

RULES UNDER THE UPPER MYANMAR RUBY REGULATION, 1887.

No. 227

THE MYANMAR GAZETTE, JULY 23RD, 1898.

[Amendment : 18.06.1989]

No. 227.- In exercise of the powers conferred by sections 4 and 5 of the Upper Myanmar Ruby Regulation, 1887 (XII of 1887), and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor is pleased to make the following rules in respect of the Sagin Hills stone-tract:-

PART 1.- Definitions.

1. In these rules, unless there is something repugnant in the subject or context,-
 - (i) "the Regulation" means the Upper Myanmar Ruby Regulation, 1887;
 - (ii) "stone" means a stone as defined in section 2 of the Regulation and, in any places where the word occurs in these rules, may be declared, by a subsidiary rule under section 5, sub-section (3), of the Regulation, to include, for any purpose stated in the rule, such a parcel of stones as may be described therein;
 - (iii) "Part" means a Part of these rules;
 - (iv) "Deputy Commissioner" and "Commissioner" mean, respectively, the Deputy Commissioner of the Mandalay district and the Commissioner of the Mandalay Division;
 - (v) "the stone-tract" means the Sagin Hills stone-tract; and
 - (vi) "hereditary marble worker" means any person who before the 1st November 1898, or such other date as the Local Government may fix in this behalf, proves to the satisfaction of the Deputy Commissioner that he is a member of a family which before the 6th day of November 1890, practised, and still practises, quarrying for marble in the stone-tract: provided that such person has not for a continuous period of three years ceased himself, or through some member of his family, to practice quarrying for marble in the stone- tract.

<Amendment 18.06.1989>

PART II.- Residence in the stone-tract

2. A person who is not a native of the stone-tract may reside therein unless ordered to depart by the Deputy Commissioner.

PART III.- Raising of stones.

3. Stones may be dug for or raised in pursuance of a license granted under this Part.
4. (1) Licenses to dig for or raise stones shall be either ordinary or extraordinary.
 - (2) An ordinary license shall be a license to dig for or raise stones by the native methods, and shall not authorize the use of any machinery.
 - (3) An extraordinary license shall be a license to dig for or raise stones by any method.
5. (1) An ordinary license to dig for or raise stones in the stone-tract may be granted by the Deputy Commissioner to any person.
 - (2) The Local Government may empower any Assistant Commissioner, Extra Assistant Commissioner or Myook, or any Police Officer not below the rank of Inspector, to grant ordinary licenses.
 - (3) An extraordinary license to dig for or raise stones in the stone-tract may, with the previous sanction of the Local Government, be granted by the Deputy Commissioner to any person.
6. (1) An application for an ordinary license shall be made to the Deputy Commissioner or officer empowered under Rule 5 (2).
 - (2) An application for an extraordinary license shall be in writing and may be made to the Deputy Commissioner.
7. An officer rejecting an application by a hereditary marble worker for an ordinary license shall record in writing his reasons for doing so. An appeal shall lie to the Commissioner against an order rejecting an application under this rule.
8. (1) An ordinary license may be granted for any period not exceeding one year on application made therefor at such time as may be appointed by the Local Government in this behalf.
 - (2) The form and conditions of the license, and the payments, if any, to be made therefor shall be such as the Local Government prescribes.
9. An extraordinary license may be granted at any time for such period, in such form, on such conditions, and in consideration of such payments as the Local Government in each case directs.

PART IV.- Cutting of Stones.

10. Any person may cut or dress stones.

PART V.- Possession of Stones.

11. Any person may possess in the stone-tract, or for the purposes of trade in any place beyond the limits of the stone-tract, any stone which has been raised by the holder of a license under these rules.

PART VI.- Buying and selling Stones.

12. Any person may buy or sell, or be otherwise a party to the transfer of any stone which has been raised by the holder of a license under these rules.

PART VII.- Transport of Stones.

13. Any person may transport any stone which has been raised by the holder of a license under these rules.

PART VIII.-Supplemental Rules.

14. A register shall be maintained in the office of the Deputy Commissioner of all hereditary marble workers.

15. (1) If the holder of any license under these rules, other than an extraordinary license (granted under Part III), contravenes any rule under the Regulation, or commits any breach of, or fails to fulfil, any condition of his license, or fails to make any payment in respect of the license at the time for the making thereof, the Deputy Commissioner may cancel the license.

(2) The Deputy Commissioner may, in his discretion, instead of cancelling the license, permit the licensee to compound the contravention, breach or default by payment of such sum as the Deputy Commissioner thinks fit.

(3) Orders made by the Deputy Commissioner under this rule shall be subject to revision by the Commissioner.

(4) The Local Government may empower any Assistant Commissioner, Extra Assistant Commissioner or Myook, or any Police Officer not below the rank of Inspector, to exercise all or any of the powers of a Deputy Commissioner under this rule.

16. If the holder of an extraordinary license granted under Part III contravenes any rule under the Regulation, or commits any breach of, or fails to fulfil, any condition of his license, or fails to make any payment in respect of the license at the time for the making thereof, the Deputy Commissioner shall report the contravention, breach or default to the Commissioner, and the Commissioner may thereupon, with the previous sanction of the Local Government, 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.

----- Footnote -----

[ပင်ရင်း- ၂၃.၇.၁၈၉၈ ရက်နေထုတ် ပြန်တမ်းမှတူးယူတင်ပြသည်။]