

THE CONSTITUENT ASSEMBLY (ELECTION) ACT, 1947.

[BURMA ACT No. XIII OF 1947.]

[15th March 1947]

WHEREAS it is expedient that the Constituent Assembly Election Commissioners should have powers to enforce the attendance of witnesses and to provide for certain other matters :—

AND WHEREAS by Proclamation, dated the tenth day of December, 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935, in the Legislature or in either Chamber thereof ;

NOW, THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows :—

1. (1) This Act may be called the Constituent Assembly (Election) Act, 1947.

(2) It shall come into force at once.

2. In this Act unless there is something repugnant in the subject or context—

(a) "Commissioners" means the Commissioners who are appointed under Rule 11 of the Government of Burma (Constituent Assembly) Election Petitions Rules set out in the Government of Burma, Judicial Department, Legislative II Branch Notification No. 77, dated the 24th February 1947.

3. (1) Commissioners appointed to hold an inquiry shall have the powers which are vested in a Court under the Code of Civil Procedure, when trying a suit, in respect of the following matters :—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses, and requiring deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournments
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses, and may summon and examine *suo motu* any person whose evidence appears to them to be material.

*Explanation* :—For the purpose of enforcing the attendance of witnesses, the local limits of the Commissioners' jurisdiction shall be the limits of British Burma.

(2) Every such inquiry shall be deemed to be a Judicial Proceeding within the meaning of section 228 of the Penal Code, and the Commissioners holding an inquiry shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure.

4. No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will incriminate or may tend, directly

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or indirectly, to incriminate him, or that it will expose, or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind :

Provided that—

- (a) no person who has voted at an election shall be required to state for whom he has voted,
- (b) a witness, who, in the opinion of the Commissioners, has answered truly all questions which he has been required by them to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any Court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IXA of the Penal Code arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceeding.

5. Any order made by the Governor on the report of the Commissioners regarding the costs of the inquiry may be produced before the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, or where such place is in Rangoon, before the Rangoon City Civil Court, and such Court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.