



THE Burma Village Manual

CONTAINING THE

Burma Village Act, 1907, as amended by the
Burma Towns and Village Amendment Act,
1912, the Burma Village Amendment Act, 1914,
the Burma Village Amendment Act, 1921,
the Burma Village Amending Act, 1924, and
the Burma Village (Amendment) Act, 1925, and
Rules and Orders issued thereunder.

(Corrected up to the 15th April 1926.)



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PREFACE.

A fresh edition of the Village Manual of 1917 has been entailed by the passing of the Village Amending Act of 1924. The new Act modified the Act of 1907 in certain fundamental particulars and an extensive revision of the Manual has in consequence been necessary. The attention of officers is drawn to the Executive Orders which have been largely rewritten. The differences between the old and the new Act are there brought out. References to the appropriate portions of these orders are contained in the foot-notes to the Act. Act V of 1925 was a short Act varying in certain small particulars Act IV of 1924. Here also the foot-notes to the Act indicate where the changes have been made.

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PART I.

The Burma Village Act (Burma Act VI of 1907),
as amended by Burma Acts II of 1912, I of
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THE BURMA VILLAGE ACT, 1907

As amended by the Burma Towns and Village Amendment Act, 1912, the Burma Village Amendment Act, 1914, the Burma Village Amendment Act, 1921 the Burma Village Amending Act, 1924, and the Burma Village (Amendment) Act, 1925.

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† Inserted by section 4 of Burma Act IV of 1924.

* Repealed by section 12 of Burma Act IV of 1924.

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* Repealed by section 14 of Burma Act IV of 1924.

† Inserted by section 3 of Burma Act I of 1921.

‡ Inserted by section 4 of Burma Act I of 1914.

§ Inserted by section 6 of Burma Act V of 1925.

|| Inserted by section 8 of Burma Act II of 1912.

THE BURMA VILLAGE ACT, 1907

As amended by Burma Act II of 1912, Burma Act I of 1914, Burma Act I of 1921, Burma Act IV of 1924, and Burma Act V of 1925.

PASSED BY THE LIEUTENANT-GOVERNOR OF BURMA
IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 30th September 1907, and of the Governor-General on the 6th November 1907, and was published in the Burma Gazette of the 30th November 1907.)

An Act to consolidate and amend the law relating to the Village-system and Rural Police in Burma.

WHEREAS it is expedient to consolidate and amend the law relating to the village-system and rural police in Burma; It is hereby enacted as follows :—

Preamble.

Preliminary.

1. (1) This Act may be called the Burma Village Act 1907.

Short title, extent and commencement.

(2) It extends to the whole of Burma; and

(3) It shall come * into force on such date as the Local Government may, by notification, appoint on this behalf.

2. The enactments mentioned in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Repeal.

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

Effect of Act.

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

Definitions.

(1) "headman" means the person appointed to be the headman of a village-tract under section 5 :

"Headman."

* The Act came into force on the 1st January 1908 (General Department Notification No. 445, dated the 14th December 1907, page 27). The Burma Village Amending Act, 1924 (IV of 1924) came into force on the 20th December 1924 (General Department Notification No. 218, dated the 20th December 1924, not reproduced).

- Rule."** (2) "rule" means a rule made by the Local Government under this Act :
- "Stolen property."** (3) "stolen property" has the meaning assigned to that term by section 410 of the Indian Penal Code : XLV of 1880
- "Subdivisional Officer."** (4) "Subdivisional Officer" means the officer in charge of a subdivision of a district as constituted for revenue and general purposes :
- "Township Officer."** (5) "Township Officer" means the officer in charge of a township as constituted for revenue and general purposes :
- "Town."** (6) "town" means a local area declared to be a town for the purposes of the Burma Towns Act, 1907 : Bur. Act II 1907.
- "Village."** (7) "village" means an area appropriated to dwelling places not included within the limits of a town :*
- "Village-tract."** (8) "village-tract" means the local area under the jurisdiction of a headman, including a village or group of villages and adjacent lands : and*
- † (9) "village committee" means the village committee established for a village-tract under section 5A.
- Determination of village-tracts and appointment of headmen and rural policemen.** 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.
- ‡ (2) The village headman for every village-tract shall be appointed by the Deputy Commissioner. The Deputy Commissioner shall, however, in all cases ascertain the wishes of the villagers by means of an election, and shall only overrule the result of the election in accordance with rules made by the Local Government in this behalf.
- (3) § The Deputy Commissioner, or a Subdivisional or Township Officer empowered by the Deputy Commissioner in this behalf may appoint a rural policeman or more than one such policeman in any village-tract.

* Amended by Burma Act IV of 1924, section 2 (a), (b) and (c). For orders relating to village committees of amalgamated-village tracts, see, paragraph 16, page 79.

† For orders about fixing of and changes in village jurisdictions, see paragraphs 134—136, pages 106 and 107.

‡ Amended by Burma Act IV of 1924, section 3. On this subject see General Department Notification No. 219, dated the 20th December 1924, as amended by General Department Notification No. 113, dated the 13th July 1925, page 27, and paragraphs 5—8, pages 76 and 77, Instructions about Myothugyis in Upper Burma are contained in paragraphs 18—25, pages 77—81. About status and privileges of headmen, see Chapter III, page 81. For registers to be maintained by headmen, see paragraph 164, page 117.

§ For instructions about the appointment of rural policemen in Lower Burma and *Ywagaungs* in Upper Burma, see paragraphs 30—35, pages 81 and 82. In addition to his duties under the Act as an ordinary villager, a rural policeman in Lower Burma has to perform the duties set forth in rules 3 and 4, page 37.

III of 1889.
XIV of 1887.

(4) Every local area constituting, immediately before the commencement of this Act, a village, as defined in the Lower Burma Village Act, 1889, or in the Upper Burma Village Regulation, 1887, shall be deemed to have been declared to be a village-tract for the purposes of this Act; and all appointments, rules, orders and notifications made or issued under any enactment repealed by this Act and in force immediately before the commencement of this Act shall *mutatis mutandis* be deemed to have been made or issued under this Act.

*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 Local Government 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 committee shall, where the context so permits, be deemed to apply to the headman.

Constitution
of village
committees.

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

(3) The remaining members of the village committee shall be not more than four persons elected by the residents of the village-tract in accordance with such rules ‡ as may be made in this behalf. Each of such members shall be entitled to remain in office for three years from the date of his election unless he resigns before the expiration of that period; provided that any such member shall be deemed to have resigned his office if the Deputy Commissioner, by order made upon sufficient grounds, declares that the continuance in office of such member is contrary to the interests of the residents of the village-tract.

Duties and Powers of Village Committees, Headmen and Rural Policemen.

§ 6. (1) The Commissioner may, by notification, invest any village committee with the powers of a Civil Court for the

Civil jurisdiction
of headman.

* Inserted by Burma Act IV of 1924, section 4.

† Such notifications are not reproduced.

‡ For rules, see pages 27—30.

§ Amended by Burma Act IV of 1924, sections 5 and 6.

For rules regarding the trial of Civil suits, see General Department Notification No. 221, dated the 20th December 1924, page 31.

For orders relating to village committees, see paragraphs 9 to 17, pages 77 to 79 Village committees or headmen when specially empowered under this section are given appointment orders in Form Miscellaneous.
Village 25.

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 suit 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 such authority as the Local Government may appoint † in this behalf, be final.

(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.

XIV of 1881

(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 cer-
tain
matters.

7. (1) Every headman shall forthwith communicate to the nearest Magistrate, or the officer in charge of the nearest police-station, whichever is the nearer, 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 ;
- (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 or proclaimed offender ;
- (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 Indian Arms Act, 1878 ; or

* The practice is to issue a special notification in each case.

† The Township Officer has been appointed to be the revising authority : see General Department Notification No. 249, dated the 14th July 1908, as amended by General Department Notification No. 78, dated the 23rd May 1925, page 35.

‡ The headman is entitled to retain these fees under Rule 10 at page 32.

xi of 1878.

(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 ;

(d) the occurrence in his village-tract of any sudden or unnatural death or of any death under suspicious circumstances ;

(e) *any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the Deputy Commissioner by general or special order, made with the previous sanction of the Commissioner, has directed him to communicate information.

(2) Section 45 of the Code of Criminal Procedure, 1898, shall not apply to the areas in which this Act is in force.

v of 1898.

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

General
duties of
headman
and rural
policeman.

(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 ;**

(f) † to take such measures for the purpose of protecting the villages within his tract from attack as the Deputy Commissioner may advise ;

* Added by section 4 of Burma Act II of 1912. For instructions under this clause see paragraph 132, page 104.

** Village watchmen may carry spears: paragraph 154, page 112. For orders about the issue of gun licenses and Government guns to villagers, see page 112. For orders about the issue of guns to and the carriage of *dalwes* and spears by headman, see paragraph 154, page 112. For orders about the issue of gun licenses and Government guns to villagers, see page 112.

† Substituted by section 7(a) of Burma Act IV of 1924. See explanation in paragraphs 61 and 62, page 88.

(g) *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 the village-tract or for any servant of the Government travelling on duty and, on the written order of the Deputy Commissioner, for any traveller:

† Provided that except in the case of troops or police, the provisions of this clause shall apply only to the headman of village-tracts which are notified by the Deputy Commissioner, with the sanction of the Commissioner, as being village-tracts where the conditions are such that the furnishing of services or supplies as specified above at reasonable rates is not ensured:

‡ Provided also that no headman shall be bound to collect supplies beyond the limits of the village-tract of which he is headman, or to furnish carriage or means of transport for more than twelve hours' journey from such village-tract 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 village-tract who is not of the labouring class and accustomed to do such work as may be required;

Explanation.—A servant of the Government proceeding on or returning from authorized leave shall be deemed to be on duty for the purposes of this clause;

(h) (Repealed by Burma Act IV of 1924).

(i) to collect or aid in collecting revenue and other money due to the Government from residents of the village-tract or persons holding land therein;

* The question of how far services under this and the following sub-sections can be demanded free of payment is discussed in paragraphs 63—71, pages 89—91.

† Inserted section 7(b) of Burma Act IV of 1924.

‡ Amended by section 5 of Burma Act II of 1912 and section 7(c) of Burma Act IV of 1924.

- (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;
- 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 or officer of police 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 *pwe* held in the headman's village-tract; and
- (n) generally to assist all officers of the Government in the execution of their public duties. ||
- (2) Every rural policeman shall be bound to perform such public duties similar to those imposed on a headman by subsection (1) as may be imposed upon him by rules ¶ made in his behalf.
- (3) ** Every headman shall have power to arrest any person who commits an offence punishable under section 510 of the Indian Penal Code.

* See Rules published in Department of Public Health Notification No. 10 dated the 11th February 1925, pages 39—42, and Agricultural (Vet.) Department Notification No. 7, dated the 4th September 1925, pages 55 and 56.

† The rules are printed on pages 42—55 and 56—63.

‡ Amended by section 2 of Burma Act I of 1921.

§ This clause was inserted and the original clause (m) re-lettered clause (n) by section 2 of Burma Act I of 1914.

|| Rule 7 at page 34 provides that headmen in Upper Burma shall give information to Military Officers in command of posts or of parties or columns or travelling on duty when required. Rule 8 requires headmen in Upper Burma to report establishment of catch boiling camps in or near their village-tracts. Forest Department Circular 8 of 1891 (reproduced in paragraphs 98—100, pages 98 and 99 imposes on headmen the duty of giving effect to the orders prohibiting the felling of trees on the banks of streams and on the sides of roads.

¶ See Rules 3 and 4 on page 37.

** Inserted by section 5 of Burma Act II of 1912.

Disposal of
petty criminal
cases by head-
man.

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 Local Government 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 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.

* Amended by section 9 of Burma Act IV of 1924 and section 2 of Burma Act V of 1925.

† See Notifications printed on page 30.

‡ As regards places of confinement, see paragraph 138, page 107. Paragraph 139 prescribes a form of warrant.

§ For orders relating to special powers of village committees and headmen, see paragraph 13, page 78. A village committee when specially empowered under this sub-section is given an appointment order in form ^{Miscellaneous.} Villages 26.

|| These fines are credited to "XXXV.—Miscellaneous—Other Fees, Fines and Forfeitures (a) Fines, etc., levied under the Burma Village Act." paragraph 157, page 114.

¶ Regarding power of the village committee or headman to require the attendance of an accused person, see paragraph 140, page 108.

(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 Indian 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.

10. † If a headman or rural policeman neglects to perform any of the public duties imposed upon him by this Act or any rules 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.

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

General Duties of Villagers.

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

General duties of persons residing in village tracts.

(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;

* For orders as to the amount of fees to be levied by headman specially empowered under section 9 (4), see paragraph 137, page 107. The fees are retained by the headman: see Rule 1, page 33.

† Fines levied by Deputy Commissioners under this section and under section 13 and fines levied by village committees or headmen under sections 9 and 13 are credited to XXXV.—Miscellaneous—Other Fees, Fines and Forfeitures—(a) Fines, etc., levied under the Burma Village Act." paragraph 157, page 114. For orders about fining of headman, see paragraph 39, page 83.

- (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 care 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 public duties.

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 48 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.

Fine 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 that they or any of

* For orders on this subject, see paragraphs 61 and 62, page 88.

† For rules, see pages 39—63.

‡ Amended by section 2 of Burma Act I of 1921.

§ Amended by section 10 of Burma Act IV of 1924 and section 3 of Burma Act V of 1925.

|| For orders on the subject, see paragraph 138, page 107, *post*.

¶ Cases tried by Magistrates under this Act will be entered in the ordinary judicial registers and returns.

** Amended by Burma Act IV of 1924. Instructions regarding the working of this section are contained in Chapter V, page 100.

them have failed to resist an attack on the village or to take all reasonable means to prevent the escape of any criminal, 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. (Repealed by Burma Act IV of 1924.)

*Provisions respecting Residence in Village-tracts and
Erection of Houses.*

15. (Repealed by Burma Act IV of 1924.)

16. (Repealed by Burma Act IV of 1924.)

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 unauthorised settlement of strangers in village-tracts.

18.† (1) No person shall, without the permission of the Deputy Commissioner, establish a new village or group of houses ;

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

and no person shall build or occupy a house on land which is not within a village at the commencement of this Act, 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.

19. (1) Whoever contravenes the provisions of section 17 or section 18 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.

Penalty for breach of orders under immediately preceding sections.

(2) When a person has been convicted under this section, the Deputy Commissioner may issue an order requiring him

Procedure for evicting persons convicted under this section.

* Amended by Burma Act IV of 1924, section 13.

† For instructions regarding this and the subsequent sections, see paragraph 133, page 105.

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 Government property within a specified time.

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

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

(4) If any property other than Government 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 Government property within the meaning of this section merely by reason of its having been put into or affixed to the soil.

20. (Repealed by Section 14 of Burma Act IV of 1924.)

Pawn-shops.

Licensing and
regulation of
pawnshops.

* 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 Local Government in this behalf.

(2) The Local Government may make rules—

- (a) regulating pawn-shops and rendering licenses necessary for pawn-brokers;
- (b) prescribing the form of such licenses and the conditions subject to which they shall be granted and may be revoked;
- (c) providing for the sale, issue, production and return of licenses; and
- (d) generally for carrying into effect the objects of this section.

(3) The Local Government 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

* Inserted by section 3 of Burma Act I of 1921.

† For rules, see pages 63—71.

‡ See Rule 6 at page 67.

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 villages as the Deputy Commissioner * may direct and shall not apply to any area notified under section 210 of the Burma Municipal Act, 1898.

Burma Act III
of 1898.

Pwès.

† 21. (1) Whoever—

- (a) holds a *pwè* in any village-tract, without a license 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 license, or
- (c) takes part in or in any manner assists the race, performance or other entertainment (if any) constituting a *pwè* held without such license, or takes part in or in any manner assists the arrangement or management of a *pwè* held without such license, or
- (d) being present thereat, permits the holding of a *pwè* without such license, on any land or premises under his control,

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

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 license 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 Local

* The words " with the previous sanction of the Commissioner " were deleted by section 4 of Burma Act V of 1925.

† Amended by section 3 of Burma Act I of 1914 and section 15 of Burma Act IV of 1924. See paragraph 144. page 110, *post*, about licensing of *pwès*.

‡ Divisional Forest Officers are to be empowered under this clause, see Appendix V, page 138, *post*.

Surrender of
offensive
weapons
to headman
on demand.

Government may by notification * declare to be *pwes* for the purposes of this Act when held in such local area.

21A † (1) No person being present at a *pwe* shall have in his possession a *da* of a kind exempted from the provisions of the Indian Arms Act, 1878, 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. XI of 1973.

(2) Every person proceeding to, returning from or being present at a *pwe* 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 *pwe* 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 *pwe* 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 Rs. 50 or with imprisonment for a term which may extend to fifteen days or with both.

(4) The headman may within eight days from the commission of an offence under this section at his discretion either report the matter to the nearest Magistrate or try the accused himself and upon conviction sentence him to a fine not exceeding Rs. 5 or to confinement for a term not exceeding 24 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.

* For notification relating to *pwes*, see page 38. See also paragraph 141, page 110, *post*.

† Inserted by section 4 of Burma Act I of 1914.

‡ Amended by section 16 of Burma Act IV of 1921 and section 5 of Burma Act V of 1925.

(7) This section shall not apply to any person exempted under the provisions of section 27 of the Indian Arms Act, 1878, or to any person employed by a headman to assist him in keeping order at a *pwe* or exempted by special or general order of the Deputy Commissioner.

Supplemental Provisions.

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

(2) (Repealed by section 17 of Burma Act IV of 1924.)

23. (1) An appeal shall not lie from any order made under this Act. Finality of orders.

(2) † But the Deputy Commissioner may revise any such order made by any authority subordinate to him ; the Commissioner may revise any such order made by the Deputy Commissioner ; and the Local Government 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.

(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).

24. ‡ The Local Government may authorise any Settlement Officer, Assistant Commissioner, Extra Assistant Commissioner or Subdivisional Officer, or any Forest Officer, as defined in section 3 (5) of the Burma Forest Act, 1902, 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. Delegation of powers of Deputy Commissioner, Subdivisional Officer and Township Officer to certain classes of officers

Bur. Act IV of 1902

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. Provisions with respect to emoluments of headmen and rural policemen.

* A Deputy Commissioner has power to order the remission or refund of any fine imposed under the Act provided that if the amount exceeds Rs. 500, the sanction of the Commissioner is necessary : Rule 4, page 34. A Subdivisional Officer may order the remission or refund of any fine imposed by a village committee or headman under section 9 in any case that comes before him in revision : Rule 5 page 34.

† Amended by section 18 of Burma Act IV of 1924.

‡ Substituted by section 4 of Burma Act I of 1921. For notifications under this section, see page 35. For instructions regarding forest villages, see Appendix V, page 138, *post*.

(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 headmen, 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.

Amendment of section 9 of Act II of 1890 to provide for remuneration of headman and maintenance of rural police.

27. For clause (a) of section 9 of the Burma District Cesses and Rural Police Act, 1880, the following shall be substituted, namely :—

“(a) the remuneration of the headman and the maintenance of the rural police appointed under the Burma Village Act, 1907.”

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 committees.

§28A. (1) Notwithstanding anything contained in section 192 of the Code of Criminal Procedure, 1898, any Magistrate v of 188. who has taken cognizance of a case may transfer it for enquiry 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.

* Orders about grant of *thugyisa* land to headmen are indicated in paragraph 43, page 84.

† Amended by section 19 of Burma Act IV of 1924.

‡ Amended by section 20 of Burma Act IV of 1924.

§ Inserted by section 6 of Burma Act V of 1925.

29. (1) * *** the Local Government 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 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 enquiries 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

* The words "subject to the control of the Governor-General in Council" were omitted by the Devolution Act, 1920.

† For rules under this section, see pages 27—30, 31—35, 36, 37 and 39—58.

‡ Inserted by section 21(a) of Burma Act IV of 1924.

§ Substituted by section 21 (b) of Burma Act IV of 1924.

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.

(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 20
(i) a).

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

THE SCHEDULE.

(See Section 2.)

ENACTMENTS REPEALED.

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
<i>Acts of the Governor-General in Council.</i>			
1880	II ...	The Burma District Cesses and Rural Police Act, 1880.	Sections 12 to 21 (both inclusive) in so far as they may not already have been repealed.
1889	... III ...	The Lower Burma Village Act, 1889.	The whole.
1894	... XI ...	The Lower Burma Village Act (1889) Amendment Act, 1894.	The whole.

* This clause was inserted and the original clause (h) re-lettered (i) by section 7 of Burma Act II of 1912.

† Inserted by section 8 of Burma Act II of 1912.

THE SCHEDULE—concluded.

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.

Acts of the Governor-General in Council—concl'd.

1895	...	XVIII ...	The Lower Burma Villages and Towns Law Amendment Act, 1895.	The heading "Lower Burma Village Act, 1889," and sections 1, 2 and 3.
1898	...	XIII ...	The Burma Laws Act, 1898.	So much of the Third Schedule as relates to Act III of 1889 and Regulation XIV of 1887.

Regulations made under the Government of India Act, 1870 (33 Vict., C. 3).

1887	...	XIV ...	The Upper Burma Village Regulation, 1887.	The whole.
1891	...	I ...	The Upper Burma Village Regulation (1887) Amendment Regulation, 1891.	So much as has not been repealed.
1894	...	IV ...	The Upper Burma Village Regulation (1887) Amendment Regulation, 1894.	The whole.
1896	...	IV ...	The Upper Burma Villages, Towns and Land-revenue Law Amendment Regulation, 1896.	The heading "Upper Burma Village Regulation, 1887," and sections 1, 2 and 3.

Acts of Lieutenant-Governor of Burma in Council.

1902	...	I ...	The Burma Village Law Amendment Act, 1902.	The whole.
1904	...	II ...	The Burma Towns and Village Laws Amendment Act, 1904.	Sections 2 and 4.

PART II.

**Statutory Rules and Orders under the Burma
Village Act, 1907, as amended.**

COMMENCEMENT OF THE ACT.

In exercise of the power conferred by section 1, sub-section Sec. 1, (3), of the Burma Village Act, 1907 (VI of 1907), the Lieutenant-Governor is pleased to appoint the 1st January 1908 as the day on which the Act shall come into force. G. D. Not. No. 446, dated 14th Dec. 1907.

*APPOINTMENT OF HEADMEN.

In exercise of the power conferred by section 5, sub-section Sec. 5(2), (2), of the Burma Village Act, 1907, as amended by the Burma Village Amending Act, 1924, the Governor in Council makes the following rule to regulate the action of Deputy Commissioners in appointing village headmen otherwise than in accordance with the result of an election by the villagers :— G. D. Not. No. 219, dated 20th Dec. 1924, as amended by G. D. Not. No. 113, dated 13th July 1925.

The Deputy Commissioner may, with the previous sanction of the Commissioner, overrule the result of an election by the villagers—

- (a) if the candidate so elected is plainly a person of no standing or influence, or is of bad character ; or
- (b) if the candidate so elected owed his election to the exercise of undue influence or to intimidation ; or
- (c) if in a village where the appointment of headman has been hereditary for two or more generations, the candidate so elected is not an hereditary claimant and an hereditary claimant was among the candidates and is a man of approved character ; or
- (d) if the candidate so elected cannot furnish security as required by Direction 267, Land Revenue Manual.

Provided that before according sanction under this rule the Commissioner shall give the elected candidate an opportunity of showing cause why the election should not be overruled.

† ELECTION AND PROCEDURE OF VILLAGE COMMITTEES.

In exercise of the powers conferred by section 29, sub-section (1), clause (cc), of the Burma Village Act, 1907, as amended by the Burma Village Amending Act, 1924, the Governor in Council makes the following rules to regulate the matters referred to therein :— Sec. 29(1) (cc). G. D. Not. No. 220, dated 20th Dec. 1924, as amended by G. D. Not. No. 23, dated 19th Feb. 1924.

* For orders on this subject, see paragraphs 5 to 8, pages 76 and 77.

† For orders relating to village committees, see paragraphs 9 to 17, pages 77 to 79.

1. Every person residing in a village-tract shall be qualified to vote at the election of members of a village committee, whose name has been entered in the capitation-tax assessment roll of that village-tract for the preceding year as liable to pay the said tax or in the *thathameda*-tax assessment roll of the preceding year as head of the household liable to pay *thathameda*-tax, including any person who, although his name is so entered, is exempt from payment on any ground, unless—

(a) he is of unsound mind, or

(b) he has during the preceding three years been punished with imprisonment for a term exceeding one month, or been ordered to give security under the preventive sections of the Code of Criminal Procedure, or been restricted under the * Burma Habitual Offenders Restriction Act.

2. The election shall be held by the headman of a neighbouring village-tract selected for the purpose by the Township Officer or the Assistant Township Officer. The said headman, hereinafter referred to as the presiding officer, shall inform the headman of the village-tract in which the election is to be held of the date on which he proposes to hold the election, giving such warning as will enable him to announce the date to the villagers at least ten days before the election.

3. After the date has been so announced and at any time before the election any person qualified to vote may give notice in writing to the headman of his intention to be a candidate provided that two other qualified electors endorse his candidature.

4. On the date fixed the presiding officer shall come to the village-tract, and where there are more villages than one in the said tract, shall hold the election in the village in which the headman of the tract resides.

5. The headman shall then make over to the presiding officer all notices received from intending candidates.

6. If the presiding officer finds that there are not more candidates than there are vacancies, he shall declare the said candidates, on being satisfied that they are duly qualified, to be duly elected.

7. If the number of candidates exceeds the number of vacancies, the presiding officer shall proceed to hold the election, and may select with the consent of the candidates any suitable persons to assist him.

8. The election shall be held in a *zayat*, or other suitable building, hereinafter referred to as the polling booth and receptacles with names of candidates thereon shall be placed there. Each voter shall be given a token or tokens with which to vote and shall exercise his vote or votes by placing the said token or tokens in the said receptacles. The presiding officer will keep a record of the names of villagers to whom a token or tokens is or are issued.

9. No one shall be present in the polling booth when votes are being given except the presiding officer and the person or persons selected to assist him. The presiding officer shall be responsible for seeing that no person votes who is not qualified under Rule 1.

10. A period of four hours shall be allowed for voting, the said period to start not earlier than 8 a.m. or later than 12 noon.

11. At the close of the voting the votes shall be counted by the presiding officer and the persons assisting him, and the presiding officer shall declare the names of the persons elected and shall report the result to the Township Officer or the Assistant Township Officer.

12. When the votes for any two candidates are equal and both of them cannot be elected, the decision between such candidates shall be by lot.

13. Casual vacancies shall be filled by election in the same manner.

14. Any appeal regarding irregularities in regard to election of members of village committees shall lie to the Township Officer whose decision shall be final.

15. The number of members to be elected to the committee shall be three if the number of houses in a village-tract is fifty or under and four if it is over fifty.

16. The headman shall receive complaints and arrange for meetings of the committee. He shall be responsible for the maintenance of all registers and records.

17. When opinions are equally divided the headman shall have the casting vote.

18. The headman may delegate his position as chairman to any other member of the committee to act, during his absence, at any meeting, and such member shall have a casting vote.

19. The chairman and two other members shall constitute a quorum.

20. Every decision arrived at by a committee shall be recorded in writing and shall be signed by all members present when the said decision is arrived at.

21. No member who is personally interested in any criminal or civil case shall sit on the committee which takes cognizance of such cases.

22. Witnesses in criminal and civil cases tried by village committees may be put on oath.

OFFENCES SPECIALLY DECLARED TO BE TRIABLE BY * VILLAGE COMMITTEES OR HEADMEN.

Sec. 9(2)(c) With reference to section 9, sub-section (2), clause (c), of the Burma Village Act, 1907, the Governor in Council is pleased to declare that the undermentioned offences, when committed in a village-tract, shall be triable by village committees or headmen in the areas indicated in each case :—

G. D. Not. No. 79, dated 28th May 1925, as amended by G. D. Not. No. 132, dated 11th Aug. 1925, and No. 198, dated 20th Oct. 1925.

(1) *Throughout Burma*.—Offences punishable under sections 294, 504 and 510 of the Indian Penal Code, and cases of simple hurt, where such cases would fall under section 323 of the Indian Penal Code.

(2) *In Lower Burma only*.—Offences punishable under section 9 of the Burma Embankment Act, 1909.

(3) *In the Insein, Amherst, Magwe, Minbu, Pakókku and Thayetmyo Districts and in the Mogók Subdivision of the Katha District*.—Offences punishable under section 26 of the Cattle Trespass Act, 1871.

(4) *In the Insein, Hanthawaddy, Tharrawaddy, Pegu, Promé, Bassein, Henzada, Toungoo, Amherst, Minbu Mandalay, Lower Chindwin and Meiktila Districts and in the Mogók Subdivision of the Katha District*.—Offences punishable under section 3 of the Burma Highway Act, 1907.

(5) *In the Minbu, Mandalay, Shwebo and Kyaukse Districts*.—Offences punishable under clause (4) of section 75 of the Burma Canal Act, 1905.

(6) *In the Mandalay, Shwebo, Meiktila and Kyaukse Districts and in the Sagu, Pwinbyu and Salin Townships of the Minbu District*.—Offences punishable under clause (11) and clause (12) of section 75 of the Burma Canal Act, 1905.

The following notifications † are hereby superseded :—

* * * * *

* For orders regarding powers of village committees or headman in criminal cases, see paragraph 13, page 78.

† List of notifications omitted.

* RULES TO REGULATE THE TRIAL OF CIVIL SUITS BY HEADMEN OR VILLAGE COMMITTEES.

In exercise of the powers conferred by section 29, sub-section (1), clause (f), of the Burma Village Act, 1907, as amended by the Burma Village Amending Act, 1924, the Governor in Council is pleased to make the following rules to regulate the matters referred to in that clause :—

Sec. 29(1)(f).
G. D. Not. No.
281, dated 20th
Dec, 1924.

1. The plaintiff may begin his suit either by making an oral complaint, to be reduced to writing by or under the orders of the headman, or by presentation of a written plaint.

2. On the institution of a suit the chairman of the committee shall cause to be served on the defendant a written notice specifying the name of the plaintiff, the nature of the claim and the time and place at which the suit will be tried, and directing the defendant if he wishes to dispute the claim, to appear with his witnesses at the time and place fixed. He shall also inform the plaintiff of the date so fixed.

3. At the time and place fixed the committee shall proceed to hear and try the case. They shall examine the parties and their witnesses and deliver judgment.

4. The chairman shall record or cause to be recorded the names of the witnesses and the substance of their evidence and a brief statement of the grounds for the committee's order which statement shall be signed by all members present.

5. The committee may adjourn the case from time to time, noting the dates of adjournment on the record, either to obtain the attendance of further witnesses or for any other reasonable cause.

6. The committee shall decide whether the unsuccessful party shall pay the costs of the other party or not. They may award as costs any reasonable charges incurred by the successful party for the purposes of the suit, provided that the total costs, including the fee prescribed by section 6, sub-section (4), of the Act, shall in no case exceed one-quarter of the value of the suit.

7. If the plaintiff does not appear at the time and place fixed, the committee shall dismiss the suit, unless for any reasonable cause they think proper to adjourn it. Similarly if the defendant fails to appear, the committee shall proceed with the trial in his absence, unless for some special reason they think better to adjourn. In the former case, if their decision is

* For orders on this subject, see paragraph 12, page 77.

in favour of the plaintiff, a copy of it shall be served upon the defendant, and if the latter within ten days appears before the committee and proves that he was unable to attend, the committee shall hold a fresh trial, provided that the costs of the second trial shall in all cases be borne by the defendant, whatever the result. A suit dismissed on account of the non-appearance of the plaintiff may similarly be re-opened within ten days on sufficient cause shown.

8. If the unsuccessful party neglects or refuses to pay the amount awarded within ten days, the committee may, on the application of the other party, serve the unsuccessful party with a notice, directing him to pay to the headman the amount, with one rupee additional as a fee, within five days. If the debtor still neglects to pay, the headman shall, after the expiry of the five days, attach and sell by public auction so much of the debtor's moveable property as is sufficient to defray the amount awarded together with the fee. The headman shall, out of the proceeds of the property, pay the amount awarded to the successful party; the balance, after deducting the fee of one rupee, shall be returned to the judgment-debtor. The headman shall record a brief note of any action taken by him under this rule and shall file it with the record of the suit.

9. If the judgment-debtor has removed to another village-tract the committee shall inform the headman of the debtor's new village-tract by writing to him and sending the notice above mentioned, and the second headman shall then proceed to recover the amount as if he had passed the order himself; the only difference being that he will pay the amount awarded to the first headman instead of to the successful party.

10. The headman shall be entitled to retain all fees for execution of judgments as well as all fees levied under section 6, sub-section (4), of the Act.

11. The headman shall keep an account of all fees in the following form :—

Name of person from whom levied.	Amount.	Whether levied on the institution of a suit or On executing a judgment.
	Rs. A. P.	

12. This account, together with the records of all suits tried by the committee during the month under section 6, shall, provided that the judgment has been satisfied, be sent to the Township Officer not later than the 20th of the following month: Provided that in the case of any particular headman, the Deputy Commissioner may direct that the account and records shall be submitted quarterly instead of monthly. All such records shall be destroyed at the end of the year following that to which they belong.

13. Whenever, after the institution of a suit before them, it appears to the committee that the decision of the case involves a difficult question of law, it shall be competent for them to stay proceedings, to refund the institution fee and to recommend the plaintiff to file a suit in a Civil Court.

General Department Notification No. 453, dated the 9th December 1908, is hereby superseded.

RULES FOR DISPOSAL OF FEES LEVIED UNDER SECTION 6 (4) OR SECTION 9 (9) AND FOR GENERALLY CARRYING INTO EFFECT THE PURPOSES OF THE ACT.

In exercise of the power conferred by section 29, sub-section (1), clauses (g) and (i) of the Burma Village Act, 1907, the Governor in Council is pleased to make the following rules for the disposal of fees levied under section 6, sub-section (4), and section 9, sub-section (9), and for generally carrying into effect the purposes of the Act:—

Sec. 29(1)(g)
(i).
G. D. Not. No. 83, dated 26th May 1905.

RULE UNDER CLAUSE (g) FOR THE DISPOSAL OF FEES LEVIED UNDER SECTION 6, SUB-SECTION (4) AND SECTION 9, SUB-SECTION (9).

1. All fees levied under section 6, sub-section (4), and section 9, sub-section (9), of the Act, may be retained by the headman.

RULES UNDER CLAUSE (i) PRESCRIBING HEADMEN'S REGISTER AND REQUIRING WRITTEN RECEIPTS.

2. A register of all cases decided by a village committee or headman under section 9, sub-section (1), and of all fees levied and fines imposed under section 9 or section 12 of the Act, shall be kept by every headman in the form prescribed by the Local Government.*

3. The headman shall give a written receipt for all fines paid to him under section 9 or section 12 of the Act.

RULES UNDER CLAUSE (i) REGARDING REMISSION OR REFUND OF FINES.

4. The Deputy Commissioner may order the remission or refund of any fine imposed under the Act, provided that when the amount to be remitted or refunded exceeds Rs. 500, the previous sanction of the Commissioner to the refund or remission shall be necessary.

5. A Subdivisional Officer may order the remission or refund of any fine imposed by a village committee or headman under section 9 of the Act in any case that comes before him in revision.

6. Any fine imposed under the Act may, if irrecoverable, be written off by the authority competent, under Rules 4 and 5, to remit or refund such fine.

RULE UNDER CLAUSE (i) REGARDING SUPPLY OF INFORMATION TO MILITARY OFFICERS.

7. All headmen in Upper Burma shall, when required, give information to Military Officers in command of posts or of parties or columns or travelling on duty.

RULE UNDER CLAUSE (i) REQUIRING HEADMEN TO REPORT ESTABLISHMENT OF CUTCH CAMPS.

8. With the view of furthering the detection of persons engaging illicitly in the cutting and boiling of cutch, every village headman in Upper Burma shall report to the nearest

* The form is ^{Miscellaneous}
Villages 27

Civil Officer the establishment of any catch-boiling camp in or near his village-tract. The officer receiving the information will, without loss of time, communicate it through the Deputy Commissioner, to the Divisional Forest Officer concerned.

General Department Notifications Nos. 454, dated the 9th December 1908, 367, dated the 2nd December 1910, and 249, dated the 22nd September 1919, are hereby superseded.

*** REVISION OF DECISIONS OF VILLAGE COMMITTEE OR HEADMEN IN CIVIL SUITS.**

With reference to sub-section (2) of section 6 of the Burma Village Act, 1907 (Burma Act VI of 1907), the Lieutenant-Governor appoints the † Township Officer to be the authority to revise the decisions of village committees or headmen in suits tried in exercise of the powers conferred under sub-section (1) of the said section.

Sec. (6)(2).
G. D. Notn. No. 248, dated 14th July 1908, as amended by G. D. Notn. No. 78, dated 23rd May 1925.

General Department Notification No. 17, dated the 22nd January 1904, is hereby superseded.

*** DELEGATION TO SUBORDINATE OFFICERS OF THE POWERS OF A DEPUTY COMMISSIONER UNDER THE ACT.**

In exercise of the powers conferred by section 24 of the Burma Village Act, 1907 (Burma Act VI of 1907), the Lieutenant-Governor authorises Subdivisional Officers to exercise within the limits of their respective subdivisions the power of the Deputy Commissioner, under sub-section (2) of section 23 of the said Act, to revise orders passed by village committees or headmen under section 9.

Sec. 24.
G. D. Notn. No. 248, dated 14th July 1908, as amended by G. D. Notn. No. 81, dated 25th May 1925.

In exercise of the power conferred by section 24 of the Burma Village Act, 1907, as amended by the Burma Village (Amendment) Act, 1921, and with reference to paragraph 2 (2) (a)—(d) of Forest Department Circular No. 42 of 1923,† dated

Sec. 24.
G. D. Notn. No. 37, dated 25th Feb. 1924.

* For instructions regarding the exercise of these powers, see paragraphs 141 and 142, pages 108 and 109.

† Township Officers, as revising authorities have inherent powers under section 151 of the Civil Procedure Code to examine parties and witnesses in civil cases on oath which they are empowered to administer (*vide* General Department letter No. 196D26, dated 21st May 1926, to Commissioners and Deputy Commissioners).

‡ This circular relates to instructions regarding forest villages and is reproduced in Appendix V, at page 138, *post*.

the 15th October 1923, the Governor in Council is pleased to empower Divisional Forest Officers to exercise the following powers under the said Act in administering forest villages which have been declared by the Deputy Commissioner to be village-tracts under section 5 (1) thereof:—

- (a) to appoint rural policemen in Lower Burma under section 5 (3) of the Act ;
- (b) to issue orders for the requisitioning of supplies for travellers other than Government servants under section 8 (1) (g) of the Act ;
- (c) to impose fines under section 10 of the Act on headmen or rural policemen subject to revision by the Commissioner ;
- (d) to exercise all the powers of a Subdivisional Officer under the Act.

POWERS AND PRIVILEGES OF POLICE OFFICERS CONFERRED ON HEADMEN AND ON RURAL POLICEMEN AND DUTIES TO BE PERFORMED BY RURAL POLICEMEN.

Sec. 29(1) (a) In exercise of the powers conferred by section 29 of the Burma Village Act, 1907 (Burma Act VI of 1907), the Lieutenant-Governor is pleased to make the following rules under clauses (a), (b) and (c) of sub-section (1) of the said section.

(b) and (c).
G. D. Not. No. 460, dated 29th Dec, 1908.

RULES UNDER CLAUSE (a), CONFERRING ON HEADMEN AND ON RURAL POLICEMEN POWERS AND PRIVILEGES OF POLICE OFFICERS.

1. Headmen of village-tracts are empowered to search for and arrest any person who is liable to be arrested by a police officer under any of the circumstances mentioned in section 54 of the Code of Criminal Procedure, 1898.

2. The powers and privileges exercised or enjoyed by a police officer under the Police Act, 1861, and the Code of Criminal Procedure, 1898, shall be exercised and enjoyed by rural policemen in Lower Burma.

RULES UNDER CLAUSE (b), PRESCRIBING THE DUTIES TO BE PERFORMED BY RURAL POLICEMEN IN LOWER BURMA.

3. Every rural policeman shall be bound--

- (i) 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 offence referred to in section 7 of the Act and to recover, if possible, any property taken by any such person ;
- (ii) to arrest any person found lurking within the limits of the village-tract who cannot give a satisfactory account of himself ;
- (iii) to deliver to the headman any person arrested by him or made over to his custody, together with any weapon or other article likely to be useful as evidence ;
- (iv) to resist any unlawful attack made upon any village within the village-tract ;
- (v) to assist the headman in registering all births and deaths which take place within the village-tract, and any other vital statistics which the headman may be required to register ;
- (vi) to supply, to the best of his ability, any local information which any Magistrate or officer of police may require ;
- (vii) generally to assist the headman and all officers of the Government in the execution of their public duties.

4. Every rural policeman shall perform all the duties imposed on a police officer by the Police Act, 1861, and the Code of Criminal Procedure, 1898.

RULES UNDER CLAUSE (c) REGULATING THE EXERCISE, ENJOYMENT AND PERFORMANCE OF THEIR POWERS, PRIVILEGES AND DUTIES BY RURAL POLICEMEN IN LOWER BURMA.

5. The powers, privileges and duties above described shall be exercised, enjoyed and performed by every rural policeman in subordination to the Deputy Commissioner, Subdivisional Officer, Township Officer, District Superintendent of Police and headman of the village-tract.

Rules 1 to 4 of the rules published in Judicial Department Notification No. 332, dated the 7th August 1889, Judicial Department Notification No. 337, dated the 26th November 1895, and Judicial Department Notification No. 283, dated the 18th August 1896, are hereby superseded.

ORDERS REGARDING PWES.*

Sec. 21(3).

G. D. Not. No.
98, dated 6th
Feb, 1906.

In exercise of the power conferred by section 21, sub-section (3), of the Burma Village Act, 1907, the Governor in Council is pleased to declare that the entertainments, performances or assemblies enumerated in the first column of the subjoined table shall be deemed for the purposes of that section to be *pwès* in respect of the local areas noted opposite in the second column of the subjoined table.

Entertainments, performances or assemblies.	Local areas.
<i>Payapwès</i> (Pagoda festivals), <i>Pongyi-byans</i> (obsequies for Buddhist monks) and circuses.	The Pegu and Irrawaddy Divisions, the Akyab District except the Minbya Township and the Kyaukpyu, Ramree, Cheduba and Myebôn Townships of the Kyaukpyu District in the Arakan Division, the Sagaing, Shwebo and Lower Chindwin Districts, the village-tracts forming Mogôk and Thabeik-kyin in the Katha District, the Mingin, Kalewa, Masein and Kindat village-tracts of the Upper Chindwin District in the Sagaing Division, the Kyauksè, Meiktila, Yamèthin and Myingyan Districts, the Amarapura, Patheingyi, Singu and Madaya Townships of the Mandalay District in the Mandalay Division, the Allanmye Township of the Thayetmye District, the Magwe, Yenangyaung and Sathwa Townships of the Magwe District, the Sagu, Pwinbyu and Salin Townships of the Minbu District, the Pakôkku and Yesagyo Townships of the Pakôkku District in the Magwe Division, the Toungoo, Thatôn, Amherst, Tavoy and Mergui Districts in the Tenasserim Division, except (1) the Township of Leiktho and the Mebalan and Tabye Circles in the Taantabin Township of the Toungoo District; (2) the village-tracts in the Pa-an and Hlaingbwè Townships of the Thatôn District excluded in Schedule I to the Burma Rural Self-Government Act, 1921, and (3) the village-tracts lying outside Supplementary Survey in the Kawkareik and Kya-in Townships of the Amherst District.

Entertainments, performances or assemblies.	Local areas.
Wrestling matches ...	The Arakan Division.
Foot-races ...	The Irrawaddy Division, the Pegu Division and the Thatôn District of the Tenasserim Division.
Public performances known as <i>anyein pwès</i> when performed for profit or by travelling troupes who tour for the purpose of performing such <i>pwès</i> and all horse and pony * race-meetings.	The whole of Burma.
Cinematograph exhibitions, variety entertainments and fancy fairs held for public amusements.	The Pegu Division, the Mandalay, Kyaukse, Meiktila, Yamèthin and Myingyan Districts of the Mandalay Division, the Shwebo, Katha, Bhamo and Myitkyina Districts of the Sagaing Division, the Arakan Division, the Irrawaddy Division, the Tenasserim Division and the Magwe District of the Magwe Division.
Assemblies known as <i>nat pwès</i> ..	The Tavoy District of the Tenasserim Division and the Magwe District of the Magwe Division.

General Department Notifications Nos. 449, dated the 9th December 1908, and 74, dated the 19th May 1925, are hereby superseded.

† REGISTRATION OF BIRTHS AND DEATHS.

In exercise of the powers conferred by section 29, sub-section (1), clause (d), of the Burma Village Act, 1907, the Government of Burma (Ministry of Public Health) is pleased to make the following rules for the registration of births and deaths in village-tracts, in supersession of the rules promulgated in General Department Notification No. 154, dated the 17th April 1922, as amended by this Department Notification No. 107, dated the 14th November 1923, and to declare that

Sec. 29 (1)(d)
D. of P. H. Not.
No. 10, dated :
12th Feb. 1925.

* For instructions regarding the issue of licenses for horse and pony race-meetings, see Appendix IV, page 136, *post*.

† For instructions for the collections and record of vital statistics laid down with reference to these rules, see paragraphs 77 to 87, pages 94 to 96.

the registration of births and deaths shall, in accordance with the rules prescribed hereunder, be enforced in all village tracts in the undermentioned areas :—

Arakan Division.

All districts (excluding the Hill District of Arakan).

North-West Border Division.

All Districts (excluding the Pakôkku Hill-tracts, Chin Hills and Hkamti, Thaugdut and the Somra Tracts)

Pegu Division.

All Districts.

Rangoon Division.

All Districts.

North-East Frontier Division.

All Districts (excluding the Kachin Hill Tracts) except Putao.

Irrawaddy Division.

All Districts.

Mandalay Division.

All Districts.

Tenasserim Division.

All Districts.

1. Every birth and death occurring in a village-tract shall be reported to the headman within *seven days* of the date of such occurrence by the owner of the house in which it occurs, or if the owner is absent or unable to report, then by the eldest adult male living in the house, or if such eldest male is unable to report, then by the eldest adult female living in the house.

NOTE.—If a death occurs in the case of a traveller, the fact shall be immediately reported to the headman by the attendant or person taking charge of or finding the body.

2. The headman shall make it generally known that any person, being bound to report a birth or death and neglecting to do so within the prescribed period, is liable to punishment under section 12 of the Burma Village Act, 1907.

* 3. On receipt of information as to the occurrence of a birth within his village-tract, the headman shall enter it first in the birth register in Form H and then in the bifoil book in Form C. One of the foils shall be sent when due to the Township Office, unless the Deputy Commissioner otherwise directs, in which case he shall send it to the nearest police-station, and the other shall be retained until the child's name is reported. At the time of registration of birth the person reporting the event shall be instructed by the headman to report the name of the child as soon as it is named when it shall be recorded in the Birth Register in Form H and a completed foil shall be handed to the person reporting the name.

* For rules relating to duties of headmen in connection with vaccination, see page 42.

4. On receipt of information as to the occurrence of a death within his village-tract, the headman shall enter it first in the death register in Form I, and then in the bifoil book in Form D, giving one of the foils to the person reporting the death and keeping the other to be sent when due to the Township Office unless the Deputy Commissioner otherwise directs, in which case he shall send it to the nearest police-station.

5. When, for any reason, the headman is obliged to leave his village for some time or is incapacitated from performing his duties by illness or other cause, he shall deposit the foils collected with a member of the village committee, or failing such member, any other elder of the village or some other responsible person, and shall make the necessary arrangements to ensure the foils being safely despatched to the Township Office or the police-station, as the case may be, if they should become due during his absence.

6. The headman shall send the birth and death foils within three days at the end of the month for which they are due to the Township Office, unless the Deputy Commissioner otherwise directs, in which case he shall send them to the nearest police-station as under :—

- | | |
|---|---------------------------------------|
| (a) From villages within 5 miles of a police-station | Monthly. |
| (b) From villages over 5 miles and under 20 miles from a police-station | ... Quarterly. |
| (c) From distant village-tracts | ... Half-yearly
(January and July) |

Example.—Headmen of village-tracts within 5 miles of a police-station shall send foils for October, November and December by the 3rd of November, December and January respectively. The headman of village-tracts over 5 miles of a police-station shall send their foils for October, November and December on or before the 3rd of January. The foils from distant village-tracts for six months from January to June and July to December shall be sent on or before the 3rd of July and 3rd of January, respectively.

7. When the headman sends in the foils to the Township Office or the police-station, as the case may be, the book of Form E ^{Public Health} _{22S.} shall accompany them. This shall be signed by the head clerk of the Township Office or by the station-writer and be returned to the bearer.

Note—

Form C	Public Health	Guard	Book Form	20S
Form D	Do.		Do.	21S
Form E	Do.		Do.	22S
Form H	Do.		Do.	20S (b)
Form I	Do.		Do.	21S (b)

DUTIES OF HEADMEN FOR THE PREVENTION OF THE SPREADING OF SMALL-POX.

Sec. 29(1)(d)

D. of P. H. Not.
No. 78, dated
24th July 1925,
as amended by
D. of P. H.
Not. No. 99
(Carrig), dated
2nd Oct. 1925.

In exercise of the powers conferred by section 29, sub-section (1), clause (d), of the Burma Village Act, 1907, and with reference to the provisions of section 8, sub-section (1), clause (k), of the Act, the Governor in Council is pleased to make the following rules prescribing the duties to be performed by the headmen for the prevention of the spreading of small-pox in all village-tracts in the areas mentioned under this Department* Notification No. 10, dated the 11th February 1925 :—

1. The headmen of villages shall give such assistance to Inspectors of Vaccination and Public Vaccinators, as the Deputy Commissioner may on the advice of the Superintendent of Vaccination from time to time direct.

2. When the birth of a child is reported for registration under rule 3 of the rules published in this Department * Notification No. 10, dated the 11th February 1925, the headmen in districts to which the Vaccination Acts have been extended shall issue the following notice to the parents of the child :—

Notice to Parents regarding Vaccination.

Dated

No.

To

You are hereby informed that under the † Vaccination Act of 1880 you are required to have your child vaccinated not later than six months after ^{his}_{her} birth.

RULES PRESCRIBING DUTIES OF PERSONS RESIDING IN A VILLAGE-TRACT, IN RE- SPECT OF PUBLIC NUISANCES AND SANI- TATION, CONTAGIOUS OR INFECTIOUS DISEASE AMONG HUMAN BEINGS AND FIRES AND THE DUTIES OF HEADMEN IN RESPECT OF PUBLIC NUISANCES AND SANITATION CONTAGIOUS DISEASES AMONG HUMAN BEINGS AND FIRES.

Sec. 29(1)(d)

G. D. Not. No.
451, dated 9th
Dec. 1908, as
amended by G.
D. Not. No.
388, dated 28th

In exercise of the powers conferred by section 29, sub-section 1, clause (d), of the Burma Village Act, 1907 (Burma

* Page 39, *ante*.

† Burma Code, Volume I, page 54.

Act VI of 1907), the Lieutenant-Governor is pleased to make the following rules :—

**RULES PRESCRIBING DUTIES OF PERSONS
RESIDING IN A VILLAGE-TRACT, IN RE-
SPECT OF PUBLIC NUISANCES AND SANI-
TATION.**

1. No person residing in a village-tract shall allow any house or land occupied by him to be kept in a filthy or insanitary condition, or overgrown with weeds or rank vegetation.

2. No person residing in a village-tract shall allow any corpse of a human being, unless embalmed or enclosed in an airtight coffin, to be kept unburied or uncremated for more than 48 hours in any house or land occupied by him without the special sanction in each case of the Deputy Commissioner, Civil Surgeon, Subdivisional Officer or Township Officer :
Provided that between the first day of November and last day of February inclusive, corpses may be kept unburied or uncremated for 72 hours.

3. No person residing in a village-tract shall bury a corpse or cause a corpse to be buried at a depth of less than five feet, or within thirty yards of any well tank or stream, or of any dwelling-house. No person residing in a village-tract shall throw a corpse or cause it to be thrown into a river, creek or water of any kind.

4. Except with the permission of the headman no person residing in a village-tract shall burn or bury or deposit the corpse of a human being in or at any place other than a burial-ground set apart by the headman.

5. No person residing in a village-tract shall allow any latrine or cess-pit on any house, enclosure or land occupied by him to be kept in a filthy or insanitary condition. Cess-pits shall be closed periodically.

6. No person residing in a village-tract shall build any new house in any village within 20 feet of the front or back or 6 feet of the side of any existing house.

**RULES PRESCRIBING DUTIES OF THE HEAD-
MAN OF A VILLAGE-TRACT, IN RESPECT
OF PUBLIC NUISANCES AND SANITATION.**

7. The headman shall require residents of the village-tract to carry out the provisions of the preceding rules.

Oct. 1909, No. 16, dated 7th Jan. 1910, No. 43, dated 26th Jan. 1912, No. 363, dated 9th Oct. 1917, No. 198, dated 6th Aug. 1919, No. 102, dated 14th Mar. 1921, No. 311, dated 18th Aug. 1922, No. 161, dated 2nd Sep. 1924, and 248, dated 2nd Dec. 1925.

8. The headman shall set apart one or more places in each village-tract as burial grounds.

9. The headman shall cause to be removed immediately from any canal, tank or other source of water-supply within the limits of his village-tract, the dead body of any animal found therein and shall cause the same to be buried.

9A. The headman shall cause the immediate destruction of any flesh or article of food or drink which has been declared by a District Public Health Officer, or any Sanitary Officer empowered by the District Public Health Officer in this behalf, to be unfit for human consumption.

10. The headman shall set apart in each village under his control one or more wells for drinking purposes, and shall cause to be constructed round each well a parapet two feet high, and shall not allow bathing or washing of clothes within 20 yards of any such well, and shall not allow the ground within 20 yards of such well to be defiled by filth, rubbish or otherwise. If the water-supply is from tanks, the headman shall reserve one tank for drinking purposes only, shall keep clean the banks thereof, and shall not allow bathing, washing of clothes or watering of cattle therein.

11. The headman shall cause the villagers to undertake annually such measures for the maintenance of and the removal of silt from all drinking-water tanks in his village-tract which are not the property of private individuals as the Deputy Commissioner may, on the advice, if necessary, of the Executive Engineer, direct.

12. If so directed by the Deputy Commissioner of the Myitkyina District in respect of the village-tracts of Myitkyina, Myoma, Minyat and Shanzu in the Myitkyina District, the headmen of these village-tracts shall, during the months of November to May inclusive, reserve the Irrawaddy river above the American Baptist Mission compound for the drawing of water for domestic purposes, and in such case the headman shall not allow bathing, washing of clothes or other articles, watering of cattle or mooring of boats alongside the bank above the said Mission compound.

12A. If so directed by the Deputy Commissioner of the Bhamo District, the headman of the village-tract of Shwegu in the Bhamo District shall throughout the year reserve on the western bank of the Irrawaddy such places not exceeding nine in all, which shall be notified by public notice as required for approaches to the river, for drawing drinking water and for

bathing and for washing clothes, and at these places after they have been clearly demarcated by posts, he shall not permit rafts or timber or bamboos to be tied up.

13A. In the case of villages which are situated near the bank of a river or stream, the headman shall, as far as possible, keep the foreshore free from houses up to a distance of forty feet from the bank. He shall require all houses hereafter built or re-built to face the bank of the river or stream, and shall not allow latrines to be erected between the houses and the bank of the river or stream: Provided that this rule shall not apply in Lower Burma except to the Thayetmyo District and the Pegu Division.

13B. In the case of villages which are situated near the bank of a river or stream, the water of which is ordinarily used for drinking purposes, the headman shall, as far as possible, keep the foreshore free from houses up to a distance of forty feet from the bank. He shall require all houses hereafter built or re-built to face the bank of the river or stream, and shall not allow latrines to be erected between the houses and the bank of the river or stream: Provided that these rules shall be in force in the Arakan, Irrawaddy and Tenasserim Divisions only.

14. The headman shall see that all latrines in each village under his control are screened by a sufficient roof and wall from the view of passers-by or persons residing in the neighbourhood.

15. The headman shall cause the streets and lanes in each village under his control to be kept free from weeds, in good order, and in a sanitary condition.

16. The headman shall mark out a place near, but outside each village under his control where rubbish may be deposited, and shall cause the rubbish to be burnt or worked into the land at ploughing time.

RULES PRESCRIBING DUTIES OF PERSONS RESIDING IN A VILLAGE-TRACT, IN RE- SPECT OF CONTAGIOUS OR INFECTIOUS DISEASE AMONG HUMAN BEINGS.

17. No person residing in a village-tract shall keep the corpse of a human being who has died of cholera, small-pox, unusual fever accompanied by glandular swellings, or other infectious or contagious disease, for more than six hours unburied or uncremated in any house or land occupied by him.

17A. Every person residing in a village-tract shall, without delay, report to the headman the occurrence of any disease of the kinds described in Rule 18A which may come to his knowledge.

17B. Every person residing in a village-tract shall report forthwith to the headman the occurrence in the premises owned or occupied by him of any unusual mortality among rats.

RULES PRESCRIBING DUTIES OF THE HEADMAN OF A VILLAGE-TRACT IN RESPECT OF CONTAGIOUS OR INFECTIOUS DISEASE AMONG HUMAN BEINGS.

18A. The headman shall at once send a report in form "Sanitary 9S" to the Township Officer, Subdivisional Officer or Deputy Commissioner, whichever officer happens at the time to be nearest (in the Tenasserim Division he may, instead of sending it to any of these officers send it to the officer in charge of the police-station or police outpost within the jurisdiction of which his village-tract is situated) of the occurrence of cholera, small-pox, or any case of unusual fever accompanied by glandular swellings within his village-tract. He shall also send a regular weekly report of the progress of the disease, so long as it continues.

18B. The headman of a village-tract which is not infected with cholera or small-pox may forbid and take all reasonable means to prevent the entrance into his village-tract of any person (other than a Government officer on duty) who comes from an area infected with cholera or small-pox for a period of ten days from the date on which he left the infected area.

18C. Should any such person as is mentioned in Rule 18B of these rules enter the village-tract notwithstanding such prohibition by the headman, the headman may take all reasonable means to expel him.

18D. Should any person be found to be suffering from cholera or small-pox within a village-tract, the headman may require him, either to remain segregated within his house if this is sufficiently distant from other dwellings to avoid risk of spread of infection, or to remove to a specified area within the village-tract, and there remain segregated until cured; in the case of cholera for 10 days from commencement of the illness and in that of small-pox for 30 days from commencement of the illness, or until shown to be free of infection by the skin being wholly clean of scabs.

18E. The headman of a village-tract may exercise similar powers to those conferred by the preceding rule with reference to any person who shall have been in contact with a sufferer from cholera or small-pox, either by residence in the same house or otherwise; the period of segregation to extend to 10 days in the case of cholera and 13 days in that of small-pox after all contact with an infected person, his effects, or premises, has ceased. If within the period of segregation such person be attacked by the disease, the headman may proceed in accordance with the provisions of Rule 18D.

18F. In the cases mentioned in Rules 18E and 18D the headman may require the villagers to provide accommodation for and to maintain persons who are unable to support themselves.

18G. The headman may require all or any of the residents of a village infected with cholera within his village-tract, to which the Deputy Commissioner may by special order declare this rule to apply, to evacuate such village, and to occupy and remain within a specified area within the limits of the village-tract for such period as the Deputy Commissioner may by such order prescribe.

18H. The headman may require the villagers to bury the body of any person who has died of any disease mentioned in Rule 17

18I. The headman on receiving a report of unusual mortality among rats shall verify the same and thereafter report it to the Township Officer, Subdivisional Officer or Deputy Commissioner, whichever officer happens at the time to be nearest. In the Tenasserim Division the headman may, instead of reporting it to any of these officers, report it to the officer in charge of the police-station within the jurisdiction of which his village-tract is situated.

RULE PRESCRIBING DUTIES OF PERSONS RESIDING IN A VILLAGE-TRACT IN RE- SPECT OF FIRES.

19. Each house-owner or occupier in a village shall maintain two hooked bamboos, two fire-beaters, and as many pots filled with water as there are front posts of his house.

RULE PRESCRIBING DUTIES OF THE HEAD-MAN OF A VILLAGE-TRACT IN RESPECT OF FIRES.

20. The headman shall see that fires or lights are not ignited, handled, or used in any village under his control in such a manner as to be dangerous to life or property. In really serious cases, or where a fire results from careless action on the part of any of the villagers, he shall send a report of the matter to the nearest magistrate or police-officer.

Rules made in this behalf by Commissioners of Divisions (under section 6, sub-section (1), clause (1), of the Lower Burma Village Act, 1889 (III of 1889) section 5, clause (1), of the Upper Burma Village Regulation, 1887 (XIV of 1887)), are hereby superseded.

DUTIES OF THE HEADMAN AND RESIDENTS OF A VILLAGE-TRACT IN RESPECT OF THE PREVENTION OF THE SPREADING OF LEPROSY.

Sec. 29(1)(d).

G. D. Not. No. 331, dated 18th Nov. 1916, as amended by G. D. Not. No. 172, dated 18th June 1917, No. 247, dated 8th Aug. 1917, No. 51, dated 12th Mar. 1919, No. 191, dated 30th July 1919, No. 7, dated 8th Feb. 1921, No. 362, dated 20th Oct. 1921, No. 530, dated 27th Jan. 1923, No. 185, dated 18th Oct. 1925 and No. 44, dated 9th March 1926.

In exercise of the powers conferred by section 29, sub-section (1), clause (d), of the Burma Village Act, 1907, the Lieutenant-Governor is pleased to make the following rules prescribing the duties to be performed by the headmen and residents of village-tracts in respect of the prevention of the spreading of leprosy :—

1. These rules shall apply to the undermentioned *areas :—

Arakan Division.

Magwe Division.

Hill District of Arakan

All Districts.

Pegu Division.

Mandalay Division.

Hanthawaddy District.

All Districts.

Tharrawaddy District.

Sagaing Division.

Pegu District.

Shwebo District.

Prome District.

Sagaing District.

Irrawaddy Division.

Bhamo District.

All Districts.

Myitkyina District.

Katha District†.

* Divisions and Districts have been re-arranged in accordance with General Department Notification No. 100, dated the 25th June 1915.

<p><i>Tenasserim Division.</i> The village-tracts of Waing- pat, Saze and Songon in the Shwegyin Township, and Taungseik and Daungun in the Kyaukkyi Township of the Toungoo District, Amherst District. Thatôn District. Tavoy District.</p>	<p><i>Sagaing Division</i>—concl'd. Lower Chindwin District. Upper Chindwin District.</p>
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2. The headman shall call upon any person residing within the village-tract, who has been declared by the Civil Surgeon of the district, or by any other medical officer not below the rank of Sub-Assistant Surgeon deputed in that behalf by the Civil Surgeon, to be affected with leprosy, to remove his residence to a place to be prescribed by the Deputy Commissioner in this behalf.

3. In any place to which such persons have been removed under Rule 2, the headman shall provide wells or tanks for their use, one of which shall be reserved for drinking purposes only. The headman shall prohibit such persons using for any purpose the water of any river, stream, canal, tank, pond or well other than that of the wells or tanks so provided.

4. Any person residing in a village-tract who has been so required by the headman as aforesaid shall be bound within seven days to remove his residence to such place as may be prescribed by the Deputy Commissioner in this behalf and shall refrain from using for any purpose the water of any river, stream, canal, tank, pond or well other than that of the wells or tanks provided by the headman under Rule 3.

5. The headman shall not allow any leper to expose for sale any articles of food or drink or to act as a water carrier outside the place set apart under Rule 2.

The following notifications † are hereby superseded :—

* * * * *

**DUTIES OF THE HEADMAN AND RESIDENTS
OF A VILLAGE-TRACT IN RESPECT OF
THE PREVENTION AND SUPPRESSION OF
CATTLE DISEASE.**

Sec. 29(1)(d)
(h).

In exercise of the power conferred by section 29, sub-section (1), clauses (d) and (h) of the Burma Village Act, 1907, as amended by the Burma Towns and Village Amendment Act, 1912, the Lieutenant-Governor is pleased to

Rev. D. Not.
No. 83, dated
30th July 1914,
as amended by
Rev. D. Not.
No. 21, dated
21st Feb. 1917,
No. 31, dated 9th
May 1919 and
No. 47, dated
10th Sep. 1920.

† List of notifications omitted.

make the following rules in supersession of those published in this department Notification No. 90 of the 9th December 1908, for the prevention and suppression of contagious and infectious disease among cattle in village-tracts:—

GENERAL RULES.

1. These rules which may be cited as "**The Cattle Disease Rules, 1914**," apply to all areas in which the Burma Village Act, 1907, is in force except the undermentioned areas:—

(1) In the Toungoo District: the Tantabin Township except the Bônmedi and Tantabin Circles, and the whole of the Leiktho Township.

(2) The Salween District; except the part of that district described in General Department Notification No. 313, dated the 1st December 1905.

(3) In the Mergui District: the Tenasserim, Bôkpyin and Maliwun Townships.

(4) In the Mandalay District: the Eastern and Western Subdivisions.

Provided that the Commissioner may at any time direct that the rules shall apply, either temporarily or permanently, to any part of the excluded areas which falls within his jurisdiction and may at the same time declare the Officer, who shall be Township Officer, Subdivisional Officer or Deputy Commissioner for the purposes of the rules.

2. In these rules:—

(1) "**Animal**" and "**Cattle**" mean kine, buffaloes, sheep and goats, and such other beasts* as the Commissioner

* Ponies were declared to be cattle or animals for the purposes of these rules in the Sagaing Division, the Bhamo and Ruby Mines Districts (now Mogôk Subdivision of the Katha District), and the Amherst and Toungoo Districts, by notification by the Commissioner, Sagaing Division No. 129, dated the 13th December 1918, by notifications by the Commissioner, Mandalay Division, Nos. 155 and 156, dated the 14th December 1915, and by notification by the Commissioner, Tenasserim Division, No. 18, dated the 20th January 1916.

Mules were declared to be cattle or animals for the purposes of these rules in the Sagaing Division and in the Bhamo and Ruby Mines Districts (now Mogôk Subdivision of the Katha District) by notification by the Commissioner, Sagaing Division, No. 120, dated the 13th December 1918, and by notifications by the Commissioner, Mandalay Division, Nos. 155 and 156, dated the 14th December 1915.

Elephants were declared to be cattle or animals for the purposes of these rules in the Toungoo, Tavoy, Salween and Amherst Districts, and the Pegu, Insein and Tharawaddy Districts, by notifications by the Commissioner, Tenasserim Division, No. 7, dated the 13th January 1916, and No. 18, dated the 20th January 1916, and notification by the Commissioner, Pegu Division, No. 256, dated the 11th December 1915.

Pigs were declared to be cattle or animals for the purposes of these rules in the Bhamo District by notification by the Commissioner, Mandalay Division, No. 215, dated the 21st December 1920.

may from time to time declare to be cattle or animals for the purposes of these rules,

(2) "**Cattle-owner**" includes any person who has cattle in his possession or under his charge.

(3) "**Commissioner**" means the Commissioner of a Division and includes the Superintendent and Political Officer, Southern *Shan States and the Superintendents of the Northern *Shan States and the Chin Hills.

(4) "**Disease**" means rinderpest, anthrax, foot-and-mouth disease, contagious pleuropneumonia, tuberculosis, glanders, and any other cattle-disease† which the Commissioner may, from time to time, declare to be a disease for the purposes of these rules in respect of any area within his jurisdiction.

(5) "**Infected**" means infected with any disease.

3. (1) In every village-tract in which there is suitable waste land or grazing-ground the headman shall set apart a place or places for the segregation of infected cattle and, in the case of rinderpest, for cattle which have been in the same herd with infected cattle.

(2) If there is no waste land or grazing-ground available for such purposes, the headman shall report the fact to the Township Officer, who shall set apart for the cattle of such village-tract a suitable place or places in an adjoining village-tract or elsewhere, regard being had to the convenience of the villagers concerned.

4. All persons resident in a village-tract shall immediately report to the headman the outbreak of any disease in the village-tract, or in any neighbouring village-tract which may come to their knowledge.

5. Every cattle-owner who brings cattle into any village-tract shall, if he has knowledge of the existence of any disease among such cattle or in any neighbouring village-tract through which they have passed, report the same to the headman.

*The Burma Village Act, 1907, has ceased to apply to the Shan States (*vide* Political Department notification No. 35, dated the 7th July 1925).

† "*Hæmorrhagic Septicemia*" was declared to be a contagious or infectious disease for the purposes of these rules in the Sagaing Division and in the Bhamo District, by notification by the Commissioner, Sagaing Division, No. 129, dated the 13th December 1918, and notification by the Commissioner, Mandalay Division, No. 215, dated the 21st December 1920.

Surra has been similarly declared to be contagious or infectious disease for the purposes of these rules in the Bhamo and R. 10y Mines Districts (now Mogòk Subdivision of the Katha District) and the Sagaing Division, by notifications of the Commissioner, Mandalay Division, Nos. 155 and 156, dated the 14th December 1915, and notification by the Commissioner, Sagaing Division, No. 129, dated the 13th December 1918.

6. The headman of a village-tract, on becoming aware of an outbreak of disease, shall take action as follows :—

(A) *If the outbreak is in a neighbouring village-tract*—he shall without delay inform the headman of that tract unless he has already received from that headman the intimation prescribed under (B) (4) :

(B) *If the outbreak is in his own village-tract*—he shall

(1) within 24 hours send a report* of the fact to the Township Officer, or to the Subdivisional Officer, or Deputy Commissioner, if either of these officers is nearer than the Township Officer ;

(2) cause the place or places set apart for infected or in-contact cattle under rule 3 to be enclosed and such cattle to be penned therein until permission for their removal has been granted by the Deputy Commissioner or an officer authorized by him in this behalf ;

(3) protect cattle watering-places from infection by infected or in-contact cattle or cattle in transit ;

(4) cause the headmen of adjoining tracts to be informed of the outbreak ;

(5) cause cattle-owners in his tract to carry out any orders issued by an inspecting officer under rule 7.

7. On receipt of information that disease has broken out in a village-tract, the Deputy Commissioner, Subdivisional Officer, or Township Officer may appoint an officer to inspect all the cattle in that village-tract. Such inspecting officer may require all cattle-owners resident in or passing through the village-tract to bring their cattle for inspection to such place and at such time as he may direct, and may issue such orders for the better carrying out of rule 6 as may seem to him to be called for as a result of such inspection :

Provided that any **Veterinary Officer** of the rank of Veterinary Assistant and upwards may perform the duties of an inspecting officer without further authorization under this rule in any village-tract under his charge which he has reason to believe to be infected.

8. On learning of the outbreak of disease within his jurisdiction the Township Officer shall at once inform the officers in charge of townships adjoining the infected area of such outbreak. Similarly the Deputy Commissioners shall inform the Deputy Commissioners of districts adjoining the infected area.

* In form

Miscellaneous Villages 13

 "Headman's report of outbreak of cattle disease."

9. Every cattle-owner resident in or passing through a village-tract, on the outbreak of any disease among his cattle shall drive the infected cattle and, if the disease be rinderpest, all other cattle which have been in the same herd with the infected cattle, to a place set apart for this purpose under rule 3, and shall not remove the cattle therefrom without the permission of the headman.

10 Every cattle-owner resident in or passing through an infected village-tract shall—

(a) produce his cattle at the place and time (if any) appointed for their inspection under rule 7, and shall obey all orders issued by their inspecting officer under that rule;

(b) obey all the directions of the headman issued under these rules and render him such assistance as he may require in enclosing the places set apart for infected cattle;

(c) burn daily all dung, grain, fodder, straw, litter, refuse or other thing which has or may have been in contact with an infected animal.

11. If an infected animal dies the owner shall bury the carcase within twelve hours after death at, or as near as possible to, the spot where the animal died, but at a distance of not less than 300 yards from any houses, cattle-pens and customary watering-places and at a depth below the surface of not less than six feet. The carcase shall be buried with the hide and horns, and after the carcase has been put into the ground the hide shall be slashed so as to render it unfit for tanning or any other use. If by reason of flood or for any other cause it is not possible to bury the carcase it shall be burnt together with the hide and horns.

11A. No person shall disinter the carcase of an infected animal which has been buried or possess or sell any part of the carcase of such animal.

12. On the outbreak of disease the Deputy Commissioner or Subdivisional Officer may by order direct that the headmen of villages specially selected by him as being situated on the main roads or lines of communication shall for a period not exceeding three months from the date of such order cause notices proclaiming the existence of such disease to be affixed to trees on the roads, grazing-grounds, *zayats*, etc., or such other public places as such headmen may think fit, and that they shall also take such measures for the due segregation of all cattle passing through their village-tracts as may be, by general or special order, prescribed by the Inspecting Officer under rule 7 or any officer superior to him in rank.

13. On the outbreak of any disease in his district or in a locality adjacent to his district, the Deputy Commissioner may direct that within such area of his district as he may define in this behalf, cattle shall not be removed from one village-tract into or through any other village-tract, or that cattle may be removed from all or certain of such village-tracts by certain routes only and subject to such conditions as he may prescribe. Within such area or areas a cattle-owner shall not remove or permit the removal of his cattle into or through a village-tract except along the routes, if any, and subject to the conditions, if any, prescribed by the Deputy Commissioner.

14. When an order has been issued by the Deputy Commissioner under the preceeding rule, the declaration setting out the area to which the order applies, the general prohibition against the removal of cattle and the routes and conditions, if any, prescribed for removal shall be published by affixing a copy on the village notice-board in each village-tract within the area and in such other manner as the Deputy Commissioner may direct

INOCULATION RULES.

[The following rules apply only to the Pegu Division and to the Bassein and Amherst Districts but a Commissioner may in case of any outbreak occurring direct that they shall apply to any area within his jurisdiction in which rules 1—14 are in force.]

15. When rinderpest or any other contagious disease for which inoculation is practised under the authority of Government has appeared in any part of his district, the Deputy Commissioner may, cause the cattle in the infected area and in such adjoining areas of his district as he thinks fit, to be inoculated with the consent of the owners.

16. The Deputy Commissioner shall notify to the headmen of the village-tracts selected for inoculation that they are required to take the special measures prescribed by the following rules for the prevention of rinderpest.

17. The headmen on receipt of such notice shall direct cattle-owners who do not wish to have their cattle inoculated to construct, at their own expense, enclosures in which to pen their cattle, such enclosures to be distant at least a quarter of a mile from the nearest village. The headmen shall also forbid owners of cattle which have not been inoculated to pen such cattle in any village.

18. Where possible a special grazing-ground at a distance from any village shall be set apart by each headman for cattle belonging to owners who do not wish to have their cattle inoculated, and where such a grazing area has been set apart, the headman shall forbid the owners of such cattle to graze their cattle on their grazing-grounds, and in any case the headman shall forbid the owners of such cattle to graze cattle which have not been inoculated in the portion of the village grazing-ground set apart by him for cattle belonging to owners who are willing to have their beasts inoculated. The restrictions on the grazing of cattle which have not been inoculated shall continue until such time as the locality is free from disease.

* REGISTRATION OF DEATHS OF CATTLE.

In exercise of the powers conferred by section 29, sub-section (1), clause (d), of the Burma Village Act, 1907, the Government of Burma (Ministry of Agriculture) is pleased to make the following rules for the registration of cattle deaths in village-tracts, in supersession of the rules promulgated in Revenue Department Notification No. 91, dated the 9th December 1908, as subsequently amended:—

Sec. 29(1)(d)

Agri. (Vety.) D.
Not. No. 7,
dated 4th Sep.
1925, as amended
by Agri. (Vety.)
D. Not. No. 11,
dated 25th Nov.
1926.

GENERAL RULES.

1. These rules which may be cited as "The Registration of Cattle Deaths Rules, 1925," shall apply to all areas in which the Burma Village Act, 1907, is in force except the undermentioned areas:—

The Pyinwa Circle of the Akyab District, the Hill District of Arakan, the Salween District, the Tabye and Mebalan Circles of the Tantabin Township, and the whole of the Leiktho Township of the Toungoo District, and the districts and parts of Districts in Upper Burma where the †Burma Rural Self-Government Act, 1921, does not apply.

2. The term "cattle" in these rules includes cows, bulls, bullocks, calves, buffaloes, horses, ponies and elephants.

3. Every death of cattle occurring in a village-tract shall be reported within 48 hours to the headman by the owner or keeper of the animal, or if the owner or keeper is absent or unable to report, then by the eldest adult male living in the house, or if such eldest male is unable to report, then by the eldest adult female living in the house.

4. The headman shall make it generally known that any person, being bound to report a death and neglecting to do so within the prescribed period, is liable to punishment under section 12 of the Burma Village Act, 1907.

*For instructions for the collection and record of statistics of cattle, deaths, see paragraphs 83 to 97, pages 96 to 98, *post*.

† Burma Code, Vol. II, page 756.

5. On receipt of information as to the occurrence of a death within his village-tract the headman shall enter it, or cause it to be entered, in the counterfoil register in the form prescribed by the Veterinary Adviser. The foil shall be sent when due to the Township Office, unless the Deputy Commissioner directs that it shall be sent to the nearest police-station. The headman shall retain the books containing the counterfoils as part of the village records.

6. When, for any reason, the headman is obliged to leave his village for some time or is incapacitated from performing his duties by illness or other cause, he shall make arrangements with a member of the village committee or, failing such member, some other elder or responsible person of the village to have deaths of cattle registered and to ensure that the foils are despatched to the Township Office or the police-station, as the case may be, if they should become due during his illness or absence.

7. The headman shall send cattle death foils not later than three days after the end of the month or period to which they relate to the Township Office, unless the Deputy Commissioner otherwise directs, in which case he shall send them to the nearest police-station as under:—

- (a) From villages within 5 miles of police-station—Monthly.
- (b) From villages over 5 miles and under 20 miles from a police-station—Quarterly.
- (c) From distant village-tracts—Half-yearly (Jannary and July).

Example.—Headmen of village-tracts within 5 miles of a police-station shall send foils for October, November and December by the 3rd of November, December and January respectively. The headman of village-tracts over 5 miles from a police-station shall send foils for October, November and December on or before the 3rd of January. The foils from distant village-tracts for six months from January to June and July to December shall be sent on or before the 3rd of July and 3rd of January, respectively.

NOTE.—In cases where the Government of Burma has made special arrangements with timber firms and other large employers of cattle-power for direct returns by them of the mortality of any kind of cattle, the above rules will not apply.

DUTIES OF THE HEADMAN AND RESIDENTS OF A VILLAGE-TRACT IN RESPECT OF THE SLAUGHTER OF CATTLE.

Sec. 29(1)(d)
G.D. Not. No. 109, dated 14th Mar. 1922, as amended by G. D. Not. No. 208, dated 5th June 1922, and No. 136, dated 9th Aug. 1923.

In exercise of the power conferred by section 29, sub-section (1, clause (d), of the Burma Village Act, 1907, as subsequently amended, and in supersession of the rules published in this department Notification No. 50, dated the 8th February 1915, as amended by this department Noti-

fication No. 372, dated the 31st August 1920, the Lieutenant-Governor is pleased to make the following rules for the regulation of the slaughter of horned cattle, sheep, goats, swine and ponies, and of the sale of the flesh thereof in village-tracts which are not situated within an area subject to the authority of a District Council established under the * Burma Rural Self-Government Act, 1921.

1. In these rules the terms 'cattle' includes horned cattle, sheep, goats, domestic swine and ponies.

2. The Deputy Commissioner may establish or permit the establishment of a slaughter-house in any village-tract for the slaughter of all or any specified kinds of cattle, and may grant a lease for such slaughter-house in the form attached to these rules. The lease shall ordinarily be disposed of by auction sale.

3. The lessee shall post up a notice in the form annexed to these rules in a conspicuous place outside the slaughter-house, in such language or languages as are likely to be understood by persons bringing cattle for slaughter and shall be bound to permit the slaughter of cattle in the slaughter-house in accordance with the conditions of the notice.

4. When a lease has been issued under Rule 2 or under the † Burma Municipal Act, 1898, or under the *Burma Rural Self-Government Act, 1921, for a slaughter-house and such slaughter-house has been duly established, no person shall within a radius of five miles from the slaughter-house, without the special sanction of the Deputy Commissioner or Subdivisional Officer, slaughter or cause to be slaughtered any cattle of the kind referred to in such lease, otherwise than at such slaughter-house.

5. All animals intended for slaughter at a slaughter-house shall be exposed for such period not exceeding four days, as the Deputy Commissioner may direct, in the pound, bazaar or other place named in the notice published under Rule 3. Within twenty-four hours of the expiry of such period they shall be brought before the Sub-Assistant Surgeon or police-officer or such other person as the Deputy Commissioner may direct for inspection. If passed, they shall be slaughtered at such time within twenty-four hours of such inspection as the Deputy Commissioner may direct, and the hides of the animals shall be exposed for twenty-four hours at the slaughter-house or at such other place as the Deputy Commissioner may prescribe.

* Burma Code, Vol. II, page 756.

† Burma Code, Vol. II, page 260.

6. Before cattle are slaughtered in slaughter-house the prescribed fee shall be paid or tendered to the lessee, and the person bringing the cattle shall inform the lessee of his name and residence and of the name and residence of the owner of the cattle.

7. In any village-tract to which the Deputy Commissioner may declare this rule to be in force, and in which a Government or Deputy Commissioner's Local Fund bazaar has been provided the flesh of cattle shall not be sold or exposed for sale except in such bazaar. Provided that this rule shall not apply to cooked flesh sold or exposed for sale in a *bona fide* eating house.

8. No person shall, within a radius of five miles from any slaughter-house, sell or expose for sale the flesh of any kind of cattle for which a slaughter-house has been provided, unless such cattle have been slaughtered at such slaughter-house in compliance with the provisions of these rules.

9. Any lease granted under these rules may be cancelled by the Deputy Commissioner for any breach of these rules or of the conditions of the lease.

[*Form of Lease mentioned in Rule 2.*]

SLAUGHTER-HOUSE LEASE.

IN THE OFFICE OF THE DEPUTY COMMISSIONER,

DISTRICT.

By authority of Rule 2 of the rules published in General Department Notification No. 109, dated the 14th March 1922, and framed under the provisions of section 29 (1) (d), of the Burma Village Act, 1907, this lease of the slaughter-house provided for the slaughter of * in

* Here specify the kind of cattle.

village-tract in the Township, of the District, is granted by me to son of for the sum of Rs.

This lease (unless sooner cancelled or withdrawn) expires on the 19 , and is subject to the conditions set out on the reverse.

Dated 19 *Deputy Commissioner.*

[*Reverse.*]

CONDITIONS,

(i) This lease shall be given up on expiration, cancellation or withdrawal, and it must neither be sublet nor transferred without the written permission of the Deputy Commissioner.

(ii) The sums payable in respect of this lease must be punctually paid on or before the following dates:—

Rupees being one-fifth of the whole Rupees on the fall of the hammer and the balance in eight instalments on the following dates:—

1st instalment Rs.	payable on
2nd instalment Rs.	payable on
3rd instalment Rs.	payable on
4th instalment Rs.	payable on
5th instalment Rs.	payable on
6th instalment Rs.	payable on
7th instalment Rs.	payable on
8th instalment Rs.	payable on

(iii) The slaughter-house and premises shall be kept by the lessee from day to day in as clean and wholesome a state as possible, and all dirt and refuse shall be removed daily.

	<u>Cattle</u>	
	<u>Sheep</u>	
(iv)	<u>Goats</u>	shall be exposed for a period of
	<u>Swine</u>	
	<u>Ponies</u>	

— days before slaughter. Within twenty-four hours of the

expiry of that period they shall be brought before the

of — for examination between the hours of — and —. If passed, they shall be slaughtered at such time within twenty-four hours as the Deputy Commissioner may direct and the hides of the animals shall be exposed for twenty-four hours at the slaughter-house or at such other place as the Deputy Commissioner may prescribe.

The lessee shall not permit any animal to be slaughtered at the slaughter-house unless it has been passed and unless a certificate of the pound-keeper or bazaar-*gaung* is produced as to the period of exposure.

The certificate given by the pound-keeper or bazaar-*gaung* shall be endorsed by the officer authorized to examine and pass cattle for slaughter, when passing the animal, and shall be surrendered to the lessee for cancellation when the animal is actually slaughtered.

(v) The undermentioned fees may be levied by the lessee for permission to slaughter in the slaughter-house :—

	Rs.	A.	P.
Oxen, cows and buffaloes, each	...		
Calves, sheep and goats, each	...		
Full-grown pigs, each	...		
Sucking pigs, each	...		
Ponies, each	...		

Fees shall be levied only at the slaughter-house and only before slaughter is permitted. A receipt in the prescribed form below shall be given for each fee levied. No larger fee than that prescribed above shall be levied. The lessee shall permit the slaughter in the slaughter-house of all animals for

which the prescribed fee has been tendered and for which condition. (iv) has been fulfilled,

<i>Received from</i>		<i>Name</i>	<i>Residence.</i>
Rs.	A. P.	for slaughter of	Number.
			Oxen, cows or buffaloes. Calves, sheep or goats. Full-grown pigs. Sucking pigs. Ponies.

Date

Signature of Lessee or his Agent

(vi) A register of slaughtered cattle shall be kept up in Burmese in the following form by the lessee :—

Date.	Number.	Person bringing cattle for slaughter.		Owner of cattle.		Description of cattle.						
		Name.	Residence.	Name.	Residence.	Horns.	Colour.	Face markings.	Permanent marks or scars.	Sex.	Age.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(a)	(b)	(c)	(d)	(e)	(f)	(g)

The register shall be shown by the lessee on demand to any Magistrate or police-officer or to the head man of the ward or village-tract in which the slaughter-house lies,

(vii) As a security for the due observance by him of the conditions of the lease, the lessee shall place a deposit of Rs. 50 with the Deputy Commissioner which shall be returned to him on the termination of the lease by cancellation or otherwise unless it is already forfeited. In case of any breach of the conditions of the lease by the lessee, the Deputy Commissioner may either forfeit the whole or any portion of the said deposit or, in lieu of such forfeiture, cancel the lease.

NOTE.—The Deputy Commissioner may, instead of requiring a deposit under this condition, accept such security as he may fix from the lessee or from one or more sureties on his behalf for the due observance by the lessee of the conditions of the lease.

(viii) This lease may be cancelled by the Deputy Commissioner for any breach of the rules or of the conditions of the lease.

(ix) On the expiry of the lease, the lessee shall hand over the slaughter-house and premises to the Deputy Commissioner in good condition.

[*Form of Notice mentioned in Rule 3.*]

NOTICE.

Slaughter-house.

* Here specify
the kind of
cattle.

This slaughter-house is set apart for the slaughter of *

The lessee is bound to permit the slaughter, at such hours as the Deputy Commissioner may direct, of any cattle of the kinds abovementioned which may be brought for slaughter, provided the following conditions are complied with :—

(1) That, unless the Deputy Commissioner otherwise

directs, the animal has been exposed for

whole days at the pound
bazaar and has been passed by the

Sub-Assistant Surgeon.

of

; and

(2) that fee according to the following scale has been paid or tendered to the lessee :—

Rs. A. P.

Oxen, cows and buffaloes, each
Calves, sheep and goats, each
Full-grown pigs, each
Sucking pigs, each
Ponies, each

REGULATION OF PAWNSHOPS IN VILLAGE-TRACTS.

In exercise of the power conferred by section 20A, sub-sections (2) and (3), of the Burma Village Act, 1907, as amended by Burma Act I of 1921, the Lieutenant-Governor is pleased to make the following rules for the regulation of pawnshops in village-tracts in Burma, excluding areas notified under section 210 of the * Burma Municipal Act, 1898: —

Sec. 20A(2)
(3.)

1. In these rules—

(a) "Pawn-broker" means every person who carries on the business of taking goods and chattels in pawn for loans of money not exceeding Rs. 200 in any one transaction: provided that nothing in these rules shall apply to persons taking goods and chattels in pawn for loans exceeding Rs. 100; when the rate of interest or other profit does not exceed 15 per cent. per annum, nor shall they apply to persons genuinely carrying on the business of money-lender and advancing money on a promissory note or other document;

G. D. Notn. No. 366, dated 25th Oct., 1921, as amended by G. D. Notn. No. 874, dated 10th Oct., 1922, G. D. Notn. No. 86, dated 14th Feb., 1923 and G. D. Notn. No. 93, dated 15th June 1923.

b) "Pledge" means an article delivered to a pawn-broker in pawn;

(c) "Pawnor" means the person who delivers an article to a pawn-broker in pawn;

(d) "Shop" includes any place where the business of a pawn-broker is carried on.

2. In any village-tract to which the Deputy Commissioner has directed that section 20A of the Burma Village Act, 1907, as amended by Burma Act I of 1921, shall apply, no person shall carry on the business of a pawn-broker except in accordance with a license granted by the Deputy Commissioner or by an officer authorized by the Deputy Commissioner in this behalf.

3. The right to be granted a license may be disposed of by auction which shall be held by such officer as the Deputy

Commissioner may direct ; or a license may be granted in such other manner as the Deputy Commissioner may see fit. It shall be valid for such period as the Deputy Commissioner may direct, and shall be issued in the form annexed to these rules. If the license is disposed of by auction, the officer holding the auction shall not be bound to accept the highest or any bid.

4. The number of licenses, the period for which licenses will be granted, and the date and manner of disposal of the licenses shall be notified by advertisement for a period of not less than fourteen days before the date fixed for the disposal. Save as otherwise directed by the Deputy Commissioner the licensee shall pay one-fifth of the purchase price on the fall of the hammer and the balance in eight monthly instalments thereafter.

4A. Where the license is for a term of more than one year, the licensee may surrender his license at the end of any year, without penalty on three months' written notice.

5. Licenses shall be granted on the following conditions and a license may be revoked by the officer who granted it for breach by the licensee, his servants or agents of any one or more of such conditions:—

(i) That the licensee shall carry on his business as pawn-broker only at the premises specified upon the face of his license.

(ii) That the licensee shall keep exhibited outside his shop a signboard, on which shall be legibly printed or painted in Burmese or in such other language or languages as may be specified in the license, the license number and the words "Pawn-broker's Shop."

(iii) That the licensee shall keep a set of thumb impression instruments for the purpose of taking the thumb impression of a pawnor pledging any article. But no thumb impression of the pawnor shall be taken by any person who cannot produce from the District Superintendent of Police a certificate of competency to take finger prints in a proper manner.

(iv) That the licensee shall keep a book in the form set out in Form II annexed hereto, in which he shall enter or cause to be entered in Burmese or in such other language as the officer granting the license may direct, at the time of each transaction, the following particulars, namely:—

(a) a description of the articles taken in pawn ;

- (b) the time agreed upon for redemption of the same ;
- (c) the sum of money lent thereon ;
- (d) the rate of interest or other profit to be charged ;
- (e) the day of the month and the year in which the transaction took place ;
- (f) the name and address and the left thumb impression of the pawnor and, where the pawnor is not the owner of the articles pawned, the name and address of such owner ;
- (g) the date of redemption of the articles ;
- (h) if unredeemed, the number of the page in Book III on which the transaction is entered ;

and a duplicate of such entries shall be delivered to the pawnor.

(v) That the pages of the book and duplicates mentioned in the preceding condition shall be numbered consecutively, and each page and duplicate shall contain the name of the pawn-broker and the address of his shop.

(vi) That the licensee shall not charge or demand in respect of any loan made by him any interest or other profit exceeding the following rates :—

If the sum lent does not exceed Rs. 5, one anna for each rupee or part of a rupee for each month or part of a month.

If the sum lent exceeds Rs. 5, but does not exceed Rs. 20, nine pies for each rupee or part of a rupee for each month or part of a month.

If the sum lent exceeds Rs. 20, six pies for each rupee or part of a rupee for each month or part of a month.

(vii) That the licensee shall keep conspicuously exposed in his shop a legibly printed copy of the rates mentioned in the last preceding condition in such language or languages as may be specified in the license.

(viii) That the licensee, his servants or agents, shall not receive anything in pawn between the hours of 6 p.m. and 6 a.m., and shall not at any time take anything in pawn from any child apparently under 14 years of age.

(ix) That the licensee, his servants or agents, shall deliver to the owner thereof any pledge when demanded between the hours of 6 a.m. and 8 p.m. within the period agreed upon for redemption thereof upon tender by the owner or his agent of the sum borrowed, with the interest due

thereon according to condition (vi) or any less sum which may have been agreed upon.

(x) That the licensee shall not sell, without the consent of the pawnor, any pledge before the expiration of the time agreed upon for redemption thereof, or otherwise than in accordance with these conditions.

(xi) That the licensee shall himself dispose of all articles pledged and unredeemed at the time agreed upon for redemption at a public auction held not more often than once a quarter, of which at least ten days' notice with a list of the articles to be sold shall be sent to the officer in charge of the police-station.

(xii) That the licensee shall keep a printed book in the form set out in Form III annexed hereto. in which he shall enter or cause to be entered in English or Burmese or such other language as the officer who granted the license may direct, a true and correct account of all pledges sold, showing the date on which and the persons by whom the goods were pledged, the number of the page in Book II on which the original transaction is entered, the amount due at the time of sale, the amount realised on the sale, the date of sale, the name and address of the person to whom sold, and in any case where the amount realised on the sale exceeds the amount lent and the interest or other profit due thereon at the date of sale and expenses attending such sale, the overplus due to the pawnor.

(xiii) That the licensee, his servants or agents, shall permit his shop to be entered between the hours of 6 a.m. and 8 p.m. by any person authorised by the Deputy Commissioner in that behalf, and by any police-officer not under the rank of sub-inspector, and shall produce for the inspection of such person or officer, the books required by these conditions to be kept, and also all or any pledges which such person or officer may require and further shall allow such person or officer to take copies of the entries in such books.

(xiv) That, if any article is offered to the licensee, his servants or agents in pawn, which he or they shall have reason to believe to have been dishonestly acquired, or if, after any article has been received in pawn, the licensee shall have reason to believe that such article was dishonestly acquired by the pawnor, then in any such case the licensee, his servants or his agents, shall forthwith make a report regarding such

pledge to the headman and to the officer in charge of the nearest police-station.

(xv) That after the expiration of the period for which the license is granted, or after its cancellation, the licensee shall be entitled to carry on his business as a pawn-broker so far only as relates to the redemption of articles pledged with him.

(xvi) That on receipt from the police of a list of stolen property the licensee shall examine the articles in pledge with him and immediately report to the officer in charge of the nearest police-station if any of the articles resemble those described in the list.

6. Whoever carries on the business of a pawn-broker without a license, or a licensee who fails to comply with any of the conditions laid down in these rules, shall be punishable with fine which for a first offence may extend to fifty rupees, and for each subsequent offence to imprisonment for one month, or to a fine of two hundred rupees or both.

FORM I.

PAWN-SHOP LICENSE.

By authority of Rule 2 of the rules published in General Department Notification No. 366, dated the 25th October 1921, and framed under the provisions of section 20A of the Burma Village Act, 1907, as amended by Burma Act I of 1921,
is hereby licensed to carry on

business as a pawn-broker at
subject to the conditions stated in the conditions* on the reverse hereof and prescribed by the abovementioned rules.

The license may be cancelled for breach of any one or more of the said conditions.

The license will be in force until the
unless previously cancelled.

Whoever carries on the business of a pawn-broker without a license, or a licensee who fails to comply with any of the conditions laid down on the reverse, shall be punishable with fine which for a first offence may extend to fifty rupees, and for each subsequent offence to imprisonment for one month, or to a fine of two hundred rupees or both.

[Reverse.]

CONDITIONS.

(i) That the licensee shall carry on his business as pawn-broker only at the premises specified upon the face of his license.

(ii) That the licensee shall keep exhibited outside his shop a signboard, on which shall be legibly printed or painted in the license number and the words "Pawn-broker's Shop."

(iii) That the licensee shall keep a set of thumb impression instruments for the purpose of taking the thumb impression of a pawnor pledging any article. But no thumb impression of the pawnor shall be taken by any person who cannot produce from the District Superintendent of Police a certificate of competency to take finger prints in a proper manner.

(iv) That the licensee shall keep a book in the form set out in Form II annexed hereto, in which he shall enter or cause to be entered in at the time of each transaction, the following particulars, namely :—

- (a) a description of the articles taken in pawn ;
- (b) the time agreed upon for redemption of the same ;
- (c) the sum of money lent thereon ;
- (d) the rate of interest or other profit to be charged ;
- (e) the day of the month and the year in which the transaction took place ;
- (f) the name and address and the left thumb impression of the pawnor and, where the pawnor is not the owner of the articles pawned, the name and address of such owner ;
- (g) the date of redemption of the articles ;
- (h) if unredeemed, the number of the page in Book III * on which the transaction is entered ;

and a duplicate of such entries shall be delivered to the pawnor.

(v) That the pages of the book and duplicates mentioned in the preceding condition shall be numbered consecutively, and each page and duplicate shall contain the name of the pawn-broker and the address of his shop.

(vi) That the licensee shall not charge or demand in respect of any loan made by him any interest or other profit exceeding the following rates :—

If the sum lent does not exceed Rs. 5, one anna for each rupee or part of a rupee for each month or part of a month.

If the sum lent exceeds Rs. 5, but does not exceed Rs. 20, nine pies for each rupee or part of a rupee for each month or part of a month

If the sum lent exceeds Rs. 20, six pies for each rupee or part of a rupee for each month or part of a month.

(vii) That the licensee shall keep conspicuously exposed in his shop a legibly printed copy of the rates mentioned in the last preceding condition in such language or languages as may be specified in the license.

(viii) That the licensee, his servants or agents, shall not receive anything in pawn between the hours of 6 p.m. and 6 a.m., and shall not at any time take anything in pawn from any child apparently under 14 years of age.

(ix) That the licensee, his servants or agents, shall deliver to the owner thereof any pledge when demanded between the hours of 6 a.m. and 8 p.m. within the period agreed upon for redemption thereof upon tender by the owner or his agent of the sum borrowed, with the interest due thereon according to condition (vi) or any less sum which may have been agreed upon.

(x) That the licensee shall not sell, without the consent of the pawnor, any pledge before the expiration of the time agreed upon for redemption thereof, or otherwise than in accordance with these conditions.

(xi) That the licensee shall himself dispose of all articles pledged and unredeemed at the time agreed upon for redemption at a public auction held not more often than once a quarter, of which at least ten days' notice with a list of the articles to be sold shall be sent to the officer in charge of the police-station.

(xii) That the licensee shall keep a printed book in the form set out in Form III annexed hereto, in which he shall enter or cause to be entered in

, a true and correct account of all pledges sold, showing the date on which and the persons by whom the goods were pledged, the number of the page in Book II on which the original transaction is

(xiii) That the licensee, his servants or agents, shall permit his shop to be entered, between the hours of 6 a.m. and 8 p.m. by any person authorised by the Deputy Commissioner in that behalf, and by any police-officer not under the rank of sub-inspector, and shall produce for the inspection of such person or officer, the books required by these conditions to be kept, and also all or any pledges which such person or officer may require, and further shall allow such person or officer to take copies of the entries in such books.

(xv) That after the expiration of the period for which the license is granted, or after its cancellation, the licensee shall be entitled to carry on his business as a pawn-broker so far only as relates to the redemption of articles pledged with him.

First instalment	R.s.	payable on
Second instalment	R.s.	payable on
Third instalment	R.s.	payable on
Fourth instalment	R.s.	payable on
Fifth instalment	R.s.	payable on
Sixth instalment ...	R.s.	payable on
Seventh instalment ...	R.s.	payable on
Eighth instalment ...	R.s.	payable on

(xvii) That on receipt from the police of a list of stolen property the licensee shall examine the articles in pledge with him and immediately report to the officer in charge of the nearest police-station if any of the articles resemble those described in the list.

FORM II.

<i>Original.</i>	<i>Duplicate.</i>
No.	No.
Name of pawn-broker—	Name of pawn-broker—
Address of shop—	Address of shop—
(1) Description of goods—	(1) Description of goods—
(2) Time within which to be redeemed—	(2) Time within which to be redeemed—
(3) Amount lent—	(3) Amount lent—
(4) Rate of interest—	(4) Rate of interest—
(5) Day of month and year on which goods are pawned—	(5) Day of month and year on which goods are pawned—
(6) Name of pawnor—	(6) Name of pawnor—
(7) Address of pawnor—	(7) Address of pawnor—
(8) Name of owner of goods (if other than pawnor)—	(8) Name of owner of goods (if other than pawnor)—
(9) Address of owner of goods (if other than pawnor)—	(9) Address of owner of goods (if other than pawnor)—
(10) Left thumb impression of the pawnor—	(10) Left thumb impression of the pawnor—
(11) Date of redemption—	(11) Date of redemption—
(12) If unredeemed, page of Book in Form III on which the transaction is entered.	(12) If unredeemed, page of Book in Form III on which the transaction is entered.

FORM III.

Name of pawn-broker—

Address of shop—

(1) Description of goods sold—

(2) Date when goods were pawned—

(3) Person by whom goods were pawned—

(4) Page of Book in Form II on which the transaction is entered—

(5) Amount due at time of sale—

		Rs. A. P.
Principal	...	...
Interest	...	...
Total	...	_____

(6) Amount realised on sale—

(7) Date of sale—

(8) Name and address of the person to whom sold—

PART III.

**Executive Orders under the Burma Village
Act, 1907, as amended.**

Executive Orders.**CHAPTER I.****PRELIMINARY.***System of Village Administration.*

1. With the passing into law of Act IV of 1924, Sir Charles Crosthwaite's famous Minute (still reproduced as Appendix I*) has become largely historical.

His two fundamental principles may remain baldly true—(1) that every village-tract must have a headman residing in it and (2) that every headman is responsible for the collection of revenue. But Act IV of 1924 has in certain vital particulars altered the spirit of the previous Act. In the old system the village headman held his appointment by virtue of hereditary right and of appointment by Government, with or without the concurrence of his villagers. The effect of the new Act is to make him more the elected representative of his villagers, who, in the form of a committee of not more than four, assist him in his duties as magistrate, judge and general executive officer. Another fundamental conception of the old Act which has been eclipsed, is the idea of collective responsibility. Formerly the villagers were bound to co-operate with the headman in carrying out all the duties imposed on him and on them by Government. If they did not, they were held collectively responsible and fined. Now it is presumed that the villagers will co-operate with the headman whom they themselves have elected to supervise the working of the Act and rules.

2. It is true that in both the cases mentioned above the Government has reserved to itself certain powers. It is not always bound to accept the headman elected by the villagers and it may in certain circumstances enforce collective responsibility. These reserve powers, however, only serve to emphasize the new departure. They will be discussed below in their proper place.

3. The first of Sir Charles Crosthwaite's principles—that every village-tract must have a headman—though remaining generally true, has been largely modified. At its inception it was directed against the *taik-thugyi* and *myo-thugyi* system, which, though satisfactory from the revenue point of view, was incompatible with the enforcement of village duties and

responsibilities. But the *taik* and the *myo* were divided into areas which though co-terminous with a village, were too small to support an individual headman in comfort and dignity. It is now the declared policy of the Government when vacancies occur so to amalgamate village with village that a headman should get an income from revenue collections of about Rs. 300 per annum provided that the village-tract so created can be efficiently administered by one man. In practice this means that each headman as a rule has or should have two or more villages in his charge.

* 4. The second of Sir Charles Crosthwaite's two principles—that the headman should be responsible for the collection of revenue in his jurisdiction—has not been modified by the new Act. The village committee, which assists the headman in criminal, civil and general duties, is not concerned with the collection of revenue. The headman, therefore, remains solely responsible in that respect and he alone draws commission. Certain *taik-thugyi-ships* and *myo-thugyi-ships* still persist and this principle is not followed there. But these are marked for dissolution as occasion offers.

CHAPTER II.

APPOINTMENT OF HEADMEN.

5. Headmen are ordinarily appointed on the result of an election, and the only cases in which a Deputy Commissioner (with the previous sanction of the Commissioner) may overrule the result of an election are those specified in the notification issued under section 5, sub-section (2) of the Act, *vide* page 27 *ante*. If, however, the villagers elect the hereditary claimant and he is a minor, the Deputy Commissioner shall desire them further to elect a temporary headman to hold charge of the village-tract until that hereditary claimant reaches the age of 21. In such cases the Deputy Commissioner may order that a share of the commission is to be devoted to the support of the minor. In making such order the Deputy Commissioner shall be guided by local custom. If a Deputy Commissioner should overrule the result of an election for the reasons given in (a) and (b) of the above-mentioned notification, he has discretion to appoint as headman any person whom he may consider most suitable for the appointment. This discretion does not preclude him, if under

* In this connection, see Appendix II, page 131, *post*.

the circumstances he considers such a course desirable, from holding a further election in order to ascertain the villagers' second choice. It is to be noted, however, that the Deputy Commissioner is not in any way bound to take this course.

6. If on the occurrence of a vacancy there is any question of amalgamating the village-tract with a neighbouring village-tract, that question must always be decided before an election is held, and the question of amalgamation must not be left to be decided by the result of an election.

7. If the Deputy Commissioner can himself hold the election, so much the better. If the Deputy Commissioner cannot do so, the Subdivisional Officer should hold it if he possibly can. It should be the exception rather than the rule for the Township Officer to hold it.

8. Ample notice should be given to the villages concerned of the intention to hold an election, so that all candidates may arrange to be present and have time in which to whip up their supporters. The names of all persons voting for each candidate shall be recorded in writing.

Village Committees.

9. The rules for the election of the three or four members of the village committee are given in full in General Department Notification No. 220, dated the 20th December 1924, on page 27 of the Manual.

10. It should be noted that while the headman chosen by the villagers is appointed by the Deputy Commissioner and may be removed or dismissed by him, the members of village committee hold office solely in virtue of their election by the villagers. But though the Deputy Commissioner does not appoint them, he may terminate their appointment by declaring that their continuance in office is contrary to the interests of the residents of the village-tract. Such a declaration by the Deputy Commissioner will be equivalent to removal.

11. The activities of village committees may be grouped under (1) the trial of civil suits; (2) the trial of criminal cases; (3) aiding the headman in the general administration; (4) acting as a link between the District Council and the official administration.

12. As regards civil suits, the village committee has no power to try such suits until so invested by the Commissioner, *vide* section 6 (1) of the Act. When it has been so invested, it

must follow the procedure laid down in Notification No. 221, dated 20th December 1924, printed on page 31. It is to be noted that the headman, as chairman of the committee and as the person responsible for the upkeep of the registers, is permitted to retain all the fees, *vide* rule 10 of the Notification. This helps to distinguish further between the committee and the headman. The former serves throughout in an honorary capacity. The notification in question gives not only full details for the trial of suits, but also the procedure in execution.

13. In the matter of criminal cases, the position is rather different. The effect of the amendment of section 9 by Act IV of 1924 is to give the village committee all the ordinary criminal powers which were exercised by the headman under the old Act. The committee need not be invested with these powers. In villages where the headman has already special powers under section 9 (4) of the Act, it has been decided to grant the committee special powers. In all other villages the committee will exercise ordinary powers until experience has been gained whether to grant the extended powers of section 9 (4). The actual procedure in criminal trials to be adopted by committees does not differ from that prescribed under the old system for headman. It is to be noted, however, that the committee does not take cognizance of an offence directly, but only on report being made to it by the headman. If the special power headman dies on whose account any committee has been invested with special powers, that committee will remain invested with such powers until the end of its term of three years.

14. Besides its civil and magisterial duties the committee is bound to advise the headman in matters concerning the general welfare of the village-tract. The committee should therefore assist the headman in obtaining information about criminals, as set out in section 7. It should help him to perform the public duties detailed in section 8; and it should take the lead in respect of the general duties of villagers given in section 11. Under section 12 (i) a headman may, without referring to the committee, fine a villager for neglecting a public duty. But he may also under section 12 (ii) invoke the committee to deal with the matter in which case the fine may be double. This discretionary power of the headman refers only to fining villagers for breach of public duties. It does not give him power at his discretion to try a criminal case alone.

15. The last group of duties which falls on a village committee is new and important. As explained in the statement of Objects and Reasons, annexed to the Act of 1924 when introduced in Council, village committees "will form a body which will link on to village administration the duties with regard to local self-government and especially with regard to sanitation, public health and the prevention of disease among human beings and cattle, which have been made over to District Councils by the Burma Rural Self-Government Act, * 1921." Section 25 of that Act has now been amended and in consequence a Circle Board may place any matter under its control in charge of a village committee and may transfer funds for the purpose. The village committee may exercise the powers of the Circle Board in respect of the matter transferred and it is subject to the control of the Circle Board in the same respect. This is an amendment of importance. It indicates the direction in which the village system is moving. It is a measure of decentralization and of village self-government.

16 When one village-tract is amalgamated to another village-tract, the Deputy Commissioner should pass the following three orders in the village proceeding:—

(1) He should declare that inasmuch as the existing village committees were elected to represent the tracts A and B and inasmuch as the tracts A and B have now ceased to exist and have become the new tract A *plus* B, the village committees in question have become *functi officio*.

(2) He should declare under section 5 (1) of the Act the new tract A *plus* B to be a village-tract and he should call upon it to elect a village committee.

(3) He should appoint the surviving headman of the two original village-tracts to be the headman of the new village-tract A *plus* B.

17. (1) Every headman is granted an order of appointment in form

Miscellaneous
Villages 5.

(2) Members of village committees should also be provided with appointment orders. †

Myothugyis in Upper Burma.

18. When the headman of a village-tract by custom exercises authority over one or more other headmen the headman who exercises authority shall be called *myothugyi* for

* Burma Code, Vol. II, Page 756.

† These appointment orders should be in the form prescribed in General Department endorsement No. 109D24, dated the 21st May 1925, to Commissioners and Deputy Commissioners. The form has not been brought on the Guard-Book, but copies should be printed locally or issued in manuscript.

the purposes of these orders. For other purposes he may be known by his customary local appellation.

19. The *myothugyi* shall exercise a power of control and supervision over the headmen in his circle, and shall be held responsible for their good conduct, and they shall be subordinate to him and shall be bound to obey him in all lawful matters.

20. A *myothugyi* may at any time apply to the Deputy Commissioner to be relieved of his responsibility under the preceding paragraph, and thereupon his connection with the subordinate headmen shall cease, and he shall no longer receive the commission, or the share thereof, which may have been hitherto payable to him on account of the villages under those headmen.

21. On the death, dismissal or resignation of a *myothugyi*, no successor shall be appointed to his *myothugyiship* without the previous sanction of the Commissioner. Except with such previous sanction his heirs or successors shall not succeed to any part of his authority or emoluments as *myothugyi* save as they may be elected by the villagers and appointed by the Deputy Commissioner as headman of a village-tract.

22. No new *myothugyiship* or circle *thugyiship* under whatever designation shall be created without the previous sanction of the Local Government. Neither shall several headmen be grouped together in subordination to another headman for revenue or other purposes, nor the commission payable to a headman be subdivided or taken away, without the same sanction.

23. On the occurrence of a vacancy a *myothugyiship* may be abolished by the Commissioner, and *myothugyiships* created after the year 1885 may be abolished by the Commissioner otherwise than on the occurrence of vacancies. But this latter power is to be used by Commissioners with discretion and, where a *myo* or circle-*thugyiship* was created by our officers for distinctly good service, or where the incumbent of such a British created *mvo* or circle has done really good service since the annexation and where to break it up would involve hardship to him, his circle need not be broken up during his lifetime even though its creation was not strictly in accordance with the intentions of Government.

24. Cases in which it is proposed to abolish a *myothugyiship* created before the year 1886 otherwise than on the occurrence of a vacancy must be reported for the Local Government's previous sanction.

25. Until a *myothugyiship* is abolished under the preceding orders, *myothugyis* dating their office from Burmese times who by custom have received the whole or part of the commission on revenue collections shall continue to do so, and the Commissioner has authority to give a similar privilege to a *myothugyi* appointed by our officers, and it is advisable to do so where the *myothugyi* was appointed for specially good services, or where his control over subordinate headmen has been a real help to the administration. In such cases the Commissioner is to use his discretion in apportioning the commission.

26. When a *myo* is split up, it should be divided into village-tracts of suitable size, each providing sufficient remuneration for a headman. To these revised village-tracts a selection of the non-commission drawing headman of the old *myo* should be appointed. An election by the villagers concerned is not necessary as the persons in question may be regarded as already headmen. The balance of the non-commission drawing headmen should have their appointment orders withdrawn and should revert to the position of *ywagaungs*.

27. Village committees should be elected in the villages comprising a *myo*.

*Miscellaneous rulings concerning the appointment of
Headmen.*

28. An arrangement made by a Deputy Commissioner under which a retired headman was granted a pension chargeable on the income of the office was considered inadmissible and was not upheld by the Local Government.

29. The dismissal of a headman does not necessarily disqualify other members of his family from holding office, nor should it be considered an absolute disqualification except in cases which inevitably involve the disgrace of the family or where the family is itself implicated in the offence.

Appointment of Rural Policemen in Lower Burma.

30. The system under which villages are divided into blocks of about ten houses, each under a ten-house *gaung*, who is subordinate to the headman, is an old institution in Lower Burma, is well understood by the people, and steps have been

taken to graft it on to the system of village administration laid down in the Act by the appointment of ten-house *gaungs* to be rural policemen. Ten-house *gaungs* should be appointed in villages, whether in charge of paid or unpaid headman, and will, for their blocks, exercise the powers and perform the duties of rural policemen under the Act.

31. Ten-house *gaungs* are appointed by the Deputy Commissioner or by a Subdivisional Officer or Township Officer empowered by the Deputy Commissioner in this behalf [section 5 (3) of the Act] and are granted orders of appointment in form ^{Miscellaneous}
Villages 15.

Appointment of Ywagaungs in Upper Burma.

32. If a headman holds charge of more than one village, he may appoint for each village a person to be his agent. The person so appointed shall be designated *ywagaung*, and the term *ywagaung* shall be applied only to persons who have been duly appointed to be *ywagaungs* under this paragraph.

33. The *ywagaung* shall be appointed by the headman subject to the approval of the Deputy Commissioner, which shall not be withheld unless the nominee is a bad character or otherwise disqualified for the performance of the duties of his post.

34. The *ywagaung* cannot be invested with the powers of a headman under the Act. He is bound under section 11 to perform certain public duties and to assist the headman in the execution of his public duties.

35. One selected *ten-house gaung* and in Upper Burma the *ywagaung* are exempted from capitation-tax and *thathameda* respectively.

CHAPTER III.

STATUS AND PRIVILEGES OF HEADMEN

36. It should be clearly understood that the new Act does not detract in any way from the existing status and privileges of headmen. Indeed the fact that the headman is now generally the choice of the majority of the villagers should strengthen his hands against those who break the law or fail in their duties.

37. The headman shall reside within the local limits of his jurisdiction and he is personally responsible to Government for the duties imposed on him by the Act. The village committee shall assist him. It does not lessen his responsibility. While for sufficient grounds the Deputy Commissioner may cause any member of the committee to resign, he shall open proceedings against the headman alone for any failure to perform the duties laid down in sections 7 and 8 of the Act.

38. Government from time to time has pointed out that the headman should not be regarded as an inferior link in the official chain ; that he should not be at the beck and call of subordinate officials ; and that he should not be summoned beyond the limits of his village-tract except in unavoidable circumstances. These well-known orders are again emphasized. The headman remains the basis of the administration. It should be the object of all district officers to increase his dignity in the eyes of the local inhabitants. Any tendency among subordinates to deal with the headman in an off-hand manner should be suppressed. Township Officers should be made to understand that they have not power to pass orders in matters within the sphere of the headman. If they find that a headman abuses his powers or neglects his duties, they should report the matter to the Subdivisional Officer. But they should not interfere unnecessarily with headmen or usurp to themselves the powers and functions which have been vested in headmen by the legislature.

39. Officers should note that though the headman is now as a rule the elected-nominee of the villagers, he can only be fined, removed or dismissed by the Deputy Commissioner. His electors have no power to terminate his appointment, which is for life, though any specific complaint which they may make should receive full consideration. Headmen should be admonished and instructed rather than peremptorily fined for petty delinquencies, and should not be deprived of their appointments except as a last resort and for strong reasons.

40. Every headman is entitled to carry a silver mounted *dalwe* and every *myothugyi* or headman declared by the Deputy Commissioner of the District to occupy a position similar to that of a *myothugyi* is entitled to carry a gilt-mounted *dalwe*.

41. Headmen should be liberally rewarded for any good work done by them.

42. Except where the whole or a part of the commission is drawn by a *taikthugyi* in Lower Burma or is assigned to a *myothugyi* in Upper Burma as provided in paragraph 25 the headman during his tenure of office shall receive the commission on the revenue collected by him according to such rate as the Financial Commissioner, with the sanction of the Local Government, may from time to time direct, and shall hold and enjoy the land, if any, assigned for the support of the office.

43. Rules relating to the allotment of revenue-free land (*thugyisa*) to headmen are contained in Land Revenue Directions 42—61A.

Education of Sons and Heirs of Headmen.*

44. In all Government, Municipal and Aided schools the eldest sons or other male heirs of headmen who are too poor to pay the necessary fees themselves may be granted free education at the expense of the Government. The concession of free education is limited to the eldest son or other male heir of the headman and is not admissible to the younger sons. As a condition of the grant of the concession, the headman must be too poor to pay for the education of his heir himself.

45. It is only in very rare cases that it is in the interest of Government that a future headman should receive an English education. The aim should be to furnish a good vernacular education. Exceptional cases may arise in which a free Anglo-Vernacular education might be granted. For example, if an influential headman of a large village-tract, who would ordinarily give his heir an Anglo-Vernacular education is unable to do so for special reasons; if the village-tract is a trading centre or otherwise so constituted as to render an Anglo-Vernacular education useful to the headman in the discharge of his duties; or if such an education would be of advantage to the headman in his ordinary occupation. The concession of free Anglo-Vernacular education may be sanctioned by the Deputy Commissioner after due consideration. When it is proposed to admit a boy to a Government Anglo-Vernacular School, final orders of admission will be passed by the Director of Public Instruction, who should be addressed on the subject by the Deputy Commissioner.

* Includes *taikthugyis* and *myothugyis*, *vide* letter No: 374 - 14E-20, Part II, dated the 13th July 1920, from the Secretary to Government to the address of the Commissioner, Pegu Division.

46. Save in exceptional circumstances and with the sanction of the Deputy Commissioner, the concession of free education should be limited to the provision of Vernacular education up to the Seventh Standard. In every case in which it is proposed to grant free education under this scheme at a Municipal or Aided Anglo-Vernacular School, or a Government or Aided Vernacular School, the Deputy Commissioner should make arrangements for the admission of the boy in consultation with the Inspector of Schools in whose charge the school is situated.

47. It is only in comparatively rare cases that it will be necessary to send a headman's son to a distant Vernacular school, and it is undesirable that this should be done if it can be avoided. Vernacular schools which take in boarders are situated for the most part in the larger towns, and it is not desirable that future headmen should acquire the habits and tastes of townsmen. It should be the object of Government on the contrary to encourage them to keep in touch with the people of the village over whom they will eventually be called upon to rule. There are cases, however, where a sound Vernacular education can only be obtained by sending the lad to a distant school. In such cases, free board and books should be given by Government but, save in very exceptional circumstances, pocket money should not be given in addition. These additional concessions, like free education at an Anglo-Vernacular School, may be sanctioned by the Deputy Commissioner.

48. Under Article 1006 of the Civil Account Code, expenditure incurred on free education should be debited to the Educational Budget.

49. Cadets of headmen's families may, at the Deputy Commissioner's discretion, be exempted from the payment of fees at Government Survey Schools *

Procedure for the grant of leave to Headmen.

50. A headman may absent himself from his village-tract on his private business for a period not exceeding seven days on his own responsibility. He should leave a ten-house *ga'ing* or other suitable person in general charge of the village-tract

* See Government of India letter No. 2105—232-2, dated the 16th July 1895.

during his absence, but it should be understood that this substitute has no legal powers and cannot be held legally responsible in the same way as a headman.

51. Leave of absence for more than seven days and not exceeding one month may be granted by the Township Officer who will arrange for the general charge of the village-tract during the headman's absence.

52. If the absence is to exceed one month the orders of Deputy Commissioner should be taken as to whether an election should be held for the appointment of a temporary headman.

53. Ordinarily, except when a temporary substitute is formally appointed, a headman shall not be absent from his village-tract during a revenue-collecting season unless his revenue has been collected and paid in fully.

CHAPTER IV.

DUTIES OF HEADMEN, VILLAGE COMMITTEES AND VILLAGERS.

Instruction of Headmen and members of Village Committees in their duties.

54. It is the duty of Deputy Commissioners, Subdivisional Officers and Township Officers to explain clearly to headmen and members of the village committees the meaning of the Act, the nature and extent of their powers, and the manner in which the provisions of the law should be worked. If Deputy Commissioners and their subordinates are, as they should be, constantly on tour in their charges and if they make a point of becoming personally acquainted with the headmen and members of Village Committees and assisting them in their work, there need be no difficulty in making them thoroughly acquainted with the Village Act.

Headman's Manual.

55. Copies of the Headman's Manual in Burmese will be distributed to all headmen. Inspecting Officers should make a point of seeing that every headman has a copy of the Manual and of the books, etc. (so far as may be necessary), enumerated in the last section of that Manual.

Duties of Headmen and Villagers under Sections 8 and 11 of the Act.

56. The following rules lay down the nature and extent of the services which villagers can be called upon to perform under the Village Act and indicate which of these services should be paid for and which should be performed without payment.

57. The principal provisions of the law on the subject are contained in sections 8 and 11 of the Act. The former section lays down the duties of the headman, while under the latter section every person residing in a village-tract is bound, on the requisition of the headman or of a rural policeman, to assist him in the execution of his public duties and is also required to perform certain specified duties without requisition. Except in regard to the furnishing of guides, supplies and carriage [section 8 (1) (g)] the Act says nothing of payment, and it would appear therefore that as the law stands the headman can be required to perform all the duties enumerated in section 8 without remuneration, and that the villagers are bound to assist him, equally without payment, to perform all these duties, with the exception of furnishing guides, supplies and carriage.

58. While, however, it appears that these services can in case of necessity be demanded without remuneration, it is clear that in ordinary cases many of them ought to be paid for. This is indeed the ordinary practice. The general principle is that where villagers are required to perform any service for their own benefit or for that of the community at large the service need not be paid for, but that where the service is not for their own advantage it should be remunerated. This principle is approved by Government in a general way and so long as the services demanded are not of a very onerous nature. But the rule must be subject to exceptions, and more especially in cases where the services involve considerable labour or an absence of two or three days from home. In such cases it is not reasonable to expect that the services should ordinarily be rendered free of payment.

59. Subject to these general remarks, it will be convenient to discuss briefly in the order in which they are set out in section 8 of the Act the various kinds of service which can lawfully be demanded.

60. Clauses (a) to (e) lay down the ordinary police duties of the headman. The powers of search by headman are limited

to the search for such property as is concerned with cases specified in 7(c) of the Act. He has no power to search the houses of suspects in cases which do not come within that section. Headmen appointed to exercise the powers of police officers have power to arrest persons committing an offence under section 5 of the * Gambling Act, which is a cognisable offence for which a police officer can arrest without warrant. In the performance of these duties the villagers are bound to assist him without payment. Remuneration if given at all should take the form of reward for specially good service rather than of payment for services performed at the call of public duty.

61. By clause (f) the headman is bound "to take such measures for the purpose of protecting the villages within his tract from unlawful attack as the Deputy Commissioner may advise." The genesis of this new clause will be explained in the following extract from the Report of the Crime Enquiry Committee, 1923—

"The question of village defence is one on which we have heard a large amount of evidence, and we agree with the great majority of witnesses in thinking that the existing arrangement, however excellent in theory, are in fact ineffective. In the first place we think that the compulsory fencing of villages is generally not worth the trouble which the proper upkeep of the fences imposes on the villagers; nor as a rule is the posting of *kins* of any practical value in regard to the prevention of crime, as it is impossible to expect men to be alert all night after a day's work and with another day's work before them. We are of opinion therefore that both fencing and the posting of *kins* should be left entirely to the option of the inhabitants of each village. We agree, however, with the majority of witnesses with whom this matter of village defence was discussed in thinking that some form of village organization should exist in each village, the scheme of defence in each case being worked out with due regard to the size, shape and situation of the village. The main idea would be that trustworthy individuals in every village should have specific duties to perform. Such schemes could, we think, be worked out by village-committees with the assistance and advice of officials; and in order to keep up interest, committees should be encouraged to hold periodical practices."

62. It was to give effect to these new principles of village protection that section 8 (f) was drafted. In order to put this new policy into practice, the following procedure should be observed:—

* Burma Code, Vol. 11, page 353.

Deputy Commissioners should on this subject invite headmen to consult their village committees and those persons of property and standing resident within the tract with a view to the formulation of concrete proposals, if such are considered necessary by the villagers, for the defence of the village. It will probably be found that headmen will require the assistance of Township Officers to enable them to prepare village defence schemes. This assistance should be freely given. When the Township Officer has submitted to the Deputy Commissioner a consolidated report indicating those villages in his township the headmen of which with the concurrence of those most interested in the safeguarding of their property have formulated schemes of village defence, the Deputy Commissioner should be able in most cases to approve of the schemes *in bloc* or with such modifications as the villagers may be willing to accept. It may, however, be found in certain notoriously criminal areas, where life and property are endangered, that it will be in the public interest for the Deputy Commissioner to advise villagers to take special measures for defence in addition to those which they themselves have proposed. In giving such advice, which under section 8 the headman is bound to accept, the Deputy Commissioner should be careful not to violate the spirit of the amending Act by resorting to this course more frequently than necessity demands.

63. As clause (g) of Section 8 now stands, it is not permissible for a touring official to demand as of right from the headman either guides, provisions or transport, except in those villages which have been listed by the Deputy Commissioner as being so situated that services of the kind are not easily available. All Deputy Commissioners should compile such a list, copies of which should be supplied to the district touring officers. In all other villages the touring officer will have to make his own arrangements for food, guides and transport.

Orders 64 to 68 which follow, apply only to notified villages and to the case of troops and police.

64. In such notified villages there may be difficulty or impossibility in making payment for supplies of water, firewood and grass for a single day in such a way that the payment shall reach the persons who provide the articles. The practice is for a crowd of women and children to bring these articles for the use of the officer, and, if payment is made, the money, it is said, finds a resting place in the headman's pocket. It is clear that (away from regular halting places and main routes) the

provision of these articles is a very slight burden, and that it is impossible to divide the payment among the women and children who bring the supplies.

65. It has been decided, however, after due consideration, that it is desirable that payment should be made by officers for these supplies either to the headman or his agent (*e.g.*, the cooly *gaung* where there is one), and that the headman should be left to settle with the women and children. In many villages there are village funds to which the marriage fees and other miscellaneous receipts are credited and from which expenditure on festivals is defrayed. The money paid for water, firewood and grass could be credited to these funds. Another suitable method would be for the headman to keep an account book in which he would enter supplies of water, firewood and grass furnished to an officer and present it to the officer for payment and signature. The villagers would furnish the supplies in the manner most convenient to themselves and the headman would keep the money received from the officers and either divide it when a considerable sum had been collected or in Upper Burma he might pay it into the *thathameda* collection of his village reducing the demand upon the assesses by that amount. Officers checking the assessment rolls could see whether this system was honestly carried out. Any of these plans or any other suitable system may be adopted, but officers must understand that they have no right to free firewood, grass and water.

66. All supplies which it costs money or labour to procure and all carriage should be paid for at full rates, and where the number of carts required is large, special care should be taken and arrangements made to render the duty of providing them as little irksome as possible and to apportion it as equally and fairly as possible among the people affected. The provision of carts for the Police, Public Works, the Military and other departments, is believed to be one of the duties which fall most hardly upon the people. Commissioners are expected to see that the rates of hire are fixed at a remunerative scale; in districts where the requisitions are numerous Deputy Commissioners should give their personal attention to the arrangement of a roster, whereby the burden may be distributed as widely and as fairly as possible; and officers of all departments should keep their requirements within the narrowest limits and call for no more carts or coolies than are absolutely necessary.

67. It has been found necessary especially to regulate requisitions by officers for the hire of ponies as some officials were in the habit of hiring ponies through headmen to do long marches when either they ought to have had ponies of their own or they ought not to have ridden at all. This practice discourages villagers from keeping and breeding ponies. The remedy appears to lie in fixing a rate for the hire of ponies that shall be practically prohibitive, and it has accordingly been laid down that one rupee a *daing* or eight annas a mile shall be paid for the hire of each pony requisitioned.

68. A form of receipt (Form ^{Miscellaneous}_{Villages II}) for the use of headmen who furnish supplies to officers on tour, has been included in the Guard-Book.

69. Clauses (i) to (k) require the headman to collect the revenue, to register vital statistics if so ordered and to take various measures necessary for the health and safety of the community. In matters of this kind the headman may properly require the villagers to assist him without remuneration, but care must be taken that he does not abuse his powers or needlessly harass the people.

70. Clause (l) requires the headman to supply information and clause (n) "generally to assist all officers of the Government in the execution of their public duties." This last clause is widely worded and must be worked with discretion. The clause does not cover requisitions for coolies to carry out forest and other departmental work. Services obtained under clause (n) legitimately for what are in fact private purposes, *e.g.*, repairing the roof of a *sayat* or clearing a camping ground or carrying a letter (except from village to village in accordance with the custom of the country), should be paid for.

71. Deputy Commissioners should bear in mind that the wide powers conferred upon them and upon Township officers and headmen by the Village Act should be exercised with judgment and consideration; and that the people of Burma, and especially of Upper Burma, are apt to submit without much complaint to annoyances and extortions which are in reality very burdensome; they should remember that it is their duty to protect the people from such treatment, and to see that subordinate officials are kept in check and are not allowed to abuse their position and power to the harassment and annoyance of the residents in the tracts committed to their charge.

*Prevention and Suppression of Cholera.**

72. (1) The attention of District Officers is drawn to the heavy toll of life taken by the yearly visitation of cholera which few districts of the province escape. The recorded statistics, which doubtless represent only a portion of the actual mortality, show that the loss of life from cholera is far greater than that from plague, while owing to the rapidity with which it overruns a district, an outbreak of cholera is harder to check than one of plague. Yet the causes of a cholera epidemic are not obscure. In nearly every case in which such an epidemic has been traced to its source, it has been found that it has had its origin in a polluted water-supply and its spread has been facilitated by failure to report promptly the first cases.

73. In village-tracts which are dependent on wells for their water-supply, the wells act as distributing agents in spreading the disease in a variety of ways. The ground round the well is polluted with infected matter which percolates into the water, or the water is directly infected by buckets from infected houses being used; quite frequently persons who have contracted the disease and their clothing are washed in close proximity to the wells. Much could be done to remedy this state of affairs if Rule 10 of the rules under section 29, sub-section (1), clause (d), of the Act published in General Department Notification No. 451, dated the 9th December 1908 page 42, were strictly enforced and separate wells set apart for drinking purposes, parapets constructed round such wells, and bathing or the washing of clothes and pollution of the soil generally within 20 yards of the wells prohibited. Where a village-tract is dependent on tanks for its supply, the rule makes similar provision for the setting apart of special tanks for drinking purposes, and the protection of such tanks from pollution. It is the duty of all officers to see that the rules for the protection of the water supply are properly enforced. They are far from drastic, and in village-tracts where the headman is intelligent and has authority, it should be possible to supplement them by requiring, *e.g.*, that where a well has been set apart for drinking purposes, a bucket shall be provided which shall be exclusively used for drawing water from the well, and no one allowed to draw water with their own buckets. Where a village-tract gets its water from a river it is equally possible to prevent pollution of the foreshore, while, in the event of an outbreak of cholera, the danger of

* General Department Circular No. 16 of 1909.

infection can be lessened by having wells dug on the foreshore, if that is feasible, and keeping them properly guarded or by arranging that water shall only be drawn from mid-channel where the current is swiftest.

74 As regards the reporting of outbreaks, it is necessary that in season and out of season it should be impressed on headmen how essential it is that the first case of cholera should be promptly reported, as required by the rules, in order that measures may be taken to check the spread of the disease. Government is well aware of the difficulty of securing the co-operation of the people in this matter. When a man dies of cholera, his relatives are tempted to conceal the real cause of death from a desire not to forego the funeral ceremonies to which relatives and friends are invited. The company gathers in the infected house, and, on dispersing, spreads the infection far and wide. When this happens, steps should be taken to ensure that those responsible for the concealment of the cause of death are severely punished. In this matter also intelligent headmen who have authority can do much to prevent concealment, if they can be won over to a belief in the efficacy of prompt measures dependent on prompt reporting of the first cases.

75. The danger of an outbreak of cholera can to some extent be lessened if due attention is paid to the enforcement of the rules which require latrines or cess-pits to be kept in a sanitary condition, and streets and lanes to be kept clean and free from weeds. When the disease has once broken out, its virulence can be checked by such measures as the closing of infected wells, the protection of other wells by permanganate of potash, the distribution of cholera pills, the disinfection of infected houses and house-sites, the burning of infected clothing and bedding, and, last but not least, by evacuation. Plague has in many cases been stamped out of districts by prompt evacuation, and it is desirable that evacuation should be freely resorted to in cholera epidemics.

76. The prevention and suppression of disease and the consequent saving of human life are not the least important duties of a District Officer. All officers should give a due share of their personal attention to the improvement of sanitation in their charges, to the enforcement of the few simple rules which have been passed for that purpose, and to the carrying out of the preventive and remedial measures which have been briefly indicated above. Such personal attention is particularly necessary in persuading the inhabitants of

a village or district to agree to anti-cholera inoculation, by which preventive measure a large degree of protection against cholera infection can be obtained during epidemics. A supply of cards containing simple instructions (*vide* Appendix VII) translated into Burmese or other local dialect can be obtained from the office of the Director of Public Health, Burma, for free distribution in the affected area, so that the inhabitants may be educated to safeguard their own articles of food and drink, and to take other necessary sanitary measures.

*Registration of Births and Deaths.**

77. The following instructions for the collection and record of vital statistics are laid down with reference to the rules† framed under section 29 (1) (d) of the Act.

78. For the registration of births and deaths in each district, the headman of each village-tract shall be supplied with birth and death registers of fifty leaves in Forms H and I and bifoil books in Forms C and D. Each register and book will contain 100 pages, and the pages will be numbered from 1 to 100 in the Press.

79. The station-writer of a police-station to which the Deputy Commissioner has directed that the foils shall be sent shall send once a month to the Township Officer all the birth and death foils received from headmen of village-tracts in accordance with the requirements of Rule 7 of the Rules in this department Notification No. 10,‡ dated the 11th February 1925. The Township Office Head Clerk shall check, sign and return the list.

80. In each police-station to which the Deputy Commissioner has directed that the foils shall be sent there shall be maintained a list of village-tracts from which birth and death foils will be received monthly, quarterly or half-yearly.

81. On receipt of the foils from the village headman and from all the police-stations to which the Deputy Commissioner has directed that the foils shall be sent in his township, the Township Officer shall forthwith prepare returns in Forms A and B separately for each English month of the

* See Department of Public Health Notification No. 11, dated the 11th February 1925 as amended by Department of Public Health Notification No. 123 (corrig.), dated the 16th December 1925.

† See Rules published in Department of Public Health Notification No. 10, dated the 11th February 1925, page 39, *ante*.

‡ Page 39, *ante*.

preceding quarter, and in these returns the information for each village-tract shall be shown separately, the village-tracts being grouped according to the police-station jurisdictions. The returns, together with the foils arranged by village-tracts, should be despatched to the Civil Surgeon not later than the 20th of the month succeeding the quarter to which the foils relate.

Example—On receipt of the foils for December sent by police-stations on or before the 7th January the Township Officer should prepare his returns for October, November and December separately and should despatch them to the Civil Surgeon not later than the 20th January.

82 The Township Officer shall also prepare returns for distant village-tracts for January to June in Forms A and B (a separate return for each month) in the month of July and send them to the Civil Surgeon on or before the 20th of that month. Similarly he shall prepare and forward returns for these distant tracts for July to December on or before the 20th January

83. In preparing his returns, the Township Officer should not include events which occurred in the current month. These foils should be sorted out and retained for inclusion in the next return.

Example—Among the foils sent by police-stations on or before the 7th January there may be some relating to events which occurred in January. These should not be included in the December returns, which are due for despatch not later than the 20th January, but should be sorted out and retained for inclusion in the January returns, which will be due for despatch to the Civil Surgeon not later than the 20th April.

If among the foils sent on or before the 7th January are found some relating to events which occurred in September, or earlier months, but which through neglect on the part of the headmen or the Police or any other reason, were not sent in good time, they must be included in the December returns, which are despatched to the Civil Surgeon not later than 20th January.

84. On receipt of all the Township returns a complete return for the whole district shall be prepared by the Civil Surgeon in Forms A and B and shall be forwarded through the Deputy Commissioner to the Director of Public Health, Burma, together with a note on any abnormal variations detected. In these returns the information for each rural police circle shall be shown separately. The returns shall be

despatched not later than one month and fifteen days after the close of the quarter concerned. The "Rural Police Circle" for the purpose of Forms A and B is the area under the jurisdiction of a police-station excluding Municipal Towns and Notified Areas.

85. The Subdivisional Officer and the Township Officer, within their respective jurisdictions, shall be responsible that births and deaths are duly registered. On visiting any village, tract they shall examine the headmen's registers and test the accuracy of the record by local enquiry, if necessary. They shall each record in the registers the date of every examination made under this rule.

86. Medical Officers, Public Health Inspectors and Inspectors of Vaccination, shall examine the headman's registers in the village-tracts which they visit and shall test the accuracy of the record by local enquiry. They shall record in the registers the date of every examination, and shall bring to the notice of the Township Officer any defects or discrepancies they may discover.

87. The foils collected from headmen and the returns submitted by the Township Officers shall be kept in the office of the Civil Surgeon for five years, and shall then be destroyed. The registers of births and deaths in Forms H and I when completely filled shall be kept by the headman for one year after which they shall be sent to the Township Officer for transmission to the District Record Room for preservation for twenty years from the date of completion.

Note.—

Form A	Public Health, Guard Book	Form No. 18S
Form B	Do.	Do. No. 19S
Form C	Do.	Do. No. 20S
Form D	Do.	Do. No. 21S
Form H	Do.	Do. No. 20S (b)
Form I	Do.	Do. No. 21S (b)

*Registration of Deaths of Cattle.**

88. The following instructions† for the collection and record of statistics of cattle deaths are laid down with reference to the rules ‡ made under section 29, sub-section (1), clause (d) of the Act.

* Agricultural (Veterinary) Department Notification No. 8, dated the 4th September 1925.

† The Bombay-Burma Trading Corporation, Limited, Rangoon, has been exempted from the provisions of the said rules in respect of elephants. (*Vide* Agricultural (Veterinary) Department Notification No. 12, dated the 25th November 1925.)

‡ See Rules published in Agricultural (Veterinary) Department Notification No. 7, dated the 4th September 1925, page 55.

89. For the registration of deaths of cattle in each district the headman of each village-tract shall be supplied by the Deputy Commissioner with counterfoil registers. Each register will contain 100 pages and the pages will be numbered from 1 to 100 in the press.

90. The station-writer of a police-station to which the Deputy Commissioner has directed that the foils shall be sent shall send all foils received by the 7th of each English month to the Township Office.

91. In each police-station to which the Deputy Commissioner has directed that the foils shall be sent there shall be maintained a list of village-tracts from which cattle death foils will be received monthly, quarterly or half-yearly.

92. On receipt of the foils from headmen and police-stations in his township, the Township Officer shall forthwith prepare a return in the form prescribed by the Veterinary Adviser for the preceding English month, and in this return the information for each village-tract will be shown separately. The return should be despatched to the Deputy Commissioner not later than the 1st of the succeeding month.

Example.—On receipt of the foils sent by the headmen or police during January the Township Officer should prepare his return for December and should despatch it to the Deputy Commissioner not later than the 1st February.

93. In preparing his returns, the Township Officer should not include deaths which occurred in the current month. Some of the foils received will relate to deaths which occurred in the current month. These should be sorted out and kept over for inclusion in the next return. In the case of foils received from villages which are only required to send them in quarterly or half-yearly, the Township Officer should prepare separate returns for the preceding quarter or half-year, as the case may be, when sending in the monthly returns for March, June, September and December.

94. When the returns from all Township Officers in the District have been received, consolidated return for the month (as also for the quarter and half-year when they are due) shall be sent to the Veterinary Adviser to the Government of Burma, as soon as possible.

95. The Subdivisional Officer and the Township Officer, within their respective jurisdictions, shall be responsible that deaths of cattle are duly registered. On visiting any village-tract they shall examine the counterfoil registers and test the

accuracy of the record by local enquiry, if necessary. They shall each record on the reverse of the last used counterfoil the date of every examination made under this paragraph.

96. All officers of the Civil Veterinary Department shall examine the counterfoil registers in the village-tracts which they visit and shall test the accuracy of the record especially with regard to the cause of death, by local enquiry. They shall record on the reverse of the last used counterfoil the date of every examination, and shall bring to the notice of the Township Officer any defects or discrepancies they may discover.

97. The foils received from headmen and police-stations shall be kept in Township Offices until the 1st July of the year following that to which they relate and shall then be destroyed. The returns submitted by Township Officers to the Deputy Commissioners shall be destroyed so soon as they have been embodied in the return sent to the Veterinary Adviser to the Government of Burma. Copies of the returns sent to the Veterinary Adviser to the Government of Burma shall be preserved in the district office for two years and then destroyed.

** Duty of Headmen in the matter of Tree-felling on
banks of Streams.*

98. The attention of District and Forest Officers is invited to Rule 26† of the rules under the Burma Forest Act, 1902. This rule has been made mainly with a view to the protection of fish. Many kinds of fish will not breed in shadeless streams and it is of much importance, in the interests both of the people and of the Government revenue, that streams should not be depleted of fish by the deforestation of their banks. Deputy Commissioners should give effect to the rule in consultation with Forest Officers. Under the rule banks of streams may be protected both for the sake of the fish and also in cases in which the preservation of timber is important for climatic purposes. It is very important to preserve timber about the headwaters of streams. It must be remembered that under the definition of "tree" in the Forest Act the term "tree" includes palms, bamboos, stumps, brushwood and canes.

* See Forest Department Circular No 8 of 1891.

† Page 59, Burma Forest Manual, Edition 1923.

99. Under section 34 of the Forest Act, Forest Officers in charge of divisions have authority to permit the cutting of timber in areas which have been notified by Deputy Commissioners under Forest Rule 26. In granting permits in such areas Forest Officers should only permit such cutting of timber as will thin the forest without affecting the shelter.

100. Many of the areas which will be notified under Rule 26 will be in places where no officers of the forest protective staff are stationed. It is accordingly necessary that the duty of seeing that the rules are observed should be performed in many parts by headmen. Deputy Commissioners are requested, when notifying areas, to communicate their orders to the headmen having jurisdiction within the areas notified, and to require the headmen to see that the prohibition of felling is not infringed and to bring any breaches of it to notice.

** Duties of the Headman and Residents of a village-tract in respect of the Regulation of Village Common Land.*

101. The attention of Deputy Commissioners is invited to the rules under the Lower Burma Land and Revenue Act, 1876, and the Upper Burma Land and Revenue Regulation, 1889, for the allotment, management and regulation of village common land. These rules have been made to prevent the misuse of village common land. It is the duty of headmen to see that the produce is not extracted for sale, and that trespassers from other villages are not permitted to extract forest produce from the village common land. Deputy Commissioners should instruct headmen to see that the rules are observed and to bring any breaches thereof to notice. A legal obligation rests on the Committee and other residents of the village-tract, to communicate to the headman any information received respecting the commission of, or attempt or intention to commit, within the village common land, any of the offences above mentioned and, when so required by the headman, to assist him in the execution of his duties aforesaid.

102. Executive Orders 113, 114 and 115 in the old edition of the Burma Village Manual have been omitted, as the duties of headmen specified therein are dealt with in Chapters X to XIII of the Lower Burma Headman's Manual.
IX to XII of the Upper Burma Headman's Manual.

* Government of Burma Revenue Department Notification No. 25, dated the 13th March 1923, and Financial Commissioner's Notification No. 34, dated the 20th March 1923.

CHAPTER V.

COLLECTIVE PUNISHMENT OF VILLAGERS ACCESSORY TO CRIME.

Imposition of Fines on Village-tracts.

103. As indicated in the preliminary orders on page 75, Act IV of 1924 has largely modified the conception of the communal responsibility of villagers in respect of criminal offences within their tract. As the law now stands, the residents of a village can only be communally fined in two cases (1) if they or any of them have failed to resist an attack on the village and (2) if they have failed to take all reasonable means to prevent the escape of any criminal. That is to say that they cannot now be fined for harbouring criminals or for suppressing evidence in a criminal case. Nor can they be fined if stolen property is traced to their village. Though the power to fine a whole village in these matters no longer exists under section 11 it is the duty of every villager to give information to the headman regarding the commission of or attempt or intention to commit offences specified in section 7. If he fails to do so, he, as an individual, can be fined by the headman or the village committee under section 12. Every effort should be made to enlist the support of the village committee for measures intended for the suppression of crime and police officers, especially should make a point of consulting these committees and obtaining from them any information they may have to give about criminals in the locality.

104. In the two instances included in section 13, *i.e.*, failure to resist attack and allowing a criminal to escape, the Deputy Commissioner's powers remain as under the old Act. If a village is fined and if it appears that the village committee was implicated, the Deputy Commissioner would be well advised to act under the proviso to section 5A, sub-section (3), and to declare that the continuance in office of its members was contrary to the interests of the residents and to order a new election. In more extreme cases, when it appears that no village committee can function owing to the preponderance of the criminal element, the Deputy Commissioner should fall back upon section 5A (1) and move the Local Government to exclude by notification that village-tract from the operation of section 5A. Occasional action of this kind will impress on other village committees the importance of their responsibilities.

105. In most cases in which fines are imposed under section 13 of the Act compensation should be granted to the owner of the damaged or stolen property, though not necessarily to the full value of the property lost.

106. Fines imposed under section 13 of the Village Act should ordinarily be assessed on individuals in whole rupees.

107. The Deputy Commissioner has power to direct the refund or remission of any fine imposed under section 13 of the Act. But if the amount to be refunded or remitted exceeds Rs. 500, the previous sanction of the Commissioner is necessary.

108. Deputy Commissioners should make it clear to villagers, on opportunities offering, that under no circumstances whatever will they be required to refund any sum paid to them under the Village Act as compensation for loss. Even if the property stolen is eventually recovered and restored, the owner has a good title to retain the amount which he has received as compensation, because he has been deprived, for a time, of the use of his property and has had trouble in tracing it, owing to no fault of his own.

Procedure in enquiries into the conduct of villagers.

109. The procedure to be followed in regard to the fining of village-tracts under section 13 of the Act is given below.

110. When it is reported that a village has failed to resist an attack by dacoits or allowed a criminal to escape, the Township Officer should visit the scene and open an inquiry.

111. If there appears a *prima facie* case, the Township Officer should record the number of houses in the village-tract and estimate its paying capacity on Form ^{Miscellaneous}_{Villages 2}. It is not necessary to make an estimate of the property owned by each individual, as the fine is a collective one and the village *Thamadis* will be asked to assess it equitably.

112. The Township Officer shall then call on the headman and village committee to show cause why the tract should not be fined under section 13 of the Burma Village Act, and shall record their plea.

113. He shall also after enquiry record the names of householders who should be exempted from any fine on the village-tract on account of age, sex, infirmity, absence from the village-tract or the like, and shall record the reasons in each case.

114. When all the inhabitants of a village in the village-tract are exempted it will be sufficient to exempt the village-

by name. The reasons of the exemptions should be given, but the names of house-holders in the village need not be recorded.

115. The Township Officer shall forward these papers through the Subdivisional Officer, if any, to the Deputy Commissioner, with a general account of the facts of the case, and with a recommendation as to whether the villagers should be fined or not. The report shall be recorded in Form Miscellaneous Villages 1.

116. If the Township Officer considers that compensation should be given, he should note the fact in the report and the names of the person or persons to whom it should be paid, with the amount he recommends for each and the reasons for his recommendation.

117. Should the Township Officer consider that any one has deserved a reward, he should give an account of the facts and state the amount which he recommends.

118. If there is any delay in the report of a crime by the villagers to the police or by the police to the Township Officer, the latter must report who is to blame and what steps have been taken to punish him.

119. This investigation is purely executive; the officer conducting it has not any authority to administer an oath or to examine witnesses on solemn affirmation; the record should not be classed as criminal or entered in any register under the control of the High Court.

Procedure after receipt of Recommendations.

120. If the Deputy Commissioner considers that a fine should not be imposed, he shall record an order to this effect and inform the Subdivisional Officer (if any) for communication to the Township Officer, or the Township Officer direct if there is not any Subdivisional Officer.

121. If the Deputy Commissioner considers that a fine should be imposed, he shall prepare his own report in Form Miscellaneous Villages 1 and shall forward it to the Commissioner for orders which are recorded in Form Miscellaneous Villages 3.

122. The Deputy Commissioner's application should deal only with fines and compensation which alone can be paid out of the fine. The question of a reward must be dealt with separately, and if the Deputy Commissioner cannot sanction it under the rules published in Police Department Notification

No. 180, dated the 9th July 1924, he should submit a report setting out the facts and the reward he recommends.

123. When the imposition of a fine has been approved, the amount of the fine, together with the names of the householders (or villages when villages have been exempted under paragraph 114) who are to be exempted, shall be communicated to the headman, who shall thereupon prepare assessment-lists and levy the fine in the manner in which a *Thathameda* assessment is levied in Upper Burma. The headman gives a receipt for fines paid to him in Form $\frac{\text{Miscellaneous}}{\text{Villages 18}}$.

124. For the guidance of officers in Lower Burma the rules for the levy and assessment of the *Thathameda*-tax are reproduced as *Appendix III. Form $\frac{\text{Miscellaneous}}{\text{Villages 4}}$ is the report of the levy of a fine. It is intended to check the prompt realization of fines and payment of compensation.

125. Compensation shall always be paid by an officer not inferior in rank to a Township Officer, who shall certify on the receipt that it was paid in his presence. The receipt shall be in duplicate. A copy shall be filed with the record and the original shall be sent to the treasury as a voucher for the payment.

126. The amount collected as a fine shall be credited in full in the treasury to the head "XXXV—Miscellaneous—Other Fees, Fines and Forfeitures—(a) Fines, etc., levied under the Burma Village Act" and the amount disbursed as compensation shown as a separate payment in the accounts.

Rulings regarding the imposition of Fines on Village-tracts.

127. In the case of a fine imposed under section 13 of the Act, for specific failure to take reasonable means to prevent the escape of criminals, it is clearly inequitable to impose a fine on persons other than those actually guilty of the omission rendered punishable by that section. Persons absent from the village-tract on the occasion in question, women and persons incapacitated by age, sickness or infirmity from taking any part in preventing the escape of the criminals, should not be fined. This ruling applies also to cases of failure to resist attack.

128. It is not necessary that the Deputy Commissioner should hold an enquiry in person before imposing a fine under

section 13 of the Act. A fine may be imposed after enquiry by a responsible subordinate.

129. There is nothing to prevent a Commissioner from sanctioning a larger fine than that imposed by a Deputy Commissioner. On receipt of an order to this effect it is the duty of the Deputy Commissioner to pass a formal order imposing the fine sanctioned by the Commissioner. There is nothing to prevent the Deputy Commissioner from stating to the Commissioner any reasons that there may, in his opinion, be for not enhancing the fine, but the Deputy Commissioner must impose the fine which the Commissioner finally sanctions.

130. Postal officials should not be required to join the villagers in arresting criminals in cases in which the post office is not concerned, nor should they be punished for failure to do so. A Postmaster is hardly on the same footing as the ordinary villagers. He is generally a stranger, only temporarily resident in the village-tract and his first duty is to look after his office.

Payment of Commission for the collection of Fines inflicted under the Act.

131. Commission should be paid to headmen for collecting fines inflicted upon village-tracts under the Act at the same rate as that paid on the collection of land revenue. If the headman has the trouble and responsibility of collecting the fine and taking the money to Treasury or Sub-treasury, he should draw the usual commission. The fact that the headman may be among the villagers fined is not a reason for depriving him of remuneration for a specific service, and there appears to be no serious danger of a headman procuring the infliction of a fine on his village-tract in order to obtain the commission on its collection.

These orders apply also to the payment of commission to a headman who collects charges on account of punitive police imposed on his village-tract.

CHAPTER VI.

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

Duties of Headmen in respect of criminals under surveillance and suspicious strangers.

132. (1) Whenever a history sheet criminal takes up his residence in a village-tract, the officer in charge of the police-station concerned will communicate full particulars about him

to the headman of the village-tract in which the person resides. Whenever such person leaves his home it is the duty of the headman of the village-tract concerned to send information to the officer in charge of the police-station, within the jurisdiction of which the tract is situated, as to the departure of such person and his alleged destination, if known.

(2) If the headman of any village-tract hears of the advent of a suspicious stranger in his tract, it is the headman's duty to question the person regarding his antecedents and residence and to communicate all the information so obtained to the officer in charge of the police-station, within the jurisdiction of which the tract is situated.

(3) All headmen should be instructed in accordance with the above rules, and the duties imposed on them should be clearly stated to them. Headmen are not required to leave their village-tracts in order to give information regarding persons under surveillance and suspicious strangers.

Removal of isolated Huts and Hamlets to recognised Villages.

133. Sub-section (1) of section 18 prohibits the establishment of new groups of houses as hamlets or villages without the Deputy Commissioner's permission. Sub-section (2) of the same section makes an exception in favour of what are known as field-huts. It has hitherto been the policy of Government to discourage persons from living outside villages all the year round. This policy may, however, be relaxed where the Deputy Commissioner is satisfied that the interests of good cultivation will be served by allowing a cultivator who has long worked the same holding in the same area to build a permanent house in his holding, and that there is no particular reason to fear that such house will become the objective of or be used as a harbourage for criminals. Further in a residential area in a suburb of a large town it may be impossible to order the removal of all isolated dwelling houses, and small settlements in connection with rubber estates and such like must occasionally be permitted; and in a district, such as Sandoway, where small patches of cultivation are scattered amongst hills and swamps, and where cattle-thefts and other serious offences are comparatively infrequent, the concentration of houses need not be insisted on unless occasion arises. At the same time section 18 gives the Deputy Commissioner complete control in the matter, and deliberate breaches of

the section should not be tolerated. Where, however, houses have been erected outside a village in good faith and ignorance of the law or when they have been in existence for a long time without any objection being raised by the local officers, their removal should not ordinarily be insisted on merely because they have been erected without permission.

CHAPTER VII.

MISCELLANEOUS ORDERS.

Alterations of Village-tract limits.

134. Every change in the boundaries of a village-tract is an unquestioned evil. In the matter of village amalgamations the Local Government is committed to the changes in village boundaries which that policy entails. But as soon as village-tracts have been so amalgamated that every village headman receives an adequate remuneration, no further modification of boundaries is contemplated. The ideal at which the Local Government is aiming consists of an immutable boundary for each village-tract. It cannot be too strongly emphasized that any re-arrangement of village areas, other than that of amalgamation in the natural course, is strongly to be deprecated. The hypothetical or temporary convenience, which such a re-shuffling might be supposed to give to the local administration, would be far offset by the feeling of uncertainty engendered in the minds of headmen and the chaos that would follow in regard to local place-names. There is a case recorded of a village-tract, the boundaries of which had been constantly tampered with, that was known by four different names in the General, Revenue, Land Records and Police Offices respectively. In this connection the attention of District Officers is drawn to Reform's Office letter No. 11G22 of 11th February 1922. It is important when an amalgamation takes place that the name of one of the two tracts be retained for the combined tract.

Principles to be followed in fixing the Jurisdiction of Headmen for Revenue purposes.

135. The local limits of the jurisdiction of a headman for revenue purposes must in all cases coincide with the local limits of his jurisdiction under the Village Act. In other words the whole of the district, except absolutely uninhabited

tracts like reserved forests, must be divided into village-tracts. In each such jurisdiction there must be a headman who at present exercises for that jurisdiction the functions of a headman under the Village Act, and who either at present collects the revenue in it or will hereafter do so when the new system of revenue collection has been fully introduced.

136. Forest reserves are ordinarily excluded from village-tracts, not because they are forest reserves, but because they are uninhabited areas in which it is supposed to be unnecessary to apply the provisions of the Village Act. Forest reserves are mentioned in paragraph 135 merely as an example of uninhabited tracts which might without objection be omitted from schemes for dividing districts into village-tracts. It was never intended that forest reserves should become sanctuaries for cattle thieves and their plunder. It is accordingly laid down that whenever the Deputy Commissioner thinks it expedient, portions of a reserved forest may be added to the adjoining village-tracts. But the Deputy Conservator of Forests should be consulted on any such proposals before they are carried out.

Amount of Fee leviable in Criminal Cases by Headmen specially empowered.

137. It has been ruled by the Local Government that in any case triable under section 9, sub-section (1), of the Act a headman, whether specially empowered or not, may levy a fee of Re. 1 only; a fee of Rs. 2 may not be levied by a specially empowered headman except in a case of theft or mischief in which the value of the property stolen or the amount of the damage caused exceeds Rs. 5 and which is therefore not triable under sub-section (1). All headmen specially empowered should be instructed accordingly.

Place of confinement for persons sentenced to imprisonment by Village Committees or Headmen.

138. In remote village-tracts and for all sentences for 24 hours or less the place of confinement appointed by the Deputy Commissioner will ordinarily be the headman's house, or other suitable building in the village-tract, but in cases where there is a jail or police-station within a day's journey of the headman's village it will probably be most suitable that the jail or police-station should be prescribed for the confinement of persons sentenced to imprisonment for a period exceeding 24 hours.

Women and juvenile offenders, however, must in all cases be confined in a house in the village in which the headman resides and must not be sent for confinement in the jail or police-station.

139. A simple form of warrant for use in such cases has been included in the Guard-Book as Form ^{Miscellaneous} ~~Villages~~ ¹⁹ Deputy Commissioners should issue to each headman specially empowered under section 9 (4) of the Act, a small supply of these with the name of the jail or police-station and the name of the headman entered by hand. The headman should be instructed as to the manner of filling up the warrants, and the officer in charge of the jail or police-station should be instructed to accept and act upon such warrants.

Power of Village Committees or Headmen to require the attendance of accused persons.

140. Since it is provided in section 9, sub-section (5), of the Act that proceedings under that section shall be held in the presence of the complainant and the accused, it follows that a village committee or headman is authorised in such cases to require the attendance of an accused person; and if such person fails to attend or untimely departs he may be dealt with under section 174 of the Indian Penal Code. This applies to Government servants as well as to others. It is necessary that a subordinate official who resides in a village-tract should be required to submit to the village committee's or headman's lawful authority in all matters. A village committee's or headman's summons to an accused person to appear before it or him is not a summons issued by a Court within the meaning of section 72 of the Criminal Procedure Code, 1898; and a village committee or headman is not obliged in summoning a subordinate official to do so through the latter's departmental superior.

Revisions of the decisions of Village Committees or Headmen.

141. Under General Department Notification * No. 249, dated the 14th July 1908, as amended by General Department Notification No. 78, dated the 23rd May 1925, the decisions †

* Page 35, ante.

† The term "decisions" covers any order of the village committee or headman in a civil suit.

of village committees or headmen in civil suits are subject to revision by the Township Officer, and sentences passed by village committees or headmen in criminal cases are similarly subject to revision by the Deputy Commissioner [section 23 (2) and by Subdivisional Officers (General Department * Notification No. 248, dated the 14th July 1908, as amended by General Department Notification No. 81, dated the 25th May 1925). If necessary in the interests of justice a sentence passed by a village committee or headman in a criminal case can be set aside and the accused person can be put upon his trial before a Magistrate for the same offence. The power to revise orders passed by village committees or headmen under section 12 of the Village Act has not been extended to Subdivisional and Township Officers. Cases therefore in which they consider that village committees' or headmen's orders under section 12 should be revised should be submitted with their recommendations to the Deputy Commissioner for orders.

142. Under the orders noted in the preceding paragraph powers of revision of village committees' or headmen's decisions have been delegated to Township Officers and Subdivisional Officers. At the same time it is necessary to emphasize the undesirability of undue interference on revision with orders passed by village committees or headmen whether in civil or criminal cases. Ordinarily the decision of the village committees or headmen should not be reversed or modified except on the application of a party to the case. It will be necessary for Deputy Commissioners to keep a close watch on the exercise of revisionary powers by Subdivisional and Township Officers, and to repress any tendency to abuse them. If it is found that any officer is not exercising his powers of revision with discretion, the Deputy Commissioner should apply to have the powers withdrawn.

*Record of Criminal Cases tried by Village Officials
who are Magistrates.*

143. The following notification containing orders regarding the record in criminal cases tried by headmen or village committees who are Magistrates is reproduced for reference :—

*General Department Notification No. 77, dated the
23rd May 1925.*

In exercise of the power conferred by clause VI of the Schedule to the Burma (Frontier Districts) Criminal

Justice Regulation, 1925, the Governor in Council is pleased to make the following rules with respect to the record to be made in cases tried by headmen or village committees and as to the disposal of the record :—

1. In every case the headman or the village committee shall record a judgment setting forth the names of the complainant and accused, the names and substance of the evidence of the witnesses on each side, the offence charged or proved with approximate date of its commission, the decision, sentence (if any) and the manner in which the sentences (if any) was carried out. The judgment recorded under this rule shall be the sole record in the case.

2. Every headman shall keep in safe custody the records of the cases tried by him or by village committees.

Judicial Department Notification No. 241, dated the 14th July 1888, is hereby superseded.

Declaration of Pagoda festivals, monks' funerals and Circuses to be Pwès.

144. *Payapwès*, *pongyibyans* and circuses have been declared to be *pwès* within the meaning of section 11 of the * Burma Towns Act, 1907. The extent to which action has been taken under the Village Act is shown in General Department Notification No. 28, dated the 6th February 1926.*

The power to regulate *payapwès* and *pongyibyans* is granted not in order that there should be discretion to prohibit them, but in order to enable supervision to be exercised. Permission for a *pongyibyan* or *payapwè* should not be refused except by the Deputy Commissioner of the district and for very special reasons. Ordinarily permission should be given as a matter of course. Commissioners of Divisions should make it publicly known that permission for these functions must be obtained but that it will not ordinarily be refused.

Deputy Commissioners should empower Divisional Forest Officers under section 21 (1) (a) of the Act, to license the holding of *pwès* in forest villages which have been declared to be village-tracts under section 5 (1) thereof

Inspection of Headmen's Registers.

145. District Officers should, when on tour, examine headmen's or village committees' registers of cases. Deputy

* Burma Code, Vol. II, Page 510.

† Page 38, ante

Commissioners should examine civil as well as criminal cases, although they have no authority to revise orders of headmen or village committees in civil suits. Similarly Township Officers should examine headmen's or village committees' registers of criminal cases, although they have no revisionary powers in criminal cases. It is the duty of all District Officers to instruct headmen or village committees in the exercise of their civil and criminal powers. If a District Officer considers that there has been a miscarriage of justice in a case which he has power to revise, he should open proceedings accordingly.

Protection of Informers.

146. All officers concerned should bear in mind the need of taking special measures to protect informers and other persons who by their active loyalty have incurred the risk of being made the object of attacks by dacoits and other outlaws. Failure to afford protection to these persons must result in causing loyal people to lose confidence in the will or in the power of the local authorities to protect them and must appreciably add to the difficulties of maintaining order and suppressing crime.

*Compensation to relatives of Headmen, etc., murdered
on account of their loyalty.*

147. It is befitting that Government should encourage its officers in the performance of their duty, and should let them know that, if they fall victims to outrage, their families will be cared for. In all cases, therefore, in which headmen or other local officials are murdered on account of their loyalty to Government, proposals for paying compensation to their dependent relatives, if any, should be submitted. These instructions do not apply to cases in which the motive of the murder is private revenge or plunder.

Possession of Arms.

148. Under section 8 (f) and as explained in Orders 61 and 62, the Deputy Commissioner can no longer direct the headman to take certain specified measures for the defence of his village. He can only advise him. The responsibility rests with the headman and the committee in the matter of what scheme of defence will be adopted. It has in consequence

been decided to supply villages where necessary with guns and leave it to the committee to devise suitable tactics.

149. This will not be necessary in every village. The effect of the new * Arms Rules in the richer parts of the province has been to give to a village one or more license-holders. It will often be found that some or all of these license-holders are members of the village committee. In such cases the committee will be in a position to organize a suitable defence.

150. But in poorer tracts there will be fewer license-holders and the rural population will be more defenceless. With regard to such areas, the Deputy Commissioner should make a list of those villages which appear to him liable to attack by dacoits or robbers and encourage suitable residents even though not qualified under the * Arms Rules, to purchase guns and take out a license for them. The Government of India have amended Form XVI so as to provide that in Burma this license may be granted for purposes of village defence free of cost. Such free licenses should be issued on the understanding that the gun will be placed at the disposal of the village committee at an emergency.

151. It may sometimes be found that there are not enough well-to-do men in a village to purchase guns sufficient to protect it. In that or similar cases the Deputy Commissioner may at his discretion issue Government guns to persons in whose possession the gun would be reasonably safe. Such person should not only be of approved character but their houses should be sufficiently well built to withstand casual theft.

152. In the case of a free license or of the issue of a Government gun, it should be entered on the license or order that the gun must not be taken out of the particular tract in question and in the event of an attack on the village, if the gun was not placed at the disposal of the committee and used to repel the dacoits, the license or order should be cancelled. No restriction is placed on sport in regard to such guns nor will Government issue any ammunition free.

153. In order not to swell unduly the total number of licenses in a district, the Deputy Commissioner should be careful only to issue such free licenses where experience has shown that attacks from dacoits are to be apprehended.

154. Village headmen are permitted to carry *dahs* of any description with a blade of not less than 12 inches in length,

* See Burma Arms Manual (Edition 1926).

and spears in the discharge of their duties. They may also be permitted to carry a Government gun or guns for their personal protection, and in the revenue collecting season an additional gun or guns may be lent to them by the Deputy Commissioner out of his stock of confiscated guns. Guns should only be lent to headmen in this way for the period of the revenue collection, and in case of real necessity and they should not be issued as a matter of course. In certain districts village headmen are also supplied with Government guns for protection against dacoits. Villagers engaged in watching a village at night are permitted to be armed with spears.

Associations of Headmen.

155. The formation of Associations of Headmen should be encouraged, and District Officers and Senior Police Officers should make a point of attending the meetings of these Associations from time to time. It is occasionally necessary to see that the number of meetings held by these Associations does not become a burden.

Upkeep of Village Notice-boards.

156. When the exchange of information regarding bad characters, the discussion of matters of common interest, co-operation in defence and so forth may be discussed, it is desirable that steps should be taken to provide headmen with notice-boards to be fixed in some convenient place near the headman's house, and, if possible, near the main road in the village for the publication of Government notices and proclamations. A substantial board, about four feet square with two stout posts and a projecting roof or gable to keep off the weather, would suit the purpose. At the top of the board might be painted in Burmese the words: "Government Notices" and at the foot the name of the village-tract and of the headman. The cost of the board would be, it is believed, from Rs. 3 to Rs. 5. Such notice-boards should be gradually introduced, a beginning being made by the provision of notice-boards for the larger village-tracts in each district. The boards and posts should be procured under the orders of the Deputy Commissioner, the cost being debited to the Deputy Commissioner's Land Revenue contingencies.

The headman may be required to set up the board, and will be responsible for looking after it. A temporary roof of thatch or other material should be provided by him, if necessary, during the rains.

Method of crediting certain Fines under the Act.

157. The following classes of fines levied under the Act are credited in the Treasury Accounts to "XXXV—Miscellaneous—other Fees, Fines and Foreitures—(a) Fines, etc., levied under the Burma Village Act" namely,—

Fines under sections 9 and 12 levied by a village committee or headman in petty criminal cases, in cases of failure to assist him in the execution of his public duties when required to do so.

Fines under section 10 levied by Deputy Commissioners from headmen and rural policemen for neglect of duty or abuse of authority.

Fines under section 13 levied by Deputy Commissioners from village-tracts.

** Employment of Headmen as Caretaker of District Bungalows.*

158. In the case of District Bungalows where a whole-time caretaker is not entertained, it is sometimes the most convenient arrangement to place the bungalow in the charge of the headman and there is nothing derogatory to the dignity of a headman in this, provided that the headman is allowed to make his own arrangements for the care of the building in consideration of a suitable *honorarium*. It is accordingly laid down that headman may be placed in charge of District Bungalows in cases where it is considered desirable to do so, and where the headman is willing to undertake the work. The payment of allowances to headmen for this duty may be sanctioned by Deputy Commissioners under the orders contained in Financial Department Circular No. 47 of 1913.

Classification of Correspondence and Proceedings under the Act.

159. All proceedings and correspondence under the Burma Village Act, except (1) proceedings before a Magistrate as such under sections 12, sub-section (ii), 19 and 21 of the Act, which are "Judicial," and (2) papers mainly or

* Financial Department Circular No. 30 of 1915.

exclusively connected with the revenue duties of headmen or other officers which are "Revenue," should be classed as "General" and should find no place in the judicial or revenue registers. Judicial and revenue proceedings are registered in the ordinary registers of those departments. Correspondence is classed as General, Judicial or Revenue, respectively, and registered in the ordinary correspondence registers.

160. The proceedings mentioned in the following list, which is not exhaustive, are to be classed as "General" and the manner of their final disposal is indicated in the margin against each.

List of General Proceedings.

- | | |
|--|------------------------------|
| (1) Proceedings in connection with the determination of a village-tract, section 5, sub-section (1). | To be kept permanently. |
| (2) Proceedings in connection with appointment of a headman or rural policeman; or the suspension, removal or dismissal of a headman or rural policeman, section 5. | To be kept for twelve years. |
| (3) Proceedings in connection with the issue of orders under section 7, sub-section (1), clause (c) (vi). | To be kept permanently. |
| (4) Proceedings in connection with the issue of orders under the several clauses of section 8. | To be kept for six years. |
| (5) Proceedings in connection with the issue of orders prescribing the place where persons sentenced by village committees or headmen are to be kept in confinement, section 9, sub-sections (3) and (4), section 12, sub-section (i), and section 21A, sub-section (4). | To be kept permanently. |
| (6) Proceedings in connection with the punishment of headmen or rural policemen otherwise than by suspension, removal or dismissal, section 10. | To be kept for six years. |
| (7) Proceedings in connection with the imposition of fines on village-tracts, section 13. | To be kept for six years. |
| (8) Proceedings in connection with the establishment of new villages and of the erection of houses outside villages, section 18. | To be kept for six years. |
| (9) Proceedings in connection with the enforcement of orders in the case of persons convicted under section 19. | To be kept for six years. |
| (10) Proceedings in connection with the licensing of <i>pwès</i> , section 21. | To be kept for one year. |
| (11) Proceedings in connection with the revision of the orders of headmen, section 23 and section 6, sub-section (2). | To be kept for six years. |
| (12) Proceedings in connection with the issue of orders under the rules framed under section 29. | To be kept for six years. |

Proceedings other than those mentioned above should be dealt with as far as possible in analogy with these orders.

161. Proceedings in any of the cases mentioned in the preceding paragraph, and in other similar cases may be initiated or continued in a District, Subdivisional or Township Office. In all offices all such proceedings are registered in serial order for the year in Register No. IV (Form ^{Miscellaneous} _{Villages 22}). If the final order imposes a punishment on a headman it is entered in Register I. If the Commissioner sanctions a fine on a village-tract, it is entered in Register II.

162. A form of case cover for general proceedings (^{Miscellaneous} _{Villages 21}) has been prescribed and should be used in all offices.

163. General proceedings of Subdivisional and Township Officers should be sent to the district record-room as soon as possible after the close of each quarter. All proceedings in which final orders have been passed *before the beginning* of the quarter preceding the date of despatch should be sent in together. Completed proceedings of Deputy Commissioners as also of Subdivisional and Township Officers at headquarters should be sent to the record-room weekly.

Registers to be maintained under the Act.

164. The registers * which have from time to time been prescribed and which are now required to be kept are as follows :—

A.—REGISTERS TO BE KEPT BY THE DEPUTY
COMMISSIONER ONLY.

I.—^{Miscellaneous} _{Villages 7.} —*Deputy Commissioner's Register of
Punishments.*

In this register should be entered all punishments of headmen or rural policemen ordered by the Deputy Commissioner under section 10 of the Act.

II.—^{Miscellaneous} _{Villages 8} —*Deputy Commissioner's Register of
Fines imposed on village-tracts.*

The abovementioned registers are kept in the offices of Deputy Commissioners and, so far as may be required, in the

* The Guard-book forms are not reproduced. *

offices of officers specially invested with powers of Deputy Commissioners under section 24 of the Act.

**B.—REGISTERS TO BE KEPT BY DEPUTY COMMISSIONERS,
SUBDIVISIONAL OFFICERS AND TOWNSHIP OFFICERS.**

III.—^{Miscellaneous}
Villages 21.—*Register of Headmen.*

This register is kept in every District, Subdivisional and Township office. The first entries may be made by a clerk under the direction of the officer concerned; subsequent entries should be made by the officer himself. There shall be a separate volume for each township. A separate sheet should be given to each village-tract and, when a new headman is appointed, the particulars concerning him should be entered on a fresh sheet of the register, a reference being given to the page of the register where the new entry will be found. Any good work done by a headman, any fine imposed on him or on the village-tract, and any matters of interest affecting the village-tract or the headman, should be entered from time to time. When the Deputy Commissioner, Subdivisional Officer, or Township Officer is transferred, he should see that the register is up to date and that his opinions of the character and qualifications of each headman have been duly entered. Deputy Commissioners, Subdivisional Officers, and Township officers should take with them on tour the register of any township which they are going to visit. When the Deputy Commissioner visits a subdivision or township, he should compare his copy of the register with those kept by the Subdivisional Officer and Township Officer, and the Subdivisional Officer should similarly, from time to time, compare his copy with those of the Township Officers. Entries in one register need not necessarily be copied into the register maintained by another officer. But, at the time of the comparisons enjoined above, it is in the discretion of the Deputy Commissioner or Subdivisional Officer to make in his register copies of entries in the register kept by a subordinate officer, or to direct the subordinate officer to make similar copies in his register. The registers should be complete in themselves. The practice, if it exists, of pasting originals or copies of orders in the register should be discontinued.

There should be alphabetical indexes both of village-tracts and of headmen at the beginning of each register, maintained in the forms given below—

Index of Village-tracts.

Village-tract.	Pages of Register.							

Index of Headmen

Headman.	Page.	Headman.	Page.

Blank pages at the beginning of each register already issued should be used for the indexes. In the registers issued in future, the Superintendent, Government Printing, will enter index pages. There may be ten pages of the village-tract index and thirty pages of the headman's index bound with each register, the index being printed on both sides of the paper.

In the village-tract index a space should be left below the entries under each letter for entries of new village-tracts, consideration being had to the conditions of the township, and whether new village-tracts are likely to be formed owing to the bringing under cultivation of available land or for other reasons. In the index to headmen, a space should be left below each letter sufficient to enter treble the number of names which already appear. Village-tracts are permanent and, except in a sparsely-populated township with much available land are not likely to increase greatly in number. Headmen change more rapidly, and a village-tract in course of time will have a long succession of headmen. The index of headmen should be made out with two columns to each page as in the illustration, and both indexes should be written on both sides of the page, so as to save space. When one volume of the register is filled up, a new volume should be opened and paged consecutively to the former, references to it being made in the original indexes. It will have no separate indexes.

This register is intended as a confidential personal record for the information of District Officers, and should therefore be treated as a confidential document, and not as an ordinary

office register to which the members of the office establishment have access. The registers maintained in Subdivisional and Township offices should be kept in the personal custody of the Subdivisional and Township Officer, respectively. So long as the Deputy Commissioner arranges to maintain personal supervision over his register, he need not keep it in his own possession if he finds it inconvenient to do so, but may delegate the actual custody of the register to his Chief Clerk. Entries in the register should in no case be communicated to a headman without the special permission of the Deputy Commissioner in each case previously obtained.

A copy of these instructions will be pasted by the Superintendent, Government Printing, Burma, in the beginning of each register issued by him in future. Deputy Commissioners will indent on the Superintendent, Government Printing, for as many copies of the instructions as they may require for their use and for the use of Subdivisional and Township Officers.

IV.—^{Miscellaneous}
^{Villages 22.}—*Register of Miscellaneous Cases under the Act.*

The attention of all officers concerned is specially directed to the instructions contained in paragraphs 159—163, *ante*.

C.—REGISTERS TO BE KEPT BY HEADMEN.

V.—^{Miscellaneous}
^{Villages 27.}—*Village Committee's Register of Cases.*

The headman should paste all challans for fines into the last page of this register.

VI.—^{Miscellaneous}
^{Villages 23.}—*Register of Fees levied by Village Committees in Civil Suits.*

Disposal of Registers maintained under the Act.

165. Registers I to IV inclusive should be sent to the record-room when completely filled up. Registers I, II and IV should be destroyed on the expiry of six years from the date of the last entry. Register III should be kept permanently. With regard to Registers V and VI maintained by headmen, it does not seem necessary to require their deposit in the record-room or to make any orders for their destruction.

Duplicate Vaccination Register in custody of Headmen.

166. Each headman keeps in his custody a register in Form Public Health
Vac. 6. This register will be a duplicate of the vaccinator's register. The maintenance of this register will enable inspecting officers to check the work done by a vaccinator in each village-tract, and it will do away with a practice now common under which the vaccinator is required to accompany inspecting officers. On every occasion that the vaccinator visits the village-tract he will fill in the names of subjects vaccinated and all other necessary particulars, recording also at subsequent visits the result of each operation performed.

The headman will be merely responsible for the safe custody of the register, and will be required to produce it only when the vaccinator or inspecting officers visit his village-tract. Beyond having custody of the register and producing it when required, the headman will not be required to perform any duties in connection with the register and he will not be allowed to make any entries in it.

** Maintenance of Village Sanitary Records.*

167. The orders of the Government of India require that with a view to the improvement of village conservancy and rural sanitation, a permanent record containing such information as can be furnished of the sanitary history of village areas should be maintained, to assist District and Medical Officers to acquire a practical knowledge of the local sanitary conditions of their districts. As Civil Surgeons are responsible for the supervision of sanitation in the districts of which they have charge, the duty of compiling these sanitary records rests primarily with the Civil Surgeon. It is therefore directed that a Village Sanitary Record shall be compiled by the Civil Surgeon in consultation with the Deputy Commissioner and the District Council concerned for all villages (not village-tracts), the population of which, as ascertained at the last census, exceeds 1,000 inhabitants. The heads of the information which should be contained in the Record, so far as possible, are shown in Appendix VI.† The Record, when compiled for any village, should be printed under the orders of the District Council where such have been constituted and under the orders of the Deputy Commissioner in excluded areas. Copies should be

* General Department Circular No. 20 of 1910.

† Page 145, *post*.

distributed to the Director of Public Health, Burma, local district officers and the Civil Surgeon, and one copy should be kept by the headman of the village-tract in which the village is situated. Care should be taken to see that ample space is left under each head to enable the Record to be brought up to date from time to time. The form will not be brought on to the Guard-book, *i.e.* books with printed headings will not be supplied, since it is desired that the Record should not be compiled in a stereotyped form, but that it should contain all information of sanitary interest, whether falling under the heads shown in Appendix VI or not.

168. With regard to the manner in which the Record is to be kept up to date, it is not necessary to maintain a special book in which inspecting officers should record their remarks, whether on matters dealt with in the Sanitary Record or on matters of general sanitary interest, because it is undesirable to multiply the number of books which the headman has to keep in his custody. District officers should be encouraged to note in their diaries on these matters, and extracts of such notes should be sent to the Civil Surgeon by the Deputy Commissioner. When a change in or addition to a Record requires to be made, this should be done by a printed correction-slip, copies of which should be sent to all officers to whom copies of the printed Record have been distributed.

169. The Civil Surgeon is responsible for keeping the Records up to date. If or when the service of Public Health Inspectors is constituted, these Inspectors can be given duties in regard to the keeping of the Records up to date.

170. Although these orders apply only to villages with 1,000 inhabitants or over, it is open to the Commissioner to direct that a Record shall be compiled for any other village in his Division if he thinks fit, or that a Record which has been compiled for any village under the orders of 1895 or 1897 shall be brought up to date in accordance with the present orders.

Annual Report on Village Administration.

171. Each Commissioner is required to submit annually to Government a full report on Village Administration in his division, including extracts, where necessary, from the reports submitted to the Commissioner by District Officers. Deputy Commissioners' reports should be filed in the Commissioner's

office, and should not, unless for some special reason, be sent on to the Secretariat.

172 In the divisional reports the following matters should be dealt with in the order given :—

(a) Number and classes of village committees or headmen in each district with explanation of any important changes effected during the year.

(b) Judicial work of village committees or headmen (i) criminal and (ii) civil Under this head mention should be made of any special powers conferred on a village committee or headman of the manner in which their judicial work has been performed, and of the extent to which their work has been supervised by Deputy Commissioners, Subdivisional Officers and Township Officers.

(c) Revenue work of headmen, the extent to which the number of headmen who do not draw commission has been reduced, and the improvement effected in the emoluments of other headmen.

(d) Work performed by village committees or headmen in connection with (i) excise, (ii) agriculture and famine, (iii) record of vital statistics, (iv) assisting the police and (v) village sanitation.

(e) Conduct of headmen generally as indicated by the number of punishments inflicted ; popularity or otherwise of the appointment of headmen ; rewards granted, if any.

(f) Conduct generally of village committees ; standing of elected members ; whether they co-operated with the headman ; management of any matters placed under their control by Circle Boards.

(g) Appointment and work of *ywagaungs* in Upper and of ten-house *gaungs* in Lower Burma.

(h) Fines inflicted on village-tracts for failing to resist dacoits ; conduct of villagers in these matters ; action taken under paragraph 133 ; results.

(i) Interest taken by each Deputy Commissioner in village administration ; number of revisions of Deputy Commissioners' orders by Commissioners and result.

(j) General remarks.

173. The following returns shall be submitted with the report:

Return No. 1.—Number of headmen in each district, punishments imposed on them, rewards granted and average amount paid to them as commission on the collection of revenue during the preceding agricultural year ($\frac{\text{Miscellaneous}}{\text{Villages 9}}$).

Return No. II.—Return of village committees and headmen exercising special criminal or civil powers ($\frac{\text{Miscellaneous}}{\text{Villages 16}}$).

Return No. III.—Return of fines inflicted by village committees and headmen and credited in the treasury during the year ($\frac{\text{Miscellaneous}}{\text{Villages 17}}$).

Return No. IV.—Returns of fines imposed on village-tracts under the Act ($\frac{\text{Miscellaneous}}{\text{Villages 16}}$).

APPENDICES.

APPENDIX I.—(See Part III, Paragraph 1.)

THE VILLAGE SYSTEM.

Minute by Sir CHARLES CROSTHWAITE, dated the 6th October 1890.

The Village Regulation was drafted by me in Calcutta in the early part of 1887 and became law on the 28th October 1887. In framing the Regulation I had two objects in view—firstly and mainly, to preserve the village system, which in Burma, as in India, has been the basis of the indigenous administration from time immemorial; and secondly, by using the village system to arm the Government with sufficient powers of dealing with the universal disorder which prevailed and could not be suppressed by the ordinary law even when backed by overwhelming military force.

2. The second object has been attained and it has been attained only by refusing to look at the individual and by enforcing the joint responsibility of the village community. So far the bonds which unite the inhabitants of a village have been strengthened. There still remains much to be done before the village system is placed on a uniform and solid foundation, where it will be preserved from the dangers which threaten it. When the Regulation was framed it was impossible to obtain more than some very general and vague information respecting the system existing in Upper Burma. It was known that there was generally a headman to each village, who had certain authority and responsibility, and to whom the Government looked both for the payment of the revenue, for the preservation of order, and for the detection and suppression of crime. It was known also that in some places there were other local officials of superior grades who to some extent superseded and supervised the village headmen. But there was little else accurately known. The Regulation was consequently so framed as to leave the administration a free hand in dealing with details.

3. The leading principle was, however, laid down in unmistakable terms as follows: "The Deputy Commissioners shall appoint a headman in every village or group of villages.*" The words "group of villages" were added because it was known that there were in many cases small villages within sight or hail of each other which could conveniently be governed by one headman. In such cases it is useless and inconvenient to multiply headmen, and it makes the task of remunerating them—in any case a hard one—still more difficult.

4. Provision was made † for maintaining any custom existing as to the appointment of headmen, and in order to prevent an interregnum pending the appointment of headmen by the Deputy Commissioner all those existing, under whatever name, at the commencement of the Regulation were confirmed in their posts.‡ It was known, as has been said above, that in some places there were within the same locality several headmen or local officials of various grades. Power was

* Section 3, sub-section (1).

† Section 3, sub-section (2).

‡ Section 3, sub-section (3).

therefore taken to enable the Deputy Commissioner to decide in such cases "which of them shall be the headman for the purposes of the Regulation," and to define their relations to each other by rule with the view of preventing the mischief arising from divided authority.*

* Section 3, sub-section (4). It will be observed that, while the existence of headmen of various grades within the same local area was recognized and power taken to

deal with such cases, only one person was permitted to be headman under the Regulation, and no authority was given to the Deputy Commissioner to appoint two or more headmen to any village or group of villages or subordinate to other headmen hitherto independent.

5. If attention is given to section 4 and the following sections, in which the duties of the headman are defined, it will be evident that they are of such a nature as to be incapable of being performed except by a person residing in or near the village and possessed of local knowledge and information. The Regulation assumes that the headman lives among his people and must know all that is going on about him. The responsibility imposed on him is unreasonable on any other supposition. In framing the Regulation I had always present to my mind the evils which have arisen in Lower Burma from the subordination of the village system to the system of Revenue Circles. No one who has been brought face to face with the difficulties of police and criminal administration in Lower Burma can fail to perceive how completely all traces of village responsibility have been lost, and how hopeless it is to expect assistance from the *taik* or circle *thugyi*, who has a large number of villages under him and cannot be expected to possess either minute local knowledge or personal influence in every part of his circle. Consequently the *thugyi* has gradually fallen out of the place which he should occupy in the administrative system. On the other hand, the *kyedangyis*, who were intended no doubt to supply this defect, have been invested with no powers, have been subordinated to the police, and deprived of all status as revenue officials. They have become in consequence mere village drudges without power or influence. In the Upper Burma Regulation no powers have been given to Deputy Commissioners to appoint circle officers under whatever name. The Regulation contemplates that the village shall be the administrative unit in every respect, and it requires the Deputy Commissioner to appoint a headman to every village, except in those cases where several villages are so situated that they can be grouped under one headman without interfering with his responsibility or the efficient discharge of the duties required of him under the Regulation. This is the leading principle of the Regulation. This simple system contemplated by the Regulation and necessary for the due enforcement of village responsibility, has from various causes lost its primitive form in some places and has been replaced by a somewhat complicated hierarchy of officials which renders it difficult to carry out the policy which has been approved by the Government.

6. The enquiry made under the orders of the Financial Commissioner as contained in his Circular No. 25 of 1888 has resulted in

showing in a clear light the existing conditions and the difficulties arising from them. In paragraph 2 of his letter No. 177-133R., dated the 8th July 1890, the Financial Commissioner observes "that there is great diversity of practice as regards the appointment of village headmen in the different districts of Upper Burma. In some instances these diversities are due to the custom found in existence at annexation and in others to the idiosyncrasies of individual Deputy Commissioners, some of whom have engrafted on the Upper Burma stock the Lower Burma village system."

6. Thus two causes have been at work to disturb and complicate the more simple organization which was everywhere, as it is now in most places, the framework of the Government. Under the King's rule the central authority was at times very weak. Any one who had money and could bribe the local officials or make interest at Court could get what he wanted. There were in some parts of the country officials of various kinds and known by various names, *myothugyi*s or officers of townships, *myingauungs* or cavalry leaders, *thwethaukgyi*s or blood, drinkers, supposed to have had some military duties. These officers although in some cases their duties belonged to another sphere, have contrived to overshadow the village headmen, and have usurped much, if not all, of their power and emoluments, while leaving to them all that was laborious or unpleasant in their duties. Another cause which had led to the same result was the anarchy and disorder that prevailed for a considerable time prior to the annexation. Villages grouped themselves for protection under a *thugyi* or *myothugyi* who showed himself able to hold his own against the bands of robbers who preyed upon the people. Circles were thus formed in a manner analogous to that in which some of the *talukas* in Oudh were created. In return for the protection given the emoluments of the village headman passed to the hands of the leading *thugyi*.

Besides these complications inherited from the Native Government we have others created by our own officers. Some of the District Officers coming fresh from Lower Burma, not unnaturally sought to introduce the only system with which they were familiar, and which from a purely revenue point of view may have its advantages. Before the Village Act was passed and the control of the Commissioners could be felt, village headmen were abolished or set aside in favour of circle *thugyi*s after the Lower Burma fashion, to whom was given the commission belonging rightfully to the village headmen. Even since the policy of the Government has been made known some officers have been unable to refrain from creating circles or enlarging the charges of *thugyi*s whenever an opportunity has arisen. And this has been done in some cases without any useful result.

7. There is no doubt that the village headmen who have been set aside are discontented and that in some cases they are unwilling to serve. It may be said that those who had lost their position in former times have nothing to complain of. It must be remembered, however, that our Government is a real living power, which enforces its orders and exacts the responsibilities which it imposes. A man may have been willing to be village *thugyi* in Burman times even although the commission was taken by some one

else. He could generally manage to appropriate some of the revenue. He got fees for deciding civil cases. And he could easily evade his duties if he made himself agreeable to his superiors. Now, while the sources of his income are wholly or partially closed, the performance of his duties is rigidly exacted. In the case of men who have been recently reduced by the action of our officers to a subordinate and unremunerated office the reasons for discontent are still stronger.

8. I regard this state of things as a very real and immediate danger to the administration of the country. I think that most officers will now admit that the policy of dealing with the people by villages and not by individuals has been a very powerful instrument for suppressing disorder and establishing our authority. It would not have been possible to use this instrument if the village system had no vitality. If we are to rule the country cheaply and efficiently, and to keep the people from being robbed and oppressed by the criminal classes, the village system must be maintained in vigour. It cannot thrive or live unless the post of headman is sought after or at least willingly accepted by respectable persons.

9. It is therefore necessary, in my opinion, to take measures to prevent the growth of further excrescences on the village system and to get rid as soon as possible of those which exist whether they are an inheritance from the old Government or the creation of our own officers. In every case the object must be to maintain the principle of the Regulation as explained in this note, and, where a departure has taken place, to revert to it without any unnecessary delay. Where the complications are due to our own action during the last four years there need be little hesitation in going back to the old order of things. The sooner this is done the easier will be the task and the less the hardship not only to the men who have been deprived of authority and emoluments which they have in most cases inherited, but to those who have benefited by the innovations, and who will feel the inconvenience of reverting to their old position less now than after further lapse of time. The following passage in the Commissioner of the Central Division, Mr. Donald Smeaton's letter to the Financial Commissioner, No. 636-52R., dated the 18th February 1890, expresses my views with exactness :—

"I would only say in conclusion that, when a system has to be worked out like this for the eventual well-being of a province and in its true interests, the officers administering districts should not be squeamish in respect of the so-called vested interests of the men who necessarily have to be displaced. There are practically no vested interests in Upper Burma at all. During the King's reign the most important interests were never respected; they were transient in duration, and were upheld in the main by intrigue. The field is now entirely open for the creation (but really only the revival) of the best system. Therefore, although I would not act precipitately, I advise expedition in adopting the village (*i.e.*, small group) unit throughout and not too much attention being paid to the immediate past by which I mean to the eight years of King Thebaw's reign and the four years since annexation. Protracted delay will only make the task more difficult and will postpone the development of what to my mind is the true method of Government in Upper Burma."

10. It is necessary, therefore, to lay down clearly the course which is to be followed. In this matter I accept generally the views

enunciated by Mr. Fryer and the principles laid down in his letter (the latter part of paragraph 5). The leading points are as follows:—

(1) Every village must have a headman appointed under the Regulation residing in it, or so close to it that he can efficiently perform in his own person the duties imposed on the headman by the Regulation.

(2) Every village headman under the Regulation should be responsible for the collection of the revenue and should get the whole of the commission.

These are the principles by which the District Officer must be guided. Every opportunity must be taken to work back to them where they have been departed from, more especially in cases where there are several grades of local officials. Care must, of course, be exercised in altering conditions and relations which have long existed and the changes must be made with as little loss to those concerned as is possible.

II. I have made rules * for the guidance of Deputy Commissioners and others in the matter of appointing *ywathugyis* or village headmen. Commissioners are requested to see that these rules are read, understood and observed.

APPENDIX II.—(See Part III, Paragraph 4.).

REVENUE COLLECTION BY HEADMEN.

Revenue Department Circular No. 6 of 1892, as amended by Land Revenue Department Circular No. 37 of 1910.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Revenue Department,—No. 5C-4, dated the 19th October 1892.

READ—

Letter No. 54-7R., dated the 20th August 1892, from the Financial Commissioner, Burma, with enclosures,

RESOLUTION.—The papers cited in the preamble deal with the question of the collection of Revenue in Lower Burma by the agency of village headmen. The proposal to substitute village headmen for *thugyis* as the revenue-collecting agency of the province was first made at the end of 1890 and met with the approval of several officers of experience and ability. Early in 1891 all Commissioners and Deputy Commissioners were consulted as to the advisability and practicability of introducing the proposed change, and between that date and now experiments have been made in various districts for the purpose of testing the new system by actual experience.

2. The main features of the scheme which was submitted for the opinion of District Officers were as follows. The *thugyi*, as he at

* These rules are now embodied in Chapters II and III of Part III of the Manual.

present exists, collecting the revenue over a considerable area of country and employing as his unpaid assistants the village headmen, was to be abolished. The revenue was in future to be collected by village headmen, each headman collecting the revenue payable by the village or villages in his jurisdiction. The headman was also to prepare the capitation-tax rolls. The remaining work now done by *thugyis*, namely, the preparation of land revenue assessment-rolls, the maintenance of the annual maps, and other miscellaneous work was to be performed by a staff of trained surveyors, who would form part of the Land Records Department.

3. All officers have now submitted their opinions on the proposals, and the Financial Commissioner recommends that the new system should be regularly and systematically, but at the same time gradually, introduced. The opinions of officers who have been consulted are fairly evenly divided. Some officers are strong advocates of the proposals; others oppose them. The majority of the officers consulted who have served both in Upper and Lower Burma, and who are best qualified to appreciate the advantages of the new system, are in favour of it.

4. After a careful consideration of the arguments for and against the new system, the officiating Chief Commissioner has come to the conclusion that it is expedient and, indeed, necessary, to introduce it, but that its introduction must be carried out gradually, as recommended by the Financial Commissioner, and that the process must be spread over a number of years. In coming to this conclusion, Mr. Fryer has been guided by the following considerations. In dealing with the question it is necessary to bear in mind the interests of the general administration and not to look merely to the revenue aspect of the question. Regarded merely as a tax-collector, the *thugyi* is undoubtedly efficient, and, if revenue considerations alone were taken into account, good grounds would not possibly exist for making any radical change in the present system. But the main object in view is not to improve the collection of the revenue, but to raise the status and to provide for the remuneration of village headmen. As a matter of general administrative policy, the headman system has after much discussion and consideration been finally adopted as that the best adapted to the requirements of the country. The Village Act of 1889 has been introduced throughout Lower Burma, and village headmen have been appointed in all districts. It has been declared that the headman is to be a headman in fact as well as in name, and it is now a matter of the utmost importance to seize every opportunity of strengthening his position and rendering it attractive. It is only in this way that capable men can be obtained as headmen and can be given authority and influence in their villages. It is obvious that, if the collection of the revenue can be placed in the hands of the headmen, an important step will have been taken in the required direction.

5. Under these circumstances, it is clear that, if the village headman is capable of developing into a fairly efficient revenue collector, there are very strong grounds for entrusting him with the duties of a revenue-collector and for abolishing *thugyis*. The officiating Chief

Commissioner considers that there are ample grounds for holding that village headmen are fitted to be collectors of revenue. In the first place many officers of experience are satisfied that they are so fitted; in the second place they perform these duties with a fair amount of efficiency in Upper Burma; in the third place experience in Lower Burma, so far as it has gone, confirms this view of their fitness. During the last year the experiment of collecting revenue by the agency of village headmen has been tried on a scale which has afforded a sufficient test of its merits. Such collections have been made in the Toungoo, Tavoy, Shwegyin, Sandoway and Akyab districts, and in every case the experiment has been a complete success. There have been no defalcations, and the revenue has been collected promptly and easily. It is natural that officers accustomed to the present system, which from the point of view of collecting revenue, no doubt works well, should hesitate to advocate a radical change which will give them a considerable amount of extra trouble, and which may perhaps increase the risk of defalcations in the revenue for which they are responsible; and under the circumstances, it is not surprising that a good many objections have been raised. The fact that half the officers consulted are in favour of the change, that officers with the experience and judgment of Mr. Smeaton, Colonel Cooke, and Major Parrott declare it to be perfectly feasible, and that in every case in which the experiment has been tried it has been completely successful, afford, in Mr. Fryer's opinion, ample justification for introducing the new system gradually by substituting village headmen aided by surveyors for circle *thugyis* as circles fall vacant.

6. As the question is one of great importance, and as it is desirable that all officers should be convinced of the practicability and expediency of the new policy, the Officiating Chief Commissioner proceeds to examine briefly the main arguments against it. These arguments are—

- (i) that the headmen are not sufficiently educated;
- (ii) that the revenue may be lost, as Government can neither arm the headmen nor take security from them;
- (iii) that the circle *thugyis* are an important link in the administrative chain and that by abolishing them Government will weaken the administration, besides creating a discontented body of men—the present *thugyis* and their descendants;
- (iv) that the work of the Deputy Commissioner will be enormously increased; and
- (v) that a sufficient number of surveyors to work the new scheme is not available, and that the rates of pay which Government can afford to offer will not procure the required number.

7. Mr. Fryer admits that there is force in all these objections. They would indeed be fatal if it were proposed to make a sudden and complete change from the one system to the other. It is obvious, however, that if the change is introduced gradually and tentatively, objections (iii) and (iv) will to some extent disappear. The new system will gradually and imperceptibly take the place of the old, and officers will adjust themselves to it in the same manner. If increases to

district, subdivisional, or township establishments become necessary the necessity will arise gradually and will be met in each particular case as it arises. The objection that a discontented body of men will be created in the form of present *thugyis* and their descendants is met to a great extent by the decision to introduce the system gradually and only on the occurrence of vacancies. Some disappointment must no doubt be caused to the heirs of present *thugyis*, but, on the other hand, these men will have a much better chance of becoming village headmen than they now have of becoming *thugyis* when various educational qualifications are demanded of them, which will not, at first at any rate, be demanded of village headmen. The first objection is self-righting. By improving the position of the headmen, Government will get a better class of men to take the appointment. Objection (v) is also in great measure met by making the change gradual. There will be no large and sudden demand for surveyors. The demand will increase gradually, and there seems no good reason to doubt that the Survey Schools will be able to meet it. The second objection Mr. Fryer proposed to meet, as it is met in Upper Burma, by demanding security from those headmen only whose average collections exceed a certain sum, and by authorizing Deputy Commissioners to issue arms to those whose collections are above a certain maximum, or who have to carry them for long distances or in dangerous parts. With these safeguards the danger of loss of Government revenue will be minimized, and in any case it is obvious that the failure of a dozen headmen under the new system will not entail more loss to Government than that of one circle *thugyi* under that now in force.

8. To sum up. The Officiating Chief Commissioner decides that the new system shall be introduced, and that the process shall be effected gradually by substituting the village headman for *thugyi* system in every circle in which a vacancy occurs. Whenever a vacancy occurs in a Lower Burma circle the Deputy Commissioner will submit proposals for the collection of revenue of the circle and for the performance of the other duties hitherto performed by the *thugyi* by the agency of the village headmen aided by a staff of surveyors.

The proposals submitted will show—

(i) The number by which it is proposed to increase the cadre of surveyors and the grade or grades in which the addition is to be made in accordance with the decimal system.

NOTE.—The proportions to be observed between the grades, the number of which varies in different districts from 2 to 5, shall be based on the decimal system as under :—

Where there are—	2 grades.	3 grades.	4 grades.	5 grades
First grade	40	25	15	10
Second grade	60	35	20	15
Third grade		40	30	20
Fourth grade	...	...	35	25
Fifth grade	...	...	...	30
Total	100	100	100	100

(ii) A statement showing (a) the total area in square miles and (b) the occupied area, in acres, in each of the proposed surveyors' charges; and

(iii) A report as to the estimated area (in acres) of land likely to come under cultivation in the near future (say, within the next five years).

These proposals will be submitted to the Commissioner and will be forwarded by him to the Commissioner of Settlements and Land Records, who will submit them to the Financial Commissioner for orders.

9. With a view to facilitating the introduction of the new system the Chief Commissioner directs that retired *thugyi*s who are village headmen, as they often are, shall be employed in the collection of revenue like other village headmen if their health and age permit of their undertaking these duties. Such *thugyi*s will, under section 575 or 576 of the Civil Service Regulations, receive their pension in addition to their emoluments as village headmen. Under these orders, on the retirement of a *thugyi*, he will ordinarily become one of the revenue collecting village headmen of his old circle.

10. The service of revenue surveyors and of chainmen and messengers attached to the revenue survey establishment, who are permanently employed, has been declared pensionable with effect from the 1st October 1906.

APPENDIX III.—(See Part II, Paragraph 124.)

RULES FOR THE LEVY AND ASSESSMENT OF THE *THATHAMEDA-TAX.*

Extract from Chapter III of the Rules under the Upper Burma Land and Revenue Regulation, 1889.

14. (1) The *thugyi* shall submit to the Collector, in a prescribed form, on or before a date to be fixed by the Collector, a census-roll of all the households in his village, with number, names, and occupation of all adult members of each of those households.

(2) An Assistant Collector shall, if possible, personally examine the census-roll of every village in order to test its accuracy.

15. The Collector shall then direct the *thugyi* to proceed to his village, and, in consultation with the *thamadis* or assessors, whom the Collector shall cause to be appointed according to custom, to distribute the total demand * * * over the households of the village according to their circumstances and ability to pay, and to publish in the village a list of the persons assessed and of the amount payable by each person. This list shall be an extract from the census-roll consisting of columns 1, 2 and 7. No other notice of demand shall be necessary.

16. The *thamadis* or assessors shall be responsible for the just assessment of each household.

* * * * *

18. On payment in full of the sum due by each person, such person shall be furnished by the *thugyi* with a receipt in the form prescribed.

The amount of rupees paid shall be expressed both in words and in figures in the receipt.

19. The *thugyi* shall keep an account of the amount due from each person, the amount paid, and date of payment. In all cases of default where proceedings are taken for recovery of arrears of the *thathame da-tax*, this account shall be produced in evidence of the amount of the arrear.

20. (1) Objections to the *thathameda-tax* assessment must be made to the Assistant Collector in charge of the township within ten days after the publication of the list under Rule 15.

(2) The Assistant Collector shall fix a date for hearing objections and shall hear them in the presence of the *thamadis* and, if possible, in the village to which the objectors belong. The *thamadis* shall be heard in support of the assessment.

(3) If the Assistant Collector considers an objection groundless, he shall reject it. If he considers it well founded, he shall make an order to the *thamadis* directing them within a time to be specified in the order to re-adjust the assessment so as to give proper relief to the objector without reducing the total demand on the village. If the *thamadis* fail to re-adjust the assessment within the specified time, the Assistant Collector shall himself re-adjust the assessment and send his proceedings for sanction to the Collector.

APPENDIX IV.

CONTROL OF HORSE AND PONY RACE-MEETINGS*.

Appendix to General Department Resolution †,—No. 3T.-1, dated the 11th April 1919.

Instructions regarding the issue of Licenses under the Burma Village Act for Horse and Pony Race-meetings.

PART I.

INTRODUCTORY.

1. The term "meeting" or "race-meeting" as used in these instructions includes any horse or pony race-meeting, except Gymkhana meetings as defined in clause 2 below.

2. A "Gymkhana meeting" is one at which—

- (a) the prizes are not paid in money ;
- (b) there are no bookmakers ;
- (c) no lotteries are held ;
- (d) no professional jockeys are engaged.

3. The power of licensing race-meetings should be exercised by the Deputy Commissioner, or, in Rangoon, by the Commissioner of Police, Rangoon, alone, and should not be delegated by him to any subordinate officer.

* See General Department Notification No. 2, dated the 6th February 1926, page 38, *ante*.

† Not reproduced.

4. The intention of these instructions is to secure proper supervision of, and control over, race-meetings.

5. For the purpose of these instructions race-meetings, as defined in clause 1 above, are divided into two classes: (a) those at which all the races are for prizes of a fixed and published value, and at which in no race does the value of the prize offered to the winner or any other horse exceed Rs. 49, in whatever form the prize is given; (b) all race-meetings other than those described in clause (a) above. The former are dealt with in Part II below, the latter in Part III.

PART II.

RACE-MEETINGS AT WHICH THE VALUE OF THE PRIZES DOES NOT EXCEED RS. 49.

6. Applications in connection with race-meetings at which all the races are for prizes of a fixed and published value, and at which in no race does the value of the prize offered to the winner or any other horse exceed Rs. 49, must be submitted to the Licensing Officer at least 30 days before the date of the proposed meeting.

7. A Licensing Officer may issue permits for race-meetings of the nature described in clause 6 above, up to a maximum limit of four days' racing per annum at any one station, provided that the following conditions are complied with:—

(a) The promoters must be influential residents of the district without any financial proprietary interest in the meeting.

(b) Profits must be devoted to improvements in facilities for racing or breeding, or to charitable objects.

(c) The number of bookmakers allowed to bet should not exceed four.

8. If the conditions prescribed in clause 7 above are not complied with, or the proposed meeting is in excess of the maximum limit of four days' racing, or if the Licensing Officer is in doubt on any point he should forward the application through the Commissioner of the Division for the orders of the Local Government, or in Rangoon, direct to the Local Government.

9. The orders of a Licensing Officer passed on an application for a race-meeting may be revised by the Commissioner of the Division, or in the case of orders passed by the Commissioner of Police, Rangoon, by the Local Government.

10. The rules prescribed by the Rangoon Turf Club should as far as possible be adopted for all race-meetings dealt with under this Part.

PART III.

RACE-MEETINGS AT WHICH THE VALUE OF THE PRIZES EXCEEDS RS. 49.

11. All race-meetings other than those dealt with in Part II above require, according to the rules of the Rangoon Turf Club, the previous sanction of that body. Permits should ordinarily be granted if the applications have been recommended by the Rangoon Turf Club.

12. An application for a permit, which has not been before the Rangoon Turf Club prior to its submission to the Licensing Officer, should be returned by that officer to the person presenting it, with the request that the opinion of the Rangoon Turf Club on the proposed race-meeting be obtained.

13. If the Licensing Officer considers that a permit upon an application recommended by the Rangoon Turf Club should be refused, or that a permit on an application not so recommended should be granted, he should submit the application with his own recommendation and the reasons for the same through the Commissioner of the Division for the orders of the Local Government. In Rangoon the application will be submitted direct to the Local Government.

APPENDIX V.

INSTRUCTIONS REGARDING FOREST VILLAGES.

Forest Department Circular No. 42 of 1923, dated the 15th October 1923.

In Forest Department Circular No. 43* of 1919 to which were attached instructions regarding the establishment of forest villages, it was stated that an amendment would be made to the Burma Village Act, 1907, in order to enable specific powers under that Act to be conferred on Forest Officers. By section 24 of the Burma Village Act, 1907, as amended by the Burma Village (Amendment) Act, 1921, the Local Government has now been empowered to authorize any forest officer 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 a Township Officer under this Act in any district or part of a district. (For the purposes of this section Extra Assistant Conservators of Forests in charge of Forest Divisions shall be regarded as above the rank of Assistant Conservator.) The whole object of this delegation is to reduce the number of Government officers with whom the inhabitants of these forest villages have to deal, that is to say, the forest officers with whom these villages will deal in their capacity as employees of the Forest Department will also exercise over these villages those functions which would otherwise be exercised by an entirely different set of officials, which will make for the convenience and comfort of the villagers concerned. At the same time there is no intention of divorcing forest villages from the general system of village administration, and they must remain definitely under the control of the Deputy Commissioner. The only difference between forest and other villages is that the Divisional Forest Officer fills the same position as the Subdivisional Officer does in respect of ordinary villages, and the civil officials except the Deputy Commissioner do not exercise the same control over forest village administration as they do over civil village administration, this control being exercised by the Deputy Commissioner through the medium of forest officers.

* Not reproduced.

2. Consequent on the passing of the Burma Village (Amendment) Act, 1921 it has now been decided by the Government of Burma to make the following specific delegations under the Burma Village Act in so far as forest villages are concerned :—

(1) Deputy Commissioners will be instructed to empower Divisional Forest Officers under section 21 (a) to license the holding of *phwès*.

(2) Divisional Forest Officers will be empowered by a notification* of the Local Government in the Home Department—

(a) to appoint rural policemen in Lower Burma under section 5 (3) of the Act ;

(b) to impose fines under section 10 of the Act on headmen or rural policemen subject to revision by the Commissioner ;

(c) to issue orders for the requisitioning of supplies for travellers other than Government servants under section 8 (g) of the Act ;

(d) to exercise all the powers of a Subdivisional Officer under the Act.

In addition to this various other points of administrative detail have been settled necessitating the revision of the instructions attached to Circular No. 43 of 1919,† which instructions are accordingly cancelled and replaced by those attached to this circular.

Instructions regarding the Establishment and Administration of Forest Villages.

(1) When it is desired to establish a forest village the Divisional Forest Officer concerned will consult the Deputy Commissioner of the district. If the Deputy Commissioner agrees with the Divisional Forest Officer's proposals, the approval of the Conservator must be obtained. If the Deputy Commissioner does not agree, the matter should be referred through the Conservator for the orders of the Commissioner of the division whose decision shall be final.

(2) When approval has been given to the establishment of the village, a list of persons whom it is proposed to settle in the village should be sent to the Deputy Commissioner by the Divisional Forest Officer. If the Deputy Commissioner disapproves of any proposed resident, he should not be admitted. The same procedure will apply with regard to the admission of new residents after the establishment of the village.

(3) Upon its establishment every forest village and the surrounding land shall be declared by the Deputy Commissioner to be a village-tract, in the manner prescribed in section 5 (1) of the Burma Village Act, 1907.

(4) Deputy Commissioners will appoint the headmen of forest villages in accordance with section 5 (2) of the Burma Village Act, 1907. Such appointments will ordinarily be made in accordance with

*See General Department Notification No. 37, dated the 25th February 1924, page 35, *ante*.

†Not reproduced.

the recommendations of the Divisional Forest Officer but a Deputy Commissioner may reject the recommendation of the Divisional Forest Officer, if he has good reasons, which should be recorded, to believe that the person so recommended is a bad character or undesirable on other grounds. The headman of a forest village on appointment by the Deputy Commissioner will receive his appointment order in the usual form *prescribed under the Burma Village Act. The fixing of his remuneration will however remain in the hands of the Divisional Forest Officer in accordance with Instruction 11. The Divisional Forest Officer may if he considers this necessary exempt from land revenue the land which a headman and his family work on the analogy of the *thugyis* land allotted to headmen outside forest villages. Headmen are already exempt from payment of capitation-tax and *thathameda*.

The Divisional Forest Officer may in exercise of the power which will be conferred upon him under section 10 of the Village Act, fine headmen for neglect of duty. The Divisional Forest Officer's orders fining a village headman will be subject to revision by the Commissioner. The following additional orders will be introduced into the instructions attached to the appointment order :—

- (i) If the Divisional Forest Officer so requires, a duplicate copy of the reports regarding crime, etc., which a headman is required to submit to the nearest Magistrate or police-station under section 7 of the Village Act, must be sent to the Divisional Forest Officer.
- (ii) The headman shall not permit any person, not a resident of his village-tract, to take up his residence in that tract without the permission of the Divisional Forest Officer.
- (5) The appointment of rural policemen in forest villages in Lower Burma will be made by Divisional Forest Officers who will be empowered to exercise this power under section 5 (3) of the Village Act. The Divisional Forest Officer may, in exercise of the power, which will be conferred on him under section 10 of the Village Act, fine rural policemen for neglect of duty. The Divisional Forest Officer's orders fining a rural policeman will be subject to revision by the Commissioner. In Upper Burma the appointment of *ywagaungs* where a headman holds charge of more than one village is regulated by sections 32—35 of Chapter II of the Executive Orders under the Burma Village Act of 1907. If the necessity of appointing *ywagaungs* arises, the appointments will be made in the manner prescribed in section 33 of the abovementioned orders, the Divisional Forest Officer replacing the Deputy Commissioner as the approving authority.
- (6) The Divisional Forest Officer will retain and exercise all the powers he possesses under sections 26—28 of the Burma Forest Act, 1902, to exclude and remove persons from a reserved forest. It is therefore unnecessary to delegate further powers under section 19 (2), (3) and (4), and section 20† of the Burma Village Act. But in cases

* The form is ^{Miscellaneous} Village 5

† Repealed by section 14 of Burma Act IV of 1924.

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in which, in the exercise of his powers under the Burma Forest Act, the Divisional Forest Officer deals with matters within the purview of the Burma Village Act he should act in harmony with the Deputy Commissioner. For the same reason it is unnecessary to empower Divisional Forest Officers under section 25 (3) of the Burma Village Act to enforce the surrender of land allotted to village headmen as part of their emoluments.

In accordance with this instruction any villager who fails to comply with the conditions in the form of agreement attached to these instructions or commits any criminal offence or whose continued residence in the village is considered undesirable by the Divisional Forest Officer for reasons to be recorded, may be ordered to leave the village by the Divisional Forest Officer. An appeal against such order shall lie to the Deputy Commissioner whose decision shall be final.

(7) Upon the establishment of a forest village or upon the admission of new residents to a forest village, an agreement in the form attached to these instructions shall be drawn up and signed by the Divisional Forest Officer and each forest villager individually. Prior to execution, the agreement must be read over and carefully explained to the forest villagers and after execution a copy of the agreement must be given to each villager. Except with the consent of the villager concerned, the conditions contained in the agreement and the schedules attached thereto shall, so far as possible, not be varied to the disadvantage of the villager, for a period of at least ten years.

(8) All orders issued by the Deputy Commissioner or any other officer to the headman of a forest village shall ordinarily be sent through the Divisional Forest Officer or through such Range Officer as the Divisional Forest Officer may appoint for the purpose.

(9) The services of the inhabitants of a forest village shall not be requisitioned under the Burma Village Act, 1907, except by or through the Divisional Forest Officer or the Deputy Commissioner. The Deputy Commissioner will direct his subordinates to visit forest villages as little as possible.

(10) The inhabitants of a forest village will not be liable to pay capitation-tax, *thathameda*, or tribute in Kachin Hill-tracts for a period of three years after the establishment of the village or in the case of new residents, after they have received permission to settle in the village. Villages already established will continue to be exempted from taxation for three years after issue of this Circular provided that where in any forest village established prior to the issue of this Circular any of the residents have signed any agreement entitling them to exemption for any period up to ten years, that exemption shall hold good. The rate of *thathameda* to be ultimately imposed shall be fixed by the Deputy Commissioner. It shall not exceed Rs. 10 per household and shall ordinarily be identical with the rate fixed by Government for similar villages in the neighbourhood. Ordinarily *taungya* tax will not be paid by forest villagers as their *taungya* cutting will be done under the instructions of the Divisional Forest Officer. They will, however, be liable to pay land revenue to the Forest Department on land under permanent cultivation within the reserve

at rates which may be fixed by the Deputy Commissioner in consultation with the Divisional Forest Officer.

(11) The headman will receive commission on the revenue collected by him at such rate not exceeding 25 per cent. as the Divisional Forest Officer, with the previous approval of the Conservator, may fix, except in cases where he is remunerated by a fixed monthly payment. He may also be given a bonus at the rate of one anna in the rupee on all sums paid to his villagers for work carried out by them for the Forest Department.

(12) As these villages ordinarily lie at some distance from the ordinary lines of communication, it may be necessary that special arrangements should be made for matters, such as the reporting of crime, the conveyance of vital statistics and such periodical reports at the police-station regarding the village as the Deputy Commissioner may, at the instance of the District Superintendent of Police, think proper to prescribe. If these duties cannot conveniently be performed by the headman, a village watchman should be appointed, and the duties of such watchman should be prescribed by the Divisional Forest Officer after consultation with the Deputy Commissioner and the District Superintendent of Police. His services will not be pensionable and may be dispensed with by the Divisional Forest Officer on a month's notice or without notice in the event of misbehaviour; he will be given land to work free of revenue, and will be paid such periodical remuneration as the Divisional Forest Officer, in consultation with the Deputy Commissioner, may fix.

FORM OF AGREEMENT WITH FOREST VILLAGERS.

The Divisional Forest Officer Division, on behalf of the Government of Burma (being duly authorized in this respect under section 74 of the Burma Forest Act, 1902) hereby grants permission to the undersigned (hereinafter called "the forest villager") to reside in the village of situated within the Reserve and to do in the said reserve all acts of the natures specified in Part I of the Schedule hereunder and agrees to secure to the forest villager the further advantages specified in Part II: PROVIDED THAT the forest villager at all times shall perform the duties specified in Part III.

The Divisional Forest Officer for the time being of the Division shall have power to cancel this grant and agreement at any time if in his opinion the forest villager fails to perform any of the duties specified in Part III; PROVIDED THAT the action of the Divisional Forest Officer in this respect shall be subject to appeal to the Deputy Commissioner whose orders shall be final.

In the event of the cancellation of this grant the forest villager shall have the right to remain in the said village for the purpose of removing his standing crop unless the Divisional Forest Officer orders his earlier removal and tenders compensation for such crop and the

forest villager shall have the right to take away all his moveable property but all his rights in any house in the said village and in all parts of such house shall pass to the Government of Burma.

1.	}	(Signed)	<i>Divisional Forest Officer.</i>
2.		(Signed)	

Forest Villager.

SCHEDULE A.

(For Taungya Cutters.)

PART I.—*Acts Permitted.*

- (1) To cut such timber of the unreserved kinds and such bamboos and minor forest produce without charge as may be necessary to construct a house and other domestic buildings and utensils for his own use.
- (2) To gather such fuel and other minor produce without charge as he and his family may require for their own consumption.
- (3) To graze cattle (other than goats) without charge except in such areas as may from time to time be closed by the Divisional Forest Officer.

PART II.—*Further Advantages.*

The Divisional Forest Officer agrees—

- (1) to give the forest villager a suitable area in which to cut *taungyas* ;
- (2) to provide free of charge seed or seedlings of the kinds of trees required for stocking the *taungya* ;
- (3) to pay the forest villager at such rates as may be agreed upon for all plants alive at stake after his crops have been reaped; provided that no payment shall be made if less than 50 per cent. of the plants survive and provided that the *ya* is reasonably clear of weeds and that all bamboos have been killed ;
- (4) to pay the forest villager for all labour performed under clause (4) of Part III, not less than per day, provided that by mutual agreement contract rates may be substituted for a daily wage ;
- (5) to obtain exemption for the forest villager from the payment capitation-tax of thathameda-tax during each of the three years' period of exemption, provided that his work has been satisfactory throughout the year ; and to exempt him from *taungya* tax ;
- (6) (only in the case of villagers who work permanent cultivation) to give the forest villager permission to cultivate fields not exceeding acres, near his village annually for the period of this agreement.

PART III.—*Duties of Forest Villager.*

- (1) To cut and burn a *taungya* on such area as may be selected by the Divisional Forest Officer.
- (2) To sow or plant in his *taungya* such seed or seedlings in such manner as may be prescribed by the Divisional Forest Officer and to replant without delay any spaces where the stocking as prescribed by the Divisional Forest Officer has not been attained.
- (3) To keep his *ya* clear of weeds free of charge so long as his crops are on the ground.
- (4) To perform on payment such other forest work as the Range Officer, subject to the orders of the Divisional Forest Officer, may direct; provided that the performance of work at a distance of more than ten miles from his village shall be optional.

SCHEDULE B.

(For Labour only)

PART I.—*Acts Permitted.*

- (1) To cut such timber of the unreserved kinds and such bamboos and minor forest produce without charge as may be necessary to construct a house and other domestic buildings and utensils for his own use.
- (2) To gather such fuel, and other minor produce without charge as he and his family may require for their own consumption.
- (3) To graze cattle (other than goats) without charge except in such areas as may from time to time be closed by the Divisional Forest Officer.

PART II.—*Further Advantages.*

The Divisional Forest Officer agrees—

- (1) to pay the forest villager for all labour performed under clause (1) of Part III, not less than _____ per day and to provide the forest villager with a minimum of _____ days' work per annum; provided that by mutual agreement contract rates may be substituted for a daily wage;
- (2) to obtain exemption for the forest villager from the payment of capitation-tax of thathameda-tax during each of the three years' period of exemption, provided that his work has been satisfactory throughout the year;
- (3) (only in the case of villagers who work permanent cultivation) to give the forest villager permission to cultivate fields not exceeding _____ acres near his village annually for the period of this agreement.

PART III.—*Duties of Forest Villager.*

- (1) To perform on payment such forest work as the Range Officer, subject to the orders of the Divisional Forest Officer, may direct and to work for a minimum of _____ days per annum.

APPENDIX VI.—(See PART III, Paragraph 167.)

HEADS OF INFORMATION FOR VILLAGE SANITARY RECORDS.

1. Physical conformation of village site and surrounding country.
2. Character of the soil.
3. Nature of the drainage.
4. Area of the village site.
5. Number of occupied houses.
6. Average population per house.
7. How the houses are situated in relation to one another.
8. Whether the houses are so built as to allow of proper ventilation.
9. Structural condition of the houses with special reference to the possibility of cleaning house-sites.
10. Structural condition of granaries.
11. Chief industries of the population other than agriculture.
12. Principal articles of food consumed and source from which obtained.
13. Nature of water-supply.
14. Number, structural conditions, situation and quality of water of the wells with special reference to the questions whether—
 - (a) there are separate wells for drinking, bathing and watering cattle;
 - (b) the extent to which the wells are lined with masonry;
 - (c) their liability to pollution from cess-pits, cattle-pens, etc.;
 - (d) the apparatus used for drawing the water; and
 - (e) the amount of water at the different seasons of the year.
15. Similar information as to tanks or springs, if any.
16. If the water-supply is from a river or stream, the nature of the supply at the different seasons of the year and the extent to which it is liable to pollution.
17. The conservancy arrangements of the village (in the widest sense).
18. The arrangements made for stabling cattle and other domestic animals.
19. How manure is disposed of.
20. Whether there are places set apart for slaughter of cattle, etc.; and, if so, what is their situation in relation to the village, and their sanitary condition.
21. Whether there are any recognized cemeteries; and, if so, how they are situated in relation to the village, its water supply and its drainage.
22. Whether the village is liable to epidemics such as plague, cholera or small-pox.
23. Whether the villagers suffer from epidemic diseases such as malaria, syphilis or yaws.
24. The extent to which the village is infested with rats, particularly near food or grain stores, etc.
25. Whether the village is liable to famine or scarcity, or to drought or floods.

APPENDIX VII.—(See Part III, Paragraph 76.)

INSTRUCTIONS FOR THE PREVENTION OF CHOLERA.

1. Cholera is caused by a germ which can enter the body through the mouth. It can only enter the mouth in food, water or from the hands.

2. Therefore always eat good food, drink pure water, and keep your hands clean.

3. When a person has cholera in a house, nothing in that house should be taken away to any other place, and as soon as the person has recovered or has died, everything in the house should be disinfected with carbolic acid or perchloride of mercury; if these are not available, boiled in water and put out in the sun for 48 hours.

4. Soiled clothes should not be washed near a well, nor should they be washed near any source of water-supply such as tanks, rivers, etc., lest the water becomes polluted and other people get the disease.

5. The stools and vomit of cholera patients are very infectious for they contain millions of cholera germs. They must, therefore, be received into an earthen bowl and covered with powdered earth to keep off flies, and the vessel must at once be put upon a hot fire outside the house and kept there till the vessel is red hot and all is consumed.

6. It is best, if possible, to burn all clothing, bedding, mats, etc., used by the sick person.

7. Only one or two persons should look after the sick man and after handling the sick they must wash their hands in a bowl of disinfectant which should be kept outside the sick-room.

8. People who die of cholera should be buried at once and no funeral feast or gathering should be allowed. No body should be buried within 100 yards of any water-supply.

9. When there is cholera in a village, everybody should eat their food hot, and only drink water that has been boiled and kept well covered up until it is required for use. Weak tea and lemon juice can be used. Avoid unripe or over-ripe fruit, or foods in a state of decomposition, for the former may set up indigestion, whereby cholera is more likely to be contracted and the latter often contains the germs of cholera.

10. No food should be kept uncovered, but all should be protected from flies. In the presence of an epidemic of cholera, if a fly is seen to settle on food or drink, that food or drink should be immediately destroyed, for the flies can carry on their feet the germs of cholera from the motions and vomit of a patient, and can infect all food or drink whereon they settle.

11. All sources of water supply should be protected. Soiled clothes and vessels should not be washed nearby. Persons from infected houses should not be allowed to draw water or bathe in water-supplies and should not be allowed even in their vicinity. All wells in the village should be disinfected with chlorinated lime— $\frac{1}{2}$ to 2 oz. dissolved in bucket of water and mixed in the well.

12. Anti-cholera inoculation helps to prevent cholera, so every body should be inoculated during an epidemic.

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Pamphlet No. III.

Corrigenda up to the 31st March 1933.

1. Page 27.—(a) *Substitute* the following for the rules regarding the appointment of headmen :—

“In exercise of the power conferred by section 5, sub-section (2), of the Burma Village Act, 1907, the Governor in Council, in supersession of all previous notifications issued in this behalf, makes the following rule to regulate the action of Deputy Commissioners in appointing village headmen otherwise than in accordance with the result of an election by the villagers :—

The Deputy Commissioner may, with the previous sanction of the Commissioner, overrule the result of an election by the villagers—

- (a) if the candidate so elected is unsuitable for appointment by reason of standing or character or residence or of any physical or mental disqualification ; or
- (b) if the candidate so elected owed his election to the exercise of undue influence or to intimidation ; or
- (c) if the candidate so elected is not an hereditary claimant and an hereditary claimant was among the candidates and is a man of approved character and otherwise qualified for appointment as village headman ; or
- (d) if the candidate so elected cannot furnish security as required by Direction 267 of the Burma Land Revenue Directions, 1911, Land Revenue Manual :

Provided that if a non-resident candidate has given an undertaking to comply with Executive Order 37 and to transfer his residence within thirty days of his election or within such further period as may be fixed by the Deputy Commissioner, he shall not be deemed to be unsuitable for appointment under clause (a) :

Provided further that before according sanction under this rule the Commissioner shall give the elected candidate an opportunity of showing cause why the election should not be overruled.”

(b) In the marginal note as amended by item 5(b) of Corrigenda Pamphlet II for the word “and” *substitute* a comma and *add* the following :—

“G.D. Notification No. 126, dated the 29th June 1932.”

[General Department Notification No. 126, dated the 29th June 1932.]

2. Page 30.—(a) In clause (4) of General Department Notification No. 79, dated the 23rd May 1925, as subsequently amended by item 3 of Corrigenda Pamphlet I, *insert* the word “Yamèthin” between the

words "Minbu" and "Mandalay" and *substitute* the words "Meiktila and Katha Districts" for the words "and Meiktila Districts, in the Mogôk Subdivision of the Katha District."

(b) In the marginal note *substitute* a comma for the word "and" and *add* the following :—

G.D. Notification No. 127, dated the 24th October 1928, and G.D. Notification No. 51, dated the 8th April 1929."

[General Department Notifications No. 127, dated the 24th October 1928, and No. 51, dated the 8th April 1929.]

3. Pages 31-33.—(a) *Add* the following to Rule 1 of the Rules to Regulate the trial of civil suits by Headmen or Village Committees :—

"The plaintiff shall state in his plaint the nature of the property in the possession of the defendant, namely, moveable or immoveable."

(b) *Insert* the following as Rule 9A :—"9A. The headman shall, on application to him for removal of the attachment made under Rules 8 and 9, on the ground that the property belongs to the applicant and not to the judgment-debtor, enquire into and dispose of the application. The papers of the headman's enquiry and his order shall be filed with the record of the suit.

(c) *Substitute* the following for Rule 13 :—

"13. Whenever, after the institution of a suit before them, it appears to the Committee that the decision of the case involves a difficult question of law, or that any decree or order that they may subsequently pass, cannot be executed except against immoveable property, it shall be competent for them to stay proceedings, to refund the institution fee and to recommend the plaintiff to file a suit in a Civil Court.

Should it transpire after the Committee has passed their decree or order, that the said decree or order cannot be executed except against immoveable property, it shall be competent for the decree-holder to refer to the Township Officer with an application for revision under General Department Notification No. 249, dated the 14th July 1908, as subsequently amended."

(d) In the marginal note for the full stop *substitute* a comma and *add* the following :—

"and General Department Notification No. 96, dated the 27th August 1928, and General Department Notification No. 210, dated the 4th October 1932."

[General Department Notification No. 210, dated the 4th October 1932.]

4. Page 42.—(a) *Substitute* the following for Department of Public Health Notification No. 78, dated the 24th July 1925, as subsequently amended by item 4 of Corrigenda Pamphlet I :

"In exercise of the powers conferred by section 29, sub-section (1), clause (d) of the Burma Village Act, 1907, the Governor in Council is pleased to make the following rules prescribing the duties to be performed by the headmen for the prevention of the spreading of small-pox in all village-tracts in the areas mentioned in Public Health Department Notification No. 10, dated the 11th February 1925, in

Supersession of the rules published in Public Health Department Notification No. 78, dated the 24th July 1925, as subsequently amended :—

1. The headmen of villages shall give such assistance to Inspectors of Vaccination and Public Vaccinators, as the Deputy Commissioner may on the advice of the Superintendent of Vaccination from time to time direct.

2. When the birth of a child is reported for registration under Rule 3 of the rules published in Public Health Department Notification No. 10, dated the 11th February 1925, the headmen in districts to which the Vaccination Acts have been extended shall issue the following notice to the parents of the child :—

NOTICE TO PARENTS REGARDING VACCINATION.

No.

Dated

To

You are hereby informed that under the Vaccination Act of 1880 you are required to have your newborn child* vaccinated after it attains the age of six months.

2. In case, however, the child is or has been exposed to infection in consequence of residence in a house infected by small-pox, it must be vaccinated at once, even though it be below the age of six months, *vide* section 4 of the Burma Vaccination Law Amendment Act, 1909.

Headman.

Village-tract.

Township.

* Here enter the name, if the child has been named.

[Judicial Department Notification No. 251, dated the 2nd September 1929.]

5. Pages 43-47.—(a) Add the following as Rules 8A, 8B and 8c after Rule 8 of the Rules as inserted by item 5 of Corrigenda Pamphlet I.

8A. No person shall hawk ice, iced foods and drinks, aerated waters or sweetmeats in any public place in any village-tract of the Hlegu Township without the permission in writing of the headman.

8B. No person residing in the village-tracts of Hlegu and Dabein in the Hlegu Township shall erect or re-erect any building without the previous permission in writing of the headman who may, before granting such permission, call for the submission of such plans as he may consider necessary.

8c. No person shall keep or breed pigs or ducks within a village-tract in such numbers or in such conditions as to be a public nuisance, or to endanger the public health, or to pollute any stream, tank or source of water supply other than one privately owned and used

exclusively for the purpose of supplying water to such pigs or ducks : Provided that this rule shall be held to apply to the Pegu, Tenasserim, Irrawaddy, Mandalay and Sagaing Divisions only."

(b) In rules 13 and 14, *after* the words "watering of cattle" *insert* a comma and *add* the words "pigs or ducks."

(c) *Substitute* the word "plague" *for* the words "unusual fever accompanied by glandular swellings" in Rule 17 of the Rules prescribing duties of persons residing in a village-tract in respect of contagious or infectious disease among human beings.

(d) *Substitute* the following *for* Rule 18A of the Rules prescribing duties of the headman of a village-tract in respect of contagious or infectious disease among human beings.

"18A. The headman shall at once send a report in Form 'Public Health 9S' to the Township Officer, Subdivisional Officer, or Deputy Commissioner, whichever officer happens at the time to be nearest of the occurrence of plague, cholera, small-pox, or any unusual sickness or mortality among human beings from whatsoever cause, within his village-tract. He shall also send a regular weekly report of the progress of such disease or mortality so long as it continues :

Provided that in the Tenasserim Division, the Commissioner may, wherever necessary, allow headmen to report to the nearest police-station instead of to the officers specified above."

(e) *Substitute* a colon *for* the full stop at the end of the first sentence of rule 18-1 and the following proviso *for* the second sentence :—

"Provided that in the Tenasserim Division, the Commissioner may, wherever necessary, allow headmen to report to the nearest police station instead of to the officers specified above."

(f) In the marginal note as amended by item 5 of Corrigenda Pamphlet I *for* the word "and" *substitute* a comma and *add* the following :—

"and No. 120, dated the 7th July 1930, No. 188, dated the 25th November 1931, and No. 89, dated the 5th May 1932."

[General Department Notifications No. 120, dated the 7th July 1930, No. 188, dated the 25th November 1931, and No. 89, dated the 5th May 1932.]

6. Page 48.—(a) In rule 1 of General Department Notification No. 331, dated the 16th November 1915, as subsequently amended by item 6 of Corrigenda Pamphlet I *insert* the words "Insein District" under the heading "Pegu Division."

(b) In the marginal note as amended by item 6 of Corrigenda Pamphlet I *for* the word "and" *substitute* a comma and *add* the following :—

"Notification No. 95, dated the 16th May 1932."

[General Department Notification No. 95, dated the 16th May 1932.]

7. Page 54.—*Delete* the note below the heading "Innocation Rules" and above rule 15 of the Cattle Disease Rules, 1914, published with Revenue Department Notification No. 83, dated the 30th July 1914, as subsequently amended.

[Veterinary Department (Ministry of Forests) Notification No 3, dated the 22nd March 1931.]

8. Page 55-56.—(a) *Substitute* the following for rule 1 of the rules for the registration of cattle deaths in village-tracts published in Agricultural (Veterinary) Department Notification No. 7, dated the 4th September 1925, as subsequently amended :—

“ 1. These rules may be cited as ‘The Registration of Cattle Death Rules, 1925.’ They shall apply to all areas in which the Burma Village Act, 1907, is in force except the undermentioned areas :—

The Pyinwa Circle of the Akyab District.

The Hill District of Arakan.

The Salween District.

The Yeyaman Hill Tract of the Kyaukse District.

The Bhamo District.

The Kachin Hill Tracts of the Myitkyina District.

The following village-tracts in the Ngape and Sidoktaya Townships of the Minbu District :—

Ngape Township.

- | | | |
|---------------|-------------|--------------------|
| 1. Aukmagan. | 8. Linde. | 15. Sundet. |
| 2. Atetmagan. | 9. Matôn. | 16. Satsi (North). |
| 3. Linywa. | 10. Pabwe. | 17. Taywadaing. |
| 4. Nyaungywa. | 11. Pazi. | 18. Taungzauk. |
| 5. Bonbaw. | 12. Satsi. | 19. Yabein. |
| 6. Gôkkyi. | 13. Sabauk. | 20. Laukpale. |
| 7. Hmeinsein. | 14. Sayan. | |

Sidoktaya Township.

- | | | |
|----------------|---------------|----------------------------|
| 1. Apaw. | 6. Ngatawzok. | 11. Sîngan under |
| 2. Daing. | 7. Ngatkyl. | Pa-aing <i>Myothugyi</i> . |
| 3. Kanywa. | 8. Pyingyi. | 12. Thetkegyia under |
| 4. Kwelchaung. | 9. Sinchaung. | Pa-aing <i>Myothugyi</i> . |
| 5. Mahawdaung. | 10. Tauksôk. | 13. Winzin under |
| | | Pa-aing <i>Myothugyi</i> . |

The Gangaw, Tilin, and Saw Townships of the Pakôkku District.”

(b) In rule 5 after the words “village records” *insert* the words “for a period of two years from the date of the last entry.”

(c) *Substitute* a comma for full stop in the marginal note and *add* the following :—

“and Veterinary Department (Ministry of Forests) Notification No. 4, dated the 27th September 1928.”

[Veterinary Department (Ministry of Forests) Notifications No. 4, dated the 27th September 1928, and No. 8, dated the 21st October 1931.]

9. Page 70.—For condition XVI of the conditions on the reverse of the form of licence attached to the rules for the regulation of pawn-shops in the village-tracts in Burma, published in General Department Notification No. 366, dated the 25th October 1921, as subsequently amended, *substitute* the following :—

“(XVI) The licensee, who has already paid Rs. _____ of the fee amounting to Rs. _____, shall pay the balance in eight monthly instalments on the following dates :—

First instalment	Rs.	payable on
Second instalment	Rs.	payable on
Third Instalment	Rs.	payable on
Fourth instalment	Rs.	payable on
Fifth instalment	Rs.	payable on
Sixth instalment	Rs.	payable on
Seventh instalment	Rs.	payable on
Eighth instalment ...	Rs.	payable on

And if any instalment or portion thereof is in arrear, shall be liable to pay, by way of penalty, such sum, not exceeding one per cent. on the sum, in arrear for each day during which the instalment or part thereof is in arrear, as the Deputy Commissioner may by general or special order direct.”

[General Department Notification No. 230, dated the 8th December 1930.]

10. Pages 76-77.—(a) For paragraph 5 of the Executive Orders, substitute the following :—

“5. Headmen are ordinarily appointed on the result of an election, and the only cases in which a Deputy Commissioner (with the previous sanction of the Commissioner) may over-rule the result of an election are those specified in the notification issued under section 5, sub-section (2), of the Act, *vide* page 27 *ante*. If, however, the villagers elect the hereditary claimant and he is a minor though otherwise qualified for appointment as village headman, the Deputy Commissioner shall desire them further to elect a temporary headman to hold charge of the village tract until that hereditary claimant reaches the age of 21. In such cases the Deputy Commissioner may order that a share of the commission is to be devoted to the support of the minor. In making such order the Deputy Commissioner shall be guided by local custom. When the result of an election has been over-ruled, the Deputy Commissioner may, if under the circumstances he considers such a course desirable, direct the holding of a further election in order to ascertain the villagers' second choice ; but the Deputy Commissioner is not in any way bound to take this course and may, instead of holding a second election, appoint as headman any person whom he considers most suitable for the appointment. It is to be noted that the decision not to abide by the result of an election on the ground either that the wishes of the villagers had not been properly ascertained or that any person had improperly been refused permission to stand as a candidate or that the election should not have been held as in the case referred to in Executive Order 6 is not an over-ruling of the result within the meaning of section 5, sub-section (2), of the Act. The result of the election would only be definitely over-ruled, within that meaning, when the Deputy Commissioner is empowered to appoint a person other than the successful candidate to be the permanent headman of the village-tract, as it stands, without holding a new election. This Order does not affect the general power of revising and passing any order (including annulment of election proceedings) provided for in section 23 of the Act.”

(b) For paragraph 8 of the Executive Orders, *substitute* the following :—

" 8. Ample notice of the date, time and place of election should be given to all the candidates and villages concerned, so that all candidates may arrange to be present and have time in which to rally their supporters. Ordinarily fifteen days' notice should suffice, but shorter notice may occasionally have to be given by the officer concerned either to suit his tour arrangements or owing to the exigencies of more important work ; and an election will not be set aside on the ground of want of sufficient notice unless there are good reasons for holding that a substantial number of the villagers concerned had unreasonably been denied an opportunity of expressing their preference. Before voting takes place any representation which any candidate may have to make should be recorded by the electing officer. Elections may be held either by ballot or the open vote according to the discretion of the officer holding the election. If the latter procedure is adopted the names of all persons voting for each candidate shall be recorded : in either case the number of votes obtained by each candidate must be noted in the proceedings. In the event of there being five or more candidates and the number of votes obtained by the candidate or candidates who secured the second highest number of votes not differing by 10 *per cent* less than the votes for the candidate or candidates who obtained the highest number of votes, the officer holding the election shall hold a fresh election on the same or following day between the candidates who have obtained the two highest votes, the other candidates being eliminated so that those villagers who voted for an unsuccessful candidate may have an opportunity of deciding which of the two or more chief candidates they prefer. In cases of a tie between two or more candidates for the first place, it will be open to the Deputy Commissioner to appoint the candidate whom he considers best qualified for the headmanship."

(c) *Insert* the following as 8A and 8B :—

" 8A. At the close of each election and before dispersal of the voters, every candidate shall be called upon to state whether he has any complaint to make regarding the conduct of the election, and his plea shall be thereupon recorded and filed in the proceedings."

" 8B. In 1900, on a reference made by the Commissioner, Sagaing Division, the following orders were issued relating to the appointment of a female to be Headman under the Upper Burma Village Regulation :—

"The claims of the daughter of a deceased headman may properly be taken into account together with those of other hereditary claimants and decided on consideration of local custom and administrative convenience. As a general rule the female heir of a headman who died without direct male heirs would be preferred to a collateral relation. If she were married her rights would be transferred to her husband as a matter of course. If she were unmarried she would exercise the rights through a guardian, and on her marriage they would pass to her husband. If she were unmarried and major there would be no legal objection to her appointment as headman."

The above orders are difficult to reconcile with the present day system of appointing headmen by election. The Local Government therefore rules that the appointment of a woman to a headmanship should be very exceptional, and should only occur in the case of grown

up women who have not only hereditary claims in the absence of direct male heirs but actual ability to discharge the duties of a headman efficiently. In a case where a woman is appointed, she should continue to be a headman whether she marries or not and her husband should have no claim to the headmanship by virtue of his marriage with her."

[General Department endorsement No. 29E-31, dated the 6th July 1932.]

11. *Page 86.*—In Chapter III of the Executive Orders *insert* the following after paragraph 53.

"Procedure for enquiries into the conduct of Headmen."

53A. Enquiries into the conduct of village headmen are governed by that portion of paragraph 1 of General Department "G" Circular No. 49 of 1930 which lays down that the instructions in their main outline are applicable in the case of the humblest Government servant. In cases involving an enquiry into the conduct of a village headman it is sufficient to follow the general main outlines of the instructions governing departmental enquiries. Officers should, however, be careful to comply with the spirit of the provisions of the Circular mentioned above so as to ensure that the charges to which a village headman has to reply are known to him and that he has full opportunity of cross-examining the witnesses against him and producing his own evidence. Village Headmen should be made aware in the usual way of the evidence against them either by hearing the witnesses examined and by cross-examining them, or by having copies of documentary evidence against them. Fomal charges should be framed and copies thereof furnished to the Headmen who should be verbally examined on each charge by the enquiring officer and should also be given an opportunity of putting in a written statement if he so desires and producing his own evidence.

[General Department letter No. 441E-30, dated the 28th October 1931, to the Commissioner, Sagaing Division.]

12. *Page 97.*—(a) In paragraph 92 of the Executive Orders for the words "prepare a return in the form prescribed by the Veterinary Adviser" *substitute* the words "prepare a return in triplicate in the form prescribed by the Director of Veterinary Services" and for the last sentence "The return should be despatched to the Deputy Commissioner not later than the first of the succeeding month," *substitute* "one copy of the return together with the foils received from headmen or police-stations should be sent not later than the first of the succeeding month to the Deputy Director of Veterinary Services in charge of the Circle (in Arakan to the Veterinary Superintendent in charge of the Sub-Circle) in which the township office is situated, another copy of the return should be sent at the same time to the Deputy Commissioner and the third copy of the return should be filed in the Township Office."

(b) In paragraph 93 of the Executive Orders, between the 3rd and 4th sentences, *insert* the following :—

"If any foils are found relating to events which occurred in earlier months, but which through neglect on the part of the headmen or the

police or for any other reason were not sent in good time, they must be included in the return under preparation by the Township Officer, and a foot-note should be added to the return indicating in what months the deaths occurred and their number."

(c) *Substitute* the following for paragraph 94 of the Executive Orders :—

"The Township returns will be consolidated by Districts and Circles in the Circle Offices of the Veterinary Department and the Circle returns will be submitted to the Director of Veterinary Services on such dates as he may fix. The Veterinary Superintendent, Arakan, will similarly consolidate and submit the returns in respect of his Sub-Circle."

(d) *Substitute* the following for paragraph 97 of the Executive Orders :—

"The original copies of the Township returns shall be kept in Township Offices until the 1st July of the year following that to which they relate and may then be destroyed. The returns submitted by Township Officers to the Deputy Commissioners may be destroyed as soon as the district returns are published in the *Burma Gazette* by the Director of Veterinary Services."

[Veterinary Department (Ministry of Forests) Notifications No. 12, dated the 25th October 1929, and No. 8, dated the 19th May 1932.]

13. *Page 106.*—For paragraph 133c of the Executive Orders as inserted by item 11 of Corrigenda Pamphlet II *substitute* the following :—

"133c. No person should ordinarily be required to reside outside the limits of the District in which his village is situated. It is not necessary to fix the period of removal. This will depend upon the circumstances of the case and may be regulated by the Commissioner on receipt of the periodical returns prescribed. Persons ordered to remove should not ordinarily be treated as prisoners or sent under police escort."

14. *Page 109.*—For the opening sentence of paragraph 143 of the Executive Orders *substitute* the following :—

"The following notification containing orders regarding the record in criminal cases tried by headmen or village committees, who exercise the powers of a Magistrate of the third class in Districts to which the Burma (Frontier Districts) Criminal Justice Regulation, 1925, applies, is reproduced for reference."

[General Department letter No. 358E-31, dated the 7th April 1932 to the Commissioner, Pegu Division.]

The Burma Village Manual (Edition 1926).

Pamphlet No. IV.

Corrigenda up to the 31st March 1936.

1. Page 28.—In Rule 1 of the rules for the election and procedure of village committees, for the words "preceding year" where they first occur, the words "current financial year or for the preceding financial year, if the roll for the current year is not available" shall be *substituted*.

[General Department Notification No. 111, dated the 12th June 1933.]

2. Page 30.—In clause (4) of General Department Notification No. 79, dated the 23rd May 1925, as subsequently amended,

(a) *between* the words "Amherst" and "Minbu" *insert* the word "Tavoy";

(b) *between* the words "Tavoy" and "Minbu" *insert* the word "Thatôn";

(c) *between* the words "Minbu" and "Mandalay" *insert* the words "Thayetmyo, Pakôkku."

[General Department Notification No. 112, dated the 15th June 1933.]

[General Department Notification No. 67, dated the 25th April 1934.]

[General Department Notification No. 195, dated the 27th November 1933.]

3. Page 82.—In Chapter II of the Executive Orders *after* Executive Order No. 33 *insert* the following as Executive Order No. 33A :—

"The *Ywagaung* may be removed by the headman subject to the approval of the Deputy Commissioner."

[General Department letter No. 179E34 (724), dated the 20th June 1934, to the Commissioner, Magwe Division.]

4. Page 82.—*Substitute* the following for paragraph 35 of the Executive Orders :—

"In Lower Burma one selected ten-house *gaung* in every village of 20 or more houses, and in Upper Burma the *Ywagaung* of every village of 20 or more houses in which no headman resides, are exempted from capitation-tax and *thalhameda* respectively."

[Local Government's Resolution No. 1V—11, dated the 7th August 1917.]

5. Page 89.—*Insert* the following as 63A :—

"63A. The written order of the Deputy Commissioner to the headman 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 traveller other than an official should be given only in cases of very urgent necessity."

[General Department letter No. 130E33, Part II, dated the 26th January 1934, to all Commissioners of Divisions.]

6. Page 90.—*Insert* the following as 66A :—

"66A. All troops, police, government servants travelling on duty and, on the written order of the Deputy Commissioner in urgent cases,

travellers who employ labour requisitioned for the carriage and transport of persons and goods should take all reasonable means of ensuring that the workers so employed are physically fit and are not suffering from any infectious or contagious disease. The headmen, whose duty it is to collect and furnish such workers, should be required to supply workers, who to the best of their knowledge, are physically fit and are free from any infectious or contagious disease. Commissioners are expected, having regard to all relevant factors including the physical development of the population from which such workers are recruited, the nature of the country through which they must travel and the climatic conditions, to determine the maximum load which these workers may carry and the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes. Commissioners should also provide that the normal daily journey of such workers should not exceed a distance corresponding to an average working day of eight hours, it being understood that account should be taken not only of the weight to be carried and the distance to be covered, but also the nature of the roads, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they should be remunerated at rates higher than the normal rates: provided that no worker shall be required to journey more than ten hours a day without his consent."

[General Department letter No. 130E33, Part II, dated the 26th January 1934, to all Commissioners of Divisions.]

7. *Page 108.*—For paragraph 140 of the Executive Orders *substitute* the following :—

" 140. Since it is provided in section 9, sub-section (5), of the Act that proceedings under that section shall be held in the presence of the complainant and the accused, it follows that a village committee or headman is authorized in such cases to require the attendance of an accused person ; and if such person fails to attend or untimely departs the village committee or headman may punish him under section 12 of the Act, or lay a complaint against him before a magistrate, for punishment either under section 12 (iii) of the Act or under section 174 of the Indian Penal Code. This applies to Government servants as well as to others. It is necessary that a subordinate official who resides in a village-tract should be required to submit to the village committee's or headman's lawful authority in all matters. A village committee's or headman's summons to an accused person to appear before it or him is not a summons issued by a Court within the meaning of section 72 of the Criminal Procedure Code, 1898 ; and a village committee or headman is not obliged in summoning a subordinate official to do so through the latter's departmental superior."

[General Department letter No. 466E29, dated the 29th April 1930.]

8. *Pacs 117 and 118.*—In paragraph 164 under B.—Registers to be kept by Deputy Commissioners, Subdivisional Officers and Township Officers.—III.—^{Miscellaneous}
Village 21 Register of Headman—the following

amendments shall be made in the instructions for the maintenance of the Register :—

After the words " a separate sheet should be given to each village-tract and, when a new headman is appointed, the particulars concerning him should be entered on a fresh sheet of the register, a reference being given to the page of the register where the new entry will be found," *insert* the following words :—

" Each village-tract should be allotted two blank pages for future entries."

For the words " when one volume of the register is filled up, a new volume should be opened and paged consecutively to the former, references to it being made in the original indexes. It will have no separate indexes," *substitute* the words " When a volume of the register is filled up or contains mainly obsolete entries, the useful entries therefrom should be copied into a new volume and the indexes should be written afresh. The preparation of new registers must be done under the personal supervision of the Subdivisional Officer or Township Officer himself in respect of registers in Subdivisional and Township Offices and of the Chief Clerks in respect of the District Office registers."

[General Department file No. 410E33.]

The Burma Village Manual (1926 Edition).

Pamphlet No. VI.

Corrigenda up to the 31st March 1937.

1. Page 6.—(a) For sub-section (2) of section 5, *substitute* the following :—

“(2) The village headman for 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 standing or character or residence or of any physical or mental disqualification. The Deputy Commissioner may, with the previous sanction of the Commissioner, over-rule 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 ;
- (b) if the candidate so elected cannot furnish such security as is or may be prescribed in this behalf ;
- (c) if in Upper Burma the candidate so elected is not an hereditary claimant and an hereditary claimant was among the candidates and is a man of approved character and otherwise qualified for appointment as village headman.”

(b) For the third footnote *substitute* the following :—

Amended by Burma Act III of 1935, section 2. On this subject, *see* paragraphs 5—8, pages 76 and 77. Instructions about *Myothugyis* in Upper Burma are contained in paragraphs 18—25, pages 79—81. About status and privileges of headmen, *see* Chapter III, page 82. For Register to be maintained by headmen, *see* paragraph 164, page 117.

[Burma Act III of 1935.]

2. Page 8.—(a) In sub-section (2) of section 6 for the words “such authority as the Local Government may appoint in this behalf”, *substitute* the words “the Township Judge in whose civil jurisdiction such suit was tried.”

(b) For the second footnote *substitute* the following :—

“Substituted by section 2 of Burma Act No. II of 1935.”

[Burma Act No. II of 1935.]

3. Page 11.—(a) In clause (m) of sub-section (1) of section 8 *delete* the word “and” at the end of the clause.

(b) In clause (n) of sub-section (1) of section 8 for the full stop after the word “duties” *substitute* a semi-colon and *add* the word “and” at the end of the clause.

(c) *Insert* the following as clause (o) to sub-section (1) of section 8 :—

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

12. *Page 108.*—For paragraph 141 of the Executive Orders, *substitute* the following :—

“Sentences passed by village committees or headmen in criminal cases are subject to revision by the Deputy Commissioner [section 23 (2)] and by Subdivisional Officers (General Department Notification No. 248, dated the 14th July 1908, as amended by General Department Notification No. 81, dated the 25th May 1925). If necessary in the interests of justice a sentence passed by a village committee or headmen in a criminal case can be set aside and the accused person can be put upon his trial before a Magistrate for the same offence. The power to revise orders passed by village committee or headmen under section 12 of the Village Act has not been extended to Subdivisional and Township Officers. Cases therefore in which they consider that village committees' or headmen's orders under section 12 should be revised should be submitted with their recommendations to the Deputy Commissioner for orders.”

13. *Page 109.*—For paragraph 142 of the Executive Orders, *substitute* the following :—

“Under the orders noted in the preceding paragraph powers of revision of village committees' or headmen's decisions in criminal cases have been delegated to Subdivisional Officers. It is necessary to emphasize the undesirability of undue interference on revision with orders passed by village committees or headmen in criminal cases. Ordinarily the decision of the village committees or headmen should not be reversed or modified except on the application of a party to the case. It will be necessary for Deputy Commissioners to keep a close watch on the exercise of the revisionary powers by Subdivisional Officers and to repress any tendency to abuse them. If it is found that any officer is not exercising his powers of revision with discretion, the Deputy Commissioner should apply to have the powers withdrawn.”

(General Department Notification No. 46, dated the 4th March 1937.)

Burma Village Manual (1926 Edition).

Pamphlet No. VII.

Corrigenda up to the 30th April 1937.

1. *Page 15.*—In sub-section (1) of section 15 of the Burma Village Act, 1907—

- (i) *for* the words "one hour," the words "four hours" shall be *substituted*, and
- (ii) the words "or in the village where the headman does not reside to the *Ywagaung* or ten-house *gaung*," shall be *inserted* between the words "headman" and "his arrival."

[The Burma Village (Amendment) Act, 1936.]

2. *Page 32.*—The following shall be *inserted* as Rule 8A :—

"8A. The following moveable properties shall not be liable to attachment in the execution of a decree passed by the Court of a village committee or a village headman, as the case may be (provided that the said properties have not been offered as security for loan in respect of which the said decree has been passed) :—

- (a) The necessary wearing apparel, cooking vessels, beds and bedding of the judgment-debtor, his wife and children ;
- (b) tools of artisans, and, where the judgment-debtor is an agriculturist his implements of husbandry, and nets and fishing implements in cases of fishermen ;
- (c) such seed grain and *wunsa* as may in the opinion of the village committee or the village headman, as the case may be, be necessary to enable him to earn his livelihood as such or necessary for the maintenance of himself and his family till the next harvest."

[General Department Notification No. 39, dated the 25th February 1937. (172E36) (1198)].

3. *Page 42.*—*Insert* the following new item above the heading "Duties of Headmen for the Prevention of the Spreading of Small-pox" :—

INSTRUCTIONS FOR MAKING APPLICATIONS FOR COPIES OF RECORDS OF BIRTHS AND DEATHS.

(1) In rural areas applications for copies of records of births and deaths should be made to the village headman concerned if the registers of births and deaths are still in his possession, or to the Chief Clerk of the Deputy Commissioner's office concerned if the registers have been sent to the District Record Room. The village headman shall supply copies of records of births and deaths on a written application which need not be stamped, and on payment of a fee of 2 annas per copy, which fee may be retained by him. In the case of applications to the Chief Clerk, payment of search fees and copying fees will be regulated under paragraphs 228 and 245 of the District Office Manual.

[Public Health Department "G" Circular No. 30 of 1936, dated the 24th November 1936.]

4. *Page 46.*—(1) *After* Rule 18B, the following shall be *inserted* as Rule 18BB, namely :—

“ 18BB. The headman of a village-tract which is infected with cholera or small-pox may forbid or take all reasonable means to prevent the entrance, into any village under his charge, where the epidemic of cholera or small-pox has broken out, of any person (other than a Government officer on duty) who comes from an area which is not infected with cholera or small-pox.”

(2) In Rule 18C *after* the words “ Rule 18B ” the words “ or Rule 18BB ” shall be *inserted*.

[General Department Notification No. 222, dated the 21st October 1936.]

5. *Pages 49—56.*—*For* rules regarding “ Duties of the headman and residents of a village-tract in respect of the prevention and suppression of cattle disease ” *substitute* the following :—

“THE CONTAGIOUS DISEASES OF ANIMALS (VILLAGES) RULES, 1936.”

PART I.—CONTROL AND ERADICATION OF CONTAGIOUS OR INFECTIOUS DISEASES OF ANIMALS.

The rules in this part shall apply to all areas in which the Burma Village Act, 1907, is in force.

1. In these rules unless there is anything repugnant in the subject or context :—

Definitions.

(1) “ Animals ” include domesticated animals of the following kinds :—

Cows, bulls, bullocks, calves, buffaloes, horses, mules, donkeys, elephants, and such other animals as the Government of Burma may specify by notification in the *Gazette*.

(2) “ Scheduled disease ” means a disease of animals either mentioned in the Schedule appended to these rules or specified by notification in the *Gazette*.

(3) “ Susceptible animal ” means any animal which may contract the scheduled disease and which has not been rendered immune by natural or artificial means.

(4) “ Infected ” with reference to animals means showing symptoms of a scheduled disease or, with reference to buildings, land or water, contaminated with discharges or excrement from an infected animal.

(5) “ In-contact animals ” mean susceptible animals, which have been kept in the same stable, grazing ground, watering place, working place, or have used the same equipment, as a live or dead animal infected with a scheduled disease.

(6) “ Owner ” when used with reference to an animal shall include any person who has the animal in his possession or control.

(7) “ Veterinary Officer ” means an officer of the Burma Veterinary Department.

2. (1) In every village-tract in which there is suitable waste land or grazing ground the headman shall, in consultation with a Veterinary Officer, set apart a place or places as a segregation area for in-contact animals. If there is no waste land or grazing ground available for such purpose the headman shall report accordingly to the Township Officer who shall, in consultation with a Veterinary Officer, set apart a suitable area for animals of such village-tract in an adjoining village-tract or elsewhere having regard to the convenience of the villagers concerned.

(2) The village headman shall make arrangements, in consultation with a Veterinary Officer, to have places set apart for the burial or cremation of animals which die of scheduled diseases. On the outbreak of a scheduled disease in animals such places shall, if possible, be enclosed with a cattle-proof fence and shall be at a distance of not less than 300 yards from any house, stable, cattle-pen, or customary watering place and from any area that is likely to be required for buildings.

3. (1) Every person resident in a village-tract on becoming aware of the outbreak of any dangerous disease among animals in the village-tract or in any neighbouring village-tract or town should report such outbreak immediately to the headman.

(2) Every owner who brings animals into any village-tract shall, if he has knowledge of the existence of any dangerous disease either among such animals, or in any neighbouring village-tract through which they have passed, immediately report such disease to the village headman.

(3) Every owner resident in or passing through an infected village-tract shall obey all the directions of the headman issued under these rules and render such assistance as may be required in enclosing the places set apart for infected cattle.

4. The headman of a village-tract on becoming aware of an outbreak of any scheduled disease or of any disease which he has reason to suspect to be an infectious or scheduled disease in his village-tract or in any adjoining village-tract shall take action as follows :—

(1) If the outbreak is in a neighbouring village-tract he shall, without delay, inform the headman of that tract, unless he has already received from that headman information of the outbreak of disease.

(2) If the outbreak is in his own village-tract he shall, without delay—

(a) send a report of the outbreak in the form* prescribed to the Township Officer or to the Veterinary Officer or the Subdivisional Officer or the Deputy Commissioner whoever is nearer; and

(b) inform the headmen of adjoining village-tracts of the outbreak.

(3) If the outbreak is among animals in transit through his village-tract he shall detain them, cause the sick animals to be isolated and the in-contact animals to be segregated and deal with it as an outbreak in his own village-tract.

* Veterinary. Progress Report on Outbreak.
C.D. 12

5. On an outbreak of any scheduled disease in a village-tract being Notification to the confirmed by the Veterinary Officer—
public.

(1) the village headman shall affix warning notices of the outbreak of the disease on the village notice-board and in such other places as he may think fit on the request of the Veterinary Officer who shall supply the notices ;

(2) the village headman shall cause all infected animals found in the village-tract, whether owned by residents or passing through, to be isolated in enclosures erected by the owners or by the headman in the case of ownerless animals so as effectively to prevent the escape of the animals and shall require such animals to remain isolated until he gives permission after consulting the Veterinary Officer, for their release from isolation ; and he shall give directions that until release from isolation is permitted—

(a) the owners shall tie up the infected animals in such enclosures and shall feed and water them by hand ;

(b) no healthy susceptible animals shall be allowed to approach nearer to such enclosures than 300 yards, unless they have been recently inoculated against the disease or are allowed to approach by the Veterinary Officer ;

(c) the hands and feet of the attendants of the infected animals shall be washed on each occasion when leaving the enclosure ; and

(d) the manure and litter from such animals shall be buried or burnt daily by the attendants ;

(3) the village headman shall direct owners or villagers to make such provision as may be necessary by construction of fences or otherwise to prevent in-contact animals from straying from the area set apart under Rule 2, sub-rule (1), and shall cause all in-contact animals to be kept therein until the Veterinary Officer authorizes their removal ;

(4) the village headman shall make arrangements (a) to prevent in-contact animals from using the same grazing grounds or watering places as other susceptible animals, and (b) to prohibit all susceptible animals from entering or leaving the village-tract while an outbreak of a scheduled disease is in progress ;

(5) the village headman shall send a report in the form* prescribed to the Township Officer every seven days during the continuance of an outbreak of a scheduled disease.

6. The village headman shall order every infected carcase and any carcase found in his village-tract to be buried by the owner or villagers together with all dung, litter, grain, straw, or other material which may have come into contact with the dead animal, within twelve hours after death or being found and at a place set apart in accordance with Rule 2, sub-rule (2). If for sufficient reason such place cannot be used for burial the carcase shall be buried at a place as near as possible to the spot where the death occurred but at a distance of not less than 300 yards from any house, cattle-pen or watering place. The grave shall be dug to a depth which will ensure

* Veterinary Progress Report on Outbreak.
C.D. 12

that the carcase can be covered with at least six feet of earth, and the carcase shall be placed in the grave without removal of hide and horns. The hide shall then be slashed so as to render it unfit for tanning or any other use, except where Anthrax or Black Quarter is suspected when the skin shall not be slashed at burial; provided that if, on account of floods or any other cause, it is not possible to bury the carcase it shall be burnt, together with the hide and horns, or otherwise disposed of as the Veterinary Officer may direct.

7. No person shall sell or otherwise dispose of any animal infected with a scheduled disease, or of its carcase or any part of it, and no person shall disinter any carcase of any infected animal after it has been buried. The hide and horns of a dead animal shall be deemed to be parts of its carcase.

8. On learning of the outbreak of any scheduled disease within his jurisdiction the Township Officer shall—
Reports to civil authorities and Veterinary Officers. (1) immediately send the headman's report or other information which he has received, to the nearest Veterinary Officer;

(2) inform the officer in charge of townships adjoining the infected area of such outbreak;

(3) report to the Deputy Commissioner the particulars of the outbreak stating to what Veterinary Officer the report of the outbreak has been sent; and

(4) give active assistance as far as possible during the continuance of the outbreak by ascertaining whether the rules are being properly carried out by the headman and villagers, and if not, shall see that these rules are enforced.

9. On the outbreak of any scheduled disease in his district or in a locality adjacent to his district the Deputy Commissioner—
Restriction of movements of animals.

(1) shall send information of the outbreak to the Deputy Commissioners of the districts adjoining the infected area, and

(2) may, by written order, direct—

(a) that within such area of his district as he may define in his order and during a period to be declared in the order susceptible animals shall not be removed from one village-tract into or through any other village-tracts, or

(b) that during a period to be declared in the order susceptible animals may only be removed from the village-tracts in such area or from village-tracts mentioned in the order by such routes and subject to such conditions as he may prescribe in the order.

10. Every order issued by the Deputy Commissioner under Rule 9, sub-rule (2), shall declare (a) the species of animals, (b) the area to which the order applies, (c) the prohibition of removal of animals, (d) the routes and conditions, if any, prescribed for their removal, (e) the date on which the order shall take effect, and (f) the date on which it shall expire. This order shall be published by fixing a copy on the village notice-board in each village-tract within the area and in such other manner as the Deputy Commissioner may direct.

11. Within any area to which an order under Rule 2, sub-rule (2), applies and during the period fixed in the order no owner of susceptible animals shall remove or permit the removal of his animals into or

through a village-tract, except along the routes, if any, and subject to the conditions, if any, prescribed by the Deputy Commissioner in his order.

12. On the report of an outbreak of any scheduled disease in a Veterinary Inspection. village-tract the Veterinary Officer shall make such inspection of animals in the village-tract and neighbouring tracts as he may think fit, and may require all or any owners resident in or passing through the village-tracts to bring their animals for inspection to convenient places and at such time as he may direct, and may issue such instructions to the village headman for the better carrying out of these rules as may appear to him to be expedient in consequence of his inspection; provided that the Veterinary Officer shall ordinarily inspect the animals in the places where they are usually kept.

13. On the occurrence of an outbreak of any scheduled disease, for Inoculation. which any preventive, curative or diagnostic inoculation has been approved by the Government of Burma, the Deputy Commissioner, after consultation with a Veterinary Officer, may direct that such inoculation shall be carried out upon animals with the consent of the owners in the district or in any part of the district, and that animals so treated or inoculated may, with the consent of the owners, be permanently marked; and shall notify such orders to the headman of the village-tracts concerned. Susceptible animals which have been inoculated with living vaccines, and, as a result, are reacting to the disease, shall be treated as in-contact animals under Rule 5, sub-rule (2).

14. The village headman may, and on receipt of notice of the Deputy Commissioner's order under Rule 9, sub-rule (2), shall, when advised by a Veterinary Officer-in-charge of an inoculation party, direct owners, who do not wish to have their animals inoculated, to segregate and secure their animals in an enclosure erected at their own expense in a place set apart for this by the headman. Such owners shall not remove the animals or allow them to be removed from such place until permitted to do so by the headman as instructed by the Veterinary Officer. Any animals removed from segregation in contravention of this rule may be inoculated by the Veterinary Officer.

15. The village headman may require any person temporarily or permanently resident in his village-tract to carry out any instructions which may be given in accordance with these rules by the Veterinary Officer.

16. Nothing in these rules shall prevent a Veterinary Officer from Specimens for removing infected or in-contact animals or other diagnosis. animals or carcasses or any parts of carcasses from the infected area for the purpose of laboratory diagnosis or investigation.

SCHEDULE.

"Schedule of Diseases of Animals."

Rinderpest	Tuberculosis.
Foot-and-Mouth disease.	Surra.
Anthrax.	Glanders or Farcy.
Black Quarter.	Epizootic Lymphangitis.
Hæmorrhagic Septicæmia.	Rabies.

PART II.—REGISTRATION OF CATTLE DEATHS.

The rules in this part shall apply to all areas in which the Burma Village Act, 1907, is in force except the undermentioned areas :—

- (i) The Pyinwa Circle of the Akyab District.
- (ii) The Hill District of Arakan.
- (iii) The Salween District.
- (iv) The Yèyaman Hill Tract of the Kyauksè District.
- (v) The Bhamo District.
- (vi) The Kachin Hill Tracts of the Myitkyina District.
- (vii) The following village-tracts in the Ngapè and Sidôklaya Townships of the Minbu District :—

Ngapè Township.

- | | | |
|----------------|-------------|--------------------|
| 1. Aukmagan. | 8. Lindè. | 15. Sundet. |
| 2. Atetmagan. | 9. Matôn. | 16. Satsi (North). |
| 3. Linywa. | 10. Pabwè. | 17. Taywadaing. |
| 4. Nyaungyaw. | 11. Pazi. | 18. Taungzauk. |
| 5. Bônba. | 12. Satsi. | 19. Yabein. |
| 6. Gôkkvi. | 13. Sabauk. | 20. Laukpale. |
| 7. Hincinsein. | 14. Sayan. | |

Sidôklaya Township.

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|----------------|---|
| 1. Apaw. | 9. Sinchaung. |
| 2. Daing. | 10. Tausôk. |
| 3. Kanyaw. | 11. Sitngan under Pa-aing Myothugyi. |
| 4. Kwetchaung. | |
| 5. Mahawdaung. | 12. Thetkegyin under Pa-aing Myothugyi. |
| 6. Ngatazôk. | |
| 7. Ngatkvi. | 13. Winzin under Pa-aing Myothugyi. |
| 8. Pyingyi. | |

- (viii) The Gangaw, Tilin and Saw Townships of the Pakôkku District.

In cases where the Government of Burma has made special arrangements with timber firms and other employers of large numbers of working cattle for direct returns of cattle deaths, the rules in this part shall not apply.

1. The term "cattle" in this part includes cows, bulls, bullocks, calves, buffaloes, horses, ponies, and elephants.

Definition.

2. Every death of cattle occurring in a village-tract shall be reported within 48 hours to the headman by the owner of the animal, or if the owner is absent or otherwise unable to report, the next eldest male or, in his absence, any other elder or responsible person living in the house.

Reporting of deaths to headman.

3. The headman shall make it generally known that any person, being bound to report a death and neglecting to do so within the prescribed period, is liable to punishment under section 12 of the Burma Village Act.

4. On receipt of information as to the occurrence of a death within his village-tract the headman shall enter it, or cause it to be entered, in a counterfoil register in the form prescribed by the Director of Veterinary Services. The foils on which deaths of cattle have been recorded shall be sent when due to the Township Office, unless the Deputy Commissioner directs that such foils shall be sent to the nearest police-station. The headman shall retain the books containing the counterfoils as part of the village records.

Registration and reporting of deaths by headman.

The Burma Village Manual (Edition, 1926).

Pamphlet No. IX.

Corrigenda up to the 28th February 1938.

1. *Page 27.*—*Delete* General Department Notification No. 126, dated the 29th June 1932, relating to the appointment of headmen, inserted by Item 1 of Pamphlet No. III.

[General Department Notification No. 47, dated the 4th March 1937.]

2. *Page 33.*—In Rule 13 of the rules to regulate the trial of civil suits by headmen or village committees, as subsequently amended, *for* the words "has passed" *substitute* the words "have passed," and *for* the words "Township Officer with an application for revision under General Department Notification No. 249, dated the 14th July 1908, as subsequently amended" *substitute* the words "Township Judge in whose civil jurisdiction such suit was tried with an application for revision."

[Burma Act II of 1935.]

3. *Pages 46 and 47.*—(a) *For* Rule 18A, as amended, *substitute* the following :—

"18A. The headman shall at once send a report in Form 'Public Health 9S' with all particulars mentioned therein to the Township Officer, Subdivisional Officer, or Deputy Commissioner, whichever officer happens at the time to be nearest, of the occurrence of every case of plague, cholera, small-pox, or any unusual sickness or mortality from whatsoever cause among human beings within his village-tract :

Provided that in the Tenasserim Division, the Commissioner, whenever necessary, may allow the headman to report to the nearest Police Station instead of to the officers specified above."

(b) Under Rules 18A and 18I, *insert* the following as a foot-note :—

"The officers receiving such reports shall immediately transmit them by telegram to the District Health Officer."

[Miscellaneous Department Notification No. 281, dated the 29th October 1937.]

4. *Page 108.*—In paragraph 139 of the Executive Orders *for* the words "Form ^{Miscellaneous} Villages 19." *substitute* the words "Form ^{Miscellaneous} Villages 19B."

[Miscellaneous Department letter No. 708B37 (1565), dated the 4th January 1938, to the Commissioner, Sagaing Division.]