

(The Jade Mines Rules)

No. 971

The 6th November 1940.

No. 971.- The Governor of Burma, under section 4 of the Jade Mines Regulation, makes the following rules:-

1. These rules shall be called **the Jade Mines Rules**.

PART I.- DEFINITIONS.

2. In these rules, unless there is anything repugnant in the subject or context:-

(a) "The Regulation" means the Jade Mines Regulation.

(b) "Jade", "Jade-tract", "native", "Jade Mines Officer" and "transport" shall have the same meaning as is assigned to them in section 2 of the Regulation

(c) "Superintendent" means an officer appointed by the Governor of Burma to be a Superintendent of one or more notified jade-tracts for the purposes of these rules.

(d) "Mine" is the locality covered by a current license.

PART II.- RESIDENCE IN A JADE TRACT.

3. A person who is not a native of a jade-tract may be permitted to reside in a jade-tract only if he is in possession of or is covered by either a current license to dig for or raise jade or a written permit from the Jade Mines Officer. The written permit shall be in Form I attached to these rules and shall be subject to the conditions prescribed therein. This permission to reside in a jade-tract may be revoked by the Jade Mines Officer for breach of or failure to fulfil any of the conditions laid down in the license or written permit.

PART III.- RAISING OF JADE.

4. Jade may only be dug for or raised in pursuance of a license granted under these rules.

5. Licenses to dig for or raise jade shall be in one of the following forms:-

(i) ordinary,

(ii) extraordinary,

(iii) special.

6. The Jade Mines Officer may refuse to issue a license, without assigning any reason, or limit amend, or alter the area for which a license is applied, or notify any area in a jade tract wherein jade may not be dug or raised.

(A) Of Ordinary Licenses.

7. An ordinary license shall be a license to dig for or raise jade by native methods and shall not authorise the use of any machinery.

8. An ordinary license shall be in Form II attached to these rules and shall be issued subject to the conditions prescribed therein.

9. The fee for each workman covered by an ordinary license shall be such as the Governor may from time to time prescribe.

10. No workmen shall be employed under an ordinary license in excess of the number mentioned therein.

11. An ordinary license may be granted by the Jade Mines Officer in any part of a jade-tract provided that the prior approval of the Divisional Forest Officer shall be obtained in respect of such parts of the tract as are included within a reserved forest.

12. Every application for an ordinary license shall specify clearly the locality in which it is proposed to dig for or raise jade.

13. Ordinary licenses shall be current only during or in the calendar month or months for which they are issued.

14. An ordinary license may be issued or renewed by the Jade Mines Officer for periods of one to six months at his discretion.

15. The holder of an ordinary license shall not use explosives except under supervision and with the permission of the Jade Mines Officer, or unless he holds an Explosives License issued under the Explosives Act and Rules thereunder.

16. All disputes arising between license holders as to sites or other matters concerning the digging for or raising of jade shall be decided by the Jade Mines Officer, who may in his discretion delegate this duty to the Superintendent.

(B) Of Extraordinary Licenses.

17. An extraordinary license shall be a license to dig for or raise jade by any method.

18. An extraordinary license may, with the previous sanction of the Governor, be granted by the Deputy Commissioner to any person.

19. An application for an extraordinary license must be in writing and may be made to the Jade Mines Officer or to the Deputy Commissioner.

20. An extraordinary license may be granted at any time for such period, in such form, on such conditions and in consideration of payment of such fee as the Governor may in each case direct.

(C) Of Special Licenses.

21. The holder of a current ordinary license who desires to use a mechanical water pump must also be in possession of a special license.

22. A special license may be issued by the Jade Mines Officer. It shall be in Form III attached to these rules and shall be subject to the conditions prescribed therein.

23. Special licenses shall be current only for the same period as is covered by the current ordinary license.

PART IV.

CUTTING OF JADE.

24. Any person may cut or dress jade which has been dug or raised in accordance with these rules.

PART V.

POSSESSION OF JADE.

25. Any person may possess any jade which has been dug or raised in accordance with these rules.

PART VI.

BUYING AND SELLING OF JADE.

26. Any person may buy or sell, or be otherwise a party to the transfer of, any jade which has been raised in accordance with these rules.

PART VII.

TRANSPORT OF JADE.

27. Any person may transport any jade which has been raised in accordance with these rules.

PART VIII.

LEVY OF ROYALTY.

28. Royalty shall be leviable on all jade dug or raised in any jade-tract.

29. The rate of royalty and the manner in which it shall be assessed and collected shall be such as the Governor may from time to time prescribe.

30. The Governor may direct, on such terms and conditions as may be prescribed, the disposal, by grant, auction or tender, of the right to collect royalty by license.

PART IX.

SUPPLEMENTAL RULES.

31. (a) If the holder of any license or permit under these rules, other than an extraordinary license, contravenes any rule under the Regulation or commits any breach of, or fails to fulfil, any condition of his license or permit, or fails to make any payment in respect of the license at the time for the making thereof, he shall be liable, in addition to any prosecution which may lie under section 6 or section 7 of the Regulation, to cancellation of his license or permit by the Jade Mines Officer.

(b) The Jade Mines Officer may, in his discretion, instead of cancelling a license, permit the licensee to compound the contravention, breach or default by payment of such sum as the Jade Mines Officer thinks fit.

32. If the holder of an extraordinary license contravenes any rule under the Regulation, or commits any breach thereof, or fails to fulfil any condition of his license, or fails to make any payment in respect of the license at the time it is due, the Jade Mines Officer shall report through the Deputy Commissioner the contravention, breach or default to the Commissioner, and the Commissioner may thereupon, with the previous sanction of the Governor, cancel the license or, in his discretion, permit the contravention, breach or default to be compounded by payment of such sum as he thinks fit.

33. With the previous sanction of the Commissioner, the Deputy Commissioner may remit extraordinary license fees for workmen for such period as he may decide to have been spent by such workmen entirely in unproductive work such as salving operations or restoration of the mine to working order necessitated by floods, landslips and other catastrophes.

34. The fee for a duplicate license or badge shall be such as the Governor may from time to time prescribe.

35. All powers conferred by these rules may be exercised from time to time as occasion requires.

36. (1) Appeals against orders passed under these Rules by the Jade Mines Officer or the Superintendent, as the case may be, shall lie to the Deputy Commissioner, Myitkyina District.

(2) Appeals against original orders passed by the Deputy Commissioner, Myitkyina District, under these Rules shall lie to the Commissioner, Sagaing Division, but no further appeal shall lie against appellate orders passed by the Deputy Commissioner, Myitkyina District.

(3) No appeal shall lie against the orders of the Commissioner, Sagaing Division.

(4) Appeals submitted under sub-rules (1) and (2) above shall not be considered unless they are filed within a period of thirty days from the date on which the orders appealed against were passed.

----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 FORM I. (Rule 3 of the Jade Mines Rules.)

[ATTACH LIST 2] 02 FORM II. (Rules 7 to 16 of the Jade Mines Rules.)

[ATTACH LIST 3] 03 FORM III. (Rules 21 to 23 of the Jade Mines Rules.)