

THE CRIMINAL LAW (AMENDMENT) ACT, 1950.

[ACT NO. XX OF 1950.]

It is hereby enacted as follows :—

1. In Chapter II of the Penal Code, *after* section 52, the following shall be inserted as section 52A, namely :—

“52A. Except in section 130 and in section 157 in the case in which the harbour is given by the wife or husband of the person harboured, the word ‘harbour’ includes supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting of a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension.”

2. In Chapter VI of the Penal Code, the following shall be inserted as sections 121, 122, 123 and 124 thereof, namely :—

“121. Whoever wages war against the Union of Burma or any Constituent Unit thereof, or assists any State or person or incites or conspires with any person within or without the Union to wage war against the Union or any Constituent Unit thereof, or attempts or otherwise prepares by force of arms or other violent means to overthrow the organs of the Union or of its Constituent Units established by the Constitution, or takes part or is concerned in or incites or conspires with any person within or without the Union to make or to take part or be concerned in any such attempt shall be guilty of the offence of High Treason.

122. (1) Whoever commits High Treason within the Union of Burma shall be punished with death.

(2) Whoever, being a citizen of the Union of Burma or ordinarily resident within the Union, commits High Treason outside the Union shall be punished with death.

123. (1) Whoever encourages, harbours or comforts any person whom he knows or has reasonable grounds for believing to be engaged in committing High Treason shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

*Exception.*—This provision does not apply to the case in which the person who harbours is the husband or wife of the offender.

(2) Notwithstanding anything in any law for the time being in force, no person shall be convicted under this section and under section 122 on the uncorroborated evidence of one witness.

Price,— annas 2.]

124. Whoever, knowing that any act, the commission of which would be High Treason, is intended or proposed to be, or is being, or has been committed, does not forthwith disclose the same, together with all particulars thereof known to him, to a Magistrate, or to any Police Officer, or some other person lawfully engaged on duties relating to the preservation of peace and order shall be guilty of the offence of misprision of High Treason and shall be punished with rigorous imprisonment which may extend to seven years and shall also be liable to fine."

3. In section 124A of the Penal Code, for the words "executive authority established by law in Burma," the following shall be substituted, namely :-

"the Government established by law for the Union or for the Constituent Units thereof,"

4. After Chapter VI of the Penal Code, the following shall be inserted as Chapter VIA and Chapter VIB, namely :-

#### "CHAPTER VIA.

##### OFFENCES RELATING TO CERTAIN PROVISIONS CONTAINED IN THE CONSTITUTION AND ACTS OF THE PARLIAMENT.

130A. Except where penalty or other mode of punishment is expressly prescribed by law, whoever, without any reasonable excuse, contravenes any provision contained in sections 15, 17, 19, 20, or sub-sections (2) and (3) of section 23 of the Constitution of the Union of Burma or in any Act enacted by the Parliament of the Union of Burma by wilfully doing any act which it forbids, or by wilfully omitting to do any act which it requires to be done, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

#### CHAPTER VIB.

##### LIBEL AGAINST FOREIGN POWERS.

130B. Whoever, by words either spoken or intended to be read or by signs or by visible representations, publishes anything tending to degrade, revile, or to expose to hatred or contempt any Foreign State, Head of State, Ambassador or other dignitary of a Foreign State, with intent to disturb peaceful and friendly

relationship between the Union of Burma and that Foreign State, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

*First Exception.*—It is not an offence under this section to publish any fair comment on a matter of public interest without any intent to disturb peaceful or friendly relationship between the Union of Burma and that State.

*Second Exception.*—It is not an offence under this section to publish anything which is true, if it be for the public good that the publication should be made. Whether or not it is for the public good is a question of fact."

5. In section 196 of the Code of Criminal Procedure, *after* the expression, "under Chapter VI," the expression "or VIB" *shall be inserted.*

6. In the second schedule to the Code of Criminal Procedure,—

(i) for the entries relating to sections 121, 121A, 122, 123 and 124 under Chapter VI, the following shall be substituted, namely :—

| Section. | Offence.   | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Whether compoundable or not. | Punishment under the Penal Code.  | By what Court triable. |
|----------|--|---|--|--------------------------|------------------------------|---|------------------------|
| (1)      | (2)  | (3)   | (4)  | (5)                      | (6)                          | (7)   | (8)                    |
| 122      | High Treason ...   | Shall not arrest without warrant                      | Warrant  | Not bailable             | Not compoundable.            | Death ...   | Court of Session.      |
| 123      | Encouraging, harbouring or assisting persons guilty of High Treason. | Do.   | Do.  | Do.                      | Do.                          | Transportation for life or rigorous imprisonment for a term extending to ten years, and fine. | Do.                    |
| 124      | Misprision of High Treason.  | Do.   | Do.  | Do.                      | Do.                          | Rigorous imprisonment extending to seven years, and fine.                                     | Do.                    |

(4)

and (ii) after the entries under Chapter VI, the following shall be inserted as entries under Chapter VIA and Chapter VIB, namely :—

| Section.   | Offence.   | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Whether compoundable or not. | Punishment under the Penal Code.                                      | By what Court triable.                             |
|--|--|---|--|--------------------------|------------------------------|---|--|
| (1)  | (2)  | (3)   | (4)  | (5)                      | (6)                          | (7)   | (8)  |
| CHAPTER VIA.—OFFENCES RELATING TO CERTAIN PROVISIONS CONTAINED IN THE CONSTITUTION AND ACTS OF THE PARLIAMENT. |  |   |  |                          |                              |   |  |
| 130A   | Offence relating to certain provisions contained in the Constitution and Acts of the Parliament. | Shall not arrest without warrant.                     | Warrant  | Bailable ...             | Not compoundable.            | Imprisonment of either description for three years or fine, or both.  | Court of Session or Magistrate of the first class. |
| CHAPTER VIB.—LIBEL AGAINST FOREIGN POWERS.   |  |   |  |                          |                              |   |  |
| 130B   | Libel against foreign powers.  | Shall not arrest without warrant.                     | Warrant  | Bailable ...             | Not compoundable.            | Imprisonment of either description for three years, or fine, or both. | Court of Session or Magistrate of the first class. |

7. Section 216B of the Penal Code and the High Treason Act, 1948 (Act No. XIV of 1948), are hereby repealed.