

REVENUE DEPARTMENT.

(Rules under the Lower Myanmar Town and Village Lands Act, 1898.(These rules may be cited as the Town and Village Land Rules, 1906.))

No.30

Dated Rangoon, the 14th February 1907.

[Amendment : 19.02.1908, 26.11.1922, 03.10.1927, 03.08.1937, 10.04.1940,18.06.1989]

No.30.- In exercise of the powers conferred by sections 17 and 43 of the Lower Myanmar Town and Village Lands Act, 1898 (Myanmar Act IV of 1898), the Lieutenant-Governor prescribes the following rules under sections 13, 14, 16 and 17 of the said Act in supersession of the rules published with this Department Notification No. 223, dated the 23rd July 1901.

Rules under the Lower Myanmar Town and Village Lands Act, 1898.

<Amendment 18.06.1989>

(These rules may be cited as the Town and Village Land Rules, 1906.)

CHAPTER I.

RULES FOR REGULATING THE PUBLICATION OF PUBLIC NOTICES (SECTIONS 13 AND 14).

Contents of a public notice.

1. A public notice issued by a Revenue Officer under section 13 or section 14, shall invite all persons who may have objections to make to the issue or cancelment of a declaration, as the case may be, to make such objections at a place and on a date to be specified in the notice, but such date shall be so fixed as not to be less than thirty days subsequent to the date on which copies of of the notice-
 - (i) are posted in the manner provided in Rule 2 in the case of a notice issued under that rule; and
 - (ii) are served and posted as provided in Rule 3, in the case of a notice issued under that rule.

Posting of notice under section 13.

2. One copy of a public notice issued under section 13 shall be posted at each of the following places, namely:-
 - (i) on the land;

- (ii) on the house of the headman of the village, or ward of the town, in which the land is situated;
- (iii) at the bazaar of the town or village, in which the land is situated, if there be one; and
- (iv) at the office of the Revenue Officer issuing the notice.

Serving and posting of notice under section 14.

3. A public notice issued under section 14 of the Act shall be served-

- (a) on the person in whose favour a declaration sought to be cancelled was made, or on his heir or assign if he is dead or has ceased to have an interest in the land; and
 - (b) on every other person who is ascertained, after enquiry, to have an interest in the land;
- and one copy shall be posted at each of the following places, namely:-
- (c) on the house of the headman of the village, or ward of the town, in which the land is situated;
 - (d) at the bazaar of the town or village in which the land is situated, if there be one; and
 - (e) at the office of the Revenue Officer issuing the notice.

Publication of notice in local newspaper, if any, in the case of town land.

4. If the land in respect of which a public notice is issued under section 13 or 14 is situated in a town in which a newspaper is published, the notice shall be published in at least one issue of such English or Vernacular local newspaper as the Revenue Officer may decide by general order or with reference to the particular notice.

Endorsement as to posting and service.

5. A duplicate copy of a public notice issued under Rule 2 or 3 shall be given to each officer or process server deputed to post or serve such notices under Rule 1, 2 or 3, and such duplicate shall be returned by him with an endorsement stating the manner and date on which each copy was posted or served.

CHAPTER II.

RULES WITH RESPECT TO LEASES OF LAND AT THE DISPOSAL OF GOVERNMENT IN TOWNS OTHER THAN, RANGOON, FOR BUILDING, RESIDENTIAL OR INDUSTRIAL PURPOSES (SECTIONS 16 AND 17).

Purposes for which lease may be made.

6. Leases of land at the disposal of Government may be made for building, residential or industrial purposes in any town except Rangoon.

Period of lease and renewals, if durable building contemplated.

7. A lease of land on which the applicant proposes to erect a substantial building shall not ordinarily be made for a shorter period than thirty years, and shall in all such cases provide for renewal on the expiry of the original term up to a maximum period of ninety years from the commencement of the original lease, or in special cases under the Financial Commissioner's orders in perpetuity.

<Amendment 26.11.1922, 03.08.1937>

Period of lease and extent of area, if proposed building is not of durable nature.

8. A lease of land on which the applicant proposes to erect a building of any other description shall ordinarily be made for ten years. Such lease shall not provide for renewals.

<Amendment 26.11.1922, 03.08.1937>

Deputy Commissioner to obtain sanction before making lease if area exceeds one- quarter of an acre.

9. The Deputy Commissioner may make a lease to any one person or set of persons up to a limit of one-quarter of an acre. If the application is for a lease of land exceeding one-quarter of an acre, it shall be submitted to the Commissioner of the Division with the Deputy Commissioner's recommendations for orders. The Commissioner may sanction a lease up to one acre, and, if the area exceeds one acre, the sanction of the Financial Commissioner shall be obtained. A lease in excess of five acres requires the sanction of the Local Government.

Other cases in which sanction of Local Government is necessary.

10. A lease of any land of the following descriptions shall not be made without the previous sanction of the Local Government, and when so sanctioned shall only be made subject to such conditions as may be prescribed by the Local Government:-

- (a) Land with a frontage on a navigable river or stream or on the sea; or
- (b) Land required for industrial purposes in towns to which the Myanmar Municipal Act, 1898 applies; or
- (c) Land situated within a distance of 100 yards from any cemetery.

<Amendment 18.06.1989>

Application for lease and particulars to be contained in application and plan to be attached.

11. Any person desiring to obtain a lease of any land at the disposal of Government for building, residential or industrial purposes may apply in writing to the Deputy Commissioner of the district or to the officer in charge of the Subdivision or Township of the District in which the land is situated.

Such application shall contain the following particulars:-

- (a) Name, residence and designation of applicant;
- (b) Quarter, road or locality in which the land applied for is situated;
- (c) The boundaries thereof;
- (d) The approximate size of the house to be erected and the materials of which it is to be built;
- (e) The purpose for which the lease is sought, whether building, residential or industrial; and
- (f) A declaration that the land applied for has been demarcated.

If the land has been surveyed by Government, a plan shall be attached which shall be copied from the Government map. Building plans and elevations, and plans showing the siting of buildings, need not be furnished unless the Deputy Commissioner requires them with a view to the insertion of special conditions in the lease.

<Amendment 03.08.1937>

When survey fee may be required.

12. In cases in which a survey of the land is necessary, the officer receiving the application may require prepayment of a survey fee of such amount as he deems reasonable in each case, provided that, where the survey is to be made by a salaried Government surveyor, no survey fee shall be taken.

<Amendment 26.11.1922>

Payment of fee to surveyor.

13. After the survey, if any, has been made and the officer directing it to be made has satisfied himself that it has been efficiently done, he may cause the fee, if any, received on such account to be paid to the surveyor.

Procedure of Officer receiving application.

14. The Officer receiving the application may scrutinize any existing survey of the ground and shall, if a survey is necessary, cause the plot for which a lease is sought, to be surveyed. He shall verify the fact that the land is apparently at the disposal of Government and shall make such further enquiries as he may think necessary, and if the land is a municipal town or notified area, he shall consult the municipal or town committee.

If such officer is the Deputy Commissioner, he may then, if he thinks it necessary, request the applicant to modify the application, whilst, if such officer is a Subdivisional or Township Officer, he shall submit the proceedings with his recommendations to the Deputy Commissioner for orders.

Rejection of application if not approved by Deputy Commissioner.

15. If the Deputy Commissioner does not approve of the application, he may reject it at any time and shall record his reason for so doing.

Fixation of rent if Deputy Commissioner approves.

16. In any case in which the Deputy Commissioner approves of the application, either with or without modification, he shall, if the land does not exceed one-quarter of an acre, fix the annual rent in the manner prescribed in Rule 17.

If the land exceeds one-quarter of an acre, he shall report the application to the Commissioner with his recommendations, and shall propose a suitable rent determined in the manner prescribed in Rule 17.

Amount of rent.

17. The rent fixed for the land shall be-

- (a) not less than 75 per cent. of the full letting value of similar private sites: or
- (b) if the full letting value is not ascertainable, not less than six per cent, of the selling value of similar private sites: or
- (c) if neither the selling nor letting value is ascertainable, at such rate as the Financial Commissioner may by general or special order determine:

Provided that it shall not be less than the highest rate at which revenue is assessed on cultivated lands in the neighbourhood.

Premium.

18. In addition to the rent reserved by the lease, a premium may be made payable as part of the consideration for the lease when there are more applicants for it than one and the Deputy Commissioner or Commissioner decides to sell it by auction as hereinafter provided.

After fixation of rent, public notice to be given of application.

19. (1) After fixing the rent under rule 16, or provisionally fixing a rent where the sanction of some higher authority is necessary for the granting of the lease, as the case may be, the Deputy Commissioner or the Subdivisional Officer shall cause public notice to be given of the fact of the application having been made. Such notice shall fix a date not less than fifteen days after the publication of such notice, on or before which any person may show cause to the Deputy Commissioner or the Subdivisional Officer or some other officer (not below the rank of a Myook) to be named in the notice, why the lease should not be made, and

shall state that, if no such cause is shown, and the necessary sanction, if any, is granted, the lease will be made.

The notice shall further invite any persons other than the applicant who may wish to obtain the lease to send to the Deputy Commissioner, on or before the 15th day after the date of the notice, applications in writing, stating whether they are willing to pay any, and, if so what premium in order to obtain the lease on the terms notified.

(2) Copies of such notice shall be fixed-

- (a) on the land applied for;
- (b) at the house of the headman of the ward in which the land is situated;
- (c) at the bazaar of the town in which the land is situated, if there be one;
- (d) at the Court-house of the Township Officer within whose jurisdiction the land is situated; and
- (e) at the District Court house.

If the land is situated in a town where a newspaper is published, an abstract notice of the application, etc., shall be advertised in at least one issue of such English or Vernacular local newspaper as the Deputy Commissioner may, by general order or with reference to the particular application, decide.

<Amendment 26.11.1922>

Consideration of application and objections, and decision as to mode of disposal.

20. Where the land applied for does not exceed one-quarter of an acre, if no cause be shown to the satisfaction of the Deputy Commissioner why the lease should not be made, the Deputy Commissioner shall, after considering the applications, if any, made by persons other than the original applicant, decide whether the lease shall be disposed of by private contract to the original applicant or by public auction. He shall not dispose of it by private contract to any person other than the original applicant, unless the original applicant refuses the terms as to premium or rent which the Deputy Commissioner may offer under the next succeeding rule.

Disposal by private contract.

21. (1) Where the land applied for does not exceed one-quarter of an acre, if the Deputy Commissioner decides to dispose of the lease by private contract, he shall communicate the terms on which he is willing to dispose of it to the original applicant, that is to say, he shall send an authorized form of lease to the

applicant with all the blanks filled in, and shall fix a time within which the original applicant shall communicate to the Deputy Commissioner his acceptance or refusal of the terms.

(2) If the original applicant refuses the terms offered by the Deputy Commissioner under sub-rule (1), the Deputy Commissioner may offer similar terms to any of the other applicants.

Procedure where area exceeds (1/4) of an acre.

22. Where the land applied for exceeds one-quarter of an acre, the Deputy Commissioner, after the due publication of the notice ordered by Rule 19, shall submit the proceedings to the Commissioner.

The Commissioner shall proceed in the same manner as the Deputy Commissioner is directed to do by Rules 20 and 21, provided that he may depute to the Deputy Commissioner the doing of any of the acts specified in these rules, and provided that when the land applied for exceeds his powers of sanction under rule 9 the Commissioner shall submit the proceedings to the Financial Commissioner for orders.

<Amendment 26.11.1922>

Public notice of disposal by auction.

23. If the Deputy Commissioner decides, or is ordered by the Commissioner, to dispose of the lease by public auction, he shall give public notice, in the manner provided by Rule 19, sub-rule (2), that the lease will be sold. The notice shall specify the day of sale (not being less than ten days from the date of the publication of the notice) and the time and place and conditions of sale. The notice shall contain a complete copy of the authorized form of lease to be sold with the schedule thereto and with all blanks, except the amount to be paid by way of premium, filled up.

Condition of auction sale.

24. The conditions of a sale by auction shall be as follows:-

- (a) The highest bidder shall be the purchaser and, if any dispute shall arise between two or more bidders, the lease shall be put up again at the last undisputed bidding. The Deputy Commissioner reserves the right to bid.
- (b) The purchaser shall immediately after the sale pay a deposit of 25 per cent, on the amount of his purchase-money; or, if the purchase-money does not exceed Rs. 5, the whole thereof, and shall sign an agreement to complete the purchase according to these conditions.

(c) The remainder, if any, of the purchase-money shall be paid on the tenth day after the sale at the Office of the Deputy Commissioner. The purchaser shall be entitled to possession of the land from the day on which the whole of the money is paid. Upon such payment the Deputy Commissioner and the purchaser shall sign the authorized form of lease.

(d) If the purchaser fails to comply with these conditions, his deposit-money shall be forfeited to the Deputy Commissioner, who shall be at liberty to re-sell either by public auction or by private contract, and the deficiency, if any, occasioned by such second sale, together with all charges attending the same, shall immediately after such re-sale be made good by the defaulter at the original sale, and in case of non-payment of the same the whole shall be recoverable under section 24 of the Act.

Provided that in any case in which the land exceeds one quarter of an acre, the Deputy Commissioner shall submit the proceedings to the Commissioner for orders before he re-sells the land.

Power to refuse bid or exclude person from sale.

25. The Deputy Commissioner may refuse to accept any bid or may exclude any person from the auction without assigning any reason to such person; but he shall record his reason for such refusal or exclusion in a memorandum which shall be attached to the proceedings.

Agreement to lease.

26. The agreement referred to in Rule 24, clause (b), shall be in such form as may be prescribed under section 42 of the Act.

Entry of particulars of lease in register.

27. After disposal of a lease the particulars of such lease shall be entered in a register to be kept in the Office of the Deputy Commissioner.

Order on application of lease-holder to transfer, sub-let or sub-divide, and appeal therefrom.

28. In case of an application by a lease-holder to the Deputy Commissioner to allow him to sub-divide his leasehold or to transfer or sub-let a part of the same, the Deputy Commissioner shall pass his order on such application in writing, and in case of refusal an appeal shall lie to the Commissioner of the Division.

Form of lease, plan to be attached, and filing of counterpart in Deputy Commissioner's Office.

29. A counterpart of the lease, which shall be in such form as may be prescribed under section 42 of the Act, shall be filed in the Deputy Commissioner's Office. If in any case the authorized form is not suitable, the

Financial Commissioner, subject to the control of the Local Government, may sanction an alteration thereof.

A correct plan of the land drawn to scale shall be attached to the lease and its counterpart. When the land has been included in a Government survey, the plan shall be an extract from the Government map.

CHAPTER III.

RULES FOR THE ISSUE OF LICENSES FOR BUILDING, RESIDENTIAL OR INDUSTRIAL PURPOSES, IN TOWNS OTHER THAN RANGOON (SECTIONS 16 AND 17).

Cases in which license may be issued.

30. The Deputy Commissioner may issue a license to occupy land at the disposal of Government, which is not of a description specified in Rule 10, for building, residential or industrial purposes, in cases where the applicant proposes to occupy the land for some industrial purpose of a purely temporary kind or in cases where for any other reason the issue of a lease for ten years is undesirable (or where the applicant is unwilling to take out a lease).

<Amendment 03.08.1937>

Application for license, survey and procedure of officer receiving application.

31. The procedure prescribed in Rules 11 to 14 of these rules shall be followed, mutatis mutandis, in the case of applications under this Chapter.

Public notice of application.

32. If the Deputy Commissioner approves of the application, either with or without modification, he shall cause public notice to be given of the fact that the application has been made. Such notice shall be published in the manner prescribed in Rule 19, sub-rule (2), and shall fix a date not less than 15 days after the publication of such notice, on or before which any person may show cause to the Deputy Commissioner or some other officer (not below the rank of a Myook) to be named in the notice why the license should not be issued.

Order granting or rejecting application.

33. If cause is shown to the satisfaction of the Deputy Commissioner why the license should not be issued, he shall reject the application. If no satisfactory cause is shown, he may grant it.

Period for which license may be granted.

34. A license issued under this Chapter shall be expressed so as to expire on a certain date not more than three years from the date of issue.

Power to require applicant to enter into bond to restore land to same condition.

35. If, for the purpose for which a license is granted under this Chapter, it is necessary to disturb the surface of the soil to such an extent as to render it unfit for any other purposes, the Deputy Commissioner, before issuing a license, may require the applicant to enter into a bond to restore the land within a month from the date of expiry of the license to its condition at the date on which the license was granted either wholly or to such an extent as the Deputy Commissioner may consider advisable in each case.

Rent.

36. The rent payable for land in respect of which a license is issued under this Chapter shall be such sum as the Deputy Commissioner may, by general or special order, determine:

Provided that it shall not be less than-

- (i) four annas per month in the case of a license issued for a period of less than a year;
- (ii) twice the rent payable on similar land leased under the provisions of Chapter II in the case of licenses issued for a period of a year or more than a year.

CHAPTER IV.

RULES FOR THE ISSUE OF LICENSES FOR AGRICULTURAL PUROSES IN TOWNS OTHER THAN RANGOON

(SECTIONS 16 AND 17).

Licenses for agricultural purposes.

37. The Deputy Commissioner may issue a license to occupy for agricultural purposes any land at the disposal of Government, other than land of a description specified in Rule 10.

Application for license, survey, procedure of officers and public notice of application.

38. The procedure prescribed in Rules 11 to 14, 32 and 33 of these rules shall be followed in the case of applications under this Chapter.

Period for which licenses may be granted.

39. A license granted under this Chapter shall be expressed so as to expire on a certain date not more than three years from the date of issue.

Rent only chargeable if land not assessed to land revenue and amount thereof.

40. When land revenue is levied on land in respect of which a license is issued under this Chapter, rent shall not be charged. When land revenue is not levied, the rent shall be such sum as the Deputy Commissioner may, by general or special order, determine:

Provided that it shall not be less than the amount of the land revenue levied on similar land in the neighbourhood.

CHAPTER V.

ALLOTMENT OF LAND FOR AND IN VILLAGE SITES.

<Amendment 03.10.1927>

41. The Deputy Commissioner may allot as a site for a new village or for an extension of an existing village any available land that he may consider suitable.

<Amendment 03.10.1927>

42. The land so allotted shall be divided under the orders of the Deputy Commissioner into plots of suitable size for residential purposes which shall be surveyed and numbered. The Deputy Commissioner shall fix a rent for each plot in accordance with such orders as may from time to time be issued to him.

<Amendment 03.10.1927>

43. The plots shall be allocated by the Township Officer in the presence of the Village Headman, on a day appointed for that purpose or on any other day to which the allocation may be adjourned, to applicants who are residents of the village-tract or are permitted under section 17 of the Myanmar Village Act, 1907, to reside therein. If there are two or more applicants for the same plot who are regarded by the Township Officer as having equal claims to allocation, the allocation of the plot shall be made among such applicants in such manner as the Deputy Commissioner may by general or special order direct. The person to whom the land is allotted shall be given a lease in the prescribed form.

<Amendment 03.10.1927, 18.06.1989>

44. The rent fixed for each plot shall fall due on the 15th February of each year and shall be payable as if it were land revenue due by the person in possession of the plot, whether or not he is the person to whom the plot was allocated; and it shall be recoverable as if it were an arrear of land revenue due in respect of the land.

<Amendment 03.10.1927>

45. The allocation may be cancelled by the Township Officer and the plot resumed and any buildings thereon confiscated to Government if-
- (1) for any period of twelve consecutive months there is no habitable house on the plot; or
 - (2) without the approval of the Township Officer the plot is transferred to the possession of any person otherwise than for his own residence or by succession; or
 - (3) the rent of the plot or any other revenue or tax due in respect of it becomes an arrear; or
 - (4) the plot is being used for purposes other than for the residence of the lessee or for the erection of buildings, other than industrial, subsidiary to his occupation.

<Amendment 03.10.1927>

46. Notwithstanding anything contained in any other rule a lease to occupy any land at the disposal of Government, which is unoccupied and which is situated within the boundaries of an existing village, at the date of the notification of this rule, for the purpose of his own residence or the erection of buildings, other than industrial, subsidiary to his occupation or for such other purpose as the Deputy Commissioner may by general or special order approve, may be given by the Village Headman to any resident of a village-tract or person permitted to reside therein under section 17 of the Myanmar Village Act, 1907, after such enquiry as the headman may consider necessary.

<Amendment 03.10.1927, 18.06.1989>

47. A rent of Re. 1 per annum shall be charged in respect of every lease issued under Rule 46. The conditions of Rule 45 shall apply to all leases issued under Rule 46.

<Amendment 03.10.1927>

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CHAPTER VI.

RULES FOR THE DISPOSAL OF LAND, REVENUE-FREE, IN TOWNS OTHER THAN RANGOON, AND IN VILLAGES [SECTIONS 16 (a) AND 17].

Free grant for religious edifice.

50. A grant, free of land revenue, of unoccupied land at the disposal of Government for the erection of a religious edifice or for an unremunerative public purpose without payment of the value of such land may be made by the Deputy Commissioner-
- (a) on his own authority, if the value does not exceed Rs. 250;
 - (b) with the previous sanction of the Commissioner, if such value exceeds Rs. 250 but does not exceed Rs. 500; and
 - (c) with the previous sanction of the Financial Commissioner, if such value exceeds Rs. 500.

For the purpose of this rule the value of the land shall be taken to be the market value of similar land on which landholders' rights have been acquired plus the capitalised value of the land revenue calculated at twenty times the land revenue which would be assessed annually on the land, if the land were cultivated.

<Amendment 10.04.1940>

Cases in which sanction of Local Government is necessary.

51. (1) A revenue-free grant, for a like purpose, of land over which occupancy rights have been acquired may be made by the Deputy Commissioner with the sanction, if any, required by Rule 50 subject to the payment by the applicant of the capitalised value of the land revenue calculated at twenty times the land revenue which should be assessed annually on the land and subject also to the prior surrender to Government of all rights in the land held by the person occupying it which surrender in the case of land in respect of which the status of landholder is claimed shall be made by the execution of a registered deed of gift. Such surrender may be accepted on behalf of Government by the authority empowered to sanction the grant.

Provided that where the capitalised value of the land revenue calculated as above is less than Rs. 50 no payment need be required.

- (2) Any case in which any dispensation, other than that in sub-rule (1) is recommended by the Commissioner shall be reported by him for the orders of the Financial Commissioner.

<Amendment 10.04.1940>

Application of above rules irrespective of creed.

52. In cases in which the land is required for consecration as the site of a baddha thein, no payment shall be demanded and a grant, free of land revenue, may be made by the Deputy Commissioner with the sanction, if any, required by Rule 50 or 51.

<Amendment 10.04.1940>

Free grants for building purposes.

53. Subject to the sanction of the Financial Commissioner, the Deputy Commissioner may make a revenue-free grant for public purposes of land at the disposal of Government which is not at the time assessed to land revenue and the value of which does not exceed Rs.100. The value of the land shall be determined in the manner stated in Rule 50.

Resumption of land granted under to 53 if used for other purposes.

54. Any land granted under this Chapter shall be resumable if at any time it be used for any other purposes than those for which it was granted, or if the buildings are used for any other than religious or public purposes.

<Amendment 10.04.1940>

Application for grant.

55. The application for grants under this Chapter shall be made in writing to the Deputy Commissioner of the district in which the land is situated after the land has been demarcated.

Particulars to be contained in application and plan to be attached.

56. Applications for such grants shall contain the following particulars:-

- (a) Name, residence, and designation of the applicant;
- (b) Quarter or locality in which the land applied for is situated;
- (c) Area of land applied for;
- (d) Boundaries of land applied for; and
- (e) A declaration that the land has been so demarcated as to be readily capable of identification.

If the land has been surveyed by Government, a plan shall be attached which shall be copied from the Government map.

Survey.

57. The Deputy Commissioner on receiving the application shall cause the plot for which a grant is sought to be surveyed, if a survey is necessary, or may scrutinize any existing survey and shall cause a plan of the land to be placed on the record.

Public notice of application.

58. The Deputy Commissioner shall further cause notice to be issued informing all whom it may concern that an application has been made. Such notice shall specify the name of the applicant and his residence, the approximate area and locality of the land, the purpose for which the land is required, and shall notify that, if within 30 days after date of the publication of the notice no objection is made, the land will be granted to the applicant. The notice shall also specify the place at which the Deputy Commissioner will receive objections and the date on which they will be heard.

The notice shall be affixed-

- (a) on the land;
- (b) on the house of the headman of the ward or village in which the land is situated;
- (c) at the court-house of the Township Officer within whose jurisdiction the land is situated;
- (d) at the bazaar in the town where the land is situated if there be one; and
- (e) at the District Court-house.

Decision of objections (if any) and issue of grant.

59. (1) After expiry of the period named in the notice, if no objection is made to the grant of the land to the applicant, the Deputy Commissioner may make a grant of the land to the applicant, and in that case shall give a deed of grant where the value of the land is within his power of granting and, where it is beyond, shall forward the proceedings to the Commissioner.

(2) If any objections are lodged on or before the date fixed for issue of the grant, the Deputy Commissioner shall hear the objections and decide them on their merits. If he considers a grant should be made and the value of the land is beyond his power of granting he shall forward the proceedings to the Commissioner.

Special provision as to grants of land for consecration as theins.

60. Grants of land for consecration as theins will, if the applicant so desires, be made in a special form by the Lieutenant-Governor. Where such desire is not expressly stated, they will ordinarily be made by the Deputy Commissioner.

Applications for such grants may be made by laymen only.

In cases in which the applicant desires that the grant should be made by the Lieutenant-Governor, the Deputy Commissioner, when submitting the application, shall submit a note over his signature containing the following particulars, namely:-

- (a) the name and residence of the applicant;
- (b) the area of the land applied for and its value calculated according to Rule 50;
- (c) the town or village and kwin in which it is situated;
- (d) whether notices calling for objections to the grant of the land have duly issued;
- (e) if the land is situated within a kyaung enclosure, the name of the presiding pongyi and whether he consents to the grant; and
- (f) plans in triplicate and a statement showing the names of kwin, circle, and township, the area of the land, the kwin rate, and the value of the land.

CHAPTER VII.

<Amendment 19.02.1908>

61. The Rules in this Chapter shall be in force in those areas to which the Financial Commissioner may by notification apply them. In such areas the rules contained in Chapters II, III, IV and V shall not be in force. Such areas shall be called 'Civil Stations.'

<Amendment 19.02.1908>

62. Leases of land at the disposal of Government may be made for residential purposes only.

<Amendment 19.02.1908>

64. The Deputy Commissioner may, on his own authority, make a lease to any one person up to a limit of three acres. If the application is for a lease of land exceeding three acres, it shall be submitted to the Commissioner with the Deputy Commissioner's recommendations for orders. The Commissioner may sanction a lease up to six acres and if the area exceeds six acres, the sanction of the Financial Commissioner shall be obtained.

<Amendment 19.02.1908>

65. No plot shall be leased to any person who already holds another plot in the same Civil Station. And if any person acquires the leases of more than one plot, any of such leases shall be revocable by order of the Deputy Commissioner.

<Amendment 19.02.1908>

66. No land shall be leased to a Government servant in any Civil Station in which he is not actually serving.

<Amendment 19.02.1908>

67. Any person who desires to obtain a lease of a plot of land in a Civil Station may apply in writing to the Deputy Commissioner of the district. The application shall contain the following particulars:-

(a) Name, residence, designation of applicant-

(b) Occupation of applicant-

(c) The lot number, if any, and the boundaries of the land desired-

(d) The approximate size of the house to be erected and the materials with which it is to be built-

(e) The approximate cost of the house to be erected-

(f) A reference to the standard plan of the Civil Station, if such plan has been prepared; if such plan has not been prepared, a reference to a map to be attached to the application.

<Amendment 19.02.1908>

68. If a survey of the land is necessary, the officer who receives the application may require prepayment of a survey fee of such amount as he deems reasonable in each case: provided that, where the survey is to be made by a salaried Government Surveyor, no fee shall be taken.

<Amendment 19.02.1908>

69. The officer who receives the application shall verify the fact that the land applied for is at the disposal of Government, and shall make such further enquiries as he may think necessary, and may, for reasons to be recorded, reject the application, or require the applicant to modify the application, or may approve the application.

<Amendment 19.02.1908>

70. The rent fixed for the land shall be-

(a) not less than 50 per cent. of the full letting value of similar private sites, or

(b) if the full letting value is not ascertainable, not less than 4 per cent. of the selling value of similar private sites, or

(c) if neither the selling nor letting value is ascertainable, at such rate as the Financial Commissioner may, by general or special order direct, provided that it shall not be less than the highest rate at which revenue is assessed on cultivated lands in the neighbourhood.

<Amendment 19.02.1908>

71. After fixing the rent the Deputy Commissioner shall cause public notice to be given of the application. Such notice shall fix a date not less than 15 days after the publication of such notice, on or before which any person may show cause to the Deputy Commissioner or some other officer not below the rank of a Myook, to be named in the notice, why the lease should not be made, and shall state that if no such cause is shown, the lease will be made. Such notice shall contain the information furnished by the applicant under Rule 67 with such modifications as may have been made in the course of dealing with the application and shall state the amount of rent which will be imposed in case the lease is made. Copies of the notice shall be affixed at the Deputy Commissioner's office and if the land is not at the headquarters of the district at the office of the Subdivisional Officer. Copies of the notice shall be served upon the occupants of any plots adjoining the plot applied for.

<Amendment 19.02.1908>

72. If there are more than two applicants for the same plot, the Deputy Commissioner shall decide to which applicant the lease shall be made, having regard-

- (i) to priority of application;
- (ii) to the nature of the house proposed to be built;
- (iii) to the official rank of the respective applicants; and
- (iv) to the question whether the applicant proposes to build for his own residence or for lease to others.

Ordinarily an official of higher rank shall be preferred to an official of lower rank, and a Government servant shall be preferred to a non-official.

<Amendment 19.02.1908>

73. It shall be a condition of the lease that no native huts or houses shall be erected on the land except such as in the opinion of the Deputy Commissioner may be required for servants' quarters.

<Amendment 19.02.1908>

74. Leases to officials and non-officials, respectively, shall be made in forms prescribed under section 42 of the Act.

<Amendment 19.02.1908>

G. F. ARNOLD,
Offg. Rev. Secy. to the Govt. of Myanmar

----- Footnote -----

NOTE: မူရင်း Rule Under the Lower Myanmar Town and Village Land Act တွင် အခန်း V ၌ ပုဒ်မ ၄၁ မှ ၄၉ ထိ ပါဝင်သည်။ ယင်းနည်းဥပဒေကို ပြင်ဆင်သည့် နည်းဥပဒေ အမှတ် ၁၃၆ (၃.၁၀.၁၉၂၇) ဖြင့် ယင်းအခန်း V တစ်ခုလုံးကို ဖြည့်စွက်အစားထိုးရာတွင် ပုဒ်မ ၄၁ မှ ၄၇ အထိသာ ဖော်ပြ၍ အစားထိုးရန် ပြဋ္ဌာန်းသဖြင့် ယင်းပြင်ဆင်ချက်အရ အစားထိုးဖော်ပြသည်။ သို့ဖြစ်ရာ နည်းဥပဒေ ၄၈ နှင့် ၄၉ တို့မှာ ကျန်နေ၍ ချန်လှပ်ဖော်ပြသည်။