

THE PUBLIC ORDER (PRESERVATION)
(AMENDMENT) ACT, 1947.

[BURMA ACT NO. XXVIII OF 1947.]

[31st May 1947.]

WHEREAS it is expedient to amend the Public Order (Preservation) Act, 1947 ;

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. This Act may be called the Public Order (Preservation) (Amendment) Act, 1947.

2. After section 5 of the Public Order (Preservation) Act, 1947, hereinafter referred to as "the Act", the following shall be inserted as sections 5A and 5B thereof :—

- " 5A. (1) If the Governor is satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the public safety and the maintenance of public order it is necessary so to do, the Governor may make an order—
- (a) directing such person to remove himself from Burma in such manner, by such time and by such route as may be specified in the order, and prohibiting his return to Burma ;
 - (b) directing that he be detained ;
 - (c) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in Burma as may be specified in the order ;
 - (d) requiring him to reside or remain in such place or within such area in Burma as may be specified in the order, and if he is not already there to proceed to that place or area within such time as may be specified in the order ;
 - (e) requiring him to notify his movements in such manner, at such times and to such authority or persons as may be specified in the order ;
 - (f) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, in respect of his control over minor children of whom he is parent or guardian, and in respect of his activities in relation to the dissemination of news or propagation of opinions ;

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- (g) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order ;
- (h) otherwise regulating his conduct in any such particular as may be specified in the order :

Provided that no order under clause (a) of this sub-section shall be made in respect of any person domiciled in Burma.

- (2) An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order.
 - (3) If any person is in any area or place in contravention of an order made under the provisions of this section or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-section (5), he may be removed from such area or place by any police officer or by any person acting on behalf of Government.
 - (4) So long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline, as the Governor may from time to time determine.
 - (5) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine or with both, and if such person has entered into a bond in pursuance of the provisions of sub-section (2), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.
 - (6) If the Governor has reason to believe that a person in respect of whom he has made an order under sub-section (1) directing that the person be detained has absconded or is concealing himself so that such order cannot be executed the Governor may make a report in writing of the facts to a District Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides ; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate."
- " 5B. (1) The Governor may, by order, direct that any person in respect of whom an order has been made under the provisions of section 5A, shall—
- (a) allow himself to be photographed ;
 - (b) allow his finger and thumb impressions to be taken ;

- (c) furnish specimens of his handwriting and signature ; and
 - (d) attend at such time and place before such authority or person as may be specified in the order for all or any of the purposes mentioned in this section.
- (2) if any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both."

3. In section 7 of the Act, for the expression " section 5 (2), (3) and (4) and section 6 ", *substitute* the expression " sub-sections (2), (3) and (4) of section 5, sections 5A, 5B and 6."