

REFORMS OFFICE.

(“The Burma Rural Self-Government Rules.”)

No. 61

Dated Rangoon, the 20th October 1922.

[Amendment : 20.11.1922]

No. 61. - In exercise of the power conferred by sections 19, 24, sub-section (2), 25, sub-section (6), 30 and 79 of the Burma Rural Self-Government Act, 1921, and in supersession of the rules published with this office Notification No. 2, dated the 6th March 1922, the Lieutenant-Governor is pleased to make the following rules under the said Act:-

Rules.

These rules may be cited as “The Burma Rural Self-Government Rules.”

CHAPTER I.

RULES FOR THE ELECTION OF MEMBERS OF CIRCLE BOARDS AND DISTRICT COUNCILS [SECTION 79, SUB-

SECTION (I), CLAUSE (a)].

1. In these rules (unless the context otherwise requires) –

- (a) “Enrolling Officer” means the officer appointed under Rule 3;
- (b) “form” refers to forms in Appendix II to the rules;
- (c) “group” means a group of village-tracts constituted by notification under section 4 of the Act;
- (d) “qualified” means qualified to be an elector or candidate as the case may be in accordance with Order I in Schedule II;
- (e) “roll” means the roll of electors compiled under Rule 4.

Election of members of Circle Boards.

- 2. (1) Not less than four months before an election is to be held, a notice in Form B in Burmese and such other languages (if any), as may be directed by the Deputy Commissioner, shall be published by the Township Officer in each village-tract in the group concerned.
- (2) Such notice shall specify---

- (a) the date on which the roll will be closed [not less than three months before the date fixed for holding the poll under Rule 11 (2)];
- (b) the number of members to be elected by the group as shown in column (5) of the table attached to the notification under section 4 of the Act;
- (c) the town (or village), place, date, and the latest hour at which nominations will be received (not less than 50 days after the closing of the roll).

3. On the issue of the notice under Rule 2 the Deputy Commissioner shall cause to be prepared for each group a roll of persons qualified to elect members of the Circle Board and shall appoint for that purpose an Enrolling Officer (who shall not be a candidate for election to the Circle Board) for each township or part of a township.

4. (1) The roll shall be prepared in Form A in two parts, namely:-

- (a) Part A, comprising the names of residents, and
- (b) Part B, comprising the names of non-residents,

(2) The Enrolling Officer shall enter or cause to be entered in Part A all persons who are entered as having paid such tax in the capitation-tax or **thatthameda** rolls (as the case may be) of the preceding financial year relating to the villages in the group and who appear to be qualified; he shall also enter such other persons as produce before him satisfactory evidence of being qualified as resident voters. Persons who have paid the single and married rates of capitation-tax shall be entered in separate series, and in the Amherst, Thaton, Bassein, Ma-ubin and Myaungmya Districts, Karens and Burmans shall also be entered in separate series.

(3) The Enrolling Officer shall enter in Part B all persons who produce certificates, signed by the **Akunwun** or the Township Officer, that they have paid the revenue or tax necessary to qualify them as non-resident electors.

(4) Any person whom the Enrolling Officer refuses to enrol may appeal to the Township Judge provided such appeal is made within seven days (excluding judicial holidays) of such refusal. In any case where the Township Judge is also the Enrolling Officer, the appeal shall lie to the Subdivisional Judge, and the period of appeal shall be extended by seven days.

5. After the day fixed in the notice issued under Rule 2 for the closing of the roll no further alterations except to correct clerical errors shall be made therein save in pursuance of the order of the Township or Subdivisional Judge under Rule 4 or Rule 8 or of the Enrolling Officer under Rule 7. As soon as possible

after that day a relevant extract from the roll shall be published in each village-tract in the group together with a notice that all objections to entries therein must be made to the Enrolling Officer within seven days of such publication.

6. No objection shall be entertained by the Enrolling Officer unless it is in writing and signed by at least five enrolled electors of the group, and has been filed within the period specified in Rule 5. Every objection shall contain a full statement of the grounds therefor.
7. The Enrolling Officer shall enquire into and decide all objections filed in compliance with Rule 6 and shall record in writing the statements of both parties and given his decision in writing and give a copy of his decision to the objectors.
8. An appeal shall lie to the Township Judge from the decision of an Enrolling Officer under Rule 7, provided such appeal is made within seven days (excluding judicial holidays) of such decision. The decision of the Township Judge shall be final. In any case where the Township Judge is also the Enrolling Officer the appeal shall lie to the Subdivisional Judge, and the period of appeal shall be extended by seven days.
9. An intending candidate for election must be a registered elector of, and must be nominated by at least four registered electors of the group concerned, and must deposit his nomination paper signed by himself and his nominators at the Township Office on or before the date and hour fixed in that behalf in the notice published under Rule 2. No person may nominate more candidates than there are vacancies. If the candidate so desires, the paper may specify the colour or symbol with which his ballot box should be marked, provided that no candidate may select a colour or symbol previously allotted to another candidate, or a symbol that is in the opinion of the Township Officer objectionable.
10. (1) If any candidate, who is nominated under Rule 9, appears to the Township Officer not to be qualified as such, he shall refuse to accept the nomination and shall give his reasons in writing, and shall give a copy to the candidate.
(2) A candidate, whose nomination has been rejected under sub-rule (1) may appeal within ten days (excluding judicial holidays) to the District Judge or to such Assistant Judge as the District Judge may appoint, whose decision shall be final.
11. (1) If the number of qualified candidates who are duly nominated does not exceed the number of vacancies the Township Officer shall declare the candidates nominated to be duly elected and shall publish a notice to that effect in Form C in each village-tract in the group concerned and shall also send a copy of the notice to the Deputy Commissioner.

(2) If the number of qualified candidates who are nominated exceeds the number of vacancies the Township Officer will report the fact to the Deputy Commissioner, who will, if he has not already done so, appoint a fit person (whose name is not on the roll of the group) to be Presiding Officer of the poll in that group.

The Township Officer shall at the same time publish in each village-tract in the group concerned, a notice in Form C in Burmese and such other language as may be directed by the Deputy Commissioner specifying the town (or village), place and date at which, and the hours within which a poll will be held. Such date shall not be less than three months after the date fixed for closing the roll in Rule 2 (2) (a).

12. (1) A candidate who has been duly nominated may withdraw his candidature by a written and signed communication delivered to the Township Officer –

- (a) Where the number of qualified candidates does not exceed the number of vacancies, before a declaration is made by the Township Officer under Rule 11(1).
- (b) Where the number of candidates does exceed the number of vacancies, nor less than ten days before the date fixed for the poll under Rule 11 (2).

(2) The Township Officer will at once inform the Deputy Commissioner of the withdrawal of any candidate, and, should such withdrawal reduce the number of candidates to not more than the number of vacancies, follow the procedure laid down in Rule 11 (1).

13. The poll shall be held at the place and date and within the hours specified in the notice published under Rule 11 (2) and the place so specified shall contain an inner enclosure, so guarded that it cannot be overlooked by anyone, in which the ballot boxes shall be placed, each marked clearly with the name of a candidate, and, if necessary, with the distinctive colour or symbol mentioned in his nomination paper and approved by the Township Officer.

14. No person other than the elector shall be admitted to the inner enclosure while an elector is voting.

15. Prior to the commencement of the polling the ballot boxes shall be examined by the Presiding Officer in the presence of the candidates, or of their accredited representatives, and having been found empty and in good condition shall be sealed by the Presiding Officer.

16. Voting shall be done only in person and no voting by proxy shall be allowed. Every elector desiring to vote shall present himself to the Presiding Officer, who will –

- (a) verify that his name is on the roll and that no person has already voted in his name;

(b) if not satisfied as to the particulars specified in clause (a) or as to the identity of the voter, or if the voter is disorderly, refuse to let him vote;

(c) if satisfied as to the particulars specified in clause (a) give him as many voting tokens as there are vacancies and make a mark against the entry in the roll to show that he has presented himself to vote.

17. The elector will take the tokens into the inner enclosure and place them in the ballot boxes, either giving them all to one candidate or distributing them among the candidates as he may think fit.

18. Where owing to the interruption of communications, or to the occurrence of rioting or obstruction to voters, or for any such like reason it is impossible to carry out the polling in a proper manner, the Presiding Officer shall report the circumstances to the Deputy Commissioner who shall direct a new election to be held at such time as he may think fit. In the meantime the membership of the group shall be considered as vacant under section 18 of the Act.

19. At the close of the poll the Presiding Officer shall, in the presence of the candidates, break the seals of each ballot box in turn, count the voting tokens contained therein, enter the number on the Election Return in Form D and, after returning the tokens to the box, re-seal it. Provided that any candidate who is unable to be present may appoint an accredited representative, and should he fail to appoint such, the Presiding Officer may do so.

20. In the event of an equal number of votes being recorded in favour of two or more candidates, all of whom cannot be elected, the Presiding Officer shall make a selection by lot in the presence of the candidates or of their accredited representatives in such manner as may be mutually agreed upon, or, failing such agreement, as the Presiding Officer may decide.

21. One copy of the Election Return shall be immediately read out and posted up outside the place of election. A second copy shall be forwarded together with the re-sealed ballot boxes to the Township Officer.

22. The Township Officer shall verify the soundness of the seals upon the ballot boxes and shall deposit them in safe custody either in the sub-treasury strong-room or in the police-station and shall forward the return to the Deputy Commissioner.

23. When all the returns are received by the Deputy Commissioner he shall cause a list of the successful candidates to be published in such manner as he thinks fit at all township headquarters and in every group.

24. On the expiry of the period for the admission of petitions under Rule 35 the Deputy Commissioner shall issue such instructions regarding the custody of the rolls, ballot boxes, and tokens as he may think fit.
25. All costs incurred in the preparation of the roll, the publication of notices, the holding of elections or in taking any other necessary steps under the foregoing rules shall be payable from the District Fund.

Election of members of District Councils by Circle Boards.

26. Immediately after the names of the successful candidates at a general election of members of Circle Boards have been published in accordance with Rule 23, the Deputy Commissioner shall cause to be sent to all such persons a written notice specifying –
 - (a) the number of members to be elected by such Board to the District Council as shown in column (6) of the table attached to the notification under section 4 of the Act;
 - (b) the date, hour and place fixed for the electors to assemble for the purpose of the said election: Provided that the notice shall be sent so as to reach the person concerned in the ordinary course at least ten days before the date fixed for the election.
27. The elected members of the Circle Board present at the time and place prescribed in the said notice shall, provided at least one-half of such elected members are present, elect by show of hands one of their members to be Chairman for the occasion.
28. The meeting shall then proceed under the presidency of the Chairman to elect from amongst the elected members of the Circle Board the requisite number of members of the District Council.
29. Every member present shall have as many votes as there are members to be elected. Every candidate must be proposed and seconded and must have signified his willingness to stand. The Chairman shall read out the names of all such persons to the meeting. Should the number of candidates duly proposed and seconded not exceed the number of vacancies, the Chairman shall declare them to be elected. Should the number of such candidates exceed the number of vacancies, then each member present including the Chairman shall record his votes by secret ballot and the candidates (up to the number required) securing the largest number of votes shall be elected.
30. In the event of an equal number of votes being recorded in favour of two or more candidates, all of whom cannot be elected, the selection between such candidates shall be by lot, drawn in such manner as the Chairman may decide.
31. The result of the election shall be declared by the Chairman of the said meeting and shall be communicated by him without delay in writing to the Deputy Commissioner for submission to the

Commissioner and publication in the Burma Gazette when all elections to the District Council have been completed. The Deputy Commissioner shall also cause a complete list of the candidates elected to the District Council to be published in the District in such manner as he thinks suitable.

32. The Chairman shall also forward to the Deputy-Commissioner, under his signature, minutes of the proceedings of the meeting in which shall be recorded -

- (a) the names of members present;
- (b) the names of the members proposed for election;
- (c) the number of votes received by each.

Filling of casual vacancies.

33. Where a casual vacancy is to be filled by election in accordance with section 18, sub-section (1), of the Act, the Deputy Commissioner shall, as soon as conveniently may be, issue instructions to the Township Officer or the elected members of the Circle Board as the case may be for the holding of a bye-election to fill the vacancy, and the procedure applicable to general elections as laid down in these rules shall thereupon be followed.

Election petitions.

34. The validity of an election may be questioned by petition to the District Judge on the ground -

- (a) that the person whose election is questioned owed his election to fraud, intimidation, personation or bribery;
- (b) that the person whose election is questioned was at the time of the election not qualified for being elected, notwithstanding that his name was entered in the roll;
- (c) that the person whose election is questioned was not duly nominated or was not duly elected by a majority of lawful votes;
- (d) that the election was not conducted according to the procedure laid down in the rules.

35. No petition shall be admitted after fifteen clear days (excluding judicial holidays) have elapsed from the date on which the result of the election was published (under Rule 23) or declared (under Rule 31) or unless it is signed and presented by a person for whom votes were given at the election or by at least five electors in the case of election to the Circle Board or at least one in the case of an election to the District Council.

36. If after such enquiry, if any, as he may consider necessary the District Judge considers that there is not sufficient ground for trying the petition, he shall make an order dismissing it, and that order shall be final.

If the District Judge considers that the petition ought to be tried he shall make an order directing its trial either by himself or such Assistant Judge as he may appoint and shall forthwith cause a notice of the presentation of the petition together with a copy of the petition and of his order thereon to be served on the person whose election is questioned.

37. The petition shall be tried in open Court and notice of the time and place of trial shall be served on the person whose election is questioned and on the petitioner or petitioners not less than seven days before the date of the trial. The rules prescribed by the Code of Civil Procedure for recording the evidence of witnesses, for procuring the attendance of witnesses and the production of documents and for the examination of witnesses shall, as far as possible, apply to the trial of the petition.

38. The trying Judge shall, at the conclusion of the trial, record a finding on each of the allegations contained in the petition.

He shall declare the election to be void where he finds proved any allegation such as is mentioned in Rule 34, clause (a), (b) or (c), and may declare the election to be void where he finds that the election was not conducted according to the procedure laid down in the rules:

Provided that no election shall be declared void under clause (d), Rule 34, merely on a point of form where the rules have been substantially complied with, or on account of any irregularity whatever, unless such irregularity was likely in his opinion to have materially affected the result of such election.

If the Judge finds any candidate guilty of committing or abetting fraud, intimidation, personation or bribery he may further declare such candidate to be incapable of membership of the Circle Board or District Council as the case may be either indefinitely or for such period as he thinks fit.

39. An appeal from the finding or order of an Assistant Judge under Rule 38 may be preferred within fifteen days from the date thereof to the District Judge whose orders on the appeal shall be final.

CHAPTER II.

RULES FOR THE APPOINTMENT OF SCHOOL BOARDS, AND FOR REGULATING GENERALLY THE MANNER IN WHICH THEY SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES [SECTION 79, SUBSECTION (1),

CLAUSES (b), (f), (p) AND (aa)].

Appointment of School Boards.

1. A District Council at its first meeting after its election shall decide whether it wishes to combine with any Municipal Committee or Committees to form a Joint School Board. If it decides not to constitute a Joint

School Board, the District Council shall proceed to appoint some of its members, not being fewer than 6 or more than 12, to form a District School Board for the area within its jurisdiction.

2. If a District Council decides in favour of forming a Joint School Board it shall pass a resolution to that effect and shall send a copy through the Deputy Commissioner to the Commissioner, and shall also send copies to the Municipal Committee or Committees concerned.
3. Every Municipal Committee receiving a copy of any such resolution shall hold a meeting as early as may be and shall decide whether it wishes to combine with the District Council to form a Joint School Board. If it decides against so combining, it shall inform the District Council which shall take action where necessary as prescribed in the last sentence of Rule 1. If it decides in favour of forming a Joint School Board it shall pass a resolution to that effect and send a copy through the Deputy Commissioner to the Commissioner, and shall also send a copy to the District Council and other Municipalities concerned.
4. On receipt of such resolutions from a District Council and from a Municipal Committee or Committees the Commissioner shall, if the resolutions are in order, notify in the **Burma Gazette** the establishment of a Joint School Board for the areas included in their jurisdictions, the number of members that shall be appointed thereto by the District Council and by each Municipal Committee respectively, and the date with effect from which the Joint School Board shall enter on its duties.
5. Upon the publication of such notification by the Commissioner, the District Council and the Municipal Committee or Committees shall unless they desire to make an appeal to the Local Government under the provisions of section 9 (2) (b) of the Act, and in that case after the decision of such appeal, proceed to elect the number of members prescribed.
6. The District School Board or Joint School Board so elected shall, at their first meeting, decide what persons they desire to co-opt as members of the Board, and may from time to time add to the persons so co-opted within the limits prescribed by sub-section (3) of section 9.

Inspection of schools.

7. All schools under the control of the School Board shall be at all times open to all officers appointed by Government for the inspection of schools, and all reasonable facilities shall be given to any such officer for visiting any such schools for the purpose of inspection or examination.

Classification.

8. Vernacular Schools under the control of the School Board, hereinafter referred to as “Recognized Vernacular Schools,” shall be classified -

(i) primarily, with reference to the authority responsible for the maintenance and management of such schools, as -

- (a) Board Vernacular Schools, for the maintenance and management of which the Board is solely responsible;
- (b) Vernacular Schools under private management, for the maintenance and management of which private persons or bodies are in the first place responsible but which the Board may assist by grants-in-aid; and

(ii) secondarily, with reference to the grade of instruction provided, as -

- (a) Primary Schools, teaching not beyond the IV standard;
- (b) Middle Schools, teaching beyond the IV but not beyond the VII standard;
- (c) High Schools, teaching beyond the VII standard;

9. The School Board shall maintain a register, classified in accordance with Rule 8, of all schools recognized by it.

The grant, withdrawal and conditions of recognition.

10. The School Board may establish and recognize a Board Vernacular School at any place within its jurisdiction.

11. The proprietor or manager or managing body of a vernacular school under private management may apply to the School Board for the recognition of such school as a Board Vernacular School or as a Vernacular School under private management, and the School Board may grant recognition in either class and in any grade.

The Board may withdraw recognition at any time.

12. Every change in the management of a Vernacular School under private management shall be reported to the School Board for its approval.

Management of schools and employment of teachers.

13. (1) The qualifications and terms of service of the teaching staff shall be determined by the School Board in accordance with the Act and no teacher not approved by the School Board shall be entertained in any Recognized Vernacular School.

(2) Except with the permission of the School Board, no class shall contain more than 35 pupils or such smaller number as may by the Board be determined from time to time.

(3) Every change in the teaching staff of a Recognized Vernacular School shall be reported to the School Board for approval.

14. The School Board may at any time require the removal of any teacher from a Recognized Vernacular School.

15. The school building shall be suitable and the accommodation, furniture and equipment sufficient.

16. It shall not be required, as a condition of the admission to or retention in a school of any pupil, that he shall attend or abstain from attending any religious observance or instruction, or that he shall, if his parents or guardian object, attend the school on any day set apart for religious observance by the body to which his parent or guardian belongs; and no pupil shall be compelled to attend school on the recognized holidays of his religion included in the list of gazetted holidays.

17. The management of a Recognized Vernacular School shall undertake that all orders of the Local Government or of the School Board relating to the admission and removal of pupils, the promotion of pupils to higher standards, the dates and duration of school terms and holidays, reports, returns, records and registers, the rate and payment of fees, the courses of study and conduct of examinations, the use of authorized text-books, the conditions under which religious instruction may be imparted, the physical training of pupils, school games, school discipline and the appointment, removal and terms of service of the teaching staff, so far as such orders are applicable to the school in question, shall be strictly observed.

Courses of instruction.

18. The courses of instruction in Recognized Vernacular Schools shall be those prescribed by the Local Government and shall include compulsory and optional subjects. The School Board may determine which optional subjects shall be taught in schools recognized by it, and may apply to the Local Government for the inclusion of additional subjects in the prescribed list of optional subjects.

19. The School Board may authorize certain text-books for use in schools recognized by it and prohibit the use of other text-books, provided that the authorized text-books are included amongst the books approved by the Local Government for use in vernacular schools in the same grade and standard, or if the books are not so included, provided that the approval of the Local Government has been previously obtained.

Pay of teachers.

20. The salaries of teachers in Board Vernacular Schools shall be paid in accordance with the scale prescribed by the Local Government, and no teacher shall be entertained in a Board Vernacular School on a salary lower than the salary for which he is eligible under such scale.

It shall be a condition of the grant of recognition to Vernacular Schools under private management that no teacher is paid a salary lower than that for which he is eligible under such scale.

Grants-in-aid.

21. The School Board shall not make any grant or loan to or incur any expenditure in respect of a school which is not a Recognized Vernacular School.

22. (1) Grants-in-aid sanctioned by the School Board to Vernacular Schools under private management shall take the form of –

- (a) the payment of salaries to approved teachers;
- (b) the payment of special grants for buildings, school grounds, and equipment;
- (c) the payment of special grants in recognition of exceptional efficiency; or
- (d) (in the case of monastic schools only) an annual grant to cover working expenses.

(2) Grants sanctioned on account of the salaries of teachers shall be disbursed in full to the teachers on whose account the grants are drawn and no portion of such grants shall be utilized by the management for any other purpose.

CHAPTER III.

RULES FOR THE APPOINTMENT OF COMMITTEES AND JOINT COMMITTEES [SECTION 79, SUB-SECTION (1),

CLAUSES (c) AND (d)].

Joint Committees.

1. Where any District Council desires to combine with any other District Councils, or with any municipal committees or cantonment or civil station authorities in appointing a joint committee under section 10 (1) of the Act, each such council, committee or authority shall pass an identical resolution setting forth –

- (a) the purpose for which such joint committee is to be established,
- (b) the representation upon it to be given to each of the combining councils, committees or authorities, and
- (c) the powers to be delegated to such joint committee.

2. The resolution shall be submitted by the council, committee or authority to the Commissioner, who, if he is satisfied that the proposal is suitable and that the resolution contains all necessary provisions for its proper execution, shall sanction the same.

If the Commissioner is not so satisfied he may return the resolution for amendment, or may refuse to entertain the proposal.

3. If the said councils, committees or authorities are not in the same division, the Commissioners of the respective divisions shall act together in dealing with the resolution, and in the event of their being unable to agree shall refer the matter to the Local Government.

4. Where any Circle Board desires or is directed by the District Council to combine with any other Circle Boards in the same district for the appointment of a joint committee under section 11 of the Act, each such Circle Board shall pass an identical resolution setting forth -

- (a) the purpose for which the said joint committee is to be established,
- (b) the representation upon it to be allotted to each of the combining Circle Boards, and
- (c) the powers to be delegated to such joint committee.

5. The resolution shall be submitted to the District Council by each of the combining Circle Boards and if the council is satisfied that the proposal is suitable and that the resolution contains all necessary provisions for its proper execution it shall sanction the same by a resolution.

If it is not so satisfied it may return the resolution for amendment, or may refuse to entertain the proposal.

CHAPTER IV.

RULES FOR THE ELECTION OF CHAIRMAN AND VICE-CHAIRMAN [SECTION 79, SUB-SECTION (1), CLAUSE (e)].

1. The election of the Chairman and Vice-Chairman of every District Council, School Board or Hospital Committee shall take place at the first meeting of such Council, Board or Committee held after its election or appointment, or in the case of a casual vacancy at the first meeting after the occurrence of such vacancy. The election of the Chairman and Vice-Chairman of every Circle Board shall take place at the first meeting of the Circle Board under Rule 3 of Chapter V.

2. The election of the Chairman and Vice-Chairman of every School Board Hospital Committee, or Circle Board shall be reported to the District Council and by the District Council to the Deputy Commissioner. The District Council shall similarly report the election of its own Chairman and Vice-Chairman to the

Deputy Commissioner. The Deputy Commissioner shall report the names of the persons elected as Chairmen or Vice-Chairmen of District Councils and School Boards to the Commissioner by whom they shall be notified in the **Burma Gazette**.

CHAPTER V.

RULES REGULATING THE MANNER IN WHICH DISTRICT COUNCILS, SCHOOL BOARDS, HOSPITAL COMMITTEES AND CIRCLE BOARDS SHALL MEET AND TRANACT BUSINESS [SECTION 19].

Manner and place of meeting.

1. As soon as possible after the publication in the **Burma Gazette** of the names of persons elected to the District Council, the Deputy Commissioner shall appoint a date for the first meeting of the council, and shall cause all the members to be informed of the same.
The place of meeting of the District Council shall be the headquarters of the district, unless the Commissioner permits otherwise.
2. The first meeting of a Joint School Board shall be on the date notified by the Commissioner for entering on its duties under Rule 4 of Chapter II. The District Council shall appoint the date for the first meeting of a District School Board.
The place of meeting of the School Board shall be the headquarters of the district, unless the Commissioner permits otherwise.
3. The District Council shall appoint the dates for the first meetings of Hospital Committees and Circle Boards.
4. There shall be not fewer than four ordinary meetings of the District Council and of the School Board in the year and a period exceeding four months shall not be allowed to elapse between two successive meetings.
5. Hospital Committees and Circle Boards shall meet not less than six times in the year and a period exceeding two months shall not be allowed to elapse between two successive meetings except in the period between the 15th May and the 31st October. The Deputy Commissioner may relax these provisions.
6. Before the close of each meeting of the District Council, School Board, Hospital Committee, or Circle Board, the date of the next ordinary meeting shall be fixed, but the Chairman may call an extraordinary meeting at any time when it appears to him necessary to do so, and shall do so upon a requisition made in writing by not less than one-fifth of the members.

Transaction of business.

7. The quorum necessary for the transaction of business at a meeting of the District Council or Circle Board shall be one half of the elected members and of the School Board or Hospital Committee one half of the total number of members of the Board or Committee when any of the following subjects are to be disposed of at such meeting:-

- (a) Scale of establishment (section 21).
- (b) Pay, pension and allowance of officers and servants (section 22).
- (c) Proposal for the levy of any tax or toll (Chapter V).
- (d) Discussion of annual budget estimate (sections 41 and 43).
- (e) Proposals for the raising of a loan (section 35).
- (f) Proposals for making bye-laws (sections 80 and 81).
- (g) Election of Chairman and Vice-Chairman (section 13).
- (h) Appointments to posts referred to in section 12, sub-sections (2) and (3).

For all other business the quorum shall be one-third of the elected members of the District Council or Circle Board, or one half of the total number of members of the School Board or Hospital Committee.

8. At every meeting of the District Council, School Board, Hospital Committee, or Circle Board the Chairman shall, if present, preside. In his absence the Vice-Chairman shall preside. If they are both absent the members shall elect one of their number to preside as Chairman of the meeting.

9. If at any meeting a quorum is not present, the Chairman of the meeting shall adjourn the meeting to such other day as he thinks fit and shall give due notice thereof, and the business which would have been brought before the original meeting, had there been a quorum present, shall be brought before and transacted at the adjourned meeting whether there is a quorum present thereat or not.

10. The meetings of District Councils and Circle Boards shall, as a rule, be open to the public, but on a motion carried by two-thirds of the members present, strangers may be required to withdraw.

11. All questions duly submitted to a District Council, School Board, Hospital Committee, or Circle Board shall, unless otherwise provided by the Act, be decided by a majority of votes. Voting shall be by show of hands, provided that if one-quarter of the members present demand a ballot, the voting shall be by ballot. If the votes are equal, the Chairman of the meeting shall have a second or casting vote. Provided that neither the Chairman of the meeting nor any other member whose election to any office or whose conduct is in question shall vote on that question.

12. The business at meetings of a District Council, School Board, Hospital Committee, or Circle Board shall be conducted either in English or Burmese as may be most convenient.
13. Every motion or amendment duly made and seconded and pressed to a division shall be reduced to writing before being put to the vote. Every such motion or amendment shall be recorded in full in the proceedings together with the names of the mover and seconder and the number of voters for and against it.

Manner of recording minutes.

14. The minutes of the proceedings of a District Council, School Board or Hospital Committee shall be recorded in a minute book in English and Burmese and those of a Circle Board in Burmese. The minutes so recorded shall be read and confirmed by the members present at the next meeting of the Council, Board or Committee, and after confirmation shall be signed by the Chairman of the meeting.
15. A copy of the minutes of every meeting of the District Council or School Board, certified by the Chairman, shall be forwarded in duplicate in English to the Deputy Commissioner within six days of the meeting. The Deputy Commissioner shall forthwith submit one copy to the Commissioner for information. A similarly certified copy of the minutes of every meeting of the School Board shall also be sent to the District Council within six days, and also, in the case of a Joint School Board, to the municipalities concerned.
16. A copy of the minutes of every meeting of a Hospital Committee, certified by the Chairman, shall be forwarded through the Civil Surgeon to the District Council and to the Deputy Commissioner within six days of the meeting. The Deputy Commissioner shall forward his copy to the Commissioner for perusal, if it contains matter of importance which the Commissioner ought to see. A copy of the minutes of every meeting of the Circle Board shall be forwarded to the District Council within six days of the meeting.

Correspondence.

17. Correspondence between District Councils, School Boards or Hospital Committees and the Deputy Commissioner, Commissioner or the Local Government shall be in English. Correspondence with the Commissioner shall pass through the Deputy Commissioner, and with the Local Government through the Deputy Commissioner and Commissioner. District Councils may correspond direct with Heads of Departments upon purely departmental matters, and the medical officer in charge of a hospital may correspond with the Civil Surgeon direct on professional matters.
18. Circle Boards shall correspond only with District Councils on official matters.

19. References from the District Councils, School Boards, or Hospital Committees to Government Officers within the district shall be made direct; if the officers are in another district they shall be made through the Deputy Commissioner.
20. When any suggestion in writing is received by a District Council, School Board, or Hospital Committee from the Commissioner, the Deputy Commissioner, or from any inspecting officer of the Education, Medical, Public Health, Veterinary, or Public Works Department, or from any audit officer, it shall be laid before the next meeting and fully considered, and a formal decision thereon shall be recorded.

Annual reports.

21. School Boards and Hospital Committees shall prepare reports of their proceedings for the year ending the 31st March and shall submit the same to the District Council not later than the 30th April of the following year. The District Council shall similarly prepare a report of its proceedings, in which it shall incorporate the substance of the reports received from School Boards and Hospital Committees, and shall submit the same through the Deputy Commissioner and the Commissioner to the Local Government not later than the 15th June of the following year. The Commissioner shall submit with these reports a brief review of the working of rural self-government in his division. Reports under this rule shall be prepared in such form, if any, as the Local Government may prescribe.

CHAPTER VI.

OFFICERS AND SERVANTS [SECTION 79, SUB-SECTION (1), CLAUSES (f), (g), (h) AND (i)].

1. A District Council, School Board, or Hospital Committee may grant travelling allowances to its officers and servants: provided that no such allowance shall exceed that sanctioned for a Government servant of a similar class. In case of doubt in the matter of classification the decision of the Local Government shall be final.
2. District Councils, School Boards, Hospital Committees, and Circle Boards shall maintain service books for their servants in the manner and form prescribed for Government servants.
3. The total expenditure of a District Council on its office staff including the cost of a paid Secretary shall not, except with the previous sanction of the Commissioner, exceed 5 per cent. of the ordinary income of the Council excluding contributions and opening balance.
4. In appointing clerks, the District Council, School Board, and Hospital Committee shall require a standard of qualification not lower (except with the previous sanction of the Commissioner in each case) than that

prescribed by the Government Clerkship Rules for the time being in force. The provisions of section 21, sub-section (2), shall apply to any appointment by the District Council of an engineer, or of any person to the charge of public works administered by the Council.

5. No person shall be appointed to an office requiring professional skill under a District Council, School Board, Hospital Committee, or Circle Board unless he possesses the qualifications prescribed by the Local Government for that office, nor shall such person be paid at a higher rate than the maximum prescribed by the Local Government for an officer possessing those qualifications. In case of doubt as to whether the office requires professional skill, the Commissioner, in consultation with the department concerned and subject to the control of the Local Government, shall be the deciding authority. Provided that nothing in this rule shall prevent any District Council, School Board, Hospital Committee, or Circle Board from paying to any officer formerly employed under the District Cess/District Fund the same scale of pay that he was receiving from that Fund at the time of his transfer.

6. The Medical Officer in charge of a hospital may appoint menial servants subject to confirmation by the Hospital Committee at its next meeting.

7. A District Council, School Board, Hospital Committee, or Circle Board proceeding to punish or remove any of its officers or servants in permanent employ shall follow the rules of procedure laid down for observance in the case of the punishment or removal of Government officers or servants.

8. In the absence of a written contract to the contrary, every officer or servant employed by a District Council, School Board, Hospital Committee, or Circle Board shall be entitled to one month's notice before discharge or to one month's pay in lieu thereof unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it: provided that any servant who attains the age of 55 may be discharged without regard to this rule.

9. (1) The rights of appeal of officers and servants of District Councils, School Boards, or Hospital Committees against punishments shall be as follows:-

(a) a person whose monthly pay is less than Ks.50 shall have no right of appeal;

(b) a person whose monthly pay exceeds Ks.50 shall have a right of appeal to the Commissioner, whose decision shall be final;

(c) a person whose services have been dispensed with under section 21, sub-section (5), may appeal to the Local Government. The District Council may also appeal to the Local Government against an order of the Commissioner under section 21, sub-section (5):

(2) Employees of Circle Boards shall have a right of appeal to the District Council, and if drawing more than Ks.50 to the Commissioner.

All appeals must be submitted through the authority against whose orders they are made.

10. A person dismissed from the service of Government or of a District Council, School Board, Hospital Committee, or Circle Board shall not be re-employed by a District Council, School Board, Hospital Committee, or Circle Board without the consent of the Commissioner.

11. Every officer or servant of a District Council, School Board, Hospital Committee, or Circle Board who is appointed to a post in which he is required to receive or disburse money belonging to such Council, Board, or Committee shall give security to such amount as the Council may fix in each case, and the security shall be of such a nature as is required by Government from a Government servant of a similar class who performs similar duties.

12. If the services of a Government officer are placed at the disposal of a District Council, School Board, or Hospital Committee and he devotes only a portion of his time to work on behalf of the same, the Council, Board, or Committee shall contribute to his pay, pension or gratuity, and leave allowances in such proportion as the Local Government may determine.

13. No person in the employment or pay of a District Council, School Board, Hospital Committee, or Circle Board may canvass for votes or otherwise assist in the candidature of any candidate for election to such body otherwise than by giving his own vote if qualified to do so. Any breach of this rule shall render such person liable to dismissal.

14. If, in the opinion of the Commissioner, the number of persons employed by a District Council, School Board, Hospital Committee, or Circle Board as officers or servants, or whom the Council, Board or Committee proposes to employ as such, or the remuneration assigned by such Council, Board or Committee to those persons, or any of them, is excessive, the Council, Board or Committee shall, on the requisition of the Commissioner, reduce the number of those persons or their remuneration as the case may be: provided that the District Council may appeal against any such requisition to the Local Government and the decision of the Local Government on such appeal shall be final.

15. Where under section 23 of the Act two or more District Councils desire conjointly to appoint and employ any officers or establishments and to provide for the payment of their salaries and their control, the arrangements made by the said District Councils for the above purposes shall not take effect except with the Commissioner’s approval, or if the Councils are in different divisions with the approval of the

Commissioner of each Division, or, in case of disagreement between the Commissioners, of the Local Government.

Provident Funds.

16. A District Council or School Board may make bye-laws for the establishment and maintenance of Provident Funds for the benefit of its own officers or servants or (in the case of a District Council), for the benefit of the officers and servants of Hospital Committees or Circle Boards within its jurisdiction, subject to the condition that such bye-laws shall be framed on the lines of the model bye-laws in Appendix I to these rules with such modifications as the Commissioner may approve.

CHAPTER VII.

RULES REGARDING TAXATION, PROPERTY AND FINANCE [SECTION 79 (I) (j), (k), (l), (m); (n), (o), (p), (q), (r), (s), (t) AND (u)].

[<Amendment 20.11.1922>](#)

Property vesting in District Councils.

1. No traveller's bungalow or rest-house constructed or maintained by a District Cess Fund in Lower Burma, or by a local fund hitherto known as a District Fund in Upper Burma shall vest in the District Council: provided that the Commissioner may direct that any such bungalow or rest-house shall vest in the District Council.

[<Amendment 20.11.1922>](#)

Assets of District Fund.

2. The whole of the annual cesses levied in any district under the Burma District Cesses and Rural Police Act, 1880, shall be placed to the credit of the District Fund of that district with effect from the date on which a District Council is established therein.

[<Amendment 20.11.1922>](#)

3. With effect from the date on which a District Council is established in any district there shall be placed to the credit of the District Fund all contributions due from Government to the District Cess Fund or to the local fund formerly known as the District Fund of that district during the remainder of the financial year ending on the 31st March 1923.

[<Amendment 20.11.1922>](#)

Objects on which District Fund may be expended.

4. Every contribution by a District Council for the maintenance of educational institutions shall be made to the District School Fund.

[**<Amendment 20.11.1922>**](#)

Travelling allowances of members.

5. The District Council may fix the rates at which the travelling expenses of members of District Councils, School Boards, Hospital Committees, and Circle Boards attending meetings of such Councils, Boards and Committees shall be payable: provided that the rates so fixed shall not exceed those sanctioned in item 5 of Financial Department Circular No.9 of 1921 in the case of attendance at meetings of District Councils and School Boards, and those in item 6 in the case of attendance at meetings of Hospital Committees and Circle Boards.

[**<Amendment 20.11.1922>**](#)

Accounts.

6. Where there are no special directions in the Burma Rural Self-Government Act or in the rules thereunder, the accounts of District, School, Hospital and Circle Funds shall be regulated as nearly as possible in accordance with the general instructions contained in Chapters I and II of Burma Local Funds Accounts Manual, Volume I, wherever these are applicable.

[**<Amendment 20.11.1922>**](#)

7. The budget estimates of District Councils, School Boards and Hospital Committees shall be prepared in Forms E, F and G of Appendix II respectively.

[**<Amendment 20.11.1922>**](#)

8. Reappropriations of savings from one minor head of the District Fund budget to another under the same major head may be made by the District Council, and reappropriations of savings from one major head to another may be made by the District Council with the sanction of the Commissioner.

[**<Amendment 20.11.1922>**](#)

9. No expenditure not provided for in the District Fund budget shall be incurred unless funds for the same have been provided by reappropriation.

[**<Amendment 20.11.1922>**](#)

10. The closing balance, for which provision must be made in the budget estimate of a District Council in accordance with section 42 of the Act, shall be a minimum of 10 per cent. of the ordinary annual

expenditure of the District Fund. Provided that the Commissioner may, in very exceptional circumstances, permit provision being made for a smaller closing balance.

[**<Amendment 20.11.1922>**](#)

11. District Councils, School Boards and Hospital Committees shall submit through the Deputy Commissioner to the Commissioner, on the 5th of the month succeeding that to which the figures relate, monthly returns in Forms H, I and K, showing the receipts and expenditure for the month under each major head. In the case of School Boards and Hospital Committees these returns shall be submitted through the District Council.

[**<Amendment 20.11.1922>**](#)

12. Circle Boards shall, besides maintaining cash-books, submit to District Councils on the 5th of the month succeeding that to which the figures relate, lists of all receipts and payments, supported by vouchers in the case of payments.

[**<Amendment 20.11.1922>**](#)

13. School Boards and Hospital Committees shall submit to the District Council for the year ending the 31st March-

(i) statements of the receipts and expenditure of each School and Hospital Fund in Forms L and M respectively. An explanation of all important increases and decreases in receipts and expenditure as compared with the previous year shall be appended to these statements;

(ii) statements of arrears and outstandings on the 31st March. These statements shall accompany the reports prescribed by Rule 21 of Chapter V, and shall be submitted not later than the 30th April of the year succeeding that to which the figures relate.

[**<Amendment 20.11.1922>**](#)

14. The District Council shall submit through the Deputy Commissioner and Commissioner to the Local Government for the year ending the 31st March-

(i) statements of the receipts and expenditure of the District Fund in Form N. An explanation of all important increases and decreases in receipts and expenditure as compared with the previous year shall be attached to these statements;

(ii) a statement of arrears and outstandings on the 31st March;

(iii) a statement showing any special contributions made to the Fund by the Local Government or any other bodies for any specific purposes, and explaining the manner in which such contributions have been expended.

These statements shall accompany the report prescribed by Rule 21 of Chapter V and shall be submitted not later than the 15th June of the year succeeding that to which the figures relate. The statements received from School Boards and Hospital Committees under Rule 13 above shall be attached.

[**<Amendment 20.11.1922>**](#)

CHAPTER VIII.

MISCELLANEOUS RULES [SECTION 79, SUB-SECTION (1), CLAUSES (v), (w), (x), (y) AND (z)].

Transfer of property and contracts.

1. A District Council shall not transfer any immoveable property without the previous sanction of the Local Government: provided that transfer by lease for not more than thirty years may be sanctioned by the Commissioner.
2. Every transfer of immoveable property shall be made by an instrument under the common seal signed by the Chairman and by two members of the Council, and where these rules require the previous approval of the Commissioner of the Division or the Local Government, the fact that the transfer is signed with such approval shall be distinctly expressed in the instrument.
3. Every contract made by or on behalf of any District Council, School Board, Hospital Committee or Circle Board in respect of a sum or involving a value exceeding Ks.100 shall be in writing.

Compounding offences.

4. No person other than the Chairman of a District Council shall compound any offence under section 69 (b) of the Act.
5. A Chairman of a District Council may compound an offence subject to the following conditions:-
 - (i) Before accepting money as a composition for an offence he shall carefully explain to the accused that he is at liberty, if he so wishes, to be tried for the offence.
 - (ii) Before accepting a composition he must satisfy himself by personal enquiry that there is reasonable ground to believe that the alleged offence has been committed. In this enquiry he shall always hear the statement of the accused person, unless he is prevented from doing so by unavoidable

circumstances, and as far as may be possible he shall conduct the enquiry in the presence of the accused.

- (iii) He shall not accept a larger sum than Ks.20 in composition for any alleged offence.
- (iv) For every composition accepted he shall grant a receipt. For this purpose he shall maintain a book of receipt forms, serially numbered with proper counterfoils.
- (v) He shall enter the particulars of every composition accepted in a register of Form O in Appendix II.
- (vi) He shall pay the amount received by him in composition without delay to the credit of the District Fund in the treasury where the balance of the fund is kept. For each payment he shall obtain a receipt and keep it filed, with the register, for twelve months, after which it may be destroyed.
- (vii) At the beginning of each month he shall submit his register with the attached receipts to the Deputy Commissioner, and shall comply with all instructions consistent with law and with such rules as the Deputy Commissioner may issue as to the proceedings in the acceptance of compositions.

6. No offence alleged to have been committed more than one month before the date of the first report regarding it may be compounded, except after a personal investigation by the Chairman.

Manner of publishing bye-laws.

7. Before making any bye-law the District Council or School Board shall publish, in such manner as may be sufficient to give information to all persons interested, a draft of the proposed bye-law, together with a notice specifying the date on or after which the draft will be taken into consideration; and shall receive and consider any objection or suggestion which may be made in writing by any person with respect to the draft before the date so specified.

8. When any bye-law has been made after such publication, a copy shall be sent through the Deputy Commissioner to the Commissioner, and if no objection is received from him within a month, it shall again be published in the manner laid down in Rule 7.

----- Footnote -----

NOTE: နည်းဥပဒေ မူရင်း၍ Form No. A မှ D အထိ မပါလာပါ။

----- Attachment -----

[ATTACH LIST 1] 01 Form No. APPENDIX II. BURMA. District Council. BUDGET ESTIMATES OF INCOME AND EXPENDITURE FOR 19-19. Abstract of Revenue and Expenditure for 19-19

[ATTACH LIST 2] 02 Form No. BURMA. School Board. BUDGET ESTIMATES OF INCOME AND EXPENDITURE FOR 19-19. Abstract of Revenue and Expenditure for 19-19.

[ATTACH LIST 3] 03 Form No. BURMA. Hospital Committee. BUDGET ESTIMATES OF INCOME AND EXPENDITURE FOR 19-19. Abstract of Revenue and Expenditure for 19-19.

[ATTACH LIST 4] 04 Form No. Statement of Receipts and Expenditure of District Council for the month of 19.

[ATTACH LIST 5] 05 Form No. Statement of Receipts and Expenditure of School Board for the month of 19.

[ATTACH LIST 6] 06 Form No. Statement of Receipts and Expenditure of Hospital Committee for the month of 19.

[ATTACH LIST 7] 07 Form No. Statement showing the Income and Expenditure of the School Board during the year ended the 31st March 19. INCOME.

[ATTACH LIST 8] 08 Form No. Statement showing the Income and Expenditure of the Hospital Committee during the year ended the 31st March 19. INCOME.

[ATTACH LIST 9] 09 Form No. Statement showing the Income and Expenditure of the District Council during the year ended the 31st March 19. INCOME.