

(Rules Under The (Lower) Myanmar Town and Village Lands Act, 1898)

No.223

The 23rd July 1901.

[Amendment : 18.06.1989]

No.223.- In exercise of the powers conferred by sections 17 and 43 of the (Lower) Myanmar Town and Village Lands Act, 1898, the Lieutenant-Governor, with the previous sanction of the Governor-General in Council, prescribes the following rules under sections 12, 13, 14, 16 and 17 of the said Act.

Leases of land in towns, other than scheduled towns, for building, residential, and industrial purposes.

CHAPTER I.

Rules for regulating procedure in connection with applications for record of declarations of Landholder's rights (sections 12, 13, and 14).

1. Public notice shall be given of each application under section 12, or by the Revenue Officer taking action under section 14 in the following manner.
2. The Revenue Officer receiving the application under section 12, or taking action under section 14, shall issue a notice calling on all persons who may have objections to such declaration being made, or to a declaration made under section 13 being cancelled, to make such objections within 30 days of the publication of notice.
3. In the case of a notice issued under section 13, one copy shall be posted on the land, one in the house of the headman of the ward in the case of a town, and in the house of the headman of the village in the case of a village, one at the bazaar of the town or village where the applicant resides, if there be one, and one at the court-house of the Revenue Officer issuing the notice.
4. In the case of a notice under section 14 it shall be served on the persons in whose favour a declaration was made, or on his heir or assign, if possible, and also on all persons who are ascertained after enquiry to have an interest in the land. Copies shall also be posted in the house of the headman of the ward in the case of a town and in that of the headman of the village in the case of a village, at the bazaar of the town or village where the land is situate, if there be one, and at the court-house of the Revenue Officer issuing the notice.

5. If the land in respect of which a notice issues under section 13 or 14 be situated in a town where there is a newspaper, the notice shall be published in it.
6. A copy of the notice shall be returned to the Revenue Officer issuing it with an endorsement of the manner and date of service on it.
7. The notice shall be in such form as may be prescribed under section 42 of the Act.

CHAPTER II.

Rules for the disposal of land at the disposal of Government (sections 16 and 17).

8. Leases of land at the disposal of Government may be made for building, residential, and industrial purposes in any town other than a scheduled town.
9. Leases shall not ordinarily be for a shorter period than 30 years, and shall in all cases provide for renewal on the expiry of the original term up to a maximum period of 90 years, or in special cases under the Financial Commissioner's orders in perpetuity.
10. The Deputy Commissioner may make leases 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 leases up to one acre, and, if the area exceeds one acre, the sanction of the Financial Commissioner shall be obtained. Leases in excess of five acres require the sanction of the Local Government.
11. Leases of any of the following descriptions of land shall not be made without the previous sanction of, and subject to such conditions as may be prescribed by, the Local Government:-
 - (a) Land with a frontage on a navigable river or stream.
 - (b) Land required for industrial purposes in towns to which the Myanmar Municipal Act, 1898, applies.
 - (c) Land situated within a distance of 100 yards from any cemetery.

<Amendment 18.06.1989>
12. Any person desiring to acquire a lease of any land at the disposal of Government for building or residential purposes may apply in writing to the Deputy Commissioner of the district or to the officer in charge of the subdivision of the district in which the land is situate.
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 residential, industrial or other.
 - (f) A declaration that the land applied for has been demarcated.
13. 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 fee shall be taken.
14. The officer receiving the application shall cause the plot for which a lease is sought to be surveyed or may scrutinize any existing survey of the ground and, after verifying that the ground is apparently at the disposal of Government, and making such further enquiry (in Municipal towns the Municipal authorities shall be consulted) as he thinks necessary, he, if he is the Deputy Commissioner, may cause the application to be modified as he thinks fit, whereas, if he is a Subdivisional Officer, he shall submit the proceedings with his recommendations to the Deputy Commissioner, who may thereupon proceed as if the application had been made to him in the first place.
15. 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.
16. If 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 hereinafter prescribed. 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 in the manner hereinafter prescribed.
17. The rent to be paid for the land shall be not less than 75 per cent, of the full letting value of similar private sites: provided that it shall not be less than the highest rate at which revenue is assessed on cultivated lands in the neighbourhood.
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.
19. Where the land applied for does not exceed one-quarter of an acre, or where the land applied for exceeds one-quarter of an acre, the Deputy Commissioner on receiving orders approving of the lease at a certain

rental, shall cause public notice to be given of the fact of the application having been made by causing such notice to be affixed (a) on the land applied for; (b) at the house of the headman of the ward; (c) at the bazaar of the town in which the land is situate, 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, and fixing 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 stating that, if no such cause is shown, the lease will be made. Such notice shall contain all the information furnished by the applicant under Rule 5 as corrected by the measurements made under Rule 7, and shall state the amount of rent which will be imposed in case the lease is made. In towns where a newspaper is published an abstract notice of each application should be advertised in at least one issue of such English or Vernacular local newspaper as the Deputy Commissioner may from time to time decide.

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.

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.
21. 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.
22. If the original applicant refuses the terms offered by the Deputy Commissioner under Rule 14, the Deputy Commissioner may offer similar terms to any of the other applicants.

23. Where the land applied for exceeds one-quarter of an acre, the Deputy Commissioner, after the due publication of the notice ordered by Rule 12, 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, 21, and 22, provided that he can depute to the Deputy Commissioner the doing of any of the acts specified in these rules.
24. 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, 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.
25. The conditions of sale 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 do 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 the 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 shall fail to comply with these conditions, his deposit-money shall be forfeited to the Deputy Commissioner, who shall be at liberty to resell either by public auction or by private contract, submitting his proceedings to the Commissioner when the land applied for exceeds one-quarter of an acre, 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.
26. The agreement referred to in Rule 25 (b) shall be in such form as may be prescribed under section 42 of the Act and shall be stamped with an eight-anna stamp.

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.
28. In case of application by a lease-holder to the Deputy Commissioner to allow him to sell or under-let or otherwise part with possession of his rights under the lease, 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.
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 counter-part.

Leases of Land for agricultural purposes in towns other than scheduled towns.

30. No land in any town other than a scheduled town shall be leased for agricultural purposes, except with the previous sanction of the Commissioner and on such terms as he may in each case prescribe.
31. A Deputy Commissioner may, with the previous sanction of the Commissioner, grant a license to be in force for a period of not more than three years to any person to occupy any land in any town for the purpose of cultivation.
32. On the expiry of such a license a fresh one shall not be issued to the same person, his heirs, or assigns until period of one year at least shall have expired.
33. The provisions of Chapter VIII of the Rules under the Lower Myanmar Land and Revenue Act shall apply to, and be carried out as far as possible with reference to, applications made under this chapter.

<Amendment 18.06.1989>

Disposal of lands in villages.

34. Any person desiring to occupy any land in a village may apply either verbally or in writing to the headman of the village, who shall thereupon personally satisfy himself that it is at the disposal of Government, and is suitable for the purposes applied for.
35. The headman shall then require the applicant to demarcate the site, and when this has been done, shall issue a notice in such form as may be prescribed under section 42 of the Act, informing all whom it may concern that he will receive objections to the application being granted on or before a date fixed in the notice and which shall not be less than 15 days from the date of its publication.

Such notice shall be affixed at the land and at the house of the headman.

36. If at the expiration of 15 days from date of publication of notice no objection is received, the headman shall issue a license in such form as may be prescribed under section 42 of the Act to the applicant.
37. The boundaries of the land shall always be clearly given in the license, and, where possible, a plan of the land should be drawn on it.
38. If objections are received, the headman shall refer the parties to the Township Officer with a report of the circumstances.
39. On the receipt of this report the Township Officer shall proceed to dispose of the case on its merits.
40. The counterfoils of all licenses issued by the headman shall be preserved by him.

Grants of land for religious or public purposes.

41. The Deputy Commissioner may grant, free of land revenue, a site for a religious edifice-
- (a) on his own authority, if the value of the site does not exceed Rs. 100, and
 - (b) with the previous sanction of the Financial Commissioner, if the value of the site exceeds Rs. 100, but does not exceed Rs. 200.
- In calculating the value of a site for the purposes of this rule, the land revenue which is or would be assessed on the land if under cultivation shall be capitalised at twenty-five times the annual assessment, or, if the land is not liable to assessment, the market value of the land shall be accepted.
42. Cases in which the value of the land exceeds Rs. 200 shall be reported by the Financial Commissioner for the orders of the Local Government.
43. Rules 41 and 42 are applicable, whatever the religious creed may be, for the purposes for which the grant is made.
44. Subject to the sanction of the Financial Commissioner, the Deputy Commissioner may make a grant, free of revenue 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 41.
45. Any land granted under this chapter will 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.
46. 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.

47. Applications for grants shall be stamped with an eight-anna court-fee stamp and 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.
 - (e) Declaration that the land has been so demarcated as to be readily capable of identification.
48. The Deputy Commissioner on receiving the application shall cause the plot for which a grant is sought to be surveyed, or may scrutinize any existing survey, and shall cause a plan of the land to be placed on the record.
49. The Deputy Commissioner shall further cause notice to be issued informing all whom it may concern that an application has been made, 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 officer will receive objections and the date on which they will be heard.
- The notice shall be affixed (a) on the land, (b) at the house of the headman of the ward or village as the case may be, (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.
50. After expiry of 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.
51. If any objections are lodged on or before the date fixed for issue of the grant, the officer 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.
52. 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 can be made by laymen only, and each application must bear an eight-anna court-fee stamp.

In submitting the application the Deputy Commissioner should note-

- (a) the name and residence of the applicant;
- (b) the area of the land applied for and its value calculated according to Rule 41;
- (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, all under the signature of the Deputy Commissioner.

----- Footnote -----

[ပင်ရင်း- ၂၇.၇.၁၉၀၁ ရက်နေ့ထုတ် ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]