

REVENUE SETTLEMENT DEPARTMENT.

(Rules Under the Myanmar Boundaries Act)

NOTIFICATIONS.

No.16

The 9th September 1880.

[Amendment : 18.06.1989]

No.16.-The 9th September 1880.- In accordance with the provisions of section 32 of "The Myanmar Boundaries Act," the following rules made by the Chief Commissioner under the said Act are published for general information:-

Boundaries to be demarcated.

(SECTION 3.)

1. When a cadastral survey is introduced into any district, the boundaries of the following lands shall be temporarily demarcated by a Demarcation Officer; that is to say-
 - (a) Kwins.
 - (b) Waste land grants.
 - (c) Reserved forests.
 - (d) Large fisheries.
 - (e) Towns.
 - (f) Cantonments.
 - (g) Civil stations.
 - (h) Orchards.
 - (i) Gardens.
 - (j) Burial grounds.
 - (k) Roads.
 - (l) Monastery, pagoda, and school lands.
 - (m) Town and suburban lots.
 - (n) Cantonment lots and internal divisions.
 - (o) Civil station lots and internal divisions.

- (p) Grazing-grounds.
- (q) Village sites.
- (r) Small fisheries.

Officers by whom demarcation is to be made.

(SECTIONS 2, 15.)

2. The demarcation of the boundaries (a) to (l) and (p) to (r), inclusive, shall be made by the Boundary Officer.
3. The demarcation of the boundaries (m) to (o), inclusive, shall be made by the Officer in charge of the Cadastral Survey appointed to be a Demarcation Officer under the Act.

Report by Demarcation Officer to the Boundary Officer.

(SECTION 10.)

4. The report prescribed by section 10 of the Act to be forwarded to the Boundary Officer shall, in cases in which there is no dispute, be the map of the boundaries; and in cases of dispute a map showing the lines of boundary claimed by parties, together with a précis of the statements of parties, and of any evidence which may have been taken in the course of the proceedings of the Demarcation Officer.

Permanent boundary-marks.

(SECTION 22.)

5. The Boundary Officer may cause the permanent marks along all boundaries excepting those of waste land grant kwins, which are required to be permanently demarcated, to be erected by the Officer in charge of the Cadastral Survey. But in waste land grant kwins, the permanent marks shall be erected under the immediate orders of the Boundary Officer himself.

Prescrration of boundary-marks.

(SECTIONS 25-27.)

6. The Boundary Officer shall deliver to the Kyaydangyee of every village, not being in a waste land grant kwin, a statement specifying-
 - (a) the kind of permanent mark fixed,
 - (b) the number of such permanent marks,
 - (c) the localities of such permanent marks,

requiring him, in terms of section 27 of the Act, to protect such marks, and to report at once any damage or injury done to them. For villages in which there is no resident Kyaydangyee the statement shall be delivered to the Thoogee of the circle.

7. The Boundary Officer shall cause a notice to be served upon the owner of every waste land grant kwin, specifying,-

- (a) the kind of permanent mark fixed,
- (b) the number of such permanent marks,
- (c) the localities of such permanent marks, placing such marks under his charge, and requiring him, in terms of section 25 of the Act, to preserve them.

8. A list of all such marks shall be sent by the Boundary Officer to the Deputy Commissioner of the district.

9. The Kyaydangyee shall inspect each permanent boundary-mark within the kwin once a year, between the months of Natdaw and Tabodweh, and report their condition to the Thoogee.

10. The Thoogee shall submit annually a report, before the full moon of the month of Taboung, to the Deputy Commissioner, describing the condition of the permanent boundary-marks in each kwin of his circle.

11. On the occurrence of any injury or damage to any permanent boundary mark the Deputy Commissioner shall without delay have it repaired or renewed.

Delegation of powers to subordinate officers.

(SECTION 32 (c).)

12. The Demarcation Officer and the Boundary Officer may delegate to any person under their orders power to enter upon any land for the purposes of demarcation.

13. The Boundary Officer may delegate to any subordinate, not below the rank of an Extra Assistant Commissioner, the powers of a Demarcation Officer under sections 4, 5, 6, 7, 9, 10 of the Act for demarcation of the boundaries mentioned in rule 2, except those classed under (b), (c), (p), (q). For demarcation of the lands classed under (b), (c), (p), (q), the Boundary Officer shall not delegate any of the powers aforesaid to any subordinate.

14. The Officer in charge of the Cadastral Survey appointed to be a Demarcation Officer under the Act may delegate to any subordinate, not below the rank of a Surveyor, the powers of a Demarcation Officer under sections 4, 5, 6, 7, 9, 10 of the Act for demarcation of the lands classed under (m), (n), (o), rule 1.

15. The Boundary Officer shall not delegate to any subordinate any of the powers conferred on Boundary Officers. But he may direct any subordinate, not below the rank of an Extra Assistant Commissioner, to make a local enquiry and report.

Miscellaneous.

(SECTION 32 (d).)

16. In any district in which there are reserved forests, the Boundary Officer shall make the demarcation of such forests in concert with the Forest Officer of the division and in accordance with the forest rules. Where any demarcation which has already been made is found to be sufficient, no further demarcation need be made.

17. In any district in which there are fisheries reserved under the Fisheries Act, the Boundary Officer shall, if the boundaries of such fisheries have not already been demarcated, make the demarcation in accordance with the rules issued under the Fisheries Act. When any demarcation which has already been made is found to be sufficient, no further demarcation need be made.

18. If the boundaries of any town, cantonment, or civil station have been already, either generally or specially, laid down, these boundaries shall be maintained.

19. The Boundary Officer, or any subordinate specially authorized by the Boundary Officer in that behalf, shall conduct prosecutions for refusal or neglect under section 30 of the Act before the Court of the nearest or any other Magistrate having jurisdiction.

20. The Boundary Officer shall certify to the Thoogyee of the circle any amounts which may be due under the provisions of the Act, and the Thoogyee shall proceed to recover such amounts under section 31 of the Act.

Issue and service of notices.

(SECTION 32 (e).)

21. The general notice prescribed in section 5 of the Act shall be issued at least one month before the Demarcation Officer enters upon the land, and shall be served by obtaining the signature of the Kyaydangyee of the village to the original, and tendering to him a copy, a second copy being affixed to one of the posts of the principal zayat, or to some conspicuous tree in the village. In the case of a town, cantonment, or civil station, the service shall be made by affixing a copy of the notice to the walls of public offices and of the principal shops.

22. The special notice prescribed in section 6 of the Act shall be issued at least ten days before the date fixed for attendance.
23. The special notice prescribed in section 7 of the Act shall be issued at least fifteen days before the Demarcation Officer enters upon the land.
24. The special notice prescribed in section 9 of the Act shall be issued at least ten days before the date fixed for attendance and production to documents.
25. The special notices issued under section 6, 7, and 9 of the Act shall be served by obtaining the signature of the person or persons to whom they are addressed to the original and tendering to him a copy. If the person to whom any such notice is addressed cannot be found, one copy of the notice shall be affixed to the door of his house, another copy shall be affixed to the nearest zayat, and the original shall be returned with a certified report of the nature of the service effected.
26. The general notice issued under section 11 shall be served in the same manner as the general notice issued under section 5.
27. The special notice issued under section 11 shall be served in the same manner as the special notices issued under sections 6, 7, and 9.
28. The notices issued under sections 24 and 25 shall be served in the same manner as the special notices issued under sections 6, 7, and 9.

Collection and record of information.

(SECTION 32 (a).)

29. Every cultivator in whose holding any of the changes hereinafter mentioned has taken place shall, before the expiry of three months after such change has taken place, report it to the Thoogye of the circle.
30. The report may be made either orally or in writing.
31. When any cultivator has reported, either orally or in writing, any change in his holding, the Thoogye shall furnish to the cultivator a written acknowledgment specifying the nature of the change and the date of report. The Thoogye shall keep notes of all changes so reported.
32. The changes to be reported under rule 27 are as follows:-
 - (a) Removal of boundaries (kazin) of fields (lehgwet).
 - (b) Erection of new field boundaries.
 - (c) Partition of holding.
 - (d) Succession by inheritance to any holding or part of a holding.

- (e) Acquisition by gift of any holding or part of a holding.
- (f) Purchase of any holding or part of a holding and amount of purchase-money.
- (g) Relinquishment of any holding or part of a holding and reason of relinquishment.
- (h) Leasing out to a tenant of any holding or part of a holding and rent agreed upon.
- (i) Change of tenant in any holding or part of a holding and change in the rent.
- (j) Alteration of area occupied by a tenant in any holding or part of a holding and alteration of rent.

D. M. SMEATON,
Secretary.