

THE POLICE ACT, 1945.¹

[BURMA ACT VI, 1945.] (19th March 1946.)

WHEREAS it is expedient to amend and re-enact the law relating to the police in order to make it a more efficient instrument for the prevention and detection of crime :

* * * * *² It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Police Act, 1945.

(2) It shall come into force on such date as the President of the Union may, by notification, direct³ :

Short title
and
commence-
ment

Provided that the President of the Union may, by notification, direct that all or any of the provisions of this Act shall not apply to any local area specified in the notification :

¹ Published in Home Department Notification No. 107, dated the 14th August 1945.

² Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

³ The Act has been applied to the whole of the Tenasserim area, See Home Dept. Notification No. 303, dated the 19th March 1946. Section 34 has been extended to certain towns and local areas, See same Dept. Notification No. 422, dated the 22nd May 1947.

Provided further that the provisions of sections 35 to 41, inclusive, shall extend only to those towns or other local areas to which these sections or any of them are specially extended by the President of the Union by notification.¹

Interpretation Clause.

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

- (i) the word "police" shall include all persons who shall be enrolled under this Act ;
- (ii) the words "general police-district" shall mean the Union of Burma except any place to which this Act does not extend ;
- (iii) the word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine ;
- (iv) the words "District Superintendent" and "District Superintendent of Police" shall include any Assistant or Deputy Superintendent of Police or other person appointed by general or special order of the President of the Union to perform all or any of the duties of a District Superintendent of Police in any district ;
- (v) the word "property" shall include any moveable property, money or valuable security ; and
- (vi) references to the subordinate ranks of the police shall be construed as references to members of the police below the rank of Deputy Superintendent.

CHAPTER II.

CONSTITUTION AND REGULATION OF THE POLICE.

Constitution of the force.

3. The entire police establishment, except the police establishment constituted under the Rangoon Police Act, shall, for the purposes of this Act, be deemed to be one police-force, and shall be formally enrolled ; and shall consist of such number of officers and men, and shall (subject to the provisions of section 6) be constituted in such manner, and the members of such force shall receive such pay, as shall from time to time be ordered by the President of the Union * * *

Inspector-General of Police, and Deputy and Assistant Inspectors-General.

4. (1) The superintendence and administration of the police throughout the general police-district shall, subject to the control of the President of the Union, * * * *² be vested in an officer to be styled the Inspector-General of Police.

(2) The President of the Union may appoint so many Deputy Inspectors-General of Police and Assistant Inspectors-General of Police as he may deem fit, to assist the Inspector-General in the superintendence and administration of the Police. Such Deputy and Assistant Inspectors-General shall be subordinate to and under the control of the Inspector-General, and shall exercise and discharge such duties, powers and functions as the President of the Union may, by order, vest in or impose upon them.

District and Assistant and Deputy Superintendents of Police.

5. (1) The administration of the police of each district shall be vested in a District Superintendent of Police, who shall be solely responsible for the administration of the police-force of the district, but in matters affecting the responsibility of the District Magistrate for the peace and good order of the district shall be subject to the control of the District Magistrate.

¹ For a list of towns and local areas to which sections 35 to 41 have been extended, See Home Dept. Notification No. 421, dated the 22nd May 1947.

² Deleted by the Union of Burma (Adaptation of Laws) Order, 1948.

(2) If any difference of opinion arises between the District Magistrate and the District Superintendent of Police as to whether any matter is or is not a matter affecting the responsibility of the District Magistrate for the peace and good order of the District, the dispute shall be referred by the District Magistrate to the President of the Union, whose decision thereon shall be final.

(3) The President of the Union may appoint in any district one or more Assistant or Deputy Superintendents of Police, as he may deem fit, to assist the District Superintendent of Police in the exercise and discharge of his duties, powers and functions. Such Assistant or Deputy Superintendents shall exercise and discharge such of the duties, powers and functions of the District Superintendent of Police as may be conferred or imposed upon them by general or special order of the Inspector-General, and they shall be subordinate to and under the control of the District Superintendent.

(4) Nothing in this section shall be deemed to authorize the District Magistrate to exercise any control over the internal management and discipline of the police-force.

6. (1) There shall be the following grades of police-officers subordinate to District Superintendents, Assistant Superintendents and Deputy Superintendents, namely :—

Grades of police-officers.

- (i) Inspectors ;
- (ii) Sub-Inspectors ;
- (iii) Station-writers ;
- (iv) Head Constables ;
- (v) Constables.

(2) Each grade of officer mentioned in the list in sub-section (1) shall be of a lower grade than the grade mentioned immediately above it, and shall be subordinate to the grades above it in the said list.

7. (1) The appointment and promotion of Deputy Superintendents of Police shall be made by the President of the Union, who may at any time suspend, reduce, remove or dismiss any Deputy Superintendent whom he thinks remiss or negligent in the discharge of his duty or unfit for the same.

Appointment, dismissal and posting of Deputy Superintendents.

(2) The posting of Deputy Superintendents of Police shall be made by the Inspector-General, subject to the control of the President of the Union.

8. (1) Subject to the control of the President of the Union, the appointment, promotion and posting of all police-officers of the subordinate ranks shall be made by the Inspector-General, and he may at any time suspend, reduce, remove or dismiss any such police-officer whom he thinks remiss or negligent in the discharge of his duty or unfit for the same ; or may award to any such police-officer who discharges his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof, any one or more of the punishments prescribed by rules made under the provisions of sub-section (2).

Appointment, dismissal, etc., of police-officers of subordinate ranks.

(2) Subject to the previous approval of the President of the Union the Inspector-General may make rules :—

- (a) prescribing the punishments which may be awarded to a police-officer of the subordinate ranks under sub-section (1) ;
- (b) delegating his powers under sub-section (1), in respect of police-officers of such rank or ranks as may be prescribed, to any police-officer not below the rank of Inspector ;
- (c) prescribing the procedure to be followed in inquiries into the conduct of police-officers of the subordinate ranks ;

- (d) prescribing the cases in which and the authorities to whom a police-officer of the subordinate ranks shall be entitled to appeal from an order which is to his disadvantage :

Provided that no such officer shall be entitled to more than one appeal in respect of the same order.

Oaths to be taken by, and certificates to be given to police-officers.

9. Every police-officer appointed under this Act shall make and subscribe an oath according to the form set out in Schedule I to this Act, and shall receive on his appointment a certificate in the form set out in Schedule II under the seal of the Inspector-General, or such other officer as the Inspector-General may appoint in this behalf, by virtue of which the person holding such certificate shall be vested with the powers, functions and privileges of a police-officer.

Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police-officer.

Surrender of certificate and equipment.

10. Every person who ceases to be a police-officer shall forthwith deliver up to the District Superintendent of the district in which he is serving at the time when he so ceases to be a police-officer the certificate granted to him under section 9 and the clothing, accoutrements, appointments and other articles which have been supplied to him for the execution of his duty.

Responsibilities, etc., of police-officers under suspension.

11. A police-officer shall not by reason of being suspended from office cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties as if he had not been suspended.

Police-officer not to resign without leave of two months' notice, and not to engage in other employment.

12. (1) No police-officer shall be at liberty to withdraw himself from the duties of his office, unless expressly allowed to do so by the District Superintendent or by some other officer authorized by the District Superintendent to grant such permission, or, without the leave of the District Superintendent, to resign his office, unless he shall have served continuously for at least eighteen months in the police-force in the Union of Burma and unless he shall have given to the District Superintendent notice in writing, for a period of not less than two months, of his intention to resign.

(2) No police-officer shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector-General.

Power of Inspector-General to make rules.

13. The Inspector-General of Police may, from time to time, subject to the approval of the President of the Union, frame such order and rules as he shall deem expedient relative to the organization, classification and distribution of the police-force, the places at which the members of the force shall reside, and the particular services to be performed by them ; their inspection, the description of arms, accoutrements and other necessities to be furnished to them ; the collecting and communicating by them of intelligence and information ; and all such other orders and rules relative to the police-force as the Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

Village police officer.

14. Nothing in this Act shall affect any village police-officer unless such officer shall be enrolled as a police-officer under this Act. When so enrolled, such officer shall be bound by the provisions of section 16.

No village police-officer shall be enrolled without his consent.

15 Notwithstanding anything contained in this Act or in the Rangoon Police Act, but subject to any general or special orders which the President of the Union may make in this behalf, a member of the police-force of any part of the Union of Burma may discharge the functions of a police-officer in any other part of the Union of Burma, and shall, while so discharging such functions, be deemed to be a member of the police-force of such other part and be vested with the privileges, powers and functions, and be subject to the liabilities, of a member of the police-force of such other part.

Employment of police-officers in any part of the Union of Burma.

CHAPTER III.

POWERS AND DUTIES OF POLICE-OFFICERS.

16. Police-officers enrolled under this Act shall not exercise any authority except the authority provided for a police-officer under this Act and any other law for the time being in force.

Authority to be exercised by police-officers.

17. Every police-officer shall, for all purposes, be considered to be always on duty, and may at any time be employed as a police-officer in any part of the general police-district.

Police-officers always on duty and may be employed anywhere.

18. It shall be the duty of every police-officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, and to take lawful measures—

Duties of a police-officer.

- (i) to collect and communicate intelligence affecting the public peace ;
- (ii) to prevent the commission of offences and public nuisances ;
- (iii) to detect and bring offenders to justice ;
- (iv) to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient ground exists ;
- (v) to regulate processions and assemblies in public places ;
- (vi) to regulate the traffic upon public thoroughfares and remove obstructions therefrom ;
- (vii) to preserve order and decorum in public places, in places of public resort and in assemblies for public amusements ;
- (viii) to protect unclaimed or lost property and to find the owners thereof ;
- (ix) to take charge of and impound stray animals ;
- (x) to assist in the protection of life and property at fires ;
- (xi) to protect public property from loss or injury ;
- (xii) to attend criminal Courts and assist the Magistrates in keeping order therein ;
- (xiii) to execute warrants of arrest and serve summonses and notices wherever specially directed by a Magistrate to do so.

It shall be lawful for every police-officer, for any of the purposes mentioned in this section, without warrant to enter and inspect any pawnshop, drinking-shop, gaming-house or other place of resort of loose and disorderly characters.

19. Police-officers shall in the performance of their duties have free admission to all places of public resort and assemblies for public amusement while open to any section of the public.

Admission of police-officers on duty to places of public resort.

Police-officers to take charge of unclaimed property, and be subject to Magistrate's orders as to disposal.

20. It shall be the duty of every police-officer to take charge of all unclaimed property, and to furnish an inventory thereof to the District Magistrate, and he shall be guided as to the disposal of such property by such orders as he shall receive from the District Magistrate.

Magistrate may detain property and issue proclamation.

21. (1) The District Magistrate may detain any such property as is referred to in section 20, and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

(2) The provisions of section 525 of the Code of Criminal Procedure shall be applicable to property referred to in this section.

Confiscation of property if no claimant appears.

22. (1) If no person shall within the period allowed claim such property, or the proceeds thereof, if sold, it may, if not already sold under sub-section (2) of the last preceding section, be sold under the orders of the District Magistrate.

(2) The sale-proceeds of property sold under the preceding sub-section, and the proceeds of property sold under section 21, to which no claim is established shall be at the disposal of the Government.

CHAPTER IV.

SPECIAL PROVISIONS FOR ADDITIONAL POLICE AND DISTURBED AREAS.

Appointment of additional force in the neighbourhood of railway and other works.

23. Whenever any railway, canal or other public work, or any manufactory or commercial concern shall be carried on, or be in operation in any part of the Union of Burma, and it shall appear to the Inspector-General that the employment of an additional police-force in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory or concern, it shall be lawful for the Inspector-General, subject to the control of the President of the Union, to depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders, from time to time, upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern, for the payment of the extra force so rendered necessary, and such person shall thereupon cause payment to be made accordingly.

Additional police-officers employed at cost of individuals.

24. (1) Subject to the control of the President of the Union, the Inspector-General of Police, and any Deputy Inspector-General or Assistant Inspector-General, may, on the application of any person showing the necessity thereof, depute any additional number of police-officers to keep the peace at any place within the general police-district, and for such time as shall be deemed proper, and such force shall be exclusively under the orders of the District Superintendent of Police of the district in which the said force is serving. Such force shall be at the charge of the person making the application:

Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General, Deputy Inspector-General or Assistant Inspector-General, as the case may be, to require that the police-officers so deputed shall be withdrawn, and such person shall be relieved from the charge of such additional force from the expiration of such notice.

(2) Subject to the control of the District Magistrate, a District Superintendent of Police may exercise the powers conferred on the Inspector-General by sub-section (1) within the limits of his district.

25. (1) The President of the Union may, by proclamation to be published in the Gazette and in such other manner as the President of the Union shall direct, declare that any area specified in the proclamation has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of such inhabitants, it is expedient to increase the number of police.

Quartering of additional police in disturbed or dangerous districts.

(2) On the issue of such a proclamation, the Inspector-General of Police, or any other police-officer authorized by the President of the Union in this behalf, may, with the sanction of the President of the Union, employ any police-force in addition to the ordinary fixed complement, to be quartered in the area specified in such proclamation as aforesaid.

(3) Subject to the provisions of sub-section (5) of this section, the cost of such additional police-force shall be borne by the inhabitants of the area specified in the proclamation.

(4) The District Magistrate, after such enquiry as he may deem necessary, shall apportion such cost among the inhabitants who are, as aforesaid, liable to bear the same and who shall not have been exempted under the next succeeding sub-section. Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.

(5) The President of the Union may, by order in writing, exempt any person or class or section of such inhabitants from liability to bear any portion of such cost.

(6) Every proclamation issued under sub-section (1) shall state the period for which it is to remain in force, but it may be withdrawn at any time or continued from time to time for a further period or periods, as the President of the Union may in each case think fit to direct.

Explanation.—For the purposes of this section and of section 26, "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents direct from tenants or occupiers in such area, notwithstanding that they do not actually reside therein.

26. (1) If, in any area in regard to which any proclamation published under section 25 is in force, death or grievous hurt or loss of, or damage to, property has been caused by or has ensued from the misconduct of the inhabitants of such area, or any class or section of them, any person, being an inhabitant of such area, who claims to have suffered injury from such misconduct may make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the District Magistrate of the district within which such area is situated.

Awarding compensation to sufferers from misconduct of inhabitants or persons interested in land.

(2) Thereupon the District Magistrate may, with the sanction of the President of the Union, after such enquiry as he may deem necessary, and whether any additional police-force has or has not been quartered in such area under section 25,—

(a) declare the persons to whom injury has been caused by or has ensued from such misconduct ;

(b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them ; and

- (c) assess the proportion in which the same shall be paid by the inhabitants of such area (other than the applicant) who shall not have been exempted from liability to pay under sub-section (3) :

Provided that the District Magistrate shall not make any declaration or assessment under this sub-section unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area, and that the person who suffered the injury was himself free from blame in respect of the occurrences which led to such injury.

(3) The President of the Union may, by order in writing, exempt any persons or class or section of such inhabitants from liability to pay any portion of such compensation.

(4) Every declaration or assessment made or order passed by the District Magistrate under sub-section (2) shall be subject to revision by the President of the Union, but save as aforesaid shall be final.

(5) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

Special
police-
officers.

27. When it shall appear that any unlawful assembly, or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police-force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred, or is apprehended, any police-officer not below the rank of Inspector may apply to the nearest Magistrate to appoint so many of the residents of the neighbourhood as such police-officer may require to act as special police-officers for such time and within such limits as he shall deem necessary; and the Magistrate to whom such application is made shall, unless he sees cause to the contrary, comply with the application.

Special
police
reserve
officers.

28. (1) The District Magistrate may, on the application of the District Superintendent of Police, appoint so many of the inhabitants of the district as the District Superintendent may require to be special police reserve officers, notwithstanding that a breach of the public peace has not taken place or is not reasonably apprehended :

Provided that no person shall be appointed as a special police reserve officer against his will.

(2) Every special police reserve officer may be called out by the District Superintendent of the district in which he resides, for training or for the protection of its inhabitants and the security of property therein, and for the general preservation of the public peace therein; but no such officer shall be employed for any other purpose without his consent and the District Magistrate's permission in writing.

Rules
relating to
special police
reserve
officers.

29. The Inspector-General of Police may, subject to the control of the President of the Union, frame such orders and rules as he shall deem expedient relating to the organization, conditions of appointment and service, duties, discipline, arms, accoutrements and clothing of the special police reserve officers appointed under section 28, and generally for the purpose of rendering such officers efficient in the discharge of their duties and for preventing abuse of power or neglect of duty.

Powers of
special
police

30. Every special police-officer appointed under section 27, and every special police reserve officer who has been called out under sub-section (2) of section 28, shall have the same powers, privileges and protection, be amenable to the same

penalties, be subordinate to the same officers of police, and be liable to perform the same duties in connection with the preservation of the public peace and the protection of life and property in the district in which he resides, as the ordinary officers of police. and special police reserve officers.

CHAPTER V.

MAINTENANCE OF LAW AND ORDER.

31. (1) The District Superintendent or any Assistant or Deputy Superintendent of Police, may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

Regulation of public assemblies and processions and licensing of same.

(2) The District Superintendent or any Assistant or Deputy Superintendent may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession, which would, in his opinion, be likely to cause a breach of the peace if uncontrolled, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for and obtain a licence.

(3) On such application being made, he may issue a licence specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this section.

(4) The District Superintendent or any Assistant or Deputy Superintendent may also regulate, by the issue of a licence or otherwise, the extent to which music may be used in the streets on the occasion of festivals and ceremonies.

32. (1) Any Magistrate or District Superintendent or Assistant or Deputy Superintendent of Police, or Inspector or officer in charge of a police-station, may stop any procession which violates the conditions of a licence granted under section 31 and may order it or any assembly which violates any such condition as aforesaid to disperse.

Powers with regard to assemblies and processions violating conditions of licence.

(2) Any procession or assembly which neglects or refuses to obey any order given under sub-section (1) shall be deemed to be an unlawful assembly.

33. It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, bathing and landing places, and at all other places of public resort, and to prevent obstruction on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship during the time of public worship, and in any case when any road, street, thoroughfare, bathing or landing place may be thronged or may be liable to be obstructed.

Police to keep order on public roads, etc.

34. No person shall, on any road or in any open place or street or thoroughfare within the limits of any local area to which this section has been extended, commit any of the following acts to the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passers-by, namely :—

Offences on roads and public places.

- (1) riding or driving any cattle recklessly or furiously or training or breaking any horse or other cattle ;
- (2) slaughtering any cattle or cleaning any carcase ;
- (3) wantonly or cruelly beating or torturing any animal ;

- (4) keeping any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers or leaving any conveyance in such a manner as to cause, any inconvenience or danger to the public ;
- (5) exposing any goods for sale ;
- (6) throwing or placing any dirt, filth, rubbish, or any stones or building materials, or constructing any cow-shed, stable or similar structure, or causing any offensive matter to run from any house, factory, dungheap or other place ;
- (7) being found drunk or riotous or incapable of taking care of himself, or behaving in a disorderly manner or using any abusive, insulting or obscene words or gestures whereby a breach of the peace or a public nuisance may be caused ;
- (8) wilfully and indecently exposing his person, or any offensive deformity or disease or committing nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose ; or
- (9) neglecting to fence in or duly protect any well, tank or other dangerous place or structure.

Apprehension and punishment of reputed thieves and others.

- 35.** (a) Any person found armed with any dangerous or offensive instrument whatsoever, who is unable to give a satisfactory account of his reasons for being so armed ;
- (b) any reputed thief found between sunset and sunrise remaining or loitering in any bazaar, street, road, yard, thoroughfare or other place, who is unable to give a satisfactory account of himself ;
- (c) any person found between sunset and sunrise having his face covered or otherwise disguised, who is unable to give a satisfactory account of himself ;
- (d) any person found within the precincts of any dwelling-house or other building whatsoever, or in any back-drainage space, or on board any vessel, without being able satisfactorily to account for his presence therein ; and
- (e) any person having in his possession, without lawful excuse, any implement of house-breaking,

may be taken into custody by any police-officer without a warrant, and shall be punishable on conviction with imprisonment for a term which may extend to three months.

Penalty for possession of property suspected to be stolen.

36. Whoever has in his possession or conveys in any manner anything which may reasonably be suspected to be stolen property, as defined in section 410 of the Penal Code, may be taken into custody by any police-officer without a warrant, and shall, if he fails to account satisfactorily for his possession of the same, be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

Power to require security for good behaviour on conviction under section 35 or 36.

37. (1) Whenever any person is convicted of an offence under section 35 or section 36, and it is deemed necessary to require such person to execute a bond for his good behaviour, the convicting Court at the time of passing sentence on such person, or an appellate Court on appeal, or the High Court in exercise of its revisional powers, may order such person to execute a bond, with or without sureties, for his good behaviour during such period not exceeding one year, and for such amount, as it thinks fit to fix :

Provided that—

- (i) the amount of such bond shall be fixed with due regard to the circumstances of the case and shall not be excessive ; and
- (ii) when the person so convicted is a minor, the bond shall be executed only by his sureties.

(2) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(3) The provisions of sections 120 to 126A, inclusive, and 514, 514A, 514B, 515 of the Code of Criminal Procedure shall apply in the case of any security so required under this section :

Provided that the imprisonment for failure to give the security so required shall always be rigorous.

38. The District Magistrate may, by an order in writing publicly promulgated or addressed to individuals,—

Power to give prohibition for prevention of disorder.

- (a) prohibit the carrying of *dhas* of a kind exempted from the provisions of the Arms Act, bludgeons, loaded-sticks, hunting crops, clasp-knives of a specified size, or other offensive instruments, in any public place ;
- (b) whenever and for such time as he shall consider necessary for the preservation of the public peace or safety, prohibit—
 - (i) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles ;
 - (ii) the exhibition of persons or of corpses, or figures or effigies, in any public place ;
 - (iii) the public utterance of cries, singing of songs and playing of music ;
 - and
 - (iv) the delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards, or of any other object or thing, when such action, object or thing may be of a nature to outrage morality or decency, or, in the opinion of the District Magistrate, may probably inflame religious animosity or hostility between different classes, or incite to the commission of an offence, to a disturbance of the public peace, or to resistance to or contempt of the law or of any lawful authority.

39. Save as provided by any other law for the time being in force, no person shall, without a licence issued by the District Superintendent of Police or otherwise than in accordance with such conditions as may from time to time be imposed by him, play or operate or permit to be played or operated, in furtherance of or in connection with or in pursuance of his trade or business, any mechanical instrument or any device for the production of music or of the sound of the human voice or of other sounds :

Unlicensed playing of mechanical music in connection with trade or business

Provided that nothing in this section shall apply to the playing or operating of such instruments or devices by professional musicians or actors for the purposes of *bonâ fide* rehearsals in the pursuance of their profession.

40. Whoever—

- (i) begs or applies for alms for himself, or
- (ii) seeks for or obtains alms by means of any false statement or pretence, or

Penalty for begging or seeking for alms.

(iii) exposes or exhibits any sore, wound, bodily ailment or deformity with the object of exciting charity or of obtaining alms, shall be punishable with fine which may extend to fifty rupees, or with imprisonment which may extend to one month, or with both.

Removal of convicted beggars.

41. (1) The District Magistrate may direct any person who has been twice convicted of an offence under section 40 to remove himself to such place by such route and within such time as he may prescribe.

(2) If any person so directed under sub-section (1) fails or refuses to remove himself within the time specified, the District Magistrate may cause such person to be arrested and removed in police custody to such place as he may in each case direct.

(3) If any person who has been directed to remove himself or has been removed under the foregoing sub-sections returns to any place from which he was directed to remove himself or was removed, without the permission in writing of the District Magistrate, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

CHAPTER VI.

PENALTIES.

Penalty for failure to surrender clothing, etc.

42. Every person, having ceased to be a police-officer under this Act, who shall not forthwith deliver up the certificate granted to him under section 9 and the clothing, accoutrements, appointments and other articles, which shall have been supplied to him for the execution of his duty, shall be punishable with fine not exceeding two hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalties for neglect of duty, etc.

43. Any police-officer who—

- (a) shall withdraw himself from the duties of his office contrary to the provisions of sub-section (1) of section 12 ;
- (b) shall engage in any employment or office contrary to the provisions of sub-section (2) of section 12 ;
- (c) being absent on leave shall fail, without reasonable cause, to report himself for duty on the expiry of such leave ;
- (d) shall be guilty of any violation of duty or wilful breach or neglect of any rule or order made by a competent authority ;
- (e) shall be guilty of cowardice ; or
- (f) shall offer any unwarrantable personal violence to any person in his custody ;

shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding three months' pay, or with both.

Obtaining employment or release by false pretences.

44. Any person who knowingly makes a false statement or uses a false document for the purpose of obtaining for himself or any other person employment or release from employment as a police-officer shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding one hundred rupees, or with both.

Penalty for refusing to act as special police-officer, etc.

45. Any person appointed as a special police-officer, or any special police reserve officer being called out under sub-section (2) of section 28, who, without sufficient excuse, neglects or refuses to act as such, or to obey such rule, order or direction as may be given to him for the performance of his duties, shall be punishable with fine not exceeding fifty rupees for every such neglect, refusal or disobedience.

46. Every person opposing or not obeying any order issued under section 31, 32 or 33, or violating the conditions of any licence granted by a District Superintendent or Deputy or Assistant Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding two hundred rupees, or with both.

Penalty for disobeying orders regarding public assemblies, processions, etc.

47. Any person committing any act prohibited by section 34 shall be punishable with fine not exceeding fifty rupees or with imprisonment not exceeding eight days ; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of the acts specified in the said section :

Penalty for contravention of section 34.

Provided that, notwithstanding anything contained in section 65 of the Penal Code, any person sentenced to fine under this section may be imprisoned in default of payment of such fine for any period not exceeding eight days.

48. Whoever contravenes a prohibition under section 38 shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding one hundred rupees, or with both.

Penalty or contravention of a prohibition under section 38.

49. Whoever plays or operates, or permits to be played or operated, any mechanical instrument or device, in contravention of the provisions of section 39, shall be punishable with fine not exceeding one hundred rupees, or with imprisonment not exceeding eight days, or with both.

Penalty for contravention of section 39.

CHAPTER VII.

MISCELLANEOUS.

50. (1) All moneys payable under sections 23, 24, 25 and 26 shall be recoverable by the District Magistrate in the manner provided by sections 386 and 387 of the Code of Criminal Procedure for the recovery of fines, or by suit in any competent Court.

Recovery of moneys payable under sections 23, 24, 25 and 26 and disposal of same when recovered.

(2) All moneys paid or recovered under sections 23, 24 and 25 shall form part of the revenues of the Union of Burma.

(3) All moneys paid or recovered under section 26 shall be paid by the District Magistrate to the persons to whom and in the proportions in which the same are payable under that section.

51. All sums paid for the service of process by police-officers, and all rewards, forfeitures and penalties, or shares of rewards, forfeitures and penalties, which, by law, are payable to informers shall, when the information is laid by a police-officer, form part of the revenues of the Union of Burma,

Rewards to police as informers to form part of the revenues of the Union of Burma.

52. All criminal proceedings against any person which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general police powers hereby given, shall be commenced within three months after the act complained of shall have been committed and not otherwise,

Limitation of criminal proceedings.

Notice of
civil suits.

53. No suit shall be instituted in any civil Court against any person for anything done or intended to be done under the provisions of, or under the general police powers given by this Act, unless notice in writing of such suit and of the cause thereof shall have been given to the defendant, or to the District Superintendent of Police to whom the defendant is subordinate, one month at least before the commencement of such suit :

Provided that no suit shall in any case lie where any such person shall have been prosecuted criminally for the same act.

Plea that act
was done
under
warrant.

54. When any suit or criminal prosecution is brought against any police-officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Such plea shall be proved by the production of the warrant directing the act and purporting to be signed by such Magistrate, and the suit shall thereupon be dismissed or the accused shall be discharged, as the case may be, notwithstanding any defect of jurisdiction in the Magistrate who issued the warrant :

Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

Police-
station
officers to
keep diary.

55. It shall be the duty of every officer in charge of a police-station to keep a general diary in such form as shall, from time to time, be prescribed by the President of the Union, and to record therein all complaints and charges preferred, the names of complainants, the names of all persons arrested, the offences charged against them and the weapons or property that shall have been taken from their possession or otherwise.

The District Magistrate shall be at liberty to call for and inspect such diary.

Power to
make rules.

56. (1) The President of the Union may make rules to carry into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may make rules to provide for all or any of the following matters, namely :—

- (a)** directing the submission of such returns by the Inspector-General and other police-officers as to him shall seem proper, and prescribing the forms in which such returns shall be made ;
 - (b)** regulating the procedure to be followed by Magistrates and police-officers in the discharge of any duty imposed upon them by or under this Act ;
 - (c)** prescribing the time, manner and conditions within and under which claims for compensation under section 26 are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including local inquiries, if necessary) which are to be taken consequent thereon ;
 - (d)** prescribing the form in which general diaries shall be kept ; and
 - (e)** prescribing the fee for any licence that may be granted under this Act.
- (3)** All rules made under this Act shall be published in the Gazette.

¹ Deleted by the Union of Burma (Adaptation of Laws) Order, 1948.

SCHEDULE I.

(*See* section 9.)

I have read (or had read over to me) Chapter III of the Police Act, 1945, and on being appointed*

under the said Act, I do hereby ^{swear}solemnly affirm that I will truly and faithfully¹ [maintain the Constitution of the Union] and discharge all powers and duties vested in me faithfully and according to law.

SCHEDULE II.

(*See* section 9.)

A. B. has been appointed a member of the police-force under the Police Act 1945, and is vested with the powers, functions and privileges of a police-officer.