

THE REQUISITIONING (EMERGENCY
PROVISIONS) ACT, 1947.

[31st July 1947.]

[BURMA ACT No. XXXVIII OF 1947.]

WHEREAS it is expedient to make provisions for requisitioning lands and premises in certain respects ;

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 Requisitioning (Emergency Provisions) Act, 1947.

(2) It shall remain in force until such date as the Governor may by notification, direct that it shall cease to be in force.

2. (1) The Governor may by order in writing requisition any land, building, part of a building, or other premises, together with any fixtures, fittings, furniture or other things therein, or any water-supply system connected or pertaining to such land or premises, and may make such further orders as appear to the Governor to be necessary or expedient in connection with the requisitioning :

Provided that no land, premises or things used for the purpose of religious worship shall be requisitioned under this Act

Provided also that no land, premises or things shall be requisitioned under this Act for any person who is not a public servant, or whose work or duty is not connected with the Government, or in respect of whom the Government is under no obligation to make a requisition, or who is not a representative, or a member of the diplomatic mission, of another country, or a visitor from a foreign or Karenni State or from any area specified in the Second Schedule to the Government of Burma Act, 1935.

(2) Where the Governor has requisitioned any land, premises, water-supply system or thing under sub-section (1), the Governor may dispose of and use such land, premises, water-supply system or thing in such manner as he may consider necessary or expedient.

(3) The Governor may by order :—

(a) require the owner or occupier of any land, building, part of a building, or other premises to furnish to such authority, as may be specified in the order such information in his possession relating to the land, building, part of a building, or other premises, or to any fixtures, fittings, furniture or other things therein, or to any water-supply systems connected or pertaining thereto, as may be so specified ;

(b) direct that such owner or occupier shall not, without the permission of the Governor, dispose of such land, building,

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or other premises, or of any fixtures, fittings, furniture, or other things therein, or of any water-supply system connected or pertaining thereto, till the expiry of such period as may be specified in the order.

(4) If any person contravenes any order made in pursuance of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

3. (1) The Governor may by order in writing require the owner, or the person having the management, of any warehouse or cold storage depot to place at the disposal of Government the whole or any part of the space or accommodation available in such warehouse or cold storage depot and to employ such space or accommodation for the storage of any articles or things specified in the order; and such an order may require the said owner or person to afford such facilities, and maintain such services, in respect of the storage of such articles or things, as may be specified.

(2) Whenever in pursuance of an order made under sub-section (1) any space or accommodation in a warehouse or cold storage depot is placed at the disposal of the Government the owner of such warehouse or cold storage depot shall be paid therefor at such rates as the Governor may by order made in this behalf determine.

(3) If any person contravenes any order made in pursuance of this section he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

4. (1) The Government may cause any reasonable repair to be made to any building which is requisitioned under this Act and deduct the expenses of the repair from the rent, or otherwise recover it from the lessor.

(2) The provisions of sub-section (1) shall apply to the requisitions of the buildings made or purported to have been made under Rule 76 of the Defence of Burma Rules before the commencement of this Act, as if the said requisitions had been validly made under the provisions of this Act.

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5. Notwithstanding anything contained in any other law, all requisitions of property or things made or purported to have been made under Rule 76 and Rule 79 of the Defence of Burma Rules before the commencement of this Act shall be deemed to have been made under the provisions of this Act, as if this Act were in force at the time the requisitions were made; and no such requisitions shall be deemed to be invalid by reason only that they were made in contravention of the provisions of the provisions to the said Rule 76 (1)

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6. (1) Where any property or thing is requisitioned, or is deemed to have been requisitioned, under the provisions of this Act, except if the action taken is of the nature described in sub-section (2) of section 145 of the Government of Burma Act, 1935, the owner of such property shall be paid such compensation for any loss he may have sustained as a result of such requisitioning as may be fixed in accordance with the provisions of this section.

(2) In default of agreement between the Government and the owner of the property, the Governor shall, by general or special order

specify the authority or person through which or whom any claim for compensation under sub-section (1) shall be submitted and the authority or person by which or whom any such claim shall be adjudged or awarded.

(3) The Governor may further, by general or special order, prescribe the conditions to which the authority or person responsible for adjudging or awarding claims for compensation shall have regard when determining the amount of compensation payable, and may give such supplementary orders as to the assessment and payment of compensation as may appear to him to be necessary or expedient.

7. The provisions of this Act shall be deemed to supersede the provisions of all other laws in so far as the latter are inconsistent with or repugnant to the provisions of this Act.