

**MINERALS BRANCH.****MINERAL CONCESSIONS RULES.****No. 67****Rangoon, the 9th November 1946.**

Under section 38A of the Land and Revenue Act, section 23A of the Lower Burma Towns and Village Lands Act, section 31 of the Upper Burma Land and Revenue Regulation and section 33 of the Forest Act, and in supersession of the Rules published in Resolution No. 7552-7581/121, dated the 15th September 1913, of the Commerce and Industry Department of the Government of India, as subsequently amended, in so far as they relate to minerals other than natural petroleum and natural gas, the Governor makes the following Rules:-

**PART I-GENERAL.****1. In these rules-**

“Claim” means a square of land lying within a special mining area and pegged in accordance with the provisions of Rule 72.

“Claim Holder” means a person whose claim has been registered in accordance with the provisions of Rule 74, the registration not having been subsequently cancelled.

“Collector” means the Revenue Officer in charge of the district.

“Commissioner” includes the Director, Frontier Areas Administration.

“Disc Licence” means a licence in the form of a metal disc issued under Rule 62.

“Licence” includes a disc licence, except in Part III of these rules and elsewhere where the contrary is indicated by the context.

“Licensee” includes a claim-holder, except where the contrary is indicated by the context.

“Mineral” means any mineral substance except the following:-

Petroleum, natural gas, precious stones in a stone-tract notified under the Upper Burma Ruby

Regulation, jade, jadeite and amber in forest reserve, stone extracted for building, ballast for road-making purposes, gypsum, laterite, limestone, steatite, sandstone, marble, clay (including China clay) and any minor mineral not included in Schedule B.

“Person” includes, besides individuals, a public company registered in Burma, India, the United Kingdom, or a British Dominion or Colony and having a duly empowered agent resident in Burma, or a syndicate,

partnership or private firm of which one or more of the members reside in Burma, or which has a duly authorized agent resident in Burma.

“To prospect” means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral bearing qualities of the land.

“Schedule” means a schedule appended to these rules.

“Special mining area” means an area notified under the provisions of Rule 61.

2. The Governor may delegate to the Financial Commissioner all or any of his powers under these rules.
3. Any order passed by the Collector or Divisions Forest Officer shall be subject to appeal and to revision in such manner and by such authority as the Governor may prescribe by notification in the Burma Gazette.
4. The surface of unoccupied and unreserved land which is the property of Government may be freely searched without authority. The surface of occupied land may be searched only with the consent of the occupier, or in accordance with the provisions of any law for the time being in force.

The liberty allowed by this rule extends to the examination and collection of surface samples of earth and exposed rocks, but not to the making of pits, trenches or other excavations.

5. A certificate of approval, prospecting licence, disc licence or mining lease shall be granted only to a person who is a British subject, or, if the person be a company or firm, only if such company or firm is shown to the satisfaction of the Financial Commissioner to be controlled by British subjects. On the death of a person holding such certificate, licence or lease, it shall inure for the benefit of his legal representatives only if they are British subjects or a company or firm shown to the satisfaction of the Financial Commissioner to be controlled by British subjects.
6. A prospecting licence or mining lease shall be granted only in respect of land in which the mines or minerals are the property of Government.
7. Every application for a prospecting licence or mining lease shall, unless the Governor shall in any case otherwise direct, be made to the Collector of the District in which the land or some part of the land with respect to which the licence or lease is required is situated.
8. On receipt of any application under Rule 27, 41 or 73 the Collector, or such officer as he may authorize to do so, shall note thereon the date and hour of its receipt, and shall deliver to the applicant an acknowledgment stating the date and hour of receipt.
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## PART II- CERTIFICATE OF APPROVAL.

16. No prospecting licence or mining lease shall be granted except to a person holding a certificate of approval from the Financial Commissioner; but it shall not be necessary for an applicant for a disc licence to holding certificate of approval.
17. A certificate of approval shall have effect from the date thereof, and shall expire at midnight on the 31st December next following; provided that a certificate issued in the last quarter of the year shall be valid until the 31st of December of the year following. Only one person shall be named in the certificate. The fee payable therefor shall be Rs.50, and the certificate shall cover applications in respect of all minerals, as defined in Rule 1.
18. A certificate of approval may be renewed at the discretion of the Commissioner of the Division on payment of a fee of Rs.10 if the application for renewal is received within one month after the date of expiry of the original certificate and on payment of a fee of Rs.50 if the application is received after one month but within three months of the date of expiry of the original certificate. No application for renewal received after three months from the expiry of a certificate shall be entertained, but a fresh certificate of approval may be granted at the discretion of the Financial Commissioner on payment of a fee of Rs.50. The period of renewal of a certificate of approval has effect from the date of expiry of the original certificate or of the previous renewal as the case may be: provided that a renewal shall have retrospective effect for purposes the priority under Rules 112 and 113 beyond the date on which the application for such renewal was filed. The Governor may delegate to any officer not below the rank of Collector the power to renew a certificate of approval on payment of the prescribed fee, in any case in which the certificate holder has carried on operations under a prospecting licence or mining lease within the jurisdiction of the officer to whom the power is delegated.
19. The names of persons to whom certificates of approval have been granted shall be published in the Burma Gazette, and every application for a prospecting licence or a mining lease shall contain as statement of the number and date of the Gazette notification of the certificate of approval.
20. Before considering an application for a prospecting licence or a mining lease, the Collector shall verify the Gazette notification quoted, and shall refuse any application for a licence or a mining lease from a person not in possession of a valid certificate of approval: provided that the Collector may at his discretion require the production of the original certificate of approval.
21. Licences or leases previously granted may be held by a grantee who is no longer in possession of a certificate of approval.

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### PART III-PROSPECTING LICENCES.

26. A licence to prospect for minerals, called herein after a prospecting licence, shall confer on the licensee the sole right, subject to these rules and the conditions contained in the licence, to bore, dig and search for all minerals or any specified minerals lying or being within under or throughout the land specified in the licence, and to win dress and carry away such minerals not exceeding the amounts prescribed in Schedule B.

Any excess over such amounts shall not be carried away except with the special permission of the Collector on the payment of royalty at such rates, not less than the rates prescribed in Schedule A and not exceeding the value of the ore at the port of export, as, subject to the control of the Governor, he may prescribe.

27. Every application for a prospecting licence shall be presented in duplicate, and shall contain the following particulars, namely:-

- (a) The name, profession and residence of the applicant if he is an individual; or if the applicant is a company, syndicate, partnership or private firm, its name, and nature and place of business; and if the place of business is outside Burma, the name and residence of a member or duly authorized agent resident in Burma.
- (b) A description, illustrated by a map or plan, showing as accurately as possible the situation, boundaries and area of the land for which the licence is required.
- (c) A certificate that the applicant has demarcated the boundaries on the ground.
- (d) A statement showing, in such detail as may be required by the Governor, the minerals for which the applicant intends to prospect.
- (e) A statement of the areas in British Burma already held or applied for under mining lease or prospecting licence by the applicant or by any person joint in interest with him in prospecting or mining right.

28. After delivering the acknowledgment prescribed by Rule 8 the Collector shall, as soon as practicable, enquire whether the grant of the prospecting licence applied for is inexpedient, either on the ground that the land described in the application is required for a public purpose or otherwise.

29. Should the Collector be of opinion that it is not expedient to grant the prospecting licence, he shall refuse to grant it.

30. Subject to the control of the Governor, the Collector, if he finds that the applicant is in possession of a valid certificate of approval and that there is no objection to the grant of the licence applied for, may grant to the applicant a prospecting licence in such form as may be prescribed.
31. Every applicant shall, before the prospecting licence is granted, deposit as security in respect of such licence, a sum of Rs.100 per square mile or part of a square mile of the area covered by the licence, or, with the Collector's permission, give security to a like amount to the satisfaction of the Collector.
32. Subject to such deduction on account of compensation for surface damage, penalty, or otherwise as the Collector may order, the amount of any deposit made under the foregoing rule, should the depositor afterwards be granted a mining lease, will be carried to his credit as part of the rents, royalties or deposit money payable under the lease. Should he decline to receive or fail to obtain any such lease as aforesaid, the amount will be returned to him on his satisfying the Collector that the condition in Rule 34 (ix) has been complied with and on his furnishing the Collector with the information which he is required under Rule 108 to furnish.
33. If a prospecting licence is not executed within three months after leave has been granted for it, the right of the applicant to such licence shall be held to have lapsed unless the Financial Commissioner, for special reasons, consents to grant the same notwithstanding the delay or considers that the delay is not attributable to the applicant.
34. Every prospecting licence shall contain such conditions as may in any particular case seem necessary, and shall in all cases contain the following conditions:-
- (i) The licence shall be granted for such term as the applicant may desire, subject to a maximum of one year. If the Collector is satisfied that a longer period is required in order to enable the licensee to complete his search of the land, he may, subject to the control of the Governor, renew the licence for one or more further term or terms not exceeding one year each up to a total period of three years from the date of commencement of the original licence:
- Provided that, when the licensee has, before the termination of the period of the licence, applied for the grant of a mining lease the Collector may further extend the period of the licence until a mining lease is granted or for such time as he may deem fit.
- (ii) The licensee shall pay a fee not exceeding one rupee and not less than one anna per acre of the land covered by the licence for each year or portion of a year of the term for which the licence is granted. When a licence is renewed under the last foregoing condition, a fresh fee shall be payable, subject to

the same maximum and minimum charge, for each year or part of a year for which the licence is renewed. But no fee shall be payable for an extension of the term of licence under the proviso to that condition.

- (iii) The licensee shall pay royalty at a rate not exceeding 15 per cent of the value on all precious stones won and carried away, and a royalty at such rate or rates as may be prescribed under Rule 26 on all other minerals won and carried away over and above such quantity as is allowed in Schedule B to be taken free for purposes of experiment.
- (iv) The licensee shall make and pay such reasonable satisfaction and compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury or disturbance which may be done by him, whether on or outside the lands over which the licence has been granted, in exercise of the powers granted by the licence, and shall indemnify the Government against all claims which may be made by third parties in respect of any such damage, injury or disturbance.
- (v) The licensee shall not cut or injure any tree on unoccupied and unreserved land without the permission in writing of the Collector, or of such officer or officers as he may appoint: nor, without the permission of the Collector, shall he disturb the surface of any road, or enter on any public pleasure ground, burning or burial ground, or place held sacred by any class of persons, or interfere with any right-of-way, well or tank.
- (vi) The licensee shall keep such records as may be required by the Financial Commissioner of his prospecting operations and of the minerals contained in and the geological formation of the area held under the licence.
- (vii) The licensee may, with the previous sanction of the Governor, assign his licence or transfer any right or interest thereunder, to a person holding a valid certificate of approval, subject to the condition that every such assignment or transfer shall, within three calendar months from the date of its completion, be registered in the Office of the Collector on payment of a fee of fifty rupees.
- (viii) In case of any breach on the part of the licensee or his transferee or assignee of any of the preceding clauses, the Collector may summarily revoke the licence, and there upon all rights conferred thereby or enjoyed thereunder shall cease; or, should he see fit, he may, in lieu thereof, declare to be forfeited to Government the whole or any part of the deposit made by the licensee under Rule 31.

- (ix) Save in the case of land over which the licensee shall have been granted a mining lease on or before the determination of the licence, he shall within six months next after the determination of the licence or the date of the abandonment of the undertaking, whichever shall first occur, securely plug any bores and fill up or fence any holes or excavations that he may have made in the land to such extent as the Collector may require, and shall to the like extent restore the surface of the land and all buildings thereon which he may have damaged in the course of prospecting:

Provided that the licensee shall not be compelled to restore the surface of land or any buildings in respect of which full and proper compensation has already been paid under condition (iv).

- (x) The Governor shall at all times have the right of pre-emption of the minerals lying upon the land in respect of which the licence has been granted or elsewhere under the control of the licensee, provided that the fair market price shall be paid to the licensee for all minerals taken in pre-emption.

- (xi) Should any question or dispute arise regarding the licence, or any matter or thing connected therewith or the powers of the licensee thereunder, or the amount, or payment of the fee or royalty made payable thereby, the matter in difference shall be decided by the Governor, whose decision shall be final:

Provided that any dispute as regards the price to be paid for minerals taken in pre-emption by the Governor from mines or lands other than those of which he may have taken over possession or control during war or grave national emergency shall be determined by two arbitrators one to be nominated by the Governor and the other by the licensee or in case of disagreement between the arbitrators by an umpire appointed by the arbitrators in writing under their hands before proceeding with the arbitration and the decision of such arbitrators or umpire shall be final.

35. On or before the termination of his prospecting licence, the licensee shall subject to the provisions of Rule 45 have a right-

- (a) in the case of minerals other than precious stones, to a mining lease in accordance with the terms contained in the rules for mining leases;
- (b) in the case of precious stones, to the first offer of such mining lease as the Governor may think fit to grant.

Such lease may comprise the whole or a part only of the area for which the prospecting licence was granted.

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**PART IV-MINING LEASES.**

41. Every application for a mining lease shall contain the following particulars, namely:-

- (a) The name, residence and profession of the applicant if he is an individual, or if the applicant is a company, syndicate, private firm or partnership, its name and nature and place of business, and if the place of business is outside Burma, the name and residence of a member or duly authorized agent resident in Burma.
- (b) A specification of the mineral or minerals for which the applicant intends to mine.
- (c) A description, illustrated by a map or plan, showing as accurately as possible the situation, boundaries and area of the land for which the lease is required.
- (d) A certificate that the applicant has demarcated the boundaries on the ground.
- (e) A statement showing all areas in British Burma already held by the applicant or by any other person joint in interest with him in prospecting or mining right; and
- (f) The period for which the lease is required.

42. With the application for a mining lease the applicant shall deposit as security in respect of preliminary expenses such sum, not exceeding Rs.500, as the Collector may determine, or with the Collector's permission, give security to the like amount to the satisfaction of the Collector. If the application relates to an area for which the applicant holds a prospecting licence, any amount held in deposit under Rule 31 in respect of such prospecting licence will be carried to his account.

43. The amount of any deposit made under Rule 42, less any expenses incurred by or on behalf of Government, will, if the depositor be granted a mining lease, be carried to his credit as part of the rent or royalties payable under the lease, or if he declines or fails to obtain any such lease will be returned to him.

44. On receipt of the application from the Collector the Governor may, if the applicant is entitled to a lease under Rule 35 or if he considers that the applicant should be granted a mining lease, grant the same in accordance with these rules over such area as he may think fit.

45. The Governor will not ordinarily grant a mining lease so as to cause the total area held under mining leases under these rules by the lessee or those joint in interest with him to exceed 15 square miles.

46. The Governor will not sanction the assignment of a mining lease or the transfer of any right or interest thereunder except to a person holding a valid certificate of approval. Any such sanction will ordinarily be subject to the condition that the total area (including the area to be assigned or transferred) held under



mining leases by the assignee or transferee or those joint in interest with the assignee or transferee within British Burma shall not exceed 15 square miles.

47. The length of an area under mining lease shall not ordinarily exceed four times its breadth:

Provided that this limit shall not apply to areas in river beds held on lease for dredging purposes, in respect of which the Governor may prescribe such other limits as he may think fit.

48. The boundaries below the surface of all areas given out on mining lease under these rules shall be considered to run vertically downwards towards the centre of the earth.

49. If a lease is not executed within one year after leave has been granted for it, the right of the applicant to such a lease shall be held to have lapsed unless the Governor for special reasons consents to grant the such notwithstanding the delay or considers that the delay if not attributable to the applicant.

**NOTE.**-Every lease shall before it is executed be approved by the Director of the Crown Office.

50. The term for which a mining lease may be granted shall not exceed 20 years, but the lease may contain a clause permitting successive renewals, at the lessee's option, for periods not exceeding 20 years each. At each such renewal dead and surface rents may be fixed at rates not exceeding twice those reserved in the expiring instrument of lease. The royalty payable on each such renewal shall be at the rates in force under the general orders of competent authority on the day after the expiration of the previous instrument of lease, subject to a maximum of twice the rates reserved in such instrument.

51. Every mining lease shall contain such conditions and stipulations as the Governor may in each case consider necessary; and shall in every case contain the following conditions, namely:-

(i) The lessee shall pay a royalty or royalties at the rate or rates specified in the lease, which rate, or rates shall be those fixed for the particular mineral or minerals in Schedule A; and if any other mineral shall be discovered by him, then the royalty shall be paid therefor at such rate not being less than 20 per cent of the value thereof, as the Governor may determine, until a mining lease has been obtained in respect of such mineral; but the lessee shall be entitled within twelve months from the discovery of such mineral to require and obtain such lease for the term then unexpired of his original lease: provided that, if he declines to take a lease as above provided, the Governor may give a lease in respect of such mineral to any other person.

(ii) The lessee shall also pay for every year except the first year of the original period of the lease, a fixed yearly dead rent at a rate not less than that laid down in Schedule C: provided that no lessee shall pay

both royalty and dead rent in respect of the same lease, but only such one of them as may be of the greater amount.

- (iii) The lessee shall also pay for all land which he may use or occupy superficially for the purpose of mining a surface rent at the rate specified in Schedule D.
- (iv) The lessee shall at his own expense erect and at all times maintain and keep in repair boundary marks and pillars according to the demarcation to be shown in a plan annexed to his lease.
- (v) The lessee shall make and pay such reasonable satisfaction and compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury or disturbance which may be done by him whether on or outside the lands over which the lease has been granted, in exercise of the powers granted by the lease, and shall indemnify the Government against all claims which may be made by third parties in respect of any such damage, injury or disturbance.
- (vi) The lessee shall not cut or injure any tree reserved in the lease.
- (vii) The lessee may, with the previous sanction of the Governor, assign his lease or transfer any right or interest thereunder, subject to the condition that every assignment or transfer shall, within three calendar months from the date of its completion, be registered in the office of the Collector on payment of a fee of fifty rupees.
- (viii) Unless good cause exists for exemption from this condition, a question on which the decision of the Governor shall be final, the lessee shall commence operations within one year from the date of the execution of the lease and shall thereafter carry them on effectually in a proper, skilful and mining-like manner. Should the lessee cease without such cause to work the mine for a period exceeding three years in such a manner as to produce sufficient mineral to earn a royalty at least equal to the dead rent, it shall be deemed a breach of this condition.

**NOTE.**-For the purpose of the first part of this condition, such measures as the erection of machinery for the purposes of working the mine, although not necessarily on the land covered by the lease, or the construction of roads or tramways in connection with the mine, shall be deemed to be sufficient compliance with the requirement of commencing operations.

- (ix) The lessee shall without delay report to the Collector the discovery on or within any of the lands or mines demised by the lease of any minerals not specified in the lease.
- (x) Should the royalty or rent reserved or made payable by the lease be not paid within two months next after the date fixed in the lease for the payment of the same, the Governor may enter upon the said

premises and distrain all or any of the minerals or movable property therein, and may order the sale of the property so distrained or so much of it as will suffice for the satisfaction of the rent or royalty due and all costs and expenses occasioned by the non-payment thereof; and if any royalty or rent remain at any time unpaid for six calendar months after the date on which it is due, the Governor may determine the lease and take possession of the premises comprised therein.

- (xi) In case of any breach on the part of the lessee of any covenant or condition contained in the lease, the Governor may determine the lease and take possession of the said premises; or, in the alternative, may accept payment of a penalty, not exceeding twice the amount of the annual dead rent, from the lessee.
- (xii) At the end or sooner determination of the lease the lessee shall deliver up the said premises and all mines (if any) dug therein in a proper and workman-like state, save in respect of any working as to which the Governor may have sanctioned abandonment.
- (xiii) The Governor shall at all times have the right of pre-emption of the minerals lying upon the land in respect of which the lease has been granted or elsewhere under the control of the lessee, provided that the fair market price shall be paid to the lessee for all minerals taken in pre-emption.
- (xiv) Should any question or dispute arise regarding the lease or any matter or thing connected with the mines and minerals leased or the working or non-working thereof or the amount or payment of the royalty or rent reserved or made payable by the lease, the matter in difference shall be decided by the Governor whose decision thereon shall be final:

Provided that any dispute as regards the price to be paid for minerals taken in pre-emption by the Governor from mines other than those of which possession or control has been taken over by the Governor during war or grave national emergency shall be determined by two arbitrators one to be nominated by the Governor and the other by the lessee or in case of disagreement between the arbitrators by an umpire appointed by the arbitrators in writing under their hands before proceeding with the arbitration and the decision of such arbitrators or umpire shall be final.

- 52. The lessee shall be at liberty to determine the lease at any time on giving not less than twelve calendar months' notice in writing to the Collector; and upon the expiration of such notice, provided that all sums due on account of the lease shall have been paid, the lease shall be determined. When a lessee exercises his option of determining a lease, he shall not ordinarily be granted subsequently a new lease over a portion only of the land covered by the original lease.

53. to 60. \* \* \* \* \* Blank

#### **PART V- SPECIAL MINING AREAS.**

61. (i) When the Governor has reason to believe that any land containing tin or wolfram deposits is unsuitable for exploitation by mining lease, he may by notification in the Burma Gazette declare such land or any part of it to be a special mining area.
- (ii) The Governor may by the same or some subsequent notification define the limits of such area and may in like manner at any time extend, diminish or otherwise alter the limits of any special mining area after such notice as he may consider adequate.
- (iii) No prospecting licence or mining lease shall be granted in a special mining area.

#### **Disc Licences.**

62. (i) Subject to the provisions of Rule 5 the Collector of any district in which a special mining area or part of a special mining area is situated may issue one or more disc licences to any person upon application being made in such form as the Financial Commissioner may direct. The number of disc licences which may be issued to any one applicant shall be decided by the Collector on a consideration of the applicant's intention and ability to carry out bona fide mining under all the disc licences issued to him:

Provided that a disc licence shall not be issued to any person who-

- (a) is under 18 years of age, or
- (b) is unable to read or is, in the opinion of the Collector, incapable of understanding these rules, or
- (c) is the holder of a current mining lease in any district or a person to whom the grant of a mining lease has been sanctioned:

Provided further that the Collector may refuse to issue a disc licence to any person who has been convicted of any offence punishable with imprisonment for a period exceeding six months or who has had any disc licence revoked or any prospecting licence or mining lease cancelled or the renewal of any certificate of approval refused.

- (ii) The Collector may require an applicant to produce such evidence of his identity as he may consider necessary.
63. Every applicant shall deposit as security for the observance of these rules a sum of Rs.25 for each disc licence before it is issued. Subject to such deduction on account of compensation for surface damage, penalty, or otherwise as the Collector may order, the amount of the deposit shall be returned to the depositor on the surrender or revocation of the disc licence.

64. A disc licence shall be valid for one claim at a time in the district in which it is issued and shall become invalid when it is revoked or surrendered in accordance with the provisions of these rules or when the period for which the fee has been paid in advance expires.
65. The fee for a disc licence shall be Rs.24 for each calendar year or part thereof, and shall be payable in advance; provided that when a disc licence is surrendered (otherwise than on revocation) before the 1st August and the licensee has complied with all the provisions of these rules, the Collector shall refund half the fee; provided further that only half the fee shall be chargeable for a disc licence issued after the 31st July.
66. The Collector may, after giving the licensee reasonable opportunity of showing cause against the action proposed, revoke any disc licence issued by himself or his predecessor in office, if the licensee-
- (a) commits any breach of these Rules;
  - (b) becomes insolvent or of unsound mind;
  - (c) is convicted of an offence punishable with imprisonment for a period exceeding six months; or
  - (d) has obtained or attempted to obtain any disc licence or the registration of any claim by false or fraudulent representation or by the concealment of facts.
67. When a disc licence has become invalid, the licensee shall be liable to a penalty of Re.1 for each day of such invalidity up to the day on which the licence is returned to the office from which it was issued: Provided that the Collector may remit or reduce such penalty for reasons to be recorded in writing.
68. A disc licence shall not be transferable from the licensee to any other person.

#### **Claims.**

69. Any person holding a valid disc licence issued to him under Rule 62 may peg a claim within a special mining area. When the registration of a claim is cancelled under these rules the disc licence, if still valid, may be used as authority for pegging another claim.
70. No claim shall be pegged within 25 feet of an existing ditch line or flume.
71. A licensee shall not peg more than four claims in a continuous block, and where two claims pegged by the same licensee are continuous they must have two corner beacons in common. Where two claims pegged by the same licensee are not continuous they shall be at least 300 feet apart at their nearest points.
72. The procedure for pegging a claim shall be as follows:-

- (1) The shape of a claim shall be a square of which each side shall be 300 feet in length as measured on the ground.
- (2) Corner beacons shall be erected at the four corners of the claim. A beacon shall consist of a post not less than 5 feet high and 4 inches in diameter or 4 inches square, supported in an upright position by a mound of stones or earth not less than 3 feet high and not less than 4 feet square at the base. A trench not less than 1 foot deep and 1 foot wide shall be cut along the boundary for a distance of 10 feet on each side of each beacon provided that if trenches cannot be conveniently cut the direction of the boundary lines shall be indicated by a line of stones, sufficiently heavy not to be easily disturbed, for a distance of 10 feet on each side of each beacon.

Each corner beacon shall have the number of the disc licence inscribed legibly on it.

- (3) One corner beacon shall be selected and used as the location beacon, to which the disc licence shall be securely attached facing towards the claim area.
- (4) The location beacon shall also bear the following information on a board or metal plate:-
  - (a) the name of the holder,
  - (b) the date of erection of the beacon, and
  - (c) the magnetic bearings of the two boundary lines of which it forms the corner.
- (5) The position of the location beacon shall be fixed by reference to at least three permanent objects in the near vicinity. The magnetic bearings from the location beacon to these objects shall be recorded together with the distance to each.
- (6) The Collector or any officer authorized by him may measure the size of any claim and, if he finds that the holder has pegged more ground than he is entitled to, may give directions as to the manner in which the boundaries of the claim are to be corrected.

73. The licensee shall thereafter as soon as possible and not more than 15 days from the date of pegging apply to the Collector in such manner as the Financial Commissioner may direct to register the claim.

74. After delivering the acknowledgment required by Rule 8 the Collector shall issue for not less than 15 days notices calling for objections to the registration of the claim in the licensee's name. If any objection is received, the Collector shall hear the applicant and all the objectors and shall decide whether the objections shall be upheld or overruled. If any objection is upheld, the Collector may refuse to register the claim.

If there is no objection or if all the objections are overruled he may register the claim.

75. A claim holder shall have the sole right, subject to the provisions of Parts V and VI of these rules as amended from time to time, to prospect or mine to a depth of not more than 50 feet below the surface of his claim by open cast methods for tin and wolfram ores only and to remove therefrom the minerals won; but he shall not be entitled to carry out underground mining operations.
76. A claim holder shall, unless exempted by the Collector, carry on prospecting or mining operations on his claim without voluntary intermission in a skilful and workman-like manner.
77. A claim holder may within his claim, subject to the provisions of Parts V and VI of these Rules-
- (a) erect, construct and maintain houses and buildings for his use and for the use of his agents, servants and workmen and such other structures as may be necessary;
  - (b) stack or dump any of the products of mining;
  - (c) lay waterpipes and make drains, water courses, ponds, dams and reservoirs and divert from the natural water course on or flowing through the claim, any water up to a maximum of two cuser per claim: provided that-
    - (i) any water diverted shall be returned or its natural channel; and
    - (ii) any existing rights to the use of any source natural water supply shall not be disturbed;
  - (d) construct and maintain all such roads, communications and conveniences as may be necessary; and
  - (e) clear brushwood and undergrowth.
78. A claim holder may not without the permission of the Collector or any officer authorized by him in this behalf-
- (a) cut or injure any timber or tree;
  - (b) do any act likely to cause damage to any public road, railway, reservoir, canal or other public work or any building, inhabited site, cultivated land, burning or burial ground or place held sacred by any class of persons or interfere with any well, tank or right of way.
- In the event of such injury, damage or interference being caused he shall be liable to pay reasonable compensation, to be assessed, in case of dispute, by the Collector.
79. A claim holder shall pay royalty at the rate specified in Schedule A on all tin and wolfram are with and carried away from his claim.
80. Every claim holder shall maintain on his claim or on some part of two or more contiguous claim registered in his name, an accurate weighing machine, and shall at least once a week cause all minerals

won from the claim or claims to be weighed on the said machine and the quantities to be recorded in his books of account before the minerals are removed.

#### **Transfer of Claim.**

81. A claim holder shall not transfer or assign a claim or any right or interest thereunder, except, with the previous sanction of the Governor, to a person holding a valid disc licence. Every such assignment or transfer shall within thirty days from the date of its completion be registered in the office of the Collector on payment of a fee of RS.10.

#### **Amalgamation of Claims.**

82. The holders of two or more adjoining claims may apply to the Collector for the exclusion of their claims from a special mining area, their amalgamation and the grant (subject to the provisions of Rule 16) to one or more of the applicants of a prospecting licence or a mining lease over the whole. Every such application shall state accurately the interest or share which each applicant is to be granted in or under the prospecting licence or mining lease and the amount to be paid to him by way of compensation or otherwise. The provisions of Rule 46 shall apply to any such proposed arrangement as if it were the assignment of a mining lease. The Collector, after such enquiry as he considers necessary, shall submit the application with his recommendations through the proper channel to the Governor, who may reject it or grant it with such modifications and on such terms and conditions as, subject to the provisions of these rules, he may think fit.

#### **Abandonment of Claims.**

83. A claim holder who removes his disc licence from the location beacon of a claim, except when it is replaced by the disc licence of a transferee or assignee under Rule 81. shall be deemed to have abandoned his claim.
84. (i) Any claim holder who abandons a claim shall forthwith notify the Collector of such abandonment, and thereupon the Collector shall cancel the registration of the claim.
- (ii) Before abandoning the claim, the claim holder shall fill up, fence or secure, to the satisfaction of the Collector or other officer authorized in this behalf, all pits, holes and excavations, in such a manner as to prevent persons or cattle inadvertently entering them, and shall remove the location beacon and all corner beacons. If the claim holder fails to comply with the provisions of this rule the Collector may cause the work to be carried out at the claim holder's expense.

#### **Cancellation of Claim.**



85. When a disc licence is revoked or becomes otherwise invalid, the registration of the claim (if any) held in virtue of it shall be cancelled. The Collector, after giving the claim holder reasonable opportunity of showing cause against the action proposed, may also cancel the registration of a claim for any breach of these rules not involving revocation of the disc licence.

#### **Resumption of Claim.**

86. The Governor may, without prejudice to any other powers reserved by these rules, at any time after notice given to the claim holder, resume a claim for any public purpose on payment of such compensation as he may think fit, and thereupon the registration of the claim shall be cancelled.

#### **Effect of cancellation of Claim.**

87. When the registration of a claim has been cancelled the area comprised within it shall (except when the claim is resumed for a public purpose under Rule 86) be deemed to be available for pegging in accordance with these rules by any person other than the last claim holder.

88. Should any question or dispute arise regarding a disc licence or claim or any matter or thing connected with a claim or the minerals contained in or produced from it or the working or non-working thereof or the amount of any fee, penalty or royalty payable under this Part, the matter in difference shall be decided by the Collector, subject to the provisions of Rule 3.

89. to 100. \* \* \* \* \* Blank

### **PART VI-MISCELLANEOUS.**

#### **Tailings and use of Water.**

101. (i) A licensee or lessee may deposit tailings in any water course or stream on or adjoining his mine: Provided that the Collector may by order in writing prohibit the deposit of tailings, either generally or from a specified mine or mines in any watercourse or stream or any part thereof, or may regulate such deposit in such manner as he may deem fit.

(ii) The Collector may by order in writing prescribe the manner of disposal of tailings from any mine, provided that they shall not be deposited on land which has not been previously ascertained by trenching, pitting or boring to the satisfaction of the Collector to contain no minerals in workable quantities.

102. The use of public waters in the Tavoy and Mergui Districts for mining operations, except to the extent permitted by Rule 77 and by the instruments of prospecting licence and mining lease, is governed by the Burma Water Power (Mining Operations) Rules framed under the Water Power Act. The use of public

waters for obtaining energy is regulated by the Burma Water Power (Generation of Energy) Rules framed under the same Act.

#### **Access.**

103. Every licensee or lessee shall allow existing and future licensees, lessees and occupiers of any land which is comprised in or adjoins or is reached by the land held by him reasonable facilities for themselves, their agents and their employees of access thereto.

#### **Operations in Reserved Forests.**

104. All operations conducted under the authority of these rules within a reserved forest shall be subject to such conditions as the Governor may by general or special order from time to time prescribe. It shall be a condition of every licence and lease granted under these rules and affecting a reserved forest that before the commencement of prospecting or mining work within a reserved forest, 30 days notice shall be given to the Divisional Forest Officer of the intention to commence operations, and that the operations shall be conducted subject to any conditions regarding the use of fire that he may prescribe. This rule applies also to claims.

105. Every mining lease which includes any portion of a reserved forest shall, if it authorizes the lessee to fell timber for mining purposes, specify the area within which or the quantity up to which and the terms and conditions upon which he may exercise that authority.

#### **Transport Passes.**

106. In the Tavoy and Mergui Districts a licensee or lessee shall not permit any tin or wolfram to be moved outside his concession unless accompanied by a transport pass in such form and subject to such conditions as the Financial Commissioner may direct.

#### **Records, Information and Inspection.**

107. Every lessee and licensee shall maintain such accounts, plans and other records as the Financial Commissioner may direct.

108. Every lessee and licensee shall furnish free of charge to such officer at such times and in such form as the Financial Commissioner may direct information and returns relating to the area covered by his lease, licence or claim, the labour employed on such area and the minerals won and carried away.

109. The Financial Commissioner, the Divisional Commissioner, the Collector, the Civil Surgeon, the Inspector of Mines and any officer authorized by any of them in this behalf may enter upon any area held under

mining lease or prospecting licence or any claim for the purpose of inspecting it, and may examine the accounts, plans and other records which the lessee or licensee is required to maintain.

110. Registers of applications for prospecting licences and mining leases and registers of claims shall be kept in English in the Collector's office in such form as the Financial Commissioner may direct. The registers shall be open to inspection by any holder of a valid certificate of approval or valid disc licence or his duly authorized representative on payment of such fee as the Governor may prescribe.

111. Returns of mining leases, prospecting licences and disc licences held or granted and of claims registered shall be submitted by the Collector at such intervals and to such authorities as the Financial Commissioner may direct.

**Disposal of concessions in case of competing applications, or after cancellation.**

112. In the case of two or more applications for prospecting licences affecting the same land the prior right to a licence-

and in the case of two or more applications for mining leases affecting the same land and presented by applicants who are not in possession of, and have not applied for, prospecting licences in respect thereof, the prior right to a lease-

shall, subject to any order which the Governor may pass in any particular case, be deemed to lie with the applicant who, being the holder of a valid certificate of approval and after compliance with the procedure prescribed by the rules, shall have been the first to file his application with the Collector.

113. When both an application or applications for a prospecting licence and an application or applications for a mining lease are presented in respect of the same area, the applicant or applicants for a mining lease not being in possession of a prospecting licence in respect of that area, the prior right to the concession, whether licence or lease, shall, subject to any order which the Governor may pass in any particular case, be deemed to lie with the applicant who, being the holder of a valid certificate of approval and after compliance with the procedure prescribed by the rules, shall have been the first to file his application with the Collector:

Provided that if the prior right to the concession is held to lie with an applicant for a lease the Governor may grant him a licence instead.

114. In cases where a prospecting licence or mining lease has been cancelled the Governor may, notwithstanding anything to the contrary hereinbefore contained, offer the fresh concession in the form of either a prospecting licence or a mining lease, over the whole or a portion of the area covered by the

original licence or lease and may sell such concession by auction or private treaty or by any other method which he considers to be suitable:

Provided that-

- (i) the person to whom the concession is sold shall be the holder of a valid certificate of approval;
- (ii) save for the payment of an initial premium the terms of sale shall conform in every respect to the provisions of Rules 31 to 35, 101, 103, 104 and 106 to 109 in the case of a prospecting licence and to the provisions of Rules 44 to 52, 101 and 103 to 109 in the case of a mining lease.

115. In the case of two or more applications for the registration of claims affecting the same land, the prior right if the claim shall, subject to any order which the Governor may pass in any particular case, be deemed to lie with the applicant who, being the holder of a valid licence, shall have been the first, after compliance with the procedure prescribed by the rules, to file his application with the Collector.

116. If an application of any kind referred to in Rules 112, 113 and 115 is rejected by the Collector and is subsequently admitted on appeal or revision, it shall be treated for purposes of priority as having been filed at the time originally noted on it under Rule 8.

117. When any land has been excluded from a special mining area under Rule 61 (ii), otherwise than on application made under Rule 82, the Governor may in the first instance offer the right to a prospecting licence or mining lease, subject to the provisions of Rule 16, to the person of whose information, furnished to the Collector, of the extent of the mineral deposits in such land the exclusion was ordered. If there is no such person, or if he is not granted a concession over the whole of such land, the concession or concessions over the area available shall be subject to any order which the Governor may pass in any particular case, be disposed of in the manner prescribed by Rule 114.

----- Footnote -----

[ပင်ရင်း- ၃၀.၁၁.၁၉၄၆ ရက်နေ့ထုတ် ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]

----- Attachment -----

[ ATTACH LIST 1 ] 01 RENTS AND ROYALTIES. SCHEDULE A. Royally-Rules 26, 34 (iii) and 51 (i).

[ ATTACH LIST 2 ] 02 SCHEDULE B. Maximum quantities removeable free of royalty-Rule 34 (iii).

[ ATTACH LIST 3 ] 03 SCHEDULE C. Minimum Dead Rent-Rule 51 (ii).