

Rules Under the Myanmar Village Act, 1907 Myanmar Act VI of 1907 (No.450, 451, 452, 453,454, 455)

No. 450

[Amendment : 18.06.1989]

No. 450. - In exercise of the powers conferred by section 29 of the Myanmar Village Act, 1907 (Myanmar Act VI of 1907), the Lieutenant-Governor is pleased to make the following rules under clauses (a), (b) and (c) of sub-section (1) of the said section.

Rules under clause (a), conferring on Headmen and on Rural Policemen powers and privileges of Police Officers.

1. Headmen of village-tracts are empowered to search for and arrest any person who is liable to be arrested by a police officer under any of the circumstances mentioned in section 54 of the Code of Criminal Procedure, 1898.
2. The powers and privileges exercised or enjoyed by a police officer under the Police Act, 1861, and the Code of Criminal Procedure, 1898, shall be exercised and enjoyed by rural policemen in Lower Myanmar.

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Rules under clause (b), prescribing the duties to be performed by Rural Policemen in Lower Myanmar.

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3. Every rural policeman shall be bound-
 - (i) to search for and arrest any person whom he has reason to believe to have been concerned in the commission, or attempted commission, of any offence referred to in section 7 of the Act and to recover, if possible, any property taken by any such person;
 - (ii) to arrest any person found lurking within the limits of the village-tract who cannot give a satisfactory account of himself;
 - (iii) to deliver to the headman any person arrested by him or made over to his custody together with any weapon or other article likely to be useful as evidence;
 - (iv) to resist any unlawful attack made upon any village within the village-tract;
 - (v) to assist the headman in registering all births and deaths which take place within the village-tract, and any other vital statistics which the headman may be required to register;

- (vi) to supply, to the best of his ability, any local information which any Magistrate or officer of police may require;
- (vii) generally to assist the headman and all officers of the Government in the execution of their public duties.

4. Every rural policeman shall perform all the duties imposed on a police officer by the Police Act, 1861, and the Code of Criminal Procedure, 1898.

Rule under clause (c), regulating the exercise, enjoyment and performance of their powers, privileges and duties by Rural Policemen in Lower Myanmar.

5. The powers, privileges and duties above described shall be exercised, enjoyed and performed by every rural policeman in subordination to the Deputy Commissioner, Subdivisional Officer, Township Officer, District Superintendent of Police and headman of the village-tract.

Rules 1 to 4 of the rules published in Judicial Department Notification No. 332, dated the 7th August 1889, Judicial Department Notification No. 337, dated the 26th November 1895, and Judicial Department Notification No. 283, dated the 18th August 1896, are hereby superseded.

No. 451.- In exercise of the powers conferred by section 29, subsection (1), clause (d), of the Myanmar Village Act, 1907 (Myanmar Act VI of 1907), the Lieutenant-Governor is pleased to make the following rules:-

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Rules prescribing duties of persons residing in a village-tract, in respect of public nuisances and sanitation.

1. No person residing in a village-tract shall allow any house or land occupied by him to be kept in a filthy or insanitary condition or overgrown with weeds or rank vegetation.
2. No person residing in a village-tract shall allow any corpse of a human being, unless embalmed or enclosed in an airtight coffin, to be kept unburied or uncremated for more than 48 hours in any house or land occupied by him without the special sanction in each case of the Deputy Commissioner, Civil Surgeon, Subdivisional Officer or Township Officer: Provided that between the first day of November and last day of February inclusive, corpses may be kept unburied or uncremated for 72 hours.
3. No person residing in a village-tract shall bury a corpse or cause a corpse to be buried at a depth of less than 5 feet, or within 30 yards of any well, tank or stream, or of any dwelling-house. No person residing in a village-tract shall throw a corpse or cause it to be thrown into a river, creek or water of any kind.

4. Except with the permission of the headman, no person residing in a village-tract shall burn or bury or deposit the corpse of a human being in or at any place other than a burial-ground set apart by the headman.
5. No person residing in a village-tract shall allow any latrine or cess-pit on any house, enclosure or land occupied by him to be kept in a filthy or insanitary condition. Cess-pits shall be closed periodically.
6. No person residing in a village-tract shall build any new house in any village within 20 feet of the front or back or 6 feet of the side of any existing house.

Rules prescribing duties of the Headman of a village-tract, in respect of public nuisances and sanitation.

7. The headman shall require residents of the village-tract to carry out the provisions of the preceding rules.
8. The headman shall set apart one or more places in each village-tract as burial grounds.
9. The headman shall cause to be removed immediately from any canal, tank or other source of water-supply within the limits of his village-tract the dead body of any animal found therein and shall cause the same to be buried.
10. The headman shall set apart in each village under his control one or more wells for drinking purposes, and shall cause to be constructed round each well a parapet 2 feet high, and shall not allow bathing or washing of clothes within 20 yards of any such well, and shall not allow the ground within 20 yards of such well to be defiled by filth, rubbish or otherwise. If the water-supply is from tanks, the headman shall reserve one tank for drinking purposes only, shall keep clean the banks thereof, and shall not allow bathing, washing of clothes or watering of cattle therein.
11. The headman shall cause the villagers to undertake annually such measures for the maintenance of and the removal of silt from all drinking-water tanks in his village-tract which are not the property of private individuals as the Deputy Commissioner may, on the advice, if necessary, of the Executive Engineer, direct.
12. If so directed by the Deputy Commissioner of the Myitkyina District in respect of the village-tracts of Myitkyina, Myoma, Minyat and Shanzu in the Myitkyina District, the headmen of these village-tracts shall, during the months of November to May inclusive, reserve the Irrawaddy river above the American Baptist Mission compound for the drawing of water for domestic purposes, and in such case the headman shall not allow bathing, washing of clothes or other articles, watering of cattle or mooring of boats alongside the bank above the said Mission compound.
- 13A. In the case of villages which are situated near the bank of a river or stream, the headman shall, as far as possible, keep the foreshore free from houses up to a distance of 40 feet from the bank. He shall require

all houses hereafter built or re-built to face the bank of the river or stream, and shall not allow latrines to be erected between the houses and the bank of the river or stream: Provided that this rule shall not apply in Lower Myanmar except to the Thayetmyo District and the Pegu Division.

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13B. In the case of villages which are situated near the bank of a river or stream, the water of which is ordinarily used for drinking purposes, the headman shall, as far as possible, keep the foreshore free from houses up to a distance of 40 feet from the bank. He shall require all houses hereafter built or rebuilt to face the bank of the river or stream, and shall not allow latrines to be erected between the houses and the bank of the river or stream: Provided that this rule shall be in force in the Arakan, Irrawaddy and Tenasserim Divisions only.

14. The headman shall see that all latrines in each village under his control are screened by a sufficient roof and wall from the view of passers-by or persons residing in the neighbourhood.

15. The headman shall cause the streets and lanes in each village under his control to be kept free from weeds, in good order, and in a sanitary condition.

16. The headman shall mark out a place near, but outside each village under his control, where rubbish may be deposited, and shall cause the rubbish to be burnt or worked into the land at ploughing time.

Rule prescribing duties of persons residing in a village-tract, in respect of contagious or infectious disease among human beings.

17. No person residing in a village-tract shall keep the corpse of a human being who has died of cholera, small-pox, unusual fever accompanied by glandular swellings, or other infectious or contagious disease, for more than six hours unburied or uncremated in any house or land occupied by him.

Rules prescribing duties of the Headman of a village-tract, in respect of contagious or infectious disease among human beings.

18A. The headman shall at once send a report to the Township Officer, or to the Subdivisional Officer or to the Deputy Commissioner if either of the two latter officers is nearer than the Township Officer, of the occurrence of cholera or small-pox within his village-tract: Provided that this rule shall not apply to the Tenasserim Division.

18B. The headman shall at once send a report to the officer in charge of the police outpost or police station, or to the Township Officer, or the Subdivisional Officer, or Deputy Commissioner, whichever is the nearest,

of the occurrence within his village-tract of a case of cholera or small-pox: Provided that this rule shall apply to the Tenasserim Division only.

Rule prescribing duties of persons residing in a village-tract, in respect of fires.

19. Each house-owner or occupier in a village shall maintain two hooked bamboos, two fire-beaters, and as many pots filled with water as there are front posts of his house.

Rule prescribing duties of the Headman of a village-tract, in respect of fires.

20. The headman shall see that fires or lights are not ignited, handled, or used in any village under his control in such a manner as to be dangerous to life or property. In really serious cases, or where a fire results from careless action on the part of any of the villagers, he shall send a report of the matter to the nearest magistrate or police-officer.

No. 452.- In exercise of the power conferred by section 29, sub-section (1), clause (d) of the Myanmar Village Act, 1907 (Myanmar Act VI of 1907), the Lieutenant-Governor is pleased to make the following rules for the regulation of the slaughter of cattle in village-tracts:-

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1. In these rules, the term "cattle" includes sheep, goats and swine, as well as horned cattle.

2. When a slaughter-house has been provided for any village-tract, no person residing in a village-tract shall, within a radius of 3 miles from the slaughter-house, without the special sanction of the Deputy Commissioner or Subdivisional Officer, slaughter cattle or cause cattle to be slaughtered or expose the carcases of cattle for sale otherwise than in accordance with a license granted by the Deputy Commissioner: Provided that in the case of the Arakan, Pegu, Irrawaddy and Tenasserim Divisions, the radius be fixed at 5 miles instead of 3.

3. When a slaughter-house has been provided for any town as defined in the Myanmar Towns Act, 1907, no person residing in a village-tract shall within a radius of 5 miles from the slaughter-house, without the special sanction of the Deputy Commissioner or Subdivisional Officer, slaughter cattle or cause cattle to be slaughtered or expose the carcases of cattle for sale otherwise than in accordance with a license granted by the Deputy Commissioner: Provided that this rule shall be in force in the Pegu, Irrawaddy, Tenasserim, Magwe and Meiktila Divisions only.

No. 453. - In exercise of the powers conferred by section 29, sub-section (1), clause (f), of the Myanmar Village Act, 1907 (Myanmar Act VI of 1907), the Lieutenant-Governor is pleased to make the following rules for the regulation of the trial of civil suits by headmen:-

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Rules for the trial of Civil Suits by Headmen.

1. The plaintiff may begin his suit either by making an oral complaint, to be reduced to writing by or under the orders of the headman, or by presentation of a written plaint.
2. On the institution of a suit the headman shall cause to be served on the defendant a written notice specifying the name of the plaintiff, the nature of the claim and the time and place at which the suit will be tried, and directing the defendant, if he wishes to dispute the claim, to appear with his witnesses at the time and place fixed. He shall also inform the plaintiff of the date so fixed.
3. At the time and place fixed the headman shall proceed to hear and try the case. He shall examine the parties and their witnesses and deliver judgment.
4. The headman shall record or cause to be recorded the names of the witnesses and the substance of their evidence and a brief statement of the grounds for his order.
5. The headman may adjourn the case from time to time, noting the dates of adjournment on the record, either to obtain the attendance of further witnesses or for any other reasonable cause.
6. The headman shall decide whether the unsuccessful party shall pay the costs of the other party or not. He may award as costs any reasonable charges incurred by the successful party for the purposes of the suit, provided that the total costs, including the fee prescribed by section 6, sub-section (4), of the Act, shall in no case exceed one-quarter of the value of the suit.
7. If the plaintiff does not appear at the time and place fixed, the headman shall dismiss the suit, unless for any reasonable cause he thinks proper to adjourn it. Similarly, if the defendant fails to appear, the headman shall proceed with the trial in his absence, unless for some special reason he thinks better to adjourn. In the former case, if his decision is in favour of the plaintiff, a copy of it shall be served upon the defendant, and if the latter within ten days appears before the headman and proves that he was unable to attend, the headman shall hold a fresh trial, provided that the cost of the second trial shall in all cases be borne by the defendant, whatever the result. A suit dismissed on account of the non-appearance of the plaintiff may similarly be re-opened within ten days on sufficient cause shown.
8. If the unsuccessful party neglects or refuses to pay the amount awarded within ten days, the headman may, on the application of the other party, serve the unsuccessful party with a notice, directing him to pay to the headman the amount, with one rupee additional as a fee, within five days. If the debtor still neglects to pay, the headman shall, after the expiry to the five days, attach and sell by public auction so

much of the debtor's moveable property as is sufficient to defray the amount awarded together with the fee. The headman shall, out of the proceeds of the property, pay the amount awarded to the successful party; the balance, after deducting the fee of one rupee, shall be returned to the judgment-debtor. The headman shall record a brief note of any action taken by him under this rule and shall file it with the record of the suit.

9. If the judgment-debtor has removed to another village-tract, the headman shall inform the headman of the debtor's new village-tract by writing to him and sending the notice above mentioned, and the second headman shall then proceed to recover the amount as if he had passed the order himself; the only difference being that he will pay the amount awarded to the first headman instead of to the successful party.
10. The headman shall be entitled to retain all fees for execution of judgments as well as all fees levied under section 6, sub-section (4), of the Act.
11. The headman shall keep an account of all fees in the following form:-

Name of person from whom levied.	Amount.	Whether levied on the institution of a suit or on executing a judgment.
	Rs. A. P.	

12. This account, together with the records of all suits tried by the headman during the month under section 6, shall, provided that the judgment has been satisfied, be sent to the Township Officer not later than the 20th of the following month: Provided that in the case of any particular headman, the Deputy Commissioner may direct that the account and records shall be submitted quarterly instead of monthly. All such records shall be destroyed at the end of the year following that to which they belong.

13. Whenever, after the institution of a suit before him, it appears to the headman that the decision of the case involves a difficult question of law, it shall be competent for him to stay proceedings, to refund the institution fee and to recommend the plaintiff to file a suit in a Civil Court.

General Department Notifications Nos. 195, dated the 2nd September 1891, 265, dated the 26th October 1892, and No. 224, dated the 3rd November 1897, are hereby superseded.

No.454. - In exercise of the powers conferred by section 29, sub-section (1), clauses (g) and (h), of the Myanmar Village Act, 1907 (Myanmar Act VI of 1907), the Lieutenant-Governor is pleased to make the

following rules for the disposal of fees levied by headmen under section 6, sub-section (4), and section 9, sub-section (9), and for generally carrying into effect the purposes of the Act:-

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Rule under clause (g), for the Disposal of Fees levied under section 6, sub-section (4), and section 9, sub-section (9).

1. All fees levied under section 6, sub-section (4), and section 9, sub-section (9), of the Act may be retained by the headman who tries the case in respect of which they are levied.

Rule under clause (h), prescribing Headmen's Register and requiring written receipts.

2. A register of all cases decided by the headman under section 9, sub-section (1), and of all fees levied and fines imposed under section 9 or section 12, of the Act shall be kept by every headman in the form prescribed by the Local Government.
3. The headman shall give a written receipt for all fines paid to him under section 9 or section 12 of the Act.

Rule under clause (h), regarding Remission or Refund of Fines.

4. The Deputy Commissioner may order the remission or refund of any fine imposed under the Act, provided that when the amount to be remitted or refunded exceeds Rs. 500, the previous sanction of the Commissioner to the refund or remission shall be necessary.

This rules does not apply to fines which have been commuted under section 22, sub-section (2), of the Act.

Rule under clause (h), regarding supply of information to Military Officers.

5. All headmen in Upper Myanmar shall, when required, give information to Military Officers in command of posts or of parties or columns or travelling on duty.

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Rule under clause (h) requiring Headmen to report establishment of cutch camps.

6. With the view of furthering the detection of persons engaging illicitly in the cutting and boiling of cutch , every village headman in Upper Myanmar shall report to the nearest Civil Officer the establishment of any cutch boiling camp in or near his village-tract. The officer receiving the information will, without loss of time, communicate it, through the Deputy Commissioner, to the Divisional Forest Officer concerned. Judicial Department Notifications Nos. 16 and 17, dated the 16th November 1887, Rules 5 to 9 of Judicial Department Notification No. 332, dated the 7th August 1889, and Judicial Department Notification No. 43, dated the 29th January 1891, are hereby superseded.

No. 455. - In exercise of the power conferred by section 29, sub-section (1), clause (d), of the Myanmar Village Act, 1907 (Myanmar Act VI of 1907), the Lieutenant-Governor makes the following rules for the prevention of fires in the village-tracts of Meiktila, Thazi and Kywelebin, and East and West Nyaung-u, in the Meiktila Division, in addition to Rules 19 and 20 of the Rules published in this Department Notification No. 451, dated the 9th December 1908:-

- (1) From the 1st November till the beginning of the rains, about the 31st May, the headman shall arrange with the elders or ywagaungs of each quarter to have two men at least on watch from sunset to sunrise.
- (2) In case of fire one of these men shall report at once to the headman; the other shall go at once to the house of the senior Magistrate present in the town and report the fire.
- (3) The headman shall send a man at once to report the outbreak to the police-station. (4) The headman shall at once alarm the residents by beating his gong, and shall continue beating his gong for a reasonable time till the village is thoroughly roused.
- (5) While a fire is in progress the headman shall establish a patrol of two men as a check on thieving and incendiarism by evil-disposed persons.
- (6) The headman shall arrange that ten men armed with das shall immediately after the alarm is given be marched up by each elder or ywagaung to the scene of the fire and shall set to work. Each squad of ten men shall take orders from its own elder or ywagaung; each elder or ywagaung shall take his orders from the headman, who in turn shall take his orders from the Magistrate.
- (7) Every headman shall, under the orders of the Magistrate, exert himself to maintain a constant supply of water for extinguishing the fire, to save property, to prevent the spread of the fire, and to circumscribe the outbreak.
- (8) If a watch-tower or upright ladder be provided near the headman's house, the headman shall arrange a code, whereby a certain number of strokes on the gong shall indicate the quarter in which the fire has broken out, and shall be deemed to require each elder or ywagaung to go thither with his squad of ten men.

Notifications by the Commissioner, Meiktila Division, Nos. 20, dated the 4th March 1903, 45, dated the 30th December 1901, and 7, dated the 19th February 1902, are hereby superseded.

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W. F. RICE,

Chief Secy. to the Govt. of Myanmar.

Myanmar Law Information System (MLIS)