

ACT No. XV OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 26th
October, 1888.)*

An Act to supplement the provisions of the
Upper Burma Laws Act, 1886, with respect
to the Shan States.

WHEREAS it is expedient to supplement the provisions of the Upper Burma Laws Act, 1886, with respect to the Shan States in Upper Burma; It is hereby enacted as follows:— XX of 1886.

Title, extent
and com-
mencement.

1. (1) This Act may be called the Shan States Act, 1888; and,

(2) Notwithstanding anything in section 8, sub-section (2), of the Upper Burma Laws Act, 1886, it shall come into force throughout the Shan States on such day as the Local Government, by notification in the official Gazette, appoints in this behalf. XX of 1886.

Definitions.

2. In this Act—

(1) "Shan State" means a territory for the time being notified under sub-section (3) of section 8 of the Upper Burma Laws Act, 1886, as a Shan State for the purposes of that section and sections 6 and 7 of that Act: and XX of 1886.

(2) "chief" includes a person temporarily administering such a State.

Adminis-
tration of
Shan States
by their own
chiefs and
under their
own laws.

3. (1) Subject to the provisions of this Act and of any enactment for the time being in force in a Shan State under section 8, sub-section (1), of the Upper Burma Laws Act, 1886, and to such conditions as may have been or may be prescribed by the Local Government, with the approval of the Governor XX of 1886.

General

General in Council, in any instrument recognising a person as the chief of the State, the administration of civil and criminal justice and the collection of the revenue within the State shall be vested in the person for the time being recognised by the Local Government as the chief of the State.

(2) Subject as aforesaid, the law to be administered in a Shan State shall be the customary law of the State in so far as that law is in accordance with justice, equity and good conscience, and the punishments which may be awarded thereunder, or the practices which are permitted thereby, are in conformity with the spirit of the law in force in the rest of British India.

4. (1) The Local Government may, by order,—
- (a) appoint officers to undertake, or to take part in, the administration of civil and criminal justice and the collection of the revenue within a Shan State;
 - (b) with the previous sanction of the Governor General in Council, define the powers and regulate the procedure of officers so appointed and their deputies and subordinates and of the chief and his deputies and subordinates;
 - (c) with the previous sanction of the Governor General in Council, direct by what authority any jurisdiction, power or duty incident to the operation of any enactment for the time being in force in the State under section 8, sub-section (1), of the Upper Burma Laws Act, 1886, is to be exercised or performed; and
 - (d) modify the customary law of the State in so far as, in the opinion of the Local Government, that law is not in accordance with justice, equity and good conscience, or authorises punishments, or permits practices, which are not in conformity with the spirit of the law in force in the rest of British India.

Participation
of the Gov-
ernment in
the adminis-
tration of
Shan States.

(2) An order of the Local Government under sub-section (1) may have reference to any one Shan State or to any number of Shan States specified or referred to in the order.

Modification
of enact-
ments in
their appli-
cation to the
Shan States.

5. In extending an enactment to a Shan State under section 8, sub-section (1), of the Upper Burma Laws Act, 1886, the Local Government, with the pre-vious sanction of the Governor General in Council, may declare its extension to be subject to such re-strictions and modifications as that Government thinks fit.

XX of 1886.