



ပြည်ထောင်စုမြန်မာနိုင်ငံ

ဥပဒေ

အတွဲ ၄

THE BURMA CODE

VOLUME IV

ပြည်ထောင်စုမြန်မာနိုင်ငံအစိုးရအဖွဲ့ ပုံနှိပ်ဖြန့်ချိသည်။

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နိဂါန်း။

ဤပြည်ထောင်စုမြန်မာနိုင်ငံ ဥပဒေအတွဲ ၄ တွင်ပါဝင်သော ဥပဒေများမှာ၊ အပိုင်း ၆၊ အရပ်ရပ်ဆိုင်ရာ စီရင်အုပ်ချုပ်ရေးဟူသည့် ခေါင်းကြီးအောက်တွင် အမျိုးအစားခွဲခြားထားသည့် က။ ပြည်သူ့ကျန်းမာရေး၊ ခ။ ပညာရေး၊ ဂ။ လယ်ယာစိုက်ပျိုးရေး၊ ဃ။ ကိရိယာများစောင့်ရှောက်ရေး၊ င။ ပြန်လည်ထူထောင်ရေး၊ စ။ သာသနာရေးဟူသည့် ခေါင်းစဉ်အသီးသီးတွင်အကျုံးဝင်သော အက်ဥပဒေများပင်ဖြစ်သည်။

အဆိုပါခေါင်းကြီးနှင့်သက်ဆိုင်သော ဥပဒေများမှာ များပြားလှသဖြင့်၊ ကျန်ရှိနေသေးသော ဆ။ ဇ။ နှင့်ဈ။ ခေါင်းစဉ်တွင်ပါဝင်သည့် အက်ဥပဒေများကို အတွဲ ၅ ဟူ၍သီးခြား အတွဲတဖွဲ့ပြုလုပ်ထားပါသည်။

ဤအတွဲပါအက်ဥပဒေများကို၊ ၁၉၅၄ ခုနှစ်၊ ဒီဇင်ဘာလ ၃၁ ရက်နေ့တိုင် ပြင်ဆင်ထားသည့်အတိုင်း ပုံနှိပ်ခြင်းဖြစ်ပါသည်။

စံညွှန်း၊

ရန်ကုန်မြို့။

၁၃၁၇ ခု၊ တပို့တွဲလဆန်း ၅ ရက်။
(၁၉၅၆ ခု၊ ဖေဖော်ဝါရီလ ၁၆ ရက်။)

အတွင်းရေးမှူး၊

ဥပဒေပြင်ဆင်ရေးကော်မတီ၊
တရားရေးဝန်ကြီးဌာန။

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PART VI.—GENERAL ADMINISTRATION.

အပိုင်း ၆။ ။အရပ်ရပ်ဆိုင်ရာစီရင်အုပ်ချုပ်ရေး။

A.—PUBLIC HEALTH.

က။ ။ပြည်သူ့ကျန်းမာရေး။

THE BURMA MEDICAL ACT.

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THE SCHEDULE.

THE BURMA MEDICAL ACT.

[BURMA ACT I, 1915.] (4th December, 1915.)

1. * * * *

Definitions.

2. In this Act, the expression—

- (a) “ the Medical Acts ” means the Medical Act, 1858, and the Acts amending the same ;
- (b) “ the Council ” means the Medical Council established under section 3 ;
- (c) “ the register ” means the register of medical practitioners maintained under the provisions of this Act ; and
- (d) “ registered practitioner ” means any person whose name is entered in the register.

Establishment and constitution of the Burma Medical Council.

3. (1) A Council shall be established and called “ the Burma Medical Council ” and such Council shall be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(2) The Council shall consist of fourteen members appointed in the following manner :—

(a) a President and three other members to be nominated by the President of the Union ;

¹(b) one member to be elected by the Senate of the University of Rangoon ; [and] ²

³(c) nine members to be elected by the registered practitioners from amongst themselves.

Elections.

4. All elections of members of the Council shall be held at such time and place and in such manner as the Council shall by rule direct.

Term of office of members.

5. (1) The term of office of members of the Council shall be three years.

(2) Every member shall, at the end of his term of office, be eligible for reappointment subject to the provisions of section 3.

Resignation of membership.

6. (1) Every member of the Council shall be deemed to have resigned his appointment—

(a) on sending his resignation in writing to the President of the Council, or

(b) on ceasing to be a registered practitioner.

(2) The Council may declare that any member has resigned his appointment—

(a) if he absents himself from three consecutive meetings of the Council without the leave of the Council, or

(b) if he departs from the Union of Burma without the leave of the Council, or

¹ Clause (b), as temporarily substituted by the Burma Medical (Temporary Amendment, Act (No. X of 1946), reads: “ (b) one member to be nominated by the Administrative Officer University of Rangoon . ”

² Inserted by Act LXII, 1953.

³ Substituted for clauses (c), (d) and (e) *ibid*.

(c) if he is absent from the Union of Burma beyond any period of leave granted to him by the Council.

7. Upon the death or resignation of any member his appointment shall be filled by nomination or election, as the case may be, in accordance with the provisions of section 3. Filling up vacancies.

8. The Council may grant to any member thereof leave of absence from the Union of Burma for a period not exceeding six months. Leave of absence.

9. (1) The Council shall by rule prescribe the times and places at which its meetings shall be held, the manner of summoning the same, and the conduct of business thereat. Meetings of the Council.

(2) In the absence of any rule as to the summoning of meetings, the President may, by letter addressed to each member, summon a meeting of the Council, at such time and place as to him shall seem expedient.

(3) No business shall be transacted at any meeting of the Council unless a quorum of five members be present.

(4) In the absence of the President from any meeting of the Council another member shall be elected by and from the members present to act as President thereat.

(5) All questions arising at any meeting of the Council shall be decided by the votes of the majority of the members present and voting or, in case of an equality of votes, by the casting vote of the President.

10. There shall be paid to the members of the Council such fees for attendance at meetings of the Council and such reasonable travelling expenses as the Council may by rule prescribe. Fees payable to members.

11. (1) With the previous sanction of the President of the Union, the Council— Registrar and establishment.

(a) shall appoint a Registrar,

(b) may grant leave to such Registrar and appoint a person to act in his place, and

(c) shall pay to the Registrar and to the person (if any) appointed to act in his place such salary and such allowances (if any) as the Council may determine.

(2) The Council may appoint such other officers and such clerks and servants as it may consider necessary for the purposes of this Act, and shall pay them such salary and such allowances (if any) as the Council may determine.

(3) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

12. A register of medical practitioners shall be kept by the Registrar in such form as the Council may direct. The register.

Persons
entitled to be
registered.

13. Subject to the provisions of this Act, every person who is possessed of any of the qualifications described in the Schedule shall, on payment of such fee as the Council may by rule prescribe, be entitled to have his name entered in the register :

Provided that the President of the Union may, on the recommendation of the Council, permit the registration of any person who was actually practising medicine in Burma on or before the 3rd day of December 1915 :¹

Provided further, that the Registrar shall refer to the Council any application for entry in the register from a person in respect of whom he considers that the Council may wish to proceed under section 21, sub-section (1), and shall not make any entry in the register in respect of such person until the Council informs him that the entry is permitted :

² Provided further, that the President of the Union may, in consultation with the Council, permit the registration of any person employed by any foreign mission in the Union of Burma, if the Council is satisfied that such person possesses a medical degree, diploma or certificate granted by any university, medical college or school or other institution, not included in the Schedule ; and it shall be lawful for the President of the Union to direct that the registration shall be valid only for so long as he continues to be employed by such mission :

² Provided further, that in the case of a person whose sole qualification for registration was granted in any foreign country which does not recognize the medical degree, diplomas or certificates of the University of Rangoon or the Government, he shall not be entitled to have his name entered in the register until he shall have passed the examination held by a special Board of examiners appointed by the Council in that behalf.

Power of
Council to
call for
information
from medi-
cal schools

14. The Council may call on the governing body or authorities of any medical school, examining body or other institution included or desirous of being included in the Schedule—

- (a) to furnish such particulars as the Council may require of any course of study prescribed or examination held by such body or authority or in such school with reference to the grant of any medical or surgical qualifications, and
- (b) to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at any such examination.

Amendment
of the
Schedule.

15. (a) If the Council is satisfied that any qualification certified by any medical school, examining body or other institution is a sufficient guarantee that persons possessing such qualification have the knowledge and skill requisite for the efficient practice of medicine, surgery and midwifery, or
- (b) if the body or authorities referred to in section 14 refuse to furnish such particulars or to provide such facilities as are referred to in that section, or
- (c) if the Council is satisfied that any qualification referred to in clause 3, 4 or 5 of the Schedule is not a sufficient guarantee as aforesaid.

¹ The day before the commencement of this Act.

² Substituted by Act LXII, 1953.

the Council may make a report to that effect to the President of the Union, who may thereupon direct by notification—

- (i) in case (a) that the possession of such qualification shall, subject to the provisions of this Act, entitle any person to have his name entered in the register, or
- (ii) in cases (b) and (c) that the possession of the qualification certified by the body or authorities or of such qualification as is referred to in clause 3, 4 or 5 of the Schedule, as the case may be, shall not entitle any person to have his name entered in the register, and the Schedule shall thereupon be deemed to be altered accordingly.

16. Every person who applies to have his name entered in the register— Application for registration.

- (a) shall satisfy the Registrar that he is possessed of the qualifications in respect of which he claims to be registered ; and
- (b) if he is registered under the Medical Acts or under any Act for the registration of medical practitioners in force in any part of India or Pakistan—
 - (i) shall correctly inform the Registrar of the date of such registration, and
 - (ii) shall furnish the Registrar with a correct statement of the qualifications in respect of which he is so registered, and of the dates on which he obtained them, or
- (c) if he is not registered under the Medical Acts or under any Act for the registration of medical practitioners in force in any part of India or Pakistan, shall correctly inform the Registrar of the dates on which he obtained the qualifications in respect of which he claims to be registered under this Act.

17. The Registrar—

Maintenance of register.

- (a) shall enter in the register the name, residence and qualifications of every person who is registered under this Act, and the date on which each qualification was obtained ;
- (b) shall make all necessary alterations in the particulars so entered ;
- (c) shall, on the payment of such fee as may be prescribed by the Council, enter in the register every additional qualification which a registered practitioner may prove that he has obtained subsequently to his registration ;
- (d) shall strike out of the register the names of all registered practitioners who have died or the removal of which has been directed by the Council under the provisions of section 20 or 21 ; and
- (e) may send through the post to any registered practitioner a registered letter addressed to him according to his registered address to inquire whether he has ceased to practise or has changed his residence ; and, if no answer to any such letter is received within a period of six months from the despatch of such letter, the

Registrar may strike out of the register the name of such registered practitioner.

Notice of
deaths.

18. Every Registrar of Deaths who receives notice of the death of any person who, to his knowledge, was a registered practitioner, shall forthwith transmit by post to the Registrar appointed under this Act a certificate under his own hand of such death and the particulars of time and place thereof and may charge the cost of such certificate as an expense of his office.

Appeal to
Council from
decision of
Registrar.

19. (1) Any person who is dissatisfied with any decision of the Registrar refusing to enter the name or any qualification of such person in the register may within three months of the date of such decision appeal to the Council.

(2) The decision of the Council thereupon shall be final.

Alteration
of register
by Council.

20. The Council may, if it thinks fit and after giving notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made, or brought about, be removed from the register or amended as it thinks fit.

Disqualifica-
tion by
commission
of certain
offences.

21. (1) In the case of any person who—

(a) has been convicted of any such offence as implies in the opinion of the Council a defect of character, or

(b) after due inquiry (at which an opportunity has been given to such person to be heard in person or by counsel) has been found guilty by the Council of infamous conduct in any professional respect

the Council may, upon reference from the Registrar or otherwise, refuse to permit such person to be registered or may direct that his name be removed from the register altogether or for a specified period.

(2) Any person who is dissatisfied with any decision of the Council under this section in respect of himself may, within three months from the date of such decision, appeal therefrom to the President of the Union.

Inquiries
and appeals.

21A. (1) The Council may by rule prescribe that any or all classes of inquiries under section 20 or 21 or appeals under section 19 shall be held or heard, as the case may be, by an executive committee consisting of the President and five members of the Council elected by the Council. The Council may also elect a special committee consisting of three or more members of the Council to hold any special inquiry or to hear any special appeal under the said sections. The decision of the executive committee or of the special committee, as the case may be, shall be deemed to be the decision of the Council.

(2) The Council or any committee acting under sub-section (1) may at its discretion hold an inquiry under section 20 or 21 *in camera*.

(3) For the purposes of any such inquiry or appeal, the Council or any committee acting under sub-section (1) shall be deemed to be a Court within

the meaning of the Evidence Act, and shall exercise the powers of a commissioner appointed under the Public Servants Inquiries Act. Every such inquiry and appeal shall be conducted in such manner as the Council may by rule prescribe and, as far as may be, in accordance with the provisions of sections 5 and 8 to 20 of the Public Servants Inquiries Act; and the Council or the committee, as the case may be, shall record its decision upon each of the articles of the charge separately, as well as such observations as it may think fit on the whole case.

21B. The Council may direct that any entry which has been removed from the register shall be restored. Restoration of entry in register.

21C. No suit or other legal proceedings shall lie in respect of an act done in the exercise of a power conferred by this Act or by any rule thereunder on the President of the Union or on the Council or on the Registrar. Bar to suits and other legal proceedings.

22. (1) The Registrar shall, in every year, on or before a date to be fixed in this behalf by the Council, cause to be printed and published a correct list of registered practitioners for the time being and setting forth— Annual list.

(a) all names entered in the register, arranged in alphabetical order according to the surnames, and

(b) the registered qualifications of each such person and the date on which each such qualification was obtained.

(2) Every Court shall presume that every person whose name is entered in the latest of such lists is a registered practitioner and that every person whose name is not so entered is not a registered practitioner :

Provided that, in the case of any person whose name does not appear in such list, a certified copy, signed by the Registrar, of the entry of the name of such person in the register shall be evidence that such person is a registered practitioner.

23. (1) No certificate required by law to be given by a medical practitioner or officer or by a qualified medical man shall be valid unless signed by a registered practitioner. Disabilities of unregistered persons.

(2) Except with the special sanction of the President of the Union, no person shall be competent to hold any appointment as Medical Officer of Health or as Physician, Surgeon or other Medical Officer in any dispensary, hospital, asylum, infirmary or lying-in hospital which is supported partially or entirely by public funds or contributions, or by the funds or contributions of any public company, unless he is a registered practitioner.

24. Every person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretence or not, be liable to be punished on conviction by a Magistrate of the first class with fine which may extend to three hundred rupees. Penalty.

25. All fees levied under this Act and all other moneys received by the Council shall be applied for the purposes of this Act and in accordance with such rules as the President of the Union may make in this behalf. Disposal of fees.

Rules.

26. (1) The Council may make rules for the purpose of carrying out the provisions of this Act.

Without prejudice to the generality of this provision, such rules may prescribe that a less fee or no fee shall be levied for the entry in the register of the name of any person who is for the time being registered under any Act for the registration of medical practitioners in force in any part of India or Pakistan.

(2) No rule made by the Council shall come into force until it has been confirmed by the President of the Union.

(3) Every such rule shall, when so confirmed, be published in the Gazette.

(4) The President of the Union may, by notification, cancel any such rule.

Control.

27. If at any time it shall appear to the President of the Union that the Council has failed to exercise or has exceeded or abused any power conferred upon it under this Act or has failed to perform any duty imposed upon it by this Act, the President of the Union may notify the particulars of such default, excess or abuse to the Council; and, if the Council fails to remedy such default, excess or abuse within such time as may be fixed by the President of the Union in this behalf, the President of the Union may, for the purpose of remedying such default, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the President of the Union may think fit.

1 28. * * * *

THE SCHEDULE.

1. Every person who is for the time being registered or qualified to be registered under the Medical Acts.

2. Every Doctor, Bachelor or Licentiate of Medicine or Master, Bachelor or Licentiate of Surgery of the Universities of Bombay, Calcutta, Madras, Allahabad or Lahore.

3. Every person who has been trained in a Government Medical College or School and holds a diploma or certificate granted by Government declaring him to be qualified to practise Medicine, Surgery and Midwifery or to perform the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon.

In this paragraph "Government" includes the Government of any part of India or Pakistan.

4. Every person who has been granted a degree, diploma, licence or certificate by the Burma Medical Examination Board declaring him to be qualified in like manner.

³ 4A. [Every person who has been granted a licence by the State Medical Board established during the period of the enemy occupation of Burma in the years 1942 to 1945.] ²

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

² Inserted by Act XLII, 1946.

³ Re-numbered by Act LXII, 1953.

15. Every person who is for the time being registered under any Act for the registration of medical practitioners in force in any part of India or Pakistan.

THE BURMA MEDICAL DEGREES ACT.

[INDIA ACT VII, 1916.] (16th March, 1916.)

1. * * * *

2. In this Act, "Western medical science" means the Western methods of Allopathic medicine, Obstetrics and Surgery, but does not include the Homœopathic or Ayurvedic or Unani system of medicine. Definition.

3. The right of conferring, granting, or issuing in the Union of Burma degrees, diplomas, licences, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise Western medical science, shall be exercisable only by the University of Rangoon, and by such other authority as the President of the Union may, by notification in the Gazette, and subject to such conditions and restrictions as he thinks fit to impose, authorize in this behalf. Right to confer degrees, etc.

4. Save as provided by section 3, no person in the Union of Burma shall confer, grant, or issue, or hold himself out as entitled to confer, grant, or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise Western medical science. Prohibition of unauthorized conferment of degrees, etc.

5. Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to one thousand rupees; and, if the person so contravening is an association, every member of such association, who knowingly and wilfully authorizes or permits the contravention, shall be punishable with fine which may extend to five hundred rupees. Contravention of section 4.

6. Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying (a) that he is qualified to practise Western medical science, or (b) that he holds a degree, diploma, licence or certificate conferred, granted or issued by any authority referred to in section 3, or recognized by the General Council of Medical Education of the United Kingdom, or authorized by the law in force in India or Pakistan to confer, grant or issue in India or Pakistan degrees, diplomas, licences, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise Western medical science, shall be punishable with fine which may extend to two hundred and fifty rupees, or, if he subsequently commits, and is convicted of, an offence punishable under this section, with fine which may extend to five hundred rupees: Penalty for falsely assuming or using medical titles.

Provided that nothing in this section shall apply to the use by any person of any title, description, or addition which, prior to the 16th March, 1916,² he used in virtue of any degree, diploma, licence or certificate conferred upon, or granted or issued to him.

¹ Re-numbered by Act LXII, 1953.

² Date of commencement of this Act.

Cognizance
of offences.

7. No Court shall take cognizance of an offence punishable under this Act except upon complaint made by order of the President of the Union, or upon complaint made, with the previous sanction of the President of the Union, by the Burma Medical Council.

Jurisdiction
of Magis-
trates.

8. No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

THE MIDWIVES AND NURSES ACT.

[BURMA ACT X, 1922.] (1st November, 1922.)

1. * * * *

Definitions.

2. In this Act—

- (a) “prescribed” means prescribed by rules made under this Act ;
- (b) “register” means a register maintained under section 4, and “registered” means registered in accordance with the provisions of that section.

Constitution
of Council
and term of
office of
members.

3. (1) There shall be established a Central Midwives and Nurses Council, hereinafter referred to as “the Council,” which shall consist of sixteen¹ members, who shall be appointed in the manner following :—

- (a) by virtue of his office, [the Director of Health Services, Burma,]² who shall be the president of the Council ;
- (b) by virtue of office, the Superintendent of the Dufferin Hospital, Rangoon, [the Deputy Director (Public Health), Burma,]² [the Nursing Chief]³ and the Health Officer of the Municipal Corporation of the city of Rangoon ;
- (c) two registered medical practitioners to be nominated by the President of the Union ;
- (d) two registered medical practitioners to be nominated by the Burma Medical Council ;
- (e) two Matrons of Hospitals, to be nominated by the Burma Medical Council ;
- (f) one registered midwife and one registered nurse, to be elected by the registered midwives and nurses, respectively ; and
- ² (g) three official or unofficial persons, not being of the classes referred to above, who have shown keen interest in the welfare of midwives and nurses, to be nominated by the President of the Union.

(2) The members of the Council, with the exception of the *ex-officio* members, shall hold office for a term of three years.

¹ Substituted by Act LVII, 1949, and subsequently by Act LXVI, 1954.

² Substituted by Act LXVI, 1954.

³ Inserted by Act LVII, 1949, and subsequently substituted by Act LXVI, 1954

(3) Any member who, without leave, fails to attend three consecutive meetings of the Council may be deemed to have resigned.

(4) If the place of a member of the Council becomes vacant before the expiration of his term of office, whether by death, resignation or otherwise, the vacancy shall be filled by appointment in the manner provided by sub-section (1).

(5) Any member ceasing to be a member of the Council shall be eligible for re-appointment.

(6) The powers of the Council may be exercised notwithstanding any vacancy in their number.

4. (1) The Council shall maintain a register of midwives and a register of nurses, and in each such register shall be entered, in two separate parts, the names of all midwives and nurses entitled to registration under clause (a) or clause (b) of sub-section (2), respectively.

Registration of midwives and nurses.

(2) The following persons shall be entitled to registration under this Act, namely :—

- (a) midwives and nurses who have undergone the course of training, have passed the examinations, and fulfil the further conditions prescribed, respectively, therefor ;
- (b) midwives and nurses already in practice on the 1st November 1922,¹ and not entitled under clause (a), subject to such conditions and restrictions as may be prescribed, respectively, therefor.

5. Subject to such conditions, and in such manner, as may be prescribed, the Council may remove the name of any midwife or nurse from the register or restore thereto the name of any midwife or nurse which has been so removed.

Removal and restoration of names.

6. (1) Any midwife or nurse aggrieved by an order of the Council may, within three months from the date on which notice of such order is given to her, appeal against the order to a Tribunal consisting of three persons selected as follows :—

Appeal from Council to Tribunal.

- (a) one to be selected in rotation from a panel of not less than six persons, possessing not less than twelve years' experience as a Magistrate or Judge, to be nominated by the Chief Justice of the High Court ;
- (b) one to be selected in rotation from a panel of not less than six registered medical practitioners to be elected in the prescribed manner by the Burma Medical Council ; and
- (c) one midwife or nurse (as the case may be) to be selected from a panel of not less than six registered midwives or nurses, elected in the prescribed manner by such midwives and nurses.

(2) The order of the Tribunal shall be final.

¹ Date of commencement of this Act.

Appeal to
President
against
refusal by
Council to
approve
training
institution
or person.
Disabilities
of unregis-
tered
person.

7. Any person aggrieved by the refusal of the Council to approve any institution or person for the purpose of the rules under this Act relating to training may appeal against the refusal to the President of the Union, and the President of the Union shall give such directions as he thinks proper, and the Council shall comply with any directions so given.

8. (1) Except with the special sanction of the President of the Union, no midwife or nurse shall be competent to hold any appointment in any dispensary, hospital, asylum, infirmary or lying-in hospital, which is supported partially or entirely by public funds or contributions, or by the funds or contributions of any public company, unless such midwife or nurse is registered under this Act.

(2) Within the limits of any area to which the President of the Union may, by notification, extend this sub-section and on the expiry of a period of one year and six months from the date of such notification, no person who is not a registered midwife shall practise as a midwife or practise midwifery :

Provided that this sub-section shall not apply to—

- (a) any medical practitioner registered under the Burma Medical Act;
- (b) any person rendering assistance in any case of emergency.

Rules by
Council.

9. (1) The Council may make rules generally for carrying out the purposes of this Act, and in particular—

- (a) for regulating the issue of certificates, the maintenance of the register and the conditions of admission thereto ;
- (b) for regulating the course of training, the recognition of institutions or persons authorized to train midwives and nurses and the conduct of examinations ;
- (c) for regulating elections of members of the Council and of the panels referred to in section 6 ;
- (d) for regulating, supervising and restricting within due limits the practice of registered midwives and nurses ;
- (e) for prescribing the causes for which, the conditions under which, and the manner in which, midwives or nurses may be suspended or excluded from the register, and the procedure for the restoration to the register of midwives and nurses who have been removed therefrom ;
- (f) for regulating the publication of the names of registered midwives and nurses and their residences ;
- (g) for prescribing the rates of fees to be charged for examinations and registrations ;
- (h) for regulating the summoning of meetings of the Council and its proceedings ;
- (i) for regulating the expenditure of the Council and providing for the audit thereof ;
- (j) for appointing one or more supervisors of the work of such registered midwives.

(2) No rule made by the Council shall come into force until it has been confirmed by the President of the Union.

(3) Every such rule shall, when so confirmed, be published in the Gazette.

(4) The President of the Union may, by notification, cancel or modify any such rule.

10. All fees levied under this Act and all other moneys received by the Council shall be applied for the purposes of this Act and in accordance with such rules as the President of the Union may make in this behalf.

Disposal of fees.

11. The President of the Union shall make rules—

Rules by President.

- (a) regulating the constitution and procedure of the Tribunal constituted under section 6, sub-section (1) ;
- (b) prescribing the fees to be levied by such Tribunal for the costs of the appeal ; and
- (c) determining the manner in which fees levied under this Act and all other moneys received by the Council shall be applied.

12. Any person who—

- (a) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person; or
- (b) procures or attempts to procure registration under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise ; or
- (c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Act ; or
- (d) contravenes the provisions of sub-section (2) of section 8 ;

Penalty for dishonest use of certificate, procuring registration by false means and falsification of register or certificate.

shall, on conviction by a Magistrate of the first class, be liable to fine not exceeding two hundred and fifty rupees, or to rigorous imprisonment for any term not exceeding six months, or both.

13. Any person who, not being a registered midwife or registered nurse, takes or uses the name or title of registered midwife or registered nurse, or uses any name or title, description, uniform or badge, or sign-board, implying that such person is a registered midwife or registered nurse, as the case may be, shall, on conviction by a Magistrate of the first class, be liable to fine not exceeding one hundred rupees, or to imprisonment for a term not exceeding one month, or both.

Penalty for posing as registered midwife or nurse by a person who is not such.

14. Nothing in this Act respecting midwives or nurses shall apply to medical practitioners possessing qualifications entitling them to registration under the Burma Medical Act.

Act not to apply to medical practitioners.

THE LUNACY ACT.

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SCHEDULE I.—FORMS.

THE LUNACY ACT.

[INDIA ACT IV, 1912.] (16th March, 1912.)

PART I.

PRELIMINARY.

CHAPTER I.

1. * * * *

Savings.

2. Nothing contained in Part II shall be deemed to affect the powers of the High Court over any person found to be a lunatic by inquisition or over the property of such lunatic, or the rights of any person appointed by such Court as guardian of the person or manager of the estate of such lunatic.

Definitions.

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

- (1) “asylum” means an asylum or mental hospital for lunatics established or licensed by Government ;
- (2) “cost of maintenance” in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic, and any expenditure incurred in removing such lunatic to and from an asylum, together with any other charges specified in this behalf by the President of the Union, in exercise of any power conferred upon him by this Act ;
- (3) “District Court” includes the High Court as respects the area within its civil jurisdiction ;
- (4) “criminal lunatic” means any person for whose detention in, or removal to an asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, or of section 30 of the Prisoners Act, * * * ¹ or of the Burma Army Act ;
- (5) “lunatic” means an idiot or person of unsound mind ;
- (6) “Magistrate” means a District Magistrate, Subdivisional Magistrate or a Magistrate of the first class specially empowered by the President of the Union to perform the functions of a Magistrate under this Act ;

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

- (7) "medical officer" means a gazetted medical officer of Government, and includes a medical practitioner declared by general or special order of the President of the Union to be a medical officer for the purposes of this Act ;
- (8) "medical practitioner" means a holder of a qualification to practise medicine and surgery which can be registered in the United Kingdom in accordance with the law for the time being in force for the registration of medical practitioners, and includes any person declared by general or special order of the President of the Union to be a medical practitioner for the purposes of this Act ;
- (9) "prescribed" means prescribed by this Act or by rule made thereunder ;
- (10) "reception order" means an order made under the provisions of this Act for the reception into an asylum of a lunatic other than a lunatic so found by inquisition ;
- (11) "relative" includes any person related by blood, marriage or adoption ; and
- (12) "rule" means a rule made under this Act.

PART II.

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II.

RECEPTION OF LUNATICS.

4. (1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in an asylum without a reception order save as provided by sections 8, 16 and 98 :

Reception
of persons
in asylum.

Provided that any person in charge of an asylum may, with the consent of two of the visitors of such asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as a boarder in such asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in an asylum under the proviso to sub-section (1) shall not be detained in the asylum for more than twenty-four hours after he has given to the person in charge of the asylum notice in writing of his desire to leave such asylum.

Reception orders on petition.

5. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

Application
for reception
order.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court ; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

(4) No application for a reception order shall be entertained in any area unless the President of the Union has, by notification in the Gazette, declared such area as an area in which reception orders may be made.

Application
by whom to
be presented.

6. (1) Subject to the provisions of sub-section (3), the petition shall be presented by the husband or wife of the alleged lunatic, or, if there is no husband or wife or the husband or wife is prevented by reason of insanity, absence from the Union of Burma or otherwise from making the presentation, by the nearest relative of the alleged lunatic who is not so prevented.

(2) If the petition is not presented by the husband or wife, or where there is no husband or wife, by the nearest relative of the alleged lunatic, the petition shall contain a statement of the reason why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has within fourteen days before the presentation of the petition personally seen the said lunatic

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

Procedure
upon peti-
tion for
reception
order.

7. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

(2) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic, unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith, he may make the same accordingly.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

Detention
of alleged
lunatic
pending
inquiry.

8. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

9. The petition shall be considered in private in the presence of the petitioner, ~~the~~ alleged lunatic (unless the Magistrate in his discretion otherwise directs) any person appointed by the alleged lunatic to represent him and such ~~other~~ persons as the Magistrate thinks fit.

Consideration of petition.

10. (1) At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry, and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

Order.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same, and shall deliver or cause to be delivered to the petitioner a copy of such order.

11. No reception order shall be made under section 7 or section 10, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

Further provisions as to reception orders on petition.

- (a) the Magistrate is satisfied that the person in charge of an asylum is willing to receive the lunatic, and
- (b) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic.

11A. (1) The Magistrate may, subject to the provisions of this section, by order in writing (hereinafter referred to as an order of substitution), transfer the duties and responsibilities under this Act of the person on whose petition a reception order has been made to any other person who is willing to undertake the same, and such other person shall thereupon be deemed for the purposes of this Act to be the person on whose petition the reception order was made, and all references in this Act to such last-mentioned person shall be construed accordingly :

Power to appoint substitute for the person upon whose application a reception order has been made

Provided that no such order of substitution shall release the person upon whose petition the reception order was made or, if he is dead, his legal representative from any liability incurred before the order of substitution was made.

(2) Before making any order of substitution, the Magistrate shall send a notice to the person upon whose petition the reception order was made, if he is alive, and to any relative of the lunatic to whom, in the opinion of the Magistrate, notice should be given; the notice shall specify the name of the person in whose favour it is proposed to make such order and the date, which shall be not less than twenty days from the sending of the notice, upon which any objection to the making of the order will be considered.

(3) On such date or any subsequent date to which the proceedings may be adjourned, the Magistrate shall consider any objection made by any person to whom notice has been sent, or by any other relative of the lunatic, any shall receive all such evidence as may be produced by or on behalf of and

such persons and such further evidence, if any, as the Magistrate thinks necessary, and may thereafter make or refrain from making an order of substitution :

Provided that, if the person on whose petition the reception order was made is dead and any other person is willing and, in the opinion of the Magistrate, fitted to undertake the duties and responsibilities under this Act of such first-mentioned person, the Magistrate shall make such an order.

(4) If in proceedings under this section any question arises as to the person to whom the duties and responsibilities under this Act of a person upon whose petition a reception order has been made shall be entrusted, the Magistrate shall give preference to the person who is the nearest relative of the lunatic, unless, for reasons to be recorded in writing, the Magistrate considers that such preference would not be in the interests of the lunatic.

(5) The Magistrate may make such order for the payment of the costs of an inquiry under this section by any person who is a party thereto or out of the estate of the lunatic, as he thinks fit.

(6) Any notice under sub-section (2) may be sent by post to the last known address of the person for whom it is intended.

Reception orders otherwise than on petition.

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Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

13. (1) Every officer in charge of a police-station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(2) Every officer in charge of a police-station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, shall immediately report the fact to the Magistrate.

Reception order in case of wandering and dangerous lunatics.

14. Whenever any person is brought before a Magistrate under the provisions of sub-section (1) of section 13, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined by a medical officer, and may make such other inquiries as he thinks fit ; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into an asylum :

Provided that, if any friend or relative desires that the lunatic be sent to a licensed asylum and engages in writing to the satisfaction of the Magistrate

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

to pay the cost of maintenance of the lunatic in such asylum, the Magistrate shall, if the person in charge of such asylum consents, make a reception order for the admission of the lunatic into the licensed asylum mentioned in the engagement :

Provided further, that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative.

15. (1) If it appears to the Magistrate, on the report of a police-officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

Order in case of lunatic cruelly treated or not under proper care and control.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in section 14, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into an asylum.

16. (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of section 13 or section 15, the Magistrate may, by an order in writing, authorize the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

Detention of alleged lunatic pending report by medical officer.

(2) The Magistrate may, from time to time, for the same purpose, by order in writing, authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary :

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

Commissioner of Police to act in Rangoon.

17. All acts which the Magistrate is authorized or required to do by section 14, 15 or 16 may be done in Rangoon by the Commissioner of Police.

Further provisions as to reception orders and medical certificates.

Medical certificates.

18. (1) Every medical certificate under this Act shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others ; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

Time and manner of medical examination of lunatic.

19. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or, where two certificates are required, each person who signs a certificate has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and, in all other cases, not more than seven clear days before the date of the order.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

Authority for reception.

20. A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorized by him, or in the case of an order not made upon petition, for the person authorized so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, or in any asylum to which he may be removed in accordance with the provisions of this Act, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order :

Provided that no reception order shall continue to have effect—

- (a) after the expiry of thirty days from the date on which it was made, unless the lunatic has been admitted to the place mentioned therein within that period, or
- (b) after the discharge, under the provisions of this Act, of the lunatic from such place or from any asylum to which he may have been removed,

21. Any authority making a reception order under this Part shall forthwith send a certified copy of the order to the person in charge of the asylum into which such lunatic is to be admitted.

Copy of reception order to be sent to person in charge of asylum.

22. Subject to the provisions of section 85, no Magistrate shall make a reception order for the admission of any lunatic into any asylum outside the Union of Burma.

Restriction as to asylum into which reception orders may direct admission.

Detention of lunatics pending removal to asylum.

23. When any reception order has been made under sections 7, 10, 14 or 15, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to an asylum, be detained in suitable custody in such place as the Magistrate thinks fit.

Detention of lunatics pending removal to asylum.

Reception and detention of criminal lunatics.

24. An order under section 466 or section 471 of the Code of Criminal Procedure, or under section 30 of the Prisoners Act, * * *¹ or under the Burma Army Act, directing the reception of a criminal lunatic into any asylum which is prescribed for the reception of criminal lunatics, shall be sufficient authority for the reception and detention of any person named therein in such asylum or in any other asylum to which he may be lawfully transferred.

Reception and detention of criminal lunatics.

Reception after inquisition.

25. A lunatic so found by inquisition may be admitted into an asylum on an order made by the District Court.

Reception after inquisition.

26. (1) When any lunatic has been admitted into an asylum in accordance with the provisions of section 25, the High Court or the District Court, as the case may be, shall, on the application of the person in charge of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him :

Order for payment of cost of maintenance of lunatic.

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property, and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(2) An order under sub-section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a

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

decree made by the Court in a suit in respect of the property or person therein mentioned.

Amendment of order or certificate.

Amendment
of order or
certificate.

27. If, after the reception of any lunatic into any asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the said asylum, one of whom shall be a medical officer.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

Appoint-
ment of
visitors.

28. (1) The President of the Union shall appoint for every asylum not less than three visitors, one of whom at least shall be a medical officer.

(2) The Inspector-General of Prisons shall be a visitor *ex-officio* of all the asylums within the limits of his jurisdiction.

Monthly
inspection
by visitors.

29. Two or more of the visitors, one of whom shall be a medical officer, shall, once at least in every month, together inspect every part of the asylum of which they are visitors, and see and examine, as far as circumstances will permit, every lunatic and boarder therein, and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors, and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

Inspection
of criminal
lunatics by
Inspector-
General or
visitors.

30. (1) When any person is detained under the provisions of section 466 or section 471 of the Code of Criminal Procedure, * * * *¹ or under the Burma Army Act, the Inspector-General of Prisons, if such person is detained in a jail, or the visitors of the asylum or any two of them, if he is detained in an asylum, may visit him in order to ascertain his state of mind ; and he shall be visited once at least in every six months by such Inspector-General or by two of such visitors as aforesaid ; and such Inspector-General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is detained.

(2) The President of the Union may empower the officer in charge of the jail in which such person may be detained to discharge all or any of the functions of the Inspector-General under sub-section (1).

Discharge of lunatics.

Order of
discharge
from asylum
by visitors.

31. (1) Three of the visitors of any asylum, of whom one shall be a medical officer, may by order in writing, direct the discharge of any person detained in such asylum, and such person shall thereupon be discharged :

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

Provided that no order under this sub-section shall be made * *
 * * *¹, in the case of a criminal lunatic, otherwise than as provided by
 section 30 of the Prisoners Act.

(2) When such order is made, if the person is detained under the order
 of any public authority, notice of the order of discharge shall be immediately
 communicated to such authority.

32. (1) A lunatic detained in an asylum under a reception order, made on
 petition, shall be discharged if the person on whose petition the reception
 order was made so applies in writing to the person in charge of the asylum : Discharge of
lunatics in
other cases.

Provided that no lunatic shall be discharged under the provisions of sub-
 section (1) if the officer in charge of the asylum certifies in writing that the
 lunatic is dangerous and unfit to be at large.

1 (2) * * * *

1 (3) * * * *

33. When any relative or friend of a lunatic detained in any asylum
 under the provisions of section 14, 15 or 17 is desirous that such lunatic shall
 be delivered over to his care and custody, he may make application to the
 authority under whose order the lunatic is detained, and such authority, if it
 thinks fit, in consultation with the person in charge of the asylum and with the
 visitors or with one of them being a medical officer, and upon such relative or
 friend entering into a bond with or without sureties for such sum of money as
 the said authority thinks fit conditioned that such lunatic shall be properly
 taken care of and shall be prevented from doing injury to himself or to others,
 may make an order for the discharge of such lunatic, and such lunatic shall
 thereupon be discharged. Order of
discharge on
undertaking
of relative
for due care
of the
lunatic.

34. If any lunatic detained in an asylum on a reception order made
 under section 7, 10, 14, 15 or 17 is subsequently found on an inquisition under
 Chapter V not to be of unsound mind and incapable of managing himself and
 his affairs, the person in charge of the asylum shall forthwith, on the produc-
 tion of a certified copy of such finding, discharge the alleged lunatic from the
 asylum. Discharge of
person
subsequently
found on
inquisition
not to be of
unsound
mind.

Removal of lunatics.

35. (1) Any lunatic may, in accordance with any general or special order
 of the President of the Union, be removed from any asylum established by
 Government to any other asylum within the Union of Burma, or to any other
 asylum in [any foreign State]² with the consent of the Government concerned : Removal of
lunatics and
criminal
lunatics.

Provided that no lunatic admitted into an asylum on a reception order
 made on petition shall be removed in accordance with the provisions of this
 sub-section until notice of such intended removal has been given to the
 petitioner.

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

² S bstituted *ibid*.

(2) The President of the Union may make such general or special order as he thinks fit directing the removal of any person for whose detention an order has been made under section 466 or section 471 of the Code of Criminal Procedure, * * * * *¹, or under the Burma Army Act, from the place where he is for the time being detained to any asylum, jail or order place of safe custody in the Union of Burma * * * * *

Escape and re-capture.

Order to
justify
detention and
re-capture
after escape.

36. Every person received into an asylum under any such order as is required by this Act may be detained therein until he is removed or discharged as authorized by law, and in case of escape may, by virtue of such order, be re-taken by any police-officer or by the person in charge of such asylum, or any officer or servant belonging thereto, or any other person authorized in that behalf by the said person in charge, and conveyed to and received and detained in such asylum.

1 * * * *

PART III.

JUDICIAL INQUISITION AS TO LUNACY.

CHAPTER IV.

INQUISITION.

37—39. * * * *

Notice of
time and
place of
inquisition.

40. (1) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.

(2) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it thinks fit.

(3) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

P w e r s of
C u r t i n
respect of
attendance
and examina-
tion of
lunatic.

41. (1) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

(2) The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

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

42. The attendance and examination of the alleged lunatic under the provisions of section 41 shall, if the alleged lunatic be a woman who, according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other civil cases.

Rules respecting attendance and examination of females alleged to be lunatic.

43—55. * * * *

56. (1) If it appears to the Court, having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case, to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner, it may, instead of appointing a manager of the estate, order that the property if money, or if of any other description the produce thereof when realized, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

Power to apply property for lunatic's maintenance without appointing manager in certain cases.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

57—58. * * * *

59. If it appears to the Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under section 56, direct his property or a sufficient part of it to be applied for the purpose aforesaid.

Power to apply property for lunatic's maintenance in case of temporary lunacy.

60—61. * * * *

CHAPTER V.

PROCEEDINGS IN LUNACY.

Inquisition.

62. Whenever any person is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person is residing may, upon application¹, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

Power of District Court to institute inquisition as to persons alleged to be lunatic.

63. (1) Application for such inquisition may be made by any relative of the alleged lunatic or by any curator appointed under section 195 of the Succession Act (hereinafter referred to as the curator), or by the Government Pleader, as defined in the Code of Civil Procedure, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Collector of the district in which it is situate.

Application by whom to be made.

(2) * * * *

¹ For the manner in which applications are to be made, see *Burma Gazette*, 1940, Part IV, page 208.

Regulation
of proceed-
ings of
District
Courts.

64. The provisions of sections 40, 41 and 42 shall regulate the proceedings of the District Court with regard to the matters to which they relate.

Inquisition
by District
Court and
finding
thereon.

65. (1) The District Court, if it thinks fit, may appoint two or more persons to act as assessors to the Court in the said inquisition.

(2) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs, or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others.

Inquisition
by subordi-
nate Court
on commis-
sion issued
by District
Court and
proceedings
thereon.

66. (1) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made, the said Court may issue a commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

(2) On the completion of the inquisition the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors, if assessors have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 65, sub-section (2):

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over person and estate of lunatic.

Custody of
lunatics and
management
of their
estates.

67. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic, including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

68. * * * *

Power to
direct
Collector to
take charge
of person
and estate
of lunatic in
certain
cases.

69. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, the District Court may direct the Collector to take charge of the person and estate of the lunatic:

Provided that no such order shall be made without the consent of the Collector previously obtained.

(2) The Collector shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

70. All proceedings of the Collector in regard to the person or estate of a lunatic under this Chapter shall be subject to the control of the President of the Union or of such authority as he may appoint in this behalf.

Control over proceedings of Collector.

71. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person :

Power of District Court to appoint guardian and manager and take security from manager.

Provided that a District Court may, instead of appointing a manager of the estate of a lunatic, exercise any of the powers conferred on the Court under sections 56 and 59.

(2) Any person who has been appointed by the District Court or Collector to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or the Collector, as the case may be, may seem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

72. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the Court or the Collector, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic.

Restriction on appointment of legal heir of lunatic to be guardian of his person.

73. A guardian of the person of a lunatic or a manager of his estate appointed under this Chapter shall be paid such allowance, if any, as the Court or the Collector, as the case may be, thinks fit for his care and pains in the execution of his duties.

Remuneration of managers and guardians.

74. (1) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

Duties of guardian.

(2) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Collector, as the case may be, for the maintenance of the lunatic and such members of his family as are dependant on him for their maintenance.

75. (1) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic :

Powers of manager.

Provided that no manager so appointed shall without the permission of the Court

- (a) mortgage, charge, or transfer by sale, gift, exchange or otherwise any immoveable property of the lunatic, or
- (b) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(2) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interests of the lunatic.

Manager to
furnish
inventory
and annual
accounts.

76. (1) Every person appointed by the District Court or by the Collector to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Collector, as the case may be, an inventory of the immoveable property belonging to the lunatic and of all such money, or other moveable property, as he may receive on account of the estate, together with a statement of all debts due by or to the same.

(2) Every such manager shall also furnish to the Court or to the Collector annually, within three months of the close of the year of the era current in the district, an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

Proceedings
if accuracy
of inventory
or accounts
is impugned

77. If any relative of the lunatic, or the Collector by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit; or the Court, at its discretion, may refer any such petition to any subordinate Court, or to the Collector if the manager was appointed by the Collector.

Payment
into public
treasury and
investment
of proceeds
of estate.

78. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate shall be paid into the public treasury on account of the estate and shall be invested from time to time in any of the securities specified in section 20 of the Trusts Act, unless the Court or the Collector, as the case may be, for reasons to be recorded in writing, directs that such sums be in the interest of the lunatic otherwise invested or applied.

Relative
may sue for
an account.

79. Any relative of a lunatic may, with the leave of the District Court, sue for an account from any manager appointed under this Chapter, or from any such person after his removal from office or trust, or from his legal representative in case of his death, in respect of any estate then or formerly under his care or management or of any sums of money or other property received by him on account of such estate.

Removal of
managers
and
guardians.

80. (1) The District Court, for any sufficient cause, may remove any manager appointed by it not being the curator, and may appoint such curator or any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all money received or disbursed by him.

(2) The Court may also for any sufficient cause remove any guardian of the person of the lunatic appointed by it, and may appoint any other fit person in his place.

(3) The Collector, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him, and may appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Collector, may compel any manager removed under this section to make over the property and all accounts in his hands to his successor and to account to such successor for all money received or disbursed by him.

81. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court, and may realize such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the civil jail until he delivers such accounts or property.

Penalty on manager for refusing to deliver accounts or property.

82 (1) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.

(2) The inquiry shall, as far as may be, be conducted in the same manner as is prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic, and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the Court may seem fit.

83. An appeal shall lie to the High Court from any order made by a District Court under this Chapter.

Appeals.

PART VI.

MISCELLANEOUS.

CHAPTER VI.

ESTABLISHMENT OF ASYLUMS.

84. The President of the Union may establish or license the establishment of asylums at such places as he thinks fit if he is satisfied that provision has been or will be made for the curative treatment therein of persons suffering from mental diseases.

President may establish or licence the establishment of asylums.

Power to cancel licence if provision for curative treatment is insufficient.

84A. If in any licensed asylum no provision for curative treatment has been made, or the President of the Union considers that the provision made is insufficient, the President of the Union may require the person in charge of the asylum to take such measures for making or supplementing such provision as he may deem necessary, and, if such person does not comply with the requisition within a reasonable time, the President of the Union may revoke the licence.

Provision for admission of lunatics in asylums outside the Union of Burma.

85. The Magistrates or Courts exercising jurisdiction under this Act may send lunatics or any class of lunatics to any asylum situate in [any foreign State]¹ in accordance with any general or special order of the President of the Union made in that behalf with the consent of the Government concerned.

CHAPTER VII.

EXPENSES OF LUNATICS.

Payment of cost of maintenance in licensed asylums in certain cases by Government.

86. (1) When any lunatic is admitted to a licensed asylum under a reception order or an order under section 25, and no engagement has been taken from the friends or relatives of the lunatic or order made by the Court for the payment of expenses under the provisions of this Act, the cost of maintenance of such lunatic shall, subject to the provision of any law for the time being in force, be paid by the Government to the person in charge of such asylum.

² (2) * * * *

Application of property in the possession of a lunatic found wandering.

87. Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any moveable property found on the person of the lunatic may be sold by the Magistrate and the proceeds thereof similarly applied.

Application to civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him.

88. If a lunatic detained in an asylum on a reception order made under section 14, section 15 or section 17 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him, the authority which made the reception order or any local authority liable for the cost of maintenance of such lunatic under any law for the time being in force may apply to the High Court or District Court, within the local limits of the original jurisdiction of which the estate of the lunatic is situate or the person legally bound to maintain him resides, for an order for the payment of the cost of maintenance of the lunatic.

Order of Court and enforcement thereof.

89. (1) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, may make an order for the recovery of the cost of maintenance of such lunatic, together with the costs of the application out of such estate or from such person.

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

² Omitted *ibid.*

(2) Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal, as a decree made by the said Court in a suit in respect of the property or person therein mentioned.

90. The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Act.

Saving of liability of relatives to maintain lunatic.

CHAPTER VIII.

RULES.

91. (1) The President of the Union may make rules for all or any of the following purposes, namely :—

Power of President to make rules.

- (a) to prescribe forms for any proceeding under this Act other than a proceeding before the High Court ;
- (b) to prescribe places of detention and regulate the care and treatment of persons detained under section 8 or section 16 ;
- (c) to regulate the detention, care, treatment and discharge of criminal lunatics ;
- (d) to regulate the management of asylums and the care and custody of the inmates thereof and their transfer from one asylum to another ;
- (e) to regulate the transfer of criminal lunatics to asylums ;
- (f) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to any asylum established by Government ;
- (g) to prescribe the asylums established by Government to which lunatics from any area or any class of lunatics shall be sent ;
- (h) to prescribe conditions subject to which asylums may be licensed ;
- (i) save as otherwise provided in this Act, generally to carry into effect the provisions of the Act.

(2) In making any rule under this section, the President of the Union may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

92. All rules made under section 91 shall be published in the Gazette, and shall thereupon have effect as if enacted in this Act.

Publication of rules.

CHAPTER IX.

SUPPLEMENTAL PROVISIONS.

93. Any person who—

- (a) otherwise than in accordance with the provisions of this Act receives or detains a lunatic or alleged lunatic in an asylum, or

Penalty for improper reception or detention of lunatic.

(b) for gain detains two or more lunatics in any place not being an asylum,

shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Provisions
as to bonds.

94. The provisions of Chapter XLII of the Code of Criminal Procedure shall, so far as may be, apply to bonds taken under this Act.

Pension of
lunatic
payable by
Government.

95. (1) When any sum is payable in respect of pay, pension, gratuity, or other similar allowance to any person by Government and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, and may pay the surplus, if any, or such part thereof as he thinks fit, for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(2) * * * * 1 The Government shall be discharged of all liability in respect of any amounts paid in accordance with this section.

Use of forms
in Schedule.

96. Subject to any rules, the forms set forth in the First Schedule, with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient.

Protection
to persons
acting under
Act.

97. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

1 **98-100.** * * * *

SCHEDULE I.

FORMS.

(See section 96.)

FORM 1.

Application for Reception Order.

(See sections 5 and 6.)

In the matter of A.B. [1], residing at _____, by occupation _____ son of
_____ ; a person alleged to be a lunatic.

To

District Magistrate of
_____, or Sub-Divisional Magistrate of
_____, or Magistrate specially empowered under the Lunacy Act for

[1] Full name, caste and titles.

The petition of C.D. [1], residing at _____, by occupation _____, son of _____ in the town of _____ [or sub-division of _____ in the district of _____].

1. I am [2] years of age.

2. I desire to obtain an order for the reception of A.B. as a lunatic in the asylum of _____ situate at [3]

3. I last saw the said A.B. at _____ on the [4] day of _____

4. I am the [5] of the said A.B.

[Or if the petitioner is not a relative of the patient state as follows.]

I am not a relative of the said A.B. The reasons why this petition is not presented by a relative are as follows : [State them.]

The circumstances under which this petition is presented by me are as follows : [State them.]

5. The persons signing the medical certificates which accompany the petition are [6].

6. A statement of particulars relating to the said A.B. accompanies this petition

7. [If that is the fact.] An application for an inquiry into the mental capacity of the said A.B. was made to the _____ on the _____ and a certified copy of the order made on the said petition is annexed hereto.

[Or if that is the fact.]

No application for an inquiry into the mental capacity of the said A.B. has been made previous to this application.

The petitioner therefore prays that a reception order may be made in accordance with the foregoing statement.

(Sd.) C.D.

The statements contained or referred to in paragraphs _____ are true to my knowledge ; the other statements are true to my information and belief.

(Sd.) C.D.

Dated _____

[1] Full name, caste and titles.

[2] Enter the number of completed years. The petitioner must be at least eighteen or twenty-one whichever is the age of majority under the law to which the petitioner is subject.

[3] Insert full description of the name and locality of the asylum or the name, address and description of the person in charge of the asylum.

[4] A day within 14 days before the date of the presentation of the petition is requisite.

[5] Here state the relationship with the patient.

[6] Here state whether either of the persons signing the medical certificate is a relative, partner or assistant of the lunatic or of the petitioner and, if a relative of either, the exact relationship.

Statement of particulars.

[If any of the particulars in this statement is not known, the fact to be so stated.]

The following is a statement of particulars relating to the said A.B.
Name of patient at length.

Sex and age.

Married, single or widowed.

Previous occupation.

Caste and religious belief, as far as known.

Residence at or immediately previous to the date hereof.

Names of any near relatives to the patient who are alive.

Whether this is first attack of lunacy.

Age (if known) on first attack.

When and where previously under care and treatment as a lunatic.

Duration of existing attack.

Supposed cause.

Whether the patient is subject to epilepsy.

Whether suicidal.

Whether the patient is known to be suffering from phthisis or any form of tubercular disease.

Whether dangerous to others, and in what way.

Whether any near relative (stating the relationship) has been afflicted with insanity.

Whether the patient is addicted to alcohol, or the use of opium, ganja charas, bhang, cocaine or other intoxicant.

The statements contained or referred to in paragraphs _____ are true to my knowledge. The other statements are true to my information and belief.

Signature by person making the statement.

FORM 2.

Reception Order on Petition.

(See sections 7, 10.)

I, the undersigned E.F., being the District Magistrate of _____ *or*, the Sub-Divisional Magistrate of _____ *or* a Magistrate of the first class specially empowered by Government to perform the functions of a Magistrate under the Lunacy Act, upon the petition of C.D. of [1] in the matter of A.B. [1] a lunatic, accompanied by the medical certificates of G.H., a medical officer, and of J.K., a medical practitioner [*or* medical officer], under the said Act, hereto annexed, hereby authorize you to receive the said A.B. into your asylum. And I declare that I have [*or* have not] personally seen the said A.B. before making this order.

(Sd.) E.F.

(Designation as above.)

To[2]

[1] Address and description.

[2] To be addressed to the officer or person in charge of the asylum.

FORM 3.

Medical Certificate.

(See sections 18, 19.)

In the matter of A.B. of [1] in the town of [or the
sub-division of in the district of] an alleged lunatic.

I, the undersigned C.D., do hereby certify as follows :—

1. I am a gazetted medical officer or a medical practitioner declared by the President of
a holder of [2] or declared by the President of the Union to be a medical
the Union to be a medical officer under the Lunacy Act and I am in the actual practice of
practitioner under the Lunacy Act
the medical profession.

2. On the day of 19 at [3] in the town of [or the
sub-division of in the district of village] [separately from any
other practitioner] [4], I personally examined the said A.B. and came to the
conclusion that the said A.B. is a lunatic and a proper person to be taken
charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, viz.:—

(a) Facts indicating insanity observed by myself, viz.:—

(b) Other facts (if any) indicating insanity communicated to me by
others, viz.:—*Here state the information and from whom.*

(Sd.) C.D.

(Designation as above.)

[1] Insert residence of patient

[2] Insert qualification to practise medicine and surgery registrable in the United Kingdom.

[3] Insert place of examination

[4] Omit this where only one certificate is required.

FORM 4. 1

* * * *

FORM 5.

*Reception order in case of wandering or dangerous lunatics or lunatics not
under proper control or cruelly treated (sent to an asylum established by
Government).*

(See sections 14, 15, 17.)

I, C.D., Commissioner of Police for Rangoon [or the District Magistrate
of or the Sub-Divisional Magistrate of or a Magistrate
specially empowered by the President of the Union under the Lunacy Act]

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

having caused A.B. to be examined by E.F., a Medical Officer under the Lunacy Act, and being satisfied that A.B. [*describing him*] is a lunatic who was wandering at large [*or is a person dangerous by reason of lunacy*] [*or is a lunatic not under proper care and control or is cruelly treated or neglected by the person having the care or charge of him*] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A.B. into your asylum.

(Sd.) C.D.

(*Designation as above.*)

Dated the

To the Officer in charge of the asylum at

FORM 6.

Same when sent to a licensed asylum.

I, C.D., [*as above down to "care and treatment"*] and being satisfied with the engagement entered into in writing by G.H. of [*here insert address and description*] who has desired that the said A.B. may be sent to the asylum at [*here insert description of asylum and name of the person in charge*] to pay the cost of maintenance of the said A.B., in the said asylum, hereby authorize you to receive the said A.B. into your asylum.

(Sd.) C.D.

(*Designation as above.*)

Dated the

To the person in charge of the asylum at

FORM 7.

Bond on the making over of a lunatic to the care of relative or friend.

(*See sections 14, 15, 17.*)

Whereas A.B., son of _____, inhabitant of _____, has been brought up before C.D., Commissioner of Police for Rangoon [*or the* District
Sub-Divisional] Magistrate of _____, *or* a Magistrate of the first class specially empowered under the Lunacy Act] and is a lunatic who is believed to be dangerous [*or* deemed to be a lunatic who is not under proper care and control *or* is cruelly treated or neglected by the person having the charge of him] and whereas I, E.F., son of _____, inhabitant of _____, have applied to the Magistrate [*or* Commissioner of Police], that the said A.B. may be delivered to my care :

I, E.F., abovenamed hereby bind myself that on the said A.B. being made over to my care, I will have the said A.B. properly taken care of and prevented from doing injury to himself or to others ; and in case of my making default therein, I hereby bind myself to forfeit to [the State] ¹ the sum of rupees

Dated this day of 19

(Sd.) E.F.

(Where a bond with sureties is to be executed add)—We do hereby declare ourselves sureties for the abovenamed E.F. that he will, on the aforesaid A.B. being made over to his care, have the said A.B. properly taken care of and prevented from doing injury to himself or to others ; and in case of the said E.F. making default therein, we bind ourselves, jointly and severally, to forfeit to [the State] ¹ the sum of rupees

Dated this day of 19

(Signatures.)

FORM 8.

Bond on the discharge of a lunatic from an asylum on the undertaking of relative or friend to take due care.

(See section 33.)

Whereas A.B., son of , inhabitant of , is a lunatic who is now detained in the asylum at under an order made by C.D., Commissioner of Police for Rangoon (or the ^{District} Subdivisional Magistrate of , or a Magistrate of the first class specially empowered under the Lunacy Act) under section 14 (or section 15) of the Lunacy Act, and whereas I, E.F., son of , inhabitant of , have applied to the said Magistrate (or Commissioner of Police) that the said A.B. may be delivered to my care and custody :

I hereby bind myself that on the said A.B. being made over to my care and custody, I will have him properly taken care of and prevented from doing injury to himself or to others ; and in case of my making default therein, I hereby bind myself to forfeit to [the State] ¹ the sum of rupees

Dated this day of 19

(Sd.) E.F.

(Where a bond with sureties is to be executed add)—We do hereby declare ourselves sureties for the abovenamed E.F. that he will, on the aforesaid A.B. being delivered to his care and custody, have the said A.B. properly taken care of and prevented from doing injury to himself or to others ; and in case of the said E.F. making default therein, we bind ourselves, jointly and severally, to forfeit to [the State] ¹ the sum of rupees

Dated this day of 19

(Signatures.)

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

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT.

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THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT.

[INDIA ACT VI, 1886.] (1st October, 1888.)

CHAPTER I.

PRELIMINARY.

1. * * *

2. * * *

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

“prescribed” means prescribed by a rule made by the President of the Union under this Act; and

“Registrar of Births and Deaths” means a Registrar of Births and Deaths appointed under this Act.

Saving of local laws.

4. Nothing in this Act, or in any rule made under this Act, shall affect any law providing for the registration of births and deaths within particular local areas.

5. * * *

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

Establishment of general registry offices and appointment of Registrar-General

6. (1) The President of the Union—

(a) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under the Special Marriage Act, or the Christian Marriage Act, or under the Parsi Marriage and Divorce Act, as may be sent to it under this Act, or under any of the three last-mentioned Acts, and

(b) may appoint to the charge of that office an officer, to be called the Registrar-General of Births, Deaths and Marriages.

(2) * * *

Indexes to be kept at general registry office.

7. The Registrar-General of Births, Deaths and Marriages shall cause indexes of all the certified copies of registers sent to his office to be made and kept in his office in the prescribed form.

Indexes to be open to inspection.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

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

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar-General of Births, Deaths and Marriages, or by an officer authorized in this behalf by the President of the Union, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

Copies of entries to be admissible in evidence.

10. The Registrar-General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths.

Superintendence of Registrars by Registrar-General.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

11. (1) The persons whose births and deaths shall, in the first instance, be registrable under this Chapter are the following, namely :—

Persons whose births and deaths are registrable.

(a) in the Union of Burma, the members of every race, sect or tribe to which the Indian Succession Act, 1865,¹ applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion ;

² (b) * * * *

(2) But the President of the Union, by notification in the Gazette, may extend the operation of this Chapter to any other class of persons either generally or in any local area.

B.—Registration Establishment.

12. The President of the Union may appoint, either by name or by virtue of their office, so many persons as he thinks necessary to be Registrars of Births and Deaths for such local areas within the Union of Burma as he may define and, if he sees fit, for any class of persons within any part of the Union of Burma.

Power for President to appoint Registrars.

² 13. * * * *

14. Every Registrar of Births and Deaths shall be deemed to be a public servant within the meaning of the Penal Code.

Registrar to be deemed a public servant.

15. (1) * * * *

(2) A Registrar of Births and Deaths may resign by notifying in writing to the President of the Union his intention to do so, and, on his resignation being accepted by the President of the Union he shall be deemed to have vacated his office.

Resignation of Registrars.

¹ Repealed by the Indian Succession Act, 1925 (India Act XXXIX, 1925) ; see now s. 3 of the Succession Act.

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

Office and attendance of Registrar.

16. (1) Every Registrar of Births and Deaths shall have an office in the local area, or within the part of the territories, for which he is appointed.

(2) Every Registrar of Births and Deaths to whom the President of the Union may direct this sub-section to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar-General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

Absence of Registrar or vacancy in his office.

17. (1) When any Registrar of Births and Deaths to whom the President of the Union may direct this section to apply is absent, or when his office is temporarily vacant, any person whom the Registrar-General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, or such other officer as the President of the Union appoints in this behalf, shall be the Registrar of Births and Deaths during such absence or until the President of the Union fills the vacancy.

(2) * * * *

(3) The Registrar-General of Births, Deaths and Marriages shall report to the President of the Union all appointments made by him under this section.

Register books to be supplied and preservation of records to be provided for.

18. The President of the Union shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

C.—Mode of Registration.

Duty of Registrar to register births and deaths of which notice is given.

19. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area or among the class for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book :

Provided that—

(a) if he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made ; and

(b) he shall not enter in the register the name of any person as father of an illegitimate child, unless at the request of the mother and of the person acknowledging himself to be the father of the child.

Persons authorized to give notice of birth.

20. Any of the following persons may give notice of a birth, namely :—

(a) the father or mother of the child ;

(b) any person present at the birth ;

- (c) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house ;
- (d) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred ;
- (e) any person having charge of the child.

21. Any of the following persons may give notice of a death, namely :—

Persons
authorized
to give notice
of death.

- (a) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death ;
- (b) any person present at the death ;
- (c) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house ;
- (d) any person in attendance during the last illness of the deceased ;
- (e) any person who has seen the body of the deceased after death.

22. (1) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 19, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar :

Entry of
birth or
death to be
signed by
person
giving
notice.

Provided that it shall not be necessary for the person giving notice to attend before the Registrar or to sign the entry in the register if he has given such notice in writing and has furnished to the satisfaction of the Registrar such evidence of his identity as may be required by any rules made by the President of the Union in this behalf.

(2) Until the entry has been so signed or the conditions specified in the proviso to sub-section (1) have been complied with, the birth or death shall not be deemed to be registered under this Act.

(3) When the birth of an illegitimate child is registered, and the mother¹ and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

23. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

Grant of
certificate of
registration
of birth or
death.

24. (1) Every Registrar of Births and Deaths shall send to the Registrar-General of Births, Deaths and Marriages, at the prescribed intervals, a true copy certified by him, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals :

Duty of Re-
gistrars as
to sending
certified
copies of
entries in
register
books to
Registrar-
General.

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland, the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the Registrar-General of Births, Deaths and Marriages.

In this sub-section "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

(2) * * * *

Searches
and copies
of entries in
register
books.

25. (1) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times, allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(2) Every copy of an entry in a register book given under this section shall be certified by the Registrar of Births and Deaths and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

Exceptional
provision for
registration
of certain
births and
deaths.

26. Notwithstanding anything in section 19, the President of the Union may make rules authorizing Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they are appointed.

D.—Penalty for False Information.

Penalty for
wilfully
giving false
information.

27. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

E.—Correction of Errors.

Correction of
entry in
register of
births or
deaths.

28. (1) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the President of the Union with respect to the conditions and circumstances in and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

(2) If a certified copy of the entry has already been sent to the Registrar-General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

29—31. * * * *

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

32—35A. * * * *

CHAPTER VI.

RULES.

36. (1) The President of the Union may make rules to carry out the purposes of this Act. Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) fix the fees payable under this Act ;
- (b) prescribe the forms required for the purposes of this Act ;
- (c) prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice ;
- (d) prescribe the evidence of identity to be furnished to a Registrar of Births and Deaths by persons giving notice of a birth or death in cases where personal attendance before such Registrar is dispensed with ;
- (e) prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar-General of Births, Deaths and Marriages true copies of the entries of births and deaths in the registers kept by them ;
- (f) prescribe the conditions and circumstances on and in which Registrars of Births and Deaths may correct entries of births and deaths in registers kept by them ;
- (g) * * * *
- (h) prescribe the custody in which those registers or records are to be kept.

(3) Every power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication.

(4) All rules made under this Act shall be published in the Gazette, and on such publication shall have effect as if enacted in this Act.

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1943. *

[BURMA ACT XXVI, 1943.] (20th October, 1943.)

1. (1) This Act may be called the Births, Deaths and Marriages Registration Act, 1943. Short title and operation.

(2) It shall remain in force until the President of the Union, by notification, directs that it shall cease to have effect.

2. "Registrar" means the Registrar of Births, Deaths and Marriages appointed under this Act. Definition.

* Published in Chief Secretary's Office Notification No. 384, dated the 20th October 1943, and republished in *Burma Gazette*, 1946, Part I, p. 235.

Appointment
of Registrar.

3. The President of the Union shall appoint a Registrar for the registration of births, deaths and marriages under this Act.

Births,
deaths and
marriages
registrable
under this
Act.

4. Births, deaths and marriages of the following categories shall be registrable under this Act, namely:—

- (1) any birth, death or marriage which took place in the Union of Burma and registration of which was effected under the law for the time being in force in the local area where the birth, death or marriage, as the case may be, took place but the record of such registration is not now available ;
- (2) any birth, death or marriage which has taken or may take place in the Union of Burma and which should have been or should be registered in the Union of Burma under the law for the time being in force in the local area where the birth, death or marriage, as the case may be, took place or may take place, but which in fact has not been or may not be duly registered under the said law : and
- (3) the death of any person who has died in consequence of war operations.

Duty of
Registrar to
register.

5. (1) The Registrar shall make entries in the proper registers of all births, deaths and marriages registrable under the provisions of section 4 of which evidence is available from official records or from any other source which the Registrar considers to be reliable.

(2) The Registrar, on receipt of an application for the registration of any birth, death or marriage registrable under the provisions of section 4, supported by an affidavit or affidavits or other evidence as to the fact of such birth, death or marriage, shall, if he is satisfied as to the contents of the application and the affidavit or affidavits or other evidence, make an entry of the birth, death or marriage, as the case may be, in the proper register :

Provided that if the Registrar is not so satisfied he may call for further proof of the fact of such birth, death or marriage from the applicant :

Provided also that if the Registrar is not so satisfied or if he has reason to believe the application to be in any respect false or inaccurate, he may refuse to register such birth, death or marriage.

(3) Any person aggrieved by an order of the Registrar either making an entry of a birth, death or marriage in the proper register, or refusing to register a birth, death or marriage, may apply for a review of the order of the Registrar to the President of the Union, and the President of the Union shall pass such order on the application as he may think fit. The decision of the President of the Union on any such application shall be final.

(4) Every order on an application under sub-section (3) shall be communicated to the Registrar, and he shall be bound thereby, and shall make such entry or entries, if any, as may be necessary to give effect to the said order in the appropriate register or registers.

6. (1) When information is received by the Registrar from the prescribed authority that a person domiciled or ordinarily resident in the Union of Burma has died in consequence of war operations such information shall be accepted by the Registrar as *prima facie* proof of such death, and the Registrar shall thereupon make an entry of the death in the proper register.

Duty to register deaths of persons in war operations.

(2) Any person claiming to be an heir or legal representative of a person whose death has been registered under sub-section (1) shall, on application to the Registrar, be granted free of any charge a certificate in the prescribed form, signed by the Registrar, of the registration of the death, and such certificate shall be admissible in evidence for the purpose of proving the death.

7. Subject to the provisions of this Act and of any rules made thereunder, the provisions of sections 20, 21, 22, 23, 27 and 28 of the Births, Deaths and Marriages Registration Act shall, so far as they can be made applicable, apply to all applications for registration, whether of births, deaths or marriages, made in pursuance of this Act; and for this purpose sections 22, 23, 27 and 28 of the said Act shall be construed as if for the words "birth or death" or "births or deaths" wherever they occur in the aforesaid sections, the words "birth, death or marriage" or "births, deaths or marriages", as the case may be, were substituted, and for the words "births and deaths", wherever they occur, the words "births, deaths and marriages" were substituted, and for the word and figures "section 19", occurring in sub-section (1) of section 22, the words "this Act" were substituted.

Application of the Births, Deaths and Marriages Registration Act, India VI, 1886.

8. (1) The Registrar shall, on payment of the prescribed fees, at all reasonable times allow searches to be made in the registers kept by him and give a copy of any entry in the same.

Searches and copies of entries in register.

(2) Every copy of an entry in a register given under this section shall be certified by the Registrar and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

9. (1) The President of the Union may make rules¹ to carry out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the fees payable under this Act;
- (b) prescribe the mode in which persons may apply for registration of births, deaths and marriages and the form in which such applications may be made;
- (c) prescribe the evidence of identity to be furnished to the Registrar by persons making applications for registration of births, deaths or marriages in cases where personal attendance before the Registrar is dispensed with;
- (d) prescribe the authority by whom information shall be given under section 6;

¹For such rules see *Burma Gazette*, 1946, Part I, pp. 237 and 241.

- (e) prescribe the form of application for review under sub-section (3) of section 5 ;
- (f) prescribe the registers to be kept and the form and manner in which the Registrar is to register births, deaths and marriages ;
- (g) prescribe the forms of certificates or copies of entries to be given by the Registrar :
- (h) prescribe the events and circumstances on and in which the Registrar may correct entries of births, deaths and marriages in the registers kept by him ; and
- (i) prescribe the custody in which the registers and records are to be kept.

Saving.

10. The expiry of this Act, in pursuance of a notification under sub-section (2) of section 1, shall not affect the validity of any action taken in pursuance thereof or of any of the registers maintained thereunder, and any certificate or certified copy of an entry given under this Act shall continue to be admissible in evidence as though this Act had continued in operation.

THE BURMA CENSUS ACT.

[BURMA ACT V, 1940.] (16th March, 1940.)

President may direct taking of census.

1. Subject to the provisions of this Act, the President of the Union may, from time to time, direct that a census shall be taken for the Union of Burma or any part thereof.

Appointment of census-officers.

2. (1) The President of the Union may appoint any person to take, or aid in, or supervise the taking of, a census within any special local area.

(2) Persons so appointed shall be called census-officers.

(3) The President of the Union may delegate to such authority as he thinks fit the power of appointing census-officers which is conferred by this section.

Proof of appointment of census-officers and their status as public servants.

3. (1) A declaration in writing, signed by any officer authorized by the President of the Union in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of the Penal Code.

Discharge of duties of census-officers in certain cases.

4. (1) (a) Every officer in command of any body of men belonging to the Burma naval, military or air forces or of any vessel of war,

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory, training school or lock-up, or of any public, charitable, religious or educational institution,

- (d) every keeper, secretary or manager of any hotel, boarding-house, lodging-house, emigration depôt or club, and
- (e) every occupant of immovable property who has at the time of the taking of the census not less than twenty persons living on or in such property, and every manager or officer of a railway or other commercial or industrial establishment who has at such time not less than ten persons employed under him,

shall, if so required by the District Magistrate or by such officer as the President of the Union may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house or present on or in such immovable property or are employed under him, as such Magistrate or officer may by written order direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as they can be made applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Penal Code.

5. (1) The District Magistrate, or such officer as the President of the Union may appoint in this behalf for any local area, may, by written order, which shall have effect throughout the limits of his district or of such local area, as the case may be, call upon—

Power of District Magistrate to call upon certain persons to give assistance.

- (a) all owners and occupiers of land and lessees of fisheries under the Fisheries Act, or the Upper Burma Land and Revenue Regulation, or their agents, and
- (b) all village headmen, members of village committees, *ywagaungs*, ten-house *gaungs* and rural policemen appointed under the Village Act,

to give such assistance as he needs towards the taking of a census of the persons who are at the time of the census on the lands of such owners, occupiers, or within the limits of such fisheries, or in the villages or other areas for which such village headmen, members of village committees, *ywagaungs*, ten-house *gaungs* and rural policemen are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers and lessees, or their agents, and such village headmen, members of village committees, *ywagaungs*, ten-house *gaungs* and rural policemen shall be bound to obey it.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the President of the Union and published in the Gazette, he may be directed to ask.

Asking of questions by census-officers.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such questions to the best of his knowledge or belief.

Obligation to answer questions.

Occupier to
allow access,
and permit
affixing of
numbers.

8. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purpose of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purpose of the census.

Occ
mar
fill
sche

9. (1) Subject to such orders as the President of the Union may issue in this behalf, any census-officer may leave, or cause to be left,—

(a) at any dwelling-house within the local area for which he is appointed, or

(b) with any manager or officer of any commercial or industrial establishment who has at the time of the taking of the census not less than ten persons employed under him,

a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof, or by such manager or officer, with such particulars as the President of the Union may direct regarding the inmates of such house or part, or the persons employed under such manager or officer at the time of the taking of the census, as the case may be.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates, or the manager or officer with whom it is left, shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, or the persons employed under him at the time aforesaid, as the case may be, and shall sign his name thereto, and when so required shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

Penalties.

10. In any of the following cases, namely—

- (a) if a census-officer or a person lawfully required to give assistance towards the taking of a census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or with any rule duly made thereunder,
- (b) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return, or, without the previous sanction of the President of the Union, discloses any information which he has received by means of or for the purposes of a census return,
- (c) if any person refuses to answer, to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 7 to answer,
- (d) if any person occupying any house, enclosure, vessel or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,
- (e) if any person removes, obliterates, alters or injures, before a date prescribed by the President of the Union by a notification in this behalf, any letters, marks or numbers which have been painted or affixed for the purpose of the census,

(f) if any occupier of a dwelling-house or part thereof or any person with whom a schedule is left under section 9 knowingly and without sufficient cause fails to comply with the provisions of section 9, or makes any false return under that section,

he shall be punishable with fine which may extend to fifty rupees.

11. (1) The President of the Union may, by notification in the Gazette, declare before what classes of Magistrates prosecutions under this Act may be instituted. Jurisdiction in prosecutions.

(2) Unless and until a notification is published under sub-section (1), all prosecutions under this Act shall be instituted before the District Magistrate.

(3) No prosecution under this Act shall be instituted except with the previous sanction of the President of the Union, or of some officer authorized by the President of the Union in this behalf.

12. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such officer or any schedule delivered under section 9, and, notwithstanding anything to the contrary in the Evidence Act, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure. Records of census not open to inspection or admissible in evidence in certain proceedings.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census, cause the census of the municipality to be taken wholly or in part by any method authorized by this Act. Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

14. Notwithstanding anything in any enactment or rule in regard to municipal or local funds, the President of the Union may direct that the whole or any part of any expenses incurred for anything done in connection with this Act may be charged to any municipal or local fund constituted for, and on behalf of, the area within which such expenses were incurred. Power in regard to expenses.

15. (1) The President of the Union may make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may make rules providing—

(a) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers or persons ;

- (b) for the enumerating of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision ; and
- (c) for the enumeration of persons travelling on the night when a census is taken.

THE VACCINATION ACT.

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THE SCHEDULE.

THE VACCINATION ACT.¹

[INDIA ACT XIII, 1880, BURMA ACT VI, 1908, BURMA ACT I, 1909.]

PART I. (9th July, 1880.)¹

Application
of Part I.

1. This Part shall apply only to the municipalities and cantonments to which it is extended in the manner hereinafter provided.

Interpreta-
tion clause.

2. In this Part, unless there is something repugnant in the subject or context,—

Municipal
commis-
sioners.

(1) the expression “municipal commissioners” means a body of municipal commissioners or a municipal committee constituted under the provisions of any enactment² for the time being in force ;

Parent.

(2) “parent” means the father of a legitimate child and the mother of an illegitimate child ;

Guardian.

(3) “guardian” includes any person who has accepted or assumed the care or custody of any child ;

Unprotected
child.

(4) “unprotected child” means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Part to be insusceptible to vaccination ;

Inoculation.

(5) “inoculation” means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter ;

Vaccination-
circle.

(6) “vaccination-circle” means one of the parts into which a municipality or cantonment has been divided under this Part for the performance of vaccination ;

Vaccinator.

(7) “vaccinator” means any vaccinator appointed under this Part to perform the operation of vaccination, or any private person authorized in manner hereinafter provided to perform the same operation ; and includes a Superintendent of vaccination ;

Superinten-
dent of
vaccination.

(7A) “Superintendent of vaccination” means a person appointed as such under this Act ;

Vaccination-
season.

(8) “vaccination-season” means the period from time to time fixed by the President of the Union for any local area by notification in the Gazette, during which alone vaccination may be performed under this Part.

¹ The Burma Laws (Adaptation) Act, 1940 (Burma Act XXVII, 1940), consolidated the law relating to vaccination contained in the following Acts, viz., the Vaccination Act, 1880 (India Act XIII, 1880), the Burma Prohibition of Inoculation and Licensing of Vaccinators Act, 1908 (Burma Act VI, 1908) and the Vaccination Law Amendment Act, 1909 (Burma Act I, 1909), as Parts I, II and III of this Act. Part I came into force on the 9th July 1880.

² See the Municipal Act and the City of Rangoon Municipal Act.

3. A majority in number of the persons present at a meeting of the municipal commissioners specially convened in this behalf may apply to the President of the Union to extend this Part to the whole or any part of a municipality ; and thereupon the President of the Union may, if he thinks fit, by notification published in the Gazette, declare his intention to extend this Part in the manner proposed.

Extension of
Part to
municipali-
ties.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of such publication, send his objection, in writing, to such person as may be specified in the notification and the President of the Union shall take such objection into consideration. When six weeks from the said publication have expired, the President of the Union, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in his opinion they are insufficient, may, by like notification, effect the proposed extension.

4. The President of the Union may, by notification in the Gazette, extend this Part to the whole or any part of a military cantonment.

Extension to
canton-
ments.

5. The President of the Union may, by notification in the Gazette, withdraw any local area in a municipality or any local area in a cantonment from the operation of this Part.

Power to
withdraw
local area
from opera-
tion of Part.

6. In any local area to which the provisions of this Part apply, inoculation shall be prohibited ; and no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner of such class as the President of the Union may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Prohibition
of inocula-
tion.
Inoculated
persons not
to enter,
without
certificate,
local area
subject to
this Part.

7. Every local area to which this Part applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles ;

Vaccination-
circles.

one or more vaccinators shall be appointed in manner hereinafter provided for each such circle ; and

Vaccinators.

one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

Superinten-
dent of
vaccination.

8. The Commissioner may by written licence authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such licence.

Private
vaccinators.

9. When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any local area to which the provisions of this Part apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and, if a girl, of eight years, the parent or guardian of such child shall take it, or

Unprotected
children to
be vacci-
nated.

cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

Vaccinator to vaccinate children or deliver certificates of postponement.

¹ Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season.

Inspection after vaccination.

10. The parent or guardian of every child which has been vaccinated under section 9 shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and

such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Procedure when vaccination is successful.

11. When it is ascertained at the time of inspecting a child under section 10 that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected.

Procedure when vaccination is unsuccessful.

12. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so directs, cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinafter provided.

Procedure when child is unfit for vaccination.

13. A certificate granted under section 9 showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and, on the termination of that period, or if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator:

Renewal of postponement certificate.

Provided that, if the child is still found to be in a state unfit for vaccination, the certificate granted under section 9 shall be renewed.

Certificates of insusceptibility of successful vaccination.

14. If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

¹ The provisions of the second paragraph of section 9 and of sections 10 to 22 of this Part are to be applied in the case of any child whose vaccination is directed under section 4 of Part III of this Act as if that section were a part of section 9 of this Part.

15. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Part: What lymph to be used.

Provided that,

first, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human-lymph it shall be so vaccinated; and

second, if in any local area in which animal-lymph is procurable human-lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

16. No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or under the provisions of this Part: No fee to be charged except by private vaccinator.

Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed.

17. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Part, shall ascertain whether all unprotected children, under the age of fourteen years if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice. Duties of Superintendent of vaccination.

Notice to parent or guardian neglecting to comply with this Part.

18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the district, or such Magistrate as the President of the Union or the Magistrate of the district may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order. Order by Magistrate when notice not complied with.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 22. Procedure when order not obeyed.

Power to
make rules
for municipi-
palities.

19. When this Part has been applied to any municipality or any part thereof, the municipal commissioners may from time to time make rules consistent with this Part for the proper enforcement of this Part within the limits to which it applies. Such rules shall be made in the manner in which, under the law for the time being in force, the municipal commissioners make rules or bye-laws for the regulation of other matters within the limits of the municipality and shall, when confirmed by the Commissioner and published in the Gazette, have the force of law :

Provided that the Commissioner may at any time rescind or modify any such rule.

Power to
make rules
for canton-
ments.

20. When this Part has been applied to any cantonment or any part thereof, the President of the Union may from time to time make such rules.

What rules
under
sections
19 and 20
may provide
for.

21. The rules to be made for any local area under section 19 or 20 may, among other matters, provide for—

- (a) the division of such local area into circles for the performance of vaccination ;
- (b) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station ;
- (c) the qualifications to be required of public vaccinators and Superintendents of vaccination ;
- (d) the authority with which their appointment, suspension and dismissal shall rest ;
- (e) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles ;
- (f) the distinguishing mark or badge to be worn by them ;
- (g) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties ;
- (h) the facilities to be afforded to people for procuring the vaccination of their children at their own houses ;
- (i) the grant and form of certificates of successful vaccination, of unfitness for vaccination, or of insusceptibility of vaccination ;
- (j) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph ;
- (k) the fee to be paid for vaccination with animal-lymph under section 15 ;
- (l) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child ;
- (m) the preparation and keeping of registers showing—
the names of children born in such local area on or after the date of the application of this Part ;

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

- the names of unprotected children born in such local area previous to the application of this Part, and who are, at the time this Part is applied, under the age of fourteen years if boys, and of eight years if girls ;
- the names of unprotected boys and girls, respectively, under those ages brought within such local area at any time after the application of this Part and who have resided there for a month ;
- the result of each vaccination or its postponement, and the delivery of certificates, if any ;
- (n) the assistance to be given by the municipal commissioners and municipal servants in the preparation of these registers, and in other matters ; and
- (o) the preparation of vaccination-reports and returns.

22. Whoever commits any of the undermentioned offences (that is to say) :— Punishment of offences.

- (a) violates the provisions of section 6,
- (b) neglects without just excuse to obey an order made under section 18,
- (c) breaks any of the rules made under section 19 or 20, or
- (d) neglects without just cause to obey an order made under section 18, after having been previously convicted of so neglecting to obey a similar order made in respect of the same child.

shall be punished as follows (that is to say) :—

in the case of the offence mentioned in clause (a), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both ;

in the case of the offences mentioned in clauses (b) and (c), with fine which may extend to fifty rupees ; and

in the case of the offence mentioned in clause (d), with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

23. The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Part in any municipality shall respectively be credited to, and paid from, the municipal fund. Municipal funds to receive fines and meet expenditure.

PART II. (1st October, 1909.)¹

1. * * * *

2. In this Part the terms “inoculation”, “vaccinator” and “Superintendent of vaccination” have the meanings assigned to those terms in Part I of this Act. Definitions.

¹ Part II is an adaptation of the Burma Prohibition of Inoculation and Licensing of Vaccinators Act, 1908 (Burma Act VI, 1908), which came into force on the 1st October 1909.

Penalty for
producing or
attempting
to produce
small-pox in
notified local
areas.

3. (1) In any local area to which the President of the Union may, by notification, extend this section the production of small-pox by inoculation or by any other means shall be prohibited.

(2) Whoever in such local area, by inoculation or by wilful exposure to variolous matter or to any substance, article or thing impregnated with variolous matter or by any other means whatsoever, produces or attempts to produce the disease of small-pox in any person shall be liable to imprisonment for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both.

Prohibition
of unlicensed
vaccinators.

4. (1) No person shall perform vaccination unless he—

- (a) holds such medical qualifications as the President of the Union may, by notification, specify in this behalf, or
- (b) has been appointed a vaccinator under Part I or Part II, or
- (c) holds a licence as a vaccinator under Part I or Part II.

(2) The Civil Surgeon of the district, the Health Officer of a municipality or port, or any officer specially authorized by the President of the Union in this behalf, may appoint any person to be a vaccinator or may, by written licence, authorize any person as a private vaccinator to practise vaccination in any local area under the charge of the officer issuing the licence, and may suspend or cancel any such licence.

(3) Any person prohibited by sub-section (1) from performing vaccination, who performs vaccination, or who, being licensed as a private vaccinator, performs vaccination in a local area to which his licence does not extend, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

5. * * * *

Power to
make rules.

6. (1) The President of the Union may make rules regulating the appointment and licensing, respectively, of vaccinators under section 4, sub-section (2), the suspension and cancellation of licences issued under that section, the suspension and dismissal of vaccinators appointed under that section, the procedure of vaccinators, and generally for carrying out the purposes of this Part.

(2) Such rules shall be published in the Gazette, and shall thereupon have the same effect as if enacted in this Part.

PART III. (24th May, 1909.)¹

1-2. * * * *

Definitions.

3. In this Part, unless there is anything repugnant in the subject or context,—

- (a) “inoculation” and “vaccinator” have the meanings assigned to them respectively in Part I, and “Superintendent of vaccination” means a Superintendent of vaccination appointed under that Part;

¹ Part III is an adaptation of the Burma Vaccination Law Amendment Act, 1909 (Burma Act 1, 1909), which came into force on the 24th May 1909.

- (b) "unprotected person" means a person who has attained the age of fourteen years and who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified, under Part I or Part III of this Act, to be insusceptible to vaccination;
- (c) "factory" has the meaning assigned to it by the Factories Act; and
- (d) "port" means a port as defined for the purposes of the Ports Act.

4. (1) In the municipality of Rangoon, and in any other municipality to which the provisions of this section may be extended in manner hereinafter provided, the Health Officer of the municipality or any other officer specially appointed by the President of the Union in this behalf may direct the vaccination of any child under six months of age when it is or has been exposed to infection in consequence of residence in a house infected by small-pox; and the parent or guardian of such child shall permit such child to be forthwith vaccinated by any vaccinator who attends at the place where the child is, or if no vaccinator is sent for the purpose, shall take it or cause it to be taken to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

(2) The provisions of the second paragraph of section 9 and of sections 10 to 22 of Part I shall apply in the case of any child whose vaccination is directed under this section, as if this section were a part of section 9 of that Part.

Power to direct vaccination of young child exposed to infection.

5. (1) In the municipality and port of Rangoon and in any other municipality or port to which the President of the Union may, by notification, extend this section, every person occupying any, or part of any, house, enclosure, vessel or other place shall allow a Superintendent of vaccination, or a vaccinator authorized by a Superintendent of vaccination in this behalf, such access thereto between sunrise and sunset as may be necessary for the purpose of ascertaining whether the inmates are protected or not.

Occupier of house, etc., to allow access.

and every inmate of such house, enclosure, vessel or other place shall be bound to answer truly any inquiries touching the question whether or not he is an unprotected person and shall be bound to show on demand the marks of any previous vaccination alleged by him to have been performed.

(2) Every person failing to answer questions or to show marks in compliance with the provisions of sub-section (1) shall be deemed to be an unprotected person.

(3) Whenever it is necessary to ascertain whether a woman is protected or not, the investigation shall be conducted by a woman with strict regard to the customs of the class to which the person examined belongs.

6. In the municipality of Rangoon, and in any other municipality to which the provisions of this section may be extended in manner hereinafter provided, a Superintendent of vaccination may, if he deems it advisable, by notice in writing in the form set forth in the Schedule or in some similar form, require any unprotected person to submit himself within seven days after the service of the same to a vaccinator to be vaccinated.

Power to require unprotected persons to be vaccinated after notice.

and every such person so served with a notice shall within the said period submit himself for vaccination as aforesaid.

Power to
vaccinate
inmates of
lodging-
house or
factory
forthwith.

7. In the municipality of Rangoon, and in any other municipality to which the provisions of this section may be extended in manner hereinafter provided, a Superintendent of vaccination may, if he deems it advisable, require any unprotected person being an inmate of a building or part of a building which is let in lodgings or occupied by members of more than one family, or any unprotected person employed in a factory, to submit himself forthwith to a vaccinator to be vaccinated.

and every person so required shall thereupon submit himself for vaccination as aforesaid.

Extension of
provisions to
municipali-
ties other
than that of
Rangoon.

8. The President of the Union may, by notification, extend to any municipality in which Part I is for the time being in force all or any of the provisions of this Part.

Power to
require un-
protected
person
arriving by
vessel in
certain ports
to submit to
vaccination.

9. When a vessel arrives in the port of Rangoon, or in any other port to which the President of the Union may, by notification,¹ extend all or any of the provisions of this Part, the Health Officer of the port, or any other officer specially authorized by the President of the Union in this behalf, may, if he thinks fit, require any person who has travelled on board the vessel for the purpose of coming to the Union of Burma to be vaccinated unless he—

- (a) shows signs of having suffered from small-pox either naturally or as a result of inoculation, or
- (b) can produce evidence which the Health Officer of the port, or other officer specially authorized by the President of the Union in this behalf, considers satisfactory that he has been successfully vaccinated or re-vaccinated within seven years preceding his arrival in the Union of Burma or that he is insusceptible to vaccination ;

and every such person shall, if so required by any such officer, forthwith proceed to such place as may be specified in this behalf by such officer for the purpose of inspection and vaccination and shall remain there until he is permitted to leave, and shall, if unprotected, before leaving such place submit himself to a vaccinator for vaccination :

Provided that this section shall not apply to any vessel belonging to or in the service of * * * the Government of the Union of Burma, or to any vessel belonging to any foreign Prince or State.

Power to
arrest per-
sons commit-
ting breach
of section 7
or 9, if name
and address
unknown,
etc

10. (1) The Health Officer of a port, a Superintendent of vaccination or other officer specially authorized by the President of the Union in this behalf or, on the request of any such officer, any police-officer may arrest without a warrant any person who commits a breach of section 7 or section 9, if the name and address of such person cannot be readily ascertained then and there

¹ This section has been extended to all ports in Burma, see *Burma Gazette*, 1915, Part I, p. 234.

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

or if, in the opinion of the arresting officer, there is any likelihood of a failure to secure the attendance of such person before a Magistrate on the issue of a summons.

If such arrest is made by a person other than a police-officer, the person so arrested may be detained until he can be delivered into the custody of a police-officer for the purposes of sub-section (2).

(2) Immediately after such arrest or, if other persons are at the time being required to submit to vaccination, immediately after the completion of the proceedings under section 7 or section 9 in respect of the persons found in the building, factory or vessel, as the case may be, the police-officer making the arrest or being in charge of the persons arrested shall, as soon as is reasonably possible, take or send all persons arrested under sub-section (1) before a Magistrate together with a report of the reasons for such arrest :

Provided that if any person so arrested is prepared to give bail, the provisions of section 496 of the Code of Criminal Procedure shall be complied with.

11. (1) When a person has been vaccinated under section 6 or section 7, the vaccinator shall deliver to such person a memorandum stating the date on which the vaccination has been performed and the date on which and the place in which such person is to be inspected in order to ascertain the result of the operation.

Provisions as to inspection of person vaccinated under this Part or before arrival of vessel, and for further vaccination if necessary.

(2) Every person vaccinated under section 6 or section 7 shall attend before a vaccinator for inspection on the date and at the place specified therefor in such memorandum.

If it is ascertained on such inspection that the vaccination has been successful, a certificate to that effect shall be given by the vaccinator to such person.

But if it is ascertained that the vaccination has been unsuccessful, the person shall, if so requested by such vaccinator, forthwith submit himself to a vaccinator to be again vaccinated :

Provided that if a Superintendent of vaccination is of opinion that a person who has been three times unsuccessfully vaccinated is insusceptible of a successful vaccination, he shall deliver to such person a certificate to that effect, and such person shall not thereafter be required to submit to vaccination.

12. (1) The provisions of sections 15 and 16 of Part I shall apply to every vaccination under this Part.

(2) The provisions of sections 19 and 21 of Part I shall apply with necessary alterations for the purposes of sections 6 and 7, read with the other sections of this Part.

Application of provisions of Part I as to lymph, vaccination fees and rules.

For the purposes of section 9, read with the other provisions of this Part, similar powers may be exercised and rules may be made by the President of the Union generally for carrying out the provisions of this Part.

Power of
local bodies
to make
rules for
enforcing re-
vaccination.

12A. The Municipal Corporation of the City of Rangoon and any municipal or town committee to which all or any of the provisions of this Part have been extended may, with the previous sanction of the President of the Union, make rules for the enforcement of the re-vaccination of persons having attained the age of twelve years, and every person required by such rules to be re-vaccinated shall be deemed to be an unprotected person.

Penalty for
breach of
foregoing
provisions

13. (1) Whoever, in contravention of any of the provisions of this Part, refuses or neglects to be vaccinated or after vaccination to be inspected, or refuses to allow access to any place, or refuses to answer any question or to show marks of alleged vaccination, or fails truly to answer any question, shall be punishable with imprisonment which may extend to eight days, or with fine which may extend to fifty rupees, or with both.

(2) Any person who, in contravention of the provisions of section 9, fails or neglects to proceed to a place to which he has been requested to proceed for the purpose of being inspected or vaccinated, or departs from such place without permission, shall be punishable with imprisonment which may extend to eight days, or with fine which may extend to fifty rupees, or with both.

Penalty
for vexatious
entry.

14. Whoever, being a vaccinator, unnecessarily and vexatiously enters any house, enclosure, vessel or other place, on pretence of ascertaining whether any inmate thereof is unprotected, shall be punishable with imprisonment which may extend to eight days, or with fine which may extend to fifty rupees, or with both.

Imprison-
ment for
non-payment
of fine,
where sub-
stantive
sentence of
fine only
has been
passed for
certain
offences.

15. Notwithstanding anything contained in section 65 of the Penal Code, any person sentenced to fine only as a substantive sentence for any offence under this Part may be imprisoned in default of payment of such fine for any period not exceeding the maximum term of imprisonment fixed for such offence.

Sanction
required for
prosecution
under this
Part.

16. No Magistrate shall take cognizance of any complaint under section 13 or section 14 unless the prosecution is instituted by order, or with the sanction, of a Superintendent of vaccination or the President of the municipal committee.

THE SCHEDULE.

(See Section 6 of Part III.)

To

Take notice that you are hereby required, under the provisions of Part III of the Vaccination Act, to submit yourself to a vaccinator within seven days from the service of this notice for vaccination, and that, in default of so

doing, you will be liable to imprisonment which may extend to eight days, or fine which may amount to fifty rupees, or both.

The public vaccine-station nearest your house is at

The days and hours for vaccination at that station are as follows—

(Here insert the days and hours when the vaccinator is in attendance.)

On your attending before a vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the town on the days and within the hours prescribed for public vaccination at such station, you will be vaccinated free of charge.

If you wish to be vaccinated at your own house, the vaccinator will attend there upon payment of a fee of

Dated

Superintendent of Vaccination.

THE LEPROSY ACT.

[INDIA ACT III, 1898.] (4th February, 1898.)

1. ¹ (1) This Act may be called the Leprosy Act.

Title.

¹ (2) The President of the Union may, by notification, declare this Act or any part thereof, to extend to any area.

Extent.

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

Definitions.

² (1) “leprosy patient” means any person suffering from leprosy ;

² (2) “pauper affected with leprosy” means a person suffering from leprosy—

(a) who publicly solicits alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms, or

(b) who is at large without any ostensible means of subsistence ;

² (3) “leprosy home” means a leprosy home appointed under section 3 ;

(4) “Board” means a Board constituted under section 5 ;

³ (5) “leprosy” means open leprosy, that is to say, that form of the disease in which leprosy bacilli can be demonstrated from the mucous membrane of the patient’s nose or from his skin, by any recognized standard method of examination approved by the Director of Medical and Health Services, Burma.

² 3. The President of the Union may, by notification in the Gazette, appoint any place to be a leprosy home if he is satisfied that adequate arrangements have been made or will be made for the accommodation and medical treatment of leprosy patients therein, and may, by a like notification, specify the local areas from which leprosy patients may be sent to such home.

Appointment of leprosy homes by President.

¹ Sub-section (1) was inserted and existing section 1 was renumbered as sub-section (2) of section 1 by Act XXXIX, 1950.

² Substituted *ibid.*

³ Inserted *ibid.*

Appoint-
ment of
Authorized
Medical
Officers
and Superin-
tendents
of Leprosy
Homes.

4. Subject to any rules which may be made under section 16, the President of the Union may appoint any medical officer of the Government or other qualified medical man to be an [Authorized Medical Officer]¹ and any person to be a Superintendent of a [Leprosy Home]¹, with such establishment as may, in his opinion, be necessary, and every [Authorized Medical Officer]¹ or Superintendent so appointed shall be deemed to be a public servant.

Constitution
of Board.

5. The President of the Union shall constitute for every [leprosy home]¹ appointed under section 3 a Board consisting of not less than three members, one of whom at least shall be a medical officer of the Government.

Arrest of
pauper
affected with
leprosy.

6. (1) Within any local area which has been specified under section 3 any police-officer, or any other person specially empowered by the President of the Union by order in writing in this behalf, may arrest without a warrant any person who appears to him to be a [pauper affected with leprosy]¹.

(2) Such police-officer or other person shall forthwith take or send the person so arrested to the nearest convenient police-station.

Person
arrested
how to be
dealt with.

7. Every person brought to a police-station under the last foregoing section shall, without unnecessary delay, be taken before an [Authorized Medical Officer]¹, who,—

(a) if he finds that such person is not a [leprosy patient]¹ within the meaning of section 2, shall give him a certificate in Form A set forth in the Schedule, whereupon such person shall be forthwith released from arrest :

(b) if he finds that such person is a [leprosy patient]¹ within the meaning of section 2, shall give to the police-officer, in whose custody the [leprosy patient]¹ is, a certificate in Form B set forth in the Schedule, whereupon the [leprosy patient]¹ shall, without unnecessary delay, be taken before a Magistrate having jurisdiction under this Act.

Procedure
with regard
to paupers
affected with
leprosy.

8. (1) If it appears to any Magistrate of the first class, or to any other Magistrate authorized in this behalf by the President of the Union, upon the certificate in Form B set forth in the Schedule, that any person is a leprosy patient, and if it further appears to the Magistrate that the person is a pauper affected with leprosy, he may, after recording the evidence on the above-mentioned points and his order thereon, send the pauper affected with leprosy in charge of a police-officer, together with an order in Form C set forth in the Schedule, to a leprosy home, where such leprosy patient shall be detained until discharged by order of the Board or the District Magistrate :

Provided that, if the person denies the allegation of leprosy, the Magistrate shall call and examine the Authorized Medical Officer, and shall take such further evidence as may be necessary to support or to rebut the allegation that the person is a leprosy patient, and may for this purpose adjourn the enquiry

from time to time, remanding the person for observation or for other reason to such place as may be convenient, or admitting him to bail :

Provided also that if any friend or relative of any person found to be a pauper affected with leprosy shall undertake in writing to the satisfaction of the Magistrate that such pauper affected with leprosy shall be properly taken care of and shall be prevented from publicly begging in any area specified under section 3, the Magistrate, instead of sending the leprosy patient to a leprosy home, may make the leprosy patient over to the care of such friend or relative, requiring him, if he thinks fit, to enter into a bond with one or more sureties, to which the provisions of the Code of Criminal Procedure shall be applicable.

(2) If the Magistrate finds that such person is not a leprosy patient, or that, if a leprosy patient, he is not a pauper affected with leprosy, he shall forthwith discharge him.

9. (1) The President of the Union may, by notification in the Gazette, order that no [leprosy patient]¹ shall, within any area specified under section 3,—

Power to prohibit leprosy patients from following certain trades and doing certain acts.

(a) personally prepare for sale or sell any article of food or drink or any drugs or clothing intended for human use : or

(b) bathe, wash clothes or take water from any public well or tank debarred by any municipal or local bye-law from use by [leprosy patients]¹ : or

(c) drive, conduct or ride in any public carriage plying for hire other than a railway carriage : or

(d) exercise any trade or calling which may by such notification be prohibited to [leprosy patients]¹.

(2) Any such notification may comprise all or any of the above prohibitions.

(3) Whoever disobeys any order made pursuant to the powers conferred by this section shall be punishable with fine which may extend to [one hundred]¹ rupees :

Provided that, when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an [Authorized Medical Officer]¹, and shall not proceed with the case unless such [Authorized Medical Officer]¹ furnishes a certificate, in Form B set forth in the Schedule, in respect of such person.

10. (1) Whenever any [leprosy patient]¹ who has been convicted of an offence punishable under the last foregoing section is again convicted of any offence punishable under that section, the Magistrate may, in addition to, or in lieu of, any punishment to which such [leprosy patient]¹ may be liable, require him to enter into a bond, with one or more sureties, binding him to depart forthwith from the local area specified under section 3 in which he is, and not to enter that or any other local area so specified until an [Authorized Medical Officer]¹ shall have given him a certificate in Form A set forth in the Schedule.

Conviction after previous conviction.

¹ Substituted by Act XXXIX, 1950.

(2) If any such [leprosy patient]¹ fails to furnish any security required under sub-section (1), the Magistrate may send him in charge of a police-officer, with an order in Form D set forth in the Schedule, to a [leprosy home]¹, where such [leprosy patient]¹ shall be detained until discharged by order of the Board or the District Magistrate.

(3) The powers conferred by this section shall only be exercised by a Magistrate of the first class.

Penalty on
persons
employing
leprosy
patients
in prohibited
trade.

11. Any person who, within any area specified under section 3, knowingly employs a leprosy patient in any trade or calling prohibited by order under section 9 shall be punishable with fine which may extend to five hundred rupees :

Provided that the alleged leprosy patient shall be produced before the Magistrate and the Magistrate shall cause him to be examined by an Authorized Medical Officer, and shall not proceed with the case unless such Authorized Medical Officer furnishes a certificate in Form B set forth in the Schedule in respect of such alleged leprosy patient.

Re-arrest of
escaped
leprosy
patients.

12. Whoever, having been sent to a [leprosy home]¹ under an order of a Magistrate in Form C or Form D set forth in the Schedule, escapes from, or leaves, [the home]¹ without the permission in writing of the Superintendent thereof, may be arrested without a warrant by any police-officer or by any other person especially empowered by the President of the Union by order in writing in this behalf, and upon arrest shall be forthwith taken back to the [leprosy home]¹.

Inspection
by Board.

13. Two or more members of the Board, one of whom shall be the medical officer shall, once at least in every three months, together inspect the leprosy home for which they are constituted, and see and examine (a) every leprosy patient therein admitted since the last inspection, together with the order for his admission, and (b) as far as circumstances will permit, every other leprosy patient therein, and shall enter in a book to be kept for the purpose any remarks which they may deem proper in regard to the management and condition of the home and the leprosy patients therein.

Order of
discharge by
Board.

14. Any two members of the Board, one of whom shall be the medical officer, may at any time, by an order in writing in Form E set forth in the Schedule and signed by them, direct the discharge from the [leprosy home of any leprosy patient]¹ detained therein under the provisions of this Act.

Appeals

15. Any person, other than a [pauper affected with leprosy, in respect of whom an Authorized Medical Officer]¹, has issued a certificate in Form B set forth in the Schedule, declaring him to be a [leprosy patient]¹, or has refused to issue a certificate in Form A set forth in the Schedule, may appeal against the issue or refusal of any such certificate to such officer as may be appointed by the President of the Union in this behalf, and the decision of such officer shall be final.

¹ Substituted by Act XXXIX, 1950.

16. The President of the Union may, by notification in the Gazette, make rules generally for carrying out the purposes of this Act, and in particular—

Power of the President to make rules.

- (a) for the guidance of all or any of the officers discharging any duty under this Act; and
- (b) for the management of, and the maintenance of discipline in, a [leprosy home]¹.

17. Notwithstanding anything in any enactment with respect to the purposes to which the funds or other property of a local authority may be applied, any local authority may—

Power to local authorities to expend funds and appropriate property to homes.

- (a) establish or maintain, or establish and maintain, or contribute towards the cost of the establishment or maintenance, or the establishment and maintenance, of a [leprosy home]¹ either within or without the local limits of such local authority;
- (b) with the previous sanction of the President of the Union and subject to such conditions as the President of the Union may prescribe, appropriate any immovable property vested in, or under the control of, such body as a site for, or for use as, a [leprosy home].²

18. No suit, prosecution or other legal proceeding shall lie against any officer or person in respect of anything in good faith done or intended to be done under, or in pursuance of, the provisions of this Act.

Protection to persons acting *bona fide* under Act.

19. The President of the Union may, on the recommendation of the Director of Medical and Health Services, by notification declare any area in the Union of Burma to be a “segregation area” if he is satisfied that in such area adequate accommodation for leprosy patients has been provided either by the Government or by the local authority, or has been placed at its disposal and set apart by it for the purpose; and thereupon, the following provisions shall apply to such area:

Segregation.

- (i) The Health Officer may, by notice, require any leprosy patient who is residing within the segregation area to remove himself to such segregation accommodation as may be specified in the notice and remain there until such time as he is certified by an Authorized Medical Officer to be no longer infectious.
- (ii) The notice shall allow a reasonable period for compliance therewith.
- (iii) If the leprosy patient does not comply with the notice within the period allowed therein, the Health Officer may have him compulsorily removed to the segregation accommodation specified therein, using such force as may be reasonably necessary for the purpose.

¹ Substituted by Act XXXIX, 1950.

² Inserted *ibid.*

- (iv) The Health Officer may permit any person detained in the segregation accommodation to perform any act other than such acts as are prohibited under section 9.
 - (v) The notice referred to in clause (i) may be given to the person who has the care of a leprosy patient, and thereupon it shall be the duty of the former to remove the leprosy patient to the segregation accommodation specified in the notice.
 - (vi) If any leprosy patient escapes from, or leaves, the segregation accommodation provided for him without the written permission of the Health Officer or any other officer authorized by him in this behalf, such person may be arrested without a warrant by any police-officer or by any one specially empowered by the President of the Union and removed forthwith to such segregation accommodation.
 - (vii) The local authority shall arrange for the food, clothing and other necessities of every leprosy patient who is detained in the segregation accommodation but any such person shall be at liberty to make his own arrangements for his food, clothing or other necessities.
 - (viii) If any person is arrested under clause (vi) after having been arrested and dealt with under that clause on at least three previous occasions, he shall, if the Health Officer so directs in writing, be produced before a Magistrate who shall have power to order his detention in a leprosy annexure attached to a prison until such time as he is certified by an Authorized Medical Officer to be no longer infectious; and thereupon all the provisions of the law for the time being in force shall, so far as may be and with such modifications, if any, as may be prescribed, apply to such person as if he had been sentenced to simple imprisonment for the period for which such detention was ordered.
- If the Magistrate does not order such detention or if the order of detention passed by him is subsequently cancelled, whether by himself or by any other Magistrate, the person arrested or detained, as the case may be, shall forthwith be removed to the segregation accommodation aforesaid.

Revocation
of certifi-
cates.

¹ 20. Where any authority prescribed in this behalf has reason to believe that a certificate, issued in respect of a leprosy patient, has ceased to be correct by reason of his having subsequently become infectious, such authority may require such person to surrender the certificate and may thereupon cancel it.

¹ Inserted by Act XXXIX, 1950

SCHEDULE.

A.—CERTIFICATE.

(Section 7.)

I, THE undersigned (*here enter name and official designation*), hereby certify that I on the day of at personally examined (*here enter name of person examined*), and that the said is not [a leprosy patient as defined by the Leprosy Act]¹.

Given under my hand this day of 19

(*Signature.*)

[*Authorized Medical Officer.*]¹

B.—CERTIFICATE.

(Section 7.)

I, THE undersigned (*here enter name and official designation*), hereby certify that I on the day of at personally examined (*here enter name of leprosy patient*), and that the said is [a leprosy patient as defined by the Leprosy Act.]¹ and that I have formed this opinion on the following grounds, namely,—

(*Here state the grounds.*)

Given under my hand this day of 19

(*Signature.*)

[*Authorized Medical Officer.*]¹

C.—WARRANT OF DETENTION.

(Section 8.)

To

THE SUPERINTENDENT OF THE [LEPROSY HOME]¹ AT

WHEREAS it has been made to appear to me that (*name and description*) is [a pauper affected with leprosy as defined by the Leprosy Act :]¹

¹ Substituted by Act XXXIX, 1950.

This is to authorize you, the said Superintendent, to receive the said
 into your custody together with this order and
^{him}_{her} safely to keep in the [said home]¹ until ^{he}_{she} shall be discharged by order of the
 Board or the District Magistrate.

Given under my hand and the seal of the Court this day of
 19

Seal.

(Signature.)

Magistrate.

D.—WARRANT OF DETENTION.

(Section 10.)

To

THE SUPERINTENDENT OF THE [LEPROSY HOME]¹ AT

WHEREAS (*name and description*) has this day been convicted by me of
 an offence punishable under section 9 of the [Leprosy Act.]¹ and whereas it
 has been proved before me that the said (*name and description*) was
 previously convicted of an offence punishable under the same section :

This is to authorize you, the said Superintendent, to receive the said
 into your custody together with this order and
^{him}_{her} safely to keep in the [said home]¹ until ^{he}_{she} shall be discharged by order of
 the Board or the District Magistrate.

Given under my hand and the seal of the Court this day of
 19

Seal.

(Signature.)

Magistrate.

E.—ORDER OF DISCHARGE BY BOARD.*

(Section 14.)

To

THE SUPERINTENDENT OF THE [LEPROSY HOME]¹ AT

WHEREAS (*name and description*) was committed to your custody under
 an order dated the day of 19 and
 there have appeared to us sufficient grounds for the opinion that ^{he}_{she} can be
 released without hazard or inconvenience to the community :

¹ Substituted by Act XXXIX, 1950.

This is to authorize and require you forthwith to discharge the said (name) from your custody.

Given under our hands this day of 19

(Signatures.)

Members of the [Home Board.]¹

A corresponding form may be used by the District Magistrate for orders of discharge issued under section 10 (2).

THE EPIDEMIC DISEASES ACT.

[INDIA ACT III, 1897.] (4th February, 1897.)

1. * * * *

2. (1) When at any time the President of the Union is satisfied that the Union of Burma or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the President of the Union, if he thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take or require or empower any person to take such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as he shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed.

Power to take special measures and prescribe regulations as to dangerous epidemic disease.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the President of the Union may take measures and prescribe regulations for—

- (a) the inspection of any ship or vessel leaving, or arriving at, any port in the Union of Burma and such detention thereof, or of any person intending to sail therein or arriving thereby, as may be necessary; and
- (b) the inspection of persons travelling by railway or otherwise, and the segregation, in hospital, temporary accommodation or otherwise, of persons suspected by the inspecting officer of being infected with any such disease.

3. Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Penal Code. *Penalty.*

4. No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act. *Protection to persons acting under Act.*

¹ Substituted by Act XXXIX, 1950.

THE GHEE ADULTERATION ACT.

[BURMA ACT VI, 1917.] (15th December, 1917.)

1. * * * *

Meaning of
adulterated
ghee.

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

ghee shall be deemed to be “adulterated”—

- (i) if any substance has been mixed or packed with it so as to reduce or lower or affect injuriously its quality, or
- (ii) if any substance has been substituted wholly or in part for the article, or
- (iii) if any valuable constituent of the article has been wholly or in part abstracted.

Sale and Manufacture.

Prohibition
of sale, etc.,
of impure
ghee.

3. (1) No person shall sell, expose or hawk about for sale, or manufacture, import or store for sale, any *ghee* which contains any substance which is not derived exclusively from milk or which is adulterated, unwholesome or unfit for human food.

(2) No person shall sell, expose or hawk about for sale, or manufacture, import or store for sale, any article similar to *ghee* under a name which in any way resembles or contains the name *ghee*.

(3) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer, importer or storer was ignorant of the nature, substance or quality of the article sold, exposed or hawked about for sale, or manufactured, imported or stored for sale, by him.

(4) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any *ghee* found in the possession of a person who is in the habit of manufacturing, importing or storing *ghee* has been manufactured, imported or stored for sale by such person.

Prohibition
of adultera-
tion in places
where *ghee*
is manufac-
tured or
stored.

4. (1) No person shall keep or permit to be kept in any factory, shop or place in which *ghee* is manufactured or stored, any substance intended to be used for the adulteration of *ghee*.

(2) If any article capable of being so used is found in any such factory, the Court shall, unless and until the contrary is proved, presume, in any prosecution under this section, that it was intended so to be used.

Inspection and Seizure.

Inspection of
ghee exposed
for sale.

5. It shall be the duty of the Health Officer in all municipalities in which a Health Officer has been appointed and of the Civil Surgeon elsewhere to

make provision for the constant and vigilant inspection of *ghee* exposed or hawked about for sale, or imported, stored or brought to any place for the purpose of sale or of preparation for sale.

6. (1) The Health Officer in all municipalities in which a Health Officer has been appointed and the Civil Surgeon elsewhere, or any person duly authorized either generally or specially in this behalf by the President of the Union, may at all reasonable times inspect and examine any such *ghee* and any utensil or vessel used for the preparation or manufacture of or containing any such *ghee*.

Power to seize adulterated *ghee* and its appurtenances

(2) If any such *ghee* appears to such officer to be not derived exclusively from milk, adulterated, unwholesome or unfit for human food, or if any such utensil or vessel is of such a kind or in such a state as to render *ghee* prepared, manufactured or contained therein unwholesome or unfit for human food, he may seize and carry away such *ghee* or any such utensil or vessel in order that the same may be dealt with as hereinafter provided.

(3) Such officer may, instead of carrying away any *ghee* seized under sub-section (2), leave the same in such safe custody as he may think fit in order that the same may be dealt with as hereinafter provided, and no person shall remove such *ghee* from such custody or interfere or tamper with the same in any way while so detained.

7. The provisions of sections 5 and 6 shall also apply to any such *ghee* in course of transit or stored in any place.

Application of sections 5 and 6 to *ghee* in course of transit or stored.

8. When any *ghee*, utensil or vessel is seized under sub-section (2) of section 6 it may, with the consent of the owner or the person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being again exposed for sale.

Destruction of *ghee* seized.

9. (1) Any *ghee*, utensil and vessel seized under sub-section (2) of section 6 which is not destroyed in pursuance of section 8 shall be forthwith taken before the Subdivisional Magistrate or a Magistrate of the first class.

Procedure for disposal of *ghee* seized.

(2) If it appears to such Magistrate that any such *ghee* is not derived exclusively from milk, or is adulterated or unwholesome or unfit for human food, or that any such utensil or vessel is of such kind or in such state as aforesaid, he shall cause the same to be destroyed.

(3) If it appears to such Magistrate that any such *ghee* is derived exclusively from milk, or is not adulterated, unwholesome or unfit for human food, or that any such utensil or vessel is not of such kind or in such state as aforesaid, the person in whose possession it was at the time of its seizure shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss which has been sustained, as the Magistrate may think proper.

Compulsory
sale for
purpose of
analysis.

10. (1) If any such officer as is referred to in section 6 requires sale to him of any *ghee* exposed for sale and tenders the price for a quantity not more than is reasonably requisite for division and disposal under sub-sections (4) and (5), the person exposing the same for sale shall be bound to sell such quantity.

(2) Such officer may require, on tendering the price for it, the sale to him, during the process of manufacture or during importation or storage, of any quantity of *ghee*, not being more than is reasonably requisite for division and disposal under sub-sections (4) and (5), and any person in possession of the said *ghee* shall be bound to sell such quantity.

(3) Such officer may likewise require the delivery to himself of such quantity as is reasonably requisite for the purpose of analysis of any *ghee* which is—

(a) in course of transit, or

(b) stored in any place :

and in every such case the price of the *ghee* so delivered shall be payable by such officer to the owner of the same, if claimed by such owner within one month from the date of the said surrender.

(4) When any such sale or delivery is completed, such officer shall forthwith notify to the person selling or delivering the *ghee* or his agent his intention to have the same analysed, and shall divide the *ghee* into three parts, and shall make each part into a separate packet and shall securely fasten, seal, sign and date each packet. He shall deliver one of the packets to the person selling or delivering the *ghee* or his agent, shall retain another for future comparison, and shall send the third to the Chemical Examiner to Government.

(5) A report signed by the Chemical Examiner to Government shall be sufficient evidence of the result of such analysis.

Sanction
required for
prosecution
under Act.

11. No prosecution shall be instituted under this Act without the written order of the District Magistrate.

Penalties.

Penalty for
offences.

12. Whoever—

(a) contravenes any provision of any of the sections of this Act mentioned in the first column of the following table, or

(b) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said sections,

shall be punished with fine or imprisonment which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the following table headed “ Subject ”, are not intended as definitions of the offences described in

the sections mentioned in the first column, or even as abstracts of those sections, but are inserted merely as references to the subject of such sections.

| Sections. | References to the subject of the section. | Penalty. |
|---------------------------------------|---|--|
| Section 3, sub-section (1). | Sale of <i>ghee</i> not derived exclusively from milk or which is adulterated, unwholesome or unfit for human food. | One thousand rupees for a first offence, and imprisonment for a period of three months, or fine of one thousand rupees, or both, for any subsequent offence. |
| Section 3, sub-section (2). | Sale of article with name similar to <i>ghee</i> . | One hundred rupees for a first offence, and five hundred rupees for any subsequent offence. |
| Section 4, sub-section (1). | Keeping or permitting to be kept any substance intended to be used for adulteration of <i>ghee</i> . | One hundred rupees for a first offence, and five hundred rupees for any subsequent offence. |
| Section 6, sub-section (3). | Removing, interfering or tampering with <i>ghee</i> in custody. | Two hundred rupees. |
| Section 10, sub-section (1). | Refusal to sell for the purpose of analysis. | Two hundred rupees. |
| Section 10, sub-sections (2) and (3). | Refusal to sell or surrender <i>ghee</i> for the purposes of analysis during manufacture, etc. | Two hundred rupees. |

THE FOOD AND DRUGS ACT.

[BURMA ACT X, 1928.] (1st November, 1930.)

1. This Act shall extend only to such areas and shall apply to such Extent.
kinds of food and drugs as the President of the Union may, by notification,
direct.

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

- (a) “drug” includes any medicinal or chemical preparation for human use, whether internal or external;
- (b) “food” includes every article used for food or drink by man other than drugs or water, and any article which enters into or is used in the composition or preparation of human food, and also includes flavouring and condiments; and
- (c) “Public Analyst” means a person appointed by the President of the Union to be a Public Analyst for the purposes of this Act for any local area to which this Act may be extended.

3. (1) Whoever sells any article of food or any drug which is not of the nature, substance or quality demanded by the purchaser, or any article of food bearing evidence of having been blown with air or liquid, or sells, or offers or exposes for sale, or manufactures for sale any article of food or any drug

Penalty for selling articles of food or drugs not of the

proper
nature, sub-
stance or
quality.

which is not of the nature, substance or quality which it purports to be, may be punished for a first offence with fine which may extend to five hundred rupees, and for a subsequent offence with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) A purchaser of any article of food or any drug shall, unless the contrary is proved, be deemed for the purpose of this section to have demanded an article which is genuine and not injurious to health and is of a nature, substance and quality prescribed for such food or drug by the rules (if any) made under this Act :

Provided that, if the food or drug is mixed with any matter or is in excess or deficient in respect of any ingredient to an extent which is determined by rules under this Act to be not injurious to health, and at the time of sale the purchaser is informed in respect of that fact by a notice in the form prescribed by the rules, the purchaser shall be deemed to have demanded an article as described in the notice.

(3) In any prosecution under this section it shall be no defence to allege that the seller was ignorant of the nature, substance or quality of the article sold, unless he purchased the same from a third party and sold the same in good faith relying upon a written warranty by such party as to the nature, substance and quality of the food or drug being such that its sale would be no offence, and such warranty, together with a statement of the name and present address of such party, is filed in Court within seven days after service of process on the accused.

(4) An offence shall not be deemed to have been committed under this section in the following cases :—

- (a) where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for its production or preparation as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase its bulk, weight or measure or to conceal its inferior quality ;
- (b) where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation to such slight extent as to preclude any suspicion of intentional adulteration.

Penalty for
refusal to
sell to certain
officers
quantity
required for
analysis.

4. The Medical Officer of Health of any local area, the Health Officer of any municipality or cantonment, or any officer specially authorized by a municipal or cantonment committee or by the President of the Union, or any person authorized in this behalf by any of the said officers, may apply to purchase any article of food or any drug exposed for sale or on sale, and if, on tender of the price, the person exposing or keeping the food or drug for sale refuse to sell the same, he may be punished with fine which may extend to five hundred rupees :

Provided that where any article of food or drug is exposed for sale in an unopened tin or packet duly labelled, no person, unless he is a wholesale

dealer in such article of food or drug, shall be required to sell it except in the unopened tin or packet in which it is contained.

5. Any dealer in or purchaser of an article of food or of a drug who submits the same to any Public Analyst, and pays such fee as the President of the Union may by notification fix in this behalf, shall be entitled to have the same analyzed by such Public Analyst and to receive from him a certificate of the results of his analysis.

Power of dealer in, or purchaser of, article to have it analysed.

6. Any document purporting to be a report or certificate under the hand of a Public Analyst upon any article duly submitted to him for examination or analysis may be used as evidence of the facts therein stated in any enquiry, trial or other proceeding under this Act.

Certificate or report of Public Analyst to be admissible in evidence.

7. No Court shall take cognizance of any offence punishable under this Act—

Sanction required for prosecution under Act.

- (a) after the expiration of 45 days from the date of purchase of any article of food or any drug in respect of which the offence is alleged, and
- (b) without the previous sanction of the Health Officer of the municipality or cantonment or, where such officer does not exist, of the Medical Officer of Health of the local area in which the offence was alleged to have been committed.

8. The President of the Union may make rules---

Power to make rules.

- (a) regulating the procedure for the purchase of samples of food and drugs for analysis ;
- (b) providing for the submission to a Public Analyst of food or drugs for analysis, and the forms of certificates of analysis ;
- (c) for the disposal of articles forming the subject-matter of an offence under this Act ;
- (d) for determining the quantitative and qualitative standard of ingredients for the proper nature, substance and quality of any food or drug ;
- (e) for determining the limits within which any substance foreign to the proper nature, substance and quality of any food or drug may be present, or any ingredient may be in excess or deficient, without injury to health ;
- (f) for prescribing the descriptive terms of labels and notices required by this Act or by any rule made thereunder the language or languages in which they shall be written or printed, and the manner in which they shall be so written or printed or in which they shall be used ; and
- (g) generally for carrying out the purposes of this Act.

THE FOOD AND DRUGS (AMENDMENT) ACT, 1949. *

[ACT LXIII, 1949.] (25th October, 1949.)

WHEREAS by reason of wide and unrestricted sale of adulterated food articles and of medicinal or chemical preparations for human use, grave detriment to the health and safety of the public is caused thereby, it is hereby enacted as follows :—

1. (1) This Act may be called the Food and Drugs (Amendment) Act, 1949.

(2) This Act extends to the whole of the Union.

1 (3) It shall remain in force until the President, by notification, directs that it shall cease to be in force.

2. (1) So long as this Act shall remain in force, the Food and Drugs Act shall be deemed to extend to the whole of the Union, and shall be deemed to apply to all kinds of food and drugs.

(2) So long as this Act shall remain in force, the operation of section 7 of the Food and Drugs Act shall be suspended.

3. So long as this Act shall remain in force the offence punishable under section 3 of the Food and Drugs Act shall be punishable in respect of the first offence with imprisonment which may extend to three years and in respect of any subsequent offence with imprisonment which may extend to seven years. The offender in respect of any offence subsequent to a first offence shall also be liable to a fine which may extend to two thousand rupees and to whipping.

4. Whoever sells or offers for sale or has in his possession any article of food, adulterated in such a manner as to be injurious to human health, for sale shall be deemed to have committed an offence under section 3 of the Food and Drugs Act.

5. Whoever sells or offers for sale or has in his possession for sale any medicinal or chemical preparation for internal human use, injurious to human health or safety, shall be deemed to have committed an offence under section 3 of the Food and Drugs Act.

6. (1) Whenever a Police Officer not below the rank of Sub-Inspector of Police has reasonable grounds for believing that an offence under the Food and Drugs Act as amended by this Act is being committed, such officer may, after recording in writing the grounds of his belief and specifying in such writing, as far as possible, the thing for which the search is to be made, search or cause a search to be made, in any place within the limits of his jurisdiction as defined by the President.

(2) The President may by order direct that subject to such conditions as may be specified therein the powers exercisable under sub-section (1) may be exercised by such officer or authority as he may specify.

* Published in *Burma Gazette*, 1949, Part I, p. 985.

¹ Substituted by Act XI, 1951.

(3) The provisions of sections 101, 102 and 103 of the Code of Criminal Procedure shall apply to a search made under this section.

7. (1) The President may by notification direct that from a date to be specified in the notification no person shall sell or offer for sale or have in his possession for sale any patent medicinal or chemical preparation purported to be for human use except under a licence issued in this behalf by such authority as the President may appoint.

(2) The President may by such notification provide for the payment of fees for the issue of licences to sell or have in possession for sale under sub-section (1) and also such other conditions for issue of such licences, as he considers fit.

(3) Whoever sells or offers for sale or has in his possession for sale any patent medicinal or chemical preparation purported to be for human use except under a licence issued under sub-section (1) shall be punished with imprisonment which may extend to two years, or with fine, or with both.

8. Whoever makes any engraving or prints a label or any other printed or lithographed material for the purpose of facilitating or knowing it to be likely to facilitate sale or issue of imitations of patent medicinal or chemical preparations for human use shall be punished with imprisonment which may extend to five years, and shall also be liable to a fine.

9. The Food and Drugs (Amendment) Ordinance, 1949, and the Food and Drugs (Amendment) (Amending) Ordinance, 1949, are hereby repealed.

THE DANGEROUS DRUGS ACT.

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THE DANGEROUS DRUGS ACT.

[INDIA ACT II, 1930.] (1st February, 1931.)

WHEREAS India participated in the Second International Opium Conference, which was convoked in accordance with the resolution of the Assembly of the League of Nations, dated the 27th day of September, 1923, met at Geneva on the 17th day of November, 1924, and on the 19th day of February, 1925, adopted the Convention relating to Dangerous Drugs (hereinafter referred to as the Geneva Convention) ; Preamble.

AND WHEREAS India was a State signatory to the said Geneva Convention ;

AND WHEREAS the Contracting Parties to the said Geneva Convention resolved to take further measures to suppress the contraband traffic in and abuse of Dangerous Drugs, especially those derived from opium, Indian hemp and coca leaf, such measures being more particularly set forth in the Articles of the said Geneva Convention ;

AND WHEREAS for the effective carrying out of the said measures it is expedient that the control of certain operations relating to Dangerous Drugs should be centralized and vested in the President of the Union ;

AND WHEREAS it is also expedient that the penalties for certain offences relating to Dangerous Drugs should be increased, and that all penalties relating to certain operations should be rendered uniform throughout the Union of Burma ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. * * * *

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

(a) “ coca leaf ” means—

- (i) the leaf and young twigs of any coca plant, that is, of the *Erythroxylon coca* (Lamk.) and the *Erythroxylon novogranatense* (Hiern.) and their varieties, and of any other species of this

genus which the President of the Union may, by notification in the Gazette, declare to be coca plants for the purposes of this Act; and

- (ii) any mixture thereof, with or without neutral materials; but does not include any preparation containing not more than 0.1 per cent. of cocaine;

(b) "coca derivative" means—

- (i) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;
- (ii) ecgonine, that is, lævo-ecgonine having the chemical formula $C_8H_{16}NO_3 \cdot H_2O$, and all the derivatives of lævo-ecgonine from which it can be recovered;
- (iii) cocaine, that is, methyl-benzoyl-lævo-ecgonine having the chemical formula $C_{17}H_{21}NO_3$, and its salts; and
- (iv) all preparations, official and non-official, containing more than 0.1 per cent. of cocaine;

(c) "hemp" means—

- (i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis sativa* L.), including all forms known as *bhanga*, *siddhi*, or *ganja*;
- (ii) *charas*, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport; and
- (iii) any mixture, with or without neutral materials, of any of the above forms of hemp or any drink prepared therefrom;

(d) "medicinal hemp" means any extract or tincture of hemp;

(e) "opium" means—

- (i) the capsules of the poppy (*Papaver somniferum* L.);
 - (ii) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport; and
 - (iii) any mixture, with or without neutral materials, of any of the above forms of opium;
- but does not include any preparation containing not more than 0.2 per cent. of morphine;

(f) "opium derivative" means—

- (i) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopœia, whether in powder form or granulated or otherwise mixed with neutral materials;
- (ii) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking, and the dross or other residue remaining after opium is smoked;

- (iii) morphine, that is, the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_5$, and its salts ;
- (iv) diacetylmorphine, that is, the alkaloid, also known as diamorphine or heroin, having the chemical formula $C_{21}H_{23}NO_5$, and its salts ; and
- (v) all preparations, officinal and non-official, containing more than 0.2 per cent. of morphine, or containing any diacetylmorphine ;
- (ff) "opium-smoking establishment" means a building, house, room, shop or any other place kept or used as a resort for persons desiring to smoke opium ;
- (g) "manufactured drug" includes—
 - (i) all coca derivatives, medicinal hemp and opium derivatives ; and
 - (ii) any other narcotic substance which the President of the Union may, by notification in the Gazette made in pursuance of a recommendation under Article 10 of the Geneva Convention or in pursuance of any international convention supplementing the Geneva Convention, declare to be a manufactured drug ; but does not include any preparation which the President of the Union may, by notification in the Gazette made in pursuance of a finding under Article 8 of the Geneva Convention, declare not to be a manufactured drug ;
- (h) "dangerous drug" includes coca leaf, hemp and opium, and all manufactured drugs ;
- (i) "to import into the Union of Burma" means to bring into the Union of Burma by land, sea or air ;
- (j) * * * *
- (k) "to export from the Union of Burma" means to take out of the Union of Burma by land, sea or air ;
- (l) * * * *
- (m) "to transport" means to take from one place to another in the Union of Burma.

3. The President of the Union may make rules prescribing the method by which percentages in the case of liquid preparations shall be calculated for the purposes of clauses (a), (b), (e) and (f) of section 2 :

Calculation of percentages in liquid preparations.

Provided that, unless and until such rules are made, such percentages shall be calculated on the basis that a preparation containing one per cent. of a substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

CHAPTER II.

PROHIBITION AND CONTROL.

Prohibition
of certain
operations.

4. (1) No one shall—

- (a) cultivate any coca plant, or gather any portion of a coca plant,
- (b) manufacture or possess prepared opium, unless it is prepared from opium lawfully possessed for the consumption of the person so possessing it, or
- (c) import into the Union of Burma, export from the Union of Burma, tranship or sell prepared opium :

Provided that this section shall not apply to the cultivation of any coca plant or to the gathering of any portion thereof on behalf of Government.

(2) The President of the Union may make rules¹ restricting and regulating the manufacture and possession of prepared opium from opium which is lawfully possessed under clause (b) of sub-section (1).

Control of
President
over produc-
tion and
supply of
opium.

5. (1) No one shall—

- (a) cultivate the poppy (*Papaver somniferum* L.), or
- (b) manufacture opium,

save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The President of the Union may make rules permitting and regulating the cultivation of the poppy (*Papaver somniferum* L.) and the manufacture of opium, and such rules may prescribe the form and conditions of licences for such cultivation and manufacture, the authorities by which such licences may be granted, the fees that may be charged therefor, and any other matter requisite to render effective the control of the President of the Union over such cultivation and manufacture.

(3) The President of the Union may also make rules permitting and regulating the sale of opium from Government factories for export or to manufacturing chemists.

Control of
President
over manu-
facture of
manufactur-
ed drugs.

6. (1) No one shall manufacture any manufactured drug, other than prepared opium, save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The President of the Union may make rules permitting and regulating the manufacture of manufactured drugs, other than prepared opium, and such rules may prescribe the form and conditions of licences for such manufacture, the authorities by which such licences may be granted and the fees that may be charged therefor, and any other matter requisite to render effective the control of the President of the Union over such manufacture.

¹ For the Dangerous Drugs (Prepared Opium) Rules, 1938, see *Burma Gazette*, 1938, Part I, p. 857.

(3) Nothing in this section shall apply to the manufacture of medicinal opium or of preparations containing morphine, diacetylmorphine or cocaine from materials which the maker is lawfully entitled to possess.

7. (1) No one shall—

- (a) import into the Union of Burma,
- (b) export from the Union of Burma, or
- (c) tranship

Control of
President
over opera-
tions at land
and sea
frontiers.

any dangerous drug other than prepared opium, save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The President of the Union may make rules¹ permitting and regulating the import into and export from the Union of Burma and the transhipment of dangerous drugs, other than prepared opium, and such rules may prescribe the ports or places at which any kind of dangerous drug may be imported, exported or transhipped, the form and conditions of licences for such import, export or transhipment, the authorities by which such licences may be granted, the fees that may be charged therefor, and any other matter requisite to render effective the control of the President of the Union over such import, export and transhipment.

8. (1) No one shall—

- (a) transport, possess or sell any manufactured drug, other than prepared opium, or coca leaf, or
- (b) manufacture medicinal opium or any preparation containing morphine, diacetylmorphine or cocaine,

Control of
President
over internal
traffic in
manufac-
tured drugs
and coca
leaf.

save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The President of the Union may make rules permitting and regulating—

- (a) the transport, possession and sale of manufactured drugs, other than prepared opium, and of coca leaf ; and
- (b) the manufacture of medicinal opium or of any preparation containing morphine, diacetylmorphine or cocaine from materials which the maker is lawfully entitled to possess.

Such rules may prescribe the form and conditions of licences for such transport, possession, sale and manufacture, the authorities by which such licences may be granted and the fees that may be charged therefor, and any other matters requisite to render effective the control of the President of the Union over such import, export, transport, possession, sale and manufacture.

(3) Save in so far as may be expressly provided in rules made under sub-section (2), nothing in this section shall apply to manufactured

¹ For the Dangerous Drugs (Import, Export and Transhipment) Rules, 1938, see *Burma Gazette*, 1938, Part I, p. 859.

drugs which are the property and in the possession of Government :

Provided that such drugs shall not be sold or otherwise delivered to any person who, under the rules made by the President of the Union under this section, is not entitled to their possession.

Prohibition
against
inducing or
helping a
person under
twenty-five
years of age
to use
prepared
opium, etc.

8A. No one shall—

(a) induce any person under twenty-five years of age—

(i) to use prepared opium, or

(ii) to enter an opium-smoking establishment, or

(iii) to procure prepared opium, or

(b) facilitate the doing by any person under twenty-five years of age of any of the acts set out in clause (a).

Control of
President
over external
dealings in
dangerous
drugs.

9. No one shall engage in or control any trade whereby a dangerous drug is obtained outside the Union of Burma and supplied to any person outside the Union of Burma, save in accordance with the conditions of a licence granted by and at the discretion of the President of the Union.

CHAPTER III.

OFFENCES AND PENALTIES.

Punishment
for contra-
vention of
section 4.

10. Whoever—

(a) cultivates any coca plant or gathers any portion of a coca plant,

(b) manufactures or possesses prepared opium otherwise than as permitted under section 4, or

(c) imports into the Union of Burma, exports from the Union of Burma, tranships or sells prepared opium,

shall be punished with imprisonment which may extend to two years, or with fine, or with both :

Provided that this section shall not apply to the cultivation of any coca plant or to the gathering of any portion thereof on behalf of Government.

Punishment
for contra-
vention of
section 5.

11. Whoever, in contravention of section 5, or any rule made under that section, or of any condition of a licence granted thereunder,

(a) cultivates the poppy, or

(b) manufactures opium,

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Punishment
for contra-
vention of
section 6.

12. Whoever, in contravention of section 6, or any rule made under that section, or any condition of a licence granted thereunder, manufactures any manufactured drug, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

13. Whoever, in contravention of section 7, or any rule made under that section, or any condition of a licence granted thereunder, Punishment for contravention of section 7.

- (a) imports into the Union of Burma,
- (b) exports from the Union of Burma, or
- (c) tranships

any dangerous drug, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

14. Whoever, in contravention of section 8, or any rule made under that section, or any condition of a licence issued thereunder, Punishment for contravention of section 8.

- (a) transports, possesses or sells any manufactured drug or coca leaf, or
- (b) manufactures medicinal opium or any preparation containing morphine, diacetylmorphine or cocaine,

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

14A. Whoever, in contravention of section 8A,—

- (a) induces any person under twenty-five years of age—
 - (i) to use prepared opium, or
 - (ii) to enter an opium-smoking establishment, or
 - (iii) to procure prepared opium, or

Punishment for contravention of section 8A.

- (b) facilitates the doing by any person under twenty-five years of age of any of the acts set out in clause (a),

shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

15. Whoever, being the owner or occupier or having the use of any house, room, enclosure, space, vessel, vehicle, or place, knowingly permits it to be used for the commission by any other person of an offence punishable under section 10, section 12, section 13, section 14 or section 14A, shall be punished with imprisonment which may extend to two years, or with fine, or with both. Punishment for allowing premises to be used for the commission of an offence.

16. Whoever, having been convicted of an offence punishable under section 10, section 12, section 13, section 14 or section 14A, is again guilty of any offence punishable under any of those sections, shall be subject for every such subsequent offence to imprisonment which may extend to four years, or to fine, or to both. Enhanced punishment for certain offences after previous conviction.

17. Whoever, having been convicted of an offence punishable under section 15, is again guilty of an offence punishable under that section, shall be subject for every such subsequent offence to imprisonment which may extend to four years, or to fine, or to both. Enhanced punishment for offence under section 15 after previous conviction.

18. (1) Whenever any person is convicted of an offence punishable under section 10, section 12, section 13, section 14 or section 14A, and the Court convicting him is of opinion that it is necessary to require such persons to Security for abstaining from commission of

certain
offences.

execute a bond for abstaining from the commission of offences punishable under those sections, the Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offences during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond shall be in the form contained in Schedule I, and the provisions of the Code of Criminal Procedure shall, in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

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

(4) An order under this section may also be made by an appellate Court, or by the High Court when exercising its powers of revision.

Penalty for
contraven-
tion of
section 9.

19. Whoever engages in or controls any trade whereby a dangerous drug is obtained outside the Union of Burma and supplied to any person outside the Union of Burma, otherwise than in accordance with the conditions of a licence granted under section 9, shall be punished with fine which may extend to one thousand rupees.

Attempts.

20. Whoever attempts to commit an offence punishable under this Chapter, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall be punished with the punishment provided for the offence.

Abetments.

21. (1) Whoever abets an offence punishable under this Chapter shall, whether such offence be or be not committed in consequence of such abetment, and notwithstanding anything contained in section 116 of the Penal Code, be punished with the punishment provided for the offence.

(2) A person abets an offence within the meaning of this section who, in the Union of Burma, abets the commission of any act in a place without and beyond the Union of Burma which—

(a) would constitute an offence if committed within the Union of Burma ; or

(b) under the laws of such place, is an offence relating to dangerous drugs having all the legal conditions required to constitute it such an offence the same as or analogous to the legal conditions required to constitute it an offence punishable under this Chapter, if committed within the Union of Burma.

CHAPTER IV.

PROCEDURE.

Power to
issue
warrants.

22. (1) The Collector, or other officer authorized by the President of the Union in this behalf, or a Magistrate of the first class, or a Magistrate of the second class specially empowered by the President of the Union in this behalf, may issue a warrant for the arrest of any person whom he has reason to

believe to have committed an offence punishable under Chapter III, or for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe any dangerous drug in respect of which an offence punishable under Chapter III has been committed is kept or concealed.

(2) The officer to whom a search-warrant under sub-section (1) is addressed shall have all the powers of an officer acting under section 23.

23. (1) Any officer of the department of Excise, Police, Customs, Salt, Opium, or Revenue, superior in rank to a peon or constable, authorized in this behalf by the President of the Union, who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that any dangerous drug in respect of which an offence punishable under Chapter III has been committed is kept or concealed in any building, vessel or enclosed place, may, between sunrise and sunset,—

Power of entry, search, seizure and arrest without warrant.

- (a) enter into any such building, vessel or place ;
- (b) in case of resistance, break open any door and remove any other obstacle to such entry ;
- (c) seize such drug and all materials used in the manufacture thereof, and any other article which he has reason to believe to be liable to confiscation under section 33, and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under Chapter III relating to such drug ; and
- (d) detain and search, and, if he think proper, arrest any person whom he has reason to believe to have committed an offence punishable under Chapter III relating to such drug :

Provided that if such officer has reason to believe that a search-warrant cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may enter and search such building, vessel or enclosed place at any time between sunset and sunrise, after recording the grounds of his belief.

(2) Where an officer takes down any information in writing under sub-section (1), or records grounds for his belief under the proviso thereto, he shall forthwith send a copy thereof to his immediate official superior.

24. Any officer of any of the departments mentioned in section 23 may—

- (a) seize, in any public place or in transit, any dangerous drug in respect of which he has reason to believe an offence punishable under Chapter III has been committed, and, along with such drug, any other article liable to confiscation under section 33, and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under Chapter III relating to such drug ;
- (b) detain and search any person whom he has reason to believe to have committed an offence punishable under Chapter III, and, if such person has any dangerous drug in his possession and

Power of seizure and arrest in public places.

such possession appears to him to be unlawful, arrest him and any other persons in his company.

Mode of making searches and arrests.

25. The provisions of the Code of Criminal Procedure shall apply, in so far as they are not inconsistent with the provisions of sections 22, 23 and 24, to all warrants issued and arrests and searches made under those sections.

Obligations on officers to assist each other.

26. All officers of the several departments mentioned in section 23 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.

Report of arrests and seizures.

27. Whenever any person makes any arrest or seizure under this Act, he shall, within forty-eight hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate official superior.

Punishment for vexatious entry, search, seizure or arrest.

28. Any person empowered under section 23 or section 24 who—

- (a) without reasonable grounds of suspicion, enters or searches, or causes to be entered or searched, any building, vessel or place ;
- (b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any dangerous drug or other article liable to be confiscated under section 33, or of seizing any document or other article liable to seizure under section 23 or section 24 ; or
- (c) vexatiously and unnecessarily detains, searches or arrests any person,

shall be punished with fine which may extend to five hundred rupees.

Disposal of persons arrested and of articles seized.

29. (1) Every person arrested and article seized under a warrant issued under section 22 shall be forwarded without delay to the authority by whom the warrant was issued ; and every person arrested and article seized under section 23 or section 24 shall be forwarded without delay to the officer in charge of the nearest police-station or to the nearest officer of the Excise Department empowered under section 30.

(2) The authority or officer to whom any person or article is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or article.

Power to invest Excise officers with powers of an officer in charge of a police-station.

30. The President of the Union may invest any officer of the Excise Department, or any class of such officers, with the powers of an officer in charge of a police-station for the investigation of offences under this Act.

Jurisdiction to try offences.

31. No Magistrate shall try an offence under this Act unless he is a Magistrate of the first class, or a Magistrate of the second class specially empowered by the President of the Union in this behalf.

32. In trials under this Act it may be presumed, unless and until the contrary is proved, that the accused has committed an offence under Chapter III in respect of — Presumption from possession of illicit articles.

- (a) any dangerous drug ;
- (b) any poppy or coca plant growing on any land which he has cultivated ;
- (c) any apparatus specially designed or any group of utensils specially adapted for the manufacture of any dangerous drug ; or
- (d) any materials which have undergone any process towards the manufacture of a dangerous drug, or any residue left of the materials from which a dangerous drug has been manufactured,

for the possession of which he fails to account satisfactorily.

33. (1) Whenever any offence has been committed which is punishable under Chapter III, the dangerous drug, materials, apparatus and utensils in respect of which or by means of which such offence has been committed shall be liable to confiscation. Liability of illicit articles to confiscation.

(2) Any dangerous drug lawfully imported, transported, manufactured, possessed, or sold along with, or in addition to, any dangerous drug which is liable to confiscation under sub-section (1), and the receptacles, packages and coverings in which any dangerous drug, materials, apparatus or utensils liable to confiscation under sub-section (1) is found, and the other contents, if any, of such receptacles or packages, and the animals, vehicles, vessels and other conveyances used in carrying the same, shall likewise be liable to confiscation :

Provided that no animal, vehicle, vessel or other conveyance shall be liable to confiscation unless it is proved that the owner thereof knew that the offence was being, or was to be or was likely to be, committed.

34. (1) In the trial of offences under this Act, whether the accused is convicted or acquitted, the Court shall decide whether any article seized under this Chapter is liable to confiscation under section 33 ; and, if it decides that the article is so liable, it may order confiscation accordingly. Procedure in making confiscation.

(2) Where any article seized under this Chapter appears to be liable to confiscation under section 33, but the person who committed the offence in connection therewith is not known or cannot be found, the Collector, or other officer authorized by the President of the Union in this behalf, may inquire into and decide such liability, and may order confiscation accordingly :

Provided that no order of confiscation of an article shall be made until the expiry of one month from the date of seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of his claim :

Provided further that, if any such article, other than a dangerous drug, is liable to speedy and natural decay, or if the Collector or other officer is of

opinion that its sale would be for the benefit of its owner, he may at any time direct it to be sold : and the provisions of this sub-section shall, as nearly as may be practicable, apply to the net proceeds of the sale.

(3) Any person not convicted who claims any right to property which has been confiscated under this section may appeal to the Court of Session against the order of confiscation.

Power to
make rules
regulating
disposal of
confiscated
articles and
rewards.

35. The President of the Union may make rules¹ to regulate—

- (a) the disposal of all articles confiscated under this Act ; and
- (b) the rewards to be paid to officers, informers and other persons out of the proceeds of fines and confiscations under this Act.

CHAPTER V.

MISCELLANEOUS.

Provisions
regarding
rules.

36. All rules made under this Act shall be subject to the condition of previous publication and, when made, shall be published in the Gazette.

Recovery of
sums due to
Government.

37. (1) Any arrear of any licence fee chargeable by any rule made under this Act may be recovered from the person primarily liable to pay the same or from his surety (if any) as if it were an arrear of land-revenue.

(2) When any person, in compliance with any rule made under this Act, gives a bond (other than a bond under section 18) for the performance of any act, or for his abstention from any act, such performance or abstention shall be deemed to be a public duty, within the meaning of section 74 of the Contract Act ; and, upon breach of the conditions of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him or from his surety (if any) as if it were an arrear of land-revenue.

Application
of the Sea
Customs
Act.

38. All prohibitions and restrictions imposed by or under this Act on the import into the Union of Burma, the export from the Union of Burma, and the transshipment of dangerous drugs, shall be deemed to be prohibitions and restrictions imposed under section 19 or section 134 of the Sea Customs Act, and the provisions of that Act shall apply accordingly :

Provided that, where the doing of any thing is an offence punishable under that Act and under this Act, nothing in that Act or in this section shall prevent the offender from being punished under this Act.

¹ For Dangerous Drugs (Disposal and Reward) Rules, 1954, see *Burma Gazette*, 1954, Part I, p. 1263.

SCHEDULE I.

BOND TO ABSTAIN FROM THE COMMISSION OF OFFENCES UNDER THE
DANGEROUS DRUGS ACT.

(*See section 18.*)

Whereas I (*name*), inhabitant of (*place*), have been called upon to enter into a bond to abstain from the commission of offences under section 10, section 12, section 13, section 14 and section 14A of the Dangerous Drugs Act for the term of _____, I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to the State the sum of rupees

Dated this _____ day of _____ 19 ____.

(*Signature.*)

(*Where a bond with sureties is to be executed, add—*)

We do hereby declare ourselves sureties for the abovenamed _____ that he will abstain from the commission of offences under section 10, section 12, section 13, section 14 and section 14A of the Dangerous Drugs Act during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to the State the sum of rupees

Dated this _____ day of _____ 19 ____.

(*Signatures.*)

THE OPIUM ACT.

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5. Investigation of offences by Excise Officers.

THE OPIUM ACT.

[INDIA ACT I, 1878 ; BURMA ACT VII, 1909.]

PART I. (29th March, 1879.)

- 1-2. * * * *

3. In this Part, unless there be something repugnant in the subject or context,—

“opium” means—

- (i) the capsules of the poppy (*Papaver somniferum* L.) ;
- (ii) the spontaneously coagulated juice of such capsules which

Interpreta-
tion clause.

has not been submitted to any manipulations other than those necessary for packing and transport ; and

(iii) any mixture, with or without neutral materials, of any of the above forms of opium ;

but does not include any preparation containing not more 0·2 than per cent. of morphine, or a manufactured drug as defined in section 2 of the Dangerous Drugs Act ;

“ Magistrate ” means a Magistrate of the first class or (when specially empowered by the President of the Union to try cases under this Act) a Magistrate of the second class ;

“ transport ” means to remove from one place to another within the Union of Burma.

4. Except as permitted by this Part, or by any other enactment relating to opium for the time being in force, or by rules framed under this Part or under any such enactment, no one shall— Prohibition of possession, etc., of opium.

(a) possess opium ;

(b) transport opium ;

(c) * * * *

(d) sell opium.

5. The President of the Union may, from time to time, by notification in the Gazette, make rules consistent with this Part to permit, absolutely or subject to the payment of duty or to any other conditions, and to regulate, within the whole or any specified part of the Union of Burma, all or any of the following matters :— Power to make rules to permit such matters.

(a) the possession of opium ;

(b) the transport of opium ;

(c) * * * *

(d) the sale of opium and the farm of duties leviable on the sale of opium by retail :

Provided that no duty shall be levied under any such rule on any opium imported and on which a duty is imposed by or under the law relating to sea customs for the time being in force or under the Dangerous Drugs Act.

6—8. * * * *

9. (1) Any person who, in contravention of this Part, or of rules made and notified under section 5,— Penalty for possession, etc., of opium.

(a) possesses opium, or

(b) transports opium, or

(c) * * * *

(d) sells opium, or

(e) omits to warehouse opium, or removes or does any act in respect of warehoused opium,

and any person who otherwise contravenes any such rule, shall, on conviction before a Magistrate, be punished for each such offence

with [rigorous imprisonment] ¹ for a term which may extend to [five years and shall also be liable to fine :

Provided that in the absence of special reasons to the contrary mentioned in the judgment of the Court, such imprisonment shall not be less than three months and fine shall not be less than five hundred kyats.]²

³(2) Any person who abets an offence punishable under sub-section (1) shall, notwithstanding anything contained in section 116 of the Penal Code, be punishable, whether such offence be committed or not in consequence of the abetment, with the same punishment as is provided for such offence :

Provided that if a person convicted under this section is, in the opinion of the convicting Magistrate, the true owner of the opium in respect of which he is convicted, rigorous imprisonment for a term which shall not be less than [one year]² shall be inflicted upon him as part of the punishment.

Attempt.

⁴ **9A.** Whoever attempts to commit an offence punishable under this Act or to cause such an offence to be committed and in such attempt does any act towards the commission of the offence, shall, on conviction, be punished with the punishment provided for the offence.

Punishment for allowing premises, etc., to be used for commission of offences.

⁴ **9B.** Whoever, being the owner or occupier or having the use of any house, room, enclosure, space, vessel, vehicle or place knowingly permits it to be used for the commission by any other person of an offence punishable under section 9 (1), 9 (2) or 9A shall on conviction be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Security for abstaining from commission of certain offences.

⁴ **9C.** (1) Whenever any person is convicted of any offence punishable under section 9 (1), 9 (2), 9A or 9B and the Magistrate convicting him is of opinion that it is necessary to require such person to execute a bond for abstaining from the commission of offences punishable under those sections, the Magistrate may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offences during such period, not exceeding three years, as the Magistrate thinks fit to fix.

(2) The bond shall be in the form contained in the Schedule and the provision of the Code of Criminal Procedure shall, in so far as may be, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of the said Code.

(3) If the conviction is set aside on appeal or in revision, the bond so executed shall become void.

(4) An order under this section may also be made by an appellate Court or by the High Court when exercising its powers of revision.

¹ Substituted by Act XIII, 1949.

² Substituted by Act XXXVIII, 1953.

³ Inserted by Act XIII, 1949.

⁴ Inserted by Act XXXVIII, 1953.

¹ **9D.** Whoever, having been convicted of an offence punishable under section 9 (1), 9 (2), 9A or 9B is guilty of any offence punishable under any of those sections, shall be subject for every such subsequent offence to twice the punishment which might be imposed on a first conviction under this Act.

Enhanced punishment after previous conviction.

¹ **9E.** Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, it shall be lawful for a Magistrate of the first class to pass a sentence of fine exceeding one thousand kyats on any person convicted of contravening the provisions of section 9 (1), 9 (2), 9A or 9B.

Special provisions regarding fine.

10. In prosecutions under section 9, it shall be presumed, until the contrary is proved, that all opium for which the accused person is unable to account satisfactorily is opium in respect of which he has committed an offence under this Part.

Presumption in prosecutions under section 9.

11. In any case in which an offence under section 9 has been committed,—

Confiscation of opium.

(a) the opium in respect of which any offence under the same section has been committed,

(b) where, in the case of an offence under clause (b) of the same section, the offender is transporting any opium exceeding the quantity (if any) which he is permitted to transport, the whole of the opium which he is transporting, importing, or exporting,

(c) where, in the case of an offence under clause (d) of the same section, the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium,

shall be liable to confiscation.

The vessels, packages and coverings in which any opium liable to confiscation under this section is found, and the other contents (if any) of the vessel or package in which such opium may be concealed, and the animals and conveyances used in carrying it, shall likewise be liable to confiscation.

12. When the offender is convicted, or when the person charged with an offence in respect of any opium is acquitted but the Magistrate decides that the opium is liable to confiscation, such confiscation may be ordered by the Magistrate.

Order of confiscation by whom to be made.

Whenever confiscation is authorized by this Part, the officer ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

When an offence against this Part has been committed, but the offender is not known or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Collector of the district or Deputy Commissioner, or by any other officer authorized by the President of the Union in this behalf, either personally or in right of his office, who may order such confiscation : Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without

¹ Inserted by Act XXXVIII, 1953.

hearing the persons (if any) claiming any right thereto, and the evidence (if any) which they produce in support of their claims.

Power to make rules regarding disposal of things confiscated, and rewards.

13. The President of the Union may from time to time, by notification in the Gazette, make rules consistent with this Part to regulate—

- (a) the disposal of all things confiscated under this Part; and
- (b) the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Part.

Power to enter, arrest and seize, on information that opium is unlawfully kept in any enclosed place.

14. Any officer of any of the departments of Excise, Police, Customs, Salt, Opium or Revenue superior in rank to a peon or constable, who may in right of his office be authorized by the President of the Union in this behalf, and who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that opium liable to confiscation under this Part is kept or concealed in any building, vessel or enclosed place, may, between sunrise and sunset,—

- (a) enter into any such building, vessel or place ;
- (b) in case of resistance, break open any door and remove any other obstacle to such entry ;
- (c) seize such opium and any other thing which he has reason to believe to be liable to confiscation under section 11 or any other law for the time being in force relating to opium ; and
- (d) detain and search, and, if he think proper, arrest, any person whom he has reason to believe to be guilty of any offence relating to such opium under this or any other law for the time being in force.

Power to seize opium in open places.

15. Any officer of any of the said departments may—

- (a) seize, in any open place or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under section 11 or any other law for the time being in force relating to opium ;
- (b) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and, if such person has opium in his possession, arrest him and any other persons in his company.

Power to detain, search and arrest.

Searches how made.

16. All searches under section 14 or section 15 shall be made in accordance with the provisions of the Code of Criminal Procedure.

Officers to assist each other.

17. The officers of the several departments mentioned in section 14 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Part.

Vexatious entries, searches, seizures and arrests.

18. Any officer of any of the said departments who, without reasonable ground of suspicion, enters or searches, or causes to be entered or searched, any building, vessel or place,

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under this Part,

or vexatiously and unnecessarily detains, searches or arrests any person, shall, for every such offence, be punished with fine not exceeding five hundred rupees.

19. The Collector of the district, Deputy Commissioner, or other officer authorized by the President of the Union in this behalf, either personally or in right of his office, or a Magistrate may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence relating to opium, or for the search, whether by day or night, of any building or vessel or place in which he has reason to believe opium liable to confiscation to be kept or concealed.

Issue of warrants.

All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure.

20. Every person arrested, and thing seized, under section 14 or section 15, shall be forwarded without delay to the nearest officer in charge of a police-station or to the nearest officer of the Excise Department duly empowered under section 20A, whoever is nearer ; and every person arrested and thing seized under section 19 shall be forwarded without delay to the officer by whom the warrant was issued.

Disposal of person arrested or thing seized.

Every officer to whom any person or thing is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or thing.

20A. The President of the Union may invest any officer of the Excise Department not inferior in rank to a sub-inspector with the powers of an officer in charge of a police-station for the investigation of offences under this Part.

Investigation of offences by Excise Officers.

No confession made to an Excise Officer so empowered shall be proved as against a person accused of any offence.

21. Whenever any officer makes any arrest, seizure or search under this Part, he shall, within forty-eight hours next after such arrest, seizure or search make a full report of all the particulars of such arrest, seizure or search to his immediate official superior.

Report of arrests and seizures.

22. * * * *

23. Any arrear of any fee or duty imposed under this Part or any rule made hereunder.

Recovery of arrears of fees, duties, etc.

and any arrear due from any farmer of opium-revenue,

may be recovered from the person primarily liable to pay the same to the Government or from his surety (if any) as if it were an arrear of land-revenue.¹

24. When any amount is due to a farmer of opium-revenue from his licensee, in respect of a licence, such farmer may make an application to the Collector of the district, Deputy Commissioner or other officer authorized by the President of the Union in this behalf, praying such officer to recover such

Farmer may apply to Collector or other officer to recover amount due

¹ See the Revenue Recovery Act.

to him by
licensee.

amount on behalf of the applicant ; and, on receiving such application, such Collector, Deputy Commissioner or other officer may in his discretion recover such amount as if it were an arrear of land-revenue, and shall pay any amount so recovered to the applicant :

Provided that the execution of any process issued by such Collector, Deputy Commissioner or other officer for the recovery of such amount shall be stayed if the licensee institutes a suit in the civil Court to try the demand of the farmer, and furnishes security to the satisfaction of such officer for the payment of the amount which such Court may adjudge to be due from him to such farmer :

Provided also that nothing contained in this section or done thereunder shall affect the right of any farmer of opium-revenue to recover by suit in the civil Court or otherwise any amount due to him from such licensee.

Recovery of
penalties due
under bond.

25. When any person, in compliance with any rule made hereunder gives a bond for the performance of any duty or act, such duty or act shall be deemed to be a public duty, or an act in which the public are interested, as the case may be, within the meaning of the Contract Act, section 74 ; and, upon breach of the condition of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him as if it were an arrear of land-revenue.

SCHEDULE. 1

BOND TO ABSTAIN FROM THE COMMISSION OF OFFENCES UNDER THE OPIUM ACT.

WHEREAS I (*name*), inhabitant of (*place*), have been called upon to enter into a bond to abstain from the commission of offences under section 9 (1), 9 (2), 9A or 9B of the Opium Act for the term of....., I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to the President of the Union of Burma, the sum of Rupees

Dated this _____ day of _____ 19____

(Where a bond with sureties is to be executed, add --)

We do hereby declare ourselves sureties for the abovenamed that he will abstain from the commission of offences under section 9 (1), 9 (2), 9A or 9B of the Opium Act during the said term ; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to the President of the Union of Burma, the sum of Rupees

Dated this _____ day of _____ 19____

(Signatures.)

PART II. (22nd January, 1910.) 2

1. *

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Definition of opium.

2. In this Part “opium ” includes opium as defined in section 3 of Part I of this Act, and opium derivatives as defined in clause (f) of section 2 of the Dangerous Drugs Act.

¹ This Schedule was inserted by Act XXXVIII, 1953.

² Part II is an adaptation of the Burma Opium Law Amendment Act, 1909 (Burma Act VII, 1909), which came into force on the 22nd January 1910.

3. Whenever a District Magistrate, a Subdivisional Magistrate, or, when he is specially empowered in this behalf by the President of the Union, a Magistrate of the first class, receives information that any person within the local limits of his jurisdiction earns a livelihood wholly or in part—

Powers of a District Magistrate, Subdivisional Magistrate, or Magistrate specially empowered by the President.

- (a) by the unlawful manufacture, transport, importation, exportation, sale, or purchase of opium in contravention of Part I of this Act or the Dangerous Drugs Act, or of rules made thereunder ; or
- (b) by abetting such unlawful manufacture, transport, importation, exportation, sale or purchase of opium ;

he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure ; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.

4. (1) Whenever an officer of one of the departments of Excise, Police, Customs, Salt, Opium or Revenue, not inferior in rank to a sub-inspector of police, or holding such analogous appointment in respect of the other departments mentioned as may be notified by the President of the Union in this behalf, has reason to believe that opium liable to confiscation under any law for the time being in force relating to opium is being kept, concealed or transported on any vessel or conveyance, and that a warrant cannot be obtained under section 19 of Part I of this Act or section 22 of the Dangerous Drugs Act, without affording the offender an opportunity of escape, or of concealing or destroying evidence of the existence of the opium, he may at any time by day or night—

Power to enter and search vessels or conveyances, to arrest persons and to seize opium.

- (a) enter upon or in case of resistance break open and search any such vessel or conveyance ;
- (b) seize any such opium and any other thing which he has reason to believe to be liable to confiscation under any law for the time being in force relating to opium ; and
- (c) detain and search and, if he think proper, arrest any person whom he has reason to believe to be guilty of any offence under any law for the time being in force relating to opium.

(2) Searches of vessels made under this section shall be specially exempted from the provisions of section 103 of the Code of Criminal Procedure, the provisions whereof regarding searches shall otherwise apply thereto.

Searches of vessels exempted from section 103 of the Code of Criminal Procedure.

(3) Every person arrested and thing seized under this section shall be forwarded without delay to the nearest officer in charge of a police-station or to the nearest officer of the Excise Department duly empowered under section 5, whoever is nearer, who shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or thing.

Disposal of person arrested or things seized.

Report of
arrests and
seizures.

(4) Whenever any officer makes any arrest, seizure or search under this Part, he shall, within forty-eight hours next after such arrest, seizure or search, make a full report of all the particulars of such arrest, seizure or search to his immediate official superior.

Investiga-
tion of
offences by
Excise
Officers.

5. The President of the Union may invest any officer of the Excise Department not inferior in rank to a sub-inspector with the powers of an officer in charge of a police-station for the investigation of offences under this Part.

No confession made to an Excise Officer so empowered shall be proved as against a person accused of any offence.

THE POISONS ACT.

[INDIA ACT XII, 1919.] (3rd September, 1919.)

1. * * * *

Power of
President to
regulate
possession
for sale and
sale of any
poison.

2. (1) The President of the Union may by rule regulate, within the whole or any part of the Union of Burma, the possession for sale and the sale, whether wholesale or retail, of any specified poison.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the grant of licences to possess any specified poison for sale, whole-sale or retail, and the fixing of the fee (if any) to be charged for such licences ;
- (b) the classes of persons to whom alone such licences may be granted ;
- (c) the classes of persons to whom alone any such poison may be sold ;
- (d) the maximum quantity of any such poison which may be sold to any one person ;
- (e) the maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same ;
- (f) the safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale ; and
- (g) the inspection and examination of any such poison when possessed for sale by any such vendor.

Power to
prohibit im-
portation
into the
Union of
Burma of
any poison
except under
licence.

3. The President of the Union may, by notification in the Gazette, prohibit, except under and in accordance with the conditions of a licence, the importation into the Union of Burma of any specified poison, and may by rule regulate the grant of licences.

4. (1) The President of the Union may by rule regulate the possession of any specified poison in any local area in which the use of such poison for the purpose of committing murder or mischief by poisoning cattle appears to him to be of such frequent occurrence as to render restrictions on the possession thereof desirable.

Power to regulate possession of any poison in certain areas.

(2) In making any rule under sub-section (1), the President of the Union may direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the poison in respect of which the breach has been committed, and of the vessels, packages or coverings in which the same is found.

5. Any substance specified as a poison in a rule made or notification issued under this Act shall be deemed to be a poison for the purposes of this Act.

Presumption as to specified poisons.

6. (1) Whoever—

- (a) commits a breach of any rule made under section 2, or
- (b) imports into the Union of Burma without a licence any poison the importation of which is for the time being restricted under section 3, or
- (c) breaks any condition of a licence for the importation of any poison granted to him under section 3,

Penalty for unlawful importation, etc.

shall be punishable,—

- (i) on a first conviction, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and
- (ii) on a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Any poison in respect of which an offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, shall be liable to confiscation.

7. (1) The District Magistrate and the Subdivisional Magistrate may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of this Act or any rule thereunder, or that any poison liable to confiscation under this Act is kept or concealed.

Power to issue search warrants.

(2) The person to whom the warrant is directed may enter and search the place in accordance therewith, and the provisions of the Code of Criminal Procedure relating to search-warrants shall, as far as may be, be deemed to apply to the execution of the warrant.

8. (1) In addition to any other power to make rules hereinbefore conferred, the President of the Union may make rules generally to carry out the purposes and objects of this Act.

Rules.

(2) Every power to make rules conferred by this Act shall be subject to the condition of the rules being made after previous publication.

(3) All rules made under this Act shall be published in the Gazette and on such publication shall have effect as if enacted in this Act.

Savings.

9. (1) Nothing in this Act or in any licence granted or rule made thereunder shall extend to, or interfere with, anything done in good faith in the exercise of his profession as such by a medical or veterinary practitioner.

(2) Notwithstanding anything hereinbefore contained, the President of the Union may, by general or special order, declare that all or any of the provisions of this Act shall be deemed not to apply to any article or class of articles of commerce specified in such order, or to any poison or class of poisons used for any purpose so specified.

(3) The authority on which any power to make rules under this Act is conferred may, by general or special order, either wholly or partially—

(a) exempt from the operation of any such rules, or

(b) exclude from the scope of the exemption provided by sub-section (1),

any person or class of persons either generally or in respect of any poisons specified in the order.

THE WHITE PHOSPHORUS MATCHES ACT.

[INDIA ACT V, 1913.] (1st July, 1913.)¹

| | |
|--|---|
| | 1. * * * |
| Definition. | 2. In this Act, "white phosphorus" means the substance commonly known as white or yellow phosphorus. |
| | 3. * * * |
| Prohibition of use of white phosphorus in manufacture of matches. | 4. (1) No person shall use white phosphorus in the manufacture of matches. (2) Any person who uses, or permits the use by any person under his control of, white phosphorus in the manufacture of matches shall be punishable with fine which may extend to two hundred rupees. |
| Power of Inspector of Factories to take samples of material used in manufacture. | 5. (1) Every person who manufactures matches shall allow an Inspector of Factories appointed under the Factories Act at any time to take for analysis sufficient samples of any material in use, or mixed for use, in such manufacture: Provided that any such person may, at the time the sample is taken, and on providing the necessary appliances, require the Inspector to divide the sample so taken into two parts, and to mark, seal and deliver to him one part. (2) Any person who refuses to permit any such Inspector of Factories as aforesaid to take a sample, in accordance with the provisions of sub-section (1), shall be punishable with fine which may extend to two hundred rupees. |
| Prohibition of sale. | 6. (1) No person shall sell, or offer or expose for sale, or have in his possession for the purposes of sale, any matches made with white phosphorus. |

¹ This Act came into force on the first day of July, 1913, with the exception of section 6, which came into force on the first day of July 1914—see section 1 (5) of India Act V, 1913.

(2) Any person who contravenes the provisions of sub-section (1) may, on complain: to a Subdivisional Magistrate or Magistrate of the first class, be ordered to forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the Magistrate may direct.

THE RANGOON DEVELOPMENT TRUST ACT.

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112. Transfer of the powers and duties of the Board to the Rangoon Corporation.
113. Declaration by the President as to the dissolution of the Board.
114. Disposal of property on the dissolution of the Board.

SCHEDULE I.—Modifications in the Land Acquisition Act.

SCHEDULE II.—Loans raised by the Municipal Committee of Rangoon for the purposes of the Town Lands Reclamation Fund.

THE RANGOON DEVELOPMENT TRUST ACT.

[BURMA ACT V, 1920.] (1st February, 1921.)

CHAPTER I.

PRELIMINARY.

1. This Act shall extend to the City of Rangoon and to such areas¹ in the neighbourhood thereof as the President of the Union may, by notification, specify in this behalf : Extent.

Provided that sections 68 and 70 and clause (7) of section 95 shall extend to the whole of the Union of Burma :

² Provided further that for the purpose of section 69, the Mingaladon Air-port and such other air-port in the neighbourhood of the City of Rangoon as the President of the Union may, by notification, specify in this behalf shall be deemed to be included in the City of Rangoon.

2. In this Act, unless it is otherwise expressly provided or unless there is something repugnant in the subject or context,— Definitions of terms.

- (1) words shall be deemed to have the meaning ascribed to such words under any enactment for the time being in force relating to the municipal government of the City of Rangoon ;
- 2) (a) “ the Board ” means the Board of Trustees constituted under this Act ;
- (b) “ Chairman ” means the Chairman of the Board ;
- (c) “ City ” means the City of Rangoon and comprises the area from time to time notified by the President of the Union for the purposes of municipal government ;
- (d) “ Court ” means the highest Court of original jurisdiction in Rangoon ;
- (e) the expression “ land likely to be used for building purposes ” includes any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town-planning scheme, whether in the nature of a building work or not, and the decision of the President of the Union as to whether land is likely to be used for building purposes or not shall be final ;
- (f) “ plot ” means a continuous portion of land held in one ownership, other than land used, allotted or reserved for any public or municipal purpose ;

¹ ဤအက်ဥပဒေကို ရန်ကုန်မြို့တော်အနီးတဝိုက်ရှိ ကံဘဲမြို့ကော်မီတီ၊ သင်္ချန်းကျွန်းမြို့ကော်မီတီ၊ ကမာရွတ်မြို့ကော်မီတီ၊ သပိုင်းမြို့ကော်မီတီ နယ်နိမိတ်အတွင်းရှိ ဒေသအားလုံးတွင် အာဏာတည်စေသည်။ ။ မြန်မာနိုင်ငံမြန်မာ့ တမ်း၊ ၁၉၅၃ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၅၀၆ တွင်ကြည့်။

² Inserted by Act VIII, 1949.

- (g) “reclamation” means the alteration by any means, including the use of refuse or rubbish or materials obtained by dredging, of the level of land in order that the effective drainage of such land may become practicable ;
- (h) “scheme” means a town-planning scheme, framed in accordance with the provisions of this Act, and includes a plan relating to a town-planning scheme ;
- (i) “Trustee” means a member of the Board.

CHAPTER II.

THE BOARD OF TRUSTEES.

Constitution of the Board.

Creation
and incor-
poration of
Board.

3. The duty of carrying out the provisions of this Act shall, subject to the conditions and limitations hereinafter contained, be vested in a Board, to be called “The Trustees for the Development of the City of Rangoon” ; and such Board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

Constitution
of the Board.

¹ 4. The Board shall consist of six members, namely,—

- (a) the Chief Executive Officer of the National Housing and Town and Country Planning Board who shall be the Chairman ;
- (b) the Chairman of the Commissioners for the Port of Rangoon ;
- (c) one Trustee elected by the Municipal Corporation of the City of Rangoon, and
- (d) three Trustees appointed by the President of the Union.

Election of
Trustees.

5. (1) A person shall not be qualified to be elected as a Trustee to represent any body or association referred to in section 4 unless he is at the time of the election a member of such body or association.

(2) The Secretary or other duly appointed officer of such body or association shall make a return to the President of the Union setting forth in full the name of every person elected under the provisions of this Act.

Appoint-
ment in
default
of election.

6. (1) If any body or association referred to in section 4 fails to elect all or any of the Trustees whom it is empowered under such section to elect, the President of the Union may appoint any persons belonging to such body or association to be Trustees in order to fill such vacancies ; and any persons so appointed shall be deemed to be Trustees as if they had been duly elected by such body or association.

(2) If any body or association should, for any reason, be unable to elect a Trustee as provided in section 4, the President of the Union may, from time to time, by notification, substitute any other recognized and properly constituted body or association for the purposes of that section.

¹ Substituted by Act LXVIII, 1951.

7. (1) A person shall be disqualified for being elected or appointed a Trustee if he—

Disqualifications for being appointed or elected a Trustee.

- (a) has been convicted of an offence punishable with imprisonment for a term exceeding six months, such conviction not having been subsequently set aside and such disqualification not having been removed by an order which the President of the Union is hereby empowered to make, if he thinks fit, in this behalf ; or
- (b) has been declared by the President of the Union unfit for employment in, or has been dismissed from, the public service ; or
- (c) is an undischarged insolvent or bankrupt ; or
- (d) holds any office or place of profit under the Board ; or
- (e) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by, or on behalf of, the Board ; or
- (f) is a director, or a secretary, manager or other salaried officer, of any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board ; or

¹(g) is not, or ceases to be, a citizen of the Union or a British subject.

(2) But a person shall not be disqualified or be deemed to have any share or interest in such a contract or employment by reason only of—

- (i) his having any share or interest in—
 - (a) any lease, sale or purchase of immoveable property or any agreement for the same ; or
 - (b) any agreement for the loan of money or any security for the payment of money only ; or
 - (c) any newspaper in which any advertisement relating to the affairs of the Board is inserted ; or
 - (d) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one financial year, of any article in which he trades ; or
- (ii) his having a share or interest, otherwise than as director, or secretary, manager or other salaried officer, in any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board.

(3) In the case of any person or class of persons the President of the Union may waive the disqualification referred to in sub-section (1), clause (f).

8. (1) The Chairman shall be the chief executive officer of the Board and may exercise and perform, subject to the provisions of this Act and of rules made thereunder and to the control of the Board, such of the powers and duties conferred or imposed by this Act on the Board as the Board may by rules made under section 96 delegate to him.

Powers, duties and remuneration of Chairman.

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

(2) The pay, allowances, leave, privileges and other conditions of tenure of the office of Chairman shall be determined by the President of the Union after consultation with the Board, and such pay and allowances shall be debited to the Rangoon Development Fund to such extent as the President of the Union may decide.

Leave of absence or deputation of the Chairman.

9. (1) The President of the Union may, after consultation with the Board, grant leave of absence to the Chairman or depute him to other duties for such period as he shall think fit.

(2) The President of the Union shall determine the amount (if any) of the allowance which shall be paid to the Chairman while absent on leave or deputation :

Provided that such allowance shall not exceed the amount of his salary and provided that, if the Chairman is a Government officer, the amount of such allowance shall be such as he may be entitled to under any rules applicable to him relating to transfer to foreign service.

Appointment, etc., of acting Chairman.

10. (1) Whenever the Chairman is granted leave of absence or deputed to other duties, the President of the Union may appoint a person to act as Chairman and may, subject to the provisions of section 8, direct the amount of the remuneration (if any) which shall be paid to such person.

(2) Any person appointed to act as Chairman shall exercise the powers and perform the duties conferred and imposed by and under this Act on the Chairman, and shall be subject to the same liabilities, restrictions and conditions as the Chairman.

Leave of absence of other Trustees.

11. The Board may permit any Trustee, other than the Chairman, the Mayor of Rangoon, or the Municipal Commissioner of the City of Rangoon, to absent himself from meetings of the Board for any period not exceeding six months.

Removal of Trustees.

12. (1) The President of the Union may, by notification, declare that any Trustee shall cease to be a Trustee—

- (a) if he has acted in contravention of section 20 ; or
- (b) if he has been absent from, or has been unable to attend, all meetings of the Board for any period exceeding six consecutive months ; or
- (c) if he has, without the permission of the Board, been absent from all meetings of the Board for any period exceeding three consecutive months ; or
- (d) if he is not qualified to be a Trustee under section 5, sub-section (1).

(2) The President of the Union shall, by notification, declare that a Trustee shall cease to be a Trustee if he becomes disqualified for appointment or election as a Trustee for any of the reasons mentioned in section 7, sub-section (1).

Filling of casual vacancies.

13. If any Trustee be permitted by the Board to absent himself from meetings of the Board for any period exceeding three months, or if any

Trustee dies or resigns office, or is removed from office under section 12, the vacancy may be filled by a fresh appointment or election under section 4.

14. (1) * * * *

Term of office of Trustees.

(2) Subject to the provisions of section 12, the term of office of Trustees (other than an *ex-officio* Trustee) shall be as follows :—

- (a) the Chairman—such period as may be fixed by the President of the Union ;
- (b) a Trustee appointed or elected in pursuance of section 13—the period of absence or the remainder of the period of office, as the case may be ;
- (c) other Trustees—three years.

(3) Any Trustee shall, if not disqualified for any of the reasons mentioned in section 5, sub-section (1), or section 7, sub-section (1), be eligible for re-appointment or re-election at the end of his term of office :

Provided that the President of the Union may declare by notification that any Trustee, in respect of whom a notification has been published under section 12, shall not be eligible for re-appointment or re-election.

15. Every election and appointment to office made, and every declaration made under section 7, sub-section (1), clause (b), section 12, sub-section (1) and sub-section (2), and the proviso to section 14, sub-section (3), of this Chapter shall be published by notification and shall be valid and take effect from the date of such notification, unless some other date is therein specified.

Elections, etc., to be notified and to take effect from date of such notification.

Conduct of Business.

16. (1) The Board shall meet and transact business in accordance with the rules made under section 96, sub-section (2).

Meetings of the Board.

(2) The Chairman shall be the presiding authority at all meetings : provided that in the event of the absence of the Chairman from any meeting, the Trustees present shall elect one of their number to be the presiding authority at such meeting.

(3) All questions shall be decided by a majority of votes of the Trustees present, the presiding authority having a second or casting vote in all cases of equality of votes.

17. (1) The Board may associate with themselves, in such manner and for such period as may be prescribed by rules made under section 96, any persons whose assistance or advice they may desire in carrying out any of the provisions of this Act.

Association of persons with the Board.

(2) A person associated by the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relating to that purpose, but shall not have the right to vote at a meeting of the Board and shall not be a member of the Board for any other purpose.

Constitution
and func-
tions of
committees
and meeting
of Com-
mittees.

18. (1) The Board may appoint committees, each consisting of not less than three Trustees in addition to any persons associated with the Board under section 17, and may, by general or special order, refer to such committees, for enquiry and report, any matter relating to any of the purposes of this Act.

(2) All proceedings of any such committee shall be subject to confirmation by the Board.

(3) The Chairman shall be a member of all such committees and shall, if present, preside at all meetings thereof.

(4) All questions at any meeting of a committee shall be decided by a majority of votes of the Trustees present, the presiding authority having a second or casting vote in all cases of equality of votes.

Fees
payable to
Trustees.

19. Every Trustee, except the Chairman, and every person associated with the Board under section 17, shall be entitled to receive such fees for each meeting of the Board and for each meeting of a committee at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof as the President of the Union from time to time may fix :

¹ Provided that no fees shall be payable to officials or persons who receive their pay directly or indirectly from Government funds.

Trustees not
to take part
in the
proceedings
in which
they are
personally
interested.

20. (1) A Trustee who—

(a) has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in section 7, sub-section (2), or is a director, secretary, manager or other salaried officer of an incorporated company which has any such share or interest, or

(b) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid.

shall not vote or take any other part in any proceeding of the Board or any committee relating to such matter.

(2) If any Trustee, or any person associated with the Board under section 17, has, directly or indirectly, any beneficial interest in any immoveable property situated in an area comprised, or intended to be comprised, in a scheme—

(a) he shall, before taking part in any proceeding at a meeting of the Board or any committee relating to such area, inform the presiding authority at the meeting of the nature of such interest ;

(b) he shall not vote at any meeting of the Board or of any committee upon any resolution or question relating to such immoveable property ; and

(c) he shall not take any other part in any proceeding at a meeting of the Board or of any committee relating to such area if the presiding authority at the meeting considers it inexpedient that he should do so.

¹ Inserted by Act XX, 1946.

21. (1) The Board may enter into and perform all such agreements and contracts as they may consider necessary for carrying out the purposes of this Act. Power to make and perform contracts.

(2) Any such contract the value of which does not exceed two thousand rupees may be entered into on behalf of the Board by the Chairman, but no other such contract shall be entered into except with the previous sanction of the Board.

22. No new work shall be commenced and no contract in respect thereof shall be entered into if the estimated cost of such work exceeds— Plan and estimate of new work to be approved before commencement thereof.

(a) two thousand rupees, until the plan and estimate therefor shall have been determined on and approved by the Board ; or

(b) two lakhs of rupees, until the plan and estimate therefor shall have been submitted to and approved by the President of the Union.

23. (1) Any such contract the value of which does not exceed two thousand rupees may be executed by the Chairman, and every other such contract shall be executed by the Chairman and one Trustee and shall be sealed with the common seal of the Board. Execution of contracts.

(2) No contract which is not executed in accordance with the provisions of this section shall be binding upon the Board.

24. The common seal of the Board shall remain in the custody of the Secretary of the Board and shall not be affixed to any contract or other instrument except in the presence of the Chairman and one Trustee. The seal of the Board.

25. (1) At least fourteen days before the Chairman enters into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding two thousand rupees, he shall give notice by advertisement in local newspapers inviting tenders for such contract. Tenders.

(2) In every such case, the Chairman shall place before the Board the specifications, conditions and estimates and all the tenders received, specifying the particular tender (if any) which he proposes to accept :

Provided that—

(a) the Board may authorize the Chairman to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them : and

(b) the Board shall not be bound to sanction the acceptance of any tender which has been made, but may sanction the acceptance of any of such tenders which appears to them, upon a view of all the circumstances, to be the most advantageous, or may direct the rejection of all the tenders submitted to them.

26. The Chairman shall take sufficient security for the due performance of every contract involving an expenditure exceeding one thousand rupees. Security for performance of contract

Officers and Servants.

Schedule of officers and servants to be prepared by the Board.

27. (1) The Board shall prepare schedules of the staff of officers and servants whom they consider it necessary and proper to employ for the purposes of this Act :

Provided that artisans, porters, labourers, sirdars of porters and labourers, employees who are paid by the day and employees whose pay is charged to temporary work, shall not be deemed to be officers and servants within the meaning of this section.

(2) Such schedules shall also set forth the amount and nature of the salaries, fees and allowances which the Board propose to sanction for each such officer or servant.

(3) A copy of all such schedules as last sanctioned by the Board shall be appended to the annual budget estimate prepared under section 73.

Power of appointment, etc., in whom vested.

28. Subject to any directions contained in any schedule prepared under section 27 and any rules made under section 95 and for the time being in force, the power of appointing, promoting and granting leave to officers and servants of the Board, and reducing, suspending or dismissing them for misconduct, and dispensing with their services for any reason other than misconduct, shall be vested—

(a) in the case of officers and servants whose monthly salary does not exceed three hundred rupees—in the Chairman ; and

(b) in other cases—in the Board :

Provided that any officer or servant in receipt of a monthly salary exceeding one hundred rupees who is reduced, suspended or dismissed by the Chairman may appeal to the Board, whose decision shall be final.

Limitation of power of Board in respect of appointments.

29. (1) The Board shall not, without the previous sanction of the President of the Union,—

(a) create or abolish any appointment the monthly emoluments of which amount to over eight hundred rupees, or

(b) increase the monthly emoluments of any existing appointment to a sum exceeding eight hundred rupees.

(2) All orders passed by the Board under section 28 and relating to any officer appointed to hold an office the monthly emoluments of which exceed eight hundred rupees, except orders granting leave to, or suspending, any such officer, shall be subject to the previous sanction of the President of the Union.

Control by Chairman.

30. The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Board ; and, subject to the foregoing sections, shall dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances.

Delegation of Chairman's

31. (1) Subject to the sanction of the Board, given generally or with reference to any particular case, any of the powers, duties or functions

conferred or imposed on the Chairman under this Act or any rule made thereunder may be delegated by him by an order in writing to any officer of the Board. functions.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to control and revision by the Chairman.

CHAPTER III.

POWERS AND DUTIES OF THE BOARD.

32. The Board may, subject to the control of the President of the Union and the provisions of this Act, undertake any works and incur any expenditure for the improvement, expansion or development of the City, or of any area in the vicinity thereof to which the President of the Union may, by notification, declare this Act to apply, and for the purpose of framing and executing such town-planning schemes as may be necessary from time to time. Power of the Board to undertake works and incur expenditure for the improvement, etc., of the City.

33. The Board may, for the purposes of this Act, purchase and hold moveable and immoveable property within or without the City. Power of Board to purchase and hold moveable and immoveable property.

34. (1) The President of the Union on behalf of the Board may, under the Land Acquisition Act, subject to the modifications set out in Schedule I, and in addition to the provisions contained in Chapter IV, acquire any land or any right or interest therein, whether attached thereto or not, either in connection with any scheme or independently of any scheme, and any scheme may provide for such acquisition. Power of Board to acquire immoveable property.

(2) The President of the Union on behalf of the Board may acquire under the Land Acquisition Act, at any time prior to the completion of the scheme under sub-section (1), in addition to any land comprised in the scheme, any other land which is beneficially or injuriously affected thereby.

(3) The President of the Union on behalf of the Board may acquire under the Land Acquisition Act any easement affecting any immoveable property vested in the Board where such acquisition is necessary for the development of the City :

Provided that where there is any dispute as to the existence of such necessity such dispute shall be referred for decision to the Court as provided in section 39 before the issue of the notice of intention to acquire any such easement.

(4) The word "land" in the Land Acquisition Act shall, for the purposes of this Act, be deemed to include all the rights, interests and easements referred to in this section.

The Board
to pay
interest on
loans.

35. The Board shall pay to the Municipal Corporation of the City of Rangoon each year such sum of money as will suffice to pay the interest on the loans raised by the Municipal Committee of Rangoon for the purposes of the Town Lands Reclamation Fund and specified in Schedule II, and a further sum so calculated that it will, taking into account the amount in the sinking fund of the aforesaid loans on the 1st February, 1921,¹ and accumulations in the way of compound interest, be sufficient to repay each of the aforesaid loans on the date appointed for repayment when the loan was raised.

Contribution
by Board
towards
leave allow-
ances and
pensions of
servants of
the Govern-
ment
employed
under this
Act.

36. The Board shall be liable to pay such contributions for the leave allowances and pension of any servant of the Government employed as Chairman or as an officer or servant of the Board as may be prescribed in any rules applicable to him relating to transfer to foreign service.

Facilities for movement of the Population.

Power of the
Board for
facilitating
movement
of popula-
tion.

37. With a view to facilitating the movement of the population in and around the City, the Board may from time to time—

(1) subject to any conditions they may think fit to impose—

(a) guarantee the payment, from the funds at their disposal, of such sums as they may think fit, by way of interest on capital expended on the construction, maintenance or working of any way or means of locomotion ; or

(b) make such payments as they may think fit from the aid funds, by way of subsidy to persons undertaking to provide, maintain and work any way or means of locomotion ; or

(2) either singly or in combination with any other person, construct, maintain and work any way or means of locomotion, under the provisions of any law applicable thereto ; or

(3) construct or widen, strengthen or otherwise improve, bridges :

Provided that no guarantee or subsidy shall be made under clause (1), and no means of locomotion shall be constructed, maintained or worked under clause (2), without the sanction of the President of the Union.

CHAPTER IV.

SCHEMES.

Procedure relating to the framing, examination and sanctioning of a Scheme.

Declaration
of intention
to prepare a
scheme.

38. (1) Whenever it appears to the Board that any immoveable property which is wholly or partially built upon or which is in course of development, or which is being or is likely to be used for building purposes, is so situated that, in order to secure proper sanitary conditions, amenity and convenience in

¹ Date of commencement of this Act.

connection with the laying out or use of the said immoveable property or of any neighbouring immoveable property, it is expedient that a scheme be prepared, the Board may declare by resolution their intention to prepare such scheme, with reference to the whole or any portion of such immoveable property, including the whole or such portion as may be necessary of such neighbouring immoveable property.

(2) Within twenty-one days from the date of such resolution, the Board shall serve notice of it upon the owner of any immoveable property affected thereby or his agent and shall publish it in the prescribed manner in the Gazette, and shall apply to the President of the Union for sanction to the making of such scheme.

Publication of intention to prepare scheme.

(3) If, within one month from the date of such publication in the Gazette, any person communicates in writing to the President of the Union any objections or suggestions relating to such scheme, the President of the Union shall consider such objections or suggestions.

Consideration of objections and suggestions by the President.

(4) After receiving such application and after making such enquiry as he may think fit, the President of the Union may, by notification, either sanction the making of such scheme, with or without modification and subject to such conditions as he may think fit to impose, or he may, by similar notification, refuse to give sanction.

Sanction of President to making of scheme.

(5) Within twelve months from the date of the notification sanctioning the making of a scheme, the Board shall, in consultation with the local authorities concerned, and such owners or their agents as may be deemed necessary, prepare and publish in the prescribed manner a draft scheme for the area in respect of which sanction has been given.

Preparation and publication of draft scheme.

(6) If, within three months from the date of publication of the draft scheme, any person affected by such scheme communicates in writing to the Board any objection relating to such scheme, the Board shall consider such objection and may modify such scheme in such manner as they think fit. The Board shall then submit the draft scheme, with any modifications which they may have made therein, together with the objections which may have been communicated to them, to the President of the Union.

Submission of scheme to President.

(7) The President of the Union shall then decide all disputes between the Board and any other local authority arising from the scheme.

Settlement of disputes between the Board and any other local authority.

(8) At the request of any person who has communicated any objection under sub-section (6), the President of the Union shall appoint a referee with a sufficient establishment, whose powers and duties with respect to all such objections shall be as prescribed by the rules framed under section 95, and whose decision shall be final except as regards the matters specified in sub-section (9).

Appointment of referee in certain circumstances.

Right of reference to the Court in respect of certain matters.

(9) If the decision of the referee is questioned as regards—

- (a) estimates of the accrual of increment,
- (b) the proportion of the accrued increment to be contributed to the cost of the scheme,
- (c) the contribution to be levied on each plot included in the scheme,
- (d) the contribution to be levied on any plot which is increased in value by the scheme but which is not included in the scheme,
- (e) the compensation to be paid under section 56, or
- (f) the date or dates upon which the contributions shall be levied,

there shall be a right of reference to the Court as provided in section 39.

Powers of the Court.

(10) After making such enquiries with respect to such referred questions as may be deemed necessary, the Court may accept, modify, vary or reject the decision of the referee on such questions.

Final scheme to be submitted to the President.

(11) The Board shall then prepare a final scheme embodying all alterations and modifications which have been made, or rendered necessary, by the decisions of the referee or the Court, and shall forward such scheme to the President of the Union.

Power of President to reject or approve of a draft scheme.

(12) The President of the Union, after consideration of such scheme, may—

- (a) reject the said scheme and direct that all further proceedings in connection therewith shall be stayed ; or
- (b) approve of the said scheme.

When the scheme is to be considered effective.

(13) After the President of the Union has sanctioned and published such scheme in the Gazette, it shall have effect as if it were enacted in the body of this Act.

Power of the Board to permit any private owner carrying out reclamation and developing his own land.

(14) The Board may permit any private owner to carry out, under the supervision of the Board, the reclamation and development of his own land in accordance with the provisions of such scheme.

Reference to the Court.

Constitution of the Court.

39. (1) A reference to the Court, under section 34, sub-section (2), and under section 38, sub-section (9), shall ordinarily lie to a single Judge, but a reference, except in the case of a reference under section 34, shall lie to a Bench of two Judges in the following cases :—

- (a) where the amount of the claim involved exceeds the sum of rupees twenty-five thousand ;
- (b) in the matters mentioned in section 38, sub-section (9), clauses (a) and (b), respectively.

(2) The decision of the Court, whether the reference lies to a single Judge or to a Bench, shall be final :

Provided that in a reference to a Bench if the Judges constituting such Bench are unable to agree they shall refer any matter upon which they may differ to another Judge of the Court whose decision thereon shall be final.

40. (1) The referee shall, save where he is a servant of the Government, be entitled to such remuneration, either by way of monthly salary or by way of fees, or partly in one way and partly in the other, as the President of the Union may from time to time determine. Remuneration of referees.

(2) The salary of a referee who is a Government servant, and any remuneration payable under sub-section (1), and all expenses incidental to the work of the referee shall, unless the President of the Union otherwise determines, be paid by the Board and shall be added to the costs of the scheme.

Matter for which a Scheme may make Provision.

41. A scheme may make provision for—

- (a) the construction, diversion, alteration and stopping up of streets, roads, water-channels and communications ;
- (b) the construction, alteration and removal of buildings and bridges and other structures ;
- (c) the plotting out of land as building sites whether such land is intended to be used for building purposes in the immediate future or not ;
- (d) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes of all kinds ;
- (e) reclamation and drainage, inclusive of sewerage and of surface drainage and sewage disposal ;
- (f) lighting ;
- (g) water-supply ;
- (h) the preservation of objects of historical interest or natural beauty ;
- (i) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, height, architectural features and character of buildings allowed in specified areas, and the purposes to which buildings or specified areas may or may not be appropriated ;
- (j) a building line on each side of every street which it is proposed to lay out, including a provision—
 - (i) that no person shall construct any portion of any building so as to encroach past the said line on to the street ;
 - (ii) that owners shall build right up to the said line ;
- (k) such other matter not inconsistent with the objects of this Act as may be prescribed by the President of the Union.

What a scheme may provide for.

Reconstitution of any holding of land affected by scheme.

42. A scheme may make provision for—

- (a) the variation, extinction or transfer of, any right or title or interest in or connected with, or the alteration or re-arrangement of the boundaries of, any holding of land affected thereby, if such variation, extinction, transfer, alteration or re-arrangement is, in the opinion of the Board, necessary in order to render such holding more suitable for building purposes or for any object in furtherance of the scheme ;
- (b) the allotment of a plot to any owner dispossessed of immoveable property in furtherance of the scheme ;
- (c) the transfer of the ownership of a plot from one person to another.

Provision for building sites, dwellings and shops.

43. (1) A scheme may make provision for such and so many building-sites or for the construction, maintenance and management of such and so many dwellings and shops within the limits of the land affected by the scheme or its vicinity as may be necessary for persons of the poorer and working classes.

(2) A scheme may also provide for the construction, maintenance and management of such dwellings and shops by the Board themselves, or either wholly or in part by some person who satisfies the Board of his ability to carry out such work, or either wholly or in part by the Municipal Corporation of the City of Rangoon.

(3) When any such scheme provides, either wholly or in part, for the construction, maintenance and management of the work by any person or by the Municipal Corporation of the City of Rangoon, the scheme shall embody the terms and conditions agreed upon between the Board and such person or between the Board and the Municipal Corporation of the City of Rangoon.

(4) The Board shall not themselves construct dwellings or shops under a scheme unless they are satisfied, after due enquiry, that neither any other person nor the Municipal Corporation of the City of Rangoon is willing and able to construct them.

Contents of town-planning schemes prepared under section 38.

44. Every scheme shall contain, as far as can be ascertained or prepared, the following particulars, namely :—

- (a) a plan showing the existing state and situation of the land affected by such scheme ;
- (b) the area, ownership and tenures of each original plot;
- (c) a statement of the existing population on the land affected by the scheme ;
- (d) the land allotted or reserved under section 41, clause (d), with a general indication of the uses to which such land is to be put and an estimate of the compensation to be paid under section 56;
- (e) a statement of the works which it is proposed to execute under section 41 on the land in respect of which the scheme has been prepared in order to give effect to the said scheme ;
- (f) an estimate of the total costs of the scheme ; and a statement specifying the proportion of such costs payable by, or leviable

- from, the Board, or any local bodies, owners, mortgagees, mortgagors, lessors, lessees or other persons affected by such scheme ;
- (g) a statement of the increment on each plot ;
 - (h) a statement showing the proportion of the accrued increment on each plot to be contributed to the cost of the scheme ;
 - (i) a statement of the agency or agencies by means of which such works should be carried out and the means of providing funds wherewith to pay their cost ;
 - (j) a statement showing the lands and buildings, if any, which it is proposed to acquire and the estimated cost of acquiring the same ;
 - (k) a statement showing the plots on which it is proposed to levy a contribution under section 50 ;
 - (l) proposals with reference to the order in which such works should be carried out and the dates on which they should be undertaken ;
 - (m) a plan showing the state of the land after the execution of the scheme and the extent to which it is proposed to change the boundaries of original plots ;
 - (n) the area, ownership and tenures of the plots into which it is proposed to divide the said land under the scheme ;
 - (o) a statement of the authority by whom the conditions and restrictions imposed under section 41, clauses (i) and (j), are to be enforced ;
 - (p) a statement of the arrangements made or proposed for temporary re-housing during the execution of the scheme and for re-housing persons of the poorer and working classes who are likely to be displaced by the execution of the scheme ;
 - (q) the date or dates upon which the contributions shall be levied ;
 - (r) such other particulars as the President of the Union may generally or with reference to any special scheme prescribe.

Effect of Scheme.

45. With effect from the date of publication of a resolution under section 38, sub-section (2), no person shall, without the permission in writing of the Board and except in accordance with the terms and conditions of such permission, erect or re-erect, add to or make any change in, any building situated within the area included in such scheme. Restrictions after publication of intention under section 38

46. Subject to the provisions of this Act, and the rights of [the State]¹ on the day on which the final scheme comes into force,— Effect of final scheme.

- (a) all immoveable property required by the Board as provided for in such scheme shall, unless it is otherwise determined in such scheme, vest absolutely in the Board free from all encumbrances ;
- (b) all rights in original plots which have been reconstituted shall determine and the reconstituted plots shall become subject to the rights settled by the final scheme.

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

Power of
Board to
evict
summarily.

47. On and after the day on which the final scheme comes into force any person continuing to occupy any land which he is not entitled to occupy under the final scheme may, in accordance with the prescribed procedure, be summarily evicted by the Board.

Power to
enforce
scheme.

48. (1) On and after the day on which the final scheme comes into force the Board may, after giving the prescribed notice and in accordance with the provisions of the scheme, remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with.

(2) If any question arises as to whether any building or work contravenes a scheme, or whether any provision of a scheme is not complied with, that question shall be referred by the Board to the President of the Union and his decision shall be final and conclusive and binding on all persons.

Cost of Scheme.

Contribution
towards
costs.

49. The cost of a scheme shall be met wholly or in part by a contribution to be levied by the Board on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot :

Provided that no such contribution on account of land privately owned shall exceed seventy-five per cent of the increment estimated to accrue in respect of each plot.

Levy of
contribution
in respect of
land not
included in,
but benefited
by, final
scheme.

50. When, by the making of any scheme, any immoveable property not included in the final scheme is increased in value, the cost of such scheme may be met wholly or in part by a contribution levied by the Board on any plot which is so increased in value, calculated in proportion to the increment which is estimated to accrue in respect of such plot :

Provided that—

(i) no such contribution shall exceed fifty per cent of the increment estimated to accrue in respect of such plot ; and

(ii) no such contribution shall be levied unless it is included within the particulars of the draft scheme published in accordance with the provisions of section 38, sub-section (5).

Limiting the
amount of
contribution.

51. The sum of the contributions under sections 49 and 50 shall in no case exceed the actual cost of the scheme and in apportioning such costs all immoveable property included in such scheme except any plot vested in the Board shall bear its proportionate share.

Cost of
reclaiming
immoveable
property
how to be
met.

52. The cost of reclaiming any immoveable property vested in the Board under section 58 or exchanged for any such immoveable property or purchased from the revenues of such immoveable property shall be debited solely against the account specified in clause (a) of section 77, sub-section (1).

53. For the purposes of this Act, the increment shall be deemed to be the amount by which the value of a plot estimated on the assumption that the scheme has been completed exceeds the value of the same plot estimated at its market value at the date of the declaration of intention to make a scheme without reference to improvements contemplated in the scheme :

Calculation of increment.

Provided that, in estimating such values, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

54. (1) Any scheme may provide for the payment of the contributions under sections 49 and 50 in a lump sum or in instalments of such amounts, not being less than twelve rupees per annum, for any plot and at such intervals as will suffice to discharge such contributions, together with interest thereon at the rate of six per centum per annum, within a period not exceeding thirty years.

Contributions may be made payable in instalments.

(2) The said instalments shall be payable by the owner of the plot on which the said contributions are so charged and may be recovered in the manner prescribed by section 86.

(3) The contributions payable in respect of any plot shall be and remain a continuing charge on the same during such time as they remain unpaid.

(4) At any time before the expiration of the period for the payment of any contributions under this section, the owner of the plot on which it is charged may redeem such charge by paying such part of the said contributions as may not have been defrayed by sums already levied in respect of the same.

Right of owner to redeem such charge.

55. In any case in which the President of the Union has sanctioned the acquisition of land under section 34, sub-section (2), the owner of any portion of such land may apply to the Board to refrain from the acquisition thereof and to proceed under the provisions of section 50, or otherwise as may be agreed upon, and the Board may thereupon proceed accordingly.

Abandonment of acquisition of land on application by owner.

Compensation.

56. (1) Where property or a private right of any sort is injuriously affected by reason of any provisions contained in a scheme, compensation shall, subject to the provisions of this Act, be payable by the Board or by any person benefited, or partly by the Board and partly by such person, as may be determined in each case by the final scheme.

Compensation in certain cases.

(2) Such compensation may be paid either in cash, or by the allotment of a plot, or in such other manner as may be determined in each case by the final scheme :

Provided that—

- (a) no compensation shall be payable under sub-section (1) if or in so far as the provisions of a scheme are such as would have been enforceable without compensation under any rule having the force of law, bye-law or Act in force at the time ;

- (b) property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provisions inserted in a scheme, which, with a view to securing the amenity of the area included in such scheme or any part thereof, impose any conditions and restrictions in regard to any of the matters specified in section 41, clauses (i) and (j) ;
- (c) the Board shall not be bound to consider any claim to compensation which is made after three months from the publication of the draft scheme.

Power to vary or revoke a scheme.

57. (1) Any scheme which has been notified in accordance with the provisions of section 38 may be revoked or abandoned, or may be varied by a subsequent scheme prepared in accordance with this Act, and the President of the Union may, on the application of the Board, or of any other person appearing to him to be interested, by order revoke, abandon or vary any scheme so notified, if such revocation, abandonment or variation should appear to be expedient in the circumstances of the case :

Provided that no such variation, revocation or abandonment shall be effected without the publication of a notice in the prescribed manner.

Compensation if scheme revoked.

(2) Any person who has incurred expenditure for the purpose of complying with a scheme revoked, abandoned or varied under sub-section (1) shall be entitled to compensation from the Board in so far as any such expenditure is rendered abortive by reason of such revocation, abandonment or variation.

Amount of compensation admissible.

(3) If a scheme is revoked or abandoned under sub-section (1), the Board shall pay to any person whose interests have been affected by such scheme compensation not exceeding the amount of the costs reasonably incurred by him in the proceedings under this Act connected with such scheme.

CHAPTER V.

PROPERTY, TAXATION AND FINANCE.

Property.

Vesting of certain immoveable property in the Board.

58. (1) From the day on which this Act comes into force, ¹ there shall vest in the Board the right, title and interests of Government in, and to, the following immoveable property in the City, namely :—

- (a) all waste-land not especially reserved by the President of the Union ; and
- (b) all immoveable property held from Government under permit, licence or lease or occupied without title.

(2) All rents or fees now derived by Government on account of such permits, licences or leases shall be collected by and vest in, the Board.

¹ This Act came into force on the 1st February, 1921.

(3) After the commencement of this Act¹ the President of the Union may, by notification, place any other Government immoveable property at the disposal of the Board, and such property shall thereupon vest in the Board from the date of the notification.

59. (1) The Board may dispose of immoveable property, vested in the Board under the provisions of section 58 or otherwise, by lease, sale, transfer or in any other manner, subject to any rules which may be made under section 95.

Power of Board to dispose of immoveable property vested in them.

(2) If any immoveable property vested in the Board is required by the Government for administrative purposes, the Board shall transfer the same to the President of the Union upon payment of all costs incurred by the Board in acquiring, reclaiming or developing the same, together with interest thereon at the rate of six per cent per annum calculated from the 1st February, 1921,¹ or from the date on which such costs were incurred, whichever is the later. The transfer of any such immoveable property shall be notified in the Gazette and such property shall thereupon vest in the Government from the date of the notification.

60. The Municipal Corporation of the City of Rangoon shall pay from the Municipal Fund to the Board on the first day of each quarter, so long as the Board continues to exist, a sum of twenty-five thousand rupees, and may pay any further sum with the previous sanction of the President of the Union.

Contributions from Municipal Fund.

61. On the day on which this Act comes into force¹—

- (a) the balance at the credit of and all assets and liabilities due to and payable from the account of the deposits of land sales and rents, Rangoon,
- (b) all assets and liabilities of the Rangoon Town Lands Reclamation Fund including any contingent liability under any orders of the Secretary of State existing at the date when this Act comes into force,¹

Balances at the credit of the Rangoon Town Land deposits of sales and rents, etc., to be property of the Board.

shall respectively vest and be taken over by the Board.

62. All moneys to be credited to the Board on the day on which this Act comes into force¹ and all moneys thereafter payable to the Board shall be received by the Chairman, and shall forthwith be paid into the [Union Bank of Burma]², or such other Bank as may be selected by the Board subject to the approval of the President of the Union, to the credit of an account which shall be styled "The account of the Rangoon Development Fund" and shall be held by the Board in trust for the purposes of this Act subject to the provisions herein contained.

Receipt of money and deposit in the Union Bank of Burma.

¹ This Act came into force on the 1st February 1921.

² Substituted by Act LXVIII, 1951.

Purposes to which the Rangoon Development Fund is to be applied.

63. The moneys from time to time credited to the Rangoon Development Fund shall be applied—

firstly, in making due provision for the repayment of the outstanding balances of principal and interest of all loans mentioned in Schedule II, and

secondly, in payment of all sums, charges and costs necessary for the purpose of carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act or any other Act, or payable under any order or decree of a civil or criminal Court.

Investment of surplus money.

64. (1) Surplus moneys at the credit of the Rangoon Development Fund may, from time to time, be—

(a) deposited at interest in the [Union Bank of Burma]¹ or in any other Bank approved by the President of the Union in this behalf ; or

(b) invested in Government securities, securities guaranteed by Government, Rangoon Municipal debentures, debentures issued by the Commissioners for the Port of Rangoon or by the Board, or with the approval of the President of the Union in any other manner.

(2) All such deposits and investments shall be made by the Chairman on behalf of the Board.

Payments by cheque.

65. (1) No payment shall be made by the Bank out of the account referred to in section 62, except upon a cheque.

(2) Payment of any sum due by the Board exceeding one hundred rupees in amount shall be made by means of a cheque and not in any other way.

(3) Payment of any sum due by the Board not exceeding one hundred rupees in amount may be made by the Chairman in cash, cheques for sums not in excess of one thousand rupees each, signed in accordance with the provisions of section 66, being drawn from time to time to cover such payments.

Signature on orders under section 62 and of cheques.

66. All orders for making any deposit or investment under section 64, or for any withdrawal or disposal thereof, and all cheques referred to in section 65 shall be signed—

(a) by the Chairman and the Secretary to the Board, or

(b) in the event of the illness or occasional absence from Rangoon of the Chairman or the Secretary, then by the Secretary or the Chairman, as the case may be, and by a Trustee other than the Chairman.

Adherence to estimate and maintenance of closing balance.

67. (1) No work shall be begun or executed unless provision for the expenditure required therefor has been made in a current budget-grant, and no sum shall be expended by or on behalf of the Board unless the expenditure

¹ Substituted by Act LXVIII, 1951.

of the same is covered by a current budget-grant or can be met by reappropriation or, with the previous sanction of the President of the Union, by drawing on the closing balance.

(2) The following items shall be exempted from the provisions of sub-section (1), namely :—

- (a) repayments of moneys belonging to contractors and other persons and held in deposit, and of moneys collected by, and credited to, the Board by mistake ;
- (b) payments due under a decree or order of a Court passed against the Board ;
- (c) sums payable under a compromise of any suit or other legal proceeding or claim ;
- (d) sums payable by way of compensation ; and
- (e) payments required to meet some pressing emergency.

(3) Whenever any sum exceeding five thousand rupees which cannot be met by reappropriation is expended under clause (b), clause (c), clause (d) or clause (e) of sub-section (2), the Chairman shall forthwith report the circumstances to the President of the Union, and shall at the same time report how the Board propose to cover the expenditure.

Taxation.

68. (1) The duty charged by Articles 23, 33 and 40A, respectively, of Schedule I of the Burma Stamp Act shall, in the case of instruments affecting immoveable property situated in the City and executed on and after the commencement of this Act,¹ be increased by two per centum on the value of the property so situated, as set forth in the instrument.

Duty on certain transfers of immoveable property.

(2) For the purposes of this section, section 27 of the said Burma Stamp Act shall be read as if it specifically required the particulars referred to therein to be set forth separately in respect of—

- (a) property situated in the City, and
- (b) property situated outside the City, respectively.

(3) For the purposes of this section, section 64 of the said Burma Stamp Act shall be read as if it referred to the Board as well as the Government.

(4) All collections resulting from the said increase shall, after deducting incidental expenses (if any), be paid to the Board at such time as may be prescribed by rule made under section 95.

69. (1) Every male passenger liable to pay the full fare leaving Rangoon by sea-going vessel [or aircraft]² for a destination other than a port [or an airport]² in the Union of Burma shall pay in respect of each journey so made by him a tax of such amount not exceeding two rupees as the President of the Union may determine.

Terminal tax on passengers by sea-going vessel.

¹ That is, after the 1st February 1921

² Inserted by Act VIII, 1949.

(2) The said tax shall be collected as a surcharge on the fares in respect of such journeys by the persons by whom the fares are collected and, after making such deductions as the President of the Union may approve to meet expenses incurred in the collection of the tax, shall be paid to the Board by the owner of the vessel [or aircraft]¹ in which the passengers are carried, or if the fares are collected by an agent of the owner of the vessel [or aircraft]¹, or by a charterer or hirer of the vessel [or aircraft]¹ or his agent, by such charterer or hirer or agent, at such time as may be prescribed by rule, and the owner of the vessel [or aircraft]¹ and his agent or the charterer or hirer and his agent, as the case may be, shall be jointly and severally liable to pay and account for the tax to the Board.

(3) The owner or agent of the owner of every vessel [or aircraft]¹ referred to in sub-section (1) shall prepare and deliver, or cause to be prepared and delivered, to the Chairman, each quarter, a return, in the form prescribed by rule made under section 95, of all passengers carried by such vessel, [or aircraft]¹ by whom the tax imposed by that sub-section is payable; and shall subscribe, at the foot of such return, a declaration of the truth thereof.

Suspension or abolition, and re-imposition, of taxation or contribution.

70. (1) Whenever the President of the Union considers that any duty or tax imposed by sections 68 and 69, or any contribution payable under section 60 of this Act, or any portion of any such duty, tax or contribution, is not required for the purposes of this Act, he may, by notification,—

- (a) suspend, for any specified period, the levy of such duty, tax or contribution or any specified portion thereof; or
- (b) abolish such duty, tax or contribution or any specified portion thereof, from a date to be specified in the notification.

(2) If at any time the President of the Union considers that any such duty, tax or contribution or any portion thereof, which has been suspended or abolished under sub-section (1), is required for the purposes of this Act, he may, by notification, cancel such suspension or abolition, wholly or in part, as he may think fit, from a date to be specified in the notification.

Loans.

Power of the Board to borrow money.

71. The Board shall be deemed to be a local authority, as defined in the Local Authorities Loans Act, for the purpose of borrowing money under that Act.

Enforcement of Liabilities.

Procedure if Board fails to make any payment in respect of loans.

72. (1) If the Board fail to pay any money borrowed in accordance with the provisions of section 71 or any interest or payments due in respect thereof, the Accountant-General, Burma, shall make such payment and the Municipal Corporation of the City of Rangoon shall forthwith pay from the Municipal Fund to the said Accountant-General a sum equivalent to the sum so paid by him.

¹ Inserted by Act VIII, 1949.

(2) When payment has been made as aforesaid, or if the Board should fail to make any payments for which they are liable under the provisions of section 35, the Municipal Corporation of the City of Rangoon shall be deemed to be, and have all the rights of, a lender in respect of the said payments against the Board under section 5 of the Local Authorities Loans Act, and the Government shall re-imburse the said Corporation out of the proceeds of any attachment levied under the provisions of that section, subject to the conditions and limitations therein prescribed.

(3) If the Municipal Corporation of the City of Rangoon fails to make any payments as required by section 60 or by sub-section (1), the Government may attach the Municipal Fund or any part thereof.

(4) All moneys paid by the Municipal Corporation of the City of Rangoon under sub-section (1), and not re-imbursed by the Government under sub-section (2), and all moneys payable under sub-section (1) and levied under sub-section (3), shall constitute a charge upon the property belonging to or vested in the Board.

Procedure if the Corporation fails to make any payment as required by section 60 or sub-section (1).

Budget Estimates.

73. The annual budget estimate shall be prepared in accordance with rules framed under section 96, and such estimate as approved by the Board shall be submitted to the President of the Union, who may approve or modify the same :

Preparation and submission of the annual budget estimate.

Provided that the President of the Union shall, before modifying any budget estimate, give to the Board an opportunity for the further consideration of the said estimate.

74. A copy of every such estimate shall, as finally approved by the President of the Union be sent by the Board to the Municipal Corporation of the City of Rangoon.

Transmission of copy of estimate to the Municipal Corporation of Rangoon.

175. * * * *

76. (1) The Board may, at any time during the year for which a budget estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before them at a special meeting.

Supplementary estimates.

(2) The provisions of section 73 and section 74 shall apply to the said estimate.

Accounts.

77. (1) The accounts of the Board shall be kept in such a manner as to show separately—

Accounts how to be kept and audited.

(a) all income and expenditure in connection with immoveable property vested in the Board under section 58 or exchanged for any such immoveable property or purchased from the revenues of such immoveable property, and

(b) all other income and expenditure of the Board.

¹ Omitted by Act II, 1945.

(2) Such accounts shall be subject to such audit as the Board may, with the sanction of the President of the Union, direct.

Provident Fund.

Maintenance
of a provi-
dent or
annuity
fund by the
Board.

78. The Board may, by rules framed under the provisions of section 96, establish and maintain a provident or annuity fund, and may compel all or any of the officers or servants of the Board, other than servants of the Government to subscribe to such fund, and if necessary may deduct such subscriptions out of the salaries or emoluments of such officers or servants.

CHAPTER VI.

PROCEDURE.

Power of Entry.

Power of
entry.

79. The Chairman, or any officer of the Board authorized by him in this behalf, may, with or without assistants or workmen, enter into or upon any immoveable property in order—

- (a) to make any inspection, survey, measurement, valuation or enquiry,
- (b) to take levels,
- (c) to dig or bore into the sub-soil,
- (d) to set out boundaries and intended lines of work,
- (e) to mark such levels, boundaries and lines by placing marks and cutting trenches, or
- (f) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Act or any rule made thereunder or any scheme under preparation or sanctioned thereunder :

Provided as follows :—

- (i) no such entry shall be made between sunset and sunrise ;
- (ii) no building which is used as a dwelling place shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry ;
- (iii) sufficient notice shall in every case be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed ;
- (iv) due regard shall always be had, as far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupiers of the premises entered.

80. (1) The Board may—

Power to enforce scheme.

- (a) do any act which is necessary or desirable to be done in pursuance of the provisions of any scheme ; and
- (b) execute any work which it is the duty of any person to execute under such scheme and which such person has failed to execute.

(2) Any expenses incurred by the Board under clause (b) of sub-section (1) may be recovered by the Board from the person or persons in default.

(3) In the event of any question arising whether any action taken or purporting to be taken under sub-section (1) is in pursuance of the provisions of a scheme, such question shall be referred to the President of the Union, whose decision thereon shall be final and conclusive and binding on all persons.

Signature and Service of Notices or Bills.

81. Every notice, bill or rent receipt, which is required by this Act or by any rule made thereunder to bear the signature of the Chairman or of any other Trustee or of any officer or servant of the Board, shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairman or of such other Trustee or of such officer or servant, as the case may be, stamped thereon.

Stamping signature on notices or bills.

82. When any notice, bill or other document is required by this Act or by any rule made thereunder to be served upon or to be issued or presented to any person, such service, issue or presentation shall be effected—

Service how to be effected.

- (a) by giving or tendering such document to such person ; or
- (b) if such person is not found, by leaving such document at his last known place of abode in the city, or by giving or tendering the same to some adult male member of his family ; or
- (c) if such person does not reside in the city, and his address elsewhere is known to the Chairman, by forwarding such document to him by registered post under cover bearing the said address ; or
- (d) if none of the means aforesaid be available, by causing a copy of such document to be affixed on some conspicuous part of the property to which the document relates.

Legal Proceedings.

83. The Chairman may, subject to the control of the Board,—

- (a) institute, defend, or withdraw from, legal proceedings under this Act or any rule made thereunder ;
- (b) compound any offences against this Act or any rule made thereunder which, under any law for the time being in force, may lawfully be compounded ;
- (c) admit, compromise or withdraw any claim made under this Act or any rule made thereunder ; and
- (d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the Board to obtain, for any of the purposes referred

Power of Chairman as to institution, etc., of legal proceedings and obtaining legal advice.

to in clauses (a), (b) and (c), or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or servant of the Board.

Indemnity.

84. No suit shall be maintainable against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer of the Board, in respect of anything lawfully and without negligence done under this Act or any rule made thereunder.

Notice of suit against Board, etc.

85. No suit shall be instituted against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of any act purporting to be done under this Act or any rule made thereunder, until the expiration of one month next after written notice has been delivered or left at the office of the Board, or at the office or the place of abode of such officer, servant or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims, and the plaint must contain a statement that such notice has been so delivered or left.

Recovery of Dues.

Recovery of dues.

86. (1) Any sum of money, or any tax or fee due to or claimable by the Board may be recovered by the Board as if it was an arrear of land-revenue.

(2) The President of the Union may, by notification, prescribe by whose orders and on whose application such money, tax or fee may be recovered.

CHAPTER VII.

OFFENCES.

Penalty for specific offences.

87. The offences mentioned in column 1 of the following table shall be punishable to the extent mentioned in column 2 thereof with reference to such offences, respectively :—

| 1 | 2 |
|--|--|
| (1) Contravening the provisions of a scheme in respect of the matters specified in section 41, clauses (i) and (j), or the provisions of section 45. | Fine not exceeding Rs. 500, and in case of continuing contravention, a further fine which may extend to Rs. 100 for each day after the first during which the contravention continues. |
| (2) Omitting to furnish the return required by section 69 (3), or refusing to sign or complete the same. | Fine not exceeding Rs. 1,000. |
| (3) Making and delivering any such return containing any statement not true to the best of the information and belief of the person making the same. | Imprisonment for a period which may extend to three years, or fine, or both. |

88. Whoever disobeys any rule made or any lawful direction given by the Board by public notice given under the powers conferred upon them by any of the provisions of this Act, or any notice in writing lawfully issued by them under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the Board to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to Rs. 50 and, in the case of a continuing breach, with a further fine which may extend to Rs. 5 for every day after the date of first conviction on which the offender is proved to have persisted in the offence.

Penalty for other offences.

89. If any Trustee, or any officer or servant of the Board, knowingly acquires, directly or indirectly, by himself or by any partner, employer or employee, otherwise than as such Trustee, officer or servant, any share or interest in any contract or employment with, by or on behalf of, the Board, not being a share or interest such as, under section 7, sub-section (2), it is permissible for a Trustee to have without being thereby disqualified for being elected or appointed a Trustee, he shall be punishable with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Punishment for acquiring share or interest in contract, or employment under the Board.

90. If any person—

- (a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Board in the performance or execution by such person of his duty, or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule made thereunder ; or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act or any rules thereunder ;

Penalty for obstructing contractor or removing mark.

he shall be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two months.

91. All fines and damages realized, and the proceeds of all confiscations, in cases in which prosecutions are instituted under this Act or any rule made thereunder, shall be paid to the Board.

Fines, damages, proceeds of confiscations to be paid to the Board.

92. Notwithstanding anything contained in the Code of Criminal Procedure,—

Cognizance of offences.

- (a) all offences against this Act or any rule made thereunder shall, wherever committed, be cognizable by a Magistrate of the Rangoon Town District ;
- (b) no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence by reason only of being liable to pay any tax imposed by this Act or of his being benefited by the funds to the credit of which any fine imposed by him will be payable ;

- (c) it shall not be necessary, in respect of any offence under this Act or of any rule made thereunder, to examine the complainant when the complaint is presented in writing

Limitation
of time for
prosecution.

93. No person shall be liable to punishment for any offence referred to in section 87, column 1, item (1), of the table unless complaint of such offence is made before a Magistrate within three months next after the commission of such offence.

Compensa-
tion to be
paid by
offenders for
damage
caused by
them,

94. (1) If, on account of any act or omission, any person has been convicted of an offence against this Act or any rule made thereunder, and, by reason of the same act or omission of the said person damage has occurred to any property of the Board, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence.

(3) If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

CHAPTER VIII.

RULES.

Power of
President to
make rules.

95. The President of the Union may make rules consistent with the provisions of this Act to provide for all or any of the following matters, namely :—

- (1) Regulating elections under section 4, clauses (d), (e), (f), (g) and (h).
- (2) (a) The particulars which a resolution declaring the intention to frame a scheme shall contain, including the submission of plans, and the description of buildings, if any, which may be affected by such scheme ;
- (b) the publication of such resolution, and the hearing and determination of objections against such scheme or any portion thereof ;
- (c) all other matters which may be provided for in a scheme ;
- (d) the publication of a draft or final scheme, the hearing and determination of objections against a scheme or any portion thereof, and the delegation to any person of the power of hearing and reporting on such objections ;
- (e) the inspection by the public of such draft or final scheme, and of the documents, plans and maps prepared with such scheme ;
- (f) regulating the sending of copies of such documents, plans and maps to the proper registering officer ;

- (g) the further particulars to be prescribed for inclusion in any draft scheme under section 44 ;
 - (h) the submission to the President of the Union of any scheme .
 - (i) the publication of notice of variation, revocation or abandonment of any scheme.
- (3) (a) Fixing the remuneration of the referee ;
- (b) the staff and establishment to be provided for the referee and the remuneration of such staff and establishment ;
 - (c) the procedure to be followed by the referee ;
 - (d) determining the powers and duties conferred or imposed upon the referee ;
 - (e) the form in which the Board shall draw up the final scheme, the particulars to be entered in such final scheme, and the extent to which variations may be made by the Board in the draft scheme ;
 - (f) the period of limitation for references to the Court ;
 - (g) fixing the fees payable on a reference under section 39 ;
 - (h) the procedure to be followed by a person who questions the decision of the referee as regards any of the points specified in section 38, sub-section (9), in applying for a reference to be made to the Court.
- (4) The procedure to be followed by the Board in summarily evicting a person under section 47.
- (5) The notice to be given by the Board before they take action under section 48.
- (6) The maintenance of a register of charges created under section 54.
- (7) The collection of the duty and taxes imposed by sections 68 and 69 and the payment thereof to the Board.
- (8) The form of the returns required by section 69, sub-section (3), the particulars to be contained therein, the manner of verification thereof, and the time within which the same are to be delivered to the Chairman.
- (9) The procedure to be followed by the officer deputed to hold an enquiry for the purpose of deciding a disputed claim to ownership under section 103.
- (10) The preparation of the annual administration report, and prescribing the form and contents thereof.
- (11) The lease, sale, transfer, or disposal of any immoveable property vested in the Board under section 58 or exchanged for any such immoveable property or purchased from the revenue of such immoveable property :

Provided that such disposal, sale or transfer shall not affect the rights of [the State]¹ therein or the conditions of any trust to which it may be subject.

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

- (12) The preparation and submission of estimates and determining the authority by whom such estimates shall be prepared or submitted.
- (13) Regulating the manner of publication of public notices and advertisements.
- (14) The procedure to be adopted for securing co-operation on the part of the Board with the owners or persons interested in immoveable property proposed to be included in a scheme at every stage of the proceedings by means of conferences and such other means as may be expedient.
- (15) Fixing of the period of limitation for claims for compensation.
- (16) Fixing of fees for process and amount of fees payable to witnesses.
- (17) The person by whom and the time, place and manner at or in which anything is to be done under this Act for which no express provision is made.
- (18) The cases in which inspection and copies of documents and records may be granted, regulating the procedure in, and fixing the fees for, obtaining the same.
- (19) The carrying out of the purposes of this Act with reference to all matters not specifically enacted therein.

Power of the
Board to
make rules.

96. (1) The Board may, from time to time, make rules, not inconsistent with any of the provisions of this Act or of any rules made by the President of the Union, for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) associating persons with the Board under section 17 ;
- (b) the guidance of persons employed by it under this Act ;
- (c) the time and place of meetings of the Board and committees ;
- (d) the manner in which notice of such meetings may be given ;
- (e) the quorum necessary for the transaction of business at meetings ;
- (f) the constitution and powers of committees appointed under section 18 ;
- (ff) delegating powers and duties to the Chairman subject to such limitations and restrictions on the exercise of such delegated powers and duties as may be deemed necessary ;
- (g) the filling of vacancies on committees ;
- (h) the manner in which a Trustee may resign ;
- (i) the manner in which minutes of proceedings shall be kept and published ;
- (j) regulating the preparation of the budget estimate ;
- (k) any other matter relating to the proceedings of the Board or committees, the holding or regulation of meetings, and the conduct of debate ;
- (l) the construction, maintenance and management of dwellings and shops constructed under any scheme ;

- (m) the qualifications ordinarily to be required of an officer or servant ;
- (n) the procedure to be followed in dismissing or removing from his appointment any officer or servant ;
- (o) the amount and the nature of the security to be demanded from any officer or servant from whom it may be deemed expedient to require security ;
- (p) the grant of leave to officer or servants ;
- (q) the payment of allowances to officers and servants, or to certain of them, whilst absent on leave ;
- (r) the remuneration to be paid to the person appointed to act for any of the said officers or servants during their absence on leave ;
- (s) the period of service of the said officers and servants ;
- (t) the conditions under which the said officers or servants on retirement or discharge, or, in case of their death while in service, their widows or other dependent relations, shall receive pensions, gratuities or compassionate allowances, and the amount of conveyance allowance and travelling allowance payable to such officers or servants : provided that no pension, gratuity, leave allowance or other allowance, except gratuities or compassionate allowances to widows and dependents, shall exceed the sum to which any officer or servant would be entitled if such officer or servant had been employed by Government in a capacity similar to that in which he is employed by the Board.
- (tt) the payment of advances, and contingent and other expenditure ;
- (ttt) other matters incidental to the control and administration of the Rangoon Development Fund ;
- (u) the payment of contributions to any provident or annuity fund established by the Board ;
- (v) the times, circumstances and conditions under which payments may be made out of any such fund and the conditions under which such payments shall relieve such fund from further liability ;
- (w) the settlement, by arbitration or otherwise, of disputes relating to such fund, or the payments or subscriptions thereto, or claims thereon, between the Board and other persons or between persons claiming any share or interest therein ; and
- (x) regulating generally such other matters incidental to such fund and the investment thereof as the President of the Union may approve.

97. (1) The power of the Board to make any rules under section 96 is subject to the control of the President of the Union and to the condition of the rules being made after previous publication.

(2) All rules made under this Act shall be published in the Gazette and shall thereafter have effect as if enacted in this Act.

Power to make rules subject to control of the President and all rules to be published.

CHAPTER IX.

SUPPLEMENTAL PROVISIONS.

Status of Trustees, etc.

Trustees,
etc., deemed
public
servants.

98. Every Trustee, and every officer and servant of the Board, and the referee shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

Police.

Co-operation
of the police.

99. (1) The Commissioner of Police of Rangoon and his subordinates shall co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act.

(2) It shall be the duty of every police-officer—

(a) to communicate without delay to the proper officer or servant of the Board any information which he receives of a design to commit or of the commission of any offence against this Act or any rule made thereunder ; and

(b) to assist the Chairman or any officer or servant of the Board reasonably demanding his aid for the lawful exercise of any power vested in the Chairman or in such officer or servant under this Act or any such rule.

Arrest of
offenders.

100. (1) Every police-officer shall arrest any person who commits, in his view, any offence against this Act or any rule made thereunder, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or, without the order of a Magistrate, for any longer time, not exceeding at the most forty hours from his arrest, than is necessary for bringing him before a Magistrate.

(3) On the written application of the Chairman, any police-officer above the rank of constable shall arrest any person who obstructs any officer or servant of the Board in the exercise of any of the powers conferred by this Act or any rule made thereunder.

Evidence.

Proof of
consent, etc.,
of Board or
Chairman or
officer or
servant of
Board.

101. Whenever, under this Act or any rule made thereunder, the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, permission, acceptance, declaration, opinion or satisfaction of—

(a) the Board or the Chairman, or

(b) any officer or servant of the Board.

a written document, signed in case (a) by the Chairman and in case (b) by the said officer or servant, purporting to convey or set forth such approval, sanction, permission, acceptance, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

Miscellaneous.

102. (1) No act or proceeding taken under this Act shall be questioned on the ground merely of— Validation of acts and proceedings.

- (a) the existence of any vacancy in, or any defect in the constitution of, the Board or any committee; or
- (b) any person having ceased to be a Trustee; or
- (c) any Trustee having voted or taken any other part in any proceeding in contravention of section 20; or
- (d) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board, the minutes of the proceedings of which have been duly signed in the manner prescribed, shall be taken to have been duly convened and to be free from all defect and irregularity.

103. (1) Where there is a disputed claim as to the ownership of any immoveable property included in an area in respect of which any of the provisions of this Act are to be applied, an enquiry may be held by such officer as the President of the Union may appoint for the purpose of deciding who shall be deemed to be the owner for the purposes of this Act. Disputed ownership.

(2) Such decision shall not be subject to appeal or revision, but it shall not operate as a bar to a regular suit.

(3) Such decision shall, in the event of a civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the Board either by the civil Court or by some person affected by such decree.

104. For the purposes of this Act, an officer appointed under section 103 or the referee may, in accordance as far as possible with the provisions of the Code of Civil Procedure, summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and produce documents. Power of referee to summon and enforce the attendance of witnesses to give evidence and to produce documents.

105. In extending this Act to any area, the President of the Union shall follow the same procedure as is prescribed, for the time being in force, for including any area within the limits of the City of Rangoon. Extension of this Act to any area.

Exemption from registration of certain documents, plans and maps.

106. (1) Nothing in the Registration Act shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a final scheme which has come into force and which has not been revoked, or of any document relating to a charge fixed on any plot in connection with a final scheme :

Provided that the Board shall, in accordance with rules made under section 95, cause a copy of any such document, plan and map to be sent to the registering officer in whose jurisdiction any part of the immoveable property affected by such scheme is situated.

(2) All such documents, plans and maps shall be deemed to have been and to be duly registered under section 17 of the Registration Act for the purposes of sections 48 and 49 of that Act, and the registering officer shall file a copy in his book No. I :

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

(3) In section 90 of the Registration Act the word "Government" shall, for the purposes of this Act, be construed as referring both to the Government and the Board :

Provided that a copy of any document or map mentioned in that section and executed by or in favour of the Board shall be sent to the registering officer in whose jurisdiction any part of the land affected is situated, and such copy shall be filed by the registering officer in his book No. I :

Provided also that, subject to rules made under section 95, all such documents and maps shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents and maps shall be given to all persons applying for such copies.

Compensation.

General power of Board to pay compensation.

107. In any case not otherwise expressly provided for in this Act, the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of the powers vested, by this or any other Act or any rule thereunder, in the Board or the Chairman or any officer or servant of the Board.

Control.

Supply of minutes of proceedings to the President.

108. The Chairman shall forward to the President of the Union a copy of the minutes of the proceedings of each meeting of the Board within ten days from the date on which the minutes of the proceedings of such meeting were signed in manner prescribed.

Power of President to call for extracts from proceedings, etc.

109. The President of the Union may at any time call upon the Board to furnish him with any extract from any proceedings of the Board or of any committee constituted under this Act, or from any record under the control of the Board, and with any statistics concerning or connected with the administration of this Act, and the Board shall furnish the same without unreasonable delay.

110. The President of the Union may require the Board to submit—

- (a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Board ;
- (b) a report on any such matter ;
- (c) a copy of any document in their charge ;

Power of President to call for returns, etc.

and the Board shall submit the same without unreasonable delay.

111. (1) If, on receipt of any report submitted or of any document furnished under section 110, the President of the Union is of opinion—

Power of President to require the Board to take action

- (a) that any of the duties imposed or powers conferred on the Board by this Act or by any other law for the time being in force has not been performed or exercised, or has been performed or exercised in an imperfect, inefficient or unsuitable manner ; or
- (b) that adequate financial provision has not been made for the performance of any such duty ;

the President of the Union may, by an order in writing, direct the Board, within a period to be specified in the order, to make arrangements to his satisfaction for the proper performance of the duties mentioned in clause (a), or to make financial provision to his satisfaction for the performance of any such duty, as the case may be ;

and the Board shall comply with such directions without unreasonable lay.

(2) On failure of the Board to comply with such directions within the period specified, the President of the Union or any person or persons appointed in this behalf may, subject to the provisions of this Act, perform such duty or exercise such power or make such provision as the case may be.

Dissolution of Board.

112. The President of the Union may at any time, by notification, declare that, as and from a date to be specified in such notification, the Board shall be dissolved and that until further orders to be notified in this behalf all the powers and duties conferred and imposed upon the Board under this Act shall be exercised and performed by the Municipal Corporation of the City of Rangoon, and that all assets and liabilities of the Board shall for the time being vest in and be taken over respectively by the said Corporation.

Transfer of the powers and duties of the Board to the Rangoon Corporation

113. When all the schemes sanctioned by the Board under this Act shall have been executed or shall have been so far executed as to render the continued existence of the Board in the opinion of the President of the Union unnecessary, the President of the Union may, by notification, declare that the Board shall be dissolved as and from such date as may be specified therein, and the Board shall be dissolved accordingly.

Declaration by the President as to the dissolution of the Board.

114. On the publication of a notification by the President of the Union declaring under section 112 that the powers and duties of the Municipal Corporation of the City of Rangoon under the Act have ceased, or under section

Disposal of property on the dissolution of the Board.

113 that the Board has been dissolved, all the immoveable property vested in the Board under section 58 or exchanged for any such immoveable property or purchased from the revenues of such immoveable property, together with the liabilities attaching thereto, shall respectively vest in and be taken over by the Government, and all other property belonging to the Board, together with the liabilities attaching thereto, shall respectively vest in and be taken over by the Municipal Corporation of the City of Rangoon.

SCHEDULE I.

(REFERRED TO IN SECTION 34.)

Modifications in the Land Acquisition Act.

1. In section 3,—

(1) At the end of clause (e) the following shall be deemed to be inserted, namely :—

“ the expression ‘ local authority ’ includes the Board constituted under the provisions of the Rangoon Development Trust Act ”.

(2) In clause (f), after the word “ includes ” the following words shall be deemed to be inserted, namely :—

“ any of the purposes of the Rangoon Development Trust Act, and ”.

2. To section 11, the following shall be deemed to be added, namely :—

“ and (iv) the costs which, in his opinion, should be allowed to any person who is found to be entitled to compensation, and who is not entitled to receive the additional sum of fifteen *per centum* mentioned in section 23, sub-section (2), as having been actually and reasonably incurred by such person in preparing his claim and putting his case before the Collector :

Provided that the Collector may disallow, wholly or in part, costs incurred by any person, if he considers that the claim made by such person for compensation is extravagant. ”

3. In section 15, for the word and figures “ and 24 ” the figures, word and letter “ 24 and 24A ” shall be deemed to be substituted.

4. In section 17, sub-section (3), after the figures “ 24 ” the words, figures and letter “ or section 24A ” shall be deemed to be inserted.

5. After section 17, the following shall be deemed to be inserted, namely :—

“ 17A. In every case referred to in section 16, or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Board ; and the land shall

thereupon vest in the Board, subject to the liability of the Board to pay any further costs which may be incurred on account of its acquisition."

6. At the end of sub-section (1) of section 18, the words, "or the amount of the costs allowed" shall be deemed to be inserted.

7. After the words "amount of compensation" in clause (c) of section 19, the words "and of costs (if any)" shall be deemed to be inserted.

8. After the words "amount of compensation" in clause (c) of section 20, the words "or costs" shall be deemed to be inserted.

9. (1) In sub-section (2) of section 23, after the words "in every case" the following shall be deemed to be inserted, namely :—

"except where the land acquired is comprised in a scheme which has been sanctioned by the President of the Union and published under section 38 of the Rangoon Development Trust Act."

(2) At the end of section 23, the following shall be deemed to be added, namely :—

"(3) For the purposes of clause *first* of sub-section (1) of this section :

- (a) the market value of any land in any area comprised in a scheme published under section 38 of the Rangoon Development Trust Act, and acquired for the purposes of such scheme, shall be deemed to be the market value of the land at the date of the resolution under sub-section (1) of section 38 of the Rangoon Development Trust Act, if such land is acquired within three years from such date, or on the date of acquisition if such acquisition takes place more than three years after the date of such resolution ;
- (b) if it be shown that, before the date of such resolution, the owner of the land had taken active steps and incurred expenditure to secure a more profitable disposition of the same, further compensation, not exceeding in amount the said expenditure, may be paid to him ;
- (c) if the market value is especially high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded, and the market value shall be deemed to be the market value of the land if put to ordinary uses ;
- (d) if the market value of any building is specially high in consequence of the building being so over-crowded as to be dangerous to the health of the inmates, such over-crowding shall be disregarded, and the market value shall be deemed to be the market value of the building if occupied by such number of persons only as could be accommodated in it without risk of danger from over-crowding."

10. For clause *seventhly* of section 24 the following shall be deemed to be substituted, namely :—

“*seventhly*, any outlay on additions or improvements to land or buildings comprised in, and acquired for the purposes of, any scheme sanctioned by the President of the Union and published under section 38 of the Rangoon Development Trust Act, which was incurred after the date of the resolution under section 38, sub-section (1), of the Rangoon Development Trust Act, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair.”

11 After section 24, the following shall be deemed to be inserted, namely :—

“ 24A. In determining the amount of compensation to be awarded for any land acquired for the Board for the purposes of the Rangoon Development Trust Act, the Court shall also have regard to the following provisions, namely :—

- (1) When any interest in any land acquired for the purposes of the said Act has been acquired after the date of the resolution under section 38, sub-section (1), of the said Act, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land.
- (2) If, in the opinion of the Court, any building is in a defective state from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation shall not exceed the sum which the Court considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, *minus* the estimated cost of putting it into such condition or state.
- (3) If, in the opinion of the Court, any building which is used or is intended or is likely to be used for human habitation, or human occupation for any purpose whatever, is not reasonably capable of being made fit for such human habitation or occupation, the amount of compensation shall not exceed the value of the materials of the building *minus* the cost of demolishing the building.”

12. (1) After the words “the compensation” in sub-section (1) of section 31, and after the words “the amount of the compensation” in sub-section (2) of that section, the words “and costs (if any)” shall be deemed to be inserted.

(2) After the words “any compensation” in the concluding proviso to sub-section (2) of section 31, the words “or costs” shall be deemed to be inserted.

SCHEDULE II.

(REFERRED TO IN SECTION 35.)

Loans raised by the Municipal Committee of Rangoon for the purposes of the Town Lands Reclamation Fund.

- (a) A loan of six lakhs of rupees, bearing interest at $4\frac{1}{2}$ per centum per annum, raised in 1902 and repayable after a currency of twenty years ;
- (b) a loan of five lakhs of rupees, bearing interest at $4\frac{1}{2}$ per centum per annum, raised in 1902 and repayable after a currency of twenty-five years ;
- (c) a loan of five lakhs of rupees, bearing interest at $4\frac{1}{2}$ per centum per annum, raised in 1902 and repayable after a currency of thirty years ;
- (d) a loan of two lakhs of rupees, bearing interest at $4\frac{1}{2}$ per centum per annum, raised in 1904 and repayable after a currency of thirty-five years ;
- (e) a loan of twenty-seven and a half lakhs of rupees, bearing interest at four per centum per annum, raised in 1908 and repayable after a currency of twenty-five years ; and
- (f) a loan of fifteen lakhs of rupees, bearing interest at four per centum per annum, raised in 1910 and repayable after a currency of twenty-five years.

THE BURMA DAYLIGHT SAVING ACT. *

[BURMA ACT XXX, 1945.] (28th November 1945.)

WHEREAS it is expedient in the interest of public health and welfare that provisions should be made to enable the time for general purposes to be advanced periodically by an hour ;

* * * *

It is hereby enacted as follows :—

1. This Act may be called the Burma Daylight Saving Act, 1945.
2. The President of the Union may, by notification in the *Burma Gazette*, order that, for the duration of a term specified therein, the time for general purposes shall be one hour in advance of the Burma Standard Time.
3. Whenever any reference to a point of time occurs in any enactment, order, regulation, rule, by-law, deed, notice or any other document, the time referred to shall, during the period specified under section 2, be deemed to be the time for general purposes.

* Published in Judicial Department Notification No. 69, dated the 28th November 1945 (*Burma Gazette*, 1945, Part I, page 42).

၁၉၄၉ ခုနှစ်၊ ပြည့်တန်းဆာပပျောက်ရေးအက်ဥပဒေ *။

[၁၉၄၉ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၂၄။] (၁၉၄၉ ခု၊ ဧပြီလ ၂၁ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

အမည်တို့။ ၁။ ။ (၁) ဤအက်ဥပဒေကို ၁၉၄၉ ခုနှစ်၊ ပြည့်တန်းဆာ ပပျောက်ရေး အက်ဥပဒေဟု ခေါ်ရမည်။
(၂) ဤအက်ဥပဒေသည်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတော်လုံးနှင့် သက်ဆိုင်သည်။

အဓိပ္ပါယ်ဖော်ပြချက်။ ၂။ ။ ဤအက်ဥပဒေတွင် အကြောင်းအရာ၌ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၌ဖြစ်စေ၊ ဆန့်ကျင်ကွဲလွဲချက်မဝါလျှင်—

- (က) “ပြည့်တန်းဆာအိမ်” ဆိုသည်မှာ၊ ပြည့်တန်းဆာကိစ္စအလို့ငှါ၊ အသုံးပြုပြု ဖြစ်သည့်အိမ်၊ သို့တည်းမဟုတ် အဆောက်အဦ၊ အခန်း၊ ရေယာဉ်၊ ကုန်းယာဉ်၊ သို့တည်းမဟုတ် နေရာကိုသော်၎င်း၊ ဆိုခဲ့သည့်အိမ် စသည်တို့၏ တစိတ်တဒေသကိုသော်၎င်း ဆိုလိုသည်။
- (ခ) “ခန့်ထားသည့်ဆေးဆရာ” ဆိုသည်မှာ၊ ဤအက်ဥပဒေအလို့ငှါ၊ နိုင်ငံတော် သမေတက ခန့်ထားသော ဆေးဆရာကိုဆိုလိုသည်။
- (ဂ) “သတ်မှတ်တားသည့်ဌာန” ဆိုသည်မှာ၊ ဤအက်ဥပဒေအလို့ငှါ၊ တည်ထောင်၍၊ အစိုးရက အသိအမှတ်ပြုသောဌာနကိုဆိုလိုသည်။ ထို့ပြင်
- (ဃ) “ကာလသားရောဂါ” ဆိုသည်တွင်၊ ဆစ်ဖလစ်နာ၊ ဂနိုရီယာခေါ် ညောင်းကျနာနှင့် ရှံကာအပြောနာတို့လည်း ပါဝင်သည်။

ပြည့်တန်းဆာ ကိစ္စအလို့ငှါ မြို့ခေါ်သွေးဆောင်ခြင်း။ ၃။ ။ မည်သူမဆို၊ ပြည်သူတို့နှင့်ဆိုင်သော လမ်း၌သော်၎င်း၊ ပြည်သူတို့နှင့်ဆိုင်သော နေရာ၌သော်၎င်း၊ ပြည်သူတို့ ဝင်ထွက်သွားရောက်မြဲနေရာ၌သော်၎င်း ထိုလမ်းထိုနေရာတို့မှ မြင်သာကြားသာအောင်၊ အိမ်၊ အဆောက်အဦ၊ အခန်း၊ ရေယာဉ်၊ သို့တည်းမဟုတ် ကုန်းယာဉ်အတွင်းက သော်၎င်း၊ အပကသော်၎င်း—

- (က) ပြည့်တန်းဆာကိစ္စအလို့ငှါ၊ နှုတ်အမူအရာဖြင့်ဖြစ်စေ၊ ကိုယ်အမူအရာဖြင့်ဖြစ်စေ၊ ဟိရိဩတ္တပ္ပတရားကင်းလျက်၊ မိမိကိုယ်ကာယကို တမင်လွှမ်းမိုးခြင်းဖြင့် ဖြစ်စေ၊ အခြားနည်းဖြင့်ဖြစ်စေ၊ အာရုံစူးစိုက်လျှင်၊ သို့တည်းမဟုတ် အာရုံစူးစိုက်ရန် အားထုတ်လျှင်၊ သို့တည်းမဟုတ်
- (ခ) ပြည့်တန်းဆာကိစ္စ အလို့ငှါ၊ တဦးတယောက်သောသူအား၊ မြို့ခေါ်သွေးဆောင်ခြင်း၊ နှောင့်ယှက်ခြင်း၊ တားဆီးခြင်း၊ သို့တည်းမဟုတ် အနီးအနားတွင် ရစ်ဝဲခြင်းပြုလျှင်

ထိုသူကို အလုပ်ကြမ်းနှင့် ထောင်ဒဏ် တနှစ်ထိဖြစ်စေ၊ ဝေဒဏ်နှင့်ထောင်ဒဏ် နှစ်ရပ်စလုံးဖြစ်စေ စီရင်နိုင်စေရမည်။

* မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၄၉ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၂၉၃ တွင် ထုတ်ပြန်ကျေညာသည်။

၄။ ။ပုဒ်မ ၃ အရ၊ မိမိရှေ့တွင် ပြစ်မှုကျူးလွန်သည်ကို တွေ့မြင်သောရဲအုပ်အောက် ပြစ်မှုကို အဆင့်အတန်းမရှိသော ရဲအရာရှိသည်၊ ပြစ်မှုကျူးလွန်သူကို ဝါရမ်းမပါဘဲ ဘမ်းဆီးချုပ်နှောင် နိုင်၍၊ ထိုသို့ဘမ်းဆီးချုပ်နှောင်ခြင်းပြုပြီး၊ နောက်တနေ့ထက်နောက်ကျော့ဖြစ်စေ၊ ထိုနေ့တွင်တရား ရုံးများပိတ်ထားခဲ့သော၊ တရားရုံးများပြန်လည်ဖွင့်လှစ်သည့် ပဌမနေ့တွင်ဖြစ်စေ၊ ထိုပြစ်မှုကိုအရေး ပျဉ်းခွင့် အာဏာရရာဇဝတ်တရားသူကြီးရှေ့ စစ်ကြော်စီရင်စေရန် တင်ပို့ရမည်။ ပြစ်မှုကျူးလွန် သူကို၊ စစ်ကြော်စီရင်စေရန် တင်ပို့သောအခါ၊ တရားစွဲဆိုချက်၏ အထောက်အခံဖြစ်သော သက် ဆိုင်ရာသက်သေ အရပ်ရပ်ကိုတင်ပြရန် အသင့်ဖြစ်စေရမည်။ ပြစ်မှုကျူးလွန်သူကို ရုံးတော်သို့ တင်ပို့သည့်နေ့တွင်၊ ရာဇဝတ်တရားသူကြီးက အမှုကိုလက်ခံစစ်ဆေးရမည်။

၅။ ။(၁) မည်သူမဆို အခြားသူတဦးတယောက် ပြည့်တန်းဆာအဖြစ်ဖြင့် စီးပွားရှာ ဖွေရရှိသည်ကိုသိလျက်နှင့် ထိုသူရှာဖွေရရှိသော စီးပွားကိုလုံးဝဖြစ်စေ၊ တစိတ်တဒေသဖြစ်စေ၊ ခို၍အသက်မွေးမြူလျှင်၊ ထိုသူကိုအလုပ်ကြမ်းနှင့် သုံးနှစ်ထိ ထောင်ဒဏ်စီရင်နိုင်စေရမည်။ ယောက်ျား ဖြစ်လျှင် ကြိမ်ဒဏ်လည်းစီရင်နိုင်စေရမည်။

ပြည့်တန်းဆာ အဖြစ်ဖြင့် ရှာဖွေ ရရှိသည့် စီးပွားကိုခို၍ အသက်မွေးမြူ သည့်အတွက် အပြစ်ဒဏ်။

(၂) ပြည့်တန်းဆာတဦးတယောက်ကို ပြည့်တန်းဆာအဖြစ်ဖြင့်စီးပွားရှာဖွေစေရန်ကူညီ သည်ဟုသော်၎င်း၊ အားပေးသည်ဟုသော်၎င်း၊ အနိုင်အထက်ပြုသည်ဟုသော်၎င်း၊ ပုလဲဆွယ်ရာ ဖြစ်အောင် တဦးတယောက်သောသူသည် ပြည့်တန်းဆာနှင့်အတူနေကြောင်း၊ သို့တည်းမဟုတ် အတူ အပေါင်းအဖော်ပြုလေ့ရှိကြောင်း၊ သို့တည်းမဟုတ် ပြည့်တန်းဆာ၏ အသွားအလာကို ကြီးကြပ်ညွှန် ကြားချုပ်ချယ်ကြောင်းထင်ရှားလျှင်၊ ထိုသူသည် အခြားသူတဦးတယောက် ပြည့်တန်းဆာအဖြစ်ဖြင့် ရှာဖွေရရှိသော စီးပွားဖြစ်ကြောင်းသိလျက်နှင့် ထိုစီးပွားကိုခို၍ အသက်မွေးမြူခြင်းမပြုကြောင်း ထင် ရှားအောင်မပြနိုင်ပါက၊ ထိုသူအား ထိုသို့ခို၍အသက်မွေးမြူသည်ဟုမှတ်ယူရမည်။

၆။ ။မည်သူမဆို၊ မိန်းမတဦးတယောက်ကို ပြည့်တန်းဆာအဖြစ်စေရန်သော်၎င်း၊ ပြည့် တန်းဆာကိုစွဲအလိုငှါ ပြည့်တန်းဆာအိမ်တွင် သွားရောက်နေထိုင်ကျက်စားစေရန်သော်၎င်း၊ ကြိယ ဖျက်ဖြစ်စေ၊ သို့တည်းမဟုတ် ထိုမိန်းမကို ပြည့်တန်းဆာအဖြစ်စေရန်သော်၎င်း၊ ပြည့်တန်းဆာကိုစွဲ အလိုငှါ၊ ပြည့်တန်းဆာအိမ်တွင် သွားရောက်နေထိုင် ကျက်စားစေရန်သော်၎င်း၊ သွေးဆောင်ခြင်း၊ အနိုင်အထက်ပြုခြင်း ခံရသူဟူသည်ကို သိလျက်နှင့်ဖြစ်စေ၊ ထိုမိန်းမကို ပြည့်တန်းဆာအိမ်မဟုတ် သော လက်ရှိနေရာတခုမှ ထွက်ခွါသွားရန် မည်သည့်နည်းနှင့်မဆို သွေးဆောင်လျှင်၊ ထိုသို့သွေး ဆောင်သောသူကို ငွေဒဏ်နှင့်တကွ၊ အလုပ်ကြမ်းနှင့် သုံးနှစ်ထိ ထောင်ဒဏ်စီရင်နိုင်စေရမည်။ ယောက်ျားဖြစ်လျှင်၊ ကြိမ်ဒဏ်လည်းစီရင်နိုင်စေရမည်။

ပြည့်တန်းဆာ အဖြစ်မြောက် အောင်မြင်ခြင်း။

၇။ ။(၁) ရာဇဝတ်ကျင့်ထုံးဥပဒေပုဒ်မ ၁၁၀ မှ ၁၂၆-က၊ ထို့ပြင် ပုဒ်မ ၅၁၄၊ ရာဇဝတ် ၅၁၄-က၊ ၅၁၄-ခ နှင့် ၅၁၅ များပါ ပြဋ္ဌာန်းချက်များသည်၊ ဆိုလတ္တံ့သောသူ တဦးဦးနှင့် သက်ဆိုင်စေရမည်။

ရာဇဝတ် ကျင့်ထုံး ဥပဒေအရ အမိန့်များနှင့် သက်ဆိုင် စေခြင်း။

- (က) ပြည့်တန်းဆာအဖြစ်ဖြင့် အမြဲအသက်မွေးသူ၊ သို့တည်းမဟုတ်
- (ခ) ပုဒ်မ ၆ တွင် ဖော်ပြပါရှိသည့်အမှုကို ကျူးလွန်လေ့ရှိသူ၊ သို့တည်းမဟုတ်
- (ဂ) ပြည့်တန်းဆာအဖြစ်ဖြင့် ရှာဖွေရရှိသည့်စီးပွားကိုလုံးဝဖြစ်စေ၊ တစိတ်တဒေသ ဖြစ်စေ၊ ခို၍အသက်မွေးမြူသူ၊ သို့တည်းမဟုတ်
- (ဃ) ရာဇသတ်ကြီးပုဒ်မ ၃၇၂၊ သို့တည်းမဟုတ် ပုဒ်မ ၃၇၃ အရ ပြစ်မှုကို ကျူးလွန်လေ့ရှိသူ၊ သို့တည်းမဟုတ်
- (င) ဤအက်ဥပဒေအရ၊ ပြစ်မှုကိုကျူးလွန်လေ့ရှိသူ။

(၂) အမှုကိုစဉ်ဆေးသည့် ရာဇဝတ်တရားသူကြီးသည်၊ ရာဇဝတ်ကျင့်ထုံး ဥပဒေပုဒ်မ ၁၁၀ အရ၊ အမိန့်ထုတ်ဆင့်မည့်အစား၊ သို့တည်းမဟုတ် ထိုအမိန့်ကိုထုတ်ဆင့်သည့်အပြင်၊ အဆိုပါ အမှုနှင့်စပ်လျဉ်း၍ စစ်ဆေးခြင်းခံရသူအား၊ ထိုအမိန့်တွင် ဖော်ပြထားသည့် နှစ်နှစ်ထက်မပိုသော ကာလတိုင်အောင် သတ်မှတ်ထားသောရပ်ကွက်အတွင်း၌သာ သွားလာနေထိုင်စေ၍၊ သတ်မှတ် ထားသည့်နေရာနှင့်အချိန်များတွင် ထိုသူကိုယ်တိုင်လာရောက်တိုင်ကြားရမည်ဟုအမိန့်ချမှတ်နိုင်သည်။

ပြည့်တန်းဆာ
အိမ်ထားရှိခြင်း
အတွက်သော်
၎င်း၊အိမ်ဥပစာ
ကို ပြည့်တန်း
ဆာအိမ် အဖြစ်
အသုံးပြုရန်နှင့်
ပြုသည့်အတွက်
သော်၎င်း၊
ထိုက်သည့်ပြစ်
ဒဏ်။

၈။ ။မည်သူမဆို—

- (က) ပြည့်တန်းဆာအိမ်ထားရှိလျှင်၊ သို့တည်းမဟုတ် စီမံကြီးကြပ်လျှင်၊ သို့တည်းမဟုတ် စီမံကြီးကြပ်ရာတွင် ကူညီဆောင်ရွက်လျှင်၊ သို့တည်းမဟုတ်
- (ခ) အိမ်ဥပစာတွင် ငှားရမ်းနေထိုင်သူသော်၎င်း၊ လက်ရှိနေထိုင်သူသော်၎င်း၊ စီမံကြီးကြပ်သူသော်၎င်းဖြစ်၍ ပြည့်တန်းဆာအဖြစ်ဖြင့် စီးပွားရှာရန် ကိစ္စအတွက်ဖြစ်ကြောင်း သိလျက်နှင့် ထိုအိမ်ဥပစာအားလုံးကိုဖြစ်စေ၊ တစိတ်တဒေသကိုဖြစ်စေ၊ အသုံးပြုရန်ခွင့်ပြုလျှင်၊ သို့တည်းမဟုတ်
- (ဂ) အိမ်ဥပစာကို အငှားချသူသော်၎င်း၊ ပိုင်ဆိုင်သူသော်၎င်း၊ အဆိုပါသူတို့၏ ကိုယ်စားလှယ်သော်၎င်း၊ ဖြစ်၍ပြည့်တန်းဆာအဖြစ်ဖြင့် စီးပွားရှာဖွေရန်ကိစ္စအတွက် အသုံးပြုမည်ဖြစ်ကြောင်းသိလျက်နှင့် ထိုအိမ်ဥပစာအားလုံးကိုဖြစ်စေ၊ တစိတ်တဒေသကိုဖြစ်စေ၊ ငှားရမ်းလျှင်၊ သို့တည်းမဟုတ် အဆိုပါ ကိစ္စတခုခုအတွက် အဆိုပါအိမ်ဥပစာအားလုံးကိုဖြစ်စေ၊ တစိတ်တဒေသကိုဖြစ်စေ၊ ဆက်လက်၍အသုံးပြုရာ၌ သဘောတူပါဝင်သူဖြစ်လျှင်

ထိုသူကိုအလုပ်ကြမ်းနှင့် သုံးနှစ်ထိ သောင်ဒဏ်ဖြစ်စေ၊ ငွေဒဏ်ဖြစ်စေ၊ ဒဏ်နှစ်ရပ်စလုံးဖြစ်စေ စီရင်နိုင်စေရမည်။

ပြည့်တန်းဆာ
အိမ်ထားရှိခြင်း။

၉။ ။မည်သူမဆို ပြည့်တန်းဆာ

အိမ်အဖြစ်အသုံးပြုသည့် အိမ်ဥပစာ၏ အကြီးအကဲအဖြစ်ဖြင့်သော်၎င်း၊ အဆိုပါအိမ်ဥပစာကို ထိန်းသိမ်းစောင့်ရှောက်အုပ်ချုပ်သူအဖြစ်ဖြင့်သော်၎င်း၊ စီမံကြီးကြပ်သူ အဖြစ်ဖြင့်သော်၎င်း၊ ပြုမူလျှင်၊သို့တည်းမဟုတ်ကျင့်ကြံလျှင်၊ သို့တည်းမဟုတ် ပြုမူကျင့်ကြံကြောင်း ထင်မြင်ယူဆခြင်း ခံရလောက်အောင်ဖြစ်လျှင်၊ ထိုသူသည် ပုဒ်မ ၈ ၏အဓိပ္ပာယ်သဘောအရ ပြည့်တန်းဆာအိမ်ထားရှိသည်ဟု မှတ်ယူရမည်။

အိမ်ဥပစာ
အတွင်းသို့ ရဲအ
ရာထမ်း၊အမှု
ထမ်းတို့ဝင်
ရောက်ရှာဖွေ
ပိုင်ခွင့်နှင့်မ
သင်္ကာလျှင်
ဘမ်းဆီးပိုင်ခွင့်
အာဏာများ။

၁၀။ ။(၁) ပြည့်တန်းဆာအဖြစ်ဖြင့် စီးပွားရှာဖွေရန်ကိစ္စအတွက် အိမ်ကိုသော်၎င်း၊

အိမ်၏တစိတ်တဒေသကိုသော်၎င်း၊ အသုံးပြု၍ ထိုအိမ်၌နေထိုင်သူသည်၊ သို့တည်းမဟုတ် ထိုအိမ်၌ မကြာခဏလာရောက်လေ့ရှိသူသည်၊ ပြည့်တန်းဆာအဖြစ်ဖြင့် ရှာဖွေရရှိသော စီးပွားကိုလုံးဝဖြစ်စေ၊ တစိတ်တဒေသဖြစ်စေရှိ၍ အသက်မွေးပြုသည်ဟု ကျွမ်းကျင်သတင်းပေးချက်ရရှိသဖြင့် ဒုတိယတန်းအောက်မနိမ့်သော အာဏာရရာဇဝတ်တရားသူကြီး တဦးကထိုသတင်းပေးချက်အရမသင်္ကာဘွယ်ရာရှိသည်ထင်မြင်လျှင်၊ ထိုရာဇဝတ်တရားသူကြီးသည်၊ ဝါရမ်းထုတ်ဆင့်လျက် ထိုအိမ်ဥပစာအတွင်း ဝင်ရောက်ရှာဖွေရန်၎င်း၊ ဝါရမ်းတွင်ဖော်ပြထားသူကို၊ သို့တည်းမဟုတ် ဖော်ပြထားသူများကို ဘမ်းဆီးရန်၎င်း၊ ရဲအရာရှိအား အခွင့်အာဏာပေးအပ်နိုင်သည်။

(၂) ရဲအုပ်အောက် အဆင့်အတန်းမနိမ့်သော ရဲအရာရှိတဦးသည်၊ အိမ်အဆောက်အဦ၊ အခန်း၊ ရေယာဉ်၊ ကုန်းယာဉ်၊ သို့တည်းမဟုတ် နေရာကိုဖြစ်စေ၊ ထိုအိမ်စသည်တို့၏ တစိတ်တဒေသကိုဖြစ်စေ၊ ပြည့်တန်းဆာအိမ်အဖြစ် အသုံးပြုကြောင်း ယုံကြည်လောက်သော သတင်းရရှိ၍၊ ထိုသတင်းအချုပ်နှင့် ထိုသတင်းမှန်ကန်သည်ဟု ယုံကြည်သော အကြောင်းပြချက်တို့ကို မှတ်တမ်း

တင်ပြီးလျှင်၊ ထိုအိမ်စသည်တို့ကို မိမိကိုယ်ဘိုင်ဝင်ရောက်ရှာဖွေနိုင်သည်။ သို့တည်းမဟုတ် အခြားရဲ အရာရှိတို့ဦးကား စာဖြင့်ရေးသားသင့်ဆို အာဏာပေး၍ရှာဖွေစေနိုင်သည်။ ရှာဖွေသောရဲအရာရှိ သည် အဆိုပါအိမ်စသည်တို့၌ တွေ့ရှိသူကို စစ်ဆေးနိုင်သည့်ပြင်၊ ဤအကဲဥပဒေအရပြင်မှုကူးလွန် သည်ဟု မသင်္ကာစရာအကြောင်းရှိသူကိုလည်း ဘမ်းဆီးချုပ်နှောင်ခွင့်ရှိသည်။

သို့ရာတွင် နောက်သင်စစ်ဆေးမေးမြန်းရန်အလို့ငှါ၊ ရဲဌာနသို့ထိုသူတို့လာရောက်ရမည်ဟု စည်းကမ်းချက်ထား၍ သင့်တင့်သော အာမခံဖြင့် ထိုသူတို့ကို လွှတ်ထားရမည်။

၁၁။ ။ပုဒ်မ ၁၀ (၁) အရ၊ ရှာဖွေခြင်းကို ဝါရမ်းထုတ်ဆင့်သည့် နေ့ရက်မှ ၂ ရက် ရှာဖွေသော အတွင်း ရာဇဝတ်ကျင့်ထုံးဥပဒေပုဒ်မ ၁၀၃ ပါပြဋ္ဌာန်းချက်များနှင့်အညီ ပြုရမည့်ပြင်၊ ထိုသို့ရှာဖွေ ခြင်းခံရသည့်အိမ်စသည်တို့တွင် ဝါရမ်း၌ ဖော်ပြပါရှိသောသူကို၊ သို့တည်းမဟုတ် သူတို့ကို ပြည့် တန်းဆာအဖြစ် အသက်ခံဖွားသူတဦး၊ သို့တည်းမဟုတ်အများ၊ ထို့ပြင်ထိုအိမ်စသည်တို့တွင် နေထိုင်သူ မဟုတ်သည့် ယောက်ျားတဦး၊ သို့တည်းမဟုတ် အများနှင့်အတူတကွ တွေ့ရှိလျှင်၊ ဝါရမ်းအရ ဘမ်း ဆီးခြင်းခံရသူသည်၊ သို့တည်းမဟုတ် သူများသည်၊ ပြည့်တန်းဆာအဖြစ် ရှာဖွေရရှိသည့်စီးပွားမှန်း သိပါလျက်၊ ထိုစီးပွားကိုမှီ၍ အသက်မွေးမြူသူများမဟုတ်ကြောင်း အသင်အရှားမပြနိုင်သော်၊ ထိုကဲ့သို့ စီးပွားကိုမှီ၍ အသက်မွေးမြူသူဖြစ်သည်ဟု မှတ်ယူခြင်း ခံရမည်ဖြစ်၍ ထိုကဲ့သို့သောသူများအဖြစ် ပြစ်မှု ထင်ရှားစီရင်ခြင်းခံထိုက်စေရမည်။

ရှင်းလင်းချက်။ ။ဤပုဒ်မပါကိစ္စအလို့ငှါ၊ “ပြည့်တန်းဆာအဖြစ် အသက်မွေးသူ” ဆိုသည်မှာ၊ ပုဒ်မ ၃ အရဖြစ်မှုဖြင့် ယခင်ကပြစ်မှုထင်ရှားစီရင်ခြင်း ခံရတူးသူကိုသော်၎င်း၊ ပုဒ်မ ၇ (၁) (က) တွင် ဖော်ပြထားသောသူတဦးအဖြစ်ဖြင့် ပုဒ်မ ၇ အရ၊ အမိန့်ထုတ်ဆင့်ခြင်းခံရသူကို သော်၎င်း ဆိုလိုသည်။

၁၂။ ။ (၁) မည်သူမဆို မိန်းမတဦးဦးကို ပြည့်တန်းဆာဟုတ်သည်ဖြစ်စေ၊ မဟုတ် သည်ဖြစ်စေ—

- (က) ပြည့်တန်းဆာအဖြစ် စီးပွားရှာဖွေရာအိမ်၊ အဆောက်အဦ၊ အခန်း၊ ရေယာဉ်၊ ကုန်းယာဉ်၊ သို့တည်းမဟုတ် နေရာ၌သော်၎င်း၊ ထိုအိမ်စသည်၏ တစ်စိတ် တဒေသ၌သော်၎င်း၊
- (ခ) ထိုမိန်းမသည် မိမိ၏တရားဝင်ကာမပိုင်ဖြစ်သူမှတစ်ပါး၊ အခြားယောက်ျား တဦး တယောက်နှင့် ကာမစပ်ယှက်စေရန်၊ သို့တည်းမဟုတ် ယုတ်ညံ့သော အမှု များပြုစေရန် အကြံဖြင့်အိမ် စသည်တို့၌သော်၎င်း

ပြည့်တန်း ဆာအိမ်၌ထား ခြင်း၊ သို့တည်း မဟုတ် မတရား ကာမ စပ်ယှက် မှုပြုစေရန်အကြံ ဖြင့် အခြားနေ ရာ တွင် ထား ခြင်း။

ထိုမိန်းမ၏ အလိုနှင့်ဖီလာပြု၍တားဆီးထားလျှင်၊ ထိုသူကို သုံးနှစ်ထိ အလုပ်ကြမ်းနှင့် ထောင်ဒဏ် စီရင်နိုင်စေရမည်။ ယောက်ျားဖြစ်လျှင် ကြိမ်ဒဏ်လည်းစီရင်နိုင်စေရမည်။

- (၂) တဦးတယောက်သောသူသည်—
- (က) မိန်းမတဦးတယောက်ပိုင်လက်ဝတ်လက်စား၊ ဝတ်စား တန်းဆာ၊ ကြေးငွေ၊ သို့တည်းမဟုတ် အခြားပစ္စည်းကို အဆိုပါမိန်းမထံမှ သိမ်းယူသားလျှင်၊ သို့တည်းမဟုတ်
- (ခ) ထိုသူကဖြစ်စေ၊ ထိုသူပြောဆို မှာထားခြင်းကြောင့်ဖြစ်စေ၊ အဆိုပါမိန်းမသို့ ငှားရမ်းသော၊ သို့တည်းမဟုတ် ပေးအပ်သော လက်ဝတ်လက်စားကို

သော်၎င်း၊ ဝတ်စားတန်းဆာကိုသော်၎င်း၊ ထိုမိန်းမက ယူသွားခဲ့သော်
တရားစွဲဆိုမည်ဟု မြိမ်းခြောက်လျှင်

ထိုသူသည် ပုဒ်မခွဲ (၁) ဘွဲ့ ပြဋ္ဌာန်းထားသည့်အတိုင်း၊ ထိုမိန်းမကို တားဆီးထားသည်ဟု မှတ်ယူ
ရမည်။

(၃) အဆိုပါမိန်းမအား၊ ထိုကဲ့သို့တားဆီးထားသူက ချေးငှားသော၊ သို့တည်းမဟုတ်
ပေးအပ်သော၊ သို့တည်းမဟုတ် ထိုမိန်းမက တားဆီးထားသူထံ ပေါင်နှံထားသော လက်ဝတ်
လက်စား၊ ဝတ်စားတန်းဆာ၊ ကြေးငွေ၊ သို့တည်းမဟုတ် အခြားပစ္စည်းများကို၊ ထိုမိန်းမ ယူသွား
သောကြောင့်ဖြစ်စေ၊ လက်ဝယ်ထားကြောင်း တွေ့ရှိသောကြောင့်ဖြစ်စေ၊ ထိုမိန်းမအပေါ်၌ တရားမ
ကြောင်းဖြင့်သော်၎င်း၊ ရာဇဝတ်ကြောင်း ဖြင့်သော်၎င်း၊ အရေးယူပိုင်ခွင့် မရှိစေရ။

၁၃။ ။ (၁) ပုဒ်မ ၃ အရ၊ ပြစ်မှုကြောင့်၊ ပြစ်မှုထင်ရှားစီရင်ခြင်းခံရသူအား၊ သို့တည်း
မဟုတ် ပုဒ်မ ၇ အရ အမိန့်ထုတ်ဆင့်ခြင်း ခံရသူအား ခန့်ထားသည့် ဆေးဆရာ၏ စမ်းသပ်စစ်
ဆေးခြင်းကိုခံစေရန် ရာဇဝတ်တရားသူကြီးက၊ ထိုသို့ ပြစ်မှုထင်ရှား စီရင်သည့် အခါ၌ဖြစ်စေ၊ ထိုသို့
အမိန့်ထုတ်ဆင့်သည့်အခါ၌ဖြစ်စေ ညွှန်ကြားရမည်။

(၂) ပုဒ်မ ၁၀ အရ၊ ရှာဖွေခြင်းပြုသော ရဲအရာရှိက ခရိုင်ရာဇဝတ်တရားသူကြီးထံသို့
ဖြစ်စေ၊ နယ်ပိုင်ရာဇဝတ်တရားသူကြီးထံသို့ဖြစ်စေ၊ ဤကိစ္စအတွက် အထူးအာဏာလွှဲအပ်ခြင်းခံရ
သော ပဌမတန်း ရာဇဝတ်တရားသူကြီးထံသို့ဖြစ်စေ၊ လျှောက်ထားသောအခါ၊ ပုဒ်မ ၁၁ အရ၊
ရှာဖွေခြင်းခံရသူတို့အား၊ ခန့်ထားသည့်ဆေးဆရာ၏ စမ်းသပ်စစ်ဆေးခြင်းကိုခံရန် အဆိုပါရာဇဝတ်
တရားသူကြီးက ညွှန်ကြားနိုင်သည်။

(၃) ထိုသို့စမ်းသပ်စစ်ဆေးသဖြင့်၊ ထိုသူတွင် ကာလသားရောဂါ၊ စွဲကပ်နေကြောင်း
တွေ့လျှင် ထိုသူသည်—

(က) ခန့်ထားသည့် ဆေးဆရာ၏အကူအညီကို ခံရမည်ပြင်၊ ထိုဆေးဆရာပေးသည့်
ညွှန်ကြားချက်များကိုလည်း လိုက်နာရမည်၊ ထို့ပြင်

(ခ) မိမိအား ဆေးဆရာက မည်သည့်ကာလသားရောဂါမျှ သူတပါးသို့ မကူး
စက်စေနိုင်တော့ကြောင်း သက်သေခံ လက်မှတ် မပေးမခြင်း ထိုသူသည်
ဆေးဝါးကုသခြင်းကို မရပ်စဲရ။

(၄) ပုဒ်မခွဲ (၁) အရ၊ သို့တည်းမဟုတ် ပုဒ်မခွဲ (၂) အရ အမိန့်ထုတ်ဆင့်ခြင်းခံရ
သူသည်၊ အရွယ်မရောက်သေးသူဖြစ်လျှင်၊ ရာဇဝတ်တရားသူကြီး၏ အမိန့်နှင့်တကွ ပုဒ်မခွဲ (၃) ပါ
ပြဋ္ဌာန်းချက်များကို ထိုအရွယ်မရောက်သေးသူက လိုက်နာအောင် ပြုလုပ်ရန်မှာ အမိအဘ၏၊
သို့တည်းမဟုတ် အုပ်ထိန်းသူများ၏ တာဝန်ဖြစ်စေရမည်။

(၅) တဦးတယောက်သောသူသည်၊ ပုဒ်မခွဲ (၁) အရ၊ သို့တည်းမဟုတ် ပုဒ်မခွဲ
(၂) အရ၊ ရာဇဝတ်တရားသူကြီး ထုတ်ဆင့်သော အမိန့်ကို မနာခံလျှင်၊ သို့တည်းမဟုတ်
ပုဒ်မခွဲ (၃) ပါ၊ သို့တည်းမဟုတ် ပုဒ်မခွဲ (၄) ပါ ပြဋ္ဌာန်းချက်များကို ကျူးလွန်လျှင်၊ ထိုသူကို
တနှစ်ထိ ထောင်ဒဏ်ဖြစ်စေ၊ ၁,၀၀၀ ယ် ထိ ငွေဒဏ်ဖြစ်စေ၊ ဒဏ်နှင်ရပ်စလုံးဖြစ်စေစီရင်နိုင်စေရမည်။

(၆) ပုဒ်မခွဲ (၃) အရ စမ်းသပ်စစ်ဆေးခြင်း ခံရ၍ ခန့်ထားသည့် ဆေးဆရာက
ကာလသားရောဂါ၊ စွဲကပ်လျက်ရှိကြောင်း တွေ့ရှိသောမိန်းမကို ခရိုင်ရာဇဝတ် တရားသူကြီး၏၊
သို့တည်းမဟုတ်နယ်ပိုင် ရာဇဝတ်တရားသူကြီး၏၊ သို့တည်းမဟုတ် ဤကိစ္စအလို့ငှါ အထူးအာဏာ
လွှဲအပ်ခြင်းခံရသော ပဌမတန်း ရာဇဝတ်တရားသူကြီး၏ အမိန့်အရသတ်မှတ်ထားသည့် ဌာနသို့ပို့
နိုင်သည်။ ထိုမိန်းမသည် ရောဂါပျောက်ကင်းကြောင်း သက်သေခံလက်မှတ်ရသည့်တိုင်အောင်
ထိုဌာန၌ နေထိုင်ရမည်။

ဆေး ဘက်
ဆိုင်ရာစမ်း
သပ်စစ်ဆေး
ခြင်းနှင့်ကုသ
ခြင်း။

သို့ရာတွင် ပုဒ်မ ၇ အရ အမိန့်ချမှတ်ခြင်းခံရသူ တဦးတယောက်သည်၊ ရာဇဝတ်တရား သူကြီး၏ သဘောအတိုင်း ခံဝန်သူများနှင့်ဖြစ်စေ၊ ကိုယ်တိုင်ခံဝန်ချက်ဖြင့်ဖြစ်စေ၊ ခံဝန်ချုပ် ချုပ်ဆို လျက်၊ မိမိသည် ရောဂါပျောက်ကင်းကြောင်း သက်သေခံ လက်မှတ်ရသည့်တိုင်အောင်၊ စာရင်းဝင် ဆေးဆရာတဦးနှင့် ကုသပါမည်ဟု လျှောက်ထားလျှင်၊ ရာဇဝတ်တရားသူကြီးသည် ထိုသူကို သတ်မှတ်ထားသည့်ဌာနသို့ မပို့ဘဲနေနိုင်ခွင့်ရှိသည်။

(၇) မည်သူမဆို ပုဒ်မခွဲ (၆) အရ၊ တရားဥပဒေနှင့်အညီ ထုတ်ဆင့်သော ဆင့်ဆို ချက်များကို မနာခံလျှင်၊ သို့တည်းမဟုတ် သတ်မှတ်ထားသည့် ဌာနမှ နည်းလမ်းတကျ ထွက်ခွင့်မပြု မီ ထွက်ပြေးတိမ်းရှောင်လျှင်၊ ထိုသူကိုအလုပ်ကြမ်းနှင့် ခြောက်လထက်မပိုသော ထောင်ဒဏ်စီရင် နိုင်စေရမည်။

၁၄။ ။ ရာဇဝတ်တရားသူကြီးမှာ ဤအက်ဥပဒေအရ၊ တရားစွဲဆိုခြင်း ခံရသောသူများ အနက်၊ အဓိက စွဲဆိုခံရသူ မဟုတ်သောသူကို ထိုအမှုဆိုင်ရာ အဖြစ်အပျက်အကြောင်းခြင်းရာတို့နှင့် စပ်သွင်း၍ မိမိရှေ့၌ သက်သေအဖြစ် စစ်ဆေးပိုင်ခွင့်ရှိသည်။ သို့ရာတွင် ထိုသူ၌ ထိုဖြစ်မှုနှင့်စပ်လျဉ်း ၍ မိမိသိရှိသမျှသော အကြောင်းခြင်းရာအားလုံးကို စုံလင်မှန်ကန်စွာ ထုတ်ဖော်ပြောဆိုလိုသည့် လက္ခဏာရှိစေရမည်။

သက်သေခံ ချက်ရယူခွင့် အာဏာ။

၁၅။ ။ ဤအက်ဥပဒေအရ ပြစ်မှုတခုတွင်ဖက်စပ်ပါဝင်သည်လည်း ဖြစ်၍၊ ပုဒ်မ ၁၄ အရ၊ ရာဇဝတ်တရားသူကြီးရှေ့၌ သက်သေအဖြစ် စစ်ဆေးခြင်း ခံရသူသည်လည်းဖြစ်၍၊ ထိုသို့စစ် ဆေးသောအခါ ထိုသို့စစ်ဆေးသောအမှုတွင် သက်ဆိုင်ရာ အကြောင်းအားလုံးကို သိရှိသမျှ စုံလင် မှန်ကန်စွာ ထုတ်ဖော်ပြောဆိုသည်ဟု ရာဇဝတ်တရားသူကြီးက ထင်မြင်လောက်အောင် ထွက်ဆိုခဲ့ သည်လည်း ဖြစ်သောသူသည်၊ ရာဇဝတ်တရားသူကြီးထံမှ ထိုကဲ့သို့ ထွက်ဆိုကြောင်း သက်သေခံ လက်မှတ်စာကို ရရှိစေရမည်။ ထိုသို့ ရရှိလျှင်ဤအက်ဥပဒေအရ ခံထိုက်သောပြစ်ဒဏ်မှ ကင်းလွတ်စေ ရမည်။

ပြစ်ဒဏ် ကင်းလွတ်ခွင့်ရ နိုင်သောပြစ်မှု များ။

၁၆။ ။ ကာမစပ်ယှက်မှုပြုနေစဉ်ဖြစ်စေ၊ ကာမစပ်ယှက်ကြောင်းသိသာစေသည့် အခြေ အနေ၌ဖြစ်စေ၊ ဘွဲ့ရှိရသူတဦးတယောက်အား၊ အမှု၌သက်သေအဖြစ် တင်ပြလျှင်၊ ထိုသူကို အများ ပြည်သူတို့ မမြင်မကြားနိုင်အောင် ရာဇဝတ်တရားသူကြီးက စစ်ဆေးရမည်။

အများပြည် သူတို့မမြင်မ ကြားနိုင်အောင် သက်သေခံချက် ယူခြင်း။

၁၇။ ။ ပုဒ်မ ၃ အရ ပြစ်မှုကျူးလွန်သူကို၊ သို့တည်းမဟုတ် ပုဒ်မ ၇ (၁) (က) အရ၊ အရေးယူခြင်းခံရသူကို အကျဉ်းထောင်တွင်ချုပ်ထားမည့်အစား၊ သတ်မှတ်ထားသည့်ဌာန၌တားဆီး ထိန်းသိမ်းထားရန် ဆင့်ဆိုနိုင်သည်။

အကျဉ်း ထောင်တွင်ချုပ် ထားမည့်အစား သတ်မှတ်ထား သည့်ဌာနတွင် တားဆီးထိန်း သိမ်းထားခြင်း။

၁၈။ ။ ၁၉၂၁ ခုနှစ်၊ ပြည်တန်းဆာအမိန့်များကို ကင်းရှင်းပပျောက်စေရန် အက်ဥပဒေ (၁၉၂၁ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၂) ကို၎င်း၊ မြန်မာ့ပိယံ အက်ဥပဒေ (၁၈၉၈ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃) ပုဒ်မ ၂၁၅၊ ၂၁၆ နှင့် ၂၁၇ တို့ကို၎င်း၊ ဤအက်ဥပဒေဖြင့် ပယ်ဖျက်သည်။

အက်ဥပဒေ များကိုပယ်ဖျက် ခြင်း။

ဘိန်းခန်းနှိပ်ကွပ်ရေးအက်ဥပဒေ။

[၁၉၅၀ ပြည့်နှစ်၊ အက်ဥပဒေ အမှတ် ၉။] (၁၉၅၀ ပြည့်နှစ်၊ ဧပြီလ ၁ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

အမည်တို့၊
တည်ရာနယ်နှင့်
စတင် အာဏာ
တည်သည့်
နေ့ရက်။

၁။ ။(၁) ဤအက်ဥပဒေကို၊ ၁၉၅၀ ခုနှစ်၊ ဘိန်းခန်းနှိပ်ကွပ်ရေး အက်ဥပဒေဟု
ခေါ်ရမည်။
(၂) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမ္မတက အမိန့်ထုတ်ပြန် ကျေညာသတ်မှတ်သည့်
နေ့တွင်အတည်ဖြစ်ရမည့်ပြင်၊ ပြည်ထောင်စု မြန်မာနိုင်ငံတွင် ပါဝင်သောအရပ်ဒေသများကို ပိုင်းခြား
ပြီးလျှင်၊ နေ့ရက်များကိုခွဲခြား၍ သက်မှတ်နိုင်သည်။^၁ ။

အဓိပ္ပါယ်ဖော်
ပြချက်။

၂။ ။ဤ အက်ဥပဒေတွင်၊ အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက် စကားတို့၏
အဓိပ္ပါယ်နှင့်ဖြစ်စေ မဆန့်ကျင်လျှင်—

- (က) “ဘိန်း” ဆိုသည်မှာ၊ ဘေးဖြစ်စေတတ်သော ဆေးအက်ဥပဒေ
(၁၉၃၀ ခြည့်နှစ်၊ အက်ဥပဒေအမှတ် ၂) ၊ ၎င်းမ ၂ (င) ၌ဖော်ပြ
ထားသည့် အဓိပ္ပါယ်အတိုင်းဖြစ်သည်ပြင်၊ ထိုပုဒ်မ၏ အပိုဒ် (စ) (ii)
တွင်အဓိပ္ပါယ် ဖော်ပြထားသော ပြုပြင်ပြီးဘိန်းလည်းပါဝင်ရမည်။
- (ခ) “ဘိန်းပြောင်း” ဆိုသည်မှာ။ ဘိန်းရှုရန် ပြုလုပ်ထားသော အသုံး
အဆောင်ကိုသော်၎င်း၊ ကိရိယာ တန်းဆာပလာကိုသော်၎င်း၊ ထိုအရာ
တခုခု၏ အစိတ်အပိုင်းကိုသော်၎င်း ဆိုလိုသည်။
- (ဂ) “နေရာ” ဆိုသောစကားရပ်၌ အဆောက်အဦ၊အိမ်၊ဆိုင်၊ ရုံ၊ တံ-
ဝင်းခြံ၊ ဖေါင်၊ ရေယာဉ်၊ လေယာဉ်၊ ကုန်းယာဉ်နှင့်ထိုအရာ တခုခု၏
အစိတ်အပိုင်းပါဝင်သည်။
- (ဃ) “ရာဇဝတ် တရားသူကြီး” ဆိုသည်မှာ၊ ပဌမတန်းအာဏာရ ရာဇဝတ်
တရားသူကြီးကိုဆိုလိုသည်။

ဘိန်းရှူသူအစု
အဝေး။

၃။ ။ဘိန်းရှူသူနှစ်ဦး၏၊ သို့တည်းမဟုတ် နှစ်ဦးထက်ပိုသူတို့၏ အစုအဝေး၌ပါဝင်
သောသူတို့၏ တူသောရည်ရွယ်ချက်သည်၊ ဘိန်းရှုရန်ဖြစ်လျှင်၊ သို့တည်းမဟုတ် ဘိန်းခြင်းအလို့
ငှါ၊ ဘိန်းကို ပြုပြင်ရန်ဖြစ်လျှင် အဆိုပါအစုအဝေးကို၊ ဤအက်ဥပဒေ၏ ကိစ္စအလို့ငှါ၊ ဘိန်းရှူသူ
အစုအဝေးဟူ၍ မှတ်ယူရမည်။

ရှင်းလင်းချက်။ ။စုဝေးစကား၊ ဘိန်းရှူသူအစုအဝေးမဟုတ်ခဲ့သော အစုအဝေးတခုသည်
နောက်အခါ၌ ဘိန်းရှူသူ အစုအဝေးဖြစ်လာနိုင်သည်။

ဘိန်းရှူသူအစု
အဝေး
ပါဝင်သူ။

၄။ ။မည်သူမဆို၊ ဘိန်းရှူသူအစုအဝေးတွင် တမင်ပါဝင်လျှင်၊ သို့တည်းမဟုတ် တမင်
ဆက်လက်ပါဝင်လျှင်၊ ထိုသူသည်ဘိန်းရှူသူအစုအဝေးပါဝင်သူမည်၏။

^၁ ဤအက်ဥပဒေသည် ရန်ကုန်ခရိုင်အတွင်း၊ ၁၉၅၀ ပြည့်နှစ်၊ ဧပြီလ ၁ ရက်နေ့တွင်အတည်ဖြစ်သည်။
မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၀ ပြည့်နှစ်၊ အပိုင်း ၁၊ စာမျက်နှာ ၂၅၄ တွင်ထုတ်ပြန်ကျေညာသည်။

၅။ ။ဘိန်းနှင့်၊ သို့တည်းမဟုတ် ဘေးဖြစ်စေတတ်သည့် ဆေးများနှင့်စပ်လျဉ်းသော တည်ဆဲ အက်ဥပဒေအရ ခွင့်ပြုထားသည်မှတစ်ပါး၊ ဘိန်းရှုရန်ကိစ္စအလို့ငှါအသုံးပြုပြီးဖြစ်သော၊ သို့တည်းမဟုတ် အသုံးပြုဆဲဖြစ်သော ဘိန်းပြောင်းဖြစ်ကြောင်း သိလျက်နှင့်၊ သို့တည်းမဟုတ် ထိုသို့ ဖြစ်ကြောင်းယုံကြည်ရန် အကြောင်းရှိလျက်နှင့် မည်သူမျှ ထိုဘိန်းပြောင်းကိုလက်ရှိမထားရ။

ဘိန်းပြောင်း
လက်ရှိထား
ခြင်းကို
တားမြစ်ခြင်း။

၆။ ။လူနှစ်ဦးဖြစ်စေ၊ နှစ်ဦးထက်ပို၍ဖြစ်စေ၊ စုဝေးသောနေရာတစ်ခုခုတွင်ဘိန်းကိုသော်
၎င်း၊ ဘိန်းပြောင်းကိုသော်၎င်း၊ ဘိန်းပြုပြင်ရာတွင်အသုံးပြုသောကိရိယာတန်းဆာပလာကိုသော်၎င်း၊
တွေ့ရှိလျှင်၊ ထိုအစုအဝေးပါဝင်သူ အသီးသီးက၊ ဘိန်းရှုရန်၊ သို့တည်းမဟုတ် ဘိန်းပြုပြင်ရန်မဟုတ်
ကြောင်းသက်သေအထင်အရှား မပြနိုင်ပါက၊ ထိုသူအသီးသီးသည် ဘိန်းရှုရန်၊ သို့တည်းမဟုတ်
ဘိန်းရှုခြင်းအလို့ငှါ၊ ဘိန်းကိုပြုပြင်ရန် ထိုနေရာသို့ရောက်ရှိနေသည်ဟုမှတ်ယူရမည်။

ဘိန်း၊ သို့တည်း
မဟုတ်ဘိန်း
ပြောင်းတွေ့ရှိ
လျှင်မည်သို့
မှတ်ယူသင့်
ကြောင်း။

၇။ ။မည်သူမဆို၊ ဘိန်းရှုသူအစုအဝေးပါဝင်သူဖြစ်လျှင်၊ ထိုသူအား တနှစ်ထိထောင်
ဒဏ်ဖြစ်စေ၊ ငွေဒဏ်ဖြစ်စေ၊ ဒဏ်နှစ်ရပ်လုံးဖြစ်စေချမှတ်ရမည်။

ဘိန်းရှုသူ
အစုအဝေးတွင်
ပါဝင်သည့်
အတွက်
ဖြစ်ဒဏ်။

၈။ ။မည်သူမဆို၊ ဤအက်ဥပဒေပုဒ်မ ၅ ကို ဆန့်ကျင်လျက် ဘိန်းပြောင်းကိုလက်ရှိ
ထားလျှင်၊ ထိုသူအားတရာထိငွေဒဏ်ချမှတ်ရမည်။

ဘိန်းပြောင်း
လက်ရှိထား
သည့်အတွက်
ဖြစ်ဒဏ်။

၉။ ။မည်သူမဆို၊ နေရာတစ်ခုခုကို၊ ဘိန်းရှုသူအစုအဝေးအတွက်ဖွင့်လှစ်လျှင်၊ သို့တည်း
မဟုတ် ထားရှိလျှင်၊ သို့တည်းမဟုတ် အသုံးပြုလျှင်၊ သို့တည်းမဟုတ် ထိုသို့ဖွင့်လှစ်ခြင်းကိုသော်၎င်း၊
ထိုသို့ထားရှိခြင်းကိုသော်၎င်း၊ ထိုသို့အသုံးပြုခြင်းကိုသော်၎င်း ခွင့်ပြုလျှင်၊ သို့တည်းမဟုတ် အထက်
ခဏ္ဍပြပါကိစ္စများအလို့ငှါ အသုံးပြုသော၊ သို့တည်းမဟုတ် ထားရှိသော နေရာတစ်ခုခု၌ ဘိန်းရှု
သုတ်ငန်းကိုထိန်းသိမ်းခြင်းသော်၎င်း၊ စီမံအုပ်ချုပ်ခြင်းသော်၎င်းပြုလျှင်၊ သို့တည်းမဟုတ် ထိုဘိန်းရှုလုပ်
ငန်းကိုလုပ်ဆောင်ရာတွင်တနည်းနည်းကူညီလျှင်၊ ထိုသူကိုနှစ်နှစ်ထိထောင်ဒဏ်ဖြစ်စေ၊ ငွေဒဏ်ဖြစ်စေ၊
ဒဏ်နှစ်ရပ်လုံးဖြစ်စေ ချမှတ်ရမည်။

ဘိန်းရှုသူ
အစုအဝေး
အတွက်အသုံး
ပြသည့်နေရာ
တစ်ခုခု ဖွင့်
လှစ်ခြင်း၊
ထားရှိခြင်း၊
ထိန်းသိမ်းခြင်း
အတွက်
ဖြစ်ဒဏ်။

၁၀။ ။မည်သူမဆို—

- (က) ဘိန်းရှုသူ အစုအဝေးအတွက် အသုံးပြုသော နေရာကိုထားရှိလျှင်၊ သို့တည်းမဟုတ် စီမံအုပ်ချုပ်လျှင်၊ သို့တည်းမဟုတ် ထိုနေရာကို စီမံ
အုပ်ချုပ်ရာတွင် ဆောင်ရွက်လျှင်၊ သို့တည်းမဟုတ် ကူညီလျှင်၊
သို့တည်းမဟုတ်
- (ခ) နေရာတစ်ခုတွင် အငှါးခံယူသူသော်၎င်း၊ လက်ရှိအသုံးပြုနေသူ သော်၎င်း၊
ထိန်းသိမ်းသူသော်၎င်း ဖြစ်၍ ထိုနေရာကို၊ သို့တည်းမဟုတ် ထိုနေရာ၏
အစိတ်အပိုင်းကို ဘိန်းရှုသူအစုအဝေးအတွက် အသုံးပြုရန်ဖြစ်သည်ဟု
သိလျက်နှင့်ခွင့်ပြုလျှင်၊ သို့တည်းမဟုတ်
- (ဂ) နေရာတစ်ခုကိုအငှါးချသူသော်၎င်း၊ အငှါးချသူ၏ ကိုယ်စားလှယ်သော်၎င်း
ဖြစ်၍၊ ထိုနေရာကို၊ သို့တည်းမဟုတ် ထိုနေရာ၏ အစိတ်အပိုင်းကို ဘိန်းရှု
သူအစုအဝေးအတွက် အသုံးပြုခြင်းဖြစ်သည်ဟုသော်၎င်း၊ ထိုသို့အသုံးပြုရန်

ဘိန်းရှုသူ
အစုအဝေးအ
လို့ငှါနေရာ
ထားရှိခြင်း
အတွက်၊
သို့တည်း
မဟုတ်ခွင့်ပြု
ခြင်းအတွက်
ဖြစ်ဒဏ်။

ဖြစ်သည်ဟုသော်၎င်း၊ သိလျက်နှင့်အငှါးချလျှင်၊ သို့တည်းမဟုတ် နေရာ
တခုကို အငှါးချသူသော်၎င်း၊ အငှါးချသူ၏ ကိုယ်စားလှယ်သော်၎င်းဖြစ်၍
ထိုနေရာကို၊ သို့တည်းမဟုတ် ထိုနေရာ၏ အစိတ်အပိုင်းကို၊ ဘိန်းရှူသူ
အစုံအဝေးအတွက် ဆက်လက်အသုံးပြုစေရန် တမင်သဘောတူသူ
လည်းဖြစ်လျှင်

ထိုသူကို ငါးရာထိ ငွေဒဏ်ချမှတ်ရမည်။

ဒုတိယအကြိမ်
ဖြစ်မှုထင်ရှား
စီရင်ခြင်းခံ
ရသူဖြစ်အက
တို့မြင်စီရင်
ခြင်း။

၁၁။ ။ ဤအက်ဥပဒေပုဒ်မ ၇ အရဖြစ်စေ၊ ၈ အရဖြစ်စေ၊ ၉ အရဖြစ်စေ၊ ၁၀ အရ
ဖြစ်စေ၊ ဖြစ်မှုတခုခုအတွက် ဖြစ်မှုထင်ရှား စီရင်ခြင်းခံရဘူးသောသူသည်၊ အဆိုပါပုဒ်မ
တခုခုအရ ဖြစ်မှုတခုခုအတွက်နောက်တဖန် ဖြစ်မှုထင်ရှားစီရင်ခြင်း ခံရပြန်လျှင်၊ ထိုသို့နောက်တဖန်
ဖြစ်မှုထင်ရှား စီရင်ခြင်းခံရသည့် ဖြစ်မှုအတွက် ပဌမအကြိမ် ဖြစ်မှုထင်ရှား စီရင်ခြင်းခံရသူအား
ချမှတ်နိုင်သောပြစ်ဒဏ်၏ နှစ်ဆထက်မပိုသည့်ပြစ်ဒဏ်ကို၊ ထိုသူအားချမှတ်နိုင်သည်။

ရှာနိုင်သော
ဝါရမ်းနှင့်
အာဏာများ။

၁၂။ ။ (၁) ဤအက်ဥပဒေပါ ဖြစ်မှုကျူးလွန်ရာတွင် လူတစ်ဦးတယောက်သည် ပါဝင်
ခဲ့သည်ဟုသော်၎င်း၊ ပါဝင်တန်ရာသည်ဟုသော်၎င်း၊ ယုံကြည်ရန် အကြောင်းရှိလျှင်၊ ခရိုင်ကော်
လိတ်တော်ကဖြစ်စေ၊ ခရိုင်ဝန်ကဖြစ်စေ၊ နိုင်ငံတော်သမတက ဤကိစ္စအလိုငှါ အာဏာအပ်နှင်း
သော အရာရှိကဖြစ်စေ၊ ရာဇဝတ် တရားသူကြီးကဖြစ်စေ၊ ထိုသူအားဖမ်းရန် ဝါရမ်းကိုသော်၎င်း၊
ဘိန်းကိုဖြစ်စေ၊ ဘိန်းပြောင်းကိုဖြစ်စေထားရှိသည်ဟု၊ သို့တည်းမဟုတ် ဝှက်သိမ်းထားသည်ဟု
ယုံကြည်ရန် အကြောင်းရှိသောနေရာ၌၊ နေ့ညမရွေးရှာရန်ဝါရမ်းကိုသော်၎င်း ထုတ်ပေးနိုင်သည်။

(၂) နေရာတခုခုကို ဘိန်းရှူသူအစုံအဝေးအတွက် အသုံးပြုသည်ဟုသော်၎င်း၊ အသုံး
ပြုတန်ရာသည်ဟုသော်၎င်း မိမိကိုယ်တိုင်သိသဖြင့်ယုံကြည်ရန် အကြောင်းရှိလျှင်၊ သို့တည်းမဟုတ်
ထိုသို့အသုံးပြုသည်ဟုသော်၎င်း၊ အသုံးပြုတန်ရာသည်ဟုသော်၎င်း လူတစ်ဦးတယောက်ထံမှသတင်းရရှိ
သဖြင့်ရေးမှတ်ထားရမည်ဖြစ်သော ထိုသတင်းအရယုံကြည်ရန်အကြောင်းရှိလျှင်၊ ထိုပြင်ပုဒ်မ ၁၀
အရ ဝါရမ်းကိုယူနေရသော်၊ ဖြစ်မှုကျူးလွန်သူသည် တွက်ပြေးခွင့်ရမည်ဟုသော်၎င်း၊ ထိုသူသည်
ဖြစ်မှုဆိုင်ရာ သက်သေခံကိုဝှက်သိမ်းခွင့်ဖြစ်စေ၊ ဖျက်ဆီးခွင့်ဖြစ်စေရမည်ဟုသော်၎င်း၊ ယုံကြည်ရန်
အကြောင်းရှိလျှင်၊ ဤကိစ္စအလိုငှါ နိုင်ငံတော်သမတက အာဏာအပ်နှင်းသော ယစ်မျိုးဌာနအရာရှိ
ကဖြစ်စေ၊ ရဲအရာရှိကဖြစ်စေ၊ အကောက်ဌာနအရာရှိကဖြစ်စေ၊ မိမိယုံကြည်သည့်အကြောင်းပြချက်
များကိုရေးမှတ်ပြီးလျှင်၊ ထိုအကြောင်းပြချက်မိတ္တူကို ရေးယူထားသော သတင်းမိတ္တူနှင့်တကွ၊
ရာထူးအားဖြင့် မိမိနှင့်အနီးဆုံးဖြစ်သော အထက်အရာရှိထံသို့ အလျင်အမြန်တင်ပို့၍၊ နေ့ညမရွေး—

- (က) လိုအပ်သောအကူအညီကို၊ မိမိအားပေးနိုင်မည် ထင်မြင်သည်သူနှင့်တကွ
အဆိုပါနေရာသို့ဝင်ရောက်နိုင်သည်။
- (ခ) ဘိန်းကိုဖြစ်စေ၊ ဘိန်းပြောင်းကိုဖြစ်စေ ဝှက်သိမ်းထားသည်ဟု ထိုအရာရှိက
ယုံကြည်ရန်ရှိသော အဆိုပါနေရာကိုသော်၎င်း၊ အဆိုပါနေရာတွင်တွေ့
ရှိသော လူ၏ ကိုယ်၌သေဝံ့၎င်းရှာနိုင်သည်။
- (ဂ) အဆိုပါနေရာတွင် ဘိန်းကို၊ သို့တည်းမဟုတ် ဘိန်းရှူရန်ကိရိယာတန်းဆာ
ပလာကို၊ သို့တည်းမဟုတ် အဆိုပါနေရာကို ဘိန်းရှူသူ အစုံအဝေး
အတွက်အသုံးပြုကြောင်း အခြားအထောက် အထားကိုတွေ့ရှိလျှင်၊ ထိုနေ
ရာတွင်ထိုအရာရှိက တွေ့ရှိသူကို ဖမ်းနိုင်သည်။

(ဃ) အဆိုပါနေရာတွင် တွေ့ရှိသောဘိန်း၊ ဘိန်းပြောင်းနှင့် ဘိန်းရှုခြင်းအတွက် ဖြစ်စေ၊ ဘိန်းပြုပြင်ခြင်း အတွက်ဖြစ်စေ အသုံးပြုသော ကိရိယာတန်းဆာ ပလာအားလုံးကိုသိမ်းယူနိုင်သည်။

၁၃။ ။ရာဇဝတ် ကျင့်ထုံးဥပဒေပါ ပြဋ္ဌာန်းချက်များသည်၊ ဖော်ပြခဲ့သောပုဒ်မနှင့် အညီ ဝါရမ်းအရဆောင်ရွက်ခြင်း၊ ရှာခြင်းနှင့် သက်ဆိုင်စေရမည်။

ဝါရမ်းနှင့် ရှာခြင်းကိုရာဇဝတ်ကျင့်ထုံးဥပဒေနှင့်သက်ဆိုင်စေခြင်း။

၁၄။ ။ ပုဒ်မ ၁၂၊ ပုဒ်မခွဲ (၂) အရ အာဏာ အပ်နှင်းခြင်းခံရသော အရာရှိသည်—

စိတ်ပြုငြင်းစေသောဝင်

(က) သင်္ကာ မကင်းဖြစ်ရန် သင့်လျော်သော အကြောင်းမရှိဘဲ၊ နေရာတခုခုကို ဝင်ရောက်လျှင်၊ သို့တည်းမဟုတ် ရှာလျှင်၊ သို့တည်းမဟုတ် ဝင်ရောက်စေလျှင်၊ သို့တည်းမဟုတ် ရှာစေလျှင်၊ သို့တည်းမဟုတ်

ရောက်ခြင်း၊ ရှာခြင်း၊ သိမ်းယူခြင်း၊ ဖမ်းခြင်း အတွက် ပြစ်ဒဏ်။

(ခ) ဤအက်ဥပဒေအရ ဘဏ္ဍာတော်အဖြစ် သိမ်းယူထိုက်သောဘိန်းကိုသော်၎င်း၊ ဘိန်းပြောင်းကို သော်၎င်း၊ သိမ်းဆည်းဟန်ဆောင်၍၊ သို့တည်းမဟုတ် ရှာဟန်ဆောင်၍ တဦးတယောက်သောသူအား စိတ်ပြုငြင်းစေအောင်၎င်း၊ မလိုအပ်ဘဲနှင့်၎င်း၊ ထိုသူ၏ ပစ္စည်းကိုသိမ်းယူလျှင်၊ သို့တည်းမဟုတ်

(ဂ) တဦးတယောက် သောသူအား၊ စိတ်ပြုငြင်းစေအောင်၎င်း၊ မလိုအပ်ဘဲနှင့်၎င်း၊ ထိုသူအားရှာလျှင်၊ သို့တည်းမဟုတ် ဖမ်းလျှင်၊ သို့တည်းမဟုတ် ချုပ်ထားလျှင်

ထိုအရာရှိကို ငါးရာထက်မပိုသော ငွေဒဏ်ချမှတ်ရမည်။

၁၅။ ။ (၁) မည်သည့်အရာရှိမဆို၊ ဤအက်ဥပဒေအရ ဖမ်းခြင်းဖြစ်စေ၊ သိမ်းယူခြင်း ဖြစ်စေ၊ ရှာခြင်းဖြစ်စေ ပြုသည့်အခါတိုင်း၊ ထိုသို့ပြုပြီးသည့်နောက် လျင်မြန်နိုင်သမျှလျင်မြန်စွာ လေး ဆယ်ရှစ်နာရီအတွင်း၊ ထိုသို့ပြုခြင်းခံရသော လူနှင့်ပစ္စည်းကို၊ အကြောင်းစုံ အစီရင်ခံစာနှင့်တကွ၊ ဝါရမ်းထုတ်ပေးသော အရာရှိထံသို့ဖြစ်စေ၊ ရာထူးအားဖြင့် မိမိနှင့်အနီးဆုံး အထက်အရာရှိထံသို့ ဖြစ်စေ တင်ပြရမည်။

ဖမ်းခြင်း၊ သိမ်းယူခြင်း၊ ရှာခြင်း၊ အတွက်အစီရင်ခံခြင်း။

(၂) ပုဒ်မခွဲ (၁) အရ လူကိုဖြစ်စေ၊ ပစ္စည်းကိုဖြစ်စေ၊ တင်ပို့သဖြင့်လက်ခံရရှိသော အရာရှိသည်၊ ထိုလူအပေါ်၌သော်၎င်း၊ ထိုပစ္စည်းနှင့်စပ်လျဉ်း၍သော်၎င်း၊ ဥပဒေအရ လိုအပ်သည့် အတိုင်း၊ လျင်မြန်နိုင်သမျှလျင်မြန်စွာ အရေးယူဆောင်ရွက်ရမည်။

၁၆။ ။ (၁) နိုင်ငံတော်သမ္မတသည်၊ ယစ်မျိုး ရာဇဝတ်အုပ်အရာရှိထက် အဆင့် အတန်းမငယ်သော ယစ်မျိုးဌာနမှအရာရှိအား၊ ဤအက်ဥပဒေအရ ပြစ်မှုများကို မေးမြန်းစုံထောက် နိုင်ရန်။ ရဲဌာနအုပ်ချုပ်သူအရာရှိ၏ အာဏာများကို အပ်နှင်းနိုင်သည်။

ယစ်မျိုးအရာရှိ များကပြစ်မှု များကိုမေးမြန်း စုံထောက်ခြင်း။

(၂) ပုဒ်မခွဲ (၁) အရ အာဏာအပ်နှင်းခြင်းခံရသူ ယစ်မျိုးအရာရှိအား၊ ပေးသော ဖြောင့်ချက်သည်၊ ဤအက်ဥပဒေအရ စွပ်စွဲခံရသူအပေါ်၌ သက်သေခံအဖြစ်မသုံးနိုင်စေရ။

၁၇။ ။ ဤအက်ဥပဒေအရ အဖမ်းခံရသောသူသည်၊ အချုပ်အနှောင်နှင့်နေရစဉ်အ တွင်းအာမခံပေးလျှင်၊ ထိုသူအားအာမခံနှင့်လွှတ်ရမည်။ ထိုသို့လွှတ်သည့်အတွက် ထိုအဖမ်းခံရသူ၏ ကိုယ်တိုင်ခံဝန်ချုပ်ကိုဖြစ်စေ၊ အခြားသူ၏ခံဝန်ချုပ်ကိုဖြစ်စေ၊ ဖမ်းသူအရာရှိက မိမိ၏သဘော အတိုင်းယူရမည်။

အာမခံနှင့် လွှတ်ခြင်း။

ယစ်မျိုးအရာရှိ
များကို ကူညီ
ခြင်း။

၁၀။ ။ ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များအတိုင်းဆောင်ရွက်ရာတွင် ယစ်မျိုးအရာရှိက အကူအညီတောင်းပါက၊ ရဲဌာနနှင့်အကောက်ဌာနအရာရှိတိုင်းသည်၊ သင့်လျော်သောအကူအညီ ကိုပေးရမည်။

ဘိန်း၊ ဘိန်း
ပြောင်းအစရှိ
သည်များကို
ဘဏ္ဍာတော်
အဖြစ်သိမ်းယူ
ခြင်း။

၁၉။ ။ (၁) ဤအက်ဥပဒေအရ၊ ပြစ်ဒဏ်ထိုက်သည့်ပြစ်မှုကို ကျူးလွန်သည့် အခါတိုင်း၊ ထိုပြစ်မှုကျူးလွန်ခြင်းနှင့် စပ်လျဉ်သည့်ဘိန်းကိုဖြစ်စေ၊ ဘိန်းပြောင်းကိုဖြစ်စေ၊ ဘိန်းရှု ခြင်းအတွက်သော်၎င်း၊ ဘိန်းပြုပြင်ခြင်းအတွက်သော်၎င်း၊ အသုံးပြုသည့်ကိရိယာ တန်းဆာပလာကို ဖြစ်စေ၊ ဘဏ္ဍာတော်အဖြစ်သိမ်းယူရမည်။

(၂) ပုဒ်မ ၁၁) အရ၊ ဘဏ္ဍာတော်အဖြစ် သိမ်းယူခြင်းခံထိုက်သော ဘိန်းကိုဖြစ်စေ၊ ဘိန်းပြောင်းကိုဖြစ်စေ၊ ထည့်လျက်သော်၎င်း၊ ထုပ်လျက်သော်၎င်း၊ ဖုံးအုပ်လျက်သော်၎င်း၊ တွေ့ရှိ သောအရာဝတ္ထုကိုလည်းဘဏ္ဍာတော်အဖြစ် သိမ်းယူရမည်။

ဘဏ္ဍာတော်
အဖြစ်သိမ်းယူ
ရာတွင် လိုက်
နာရန်ကျင့်ထုံး။

၂၀။ ။ (၁) ဤအက်ဥပဒေအရ၊ ပြစ်မှုကိုစစ်ဆေးရာတွင်၊ ပုဒ်မ ၁၂ အရသိမ်းယူ သည့်ပစ္စည်းသည်၊ ပုဒ်မ ၁၉ အရ ဘဏ္ဍာတော်အဖြစ် သိမ်းယူခြင်းခံထိုက် မခံထိုက်ကို၊ တရားရုံးက ဆုံးဖြတ်ရမည်။ သိမ်းယူခြင်းခံထိုက်ကြောင်းဆုံးဖြတ်လျှင်၊ ထိုပစ္စည်းကိုဘဏ္ဍာတော်အဖြစ် သိမ်းယူ စေရန်၊ ထိုတရားရုံးကအမိန့်ချမှတ်ရမည်။

(၂) ပုဒ်မ ၁၂ အရ သိမ်းယူသည့်ပစ္စည်းသည်၊ ပုဒ်မ ၁၉ အရ ဘဏ္ဍာတော်အဖြစ် သိမ်းယူခြင်းခံထိုက်သော ပစ္စည်းဖြစ်လျှင်၊ ထိုပစ္စည်းနှင့်စပ်လျဉ်း၍ပြစ်မှုကျူးလွန်သူကို မသိသော် လည်း၊ သို့တည်းမဟုတ် မတွေ့သော်လည်း၊ ခရိုင်ကော်လိတ်တော်ကဖြစ်စေ၊ နိုင်ငံတော်သမတက ဤကိစ္စအလို့ငှါ အာဏာအပ်နှင်းထားသည့် အခြားအရာရှိကဖြစ်စေ၊ ဘဏ္ဍာတော်အဖြစ် သိမ်းယူ ခြင်းခံထိုက်မခံထိုက်ကို စုံစမ်း၍ဆုံးဖြတ်ရမည်။ ထိုသို့ဆုံးဖြတ်သည့်အတိုင်း အမိန့်ချမှတ်ရမည်။

ခြွင်းချက်။ ။ သို့ရာတွင် သိမ်းယူသည့်နေ့ရက်မှ တလမကုန်မီ၊ သို့တည်းမဟုတ် ထိုသို့ သိမ်းယူသည့် ပစ္စည်းနှင့်စပ်လျဉ်း၍ ဆိုင်ပိုင်ခွင့်ရှိကြောင်း ပြောဆိုသူကို၎င်း၊ ထိုသူကတင်ပြသော သက်သေခံရှိလျှင်၊ ထိုသက်သေခံကို၎င်း မကြားနာဘဲ ဘဏ္ဍာတော် အဖြစ် သိမ်းယူရန် အမိန့်ချ မှတ်ခြင်းကို မပြုရ။

တရားမ
ကြောင်း
စွဲဆိုခြင်းကို
ပိတ်ပင်ခြင်း။

၂၁။ ။ ဤအက်ဥပဒေအရဖြစ်စေ၊ ဤအက်ဥပဒေအရပြုသည့် နည်းဥပဒေများအရဖြစ် စေသဘောနှင့်ဖြင့်ဖြင့်ကြောင့်၊ သို့တည်းမဟုတ် ပြုစေခြင်းကြောင့် ပျက်စီးနစ်နာသည့်အတွက်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတော် အစိုးရအပေါ်၌သော်၎င်း၊ ယစ်မျိုးအရာရှိအပေါ်၌သော်၎င်း၊ မည် သည့်တရားမရုံးတွင်မျှ တရားစွဲဆိုပိုင်ခွင့်မရှိစေရ။

နည်းဥပဒေပြု
ရန်အာဏာ။

၂၂။ ။ (၁) နိုင်ငံတော် သမတသည်၊ ဤအက်ဥပဒေပါ ကိစ္စများအလို့ငှါနည်း ဥပဒေများကိုပြုနိုင်သည်။

(၂) အထူးအားဖြင့် အထက် ဖော်ပြပါအာဏာများ၏ ယေဘုယျသဘောကို မထိ နှိက်စေဘဲ အောက်ပါကိစ္စများအတွက် နည်းဥပဒေများပြဋ္ဌာန်းနိုင်သည်။

(က) ဤအက်ဥပဒေအရ၊ ဘဏ္ဍာတော်အဖြစ် သိမ်းယူသည့်ပစ္စည်းများနှင့်စပ် လျဉ်း၍အပြီးအပြတ်ဆောင်ရွက်ခြင်း။

(ခ) အရာရှိများနှင့် သတင်းဝေးသူများအား ဆုချီးမြှင့်ခြင်း။

^၁ ဤအက်ဥပဒေအရနည်းဥပဒေများကိုမြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၀ ပြည့်နှစ် အပိုင်း ၁၊ စာမျက်နှာ ၇၇၁ တွင်ထုတ်ပြန်ကျေညာသည်။

အမျိုးသား ကိုယ်လက်ကြံ့ခိုင်ရေးကောင်စီ အက်ဥပဒေ။

[၁၉၅၀ ပြည့်နှစ်၊ အက်ဥပဒေအမှတ် ၃၄။] (၁၉၅၀ ပြည့်နှစ်၊ အောက်တိုဘာလ ၉ ရက်။)

ပြည်သူတို့၏ ကျန်းမာရေးနှင့်တကွ လုပ်ရည်စွမ်းအားကို တိုးတက်စေရန်၊ ပြည်သူတို့၏ အထူးအားဖြင့် လူငယ်တို့၏ ကိုယ်လက်ကြံ့ခိုင်ရေးကို အထူးဂရုပြု၍ ဆောင်ရွက်ရန် ကိစ္စအတွက် ၎င်း၊ ထိုရည်ရွယ်ချက်မှ အကြောင်းသင့် ဖြစ်ပေါ်လာသည်။ သို့တည်းမဟုတ် ထိုရည်ရွယ်ချက်နှင့် ဆက်စပ်သည့်အခြားကိစ္စများအတွက်၎င်း၊ ပြဋ္ဌာန်းချက်များပြုလုပ်ရန် အရေးယူဆောင်ရွက်သင့်သည် ဖြစ်သောကြောင့်—

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ (၁) ဤအက်ဥပဒေကို၊ ၁၉၅၀ ပြည့်နှစ်၊ အမျိုးသား ကိုယ်လက်ကြံ့ခိုင်ရေး အမည်နှင့်အာ ကောင်စီ အက်ဥပဒေဟု ခေါ်ရမည်။ ။

(၂) ဤအက်ဥပဒေသည်၊ အာဏာတည်ရန်အလို့ငှါ၊ နိုင်ငံတော်သမ္မတက အမိန့်ကြော် ပြာစာထုတ်ပြန်၍ သတ်မှတ်သည့်နေ့ရက်^၁ တွင် အာဏာတည်ရမည်။

အမည်နှင့်အာ
ဏာတည်ရန်
နေ့ရက်။

၂။ ။ (၁) (နောင်တွင် “အမျိုးသားကောင်စီ” ဟု ရည်ညွှန်းသည်) “အမျိုး သား ကိုယ်လက်ကြံ့ခိုင်ရေးကောင်စီ” ဟု ခေါ်သော ဗဟိုကောင်စီတစ်ခုကို၊ နိုင်ငံတော်သမ္မတက ဖွဲ့စည်း တည်ထောင်ရမည်။ ထိုအမျိုးသား ကောင်စီတွင် ကျန်းမာရေးဝန်ကြီးနှင့် အခြားလူကြီး [တဆယ့်ငါး]၊^၂ ဦးပါဝင်ရမည်။ ကျန်းမာရေးဝန်ကြီးသည် ရာထူးအလျောက် ဥက္ကဋ္ဌဖြစ်ရမည်။ အခြားလူကြီးတို့မှာ ကစားခုန်စားမှု တိုးတက်စေရန် အားပေးလျက် ရှိသည့်အကြောင်းကြောင့် သော်၎င်း၊ နိုင်ငံတွင်း၌ဖြစ်စေ၊ ကမ္ဘာနှင့်ဆက်သွယ်၍ဖြစ်စေ၊ ကစားခုန်စားမှုတို့ကို ကြီးကြပ်စီမံရာတွင် ပါဝင်ဆောင်ရွက်ခဲ့၍ ဗဟုသုတနှင့်ပြည့်စုံသည့် အကြောင်းကြောင့်သော်၎င်း၊ ပြည်ထောင်စု မြန်မာ နိုင်ငံအတွင်း ကစားခုန်စားမှုဘက်တွင် ထင်ရှားသူများဖြစ်ရမည်။ ထိုလူကြီးများကို နိုင်ငံတော် သမ္မတက ခန့်ထားရမည်။

အမျိုးသား
ကောင်စီ
ဖွဲ့စည်းခြင်း။

(၂) ဤသို့ဖွဲ့စည်းထားသည့် အမျိုးသားကောင်စီသည်၊ စဉ်ဆက်မပြတ် ဆက်ခံဆောင် ရွက်နိုင်ခွင့်နှင့်တကွ၊ ကောင်စီပိုင်တံဆိပ်တစ်ခုရှိသော တရားဝင်ကောင်စီဖြစ်ရမည်ပြင်၊ ထိုအမည်ဖြင့် ပဋိညာဉ်စာချုပ်ကိုချုပ်ဆိုခြင်း၊ တရားစွဲဆိုခြင်းပြုနိုင်၍၊ တရားစွဲဆိုခြင်းကိုလည်းခံရမည်။

(၃) အမျိုးသားကောင်စီနှင့် ပုဒ်မ ၇ တွင်ရည်ညွှန်းသည့် အမြဲတမ်းကော်မတီများနှင့် ဒေသန္တရကောင်စီများဆိုင်ရာ လူကြီးများအား နိုင်ငံတော်သမ္မတပြဋ္ဌာန်းထားသည့် ခရီးစရိတ်နှင့် အခြားစရိတ်များပေးရမည်။

၃။ ။ (၁) ထိုသို့ခန့်ထားသော အမျိုးသားကောင်စီနှင့် ဒေသန္တရကောင်စီလူကြီးများ သည်၊ သုံးနှစ်တိုင်တိုင် ရာထူး၌ ထမ်းရွက်ရမည်။

လူကြီးများ၏ရာ
ထူးသက်တမ်း။

^၁ ခြင်းချက်။ ။ သို့ရာတွင် နိုင်ငံတော်သမ္မတသည်၊ အမျိုးသားကောင်စီ လူကြီးများ၏ ရာထူးသက်တမ်းကို ခြောက်လထက်မပိုသော ကာလအပိုင်းအခြားအတွက် ဟိုးမြင့်နိုင်သည်။

^၁ ဤအက်ဥပဒေသည်၊ ၁၉၅၀ ပြည့်နှစ်၊ အောက်တိုဘာလ ၉ ရက်နေ့မှစ၍အာဏာတည်သည်။ ။ (မြန်မာ နိုင်ငံပြန်တမ်း၊ ၁၉၅၀ ပြည့်နှစ်၊ အပိုင်း ၁၊ စာမျက်နှာ ၇၂၁ တွင်ကြည့်။)
^၂ ၁၉၅၁ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၁ အရ ပြင်ဆင်သည်။
^၃ ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၅၇ အရ ထည့်သွင်းသည်။

(၂) ရံဖန်ရံခါနေရာလစ်လပ်သောအခါ။ ထိုလစ်လပ်သည့်နေရာတွင် လူကြီးသစ်ခန့်ထားရမည်။ ထိုလူကြီးသစ်သည် ထိုနေရာသာမလစ်လပ်ပါ။ ထိုနေရာတွင် ယခင်ထမ်းရွက်ခဲ့သူလူကြီး၏ ထမ်းရွက်ရန်ကုန်သေးသည့် ကာလအပိုင်းအခြားအတွက်သာ ထမ်းရွက်ရမည်။

(၃) အမျိုးသားကောင်စီတွင် နေရာလစ်လပ်သောကြောင့်ဖြစ်စေ၊ လူကြီးတဦး တယောက် ခန့်ထားရာ၌ ရှိပွင်းချက်ရှိသောကြောင့်ဖြစ်စေ၊ ထိုကောင်စီ၏ ဆောင်ရွက်ချက်များသည် ပျက်ပြယ်ခြင်းမရှိစေရ။

° * * *

ညှိနှိုင်းဆောင်ရွက်ခြင်း။

၄။ ။ အမျိုးသားကောင်စီသည်၊ အမျိုးသား ကိုယ်လက်ကြံ့ခိုင်ရေးနှင့် ပတ်သက်သည့် ကိစ္စအားလုံးတွင်၎င်း၊ အမျိုးသားကိုယ်လက်ကြံ့ခိုင်ရေး စီမံကိန်းများကို စုပေါင်းရေးဆွဲ၍လုပ်ကိုင်ရန်၎င်း၊ ဗဟိုညှိနှိုင်းဆောင်ရွက်ရေးအဖွဲ့အစည်းအဖြစ်ဆောင်ရွက်ရမည်။

အမျိုးသားကောင်စီက ဆက်သွယ်သူအဖြစ် ဆောင်ရွက်ခြင်း။

၅။ ။ အမျိုးသားကောင်စီသည်၊ * * * * ° ကစားခုန်စားမှုဆိုင်ရာ စီမံအုပ်ချုပ်ရေးအဖွဲ့များနှင့် ကိုယ်လက်ကြံ့ခိုင်ရေးတွင် စိတ်ဝင်စားသည့် အစိုးရဌာနများ၊ သို့တည်းမဟုတ် ဒေသန္တရအာဏာပိုင်တို့စပ်ကြားတွင် ဆက်သွယ်သူအဖြစ် ဆောင်ရွက်ရမည်။

အမျိုးသားကောင်စီ၏ ကမ္ဘာ့ဆက်သွယ်ရေး။

၆။ ။ အမျိုးသားကောင်စီသည်၊ အခြားနိုင်ငံများရှိ အလားတူအဖွဲ့အစည်းများနှင့် ဆက်သွယ်မှုပြုရမည်ဖြစ်။ ထိုအဖွဲ့အစည်းများထံမှရရှိသည့် သို့တည်းမဟုတ် ထိုအဖွဲ့အစည်းများထံသို့ ပေးပို့သည့်သတင်းနှင့် အခြားအကြောင်းအရာများကို တဆင့်မှတ်ပေးသည့်ဌာနအဖြစ်ဆောင်ရွက်ရမည်။

အမြဲတမ်းကော်မီတီများနှင့် ဒေသန္တရကောင်စီများ။

၇။ ။ အမျိုးသားကောင်စီသည်၊ အမြဲတမ်းကော်မီတီများကိုဖွဲ့စည်းနိုင်၍ ပြည်ထောင်စုမြန်မာနိုင်ငံတဝှမ်းလုံးတွင် ဒေသန္တရကောင်စီများကို ဖွဲ့စည်းတည်ထောင်နိုင်သည့်ပြင်၊ ဤအက်ဥပဒေအရ မိမိ၏အာဏာများကိုသုံးစွဲရန်နှင့် မိမိ၏တာဝန်ဝတ်တရားများကိုဆောင်ရွက်ရန်ကိစ္စအလို့ငှါ၊ မိမိသင့်လျော်သည်ထင်မြင်သည့် မိမိ၏အာဏာများနှင့်တာဝန်ဝတ်တရားများကို၊ မိမိသင့်လျော်သည့်ထင်မြင်သည့် အမြဲတမ်းကော်မီတီများသို့၊ သို့တည်းမဟုတ် ဒေသန္တရကောင်စီများသို့လွှဲအပ်နိုင်သည်။

ကစားကွင်းများ၊ ကစားပျော်ရွှင်မှုနှင့် လေ့ကျင့်ရေးစခန်းဌာနများကိုကြီးကြပ်အုပ်ချုပ်ခြင်း။

၈။ ။ ° * * * * ကိုယ်လက်ကြံ့ခိုင်မှုလေ့ကျင့်ရေးနှင့် ကစားပျော်ရွှင်မှုကိစ္စများအတွက် [အစိုးရကသော်၎င်း၊ ဒေသန္တရအာဏာပိုင်များကသော်၎င်း၊ အသုံးပြု၍ ကြီးကြပ်စီမံအုပ်ချုပ်သည့်၊ သို့တည်းမဟုတ်] ° သီးသန့်ထားသည့်ပြည်သူ့ကစားကွင်းကြီးများ၊ ကစားပွဲကွင်းများ၊ ကစားပြိုင်ပွဲကွင်းကြီးများ၊ အားကစားရုံများ၊ ရေကူးကန်များ၊ ရေကူးဆိပ်များ၊ အားလပ်ရက်စခန်းများ၊ အားလပ်ရက်စခန်းချရန် နေရာများမှစ၍၊ အခြားကာယဗလလေ့ကျင့်ရေးနှင့် ကစားပျော်ရွှင်မှုဌာနများကို၊ ထိုဌာနများတွင် တည်ရှိသည့် အရပ်ရပ်အဆောက်အဦများ၊ အခြားရွှေ့ပြောင်းနိုင်သည့် ပစ္စည်း၊ မရွှေ့မပြောင်းနိုင်သည့်ပစ္စည်းများနှင့်တကွ [အမျိုးသားကောင်စီကသိမ်းယူ၍ စီမံအုပ်ချုပ်နိုင်သည်။] °

ပစ္စည်းရယူနိုင်သည့်အမျိုးသားကောင်စီ၏အာဏာများ။

၉။ ။ (၁) အမျိုးသားကောင်စီမှာ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတဝှမ်းလုံးတွင် ရွှေ့ပြောင်းနိုင်သည့်ပစ္စည်းများနှင့် မရွှေ့မပြောင်းနိုင်သည့်ပစ္စည်းများကိုဖြစ်စေ၊ ထိုပစ္စည်းများတွင် အကျိုးသက်ဆိုင်ခွင့်ရှိဖြစ်စေ၊ ဤအက်ဥပဒေပါ ကိစ္စများအလို့ငှါ၊ ရယူ၍ လက်ရှိထားနိုင်သည့်အာဏာရှိရမည်။

° ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၅၇ အရပယ်ဖျက်သည်။
၂ အဆိုပါဥပဒေအရ အစားထည့်သွင်းသည်။

°(၂) ဤအက်ဥပဒေပါကိစ္စများအတွက်၊ မည်သည့်မြေကိုမဆို အမျိုးသားကောင်စီက အလိုရှိ၍၊ နိုင်ငံတော်သမ္မတထံ သိမ်းယူရန်တောင်းဆိုသည့်အခါ၊ နိုင်ငံတော်သမ္မတသည် ပုဒ်မခွဲ (၃)ပါ ပြင်ဆင်ချက်များပါဝင်သည့် မြေသိမ်းအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များနှင့်အညီ၊ ပြည်သူ့ကိစ္စအတွက် မြေကိုသိမ်းယူသည့်သို့ ထိုမြေကိုသိမ်းယူရန်ဆောင်ရွက်နိုင်သည်။

မြေသိမ်းယူနိုင်သည့် အာဏာ။

°(၃) ဤအက်ဥပဒေပါကိစ္စများအလို့ငှါ၊ မြေကိုသိမ်းယူသောအခါ မြေသိမ်း အက်ဥပဒေသည်၊ အောက်ပါပြင်ဆင်ချက်များထည့်သွင်းထားသည့်အတိုင်းအကျိုးသက်ရောက်ရမည်။

(က) အဆိုပါ မြေသိမ်းအက်ဥပဒေပုဒ်မ ၁၇ (၁) အစား၊ အောက်ပါပုဒ်မကို ထည့်သွင်းရမည်။

“ ၁၇။ ။ (၁) ပုဒ်မ ၁၁ အရ ဆုံးဖြတ်ချက် မချမှတ်သေးသော်လည်း၊ ပုဒ်မ ၉၊ ပုဒ်မခွဲ (၁) တွင် ဖော်ပြထားသည့် နို့တစ်စာကိုထုတ်ပြန်သည့်နေ့၊ နောက်တဆယ့်ငါးရက်ကုန်ဆုံးသည့်အခါ၊ နိုင်ငံတော်သမ္မတက ဆင့်ဆိုလျှင်၊ ကော်လိတ်တော်အရာရှိသည် အမျိုးသားကောင်စီကအလိုရှိသော မြေကိုသိမ်းယူရန် မိမိအားယင်းသို့ဆင့်ဆိုသည့်အတိုင်း ထိုမြေကိုသိမ်းယူ၍ အမျိုးသားကောင်စီသို့ ချက်ခြင်း လွှဲပြောင်းပေးရမည်။ ထိုသို့လွှဲပြောင်းပေးသောအခါ၊ ထိုမြေသည် ကြေးမြီတာဝန်ဟူသမျှ ကင်းလွတ်သော အမျိုးသားကောင်စီပိုင်မြေဖြစ်ရမည်။ ”

(ခ) အဆိုပါမြေသိမ်း အက်ဥပဒေပုဒ်မ ၂၃ ၏ပုဒ်မခွဲ (၂) ကို ပယ်ဖျက်ရမည်။

၁၀။ ။ အမျိုးသားကောင်စီသည်၊ ကစားကွင်းများ၊ ကစားပွဲကွင်းများ၊ ကစားပြိုင်ပွဲကွင်းကြီးများ၊ အားကစားရုံများ၊ ရေကူးကန်များ၊ ရေကူးဆိပ်များ၊ အားလပ်ရက်စခန်းများ၊ အားလပ်ရက်စခန်းချရန်နေရာများမှစ၍ အခြားကာယဗလလေ့ကျင့်ရေးနှင့် ကစားပျော်ရွှင်မှုစခန်းများအတွက် မြေရာများကိုအကွက်သတ်မှတ်၍၊ ထိုမြေရာများတွင် သင့်လျော်သည့် အဆောက်အဦများ ဆောက်လုပ်နိုင်သည်။ သို့တည်းမဟုတ် လိုအပ်သည့်အရာများဖြင့် အခြားနည်းစီမံထားရှိနိုင်သည်။

ကစားကွင်းများ၊ ကစားပျော်ရွှင်မှုနှင့် လေ့ကျင့်ရေးဌာနများကို စီမံထားရှိခြင်း။

၁၁။ ။ အမျိုးသားကောင်စီသည်၊ ဤအက်ဥပဒေအရ စီမံထားသည့်အခွင့်အလမ်းများကို ထိရောက်စွာ အသုံးပြုနိုင်စေခြင်းငှါ၊ နည်းပြဆရာများ၊ သင်တန်းဆရာများနှင့် စည်းရုံးရေးမှူးများအတွက် သင်တန်းများထားရှိနိုင်သည်။

နည်းပြဆရာများ၊ သင်တန်းဆရာများနှင့် စည်းရုံးရေးမှူးများကို သင်တန်းပေးခြင်း။

၁၂။ ။ အမျိုးသားကောင်စီသည်၊ နိုင်ငံတော်သမ္မတ၏ စီမံအုပ်ချုပ်ခြင်းကို လိုက်နာလျက်၊ မိမိ၏အလုပ်ဝတ်တရားများကိုထိရောက်စွာ ဆောင်ရွက်နိုင်ရန်အလို့ငှါ၊ လိုအပ်သည့်အရာရှိများ၊ အမှုထမ်းများနှင့် အခြားအလုပ်သမားများကိုခန့်ထား၍၊ နိုင်ငံတော်သမ္မတက သတ်မှတ်သည့်လစာ နှင့်စရိတ်များကို ပေးနိုင်သည်။

အရာရှိများ၊ အမှုထမ်းများနှင့် အခြားအလုပ်သမားများခန့်ထားခြင်း။

၁၃။ ။ “အမျိုးသားကိုယ်လက်ကြံခိုင်ရေးကောင်စီရံပုံငွေ” ဟု ခေါ်တွင်သည့် ရံပုံငွေတစ်ရပ်ထားရှိရမည်။ ထိုရံပုံငွေကို အမျိုးသားကောင်စီကစီမံအုပ်ချုပ်ရမည်။ အောက်ပါငွေများကို ထိုရံပုံငွေသို့ ထည့်သွင်းရမည်။

ရံပုံငွေတည်ထောင်ခြင်း။

° ၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၆ အရ အစားထည့်သွင်းသည်။

- (၁) အမျိုးသားကောင်စီက၊ ဤအက်ဥပဒေအရ မိမိ၏အာဏာများကိုသုံးစွဲရန်နှင့် မိမိ၏တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရန်ကိစ္စအလို့ငှါ၊ အစိုးရထံမှရရှိသောငွေအရပ်ရပ်။
- (၂) အမျိုးသားကောင်စီက၊ သို့တည်းမဟုတ် အမျိုးသားကောင်စီအတွက်၊ [ဒေသန္တရ . အာဏာပိုင်များထံမှဖြစ်စေ] ^၁၊ ပုဂ္ဂိုလ်တစ်ဦးချင်းထံမှဖြစ်စေ၊ အသင်းအဖွဲ့များထံမှဖြစ်စေ၊ ထောက်ပံ့ငွေများ အလှူငွေများအဖြစ်သော်၎င်း၊ အခြားနည်းသော်၎င်း ရရှိသောငွေများ။
- (၃) အမျိုးသားကောင်စီပိုင်ပစ္စည်းများမှရရှိသည့်ဝင်ငွေအရပ်ရပ်။

ရံပုံငွေ သုံးစွဲခြင်း။

၁၄။ ။(၁) အမျိုးသားကောင်စီသည်၊ ရံပုံငွေကိုအောက်ပါကိစ္စများအတွက် သုံးစွဲနိုင်သည်။

- (က) ဤအက်ဥပဒေပါကိစ္စများကိုဆောင်ရွက်ရာ၌ ကုန်ကျသည့်စရိတ်များကိုကူခံရန်။
- (ခ) အမျိုးသားကောင်စီက ဒေသန္တရကောင်စီများသို့ ဤအက်ဥပဒေအရ လွှဲအပ်ထားသည့်အလုပ်ဝတ်တရားများကိုဆောင်ရွက်ရန်ကိစ္စအလို့ငှါ၊ ထိုကောင်စီများသို့ ငွေထောက်ပံ့ရန်။
- (ဂ) ကိုယ်လက်ကြံ့ခိုင်ရေးကို အားပေးရန်ကိစ္စအလို့ငှါ၊ မည်သည့်အဖွဲ့အစည်းသို့မဆို ငွေထောက်ပံ့ရန်။
- (၂) အမျိုးသားကောင်စီသည်၊ ပွေသောက်ပုံသည့်အခါ၌၊ မိမိသင့်လျော်သည်ထင်မြင်သည့် စည်းကမ်းချက်များကို သတ်မှတ်နိုင်သည်။

ငွေစာရင်းနှင့် ငွေစာရင်းစစ်ခြင်း။

၁၅။ ။(၁) အမျိုးသားကောင်စီသည်၊ မိမိရရှိသည့်ငွေနှင့် သုံးစွဲသည့်ငွေအားလုံးအတွက် ငွေစာရင်းများထားရှိစေရမည်။

(၂) ငွေစာရင်းများကို၊ ပြဋ္ဌာန်းထားသည့်စာရင်းစစ်များက ပြဋ္ဌာန်းထားသည့် နည်းလမ်းအတိုင်း ကြည့်ရှုစစ်ဆေးရမည်။

နိုင်ငံတော်သမတ၏အမျိုးသားကောင်စီကိုဖျက်သိမ်းနိုင်သည့်အာဏာ။

၁၆။ ။နိုင်ငံတော်သမတသည်၊ မည်သည့်အခါမဆို၊ အမိန့်ကြော်ငြာစာဖြင့် အမျိုးသားကောင်စီကို ဖျက်သိမ်းကြောင်း ကျေညာနိုင်သည်။ ယင်းသို့သော အမိန့်ကြော်ငြာစာကို ထုတ်ပြန်သောအခါ၊ ဤအက်ဥပဒေအရ၊ အမျိုးသားကောင်စီ၌တည်ရှိခဲ့သောပစ္စည်းအားလုံး၊ အမျိုးသားကောင်စီပိုင်ဆိုင်သော အခြားပစ္စည်းအားလုံးနှင့်ရံပုံငွေသည်၊ နိုင်ငံတော်သမတ၌တည်ရှိ၍ နိုင်ငံတော်သမတက ထိုပစ္စည်းများနှင့်ရံပုံငွေကိုသိမ်းယူရမည်။

နည်းဥပဒေများပြုလုပ်နိုင်ခွင့်အာဏာ။

၁၇။ ။(၁) နိုင်ငံတော်သမတသည်၊ ဤအက်ဥပဒေပါပြဋ္ဌာန်းချက်များကို ဆောင်ရွက်ရန်အလို့ငှါ၊ နည်းဥပဒေများ ^၂ ပြုလုပ်နိုင်သည်။

(၂) ဆိုခဲ့သည့်အာဏာ၏ ယေဘုယျသဘောကိုမထိခိုက်စေဘဲ၊ ထိုနည်းဥပဒေများသည် အထူးသဖြင့် အောက်ပါအချက်များကိုပြဋ္ဌာန်းနိုင်သည်။

- (က) ကစားခုန်စားမှုများ ဆိုင်ရာစီမံအုပ်ချုပ်ရေးအဖွဲ့များအား အသိအမှတ်ပြုခြင်း။

^၁ ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၅၇ အရ ထည့်သွင်းသည်။

^၂ ၁၉၅၁ ခုနှစ်၊ အမျိုးသားကိုယ်လက်ကြံ့ခိုင်ရေး ကောင်စီ နည်းဥပဒေများကို မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၁ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၄၆၈ တွင်ထုတ်ပြန်ကျေညာသည်။

- (ခ) အမြဲတမ်းကော်မတီများကိုဖွဲ့စည်းခြင်းနှင့် ဒေသန္တရကောင်စီများကို [တည်ထောင်ခြင်းနှင့် ဖျက်သိမ်းခြင်း၊] ° ထို့ပြင် ဤအက်ဥပဒေအရ၊ အမျိုးသားကောင်စီ၏ မည်သည့်အာဏာများနှင့်အလုပ်ဝတ်တရားများကို မဆို၊ အဆိုပါကော်မတီနှင့် ကောင်စီတို့အားလုံးအပ်ခြင်း။
- (ဂ) အမျိုးသားကောင်စီနှင့် ဒေသန္တရကောင်စီတို့၏အရာရှိများ၊ အမှုထမ်းများနှင့် အခြားအလုပ်သမားများကိုခန့်ထားခြင်း၊ ရာထူးတိုးမြှင့်ခြင်းနှင့် ရာထူးမှ အမြဲထုတ်ပယ်ခြင်းများအပြင်၊ ထိုသူတို့၏ရာထူးများကို တည်ထွင်ခြင်းနှင့် ဖျက်သိမ်းခြင်း။
- (ဃ) အမျိုးသားကောင်စီနှင့်ဒေသန္တရကောင်စီများ၏ အရာရှိများ၊ အမှုထမ်းများနှင့် အခြားအလုပ်သမားများ၏ အမှုထမ်းစည်းကမ်းချက်များ (ထိုစည်းကမ်းချက်များတွင် ရာထမ်း မှုထမ်းများ၏ လစာငွေ၊ စရိတ်ကြေးငွေများနှင့် အားလပ်ခွင့်ပါဝင်သည်) ။
- (င) အမျိုးသားကောင်စီ၊ သို့တည်းမဟုတ် အမြဲတမ်းကော်မတီများနှင့် ဒေသန္တရကောင်စီများ၏ အစည်းအဝေးများတွင်၊ အစည်းအဝေးအထမြောက်ရေးအတွက် လိုအပ်သောလူကြီးဦးရေနှင့် ထိုအစည်းအဝေးများ၌ လိုက်နာရမည့်နည်းလမ်း။
- (စ) အမျိုးသားကောင်စီလူကြီးများ၊ အမြဲတမ်းကော်မတီလူကြီးများနှင့်ဒေသန္တရကောင်စီလူကြီးများ၏ခရီးစရိတ်များ။
- (ဆ) ဒေသန္တရကောင်စီများသို့ဖြစ်စေ၊ အခြားမည်သည့်အဖွဲ့အစည်းသို့မဆိုဖြစ်စေ၊ ငွေထောက်ပံ့ရန်နည်းလမ်းနှင့်စည်းကမ်းချက်များ။
- (ဇ) အမျိုးသားကောင်စီ၏ဝင်ငွေနှင့်အသုံးစရိတ်များအတွက် ငွေစာရင်းများစီမံထားရှိခြင်းနှင့် ထိုငွေစာရင်းများကိုစစ်ဆေးခြင်း။
- (ဈ) အမျိုးသားကောင်စီ၏ ရငွေများနှင့် အသုံးစရိတ်အတွက် ရ-သုံးခန့်မှန်းခြေစာရင်းများကို စီစဉ်ပြုလုပ်ခြင်း။
- (ည) အမျိုးသားကိုယ်လက်ကြံခိုင်ရေးကောင်စီခံပုံငွေကို ဘဏ်၌အပ်နှံထားခြင်းနှင့် ရင်းနှီးခြင်း။
- (ဋ) အမျိုးသားကောင်စီ၊ သို့တည်းမဟုတ် အမြဲတမ်းကော်မတီများ၊ သို့တည်းမဟုတ် ဒေသန္တရကောင်စီများ ထားရှိရမည့်မှတ်ပုံစာရင်းများနှင့် အခြားမှတ်တမ်းများ။
- (ဌ) အမျိုးသားကောင်စီကဖြစ်စေ၊ အမျိုးသားကောင်စီအတွက်ဖြစ်စေ၊ ပဋိညာဉ်စာချုပ်များ ချုပ်ဆိုရာ၌ လိုက်နာရမည့်စည်းကမ်းချက်များနှင့်နည်းလမ်း။
- (ဍ) ဤအက်ဥပဒေအရ ပြဋ္ဌာန်းရန်ရှိသည့်၊ သို့တည်းမဟုတ် ပြဋ္ဌာန်းနိုင်သည့် အခြားကိစ္စများ။

° ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၅၇ အရ အစားထည့်သွင်းသည်။

အမျိုးသားကျန်းမာရေးကောင်စီအက်ဥပဒေ။

[၁၉၅၀ ပြည့်နှစ်၊ အက်ဥပဒေအမှတ် ၃၈။] (၁၉၅၀ ပြည့်နှစ်၊ အောက်တိုဘာလ ၁၄ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ (၁) ဤအက်ဥပဒေကို၊ ၁၉၅၀ ပြည့်နှစ်၊ အမျိုးသားကျန်းမာရေးကောင်စီအက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ အာဏာတည်ရန်ကိစ္စအလို့ငှါ၊ နိုင်ငံတော်သမတက အမိန့်ကြော်ငြာစာထုတ်ပြန်ကျေညာသည့်နေ့ရက်^၁ တွင်အာဏာတည်ရမည်။

၂။ ။ ဤအက်ဥပဒေပါကိစ္စများကို ဆောင်ရွက်ရန်အလို့ငှါ၊ ကောင်စီတခု ဖွဲ့စည်းတည်ထောင်ရမည်။ ထိုကောင်စီကို အမျိုးသားကျန်းမာရေး ကောင်စီဟု ခေါ်ရမည်။ ထိုကောင်စီတွင် အောက်ပါပုဂ္ဂိုလ်များပါဝင်ရမည်။

- (က) ကျန်းမာရေးဌာနဝန်ကြီး။
- (ခ) ဆေးနှင့်ကျန်းမာရေးဌာနညွှန်ကြားရေးဝန်။
- (ဂ) ကျန်းမာရေးဌာနဘဏ္ဍာရေးဝန်ကြီး။
- (ဃ) စစ်ရုံးဆေးဘက်ဆိုင်ရာညွှန်ကြားရေးမှူး။
- (င) အမျိုးသမီးနှင့်ကလေးများစောင့်ရှောက်ရေးညွှန်ကြားရေးဝန်။
- (စ) ဆေးကုသဘက်ဆိုင်ရာအစိုးရဆရာဝန်ကြီးတဦး။
- (ဆ) ခွဲစိတ်ဘက်ဆိုင်ရာအစိုးရဆရာဝန်ကြီးတဦး။
- (ဇ) ဗဟိုဆေးရုံမှူး။
- (ဈ) ကျန်းမာရေးဝန်ကြီးဌာနအတွင်းဝန်၊ သို့မဟုတ် ဟဲဘက်အတွင်းဝန်။
- (ည) နိုင်ငံတော်သမတကခန့်ထားမည့် ပြင်ပမှဆရာဝန်ကြီးနှစ်ဦး။

၃။ ။ ကျန်းမာရေးဝန်ကြီးသည်၊ ကောင်စီဥက္ကဋ္ဌအဖြစ်ဆောင်ရွက်၍ကျန်းမာရေးဝန်ကြီးဌာနအတွင်းဝန်သည်၊ သို့တည်းမဟုတ် ဟဲဘက်အတွင်းဝန်သည် အတွင်းရေးမှူးအဖြစ် ဆောင်ရွက်ရမည်။

၄။ ။ ကောင်စီလူကြီးများ၏ရာထူးသက်တမ်းသည်၊ နိုင်ငံတော်သမတကသတ်မှတ်သည့်အတိုင်းဖြစ်ရမည်။

၅။ ။ အစိုးရအရာရှိမဟုတ်သော ကောင်စီလူကြီးများကို၊ နိုင်ငံတော်သမတက သတ်မှတ်သည့်စရိတ်များပေးရမည်။

၆။ ။ ကောင်စီသည်၊ ပူးတွဲဆောင်ရွက်ရန် ငါးယောက်ထက်မများသော သင့်တော်သည့် ပုဂ္ဂိုလ်များကို သာမန်အားဖြင့်ဖြစ်စေ၊ အထူးကိစ္စအတွက်ဖြစ်စေခန့်ထားနိုင်သည်။

၇။ ။ ကောင်စီသည်၊ လိုအပ်သောကော်မတီများကိုသာမန်အားဖြင့်ဖြစ်စေ၊ အထူးကိစ္စအတွက်ဖြစ်စေ ခန့်ထားနိုင်သည်။ ထိုကဲ့သို့ခန့်ထားသောကော်မတီသည် ကောင်စီ၏ကြီးကြပ်အုပ်ချုပ်ခြင်းကိုခံလျက်၊ မိမိတို့အားလွှဲအပ်သည့် ကောင်စီတာဝန် ဝတ်တရားများနှင့်အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရမည်။

၈။ ။ အစည်းအဝေးတိုင်း၌ လူကြီးခြောက်ဦးတက်ရောက်လျှင်၊ အစည်းအဝေး အထမြောက်ရမည်။

^၁ ဤအက်ဥပဒေသည်၊ ၁၉၅၀ ပြည့်နှစ်၊ အောက်တိုဘာလ ၁၄ ရက်နေ့မှစ၍အာဏာတည်သည်။ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၀ ပြည့်နှစ်၊ အပိုင်း ၁၊ စာမျက်နှာ ၆၅၅ တွင်ကြည့်။

၉။ ။ ကောင်စီဥက္ကဋ္ဌသည်၊ အစည်းအဝေးသို့မတက်ရောက်သောအခါ၊ တက်ရောက်သောလူကြီးများက မိမိတို့အထဲမှတဦးဦးကို အစည်းအဝေးသဘာပတိအဖြစ် ဆောင်ရွက်ရန်ရွေးကောက်တင်မြှောက်ရမည်။

၁၀။ ။ ကောင်စီသည်၊ မိမိတဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကိုကျေပြန်စွာဆောင်ရွက်နိုင်ရန်အတွက်၊ မိမိသင့်သည်ထင်မြင်သည့် ပုဂ္ဂိုလ်များကိုကောင်စီတွင်တိတ်ခေါ်ဆွေးနွေးနိုင်သည်။

၁၁။ ။ (၁) ကောင်စီသည်၊ အောက်ပါကိစ္စများကိုဆောင်ရွက်ရမည်။

- (က) အမျိုးသားကျန်းမာရေးနှင့်ပတ်သက်သော ကိစ္စအဝဝကိုစဉ်းစား၍ အစိုးရသို့ အကြံဉာဏ်ပေးရန်။
- (ခ) ဆေးကုသရေးဌာနနှင့်ရောဂါကာကွယ်ရေးဌာနနှစ်ခုကိုမည်ကဲ့သို့ဖွဲ့စည်းသင့်သည်၊ မည်ကဲ့သို့ပြုပြင်သင့်သည်တို့ကိုစဉ်းစား၍ အစိုးရသို့အကြံဉာဏ်ပေးရန်။
- (ဂ) အစားအစာနှင့် အာဟာရဖြည့်တင်းရေးနှင့် ပတ်သက်၍၎င်း၊ အလုပ်သမားများ၏နေရေးထိုင်ရေးနှင့်ပတ်သက်၍၎င်း၊ ကျန်းမာရေးနှင့် ကိုယ်လက်ကြံ့ခိုင်ရေးနှင့်ပတ်သက်၍၎င်း၊ မည်ကဲ့သို့ တိုးတက်စေရန် ပြုပြင်ပြောင်းလဲသင့်သည်ကိုဆွေးနွေး၍ အစိုးရသို့အကြံဉာဏ်ပေးရန်။
- (ဃ) ဆေးနှင့်ပတ်သက်၍ သုတေသနရှာဖွေရာ၌လွယ်ကူစေခြင်းငှါ အကြံဉာဏ်များအစိုးရသို့ပေးရန်။
- (င) တိုင်းရင်းဆေးနှင့် တိုင်းရင်းဆေးဆရာများကို မည်ကဲ့သို့အသုံးပြုသင့်သည်ကို ဆွေးနွေး၍ အစိုးရသို့အကြံဉာဏ်ပေးရန်။
- (စ) ဆေးဘက်ဌာနနှင့် ကျန်းမာရေးဌာန ရာထမ်းမှုထမ်းများအကျိုးခံစားမှုနှင့်ပတ်သက်သောစည်းကမ်းများနှင့် စည်းမျဉ်းဥပဒေများကို ဆွေးနွေး၍ အစိုးရသို့ အကြံဉာဏ်ပေးရန်။
- (ဆ) ဆေးပညာ၊ သူနာပြုပညာနှင့်အခြားကျန်းမာရေးနှင့်သက်ဆိုင်သောပညာအရပ်ရပ်ကိုဆွေးနွေး၍ အစိုးရသို့အကြံဉာဏ်ပေးရန်။
- (ဇ) ဆေးကုသရေး၌သော်၎င်း၊ ရောဂါကာကွယ်ရေး၌သော်၎င်း၊ လိုအပ်သောဆေးများနှင့် ကိရိယာစသောပစ္စည်းများကို၊ ပြည့်တွင်း၌ဖြစ်မြောက်အောင် ပြုလုပ်ရေးကိုစဉ်းစား၍ အစိုးရသို့ အကြံဉာဏ်ပေးရန်။

(၂) ကောင်စီက ကျန်းမာရေးစီမံကိန်းများပြုလုပ်၍ အစိုးရသို့သော်၎င်း၊ အမျိုးသားကျန်းမာရေးရဲပုံငွေ ထိန်းသိမ်းရေးအဖွဲ့သို့သော်၎င်း တင်ပြရမည်။

၁၂။ ။ ကောင်စီသည်၊ အနည်းဆုံး တလတကြိမ်စည်းဝေးရမည်။

၁၃။ ။ နိုင်ငံတော်သမတသည်၊ ဤအက်ဥပဒေကိစ္စများကို ဆောင်ရွက်ရန်အတွက် နည်းဥပဒေများ ပြုလုပ်နိုင်သည်။

၁၄။ ။ နိုင်ငံတော်သမတ၏ ကြီးကြပ်အုပ်ချုပ်ခြင်းကိုခံလျက်၊ ကောင်စီသည်၊ အောက်ပါကိစ္စအားလုံးအတွက်ဖြစ်စေ၊ ကိစ္စတခုအတွက်ဖြစ်စေ၊ ဤအက်ဥပဒေနှင့်အညီဖြစ်သော စည်းကမ်းဥပဒေများပြုလုပ်နိုင်သည်။

- (က) ကောင်စီ၏ မူခင်းကိစ္စဆောင်ရွက်ခြင်းနှင့် ကောင်စီ အစည်းအဝေးများတွင် လိုက်နာဆောင်ရွက်ရန်နည်းလမ်း။
- (ခ) ပုဂံမ ၇ အရ၊ ကောင်စီကကော်မီတီများသို့ အာဏာများလွှဲအပ်ခြင်း။

၁၅။ ။ ဤအက်ဥပဒေနှင့်အညီ သဘောရိုးနှင့်ပြုလုပ်သည့် သို့တည်းမဟုတ် ပြုလုပ်ရန် ကြံရွယ်သည့်အမှုတစ်ခုခုနှင့်ပတ်သက်၍ ကောင်စီအား၊ သို့တည်းမဟုတ် ကော်မတီအား၊ သို့တည်းမဟုတ် ကောင်စီလူကြီးထီးဦးအား၊ သို့တည်းမဟုတ် ကော်မတီလူကြီးတစ်ဦးဦးအား မည်သည့် တရားမမှု၊ ရာဇဝတ်မှု၊ သို့တည်းမဟုတ် အခြားအမှုအခင်းများကိုစွဲဆိုခြင်းမပြုရ။

၁၆။ ။ ဤအက်ဥပဒေဖြင့် ကောင်စီအားပေးထားသည့် တာဝန်ဝတ်တရားတစ်ခုခုကိုဖြစ်စေ၊ အလုပ်ဝတ်တရားတစ်ခုခုကိုဖြစ်စေ၊ ကောင်စီကဆောင်ရွက်ရန်ဖျက်ကွက်သည်ဟု နိုင်ငံတော်သမ္မတကမည်သည့်အချိန်မဆိုထင်မြင်သဘောရလျှင်၊ နိုင်ငံတော်သမ္မတသည်ကောင်စီကိုဖျက်သိမ်းနိုင်သည်။

တိုင်းရင်းမြန်မာ ဆေးဆရာအဖွဲ့ အက်ဥပဒေ။

[၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၇၄၊] (၁၉၅၄ ခု၊ ဧပြီလ ၂ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

အမည်နှင့် စတင်အာဏာတည်သည့်နေ့ရက်နှင့်ဒေသ။

၁။ ။ (၁) ဤအက်ဥပဒေကို ၁၃၁၅ (၁၉၅၃) ခုနှစ်၊ တိုင်းရင်းမြန်မာဆေးဆရာအဖွဲ့အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည် နိုင်ငံတော်သမ္မတ ကအမိန့်ကြော်ငြာစာ ထုတ်ပြန်သတ်မှတ်သည့်နေ့ရက်နှင့်ဒေသ တွင် စတင်အာဏာတည်ရမည်။

အဓိပ္ပါယ်ဖော်ပြချက်။

၂။ ။ ဤအက်ဥပဒေတွင် အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားဘို့၏အဓိပ္ပါယ်နှင့်ဖြစ်စေ မဆန့်ကျင်လျှင်—

- (က) “တိုင်းရင်းဆေးဆရာအဖွဲ့” ဆိုသည်မှာ၊ ပုဒ်မ ၃ အရဖွဲ့စည်းသည့်တိုင်းရင်းမြန်မာဆေးဆရာအဖွဲ့ကိုဆိုလိုသည်။
- (ခ) “မှတ်ပုံစာရင်း” ဆိုသည်မှာ၊ ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များအရထားရှိသည့် တိုင်းရင်းဆေးဆရာစာရင်းကိုဆိုလိုသည်။
- (ဂ) “မှတ်ပုံစာရင်းတိုင်းရင်းဆေးဆရာ” ဆိုသည်မှာ၊ ဤအက်ဥပဒေအရ မှတ်ပုံစာရင်း တင်သွင်းခြင်းခံရသူမည်သူကိုဆိုလိုသည်။

တိုင်းရင်းဆေးဆရာအဖွဲ့ ဖွဲ့စည်းပုံ။

၃။ ။ (၁) တိုင်းရင်းမြန်မာဆေးဆရာအဖွဲ့ဟူသောအမည်ဖြင့် အဖွဲ့တစ်ခုကို နိုင်ငံတော်သမ္မတ ကဖွဲ့စည်းရမည်။

(၂) တိုင်းရင်းဆေးဆရာ အဖွဲ့သည် စဉ်ဆက်မပြတ် ဆက်ခံဆောင်ရွက်နိုင်ခွင့်နှင့်တကွ၊ တိုင်းရင်း ဆေးဆရာအဖွဲ့ပိုင်တံဆိပ်တစ်ခုရှိသောတရားဝင်အဖွဲ့ဖြစ်ရမည်။ အဆိုပါအမည်ဖြင့်တရားစွဲဆိုနိုင်၍ တရားစွဲဆိုခြင်းကိုလည်းခံနိုင်ရမည်။

(၃) တိုင်းရင်းဆေးဆရာအဖွဲ့တွင် အောက်ပါပုဂ္ဂိုလ် ၁၈ ဦး ပါဝင်ရမည်။

- (က) နိုင်ငံတော်သမ္မတက ခန့်ရမည့်ဥက္ကဋ္ဌတစ်ဦး။
- (ခ) မှတ်ပုံစာရင်း တိုင်းရင်းဆေးဆရာများက မိမိတို့အထဲမှ ရွေးကောက်တင်မြှောက်သည့် ဆေးဆရာရှစ်ဦး။

၁ ဤအက်ဥပဒေသည်၊ ၁၉၅၄ ခု၊ ဧပြီလ ၂ ရက်နေ့မှစ၍၊ ပြည်နယ်များမှအပ ပြည်ထောင်စု မြန်မာနိုင်ငံတော်ရှိ ကျန်နယ်မြေအားလုံးတွင် အာဏာတည်သည်။ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၄ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၄၄၆ တွင်ကြည့်။

- (ဂ) နိုင်ငံတော်သမ္မတက ခန့်သည့်မှတ်ပုံစံတိုင်းရင်း ဆေးဆရာရှစ်ဦး။
- (ဃ) တိုင်းရင်းဆေးဆရာအဖွဲ့၏အတွင်းရေးမှူး အဖြစ်ဖြင့်လည်း ဆောင်ရွက်ရမည့် နိုင်ငံတော်သမ္မတက ခန့်သည့်ပုဂ္ဂိုလ်တဦး။

ခြွင်းချက်။ ။ သို့ရာတွင် ဤအက်ဥပဒေအရ ပဌမအကြိမ်ဖွဲ့စည်းသည့် တိုင်းရင်းဆေးဆရာ အဖွဲ့တွင် ပါဝင်ဆောင်ရွက်ရန်အလို့ငှါ၊ အပိုဒ် (က) နှင့် (ဃ) အရခန့်ရမည့် ပုဂ္ဂိုလ်များအပြင်၊ ဤအက်ဥပဒေအရ မှတ်ပုံစံတိုင်းရင်းတင်သွင်းရန် သတ်မှတ်ထားသော အရည်အချင်းနှင့် ပြည့်စုံသည်ဟု နိုင်ငံတော်သမ္မတက ထင်မြင်သော တိုင်းရင်းဆေးဆရာ ၁၆ ဦးကိုခန့်ထားနိုင်သည်။ ယင်းသို့ပဌမ အကြိမ်ဖွဲ့စည်းသည့်တိုင်းရင်းဆေးဆရာအဖွဲ့ဝင်များ၏ ရာထူးသက်တမ်းသည်၊ ပုဒ်မ ၅၊ ပုဒ်မခွဲ (၁) တွင် မည်သို့ပင်ပါရှိစေကာမူ၊ နိုင်ငံတော်သမ္မတက သတ်မှတ်သည့်အတိုင်းဖြစ်ရမည်။

၄။ ။ ပုဒ်မ ၃၊ ပုဒ်မခွဲ (၃)၊ အပိုဒ် (ခ) တွင် ရည်ညွှန်းသည့် မှတ်ပုံစံ တိုင်းရင်း ဆေးဆရာများအား ရှေးကောက်တင်မြှောက်ခြင်းကိုတိုင်းရင်းဆေးဆရာအဖွဲ့ကပြုသည့် နည်းဥပဒေဖြင့် သတ်မှတ်သော အချိန်နှင့်နေရာတွင် သတ်မှတ်သည့်နည်းလမ်းအတိုင်းကျင်းပရမည်။

၅။ ။ (၁) တိုင်းရင်း ဆေးဆရာအဖွဲ့ဝင်များ၏ရာထူးသက်တမ်းသည် ၅ နှစ်ဖြစ်ရမည်။
 (၂) တိုင်းရင်းဆေးဆရာအဖွဲ့ဝင်အသီးသီးသည် မိမိရာထူး သက်တမ်းစေ့သောအခါ ထိုသူအားပုဒ်မ ၃ ဝါပြဋ္ဌာန်းချက်အရ ပြန်လည်ခန့်ထားနိုင်ခွင့်ရှိစေရမည်။

တိုင်းရင်းဆေး ဆရာအဖွဲ့၏ ရာ ထူးသက်တမ်း၊

- ၆။ ။ (၁) တိုင်းရင်း ဆေးဆရာ အဖွဲ့ဝင် တဦးဦးသည်—
- (က) တိုင်းရင်း ဆေးဆရာအဖွဲ့၏ ဥက္ကဋ္ဌထံသို့ ရာထူးမှ နုတ်ထွက်လိုကြောင်း အကြောင်းကြားစာပေးပို့သည့်အခါဖြစ်စေ၊
 - (ခ) မှတ်ပုံစံတိုင်းရင်းဆေးဆရာအဖြစ်မှ ရပ်စဲသည့်အခါ ဖြစ်စေ
- မိမိရာထူးမှနုတ်ထွက်သည်ဟုယူဆရမည်။
- (၂) မည်သည့်တိုင်းရင်းဆေးဆရာအဖွဲ့ဝင်မဆို—
- (က) အစည်းအဝေးများကို တိုင်းရင်းဆေးဆရာအဖွဲ့၏ ခွင့်ပြုချက်မရရှိဘဲ တက် ရောက်ရန် ၃ ကြိမ်တဆက်တည်းပျက်ကွက်သော်ငြား၊
 - (ခ) တိုင်းရင်းဆေးဆရာအဖွဲ့မှ ခွင့်မရရှိဘဲ ပြည်ထောင်စု မြန်မာနိုင်ငံမှထွက်ခွာ သွားသော်ငြား၊
 - (ဂ) တိုင်းရင်းဆေးဆရာအဖွဲ့ကပေးသောခွင့်ရက်ထက်ကျော်လွန်၍ ပြည်ထောင်စု မြန်မာနိုင်ငံမှထွက်ခွာနေခဲ့သော်ငြား

တိုင်းရင်း ဆေးဆရာအဖွဲ့ ဝင်အဖြစ်မှ နုတ်ထွက်ခြင်း။

တိုင်းရင်းဆေးဆရာအဖွဲ့သည် ထိုသူကို တိုင်းရင်းဆေးဆရာအဖွဲ့ဝင်အဖြစ်မှ နုတ်ထွက်သည်ဟုကျေညာ နိုင်သည်။

၇။ ။ သေဆုံး၍ ဖြစ်စေ၊ ရာထူးမှနုတ်ထွက်၍ ဖြစ်စေ၊ အခြားအကြောင်းကြောင့်ဖြစ်စေ၊ တိုင်းရင်းဆေးဆရာအဖွဲ့ဝင်တဦး၏ ရာထူးလစ်လပ်လည့်အခါ၊ ထိုလစ်လပ်သည့်နေရာတွင် တိုင်းရင်း ဆေးဆရာအဖွဲ့ဝင်သစ်တဦးကို ထိုအဖွဲ့ဝင်ဟောင်းအား ခန့်ထားသည့်နည်းတူ ဖြည့်သွင်းခန့်ထား ရမည်။ ထိုသို့ခန့်ထားခြင်းခံရသော အဖွဲ့ဝင်သစ်သည် မိမိအားခန့်ထားသည့် နေရာတွင် အမှုထမ်း ရှက်ခဲ့သည့်အဖွဲ့ဝင်ဟောင်း၏ ရာထူးသက်တမ်းစေ့ကုန်သည့်အချိန်အထိသာ ရာထူး၌ထမ်းရွက်ရမည်။

ရှောင်းတင် လစ်လပ်သည့် နေရာတွင် ဖြည့်သွင်းခန့် ထားခြင်း။

ခွင့်ရက်။

၈။ ။တိုင်းရင်းဆေးဆရာ အဖွဲ့သည်၊ အဖွဲ့ဝင်တဦးဦးကိုပြည်ထောင်စု မြန်မာနိုင်ငံမှ ၆ လထက် မများသော ကာလအတွက် ထွက်ခွါနေနိုင်ရန်ခွင့်ပေးနိုင်သည်။

တိုင်းရင်း

ဆေးဆရာအဖွဲ့

အစည်းအဝေး။

၉။

။(၁) တိုင်းရင်းဆေးဆရာ အဖွဲ့သည်၊ အစည်းအဝေးကျင်းပမည့်အချိန်၊ နေရာ နှင့်အစည်းအဝေးကျင်းပမှု အတွက်ဘိတ်ခေါ်ရန် နည်းလမ်းများအပြင်၊ အစည်းအဝေးတွင် ဆွေးနွေးနိုင်သည့်အမှုကိစ္စများကိုနည်းဥပဒေဖြင့်သတ်မှတ်ရမည်။

(၂)

အစည်းအဝေး ကျင်းပရန် ဘိတ်ခေါ်ခြင်းနှင့် စပ်လျဉ်း၍ ပြဌာန်းသည့် နည်းဥပဒေ မရှိက တိုင်းရင်းဆေးဆရာအဖွဲ့ ဥက္ကဋ္ဌက အဖွဲ့ဝင်အသီးသီးထံသို့ စာပေးပို့၍၊ မိမိသင့်တော်သည်ထင် သည့်အချိန်နှင့်နေရာတွင် တိုင်းရင်းဆေးဆရာအဖွဲ့အစည်းအဝေးကျင်းပရန် ချိန်းဆိုနိုင်သည်။ သို့သော် တိုင်းရင်းဆေးဆရာအဖွဲ့၏ ပဌမအကြိမ်အစည်းအဝေးကိုနိုင်ငံတော်သမ္မတကသတ်မှတ်သည့် အချိန်နှင့် နေရာတွင်၊ ဤအက်ဥပဒေအာဏာ တည်ပြီးနောက် ၃ လအတွင်းကျင်းပရမည်။

(၃)

တိုင်းရင်းဆေးဆရာအဖွဲ့၏ ချည်သည့် အစည်းအဝေးတွင်မဆိုအဖွဲ့ဝင် ၇ ဦး တက်ရောက်လျှင် အစည်းအဝေးထမြောက်စေရမည်။

(၄)

ဥက္ကဋ္ဌသည် တိုင်းရင်းဆေးဆရာအဖွဲ့၏ အစည်းအဝေးတိုင်း၌ သဘာပတိ အဖြစ် ဆောင်ရွက်ရမည်။ ဥက္ကဋ္ဌမတက်ရောက်သည့် အစည်းအဝေးတွင် တက်ချောက်သည့် အဖွဲ့ဝင်များထံမှ တဦးဦးကိုသဘာပတိအဖြစ်ဆောင်ရွက်ရန် ရွေးကောက်ဘင်မြောက်ရမည်။

(၅)

ထိုင်းရင်းဆေးဆရာအဖွဲ့ အစည်းအဝေးတွင် တက်ရောက်သောဥက္ကဋ္ဌနှင့် အဖွဲ့ဝင် တိုင်းသည်မဲပေးပိုင်ခွင့်ရှိသည်။ တိုင်းရင်းဆေးဆရာအဖွဲ့ အစည်းအဝေး၌ ဆွေးနွေးကြသောပြဿနာ အားလုံးကို၊ အစည်းအဝေး တက်ရောက်မဲပေးသော အဖွဲ့ဝင်များ၏ မဲများရာဖြင့်ဆုံးဖြတ်ရမည်။ မဲအရေအတွက်တူညီနေသောအခါ၊ သဘာပတိသည်အနိုင်မဲဖြင့်ဆုံးဖြတ်ရမည်။

(၆)

တိုင်းရင်းဆေးဆရာအဖွဲ့၏ ဆောင်ရွက်မှုတို့သည်၊ တိုင်းရင်းဆေးဆရာအဖွဲ့ဝင် နေရာလစ်လပ်သောကြောင့်သော်၎င်း၊ တိုင်းရင်းဆေးဆရာ အဖွဲ့ဝင်ခန့်အပ်ရာ၌ ချို့ယွင်းချက်ရှိခြင်း ကြောင့်သော်၎င်း ပျက်ပြယ်ခြင်းမရှိစေရ။

တိုင်းရင်း

ဆေးဆရာ

အဖွဲ့ဝင်တို့

အားပေးရန်

အခကြေးငွေ

များ။

၁၀။

။တိုင်းရင်းဆေးဆရာ အဖွဲ့ကပြုသည့် နည်းဥပဒေများအရ အခကြေးငွေများနှင့် သင့်တော်သောခရီးစရိတ်များကို၊ အဖွဲ့ဝင်များတိုင်းရင်းဆေးဆရာအဖွဲ့ အစည်းအဝေးသို့ တက်သည့် အတွက်ပေးရမည်။

တိုင်းရင်း

ဆေးဆရာအဖွဲ့

ကဆောင်ရွက်

ရမည့်ကိစ္စများ။

၁၁။

။(၁) တိုင်းရင်းဆေးဆရာအဖွဲ့သည် အောက်ပါကိစ္စများကိုဆောင်ရွက်ရမည်။

(က) တိုင်းရင်းမြန်မာ ဆေးပညာဖြင့်ဝင်းစာရှာမှီးလျက် ရှိသောဆေးဆရာတို့၊ ဆေးဆရာယောင်များ ပပျောက်ရေးအတွက် အစိုးရသို့အကြံဉာဏ်ပေးရန်။

(ခ) တိုင်းရင်းမြန်မာ ဆေးပညာကိုကျနစွာ တတ်သိနားလည်သောဆေးဆရာများ ပေါ်ပေါက်ရေးအတွက် အစိုးရသို့အကြံဉာဏ်ပေးရန်။

(ဂ) တိုင်းရင်းမြန်မာ ဆေးပညာ ပြန့်လည်ထွန်းကားရေးနှင့် ကြီးပွား တိုးတက်ရေး အတွက် အစိုးရသို့အကြံဉာဏ်ပေးရန်။

(ဃ) ပြည်သူ့ ကျန်းမာရေးကို မြှင့်တင်ပေးမှုအတွက် အစိုးရသို့ အကြံဉာဏ် ပေးရန်။

(င) တိုင်းရင်း မြန်မာဆေးပညာ နည်းစံနစ်တို့ကို တိုးတက်ကောင်းမွန်အောင် ဆောင်ရွက်ရေးနှင့် တိုင်းရင်းမြန်မာ ဆေးပညာနှင့် စပ်လျဉ်းသည့်ကိစ္စ အဝဝ တို့ကိုရှာဖွေလေ့လာ၍၊ မြှင့်တင်ပေးရေးအတွက် အစိုးရသို့ အကြံဉာဏ်ပေးရန်။

(၂) တိုင်းရင်းဆေးဆရာအဖွဲ့သည် နိုင်ငံတော်သမ္မတ၏ ကြိုတင်ခွင့်ပြုချက်ကိုရယူ၍၊ အောက်ပါကိစ္စများကိုဆောင်ရွက်နိုင်သည်။

- (က) တိုင်းရင်းမြန်မာ ဆေးပညာစာမေးပွဲဆိုင်ရာ ဘာသာရပ်များကိုပြဋ္ဌာန်းခြင်း။
- (ခ) တိုင်းရင်းမြန်မာ ဆေးကျောင်းများ၊ ဆေးတက္ကသိုလ်များ၊ ဆေးခန်းများနှင့် ဆေးရုံများဖွင့်လှစ်ပြီး ကြီးကြပ်စီမံခြင်း။
- (ဂ) တိုင်းရင်းမြန်မာ ဆေးပညာစာမေးပွဲအတွက်မေးခွန်းထုတ်ရန်နှင့် အဖြေအမှတ် ပေးရန်အတွက် သင့်တော်သောပုဂ္ဂိုလ်များကို ခန့်တားခြင်းနှင့် စာမေးပွဲ ဂျင်းပခြင်း။
- (ဃ) အောင်မြင်သောကျောင်းသားများကို သင့်တော်သောဆု၊ လက်မှတ်၊ တံဆိပ်၊ ဘွဲ့ထူး၊ ဂုဏ်ထူးများ အပ်နှင်း ချီးမြှောက်ခြင်း။
- (င) သုတေသန အစီအစဉ်များပြုခြင်း။
- (စ) နိုင်ငံတော်အစိုးရထံမှငှင်း၊ ဒေသန္တရအဖွဲ့များထံမှငှင်း၊ ပြည်သူများထံမှငှင်း ရရှိသော ထောက်ပံ့ငွေများ၊ သို့တည်းမဟုတ် အလှူငွေများကို ထိုက်သည့် အားလျော်စွာ စီမံသုံးစွဲခြင်း။
- (ဆ) တိုင်းရင်းဆေးဆရာများ မှတ်ပုံတင်ခြင်းနှင့် မှတ်ပုံတင်ခိုင်ရန် လိုအပ်သည့် အရည်အချင်းနှင့် အဆင့်အတန်းကို သတ်မှတ်ခြင်း။
- (ဇ) ဤအက်ဥပဒေ၏ ရည်ရွယ်ချက်အမြောက် အောင်မြင်စေရန် ပြုဘွယ်ကိစ္စဟူ သမျှကိုစီမံဆောင်ရွက်ခြင်း။

၁၂။ ။ (၁) တိုင်းရင်းဆေးဆရာအဖွဲ့သည်၊ နိုင်ငံတော် သမ္မတ၏ သဘောတူညီချက်ကိုကြိုတင်ရယူလျက်—

မှတ်ပုံတင် အရာရှိနှင့်အမှု ထမ်းအဖွဲ့။

- (က) တိုင်းရင်း ဆေးဆရာ တဦးကို မှတ်ပုံတင်အရာရှိအဖြစ်ဖြင့်ခန့်ထားရမည်။
- (ခ) မှတ်ပုံတင်အရာရှိအား ခွင့်ရက် ပေးထားသောအခါ၊ ထိုအရာရှိနေရာတွင် အလုပ်ဝတ်တရားများ ဆောင်ရွက်ရန် အခြားတိုင်းရင်းဆေးဆရာ တဦးကို ခန့်ထားနိုင်သည်။
- (ဂ) မှတ်ပုံတင်အရာရှိ (ထိုအရာရှိ၏ နေရာတွင် ဆောင်ရွက်ရန် ခန့်ထားခြင်း ခံရသူရှိလျှင်၊ ထိုသူ) အား၊ တိုင်းရင်းဆေးဆရာအဖွဲ့က ဆုံးဖြတ်သည့်လစာ ငွေကိုပေးရမည်။ ထို့ပြင် အခြား စရိတ်ကြေးငွေများပေးရန် သတ်မှတ်ထား လျှင် ထိုစရိတ်ကြေးငွေများကိုပေးရမည်။

(၂) တိုင်းရင်းဆေးဆရာအဖွဲ့သည်၊ ဤအက်ဥပဒေကိစ္စများအလို့ငှါ လိုအပ်သည်ဟုထင် မြင်သည့်အခြားအရာရှိများနှင့်အမှုထမ်းများကို ခန့်ထားနိုင်သည့်အပြင်၊ ခန့်ထားသူတို့အား တိုင်းရင်း ဆေးဆရာအဖွဲ့က ဆုံးဖြတ်သည့်လစာငွေကို ပေးရမည်။ ထို့ပြင် အခြားစရိတ် ကြေးငွေများပေးရန် သတ်မှတ်ထားလျှင် ထိုစရိတ်ကြေးငွေများကိုပေးရမည်။

(၃) ဤပုဒ်မအရ ခန့်ထားခြင်းခံရသူအသီးသီးမှာရာဇသတ်ကြီးပုဒ်မ ၂၁ အဓိပ္ပါယ်အရ ပြည်သူ့ဝန်ထမ်းဖြစ်သည်ဟုမှတ်ယူရမည်။

မှတ်ပုံစာရင်း။

၁၃။ ။တိုင်းရင်းဆေးဆရာအဖွဲ့က ညွှန်ကြားသည့်ပုံစံအတိုင်း မှတ်ပုံစာရင်းကိုမှတ်ပုံတင် အရာရှိကထားရှိရမည်။

မှတ်ပုံစာရင်း တင်နိုင်ခွင့်ရှိသူ များ။

၁၄။ ။(၁) ဤအက်ဥပဒေပါပြဋ္ဌာန်းချက်များနှင့် မဆန့်ကျင်စေဘဲ၊ ဤအက်ဥပဒေ၏ ဇယားတွင် ဖော်ပြသည့် အရည်အချင်းများအနက် အရည်အချင်းတခုခုနှင့် ပြည့်စုံသူတဦးသည်၊ တိုင်းရင်းဆေးဆရာအဖွဲ့ကပြုသည့်နည်းဥပဒေအရသတ်မှတ်သည့်အခကြေးငွေကိုပေးလျှင်မိမိအမည်ကို မှတ်ပုံစာရင်းတင်သွင်းနိုင်သည်။

(၂) ဤအက်ဥပဒေ အရမှတ်ပုံစာရင်း တင်သွင်းပြီးသော တိုင်းရင်းဆေးဆရာများသည် မြန်မာနိုင်ငံတော် ဆေးဘက်ဆိုင်ရာ အက်ဥပဒေအရ မှတ်ပုံတင်ပြီးသော ဆေးဆရာဝန်များ၏ အောက်ပါအခွင့်အရေးများကို ရရှိကြရမည်။

(က) ဒေသန္တရအဖွဲ့များ လက်အောက်တွင် တိုင်းရင်း ဆေးဆရာများ အဖြစ်ဝင် ရောက်လုပ်ကိုင်နိုင်ခွင့်နှင့်

(ခ) အဆိပ်ရှိသော ဘယဆေးများသိုလှောင်ထားရှိခွင့်။

အရည်အချင်း များကိုတိုင်း ရင်းဆေးဆရာ အဖွဲ့ကစုံစမ်း ခြင်း။

၁၅။ ။ဤအက်ဥပဒေ အရမည်သူမဆို မိမိအမည်ကို တိုင်းရင်းဆေးဆရာ စာရင်းတွင် မည့်သည့်အရည်အချင်းများကြောင့် မှတ်ပုံတင်သွင်းထိုက်ကြောင်းလျှောက်ထားသည့်အခါ၊ တိုင်းရင်း ဆေးဆရာအဖွဲ့သည် ထိုလျှောက်လွှာနှင့် စပ်လျဉ်း၍ မည်သည့်အချက်တွင်မဆို မကျေနပ်ကစုံစမ်း မေးမြန်းနိုင်သည်။

ဤအက်ဥပဒေ ၏ ဇယားကို ပြင်ဆင်ခြင်း။

၁၆။ ။ တိုင်းရင်းဆေးဆရာအဖွဲ့သည် ဤအက်ဥပဒေ၏ဇယားကို နိုင်ငံတော် သမ္မတ၏ ကြိုတင်ခွင့်ပြုချက်ဖြင့် အမိန့်ကြော်ငြာထုတ်ပြန်၍ ပြောင်းလဲပြင်ဆင်နိုင်သည်။

မှတ်ပုံစာရင်း တင်သွင်းရန် လျှောက်ထား ခြင်း။

၁၇။ ။ မှတ်ပုံစာရင်းတွင် မိမိအမည်ကိုတင်သွင်းရန် လျှောက်ထားသူသည် လျှောက် လွှာတွင် မိမိသည် မှတ်ပုံစာရင်းတင်သွင်းရန် ပြည့်စုံသည်ဟူ၍ ဖော်ပြသော အရည်အချင်းများနှင့် ပြည့်စုံကြောင်း မှတ်ပုံတင်အရာရှိ ကျေနပ်စေရမည်။

မှတ်ပုံစာရင်း ထားရှိခြင်း။

၁၈။ ။ မှတ်ပုံတင်အရာရှိသည်—

- (က) ဤအက်ဥပဒေအရ မှတ်ပုံစာရင်းတင်သွင်းသူ အသီးသီး၏ အမည်၊ နေရပ်၊ အရည်အချင်းနှင့် အရည်အချင်းအသီးသီးနှင့်ပြည့်စုံသည့် နေ့ရက်ကို မှတ်ပုံစာရင်းတွင်ရေးသွင်းရမည်။
- (ခ) မှတ်ပုံစာရင်းတွင် ရေးသွင်းထားသည့် အကြောင်းအရာများနှင့် စပ်လျဉ်း၍ လိုအပ်သည့် ပြင်ဆင်ချက်များကိုပြုရမည်။
- (ဂ) မှတ်ပုံဝင် တိုင်းရင်းဆေးဆရာတဦးဦးက မိမိကိုမှတ်ပုံစာရင်း တင်သွင်းပြီး နောက်မှ ထပ်မံရရှိကြောင်း ထင်ရှားအောင် ပြနိုင်သည့် အရည်အချင်း တရပ်ရပ်ကို တိုင်းရင်းဆေးဆရာအဖွဲ့က သတ်မှတ်သည့် အခကြေးငွေ ပေးသည့်အခါ မှတ်ပုံစာရင်းတွင် တင်သွင်းရမည်။
- (ဃ) သေဆုံးသူတို့၏၊ သို့တည်းမဟုတ် ပုဒ်မ ၂၁ နှင့် ပုဒ်မ ၂၂ ပါ ပြဋ္ဌာန်း ချက်များအရ မှတ်ပုံစာရင်းမှ မိမိတို့အမည်များကို ပယ်ဖျက်ရန် တိုင်းရင်း ဆေးဆရာအဖွဲ့က ညွှန်ကြားခြင်းကို ခံရသည့်မှတ်ပုံဝင် တိုင်းရင်းဆေး ဆရာတို့၏ အမည်များကို မှတ်ပုံစာရင်းမှ ပယ်ဖျက်ရမည်။

(င) မှတ်ပုံဝင် တိုင်းရင်းဆေးဆရာတစ်ဦး ဆေးဝါးကုသသည့်အလုပ်မှ ရပ်စဲနေသည် မနေ့သည်။ သို့တည်းမဟုတ် နေရပ်ရွှေ့ပြောင်းနေသည် မနေ့သည်ကို စုံစမ်းရန်အလို့ငှါ ထိုသူထံမှတ်ပုံစာရင်းတွင် ပါရှိသည့်လိပ်အတိုင်း လိပ်တပ်၍ ရေစာစွဲကြိုပြုလုပ်သည့် စာတစောင်ပေးပို့နိုင်သည်။ ထိုစာပေးပို့သည့်နေ့မှ တနှစ်နှင့်ခြောက်လအတွင်း ထိုသူထံမှပြန်စာမရရှိခဲ့လျှင် မှတ်ပုံတင်အရာရှိက သက်ဆိုင်ရာခရိုင်ဝန်အား ထိုအကြောင်းကို စုံစမ်း၍ပြန်ကြားရန် အကြောင်းကြားနိုင်သည်။ ခရိုင်ဝန်၏ပြန်ကြားစာအရ မှတ်ပုံတင်အရာရှိက ထိုမှတ်ပုံဝင် တိုင်းရင်း ဆေးဆရာ၏ အမည်ကို မှတ်ပုံစာရင်းမှ ပယ်ဖျက်နိုင်သည်။

၁၉။ ။ မွေးဖွားခြင်းနှင့်သေဆုံးခြင်းဆိုင်ရာ မှတ်ပုံတင်အရာရှိအသီးသီးသည်၊ မှတ်ပုံဝင် တိုင်းရင်း ဆေးဆရာတစ်ဦး သေဆုံးကြောင်း တိုင်ချက်ရရှိသည်နှင့် တပြိုင်နက် ဤအက်ဥပဒေအရ ခန့်ထားသည့် မှတ်ပုံတင်အရာရှိထံသို့ သေဆုံးကြောင်း၊ သေဆုံးသည့်အချိန်နှင့် သေဆုံးသည့်နေရာများ ပါရှိသည့်သက်သေခံလက်မှတ် တစောင်ကို မိမိကိုယ်တိုင်ရေး၍ ချက်ခြင်းစာပို့တိုက်မှ တဆင့် ပေးပို့ရမည်။ ထိုသက်သေခံလက်မှတ်အတွက် ကုန်ကျသည့်စရိတ်ကို မွေးဖွားခြင်းနှင့် သေဆုံးခြင်းဆိုင်ရာ မှတ်ပုံတင်အရာရှိ၏ ရုံးသုံးစရိတ်အဖြစ် စာရင်းချမှတ်နိုင်သည်။

သေဆုံးခြင်းကို အကြောင်းကြားခြင်း။

၂၀။ ။ (၁) မည်သူမဆိုမိမိ၏ အမည်ကိုဖြစ်စေ၊ အရည်အချင်း တခုခုကိုဖြစ်စေ၊ မှတ်ပုံစာရင်းတွင်ရေးသွင်းရန် မှတ်ပုံတင်အရာရှိ၏ ငြင်းပယ်သည့် ဆုံးဖြတ်ချက်ကို မကျေနပ်လျှင် တိုင်းရင်းဆေးဆရာအဖွဲ့သို့ ၆ လအတွင်း အမှုခံဝင်နိုင်သည်။

မှတ်ပုံတင်အရာရှိ၏ ဆုံးဖြတ်ချက်ကို တိုင်းရင်းဆေးဆရာအဖွဲ့ထံ အယူခံဝင်ခြင်း။

(၂) ထိုအယူခံမှုကို တိုင်းရင်းဆေးဆရာအဖွဲ့က ပြုသည့်နည်းဥပဒေများအရ တိုင်းရင်းဆေးဆရာအဖွဲ့က ကြားနာစစ်ဆေးရမည်။

(၃) ထိုအယူခံမှုတွင် တိုင်းရင်းဆေးဆရာအဖွဲ့၏ ဆုံးဖြတ်ချက်သည် အပြီးအပြတ် အတည်ဖြစ်စေရမည်။

၂၁။ ။ တိုင်းရင်းဆေးဆရာအဖွဲ့သည်—

- (က) မှတ်ပုံစာရင်းစာအုပ်မှ ပယ်ဖျက်ထားသည့် ရေးသွင်းချက်တခုခုကို ပြန်လည် ရေးသွင်းစေရန်၊ သို့တည်းမဟုတ်
- (ခ) ရေးသွင်းချက်တခုခုသည် လိမ်လည်၍သော်၎င်း၊ မဟုတ်မမှန်၍သော်၎င်း၊ မှားယွင်း၍သော်၎င်း၊ ရေးသွင်းထားကြောင်း တိုင်းရင်းဆေးဆရာအဖွဲ့ ကျေနပ်အောင်သက်သေထင်ရှားပြနိုင်က ထိုရေးသွင်းချက်ကို မှတ်ပုံစာရင်း စာအုပ်မှ ပယ်ဖျက်ရန်၊ သို့တည်းမဟုတ် တိုင်းရင်း ဆေးဆရာ အဖွဲ့က သင့်တော်သည် ထင်မြင်သည့်အတိုင်းပြင်ဆင်ရန်

မှတ်ပုံစာရင်းကို ပြင်ဆင်ရန် တိုင်းရင်း ဆေးဆရာအဖွဲ့က ဆင့်ဆိုပိုင်ခွင့် အာဏာ။

ဆင့်ဆိုနိုင်သည်။

၂၂။ ။ (၁) မည်သူမဆို—

- (က) တိုင်းရင်းဆေးဆရာအဖွဲ့၏ ထင်မြင်ချက်အရ အကျင့်စာရိတ္တပျက်သည့် ပြစ်မှုအတွက် ရာဇဝတ်ရုံးမှပြစ်ဒဏ် စီရင်ခြင်းခံရလျှင်၊
- (ခ) မိမိအား တိုင်းရင်းဆေးဆရာအဖွဲ့က နည်းလမ်းတကျ စုံစမ်းစစ်ဆေးပြီးနောက် (ထိုသို့စုံစမ်းစစ်ဆေးရာတွင် မိမိကိုယ်တိုင်ဖြစ်စေ၊ မိမိ၏ကိုယ်စားလှယ်ဖြင့် ဖြစ်စေ၊ ချေပခွင့်ရရှိပြီးဖြစ်လျက်) ဆေးဝါးကုသခြင်းနှင့် စပ်လျဉ်း၍ စက်

မှုပြစ်ဒဏ်ကို ကျူးလွန်သဖြင့် အရည်အချင်းပျက်ခြင်း။

ဆုတ်ဘွယ် အကျင့်ပျက်ပြားမှုအတွက် အပြစ်ရှိသည်ဟု တိုင်းရင်းဆေးဆရာ အဖွဲ့ကဆုံးဖြတ်လျှင်

တိုင်းရင်းဆေးဆရာအဖွဲ့သည် ထိုသူကို မှတ်ပုံစာရင်းတင်သွင်းခွင့်ပြုရန် ငြင်းပယ်နိုင်သည်။ သို့တည်း မဟုတ် ထိုသူ၏အမည်ကို မှတ်ပုံစာရင်းမှထုတ်စဉ်သော်၎င်း၊ သတ်မှတ်သည့် အချိန်အထိသော်၎င်း ထုတ်ပယ်နိုင်သည်။

(၂) ထိုစုံစမ်းစစ်ဆေးမှုကို စာဖြင့်ရေးမှတ်ထားရမည့်ပြင် ထိုအမှုတွဲတွင်—

(က) စက်ဆုတ်ဘွယ် အကျင့်ပျက်ပြားသည်ဟု ဆိုသည့်စွပ်စွဲချက်၊

(ခ) စွပ်စွဲချက်ကိုထောက်ခံ ပြောဆိုရာ၌၎င်း၊ ချေပပြောဆိုရာ၌၎င်း၊ စုံစမ်းစစ်ဆေးခြင်း ခံရသူတို့တင်ပြသည့် စာမှတ် စာတမ်း များနှင့် ထိုသူတို့၏ ထွက်ဆိုချက်များ၊

(ဂ) ချေပချက်နှင့်

(ဃ) တိုင်းရင်းဆေးဆရာအဖွဲ့၏ ဆုံးဖြတ်ချက်များလည်း

ပါရှိစေရမည်။

(၃) မည်သူမဆိုဤပုဒ်မအရ ချမှတ်သည့် တိုင်းရင်းဆေးဆရာအဖွဲ့၏ ဆုံးဖြတ်ချက်ကို မိမိကိုယ်တိုင်နှင့်ပတ်သက်၍ မကျေနပ်လျှင် ထိုသို့ဆုံးဖြတ်ချက် ချမှတ်သည့်နေ့မှ ၆ လအတွင်း နိုင်ငံတော်သမတထံ အယူခံနိုင်သည်။

နှစ်စဉ်စာရင်း။

၂၃။ ။ (၁) မှတ်ပုံတင်အရာရှိသည်၊ ဤကိစ္စအလို့ငှါ နှစ်စဉ် တိုင်းရင်းဆေးဆရာ အဖွဲ့က သတ်မှတ်သည့်ရက်တွင်ဖြစ်စေ၊ ထိုရက်မတိုင်မီဖြစ်စေ၊ ရှိဆဲမှတ်ပုံတင် တိုင်းရင်းဆေးဆရာ များ၏ စာရင်းကိုမှန်ကန်စွာရေးသား၍ ပုံနှိပ်ထုတ်ဝေရမည်။ ထိုစာရင်းတွင် အောက်ပါအကြောင်း အရာများလည်း ပါရှိစေရမည်။

(က) မှတ်ပုံစာရင်းတွင်ရေးသွင်းသည့် အားလုံးသော အမည်များကို အက္ခရာစဉ် အတိုင်း စီစဉ်ထားရမည်။

(ခ) တိုင်းရင်းဆေးဆရာအသီးသီး၏ မှတ်ပုံစာရင်းတင်ထားသည့် အရည်အချင်း များနှင့် ထိုအရည်အချင်း အသီးသီးနှင့် ပြည့်စုံသည့်ရက်။

(၂) ထိုစာရင်းမျိုးများအနက် နောက်ဆုံးစာရင်းတွင် အမည်ပါရှိသူ အသီးသီးမှာ မှတ်ပုံတင် တိုင်းရင်းဆေးဆရာများ ဖြစ်ကြောင်း၊ ထိုစာရင်းတွင် အမည်မပါရှိသူများမှာ မှတ်ပုံတင် တိုင်းရင်းဆေးဆရာများမဟုတ်ကြောင်း တရားရုံးတော် အသီးသီးက မှတ်ယူရမည်။

ခြွင်းချက်။ ။ သို့ရာတွင် ထိုစာရင်းမျိုးတွင် လူတဦးတယောက်၏ အမည်ကို ဖော်ပြ မထားဘဲ ကျန်နေလျှင်မှတ်ပုံစာရင်းတွင် ပါရှိသည့်ထိုသူ၏အမည် ရေးသွင်းချက် မိတ္တူမှန်တွင် မှတ် ပုံတင်အရာရှိက လက်မှတ်ရေးထိုးထားပါက၊ ထိုမိတ္တူသည် ထိုသူမှတ်ပုံတင် တိုင်းရင်းဆေးဆရာ ဖြစ်ကြောင်းထင်ရှားသည့် သက်သေခံဖြစ်စေရမည်။

မှတ်ပုံစာရင်း
ဝင်မဟုတ်သူတို့
မရရှိနိုင်သည့်
အခွင့်အရေး
များ။

၂၄။ ။ မြန်မာနိုင်ငံတော် ဆေးဘက်ဆိုင်ရာ အက်ဥပဒေ ပုဒ်မ ၂၃ ပါ ပြဋ္ဌာန်းချက် မှာ—

(က) တရားဥပဒေတခုခုအရ ဆေးဆရာတဦးကထုတ်ပေးရန် လိုအပ်သော ဆေး လက်မှတ်တွင် မှတ်ပုံတင်တိုင်းရင်းဆေးဆရာ တဦးဦးက လက်မှတ်ရေးထိုး ထားခြင်းမပြုလျှင်၊ ထိုလက်မှတ်သည် တရားဝင် ဆေးလက်မှတ်ဟု မယူဆစေရ။

(ခ) နိုင်ငံတော်သမတ၏ အထူးခွင့်ပြုချက်အမိန့်ကို ကြိုတင်ရရှိသည့်ကိစ္စတွင်မှ တပါး၊ ဤအက်ဥပဒေ စတင်အာဏာတည်သည့် နေ့ရက်မှ တနှစ်နှင့် ခြောက်လ ကုန်လွန်သည့်နောက် မည်သူမဆို ဤအက်ဥပဒေအရ ငှတ်ပုံ စာရင်းဝင်မဟုတ်လျှင် ထိုသူသည် အများပြည်သူတို့ဆိုင်ရာ ရံပုံငွေဖြင့်၊ သို့တည်းမဟုတ် တောက်ပုံငွေဖြင့် သော်ငှား၊ အများပြည်သူတို့ ဆိုင်ရာ ကုမ္ပဏီအသင်းရံပုံငွေဖြင့်၊ သို့တည်းမဟုတ် တောက်ပုံငွေဖြင့် သော်ငှား၊ တည်ထောင်ထားသည့် ဆေးပေးရုံ၊ ဆေးရုံ၊ သူနာပြုရုံ၊ ဒုက္ခိတရုံ၊ ဝမ်းဆွဲ ရုံနှင့် အခြားကျန်းမာရေးရုံတို့တွင် ကျန်းမာရေးဆိုင်ရာ၊ သို့တည်းမဟုတ် ဆေးဆရာ၊ သို့တည်းမဟုတ် အခြားဆေးဘက်ဆိုင်ရာ အရာရှိရာထူးတွင် ထမ်းဆောင်ရန်အရည်အချင်းနှင့် ပြည့်စုံသည်ဟုမမှတ်ယူရ။

၂၅။ ။ မည်သူမဆိုမှတ်ပုံဝင် တိုင်းရင်းဆေးဆရာ မဟုတ်ဘဲလျက် ဘုတ်ယောင်ဆောင် အပြစ်ဒဏ်များ။ လျင် (ထိုကဲ့သို့ဟုတ်ယောင် ဆောင်ခြင်းကြောင့် တဦးတယောက်သောသူ အလိမ်ခံရသည်ဖြစ်စေ၊ အလိမ်မခံရသည်ဖြစ်စေ) ပဌမတန်းရာဇဝတ်တရားသူကြီးက ပြစ်မှုထင်ရှားစီရင်သည့်အခါ ထိုသူ သည် ၃၀၀၀ ထိ ငွေဒဏ်ထိုက်သင့်စေရမည်။

၂၆။ ။ ဤအက်ဥပဒေအရ ကောက်ခံရရှိသည့် အခကြေးငွေများအားလုံးနှင့် တိုင်းရင်း အခကြေးငွေများကို ဆေးဆရာအဖွဲ့က ရရှိသည့်အခြားကြေးငွေများ အားလုံးကို နိုင်ငံတော်သမတက ပြုသည့်နည်းဥပဒေ စီမံခန့်ခွဲခြင်း။ များနှင့်အညီ ဤအက်ဥပဒေပါ ကိစ္စများအလို့ငှါအသုံးပြုရမည်။

၂၇။ ။ (၁) ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များအတိုင်း လိုက်နာဆောင်ရွက်ရန် နည်းဥပဒေများကို တိုင်းရင်းဆေးဆရာ အဖွဲ့ကပြုနိုင်သည်။ နည်းဥပဒေများ။

(၂) တိုင်းရင်းဆေးဆရာအဖွဲ့ကပြုသည့် မည်သည့်နည်းဥပဒေမျှ နိုင်ငံတော်သမတက အတည်မပြုမီ အာဏာမတည်စေရ။

(၃) ထိုနည်းဥပဒေများကို နိုင်ငံတော်သမတက အတည်ပြုသည့်အခါ နိုင်ငံတော် အစိုးရပြန်တမ်းတွင် ထုတ်ပြန်ကျေညာရမည်။

(၄) နိုင်ငံတော်သမတသည်၊ ထိုနည်းဥပဒေများကို အမိန့်ကြော်ငြာစာ ထုတ်ပြန်၍ ပယ်ဖျက်နိုင်သည်။

၂၈။ ။ မည်သည့်အခါမဆို ဤအက်ဥပဒေအရ ပေးအပ်ထားသောအာဏာကို တိုင်း ကြီးကြပ်မှု။ ရင်းဆေးဆရာအဖွဲ့က သုံးစွဲရန်ပျက်ကွက်သည်ဟူ၍သော်ငှား၊ ပိုမိုသုံးစွဲသည်ဟူ၍သော်ငှား၊ အလွဲ အသုံးပြုသည်ဟူ၍သော်ငှား၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရ အပ်နှင်းထားသည့် တာဝန်အလုပ် ဝတ်တရားများကို တိုင်းရင် ဆေးဆရာအဖွဲ့ ဆောင်ရွက်ရန်ပျက်ကွက်သည်ဟူ၍သော်ငှား၊ နိုင်ငံတော် သမတကယူဆလျှင် ထိုသူပျက်ကွက်သည်၊ သို့တည်းမဟုတ် ပိုမိုဆောင်ရွက်သည်၊ သို့တည်းမဟုတ် အလွဲအသုံးပြုသည့်အချက်များကိုနိုင်ငံတော်သမတကတိုင်းရင်းဆေးဆရာအဖွဲ့အား ဆင့်ဆိုပြောကြား နိုင်သည်။ တိုင်းရင်းဆေးဆရာအဖွဲ့က ထိုပျက်ကွက်ချက်၊ သို့တည်းမဟုတ် ပိုမိုဆောင်ရွက်ချက်၊ သို့တည်းမဟုတ် အလွဲအသုံးပြုချက်ကို နိုင်ငံတော်သမတက သတ်မှတ်သည့်အချိန်အတွင်း ပြုပြင်ခြင်း မရှိခဲ့လျှင် နိုင်ငံတော်သမတသည်၊ ထိုပျက်ကွက်ချက်ကို၊ သို့တည်းမဟုတ် ပိုမိုဆောင်ရွက်ချက်ကို၊ သို့တည်းမဟုတ် အလွဲအသုံးပြုချက်ကို ပြုပြင်ရန်အလို့ငှါ တိုင်းရင်းဆေးဆရာအဖွဲ့၏ မည်သည့် အာဏာနှင့် အလုပ်ဝတ်တရားကိုမဆို နိုင်ငံတော်သမတကသင့်တော်မည်ထင်မြင်သည့်ကာလ အပိုင်း အခြားအတွက် သင့်တော်မည်ထင်မြင်သည့် ကိုယ်စားလှယ်အား သုံးစွဲဆောင်ရွက်စေနိုင်သည်။

ကင်းလွတ်ခွင့်။

၂၉။ ။ သဘောရိုးဖြင့် ဤအက်ဥပဒေအရသော်၎င်း၊ နည်းဥပဒေများအရ သော်၎င်း ပြုသည်။ သို့တည်းမဟုတ် ပြုရန်ကြံရွယ်သည့်ကိစ္စအတွက် မည်သူ့ကိုမျှ တရားမမှုဖြစ်စေ၊ ရာဇဝတ်မှု ဖြစ်စေ၊ အခြားတရားမှုခင်းဖြစ်စေ စွဲဆိုခြင်းမပြုရ။

ဇယား။

ပုဒ်မ ၁၄၊ ပုဒ်မခွဲ (၁) တွင်ရည်ညွှန်းသည့် တိုင်းရင်းဆေးဆရာအဖြစ် မှတ်ပုံတင်နိုင်ခွင့်ပေးရန် သတ်မှတ်ထားသောအရည်အချင်းများ။

(က) ၁၃၀၉ ခုနှစ်၊ နှစ်ဆန်း ၁ ရက် (၁၉၄၇ ခုနှစ်၊ ဧပြီလ ၁၆ ရက်) နေ့မတိုင်မီ ကစ၍ တိုင်းရင်းမြန်မာ ဆေးပညာအတတ်ဖြင့်၊ ဆေးကုသည့်အလုပ်ကို လုပ်ကိုင်လာခဲ့သူဖြစ်ကြောင်းကို တိုင်းရင်း ဆေးဆရာအဖွဲ့က ယုံကြည်လောက်သော အထောက်အထား ပြနိုင်သူ (သက်ဆိုင်ရာခရိုင်နှင့် အခြားယုံကြည်အားထားခံထိုက်သူ နှစ်ဦးထံမှရရှိသောထောက်ခံချက်များ သည် ဤကိစ္စအလို့ငှါ၊ ယုံကြည်လောက်သော အထောက်အထားဟု ယူဆရမည်)။

(ခ) တိုင်းရင်းဆေးဆရာအဖွဲ့က မှန်ကန်သင့်တော်သည်ဟု ယူဆသော ဆေးကျမ်း တစောင်စောင်ကိုပြုသူ။

(ဂ) နိုင်ငံတော်အစိုးရအသိအမှတ်ပြုပြီး တိုင်းရင်းမြန်မာဆေးကျောင်းတွင်၊ သို့တည်းမဟုတ် ဆေးတက္ကသိုလ်တွင်တက်ရောက်သင်ကြား၍ အောင်မြင်သည့်လက်မှတ်ရသူ။

B.—EDUCATION.

ခ။ ။ ပညာရေး။

THE PRIMARY EDUCATION ACT.

[BURMA ACT XX. 1940.] (1st December, 1941.)

Commence-
ment.

1. This Act shall come into force on such date ¹ as the President of the Union may, by notification, direct.

Definitions.

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

(i) “local authority”, in relation to a school, means the District Council or Municipal or Town Committee constituted under the Municipal Act, or the Municipal Corporation of the City of Rangoon, as the case may be, having authority over the area in which the school is or is proposed to be situated, and, where there is no such authority, the Deputy Commissioner having authority over such area ;

(ii) “child” means a boy or girl, who has completed not less than six years and not more than eleven years of age, at the beginning of the school year in the area concerned ;

¹ This Act came into force on the 1st December, 1941; see *Burma Gazette*, 1941, Part I, page 1579.

- (iii) "guardian" means any person to whom the care, nurture or custody of a child falls by law or natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of a child, or to whom the care or custody of a child has been entrusted by lawful authority ;
- (iv) "primary education" means education in such subjects and up to such standards as are prescribed * * * * ;¹
- (v) "prescribed" means prescribed by the rules made by the President of the Union for the purposes of this Act ;
- (vi) "approved school" means a school or part of a school in which primary education is given and which is either--
 - (a) recognized under the [rules for the time being in force],² or
 - (b) approved by a local authority in accordance with the rules made under this Act.

3. A local authority may resolve to provide compulsory primary education in the whole or in any part of the area subject to its jurisdiction, in the case of children of either sex or both sexes, prepare a scheme therefor, and apply to the President of the Union for a declaration under section 6.

Resolution
by local
authority.

4. An application by the local authority under section 3 shall be made in the prescribed manner and the local authority shall furnish such further information in respect of the application as may be required by the President of the Union.

Application
by local
authority.

5. The President of the Union may direct a local authority to submit, within the time specified by him, a scheme to provide compulsory primary education in the whole or any part of the area subject to its jurisdiction, in the case of children of either sex or both sexes, with a statement of its finances and the ways and means of meeting its share of the cost of carrying out the scheme.

Notification
declaring
primary
education
compulsory.

6. The President of the Union may, after the submission to him of a scheme under the provisions of section 3 or section 5 or of section 9, declare by notification that primary education shall be compulsory in the whole or in any part of the area subject to the jurisdiction of a local authority, in the case of children of either sex or of both sexes.

Notification
declaring
primary
education
compulsory.

Such notification shall specify the date from which and the area in which primary education shall be compulsory, and public notice shall be given of the notification locally in the area concerned :

Provided that no such notification shall be issued unless the President of the Union is satisfied that the local authority is in a position to meet its share of the cost of carrying out the scheme.

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

² Substituted *ibid*.

Division of
financial res-
ponsibility.

7. When a declaration has been made under section 6, the Government shall bear not less than a quarter of the additional recurring and non-recurring annual cost that has to be incurred in carrying out the scheme, if the local authority is a Municipal or Town Committee or the Municipal Corporation of the City of Rangoon, not less than one-third of the said cost if the local authority is a District Council, and the whole of the said cost if the local authority is a Deputy Commissioner.

School
committees.

8. (1) When a notification has been issued under section 6, the local authority shall appoint one or more committees for the purpose of exercising the powers and performing the duties of the school committee under this Act.

(2) It shall be the duty of such school committee, subject to the provisions of this Act, to take action under the provisions of this Act respecting the attendance of children at school and the employment of children.

Compulsion
to submit
the scheme
or to keep it
in operation.

9. If a local authority fails to comply with a direction issued to it under section 5, or if it fails to bring into operation or continue to keep in operation a scheme in regard to which a notification has been issued under section 6, the President of the Union may, after enquiry, appoint a person to submit a scheme to bring the scheme into operation or to keep it in operation, as the case may be, and the expense thereof shall be paid by the local authority to Government. If the expense is not so paid the President of the Union may make an order directing any person who has, for the time being, custody of any moneys on behalf of the local authority as banker or otherwise to pay such expense from such money as he may have in his hands, or may from time to time receive, and such person shall be bound to obey such order.

Application
for cancella-
tion of noti-
fication.

10. A local authority may apply to the President of the Union to cancel the notification under section 6, if at any time it finds itself no longer in a position to carry out its obligations under this Act.

Duty of a
guardian.

11. When a notification under section 6 is in force in any area, the guardian of every child to whom the notification applies shall, if such child ordinarily resides in such area, in the absence of a reasonable excuse as hereinafter defined, cause such child to attend an approved school.

Reasonable
excuses.

12. Any of the following circumstances shall be deemed to be a reasonable excuse within the meaning of sections 11 and 14 :—

- (i) that there is no accommodation in an approved school within a prescribed distance from the residence of the child ;
- (ii) that the child has been exempted by the school committee on religious grounds ;
- (iii) that the child is receiving otherwise than in an approved school instruction which in the opinion of the school committee is efficient ;
- (iv) that the child is certified by such authority as may be prescribed in this behalf to have completed a course of primary education ;

- (v) that the child has been granted temporary leave of absence from school, in accordance with regulations made under this Act by the local authority ;
- (vi) that the child is certified by a registered medical practitioner or by a Burmese *sesaya* or by three elders of the locality concerned to be unfit to attend school by reason of some bodily or mental defect or infirmity ;
- (vii) that the child has, with the consent of the prescribed authority, been exempted by the school committee for special reasons recorded by it in writing.

13. If the school committee is satisfied that a guardian, who is bound under the provisions of section 11 to cause a child to attend an approved school, has failed to do so, it may, after giving the guardian an opportunity of being heard, and after such inquiry as it considers necessary, serve him with an order directing him to cause such child to attend an approved school from a date which shall be specified in the order.

Direction to cause a child to attend school.

14. (1) Any guardian who has been served with an order under section 13, and who without reasonable excuse has failed to obey such order, shall, on conviction before a Magistrate or a village committee, be liable to a fine not exceeding five rupees.

Punishment of guardian for disobedience.

(2) Any guardian who, having been convicted of an offence under sub-section (1), continues to disobey the order passed under section 13 shall be liable to a further fine not exceeding one rupee for every day after the date of the first conviction during which he is proved in a subsequent proceeding before a Magistrate or a village committee to have persisted in disobeying the order.

15. Any person other than the guardian who, during the prescribed hours of attendance at school, utilizes on his own behalf or on behalf of any other person, in connection with any employment, whether for remuneration or otherwise, the services of any child whose guardian is required under this Act to cause him to attend an approved school shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty-five rupees.

Punishment for improper employment.

16. (1) No Magistrate or village committee shall take cognizance of an offence under section 14 or section 15 except on the complaint of the school committee concerned or a person authorized by the school committee by general or special order in this behalf : provided that the school committee or such person shall, before instituting a prosecution against any person, cause a warning to be given to him in writing.

Complaints.

(2) The school committee or such person may, instead of instituting or continuing a prosecution for an offence, compound the same on the payment by the person accused of such sum as it deems proper, not exceeding the amount of the fine with which such offence is punishable under this Act.

Fines and
fund for
compulsory
education.

17. All sums realized on conviction or by way of composition under the provisions of this Act shall be credited to the local authority's fund for compulsory education.

Public
servants.

18. Every member, officer or servant of a school committee, or any person authorized by a school committee to perform any duty under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

Power of
exemption.

19. The President of the Union may, by notification, exempt any person or class of persons from the effect of a notification under section 6.

Compulsory
education
to be free.

20. No fee for primary education shall be charged in respect of any child compulsorily attending an approved school within an area in which a notification under section 6 is in force.

Power to
make rules.

21. (1) The President of the Union may, after previous publication, make rules ¹ for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the power conferred by sub-section (1), the President of the Union may make rules—

- (a) prescribing the authorities mentioned in clauses (iv) and (vii) of section 12 ;
- (b) prescribing under clause (iv) of section 2 the standard of instruction in primary schools ;
- (c) prescribing the manner in which application may be made by the local authority under sections 3 and 10 and the particulars to be stated in such application ;
- (d) requiring the local authority to prepare and publish a register of children in the whole or in any part of the local authority's area ;
- (e) defining the conditions on which Government will bear its share of the cost of providing compulsory primary education ;
- (f) requiring the local authority to submit such returns as the President of the Union may think fit showing the action taken and the progress made by the local authority under this Act ; and
- (g) laying down the conditions of and the qualifications for the appointment of teachers with due regard to the educational needs of different communities in every locality.

Power to
make regu-
lations.

22. When a notification under section 6 is in force in any area the local authority may make regulations for such area consistent with this Act, prescribing—

- (a) the manner in which the school committee shall be constituted, its jurisdiction, the number of its members and their duties, powers and responsibilities ;

¹ For rules under this section, see *Burma Gazette*, 1942, Part I, page 47.

- (b) the steps which the school committee may take to secure the attendance of children at school, and the conditions under which leave of absence from school may be allowed ;
- (c) the jurisdiction of each school committee where more school committees than one are appointed ; and
- (d) the supply of text-books and educational requisites to the children of indigent or needy guardians free of charge.

**THE PRIMARY EDUCATION (TEMPORARY AMENDMENT)
ACT, 1950.**

[ACT XXI, 1950.] (9th May, 1950.)

It is hereby enacted as follows :—

1. (1) This Act shall come into force on such date¹ as the President may, by notification, appoint in this behalf.

(2) It shall remain in force until such date as the President may, by notification, direct that it shall no longer be in force.

2. So long as this Act remains in force, the Primary Education Act shall have effect as if :—

(i) for clause (i) of section 2 thereof the following were *substituted*, namely :—

“ (i) ‘ the authority ’ in relation to a school means the Director of Public Instruction, Burma, or his local official representative, the Inspector of Schools in charge of the area, except in the City of Rangoon, where the Municipal Corporation of the City of Rangoon shall be the authority ; ” ;

(ii) for the expression “ A local authority ” or “ a local authority ” or “ the local authority ” as the case may be wherever it occurs the expression “ The Authority ” or “ the authority ” as the case may be were *substituted* ;

(iii) in section 5 thereof the comma (,) *after* the words “ both sexes ” and the words following thereafter were *deleted* ;

(iv) in the proviso to section 6 thereof *after* the words “ is satisfied that ” the words “ in the City of Rangoon ” were *inserted* ;

(v) for section 7 thereof the following were *substituted*, namely :—

“ 7. When a declaration has been made under section 6, the Government shall bear all expenses, except that in the City of Rangoon, it shall bear not less than a quarter of the additional recurring and non-recurring annual cost that has to be incurred in carrying out the scheme.” ;

Financial
respon-
sibility.

¹ This Act came into force on the 9th May 1950 ; see *Burma Gazette*, 1950, Part 1, page 348.

Supervisors
and School
Committees.

(vi) for section 8 thereof the following were *substituted*, namely :—

“ 8. (1) When a notification has been issued under section 6, the authority shall appoint supervisors or one or more Committees for the purpose of exercising the powers and performing the duties of the supervisors or the school committees under this Act.

(2) It shall be the duty of such supervisors or school committee, subject to the provision of this Act, to take action under the provisions of this Act respecting the attendance of children at school and the employment of children.” ;

(vii) in section 9 thereof for the expression “ If a local authority ” the expression “ If, in the case of the City of Rangoon, the authority ” were *substituted* ;

(viii) in clauses (ii) and (iii) of section 12 thereof for the expression “ school committee ” the expression “ supervisors or the school committee ” were *substituted* and in clause (vii) thereof for the expression “ school committee for special reasons recorded by it in writing ” the expression “ supervisors or the school committee for special reasons recorded by them in writing ” were *substituted* ;

(ix) for section 13 thereof the following were *substituted*, namely :—

Direction to
cause a child
to attend
school.

“ 13. If the supervisors or the school committee are satisfied that a guardain who is bound under the provisions of section 11 to cause a child to attend an approved school, has failed to do so, they may, after giving the guardian an opportunity of being heard, and after such inquiry as they consider necessary, serve him with an order directing him to cause such child to attend an approved school from a date which shall be specified in the order.” ;

(x) for section 16 thereof the following were *substituted*, namely :—

Copmlaints.

“ 16. (1) No magistrate or village committee shall take cognizance of an offence under section 14 or section 15 except on the complaint of the supervisor or the school committee concerned or a person authorized by the school committee by general or special order in this behalf ; provided that the supervisor, school committee or such person shall, before instituting prosecution against any person, cause a warning to be given to him in writing.

(2) The supervisor or the school committee or such person may, instead of instituting or continuing a prosecution for an offence, compound the same on the payment by the person accused of such sum as they deem proper, not exceeding the amount of the fine with which such offence is punishable under this Act .”

(xi) for section 17 thereof the following were *substituted*, namely :—

“ 17. All sums realized on conviction or by way of composition under the provisions of this Act shall be credited to the Government and in the case of the City of Rangoon to the Municipal Corporation of the City of Rangoon.” ;

Fines and
fund for
compulsory
education.

(xii) in section 18 thereof for the expression “ Every member, officer or servant of a school committee ” the expression “ Every supervisor and member, officer or servant of a school committee ” were *substituted* ;

(xiii) in clause (b) of section 22 thereof for the words “ school committee ” the words “ supervisors or the school committee ” were *substituted*.

THE UNIVERSITY OF RANGOON ACT.

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THE UNIVERSITY OF RANGOON ACT.

[BURMA ACT IX, 1920.] (1st July, 1924.)¹

Definitions.

1. * * * *
2. In this Act, unless there is anything repugnant in the subject or context,—
- (a) “affiliated College” means a College situated outside the limits of the University and admitted to the privileges of affiliation with the University under conditions prescribed in this behalf ;
- ² (b) * * * *
- (c) “Council” means the Council of the University ;
- ² (d) * * * *
- (e) “graduate” means a person upon whom has been conferred a degree under the Regulations ;
- (f) “limits of the University” means the territory within a radius of fifteen miles from the Shwedagon Pagoda ;
- (g) “professor” means a person appointed to be a professor of the University in accordance with the provisions of this Act ;
- (h) “reader” means a person appointed to be a reader of the University in accordance with the provisions of this Act, the Statutes and Regulations ;
- (i) “registered graduate” means a graduate registered under the provisions of the Statutes ;
- (j) “Regulations” means the Regulations of the University originally made under section 31,³ sub-section (1), of this Act as subsequently amended from time to time by the Senate and

¹ The University of Rangoon (Amendment) Act, 1924 (Burma Act III, 1924), came into force on 1st July, 1924 (see *Burma Gazette*, 1924, Part I, page 520).

The University of Rangoon Act was extensively amended by Burma Act XIII of 1939, which came into force on the 15th July, 1939 (See Notification No. 34, *Burma Gazette*, dated 2nd June, 1939). This amending Act, *inter alia*, omitted the long title, all side titles and the preamble to the University of Rangoon Act (Burma Act IX, 1920), but fresh side-titles have been inserted by the Editor.

² Deleted by Act IX, 1949.

³ Original section 31 was repealed by Burma Act XIII, 1939.

such amendments and additions as may be made by the Senate under this Act ;

(k) " rules " means the rules made under section 19 [or section 33] ¹ ;

(l) " Senate " means the Senate of the University ;

⁶(m) * * * *

(n) " Statutes " means the Statutes of the University originally set forth in Schedule I of this Act as subsequently amended from time to time by the Council and such further additions and amendments as may be made by the Council under this Act ;

(o) " University " means the University of Rangoon ;

² (p) " Dean " means a professor appointed to be a Dean of a Faculty of the University in accordance with the provisions of this Act ;

² (q) " Rector " ³ means the Rector ³ of the University of Rangoon appointed under this Act.

3. (1) The first Chancellor, Pro-Chancellor and Vice-Chancellor of the University and the first members of the Council and the Senate and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the University of Rangoon. Incorporation of University.

(2) The University shall have perpetual succession and a common seal, and may sue and be sued by the name of the University of Rangoon.

4. The University shall exercise the following powers and shall perform the following duties, namely :— Powers and duties of the University.

(a) to provide for instruction in such branches of learning as it may think fit, and ⁴[to train scholars, specialists and technicians in all fields of human activities, having regard to the socio-economic needs of the country:]

⁵(aa) to make provision for research and for the advancement and dissemination of knowledge ;

(b) to hold examinations and to confer and grant degrees, diplomas, licences, certificates and other academic distinctions ;

(c) to appoint Deans, ²professors, readers, lecturers, * * * ⁶teachers [and such administrative officers] ² as may be required ;

(d) to institute and grant scholarships, exhibitions, prizes and other academic rewards ;

(e) to found, erect, equip and maintain libraries, laboratories, museums and other institutions subsidiary to its purpose ;

(f) to co-operate with other Universities and authorities, in such manner and for such purposes as it may determine ;

¹ Inserted by Act XXXVII, 1953.

² Inserted by Act IX, 1949.

³ Substituted for the word " Administrator " by Act XLII, 1951.

⁴ Substituted by Act XLII, 1951.

⁵ Inserted *ibid*.

⁶ Deleted by Act IX, 1949.

- (g) to supervise and control the residence and discipline of students and to make arrangements for promoting their health ;
- (h) to demand and receive such fees as may be prescribed by the Regulations ;
- (i) to receive grants from Government subject to such conditions as may be prescribed by Government, and to receive bequests, donations and transfers of movable and immovable properties, subject to such conditions as may be prescribed by the testators, donors or transferors, as the case may be ; and
- (j) to do all such other acts and things as may be requisite in order to further the objects of the University.

University
to be open to
every race,
creed or
class.

5. The University shall be open to all persons of either sex and of whatever race, creed or class, and it shall not be lawful for the University to adopt, or impose on any person, any test whatsoever of religious belief or profession, or any condition as to race, in order to entitle him to be admitted to the University as a teacher or student, or to hold any office in the University, or to be qualified for a degree, diploma, licence, certificate or other academic distinction, or to obtain a scholarship, prize or other academic reward, or to enjoy or exercise any other privilege of the University, except where such test or condition is in respect of any particular benefaction accepted by the University and such test or condition is made a condition thereof by any testamentary or other instrument creating such benefaction.

Inspection.

6. (1) The [President of the Union of Burma]¹ shall have the right to cause an inspection to be made by such person or persons [as he may direct]¹ of the University, its * * *² affiliated Colleges or of any institution managed by the University, of their buildings, laboratories, workshops and equipment, and also of the examinations, teaching and other work conducted or done by or in the University or the said Colleges or institutions, and to cause an inquiry to be made in like manner in respect of any matter connected with the University or with the said Colleges or institutions. The [President of the Union of Burma]¹ shall in every case give notice to the University * * *² [of his intention]¹ to cause an inspection or inquiry to be made, and the University * * *² shall be entitled to be represented thereat.

¹(2) The President of the Union of Burma shall communicate to the Council his views with reference to the results of any such inspection or inquiry, and shall, after ascertaining the opinion of the Council thereon, advise the University upon the action to be taken.

(3) [The Council]¹ shall report to the [President of the Union of Burma]¹ the action, if any, which is proposed to be taken upon the results of the inspection or inquiry.

²* * * * *

¹ Substituted by Act IX, 1949.

² Deleted *ibid*.

¹(4) Where the Council do not, within a reasonable time take action to the satisfaction of the President of the Union of Burma, he may, after considering any explanation furnished or representation made by the Council, issue such directions as he thinks fit, and the Council shall comply with those directions.

(5) The [President of the Union of Burma]¹ may, in cases of emergency, on the recommendation of the visitor appointed under sub-section (1), issue orders to the University or to the Governing Body of * * *² affiliated College to stay action on any particular matter within the purview of the visitation pending [the]¹ decision on his report.

7. The following shall be the Authorities of the University :—

Authorities
of the
University.

(a) the Council,

(b) the Senate,

²(c) * * * *

¹(d) * * * *

8. ¹(1) The Prime Minister of the Union of Burma shall be the Chancellor of the University. Chancellor
and Pro-
Chancellor.

(2) The Minister of Education * * * *² shall be the Pro-Chancellor of the University and shall exercise the functions of the Chancellor whenever the latter is absent or unable to act.

(3) The Chancellor or the Pro-Chancellor may address any meeting of the Council or the Senate.

9. (1) The Vice-Chancellor shall be elected by the Council from amongst persons distinguished for their intellectual and scholarly attainments who may or may not be members of the Council or of the Senate. He shall hold office for three years and shall be paid such salary [or allowance]³ as may be prescribed by the Council. Vice-
Chancellor.

(2) The Vice-Chancellor shall be the chief executive officer of the University, and the Chairman of the Council [and the Senate]¹.

¹(3) * * * *

(4) Notwithstanding anything contained in sub-section (1), the Vice-Chancellor shall vacate his office if he is absent from Rangoon, or is unable to carry on his duties, for a period exceeding four months.

10. (1) The Chancellor may, during any absence of the Vice-Chancellor from Rangoon, or his inability to carry on his duties, appoint some other member of the Council to be Pro-Vice-Chancellor. Pro-Vice-
Chancellor.

(2) The Pro-Vice-Chancellor shall exercise the powers conferred, and perform the duties imposed, by this Act, the Statutes and the Regulations, on the Vice-Chancellor.

¹ Substituted by Act IX, 1949.

² Deleted *ibid.*

³ Inserted by Act XLII, 1951

Composition
of the
Council.

11. ¹(1) The Council shall be composed of—

- (a) the Vice-Chancellor ;
- (b) the Director of Public Instruction ;
- (c) the [Rector]² ;
- (d) the Heads of affiliated Colleges ;
- (e) the Deans of Faculties ;
- (f) three members of the Senate elected by the Senate ;
- ²(g) one member, not being a member of the University staff or a student in the University, for every 100 registered graduates of the University elected from among themselves by such graduates ; provided that the total number of members so elected shall not be less than three or more than five ;
- (h) one member elected by each of the following bodies :—
The Bar Council of the High Court, Rangoon ;
The Burma Medical Council ;
The Public Service Commission ;
- (i) one member [elected by the Municipal Corporation of the City of Rangoon]² ;
- (j) three members elected by the Chamber of Deputies and three members by the Chamber of Nationalities ;
- ²(k) two graduates, not being members of the University staff or students in the University, nominated by the Executive Council of the Rangoon University Students' Union. Such members shall hold office for a period of one year and shall be eligible for re-appointment ;
- (l) one member, [not being a member of the University staff or a student in the University,]³ elected by the All-Burma Teachers' Association ;
- ²(m) three members, not being members of the University staff or students in the University, appointed by the Chancellor ;
- ³(n) two Secretaries to the Government in each of the Ministries of Education and Finance; and
- ³(o) one representative of the Governing Body of the University College, Mandalay.

(2) Members of the Council shall be designated Fellows of the University.

(3) Members, other than members *ex-officio* [and those under clause (k) of sub-section (1),]³ shall hold office for a period of three years and shall be eligible for re-appointment or re-election :

Provided that elected members shall be deemed to vacate their offices as members of the Council when they cease to be members of the bodies by which they were elected :

Provided also that any member who has been sentenced to imprisonment for not less than six months for an offence involving moral turpitude, or who

¹ Substituted by Act IX, 1949.

² Substituted by Act XLII, 1951.

³ Inserted *ibid*.

is an undischarged insolvent, or who is declared to be of unsound mind by a competent Court, shall cease to be a member of the Council; and any person subject to such disqualifications shall not be elected or nominated as member of the Council.

1(4) * * * *

12. (1) The Council shall be the Supreme Governing Body of the University and shall have power to review the action of other authorities of the University and shall act in the name of the University in all matters not otherwise provided for and shall exercise all powers necessary for giving effect to the provisions of this Act : Powers of the Council.

Provided that—

- (a) in the event of the Council disagreeing with any decision of the Senate in regard to any matter which the Senate has power to decide under the provisions of this Act, the Council shall be empowered to ask the Senate to reconsider its decision ;
- (b) in the event of the Senate, after reconsideration, refusing to alter its decision, the matter in dispute shall be referred to a joint committee consisting of five members of the Council nominated by the Council and five members of the Senate nominated by the Senate ;
- (c) in the event of the joint committee being unable to arrive at a decision, the matter in dispute shall be referred to the Chancellor whose decision shall be final;
- (d) in the event of the Council disagreeing with any decision of the Governing Body of * * *¹ affiliated College in regard to any matter which is within the statutory competence of the latter, the Council may require the said Governing Body to reconsider its decision within a reasonable time to be specified by the Council ; and in the event of the Governing Body refusing to alter its decision, the Council shall issue such directions as it may think fit, and the Governing Body shall comply with such directions : provided that such directions are supported by three-fifths majority of the members present at the meeting of the Council.

(2) In particular, the Council shall have the following powers [and shall perform the following duties,]² namely —

- (a) to provide for instruction in such branches of learning as it may think fit and to make provision for research and for the advancement and dissemination of knowledge ;
- (b) to institute professorships, readerships, lecturerships, and any other teaching posts required by the University and [to appoint the (Rector)³ and]² to approve the appointment of persons to such teaching posts ;

¹ Deleted by Act IX, 1949.

² Inserted *ibid.*

³ Substituted by Act XLII, 1951.

- (c) to institute and grant scholarships, exhibitions, prizes and other academic rewards ;
- (d) to provide for such lectures and instruction for students of affiliated Colleges as it may determine and also to provide for lectures and instruction to persons not being students of the University ;
- (e) to affiliate Colleges outside the limits of the University which it has reason to believe will become or be transferred to new Universities ; and to disaffiliate any College so affiliated and to withdraw all privileges therefrom :

Provided that no College shall be affiliated until and unless an examination into its financial and academic status has been made jointly by representatives of the Council and the Senate and, after considering the recommendation of the Senate to the Council as to the fitness of the College for affiliation from the academic point of view, the Council decides in favour of affiliation subject, if the Council think fit, to the decision of the Chancellor ;

- ¹ (f) * * * *
- (g) to recognize hostels not maintained by the University, and to withdraw recognition therefrom ;
 - (h) to supervise and control the residence and discipline of the students of the University and to make arrangements for promoting their health and general welfare ;
 - (i) to provide for the inspection of Colleges and hostels and to call for any report, return or other information from any * * * ¹ affiliated College for submission within such reasonable time as the Council may prescribe ;
 - (j) to found, erect, equip and maintain libraries, laboratories, museums and any other institutions subsidiary to the purposes of the University ;
 - (k) to prescribe fees and to fix the amounts thereof ;
 - (l) to enter into any agreement for assuming the management of any institution and for taking over all its properties and liabilities and for any other purpose not repugnant to the provisions of this Act ;
 - (m) to co-operate with other Universities and authorities in such manner and for such purposes as it may determine ;
 - (n) to consider and pass resolutions on the annual report, the annual accounts and financial estimates ;
 - (o) to regulate by Statutes the method of election to, and the procedure at meetings of, the several authorities of the University and the transaction of business by them ;
 - (p) to delegate any of its powers to such authority or authorities as it may deem fit ;

¹ Deleted by Act IX, 1949.

- (q) to make Statutes subject to the provisions of this Act, and to amend or repeal the same ;
- ¹ (r) to hold, control, and administer the properties and funds of the University ;
- ¹ (s) to direct the form, custody and use of the common seal of the University ;
- ¹ (t) to scrutinize the financial estimates of the University and submit the same to the Government ;
- ¹ (u) to administer all funds placed at the disposal of the University for specific purposes ;
- ¹ (v) to appoint professors in consultation with the Senate ;
- ¹ (w) to appoint Deans and the teachers of the University other than professors, to fix their emoluments, to define their duties and conditions of their service, and to provide for the filling of temporary vacancies ;
- ¹ (x) to accept on behalf of the University bequests, donations and transfers of movable or immovable property ;
- ¹ (y) to provide for the holding of University Examinations ;
- ¹ (z) to appoint examiners on the recommendation of the Senate ;
- ¹ (aa) to engage servants of the University and to determine their emoluments and duties and other conditions of their service ;
- ¹ (bb) to recognize, on the recommendation of the Senate, teachers qualified to give instruction in Colleges and hostels ;
- ¹ (cc) to take such action as it may deem fit or necessary on the reports of the Senate regarding the appointment of other teachers in the affiliated Colleges ;
- (dd) generally to do all such other acts and things as may be necessary or desirable to further the objects of the University.

² (3) Annual Budget Estimates of the University shall be prepared by the Rector for presentation to the Council and transmission to Government with such recommendations as the Council may deem necessary. If and when demands for Supplementary Grants are necessary they shall be made to Government through the Council.

¹ (4) The [Rector]¹ appointed by the Council shall exercise general control over the officers [and business]³ of the University and shall give effect to the decisions of the Council regarding the appointments, dismissal and supervision of the teachers of the University and its servants.

12A. ¹ (1) The Council shall ordinarily meet once every month on a date to be fixed by the Vice-Chancellor and at such other times as it may determine. Meetings of the Council.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition signed by not less than [five]⁴ members of the Council, convene a special meeting of the Council.

¹ Inserted by Act IX, 1949.

² Substituted by Act XLII, 1951.

³ Inserted *ibid.*

⁴ Substituted by Act IX, 1949.

(3) [Ten]¹ members shall form the quorum for a meeting of the Council.

² 13. * * * *

Composition
of the
Senate.

14. 1(1) The Senate shall consist of—

- (a) the Vice-Chancellor ;
- (b) the Director of Public Instruction, and not more than four other heads of Government Departments concerned with professional courses of study in the University ;
- (c) the [Rector]³ ;
- (d) the Heads of affiliated Colleges ;
- (e) the Professors [who are Heads of the Departments of studies in the University ;]⁴
- (f) three members of the Council elected by the Council who are not engaged in teaching ;
- (g) five lecturers elected from among themselves.

(2) Members of the Senate shall be designated Fellows of the University.

(3) Members, other than members *ex-officio*, shall hold office for a period of three years and shall be eligible for re-appointment or re-election.

Powers of
the Senate.

15. (1) The Senate shall be the academic body of the University and shall have the control and general regulation of teaching and examination within the University and be responsible for the maintenance of the standards thereof and shall exercise such other powers and perform such other duties as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), every resolution of the Senate shall be reported to the Council.

(3) Without prejudice to the generality of the foregoing powers conferred by sub-section (1), the Senate shall exercise the following powers and shall perform the following duties, namely :—

- (a) to advise the [Council]¹ on all academic matters ;
- (b) to make proposals to the Council for the institution of professorships, readerships, lecturerships or other [academic]¹ posts and in regard to the duties and emoluments thereof ;
- (c) to make proposals for special courses of study or for division of subjects in * * *² affiliated Colleges ;
- (d) to make Regulations for, and to award, in accordance with such Regulations, academic prizes and other rewards ;
- (e) to make Regulations, subject to the control of the [President of the Union of Burma],¹ regarding the admission of students to the University or prescribing examinations to be recognized as equivalent to University Examinations or such further qualifications as may be necessary or desirable for admission to the degree courses of the University ;

¹ Substituted by Act IX, 1949.

² Deleted *ibid.*

³ Substituted by Act XLII, 1951.

⁴ Inserted *ibid.*

- (f) to constitute Boards of Study in such subjects as may be necessary ;
- (g) to recommend to the [Council] ¹ the names of persons suitable for appointment as examiners ;
- (h) to make recommendations to the [Council] ¹ for the recognition of teachers qualified to give instruction in Colleges and hostels ;
- (i) to consider all appointments of lecturers and other teachers in the * * * * ² affiliated Colleges and, if necessary, to make representations and to report thereon to the [Council] ¹ ;
- (j) to control and manage the University libraries ;
- (k) to formulate, modify or revise, subject to the control of the Council, schemes for the constitution or reconstitution of departments of studies ;
- (l) to assign teachers to departments of studies ;
- (m) to promote research within the University and call for reports on such research from the persons engaged thereon and to make recommendations to the [Council] ¹ thereon ;
- (n) to consider any subject having reference to the University and to make recommendations thereon to the Council ;
- (o) to determine upon what persons degrees or other academic distinctions which are not honorary shall be conferred ;
- (p) to make regulations for the admission of non-collegiate students to University examinations at such places where * * * * ² affiliated Colleges may be situated ; and
- (q) subject to the provisions of this Act, to make Regulations for all matters within the control of the Senate.

² 16—18. * * * *

19. (1) Every * * * * ² affiliated College shall be controlled and managed by a Governing Body which shall be a body corporate and constituted in the manner provided in sub-section (2).

Affiliated Colleges to be controlled by Governing Bodies.

(2) (i) The President of the Union shall have powers, subject to the provisions of this Act, to make rules ³ to provide for the constitution, procedure, powers and duties of the Governing Bodies of * * * * ² affiliated Colleges except Colleges which are instituted and maintained by the University :

Provided that all Statutes and rules in force providing for the constitution, procedure, powers and duties of any Governing Body of any * * * * ² affiliated College shall continue in force until they are amended or repealed by rules made under this sub-section :

¹ Substituted by Act IX, 1949.

² Deleted *ibid*.

³ For the constitutions of the Governing Bodies of the University College, the Teachers' Training College, the Medical College and the Agricultural College, see *Burma Gazette*, 1940, Part I, pages 147 and 318, and *Burma Gazette*, 1941, Part I, pages 113, 115 and 1333.

For the constitution of the Governing Body of the Judson College, see *Burma Gazette*, 1940, Part I, page 1479.

(ii) All rules made under this sub-section shall be published in the Gazette and shall come into force from the date of such notification.

(3) The Governing Body of every * * * * 1 affiliated College shall have powers, subject to the provisions of this Act, the Statutes and the Regulations, and subject to the sanction of the President of the Union, to make rules to provide for all or any of the following matters, namely :—

- (a) the constitution, procedure, powers and duties of the College Council ;
- (b) the constitution of Departments of Studies ;
- (c) the appointment, functions, duties and remuneration of the College staff ;
- (d) the discipline of students ;
- (e) the form, custody and use of the common seal, and the manner in which contracts may be executed and cheques drawn ;
- (f) the constitution of a pension or provident fund, or both, for the benefit of the College staff ;
- (g) the fees or other charges to be levied ; and
- (h) all other matters relating to the internal administration of the College.

(4) All proposals to alter or amend the rules of * * * * 1 affiliated Colleges shall, in the first instance, be considered by the Governing Body of the College concerned which shall after such consideration submit them with its recommendations to the President of the Union through * * * * 1 the Council * * * * 1.

(5) Notwithstanding anything contained in this Act and the rules, the minutes of the Governing Bodies of all * * * * 1 affiliated Colleges shall be sent to members of the Council every three months.

(6) Annual Budget Estimates of every affiliated College shall be prepared and transmitted by the Governing Body to Government. However, the Council shall make such recommendations as are considered necessary, if invited to do so by the Government.

120. * * * *

Admission
of students
to Uni-
versity.

21. (1) Admission of students to the University shall be made by such authority, and in such manner, as may be appointed or prescribed by the Regulations.

(2) No student shall be eligible for admission to the University unless he has passed such examination or test as may, subject to the control of the [President of the Union of Burma] ³, be prescribed by the Regulations, and possesses such further qualifications as may be prescribed by the Regulations.

22 24. * * * *

¹ Deleted by Act IX, 1949.

² Inserted by Act XLII, 1951.

³ Substituted by Act IX, 1949