(*2*) No notice shall be valid until the information required under sub-section (*1*) and any further information and plans which may be required under bye-laws made under this Act have been furnished to the satisfaction of the Cantonment Authority along with the notice.

Power of Cantonment Authority to sanction or refuse.

181. (*1*) The Cantonment Authority may either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such direction as it thinks fit to make in writing in respect of all or any of the following matters, namely :—

(*a*) the free passage or way to be left in front of the building ;

(*b*) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire ;

(*c*) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist ;

(*d*) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth ;

(*e*) the level and width of the foundation, the level of the lowest floor and the stability of the structure ;

(*f*) the line of frontage with neighbouring buildings if the building abuts on a street ;

(*g*) the means to be provided for egress from the building in case of fire ;

(*h*) the materials and method of construction to be used for external and party walls for rooms, floors, fireplaces and chimneys ;

(*i*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ; and

(*j*) any other matter affecting the ventilation and sanitation of the building ;

and the person erecting or re-erecting the building shall obey all such written directions in every particular.

(*2*) If the Cantonment Authority decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom the notice was given.

(*3*) Where the Cantonment Authority neglects or omits, for one month after the receipt of a valid notice, to make and deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter, by a written communication sent by registered post to the Cantonment Authority, calls the attention of the Cantonment Authority to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication, the Cantonment Authority shall be deemed to have given sanction to the erection or re-erection, as the case may be, unconditionally.

(*4*) The Cantonment Authority may refuse to sanction the erection or re-erection of any building either on grounds affecting the particular building or in pursuance of a general scheme sanctioned by the Officer Commanding-in-Chief, the Command, restricting the erection or re-erection of buildings within specified limits for the prevention of overcrowding or in the interests of persons residing within such limits or for any other public purpose.

Compensation.

182. (*1*) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the Cantonment Authority of sanction to the erection of any building or in respect of any direction issued by it under sub-section (*1*) of section 181.

(*2*) The Cantonment Authority shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street :

Provided that the Cantonment Authority shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

Lapse of sanction.

183. Every sanction for the erection or re-erection of a building given or deemed to have been given by the Cantonment Authority as hereinbefore provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun without fresh sanction obtained in the manner hereinbefore provided.

Illegal erection and re-erection.

184. Whoever begins, continues or completes the erection or re-erection of a building—

(*a*) without having given a valid notice as required by sections 179 and 180, or before the building has been sanctioned or is deemed to have been sanctioned, or

(*b*) without complying with any direction made under sub-section (*1*) of section 181, or

(*c*) when sanction has been refused, or has ceased to be available,

shall be punishable with fine which may extend to five hundred rupees.

185. A Cantonment Authority may, at any time by notice in writing, direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the Cantonment Authority considers that such erection or re-erection is an offence under section 184, and may in any such case in like manner direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected : Power to stop erection or re-erection or to demolish.

Provided that the Cantonment Authority may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable.

186. A Cantonment Authority may make bye-laws prescribing— Power to make bye-laws.

(*a*) the manner in which notice of the intention to erect or re-erect a building in the cantonment shall be given to the Cantonment Authority and the information and plans to be furnished with the notice ;

(*b*) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas ;

(*c*) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected ; and

(*d*) the fees payable on provision by the Cantonment Authority of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof.

187. (*1*) No owner or occupier of any building in a cantonment shall, without the permission in writing of the Cantonment Authority, add to or place against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein. Projections and obstructions.

(*2*) The Cantonment Authority may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid :

Provided that, in the case of any projection or encroachment lawfully in existence on the 1st May, 1924,[1] the Cantonment Authority shall make compensation for any damage caused by the removal or alteration.

(*3*) The Cantonment Authority may, by order in writing, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall at such height from the level ground or street as may be specified in the order.

188. A Cantonment Authority may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected Unauthorized buildings over drains, etc.

[1] Late of commencement of this Act.

any building over any public sewer, drain, culvert, water-course or water-pipe in the cantonment to pull down or otherwise deal with the same as it thinks fit.

Drainage and sewer connections.

189. (*1*) A Cantonment Authority may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as the Cantonment Authority thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same, or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

(*2*) For the purpose of efficiently draining any building or land in the cantonment, the Cantonment Authority may, by notice in writing, require the owner or lessee of the building or land—

(*a*) to pave, with such materials and in such manner as it thinks fit, any courtyard, alley or passage between two or more buildings, or

(*b*) to keep any such paving in proper repair.

Power to attach brackets for lamps.

190. A Cantonment Authority may attach to the outside of any building, or to any tree in the cantonment, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

Streets.

Temporary occupation of street, land, etc.

191. A Cantonment Authority may, by order in writing, permit the temporary occupation of any street, or of any land vested in the Cantonment Authority, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of the public, and may charge a fee for such permission and may in its discretion withdraw such permission.

Closing and opening of streets.

192. (*1*) A Cantonment Authority shall not permanently close any street or open any new street without the previous sanction of the Officer Commanding-in-Chief, the Command.

(*2*) A Cantonment Authority may, by public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water-supply or lighting or any other work which it is by or under this Act required or permitted to carry out :

Provided that where, owing to any works or repairs or from any other cause, the condition of any street, or of any water-works, drain, culvert or premises vested in the Cantonment Authority, is such as to be likely to cause danger to the public, the Cantonment Authority shall—

(*a*) take all reasonable means for the protection of the adjacent buildings and land and provide reasonable means of access thereto ;

(*b*) cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

Names of streets and numbers of buildings.

193. (*1*) A Cantonment Authority may cause a name to be given to any street and to be affixed on any building in the cantonment in such place as it thinks fit, and may also cause a number to be affixed to any such building.

(*2*) Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the Cantonment Authority shall be punishable with fine which may extend to twenty rupees.

Boundaries and Trees.

Boundary walls, hedges and fences.

194. (*1*) No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the Cantonment Authority.

(*2*) A Cantonment Authority may, by notice in writing, require the owner or lessee of any land in the cantonment—

(*a*) to remove from the land any boundary wall, hedge or fence which is, in its opinion, unsuitable, unsightly or otherwise objectionable ; or

(*b*) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice ; or

(*c*) to maintain the boundary walls, hedges or fences of such land in good order :

Provided that, in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the Cantonment Authority, or which was in existence on the 1st May, 1924,[1] the Cantonment Authority shall make compensation for any damage caused by the removal thereof.

(*3*) The Cantonment Authority may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

Felling, lopping and trimming of trees.

195. (*1*) Where, in the opinion of a Cantonment Authority, the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

(*2*) A Cantonment Authority may—

(*a*) cause to be lopped or trimmed any tree standing on land in the cantonment which belongs to the Government ; or

(*b*) by public notice require all owners, lessees or occupiers of land in the cantonment, or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

[1] Date of commencement of this Act.

Digging of public land.

196. Whoever, without the permission in writing of the Cantonment Authority, digs up the surface of any open space in the cantonment, which is not private property, shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence continues.

Improper use of land.

197. (*1*) If, in the opinion of a Cantonment Authority, the working of a quarry in the cantonment, or the removal of stone, earth or other material from the soil in any place in the cantonment, is dangerous to persons residing in or frequenting the neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the Cantonment Authority may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place, or the person responsible for such working or removal, from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the Cantonment Authority may direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

(*2*) If, in any case referred to in sub-section (*1*), the Cantonment Authority is of opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

CHAPTER XII.

MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS.

Public markets and slaughter-houses.

198. (*1*) A Cantonment Authority may provide and maintain, either within or without the cantonment, public markets and public slaughter-houses, to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences, for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(*2*) When such market or slaughter-house is situated beyond cantonment limits, the Cantonment Authority shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits.

(*3*) The Cantonment Authority may at any time, by public notice, close any public market or public slaughter-house or any part thereof.

(*4*) Nothing in this section shall be deemed to authorize the establishment of a public market or public slaughter-house within the limits of any area administered by any local authority other than the Cantonment Authority without the permission of such local authority or otherwise than on such conditions as such local authority may approve.

Use of public market.

199. (*1*) No person shall, without the general or special permission in writing of the Cantonment Authority, sell or expose for sale any animal or article in any public market.

(*2*) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Executive Officer or any officer or servant of the Cantonment Authority authorized by it in this behalf.

200. A Cantonment Authority may— **Levy of stallages, rents and fees.**

(*a*) charge for the occupation or use of any stall, shop, standing, shed or pen in a public market or public slaughter-house, or for the right to expose goods for sale in a public market, or for weighing or measuring goods sold therein, or for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as it thinks fit ; or

(*b*) with the sanction of the Officer Commanding-in-Chief, the Command, farm the stallages, rents and fees leviable as aforesaid or any portion thereof for any period not exceeding one year at a time ; or

(*c*) put up to public auction, or, with the sanction of the Officer Commanding-in-Chief, the Command, dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a public market or public slaughter-house for such term and on such conditions as it thinks fit.

201. A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter-house, printed in the English language and in such other language or languages as the Cantonment Authority may direct, shall be affixed in some conspicuous place in the market or slaughter-house. **Stallages, rents, etc., to be published.**

202. (*1*) No place in a cantonment other than a public market shall be used as a market, and no place in a cantonment other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house, as the case may be, by the Cantonment Authority : **Private markets and slaughter-houses.**

Provided that nothing in this sub-section shall apply in the case of a slaughter-house established and maintained by the Government.

(*2*) Nothing in sub-section (*1*) shall be deemed—

(*a*) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Executive Officer with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf, or

(*b*) to prevent the Executive Officer, with the sanction of the Cantonment Authority, from setting apart places for the slaughter of animals in accordance with religious custom, when such animals are slaughtered for consumption by the troops or for the purpose of the sale of the flesh thereof to the troops.

(*3*) Whoever omits to comply with any condition imposed by the Executive Officer under clause (*a*) of sub-section (*2*) shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to ten rupees for every day after the first during which the offence is continued.

Conditions of grant of licence for private market or slaughter-houses.

203. (*1*) A Cantonment Authority may charge such fees as it thinks fit to impose for the grant of a licence to any person to open a private market or private slaughter-house in the cantonment, and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as it thinks fit to impose.

(*2*) The Cantonment Authority may refuse to grant any such licence without giving reasons for such refusal.

Penalty for keeping market or slaughter-house open without licence, etc.

204. (*1*) Any person who keeps open for public use any market or slaughter-house in respect of which a licence is required by or under this Act, without obtaining a licence therefor, or while the licence therefor is suspended, or after the same has been cancelled, shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued.

(*2*) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the Cantonment Authority shall cause a notice of the grant, refusal, suspension or cancellation to be posted in English, and in such other language or languages as it thinks necessary, in some conspicuous place by or near the entrance to the place to which the notice relates.

Penalty for using unlicensed market or slaughter-house.

205. Whoever, knowing that any market or slaughter-house has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act, or that the licence granted therefor is for the time being suspended or that it has been cancelled, sells or exposes for sale any article in such market, or slaughters any animal in such slaughter-house, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued.

Prohibition and restriction of use of slaughter-houses.

206. (*1*) Where, in the opinion of the Cantonment Authority, it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month, as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter therein of any animal of any description so specified.

(*2*) A copy of every notice issued under sub-section (*1*) shall be conspicuously posted in the slaughter-house to which it relates.

Power to inspect slaughter-houses.

207. (*1*) Any servant of a Cantonment Authority, authorized by order in writing in this behalf by the Chairman of the Board, if any, or the Health Officer, may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of this Chapter, enter into and inspect any such place at any time, whether by day or by night.

(*2*) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

Power to make bye-laws.

208. A Cantonment Authority may, with the approval of the President of the Union, make bye-laws consistent with this Act to provide for all or any of the following matters, namely :—

(*a*) the days on, and the hours during, which any private market or private slaughter-house may be kept open for use ;

(*b*) the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof ;

(*c*) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same ;

(*d*) the manner in which animals shall be stalled at a slaughter-house ;

(*e*) the manner in which animals may be slaughtered ;

(*f*) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption ; and

(*g*) the destruction of carcases which from disease or any other cause are found after slaughter to be unfit for human consumption.

Trades and Occupations.

Provision of washing places.

209. (*1*) A Cantonment Authority may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use thereof as it thinks fit.

(*2*) Where the Cantonment Authority has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place in the cantonment :

Provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

(*3*) Whoever contravenes any prohibition contained in a notice issued under sub-section (*2*) shall be punishable with fine which may extend to twenty rupees.

Licences required for carrying on of certain occupations.

210. (*1*) No person of any of the following classes, namely :—

(*a*) butchers and vendors of poultry, game or fish ;

(*b*) persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in the Union of Burma ;

(*c*) persons keeping milch cattle or milch goats for profit ;

(*d*) persons keeping for profit any animals other than pigs, milch cattle or milch goats ;

(*e*) dairymen, buttermen and makers and vendors of ghee ;

(*f*) makers of bread, biscuits or cake, and vendors of bread, biscuits or cake made in the Union of Burma ;

(*g*) vendors of fruit or vegetables ;

(*h*) manufacturers of ærated or other potable waters or of ice or ice-cream, and vendors of the same ;

(*i*) vendors of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, ærated or other potable waters or ice or ice-cream) which are of a perishable nature ;

(*j*) vendors of water to be used for drinking purposes ;

(*k*) washermen ;

(*l*) dealers in hay, straw, wood, charcoal or other inflammable material ;

(*m*) dealers in fire-works, kerosene oil, petrolcum or any other inflammable oil or spirit ;

(*n*) tanners and dyers ;

(*o*) persons carrying on any trade or occupation from which offensive or unwholesome smells arise ;

(*p*) vendors of wheat, rice and other grain or of flour ; and

(*q*) makers and vendors of sugar or sweetmeats ;

shall carry on his trade, calling or occupation in any part of a cantonment unless he has applied for and obtained a licence in this behalf from the Cantonment Authority.

(*2*) A licence granted under sub-section (*1*) shall be valid for one year, and the grant of such licence shall not be withheld by the Cantonment Authority unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public.

(*3*) Notwithstanding anything contained in sub-section (*1*),—

(*a*) no person who was, on the 1st May, 1924, [1] carrying on his trade, calling or occupation in any part of a cantonment shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the Cantonment Authority not less than three months' notice in writing of his obligation to do so, and if the Cantonment

[1] Date of commencement of this Act.

Authority refuses to grant him a licence it shall pay compensation for any loss incurred by reason of such refusal;

(*b*) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a licence for such sale, storage or possession for sale by or under the Petroleum Act or the Poisons Act.

(*4*) The Cantonment Authority may charge for the grant of licences under this section such fees as it may fix with the previous sanction of the President of the Union.

Conditions which may be attached to licences.

211. A licence granted to any person under section 210 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the Cantonment Authority thinks fit to impose in accordance with bye-laws made under this Act.

General Provisions.

Power to vary licence.

212. If a Cantonment Authority is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as will, in the opinion of the Cantonment Authority, render it no longer a nuisance or dangerous.

Carrying on trade, etc. without licence or in contravention of section 212.

213. Whoever carries on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 212, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to two hundred rupees and, in the case of a continuing offence, with an additional fine which may extend to forty rupees for every day after the first during which the offence is continued.

Feeding animals on dirt, etc.

214. Whoever feeds or allows to be fed on filthy or deleterious substances any animal which is kept for the purpose of supplying milk to, or which is intended to be used as food for, the inhabitants of a cantonment, or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the Cantonment Authority, shall be punishable with fine which may extend to fifty rupees.

Entry, Inspection and Seizure.

Powers of entry and seizure.

215. (*1*) The [Chairman][1] or the [Vice-Chairman][1] of a Board, the Executive Officer, the Health Officer, the Assistant Health Officer, or any other officer or servant of a Cantonment Authority authorized by it in writing in this behalf,—

(*a*) may at any time enter into any market, building, shop, stall or other place in the cantonment for the purpose of inspecting, and may inspect, any animals, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein ;

(*b*) may seize any such animal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(*2*) Any article seized under sub-section (*1*) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(*3*) Every animal, article, utensil, vessel or other thing seized under sub-section (*1*) shall, if it is not destroyed under sub-section (*2*), be taken before a Magistrate.

(*4*) The owner or person in possession, at the time of seizure under sub-section (*1*), of any animal or carcase which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (*b*) of sub-section (*1*), shall be punishable with fine which may extend to one hundred rupees, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the Cantonment Authority or to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

Explanation I.—If any such article, having been exposed or stored in, or brought to, any place mentioned in sub-section (*1*) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order 1948.

Explanation II.—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation III.—The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health :

Provided that—

(*a*) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof, or

(*b*) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(*c*) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added, or

(*d*) such owner or person has purchased the article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

Import of Cattle and Flesh.

Import of cattle and flesh.

216. (*1*) No person shall, without the permission in writing of the Cantonment Authority, bring into a cantonment any animal intended for human consumption, or the flesh of any animal slaughtered outside the cantonment otherwise than in a slaughter-house maintained by the Government or the Cantonment Authority.

(*2*) Any animal or flesh brought into a cantonment in contravention of sub-section (*1*) may be seized by the Executive Officer or by any servant of the Cantonment Authority and sold or otherwise disposed of as the Cantonment Authority may direct, and, if it is sold, the sale-proceeds may be credited to the cantonment fund.

(*3*) Whoever contravenes the provisions of sub-section (*1*) shall be punishable with fine which may extend to fifty rupees.

(*4*) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through a cantonment for consumption outside thereof, or to meat brought into a cantonment by any person for his immediate domestic consumption :

Provided that the Cantonment Authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

CHAPTER XIII.

WATER SUPPLY, DRAINAGE AND LIGHTING.

Water Supply.

Maintenance of water-supply.

217. (*1*) In every cantonment where a sufficient supply of pure water for domestic use does not already exist, the Cantonment Authority shall provide or arrange for the provision of such a supply.

(*2*) The Cantonment Authority shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year, and that the water shall be at all times pure and fit for human consumption.

Control over sources of public water-supply.

218. (*1*) The Cantonment Authority may, with the previous sanction of the President of the Union, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of water-supply under the control of the Military Engineer Services or the Public Works Department), from which water is or may be made available for the use of the public in the cantonment, to be a source of public water-supply.

(*2*) Every such source shall be under the control of the Cantonment Authority.

Power to require maintenance or closing of private source of public drinking water-supply.

219. The Cantonment Authority may, by notice in writing, require the owner or any person having the control of any source of public water-supply which is used for drinking purposes—

(*a*) to keep the same in good order and to clear it from time to time of silt, refuse and decaying vegetation, or

(*b*) to protect the same from contamination in such manner as the Cantonment Authority may direct, or

(*c*) if the water therein is proved to the satisfaction of the Cantonment Authority to be unfit for drinking purposes to take such measures as may be specified in the notice to prevent the public from having access to or using such water:

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Cantonment Authority for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Cantonment Authority shall undertake the control and supervision of the well.

Supply of water.

220. (*1*) The Cantonment Authority may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water-supply by means of communication pipes of such size and description as it may prescribe for the purpose of obtaining water for domestic use.

(*2*) The occupier of every building so connected with the water-supply shall be entitled to have for domestic use, in return for the water-tax, if any, such quantity of water as the Cantonment Authority may determine.

(*3*) All water supplied in excess of the quantity to which such supply is limited under sub-section (*2*) and in a cantonment in which a water-tax is not imposed, all water supplied under this section, shall be paid for at such rate as the Cantonment Authority may fix.

(*4*) The supply of water for domestic use shall not be deemed to include any supply—

(*a*) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire ;

(*b*) for any trade, manufacture or business ;

(*c*) for fountains, swimming baths or any ornamental or mechanical purpose ;

(*d*) for gardens or for purposes of irrigation ;

(*e*) for making or watering roads or paths ; or

(*f*) for building purposes.

Power to require water-supply to be taken.

221. If it appears to the Cantonment Authority that any building or land in the cantonment is without a proper supply of pure water, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from a source of public water-supply such quantity of water as is adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purposes.

Supply of water under agreement.

222. (*1*) The Cantonment Authority may, by agreement, supply, from any source of public water-supply, the owner, lessee or occupier of any building or land in the cantonment with any water for any purpose other than a domestic purpose, on such terms and conditions, consistent with this Act and the rules and bye-laws made thereunder, as may be agreed upon between the Cantonment Authority and such owner, lessee or occupier.

(*2*) The Cantonment Authority may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

Cantonment Authority not liable for failure of supply.

223. Notwithstanding any obligation imposed on Cantonment Authorities under this Act, a Cantonment Authority shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless, in the case of an agreement for the supply of water under section 222, the Cantonment Authority has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

Conditions of universal application.

224. Notwithstanding anything hereinbefore contained or contained in any agreement under section *222*, the supply of water by a Cantonment Authority to any building or land shall be, and shall be deemed to have been, granted subject to the following conditions, namely :—

(*a*) the owner, lessee or occupier of any building or land in or on which water supplied by the Cantonment Authority is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, give notice of the same to such officer as the Cantonment Authority may appoint in this behalf ;

(*b*) the Executive Officer or any other officer or servant of the Cantonment Authority authorized by it in writing in this behalf may enter into or on any premises supplied with water by the Cantonment Authority, for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water ;

(*c*) the Cantonment Authority may, after giving notice in writing, cut off the connection between any source of public water-supply and any building or land to which water is supplied for any purpose therefrom, or turn off such supply if—

(i) the owner or occupier of the building or land neglects to pay the water-tax or other charges connected with the water-supply within one month from the date on which such tax or charge falls due for payment ;

(ii) the occupier refuses to admit the Executive Officer or other authorized officer or servant of the Cantonment Authority into the building or land for the purpose of making any examination or inquiry authorized by clause (*b*) or prevents the making of such examination or inquiry ;

(iii) the occupier wilfully or negligently misuses or causes waste of water ;

(iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the water-works ;

(v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination by the Executive Officer, to be out of repair to such an extent as to cause a waste of water ;

(*d*) the expense of cutting off the connection or of turning off the water in any case referred to in clause (*c*) shall be paid by the owner or occupier of the building or land ;

(*e*) no action taken under or in pursuance of clause (*c*) shall relieve any person from any penalty or liability which he may otherwise have incurred.

225. A Cantonment Authority may allow any person not residing within the limits of the cantonment to take or be supplied with water for any purpose from any source of public water-supply on such terms as it may prescribe, and may at any time withdraw or curtail such supply. **Supply to persons outside cantonment.**

226. Whoever— **Penalty.**

(*a*) uses for other than domestic purposes any water supplied by a Cantonment Authority for domestic use, or

(*b*) where water is supplied by agreement with a Cantonment Authority for a specified purpose, uses that water for any other purpose,

shall be punishable with fine which may extend to fifty rupees, and the Cantonment Authority shall be entitled to recover from him the price of the water misused.

Water, Drainage and other Connections.

227. A Cantonment Authority may carry any cable, wire, pipe, drain, sewer or channel of any kind,— **Power of Cantonment Authority to lay wires, connections, etc.**

(*a*) for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage or sewerage, through, across, under or over any road or street, or any place laid out or intended as a road or street, or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated within the cantonment, or

(*b*) for the purpose of supplying water or of the introduction or distribution of outfall of water or for the removal or outfall of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated outside the cantonment;

and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used:

Provided that no nuisance shall be caused in excess of what is reasonably necessary for the proper execution of the work:

Provided further, that compensation shall be payable to the owner or occupier for any damage sustained by him which is directly occasioned by the carrying out of any such operation.

228. In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and **Wires, etc., laid above surface of ground.**

compensation shall be payable by the Cantonment Authority in respect of any substantial interference with the right to any such enjoyment.

Connection with main not to be made without permission.

229. No person shall, for any purpose whatsoever, without the permission of the Cantonment Authority, at any time make or cause to be made any connection or communication with any cable, wire, pipe, drain, sewer or channel constructed or maintained by, or vested in, a Cantonment Authority.

Power to prescribe ferrules and to establish meters, etc.

230. A Cantonment Authority may prescribe the size of the ferrules to be used for the supply of gas, if any, and may establish meters or other appliances for the purpose of testing the quantity of any water, or the quantity or quality of any gas, supplied to any premises by the Cantonment Authority.

Power of inspection.

231. The ferrules, communication pipes, connections, meters, standpipes and all fittings thereon or connected therewith leading from water mains or from pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by a Cantonment Authority, and the pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases be installed or executed subject to the inspection and to the satisfaction of the Cantonment Authority.

Power to fix rates and charges.

232. A Cantonment Authority may fix the charges to be made for the establishment by it or through its agency of communications from, and connections with, mains, or pipes for the supply of water or gas, or for meters or other appliances for testing the quantity or quality thereof supplied, and may levy such charges accordingly.

Application of this Chapter to Government Water-Supplies.

Government water-supply.

233. (*1*) Where in any cantonment there is a water-supply under the control of the Military Engineer Services or the Public Works Department, the officer of the Military Engineer Services or of the Public Works Department, as the case may be, in charge of such water-supply (hereinafter in this section and in section 234 referred to as the officer) may publish in the cantonment in such manner as he thinks fit a notice declaring that any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of public water-supply under the control of the Cantonment Authority), is a source of public water-supply and may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the Cantonment Authority to exercise any power conferred upon that Authority by section 219.

(*2*) In the case of any water-supply such as is referred to in sub-section (*1*), the following provisions of this Chapter, namely, the provisions of sections 220, 222, 223, 224, 226, 227, 228, 229, 230, 231 and 232, shall, as far as may be, be applicable in respect of the supply of water to the cantonment, and for the purpose of such application references to the Cantonment Authority shall be

construed as references to the officer, and references to the Executive Officer or other officer or servant of the Cantonment Authority shall be construed as references to such person as may be authorized in this behalf by the officer.

Recovery of charges.

234. In any case in which the provisions of section 233 apply, the water-tax, if any, imposed in the cantonment and all other charges arising out of the supply of water which may be imposed under the provisions of this Chapter as applied by section 233 shall be recovered by the Cantonment Authority, and all monies so recovered, or such proportion thereof as the President of the Union may in each case determine, shall be paid by the Cantonment Authority to the officer.

CHAPTER XIV.

REMOVAL AND EXCLUSION FROM CANTONMENTS AND SUPPRESSION OF SEXUAL IMMORALITY.

Power to remove brothels and prostitutes.

235. The Officer Commanding the station may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him either in person or by an authorized agent, and, if the Officer Commanding the station is then satisfied as to the truth of the information, he may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

Penalty for loitering and importuning for purposes of prostitution.

236. (*1*) Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality shall be punishable with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*2*) No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military or Air Force police, being employed in the cantonment and authorized in this behalf by the Officer Commanding the station, in whose presence the offence was committed, or of a police-officer not below the rank of a sub-inspector or a sergeant who is employed in the cantonment and authorized in this behalf by the Officer Commanding the station with the concurrence of the District Magistrate.

Removal of lewd persons from cantonment.

237. If the Officer Commanding the station is, after such inquiry as he thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence under section 236, or of the abetment of such an offence, he may cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the Officer Commanding the station.

Removal and exclusion from cantonments of disorderly persons.

238. (*1*) A Magistrate of the first class having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment—

(*a*) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents a common gaming house, a disorderly drinking shop or a disorderly house of any other description, or

(*b*) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Penal Code, or

[1](*c*) * * * *

(*d*) has been ordered under Chapter VIII of the Code of Criminal Procedure, either within the cantonment or elsewhere, to execute a bond for his good behaviour,

may record in writing the substance of the information received, and may issue a summons to such person requiring such person to appear and show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(*2*) Every summons issued under sub-section (*1*) shall be accompanied by a copy of the record aforesaid, and the copy shall be served along with the summons on the person against whom the summons is issued.

(*3*) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if, upon such inquiry, it appears to him that such person is a person of any kind described in sub-section (*1*) and that it is necessary for the maintenance of good order in the cantonment that such person should be required to remove therefrom and be prohibited from re-entering the cantonment, the Magistrate shall report the matter to the Officer Commanding the station, and, if the Officer Commanding the station so directs, shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the station.

Removal and exclusion from cantonment of seditious persons.

239. (*1*) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breaches of discipline amongst any portion of [the Burma] [2] forces or is a person who, the Officer Commanding the station has reason to believe, is likely to do such act, the Officer Commanding the station may make an order in writing setting forth the reasons for the making of the same and requiring such person to remove from the cantonment within such time as may be specified in the

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[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Substituted *ibid.*

order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the station :

Provided that no order shall be made under this section against any person unless he has had a reasonable opportunity of being informed of the grounds on which it is proposed to make the order and of showing cause why the order should not be made.

(*2*) Every order made under sub-section (*1*) shall be sent to the Superintendent of Police of the district, who shall cause a copy thereof to be served on the person concerned.

(*3*) Upon the making of any order under sub-section (*1*), the Officer Commanding the station shall forthwith send a copy of the same to the President of the Union.

(*4*) The President of the Union may, of his own motion, and shall, on application made to him in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make, after such inquiry as the President of the Union may prescribe, a report regarding the justice of the order and the necessity therefor. At every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence.

(*5*) The President of the Union may, at any time after the receipt of a copy of an order sent under sub-section (*3*) or, where a report has been called for under sub-section (*4*), on receipt of that report, if he is of opinion that the order should be varied or rescinded, pass such orders thereon as he thinks fit.

(*6*) Any person who has been excluded from a cantonment by an order made under this section may, at any time after the expiry of one month from the date thereof, apply to the Officer Commanding-in-Chief, the Command, for the rescission of the same and, on such application being made, the said Officer may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescind the order.

240. Whoever— **Penalty.**

(*a*) fails to comply with an order issued under this Chapter within the period specified therein, or, whilst an order prohibiting him from re-entering a cantonment without permission is in force, re-enters the cantonment without such permission or

(*b*) knowing that any person has, under this Chapter, been required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment,

shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the offence.

CHAPTER XV.

POWERS, PROCEDURE, PENALTIES AND APPEALS.

Entry and Inspection.

Powers of entry.

241. It shall be lawful for the [Chairman][1] or the [Vice-Chairman] [1] of a Board, or the Executive Officer, or the Health Officer or Assistant Health Officer, or any person specially authorized by the Health Officer or the Assistant Health Officer, or for any other person authorized by general or special order of a Cantonment Authority in this behalf, to enter into or upon any building or land, with or without assistants or workmen, in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorized by or under this Act or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder :

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 207 or section 215 or to authorize the conferment upon any person of any such power.

Powers of inspection by member of a Board.

242. With the previous sanction of the [Chairman,][1] any member of a Board may inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book, accounts or other document belonging to, or in the possession of, the Board.

Power of inspection, etc.

243. (*1*) A Cantonment Authority may, by general or special order, authorize any person—

(*a*) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be ;

(*b*) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(*2*) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the Cantonment Authority.

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[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Power to enter land adjoining land where work is in progress.

244. (*1*) The Executive Officer of a cantonment may, with or without assistants or workmen, enter on any land within fifty yards of any work authorized by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.

(*2*) The Executive Officer shall, before entering on any land under sub-section (*1*), give the occupier or, if there is no occupier, the owner not less than three days' previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(*3*) The Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Cantonment Authority to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

Breaking into premises.

245. It shall be lawful for any person authorized by or under this Act to make any entry into any place to open or cause to be opened any door, gate or other barrier—

(*a*) if he considers the opening thereof necessary for the purpose of such entry ; and

(*b*) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

Entry to be made in the day time.

246. Save as otherwise expressly provided in this Act, no entry authorized by or under this Act shall be made except between the hours of sunrise and sunset.

Owner's consent ordinarily to be obtained.

247. Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours' written notice of the intention to make such entry :

Provided that no such notice shall be necessary if the place to be inspected is a stable for horses or a shed for cattle, or a latrine, privy or urinal, or a work under construction.

Regard to be had to social and religious usages.

248. When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Penalty for obstruction.

249. Whoever obstructs or molests any person employed by a Cantonment Authority, who is not a public servant within the meaning of section 21 of the Penal Code, or any person with whom the Cantonment

Authority has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or of any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to one hundred rupees.

Powers and Duties of Police Officers.

Arrest without warrant.

250. Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV:

Provided that—

(*a*) in the case of the breach of any such provision as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and

(*b*) no person shall be so arrested for an offence under section 236 except—

(i) at the request of the person importuned or of a military officer in whose presence the offence was committed; or

(ii) by or at the request of a member of the Military or Air Force police, who is employed in the cantonment and authorized in this behalf by the Officer Commanding the station, and in whose presence the offence was committed, or by or at the request of any police-officer not below the rank of a sub-inspector who is employed in the cantonment and authorized in this behalf by the Officer Commanding the station.

Duties of police-officers.

251. It shall be the duty of all police-officers to give immediate information to the Cantonment Authority of the commission of any offence against the provisions of this Act or of any rule or bye-law made thereunder, and to assist all cantonment officers and servants in the exercise of their lawful authority.

Notices.

Notices to fix reasonable time.

252. Where any notice, order or requisition made under this Act or any rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

253. Every notice, order or requisition issued by a Cantonment Authority under this Act or any rule or bye-law made thereunder shall be signed— **Authentication and validity of notices issued by Cantonment Authority.**

(*a*) where there is a Board, either by the [Chairman][1] of the Board or by the Executive Officer, or, where there is no Board, by the Executive Officer ; or

(*b*) by the members of any committee especially authorized by the Cantonment Authority in this behalf.

254. (*1*) Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented— **Service of notice, etc.**

(*a*) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended ; or

(*b*) if such person cannot be found, by affixing the notice, order or requisition on some conspicuous part of his last known place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the building or land, if any, to which it relates.

(*2*) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

(*a*) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees or occupiers than one, to any one of them ; or

(*b*) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorized agent, if any, of any such owner, lessee or occupier, or to an adult male member or servant of the family of any such owner, lessee or occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(*3*) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

255. Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Cantonment Authority, or in such other public place, during such period, or is published in such local newspaper or in such other manner, as the Cantonment Authority may direct. **Method of giving notice.**

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Powers of Cantonment Authority in case of non-compliance with notice, etc.

256. In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act, or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the Cantonment Authority, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be recoverable by the Cantonment Authority.

Recovery of Money.

Liability of occupier to pay in default of owner.

257. (*1*) If any such notice as is referred to in section 256 has been given to any person in respect of property of which he is the owner, the Cantonment Authority may require any occupier of such property or of any part thereof to pay to it, instead of to the owner, any rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 256 :

Provided that if the occupier, on application made to him by the Cantonment Authority, refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the Cantonment Authority may recover from the occupier the whole amount recoverable under section 256.

(*2*) Any amount recovered from an occupier instead of from an owner under sub-section (*1*) shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

Relief to agents and trustees.

258. (*1*) Where any person, by reason of his receiving the rent of immoveable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(*2*) The burden of proving any fact entitling an agent or trustee to relief under sub-section (*1*) shall lie upon him.

(*3*) Where any agent or trustee has claimed and established his right to relief under this section, the Cantonment Authority may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first monies which may come to his hands on behalf, or for the use, of the owner, and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

Method of recovery

259. (*1*) In addition to the express provisions for the recovery of taxes hereinbefore contained, any arrears of any tax or fee or any other money claimable by a Cantonment Authority under this Act may be recovered as if they were arrears of land-revenue.

(*2*) The President of the Union may, by notification, prescribe by whose order and on whose application such arrears may be recovered.

Committees of Arbitration.

Application for a Committee of Arbitration.

260. In the event of any disagreement as to the liability of a Cantonment Authority to pay any compensation under this Act, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the Cantonment Authority for the reference of the matter to a Committee of Arbitration, and the Cantonment Authority shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

Procedure for convening Committee of Arbitration.

261. When a Committee of Arbitration is to be convened, the Cantonment Authority shall cause a public notice to be published stating the matter to be determined, and shall forthwith send copies of the order to the District Magistrate, and to the other party concerned, and shall, as soon as may be, nominate such members of the Committee as it is entitled to nominate under section 262, and, by notice in writing, call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with the provisions of that section.

Constitution of Committee of Arbitration

262. (*1*) Every Committee of Arbitration shall consist of five members, namely :—

(*a*) a chairman who shall be a person not in the service of the Government or the Cantonment Authority, and who shall be nominated by the Officer Commanding the station ;

(*b*) two persons nominated by the Cantonment Authority ; and

(*c*) two persons nominated by the other party concerned, who shall be persons liable to pay taxes in the cantonment and ordinarily resident therein or in the immediate vicinity thereof.

(*2*) If the Cantonment Authority or the other party concerned or the Officer Commanding the station fails within seven days of the date of issue of the notice referred to in section 261 to make any nomination which it or he is entitled to make, or if any member who has been so nominated neglects or refuses to act and the Cantonment Authority or other person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

No person to be nominated who has direct interest or whose services are not immediately available.

263. (*1*) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the Committee, shall be nominated a member of a Committee of Arbitration.

(*2*) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is otherwise disqualified for nomination, or if the services of any such person

are not immediately available as aforesaid, and if the Cantonment Authority or other person by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 262.

Meetings and powers of Committees of Arbitration.

264. (*1*) When a Committee of Arbitration has been duly constituted, the Cantonment Authority shall, by notice in writing, inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

(*2*) The chairman of the Committee shall fix the time and place of meetings, and shall have power to adjourn any meeting from time to time as may be necessary.

(*3*) The Committee shall receive and record evidence, and shall have power to administer oaths to witnesses, and, on requisition in writing signed by the chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

Decisions of Committees of Arbitration.

265. (*1*) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the chairman and at least three of the other members are present.

(*2*) If there is not a majority of votes in favour of any proposed decision, the opinion of the chairman shall prevail.

(*3*) The decision of a Committee of Arbitration shall be final and shall not be questioned in any Court.

Prosecutions.

Prosecutions.

266. Save as otherwise expressly provided in this Act, no Court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of, or upon information received from, the Cantonment Authority concerned or a person authorized by the Cantonment Authority by a general or special order in this behalf.

Composition of offences.

267. (*1*) A Cantonment Authority, or any person authorized by it by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act other than an offence under Chapter XIV :

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Cantonment Authority, unless and until the same has been complied with in so far as compliance is possible.

(*2*) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

General Penalty Provisions.

General penalty.

268. Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

Cancellation and suspension of licences.

269. Where any person to whom a licence has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence is to be or may be done, the Cantonment Authority may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or suspend it for such period as it thinks fit:

Provided that no such order shall be made until an opportunity has been given to the holder of the licence to show cause why it should not be made.

Recovery of amount payable in respect of damage to cantonment property.

270. Where any person has incurred a penalty by reason of having caused any damage to the property of a Cantonment Authority, he shall be liable to make good such damage, and the amount payable in respect of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and, on non-payment of such amount on demand, the same shall be recovered by distress and sale of the moveable property of such person, and the Magistrate shall issue a warrant for its recovery accordingly.

Limitation.

Limitation for prosecutions.

271. No Court shall try any person for an offence made punishable by or under this Act after the expiry of six months from the date of the commission of the offence, unless complaint in respect of the offence has been made to a Magistrate within the six months aforesaid.

Suits.

Protection of Cantonment Authority, Executive Officer, etc.

272. No suit or prosecution shall be entertained in any Court against any Cantonment Authority or authority appointed under sub-section (*2*) of section 10, or against any Officer Commanding a station, or against any member of a Board, or against any officer or servant of a Cantonment Authority, for anything in good faith done, or intended to be done, under this Act or any rule or bye-law made thereunder.

Notice to be given of suits.

273. (*1*) No suit shall be instituted against any Cantonment Authority or against any member of a Board, or against any officer or servant of a Cantonment Authority, in respect of any act done, or purporting to have been done, in pursuance of this Act or of any rule or bye-law made thereunder, until

the expiration of two months after notice in writing has been left at the office of the Cantonment Authority, and, in the case of such member, officer or servant, unless notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.

(2) If the Cantonment Authority, member, officer or servant has, before the suit is instituted, tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit, such as is described in sub-section (1) shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

Appeals and Revision.

Appeals from executive orders.

274. (1) Any person aggrieved by any order described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column thereof.

(2) No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the fourth column of the said Schedule.

(3) The period specified as aforesaid shall be computed in accordance with the provisions of the Limitation Act with respect to the computation of periods of limitation thereunder.

Petition of appeal.

275. (1) Every appeal under section 274 shall be made by petition in writing accompanied by a copy of the order appealed against.

(2) Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

Suspension of action pending appeal.

276. On the admission of an appeal from an order, other than an order contained in a notice issued under clause (*a*) of section 137, section 140, section 176, or section 238, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Revision.

277. (1) Where an appeal from an order made by the Cantonment Authority has been disposed of by the District Magistrate, the Cantonment Authority may, within thirty days from the date thereof, apply, through the

Officer Commanding-in-Chief, the Command, to the President of the Union, or to such authority as the President of the Union may appoint in this behalf, for a revision of the decision.

(*2*) The provisions of this Chapter with respect to appeals shall apply, as far as may be, to applications for revision made under this section.

Finality of appellate orders.

278. Save as otherwise provided in section 277, every order of an appellate authority shall be final.

Right of appellant to be heard.

279. No appeal shall be decided under this Chapter unless the appellant has been heard, or has had a reasonable opportunity of being heard, in person or through a legal practitioner.

CHAPTER XVI.

RULES AND BYE-LAWS.

Power to make rules.

280. (*1*) The President of the Union may, after previous publication, make rules to carry out the purposes and objects of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which, and the authority to which, application for permission to occupy land belonging to the [State][1] in a cantonment is to be made ;

(*b*) the authority by which such permission may be granted and the conditions to be annexed to the grant of any such permission ;

(*bb*) the allotment to a Cantonment Authority of a share of the rents and profits accruing from property entrusted to its management under the provisions of section 116A ;

(*c*) the appointment, control, supervision, suspension, removal, dismissal and punishment of servants of Cantonment Authorities ;

(*d*) the circumstances in which security shall be demanded from servants of Cantonment Authorities and the amount and nature of such security ;

(*e*) the grant of leave, absentee or acting allowance to servants of Cantonment Authorities ;

(*f*) the creation and management of provident funds, and the circumstances in which, and the conditions subject to which, contributions thereto shall be made from cantonment funds and by servants of Cantonment Authorities ;

(*g*) the keeping of accounts by Cantonment Authorities and the manner in which such accounts shall be audited and published ;

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[1] Substituted for the word "Crown" by the Union of Burma (Adaptation of Laws) Order, 1948.

(*h*) the definition of the persons by whom, and the manner in which, money may be paid out of a cantonment fund ;

(*hh*) the circumstances in which and the conditions subject to which remissions and refunds may be made of taxes assessed on the annual value of buildings in hill Cantonments ;

(*i*) the preparation of estimates of income and expenditure by Cantonment Authorities and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned ;

(*j*) the regulation of the procedure of Committees of Arbitration ; and

(*k*) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act.

Supplemental provisions respecting rules.

281. (*1*) A rule under section 280 may be made either generally for all cantonments or for the whole or any part of any one or more cantonments.

(*2*) All rules so made shall be published in the Gazette and in such other manner, if any, as the President of the Union may direct and, on such publication, shall have effect as if enacted in this Act.

Power to make bye-laws

282. Subject to the provisions of this Act and of the rules made thereunder, a Cantonment Authority may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the following matters in the cantonment, namely :—

(1) the registration of births, deaths and marriages, and the taking of a census ;

(2) the enforcement of compulsory vaccination ;

(3) the regulation of the collection and recovery of taxes, tolls and fees under this Act and the refund of taxes ;

(4) the regulation or prohibition of any description of traffic in the streets ;

(5) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted ;

(6) the seizure and confiscation of ownerless animals straying within the limits of the cantonment ;

(7) the prevention and extinction of fire ;

(8) the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon ;

(9) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works ;

(10) the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter ;

(11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health ;

(12) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund ;

(13) the permission, regulation or prohibition of the use or occupation of any street or place by itinerant vendors or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall, and the fees chargeable for such use or occupation ;

(14) the regulation and control of encamping grounds, pounds, washing-places, *serais*, hotels, dâk-bungalows, lodging-houses, boarding- houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafés, refreshment-rooms and places of public recreation, entertainment or resort ;

(15) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of ærated or other potable waters and of butter, milk, sweet-meats and other articles of food or drink for human consumption ;

(16) the matters regarding which conditions may be imposed by licences granted under section 210 ;

(17) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom ;

(18) the regulation of the erection of any enclosure, fence, tent, awning or other temporary structure of whatsoever material or nature on any land situated within the cantonment ;

(19) the laying out of streets, and the regulation and prohibition of the erection of buildings without adequate provision being made for the laying out and location of streets ;

(20) the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places ;

(21) the regulation of the grazing of animals ;

(22) the fixing and regulation of the use of public bathing and washing-places ;

(23) the regulation of the posting of bills and advertisements, and of the position, size, shape or style of name-boards, sign-boards and sign-posts ;

(24) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;

(25) the rendering necessary of licences within the cantonment—

(*a*) for persons working as job porters for the conveyance of goods;

(*b*) for animals or vehicles let out on hire;

(*c*) for the proprietors or drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire; or

(*d*) for persons impelling or carrying such vehicles or other conveyances;

(26) the prescribing of the fee payable for any licence required under clause (25), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn;

(27) the regulation of the charges to be made for the services of such job porters and of the hire of such animals, vehicles or other conveyances, and for the remuneration of persons impelling or carrying such vehicles or conveyances as are referred to in clause (25);

(28) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act;

(29) the circumstances and the manner in which owners of buildings or land in the cantonment, who are temporarily absent from, or are not resident in, the cantonment, may be required to appoint as their agents, for all or any of the purposes of this Act or of any rule or bye-law made thereunder, persons residing within or near the cantonment;

(30) the prevention of the spread of infectious or contagious diseases within the cantonment;

(31) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease;

(32) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;

(33) the manner in which connections with water-works may be constructed or maintained, and the agency which shall or may be employed for such construction and maintenance;

(34) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefor and the prevention of evasion of the same;

(35) the maintenance of schools, and the furtherance of education generally;

(36) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Cantonment Authority to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of land-slips or of the formation of ravines or torrents, or the protection of land against erosion, or against the deposit thereon of sand, gravel or stones ;

(37) the rendering necessary of licences for the use of premises within the cantonment as stables or cowhouses or as accommodation for sheep, goats or fowls ;

(38) the control of the use in the cantonment of mechanical whistles, syrens or trumpets ; and

(39) generally for the regulation of the administration of the cantonment under this Act.

Penalty for breach of bye-laws

283. Any bye-law made by a Cantonment Authority under this Act may provide that a contravention thereof shall be punishable—

(*a*) with fine which may extend to one hundred rupees ; or

(*b*) with fine which may extend to one hundred rupees and, in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention ; or

(*c*) with fine which may extend to ten rupees for every day during which the contravention continues after the receipt of a notice from the Cantonment Authority by the person contravening the bye-law requiring such person to discontinue such contravention.

Supplemental provisions regarding bye-laws.

284. (*1*) Any power to make bye-laws conferred by this Act is conferred subject to the condition of the bye-laws being made after previous publication and of their not taking effect until they have been approved and confirmed by the President of the Union and published in the Gazette.

(*2*) The President of the Union in confirming a bye-law may make any change therein which appears to him to be necessary.

(*3*) The President of the Union may, after previous publication of his intention, cancel any bye-law which he has confirmed, and thereupon the bye-law shall cease to have effect.

Rules and bye-laws to be available for inspection and purchase.

285. (*1*) A copy of all rules and bye-laws made under this Act shall be kept at the office of the Cantonment Authority and shall, during office hours, be open free of charge to inspection by any inhabitant of the cantonment.

(*2*) Copies of all such rules and bye-laws shall be kept at the office of the Cantonment Authority for sale to the public.

CHAPTER XVII.

SUPPLEMENTAL PROVISIONS.

Extension of certain provisions of the Act and rules to places beyond cantonment.

286. The President of the Union may, by notification in the Gazette, and subject to any conditions as to compensation or otherwise which he thinks fit to impose, extend to any area beyond a cantonment and in the vicinity thereof, with or without restriction or modification, any of the provisions of Chapters IX, X, XI, XII, XIII, XIV and XV, or of any rule or bye-law made under this Act for the cantonment, which relates to the subject-matter of any of those Chapters, and every enactment, rule or bye-law so extended shall thereupon apply to that area as if the area were included in the cantonment.

Power to delegate functions of Executive Officer.

286A. The Cantonment Authority may empower any of its members or officers to exercise or perform in the absence of the Executive Officer from the cantonment all or any of such powers or duties of an Executive Officer under this Act as the President of the Union may, by notification in the Gazette, specify in this behalf.

Registration.

287. (*1*) Paragraphs 2 and 3 of section 54, and sections 59, 107 and 123 of the Transfer of Property Act, with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to every cantonment.

(*2*) The Registrar or sub-Registrar of the district or sub-district formed for the purposes of the Registration Act in which any cantonment is situated, shall, when any document relating to immoveable property within the cantonment is registered, send information of the registration forthwith to the Cantonment Authority or such other authority as the President of the Union may prescribe in this behalf.

Validity of notices and other documents.

288. No notice, order, requisition, licence, permission in writing or other such document issued under this Act shall be invalid merely by reason of any defect of form.

Admissibility of document or entry as evidence.

289. A copy of any receipt, application, plan, notice, order or other document, or of any entry in a register in the possession of a Cantonment Authority shall, if duly certified by the legal keeper thereof or other person authorized by the Cantonment Authority in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matter and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

Evidence by officer or servant of the Cantonment Authority.

290. No officer or servant of a Cantonment Authority shall, in any legal proceeding to which the Cantonment Authority is not a party, be required to produce any register or document the contents of which can be proved under section 289 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the Court made for special cause.

291. For the purposes of the Government Buildings Act, cantonments and Cantonment Authorities shall be deemed to be municipalities and municipal authorities respectively. **Application of Government Buildings Act.**

SCHEDULE I.

NOTICE OF DEMAND.

(See section 91.)

To
residing at

Take notice that the Cantonment Authority demands from the sum of due from on account of (here describe the property, occupation, circumstance or thing in respect of which the sum is payable) leviable under for the period of commencing on the day of 19 , and ending on the day of 19 , and that if, within thirty days from the service of this notice, the said sum is not paid to the Cantonment Authority at , or sufficient cause for non-payment is not shown to the satisfaction of the Executive Officer, a warrant of distress will be issued for the recovery of the same with costs.

Dated this day of 19 ,

(Signed)

Executive Officer,
Cantonment.

SCHEDULE II.

FORM OF WARRANT.

(*See* section 92.)

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B. of has not paid, and has not shown satisfactory cause for the non-payment of, the sum of due on account of * for the period of commencing on the day of 19 , and ending with the day of 19 , which sum is leviable under

(Here describe the liability.)

And whereas thirty days have elapsed since the service on him of notice of demand for the same ;

This is to command you to distrain, subject to the provisions of the Cantonments Act, the moveable property of the said A. B. to the amount of the said sum of Rs. ; and forthwith to certify to me, together with this warrant, all particulars of the property seized by you thereunder.

Dated this day of 19

(Signed)

Executive Officer,
Cantonment.

SCHEDULE III.

FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE.

(*See* section 93.)

To
residing at

Take notice that I have this day seized the property specified in the inventory annexed hereto, for the value of due for the liability * mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs. due for service of notice of demand, and that, unless within seven days from the date of the service of this notice you pay to the Cantonment Authority the said amount, together with the costs of recovery, the said property will be sold by public auction.

(Here describe the liability.)

Dated this day of 19

(*Signature of officer executing the warrant.*)

INVENTORY.

(Here state particulars of property seized.)

SCHEDULE IV.

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.

(*See* section 250.)

Section. (1)	Subject. (2)
	PART A.
118 (*1*) (*a*) (*i*)	Drunkenness, etc.
167	Making or selling of food, etc., or washing of clothes by infected person.
	PART B.
118 (*1*) (*a*) (*ii*)	Using threatening or abusive words, etc.

Section. (1)	Subject. (2)
118 (*1*) (*a*) (*iii*)	Indecent exposure of person, etc.
118 (*1*) (*a*) (*iv*)	Begging.
118 (*1*) (*a*) (*v*)	Exposing deformity, etc.
118 (*1*) (*a*) (*vii*)	Gaming.
118 (*1*) (*a*) (*xii*)	Destroying notice, etc.
118 (*1*) (*a*) (*xiii*)	Breaking direction-post, etc.
118 (*1*) (*f*)	Keeping common gaming-house, etc.
118 (*1*) (*g*)	Beating drum, etc.
118 (*1*) (*h*)	Singing, etc., so as to disturb public peace or order.
119 (*b*)	Letting loose, or setting on, ferocious dog.
125	Discharging fire-arms, etc., so as to cause danger.
176 (*1*)	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
193 (*2*)	Destroying, etc., name of street or number affixed to building.
214	Feeding animal on filth, etc.
236	Loitering or importuning for sexual immorality.
240 (*a*)	Remaining in, or returning to, a cantonment after notice of expulsion.

SCHEDULE V.

APPEALS FROM ORDERS.

(*See* section 274.)

Section. (1)	Executive Order. (2)	Appellate Authority. (3)	Time allowed for appeal. (4)
126	Cantonment Authority's notice to repair, protect or enclose a building, wall or anything affixed thereto or well, tank, reservoir, pool, depression or excavation.	Officer Commanding-in Chief, the Command.	Thirty days from service of notice.

Section. (1)	Executive Order. (2)	Appellate Authority. (3)	Time allowed for appeal. (4)
134	Cantonment Authority's notice to fill up well, tank, etc., or to drain off or remove water.	Officer Commanding-in-Chief, the Command.	Thirty days from service of notice.
137	Cantonment Authority's notice to provide sufficient drainage, etc.	Officer Commanding-in-Chief, the Command.	Fifteen days from service of notice.
140	Cantonment Authority's notice requiring a building to be repaired or altered so as to remove sanitary defects.	Officer Commanding-in-Chief, the Command.	Thirty days from service of notice.
176	Order of Officer Commanding the station on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding-in-Chief, the Command.	Thirty days from service of notice.
181	Cantonment Authority's refusal to sanction the erection or re-erection of a building.	Officer Commanding-in-Chief, the Command.	Thirty days from date of refusal.
185	Cantonment Authority's notice to alter or demolish a building.	Officer Commanding-in-Chief, the Command.	Thirty days from service of notice.
188	Cantonment Authority's notice to pull down or otherwise deal with a building newly erected or re-built without permission over a sewer, drain, culvert, water-course or water-pipe.	Officer Commanding-in-Chief, the Command.	Thirty days from service of notice.
206	Cantonment Authority's notice prohibiting or restricting the use of a slaughter-house.	Officer Commanding-in-Chief, the Command.	Twenty-one days from service of notice.

Section. (1)	Executive Order. (2)	Appellate Authority. (3)	Time allowed for appeal. (4)
238	Magistrate's notice directing disorderly person to remove from cantonment and prohibiting him from re-entering it without permission.	District Magistrate ...	Thirty days from service of notice.

THE CANTONMENTS (HOUSE ACCOMMODATION) ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. Operation of Act.
2. Definitions.

CHAPTER II.

APPLICATION OF ACT.

3. Cantonments or parts of cantonments in which Act to be operative.
4. Saving of written instruments.

CHAPTER III.

APPROPRIATION OF HOUSES.

5. Liability of houses to appropriation.
6. Conditions on which houses may be appropriated.
7. Procedure for taking house on lease.
8. * * * *
9. Sanction to be obtained before a house is occupied as a hospital, etc.
10. Houses not to be appropriated in certain cases.
11. Time to be allowed for giving possession of house.
12. Surrender of house when to be enforced.
13. Option in certain cases for owner on whom notice is issued under section 7 to call upon the Government to purchase.
14. Provision where house is held on lease by a tenant.
15. Power for owner to require reference to Court on question of rent.
16. Power for owner to require reference to Court on question of repairs.

Sections.

17. Power to have repairs executed and recover cost.
18. Notice to be given of devolution of interest in house in cantonment.

CHAPTER IV.

PROCEDURE IN REFERENCES.

19. Jurisdiction in references.
20. Procedure and powers of the Court.
21. Restriction of scope of inquiry.
22-28. * * * *

CHAPTER V.

APPEALS.

29. Appeal to High Court.
30. Appeal to the General Officer Commanding the Forces in the Union of Burma.
31. Petition of appeal.
32. Order in appeal final.
33. Suspension of action pending appeal.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

34. Service of requisitions.
34A. Computation of periods of limitation.
35. Power for President to make rules.
36. Further provisions respecting rules.
37. Inapplicability of section 556 of the Code of Criminal Procedure to trials of offences.
38. Protection to persons acting under Act.

THE CANTONMENTS (HOUSE ACCOMMODATION) ACT.

[INDIA ACT VI, 1923.] (1st April, 1923.)

CHAPTER I.

PRELIMINARY.

Operation of Act

1. (*1*)-(*2*) * * * *

(*3*) This Act shall not become operative in any cantonment or part of a cantonment otherwise than in pursuance of a notification under section 3:

Provided that any notification made under section 3 of the Cantonments (House Accommodation) Act, 1922,[1] in force on the 1st April, 1923,[2] shall be deemed to be a notification made under section 3 of this Act. India II, 1902.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

[3](*a*) * * * *

(*b*) "Cantonment Board" means a Cantonment Board constituted under the Cantonments Act;

(*c*) * * * *

(*d*) "Officer Commanding the station" means the officer for the time being in command of the forces in a cantonment or, if that officer is the General Officer Commanding the Forces in the Union of Burma, the military officer who would be in command of those forces in the absence of the General Officer Commanding the Forces in the Union of Burma;

(*e*) * * * *

(*f*) "house" means a house suitable for occupation by a military officer or a military mess, and includes the land and buildings appurtenant to a house;

(*g*) 'military officer" means a commissioned or warrant officer of [the Burma][4] military or air forces on military or air-force duty in a cantonment, and includes * * * *[5] an officer of the Cantonments Department and any person in Army departmental employment whom the General Officer Commanding the Forces in the Union of Burma may at any time, by an order in writing, place on the same footing as a military officer for the purposes of this Act;

(*h*) "owner" includes the person who is receiving, or is entitled to receive, the rent of a house, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent, or be entitled to receive it, if the house were let to a tenant; and

(*i*) a house is said to be in a state of reasonable repair when—

(i) all floors, walls, pillars and arches are sound and all roofs sound and watertight,

(ii) all doors and windows are intact, properly painted or oiled, and provided with proper locks or bolts or other secure fastenings, and

(iii) all rooms, out-houses and other appurtenant buildings are properly colour-washed or white-washed.

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[1] Repealed by the Cantonments (House Accommodation) Act, 1923 (India Act VI, 1923).
[2] Date of commencement of this Act.
[3] Clause (*a*) was omitted by Act II, 1945.
[4] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.
[5] Omitted *ibid.*

(*2*) If any question arises whether any land or building is appurtenant to a house, it shall be decided by the Officer Commanding the station whose decision thereon shall, subject to revision by the Collector, be final.

CHAPTER II.

APPLICATION OF ACT.

Cantonments or parts of cantonments in which Act to be operative.

3. (*1*) The President of the Union may, by notification in the Gazette, declare this Act to be operative [1] in any cantonment or part of a cantonment situate in the Union of Burma.

(*2*) Before issuing a notification under sub-section (*1*) in respect of any cantonment or part of a cantonment, the President of the Union shall cause local inquiry to be made with a view to determining whether it is expedient to issue such notification, and what portion (if any) of the area proposed to be included therein should be excluded therefrom.

Saving of written instruments.

4. Nothing in this Act shall affect the provisions of any written instrument executed by or on behalf of the East India Company or the Government, unless the other party entitled and the Government consent in writing to be bound by the terms of this Act.

CHAPTER III.

APPROPRIATION OF HOUSES.

Liability of houses to appropriation.

5. Every house situate in a cantonment or part of a cantonment in respect of which a notification under sub-section (*1*) of section 3 is for the time being in force shall be liable to appropriation by the Government on a lease in the manner and subject to the conditions hereinafter provided.

Conditions on which houses may be appropriated.

6. (*1*) Where—

(*a*) a military officer who is stationed in or has been posted to the cantonment, or a [Chairman][2] of a military mess in the cantonment, applies in writing to the Officer Commanding the station stating that he is unable to secure suitable accommodation in the cantonment for himself or the mess on reasonable terms by private agreement, and that no suitable house or quarter belonging to Government is available for his occupation or for the occupation of the mess, and the Officer Commanding the station is satisfied on inquiry of the truth of the facts so stated, or

(*b*) the Officer Commanding the station is satisfied on inquiry that there is not in the cantonment a sufficient and assured supply of houses available at reasonable rates of rent by private agreement to meet the requirements of the military officers and military messes whose accommodation in the cantonment is in his opinion necessary or expedient,

the Officer Commanding the station may, with a view to enforcing the liability under section 5, serve a notice on the owner of any house which appears to

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[1] This Act has been declared to be in operation in all cantonments in Burma, *vide*, Notification No. 87, dated 26th May 1931, *Burma Gazette*, 1931, Part I, page 431.

[2] Substituted for the word "President" by the Union of Burma (Adaptation of Laws) Order, 1948.

him to be suitable for occupation by a militaty officer or a military mess, as the case may be, within the cantonment, or, if this Act is in force in part only of the cantonment, within that part, requiring the owner to permit the house to be inspected, measured and surveyed by such person and on such date, not being less than three clear days from the service of the notice, and at such time between sunrise and sunset, as may be specified in the notice.

(*2*) On the date and at the time so specified the owner shall be bound to afford all reasonable facilities to the person specified in the notice for the purpose of the inspection, measurement and survey of the house and, if he refuses or neglects to do so, such person may, subject to any rules made under this Act, enter on the premises and do all such things as may be reasonably necessary for the said purpose.

Procedure for taking house on lease.

7. (*1*) If, on the report of such person as aforesaid, the Officer Commanding the station is satisfied that the house is suitable for occupation by a military officer or a military mess, he may, by notice—

(*a*) require the owner to execute a lease of the house to the Government for a specified period which shall not be less than five years ;

(*b*) require the existing occupier, if any, to vacate the house ; and

(*c*) require the owner to execute within such time as may be specified in the notice such repairs as may, in the opinion of the Officer Commanding the station, be necessary for the purpose of putting the house into a state of reasonable repair.

(*2*) Every notice issued under sub-section (*1*) shall state the amount of the annual rent proposed as reasonable for the house, calculated on the assumption that the owner will carry out the required repairs, if any. It shall also contain an estimate of the cost of such repairs.

(*3*) The following shall be deemed to be conditions of every lease executed under sub-section (*1*), namely :—

(*a*) that the house shall, on the expiration of the lease, be re-delivered to the owner in a state of reasonable repair, and

(*b*) that the grounds and the garden, if any, appertaining to the house shall be maintained in the condition in which they are at the time at which the lease is executed :

Provided that nothing in this sub-section shall be deemed to affect the right of the Government to avoid the lease in any such event as is specified in clause (*e*) of section 108 of the Transfer of Property Act.

8. * * * *

Sanction to be obtained before a house is occupied as a hospital, etc.

9. No house in any cantonment or part of a cantonment in which this Act is operative shall, unless it was so occupied at the date of the issue of the notification declaring this Act or the Cantonments (House-Accommodation) Act, 1902,[1] as the case may be, to be operative, be occupied for the purposes of a hospital, school, school hostel, bank, hotel, or shop, or by a railway

[1] Repealed by the Cantonments (House Accommodation) Act, 1923 (India Act VI, 1923).

administration, a company or firm engaged in trade or business or a club, without the previous sanction of the General Officer Commanding the Forces in the Union of Burma given with the concurrence of the Commissioner.

Houses not to be appropriated in certain cases.

10. No notice shall be issued under section 7 if the house—

(*a*) was, at the date of the issue of the notification declaring this Act or the Cantonments (House-Accommodation) Act, 1902,[1] as the case may be, to be operative in the cantonment or part of the cantonment, or is, with such sanction as is required by section 9, occupied as a hospital, school, school hostel, bank, hotel or shop, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or

(*b*) was, at the date of such a notification as is referred to in clause (*a*), or is, with such sanction as aforesaid, occupied by a railway administration or by a company or firm engaged in trade or business or by a club, or

(*c*) is occupied by the owner, or

(*d*) has been appropriated by the President of the Union for use sa a public office or for any other purpose.

Time to be allowed for giving possession of house.

11. (*1*) If a house is unoccupied, a notice issued under section 7 may require the owner to give possession of the same to the Officer Commanding the station within twenty-one days from the service of the notice.

(*2*) If a house is occupied, a notice issued under section 7 shall not require its vacation in less than thirty days from the service of the notice.

(*3*) Where a notice has been issued under section 7 and the house has been vacated in pursuance thereof, the lease shall be deemed to have commenced on the date on which the house was so vacated.

Surrender of house when to be enforced.

12. If the owner fails to give possession of a house to the Officer Commanding the station in pursuance of a notice issued under section 7, or if the existing occupier fails to vacate a house in pursuance of such a notice, the District Magistrate, by himself or by another person generally or specially authorized by him in this behalf, shall enter on the premises and enforce the surrender of the house.

Option in certain cases for owner on whom notice is issued under section 7 to call upon the Government to purchase.

13. (*1*) If a house, in respect of which a notice is issued under section 7, is shown to the satisfaction of the President of the Union, or is proved by a decree or order of a Court of competent jurisdiction, to have been erected under any conditions, rules, regulations or orders which were in force in Bengal prior to the eighth day of December, 1864, and conferred on the owner the option of offering the house for sale to the military officer applying for its appropriation for his occupation or to the East India Company or the Government, then the owner shall have the option of either complying with the notice or offering the house for sale to the Government.

[1] Repealed by the Cantonments (House Accommodation) Act, 1923 (India Act VI, 1923).

(*2*) If the owner elects to sell the house, and the Government is willing to purchase it, the question of the amount of the purchase-money to be paid shall, in the event of disagreement, be referred to a civil Court in accordance with the provisions of Chapter IV.

Provision where house is held on lease by a tenant.

14. (*1*) If a house, in respect of which a notice is issued under section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, the Government shall, for the term of one year from the date on which the house is vacated in pursuance of the notice, or for the unexpired term of the lease, whichever is the shorter, be liable to the owner for the rent fixed by the registered lease instead of for the rent payable under this Act if the rent so fixed exceeds the rent so payable.

(*2*) If a house, in respect of which a notice is issued under section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease from year to year, the Government shall be liable as aforesaid for the term of six months from the date on which the house is vacated in pursuance of the notice.

(*3*) Nothing in this section shall be deemed—

(*a*) to render the Government so liable unless an application in writing in this behalf is made by the owner to the Officer Commanding the station within fifteen days from the service of the notice ; or

(*b*) to limit or otherwise affect any agreement between the Secretary of State for India in Council or the Government and the owner.

Power for owner to require reference to Court on question of rent.

15. (*1*) If the owner considers that the rent stated in a notice issued under section 7 is not reasonable, he may, within a period of thirty days from the service of such notice, refer the matter to a civil Court, in accordance with the provisions of Chapter IV :

Provided that where an appeal has been made to the General Officer Commanding the Forces in the Union of Burma under section 30, the period of thirty days shall be reckoned from the date on which the owner received notice of the result of the appeal under sub-section (*2*) of section 32.

(*2*) If the owner does not make such reference within the said period, he shall be deemed to have accepted the rent so offered.

Power for owner to require reference to Court on question of repairs.

16. (*1*) If the owner fails to execute any repairs to a house as required by a notice issued to him under section 7, the Officer Commanding the station may by notice require the owner to execute the repairs within such period, not being less than thirty days, as may be specified in the notice :

Provided that where an appeal has been made to the General Officer Commanding the Forces in the Union of Burma under section 30, the period of thirty days shall be reckoned from the date on which the owner received notice of the appeal under sub-section (*2*) of section 32.

(*2*) If the owner objects to any requisition contained in a notice issued under sub-section (*1*), he may, within thirty days from the service of the notice, refer the matter to a civil Court, in accordance with the provisions of Chapter IV.

(*3*) Every reference under sub-section (*2*) shall be accompanied by an estimate of the repairs, if any, which the owner considers necessary in order to put the house into a state of reasonable repair.

Power to have repairs executed and recover cost.

17. If the owner fails to comply with a notice issued under sub-section (*1*) of section 16, the Military Engineer Services or the Public Works Department may, with the previous sanction of the Officer Commanding the station and notwithstanding any right of reference conferred by that section, cause the repairs specified in the notice to be executed at the expense of the Government, and the cost thereof, or, where a reference has been made, the amount finally determined by the civil Court, may be deducted from the rent payable to the owner.

Notice to be given of devolution of interest in house in cantonment.

18. Every person on whom devolves, by transfer, by succession or by operation of law, the interest of an owner in any house, or in any part of any house, situate in a cantonment or part of a cantonment in respect of which a notification under sub-section (*1*) of section 3 is for the time being in force, shall be bound to give notice of the fact to the Officer Commanding the station within one month from the date of such devolution, and if he, without reasonable cause, fails to do so, he shall be punishable with fine which may extend to fifty rupees.

CHAPTER IV.

PROCEDURE IN REFERENCES.

Jurisdiction in references.

19. All references under this Act shall be made by application to, and tried by, the Court of the District Judge.

Procedure and powers of the Court.

20. References under this Act shall be deemed to be proceedings within the meaning of section 141 of the Code of Civil Procedure and in the trial thereof the Court may exercise any of its powers under that Code.

Restriction of scope of inquiry.

21. The scope of the inquiry in a reference under this Act shall be restricted to a consideration of the matters referred to the Court in accordance with the provisions of this Act.

22—28. * * * *

CHAPTER V.

APPEALS.

Appeal to High Court.

29. (*1*) An appeal shall lie to the High Court against the decision of the Court of the District Judge upon a reference tried by it.

(*2*) No appeal under this section shall be admitted unless it is made within thirty days from the date of the decision against which it is preferred.

(*3*) An appeal preferred under this section shall be deemed to be an appeal from an order within the meaning of section 108 of the Code of Civil Procedure.

Appeal to General Officer Commanding the Forces in the Union of Burma.

30. The owner or any tenant of a house in respect of which a notice has been issued under section 7 may, within a period of twenty-one days from the date of the service thereof, appeal to the General Officer Commanding the Forces in the Union of Burma against the decision of the Officer Commanding the station to appropriate the house.

Petition of appeal.

31. (*1*) Every petition of appeal under section 30 shall be in writing and accompanied by a copy of the notice appealed against.

(*2*) Any such petition may be presented to the Officer Commanding the station and that officer shall be bound to forward it to the authority empowered by section 30 to hear the appeal, and may attach thereto any report which he may desire to make in explanation of the notice appealed against.

(*3*) If any such petition is presented direct to the General Officer Commanding the Forces in the Union of Burma and, an immediate order on the petition is not necessary, the General Officer Commanding the Forces in the Union of Burma may refer the petition to the Officer Commanding the station for report.

Order in appeal final.

32. (*1*) The decision on any such appeal of the General Officer Commanding the Forces in the Union of Burma shall be final, and shall not be questioned in any Court otherwise than on the ground that the house is situate in a cantonment, or part of a cantonment, in which this Act is not operative :

Provided that no appeal shall be decided until the appellant has been heard or has had a reasonable opportunity of being heard in person or through a legal practitioner, and in giving a decision the General Officer Commanding the Forces in the Union of Burma shall record briefly the grounds therefor.

(*2*) Notice of the result of the appeal shall be given to the appellant as soon as may be, and, where the appellant is a tenant of the house, to the owner of the house also.

Suspension of action pending appeal.

33. Where an appeal has been presented under section 30 within the period prescribed therein, all action on the notice shall, on the application of the appellant, be held in abeyance pending the decision of the appeal.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Service of requisitions.

34. Every notice or requisition prescribed by this Act shall be in writing, signed by the person by whom it is given or made or by his duly appointed agent, and may be served by post on the person to whom it is addressed, or,

in the case of an owner who does not reside in or near the cantonment, on his agent appointed in accordance with a bye-law made under clause (29) of section 282 of the Cantonments Act.

Computation of periods of limitation.

34A. The period prescribed for making any reference or preferring any appeal under this Act shall be computed in accordance with the provisions of the Limitation Act.

Power for President to make rules.

35. (*1*) The President of the Union may make rules to carry out the purposes and objects of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may define the powers of entry, inspection, measurement or survey which may be exercised in carrying out the purposes and objects of this Act or of any rule made hereunder.

Further provisions respecting rules.

36. (*1*) The power to make rules under section 35 shall be subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette and in such other manner (if any) as the President of the Union may direct.

(*2*) Any rule under section 35 may be general for all cantonments or parts of cantonments in the Union of Burma in which this Act is for the time being operative, or may be special for any of such cantonments or parts as the President of the Union may direct.

(*3*) A copy of the rules under section 35 for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Authority.

(*4*) In making any rule under sub-section (*2*) of section 35, the President of the Union may direct that whoever obstructs any person, not being a public servant within the meaning of section 21 of the Penal Code, in making any entry, inspection, measurement or survey, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, with fine which, in addition to such fine as aforesaid, may extend to five rupees for every day after the first during which such offence continues.

Inapplicability of section 556 of the Code of Criminal Procedure to trials of offences.

37. No Judge or Magistrate shall be deemed, within the meaning of section 556 of the Code of Criminal Procedure, to be a party to, or personally interested in, any prosecution for an offence constituted by or under this Act merely because he is a member of the Cantonment Board or has ordered or approved the prosecution.

Protection to persons acting under Act.

38. No suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done, under this Act or in pursuance of any lawful notice or order issued under this Act.

INDEX TO VOLUME VI.

အတွဲ ၆ ၏အညွှန်း။

	PART အပိုင်း။	PAGE စာမျက်နှာ။
Buildings Act, Government	VII-A.	2
Cantonments Act	VII-E.	343
Cantonments (House Accommodation) Act	VII-E.	453
City of Rangoon Municipal Act	VII-D.	211
Government Buildings Act	VII-A.	2
House Accommodation Act, Cantonments	VII-E.	453
Local Authorities Loans Act	VII-A.	6
Local Authorities Pensions and Gratuities Act	VII-A.	
Local Authorities (Suspension) Act	VII-A.	
Municipal Act	VII-D.	113
Municipal Act, City of Rangoon	VII-D.	213
Municipal Taxation Act	VII-A.	2
Pensions and Gratuities Act, Local Authorities	VII-A.	4
Rangoon Municipal Act, City of	VII-D.	212
Rangoon Water-works Act	VII-D.	316
Rural Self-Government Act	VII-C.	52
Taxation Act, Municipal	VII-A.	11
Towns Act	VII-B.	61
Underground Water Act	VII-D.	326
Village Act	VII B.	17
Water Act, Underground	VII-D.	331
Water-works Act, Rangoon	VII-D.	321

ကုလားတန်း ရေတိုးကို မြို့နိုစီပါယ်ဝိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ၊ မော်လမြိုင်မြို့ ...	၇-ဃ	၃၄၀
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G.U.B.C.P.O.—No. 252, M. of J.A., 10-9-57—5,000—IX.

CORRIGENDA

Page 103.—Section 62, clause (*a*), first line, *for* " derson " *read* " person ".

Page 103.—Section 62, clause (*b*), first line, *for* " pocument " *read* " document ".

Page 106.—Section 69, first line, *delete* the comma *after* " School ".

Page 109.—Section 78, sub-section (*1*), first line, *for* " consisdent " *read* " consistent ".

Page 110.—Section 78, sub-section (*4*), marginal caption, *for* " in the " *read* " those in ".

Page 134.—Section 22, marginal caption, *for* " lections " *read* " elections "

Page 136.—Section 31, sub-section (*1*), clause (*d*), second line, *for* " meeting " *read* " meetings ".

Page 157.—Section 94, sub-section (*1*), second proviso, second line, *for* the reference No. " 2 " against the first pair of asterisks *read* " 1 ".

Page 163.—Section 115, sub-section (*1*), marginal caption, *for* " bye, laws " *read* " bye-laws ".

Page 170.—Section 134, sub-section (*1*), first line, *for* " than and in " *read* " than in ".

Page 180.—Section 172, third line, *for* " disinfec " *read* " disinfect ".

Page 207.—Section 233, sub-section (*1*), third line, *insert* a comma *after* " engineer " and *delete* the comma *after* " or ".

Page 227.—Section 4, second line, *for* " herein after " *read* " hereinafter ".

Page 230.—Section 16, marginal caption, *for* " elecetions " *read* " elections "

Page 231.—Section 19, marginal caption, *for* " mattes " *read* " matters ".

Page 245.—Section 52, marginal caption, *for* " Coropration " *read* " Corporation ".

Page 255.—Section 83, marginal caption, *for* " Lighting-tx " *read* " Lighting-tax ".

Page 262.—Section 105, sub-section (*2*), clause (*c*), second line, *for* " i " *read* " is ".

Page 264.—Section 112, fourth line, *for* " under taken " *read* " undertaken ".

Page 275.—Section 147, sub-section (*1*), clause (*b*), first line, *for* " n " *read* " in ". Section 150, fifth line, *for* " ompensation " *read* " compensation ".

Page 281.—Section 164, sub-section (*1*), third line, *insert* a comma *after* " 1884 ".

Page 290.—Section 189, marginal caption, *for* " d teriorated " *read* " deteriorated "

Page 290.—Section 190, sub-section (*1*), fourth line, *for* " nui ance " *read* " nuisance ".

Page 295.—In column (2) of the table, against section 157, sub-section (*1*), *for* " Rcquisition " *read* " Requisition ".

Page 304.—Section 231, proviso, second line, *for* " a ministered " *read* " administered ".

Page 310.—Section 235, clause (xxiii), marginal caption *for* " u e " *read* " use ".

Page 326.—Section 12, marginal caption, *for* " exeeuted " *read* " executed ", and *for* " offi er " *read* " officer ".

Page 363.—Section 22, sub-section (*3*), third line, *for* " imitations " *read* " limitations ".

Page 379.—Section 70, marginal caption, *for* " Evidentia " *read* " Evidential ".

Page 379.—Section 73, sub-section (*1*), sixth line, *insert* " is " between " instrument " and " executed ".

Page 380.—Section 74, sub-section (*1*), third line, *for* " cccupation " *read* " occupation ".

Page 391.—Section 114, sub-section (*1*), fifth line, *for* " Executive officer " *read* " Executive Officer ".

Page 402.—Section 139, sub-section (*1*), third line, *for* " over crowded " *read* " overcrowded ".

Page 406.—Section 152, marginal caption, *for* " dairyman " *read* " dairyman's ".

Page 408.—Section 163, marginal caption, *for* " hed " *read* " shed ".

Page 458.—Section 10, clause (*d*), first line, *for* " sa " *read* " as ".

In the Index, under the head " Page ",—

against seventh line, *for* " 6 " *read* " 3 ".

against eighth line, *for* blank *read* " 6 ".

against ninth line, *for* blank *read* " 6 ".

against tenth line, *for* " 113 " *read* " 115 ".

against eleventh line, *for* " 213 " *read* " 211 ".

against twelfth line, *for* " 2 " *read* " 1 ".

against thirteenth line, *for* " 4 " *read* " 6 ".

against fourteenth line, *for* " 212 " *read* " 211 ".

against fifteenth line, *for* " 316 " *read* " 321 ".

against sixteenth line, *for* " 52 " *read* " 74 ".

against seventeenth line, *for* " 11 " *read* " 1 ".

against eighteenth line, *for* " 61 " *read* " 26 ".

against nineteenth line, *for* " 326 " *read* " 332 ".

In the Index, under the head " Page",—*concld.*
against twentieth line, *for* " 17 " *read* " 13 ".
against twenty-first line, *for* " 331 " *read* " 332 ".

အမှားပြင်ချက်များ

စာမျက်နှာ ၄၀။ ။ပုဒ်မ ၃၊ " ကျေးရွာလူကြီး " ၏အဓိပ္ပါယ်ရှင်းလင်း၊ ဖေါ်ပြချက် အပိုဒ်တွင် အမှတ်စဉ် " (၄) " အစား၊ အမှတ်စဉ် " (၃) " ဟု ဘတ်ပါ။

စာမျက်နှာ ၄၂။ ။ပုဒ်မ ၆၊ ပုဒ်မခွဲ (၇)၊ ခြင်းချက်၊ စာကြောင်းရေ ၅ တွင်၊ " သို့တည်မဟုတ် " အစား၊ " သို့တည်းမဟုတ် " ဟု ဘတ်ပါ။

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စာမျက်နှာ ၃၄၁။ ။ပုဒ်မ ၄၊ ပုဒ်မခွဲ (၄)၊ စာကြောင်းရေ ၃ တွင်၊ " ကုလာတန်း " အစား၊ " ကုလားတန်း " ဟု ဘတ်ပါ။