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THE CHIN HILLS REGULATION (1896)

Introduction : The Chin Hills Regulation (Regulation IV) passed on August 13, 1896, had authorized the Superintendent or Deputy Commissioner (of the Lushai Hills) to order an undesirable outsider to leave the area and to tax the residents, permanent or temporary, clans and villages. On October 9, 1911, the Regulation was extended to the North Cachar Hills, the Garo Hills, the Khasi and Jaintya Hills (excluding the Shillong municipal and cantonment area where only the provision for taxation would apply), the Naga Hills and Mikir Hills.

CHAPTER I

PRELIMINARY

1.
 - 1) This Regulation may be called the Chin Hills Regulation, 1896.
 - 2) It shall come into force on such date as the Local Government may, by notification in the Burma Gazette appoint.
 - 3) The Section and Section 3 shall extend to the whole of the Chin Hills. The rest of this Regulation shall extend only to such tracts in the Chin Hills as the Local Government, with the previous sanction of the Governor General in Council, may by notification in the Burma Gazette, direct.
2.
 - 1) In this Regulation, unless there is anything repugnant in the subject or context the expression – "Superintendent" includes any officer whom the Local Government may invest with the powers of a Superintendent under this Regulation.
 - 2) "Assistant Superintendent" includes any officer whom the Local Government may invest with the powers of an Assistant Superintendent under this Regulation.
 - 3) "Chins" includes (a) Lushais, (b) Kukis, (c) Burman domiciled in the Chin Hills; and (d) any person who had adopted the customs and language of the Chins and are habitually resident in the Chin Hills;
 - 4) "Clan" means any sub-division or section of Chins, and includes a group of clans.
 - 5) "Villages" includes –
 - (a) a village – community.
 - (b) village lands,
 - (c) rivers passing through or by village land; and
 - (d) a group of villages; and
 - 6) "Headman" means the chief or head of any clan or village inhabited by Chins, and includes a council of chiefs or elders.

CHAPTER II

LAW APPLICABLE IN THE CHIN HILLS

3.
 - 1) This Regulation and the enactment in the schedule, to the extent and with the modifications there in set forth, shall be deemed to be the only enactment which apply to any tract in the

Chin Hills to which Section 2 and Section 4 to 41 (both inclusive) may be extended by a notification under Section 1, sub-section (3).

- 2) No other enactment shall be deemed to apply to Chins in the Chin Hills:
Provided that the Local Government, (subject to the control) of the Governor General in Council, may by notification in the Burma Gazette, declare any other enactment to be applicable wholly or to the extent or with the modification which may be set forth in the notification.
4.
 - 1) so far as regards persons other than Chins, the law in force in the Chin Hills shall subject to the provision of sub-section (4) and (5), be the law for the time being in force in Upper Burma exclusive of the town of Mandalay :
 - 2) For the purposes of any enactment in force in the Chin Hills in pursuance of the provisions of sub-section (1), the Superintendent shall be deemed to be the Deputy Commissioner or the District Magistrate and Collector, and an Assistant Superintendent and Assistant Commissioner in charge of a sub-division or an Assistant Collector of the first class, as the case may be.
 - 3) The Local Government shall exercise the powers of the Financial Commissioner and of a commissioner under any such enactment as aforesaid.
 - 4) This section and section 9, 16, 22, 23, 33 and 34 shall apply to person within the Chin Hills.
 - 5) Section 12 shall apply to all parties to a suit or other proceeding of a civil nature in which any of the parties in a Chin.

CHAPTER III

HEADMEN AND THEIR POWERS

5.
 - 1) Subject to any general or special orders of the Local Government the Superintendent may appoint and remove any headman, and may define the local limits of his jurisdiction and declare what clan, or village, or both shall be subject to him.
 - 2) Where a headman is appointed for a group of villages or clans, the Superintendent may declare the extent to, and the manner in, which the headman of the villages or clans composing such group shall be subordinate to the headman of the group.
 - 3) In making a declaration under this section the Superintendent shall be guided as far as practicable by local custom.
6.
 - 1) Every headman shall within the local limits of his jurisdiction have general control, according to local custom, over the clan, or village, or both , declared subject to him.
 - 2) He may levy from such clan or village any customary dues and may impose on them such punishments as are authorised by local custom:
Provided that no barbarous, excessive or unusual punishment shall be imposed.
 - 3) He shall be bound to keep the peace within the tract under his general control; to comply with all lawful orders, received from the Superintendent or Assistant Superintendent; and to furnish on the requisition of the Superintendent or an Assistant Superintendent, on receipt of payment at rates to be fixed by the Superintendent, supplies of food or labour required by any public servant.
7.
 - 1) A headman may try, according to local custom, any person subject to his general control who may be charged with any offence other than and offence punishable under section 121 to 130, section 302 to 308, section 341 to 348, section 363 to 440 (all inclusive) of the Indian Penal Code or with abetment of, or attempt to commit, any of these offences, and may punish with fine in money or goods any person found guilty by him of any such offence as aforesaid.
 - 2) Nothing in the Indian Penal Code or in the Code of Criminal Procedure, 1882, shall apply to any proceedings of a headman acting in exercise of the powers conferred by this section.
8. A headman may try and decide according to local custom any dispute of a civil nature

between persons subject to his general control, and may enforce his decision in accordance with such custom.

CHAPTER IV

JURISDICTION AND SPECIAL POWERS OF OFFICERS

9.
 - 1) The Chin Hills shall constitute a sessions division and a district for criminal, civil, revenue and general purposes, and the Superintendent shall be the Sessions Judge.
 - 2) As Sessions Judge the Superintendent may take cognizance of any offence as a court of original jurisdiction without the accused being committed to him by a magistrate for trial, and, when so taking cognizance shall follow the procedure prescribed by the Code of Criminal Procedure, 1882, for the trial of warrant cases by Magistrate.
10. For the purpose of the Code of Criminal Procedure, 1882, the Local Government shall exercise the powers of a High Court.
11. The Local Government may, by notification in the Burma Gazette, invest any Assistant Superintendent with all or any of the powers of a Superintendent under this Regulation, and define the local limits of his jurisdiction.
12.
 - 1) The Superintendent and every Assistant Superintendents exercising jurisdiction within the Chin Hills may try any suit or other proceeding of a civil nature between parties, any one of whom is a Chin, according to such procedure as the Local Government may, by notification in the Burma Gazette prescribed; and
 - 2) In the trial of any such suit or proceeding, may exercise all or any of the powers which he might exercise in a suit or proceeding in which none of the parties is a Chin, and
 - 3) In deciding any such suit or proceeding shall have regard to local custom and to justice, equity and good conscience.
13. The Superintendent may withdraw any civil or criminal case pending before a headman or an Assistant Superintendent and may other try if himself or refer it for trial to an Assistant Superintendent.
14.
 - 1) Subject to the control of the Local Government, the Superintendent may take hostages from, or impose fines in money or goods on any clan or village or any part thereof, if after enquiry he find that any of the persons belonging to such clan or village have –
 - (a) colluded with, or harbored, or failed to take reasonable means to prevent the escape of, any person accused of, or under sentence of imprisonment for, an offence;
 - (b) suppressed or combine to suppressed evidence in any criminal case;
 - (c) failed or neglected to restore stolen property tracked to their village or to take on the track beyond the limits of their village;
 - ... (d) done any act hostile or unfriendly to the Government;
 - (e) disobeyed the lawful orders of the Superintendent or an Assistant Superintendent;
 - (f) taken patria or abetted an attack on traders or other travelers, or the levy of, or attempt to levy unauthorized dues or tolls; or
 - (g) engaged in fighting with any other clan or village.
 - 2) The Superintendent may order the whole or any part of fine imposed under this section to be given as compensation to any person to whom damage or injury has been caused, directly or indirectly, by the act in respect of which the fine is imposed.
 - 3) When in pursuance of an order passed under this section a person has received compensation for injury out of the proceeds of a fine, all right of such person to compensation based on the same injury shall be barred.

15. When within the area occupied by any clan or village a person is dangerously or fatally wounded by unlawful attack, or the body of a person reasonably believed to have been unlawfully killed is found, the members of such clan or village shall be deemed to have committed an offence under the last foregoing section unless they can show that –
- (a) had not any opportunity of preventing the offence or arresting the offence; or
 - (b) had used all reasonable means to bring the offender to justice.
16. In the event of any clan or village acting in a manner hostile or unfriendly to the Government, the Superintendent may subject to the control of the Local Government, detain all or any members of such clan or village, deport them from the Chin Hills for life or for any shorter term, detain or confiscate their property, debar them from access into territory outside the Chin Hills and prohibit all or any other persons from entering the area occupied by such clan or village.
17. Every Headman who abused any of the power conferred upon him by this Regulation, or neglect to obey any reasonable order of the Superintendent, shall be liable by order of the Superintendent to pay a fine not exceeding fifty rupees, or to be suspended or dismissed from office.
18. When the Superintendent is satisfied that a dispute likely to cause a feud, breach of the peace or any offence affecting the human body or against property exists, he may enquire into the dispute and pass such order as he may think fit, having regard to local custom and to justice, equity and good conscience.
19. No new village shall be formed without the consent of the Superintendent, who may, for reasons to be recorded in writing, prohibit the formation thereof.
20. Whenever it seems to the Superintendent to be expedient on military or other grounds, he may, by order in writing, direct the removal of any village to any other site, and with the sanction of the Local Government, may award to the inhabitants thereof such compensation for any loss which may have been occasioned to them by such removal as in his opinion, shall be just.
21. 1) When any person is known or believed to have a feud, or has occasioned any cause of quarrel likely to lead to bloodshed, dacoity or robbery, the Superintendent may require such person to reside beyond the limits of the Chin Hills or within those limits at such place as the Superintendent may deem desirable.
- 2) No order requiring a person to reside beyond the limits of the Chin Hills shall be made without the previous sanction of the Local Government.
22. When the Superintendent is satisfied that the presence of any person (not being a public servant or a Chin) is injurious to the peace or good administration of the Chin Hills, he may, for reason to be recorded in writing, order such person to leave the Chin Hills within a given time.
23. Whenever contravenes the provisions of section 19, or disobeys an order under section 20 or a requisition under section 21, or an order under section 22, may, on conviction by a Magistrate, be punished with imprisonment for a term which may extend to six months, and shall also be liable to fine which may extend to one thousand rupees.
24. When the Superintendent is of opinion that it is necessary for the purpose of the preventing culpable homicide (whether a mounting to murder or not), grievous hurt, dacoity or robbery to require any person to execute a bond, for his good behaviour, he may order such person to execute a bond with or without sureties, for his good behaviour during such period not exceeding three years as the Superintendent may fix.
25. When a feud or other cause of quarrel likely to lead bloodshed or violence exists, or is, in the opinion of the Superintendent likely to arise between two clans, villages or families of Chins, the Superintendent may order all or any of the persons belonging to such clans, villages or families, or of either of such clans, villages or families, to execute a bond, with or without sureties, for their good behaviour during such period not exceeding three years as he may fix.
26. When an Assistant Superintendent duly authorised under Section 11 passes an order section 24 or section 25, he shall at once submit a report of his proceedings to the Superintendent.

27. 1) The commission or attempted commission, or the abetment by a person who has executed a bond for his good behaviour under section 24, of any offence affecting the human body or against property shall be deemed to be a breach of such bond.
- 2) If, while a bond executed under section 25 is in force, the life of any person belonging to any clan, village or family concerned is unlawfully taken or attempted to be taken, or the property of any such person is unlawfully taken or attempted to be taken, by or with the abetment of any person or persons belonging to the other clan, village or family, and of their sureties (if any) to be forfeited.
28. 1) If any person ordered to execute a bond for his good behaviour under section 24 or section 25 does not give the security required on or before the date on which the period for which the security to be given begins, he shall be committed to prison, or, if he is already in prison, be detained there until such period expires, or until within such period he gives the security to the officer who made the order requiring it, or to the officer in charge of the jail in which he is detained, in which case he shall be forthwith discharged from prison.
- 2) Imprisonment for failure to give security under section 24, or section 25 may be rigorous or simple as the officer requiring the security directs in each case.
29. When any person has suffered imprisonment for three years for failure to give security for his good behaviour under section 24 or section 25 he shall be released and shall not again be required to give security unless a fresh order is passed in accordance with the provisions of this Regulation.
30. 1) Any person who has, under the provisions of section 24 or section 25, given security, or been imprisoned for failure to give security, may be brought before the Superintendent if, on the expiry of the period for which security was required to be given, the Superintendent so directs.
- 2) When the Superintendent thinks if necessary, for the purpose of preventing the commission of any offence affecting the human body or against property, to require security for a further period from any person so brought before him, he shall record a proceeding to that effect.
- 3) The proceeding may be founded on the facts on which the original order to give security was founded, and it shall not be necessary to prove any fresh facts to justify an order to give security for a further period; under this section and such subsequent order, if passed, shall have the same effect be enforced in the same manner as an order to give security under section 24 or section 25.
- 4) Notwithstanding anything in this section, no person shall suffer for failure to give security under this chapter, imprisonment for more than six years or without the sanction of the Local Government, for more than three years.

CHAPTER V

SPECIAL RULES AS TO ARMS, AMMUNITION, OPIUM AND FOREST

31. 1) The Superintendent may fix the number of firearms and the quantity and description of ammunition which may be possessed by any clan or village, and may issue licenses, either to such clan or village collectively, or to any of the persons belonging there to individually to possess the firearms and ammunitions specified in the licenses.
- 2) All firearms for which licenses have been issued shall be stamped and entered in a register.
- 3) The Superintendent may grant a license to any clan or village for the manufacture of gun powder.
- 4) Any person who, not being licensed or not belonging to any clan or village licensed in that behalf, possessed any firearms or ammunition, or who manufactures gun powder, shall be punished, on conviction by a Magistrate, with imprisonment which may extend to three years, or with fine, or with both.
- 5) With the previous sanction of the Local Government, the Superintendent may direct that

the foregoing sub-section shall not apply to any tract or part of the Chin Hills, and may with the like sanction cancel any direction so made.

- 6) The Superintendent may, by order in writing, prohibit all or any of the persons belonging to any clan or village from carrying das, spears, and bows and arrows, or any of those weapons, in any tract, to be defined in the order, if he is of opinion that such prohibition is necessary to the peace of such tract. Such order shall specify the length of time during which it shall remain in force.
- 7) Whoever disobeys a prohibition under sub-section (6) shall, on conviction by a Magistrate, be punished with imprisonment which may extend to six months, or with fine, or with both.

32. No prosecution under the Upper Burma Forest Regulation, 1887, or any rule there under, under be instituted against any Chin except with the sanction in writing of the Superintendent.

33. Whoever imports, cultivates, manufactures, possesses, sells or exports opium, ganja, bhang, or charas in the Chin Hills shall be punished, on conviction by a Magistrate, with imprisonment which may extend to one year, or with fine, or with both.

34. Whoever sells foreign fermented liquor or spirit to any Chin shall be punished on conviction by a Magistrate, with imprisonment which may extend to three months, or fine, or with both.

CHAPTER VI

RULES REGARDING TAXES AND REALIZATION OF FINES, ETC.

35. Taxes shall be levied on all clans and villages at such rates and in such manner as the Local Government may prescribe.

36. An order for the payment of any fine or tax or for the delivery of any property, or for the performance of any act may be enforced –

(1) by the seizure of any movable property or of any standing crops of the person against whom such order is made, or, when the order is made against a clan or village or family of Chins, of any person belonging there to, or

(2) with the sanction of the Superintendent or of an Assistant Superintendent, by the simple imprisonment, for a term not exceeding one year, of the person against whom such order is made.

CHAPTER VII

CONTROL

37. No appeal shall lie against any order passed by a headman or by an officer acting under this Regulation.

38. 1) All Headmen and all officers in the Chin Hills shall be sub-ordinate to the Superintendent, who may revise any order passed by any such headman or officers, including an Assistant Superintendent specially empowered under section 11.

2) The Local Government may revise any order passed under this Regulation.

39. Subject to the control of the Governor General in Council, the Local Government may make rules consistent with this Regulation –

(a) to regulate the procedure to be observed by the officers acting under this Regulation;

(b) to prescribe the use of such forms, the submission of such reports and statements and the maintenance of such records and registers as it may think necessary; and

(c) generally, to carry into effect the purpose of this Regulations.

40. Except as provided in this Regulation, a decision passed act done or order made under this Regulation shall not be called in question in any Civil or Criminal Court.
41. 1) The Local Government may, by notification in the Burma Gazette, delegate to the Commissioner of any Division in Upper Burma all or any of the power conferred upon the Local Government by this Regulation, except the powers conferred by this section and by sections 1, 3, 5.11, 12, 31, 35 and 39, and may, from time to time by a like notification, rescind or vary any such notification.
- 2) When all or any of the powers of the Local Government have been delegated to the Commissioner of the division, the Local Government may revise any order passed by such Commissioner except an order passed under Section 10.

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