

THE VILLAGE (AMENDMENT) ACT, 1947.

[BURMA ACT No. XXIX OF 1947.]

[31st May 1947.]

WHEREAS it is necessary to amend the Village Act ;

AND WHEREAS by Proclamation, dated the tenth day of December, 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935, (26 Geo. 5, c. 10) in the Legislature or in either Chamber thereof ;

NOW, THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows :—

1. (1) This Act may be called the Village (Amendment) Act, 1947
- (2) It shall come into force at once.

2. (1) For sub-section (2) of section 5 of the Village Act, (hereinafter referred to as "the said Act") the following shall be substituted :—

"(2) The village headman of every village-tract shall be appointed by the Deputy Commissioner after he has ascertained the wishes of the villagers by means of an election, provided that the Deputy Commissioner may reject the application of any of the candidates by reason of his character or residence, or of any physical or mental disqualification, or of being below 21 years or above 55 years of age. The Deputy Commissioner may overrule the result of an election by the villagers—

- (a) if the candidate so elected owed his election to the exercise of undue influence or to intimidation ; or
- (b) if the candidate so elected cannot furnish such security as is or may be prescribed in this behalf.
- (c) \* \* \* \* \*

- (3) (a) The village headman 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 any village headman appointed in his jurisdiction prior to the commencement of the Village (Amendment) Act, 1947, by three months' notice in writing to the headman concerned terminate the appointment of such headman with effect from the date to be mentioned in the notice."

(2) Sub-section (3) of section 5 of the said Act shall be re-numbered as sub-section (4).

3. For sub-section (3) of section 5A of the said Act, the following shall be substituted :—

"(3) (a) The remaining members of the village committee shall not be less than four persons or more than eight persons to

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be elected by the residents of the village-tract in accordance with such rules as may be made in this behalf. The tenure of office of such village committee shall be five years, to be reckoned from the earliest date of appointment of any of its members other than the Chairman.

- (1) Where any person is appointed to be a member of the village committee in the place of any member who has resigned or died, or has vacated the office of member of the village committee before the expiration of the said period of five years, such succeeding member shall hold office only for the unexpired period of the life of the village committee :

Provided that a member of the village committee shall be deemed to have resigned his office if the Deputy Commissioner, by order made on sufficient grounds, declares that the continuance in office of such member is contrary to the interests of the residents of the village-tract.

- (c) Notwithstanding anything contained in any other law, the Deputy Commissioner may, in the case of members of a village committee appointed in his jurisdiction prior to the commencement of the Village (Amendment) Act, 1947, by one month's notice in writing to the members concerned, terminate the appointment of such members with effect from the date to be mentioned in the notice ; and every member whose appointment is so terminated, shall be eligible for election under the rules made under this section."

4. In section 7 of the said Act :—

- (i) in sub-section (1) for the words beginning with "Every headman shall" and ending with the word "respecting", the following shall be substituted, namely :—

"(1) Every headman shall forthwith communicate to the nearest Magistrate or the officer in charge of the nearest police station or any other officer of the Government or an officer of the army, naval or air forces serving in Burma any information which he may obtain respecting—"

- (ii) for clause (b) of sub-section (1) the following shall be substituted, namely :—

"(b) the resort to any place within, or the passage through, his village-tract of any person whom he knows, or reasonably suspects, to be a dacoit, robber, escaped convict, proclaimed offender or a deserter from any armed force whether of the Government or of any other Power ;"

- (iii) for clauses (d) and (e) of sub-section (1) the following shall be substituted, namely :—

"(d) the occurrence in his village-tract of any sudden or unnatural death or of any death under suspicious circumstances or the outbreak of any epidemic disease among human beings or cattle ;

- “(e) the destruction of or damage to or any attempt to cause such destruction of or damage to any Government property including tele-communication lines, roads, bridges or railway lines ;
- “(f) the presence in his village-tract of any person in possession of unlicensed arms or ammunition or the existence within his village-tract of any unlicensed arms or ammunition ;
- “(g) any matter likely to affect the maintenance of law and order or the prevention of crime or safety of person or property respecting which the Deputy Commissioner, by general or special order, has directed him to communicate information.”

5. In section 8 of the said Act—

(i) for clauses (f) and (g) the following shall be substituted, namely :—

“(f) to take such measures and to execute such works for the protection of the villages within his tract and for keeping open the communications between them and for the maintenance of the water supply as the Deputy Commissioner or Subdivisional Officer may direct ;

“(g) to collect and furnish, upon receipt or payment for the same at such rates as the Deputy Commissioner may fix, guides, messengers, porters, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village-tract or for any servant of the Government travelling on duty : provided that no headman shall requisition for personal service any resident of such village-tract who is not of the labouring class and accustomed to do such work as may be required.”

(ii) in clause (l) of sub-section (1) for the words “ any Magistrate or Officer of Police ” the following words shall be substituted, namely :—

“ any Magistrate, police-officer or any other officer of the Government or any officer of the army, naval or air forces serving in Burma.”

6. For sub-section (1) of section 23 of the said Act, the following shall be substituted :—

“(1) An appeal shall lie to the Commissioner from an order passed by the Deputy Commissioner under the provisions of sub-section (2) of section 5, and, except as provided herein no appeal shall lie from any order made under this Act.”

7. In clause (cc) (i) of section 29 (1) of the said Act, between the word “ which ” and the word “ members ” the expression “ a headman or ” shall be inserted.