

THE BURMA EXCISE (AMENDMENT) ACT, 1954.

[Act No. XL of 1954.]

It is hereby enacted as follows :—

1. This Act may be called the Burma Excise (Amendment) Act, 1954.

2. In section 31 of the Burma Excise Act, hereinafter referred to as the said Act, for the expression "one year, or with fine which may extend to two thousand rupees, or with both", the expression "one year and shall also be liable to fine" shall be substituted.

3. After section 61 of the said Act, the following shall be inserted as sections 61A and 61B, namely :—

"61A. (1) Every person who has been arrested under this Act for an offence punishable with imprisonment for a term which may extend to not less than six months and every person who has been ordered to give security for his good behaviour shall, if so required by an Excise Officer, allow his photograph or finger and thumb impressions to be taken at any time after the arrest.

61B. (1) If any person who under section 61A is required to allow his photograph or finger and thumb impressions to be taken resists or refuses to allow the taking of the same, an Excise Officer may use all lawful means necessary to secure the taking thereof.

(2) Resistance to or refusal to allow the taking of photographs or finger and thumb impressions under sub-section (1) shall be deemed to be an offence under section 186 of the Penal Code."

4. After section 63 of the said Act the following shall be inserted as section 64, namely :—

"64. (1) Whenever any person is convicted of an offence punishable under section 30, section 31, section 33, section 34, section 37, section 38 or section 43 (2), and the Court convicting him is of opinion that it is necessary to require such person to execute a bond for abstaining from the commission of offences punishable under those sections, the Court may at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means with or without sureties, for abstaining from the commission of such offence during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond shall be in the form prescribed in the Schedule, and the provisions of the Code of Criminal Procedure shall, in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

Price,—10 pyas]

(3) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(4) An order under this section may also be made by an appellate Court, or by the High Court when exercising its powers of revision."

5. After section 69 of the said Act the following Schedule, shall be inserted, namely :—

" SCHEDULE

Bond to abstain from the Commission of Offences under the Burma Excise Act.

(See section 64)

Whereas I.....(name), inhabitant of(place) have been called upon to enter into a bond to abstain from the commission of an offence under section 30, section 31, section 33, section 34, section 37, section 38 or section 43 (2) of the Burma Excise Act, for the term of....., I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to the President of the Union of Burma, the sum of Kyats.....

Dated this.....day of.....19 ..

Signature.

(Where a bond with sureties is to be executed, add)

We do hereby declare ourselves sureties for the above name I.....that he will abstain from the commission of an offence under section 30, section 31, section 33, section 34, section 37, section 38 or section 43 (2) of the Burma Excise Act, during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to the President of the Union of Burma, the sum of Kyats.....

Dated thisday of.....19 ..

Signature'