

ACT No. IX OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th October, 1892)

An Act to further provide for the Administration of Towns in Lower Burma.

WHEREAS it is expedient to further provide for the administration of towns in Lower Burma ; It is hereby enacted as follows :—

Title, extent
and com-
mencement.

1. (1) This Act may be called the Lower Burma Towns Act, 1892.

(2) It extends to the whole of Lower Burma ; and

(3) It shall come into force on such day as the Local Government may, by notification in the Burma Gazette, appoint in this behalf.

Definition.

2. In this Act " town " means an area declared by the Local Government, by notification in the Burma Gazette, to be a town for the purposes of the Act :

Provided that no such declaration shall be made with respect to any military cantonment, or part of a military cantonment, without the previous consent of the Governor General in Council.

Wards and
blocks and
headmen and
elders.

3. (1) The Deputy Commissioner may, by order in writing, divide any town into wards and any ward into blocks.

(2) The Deputy Commissioner may, by a like order, appoint any person, with the consent of such person, to be the headman of a ward or the elder of a block.

(3) The Deputy Commissioner may, by a like order, for reasons to be stated therein, suspend or dismiss the headman of a ward or the elder of a block.

4. (1) Every

4. (1) Every headman of a ward shall communicate forthwith to the officer in charge of the nearest police-station or to the nearest Magistrate any information which he may obtain respecting—

Report of certain matters by headmen and elders.

- (a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in his ward ;
- (b) the resort to any place within, or the passage through, his ward of any person whom he may know or reasonably suspect to be a dacoit, robber, escaped convict or proclaimed offender ;
- (c) the commission of, or attempt or intention to commit, within his ward, any of the following offences, namely :—
 - (i) murder ;
 - (ii) culpable homicide not amounting to murder ;
 - (iii) dacoity ;
 - (iv) robbery ;
 - (v) offences against the Indian Arms Act, 1878 ; and
 - (vi) any other offence respecting which the Deputy Commissioner, by general or special order, with the previous sanction of the Local Government, may direct him to communicate information ;
- (d) the occurrence in his ward of any sudden or unnatural death, or of death under suspicious circumstances.

XI of 1878.

(2) Every elder of a block shall communicate forthwith to the headman of his ward any information which he may obtain respecting any of the matters specified in sub-section (1) which may exist or occur in his block, and, in the absence of the headman of his ward, he shall communicate the information forthwith to the officer in charge of the nearest police-station.

5. (1) The

General
duties of
headman and
elders.

5. (1) The headman of a ward shall be bound—
- (a) to assist the police in the investigation of every offence respecting which he is required by the last foregoing section to communicate information ;
 - (b) to search for and use his utmost endeavours to arrest any person whom he may have reason to believe to have been concerned in the commission or attempted commission of any such offence, and to recover, if possible, any property taken by any such person ;
 - (c) to arrest any person found lurking within the limits of the ward who cannot give a satisfactory account of himself ;
 - (d) to forward, as soon as may be, to the nearest police-station, any person arrested by him or made over to his custody, together with any weapon or other article likely to be useful as evidence ;
 - (e) to prevent to the best of his ability the commission of any offence regarding which he is required by section 4, sub-section (1), to communicate information, and to arrest the person designing to commit such offence if it appears to him that the commission of such offence cannot otherwise be prevented ;
 - (f) to collect or aid in collecting, to the utmost of his ability, any revenue or other money due to the Government or to a municipal committee from residents of the ward or persons holding land therein ;
 - (g) to report to such officer as may be appointed by the Deputy Commissioner in this behalf all trespass or encroachments upon, and injuries to, State land and public property which may occur within his ward, and of which he may reasonably and fairly be expected to have cognizance ;
 - (h) if

- (h) if so ordered by the Deputy Commissioner, in accordance with such rules as may be made in this behalf by the Commissioner with the previous sanction of the Local Government, to register all births and deaths which take place within the ward, and any other vital statistics which may be prescribed by such rules ;
- (i) to take such measures for the prevention of fires and public nuisances and for the general sanitation of the ward as may be prescribed by any rules made in this behalf by the Commissioner with the previous sanction of the Local Government ;
- (j) to report all cases of small-pox, cholera and cattle-disease which occur within his ward and of which he may reasonably and fairly be expected to have cognizance, and to supply, to the best of his ability, any local information which any Magistrate, officer of police or municipal officer may require ; and
- (k) generally to assist all officers of the Government and municipal officers in the execution of their public duties.

(2) The elder of a block shall be bound to assist the headman of his ward in the performance of the duties prescribed in sub-section (1) :

Provided that in making a declaration under section 2 with respect to any town the Local Government may direct that any of the foregoing clauses shall not apply to that town.

6. If any headman of a ward or elder of a block neglects, without reasonable excuse, to perform any of the duties imposed upon him by this Act or any rule made thereunder, he shall be liable to a fine which may extend to fifty rupees.

Penalty for neglect of duty by headman or elder.

7. (1) Every person residing in a ward shall, on the requisition of the headman, be bound to assist him in the execution of his public duties.

Obligation on residents of ward to aid headman.

(2) If

(2) If any such person refuses or neglects to comply with any lawful requisition of the headman, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable to a fine which may extend to fifty rupees.

Finality of orders.

8. (1) No appeal shall lie from any order made under this Act or any rule made thereunder.

(2) But the Deputy Commissioner may revise any such order made by any officer subordinate to him, and the Commissioner may revise any such order made by the Deputy Commissioner.

(3) Save as provided by this section, every order made under this Act shall be final, and shall not be liable to be contested by suit or otherwise.

Power to make rules.

9. (1) The Local Government may, subject to the control of the Governor General in Council, make rules consistent with the foregoing sections for carrying into effect the purposes of this Act.

(2) All such rules shall be published in the Burma Gazette, and shall thereupon have the force of law.