

THE LOOTINGS OF RICE AND PADDY ENQUIRY
ACT, 1947.

[BURMA ACT NO. XLIX OF 1947.]

[21st August 1947.]

It is hereby enacted as follows :—

1. The Committee appointed by the Governor by a resolution in the Agriculture and Rural Economy Department, dated the 3rd July 1947 (hereinafter called "the Committee") shall consist of the members so appointed : Provided that the Governor may, at any time, appoint any person to be a member of the said Committee in the place of a member who is, by reason of illness or otherwise, unable to continue to perform his duties as a member thereof.

2. The Committee shall have power to enquire into any case where looting of paddy or rice is reported to have occurred in Burma, and shall hold such enquiry at any place convenient for the investigation.

3. At any such enquiry all members of the Committee shall be present for the exercise of the powers of the Committee ; in case of a difference of opinion among the members of the Committee, the decision shall be given in accordance with the opinion of the majority.

4. The Committee, or a person appointed by them for this purpose, shall cause public notice to be given at convenient places in the locality in which the Committee intends to hold an enquiry, stating that the Committee has power to decide the rights and liabilities arising from a looting of paddy or rice at a specified place on a specified date and will hold enquiry into the facts on a certain date at a specified place, and calling upon all persons having any interest therein to state their claims and the facts within their knowledge.

5. The enquiry shall be held in public and shall be deemed to be a judicial proceeding. The Committee may adjourn the enquiry from one day to another.

6. The Committee shall have power to take evidence orally or by written statement and all persons giving such evidence shall be bound to state the truth and shall be subject to the penalty prescribed by section 193 of the Penal Code for giving false evidence. All such persons shall be subject to the provisions of section 132 of the Evidence Act.

7. The Committee shall not be bound by the provisions of the Evidence Act but shall, as far as possible, be guided by the general principals of that law.

8. A memorandum of the substance of the evidence shall be made under the direction of the Chairman who shall sign the same. Every document which has been admitted in evidence shall form part of the record of the inquiry ; provided that the Committee may permit a copy of any document to be substituted for the original.

9. For the purposes of an enquiry the Committee shall have power, extending over the whole of Burma, to summon and enforce
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the attendance of witnesses (including persons interested in the subject matter of the enquiry), to compel the production of documents and material things, and to issue commissions for the examination of witnesses, by the same means and (as far as may be) in the same manner as is provided in the case of a court by the Code of Civil Procedure.

10. The Committee shall be deemed to be a public servant within the meaning of sections 175, 179 and 228 of the Penal Code and shall have the powers and exercise the duties conferred and imposed on a civil court by sections 476, 480, 481, 482 and 484 of the Code of Criminal Procedure.

11. Any appearance or act required to be made or done by any person at an enquiry (other than an appearance as a witness) may be made or done on behalf of such person by a legal practitioner or other person authorized in writing by such person.

12. The Committee shall determine the rights of persons interested in the subject matter of the enquiry and any compensation to be paid by any person to another as respects any loss incurred in the events which are the subject of the inquiry.

13. The Committee may determine the costs payable by any person who has taken part in the enquiry.

14. At the close of the enquiry the Chairman shall cause a record to be made of the findings of the Committee and shall sign the same. The record shall be open to inspection by any person interested in the subject matter of the enquiry who has taken part therein.

15. The findings of the Committee may be executed in the same manner as a decree of the court on application by any person interested or by the Collector of the district in which the looting of rice or paddy which is the subject of enquiry under this Act has occurred.

16. Notwithstanding anything contained in any other law, the High Court may, on an application made to it by a party concerned, revise a decision of the Lootings of Rice and Paddy Enquiry Committee on the ground of gross and palpable failure of justice; and the decision of the High Court thereon shall be final.

17. No suit or other proceeding shall lie against any member of the Committee for any act in good faith done or ordered to be done in pursuance of this Act.

18. This Act shall remain in force until such time as the Governor, by notification, declares it to be no longer in force: Provided that, after such notification, all rights acquired and liabilities incurred under the provisions of this Act shall continue in effect and be enforceable.