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THE
✓ BURMA BOUNDARIES MANUAL

CONTAINING

THE BURMA BOUNDARIES ACT, 1880 (V of 1880),

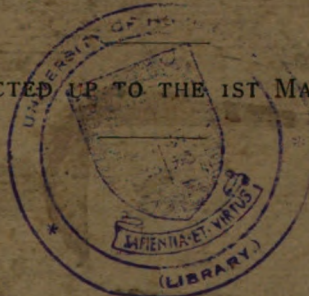
AS AMENDED BY

THE BURMA BOUNDARIES ACT AMEND-
MENT ACT, 1895 (II of 1895),

TOGETHER WITH

RULES, NOTIFICATIONS AND INSTRUCTIONS THEREUNDER.

CORRECTED UP TO THE 1ST MAY 1903.



RANGOON:

OFFICE OF THE SUPERINTENDENT, GOVERNMENT PRINTING, BURMA.

1903.

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THE BURMA BOUNDARIES ACT, 1880.

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ACT No. V OF 1880.¹

(APPLIES TO UPPER AND LOWER BURMA.)

[20th February 1880.]

An Act to provide for the demarcation of land and for the establishment and maintenance of Boundary-marks in British Burma².

³ WHEREAS it is expedient to provide for the demarcation of land and for the establishment and maintenance of boundary and survey marks in Burma ;
It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Burma Boundaries Act, 1880 :
It extends to the territories for the time being administered by the Chief Commissioner⁴ of British Burma² :
and it shall come into force at once.

Short title.
Local extent.
Commence-
ment.

⁵ 1A. In this Act,—

“Survey-mark” means any pillar, pipe, post or other mark erected or placed above or below the surface by or by order of any officer appointed by the Local Government to make a survey of any land on or within the boundaries of such land for the purpose of indicating survey points or lines.

Definition of
“survey-
mark.”

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,⁶ and may suspend or remove any person so appointed.

Power to ap-
point Dem-
arcation
and
Boundary
officers ;
functions of
such officers.

Every person so appointed shall, subject to the control of the Local Government and of any superior officer⁶ 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 duties imposed by this Act or the rules made hereunder on such officers respectively.

¹ For Statement of Objects and Reasons, see Gazette of India, 1880, Pt. V., p. 9 ; for Proceedings in Council, see *ibid*, Supplement, pp. 173 and 565.

The Act was declared in force in Upper Burma by the Burma Laws Act, 1898 (XIII of 1898), see the First Schedule, pp. 266 and 271, the Burma Code.

² Read now “Lower Burma,” see the Burma Laws Act, 1898 (XIII of 1898), s. 7 p. 262, the Burma Code.

³ This Preamble was substituted for the original, by the Burma Boundaries Act, Amendment Act, 1895 (II of 1895), s. 2, p. 237, the Burma Code. Act II of 1895 extends to the whole of Burma (inclusive of Upper Burma), except the Shan States, see Act II of 1895, s. 1 (2). In the original Preamble there was no reference to survey-marks, and the reference was to “British Burma.”

⁴ The officer designated Chief Commissioner in this Act, is now the Lieutenant-Governor of Burma, see Proclamation, dated the 9th April 1897, Gazette of India, 1897, Pt. I, p. 261.

⁵ This section was added by the Burma Boundaries Act Amendment Act, 1895 (II of 1895), s. 3, p. 237, the Burma Code.

⁶ For appointments made under this section, see notifications noted on p. 59 of the Burma Rules Manual, Ed. 1897 ; *ibid*, Burma Gazette, 1898, Pt. I, p. 11.

Burma Boundaries Act.

(Chap. II.—Demarcation of Boundaries. Secs. 3-8.)

CHAPTER II.

DEMARCATIION OF BOUNDARIES.

A.—Proceedings of Demarcation-officers.¹

Power to direct demarcation of boundaries. Power to enter on land to effect demarcation.

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.

Publication of general notice.

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.

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.

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

Power to issue special notice to procure attendance.

6. The Demarcation-officer may also cause a special notice to be served on any of the persons mentioned in section 5 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 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.

Compensation for injury 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 7, 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.

¹ For power to invest any Forest-officer in Lower Burma and in Upper Burma with the powers of a Demarcation-officer under this Act, see Burma Forest Act, 1902 (Burma Act, IV of 1902) section 74(e).

Burma Boundaries Act.

(Chap. II.—Demarcation of Boundaries. Secs. 9-12).

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.

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. Power to summon person to give information or produce document.

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 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.

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. When Demarcation-officers may alter demarcation.

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

Burma Boundaries Act.

(Chap. II.—Demarcation of Boundaries. Secs. 13-17.)

Objections subsequently made how dealt with.

13. When any person, within sixty days from the date of the order passed under section 12, 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 cost 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 12.

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 13 shall, unless the Boundary-officer specially so directs, recover any portion of the amount deposited by him under section 13.

Power to enforce attendance of witnesses, etc.

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.¹

XIV of 1882.

Power to refer dispute to arbitration.

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. The procedure laid down in Chapter XXXVII of the Code of Civil Procedure¹ shall apply (so far as may be) to such references.

Effect of orders of Boundary-officer.

17. The order passed by the Boundary-officer under section 12, or when such order is amended under section 14, such amended order shall, unless and until it be reversed or modified in manner hereinafter provided, be conclusive.*

(C.—Appeals from Orders of Boundary-officers. Sec. 18-21.)

Orders appealable to Commissioner. Decision when final. Second appeal when allowed.

18. An appeal shall lie to the Commissioner of the division from every order passed by a Boundary-officer under section 12, section 13, or section 14.

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

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 lie² in Lower Burma to the Chief Court of Lower Burma and in Upper Burma to the Judicial Commissioner of Upper Burma.

¹ See now the Code of Civil Procedure 1882 (Act XIV of 1882), General Acts, Vol. IV, 262.

² Amended by Act VI of 1900.

* As to the effect of the Boundary-officer's decision, see the orders of the Chief Court of Lower Burma in Criminal Revision No. 300 of 1902.

Burma Boundaries Act.

(Chap. II.—Appeals from orders of Boundary-officers. Secs. 18-21.)

20. The period of limitation for an appeal under section 18 or section 19 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 18—sixty days;
- (b) in the case of appeal under section 19—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, 1877.¹ XV of 1877.

21. ²The Commissioner, the Judicial Commissioner of Upper Burma, and the Chief Court of Lower Burma 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. Powers of Commissioner, etc.

D.—Boundary-marks.

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. When permanent boundary-marks are to be erected.

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

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. Apportionment of expense of erection of marks.

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. Notice to owners to pay share of expense.

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. Power to place marks under charge of owners and occupiers.

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. Duty to preserve boundary marks. Duty to give notice of any injury occurring to them.

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 Power to erect and repair boundary-marks.

¹ See now the revised edition as modified up to 1st April 1899, published by the Legislative Department, General Acts, Vol. III, p. 73.

² Amended by Act VI of 1900.

Burma Boundaries Act.

(*Chap. II.—Boundary-marks. Sec. 26. Chap. III.—Miscellaneous. Secs. 28-29.*)

tion 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 25 to preserve such mark.

27. [*Duties of village-officers.*] *Rep. by the Burma Boundaries Act Amendment Act, 1895 (11 of 1895), s. 4.*

CHAPTER III.

MISCELLANEOUS.

Survey-officer.

128. When any officer is appointed by the Government to make a survey of any land, the Chief Commissioner² may invest such officer, for the purposes of such survey, with all or any of the powers conferred on Demarcation-officers by sections 4 to 9 (both inclusive), and also with power to cause any boundary or survey or other marks to be erected or placed by the owners or occupiers of any land or to erect or place such marks and to charge the cost of such erection or placing to such owners or occupiers.

All the provisions of sections 23 to 26 (both inclusive) shall apply to such marks, and the officer invested with such powers shall have all the powers of a Boundary-officer under the said sections.

Duties of village-officers and of owners and occupiers of land.

28A. It shall be the duty of every village-headman and thugyi and of every owner or occupier of land,—

- (a) so far as he lawfully can, to prevent the destruction, injury or alteration of any boundary or survey mark within the local limits of his jurisdiction or on or within the land owned or occupied by him, as the case may be ;
- (b) whenever he becomes aware that any such boundary or survey 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.

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

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

¹Ss. 28 and 28A were substituted for the original s. 28, by the Burma Boundaries Act Amendment Act, 1895 (11 of 1895), s. 5, p. 237, The Burma Code.

²The Chief Commissioner is now Lieutenant-Governor of Burma, see Proclamation, dated 9th April 1897, Gazette of India, 1897, Pt. I, p. 261. All the powers or duties conferred and imposed on the Chief Commissioner are to be deemed to have been conferred and imposed on the Lieutenant-Governor, with effect from the first day of May 1897, see s. 15 of the Burma Laws Act, 1898 (XIII of 1898), p. 265, The Burma Code

Burma Boundaries Act.

(Chap. III.—Miscellaneous. Secs. 30-32.)

30.¹ Whoever—

- (a) knowingly fails to discharge any duty imposed on him by this Act or any rule made thereunder, or
- (b) 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,

Penalty for failure to discharge duty imposed or for refusing or neglecting to comply with orders or notice under Act.

shall be punished with fine which may extend to fifty rupees.

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

Recovery of amounts due under Act. Power to make subsidiary rules.

32. The Chief Commissioner² may from time to time make rules³ 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 thereunder ;
- (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.

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

Mode of publication.

¹ This section was substituted for the original s. 30 by the Burma Boundaries Act Amendment Act, 1895 (II of 1895), s. 6, p. 237, The Burma Code.

The wording of the original section was as follows :—“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.

² See the second note on p. 6, *supra*.

³ For rules under this section, see pages 11 to 14, *infra*.

NOTIFICATIONS AND RULES
UNDER
THE BURMA BOUNDARIES ACT, 1880 (V of 1880).

NOTIFICATIONS ISSUED UNDER THE BURMA BOUNDARIES ACT,
1880.

Revenue Department Notification No. 353, dated the 12th November 1895,—*Burma Gazette*, Part I, page 503.

IN exercise of the power conferred by section 2 of the Burma Boundaries Act, 1880, the Chief Commissioner appoints the Financial Commissioner to be the Superior Officer for controlling Demarcation Officers and Boundary Officers.

RULES* UNDER THE BURMA BOUNDARIES ACT.

(FOR UPPER BURMA AND LOWER BURMA.)

Demarcation and Report.

1. The report prescribed by section 10 of the Act to be forwarded to the Boundary Officer shall, in cases in which there is no dispute, be the map of the boundaries and a statement in the form annexed; and in cases of dispute, a map showing the lines of boundary claimed by parties, together with a *précis* showing the nature of the dispute and the reasons for the decision of the Demarcation Officer.

Preservation of Boundary-marks and Survey-marks.

[SECTIONS 25, 26, AND 28A.]

2. On the completion of proceedings under section 3 of the Act, the Boundary Officer, and on completion of a Survey, the Survey Officer, invested with powers under section 28 of the Act, shall point out on the ground to the headman of every village, not being a waste land grant *kwin*, the position of every permanent boundary-mark or survey-mark fixed in the village limits, and shall obtain from him a signed certificate to the effect that the position of all such marks has been pointed out to him. Survey marks which fall exactly on the boundary between adjacent village jurisdictions should ordinarily be handed over to the respective headmen in equal proportions. The Boundary Officer or Survey Officer shall also deliver to the headman a statement specifying—

- (a) the kind of permanent boundary-marks or survey-marks fixed;
- (b) the number of permanent boundary-marks or survey-marks;
- (c) the localities of such permanent boundary-marks or survey-marks;

requiring him, in terms of section 28A of the Act, to protect such marks and to report at once any damage or injury done to them.

The statement to be served upon village headmen shall be in the following form:—

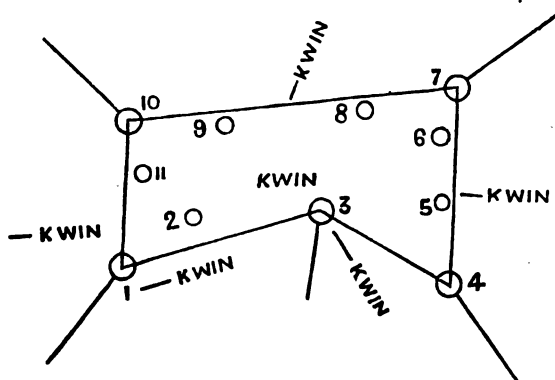
Notice to , *headman of village* , *circle* , *or township.*

TAKE notice that, under section 28A of the Burma Boundaries Act, you are required to inspect periodically and protect from injury the permanent

* *Vide* Revenue Department Notification No. 198, dated the 3rd June 1897,—*Burma Gazette*, Part I, pages 264—266.

survey and boundary-marks in and around *kwins* as shown by
 in the map given below, to report at once to the * any
 damage done. The marks consist of †

Take notice that you are responsible under the law for the preservation
 of these marks:—



A copy of this statement and of the headman's certificate shall be sent to
 the Deputy Commissioner to be filed in the Revenue record-room.

3. Under the circumstances specified in Rule 2 the Boundary Officer or
 Survey Officer, as the case may be, shall cause a notice to be served upon
 the owner of a waste land grant *kwin* in Lower Burma specifying—

- (a) the kind of permanent boundary-mark or survey-mark fixed ;
- (b) the number of such permanent boundary-marks or survey-marks ;
- (c) the localities of such permanent boundary-marks or survey-marks ;

placing such marks under his charge, and requiring him, in terms of section
 25 and section 28A of the Act, to preserve them.

4. Lists of all such marks shall be sent to the Deputy Commissioner of
 the district for retention in the Revenue record-room.

5. The headman shall inspect each permanent boundary and survey-
 mark within his jurisdiction once a year, in November or December, and
 shall report its condition to the Circle Thugyi, or to the Township Officer
 if there is no Circle Thugyi. This report is in addition to the immediate
 report of damage required of the headmen by clause (b), section 28A, of
 the Boundaries Act.

6. The Circle Thugyi or Township Officer, as the case may be, shall
 annually submit a report to the Deputy Commissioner describing the condi-
 tion of the permanent boundary-marks and survey-marks in each of the
kwins within his charge.

* In Upper Burma insert "Township Officer", in Lower Burma insert "Circle Thugyi;"
 if there be one, or "Township Officer" if the revenue is collected by village headmen.

† Insert here the kind of mark, *i.e.*, whether clay pipe, zinc cylinder, stone pillar or
 other.

7. The restoration or repair of any permanent boundary-mark or survey-mark, when ordered by a Magistrate, shall ordinarily be carried out under the supervision of a Land Records Officer.

Delegation of powers.

8. A Demarcation Officer or a Boundary Officer may delegate to any person under his orders power to enter upon any land for the purposes of demarcation.

9. A Boundary Officer shall not delegate to any subordinate any of the powers conferred on Boundary Officers. But he may direct any subordinate who has been appointed to be a Demarcation Officer to make a local enquiry and report.

10. An officer in charge of a Cadastral Survey party, who has been invested under section 28 of the Act with certain powers of a Demarcation Officer, may delegate to any subordinate not below the rank of a surveyor the powers of a Demarcation Officer under sections 4, 5, 6, 7 and 9 of the Act for demarcation of holdings in—

- | | | |
|------------|---------------------|------------------|
| (a) towns; | | (b) cantonments; |
| | (c) civil stations; | |

and also power to cause any boundary-marks or survey-marks to be erected or placed by the owners or occupiers of any land, or to erect or place such marks, and to charge the cost of such erection or placing to such owners or occupiers.

Publication, issue, and service of Notices.

11. The general notice prescribed in section 5 of the Act shall be issued at least one month before the Demarcation Officer enters upon the land and shall be served by obtaining the signature of the headman of the village to the original and tendering to him a copy, a second copy being affixed to one of the posts of the principal *sayat* or to some conspicuous tree in the village. In the case of a town, cantonment, or civil station, the service shall be made by affixing a copy of the notice to the walls of public offices and of the principal shops.

12. The special notice prescribed in section 6 of the Act shall be issued at least ten days before the date fixed for attendance.

13. The special notice prescribed in section 7 of the Act shall be issued at least fifteen days before the Demarcation Officer enters upon the land.

14. The special notice prescribed in section 9 of the Act shall be issued at least ten days before the date fixed for attendance and production of documents.

15. The special notices issued under sections 6, 7, and 9 of the Act shall be served by obtaining on the original the signature of the person or persons to whom they are addressed and tendering to him a copy. If the person to whom any such notice is addressed cannot be found, one copy of the notice shall be affixed to the door of his house, another copy shall be affixed to the nearest *sayat*, and the original shall be returned with a certified report of the nature of the service effected.

16. The general notice issued under section 11 shall be served in the same manner as the general notice issued under section 5.

17. The special notice issued under section 11 shall be served in the same manner as the special notices issued under sections 6, 7, and 9.

18. The notices issued under sections 24 and 25 and Rules 2 and 3 shall be served in the same manner as the special notices issued under sections 6, 7, and 9.

FORM.

District.	Township.	Circle.	Village.	Kamin.	Area in acres.	Boundaries.	Owner.	Description of land and use to which put.	Names of persons to whom special notices were issued under section 6.	Date of demarcation of boundaries under section 10.	Remarks.

INSTRUCTIONS
UNDER
THE BURMA BOUNDARIES ACT, 1880 (V OF 1880).

[*Translated into Burmese.*]

Financial Commissioner's Circular No. 21 of 1897.

REVENUE DEPARTMENT.—No. 688-1D.—5.

Dated Rangoon, the 29th June 1897.

THE following instructions to Preliminary Demarcators for the temporary marking out of lands before cadastral survey in both Upper and Lower Burma, which are in supersession of the orders contained in Financial Commissioner's Circular No. 29 of 1890, and of all other existing instructions and directions under the Burma Boundaries Act, 1880; are published for general information and for the guidance of officers concerned.

By order,

H. THOMPSON,

Secretary to the Financial Commissioner.

**INSTRUCTIONS FOR THE TEMPORARY MARKING OF BOUNDARIES
PRELIMINARY TO CADASTRAL SURVEY.**

1. The officer under whose supervision temporary marks are put down is termed a "Preliminary Demarcator." Temporary marks are erected for purposes of survey only, and are intended to point out the line to be taken up by the surveyor and nothing more.
2. In any tract destined for cadastral survey, the temporary marking of all boundaries mentioned in Instruction 4 should be complete before the survey breaks ground.
3. The *kwin* is a survey unit which should, wherever possible, correspond with the area of a village or the jurisdiction of a village headman. If, however, the jurisdiction of a village headman is too large to be comprised in a single *kwin*, it should be divided into a sufficient number of *kwins* of convenient size. No *kwin* boundary should overlap the boundary of a village headman's jurisdiction.
4. Before a cadastral survey is introduced into any district, the boundaries of the following lands should be marked with temporary marks:—
 - (a) *Kwins*.
 - (b) Agricultural holdings which have not already a visible boundary.
 - (c) Burial-grounds which have not already a visible boundary.
 - (d) Roads, canals, and embankments.
 - (e) Lands assigned to or occupied by the Railway, Public Works, and other departments of Government which have not already a visible boundary.
 - (f) Monastery and pagoda lands which have not already a visible boundary.
 - (g) Town and suburban lots.

- (h) Cantonment lots and internal divisions.
- (i) Civil station lots and internal divisions.
- (j) Village sites.

5. Preliminary Demarcators are executively subject to the control of Deputy Commissioners.

6. The officer in charge of the cadastral survey will be the Preliminary Demarcator for the boundaries (g), (h), (i), inclusive.

7. The survey, except in the case of towns, cantonments, and civil stations, is to be by *kwins*. It is, therefore, indispensable that the tracts which are to be surveyed should be carefully parcelled out into *kwins* by the Preliminary Demarcators. A list should be made of all these *kwins* and the *kwins* in each township should be numbered in serial order.

8. In Lower Burma every waste-land grant made under the old rules (1839—41 and 1863—65), whether large or small, must be made into a *kwin* by itself—to be called a grant *kwin*.

9. Every reserved forest, whether large or small, should be made into a *kwin* by itself. Every lake fishery covering half a square mile or more of continuous water should be made into a *kwin* by itself. Other fisheries should ordinarily be included in the *kwins* within which they fall.

10. When the area to be divided up into *kwins* consists largely of jungle it may be advisable to have the *kwins* laid out by the Survey Department instead of by the Preliminary Demarcators. In such cases report should be made of the circumstances and sanction obtained from the Financial Commissioner.

11. In fixing the boundaries of *kwins* regard should be had to the following considerations:—

- (a) The *kwin* area most convenient for survey and supplementary survey purposes is about 1 square mile or 640 acres. In no case should the area of a *kwin* exceed 2 square miles.
- (b) Conspicuous natural features of country should, where such exist, be adopted as boundaries of *kwins*, unless the adoption of them will make the areas of the *kwins* exceed 2 square miles.
- (c) The boundaries of *kwins* should follow the boundaries of the jurisdiction of the resident village headman, the *kwins* being either coincident with the headman's jurisdiction or being subdivisions of that jurisdiction.
- (d) Subject to the above considerations, boundaries usually acknowledged by the people should, if possible, be adhered to.

12. When the boundary between two *kwins* runs through cultivated land or through open land not covered with obstructive vegetation, the line should be marked off by wooden posts. A post must be erected at every angle of the boundary without exception; and when the line is straight or nearly straight, or curved, a post should be erected at every 100 yards.

13. When the boundary between two *kwins* runs through cultivated land, if the boundary is a natural feature, such as a ridge, stream, or canal, the line of demarcation should follow the natural feature. If there is no natural feature the demarcation posts should be so placed as to include entire fields and entire holdings within one or other of the *kwins*. Except when the boundary is a natural feature no field and no holding should be divided by the line of posts.

14. When the boundary between two *kwins* runs through jungle or long grass, or other obstructive vegetation, the line must be cleared so as to

allow a width of 9 feet absolutely clear. Within the space so cleared posts should be erected in such a way and at such distances that one can be seen from the other.

15. Posts should be sunk not less than 3 feet in the ground and should be not less than 3 feet above ground, and should be so strong and so firmly fixed as to stand during the rains and till the survey is over.

16. Posts erected as temporary marks should have some distinctive mark by which the people may know their special purpose; otherwise cultivators are apt, in ignorance, to remove or destroy them. Posts erected round the boundaries of *kwins* should have one ring of white paint; those erected along the boundaries of internal divisions of *kwins* should have two rings of white paint.

17. Where any of the following conspicuous features of the country form the boundary of a *kwin*, namely, a creek, a river, a canal, the sea, a permanent road, railway, or large embankment, no artificial marks or posts are necessary, but in all other cases artificial marks by posts must be made.

18. The landholders or cultivators within the *kwins*, the boundaries of which are to be demarcated, should be required to erect the posts along the line of boundary where such boundary lies through cultivated land or open land not covered by obstructive vegetation.

19. In any *kwin* of which the boundaries, any or all, run through jungle or long grass or other obstructive vegetation, and must be cleared and marked off with posts, the landholders or cultivators within the *kwins* on each side of the boundary should be required to make the clearings and erect the posts.

20. In any *kwin* in which there are no cultivators, or so few cultivators that the cost of labour of clearing and demarcation would be unreasonably heavy, hired labour should be employed, unless the *kwin* be a Lower Burma waste-land grant in which case the grantee should be required to make the clearing and erect the posts.

21. Every lake fishery constituted a separate *kwin* should be marked in the way described in Instruction 12 or 14, as the case may be. Every stream fishery should be demarcated by two large posts, one at the upper and one at the lower extremity of the fishery. The boundaries of all fisheries should be clearly delineated in red ink on the maps and a note should be attached specifying the name of the fishery.

22. Orchards and gardens and miscellaneous holdings whose boundaries are not otherwise visible should be marked with rough fences of bamboo, a clearing 2 feet wide being made on each side of the fence.

23. Paddy-land whose boundaries are not defined by *kasins* and grant-lands not under cultivation should be demarcated by stout wooden posts placed at each angle of the boundary.

24. Roads should only be demarcated in parts where the alignment is not distinct and in such cases by posts erected 100 yards apart.

25. Monastery and pagoda lands, which are often considerable in extent, should, if not already enclosed, be marked off by stout wooden posts and bamboo rails.

26. (1) Every village-site, by which is meant every cluster of dwelling-houses permanently occupied, is to be marked off.

(2) In many village-sites the dwellings are scattered and mixed up with cultivation, sometimes orchard, sometimes paddy, occasionally both. In others, the dwellings are in a compact group.

(3) The demarcation now to be made should include the whole of the homestead area, *i.e.*, not only the area covered by dwellings, but also the interspersed cultivation of whatever kind.

27. The demarcation of the village-site should be made in the way prescribed for *kwins* (Instructions 12, 14); all the internal divisions should be marked off by fences of bamboo and the area should then be surveyed and shown on the *kwin* map.

28. In a tract which is submerged, demarcation may be postponed till the floods have subsided, but should be taken in hand as soon as the floods have subsided.

29. In Lower Burma the preliminary marking of *kwins* will be done in the following manner :—

(1) The preliminary demarcator should furnish each circle thugyi or revenue surveyor with a rough map of his circle, and require him to mark the *kwins* thereon and to make a rough sketch of the boundaries of each *kwin*. This eye-sketch need not be on scale or by measurement; it is sufficient if it indicates the boundary approximately, so as to furnish a guide to the survey.

(2) After sketching the *kwin* boundaries on the rough map the circle thugyi or revenue surveyor should mark on the sketch of each *kwin* the following :—

- (a) serial number of the *kwin* ;
- (b) name of the *kwin* ;
- (c) the creeks within the *kwin*, if any, in blue, giving their names ;
- (d) the roads in the *kwin*, if any, in yellow, giving their names ;
- (e) a *black ink line* along any boundary through cultivated or open land, which has been demarcated by posts, with a statement, written along the black ink line, of the number of posts erected.
- (f) a *dotted line* in black ink along any boundary through tree-jungle or long grass, and which has been cleared and marked by posts, with a statement along the dotted line of the number of posts erected ;
- (g) a *blue line* along the following descriptions of boundaries, a creek, a river, a canal, the sea ;
- (h) a *yellow line* along a road, railway embankment boundary, or the boundary of any lands falling under Instruction 4 (e).

(3) If any boundary of the circle be incorrectly shown on the rough map supplied to the circle thugyi or revenue surveyor under Instruction 29, the circle thugyi or revenue surveyor should report the error to the preliminary demarcator for rectification after enquiry from the circle thugyi or revenue surveyor of the adjacent circle.

(4) When the boundaries of all *kwins*, with the particulars specified in sub-section (3) of this Instruction have been shown on the rough map, the circle thugyi or revenue surveyor should sign the map and make it over to the preliminary demarcator.

30. In Upper Burma the preliminary demarcator shall prepare the map required by Instruction 29, and with the assistance of his clerks and the village headmen shall personally perform the duties described in Instruction 29.

31. The preliminary demarcator after ascertaining by personal inspection that the demarcations have been made in the way prescribed, and that the rough map contains all particulars required by Instruction 29, should also sign the map and send it to the Subdivisional Officer who shall send it to the Deputy Commissioner.

32. The Deputy Commissioner and Subdivisional Officer shall, wherever possible, verify by personal inspection the accuracy of the work done by the Preliminary Demarcator and shall enter full details of such inspections in the Progress Report prescribed in Instruction 37.

33. As the survey field season generally commences towards the end of November, the erection of temporary marks in the whole tract to be surveyed in the coming field season must, without fail, be complete, and the rough demarcation-maps must be in the hands of the Deputy Commissioner on or before the 15th November of that year.

34. The Deputy Commissioner is responsible for the strict and punctual carrying out of these Instructions.

35. The rough demarcation-maps, after examination and signature by the Deputy Commissioner, should be sent to the officer in charge of the cadastral survey of the district.

36. Along with the rough demarcation-maps the Deputy Commissioner shall send to the officer in charge of the cadastral survey all previous maps of waste-land grants, reserved forests, fisheries, towns, cantonments, civil stations within the circles in which temporary marks have been put down, together with all the statements appertaining to such maps.

37. The Preliminary Demarcator shall prepare a monthly report, which he shall submit to the Subdivisional Officer, who shall submit it to the Deputy Commissioner. The Deputy Commissioner shall submit this report* to the Commissioner of the division. This report shall show—

- (a) total area to be marked out ;—
- (b) area completed ;
- (c) number of *kwins* completely marked out with specifications of the number of waste-land grants demarcated under Instruction 8 ;
- (d) number of reserved forests, fisheries, village sites, and other divisions described in Instructions 21—27 marked out ;
- (e) number of rough demarcation-maps ready and lodged ;
- (f) number of rough demarcation-maps sent in to the officer in charge of the cadastral survey ;
- (g) particulars of inspections made by the Deputy Commissioner or Subdivisional Officer.

38. The lots or internal divisions of towns, cantonments, and civil stations, if not already marked off, should, ordinarily, be marked by a fence of bamboo or some other material which can be quickly put up.

39. It will generally be possible to make sufficient demarcation without removing any fruit or timber trees, doing damage to any ground, crops, or fruits, or other property. Only in cases where survey would otherwise be impossible should there be any interference with such trees, fruits, or crops, or other property.

* Form I, Progress report of demarcation work.

FORM I.

Progress Report of marking work in the.....district for the month of....., Party consisting of.....Preliminary Demarcators.....Clerks and.....peons.

Table with 12 columns: District, Township, Area in which work carried on (Total area to be marked out, Completed up to end of period under report), Limits defined by marks (Kwins, Village-sites, Burial-grounds, Fisheries, Orchards and gardens, Other areas), Remarks by Preliminary Demarcator, Remarks by Deputy Commissioner.

No..... Dated.....19...

FORWARDED to the Director of the Department of Land Records and Agriculture, Burma.

..... Preliminary Demarcator. Deputy Commissioner.

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THE
BURMA BOUNDARIES MANUAL

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THE BURMA BOUNDARIES ACT, 1880 (V of 1880),
AS AMENDED BY
THE BURMA BOUNDARIES ACT AMEND-
MENT ACT, 1895 (II of 1895),
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