

THE TOWNS ACT (1907)

Burma Act III, 1907
25 May 1907

PRELIMINARY

1-2. [...]

3. In this Act, unless there is something repugnant in the subject or context:

(1) [...]

(2) “town” means a local area declared to be a town for the purposes of this Act by a notification under section 4.

4. The President of the Union may, by notification, declare any local area to be a town for the purposes of this Act.

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

(2) [Substituted by Act LXVI 1947] The Deputy Commissioner shall appoint a person to be headman of a ward and may appoint persons to be elders of a block. Where there are more suitable candidates than the appointments to be made, the Deputy Commissioner shall be guided in his choice by the wishes of the inhabitants of the ward or block concerned to be ascertained by means of an election:

Provided that the Deputy Commissioner shall not be bound to accept the candidature of any person whom, on grounds to be recorded in writing, he considers for any reason to be unsuitable:

Provided also that the Deputy Commissioner shall not be bound by the results of the election where the successful candidate:

(a) owed his election to the exercise of undue influence or intimidation or corrupt practices;
or

(b) cannot furnish such security as is or may be prescribed in this behalf.

No person shall be eligible to be a headman of a ward or elder of a block unless he is eligible to vote.

(3) [Substituted by Act LXVI 1947] The Deputy Commissioner may delegate to a Sub-divisional Officer or Township Officer by name the duty of holding the election referred to in sub-section (2).

(4) (a) [Substituted by Act LXVI 1947] The headman of a ward or elder of a block so appointed shall hold office for a period of five years, but shall be eligible for re-election.

(b) Notwithstanding anything contained in any other law, the Deputy Commissioner may, in the case of a headman of a ward or elder of a block appointed in his jurisdiction prior to the commencement of the Towns (Amendment) Act, 1947, by three months' notice in writing to the headman or elder concerned, terminate the appointment of such headman or elder with effect from the date to be mentioned in the notice.

General Duties of Headmen and Elders.

6. (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:

(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, house-breaker, 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 Arms Act;

(vi) offences against section 10A ; and

(vii) any other offence respecting which the Deputy Commissioner, by general or special order, with the previous sanction of the President of the Union, may direct him to communicate information;

(d) the occurrence in his ward of any sudden or unnatural death, or of death under suspicious circumstances.

(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.

7. (1) The headman of a ward shall be bound to perform the following public duties, namely:-

(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 endeavors 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 6, 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 or town 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 so ordered by the Deputy Commissioner, in accordance with such rules as may be made in this behalf by the President of the Union, 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 as may be prescribed in any rules made in this behalf by the Commissioner with the previous sanction of the President of the Union:

(firstly) for the prevention and extinction of fires;

(secondly) for the prevention of public nuisances;

(thirdly) for the general sanitation of the ward and the prevention of the spreading of any contagious or infectious disease among human beings;

(f) to take such measures as may be prescribed in any rules made in this behalf for the prevention and suppression of any contagious or infectious disease among domestic animals;

(k) to report all cases of small-pox, plague, 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;

(l) to collect and furnish, upon receipt of payment for the same in advance at such rates as the Deputy Commissioner, with the sanction of the Commissioner, may from time to time fix guides, supplies of food, carriage, and means of transport for any troops or police posted in or near or marching through or near the town:

Provided that no headman shall be bound to collect supplies beyond the limits of the ward of which he is headman, or to furnish carriage or means of transport for more than twelve hours journey from such town unless the Deputy Commissioner certifies in writing that it is necessary in the public interests that carriage or means of transport should be supplied for a longer period, in which case the Deputy Commissioner shall fix higher rates of payment than the rates of payment for journeys of twelve hours or less:

Provided also that no headman shall requisition for personal service any resident of such ward who is not of the labouring class and accustomed to do such work as may be required; and

(m) 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).

(3) The President of the Union may, by notification, direct that particular clauses of sub-section (1) shall not apply to any town specified in such notification.

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

General Duties of Residents.

9. Persons residing in a ward shall be bound to perform the following public duties, namely:-

(a) to take such measures as may be prescribed in any rules made in this behalf for the prevention and suppression of any contagious or infectious disease among domestic animals;

(b) on a general or individual requisition of the headman to assist him in the execution of his public duties.

9A. If any person residing in a ward refuses or neglects to perform any of the public duties imposed upon him by this Act or any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable, on conviction by a Magistrate, to a fine which may extend to fifty rupees.

10. (1) If in any town in the Union of Burma (The word "Upper" was omitted from the original expression "Upper Burma" by the Union of Burma (Adaptation of Laws) Order, 1948)] which the President of the Union may, by notification, declare to be within the operation of this section, any person who is not a resident of such town comes into a ward thereof, he or the person (if any) in whose house he is living shall, within twelve hours of his coming into such ward, report to the headman his arrival, his name and occupation, and the name of the place where he last resided.

(2) The departure from such ward of a person reported under sub-section (1) shall also be reported by the person, if any, in whose house he has been living.

(3) Any person who contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to fifteen days, or with both.

10A. (1) The Deputy Commissioner may, by a notification publicly promulgated or addressed to individuals, prohibit the carrying of any of a kind exempted from the provisions of the Arms Act, bludgeons, loaded sticks, hunting crops, clasp-knives of a specified size, or other offensive instruments in any public place.

(2) Any person being in a public place shall upon demand deliver up to a police-officer or to the ward headman any such offensive instrument as is referred to in sub-section (1) which may be in his possession.

(3) Whoever contravenes a prohibition under sub-section (1) or the provisions of sub-section (2) shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

(4) When any person is convicted of an offence under sub-section (3) the instrument in respect of which he has been convicted shall be liable to be confiscated by the Court.

(5) This section shall not apply to Rangoon Town.

Pwes, Billiards, Saloons, Pawn-shops etc.

11. (1) Whoever:

(a) holds a pwé in any town, without a licence granted by the Deputy Commissioner or by an officer appointed by the Deputy Commissioner in this behalf, or

(b) promotes the holding of a pwé held without such licence, or

(c) takes part in or in any manner assists the race, performance or other entertainment (if any) constituting a pwé held without such licence, or takes part in or in any manner assists the arrangement or management of a pwe held without such licence, or

(d) being present thereat, permits the holding of a pwé without such licence on any land or premises under his control,

shall be punished, on conviction by a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) No fee shall be paid on the application for, or on the issue of, the licence required by sub-section (1).

(3) For the purposes of this section “pwe” ordinarily means a puppet show or other theatrical or dramatic performance: or a native cart, pony, boat or other like race, held for public entertainment whether on public or private property;

and, in respect of any local area, also includes public entertainments or assemblies of any such class as the President of the Union may, by notification, declare to be pwes for the purposes of this section when held in such local area.

11A. (1) No person shall keep a public billiard table, bagatelle board, ring-throwing establishment, or any place of public resort for any form of game or amusement which the President of the Union may, by notification, declare to be within the provisions of this section, except under and in accordance with the conditions of a licence granted by the Deputy Commissioner or by an officer appointed by the Deputy Commissioner in this behalf.

(2) The President of the Union may by rules prescribe the circumstances in which such licences may be refused, the fees to be paid for such licences and the conditions on which such licences may be granted or revoked.

(3) Any person who commits a breach of sub-section (1) or of any of the conditions of a licence granted under this section shall be liable for a first offence to a fine which may extend to one hundred rupees, and for a subsequent offence to imprisonment for a term which may extend to one month, or to fine which may extend to five hundred rupees, or to both.

11B. (1) No person shall keep a pawn-shop or carry on the business of a pawn-broker except under and in accordance with rules made by the President of the Union in this behalf.

(2) The President of the Union may make rules:

(a) regulating pawn-shops and rendering licences necessary for pawn-brokers;

(b) prescribing the form of such licences and the conditions subject to which they shall be granted and may be revoked;

(c) providing for the sale, issue, production and return of such licences; and

(d) generally for carrying into effect the objects of this section.

(3) The President of the Union may, by rule under this section, attach to the breach of any rule thereunder punishment which may extend for a first offence to a fine of rupees one hundred, and for each subsequent offence to imprisonment for one month, or to a fine of two hundred rupees, or both:

Provided that this section shall apply only to such towns as the President of the Union may, by notification, direct.

Supplemental.

12. (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;

the Commissioner may revise any such order made by the Deputy Commissioner; and the President of the Union may revise any order made by the Deputy Commissioner or 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.

13. (1) The President of the Union may make rules to carry out the objects and purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may:

(a) prescribe the duties to be performed by the headman and residents of a ward in respect of the matters mentioned in section 7, sub-section (1), clause (j), and in section 9, clause (a);

(b) prescribe the measures to be taken for the prevention and suppression of any contagious or infectious disease among domestic animals coming into or passing through a ward:

Provided that the President of the Union may, by notification, exclude from the operation of all or any of the rules made under clauses (a) and (b) any town which has been constituted a municipality under the provisions of the Municipal Act.

13A. Whoever, not being a resident of a ward, refuses to obey or contravenes any rule made under clause (b), sub-section (2), of section 13 shall be punishable, on conviction by a Magistrate, with *va line* which may extend to fifty rupees.

14. All rules made under this Act by the President of the Union or by a Commissioner shall be published in the Gazette, and, when so published, shall have the same effect as if enacted by this Act.