

THE BURMA BOUNDARIES ACT, 1880.

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ACT No. V OF 1880.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th February, 1880.)

An Act to provide for the demarcation of land and for the establishment and maintenance of boundary-marks in British Burma.

Preamble.

WHEREAS it is expedient to provide for the demarcation of land and for the establishment and maintenance of boundary-marks in British Burma ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Burma Boundaries Act, 1880" :

Local extent.

It extends to the territories for the time being administered by the Chief Commissioner of British Burma ;

Commencement.

and it shall come into force at once.

Power to appoint Demarcation and Boundary-officers.

2. The Local Government may, from time to time, appoint persons, by name or by virtue of their office, to be Demarcation-officers and Boundary-officers, and may suspend or remove any person so appointed.

Functions of such officers.

Every person so appointed shall, subject to the control of the Local Government and of any superior officer appointed by it in this behalf, exercise and perform, within such local limits as the Local Government may, from time to time, direct, the powers conferred, and the

the duties imposed, by this Act or the rules made hereunder on such officers respectively.

CHAPTER II.

DEMARICATION OF BOUNDARIES.

A.—Proceedings of Demarcation-officers.

3. The Local Government may, whenever it thinks fit, by a notification in the official Gazette, direct that the boundaries of any land shall be demarcated by a Demarcation-officer.

Power to direct demarcation of boundaries.

4. On the publication of any such notification, a Demarcation-officer appointed by the Local Government in this behalf may enter upon the land specified therein, and make all enquiries and do all other things necessary for demarcating the boundaries of the said land.

Power to enter on land to effect demarcation.

5. The Demarcation-officer shall cause to be published a general notice addressed to all persons owning, occupying or otherwise interested in the said land and the land marching therewith, and to all persons employed on or connected with the management of such land, calling upon them to attend, either personally or by agent, before him, at such places and at such times as may be stated in such notice, for the purpose of pointing out the boundaries and of rendering such aid as may be necessary in setting up or repairing the boundary-marks, and of affording such other assistance and information as may be needed for the purposes of the demarcation.

Publication of general notice.

The persons to whom such notice is addressed shall not be legally bound to attend.

6. The Demarcation-officer may also cause a special notice to be served on any of the persons mentioned in section five requiring such person to attend, personally or by agent, before him on or before a specified date, at such places and for such of the purposes aforesaid as may be stated in such notice; and every person upon whom such special notice may be served

Power to issue special notice to procure attendance.

served shall be legally bound to attend as required by the notice, and, so far as he may be able, to do any of the things mentioned therein.

Clearing of
boundary-
lines.

7. The Demarcation-officer may cause a special notice to be served on any owner or occupier of the said land requiring such owner or occupier to clear any boundary or other line which it may be necessary to clear for the purposes of the demarcation of such land, by cutting down and removing any trees, jungle, fences or standing crops, or to provide labour by furnishing flag-holders, or otherwise to assist in the demarcation of such land; and, if it is necessary to employ hired labour for these or other similar objects incidental to the demarcation, the Demarcation-officer may assess and recover from such owner or occupier the cost of such labour.

Compensa-
tion for in-
jury done by
clearance.

8. If any demand for compensation is made in respect of the clearance of any line in accordance with a requisition under section seven, the Demarcation-officer shall determine and record the value of any trees, jungle, fences or standing crops which may have been cut down or removed, and shall pay or tender to the owners thereof the amount of compensation which in his opinion should be allowed therefor.

Any dispute arising concerning the sufficiency of the amount so paid or tendered shall be determined by the Deputy Commissioner upon application made to him for that purpose by either of the disputing parties.

Power to
summon per-
son to give
information
or produce
document.

9. The Demarcation-officer may issue a special notice calling upon any person who he has reason to believe can give any information respecting the boundaries of the land, or in whose possession or power any document relating to such boundaries is alleged to be, to attend before him and give such information or produce such document, on a date and at a place to be mentioned in the notice.

Every person on whom any such notice is served shall be legally bound to attend and to give such information or to produce such document as required by the notice.

10. The

10. The Demarcation-officer shall, after making such inquiry as he thinks fit, mark out the boundaries of the land, and may cause boundary-marks, of such materials, in such number, and in such manner, as he thinks fit, to be erected by the owners or occupiers of the land, or may erect such marks and charge the cost of such erection to such owners or occupiers, and shall forward a report of his proceedings to the Boundary-officer :

Demarcation-officer to mark out boundaries,

and submit report to Boundary-officer.

When Demarcation-officers may alter demarcation.

Provided that, at any time before forwarding his report to the Boundary-officer, the Demarcation-officer may, for any sufficient reason to be stated in such report, alter any boundary marked out by him.

B.—Proceedings of Boundary-officers.

11. The Boundary-officer shall, on receipt of the report of the Demarcation-officer, cause a general notice to be published, informing all persons concerned that such report is open to inspection, and requiring any person who may have any objections to make thereto to submit a written statement of such objections within one month from the date of the publication of such notice.

General notice to persons affected.

Whenever the Boundary-officer has reason to believe that any person interested is likely to object to any boundary as laid down in such report, he shall cause a special notice to be served on such person requiring him to submit, within the said period of one month, a written statement of his objection.

Special notice to persons likely to object.

No person shall be entitled as of right to submit any statement of objection after the expiration of the said period of one month; but it shall be in the discretion of the Boundary-officer to admit any such statement after the expiration of such period and before the order next hereinafter mentioned has been made.

Statements of objections.

12. When the said period of one month has expired and the objections (if any) made within it or subsequently admitted by the Boundary-officer have been inquired into by him, and any further inquiry which he may deem necessary has been made by him,

the

Order of Boundary-officer.

the Boundary-officer shall pass such order as he thinks fit, confirming or modifying the boundaries as determined by the Demarcation-officer.

If any objection seems to him not to be well-founded, the Boundary-officer may direct that all expenses of the inquiry which have arisen from such objection shall be recovered from the person who made the same.

Objections
subsequently
made how
dealt with.

13. When any person, within sixty days from the date of the order passed under section twelve, makes any objection to the correctness of the demarcation-proceedings, the Boundary-officer may, in his discretion, either refuse to inquire into such objection, or may require the person making the same to deposit, within a reasonable time, the estimated costs of any further inquiry which it may be necessary to make in respect thereof.

Boundary-
officer to
make further
inquiry.

14. If the costs of such further inquiry are deposited, the Boundary-officer shall, after making such inquiry, pass an order rejecting such objection or admitting the same and amending the order passed under section twelve.

If, on such inquiry, the objection seems to the Boundary-officer not to be well-founded, he may pass such order as he thinks fit in respect of the recovery, from the person making the objection, of any sum expended on the inquiry in excess of the sum deposited, and of any necessary expenses incurred by any other person on account of such inquiry.

No person making an objection under section thirteen shall, unless the Boundary-officer specially so directs, recover any portion of the amount deposited by him under section thirteen.

Power to
enforce at-
tendance of
witnesses, &c.

15. For the purposes of any inquiry under this Act, the Boundary-officer shall, in addition to the powers conferred specially by this Act, have all the powers of a Demarcation-officer and also power to summon and enforce the attendance of witnesses and compel the production of documents, so far as may be, by the same means and in the same manner as is provided in the case of a civil Court by the Code of Civil Procedure.

16. The

16. The Boundary-officer, whenever he thinks fit, may, with the consent of the parties concerned, refer to arbitration any dispute as to a boundary.

Power to refer dispute to arbitration.

The procedure laid down in chapter XXXVII of the Code of Civil Procedure shall apply (so far as may be) to such references.

17. The order passed by the Boundary-officer under section twelve, or, when such order is amended under section fourteen, such amended order shall, unless and until it be reversed or modified in manner hereinafter provided, be conclusive.

Effect of orders of Boundary-officer.

C.—Appeals from Orders of Boundary-officers.

18. An appeal shall lie to the Commissioner of the Division from every order passed by a Boundary-officer under section twelve, section thirteen or section fourteen.

Orders appealable to Commissioner.

19. If the Commissioner confirms the order of the Boundary-officer on a matter of fact, such decision shall be final and conclusive.

Decision when final.

In all other cases in which the Commissioner confirms the order of the Boundary-officer, and in all cases in which the Commissioner reverses or modifies the order of the Boundary-officer, an appeal shall lie to the Judicial Commissioner, or, when the land comprised in the order is situated within the local limits of the ordinary civil jurisdiction of the Recorder of Rangoon, to such Recorder.

Second appeal when allowed.

20. The period of limitation for an appeal under section eighteen or section nineteen shall run from the date of the order or decision appealed against, and shall be as follows, that is to say :—

Period of limitation.

(a) in the case of an appeal under section eighteen—sixty days ;

(b) in the case of an appeal under section nineteen—ninety days.

In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

21. The

Powers of
Commis-
sioner, &c.

21. The Commissioner, the Judicial Commissioner and the Recorder of Rangoon shall in hearing and determining appeals presented under this Act have, as nearly as may be, the same powers as they have in the case of appeals from decrees and orders in civil suits.

D.—Boundary-marks.

When per-
manent
boundary-
marks are to
be erected.

22. Whenever an order determining a boundary has become final, the Boundary-officer shall, unless permanent boundary-marks of a suitable description have already been erected along such boundary, cause to be erected permanent boundary-marks, of such materials, in such number, and in such manner, as he may consider sufficient to distinguish such boundary.

An order determining a boundary becomes final for the purposes of this section when it is not open to appeal.

Apportion-
ment of
expense of
erection of
marks.

23. All expenses incurred by the Boundary-officer in erecting such boundary-marks for any land shall be apportioned amongst the owners or occupiers of such land, in such proportions as the Boundary-officer may think fit.

Notice to
owners to
pay share of
expense.

24. When the expenses have been apportioned among such owners or occupiers, the Boundary-officer shall cause a notice to be served on each of them, specifying the amount payable by him in respect of such expenses, and requiring him to pay such amount to the Boundary-officer within one month from the service of such notice.

Power to
place marks
under charge
of owners and
occupiers.

25. The Boundary-officer may further cause a notice to be served on any owner or occupier, placing under his charge any boundary-marks erected on the boundary of his land, whether by order of such officer or otherwise.

Duty to
preserve
boundary-
marks.

Duty to give
notice of any
injury occur-
ring to them.

Every owner or occupier shall preserve such boundary-marks as may be placed under his charge under this section, and shall give immediate notice to the nearest Magistrate or the officer in charge of the nearest Police-station if any such marks are injured, destroyed or removed, or require repairs.

26. Whenever

26. Whenever a Magistrate of the first or second class becomes aware that any mark erected under this Act within the local limits of his jurisdiction has been injured, destroyed or removed, or requires repairs, such Magistrate may cause such mark to be re-erected, restored or repaired, and may recover any expenses incurred in respect of such re-erection, restoration or repair from the owner or occupier who is bound under section twenty-five to preserve such mark.

Power to re-erect and repair boundary-marks.

27. It shall be the duty of every village-headman and thoogyee—

Duties village-officers.

- (a) to prevent the destruction, injury or alteration of any boundary-mark within the local limits of his jurisdiction ;
- (b) whenever he becomes aware that any such mark has been destroyed, injured or altered, to report immediately to the officer in charge of the nearest Police-station or to the nearest Magistrate such destruction, injury or alteration.

CHAPTER III.

MISCELLANEOUS.

28. When any officer is appointed by the Government to make a survey of any land, the Chief Commissioner may invest such officer, for the purposes of such survey, with all or any of the powers conferred on Demarcation-officers by sections four to nine (both inclusive), and also with power to cause any boundary or other marks to be erected by the owners or occupiers of any land, or to erect such marks and to charge the cost of such erection to such owners or occupiers.

Survey-officer

29. If any owner or occupier of any land, or any other person, being ordered in accordance with the provisions herein contained to perform any act, fails to perform such act within a reasonable time, the officer who gave the order may, after giving notice to such owner, occupier or other person of his intention so to do, cause the act to be performed ; and the expenses

Power to perform order under Act at expense of person disobeying it.

expenses incurred in such performance shall be payable by such owner, occupier or other person.

Penalty for refusing or neglecting to comply with orders or notice.

30. Whoever, being legally bound to comply with any lawful order under this Act, or with the requisition contained in any special notice served upon him under this Act, refuses or neglects to comply therewith, shall be punished with fine which may extend to fifty rupees.

Recovery of amounts due under Act.

31. Every amount due under the provisions of this Act may be recovered as if the same were an arrear of land-revenue.

Power to make subsidiary rules.

32. The Chief Commissioner may, from time to time, make rules consistent with this Act—

- (a) for the collection and record of any information in respect of any land ;
- (b) prescribing and limiting the powers and duties of officers conducting proceedings under this Act ;
- (c) regulating the delegation by such officers to subordinate officers of the powers and duties conferred and imposed on them respectively by this Act or the rules made hereunder ;
- (d) for the proper performance of all things to be done, and for the regulation of all proceedings to be taken, under this Act ;
- (e) for the publication, issue and service of all notices, whether general or special, to be published, issued or served under this Act ; and
- (f) for carrying out generally the purposes of this Act.

Mode of publication.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.