

THE BURMA DISTRICT CESSES AND RURAL
POLICE ACT, 1880.

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ACT No. II of 1880.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th
January, 1880.)

An Act to amend the law relating to District Cesses
and Rural Police in British Burma.

WHEREAS it is expedient to make better provision Preamble.
in British Burma for the maintenance of Rural
Police and of a local postal service, the construction of
works of public utility, sanitary improvement, and the
promotion of education ;

and whereas it is also expedient to declare and
amend the law relating to Rural Police in the said
Province ; It is hereby enacted as follows :—

Preliminary.

1. This Act may be called “The Burma District Short title.
Cesses and Rural Police Act, 1880” :

and it shall come into force on such date as the Commence-
Chief Commissioner of British Burma may, by noti-
fication in the local Gazette, direct. ment.

It extends to all the territories for the time being Local extent.
administered by the said Chief Commissioner :

Provided that the said Chief Commissioner may,
from time to time, by notification in the local Gazette,
exempt any portion of the said territories from its
operation and cancel such exemption :

Provided also that nothing herein contained applies
to any town to which the British Burma Municipal
Act, 1874, for the time being extends.

2. In

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Interpreta-
tion-clause.

2. In this Act, unless there is something repugnant in the subject or context,—

“land-revenue” means revenue assessed upon land under the provisions of the Burma Land and Revenue Act, 1876: and

“Revenue-officer” means any person appointed a Revenue-officer under the same Act.

Repeal.

3. The following portions of the said Burma Land and Revenue Act, 1876, are repealed (namely): sections 31 and 32, in sections 37 and 46 the words “five per cent. cess,” and the word “cess” wherever it occurs in the said Act; but all cesses imposed under that Act shall be deemed to have been imposed under this Act.

Cesses.

Cess on land.

4. On all lands assessed to land-revenue there shall be levied in addition thereto an annual cess of ten per cent. on the amount of such revenue.

Saving of
existing
house-tax.

5. In every town, village or hamlet in which at the date on which this Act comes into force a house-tax is levied, such tax shall continue to be levied.

Cess on
houses.

6. The Chief Commissioner may from time to time, by notification in the local Gazette, direct that in any specified town, village or hamlet there shall be levied from the occupier of each house an annual cess, to be fixed in manner hereinafter provided, but which shall in no case exceed two rupees:

Provided that such cess shall not be levied—

(a) in any place in which the house-tax referred to in section five is levied, or

(b) in respect of any monastery, pagoda, sacred building, Government-building, public rest-house or school:

Provided also that in respect of any house occupied by a person bound to pay cess under section four no larger amount shall be levied under this section than will, together with the cess so payable by such person, amount to two rupees.

“House”

“House” in this section means any building used as a human dwelling or for the custody of property.

7. The Chief Commissioner may from time to time, by notification in the official Gazette, direct that any tax or cess levied in any place under section five or section six shall cease, or that any person or class of persons shall be exempted from the whole or any specified part of such tax or cess.

Power to abolish or exempt from cess or tax.

8. Subject to the other provisions of this Act and to any rules made hereunder and for the time being in force, the Deputy Commissioner of the district may from time to time—

Powers of Deputy Commissioner.

(a) declare what shall for the purposes of this Act be held to be a house ;

(b) fix the amount of cess to be levied in respect of each house ;

(c) remit such cess in whole or in part.

9. A separate account shall be kept for each district of all cesses and house-tax levied under this Act in such district ; and such cesses and tax shall be appropriated in each year in that district, in such proportions as the Chief Commissioner may from time to time direct, to all or any of the following local objects (namely) :—

Purposes to which funds are to be applied.

(a) the maintenance of the Rural Police appointed under this Act ;

(b) the maintenance of a local postal service ;

(c) the construction and maintenance of district-roads and other communications, and the improvement of river-channels ;

(d) other works of public utility ;

(e) sanitary improvement ; and

(f) the promotion of education :

Provided that the Chief Commissioner may, on the thirty-first day of March in any year, transfer the whole or part of any balance then standing under either of the heads (b) or (c) in the account of any district

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district to the corresponding head in the account of any other district in the same division.

x Time and mode of payment of cesses, &c.

10. All cesses and house-tax levied under this Act shall be payable for the year of assessment of land-revenue as fixed under the Burma Land and Revenue Act, 1876, section 41, and shall be payable at the place at which and to the person to whom the land-revenue is from time to time payable, or at such other place and to such other person as the Chief Commissioner may direct.

Sums assessed on the amount of land-revenue shall fall due on the date on which the land-revenue falls due.

Sums assessed on houses shall fall due on such dates as the Chief Commissioner may from time to time in that behalf direct.

Realization of cesses, &c.

11. All sums assessed under this Act on the amount of any land-revenue may be recovered as if they were part of such revenue.

All other sums payable under this Act may be recovered in the manner prescribed in sections 44 and 45 of the Burma Land and Revenue Act, 1876.

Rural Police.

Rural Police.

12. The Rural Police shall be of two classes—

(a) headmen of hamlets or groups of hamlets, or of villages or towns, or sections of villages or towns, hereinafter called headmen;

(b) headmen of circuits, hereinafter called goungs.

Appointment of Rural Police.

13. Subject to the rules made under this Act and for the time being in force, the Deputy Commissioner of the district shall have power to appoint, suspend and remove headmen and goungs, and to fix the limits of the beats of headmen and the circuits of goungs:

Provided that all kyaydangyees and yazawut goungs holding office as such in any local areas on the date on which this Act comes into force shall be deemed to be respectively headmen and goungs appointed

appointed under this Act, and such local areas shall be deemed to have been fixed as their beats and circuits respectively under this Act.

14. Every headman shall perform the following duties (namely) :— Duties of headmen.

(a) he shall give immediate information to the goung of the circuit in which his beat is situated, or the officer in charge of the police-station appointed for his beat, of all disputes within his beat which may come to his knowledge and which are likely to lead to any riot or serious affray :

(b) he shall report to the goung or Police-officer aforesaid the arrival in, or in the neighbourhood of, his beat of suspicious characters and of persons who have been convicted under the Indian Penal Code, chapter XII (*Of offences relating to coin and Government-stamps*) and chapter XVII (*Of offences against property*), and the movements of all bad characters within his beat :

(c) he shall report to the goung or Police-officer aforesaid all breaches of laws and rules relating to excise and opium which occur within his beat and come to his knowledge :

(d) he shall to the best of his ability supply any local information which any Magistrate or Revenue-officer or officer of police may require, and promptly execute all lawful orders issued to him by or by authority of the Deputy Commissioner :

(e) he shall attend the Revenue-officer of the circle, so long as such officer is within his beat for the purpose of assessing or collecting land-revenue, cesses or taxes, and shall give him all available information regarding the cultivation of land and other matters relating to the revenue :

(f) he shall, in accordance with such rules as may from time to time be made by the Chief Commissioner, keep up a register of all births, marriages and deaths within his beat, and collect and register any

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any other vital statistics which may be prescribed by such rules :

(g) he shall afford all assistance in his power to Government-officers, and, on the order of the Deputy Commissioner, to other persons, in procuring food, labour, carriage and other requisites of travel.

Duties of goungs.

15. The duties of a goung in respect of his circuit shall, *mutatis mutandis*, be the same as those of a headman in respect of his beat.

Power of headmen and goungs to demand help.

16. For the purpose of preventing the commission of any offence or arresting any offenders whom he is authorized to arrest, any headman or goung may require any male person between the ages of eighteen and sixty within his beat or circuit at the time to assist him in preventing the commission of such offence or in making such arrest, and in guarding and escorting the person arrested.

Obligation to render help.

Every person as aforesaid shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be bound to comply with any requisition made to him under this section.

Powers and duties of Police-officers may be conferred and imposed on headmen and goungs.

17. The Chief Commissioner may from time to time, by notification in the local Gazette, make rules consistent with this Act—

(a) conferring upon headmen and goungs any powers, protection or privileges which may be exercised or enjoyed by a Police-officer under any enactment for the time being in force ;

(b) imposing upon headmen and goungs any duties imposed on a Police-officer by any enactment for the time being in force ; and

(c) regulating the exercise, enjoyment and discharge of such powers, protection, privileges and duties by such headmen and goungs.

Penalties for breach of duty.

18. Every headman or goung who—

(a) is guilty of cowardice or of wilful misconduct in his office, or of neglect of duty ; or

(b) except

(b) except with the permission of the Deputy Commissioner, withdraws from the duties of his office without having given to the Deputy Commissioner at least two months' notice of his intention to withdraw from such duties; or

(c) offers any unnecessary personal violence to any person in his custody,

may, in addition to any other penalty to which he may be liable, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or both.

No complaint against a headman or goung of any act or omission punishable under this section shall be entertained by any Court unless the prosecution is instituted by order of or under authority from the Deputy Commissioner.

Bar of prosecution.

19. No prosecution against any person for anything purporting to be done under section fourteen, fifteen or sixteen, or under any rule made in exercise of the powers conferred by section seventeen, shall be commenced after the expiration of three months next after the act complained of has been committed.

Limitation of prosecution.

No suit shall be brought for anything so purporting to be done until the expiration of one month next after notice in writing has been delivered at the residence of such person, or at the office of the Deputy Commissioner of the district in which the act was done, stating the cause of suit and the name and place of abode of the plaintiff.

Notice of suit to be given.

If any person to whom any such notice of suit is given shall before such suit is brought tender sufficient amends to the plaintiff, such plaintiff shall not recover.

Previous tender of amends.

20. No prosecution shall be instituted against any headman or goung for any act done by him in such capacity, under the authority of a warrant issued by a Magistrate, notwithstanding any defect of jurisdiction in such Magistrate.

Protection to officers acting under warrant.

Miscellaneous.

Miscellaneous.

Help in cases
of dacoity and
robbery.

21. If within or in the immediate neighbourhood of any town, village or hamlet a dacoity or a robbery is committed or attempted, or dacoits or robbers are harboured, sheltered or assisted, and if the inhabitants of such town, village or hamlet without reasonable excuse fail to render active assistance in preventing the offence or in arresting and securing the offenders, the Chief Commissioner may, after such enquiry as he deems necessary, impose upon such town, village or hamlet, or upon any section thereof, a fine, to be assessed upon the inhabitants according to his judgment of their respective means and of the circumstances of the case.

Powers and
duties of re-
venue-officers.

22. For the purposes of this Act, the Chief Commissioner may from time to time, by notification in the local Gazette, invest any Revenue-officer with any of the powers, and impose on him any of the duties, with which he may invest him or which he may impose upon him under the Burma Land and Revenue Act, 1876, and the rules framed under it.

Control of
Commissioner
and Chief
Commissioner.

23. All proceedings of any Deputy Commissioner or Revenue-officer under this Act shall be subject to control, revision and alteration by the Commissioner to whom he is subordinate and by the Chief Commissioner.

Power to
make rules.

24. The Chief Commissioner may from time to time make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement.

All such rules and all other rules made under this Act shall be published in the local Gazette, and shall thereupon have the force of law.