

# Myanmar: The Penal Code

## articles which have been used used in political cases

121. Whoever wages war against the Union of Burma or any constituent unit thereof, or assists any State or person or incites or conspires with any person within or without the Union to wage war against the Union or any constituent unit thereof, or attempts or otherwise prepares by force of arms

\* 122. ( 1) Whoever commits High Treason within the Union of Burma shall be punished with death or transportation for life.

(2) Whoever, being a citizen of the Union of Burma or ordinarily resident within the Union, commits High Treason outside the Union shall be punished with death or transportation for life.

124. Whoever knowing that any act, the commission of which would be High Treason, is intended or proposed to be, or is being, or has been committed, does not forthwith disclose the same, together with all particulars there of known to him, to Magistrate, or to any police-officer, or some other person lawfully engaged on duties relating to the preservation of peace and order shall be guilty of the offence of misprision of High Treason and shall be punished with rigorous imprisonment which may extend to seven years, and shall also be liable to fine.

142. Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

143. Whoever, is a member of an unlawful assembly shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

144. Whoever, being armed with any deadly weapon, or with anything which used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of their description for a term which may extend to two years, or with fine, or with both

145. Whoever, joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

146. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

147. Whoever, is guilty of rioting shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

152. Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavoring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

153A. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of [persons resident in the Union] ' shall be punished with imprisonment which may extend to two years, or with fine, or with both.

*Explanation.*-- It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or

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*Explanation.*-- It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or

295. Whoever destroys, damages or defiles any of worship, or any object held sacred by any class or person with the intention of thereby insulting the religion of any of person or with the knowledge that any class of likely to consider such destruction, damage or defilement as insult to their religion, shall be punished with either description for a term which may extend to two years or with fine, or with both

295A. Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [persons dent in the Union]<sup>1</sup> by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

493. Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him, and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

505. Whoever makes, publishes or circulates any statement, rumour or report,—

(a) with intent to -cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force [\* \* ]<sup>1</sup> to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

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<sup>1</sup>.Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

**Exception.**— It does not amount to an offence, within the meaning of his section, when the person making, publishing or circulating shy such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.