

Power of President to prosecute in certain cases of defamation.

2. Where an offence falling under Chapter XXI of the Penal Code is committed against a Ruler of a State <sup>1</sup> [adjoining Burma] or against the consort or son or principal Minister of such Ruler, the President of the Union may make, or authorize any person to make, a complaint in writing of such offence, and, notwithstanding anything contained in section 198 of the Code of Criminal Procedure, any Court competent in other respects to take cognizance of such offence may take cognizance thereof on such complaint.

Power to forfeit certain publications or to detain them in the course of transmission through post.

3. The provisions of sections 99A to 99G of the Code of Criminal Procedure, and of sections 27B to 27D of the Burma Post Office Act, shall apply in the case of any book, newspaper or other document containing matter which is defamatory of a Ruler of a State <sup>1</sup> [adjoining Burma] or of the consort or son or principal Minister of such Ruler and tends to prejudice the maintenance of friendly relations between the Government and the Government of such State, in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections.

Proof of status of persons defamed.

4. Where, in any trial of an offence upon a complaint under section 2, or in any proceeding before the High Court arising out of section 3, there is a question whether any person is a Ruler of any State, or is the consort or son or principal Minister of such Ruler, a certificate of the President of the Union that such person is such Ruler, consort, son or principal Minister shall be conclusive proof of that fact.

## THE FOREIGN RECRUITING ACT.

[INDIA ACT IV, 1874.] (24th February, 1874.)

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"Foreign State" defined.

2. In this Act—

"Foreign State" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province or people beyond the limits of the Union of Burma.

Power to prohibit or permit recruiting.

3. If any person is, within the limits of the Union of Burma, obtaining or attempting to obtain recruits for the service of any Foreign State in any capacity, the President of the Union may either prohibit such person from so doing, or permit him to do so subject to any conditions which the President of the Union thinks fit to impose.

Power to impose conditions.

4. The President of the Union may, from time to time, by general order notified in the Gazette, either prohibit recruiting for the service of any Foreign State, or impose upon such recruiting any conditions which he thinks fit.

Power to rescind or vary orders.

5. The President of the Union may rescind or vary any order made under this Act in such manner as he thinks fit.

<sup>1</sup> Substituted for the words "outside India and Burma but adjoining India or Burma" by the Union of Burma (Adaptation of Laws) Order, 1948.

6. Whoever, in violation of the prohibition of the President of the Union, or of any condition subject to which permission to recruit may have been accorded—

- (a) induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any Foreign State, or
- (b) knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever,

shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the Court thinks fit, or to both.

7. Any offence against this Act may be inquired into and tried, as well in any district in which the person accused may be found, as in any district in which it might be inquired into and tried under the provisions of the Code of Criminal Procedure.

### THE PRESENT WAR TERMINATION (DEFINITION) ACT, 1946.\*

[BURMA ACT XII, 1946.] (25th April, 1946.)

1. (1) This Act may be called the Present War Termination (Definition) Act, 1946.

(2) It shall extend to the whole of the Union of Burma.

(3) It shall come into force at once.

2. The President of the Union may declare what day is to be treated as the date of the termination of the present war, and the present war shall be treated as being terminated on the date so declared for the purposes of any provision in any Act, Proclamation, or Regulation for the time being in force in the Union of Burma, and, except where the context otherwise requires, of any provision in any contract or instrument referring, expressly or impliedly, to the present war.

### THE BURMA IMMIGRATION (EMERGENCY PROVISIONS) ACT.†

[BURMA ACT XXXI, 1947.] (13th June, 1947.)

1. (1) This Act may be called the Burma Immigration (Emergency Short title. Provisions) Act, 1947.

(2) It shall come into force at once.

2. (1) In this Act unless there is anything repugnant in the subject or Definitions, context—

- (a) "carrier" includes the owner or charterer of a conveyance, the agent of such owner or charterer and also the person in charge of the conveyance ;

\* Published in Judicial Department Notification No. 233, dated 25th April 1946.—(*Burma Gazette*, 1946, Part I, page 295.)

† The first day of February 1947 has been declared to be the date of the termination of the present war by Judicial Department Notification No. 48, dated 5th February 1947.—(*Burma Gazette*, 1947, Part I, page 74.)

‡ Published in Judicial Department Notification No. 214, dated 13th June 1947.—(*Burma Gazette*, 1947, Part I, page 364.)

§ Substituted by Act LIII, 1950.