

The Lands Disputes (Summary Jurisdiction) Rules, 1946.

No. 138.

In exercise of the powers conferred by section 20 of the Lands Disputes (Summary Jurisdiction) Act, 1945, the Governor makes the following Rules:-

1. These Rules may be cited as **the Lands Disputes (Summary Jurisdiction) Rules, 1946.**
2. In these Rules-
 - (a) "The Act" means the Lands Disputes (Summary Jurisdiction), Act, 1945;
 - (b) "Rules" mean the Lands Disputes (Summary Jurisdiction) Rules, 1946;
 - (c) "Appendix" means appendix annexed to these Rules.
3. The Governor prescribes the 8th December 1941 as the date for the purpose of the general notice under sub-section (1) of section 5 of the Act.
4. The Governor prescribes the 16th October 1945 as the date with respect to which possession is to be determined under sub-section (2) of section 5 of the Act. This will apply to the whole of Burma except the Tenasserim Division.
5. The Governor prescribes the 1st January 1946 as the date with respect to which possession is to be determined under sub-section (2) of section 5 of the Act, for the Tenasserim Division.
6. (1) The general notice under sub-section (1) of section 5 of the Act shall be in the Form A set out in the Appendix.
(2) Such notice shall be published by affixing one copy on the notice board of the Land Commissioner's Office, one copy on the notice board of the nearest Police Station and one copy on the notice board of the District Magistrate's Court. It may also, if the Land Commissioner thinks fit, be published in one or more newspapers.
7. An application under sub-section (2) of section 5 of the Act shall be in the Form B set out in the Appendix.
8. A notice under sub-section (1) of section 7 of the Act shall be in the Form C set out in the Appendix.
9. A notice of eviction under section 9 shall be in the Form D set out in the Appendix.
10. When the notice of eviction is not obeyed the authority to be issued to a police officer shall be in the Form E and the warrant for the arrest of such a person shall be in the Form F set out in the Appendix.

11. The Land Commissioner shall record a memorandum of the statement or evidence of each claimant, party or witness examined by him. The order of the Land Commissioner under section 8 of the Act shall state briefly the reasons for the order.
12. Every application in the Form B under section 5 of the Act shall bear a Court-fee stamp of eight annas.
13. (1) Every police officer and every servant of any local authority shall be bound to assist a Land Commissioner in carrying out the provisions of the Act and these rules upon a request made to him by the Land Commissioner.
(2) Every village headman, ward headman, ten-house gaung or block elder shall be bound to assist a Land Commissioner in carrying out the provisions of the Act and these rules upon a request made to him by the Land Commissioner or police officer.
14. Warrants and notices issued under the Act and Rules shall be served in the manner provided by the Code of Criminal Procedure.
15. The Governor prescribes that for purpose of sub-section (1) of section 13 of the Act the period shall be till the harvest season of 1946-47.
16. If the Land Commissioner is satisfied that some new or important matter of evidence has come to light which clearly establishes that his order was erroneous or that the applicant and respondent have come to an amicable settlement he may review his order within six months from the date of passing the said order with reference to the proviso to section 15 of the Act.

----- Footnote -----

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----- Attachment -----

- [ATTACH LIST 1] 01 APPENDIX FORM A. [Section 5 (1).] General Notice.
- [ATTACH LIST 2] 02 FORM C. Notice.
- [ATTACH LIST 3] 03 FORM E. [Authority to Police Officer (section 9).]