



ပြည်ထောင်စုမြန်မာနိုင်ငံ

ဥပဒေ

အတွဲ ၅

THE BURMA CODE

VOLUME V

ပြည်ထောင်စုမြန်မာနိုင်ငံအစိုးရအမိန့်အရ ပုံနှိပ်ဖြန့်ချိသည်။

Published under the Authority of the Government of the
Union of Burma.

နိဂါန်း။

ဤပြည်ထောင်စုမြန်မာနိုင်ငံ ဥပဒေအတွဲ ၅ တွင် ပါရှိသည့် ဥပဒေများမှာ၊ အတွဲ ၄ တွင် ပါသည့် အပိုင်း ၆၊ အရပ်ရပ်ဆိုင်ရာ စီရင်အုပ်ချုပ်ရေး၊ ဟူသည့်ခေါင်းကြီးနှင့်ပင်သက်ဆိုင်၍၊ ၎င်းအတွဲမှ ကျန်ရှိနေသေးသော ဆ။ ကူးသန်းရောင်းဝယ်ရေး၊ စက်မှုလက်မှုနှင့်သတ္တုတွင်းများဆိုင်ရာ၊ ဇ။ စက်အား၊ဓါတ်အားဆိုင်ရာနှင့် ဈ။ အလုပ်သမားဆိုင်ရာဟူသည့် ခေါင်းစဉ်များတွင်အကျုံးဝင်သော ဥပဒေများဖြစ်ပါသည်။

၎င်းဥပဒေများကို ၁၉၅၄ ခုနှစ်၊ ဒီဇင်ဘာလ ၃၁ ရက်နေ့တိုင် ပြင်ဆင်ထားသည့်အတိုင်း ပုံနှိပ်ခြင်းဖြစ်ပါသည်။

စံညွှန်း၊

အတွင်းရေးမှူး၊
ဥပဒေပြင်ဆင်ရေးကော်မတီ၊
တရားရေးဝန်ကြီးဌာန။

ရန်ကုန်မြို့ ၁၃၁၇ ခု၊ တပေါင်းလဆန်း ၃ ရက်။
(၁၉၅၆ ခု၊ မတ်လ ၁၄ ရက်။)

TABLE OF CONTENTS.

အက်ဥပဒေများ၏ အစီအစဉ်။

PART VI.—GENERAL ADMINISTRATION.—CONTD.

အပိုင်း ၆။ ။အရပ်ရပ်ဆိုင်ရာစီးရပ်အုပ်ချုပ်ရေး။ ။အဆက်။

G. COMMERCE, INDUSTRY AND MINES.

ဆ။ ကူးသန်းရောင်းဝယ်ရေး၊ စက်မှုလက်မှုနှင့် သတ္တုတွင်းများဆိုင်ရာ။

	PAGE.
	စာမျက်နှာ။
1. The State Aid to Industries Act	1
2. The Weavers' Loans Act	14
3. The Cotton Cess Act	14
4. The Cotton Transport Act	20
5. The Cotton Industry Statistics Act	23
6. The Lac Cess Act	25
7. The Sugar Cane Act	26
8. The Burma Merchandise Marks Act	27
9. The Geneva Convention Implementing Act	34
10. The Weights and Measures of Capacity Act	34
11. The Measuring Basket Standardization Act	37
12. The Measures of Length Act	40
13. The Upper Burma Ruby Regulation	41
14. ပြည်ထောင်စု နိုင်ငံတွင်းထွက် ပင်စားအခြေအမြစ်များကို ထုတ်ဖော်လုပ်ကိုင် နိုင်သော အခွင့်အရေးပေးရန် (ခွင့်ပြုသည့်) အက်ဥပဒေ	၄၆
15. ချည်မျှင်နှင့် အထည်စက်ရုံအဖွဲ့ အက်ဥပဒေ	၄၈
16. နိုင်ငံတော် သစ်လုပ်ငန်းအဖွဲ့အက်ဥပဒေ	၆၁
17. ဗဟိုစာရင်းစစ်တမ်းကောက်ယူရေးအာဏာပိုင်အက်ဥပဒေ	၆၈
18. စက်မှုလက်မှုတိုးချဲ့လုပ်ကိုင်ရေးကော်ပိုရေးရှင်း အက်ဥပဒေ	၇၂
19. ဓါတ်သတ္တုပင်ရင်း အခြေအမြစ်များကို တိုးတက်အောင် ဆောင်ရွက်ရေးကော်ပို ရေးရှင်း အက်ဥပဒေ	၇၈
20. သရက်မြို့ရှိ ဘိလ်မြေလုပ်ငန်းကို ပြည်သူပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ	၈၅
21. ဒိုင်ယာမီကင် (မြန်မာနိုင်ငံ) လီမိတက်၏ မြင်ရည်နှင့် အရက်ချက်လုပ်ငန်းကို ပြည်သူပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ	၈၇
22. ပြည်ထောင်စုနိုင်ငံ ဝင်လယ်ငါးဖမ်းလုပ်ငန်းဆိုင်ရာ ဒေသများ လုပ်ကိုင်နိုင်သော အခွင့်အရေးပေးရေး အက်ဥပဒေ	၈၉
23. ဇေယျဝတီ သင်္ကြားစက်ကုမ္ပဏီလီမိတက်ကို ပြည်သူပိုင်ပြုလုပ်ခြင်းအက်ဥပဒေ	၉၀

Table of Contents.

အက်ဥပဒေများ၏ အစီအစဉ်။

PAGE.

စာမျက်နှာ။

H. POWER.

ဇ။ စက်အား ဓါတ်အားဆိုင်ရာ။

1. The Boilers Act	...	...	...	92
2. The Electricity Act	...	...	...	102
3. The Water Power Act	...	...	...	143
4. The Petroleum Act	...	...	...	144
5. The Explosives Act	...	...	...	154
6. လျှပ်စစ်ဓါတ်အားပေးရေး အက်ဥပဒေ	....	....	....	၁၅၀

I. LABOUR.

ဈ။ အလုပ်သမားဆိုင်ရာ။

1. The Apprentices Act	...	...	...	180
2. The Children (Pledging of Labour) Act	...	...	...	186
3. The Dock Labourers Act	...	...	...	187
4. The Mines Act	...	...	...	191
5. The Oilfields Act	...	...	...	215
6. The Payment of Wages Act	...	...	...	221
7. The Workmen's Compensation Act	...	...	...	232
8. The Emigration Act	...	...	...	258
9. The Trade Unions Act	...	...	...	267
10. The Trade Disputes Act	...	...	...	278
11. The Dock Workers (Regulation of Employment) Act	...	...	...	292
12. လယ်ယာအလုပ်သမားအနည်းဆုံးအခကြေးငွေ အက်ဥပဒေ	....	....	....	၂၉၅
13. အလုပ်အကိုင်ဆိုင်ရာစာရင်းစစ်တမ်းယူခြင်း အက်ဥပဒေ	....	....	....	၂၉၀
14. အနည်းဆုံးအခကြေးငွေ အက်ဥပဒေ	....	....	....	၃၀၁
15. အလုပ်အကိုင်နှင့် သင်ကြားလေ့ကျင့်ရေး အက်ဥပဒေ	....	....	....	၃၁၉
16. ရေနံမြေ (အလုပ်သမားများနှင့်သက်သာချောင်ချိရေး) အက်ဥပဒေ	....	....	....	၃၂၄
17. ခွင့်ရက်နှင့်အလုပ်ပိတ်ရက် အက်ဥပဒေ	....	....	....	၃၅၇
18. ဆိုင်များနှင့် အလုပ်ဌာနများ အက်ဥပဒေ	....	....	....	၃၆၅
19. ၁၉၅၁ ခုနှစ်၊ အလုပ်ရုံများ အက်ဥပဒေ	....	....	....	၃၇၆
20. လူမှုဖူလုံရေး အက်ဥပဒေ	....	....	....	၄၃၁

PART VI.—GENERAL ADMINISTRATION—
contd.

အပိုင်း ၆။ အရပ်ရပ်ဆိုင်ရာစီရင်
အုပ်ချုပ်ရေး။ ။အဆက်။

G.—COMMERCE, INDUSTRY AND MINES.

ဆ။ ။ကူးသန်းရောင်းဝယ်ရေး၊ စက်မှုလက်မှုနှင့် သတ္တုတွင်းများဆိုင်ရာ။

THE STATE AID TO INDUSTRIES ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. Commencement of Act.
2. Definitions.

CHAPTER II.

BOARD OF STATE AID TO INDUSTRIES.

3. Establishment of Board of State Aid to Industries.
4. Chairman and presiding authority at meetings.
5. Quorum.
6. Term of office.
7. Casual vacancies.
8. Removal of members.
9. Travelling and other allowances.
10. Interested member not to be present at meetings.
11. Power to invite person for consultation.
12. Power to appoint committees.
13. Documents and references to be furnished to President.

Sections.

- 14. Power of Board to make regulations.
- 15. Supersession of Board.

CHAPTER II-A.**ISSUE OF LOANS.**

- 15A. Power to grant loans.
- 15B. Documents and reports to be furnished to the President.

CHAPTER III.**GENERAL PROVISIONS REGARDING THE GIVING OF STATE AID.**

- 16. Industries to be aided.
- 17. Forms of State aid.
- 18. Applications for State aid.
- 19. Reference to Board.
- 20. Duty of Board regarding references made to it.

CHAPTER IV.**PROVISIONS REGULATING THE GRANT OF STATE AID OTHERWISE THAN BY THE
SUPPLY OF MACHINERY ON THE HIRE-PURCHASE SYSTEM.**

- 21. Repayment of loans.
- 22. Limitation of amount of loans.
- 23. Security for repayment.
- 24. Inspection and returns.
- 25. Penalty for default in applying loan.
- 26. Adjustment of security during currency of loans.
- 27. Recovery of loans.
- 28. Cases of urgency occurring under section 25 or section 26 or section 27.
- 29. Exemption in certain cases.
- 30. Guarantee of minimum return.
- 31. Disposal of profits when conditions on which State aid is given are not fulfilled.

CHAPTER V.**SUPPLY OF MACHINERY ON THE HIRE-PURCHASE SYSTEM.**

- 32. Percentage of cost to be deposited by hirer.
- 33. Particulars to be specified in order when application is allowed.

Sections.

34. Conditions of supply of machinery on the hire-purchase system.
35. Consequences of default by hirer.
36. Option of hirer to purchase machinery seized for default.
37. Liability of hirer on termination of hiring under section 35.
38. Termination of hiring on payment of cost of machinery.

CHAPTER VI.

SUPPLEMENTAL.

39. Government control of State aided industry.
40. Recover of money due.
41. Finality of decision of Board and bar of suits and proceedings in civil and criminal Courts.
42. Power to make rules.
43. Power of the President to issue instructions.
44. Power of the President to revise, etc.

THE STATE AID TO INDUSTRIES ACT.

[BURMA ACT XXIII, 1939.] (1st January, 1940.)

CHAPTER I.

PRELIMINARY.

1. This Act shall come into force on such date ¹ as the President of the Union may, by notification, appoint in this behalf. Commence-
ment of Act.

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

- (i) “ Board ” means the [Board of State Aid to Industries]² constituted under section 3 and includes any committee appointed under section 12 ;
- (ii) “ borrower ” means an individual, company, association or body of individuals, whether incorporated or not, to whom or to which State aid has been granted under this Act ;

¹ 1st January, 1940, *vide Burma Gazette*, 1939, Part I, p. 1441

² Substituted by Act XX, 1951

- (iii) "Chairman" means Chairman of the Board ;
- (iv) "company" means a company as defined in the Burma Companies Act ;
- ¹(v) "Commissioner" means the Commissioner of Division ;
- ¹(vi) "Collector" means the Collector of the district in which the industry for which State Aid is applied for is situate and includes any officer especially appointed by the President of the Union to perform the functions of a Collector under this Act ;
- (vii) "Director" means such officer or officers as may be appointed by the President of the Union to perform any of the functions of the Director of State Aid to Industries under this Act ;
- (viii) "industry" means any industrial business or enterprise conducted or undertaken either by an individual or by a company, association or body of individuals, whether incorporated or not ;
- (ix) "machinery" includes plant, apparatus, tools and other appliances required for the purpose of carrying on any industrial operation or process ;
- ²(x) "Minister" means the Minister in charge of Industry [* * * *]³ ;
- (xi) "prescribed" means prescribed by rules made under this Act.

CHAPTER II.

BOARD OF STATE AID TO INDUSTRIES.

Establishment of Board of State Aid to Industries.

3. (1) For carrying out the purposes of this Act, the President of the Union shall, as soon as possible, establish a Board to be called the [Board of State Aid to Industries]¹ consisting of the following members :—

(a) the Minister,

(b) the Director,

¹(c) one member elected by the Union of Burma Chamber of Commerce and Industry,

⁴(d) five members appointed by the President, of whom one will be a banking expert and another a representative of cottage and small scale industries, and

¹(e) one member elected by the Federation of Trade Organization (Burma).

(2) If the Minister is unable to attend any meeting of the Board he may, by letter in writing addressed to its Secretary, depute any person to represent

¹ Inserted by Act XLI, 1952.

² Substituted by Act XXXIII, 1946.

³ Deleted by Act XX, 1951.

⁴ Substituted *ibid*.

him at such meeting, and, during such meeting, such person shall be deemed to be a member of the Board but he shall not, by virtue merely of his representing the Minister, be entitled to preside at the meeting.

4. The Minister shall be the Chairman and shall preside at all meetings of the Board : provided that in his absence from any meeting the members of the Board present shall elect one of their number to preside at such meeting. Chairman and presiding authority at meetings.
The Director shall be the Secretary of the Board.

5. Four ¹ members of the Board shall form a quorum.

Quorum.

6. (1) The members of the Board shall hold office for a term of five years and may, on the expiration of such term, be re-appointed or re-elected. Term of office.

(2) Notwithstanding the expiration of the term of five years mentioned in sub-section (1), the appointed or elected members shall continue to hold office until the vacancy caused by the expiration of the said term has been filled : provided that no vacancy shall be allowed to remain unfilled for more than six months.

7. Whenever a vacancy occurs in the membership of the Board, a new member shall be appointed or elected, according as the late member was appointed or elected, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred : Casual vacancies.

Provided that no act of the Board shall be deemed to be invalid by reason only that the number of members of the Board at the time of the performance of such act was less than the number provided by this Act.

8. (1) The President of the Union may, by notification, remove any member of the Board if he— Removal of members.

(a) refuses to act or becomes incapable of acting as a member of the Board ;

(b) is declared insolvent ;

(c) is convicted of any such offence or is subjected by a criminal Court to any such order as in the opinion of the President of the Union implies a defect of character which unfits him to continue to be a member of the Board ;

(d) without excuse sufficient in the opinion of the President of the Union, is absent without the consent of the Board from more than four consecutive meetings of the Board ; or

(e) contravenes the provisions of section 10.

(2) The President of the Union may fix a period during which any person so removed shall not be eligible for re-appointment or re-election.

¹ Substituted by Act XX, 1951.

Travelling
and other
allowances.

9. The members of the Board and the members of the committees appointed under section 12 shall be paid such travelling and other allowances, for attending meetings of the Board or for performing any duty assigned to them by the Board for the purposes of this Act, at such rates and subject to such conditions as may be prescribed.

Interested
member
not to be
present at
meetings.

10. No member of the Board shall be present at a meeting of the Board when the question under consideration is one in which he has a pecuniary interest. A member who has such an interest shall, if he is present at the meeting, declare it to the Board.

In case of any question arising whether a member has or has not a pecuniary interest, the decision of the Chairman shall be final.

Power to
invite
persons for
consultation.

11. (1) The Board shall have power to invite for consultation on any particular question persons specially qualified to advise thereon or having special knowledge of local conditions in the area where the industry concerned is situate.

(2) At any meeting of the Board, the Chairman may invite any person for consultation on any particular question :

Provided that any person invited under sub-section (1) or (2) shall not have the right to vote.

Power to
appoint
committees.

12. The Board shall have power to appoint committees for performing such duties as it may assign to them.

Documents
and refer-
ences to be
furnished to
President.

13. If the President of the Union so directs, the Secretary of the Board shall forward to the President of the Union any document and prepare and submit any report relating to the work of the Board.

Power of
Board to
make regula-
tions.

14. (1) The Board may make regulations, not inconsistent with this Act, in regard to the following matters, namely :—

- (i) the time and place of its meetings ;
- (ii) the manner in which notice of meetings shall be given ;
- (iii) the conduct of proceedings at meetings ;
- (iv) the division of duties among the members of the Board ;
- (v) the appointment, duties and procedure of committees appointed under section 12 ;
- (vi) generally, the carrying out of all or any of the purposes of this Act.

(2) Any regulation made under sub-section (1) which is repugnant to the provisions of any rule made under section 42 shall, to the extent of such repugnancy, but not otherwise, be void.

Super-
session of
Board.

15. If at any time it appears to the President of the Union that the Board is not properly performing the duties imposed upon it by or under this Act, the President of the Union may, after considering any explanation offered

by the Board, by an order in writing specifying the reasons for so doing, dissolve the Board, and shall thereupon establish a new Board in the manner indicated in section 3.

CHAPTER II-A.¹

ISSUE OF LOANS.

¹ **15A.** (1) For the carrying out of all or any of the purposes of this Act the Commissioner shall, in accordance with the instructions issued under section 43, have the power to sanction the grant of aid without reference to the President of the Union :

Power to grant loans.

Provided that no such grant of aid exceeds kyats four thousand in value.

(2) The Commissioner may delegate to the Collector of each district under his control to exercise the power conferred on him by sub-section (1).

¹ **15B.** If the President of the Union so directs the Commissioner or the Collector shall forward to the President of the Union any document and prepare and submit any report relating to the grant of aid or the recovery of loans.

Documents and reports to be furnished to the President.

CHAPTER III.

GENERAL PROVISIONS REGARDING THE GIVING OF STATE AID.

16. State aid may be given to—

Industries to be aided.

- (a) a new or nascent industry ;
- (b) an industry to be newly established in an area where such industries are undeveloped ;
- (c) a cottage industry ; or
- (d) an industry which needs revival or development by modern methods :

Provided that no State aid shall be given to any company which at the date of the coming into force of this Act ² was not engaged in the Union of Burma in the branch of the industry for which State aid is sought unless—

- (a) the company is incorporated by or under the laws of the Union of Burma, and
- (b) not less than one half of the members of its governing body are [citizens of the Union], ³ and
- (c) the company gives such reasonable facilities for the training of [citizens of the Union] ³ as may be prescribed.

¹ Inserted by Act XLI, 1952.

² 1st January, 1940.

³ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Forms of
State aid.

17. The forms of the State aid, which may be given subject to such conditions as the President of the Union may think fit, include the following, namely :—

- (a) the grant of a loan ;
- (b) the grant, sale or lease of land, raw materials, fire-wood, water or any other property of the [State] ; ¹
- (c) payment of a subsidy for the conduct of research ;
- (d) the supply of machinery on the hire-purchase system ;
- (e) the purchase of shares ;
- (f) the guarantee of a minimum return on the whole or part of the capital of a joint stock company invested in the industry :

Provided that every recipient of State aid shall make such provision for the training of apprentices as the President of the Union may prescribe.

Applications
for State aid.

2 18. (1) Applications for State aid shall normally be made to the Commissioner of the Division in which the industry for which State aid is applied for is situate and shall contain such information as may be prescribed.

(2) The Commissioner may, if so required, direct the Collector of each district to receive applications for State aid on his behalf.

(3) Applications for State aid, if the value of State aid applied for exceeds kyats four thousand, may be made direct to the Director.

(4) The Commissioner, Collector or Director shall, in respect of applications for State aid exceeding kyats four thousand, act in accordance with the rules made, and the instructions issued, under this Act.

Reference to
Board.

2 19. The President of the Union may refer such applications for State aid or such proposals to grant State aid exceeding kyats four thousand, as he thinks fit, to the Board for advice.

Duty of
Board re-
garding
references
made to it.

20. It shall be the duty of the Board—

- (a) to report to the President of the Union, after such enquiry, if any, as it deems necessary or as may be required by this Act, on applications for State aid that may be referred to it for advice by the President of the Union ;
- (b) to advise the President of the Union on any matter that may be referred to it.

CHAPTER IV.

PROVISIONS REGULATING THE GRANT OF STATE AID OTHERWISE THAN BY THE SUPPLY OF MACHINERY ON THE HIRE-PURCHASE SYSTEM.

Repayment
of loans.

21. (1) Every loan granted under this Act shall be made repayable by instalments within such period from the date of the actual advance of the loan

¹ Substituted by the Union of Burma (Adaptation of Law) Orders, 1948.

² Substituted by Act XLI, 1952.

or, when the loan is advanced in instalments, from the date of payment of the last instalment, and shall bear interest at such rate, and payable in such manner, as may be fixed by the order granting the loan.

(2) The period fixed as aforesaid shall not exceed twenty years unless the President of the Union, by general or special order, extends the same.

22. (1) No loan shall be granted to any industry of an amount exceeding [two-thirds]¹ of the net value of the assets of the industry after the deduction of the value of all encumbrances existing at the time when the application is made. Limitation of amount of loans.

(2) The valuation of the assets under sub-section (1) shall be made by such person and in such manner as may be prescribed.

23. Every loan granted to an industry shall be secured by a mortgage or floating charge upon the whole of the assets of such industry, subject to any encumbrances existing at the time when the loan is granted, and by collateral security, if any, as may be prescribed. Security for repayment.

24. When an application for a loan has been made, the applicant and, during the currency of the loan, the borrower shall be bound— Inspection and returns.

(a) to comply with any general or special order of the Director relating to the inspection of the premises, buildings, machinery and stock-in-hand of the industry ;

(b) to permit the inspection of all accounts relative to the industry ;

(c) to furnish full returns of all products manufactured or sold, both as regards description and quantity ;

(d) to maintain such special accounts and to furnish such statements as the Director may from time to time require ; and

(e) to submit the accounts of the industry to such audit as the Director may prescribe.

25. If the Director, after the inspection provided for in section 24, is not satisfied that the money lent is being applied for the purpose or purposes for which the loan was granted, or that the conditions on which the loan was granted are being fulfilled, he shall bring the matter to the notice of the Board. The Board may, notwithstanding anything in the deed executed in connection with the loan, declare that the loan is immediately repayable, in which case it shall give notice of such declaration to the borrower. Penalty default applying loan.

26. If at any time during the currency of the loan the value of the security falls below the outstanding balance of the loan, the Director may, with the concurrence of the Board, either proceed to recover so much of such balance as is not adequately covered by the then existing value of the security or accept such additional or collateral security as he may deem sufficient. Adjustment of security during currency of loans.

27. If the borrower fails to comply with any order under clause (a) of section 24, or does not permit or obstructs the inspection of the accounts relative to the industry, or makes default in respect of any of the particulars Recovery of loans.

¹ Substituted by Act XLI, 1952.

specified in clauses (c), (d) and (e) of the said section, or if the borrower disposes of any of the profits in contravention of the provisions of section 31, the Director shall bring the matter to the notice of the Board. The Board may, after considering any representation the borrower may make within such time as may be prescribed, proceed to recover the loan.

Cases of urgency occurring under section 25 or section 26 or section 27.

28. In cases of urgency the Director may, instead of bringing any matter to the notice of the Board under section 25 or section 26 or section 27, consult the Chairman and with his concurrence take such action as the Board is empowered to take under section 25 or section 26 or section 27, as the case may be :

Provided that action taken under this section shall be brought to the notice of the Board at the earliest possible opportunity and shall be subject to revision by the Board.

Exemption in certain cases.

29. The President of the Union may, by notification, exempt State aid to cottage industries, or State aid the value of which does not exceed Rs. 2,000, from all or any of the provisions of section 24 or section 26.

Guarantee of minimum return.

30. The conditions of a guarantee by the State of a minimum return on the whole or part of the capital of a joint stock company shall be—

- (a) that the industry shall be subject to the conditions of section 24 in respect of inspection, returns and accounts ;
- (b) that a minimum portion of the authorized capital of the industry to be fixed according to the circumstances of each case has been subscribed and paid in cash ;
- (c) that no such guarantee shall in any case extend beyond a period of five years ;
- (d) that during the period to which the guarantee extends the President of the Union may impose on such persons as he considers to be directly concerned in the promotion of the company a condition that if they transfer any of their shares without the previous consent in writing of the President of the Union, they shall be liable jointly and severally to refund to Government any sums paid to the company in fulfilment of the guarantee ;
- (e) that the President of the Union shall be entitled to recover the whole or any part of the sum paid on account of such guarantee with interest at the rate specified in the agreement, provided that the President of the Union is satisfied that the company is paying or is able to pay interest or a dividend upon the capital shown as paid up in excess of such rate as may be fixed in the agreement :

Provided that the sum recoverable by the Government after the close of any one year shall not exceed a sum equal to half the net profits made by the company in that year in excess of the sum required for the payment of the interest or dividend at the rate fixed in the agreement.

31. (1) No borrower shall pay any dividend or distribute or take any profit until proper amounts have been set aside for obsolescence or depreciation of machinery and buildings, calculated at such rates as the President of the Union may prescribe, and for the payment of interest on debentures or loans.

Disposal of profits when conditions on which State aid is given are not fulfilled.

(2) No borrower shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the enterprise as the President of the Union may from time to time fix.

(3) The balance, if any, of the profits, after setting aside the amounts required by sub-section (1) to be set aside and paying dividends or distributing or taking profits at such percentage rate as may have been fixed under sub-section (2), shall be carried to a reserve fund to be utilized in such manner as the President of the Union may approve.

CHAPTER V.

SUPPLY OF MACHINERY ON THE HIRE-PURCHASE SYSTEM.

32. No machinery shall be supplied by the Government on the hire-purchase system unless the applicant therefor deposits with the Director such percentage of the cost thereof as may be prescribed, and furnishes such security for the unpaid portion of such cost in the same manner as for a loan granted under this Act.

Percentage of cost to be deposited by hirer.

33. When an application for the supply of machinery on the hire-purchase system is allowed, the Director shall, subject to and in accordance with rules that may be made under this Act, make an order specifying the following particulars, namely :—

Particulars to be specified in order when application is allowed.

- (a) the amount of each instalment of rent to be paid for the hire of the machinery and the number of such instalments to be paid before the machinery shall become the property of the hirer ;
- (b) the amount of interest, if any, to be paid with each instalment of rent on the remaining unpaid instalments ;
- (c) the dates on which and the manner in which the aforesaid payments shall be made ; and
- (d) such other particulars as may be prescribed.

34. Until the hiring is terminated in the manner hereinafter provided, the following provisions shall apply, namely :—

Conditions of supply of machinery on the hire-purchase system.

- (a) the hirer shall pay punctually and without demand the instalments of rent and amount of interest specified in the order referred to in section 33 ;
- (b) the hirer shall retain the machinery in his own possession in good and serviceable order and condition, and shall not without the previous written consent of the Director make any addition thereto

or alteration therein, or remove the machinery or any part thereof from the premises specified in the application for the supply thereof :

- (c) the machinery shall remain the sole and absolute property of the State¹, and any transfer thereof, or assignment of any right, title or interest therein, or the creation of any mortgage, encumbrance or any other charge thereon, by the hirer shall be void as against the State¹ unless it has been made with the previous written consent of the Director ;
- (d) the machinery shall bear a metal plate in the prescribed form, and any person who wilfully removes or defaces such plate shall be liable to a fine not exceeding Rs. 500. It shall be presumed until the contrary is proved that machinery bearing such metal plate is the property of the State¹ hired out under this Act ;
- (e) the hirer shall permit the Director, or any person authorized by the Director in this behalf, to inspect the machinery at all reasonable times, and the Director or such other person shall have all such powers of entry as may be necessary for the purpose of making an inspection ;
- (f) in addition to the foregoing conditions, the hirer shall be bound by such other conditions consistent therewith as may be prescribed by rules or as may be imposed by the Board in any particular case.

Consequences of default by hirer.

35. If the hirer makes default in paying the rent of the machinery or any sum payable as interest or any other charge due from him or fails to comply with any of the conditions which are contained in or may be imposed under section 34, the Director may, with the concurrence of the Board, after giving sixteen days' notice, terminate the hiring, and he or any other officer authorized by him in this behalf may thereupon enter the premises in which the machinery is for the time being kept, whether such premises belong to the hirer or not, and seize and take away the same.

Option of hirer to purchase machinery seized for default.

36. (1) If the machinery is seized under section 35, the hirer shall have the option, to be exercised within one month after seizure or such longer period as may be allowed by the Director in this behalf, of purchasing the same by payment to the Director of the unpaid balance of the cost thereof, together with such other amounts as may be due, and the cost of and the expenses incidental to such seizure and removal.

(2) If within the period specified in sub-section (1) the hirer does not exercise the option of purchase, the Director shall proceed to dispose of the machinery.

Liability of hirer on termination of hiring under section 35.

37. If the Director terminates the hiring under section 35 and the hirer does not purchase the machinery under section 36, the hirer shall not be entitled to the refund of the sum deposited by him under section 32 or to the refund or remission of any payment made by or due from him during the

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

hiring, and shall be liable to pay such amount, if any, as the Director may determine in respect of any loss caused by the disposal of the machinery under sub-section (2) of section 36.

38. When, after credit has been given for the amount deposited under section 32, the hirer has paid in full all the instalments of rent mentioned in clause (a) of section 34 and the amount of interest, costs and other charges payable by him, he shall become the owner of the machinery and shall thereupon remove from the same the metal plate mentioned in clause (d) of section 34 :

Termination of hiring on payment of cost of machinery.

Provided that, if at any time during the hiring the hirer pays in advance the remaining instalments of rent, the interest payable in respect thereof shall be remitted.

CHAPTER VI.

SUPPLEMENTAL.

39. Notwithstanding anything contained in this Act, the President of the Union may, by the appointment of Directors or otherwise, exercise such control over the conduct of the industry to which the State aid has been given as shall suffice in his opinion to safeguard the interests of Government, provided that such right has been expressly reserved by agreement at the time the aid was granted.

Government control of State aided industry.

40. Subject to encumbrances existing at the time of the issue of the loan, all arrears of money payable to the Government under this Act, including interest chargeable thereon and costs incurred, if any, may be recovered as arrears of land-revenue.

Recovery of money due.

41. (1) The decision of the Board as to whether the conditions laid down in or under the provisions of this Act have been satisfied shall be final, and no suit shall be brought in any civil Court to set aside or modify any order made thereunder.

Finality of decision of Board and bar of suits and proceedings in civil and criminal Courts.

(2) No prosecution, suit or other proceeding shall lie against any Government officer or any authority vested with powers under this Act for anything in good faith done or intended to be done thereunder.

42. The President of the Union may, after previous publication, make rules¹ consistent with this Act for the carrying out of all or any of its purposes.

Power to make rules.

43. The President of the Union may, after previous publication, issue instructions consistent with this Act and the rules made thereunder for the carrying out of all or any of the purposes of this Act.

Power of the President to issue instructions.

44. Notwithstanding anything contained in this Act, the President of the Union may revise, alter or rescind the orders of the Commissioner or Collector relating to the grant of State aid or the recovery of any loan issued under this Act.

Power of the President to revise, etc.

¹ For such rules see *Burma Gazette*, 1940, Part I, p. 1304

² Inserted by Act XLI, 1952.

THE WEAVERS' LOANS ACT.

[BURMA ACT XXII, 1940.] (26th October, 1940.)

- Definitions. **1.** In this Act, unless there is anything repugnant in the subject or context,—
- (i) “loan” means a loan issued to a weaver under this Act ;
- (ii) “weaver” means a person who makes weaving a whole-time occupation or a subsidiary occupation.
- Power to make rules. **2.** The President of the Union may, by notification, make rules¹ regulating loans to be made to weavers for the purchase of weaving appliances and accessories and raw materials and for the provision of working capital.
- Loans may be recovered as arrears of land-revenue. **3.** Every loan made under such rules, including interest chargeable thereon and costs incurred in recovering the same, may be recovered as arrears of land-revenue from the person to whom the loan was made or from any person who has become surety for the repayment thereof.
- Instruments exempt from registration. **4.** Any instrument for the securing of the repayment of such loan shall be exempted from registration under the Registration Act.
- Section 4 to apply retrospectively. **5.** The provisions of section 4 shall apply with retrospective effect to all loans made before the commencement of this Act under the Weavers' Loans Instructions, 1938 and 1939.

THE COTTON CESS ACT.

[INDIA ACT XIV, 1923.] (16th March, 1923.)

1. * * * *

- Definitions. **2.** In this Act, unless there is anything repugnant in the subject or context,—
- (a) “Collector” means, in reference to cotton consumed in a mill in the Union of Burma, the Collector of the district in which the mill is situated or any other officer appointed by the President of the Union to perform the duties of a Collector under this Act;
- (b) “the Committee” means the Burma Cotton Committee constituted under this Act ;
- (c) “cotton” means raw cotton, whether baled or loose, which has been ginned ;
- (d) “Customs-collector” and “customs-port” mean respectively a Customs-collector and a customs-port as defined in section 3 of the Sea Customs Act ;

¹ For such rules, see *Burma Gazette*, 1941, Part I, p. 256.

- (e) "mill" means any place which is a factory as defined in section 2 of the Factories Act, and in which cotton is converted into yarn or thread either for sale as such or for conversion into cotton goods; and
- (f) "prescribed" means prescribed by rules made under this Act.

3. (1) There shall be levied and collected on all cotton produced in the Union of Burma, and either exported from any customs-port to any port outside the Union of Burma or consumed in any mill in the Union of Burma, a cess at the rate of two annas per standard bale of four hundred pounds avoirdupois, or, in the case of unbaled cotton, of six pies per hundred pounds avoirdupois.

Imposition
of cotton
cess.

(2) The President of the Union may, by notification in the Gazette, direct that the cess referred to in sub-section (1) shall be levied and collected on all cotton produced in the Union of Burma and exported by land from the Union of Burma to any foreign territory outside the Union of Burma which may be specified in the notification.

4. The President of the Union shall cause to be constituted a Committee consisting of the following members, namely :—

Constitution
of Burma
Cotton
Committee.

- (i) one representative of the Agricultural Department nominated by the President of the Union ;
- (ii) one person having knowledge of co-operative banking nominated by the President of the Union ;
- (iii) such additional persons as the President of the Union may, by notification, appoint.

5. (1) The Committee so constituted shall be a body corporate by the name of the Burma Cotton Committee, having perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and to contract, and shall by the said name sue and be sued.

Incorporation
of the
Committee.

(2) The representative of the Agricultural Department shall be *ex-officio* President of the Committee.

(3) The Secretary of the Committee shall be a person, not being a member of the Committee, appointed by the President of the Union.

6. (1) The owner of every mill shall furnish to the Collector, on or before the seventh day of each month, a return stating the total amount of cotton consumed or brought under process in the mill during the preceding month, together with such further information in regard thereto as may be prescribed.

Delivery of
monthly
returns.

(2) Every such return shall be made in such form and shall be verified in such manner as may be prescribed.

7. (1) On receiving any return made under section 6, the Collector shall assess the cotton cess payable in respect of the period to which the return relates, and, if the amount has not already been paid, shall cause a notice to

Collection of
cess by
Collector.

be served upon the owner of the mill requiring him to make payment of the amount assessed within ten days of the service of the notice.

(2) If the owner of any mill fails to furnish in due time the return referred to in section 6 or furnishes a return which the Collector has reason to believe is incorrect or defective, the Collector shall assess the amount payable by him in such manner, if any, as may be prescribed, and the provisions of sub-section (1) shall thereupon apply as if such assessment had been made on the basis of a return furnished by the owner :

Provided that, in the case of a return which he has reason to believe is incorrect or defective, the Collector shall not assess the cess at an amount higher than that to which it is assessable on the basis of the return without giving to the owner a reasonable opportunity of proving the correctness and completeness of the return.

(3) A notice under sub-section (1) may be served on the owner of a mill either by post or by delivering it or tendering it to the owner or his agent at the mill.

Collection of
cess on
exported
cotton.

8. (1) In respect of cotton exported by sea, the cess shall be assessed and levied by the Customs-collector at the customs-port of export and, subject to the provisions of this Act and of any rules made thereunder, shall, for all or any of the purposes of the Sea Customs Act, be deemed to be a duty of customs.

(2) In respect of cotton exported by land on which the cess is leviable—

(a) where the cotton is exported to any territory which is foreign territory as defined in the Land Customs Act, the cess shall be assessed by such authorities and in such manner as may be prescribed, and shall, subject to the provisions of this Act and of any rules made thereunder, for all or any of the purposes of the Land Customs Act, be deemed to be a duty of land customs leviable under section 5 of the Burma Tariff Act ; ¹ and

(b) in any other case, the cess shall be assessed and levied by such authorities and in such manner as may be prescribed.

(3) The Financial Commissioner may make rules providing, on such conditions as may be specified in the rules, for—

(a) the refund of the cess levied where cotton is exported by land and subsequently imported into the Union of Burma ; and

(b) the export by land, without payment of the cess, of cotton which is subsequently to be imported into the Union of Burma.

Finality of
assessment
and recovery
of unpaid
cess.

9. (1) An assessment made in accordance with the provisions of section 7 or section 8 shall not be questioned in any Court.

(2) Any owner of a mill who is aggrieved by an assessment made under section 7 may, within three months of service of the notice referred to in sub-section (1) of that section, apply to the President of the Union for the

¹ Now section 2 of the Tariff Act, No. LXXII of 1953.

cancellation or modification of the assessment, and, on such application, the President of the Union may cancel or modify the assessment and order the refund to such owner of the whole or part, as the case may be, of any amount paid thereunder.

(3) Any sum recoverable under section 7 may be recovered as an arrear of land-revenue.

10. (1) The Collector or any officer empowered by general or special order of the President of the Union in this behalf shall have free access at all reasonable times during working hours to any mill or to any part of any mill.

Power to inspect mills and take copies of records and accounts.

(2) The Collector or any such officer may at any time, with or without notice to the owner, examine the working records, sale records and accounts of any mill and take copies of or extracts from all or any of the said records or accounts for the purpose of testing the accuracy of any return or of informing himself as to the particulars regarding which information is required for the purposes of this Act or any rules made thereunder.

(3) Where any officer other than the Collector proposes to examine under sub-section (2) any record or account containing the description or formulæ of any trade process, the owner of the mill may give to the said officer, for transmission to the Collector, a written notice of objection, and the officer shall thereupon seal up the record or account pending the orders of the Collector.

11. (1) All such copies and extracts and all information acquired by a Collector or any other officer from an inspection of any mill or warehouse or from any return submitted under this Act shall be treated as confidential.

Information acquired to be confidential.

(2) If the Collector or any such officer discloses to any person other than a superior officer any such information as aforesaid without the previous sanction of the President of the Union, he shall be punishable with imprisonment which may extend to six months, and shall also be liable to fine :

Provided that nothing in this section shall apply to the disclosure of any such information for the purposes of a prosecution in respect of the making of a false return under this Act.

12. (1) On the last day of each month, or as soon thereafter as may be convenient, the proceeds of the cess recovered during that month shall, after deduction of the expenses, if any, of collection and recovery, be paid to the Committee.

Application of proceeds of cess.

(2) Subject to such conditions as may be prescribed, the said proceeds and any other monies received by the Committee shall be applied to meeting the expenses of the Committee and the cost of such measures as it may, with the previous approval of the President of the Union, decide to undertake for promoting agricultural and technological research in the interests of the cotton industry in the Union of Burma.

13. No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee or the Standing Finance Sub-Committee, if any.

Validation

Dissolution
of Com-
mittee.

14. The President of the Union may, by notification in the Gazette, declare that, with effect from such date as may be specified in the notification, the Committee shall be dissolved, and on the making of such declaration all funds and other property vested in the Committee shall vest in [the State] ¹ and this Act shall be deemed to have been repealed.

Power of the
President to
make rules.

15. (1) The President of the Union may make rules ² for the purpose of carrying into effect all or any of the provisions of this Act.

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

- (a) for prescribing the time within which nominations shall be made under section 4 whether in the first instance or on the occurrence of vacancies ;
- (b) for prescribing the term of office of the members of the Committee ;
- (c) for prescribing the circumstances in which and the authority by which any member may be removed ;
- (d) for the holding of a minimum number of meetings of the Committee during any year ;
- (e) for the maintenance by the Committee of a record of all business transacted and the submission of copies of such records to the President of the Union ;
- (f) for the definition of the powers of the Committee and of the Secretary to enter into contracts which shall be binding on the Committee, and the manner in which such contracts shall be executed ;
- (g) for the regulation of the travelling allowances of members of the Committee and of their remuneration, if any ;
- (h) for the definition of the powers of the Committee and the Secretary in respect of the appointment, promotion and dismissal of officers and servants of the Committee, and in respect of the creation and abolition of appointments of such officers or servants ;
- (i) for the regulation of the grant of pay and leave to officers and servants of the Committee, and the payment of leave allowances to such officers and servants, and the remuneration to be paid to any person appointed to act for any officer or servant to whom leave is granted ;
- (j) for the regulation of the payment of pensions, gratuities, compassionate allowances and travelling allowances to officers and servants of the Committee ;
- (k) for prescribing the establishment and maintenance of a provident fund for the officers and servants of the Committee, and for the

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

² For the Burma Cotton Cess Rules, see *Burma Gazette*, 1939, Part I, p. 145.

deduction of subscriptions to such provident fund from the pay and allowances of such officers and servants, other than servants of the Government whose services have been lent or transferred to the Committee ;

- (l) for prescribing the preparation of budget estimates of the annual receipts and expenditure of the Committee and of supplementary estimates of expenditure not included in the budget estimates, and the manner in which such estimates shall be sanctioned and published ;
- (m) for defining the powers of the Committee, the Standing Finance Sub-Committee, if any, the President and the Secretary, respectively, in regard to the expenditure of the funds of the Committee, whether provision has or has not been made in the budget estimates or by reappropriation for such expenditure, and in regard to the reappropriation of estimated savings in the budget estimates of expenditure ;
- (n) for prescribing the maintenance of accounts of the receipts and expenditure of the Committee and providing for the audit of such accounts ;
- (o) for prescribing the manner in which payments are to be made by or on behalf of the Committee, and the officers by whom orders for making deposits or investments or for withdrawals or disposal of the funds of the Committee shall be signed ;
- (p) for determining the custody in which the current account of the Committee shall be kept, and the bank or banks at which surplus monies at the credit of the Committee may be deposited at interest, and the conditions on which such monies may be otherwise invested ;
- (q) for prescribing the preparation of a statement showing the sums allotted to the Department of Agriculture or institutions not under the direct control of the Committee for expenditure on research, the actual expenditure incurred, the outstanding liabilities, if any, and the disposal of unexpended balances at the end of the year ;
- (r) the assessment, levy, and payment of the cotton cess in respect of cotton exported by sea or by land ; and
- (s) any other matter which is to be or may be prescribed.

16. The Committee may, with the previous sanction of the President of the Union, make rules consistent with this Act and with any rules made under section 15 to provide for all or any of the following matters, namely :—

Power of the Committee to make rules.

- (a) for the appointment of a Standing Finance Sub-Committee and the delegation thereto of any powers exercisable under this Act by the Committee ;
- (b) for prescribing the method of appointment, removal and replacement and the term of office of members of the Standing Finance Sub-Committee, and for filling of vacancies therein ;

- (c) for the appointment of the dates, times and places for meetings of the Committee and the Standing Finance Sub-Committee, and for regulating the procedure to be observed at such meetings ;
- (d) for determining the circumstances in which security may be demanded from officers and servants of the Committee, and the amount and nature of such security in each case ;
- (e) for determining the times at which, and the circumstances in which, payments may be made out of the provident fund, and the conditions on which such payments shall relieve the fund from further liability ;
- (f) for determining the contribution, if any, payable from the funds of the Committee to the provident fund ;
- (g) for regulating generally all matters incidental to the provident fund and the investment thereof ;
- (h) for defining the powers and duties of the Secretary of the Committee.

Publication
of rules.

17. All rules made under section 15 or section 16 shall be published in the Gazette and, on such publication, shall have effect as if enacted in this Act.

THE COTTON TRANSPORT ACT.

[INDIA ACT III, 1923.] (23rd February, 1923.)

1. * * * *

Definitions.

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

- (a) “certified copy”, in relation to a licence, means a copy of the licence certified in the manner described in section 76 of the Evidence Act by the authority by which the licence was granted ;
- (b) “cotton” means every kind of unmanufactured cotton, that is to say, ginned and unginned cotton, cotton waste and cotton seed ;
- (c) “cotton waste” means droppings, strippings, fly and other waste products of a cotton-mill other than yarn waste ;
- (d) “licence” means a licence granted under this Act ;
- (e) “notified station” means a railway station specified in a notification under section 3 ;
- (f) “prescribed” means prescribed by rules made under this Act ; and
- (g) “protected area” means an area into which the import of cotton or of any kind of cotton has been prohibited, wholly or partly, by a notification under section 3.

3. (1) The President of the Union may, for the purpose of maintaining the quality or reputation of the cotton grown in any area in the Union of Burma, by notification in the Gazette, prohibit the import of cotton or of any specified kind of cotton into that area by rail, road, river and sea, or by any one or more of such routes, save under, and in accordance with the conditions of, a licence :

Power to issue notification prohibiting import of cotton into protected area.

Provided that no such notification shall be deemed to prohibit the import into any protected area of packages containing any kind of cotton and not exceeding ten pounds avoirdupois weight.

(2) Any such notification may prohibit the delivery to, and the taking of delivery by, any person, at any specified railway station situated in the protected area, of any cotton, the import of which by rail into that area is prohibited, when such cotton has been consigned from a railway station not situated in that area, unless such person holds a licence for the import by rail of the cotton into that area.

4. (1) Notwithstanding anything contained in the Railways Act or any other law for the time being in force, the station master of any railway station or any other railway servant responsible for the booking of goods or parcels at that station may refuse to receive for carriage at, or to forward or allow to be carried on the railway from, that station any cotton consigned to a notified station, being cotton of a kind of which the delivery at such notified station has been prohibited, unless both stations are in the same protected area, or unless the consignor produces a certified copy of a licence for the import of the cotton by rail into the protected area in which such notified station is situated.

Refusal to carry unlicensed cotton.

(2) Every certified copy of a licence when so produced shall be attached to the invoice or way-bill, as the case may be, and shall accompany the consignment to its destination, and shall there be dealt with in the prescribed manner.

(3) Where by or under any law in force in the territories of any State in the Union of Burma the import by rail into any area, or the delivery at any railway station, of cotton or of any kind of cotton has been prohibited, the President of the Union may, by notification in the Gazette, declare that the provisions of sub-section (1) shall apply in respect of cotton consigned to any such station as if such area and such station were respectively a protected area and a notified station, and as if any licence granted under such law were a licence granted under this Act.

5. (1) Where any cotton, the import of which by rail into any protected area has been prohibited, has been consigned to and arrives at a notified station in any such protected area, the station master or other railway servant responsible for the receipt and delivery to the consignee of goods or parcels, as the case may be, at that station shall, unless both the notified station and the railway station from which the cotton has been consigned are situated in the same protected area, refuse to deliver the cotton until he is satisfied that the consignee holds a licence for the import of the cotton by rail into the protected

Procedure where cotton arrives at notified station.

area in which such notified station is situated ; and, if he is not so satisfied, or if within fourteen days the consignee or some person acting on his behalf does not appear in order to take delivery, shall return the cotton to the railway station from which it was consigned, together with an intimation that delivery of the cotton has been refused or has not been taken, as the case may be.

(2) Any station master or other railway servant receiving any cotton returned under sub-section (1), or returned with a like intimation from a railway station specified in a notification under sub-section (3) of section 4, shall cause to be served on the consignor, in any manner authorized by section 141 of the Railways Act, a notice stating that the cotton has been so returned, and requiring the consignor to pay any rate, terminal or other charges due in respect of the carriage of the cotton to and from the railway station to which it was consigned, and such charges shall be deemed to be due from the consignor for all the purposes of section 55 of that Act.

Penalties.

6. Any person who, in contravention of the provisions of this Act or of any notification or rule made hereunder, knowingly takes delivery of any cotton from a notified station or imports, or attempts to import, any cotton into a protected area, and any station master or other railway servant who, in contravention of the provisions of sub-section (1) of section 5, without reasonable excuse, the burden of proving which shall lie upon him, delivers any cotton to a consignee or other person, shall be liable to a fine not exceeding one thousand rupees, and upon any subsequent conviction to imprisonment which may extend to three months, or to fine which may extend to five thousand rupees, or to both.

Power to make rules.

7. (1) The President of the Union may, by notification in the Gazette, make rules to provide for any of the following matters, namely :—

- (a) the prevention of the import into a protected area by road, river or sea, save under and in accordance with the conditions of a licence, of cotton the import of which into that area has been prohibited wholly or partly by a notification under section 3 ;
- (b) the terms and conditions to be contained in licences and the authorities by which they may be granted ; and
- (c) the manner in which licences and certified copies thereof shall be dealt with on and after the delivery of the cotton to which they relate.

(2) Any such rules may provide that any contravention thereof or of the conditions of any licence, not otherwise made punishable by this Act, shall be punishable with fine which may extend to five hundred rupees.

Previous approval of Union Parliament to issue of notification and rules.

8. No notification under section 3 or rule under section 7 shall be issued unless it has been laid in draft before both Chambers of the Union Parliament and has been approved by resolutions of both Chambers, either without modification or addition or with modifications or additions in which both the Chambers concur, but upon such approval being given the notification or rule, as the case may be, may be issued in the form in which it has been so approved.

9. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act. Protection for acts done under Act.

THE COTTON INDUSTRY STATISTICS ACT.

[INDIA ACT XX, 1926.] (25th March, 1926.)

1. * * * *

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

- (a) “cotton goods” or “goods” includes all tissues and other articles (except yarn and thread) woven, knitted or otherwise manufactured wholly or partly from cotton yarn ;
- (b) “cotton yarn” or “yarn” means yarn wholly or partly composed of cotton fibres ;
- (c) “mill” means any building or place where cotton goods are woven, knitted or otherwise manufactured, or where cotton yarn is spun by machinery moved otherwise than by manual labour, and includes every part of such building or place ;
- (d) “owner”, in relation to any mill, includes the managing agent or other principal officer of the mill ; and
- (e) “prescribed” means prescribed by rules made under this Act.

3. (1) The owner of every mill shall each month prepare and deliver, or cause to be prepared and delivered, to the prescribed officer a return of all cotton goods manufactured and all cotton yarn spun in the mill during the preceding month by machinery moved otherwise than by manual labour, and shall subscribe a declaration of the truth of the return at the foot thereof. Delivery of monthly returns of goods and yarn manufactured by mill owners

(2) Save as may be otherwise prescribed, every such return shall state, in respect of each description of goods and of yarn, the quantity manufactured during the period to which the return relates, and shall contain such further information, and be in such form and be subject to such conditions as to verification and otherwise, as may be prescribed.

(3) Every such return shall be delivered to the prescribed officer or posted to his address within seven days after the end of the month to which it relates.

4. (1) Any officer authorized by the President of the Union by order in writing in this behalf shall have free access at all reasonable times during working hours to any mill and may at any time, with or without notice to the owner, examine and take copies of, or extracts from, the records of the mill for the purpose of testing the accuracy of any return made under section Power to inspect mills and take copie of records.

3, or of informing himself as to any particulars regarding which information is required for the purposes of this Act or any rules made thereunder :

Provided that no officer not especially empowered by the President of the Union in this behalf shall be entitled to inspect any record containing the description or formulæ of any trade process.

(2) All copies and extracts and all information acquired by any officer in the inspection of any mill under this section shall be treated as strictly confidential.

Publication
of returns.

5. The President of the Union shall, from the returns delivered under section 3, cause to be compiled and published, in such form as he may direct, statements showing for each month the total quantities of goods manufactured and of yarn spun in mills in the Union of Burma.

Power to
make rules.

6. (1) The President of the Union may, by notification in the Gazette, make rules consistent with this Act to carry out the purposes thereof.

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

- (a) the form of any return required under this Act, the particulars to be contained therein, and the manner in which the return shall be verified ;
- (b) the nature of the records to be maintained by the owners of mills ;
- (c) the powers and duties, in regard to the inspection of mills under this Act, of the officers authorized to make such inspections ; and
- (d) any other matter which may be or is to be prescribed.

Penalties.

7. (1) Any person who—

- (a) knowingly falsifies any record of manufacture or production kept in a mill, or
- (b) being required to deliver a return under section 3, knowingly delivers a false return, or
- (c) omits to make any return required by section 3, or refuses to sign or complete the same, or
- (d) knowingly does any act, not otherwise punishable under this Act, in contravention of the provisions of any rule made under this Act,

shall be punishable with fine which may extend to five hundred rupees.

(2) Any person who discloses any particulars or other information acquired by him in the inspection of any mill under this Act shall be punishable with fine which may extend to one thousand rupees :

Provided that nothing in this sub-section shall apply to the disclosure—

- (a) of any such particulars or information for the purpose of a prosecution under section 193 of the Penal Code or under this

Act, in respect of any return kept or record made for the purposes of this Act, or

- (b) of any such particulars or information to any person acting in the execution of any duty imposed upon him by this Act, where the disclosure is necessary for the purposes of this Act.

8. The President of the Union may, by notification in the Gazette, exempt from the operation of this Act or of any specified provision thereof any mill or class of mills, or any goods or class of goods, specified in the notification. Exemption.

9. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act. Protection for acts done under this Act.

THE LAC CESS ACT.

[INDIA ACT XXIV, 1930.] (1st August, 1931.)

1. * * * *

2. In this Act—

(a) “Collector” means a Customs-collector as defined in clause (c) of section 3 of the Sea Customs Act ;

¹ (b) * * * *

(c) “lac” includes any form of manufactured or unmanufactured lac other than refuse lac ;

(d) “lac cess” means the customs duty imposed by section 3.

Definitions.

3. There shall be levied and collected on all lac and refuse lac produced in the Union of Burma, and exported from any customs-port to any port beyond the limits of the Union of Burma, a cess at the rate of four annas per maund in the case of lac, and two annas per maund in the case of refuse lac or at such lower rate as the President of the Union may, * * * *¹ by notification in the Gazette, prescribe. Imposition of lac cess.

4-5. * * * *

² 6. The proceeds of the lac cess collected under the provisions of this Act shall be applied after meeting expenses of collection for the improvement and development of methods of cultivation, manufacture and marketing of lac. Application of the lac cess.

7. * * * *

8. The President of the Union may, after previous publication, make rules to carry out the purposes of this Act, and in particular to regulate the assessment, levy and payment of the lac cess. Power to make rules.

9. * * * *

10. All rules made under section 8 shall be published in the Gazette. Publication of rules.

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

² Substituted *ibid.*

THE SUGAR CANE ACT.

[INDIA ACT XV, 1934.]

Commence-
ment.

1. This Act shall come into force on such date as the President of the Union may, by notification ¹, appoint in that behalf.

Definitions.

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

- (1) “controlled area” means any area specified in a notification issued under sub-section (1) of section 3 ;
- (2) “factory” means any premises (including the precincts thereof) wherein twenty or more workers are working or were working on any day of the preceding twelve months, and in any part of which any manufacturing process connected with the production of sugar is being carried on or is ordinarily carried on with the aid of power ; and
- (3) “sugar” means any form of sugar containing more than ninety per cent. of sucrose.

Declaration
of controlled
areas, and
fixing of
prices.

3. (1) The President of the Union may, by notification in the Gazette, declare any area specified in the notification to be a controlled area for the purposes of this Act.

(2) The President of the Union may, by notification in the Gazette, fix a minimum price or minimum prices for the purchase in any controlled area of sugar cane intended for use in any factory.

(3) The President of the Union may, by notification in the Gazette, prohibit in any controlled area the purchase of sugar cane intended for use in any factory otherwise than from the grower of the sugar cane or from a person licensed by the President of the Union to act as a purchasing agent.

Previous
publication
of notifica-
tions under
section 3.

4. Not less than thirty days before the issue of any notification under sub-section (1) or sub-section (2) of section 3, the President of the Union shall publish in the Gazette and in such other manner (if any) as he thinks fit a draft of the proposed notification, specifying a date on or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.

Penalty for
purchase of
sugar cane
in contra-
vention of
notification
under sec-
tion 3.

5. Whoever in any controlled area purchases any sugar cane intended for use in a factory at a price less than the minimum price fixed therefor by notification under sub-section (2) of section 3, or in contravention of any prohibition made under sub-section (3) of section 3, shall be punishable with fine which may extend to two thousand rupees.

¹ No notification under this section has so far been issued.

6. No Court shall take cognizance of any offence punishable under section 5 except upon complaint made by order of, or under authority from, the District Magistrate, Sanction for prosecution under this Act.

7. (1) The President of the Union may, by notification in the Gazette, make rules for the purpose of carrying into effect the objects of this Act. Power of President to make rules.

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

- (a) the carrying out of inquiries preliminary to the exercise of the powers conferred by section 3 ;
- (b) establishing advisory committees for any purpose connected with the administration of this Act and defining the powers, functions and procedure of such committees ;
- (c) the issue of licences to purchasing agents, the fees for such licences, and the regulation of the purchase and sale of sugar cane by and to such agents ;
- (d) the organisation of growers of sugar cane into societies for the sale of sugar cane to factories ;
- (e) the authorities by which any functions under this Act or the rules made thereunder are to be performed ; and
- (f) the records, registers and accounts to be maintained for ensuring compliance with the provisions of this Act.

(3) In making any rule under sub-section (1), or under clause (c) or clause (f) of sub-section (2), the President of the Union may provide that a breach of the rule shall, where no other penalty is provided by this Act, be punishable with fine not exceeding two thousand rupees.

8. The President of the Union after previous publication may, by notification in the Gazette, make rules providing for the exemption of factories or any class of factories from the provisions of this Act. Power of President to make exemptions.

THE BURMA MERCHANDISE MARKS ACT.

[INDIA ACT IV, 1889.] (1st April, 1889.)

1. * * * *

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

(1) “ trade mark ” has the meaning assigned to that expression in section 478 of the Penal Code * * * *¹

(2) “ trade description ” means any description, statement or other indication, direct or indirect,—

(a) as to the number, quantity, measure, gauge or weight of any goods, or

¹ The words “ as amended by this Act ” were deleted by Act II, 1945.

- (b) as to the place or country in which, or the time at which, any goods were made or produced, or
 - (c) as to the mode of manufacturing or producing any goods, or
 - (d) as to the material of which any goods are composed, or
 - (e) as to any goods being the subject of an existing patent, privilege or copyright ;
- and the use of any numeral, word or mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters shall be deemed to be a trade description within the meaning of this Act ;
- (3) " false trade description " means a trade description which is untrue in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement or otherwise, where that alteration makes the description untrue in a material respect, and the fact that a trade description is a trade mark or part of a trade mark shall not prevent such trade description being a false trade description within the meaning of this Act ;
 - (4) " goods " means anything which is the subject of trade or manufacture ; and
 - (5) " name " includes any abbreviation of a name.
3. * * * *

Trade Descriptions.

Provisions
supple-
mental to
the defini-
tion of false
trade des-
cription.

4. (1) The provisions of this Act, respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any such numerals, words or marks, or arrangement or combination thereof, whether including a trade mark or not, as are or is reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are, and to goods having such numerals, words or marks, or arrangement or combination, applied thereto.

(2) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression false name or initials means as applied to any goods any name or initials—

- (a) not being a trade mark, or part of a trade mark, and
- (b) being identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description and not having authorized the use of such name or initials.

(3) A trade description which denotes or implies that there are contained in any goods to which it is applied more yards, feet or inches than there are contained therein standard yards, standard feet or standard inches is a false trade description.

5. (1) A person shall be deemed to apply a trade description to goods who— Application of trade descriptions.

- (a) applies it to the goods themselves, or
- (b) applies it to any covering, label, reel or other thing in or with which the goods are sold or are exposed or had in possession for sale or any purpose of trade or manufacture, or
- (c) places, encloses or annexes any goods which are sold, or are exposed or had in possession for sale or any purpose of trade or manufacture, in, with or to any covering, label, reel or other thing to which a trade description has been applied, or
- (d) uses a trade description in any manner reasonably calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade description.

(2) A trade description shall be deemed to be applied whether it is woven, impressed or otherwise worked into or annexed or affixed to the goods or any covering, label, reel or other thing.

(3) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame or wrapper, and the expression "label" includes any band or ticket.

6. If a person applies a false trade description to goods, he shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, and in case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both. Penalty for applying a false trade description.

7. If a person sells, or exposes or has in possession for sale, or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, he shall, unless he proves— Penalty for selling goods to which a false trade description is applied.

- (a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade description, and
- (b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or
- (c) that otherwise he had acted innocently,

be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, and in case of a second

or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both.

Unintentional Contravention of the Law relating to Marks and Descriptions.

Uninten-
tional con-
travention
of the law
relating to
marks and
descriptions.

8. Where a person is accused under section 482 of the Penal Code of using a false trade mark or property mark by reason of his having applied a mark to any goods, property or receptacle in the manner mentioned in section 480 or section 481 of that Code, as the case may be, or under section 6 of this Act of applying to goods any false trade description, or under section 485 of the Penal Code of making any die, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, and proves—

- (a) that in the ordinary course of business he is employed, on behalf of other persons, to apply trade marks or property marks, or trade descriptions, or, as the case may be, to make dies, plates or other instruments for making, or being used in making, trade marks or property marks, and that in the case which is the subject of the charge he was so employed and was not interested in the goods or other thing by way of profit or commission dependent on the sale thereof, and
- (b) that he took reasonable precautions against committing the offence charged, and
- (c) that he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the mark or description, and
- (d) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons on whose behalf the mark or description was applied,

he shall be acquitted.

Forfeiture of Goods.

Forfeiture of
goods.

9. (1) When a person is convicted under section 482 of the Penal Code of using a false trade mark, or under section 486 of that Code of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things with a counterfeit trade mark applied thereto, or under section 487 or section 488 of that Code of making, or making use of, a false mark, or under section 6 or section 7 of this Act of applying a false trade description to goods or of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, or is acquitted on proof of the matter or matters specified in section 486 of the Penal Code or section 7 or section 8 of this Act, the Court convicting or acquitting him may direct the forfeiture to [the State]¹ of all goods and things by means of, or in relation to, which the offence has been committed or, but for such proof as aforesaid, would have been committed.

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

(2) When a forfeiture is directed on a conviction, and an appeal lies against the conviction, an appeal shall lie against the forfeiture also.

(3) When a forfeiture is directed on an acquittal and the goods or things to which the direction relates are of value exceeding fifty rupees, an appeal against the forfeiture may be preferred, within thirty days from the date of the direction, to the Court to which in appealable cases appeals lie from sentences of the Court which directed the forfeiture.

10-11. * * * *

Stamping of Length of Piece-goods manufactured in the Union of Burma.

12. (1) Piece-goods, such as are ordinarily sold by length or by the piece which have been manufactured in premises which are a factory as defined in the Factories Act, shall not be removed from those premises without having conspicuously stamped * * * *¹ on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece.

Stamping of length of piece-goods manufactured in the Union of Burma.

(2) If any person removes or attempts to remove any such piece-goods from any such premises without the length of each piece being stamped in the manner mentioned in sub-section (1), every such piece, and everything used for the packing or removal thereof, shall be forfeited to [the State.]² and such person shall be punished with fine which may extend to one thousand rupees.

Supplemental Provisions.

13. In the case of goods brought into the Union of Burma by sea, evidence of the port of shipment shall, in a prosecution for an offence against this Act or section 18 of the Sea Customs Act, be *prima facie* evidence of the place or country in which the goods were made or produced.

Evidence of origin of goods imported by sea.

14. (1) On any such prosecution as is mentioned in the last foregoing section, or on any prosecution for an offence against any of the sections of the Penal Code which relate to trade, property and other marks, the Court may order costs to be paid to the defendant by the prosecutor or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

Costs of defence or prosecution.

(2) Such costs shall, on application to the Court, be recoverable as if they were a fine.

15. No such prosecution as is mentioned in the last foregoing section shall be commenced after the expiration of three years next after the commission of the offence, or one year after the first discovery thereof by the prosecutor, whichever expiration first happens.

Limitation of prosecution.

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

² Substituted *ibid*.

Authority of the President to issue instructions as to administration of this Act.

16. (1) The President of the Union may, by notification, issue instructions for observance by criminal Courts in giving effect to any of the provisions of this Act.

(2) Instructions under sub-section (1) may provide, among other matters, for the limits of variation, as regards number, quantity, measure, gauge or weight, which are to be recognized by criminal Courts as permissible in the case of any goods.

Implied warranty on sale of marked goods.

17. On the sale or in the contract for the sale of any goods to which a trade mark or mark or trade description has been applied, the seller shall be deemed to warrant that the mark is a genuine mark and not counterfeit or falsely used, or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the seller and delivered at the time of the sale or contract to and accepted by the buyer.

Savings.

18. (1) Nothing in this Act shall exempt any person from any suit or other proceeding which might, but for anything in this Act, be brought against him.

(2) Nothing in this Act shall entitle any person to refuse to make a complete discovery or to answer any question or interrogatory in any suit or other proceeding, but such discovery or answer shall not be admissible in evidence against such person in any such prosecution as is mentioned in section 14.

(3) Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the Union of Burma who in good faith acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master and as to the instructions which he has received from his master.

Definition of piece-goods.

19. For the purpose of section 12 of this Act and clause (f) of section 18 of the Sea Customs Act, the President of the Union may, by notification in the Gazette, declare what classes of goods are included in the expression "piece-goods, such as are ordinarily sold by length or by the piece".

Determination of character of goods by sampling.

20. (1) The President of the Union may make rules, for the purposes of this Act, to provide, with respect to any goods which purport or are alleged to be of uniform number, quantity, measure, gauge or weight, for the number of samples to be selected and tested and for the selection of the samples.

(2) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (1), the Court or officer of Customs, as the case may be, having

occasion to ascertain the number, quantity, measure, gauge or weight of the goods, shall, by order in writing, determine the number of samples to be selected and tested and the manner in which the samples are to be selected.

(3) The average of the results of the testing in pursuance of rules under sub-section (1), or of an order under sub-section (2), shall be *prima facie* evidence of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(4) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (1), or of an order under sub-section (2), desires that any further samples of the goods be selected and tested, they shall, on his written application and on the payment in advance by him to the Court or officer of Customs, as the case may be, of such sums for defraying the cost of the further selection and testing as the Court or officer may from time to time require, be selected and tested to such extent as may be permitted by rules to be made by the President of the Union in this behalf, or as, in the case of goods with respect to which provision is not made in such rules, the Court or officer of Customs may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (1) or in sub-section (2), as the case may be.

(5) The average of the results of the testing referred to in sub-section (3) and of the further testing under sub-section (4) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

(6) Rules under this section shall be made after previous publication.

21. An officer of the Government whose duty it is to take part in the enforcement of this Act shall not be compelled in any Court to say whence he got any information as to the commission of any offence against this Act.

Information as to commission of offence.

¹ 22. If any person, being within the Union of Burma, abets the commission, without the Union of Burma, of any act which, if committed in the Union of Burma, would, under this Act, or under any section of that part of Chapter XVIII of the Penal Code which relates to trade, property and other marks, be an offence, he may be tried for such abetment in any place in the Union of Burma in which he may be found, and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted.

Punishment of abetment in the Union of Burma of acts done out of the Union of Burma.

¹ Cf. section 103A of the Penal Code.

THE GENEVA CONVENTION IMPLEMENTING ACT.

[INDIA ACT XIV, 1936.] (27th October, 1936.)

WHEREAS India was a signatory to the International Convention for the amelioration of the Conditions of the Wounded and Sick in Armies in the Field, drawn up in Geneva and dated the 27th day of July, 1929 ;

AND WHEREAS it is necessary to provide for the discharge of the obligations imposed by Article 28 of that Convention in so far as provision has not been made by the Geneva Convention Act, 1911 ; 1 & 2 Geo. 5, c. 21.

It is hereby enacted as follows :—

1. * * * *

Prohibition of use of imitations of emblem of red cross on white ground.

2. No person shall use for the purposes of his trade or business or for any other purpose whatsoever any sign constituting a colourable imitation of the heraldic emblem of the red cross on a white ground formed by reversing the federal colours of Switzerland.

Prohibition of use of emblem of white cross on red ground or imitations thereof.

3. No person shall use for the purposes of his trade or business the heraldic emblem of the white cross on a red ground, being the federal colours of Switzerland, or any sign constituting a colourable imitation of that heraldic emblem.

Penalty.

4. Any person contravening the provisions of section 2 or section 3 shall be punishable with fine which may extend to fifty rupees, and when such contravention is committed by a company, association or body of individuals, then, without prejudice to the liability of such company, association or body, every member thereof who is knowingly a party to the contravention shall be liable to the like penalty.

Previous sanction for prosecution.

5. No criminal Court shall take cognizance of any offence punishable under this Act except with the previous sanction of the President of the Union.

Saving.

6. Nothing in the foregoing sections shall affect the right of any person to continue to use for a period of two years from the 27th October, 1936¹, any sign or emblem which it was not unlawful for him to use on the 27th October, 1936.¹

THE WEIGHTS AND MEASURES OF CAPACITY ACT.

[INDIA ACT XXXI, 1871.] (30th October, 1871.)

² 1. This Act shall not extend to Upper Burma unless extended thereto by the President of the Union by notification.

¹ Date of commencement of this Act.

² This is one of the enactments which has not been declared in force in Upper Burma by the Burma Laws Act (India Act XIII, 1898); but power is retained as under existing law to extend this Act thereto by notification.

II.—Standards.

2. The primary standard of weight shall be called a ser, and shall be a weight of metal in the possession of the Government of India, equal, when weighed in a vacuum, to the weight known in France as the Kilogramme de Archives. Standard of weight.

3. The units for weight and of measures of capacity shall be— Units of weight and measures of capacity.
 for weights, the said ser ;
 for measures of capacity, a measure containing one such ser of water at its maximum density weighed in a vacuum.

4. The President of the Union may, from time to time, by notification in the Gazette, declare the magnitude and denominations of the weights and measures of capacity, other than the said units, to be authorized under this Act : Special weights and measures of capacity may be authorized.

Provided that every such weight or measure of capacity shall be an integral multiple or integral sub-multiple of one of the units aforesaid.

Unless it be otherwise ordered in any such notification, the sub-divisions of all such weights and measures of capacity shall be expressed in decimal parts.

5. The President of the Union may, from time to time, by notification in the Gazette, define the limits of districts for the purposes of this Act. Districts how defined.

6. The President of the Union may provide, for such districts as he thinks fit, proper primary standards and sets of the said authorized weights and measures of capacity. Primary standards to be provided.

Such standards shall, for the purposes of this Act, be deemed the standards for such districts.

7. * * * *

III.—Use of new Weights and Measures of Capacity.

8. Whenever the President of the Union considers that proper standard weights and measures of capacity have been made available for the verification of the weights and measures of capacity to be used by any Government office or municipal body or railway company, the President of the Union may, by notification in the Gazette, direct that, after a date to be fixed therein, all or any of the weights and measures of capacity authorized as aforesaid shall be used in dealings and contracts by such office, body or company. Use of new weights and measures of capacity in Government offices, etc.

Contracts by weight or measure of capacity.

9. After the date fixed in any notification under section 8, all dealings and contracts had and made by the officers, bodies or companies, mentioned in such notification, for any work to be done or goods to be sold or delivered by weight or measure of capacity, shall, in the absence of a special agreement to the contrary, be deemed to be had and made according to the weights or measures of capacity directed in such notification to be used by such officers, bodies or companies.

IV.—Wardens.

Appointment of wardens.

10. The President of the Union shall appoint wardens for the custody of the primary and local standards and sets of authorized weights and measures of capacity hereinbefore mentioned.

Power to make rules.

11. The President of the Union may, from time to time, make rules consistent with this Act for regulating the following matters :—

- (a) the appointment of wardens ;
- (b) the guidance of wardens in all matters connected with the performance of their duties ;
- (c) the provision, replacement, custody and use of the standards ;
- (d) the method of verifying local standards and weights, weighing machines and measures of capacity authorized under this Act, and balances, and of certifying such verification :

Provided that such verification shall not be required to be made oftener than once in two years ;

- (e) the errors which may be tolerated in weights, weighing machines and measures of capacity authorized under this Act, and in balances ;
- (f) the shapes, proportions and dimensions to be given to weights, weighing machines and measures of capacity authorized under this Act, and to balances, and the materials of which they may be made ;
- (g) marking weights and measures of capacity authorized under this Act with their several denominations ;
- (h) the conditions under which Government offices, municipal bodies and railway companies shall be subject to inspection and verification of the weights, weighing machines and measures of capacity authorized under this Act, and of the balances used by them ;
- (i) the fees to be paid for verifying, correcting and certifying the verification of weights, weighing machines and measures of capacity authorized under this Act, and of balances.

Publication of rules.

12. Such rules shall be published in the Gazette.

Rules, when specially applied, to have force of law.

And the President of the Union may, by notification in the Gazette, declare that, from and after a day to be named therein, all or any of the said rules shall come into force in respect of any Government office, municipal

body or railway company; and thereupon, to the extent specified in such notification, such rules or rule shall have the force of law.

13. All officers of Government, municipal officers, and officers and servants of railway companies shall comply with such rules so far as they concern them, and pay such fees as the said rules shall prescribe.

Officers of Government and others to comply with rules.

14. The warden may deface, or render incapable of use, or refuse to verify, correct or mark, anything brought to him for verification or correction, which appears to him unfit for verification or correction.

Warden may refuse to verify or correct things unfit.

15. Any of the powers and duties conferred and imposed by this Act on a warden may be exercised and performed by any other officer whom the President of the Union may, from time to time, appoint.

Exercise of any of warden's powers.

16. Whoever knowingly counterfeits any mark used by a warden under section 11 shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Counterfeiting warden's marks.

17. The President of the Union may, from time to time, prepare tables of the equivalents of weights and measures of capacity, other than those authorized under this Act, in terms of the weights and measures of capacity so authorized, and the equivalents so stated, after notification in the Gazette, shall be deemed the true equivalents.

Tables of equivalents.

THE MEASURING BASKET STANDARDIZATION ACT.

[BURMA ACT I, 1939.] (4th March, 1939.)

PART I.

1. (1) The provisions of Part I extend to the whole of the Union of Burma.

Extent.

(2) The President of the Union may, by notification, extend¹ the provisions of Part II to any area from a date not less than one year from the date of the notification.

2. "Tin hman" means a receptacle for measuring paddy which shall be of the material, size and shape prescribed by the President of the Union and of a cubical capacity equal to nine gallons.

Definitions.

"Khwe" means a receptacle for measuring paddy which shall be of the material, size and shape prescribed by the President of the Union and of a cubical capacity equal to one-half the cubical capacity of the tin hman.

"Seik" means a receptacle for measuring paddy of a cubical capacity equal to one-quarter the cubical capacity of the tin hman.

"Pyi" means a receptacle for measuring paddy of a cubical capacity of one-sixteenth the cubical capacity of the tin hman.

¹ For such extensions, see *Burma Gazette*, 1940, Part I, pages 812, 974 and 1155.

“*Zale*” means a receptacle for measuring paddy of a cubical capacity of one-sixty-fourth the cubical capacity of the *tin hman*.

Explanation.—“Gallon” means the cubical capacity of the British standard so named and prescribed by the Weights and Measures Act, 1878.

41 & 42
Vict., c. 49.

In Arakan
khwe to be
substituted
for *tin hman*.

3. In such parts of the Arakan Division as the President of the Union may by notification declare, this Act shall be construed as if the word “*khwe*” were used for the words “*tin hman*” wherever they occur, except in section 2.

Inspection
and verifica-
tion of *tin*
hman.

4. The Government shall cause samples of the *tin hman* to be kept for public inspection in such places as may be convenient and shall provide for their care and periodical verification.

Appointment
of person to
test and
stamp recep-
tacles.

4A. (1) The President of the Union may, by notification, appoint any person to be the authority for testing and stamping receptacles which conform to the *tin hman* for such local area as may be specified in the notification.

(2) Such authority shall test every receptacle presented for testing and shall, if the receptacle conforms to the *tin hman*, stamp the same with a verification mark in the prescribed manner.

Power to
make rules.

5. The President of the Union may make rules¹—

- (i) prescribing the material, size and shape of the *tin hman* ;
- (ii) prescribing the method by which receptacles may be tested for the purpose of ascertaining whether they conform to the *tin hman*, or to one of the subdivisions of the *tin hman* described in section 2, as the case may be ;
- (iii) prescribing the manner in which such receptacles may be stamped with a verification mark so as to show legibly the denomination of the measure ;
- (iv) prescribing the fees which may be charged for testing and stamping such receptacles ;
- (v) prescribing the functions and duties of authorities appointed under section 4A ;
- (vi) generally for carrying into effect the purposes of this Act.

Penalty for
forging or
counterfeit-
ing stamp.

6. Whoever forges or counterfeits any stamp used for the stamping under this Act of any receptacle, or wilfully increases or diminishes the cubical capacity of a receptacle stamped under this Act, shall be punishable with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Application
of Part I to
dry goods.

7. The President of the Union may, by notification, apply the provisions of this Part to any form of dry goods other than paddy.

¹ For such rules, see *Burma Gazette*, 1940, Part I, p. 1556.

PART II.

8. (1) No contract, bargain, sale or dealing shall be made or had for any work, goods, wares or merchandise, or other thing which had been or is to be done, sold, delivered, carried or agreed upon, with reference to paddy to be measured by volume, otherwise than by the *tin hman* or its subdivisions described in section 2.

All transactions to be made with reference to *tin hman*.

(2) Where an authority has been appointed for a local area under section 4A, no *tin hman* shall be used in such area in connection with any transaction mentioned in sub-section (1) after the expiry of six months from the date of such appointment unless it has been tested and stamped by such authority in accordance with rules made under section 5.

9. Any transaction referred to in section 8 made with reference to any measure of paddy by volume other than the *tin hman* or its subdivisions shall be deemed to have been made with reference to the *tin hman* or its subdivisions. The transaction shall be void if it be impossible to relate the measure to the *tin hman* or its subdivisions.

Relation of other measures to the *tin hman*.

10. Whoever contravenes the provisions of section 8 shall be punishable for a first offence with fine which may extend to five hundred rupees, and for a second or subsequent offence with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for contravention of section 8.

11. Where an offence under this Act is committed by any person when acting as the agent or servant of another, the employer of such person shall also be liable to punishment as if he had himself committed the offence if he failed to take reasonable precautions to prevent the commission of the said offence.

Liability of employer for acts of agent or servant.

12. (1) Notwithstanding anything contained in any of the enactments mentioned in the Schedule, any local body constituted under such enactments may, and if so required by the Government shall, appoint and pay Inspectors of Measures, and every such Inspector shall be a public servant, and shall have power at all reasonable times to enter into any place where he has reason to believe that receptacles which have been or are intended to be used in connection with any transaction referred to in section 8 are kept, and to test such receptacles or to remove them for testing, and he shall seize any receptacle which he finds to be false.

Power of local authority to appoint Inspectors of Measures.

(2) For the purposes of this section a receptacle that does not conform to the *tin hman* or whose cubical capacity is in error by more than one per cent shall be deemed to be false.

(3) The President of the Union may invest such other qualified officers as he may consider suitable with the powers of an Inspector appointed under sub-section (1).

Rules relating to exercise of powers by Inspectors.

13. The President of the Union may make rules providing for the manner in which Inspectors shall exercise their powers, and for the confiscating, destroying or otherwise disposing of receptacles seized under section 12.

Saving of other receptacles for measuring.

14. Notwithstanding anything contained in the foregoing sections, for a period of one year from the date on which the provisions of this Part have been extended to any area a receptacle of any material, size or shape may be used in the said area for measuring paddy by volume, provided it has the same cubical capacity as the *tin hman* or of one of its subdivision, described in section 2, and references in the said sections to the *tin hman* shall be construed as references to a receptacle of any material, size or shape but having the same cubical capacity as the *tin hman*.

Application of Part II to dry goods.

15. The President of the Union may, by notification, apply the provisions of this Part to any form of dry goods other than paddy to which the provisions of Part I have already been applied.

Application of sections 4A and 8 (2) to subdivisions of *tin hman*.

16. The President of the Union may, by notification, apply the provisions of section 4A and sub-section (2) of section 8 to any subdivisions of the *tin hman*.

SCHEDULE.

The Burma Municipal Act, 1898.

The Burma Rural Self-Government Act, 1921.

The City of Rangoon Municipal Act, 1922.

THE MEASURES OF LENGTH ACT.

[INDIA ACT II, 1889.] (15th June, 1889.)

1. * * * *

Standard yard.

2. The imperial standard yard for the United Kingdom shall be the legal standard measure of length in the Union of Burma and be called the standard yard.

Measure for determining length of standard yard.

3. A copy, approved by the President of the Union, of the imperial standard for determining the length of the imperial standard yard for the United Kingdom shall be kept in such place as the President of the Union may prescribe, and shall be the standard for determining the length of the standard yard :

Provided that until such a copy has been approved by the President of the Union the copy kept in Calcutta under this section as in force in [India]¹ shall be the standard.

¹ Substituted for the words "British India" by the Union of Burma (Adaptation of Laws) Order, 1948.

4. One-third part of the standard yard shall be called a standard foot, and one-thirty-sixth part of such a yard shall be called a standard inch. Standard foot and inch.

5. Any measure having stamped thereon or affixed thereto a certificate purporting to be made under the authority of the President of the Union or of any Government in India or Pakistan, and stating that the measure is of the length of the standard yard, or that a measure marked thereon as a foot or inch is of the length of the standard foot or standard inch, as the case may be, shall, when produced before any Court by any public servant having charge of the measure in pursuance of any direction published in the Gazette by order of the President of the Union, or by any person acting under the general or special authority of such a public servant, be deemed to be correct until its inaccuracy is proved. Presumption in favour of accuracy of certified measures.

6. A public servant having in pursuance of such a direction charge of such a measure as is mentioned in the last foregoing section shall allow any person to inspect it free of charge at all reasonable times and to compare therewith or with any measure marked thereon any measure which such person may have in his possession. Inspection of certified measures by the public.

THE UPPER BURMA RUBY REGULATION.¹

[REG. XII, 1887.] (10th October, 1887.)

1. * * * *

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

- (1) “precious stone” or “stone” means ruby, spinel or sapphire, and includes any other stone which the President of the Union may, by notification in the Gazette, declare to be a precious stone for the purposes of this Regulation ;
- (2) “stone-tract” means a tract which the President of the Union has, by notification in the Gazette, declared to be a local area in which precious stones are found ;
- (3) “native” used with reference to a stone-tract, means a person who was born, and during the five years immediately preceding the 10th October, 1887² has habitually resided, in the stone-tract ;
- (4) “transport” means to remove from one place to another within the territory to which this Regulation extends ; and
- (5) “vessel” includes anything made for the conveyance by water of human beings or of property.

¹ As its name implies this Regulation applies to Upper Burma only.

² Date of commencement of this Regulation.

Prohibition
of digging
for, or deal-
ing in stones
except under
rules.

3. Except as permitted by rules under this Regulation, no one shall—
- (a) if he is not a native of a stone-tract, reside therein ;
 - (b) dig for or raise any precious stone in a stone-tract ;
 - (c) cut or dress any precious stone ;
 - (d) possess any precious stone in a stone-tract or, for the purposes of trade in any place beyond the limits of a stone-tract ;
 - (e) buy or sell, or be otherwise a party to the transfer of, any precious stone ; or
 - (f) transport any precious stone.

Power to
make rules.

4. (1) The President of the Union may, by notification in the Gazette, make rules consistent with this Regulation to permit on such conditions and in consideration of such payments, if any, as he thinks fit, and to regulate, all or any of the following matters, namely :—

- (a) the residence in a stone-tract of persons who are not natives thereof ;
 - (b) the digging for or raising of precious stones in a stone-tract ;
 - (c) the cutting or dressing of precious stones ;
 - (d) the possession of precious stones in a stone-tract or, for the purposes of trade, in any place beyond the limits of a stone-tract ;
 - (e) the purchase or sale of, or other mode of transferring, precious stones ; and
 - (f) the transport of precious stones.
- (2) * * * *

Supple-
mentary
provisions
respecting
rules.

5. (1) Rules under the last foregoing section may provide for the following among other matters, namely :—

- (a) the grant of licences to do anything permitted by the rules to be done ;
- (b) the authority by which the licences may be granted ;
- (c) the time and manner at and in which applications for the licences are to be made ;
- (d) the authority by which the conditions of the licences, and the payments, if any, to be made therefor, are to be prescribed ;
- (e) the powers which may be exercised for the purpose of enforcing any provision of this Regulation or the rules or securing the fulfilment of any condition of a licence, and the authority by which those powers may be exercised ;
- (f) the period for which any licence is to remain in force ;
- (g) the authority by which fees may be prescribed for services rendered to licensees and other persons under the rules, and the limitation of the amount of those fees ;
- (h) the authority by which forms may be prescribed for any of the purposes of the rules ;

- (i) the exemption, absolutely or subject to conditions, of any precious stones from the operation of this Regulation or the rules ; and
- (j) any other matter for which it is, in the opinion of the President of the Union, necessary to make rules in the interests of the public or of the public revenue.

(2) A licence to dig for or raise precious stones in a stone-tract may impose on the holder thereof the condition that he shall, at the option of the authority granting the licence, or of some other authority appointed by the President of the Union in this behalf, or of some person upon whom the right of exercising the option has been conferred by the President of the Union by lease or other appropriate instrument under this Regulation, either—

- (a) sell at his own valuation to that authority or person all or any stones which he or any person permitted by the licence to work under him finds or raises, or
- (b) pay on that valuation to that authority or person such duty in respect of the stones as the President of the Union directs and in accordance with such conditions, if any, as to the time, place and mode of payment as he may direct.

6. (1) If any person, in contravention of this Regulation or of any rule duly made thereunder, digs for or raises any precious stone, he shall, on conviction before a Magistrate of the first class, or, in a stone-tract, before a Magistrate of the second class specially empowered by the President of the Union in this behalf, be punished for each such offence with imprisonment for a term which may extend to one year for the first offence, and to two years for any subsequent offence, or with fine, or with both. Offences.

(2) In either of the following cases, namely :—

- (a) if any person, in contravention of this Regulation or of any rule duly made thereunder, resides within a stone-tract, or possesses any precious stone in a stone-tract or for the purposes of trade in any place beyond the limits of a stone-tract, or buys or sells, or is otherwise a party to the transfer of, any precious stone, or transports any precious stone, or
- (b) if any licensee fails or refuses to comply with any provision of any rule duly made under this Regulation, or commits a breach of any condition of his licence,

he shall, on conviction before a Magistrate of the first class, or, in a stone-tract, before a Magistrate of the second class specially empowered by the President of the Union in this behalf, be punished for each such offence with imprisonment for a term which may extend to one month for the first offence, and to six months for any subsequent offence, or with fine, or with both.

7. Subject to any rule under this Regulation, it shall be presumed in a prosecution under section 6, until the contrary is proved, that any stone for which the accused person is unable to account satisfactorily is a stone in respect of which he has committed an offence under that section. Presumption in prosecutions.

Confiscation. 8. (1) Any stone in respect of which an offence under section 6 has been committed shall be liable to confiscation.

(2) When the offender is convicted, or when the person charged with an offence in respect of any stone is acquitted but the Magistrate decides that the stone is liable to confiscation, the confiscation may be ordered by the Magistrate.

(3) When an offence under section 6 has been committed but the offender is not known or cannot be found, the Deputy Commissioner, or other officer authorized by the President of the Union in this behalf either by name or by office, shall inquire into and determine the case, and may order the confiscation of the stone in respect of which the offence was committed :

Provided that the order shall not be made until one month has expired after the date of the seizing of the stone, nor until an opportunity has been given to the persons, if any, claiming any right to the stone of being heard and of producing evidence in support of their claims.

(4) When a stone not in the possession of any person cannot be satisfactorily accounted for, the Deputy Commissioner or other officer may proceed with respect thereto under sub-section (3) as if it were a stone to which that sub-section applied.

(5) The Magistrate, Deputy Commissioner or other officer may, instead of ordering the confiscation of a stone liable to be confiscated, give the owner of the stone an option to pay, in lieu of confiscation, such sum as the officer thinks fit.

Powers of
search,
seizure and
arrest.

9. (1) Any officer authorized by the President of the Union in this behalf either by name or by office, who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that any stone liable to confiscation under section 8 is to be found in any building, vessel or enclosed place, may, after sunrise and before sunset,—

- (a) enter the building, vessel or place ;
- (b) in case of resistance, break open any door and remove any other obstacle to his entry ;
- (c) search for and seize the stone ; and
- (d) detain and search, and if he thinks proper arrest, any person whom he has reason to believe to be guilty of any offence relating to the stone.

(2) Any officer authorized by the Deputy Commissioner in this behalf may—

- (a) search for and seize, in any open place or in transit, any stone which he has reason to believe to be liable to confiscation under section 8 ;
- (b) in a stone-tract, detain and search any person whom he has reason to believe to be guilty of any offence under section 6, and, if necessary, arrest that person and any other person in his company ;

- (c) elsewhere, detain and search any person whom he has reason to believe to be guilty of any offence under section 6, and, if that person has any stone in his possession, arrest him and any other person in his company.

(3) The provisions of the Code of Criminal Procedure relating to searches under that Code shall, so far as they can in the circumstances for the time being be made applicable, apply to searches under sub-section (1) and sub-section (2).

(4) In either of the following cases, namely :—

- (a) if an officer authorized to act under sub-section (1) enters, without reasonable ground of suspicion, any building, vessel or place, or
(b) if an officer authorized to act under sub-section (1) or sub-section (2) vexatiously and unnecessarily makes any search or detains or arrests any person,

the officer shall for every such offence be punished with fine which may extend to five hundred rupees.

(5) Where an officer is sentenced to a fine for an offence under the last foregoing sub-section, the Court imposing the fine or confirming the sentence may presume, for the purposes of section 545 of the Code of Criminal Procedure, that injury has been caused by the offence and that substantial compensation is recoverable by civil suit in respect of the injury.

10. (1) A Magistrate may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence under section 6, or for the search, by day or by night, of any building, vessel or place in which he has reason to believe any stone liable to confiscation under section 8 to be kept or concealed.

Issue of warrants by Magistrates.

(2) Warrants issued under this section shall, so far as the circumstances for the time being admit, be executed in accordance with the provisions of the Code of Criminal Procedure.

11. (1) A person arrested or stone seized under section 9 shall be forwarded without delay to the officer in charge of the nearest police-station.

Disposal of persons arrested and stones seized.

(2) A person arrested or stone seized under section 10 shall be forwarded without delay to the Magistrate by whom the warrant under that section was issued.

(3) The police-officer or Magistrate, as the case may be, to whom a person or stone is forwarded under sub-section (1) or sub-section (2), shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of the person or stone.

12. When an officer makes an arrest or seizure under section 9 or section 10, he shall, within forty-eight hours next after the arrest or seizure, make a full report of all the particulars of the arrest or seizure to his immediate official superior.

Report of arrests and seizures.

Obligation
to give in-
formation of
offences.

13. A police-officer, railway-servant, carrier of goods for hire or person in the employ of such a carrier, who is aware of the commission of or of the intention to commit an offence under section 6, shall be legally bound to give immediate information, orally or in writing, of the commission of or intention to commit the offence to a Magistrate, or to a police-officer above the rank of constable.

Power for
President
to grant
lease.

14. The President of the Union may grant by lease or other appropriate instrument, with respect to all or any stone-tracts or to any stone-tract, the right to exercise the option referred to in section 5, sub-section (2).

Recovery of
arrears of
fees, duties
and rents.

15. (1) Any fee, duty or other money due to the Government under any rule or licence made or given under this Regulation, and any money due to the Government from a grantee under the last foregoing section, may be recovered from the person from whom the money is due, or from his surety, if any, as if it were an arrear of revenue. ¹

(2) Nothing in sub-section (1) shall be construed to affect the right of the Government to proceed by suit, in addition to or in lieu of any process authorized by that sub-section, for the recovery of any such money as is mentioned in the sub-section.

Acquisition
of land for
lessee.

16. If, in the opinion of the President of the Union, the acquisition of any land on behalf of a grantee under section 14 is desirable for the purposes of this Regulation, the President of the Union may, at the request of the grantee, proceed to acquire the land under the provisions of the Land Acquisition Act and, on payment by the grantee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in him, subject to such conditions, if any, as the President of the Union may in each case prescribe.

ပြည်ထောင်စုနိုင်ငံ တွင်းထွက်ပင်းရင်း အခြေအမြစ်များကို ထုတ်ဖော်
လုပ်ကိုင်နိုင်သော အခွင့်အရေးပေးရန် (ခွင့်ပြုသည့်) အက်ဥပဒေ။

[၁၉၄၉ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၄၇။] (၁၉၄၀ ခု၊ ဇန္နဝါရီလ ၄ ရက်။)

ပြည်ထောင်စုနိုင်ငံ၏ သတ္တုများမှစ၍ တွင်းထွက် ပင်းရင်းအခြေအမြစ်များကို ထုတ်ဖော်
လုပ်ကိုင်နိုင်သော သို့တည်းမဟုတ် တိုးတက်အောင်မြင်နိုင်သော အခွင့်အရေးကို ပြည်ထောင်စု
မြန်မာနိုင်ငံ၏ ဖွဲ့စည်းအုပ်ချုပ်ပုံအခြေခံဥပဒေပုဒ်မ ၂၁၉ တွင်ဖော်ပြထားသောပုဂ္ဂိုလ်များ၊ ကုမ္ပဏီ
များ၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းများမှတစ်ပါး၊ အခြားပုဂ္ဂိုလ်များ၊ ကုမ္ပဏီများ၊ သို့တည်းမဟုတ်
အဖွဲ့အစည်းများအား ပေးရန်အလို့ငှါ၊ တရားဥပဒေဖြင့် သီးခြားခြွင်းချက်စည်းကမ်းများ ပြဋ္ဌာန်းနိုင်
သည့်အာဏာကို ပြည်ထောင်စု ပါလီမန်အား၊ ထိုအခြေခံဥပဒေပုဒ်မ ၂၁၉ ဖြင့် အပ်နှင်းထား
သည်တကြောင်း၊

¹ See sections 41 and 47 of the Upper Burma Land and Revenue Regulation.

ပြည်ထောင်စုနိုင်ငံ၏ အကျိုးစီးပွားအသို့၎င်း၊ သတ္တုများမှစ၍ တွင်းထွက်ပင်ရင်းအခြေအမြစ်များကို ထုတ်ဖော်လုပ်ကိုင်နိုင်သော၊ သို့တည်းမဟုတ် တိုးတက်အောင်မြင်နိုင်သော အခွင့်အရေးကိုပေးရာ၌ သီးခြားခြွင်းချက်စည်းကမ်းများကို ပြဋ္ဌာန်းရန်သင့်သည်လည်းတကြောင်း၊

ထိုအကြောင်းများကြောင့်၊ အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ဤအက်ဥပဒေသည်၊ ၁၉၄၈ ခုနှစ်၊ ဇန္နဝါရီလ ၄ ရက်နေ့မှစ၍ အာဏာတည်သည်ဟုမှတ်ယူရမည်။

၂။ ။ပြည်ထောင်စုနိုင်ငံ အစိုးရသည်၊ ပြည်ထောင်စုနိုင်ငံ အတွင်းရှိ သတ္တုများမှစ၍၊ တွင်းထွက် ပင်ရင်းအခြေအမြစ်အမျိုးမျိုးကို ထုတ်ဖော်လုပ်ကိုင်နိုင်သော၊ သို့တည်းမဟုတ် တိုးတက်အောင်မြင်နိုင်သောအခွင့်အရေးကို၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ၏ ဖွဲ့စည်းအုပ်ချုပ်ပုံ အခြေခံဥပဒေပုဒ်မ ၂၁၉ တွင်ရည်ညွှန်းထားသော သီးခြားခြွင်းချက်စည်းကမ်းများအဖြစ်ဖြင့်၊ အောက်ဖော်ပြသော စည်းကမ်းများနှင့်မညီညွတ်လျှင် မည်သည့်ပုဂ္ဂိုလ်၊ သို့တည်းမဟုတ် ကုမ္ပဏီ၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းကိုမျှ ပေးနိုင်ခွင့်မရှိစေရ။

- (က) ပြည်ထောင်စုနိုင်ငံသားတဦးတယောက်ကသော်၎င်း၊ ပြည်ထောင်စုနိုင်ငံသားများထံမှ အနည်းဆုံးရာခိုင်နှုန်း ခြောက်ဆယ်မျှပါဝင်သည့် ငွေရင်းရှိသော ကုမ္ပဏီတခုခုက၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းတခုခုကသော်၎င်း၊ ထိုတွင်းထွက်ပင်ရင်းအခြေအမြစ်များကို၊ နိုင်ငံတော်အကျိုးဖြစ်ထွန်းအောင်ထုတ်ဖော်လုပ်ကိုင်ရန်ဖြစ်စေ၊ တိုးတက်အောင်မြင်ရန်ဖြစ်စေ စွမ်းဆောင်နိုင်လိမ့်မည်မဟုတ်ဟူ၍ နိုင်ငံတော်အစိုးရက ယုံကြည်ယူဆရန်အကြောင်းရှိခြင်း။
- (ခ) အထက်အပိုဒ် (က) တွင် ဖော်ပြထားခြင်းမရှိသောပုဂ္ဂိုလ်၊ သို့တည်းမဟုတ် ကုမ္ပဏီ၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းအား၊ ထိုထုတ်ဖော်လုပ်ကိုင်နိုင်သော၊ သို့တည်းမဟုတ် တိုးတက်အောင်မြင်နိုင်သော အခွင့်အရေးမျိုးကို မပေးဘဲနေခဲ့သော်၊ ပြည်ထောင်စုနိုင်ငံ၏ အကျိုးစီးပွားကို ပျက်ပြားစေမည်ဟူ၍ နိုင်ငံတော်အစိုးရက ယုံကြည်ယူဆရန်အကြောင်းရှိခြင်း။
- (ဂ) အခွင့်အရေးကို အသစ်ထုတ်ပေးရာ၌၎င်း၊ အဟောင်းကိုထပ်မံပြုပြင် ထုတ်ပေးရာ၌၎င်း၊ ထိုအခွင့်အရေးသည် တည်ဆဲဖြစ်သော သတ္တုတူးဖော်ခွင့်နည်းဥပဒေများအရသာလျှင်ဖြစ်စေခြင်း။
- (ဃ) ထိုအခွင့်အရေးကို နိုင်ငံတော်အစိုးရ၏ စီးပွားရေး စီမံကိန်းနှင့် အညီအညွတ်ဖြစ်စေခြင်း။

၃။ ။ (၁) နိုင်ငံတော်အစိုးရသည်၊ ဤအက်ဥပဒေပါကိစ္စများနှင့် ရည်ရွယ်ချက်များကို ဆောင်ရွက်ရန်အသို့၎င်း၊ အမိန့်ကျေညာချက်တရပ်ထုတ်ပြန်၍၊ နည်းဥပဒေများပြုလုပ်နိုင်သည်။

(၂) အထူးသဖြင့် ဤကဲ့သို့ဆိုခဲ့ပြီးသော အခွင့်အာဏာ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ နည်းဥပဒေများတွင် အောက်ပါကိစ္စများအတွက် ပြဋ္ဌာန်းစေရမည်။

- (က) ဤအက်ဥပဒေကိစ္စများနှင့်ရည်ရွယ်ချက်များကိုဆောင်ရွက်ရာတွင် နိုင်ငံတော်အစိုးရအား ကူညီရန်အသို့၎င်း၊ အဖွဲ့တခုဖွဲ့စည်းရေး။
- (ခ) စက်မှုလက်မှုဘက်တွင်၎င်း၊ စီမံအုပ်ချုပ်မှုဘက်တွင်၎င်း နိုင်ငံသားများကိုသင်ပေးခန့်ထားစေရေး။

- (ဂ) မည်သည့်တွင်းထွက် ပင်ရင်းအခြေအမြစ်များကို ထုတ်ဖော်လုပ်ကိုင်သော၊ သို့တည်းမဟုတ် ကိုးတက်အောင်မြင်သောကုမ္ပဏီ၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းတွင် အစိုးရထံမှသော်၎င်း၊ နိုင်ငံသားများထံမှသော်၎င်း မည်မျှ ငွေရင်းပေါ်ရှိစေရေး။

ချည်မျှင်နှင့် အထည်စက်ရုံအဖွဲ့ အက်ဥပဒေ။

[၁၉၅၀ ပြည့်နှစ်၊ အက်ဥပဒေအမှတ် ၂၂။]

ပြည်ထောင်စုမြန်မာနိုင်ငံအတွက် ချည်မျှင်နှင့်အထည်စက်ရုံ အဖွဲ့တစ်ဖွဲ့စည်းရန် ပြဋ္ဌာန်းသင့်သည်ဖြစ်သောကြောင့်တကြောင်း၊ ချည်မျှင်အမျိုးမျိုးကို၎င်း၊ အထည်များကို၎င်း၊ ပြုလုပ်ခြင်း၊ ရောင်းချဖြန့်ဖြူးခြင်းမှစ၍၊ အခြားကိစ္စအချို့နှင့်ပတ်သက်သည့် အလုပ်ဝတ်တရားများကို ထိုအဖွဲ့က ဆောင်ရွက်ရန် ပြဋ္ဌာန်းသင့်သည်ဖြစ်သောကြောင့်တကြောင်း၊ ထို့ပြင် အဆိုပါကိစ္စများနှင့်သက်ဆိုင်သည့် အခြားကိစ္စများအတွက်လည်း ပြဋ္ဌာန်းသင့်သည်ဖြစ်သောကြောင့်တကြောင်း၊

ထိုအကြောင်းများကြောင့်၊ အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

အခန်း ၁။

စကားချီး။

အမည်တို့နှင့် စတင်ရန် နေ့ရက်။ ၁။ ။ (၁) ဤအက်ဥပဒေကို၊ ၁၉၅၀ ပြည့်နှစ်၊ ချည်မျှင်နှင့်အထည်စက်ရုံအဖွဲ့ အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမ္မတက အမိန့်ကြော်ငြာစာ ထုတ်ပြန်ကြော်ငြာ၍ သတ်မှတ်သည့်နေ့ရက်တွင် အာဏာတည်ရမည်။

အဓိပ္ပါယ် ဖော်ပြချက်များ။ ၂။ ။ (၁) ဤအက်ဥပဒေတွင်၊ ရှေ့နောက်စကားတို့၏ အဓိပ္ပါယ်ကို တောက်ထားရန် မလိုလျှင်—

- (က) “အဖွဲ့” ဆိုသည်မှာ၊ ပုဒ်မ ၃ အရ ဖွဲ့စည်းထားသော ချည်မျှင်နှင့်အထည်စက်ရုံအဖွဲ့ကိုဆိုလိုသည်။
- (ခ) “ပြဋ္ဌာန်းသည်” ဆိုသည်မှာ၊ အက်ဥပဒေဖြင့်သော်၎င်း၊ ဤအက်ဥပဒေအရ ပြုလုပ်သည့် စည်းကမ်းဥပဒေများဖြင့်သော်၎င်း ပြဋ္ဌာန်းသည်ကိုဆိုလိုသည်။

အခန်း ၂။

ချည်မျှင်နှင့်အထည်စက်ရုံအဖွဲ့။

ချည်မျှင်နှင့် အထည်စက်ရုံအဖွဲ့ ဖွဲ့စည်းခြင်း။ ၃။ ။ (၁) ဤအက်ဥပဒေပါကိစ္စများကို ဆောင်ရွက်ရန်အလို့ငှါ၊ နိုင်ငံတော်သမ္မတသည်၊ ချည်မျှင်နှင့်အထည်စက်ရုံအဖွဲ့ခေါ် အဖွဲ့တစ်ဖွဲ့စည်းရမည်။ ထိုအဖွဲ့တွင် ဥက္ကဋ္ဌတဦး၊ ထို့ပြင် နိုင်ငံတော်သမ္မတက အခါအားလျော်စွာ ညွှန်ကြားသည်အတိုင်း၊ အဖွဲ့ဝင်လူကြီးဦးရေ အနည်းဆုံး ခုနစ်ဦး၊ အများဆုံး ကိုးဦးပါဝင်၍၊ ထိုအဖွဲ့ဝင်လူကြီးများအနက် တဦးမှာ ဘဏ္ဍာရေးဝန်ကြီးဌာနမှ ကိုယ်စားလှယ်တဦးဖြစ်ရမည်။

(၂) ထိုအဖွဲ့သည် တရားဝင်အဖွဲ့ဖြစ်ရမည်အပြင်၊ စဉ်ဆက်မပြတ်ဆက်ခံနိုင်၍ အဖွဲ့ပိုင် တံဆိပ်တခုရှိရမည်။ ထို့ပြင် အဖွဲ့သည် ချည်မျှင်နှင့်အထည်စက်ရုံအဖွဲ့အမည်ဖြင့် တရားစွဲဆိုနိုင်၍ တရားစွဲဆိုခြင်းကိုလည်းခံရမည်အပြင်၊ အဖွဲ့ဖွဲ့စည်းခြင်း၏ ရည်ရွယ်ချက်အလံမြောက်ရန် လိုအပ်သည့် ကိစ္စအားလုံးကိုလည်း ဆောင်ရွက်နိုင်သည့်အာဏာရှိရမည်။

၄။ ။ (၁) အဖွဲ့ဝင်လူကြီးတဦးသည်၊ သုံးနှစ်တိုင်တိုင် ရာထူး၌ထမ်းရွက်ရမည်။ ရာထူး သက်တမ်းစေ့ကုန်သည့်အခါ၊ ထိုအဖွဲ့ဝင်လူကြီးကို ပြန်လည်ခန့်ထားနိုင်သည်။ ရာထူးသက် တမ်း။

(၂) ပုဒ်မ ၁၁(၁) တွင် ဖော်ပြထားသည့် ရာထူးသက်တမ်းစေ့ကုန်စေကာမူ၊ ထိုသို့ရာထူး သက်တမ်းစေ့ကုန်၍၊ လစ်လပ်သောနေရာတွင် ထပ်မံခန့်ထားခြင်းမရှိသေးမီ၊ လက်ရှိထမ်းရွက်နေ သောအဖွဲ့ဝင်လူကြီးများသည်၊ ထိုရာထူးများ၌ ဆက်လက်ထမ်းရွက်ရမည်။ သို့သော် လစ်လပ်သော နေရာကို ခြောက်လထက်ပို၍ လူစားမခန့်ဘဲမသားရ။

၅။ ။ (၁) ရံဖန်ရံခါလစ်လပ်သောနေရာတွင် ခန့်ထားခြင်းခံရသည့် အဖွဲ့ဝင်လူကြီးသည်၊ ရံဖန်ရံခါ ထိုနေရာသာမလစ်လပ်ပါမူ၊ ထိုနေရာတွင် ယခင်အဖွဲ့ဝင်လူကြီးထမ်းရွက်နိုင်မည်ဖြစ်သည့် ကျန်ကာလ လစ်လပ်သော မျှသာထမ်းရွက်ရမည်။ နေရာချား။

(၂) အဖွဲ့တွင် နေရာလစ်လပ်ငြားသော်လည်း၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်လူကြီး တဦး တယောက် ခန့်ထားရာ၌ ချို့ယွင်းချက်ရှိငြားသော်လည်း၊ အဖွဲ့ခိုင်ရာ ဆောင်ရွက်ချက်များသည် အတည်ဖြစ်ရမည်။

၆။ ။ (၁) မည်သည့်အဖွဲ့ဝင်လူကြီးမဆို— အဖွဲ့ဝင် လူကြီးများကို နှုတ်ပယ်ခြင်း။

- (က) အဖွဲ့ဝင်လူကြီးအဖြစ် မဆောင်ရွက်လိုဟုငြင်းဆိုလျှင်၊ သို့တည်းမဟုတ် အဖွဲ့ဝင် လူကြီးအဖြစ် မစွမ်းဆောင်နိုင်လျှင်၊ သို့တည်းမဟုတ်
- (ခ) လူမှုအဖြစ်ဆိုးမြတ်ကျေညာခြင်းခံရလျှင်၊ သို့တည်းမဟုတ်
- (ဂ) နိုင်ငံတော်သမ္မတ၏ ထင်မြင်ချက်အရ အဖွဲ့ဝင်လူကြီးအဖြစ် ဆက်လက်ဆောင် ရွက်ရန် မသင့်တော်လောက်အောင် အကျင့်စာရိတ္တပျက်သည် ပြစ်မှုအတွက် ပြစ်ဒဏ်ခံရလျှင်၊ သို့တည်းမဟုတ် အကျင့်စာရိတ္တပျက်ကြောင်း ရာဇဝတ်နူး တခုခုက အမိန့်ချမှတ်ခံရလျှင်၊ သို့တည်းမဟုတ်
- (ဃ) လုံလောက်သောအကြောင်းပြချက်မရှိမည်ဖြစ် အဖွဲ့၏သဘောတူညီချက်လည်း မရရှိဘဲ၊ ပုဒ်မ ၇(၁) အရ၊ ကျင်းပသော အစည်းအဝေးများသို့ တဆက် တည်း သုံးကြိမ်ထက်ပို၍ မတက်ဘဲနေလျှင်၊ သို့တည်းမဟုတ်
- (င) ပုဒ်မ ၁၂ ပါ ပြဋ္ဌာန်းချက်များကို ဆန့်ကျင်လျှင်၊ သို့တည်းမဟုတ်
- (စ) အဖွဲ့ဝင်လူကြီး၏ အလုပ်ဝတ်တရားများကိုဆောင်ရွက်ရန် မစွမ်းလျှင်၊ သို့တည်း မဟုတ် မသင့်တော်လျှင်

နိုင်ငံတော်သမ္မတက အမိန့်ကြော်ငြာစာ ထုတ်ပြန်ကြော်ငြာ၍ ထိုအဖွဲ့ဝင်လူကြီး၏ ရာထူးသည် လစ်လပ်သည်ဟု ကျေညာနိုင်သည်။ ထိုသို့ကျေညာသောအခါ၊ ထိုသူ၏ရာထူးသည် လစ်လပ်ရမည်။

(၂) ထိုသို့ မိမိ၏ရာထူးလစ်လပ်သည်ဟု ကျေညာခြင်းခံရသူကို မည်သည့်ကာလ အတွင်း ပြန်လည်ခန့်ထားခြင်းမပြုစေရဟု နိုင်ငံတော်သမ္မတက၊ ကာလအပိုင်းအခြားသတ်မှတ်နိုင် သည်။

အစည်းအဝေး
များ။

၇။ ။(၁) အဖွဲ့သည် အလုပ်ကိစ္စများကို ဆောင်ရွက်ရန်အလို့ငှာ၊ မှန်မှန်တလလျှင် အနည်းဆုံးတကြိမ် အစည်းအဝေးကျင်းပရမည်။ လစဉ်အစည်းအဝေးကျင်းပရန် ချိန်းဆိုချက်ကို ဥက္ကဋ္ဌ၏အမိန့်ဖြင့် ပယ်ဖျက်နိုင်သည်။ သို့သော် လစဉ် အစည်းအဝေးကျင်းပရန် ချိန်းဆိုချက်ကို နှစ်ကြိမ်ဆက်၍ပယ်ဖျက်ခြင်းမပြုရ။

(၂) ဥက္ကဋ္ဌ၏အမိန့်ဖြင့်သော်၎င်း၊ အဖွဲ့ဝင်လူကြီး အနည်းဆုံးသုံးဦးက လက်မှတ်ရေးထိုး သောစာဖြင့် အစည်းအဝေးကျင်းပလိုသည့်ကိစ္စကိုဖော်ပြ၍ အစည်းအဝေးခေါ်ပေးရန် တောင်းဆို သောအခါသော်၎င်း၊ အဖွဲ့၏အထူးအစည်းအဝေးများကို မည်သည့်အချိန်အခါမဆိုကျင်းပနိုင်သည်။

(၃) ကိစ္စတစ်ခုခုကို စဉ်းစားဆင်ခြင်ရန်ခေါ်သော အစည်းအဝေး၌ ထိုကိစ္စမှတစ်ပါး အခြား မည်သည့်ကိစ္စကိုမျှ မဆောင်ရွက်ရ။

အစည်းအဝေး
အထမြောက်
ရေးအတွက်
လိုအပ်သော
အဖွဲ့ဝင်လူကြီး
ဦးရေ။

၈။ ။ကိစ္စကိုဆောင်ရွက်ရန် အစည်းအဝေးအထမြောက်ရေးအတွက် လိုအပ်သောအဖွဲ့ဝင် လူကြီးဦးရေသည်၊ အကယ်၍ အဖွဲ့ဝင်လူကြီးကိုးယောက်ဖြစ်လျှင်၊ သို့တည်းမဟုတ် ကိုးယောက် အောက်လျော့လျှင် လေးဦးဖြစ်ရမည်။ အဖွဲ့ဝင်လူကြီးကိုးယောက်ထက်ပိုလျှင် ငါးဦးဖြစ်ရမည်။ သို့သော် အဖွဲ့၏မူဝါဒကိစ္စများဆောင်ရွက်ရာတွင် မဲမပေးရဟူ၍သော်၎င်း၊ ပါဝင်ဆောင်ရွက်ခြင်း မပြုရဟူ၍သော်၎င်း၊ နောက်တွင်ပြဋ္ဌာန်းထားသည့်အတိုင်း တားမြစ်ခြင်းခံရသော မည်သည့်အဖွဲ့ဝင် လူကြီးကိုမျှ၊ ထိုမူဝါဒကိစ္စများနှင့်စပ်လျဉ်း၍၊ အစည်းအဝေးအထမြောက်ရေးအတွက် လိုအပ်သော အဖွဲ့ဝင်လူကြီးဦးရေတွင် ထည့်သွင်းရေတွက်ခြင်းမပြုရ။

အစည်းအဝေး
သဘာပတိ။

၉။ ။ဥက္ကဋ္ဌသည်၊ အဖွဲ့၏အစည်းအဝေးတိုင်း၌ သဘာပတိအဖြစ် ဆောင်ရွက်ရမည်။ အစည်းအဝေးသို့ ဥက္ကဋ္ဌမတက်ရောက်နိုင်သည့်အခါ ရောက်ရှိနေသော အဖွဲ့ဝင် လူကြီးများသည် မိမိတို့အထဲမှ အဖွဲ့ဝင်လူကြီးတဦးကို အစည်းအဝေး၏သဘာပတိအဖြစ် ဆောင်ရွက်ရန်ရွေးကောက် တင်မြှောက်ရမည်။

၁၀။ ။အဖွဲ့အစည်းအဝေးသို့ရောက်ရှိသည့် သို့တည်းမဟုတ် အဖွဲ့အစည်းအဝေး၌ပေါ် ပေါက်သည့်ပြဿနာများကို အစည်းအဝေး၌ ဆုံးဖြတ်ရာတွင် တက်ရောက်သော အဖွဲ့ဝင်လူကြီး များ၏မဲဖြင့် များစွာအတိုင်းဆုံးဖြတ်ရမည်။ မဲအရေအတွက်တူညီနေသောအခါ၊ အစည်းအဝေး၏ သဘာပတိအဖြစ် ဆောင်ရွက်နေသူက ဒုတိယမဲ၊ သို့တည်းမဟုတ် အနိုင်မဲပေးနိုင်ရမည်။

ခရီးစရိတ်နှင့်အ
ခြားစရိတ်များ။

၁၁။ ။အဖွဲ့ဝင် လူကြီးများအား၊ အစည်းအဝေးများသို့ တက်ရောက်ရသည့်အတွက် သော်၎င်း၊ ဤအက်ဥပဒေပါကိစ္စများအလို့ငှာ၊ အဖွဲ့ကသို့လူကြီးတို့အား လွှဲအပ်ထားသည့်အလုပ်ဝတ် တရားကို ဆောင်ရွက်ရသည့်အတွက်သော်၎င်း၊ ပြဋ္ဌာန်းထားသည့်ခရီးစရိတ်များနှင့် အခြားစရိတ် များကို ပြဋ္ဌာန်းထားသည့်နှုန်းများဖြင့် ပြဋ္ဌာန်းထားသည့်စည်းကမ်းများနှင့် အညီပေးရမည်။

ခွဲရေးကြေး
ခရီးနှင့်ပတ်
သက်၍အဖွဲ့ဝင်
လူကြီးတို့၏
အကျိုးခံစားခွင့်
ရှိထုတ်ဖော်
ပြောဆိုခြင်း။

၁၂။ ။(၁) အဖွဲ့ဝင်လူကြီးတဦးသည် ပဋိညာဉ်တစ်ခုခုတွင်ဖြစ်စေ၊ စီမံထားသည့် ပဋိ ညာဉ်တစ်ခုခုတွင်ဖြစ်စေ၊ အခြားကိစ္စတစ်ခုခုတွင်ဖြစ်စေ၊ ထိုကိရိက်သော်၎င်း၊ သွယ်ဝိုက်၍သော်၎င်း၊ အကျိုးခံစားခွင့်ရှိလျက်၊ ထိုပဋိညာဉ်ကို၊ သို့တည်းမဟုတ် အခြားကိစ္စတစ်ခုစဉ်းစားလျက်ရှိသော အဖွဲ့ အစည်းအဝေး၌၊ ပဋိတည်းမဟုတ် အဖွဲ့၏ကော်မတီအစည်းအဝေး၌ ရောက်ရှိနေလျှင် ထိုသို့ အကျိုး ခံစားခွင့်ရှိကြောင်းကို အစည်းအဝေးစပြီးနောက် လျင်မြန်နိုင်သမျှ လျင်မြန်စွာ ထိုအစည်းအဝေး ၌ပင် ထုတ်ဖော်ပြောဆိုရမည်။ ထို့ပြင် ထိုအဖွဲ့ဝင်လူကြီးသည် ထိုပဋိညာဉ်နှင့်ဖြစ်စေ၊ ထိုကိစ္စနှင့်

ဖြစ်စေ သက်ဆိုင်သော မည်သည့်ပြဿနာကိုမဆို စဉ်းစားရာ၌သော်၎င်း၊ ဆွေးနွေးရာ၌သော်၎င်း၊ ဖဲပေးရာ၌သော်၎င်း၊ ပါဝင်ဆောင်ရွက်ခြင်းမပြုရ။ ထို့ပြင် ထိုဝဋ်ညာဉ်ကို၊ သို့တည်းမဟုတ် ထိုကိစ္စကို စဉ်းစားနေစဉ် အစည်းအဝေးမှ ထွက်ခွါသွားရမည်။

(၂) အဖွဲ့ဥက္ကဋ္ဌတပါး၊ အခြားအဖွဲ့ဝင်လူကြီး တဦးတယောက်၌ အကျိုးခံစားခွင့် ရှိမရှိ ဆုံးဖြတ်ရန် ပြဿနာပေါ်ပေါက်လျှင်၊ အဖွဲ့ဥက္ကဋ္ဌ၏ဆုံးဖြတ်ချက်မှာ အပြီးအပြတ် အတည်ဖြစ်ရမည်။ အဖွဲ့ဥက္ကဋ္ဌနှင့်ပတ်သက်၍ ထိုသို့သောပြဿနာပေါ်ပေါက်လျှင်၊ နိုင်ငံတော်သမတ၏ဆုံးဖြတ်ချက်သည် အပြီးအပြတ်အတည်ဖြစ်ရမည်။

၁၃။ ။ အဖွဲ့၏အစည်းအဝေးမှတ်တမ်းမိတ္တူများကို နိုင်ငံတော်သမတထံတတ်နိုင်သမျှ လျင် မြန်စွာတင်သွင်းရမည်။

၁၄။ ။ (၁) သာမန်ကိစ္စအတွက်သော်၎င်း၊ အထူးကိစ္စအတွက်သော်၎င်း၊ အဖွဲ့ဝင်လူကြီး ဦးရေအနည်းဆုံးသုံးဦးပါဝင်သည့် မည်သည့်ကော်မတီကိုမဆို အဖွဲ့က ခန့်ထားနိုင်သည်။ ထိုကော်မတီ သည်မိမိအားအဖွဲ့က လွှဲအပ်သည့်အဖွဲ့၏အာဏာများ၊ တာဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရား များကိုအဖွဲ့၏ကြီးကြပ်အုပ်ချုပ်ခြင်းကိုလိုက်နာ၍သုံးစွဲဆောင်ရွက်ရမည်။

ကော်မတီများ ခန့်ရန်အာဏာ။

(၂) အဖွဲ့ကလွှဲအပ်သည့်တာဝန်ဝတ်တရားများကို အဖွဲ့၏ကြီးကြပ်အုပ်ချုပ်ခြင်းကိုလိုက်နာ ၍ဆောင်ရွက်ရန်အလို့ငှာ၊ အဖွဲ့ဝင်လူကြီးသုံးဦးအောက် မနည်း ပါဝင်သောအထူးကော်မတီများကို ခန့်ရန်အဖွဲ့အာဏာရှိရမည်။ ထိုကော်မတီများ၌လည်း ကော်မတီလူကြီးများထပ်ဖြည့်ရန်အာဏာရှိ ရမည်။

၁၅။ ။ အဖွဲ့၌ဖြစ်စေ၊ အဖွဲ့က ခန့်ထားသည့် ကော်မတီ၌ဖြစ်စေ၊ အထူးကိစ္စနှင့်ပတ်သက်၍ ဆွေးနွေးတိုင်ပင်ရန်အလို့ငှာ၊ ထိုကိစ္စတွင်အကြံဉာဏ်ပေးနိုင်သော အထူးအချင်းချင်းရှိသူကိုသော် ၎င်း၊ ဆိုင်ရာအရပ်ဒေသ၏အခြေအနေများကို ကောင်းစွာသိကျွမ်းနားလည်သူကိုသော်၎င်း ဘိတ်ခေါ် ရန် အာဏာရှိရမည်။ ထိုသူတို့အား အဖွဲ့ကပြဋ္ဌာန်းသည့်အခွင့်၊ သို့တည်းမဟုတ်ဉာဏ်ပူဇော်ခ၊ သို့တည်းမဟုတ် ခရီးစရိတ်၊ သို့တည်းမဟုတ်အခြားစရိတ်ပေးနိုင်သည်။

ဆွေးနွေးတိုင်ပင်အပ်သူများ ဘိတ်ခေါ်ရန် အာဏာ။

သို့သော်ဤပုဒ်မအရဘိတ်ခေါ်ထားသူမှ ၁၂မဲဆန္ဒပေးနိုင်သည့်အခွင့်အရေးမရှိစေရ။

၁၆။ ။ အောက်ပါကိစ္စများနှင့် ပတ်သက်၍၊ အဖွဲ့သည်နိုင်ငံတော်သမတ၏ ကြီးကြပ်အုပ် ချုပ်ခြင်းကို လိုက်နာ၍ ဤအက်ဥပဒေနှင့် မဆန့်ကျင်သော စည်းကမ်းဥပဒေများပြုလုပ်နိုင်သည်။

စည်းကမ်း ဥပ ဒေများပြုလုပ် ရန်အဖွဲ့၏ အာဏာ။

- (က) အဖွဲ့၏အစည်းအဝေးများကျင်းပမည့်အချိန်နှင့် နေရာဌာန။
- (ခ) အစည်းအဝေးများကျင်းပမည့်ကို အကြောင်းကြားသည့်နည်းလမ်း။
- (ဂ) အစည်းအဝေးများတွင် မှုခင်းကိစ္စများဆောင်ရွက်ခြင်း။
- (ဃ) မှုခင်းကိစ္စမှတ်တမ်းများကို သိမ်းထားခြင်းနှင့် စစ်ဆေးကြည့်ရှုရန် အတွက် တင်ပြခြင်း။
- (င) အဖွဲ့ဝင်လူကြီးများအချင်းချင်းတာဝန်ဝတ်တရားခွဲဝေခြင်း။
- (စ) ပုဒ်မ ၁၄ အရခန့်နိုင်သည့်ကော်မတီများခန့်ထားခြင်း၊ ကော်မတီများ၏ တာဝန်ဝတ်တရားများနှင့် ကော်မတီများလိုက်နာဆောင်ရွက်ရန်နည်းလမ်း၊ ထို့ပြင်
- (ဆ) ဆွေးနွေးတိုင်ပင်ရန် ဘိတ်ခေါ်ထားသူတို့အား ပေးရမည့်ခရီးစရိတ်များနှင့် အခြားစရိတ်များ။

အခန်း ၃။

အဖွဲ့ဆိုင်ရာ အရာရှိများနှင့် အမှုထမ်းများ။

အရာရှိများနှင့်
အမှုထမ်းများ
ဆိုင်ရာစာရင်း
များ။

၁၇။ ။ (၁) ဤအက်ဥပဒေပါကိစ္စအလို့ငှါ၊ ထားရန်လိုအပ်သည်ဟုအဖွဲ့ကထင်မြင်သော၊ သို့
တည်းမဟုတ်ထားရန် သင့်သည်ဟု အဖွဲ့ကထင်မြင်သော အရာထမ်း အမှုထမ်းစာရင်းများကို အခါ
အားလျော်စွာ အဖွဲ့ကမိစဉ်ရေးသား၍ ခွင့်ပြုရမည်။

သို့သော်လက်မှတ်ညွှန်းပါသည်။ မကျွမ်းကျင်သောအလုပ်ကြမ်းသမားများနှင့် ကူလီခေါင်း
များသည်၊ ဤအခန်းတွင်ဖော်ပြသော အရာရှိများ၊ သို့တည်းမဟုတ်အမှုထမ်းများဖြစ်သည်ဟု
၍မမှတ်ယူရ။

(၂) ခန့်ခွဲသည့်အရာရှိအသီးသီးအတွက်သော်၎င်း၊ အမှုထမ်းအသီးသီးအတွက်သော်၎င်း၊
အဖွဲ့ကတင်သွင်းခွင့်ပြုသည့်လစာများ၊ အခွေများနှင့်စရိတ်များ၏ အရေအတွက်နှင့်အမျိုးအစားကို
ထိုစာရင်းများတွင်ဖော်ပြရမည်။

(၃) အဖွဲ့ကနောက်ဆုံးခွင့်ပြုထားသည့် စာရင်းအားလုံးကို ပုဒ်မ ၂၀ အရ၊ ပြုလုပ်ထား
သည့် နှစ်စဉ်ရ-သုံးခန့်မှန်းခြေ ငွေစာရင်းနှင့်ပူးတွဲ၍ နိုင်ငံတော်သမဝါဒီသဘောတူညီချက် ရရှိရန်
အလို့ငှါ တင်ပြရမည်။

အမှုထမ်းများ
နှင့်ပတ်သက်
သည့်စည်း
ကမ်းဥပဒေ
များ။

၁၈။ ။ အဖွဲ့သည်၊ အခါအားလျော်စွာ အောက်ပါကိစ္စများအတွက် စည်းကမ်းဥပဒေများ
ပြုလုပ်နိုင်သည်။

- (က) အဖွဲ့ဝင်လူကြီးများ ခရီးစရိတ်နှင့်အခြားစရိတ်များပေးခွင့်ပြုရန်အတွက်။
 - (ခ) အဖွဲ့ဆိုင်ရာအရာရှိများနှင့် အမှုထမ်းများအား အားလပ်ခွင့်ပေးခြင်းနှင့် ပတ်သက်
၍ သတ်မှတ်ရန်အတွက်။
 - (ဂ) အခွင့်နှင့်နေသောအရာရှိများနှင့်အမှုထမ်းများအား စရိတ်ပေးခွင့်ပြုရန်အတွက်။
 - (ဃ) အခွင့်နှင့်နေသောအရာရှိများနှင့် အမှုထမ်းများအစား၊ ဆောင်ရွက်ရန်ခန့်ထား
သူတို့အား ပေးရမည့်အခွေကိုသတ်မှတ်ရန်အတွက်။
 - (င) ထိုအရာရှိနှင့် အမှုထမ်း အားလုံး ထမ်းရွက်ရမည့် ကာလအပိုင်း အခြားနှင့်
အခြားစည်းကမ်းချက်များ သတ်မှတ်ရန်အတွက်။
 - (စ) ထိုအရာရှိများနှင့် အမှုထမ်းများပင်ပင်ယူသောအခါရရှိမည့်ပင်စင်လစာများ၊ ဆု
ငွေများ၊ သို့တည်းမဟုတ် ကရုဏာကြေးများနှင့် ပတ်သက်၍ စည်းကမ်းသတ်
မှတ်ရန်အတွက်နှင့် ထိုပင်စင်လစာများ၊ ဆုငွေများနှင့်ကရုဏာကြေးများမည်၍
မည်မျှပေးရမည်ကိုသတ်မှတ်ရန်အတွက်။
 - (ဆ) အိန္ဒာစာချုပ်ငွေ၊ သို့တည်းမဟုတ်ပင်စင်လစာရိပ်ငွေကို တည်ထောင်သားရှိရန်
အတွက်၊ ထို့ပြင်ထိုရိပ်ငွေနှင့်ပတ်သက်၍ —
- (၁) (အစိုးရအရာရှိမဟုတ်သော) ခန့်ခွဲသည့်အရာရှိအားလုံး၊ သို့တည်းမဟုတ်
တဦးတယောက်အား၊ ထိုရိပ်ငွေသို့သွင်းအောင် အတင်းအကြပ်ပြုလုပ်
ရန်အတွက်၊ ထို့ပြင်ရိပ်ငွေသို့သွင်းရမည့်ငွေကို အရာရှိများ၏၊ သို့တည်း
မဟုတ် အမှုထမ်းများ၏ လစာအခကြေးငွေများထဲမှ နုတ်ယူ၍ ပြဋ္ဌာန်း
ရန် လိုလျှင်၊ ပြဋ္ဌာန်းရန်အတွက်။

- (၂) ထိုရိပ်ငွေမှ ငွေထုတ်ပေးရန် စည်းကမ်းချက်များနှင့် ထိုသို့ငွေထုတ်ပေးခြင်းဖြင့် ရိပ်ငွေမှ နောက်ထပ်ပေးရန်တာဝန်ကင်းလွတ်စေသည့် စည်းကမ်းချက်များသတ်မှတ်ရန်အတွက်။
- (၃) ထိုရိပ်ငွေနှင့်သော်ငြား၊ ထိုရိပ်ငွေသို့ငွေထည့်သွင်းခြင်းနှင့်သော်ငြား၊ ထိုရိပ်ငွေမှငွေရလိုကြောင်း တောင်းဆိုချက်များနှင့်သော်ငြား၊ စပ်လျဉ်း၍အဖွဲ့နှင့် အခြားသူများ၊ သို့တည်းမဟုတ် ရိပ်ငွေမှအစ၊ သို့မဟုတ် အကျိုးခံစားခွင့်တောင်းဆိုသူအချင်းချင်းအငြင်းအခုံဖြစ်ပွားမှုများကို အနုညာတစီရင်ဆုံးဖြတ်ခြင်းဖြစ်စေ၊ အငြင်းတိုင်းနည်းဖြင့်ဖြစ်စေ ဆုံးဖြတ်ဖို့ ပြဋ္ဌာန်းရန်အတွက်။
- (၄) ထိုရိပ်ငွေနှင့်ငြား၊ ထိုရိပ်ငွေမှထုတ်၍ ရင်းနှီးထားသည့်ငွေနှင့်ငြား၊ စပ်လျဉ်းသည့်အခြားကိစ္စများကို သာမန်အားဖြင့် သတ်မှတ်ရန်အတွက်။ ထို့ပြင်
- (၅) အဖွဲ့ကသော်ငြား၊ အဖွဲ့၏သဘောတူညီချက်နှင့်သော်ငြား တည်ထောင်သားသည့် အနိမ့်စာရိပ်ငွေသို့၊ သို့တည်းမဟုတ် ပင်စင်လစာရိပ်ငွေသို့ အဖွဲ့ပိုင်အခြားရိပ်ငွေများမှ အဖွဲ့ကငွေထုတ်၍ တည်သွင်းဖို့ ပြဋ္ဌာန်းရန်အတွက်။

သို့သော်ဤပုဒ်မအရ ပြုလုပ်သည့်စည်းကမ်းဥပဒေကို နိုင်ငံတော်သမ္မတကအတည်မပြုသေးမီ၊ ထိုစည်းကမ်းဥပဒေ သည် အာဏာမတည်ရ။

၁၉။ ။ (၁) ပုဒ်မ ၁၇ အရပြုလုပ်သည့်စာရင်းများရှိအခါအားလျော်စွာ ခွင့်ပြုတားသော ရာထူးများအတွက်လိုအပ်သည်အတိုင်း၊ အဖွဲ့ဆိုင်ရာအရာရှိများနှင့် အမှုထမ်းများကို ခန့်အပ်သည့် အာဏာ၊ ရာထူးပေးခြင်းပေးနိုင်သည့်အာဏာ၊ ငွေကြေးတပ်နိုင်သည့်အာဏာနှင့် ရာထူးလျှော့ချထားနိုင်သည့်အာဏာကို ပုဒ်မ ၁၈ အရပြုလုပ်သည့်စည်းကမ်းဥပဒေများနှင့် မဆန့်ကျင်စေဘဲ—

အများရရှိမှုနှင့် အမှုထမ်းများ ခန့်ထားခြင်း စသည်များ။

- (က) တလလျှင်လစာငွေ သုံးရာငါးဆယ်ထက်ပို၍ မရသောအရာရှိ၊ သို့တည်းမဟုတ် အမှုထမ်းဖြစ်လျှင်၊ ဥက္ကဋ္ဌကသော်ငြား၊ အဖွဲ့ကပြုလုပ်သည့် စည်းကမ်း ဥပဒေအရ၊ ဤကိစ္စအလို့ငှါ၊ ထိုစည်းကမ်း ဥပဒေကို မကျော်လွန်ဘဲ သုံးစွဲရန် အခွင့်အာဏာအထူးအပ်နှင်းထားသည့် အရာရှိတစ်သော်ငြား သုံးစွဲနိုင်သည်။ ထို့ပြင်
- (ခ) အခြားအရာရှိများ၊ သို့တည်းမဟုတ်အမှုထမ်းများဖြစ်လျှင်၊ အဖွဲ့ကဆုံးဖြတ်သုံးစွဲနိုင်သည်။

(၂) ပုဒ်မ ၁၈ အရပြုလုပ်သည့်စည်းကမ်းဥပဒေများနှင့် မဆန့်ကျင်စေဘဲ၊ ထိုအရာရှိများနှင့် အမှုထမ်းများကို ရာထူးမှချထားနိုင်သည့်အာဏာ၊ သို့တည်းမဟုတ် ထုတ်ပယ်နိုင်သည့်အာဏာ၊ သို့တည်းမဟုတ် အားလပ်ခွင့်ပေးနိုင်သည့်အာဏာကို—

- (က) တလလျှင်လစာငွေသုံးရာငါးဆယ်ထက်ပို၍ မရသော အရာရှိများ၊ သို့တည်းမဟုတ် အမှုထမ်းများဖြစ်လျှင်၊ ဥက္ကဋ္ဌကသုံးစွဲနိုင်သည်။ ထို့ပြင်
- (ခ) အခြားအရာရှိများ၊ သို့တည်းမဟုတ်အမှုထမ်းများဖြစ်လျှင်၊ အဖွဲ့ကဆုံးဖြတ်သုံးစွဲနိုင်သည်။

သို့သော်ခေတ္တရာထူးမှချထားနိုင်သည့်အာဏာ၊ သို့တည်းမဟုတ်ဆယ်ငါးရက်ထက် မပိုသည့် အားလပ်ခွင့်ပေးနိုင်သည့်အာဏာကို မည်သည့်အချက်တွင်မဆို ဥက္ကဋ္ဌကသော်ငြား၊ အဖွဲ့ကပြုလုပ်သည့်စည်းကမ်းဥပဒေအရ၊ ဤကိစ္စအလို့ငှါ၊ ထိုစည်းကမ်းဥပဒေကို မကျော်လွန်ဘဲ သုံးစွဲရန်အခွင့်အာဏာအထူးအပ်နှင်းထားသည့်အရာရှိတစ်သော်ငြား သုံးစွဲနိုင်သည်။

ခေတ္တအမှု
ထမ်းအဖွဲ့။

၂၀။ ။ပုဂံ ၃၃ ပါပြဋ္ဌာန်းချက်များနှင့် မဆန့်ကျင်စေဘဲ၊ တကြိမ်လွှဲ သုံးလထက်မ၊
သောကာလအပိုင်းအခြားအတွက် လိုအပ်သည့်အရာရှိများနှင့် အမှုထမ်းများကိုခန့်ထားရန်အတွက်
အဖွဲ့၏ကြိုတင်သဘောတူညီချက်ကို ရယူရန်အချိန်မရှိဟု ဥက္ကဋ္ဌကယူဆလျှင်၊ ဥက္ကဋ္ဌသည်၊ ထိုအရာ
ရှိများနှင့် အမှုထမ်းများကို ခေတ္တခန့်ထားနိုင်သည်။ သို့ရာတွင် ထိုခန့်ထားခြင်းကိုနောက်ကျင်းပမည့်
အစည်းအဝေးတွင် အဖွဲ့ကအတည်ပြုနိုင်သည်။ သို့တည်းမဟုတ်ပယ်ဖျက်နိုင်သည်။

အခန်း ၄။

အဖွဲ့၏အလုပ်ဝတ်တရားများနှင့် အာဏာများ။

အဖွဲ့၏အဓိက
အလုပ် ဝတ်
တရားများ။

၂၁။ ။စီးပွားရေးလုပ်ငန်းသဘောဖြင့် ချည်မျှင်အမျိုးမျိုးကို၎င်း၊ အထည်များကို၎င်း ပြုလုပ်
၍လက်လီဖြစ်စေ၊ လကားဖြစ်စေ၊ ရောင်းချရန်အဖွဲ့၏တာဝန်ဖြစ်ရမည်။ ကိုပြင်ဘိုကိစ္စအတွက်
အဖွဲ့က—

- (က) ချည်မျှင်အမျိုးမျိုးကို၎င်း၊ အထည်များကို၎င်း ပြုလုပ်ရောင်းချရမည်။ ထို့ပြင်
- (ခ) ၁၉၄၇ ခုနှစ်၊ စက်တင်ဘာလ ၂၂ ရက်နေ့စွဲပါ စက်မှုလက်မှုနှင့် အလုပ်
သမားဌာနအမိန့်ကြော်ငြာစာအမှတ် ၁၀၉ အရဖွဲ့စည်း တည်ထောင်ထား
သောချည်မျှင်နှင့် အထည်စက်ရုံအဖွဲ့၏ အလုပ်ဝတ်တရားများကို အဖွဲ့က လွှဲ
ပြောင်း ယူရမည်။

အဖွဲ့၏နောက်
ထပ်အလုပ်
ဝတ်တရားများ။

၂၂။ ။အဖွဲ့တွင် အောက်ပါကိစ္စများကို ဖြစ်မြောက်အောင် ရှေ့ဆောင်ရွက်နိုင်သည့်
ဝါဒရှိရမည်။

- (က) ချည်မျှင်အမျိုးမျိုးကို၎င်း၊ အထည်များကို၎င်း စနစ်သက်သာစွာနှင့်ပြုလုပ်သည့်
နည်းလမ်း၊ ရောင်းချသည့်နည်းလမ်းနှင့် ဖြန့်ဖြူးသည့် နည်းလမ်းအားလုံးကို
အသုံးပြုခြင်း။
- (ခ) အဖွဲ့၏လက်အောက်တွင် အမှုထမ်းမှုကနေသူများ၏သက်သာချောင်ချိရေး၊ ကျန်း
မာရေး၊ ဘေးရန်ကင်းရှင်းရေးကိုဖြစ်စေရန်နှင့် ထိုသူတို့အား နေရာထိုင်ခင်း
ပေးရေးနှင့် အခြားအခွင့်အရေးအဝဝတို့ရအောင် ဆောင်ရွက်ခြင်း။
- (ဂ) ပြည်ထောင်စု မြန်မာနိုင်ငံအတွင်း စိုက်ပျိုးသည့်ဝါများ၏ အမျိုးအစားကို
တိုးတက်ကောင်းမွန်လာစေခြင်း၊ ချည်မျှင်အမျိုးမျိုးကို၎င်း၊ အထည်များကို၎င်း
ပြုလုပ်ခြင်းနှင့်သက်ဆိုင်သော ကိစ္စများနှင့်စပ်လျဉ်း၍ စူးစမ်းရှာဖွေခြင်းနှင့် ယိုသို့
စူးစမ်းရှာဖွေသူများကို အကူအညီပေးခြင်း။
- (ဃ) ပြည်ထောင်စု မြန်မာနိုင်ငံအတွင်း အမျိုးအစား ပိုမိုကောင်းမွန်သော ဝါများ
စိုက်ပျိုးခြင်းကို၎င်း၊ စက်ရုံ၏စီးပွားဖြစ်ဆောင်ရွက်သည့်စနစ်နှင့်မဆန့်ကျင်စေဘဲ
ထိုဝါမျိုးကို စက်ရုံ၌အသုံးပြုခြင်းကို၎င်း အားပေးကူညီခြင်း။
- (င) အဖွဲ့၏ လက်အောက်တွင် လုပ်ကိုင်နေသူများ၏ အလုပ်ကွမ်းကျင်မှုနှင့် နား
လည်မှုတို့ တိုးတက်အောင်ပြုပြင်ပေးခြင်း၊ ထို့ပြင် နောင်အခါအဖွဲ့၏ လက်
အောက်၌ခန့်ထားရန်အလို့ငှာ၊ သင်တော်သောသူများအား အတတ်ပညာ
အလွယ်တကူ လေ့လာသင်ကြားနိုင်ရန်စီမံပေးခြင်း။ ထို့ပြင်

- (၈) အရောင်းအဝယ် ကောင်းသောနှစ်၊ အရောင်းအဝယ် မကောင်းသောနှစ်များ အတွက် ပျမ်းမျှခြင်းအားဖြင့် ကုန်ကျသည့်စရိတ်အပေါ်၌၊ ပုဒ်မ ၂၆ (၁) တွင် ဖော်ပြထားသည့်အတိုင်း ပေးရန်ရှိသောငွေများကို ရာထားပြီးနောက်၊ သင့် လျော်သော အမြတ်အစွန်းထွက်ရန် ဆောင်ရွက်ခြင်း။

၂၃။ ။အဖွဲ့မှာ အောက်ပါကိစ္စများကို ဆောင်ရွက်ရန်အာဏာရှိရမည်။

အဖွဲ့၏ အာဏာများ။

- (က) ချည်မျှင်အမျိုးမျိုးကို၎င်း၊ အထည်များကို၎င်း၊ ပြုလုပ်ခြင်း။
- (ခ) ဤသို့ပြုလုပ်သည့်ကုန်များကို အဖွဲ့၌အကျိုးအများဆုံးရှိစေမည့် နည်းစံနှစ်အရ ရောင်းချဖြန့်ဖြူးခြင်း၊ ယုံချည်မျှင် အမျိုးမျိုးနှင့်အထည်များကို ရောင်းချရန် ဆိုင်များနှင့် ပြခန်းများဖွင့်လှစ်ထားရှိခြင်း။
- (ဂ) အဖွဲ့ကမိမိ၏တာဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရန် သော်၎င်း၊ ယင်းသို့ဆောင်ရွက်ခြင်းနှင့် ပတ်သက်၍သော်၎င်း၊ ဤအက်ဥပဒေအရ အဖွဲ့သို့အပ်နှင်းသည့် ပစ္စည်းများကို အကျိုးအများဆုံးရရှိအောင် အသုံးပြုရန် သော်၎င်း၊ လိုအပ်မည်၊ အကျိုးရှိမည်၊ သို့တည်းမဟုတ် သင့်လျော်မည်ဟု အဖွဲ့က ထင်မြင်သဘောရှိသော အခြားအလုပ်အကိုင်အားလုံးကို လုပ်ကိုင် ဆောင်ရွက်ခြင်း။
- (ဃ) အဖွဲ့၏တာဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကိုဆောင်ရွက်ရန်လိုအပ် သည်ဟုအဖွဲ့ကယူဆသောမြေကို၊ သို့တည်းမဟုတ် ဖြတ်သန်းနိုင်သည့်အခွင့် အရေးကို အပိုင်၊ သို့တည်းမဟုတ် အငှားသိမ်းယူခြင်း။

သို့သော်ထိုသို့သိမ်းယူခြင်းသည်၊ မည်သည့်အာဏာပိုင်၏ အလုပ်အကိုင်ကိုမျှ၊ သို့တည်း မဟုတ် မည်သည့် ပြည်သူ့အဖွဲ့၏ အလုပ်အကိုင်ကိုမျှ ထိခိုက်ခြင်း မရှိစေရ။

ကိုပြင် ထိုသို့သိမ်းယူခြင်းဖြင့် အကျိုးပျက်စီးခံရသည့် အခြေစိုက်ပြီးဖြစ်သော ကုန်သွယ် လုပ်ငန်းအား၊ သို့တည်းမဟုတ် သာမန်ပုဂ္ဂိုလ်အား၊ သင့်တော်သောလျော်ကြေး ပေးရမည်။

- (င) အဖွဲ့၏တာဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကို သင့်တော်စွာဆောင် ရွက်ရန်အတွက် မလိုသောရင်းနှီးထားသည့် အဖွဲ့ပိုင်ပစ္စည်းအရပ်ရပ်ကို နိုင်ငံ တော် သမတ၏ ခွင့်ပြုချက်ဖြင့် ရောင်းချခြင်း၊ သို့တည်းမဟုတ် အခြားတနည်း နည်းဖြင့်ထုခွဲခြင်း။
- (စ) အဖွဲ့၏တာဝန် ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကို နေရာတကျ ဆောင် ရွက်ရန်အလို့ငှာ ပဋိညာဉ်စာချုပ်ချုပ်ဆိုခြင်း၊ သို့တည်းမဟုတ် အခြားနည်းအား ဖြင့်စီမံခြင်း။ ထို့ပြင်
- (ဆ) အောက်ပါကိစ္စအားလုံးအတွက်ဖြစ်စေ၊ ကိစ္စတခုခုအတွက်ဖြစ်စေ၊ စာရင်းရှိ ငွေထက်ပို၍ ဘဏ်တိုက်မှ ငွေထုတ်ယူခြင်း၊ သို့တည်းမဟုတ် အခြားတနည်း နည်းဖြင့် ဘဏ်တိုက်မှငွေထုတ်ယူခြင်းဖြင့်သော်၎င်း၊ ငွေချေးလက်မှတ် (Stock) များထုတ်ခြင်းဖြင့်သော်၎င်း၊ နိုင်ငံတော်သမတ၏ ခွင့်ပြုချက်ဖြင့် နိုင်ငံတော် သမတ သတ်မှတ်သည့် စည်းကမ်းချက်များကိုလိုက်နာ၍ ငွေချေးယူခြင်း။

- (၁) အလုပ်လုပ်ကိုင်ရန် ငွေရင်းရှာထားခြင်း၊
- (၂) ငွေရင်းစာရင်းမှကျခံရန်သင့်သည့် အသုံးစရိတ်။

အခန်း ၅။

အဖွဲ့အတွက်မြေသိမ်းယူခြင်း။

မြေများသိမ်း
ယူခြင်း။

၂၄။ ။ ဤအက်ဥပဒေပါကိစ္စများအတွက်၊ မည်သည့်မြေကိုမဆို အလုံရှိ၍ အဖွဲ့က လျှောက်
တောင်းသောအခါ၊ နိုင်ငံတော်သမတသည်၊ မြေသိမ်းအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များအရ မြေကို
သိမ်းယူရန် ဆောင်ရွက်နိုင်သည်။ ထို့ပြင်ထိုအက်ဥပဒေအရ၊ ဆုံးဖြတ်သည့်လျော်ကြေးကို အဖွဲ့က
ပေးသောအခါ မြေကိုအဖွဲ့ကပိုင်ရမည်။

အခန်း ၆။

အရပ်ရပ်ဘဏ္ဍာရေးပြဋ္ဌာန်းချက်များ။

အဖွဲ့ရုံးပုံငွေ။

၂၅။ ။ (၁) အဖွဲ့သည် ချည်မျှင်နှင့်အထည်စက်ရုံ အဖွဲ့ရုံးပုံငွေတရပ်ကိုထားရှိရမည်။ အဖွဲ့က
ချေးယူထားသောငွေများနှင့်တကွ အဖွဲ့ကရရှိသည့်ငွေအားလုံးကို ထိုရုံးပုံငွေသို့ ထည့်သွင်း၍၊ အဖွဲ့က
ပေးသောငွေအားလုံးကို ထိုရုံးပုံငွေထဲမှထုတ်ပေးရမည်။ ထိုရုံးပုံငွေပိုင် ငွေအားလုံးကိုအဖွဲ့က နိုင်ငံတော်
သမတ၏ တင်ကြိုသဘောတူညီချက်ဖြင့် ရွေးချယ်သည့်ဘဏ်တခုတွင်၊ သို့တည်းမဟုတ် ဘဏ်များတွင်
ထားရမည်။

(၂) ပုဒ်မခွဲ (၁) အရဘဏ်တခုခုတွင်ထားသော၊ သို့တည်းမဟုတ် အပ်နှံထားသော
ရုံးပုံငွေ၏ တစိတ်တဒေသကိုမျှပင် အဖွဲ့ကပြဋ္ဌာန်းသောသူတယောက်၏၊ သို့တည်းမဟုတ် သူများ၏
လက်မှတ်ဖြင့်မှတပါး၊ အခြားနည်းဖြင့်မထုတ်ယူရ။

အဖွဲ့၏ငွေများ
သုံးစွဲခြင်း။

၂၆။ ။ (၁) အဖွဲ့ပိုင်ငွေများကို အောက်ဖော်ပြပါ ငွေများပေးရန်အတွက် သုံးစွဲရမည်။
အဖွဲ့ပိုင်ပစ္စည်းများ မလုံလောက်လျှင်၊ ပေးရမည့်ငွေကို အောက်ပါအစီအစဉ်အတိုင်း အဆင့်အတန်း
ထား၍ ထုတ်ပေးရမည်။

- (က) အဖွဲ့ကချေးယူသည့် ငွေနှင့်သော်ငှား၊ အဖွဲ့ကပေးဆပ်ရန် တာဝန်ရှိသောချေးငွေ
နှင့်သော်ငှား၊ စပ်လျဉ်း၍ပေးရန်ရှိသော အတိုးနှင့် ငွေရင်းအရစ်ကျ။
- (ခ) အဖွဲ့၏ ဥက္ကဋ္ဌကိုငှား၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်လူကြီးများကိုငှား၊ ဤအက်ဥပဒေ
အရခန့်ထားသည်၊ သို့တည်းမဟုတ် ထားရှိသည့်အရာရှိများနှင့် အမှုထမ်း
များကိုငှား၊ သို့တည်းမဟုတ် အဖွဲ့သို့ငှားထားသည့် အရာရှိများနှင့် အမှုထမ်း
များကိုငှား၊ ပေးရန်ရှိသောလစာများ၊ အခများ၊ စရိတ်များ၊ ပင်စင်လစာများ၊
ဆုငွေများ၊ ကရုဏာကြေးများ၊ သို့တည်းမဟုတ်အခြားငွေများ၊ ထို့ပြင် အစိုးရက
အဖွဲ့သို့ငှားထားသည့် အရာရှိတဦးတယောက်၏ ပင်စင်လစာနှင့် အားလပ်ခွင့်
စရိတ်အတွက် အစိုးရသို့ထောက်ပံ့ငွေများပေးရန်ရှိလျှင်၊ ထိုထောက်ပံ့ငွေများ၊
ထို့ပြင် ပုဒ်မ ၁၈ (ဆ) ပါ ပြဋ္ဌာန်းချက်များအရ ပြုလုပ်သည့်စည်းကမ်းဥပဒေ
များဖြင့် အနိမ့်စာ ရုံးပုံငွေသို့ထည့်သွင်းရန် နည်းလမ်းအတိုင်းခွင့်ပြုလျှင်၊ ထိုသို့
ထည့်သွင်းရန်ငွေများ။
- (ဂ) အဖွဲ့ပိုင်ပစ္စည်းများကိုပြင်ဆင်ခြင်း၊ ပြုပြင်ထားရှိခြင်း၊ တန်ဖိုးယုတ်လျှော့ခြင်းနှင့်
အသစ်လဲလှယ်ခြင်းအတွက် ကုန်ကျငွေ၊ ထိုပစ္စည်းများအပေါ်၌ ကျသင့်သော
စရိတ်များနှင့် အလုပ်အကိုင်စရိတ်များ။

- (ဃ) ဤအက်ဥပဒေပါ ကိစ္စများကို ဆောင်ရွက်ရန်အတွက် လိုအပ်သည့်စက်၊ အဆောက်အဦ၊ အိမ်၊ သို့တည်းမဟုတ် အခြားအလုပ်အဆောင် ဆောက်ထုပ်ရာ၌၊ သို့တည်းမဟုတ် ဝယ်ယူရာ၌ တုန်ကျသည့်စရိတ်။
- (င) စာရင်းရှိငွေထက်ပို၍ ဘဏ်မှထုတ်ယူသော ငွေကိုဖြစ်စေ၊ ငွေချေးလက်မှတ် (Stock) များထုတ်၍ချေးယူသော ငွေကိုဖြစ်စေ၊ ပေးဆပ်ရန်အလို့ငှါ၊ ပုဒ်မ ၂၃ (ဆ) အရသတ်မှတ်သည့် စည်းကမ်းချက်များအရ ကြွေးမြီဆပ်ရန် သီးသန့်ရုံပုံငွေသို့ လွှဲပြောင်းရန်သော်၎င်း၊ အခြားနည်းဖြင့် ဖယ်ထားရန် သော်၎င်း လိုအပ်သည့်ငွေ။ ထို့ပြင်
- (စ) နိုင်ငံတော်သမ္မတက အထူးခွင့်ပြုသည့် သို့တည်းမဟုတ် အဖွဲ့က တရားဥပဒေနှင့် အညီပေးရန်တာဝန်ရှိသည့် အခြားစရိတ်။

(၂) ဘဏ္ဍာရေးနှစ် တနှစ်နှစ်အတွက် အဖွဲ့၏ဝင်ငွေများထဲမှ အထက်ပုဒ်မခွဲတွင်ရည်ညွှန်းသည့် စရိတ်များကိုကျခံပြီးနောက် ကျန်ရှိသော ငွေကိုလွန်ခဲ့သည့်နှစ်မှ စာရင်းပြောင်းယူခဲ့သည့် ဝင်ငွေ၌လျော့နေသော ငွေအတွက် အစားဖြည့်ရမည်။ ထို့ပြင်လျော့နေသောငွေအတွက် အစားဖြည့်ပြီးနောက် ဝင်ငွေမှလက်ကျန်ငွေရှိသေးလျှင်၊ ထိုလက်ကျန်ငွေကို ထိုနှစ်ထုန်ဆုံးပြီးနောက်၊ လျင်မြန်နိုင်သမျှ လျင်မြန်စွာ အရပ်ရပ်သီးသန့်ငွေစာရင်းသို့ ပြောင်းရမည်။

သို့သော်ထိုငွေစာရင်းရှိ ငွေပေါင်းသည်၊ အဖွဲ့၏လုပ်ငန်းတွင် ပါဝင်သော မ၊တည်ပစ္စည်းများ အတွက် အဖွဲ့၏ကုန်ကျစရိတ်၏ တဝက်ထက်ပိုပြီးဖြစ်လျှင်၊ သို့တည်းမဟုတ် ဤပုဒ်မခွဲအရ စာရင်းပြောင်းသောကြောင့် ပိုမည်ဖြစ်လျှင်၊ ဆိုခဲ့သည့်လက်ကျန်ငွေ၏ တဝက်နှင့်ညီမျှသောငွေပေါင်းကို၊ သို့တည်းမဟုတ် ပိုမည်ဖြစ်သည့်ငွေ၏ တဝက်နှင့်ညီမျှသောငွေပေါင်းကို၊ အရပ်ရပ်သီးသန့်ငွေစာရင်းသို့ပြောင်းမည့်အစား၊ အစိုးရအခွန်တော်သို့ပေးသွင်းရမည်။

(၃) ဘဏ္ဍာရေးနှစ်ကုန်ဆုံးသည့်အခါ၌၊ အရပ်ရပ်သီးသန့်ငွေစာရင်းရှိငွေများကို၊ ပုဒ်မခွဲ (၁) တွင် ဖော်ပြထားသည့် ထိုနှစ်အတွက် စရိတ်အမျိုးမျိုးကိုကျခံရာ၌သော်၎င်း၊ လွန်ခဲ့သည့်နှစ်မှ စာရင်းပြောင်းယူခဲ့သည့်ဝင်ငွေ၌ လျော့နေသောငွေများအနက်၊ ထိုနှစ်၏ဝင်ငွေသည်၊ထိုစရိတ်များကို ကျခံရန်မလုံလောက်ဘဲ လျော့နေသမျှကို၊ သို့တည်းမဟုတ် ထိုလျော့နေသောငွေများအတွက် အစားဖြည့်ရန်လိုသမျှငွေကို အစားဖြည့်ရာ၌သော်၎င်း အသုံးပြုနိုင်သည်။ထို့ပြင်ထိုငွေများကို ထိုကဲ့သို့အသုံးမပြုရသေးမီ အဖွဲ့၏လုပ်ငန်းတွင် အသုံးပြုနိုင်သည်။ သို့တည်းမဟုတ် တဆက်တည်းဖြစ်သောနောက် ပုဒ်မ ပါ ပြဋ္ဌာန်းချက်များနှင့်အညီ ရင်းနှီးထားနိုင်သည်။

၂၇။ ။အဖွဲ့သည်—

- (က) မိမိတို့ထားရှိသောငွေစာရင်းမှ ကျခံရမည့်ကုန်ကျစရိတ်အားလုံးကို ပေးပြီးသည့် နောက်၊ နှစ်စဉ်စက်တင်ဘာလ ၃၀ ရက်နေ့တွင် ရှိနေသေးသောလက်ကျန်ငွေများကို၎င်း၊
- (ခ) အထူးကိစ္စတခုခုအတွက်ဖြစ်စေ၊ မိမိတို့လိုအပ်သည်ဟု ယူဆသည့်သဘောတူညီပြီးရပ်ငွေကိုထားရှိရန်အတွက်ဖြစ်စေ၊ဖယ်ထားသည့်ငွေများကို၎င်း၊ ထို့ပြင်
- (ဂ) အဖွဲ့၏အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရာ၌၊ ချက်ခြင်းသုံးစွဲရန် မလိုအပ်သေးသည့်ငွေများကို၎င်း

လက်ကျန်ငွေများနှင့်အထူးရပ်ငွေများကိုရင်းနှီးထားခြင်း။

ပြည်ထောင်စုမြန်မာနိုင်ငံတော်အစိုးရ၏ အာမခံစာချုပ်များကို ဝယ်ယူခြင်းဖြင့်သော်၎င်း၊ နိုင်ငံတော်သမ္မတက ဤကိစ္စအတွက်သဘောတူညီသည့် အခြားအာမခံစာချုပ်များကို ဝယ်ယူခြင်းဖြင့်သော်၎င်း၊

ရင်းနှီးထားနိုင်သည်။ ထို့ပြင်အဖွဲ့သည်၊ ရံဖန်ရံခါဆိုခဲ့သည့် အာမခံစာချုပ်များကို ရောင်းချ၍ရသော ငွေများကို၊အခြားအလားတူ အာမခံစာချုပ်များဝယ်ယူခြင်းဖြင့် ရင်းနှီးထားနိုင်သည်။သို့တည်းမဟုတ် ထိုရောင်းချငွေများကို အာမခံစာချုပ်များ ဝယ်ယူသော ငွေများဆိုင်ရာစာရင်းတွင် တရားနှင့် လျော်ညီစွာ သုံးစွဲနိုင်သည်ကိုစွတခုခုအတွက် သုံးစွဲရန်သွင်းနိုင်သည်။

သို့သော်အဖွဲ့က ငွေစာရင်းတခုခုမှထုတ်၍ရင်းနှီးသည့် ငွေစုစုပေါင်းသော်၎င်း၊ နှစ်စဉ်ရင်း နှီးသည့်ငွေပေါင်းသော်၎င်း၊ နိုင်ငံတော်သမတက သတ်မှတ်ထားသည့် ငွေပေါင်းထက်မပိုရ။

အခန်း ၇။

ငွေစာရင်းများ၊ရ-သုံးမှန်းခြေ ငွေစာရင်းများနှင့်အစီရင်ခံစာများ။

အဖွဲ့ကနှစ်စဉ် ရ-သုံးမှန်းခြေ ငွေစာရင်းများ ပြုလုပ်ခြင်းနှင့် ထိုခန့်မှန်းခြေ စာရင်းများကို စဉ်းစား ဆင်ခြင်ခြင်း။

၂၈။ ။(၁) နှစ်စဉ်ဩဂုတ်လတွင်ကျင်းပရမည့် အထူးအစည်းအဝေး၌၊ ဥက္ကဋ္ဌသည်၊ ရွှေ့လာမည့်အောက်တိုဘာလ ၁ ရက်နေ့မှ အစပြုသည့်နှစ်အတွက်၊ အဖွဲ့၏ဝင်ငွေနှင့်အသုံးစရိတ်၊ ရ-သုံးမှန်းခြေငွေစာရင်းတခုပြုလုပ်၍၊ နိုင်ငံတော်သမတ၏ သဘောတူညီချက်ဖြင့် အကအဖွဲ့ခါအား လျော်စွာ ညွှန်ကြားသောအချက်အလက်များကို အစုံအလင်ဖော်ပြလျက်၊ အဖွဲ့ကညွှန်ကြားသည့် ပုံစံဖြင့် အဖွဲ့ဝင်လူကြီးများထံတင်ပြရမည်။

(၂) ထိုရ-သုံးမှန်းခြေငွေစာရင်းတွင်ပါဝင်သည့်အလုပ်အဆောင်သစ်အားလုံး၏အကြောင်း အရာများနှင့်တကွ၊ ထိုအလုပ်အဆောင်သစ်များ၏ ခန့်မှန်းရကုန်စရိတ်ကိုပါဖော်ပြသည့် နောက် ဆက်တွဲတခုကို ထိုရ-သုံးမှန်းခြေငွေစာရင်းတွင် ရှေးဦးစွာတွဲထားရမည်။ ထိုနောက် ပုဒ်မ ၁၇ ပါ ပြဋ္ဌာန်းချက်များအရ၊ ခန့်ထားခွင့်ပြုသည့်အရာရှိများနှင့် အမှုထမ်းများ၏စာရင်းကိုတွဲထားရမည်။

(၃) ဆိုခဲ့သည့်ရ-သုံးမှန်းခြေငွေစာရင်းသည်၊ အပြည့်အစုံပြုလုပ်ပြီးသားဖြစ်ရမည်။ထိုရ-သုံး မှန်းခြေငွေစာရင်း၏မိတ္တူများကို ရ-သုံးမှန်းခြေငွေစာရင်းကိုတင်ပြရမည့်အစည်းအဝေးမတိုင်မီ အနည်း ဆုံး ဆယ်ရက်ကြိုတင်၍ အဖွဲ့ဝင်လူကြီးအသီးသီးထံသို့တစောင်စီ စာပို့တိုက်မှသော်၎င်း၊ အခြား တနည်းနည်းဖြင့်သော်၎င်း ပေးပို့ရမည်။

(၄) ထိုသို့တင်ပြသောရ-သုံးမှန်းခြေငွေစာရင်းကို အဖွဲ့ကစဉ်းစားဆင်ခြင်ရမည်။ အဖွဲ့က သင့်လျော်သည်ထင်မြင်သောပြင်ဆင်ချက်များကိုပြုလုပ်၍ အတည်ပြုရမည်။

သို့သော် အကမ္ဘာ့အလုပ်စတင်လုပ်ကိုင်သည့် ပဌမနှစ်အတွက် ထိုသို့အလုပ်စတင်လုပ်ကိုင်သည့် နေ့ရက်မှ ထိုဘဏ္ဍာရေးနှစ်ကုန်ဆုံးသည့်နေ့အထိ ကာလအပိုင်းအခြားနှင့်သက်ဆိုင်သော ရ-သုံး မှန်းခြေငွေစာရင်းကို အဖွဲ့က နိုင်ငံတော်သမတထံ လျင်မြန်နိုင်သမျှလျင်မြန်စွာတင်သွင်းရမည်။

ရ-သုံးမှန်းခြေ ငွေစာရင်းကို နိုင်ငံတော် သမတထံ တင် သွင်းခြင်းနှင့် ရ-သုံးမှန်းခြေ ငွေစာရင်းကို ပြင်ဆင်ခြင်း။

၂၉။ ။(၁) အဖွဲ့က အတည်ပြုသည့်ရ-သုံးမှန်းခြေငွေစာရင်း၏ မိတ္တူတစောင်ကို နိုင်ငံ တော် သမတထံ သဘောတူညီချက်ရရန်တင်သွင်းရမည်။ နိုင်ငံတော်သမတက မိမိသင့်တော်သည် ထင်မြင်သည့်အတိုင်း၊ ထိုရ-သုံးမှန်းခြေငွေစာရင်းတခုလုံးကိုဖြစ်စေ၊ တစ်စိတ်တစ်ပိုင်းကိုဖြစ်စေ၊ သဘော တူညီနိုင်သည်။ သို့တည်းမဟုတ် ရ-သုံးမှန်းခြေငွေစာရင်းတခုလုံးကိုဖြစ်စေ၊ တစ်စိတ်တစ်ပိုင်းကိုဖြစ်စေ၊ ခွင့်ပြု၍ ပယ်ချနိုင်သည်။ ထို့ပြင် ထိုရ-သုံးမှန်းခြေငွေစာရင်းကိုပြင်ဆင်ရန် ရ-သုံးမှန်းခြေငွေစာရင်း ရရှိသည့်နေ့မှ နှစ်လအတွင်း မည်သည့်အချိန်၌မဆိုပြန်ပို့နိုင်သည်။

(၂) ရ-သုံးမှန်းခြေငွေစာရင်းကိုပြင်ဆင်ရန် နိုင်ငံတော်သမတကပြန်ပို့လျှင်၊အဖွဲ့သည် ထိုရ- သုံးမှန်းခြေငွေစာရင်းကိုပြင်ဆင်ရန် ချက်ခြင်းဆောင်ရွက်ရမည်။ ထိုနောက် ထိုသို့ပြင်ဆင်ထားသည့် ရ-သုံးမှန်းခြေငွေစာရင်းကို နိုင်ငံတော်သမတထံ သဘောတူညီချက်ရရန် ထပ်မံတင်သွင်းရမည်။

၃၀။ ။(၁) ရ-သုံးမှန်းခြေငွေစာရင်းကို ခွင့်ပြုသည့်နှစ်အတွင်း မည်သည့်အချိန်၌မဆို၊ အဖွဲ့က နောက်ထပ်ရ-သုံးမှန်းခြေငွေစာရင်းတခုကိုစီစဉ်ပြုလုပ်စေပြီးလျှင်၊ မိမိတို့ထံသို့တင်သွင်းစေနိုင်သည်။

နောက်ထပ်
ရ-သုံးမှန်းခြေ
ငွေစာရင်း။

(၂) အဖွဲ့ကအတည်ပြုသည့်ထိုနောက်ထပ်ရ-သုံးမှန်းခြေငွေစာရင်းအသီးသီးကို နိုင်ငံတော်သမတထံ သဘောတူညီချက်ရရန် အထက်နည်းလမ်းအတိုင်းတင်သွင်းရမည်။ ထိုအခါ ပုဒ်မ ၂၀ ပါ ပြဋ္ဌာန်းချက်များသည်၊ ထိုနောက်ထပ်ရ-သုံးမှန်းခြေငွေစာရင်းနှင့်လည်း မူလရ-သုံးမှန်းခြေ ငွေစာရင်းကဲ့သို့ပင် သက်ဆိုင်ရမည်။

၃၁။ ။ဤကိစ္စအလို့ငှါ၊ နိုင်ငံတော်သမတကပေးသည့်ညွှန်ကြားချက်များနှင့်မဆန့်ကျင်စေဘဲ အထက်ပါပြဋ္ဌာန်းချက်များအရ ခွင့်ပြုထားသည့် ရ-သုံးမှန်းခြေငွေစာရင်းရှိ မည်သည့်ငွေကိုမဆို၊ သို့တည်းမဟုတ် ထိုငွေ၏ မည်သည့်အစိတ်အပိုင်းကိုမဆို၊ သုံးစွဲရန် အခွင့်အာဏာပေးထားသော ငြားလည်း မသုံးစွဲသေးလျှင်၊ ထိုငွေကို အဖွဲ့က ဆိုခဲ့သည့်ရ-သုံးမှန်းခြေငွေစာရင်းတွင် အခြားအသုံးစရိတ်တခုခုအတွက် သုံးစွဲရန်အခွင့်အာဏာပေးထားသည့်ငွေထက် ပို၍သုံးစွဲမိသောငွေကို ကာမိရန် မည်သည့်အချိန်၌မဆို လွှဲပြောင်းသုံးစွဲနိုင်သည်။

ရ-သုံးမှန်းခြေ
ငွေစာရင်းရှိ
ငွေများကို လွှဲ
ပြောင်းသုံးစွဲ
ခြင်း။

သို့သော် အဖွဲ့ကအတည်ပြု၍၊ နိုင်ငံတော်သမတကသဘောတူညီသော ရ-သုံးမှန်းခြေ ငွေစာရင်းတွင် ခွင့်ပြုထားသည့်အသုံးစရိတ်ငွေစုစုပေါင်းထက်ပို၍၊ နိုင်ငံတော်သမတ၏ အခွင့်အမိန့်မရဘဲ မသုံးစွဲရ။

၃၂။ ။လွန်ကဲသည့် အရေးတကြီးကိစ္စများအတွက်မှတစ်ပါး၊ ဤအခန်းအရခွင့်ပြုထားသည့် အတည်ဖြစ်ဆဲရ-သုံးမှန်းခြေငွေစာရင်းတွင် အသုံးစရိတ်ရာထားခြင်းမရှိလျှင်သော်ငှား၊ အဖွဲ့ကအတည်ပြုထားသည့် ရ-သုံးမှန်းခြေငွေစာရင်းကို ပုဒ်မ ၃၁ အရ၊ ငွေလွှဲပြောင်းသုံးစွဲခြင်းဖြင့် ပြင်ဆင်၍ရာထားချက်မရှိသေးလျှင်သော်ငှား၊ မည်သည့်ငွေကိုမျှ အဖွဲ့ကဖြစ်စေ၊ အဖွဲ့အတွက်ဖြစ်စေ၊ သုံးစွဲခြင်းမပြုရ။

ရ-သုံးမှန်းခြေ
ငွေစာရင်းတွင်
အသုံးစရိတ်
ရာထားခြင်းမရှိ
သော ကိစ္စ
အတွက် ငွေ
သုံးစွဲခြင်းကို
တားမြစ် ပိတ်
ပင်ခြင်း။

၃၃။ ။တနှစ်တွင် စုစုပေါင်း ငွေငါးထောင်ထက်ပို၍လွန်ကဲသည့် အရေးတကြီးကိစ္စများ အတွက် သုံးစွဲရမည်ဖြစ်လျှင်၊ ဥက္ကဋ္ဌသည် နိုင်ငံတော်သမတထံသို့၊ ထိုအသုံးစရိတ်ကိုကာမိအောင် အဖွဲ့ကမည်သို့စီမံရန် ကြံရွယ်ထားသည်ဟု ဖော်ပြသောရှင်းလင်းချက်နှင့်တကွ အကျိုးအကြောင်း အစီရင်ခံစာတင်သွင်းရမည်။

အရေးတကြီး
ကိစ္စများ အ
တွက် ကန့်သတ်
ထားသည့်
ထက် ပို၍သုံးစွဲ
သောအသုံး
စရိတ်နှင့် ပတ်
သက်၍ အစီရင်
ခံခြင်း။

၃၄။ ။နိုင်ငံတော်သမတက အတည်အလင်းခွင့်မပြုလျှင်၊ အဖွဲ့သည် မည်သည့်အသုံးစရိတ်ကိုမျှ ငွေရင်းမှကျခံခြင်းမပြုရ။

မတည်ကုန်ကျ
စရိတ်။

၃၅။ ။အဖွဲ့သည် ငွေစာရင်းများကိုကျနစွာထားရှိရမည်ပြင်၊ ငွေစာရင်းများနှင့်သက်ဆိုင်သော အခြားမှတ်တမ်းများကိုလည်းထားရှိရမည်။ ထို့ပြင် အဖွဲ့သည် ဘဏ္ဍာရေးနှစ်အသီးသီးနှင့်စပ်လျဉ်း၍၊ နိုင်ငံတော်သမတကညွှန်ကြားသည့်ပုံစံဖြင့်ငွေစာရင်းဖော်ပြချက်တရပ်ကိုစီစဉ်ရေးသားရမည်။

ငွေစာရင်းများ
စီစဉ်ရေးမှတ်
ခြင်း။

ငွေစာရင်းများ
စစ်ဆေးခြင်း
နှင့် အစီရင်ခံစာ
ထုတ်ပြန်ကြော်
ငြာခြင်း။

၃၆။ ။(၁) အဖွဲ့၏ငွေစာရင်းများကို နိုင်ငံတော်သမတကညွှန်ကြားသည့် စာရင်းစစ်
များက ညွှန်ကြားသည့်နည်းလမ်းအတိုင်းစစ်ဆေးရမည်။

(၂) ဤအက်ဥပဒေအရ ငွေစာရင်းများစစ်ဆေးရန်ကိစ္စအလို့ငှာ၊ စာရင်းစစ်များသည်
အမိန့်စာဖြင့် မိမိတို့လိုအပ်သည်ဟုထင်မြင်သောစာအုပ်၊ စာချုပ်၊ ပဋိညာဉ်၊ ငွေစာရင်း၊ ဘောက်ချာ
လက်မှတ်နှင့် အခြားစာချုပ်စာတမ်းအားလုံးကို မိမိတို့ထံတင်ပြရန် ဆင့်ဆိုနိုင်သည့်ပြင်၊ ထိုစာအုပ်
များ၊ စာချုပ်များ၊ ပဋိညာဉ်များ၊ ငွေစာရင်းများ၊ ဘောက်ချာလက်မှတ်များ၊ စာချုပ်စာတမ်းများ
လက်ရှိဖြစ်သူတဦးတယောက်ကိုသော်၎င်း၊ ထိုစာအုပ်စသည်များနှင့်ပတ်သက်၍ အကျိုးအကြောင်း
ပြောနိုင်သူတဦးတယောက်ကိုသော်၎င်း၊ ထိုငွေစာရင်းစစ်ဆေးရာသို့ လာရောက်ရန်ဆင့်ခေါ်၍၊ စာ
အုပ်စသည်တို့နှင့်ပတ်သက်၍ ထုတ်ဖော်ပြောဆိုစေပြီးလျှင်၊ ထိုထုတ်ဖော်ပြောဆိုချက်ကို လက်မှတ်
ရေးထိုးစေနိုင်သည်။

(၃) အဖွဲ့၏ငွေစာရင်းများကို စစ်ဆေးပြီးသည်နှင့်တပြိုင်နက်၊ အဖွဲ့ကိုစီမံအုပ်ချုပ်သော
ပြည့်စုံစာရင်းစနစ်မရှိနိုင်အစိုးရ၏ ဆိုင်ရာဝန်ကြီးဌာနသို့၊ ပုဒ်မ ၁၅ တွင် ရည်ညွှန်းထားသည့်ငွေစာ
ရင်းဖော်ပြချက်မိတ္တူတစောင်ကို၊ ထိုဖော်ပြချက်နှင့်ဖြစ်စေ၊ အဖွဲ့၏ငွေစာရင်းများနှင့်ဖြစ်စေ၊ ပတ်
သက်သည့်စာရင်းစစ်များ၏ အစီရင်ခံစာနှင့်အတူ အဖွဲ့ကပေးပို့ရမည်။

(၄) နိုင်ငံတော်သမတသည်၊ ထိုဖော်ပြချက်နှင့်အစီရင်ခံစာအသီးသီး၏ မိတ္တူတစောင်စီ
နှင့် အက်ဥပဒေအရ မိမိ၏အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ခြင်းနှင့်ပတ်သက်သည့်အစီရင်ခံစာ
ကိုပါ ပါလီမန်၌တင်ပြရမည်။

၃၇။ ။အဖွဲ့သည် ဘဏ္ဍာရေးနှစ်အသီးသီးကုန်ဆုံးပြီးနောက် လျင်မြန်နိုင်သမျှလျင်မြန်စွာ
နိုင်ငံတော်သမတထံသို့၊ ထိုနှစ်အတွင်း အဖွဲ့၏ဆောင်ရွက်မှုများနှင့်စပ်လျဉ်း၍ အစီရင်ခံစာတင်သွင်း
ရမည်ဖြစ်၊ နိုင်ငံတော်သမတက၊ မိမိလိုအပ်သည့်အကြောင်းအရာကို ပေးပို့ရမည်ဟုဆင့်ဆိုလျှင်၊ ထို
အကြောင်းအရာကို မည်သည့်အချိန်၌မဆိုပေးပို့ရမည်။

အခန်း ၈။

အရပ်ရပ်ဆိုင်ရာ။

၃၈။ ။အဖွဲ့၏ပြုလုပ်မှုနှင့်မှုခင်းကိစ္စအားလုံးကို၊ နိုင်ငံတော်သမတ၏အုပ်ချုပ်မှုကိုလိုက်နာ
၍ ဆောင်ရွက်ရမည်။

ပဋိညာဉ်များ။

၃၉။ ။မည်သည့်ပဋိညာဉ်မျှ အဖွဲ့၏အစည်းအဝေးမှတ်တမ်းတွင်ချုပ်ဆိုရန် အခွင့်အာဏာ
ပေးထားခြင်းမရှိလျှင်၎င်း၊ အဖွဲ့၏တံဆိပ်ခတ်နှိပ်ထားခြင်းမရှိလျှင်၎င်း၊ အတည်မဖြစ်စေရ။

တရားစွဲဆိုခြင်း
ကို တားမြစ်
ခြင်း။

၄၀။ ။ဤအက်ဥပဒေအရ အာဏာများပေးအပ်ထားသည့် အဖွဲ့ဝင်လူကြီးတဦးတယောက်
အပေါ်တွင်၊ မည်သည့်ကိစ္စကိုမဆို၊ ဤအက်ဥပဒေအရရှိသားသောသဘောဖြင့်ပြုလုပ်သည့်အတွက်
သော်၎င်း၊ ပြုလုပ်ရန်ကြိုးစား၍ဆောင်ရွက်သည့်အတွက်သော်၎င်း၊ ရာဇဝတ်မှုစွဲဆိုခြင်း၊ သို့တည်း
မဟုတ် တရားမမှုစွဲဆိုခြင်းမပြုရ၊ သို့တည်းမဟုတ် အမှုအခင်းမပြုလုပ်ရ။

စည်းကမ်း
ဥပဒေများ ပြု
လုပ်ရန် နောက်
ထပ်အာဏာ။

၄၁။ ။အဖွဲ့သည် ဤအက်ဥပဒေပါကိစ္စအားလုံးကိုသော်၎င်း၊ ကိစ္စတခုခုကိုသော်၎င်း၊
ဆောင်ရွက်ရန်အလို့ငှာ၊ ဤအက်ဥပဒေနှင့်အညီဖြစ်သော စည်းကမ်းဥပဒေများကိုပြုလုပ်နိုင်သည်။
သို့သော် ထိုစည်းကမ်းဥပဒေများသည်၊ နိုင်ငံတော်သမတကသဘောတူညီမှုအတည်ဖြစ်ရမည်။

နိုင်ငံတော်သစ်လုပ်ငန်းအဖွဲ့အက်ဥပဒေ။

[၁၉၅၀ ပြည့်နှစ်၊ အက်ဥပဒေအမှတ် ၅၉။] (၁၉၅၂ ခု၊ အောက်တိုဘာလ ၁ ရက်။)

အပိုင်း ၁။

ပဏာမ။

၁။ ။ (၁) ဤအက်ဥပဒေကို၊ ၁၉၅၀ ပြည့်နှစ်၊ နိုင်ငံတော်သစ်လုပ်ငန်းအဖွဲ့ အက်ဥပဒေ ဟု ခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတဝှမ်းလုံးနှင့်သက်ဆိုင်ရမည်။

(၃) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမ္မတ က အမိန့်ကြော်ငြာစာ ထုတ်ပြန်ကျေညာ၍ သတ်မှတ်သည့်နေ့ ၊တွင် အာဏာတည်ရမည်။

၂။ ဤအက်ဥပဒေတွင်၊ အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၏ အဓိပ္ပါယ်နှင့် ဖြစ်စေ၊ မဆန့်ကျင်လျှင်—

- (က) “အဖွဲ့” ဆိုသည်မှာ၊ ဤအက်ဥပဒေပုဒ်မ ၃ အရ၊ ဖွဲ့စည်းသည့် နိုင်ငံတော် သစ်လုပ်ငန်းအဖွဲ့ကိုဆိုလိုသည်။
- (ခ) “သစ်တောထွက်ပစ္စည်း” ဆိုသည့်စကားရပ်မှာ၊ ဤအက်ဥပဒေ အလို့ငှါ၊ သစ်တောထွက်ပစ္စည်းဖြစ်သည်ဟု ဤအက်ဥပဒေပုဒ်မ ၁၇ (က) အရ၊အဖွဲ့က ကျေညာသည့် ပစ္စည်းကိုဆိုလိုသည်။
- (ဂ) “ပြဋ္ဌာန်းသည်” ဆိုသည်မှာ၊ ပုဒ်မ ၉ အရ၊ ပြုလုပ်သည့် နည်းဥပဒေများအရ ပြဋ္ဌာန်းသည်ကိုဆိုလိုသည်။

အပိုင်း ၂။

အဖွဲ့ ဖွဲ့စည်းဆုံး။

၃။ ။ (၁) နိုင်ငံတော် သစ်လုပ်ငန်းအဖွဲ့ဟူသောအမည်ဖြင့် အဖွဲ့တခုကို၊ နိုင်ငံတော် သမ္မတက အမိန့်ကြော်ငြာစာထုတ်ပြန်ကျေညာလျက် သတ်မှတ်သည့်နေ့မှစ၍ ဖွဲ့စည်းရမည်။

(၂) အဖွဲ့သည်၊ စဉ်ဆက်မပြတ် ဆက်ခံဆောင်ရွက်နိုင်ခွင့်နှင့်တကွ၊ အဖွဲ့ပိုင်တံဆိပ်တခု ရှိသော တရားဝင်အဖွဲ့ဖြစ်ရမည်ပြင်၊ အဆိုပါအမည်ဖြင့် တရားစွဲဆိုနိုင်၍ တရားစွဲဆိုခြင်းကိုလည်း ခံရမည်။

(၃) ၁၉၄၇ ခုနှစ်၊ အရေးကြီးသော ကုန်စည်ပစ္စည်းများနှင့် ဆောင်ရွက်မှုများ ဆိုင်ရာ အက်ဥပဒေ (The Essential Supplies and Services Act, 1947) အရ ဖွဲ့စည်းထားသော နိုင်ငံတော်သစ်လုပ်ငန်းအဖွဲ့ ရံပုံငွေကိုင်း၊ ထိုနိုင်ငံတော်သစ်လုပ်ငန်း အဖွဲ့ပိုင်ပစ္စည်းနှင့် ကြေးမြီ တာဝန်အားလုံးကိုင်း၊ အဖွဲ့ကဆက်ခံရမည်ပြင်၊ အဆိုပါ နိုင်ငံတော်သစ်လုပ်ငန်းအဖွဲ့က ချုပ်ဆို ခဲ့သော ပဋိညာဉ်အားလုံးကိုလည်း အဖွဲ့ကပင်ချုပ်ဆိုသည်ဟုမှတ်ယူရမည်။

၁ ၁၉၅၂ ခု၊ အောက်တိုဘာလ ၁ ရက်။ ။မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၂ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၉၆၅ တွင်ကြည့်။

၄။ ။အဖွဲ့တွင် နိုင်ငံတော်သမတကခန့်ထားသော ဥက္ကဋ္ဌနှင့်အခြားအဖွဲ့ဝင်လူကြီးဆယ်ဦး ပါရှိရမည်။ ဥက္ကဋ္ဌမှတစ်ပါး အခြားအဖွဲ့ဝင်လူကြီးများအနက် တဝက်ထက်မပိုသော လူကြီးများမှာ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတော်အစိုးရ လယ်ယာစိုက်ပျိုးရေးနှင့် သစ်တောရေးရာဌာနမှ အရာရှိများနှင့် အခြားသက်ဆိုင်ရာ အစိုးရဌာနများမှ အရာရှိများဖြစ်၍၊ ကျန်လူကြီးများမှာ အစိုးရအရာရှိမဟုတ်သူ များဖြစ်ရမည်။

၅။ ။(၁) ပုဂ္ဂိုလ်တစ်ဦးကို အဖွဲ့ဝင်လူကြီးအဖြစ် မခန့်ထားမီ ထိုပုဂ္ဂိုလ်ကအဖွဲ့ဝင်လူကြီး အဖြစ် မိမိ၏အလုပ်ဝတ်တရားများ ဆောင်ရွက်ခြင်းကို ထိခိုက်ဘွယ်ရာရှိသည့် ငွေရေးကြေးရေး၊ အကျိုးသက်ဆိုင်ခွင့်၊ သို့တည်းမဟုတ် အခြားအကျိုးသက်ဆိုင်ခွင့်ရှိမည်မဟုတ်ဟုနိုင်ငံတော်သမတက ကျေနပ်ရမည်ဖြစ်ပြီး၊ အဖွဲ့ဝင်လူကြီးတစ်ဦး၌ ထိုသို့သောအကျိုးသက်ဆိုင်ခွင့်မရှိဟူ၍လည်း၊ အခါ အားလျော်စွာ နိုင်ငံတော်သမတက ကျေနပ်ရမည်။

(၂) အဖွဲ့ကပြုလုပ်သည့် သို့တည်းမဟုတ်ပြုလုပ်ရန်ကြံရွယ်သည့်ပဋိညာဉ်၊ရောင်းမှု၊သို့တည်း မဟုတ် ဝယ်ယူမှုတစ်ခုခုတွင် တိုက်ရိုက်ဖြစ်စေ၊ သွယ်ဝိုက်၍ဖြစ်စေ၊တနည်းနည်းဖြင့်အကျိုးသက်ဆိုင်သည့် အဖွဲ့ဝင်လူကြီးသည်၊ မိမိမည်သို့အကျိုးသက်ဆိုင်ကြောင်းကို အဖွဲ့အစည်းအဝေးတွင်ထုတ်ဖော်ပြောဆို ရမည်။ ထိုသို့ထုတ်ဖော်ပြောဆိုချက်ကို၊ အဖွဲ့အစည်းအဝေးမှတ်တမ်းများတွင် ရေးမှတ်ထားရမည်။ ထို့ပြင်ထိုအဖွဲ့ဝင်လူကြီးသည်၊ ပဋိညာဉ်ပြုလုပ်မှု၊ ရောင်းမှု၊ သို့တည်းမဟုတ် ဝယ်ယူမှုနှင့်ပတ်သက်၍ အဖွဲ့ကဆွေးနွေးရာတွင်၊ သို့တည်းမဟုတ် ဆုံးဖြတ်ရာတွင်မပါဝင်ရ။

၆။ ။အစိုးရအရာရှိမဟုတ်သော အဖွဲ့ဝင်လူကြီးတို့၏ ရာထူးသက်တမ်းသည် နိုင်ငံတော် သမတက ပြဌာန်းသည့်အတိုင်းဖြစ်ရမည်။ အဖွဲ့ဝင်လူကြီးတစ်ဦး၏ ရာထူးလက်ရှိဆောင်ရွက်ခြင်းကို နိုင်ငံတော်သမတက အချိန်မရွေးရပ်စဲနိုင်သည်။

၇။ ။အဖွဲ့တွင် ပါဝင်သော အစိုးရအရာရှိမဟုတ်သူ လူကြီးများအား၊ နိုင်ငံတော်သမတက သတ်မှတ်သည့်အခများနှင့် စရိတ်ကြေးငွေများပေးရမည်။

၈။ ။(၁) သေဆုံး၍ဖြစ်စေ၊ ရာထူးမှနှုတ်ထွက်၍ဖြစ်စေ၊ ရာထူးမှ နုတ်ပယ်ခြင်း ခံရ၍ ဖြစ်စေ၊ အခြားအကြောင်းကြောင့်ဖြစ်စေ၊ အဖွဲ့ဝင်လူကြီးရာထူးလစ်လပ်သည့်အခါ၊ ထိုလစ်လပ်သည့် နေရာတွင်၊ အဖွဲ့ဝင်လူကြီးသစ်တစ်ဦးကို အဖွဲ့ဝင်လူကြီးဟောင်းအား ခန့်ထားသည့်နည်းတူ ဖြည့်သွင်း ခန့်ထားရမည်။ ထိုသို့ခန့်ထားခြင်းခံရသော အဖွဲ့ဝင်လူကြီးသစ်သည်၊မိမိအားခန့်ထားသည့်နေရာတွင် အဖွဲ့ဝင်လူကြီးဟောင်း၏ ရာထူးသက်တမ်းစေ့ကုန်မည့်အချိန်အထိသာ ရာထူးလက်ရှိထမ်းရွက်ရမည်။

(၂) အဖွဲ့ကစီမံဆောင်ရွက်သည့် မူခင်းကိစ္စများသည်၊ အဖွဲ့ဝင်လူကြီး ရာထူးလစ်လပ်သည့် အကြောင်းကြောင့်သော်၎င်း၊ အဖွဲ့ဝင်လူကြီး တစ်ဦးခန့်ထားရာတွင် ချို့ယွင်းချက် တခုခုရှိသည့် အကြောင်းကြောင့်သော်၎င်း မပျက်ပြယ်စေရ။

အပိုင်း ၃။

အဖွဲ့နှင့်ပတ်သက်သည့် နိုင်ငံတော်သမတ၏ အာဏာများ။

၉။ ။နိုင်ငံတော်သမတသည်၊ အောက်ပါ ကိစ္စများအတွက် နည်းဥပဒေများကို အမိန့် ကြော်ငြာစာ ထုတ်ပြန်ကျေညာ၍ပြုလုပ်နိုင်သည်။

- (က) အဖွဲ့၏လုပ်ငန်းဆောင်တာများမှ ခြွင်းချန်ရမည့် သစ်တောထွက်ဝစွည်းရှိလျှင်၊ ယင်းသို့ခြွင်းချန်ရမည့် သစ်တောထွက်ပစ္စည်းမျိုးကို ပြဌာန်းရန်ကိစ္စ။
- (ခ) အဖွဲ့ကပုဒ်မ ၁၇ (က) အရ၊ သုံးစွဲနိုင်သည့်အာဏာများကို ပြဌာန်းရန်ကိစ္စ။

- (ဂ) အဖွဲ့က အများပြည်သူတို့ထံမှ ငွေချေးယူရန်နည်းလမ်းကို ပြဋ္ဌာန်းရန်ကိစ္စ။
- (ဃ) နိုင်ငံတော်သမတက၊ အဖွဲ့သို့ပုဒ်မ ၂၁ အရ၊ ထုတ်ချေးသည့်ငွေများ ပြန်လည် ပေးဆပ်ရမည့်နည်းလမ်းကို ပြဋ္ဌာန်းရန်ကိစ္စ။
- (င) အဖွဲ့ဥက္ကဋ္ဌ၏လစာနှင့် စရိတ်ကြေးငွေများကို၎င်း၊ အမှုထမ်းစည်းကမ်းများကို၎င်း၊ ပြဋ္ဌာန်းရန်ကိစ္စ။
- (စ) ပုဒ်မ ၁၇ (ဆ) အရ ခန့်ထားသည့် သို့တည်းမဟုတ် အမည်တင်သွင်း ခန့် ထားသည့် ပုဂ္ဂိုလ်တို့အား၊ ပေးသင့်သည့်အခွင့်စရိတ်ကြေးငွေများကို ပြဋ္ဌာန်း ရန်ကိစ္စ။
- (ဆ) အဖွဲ့အတွက်မြေသိမ်းယူနိုင်သည့် အချက်များနှင့် နည်းလမ်းကိုပြဋ္ဌာန်းရန်ကိစ္စ။
- (ဇ) အဖွဲ့အစည်းအဝေး၊ သို့တည်းမဟုတ် ကော်မီတီ အစည်းအဝေး အထမြောက် စေရန် တက်ရောက်ရမည့် လူကြီးဦးရေကို သတ်မှတ်ရန်ကိစ္စ။
- (ဈ) ယေဘုယျအားဖြင့် ဤအက်ဥပဒေဝါကိစ္စများကို ဆောင်ရွက်ရန်ကိစ္စ။

၁၀။ ။နိုင်ငံတော်သမတသည်၊ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်ပြီးနောက်၊ နိုင်ငံတော် အကျိုးနှင့် သက်ဆိုင်သည်ဟု မိမိထင်မြင်သောကိစ္စများနှင့်စပ်လျဉ်း၍၊ အဖွဲ့အား ၎င်း၏အလုပ်ဝတ်တရားများကို မည်သို့ဆောင်ရွက်ရမည်ဟု ဆင့်ဆိုနိုင်သည်။ ထိုသို့ဆင့်ဆိုသည့်အတိုင်း အဖွဲ့ကလိုက်နာဆောင်ရွက် ရမည်။

၁၁။ ။နိုင်ငံတော်သမတသည်၊ အဖွဲ့နှင့် ညှိနှိုင်း တိုင်ပင်ပြီးနောက်၊ အဖွဲ့အား ၎င်း၏ ထုပ်ငန်းဆောင်တာအရပ်ရပ်ကို ရပ်စဲရန်ဆင့်ဆိုနိုင်သည်။ ထိုသို့ဆင့်ဆိုသည့်အတိုင်း အဖွဲ့ကလိုက်နာ ဆောင်ရွက်ရမည်။

၁၂။ ။(၁) ဤအက်ဥပဒေဖြင့်ပေးအပ်ထားသောတာဝန်ဝတ်တရား၊ အလုပ်ဝတ်တရား နှင့် အခြားတာဝန်များကို အဖွဲ့ကဆောင်ရွက်ရန် ပျက်ကွက်သည်ဟု နိုင်ငံတော်သမတက ထင်မြင် သဘောရှိလျှင်၊ နိုင်ငံတော်သမတသည် အမိန့်ကြော်ငြာစာ ထုတ်ပြန်ကျေညာ၍ အဖွဲ့ကိုဖျက်သိမ်း နိုင်သည်။ ထိုသို့ကျေညာပြီးနောက် အဖွဲ့၏ လုပ်ငန်းအရပ်ရပ် စီမံခန့်ခွဲ ညွှန်ကြား ဆောင်ရွက် မှုကို နိုင်ငံတော်သမတက ခန့်ထားသော ကိုယ်စားလှယ်သို့အပ်နှင်းရမည်။ ထိုသို့အပ်နှင်းခြင်းခံရသော ကိုယ်စားလှယ်သည် ဤအက်ဥပဒေအရ၊ အဖွဲ့က သုံးစွဲဆောင်ရွက်နိုင်သည့် အာဏာနှင့် အလုပ် ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်နိုင်သည်။

(၂) ပုဒ်မခွဲ (၁) အရ အရေးယူသောအခါ၊ နိုင်ငံတော်သမတသည်၊ ထိုသို့အရေးယူ ရသည့် အကြောင်းရင်းအခြေအနေများနှင့် အရေးယူပုံအစုံအလင်ဖော်ပြပါရှိသော အစီရင်ခံစာကို၊ ပါလီမန်သို့ အဖွဲ့အားဖျက်သိမ်းကြောင်း ကျေညာသည့်နေ့မှစ၍ သုံးလအတွင်း လျင်မြန်နိုင်သမျှ လျင်မြန်စွာတင်ပြရမည်။

(၃) ဤပုဒ်မအရထုတ်ပြန်ကျေညာသောမည့်သည့်အမိန့်ကြော်ငြာစာမျှ၊ ခြောက်လထက်ပို၍ အာဏာမတည်စေရ။ သို့ရာတွင်နိုင်ငံတော်သမတသည်၊ ထိုကဲ့သို့ထုတ်ပြန်ကျေညာသည့် အမိန့် ကြော်ငြာစာကို အသစ်ထပ်မံ၍ထုတ်ပြန်ကျေညာနိုင်သည်။ ထိုသို့အသစ်ထပ်မံ၍ ထုတ်ပြန်ကျေညာ သည့် အမိန့်ကြော်ငြာစာတိုင်းသည် ခြောက်လထက်ပို၍အာဏာမတည်စေရ။

ခြွင်းချက်။ ။သို့ရာတွင် နိုင်ငံတော်သမတသည်၊ ဤပုဒ်မအရ အဖွဲ့ကို ဖျက်သိမ်းပြီး သည့်နောက်၊ မည်သည့်အခါ၌မဆို သင့်လျော်သည်ဟုထင်မြင်လျှင်၊ ဤအက်ဥပဒေပုဒ်မ ၃ အရ အဖွဲ့အသစ်တဖွဲ့ကို ဖွဲ့စည်းနိုင်သည်။

အပိုင်း ၄။

အဖွဲ့၏အလုပ်ဝတ်တရားများ။

၁၃။ ။(၁) အဖွဲ့၏အလုပ်ဝတ်တရားများသည်၊ ဤအက်ဥပဒေပုဒ်မ ၉ အရ ပြုလုပ်သည့် နည်းဥပဒေများဖြင့်၊ နိုင်ငံတော်သမ္မတက အဖွဲ့၏လုပ်ငန်းဆောင်တာများမှ ခြွင်းချန်ထားသော သစ်တောထွက် ပစ္စည်းမျိုးမှတစ်ပါး၊ ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်း အခြားသစ်တောထွက် ပစ္စည်းများထုတ်ယူခြင်း၊ ခွဲစိတ်ခြင်းနှင့် ရောင်းဝယ်ခြင်းကို ယေဘုယျအားဖြင့် ကြီးကြပ်အုပ်ချုပ် တိုးတက်ဆောင်ရွက်ရန်ဖြစ်သည့်ပြင်၊ ဤအက်ဥပဒေအရ၊ အဖွဲ့၏အလုပ်ဝတ်တရားများကို၊ နည်းလမ်း တကျဆောင်ရွက်ရန်အလို့ငှါ၊ လိုအပ်သော၊ သို့တည်းမဟုတ် သင့်လျော်သော အခြားလုပ်ငန်း ဆောင်တာများကိုလည်း လုပ်ကိုင်ဆောင်ရွက်ရန်ဖြစ်သည်။

(၂) အထက်ပါပြဋ္ဌာန်းချက်၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အဆိုပါအလုပ် ဝတ်တရားများတွင်၊ အထူးအားဖြင့် အောက်ပါတို့လည်းပါဝင်ရမည်။

- (က) သစ်တောထွက်ပစ္စည်းများကိုထုတ်ယူခြင်း၊ လက်ခံခြင်း၊ ရယူခြင်း၊ ဝယ်ယူခြင်း၊ သိုလှောင်ခြင်း၊ စီမံချထားခြင်း၊ သို့တည်းမဟုတ် သယ်ယူပို့ဆောင်ခြင်း။
- (ခ) သစ်တောထွက်ပစ္စည်းများ ခွဲစိတ်သည့်လုပ်ငန်းကို ဆောင်ရွက်ခြင်း။
- (ဂ) ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်းတွင်ဖြစ်စေ၊ ပြင်ပတွင်ဖြစ်စေ၊ သစ်တောထွက် ပစ္စည်းများကို ရောင်းချခြင်း၊ သို့တည်းမဟုတ် ထုချွန်ခြင်း။
- (ဃ) ဝတ္ထုပစ္စည်းများ၊ တံရုတ္တဘန်များ၊ ယာဉ်များ၊ စက်ကိရိယာများ၊ စက်ပစ္စည်းများနှင့် အခြားပစ္စည်းများကိုဝယ်ယူခြင်း၊ ငှားရမ်းခြင်း၊ ရောင်းချခြင်း၊ သို့တည်းမဟုတ် ထုချွန်ခြင်း။
- (င) မြေ၊ စက်ရုံများ၊ ကုန်လှောင်ရုံများနှင့်အခြားအဆောက်အအုံများကို ဝယ်ယူခြင်း၊ ဆောက်လုပ်ခြင်း၊ ငှားရမ်းခြင်း၊ ရောင်းချခြင်း၊ သို့တည်းမဟုတ် ထုချွန်ခြင်း။
- (စ) သစ်တောထွက်ပစ္စည်းများ သယ်ယူပို့ဆောင်မှုလွယ်ကူစေခြင်းငှါ၊ မြစ်ကြောင်းပြု ပြင်ရေးလုပ်ငန်းများကို ဆောင်ရွက်ခြင်း။
- (ဆ) ဆင်ဖမ်းလုပ်ငန်းများကို ဆောင်ရွက်ခြင်း။
- (ဇ) ကြည့်ရှုစိစစ်မှု၊ စင်းသပ်မှုနှင့်သုတေသန လုပ်ငန်းများကိုဆောင်ရွက်ခြင်း။

၁၄။ ။အဖွဲ့သည်၊ မိမိ၏အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရာ၌၊ ကူးသန်းရောင်းဝယ်ရေး၊ သစ်တောပြုစုရေး၊ လယ်ယာစိုက်ပျိုးရေး၊ စက်မှုလက်မှုလုပ်ငန်းနှင့် အများပြည်သူတို့၏ အကျိုးများ ကိုအထူးရှေ့ရှု၍၊ ကုန်သွယ်လုပ်ငန်း စည်းမျဉ်းများအတိုင်း ဆောင်ရွက်ရမည့်ပြင်၊ လိုက်နာရမည့်မူနှင့် ပတ်သက်သည့်အချက်များတွင်၊ နိုင်ငံတော်သမ္မတက အဖွဲ့အားညွှန်ကြားသည့်အတိုင်း လိုက်နာ ဆောင်ရွက်ရမည်။

၁၅။ ။အဖွဲ့သည်၊ မိမိအစည်းအဝေးအားလုံး၏ လုပ်ငန်းအစီအစဉ်နှင့် မှတ်တမ်း မိတ္တူ များကိုနိုင်ငံတော်သမ္မတထံပေးပို့ရမည်။

၁၆။ ။အဖွဲ့သည်၊ အဖွဲ့၏အလုပ်လုပ်ကိုင်သည့်နှစ် အသီးသီးကုန်ဆုံးပြီးနောက် ဆောလျင် နိုင်ငံသမ္မတဆောင်ရွက်ရာ၊ ထိုနှစ်အတွင်းအဖွဲ့၏အလုပ်ဝတ်တရားများကိုဆောင်ရွက်ခြင်းနှင့်၎င်း၊ အဖွဲ့က လိုက်နာသည့်မူနှင့်၎င်း၊ လုပ်ငန်းစဉ်များနှင့်၎င်းပတ်သက်၍၊ နိုင်ငံတော်သမ္မတထံအစီရင်ခံစာတင်သွင်း ရမည်။ နိုင်ငံတော်သမ္မတသည်၊ အဆိုပါအစီရင်ခံစာအသီးသီး၏ မိတ္တူကိုပါလီမန်သို့တင်ပြရမည်။

အပိုင်း ၅။

အဖွဲ့၏အာဏာများ။

၁၇။ ။ဤအက်ဥပဒေဖြင့်အပ်နှင်းထားသော အာဏာများ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အဖွဲ့မှာ ဤအက်ဥပဒေအရ အဖွဲ့၏အလုပ်ဝတ်တရားများကိုဆောင်ရွက်ရန်အလို့ငှါလိုအပ်သော၊ သို့တည်းမဟုတ် သင့်လျော်သောမည်သည့်ကိစ္စမဆို ပြုလုပ်နိုင်သည့်အာဏာများ ရှိရမည်။ ထို့ပြင် အဆိုပါအာဏာများတွင် အောက်ပါအာဏာများလည်းပါဝင်ရမည်။

- (က) အပင်မှ၊ သို့တည်းမဟုတ်တိရစ္ဆာန်မှထွက်သည့် ပစ္စည်းတစ်ခုခုကို၊ ဤအက်ဥပဒေပါကိစ္စများအလို့ငှါ၊ သစ်တောထွက်ပစ္စည်းဖြစ်သည်ဟုအမိန့် ကြော်ငြာစာထုတ်ပြန်ကျေညာနိုင်သည့်အာဏာ၊ ထို့ပြင်အဆိုပါပစ္စည်းတစ်ခုခုကို ဤအက်ဥပဒေပါပြဋ္ဌာန်းချက်များနှင့်ဖြစ်စေ၊ ပြဋ္ဌာန်းချက်တစ်ခုခုနှင့်ဖြစ်စေ၊ သက်ဆိုင်ခြင်းမှ ရပ်စဲရမည်ဟုလည်း၊ မည်သည့်အခါမဆိုအလားတူ ကျေညာနိုင်သည့်အာဏာ။
- (ခ) သစ်တောထွက် ပစ္စည်းများခွဲစိတ်ခြင်းနှင့် နိုင်ငံခြားသို့တင်ပို့ရောင်းချခြင်းနှင့်ပတ်သက်၍အကြောင်းအရာများစုဆောင်းခြင်းကိုကြီးကြပ်၍ ထိုအကြောင်းအရာများကိုတောင်းယူနိုင်သည့်အာဏာ၊ ထို့ပြင် ထိုထို့ကြီးကြပ်ရန်နှင့် အကြောင်းအရာမှန်မမှန်သိရှိအောင်ပြုလုပ်ရန်အလို့ငှါ၊ အဖွဲ့ဆိုင်ရာအရာရှိများအား ဥပစာများကိုကြည့်ရှုစစ်ဆေးရန် အခွင့်အာဏာ ပေးနိုင်သည့်အာဏာ။
- (ဂ) သစ်တောထွက် ပစ္စည်းများ ထုတ်ယူခွဲစိတ်ရောင်းဝယ်သည့် လုပ်ငန်းကို ဆောင်ရွက်ရန်အာဏာ။
- (ဃ) နိုင်ငံတော်သမတထံမှ ကြိုတင်ရယူသည့် အခွင့်အမိန့်ဖြင့် ငွေချေးယူရန်နှင့် ငွေထုတ်ချေးရန်အာဏာ။
- (င) အဖွဲ့၏ အမှုဆောင်အရာရှိချုပ်ဖြစ်မည့်ဥက္ကဋ္ဌအား၊ ဤအက်ဥပဒေပါ ကိစ္စများဆောင်ရွက်ရန်အလို့ငှါ၊ အဖွဲ့ကလိုအပ်သည်ထင်မြင်သည့်အဖွဲ့၏ အလုပ်ဝတ်တရားများနှင့်အာဏာများကို လွှဲအပ်နိုင်သည့်အာဏာ။
- (စ) အဖွဲ့ဝင်လူကြီးနှစ်ဦးဖြစ်စေ၊ နှစ်ဦးထက်ပို၍ဖြစ်စေ ပါဝင်သည့်ကော်မတီများကို ခန့်ထား၍ ထိုကော်မတီများအား၊ ဤအက်ဥပဒေပါကိစ္စများဆောင်ရွက်ရန်အလို့ငှါ၊ အဖွဲ့ကလိုအပ်သည်ထင်မြင်သည့် အဖွဲ့၏အလုပ်ဝတ်တရားများနှင့် အာဏာများကိုလွှဲနိုင်သည့်အာဏာ။
- (ဆ) ကိစ္စတစ်ခုခုနှင့်ပတ်သက်၍ အဖွဲ့အား အကြံဉာဏ်ပေးရန် ပုဂ္ဂိုလ်တစ်ဦးဦးကိုခန့်ထား၍၊ သို့တည်းမဟုတ်အမည်တင်သွင်း၍၊ ထိုပုဂ္ဂိုလ်အား နိုင်ငံတော်သမတကပြဋ္ဌာန်းသည့် အခများနှင့် စရိတ်ကြေးငွေများပေးနိုင်သည့်အာဏာ။
- (ဇ) ကိုယ်စားလှယ်များခန့်၍၊ ဤအက်ဥပဒေပါကိစ္စများဆောင်ရွက်ရန်အလို့ငှါ၊ အဖွဲ့ကလိုအပ်သည် ထင်မြင်သည့်အဖွဲ့၏ အလုပ်ဝတ်တရားများနှင့် အာဏာများကို ထိုကိုယ်စားလှယ်တို့အား လွှဲအပ်နိုင်သည့်အာဏာ။

၁၈။ ။(၁) ဤအက်ဥပဒေပါကိစ္စများအလို့ငှါ၊ ထားရန်လိုအပ်သည်ဟု အဖွဲ့ကထင်မြင်သော၊ သို့တည်းမဟုတ်ထားရန်သင့်သည်ဟု အဖွဲ့ကထင်မြင်သော ရာထမ်းမှုထမ်း စာရင်းများကို၊ အခါအားလျော်စွာ အဖွဲ့က စီစဉ်ရေးသား၍ အစည်းအဝေး၌ဆုံးဖြတ်ခွင့်ရှိရမည်။

(၂) ဆိုခဲ့သည့်အရာရှိအသီးသီးအတွက်သော်၎င်း၊ အမှုထမ်းအသီးသီး အတွက်သော်၎င်း၊ အဖွဲ့ကခွင့်ပြုသည့်လစာများ၊ အခများနှင့်စရိတ်ကြေးငွေများ၏ အရေအတွက်နှင့်အမျိုးအစားကို ထိုစာရင်းများတွင် ဖော်ပြရမည်။

(၃) အဖွဲ့က နောက်ဆုံးခွင့်ပြုသည့်စာရင်းအားလုံးကို၊ ပုဒ်မ ၂၅ အရပြုလုပ်သည့်နှစ်စဉ် ရ-သုံးမှန်းခြေငွေစာရင်းနှင့်ပူးတွဲ၍၊ နိုင်ငံတော်သမ္မတ၏ သဘောတူညီချက်ရရှိရန်အလို့ငှါတင်ပြရမည်။

(၄)^၁ ရာထမ်းမှုထမ်းများနှင့် ပတ်သက်သည့် အခြားအမှုထမ်းစည်းကမ်းများကို၊ အဖွဲ့က နိုင်ငံတော်သမ္မတ၏ ကြိုတင်သဘောတူညီချက်ကို ခံယူလျက်စည်းကမ်းဥပဒေဖြင့် ပြဋ္ဌာန်းရမည်။

၁၉။ ။အဖွဲ့သည်၊ မိမိ၏လုပ်ငန်းကို စီမံခန့်ခွဲရန်အလို့ငှါ၊ ဤအက်ဥပဒေနှင့်ညီညွတ်သော စည်းကမ်းဥပဒေများကိုပြုလုပ်ရမည်။ ထို့ပြင် ဤအက်ဥပဒေဖြင့် အပ်နှံထားသောအာဏာများ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ ထိုစည်းကမ်းဥပဒေများသည် အထူးသဖြင့်အောက်ပါကိစ္စများ အတွက်ဖြစ်ရမည်။

- (က) အဖွဲ့၏လုပ်ငန်းကို စီမံဆောင်ရွက်ခြင်းနှင့် အဖွဲ့၏အစည်းအဝေးများတွင်လိုက်နာရန်ကျင့်ထုံး။
- (ခ) အဖွဲ့၏ရာထမ်းမှုထမ်းများ၏ တာဝန်ဝတ်တရားများနှင့် အာဏာများ။
- (ဂ) အဖွဲ့က၊ မိမိ၏အာဏာများကိုဥက္ကဋ္ဌ၊ ကော်မတီ၊ သို့တည်းမဟုတ်၊ ကိုယ်စားလှယ်များသို့လွှဲအပ်ခြင်း။
- (ဃ) အဖွဲ့ကိုယ်စား၊ ပဋိညာဉ်များနှင့်အခြားစာတမ်းအမှတ်အသားများကို လက်မှတ်ရေးထိုးခြင်း။
- (င) အဖွဲ့သို့အပ်နှံထားသော တာဝန်ဝတ်တရားများကို ယေဘုယျအားဖြင့်ထိရောက်စွာဆောင်ရွက်ခြင်း။

အပိုင်း ၆။

ငွေရေးကြေးရေးနှင့် ငွေစာရင်းများ။

၂၀။ ။အဖွဲ့သည်၊ နိုင်ငံတော်သစ်လုပ်ငန်း အဖွဲ့ရံပုံငွေဟု ခေါ်တွင်သည့်ရံပုံငွေတခုထားရှိ၍ အောက်ပါငွေများကို ထိုရံပုံငွေ၌ထည့်သွင်းရမည်။

- (က) ဤအက်ဥပဒေအရ အဖွဲ့ကရရှိသော ငွေအားလုံး။
- (ခ) မိမိ၏အာဏာများနှင့် အလုပ်ဝတ်တရားများကို အဖွဲ့ကသုံးစွဲ ဆောင်ရွက်နိုင်ရန် နိုင်ငံတော်သမ္မတထံမှရရှိသောငွေများ။

၂၁။ ။အဖွဲ့ကမိမိ၏ အာဏာများနှင့် အလုပ်ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်နိုင်ရန်အလို့ငှါ၊ နိုင်ငံတော်သမ္မတသည်၊ မိမိသင့်သည်ထင်မြင်သည့်ငွေများကို မိမိသင့်သည်ထင်မြင်သည့် စည်းကမ်းချက်များဖြင့် အခွန်ငွေတွင်စာရင်းချမှတ်၍ဖြစ်စေ၊ မ၊တည်ငွေတွင်စာရင်းချမှတ်၍ဖြစ်စေ အဖွဲ့သို့ထုတ်ပေးနိုင်သည်။

၂၂။ ။(၁) အဖွဲ့သည်၊ ချက်ခြင်းအသုံးမလိုသည့် မိမိ၏ငွေအားလုံးကို၊ နိုင်ငံတော်အစိုးရ၏ ဘဏ္ဍာတော်ငွေထားရှိသောဘဏ်တွင်၊ သို့တည်းမဟုတ် ဘဏ်များတွင်ထားရမည်။

(၂) အဖွဲ့၏ရံပုံငွေများကို၊ အဖွဲ့ကပြုလုပ်သည့် စည်းကမ်းဥပဒေများအရ ထုတ်ယူသုံးစွဲရမည်။

၂၃။ ။အဖွဲ့၏ရံပုံငွေများကို၊ နိုင်ငံတော်သမ္မတ၏ ကြိုတင် သဘောတူညီချက်ဖြင့်သာ ရင်းနှီးရမည်။

၂၄။ ။အောက်ပါကိစ္စများအတွက်၊ အဖွဲ့၏ရံပုံငွေများကို အဖွဲ့ကသုံးစွဲရမည်။

- (က) အဖွဲ့သို့နိုင်ငံတော်သမ္မတက ထုတ်ချေးထားသောငွေများနှင့် စပ်လျဉ်း၍အရင်းကို၊ သို့တည်းမဟုတ် အတိုးများကိုပေးဆပ်ခြင်း။
- (ခ) အဖွဲ့၏ ရာထမ်းမှုထမ်းတို့ လစာစသည်တို့ အတွက် စရိတ်ကျခံခြင်း။
- (ဂ) လိုအပ်သည်ဟုထင်မြင်သည့် အခြားအသုံးစရိတ်များကို နိုင်ငံတော်သမ္မတ၏ သဘောတူညီချက်ဖြင့်ကျခံခြင်း။

၂၅။ ။(၁) အဖွဲ့သည်၊ ဘဏ္ဍာတော်နှစ် အသီးသီးမကုန်မီ၊ ထိုနှစ်နောက်လာမည့် ဘဏ္ဍာတော်နှစ်အတွက် မိမိ၏ရ-သုံးခန့်မှန်းခြေစာရင်းကို၊ နိုင်ငံတော်သမ္မတထံအခွင့်အမိန့်ရရှိရန်တင် သွင်းရမည်ဖြစ်၊ အဆိုပါခန့်မှန်းခြေစာရင်းများကို ပြင်ဆင်သည့်နောက်ထပ်ခန့်မှန်းခြေစာရင်းများ ကိုလည်း၊ အခါအားလျော်စွာထိုနည်းတူတင်သွင်းနိုင်သည်။

(၂) ပုဒ်မခွဲ (၁) အရခွင့်ပြုသည့်ခန့်မှန်းခြေ စာရင်းထက်ပို၍ မည်သည့်အသုံးစရိတ်ကိုမျှ အဖွဲ့ကမကျခံရ။

၂၆။ ။(၁) အဖွဲ့သည်၊ ငွေစာရင်းများကို၎င်း၊ ထိုငွေစာရင်းများနှင့် သက်ဆိုင်သည့် အခြားမှတ်တမ်းများကို၎င်း ထားရှိရမည်ဖြစ်၊ အဖွဲ့၏အလုပ်လုပ်ကိုင်သည့် နှစ်အသီးသီးအတွက် နှစ် ချုပ်ငွေစာရင်းကိုလည်း နိုင်ငံတော်သမ္မတ၏ သဘောတူညီချက်ဖြင့်၊ နိုင်ငံတော်စာရင်းစစ်ချုပ် သတ်မှတ်သည့်ပုံစံဖြင့် စီစဉ်ရေးသားရမည်။

(၂) အဖွဲ့၏ငွေစာရင်းများကို နိုင်ငံတော်စာရင်းစစ်ချုပ်က နှစ်စဉ်စစ်ဆေး၍ နိုင်ငံတော် သမ္မတထံအစီရင်ခံစာတင်သွင်းရမည်။ ထိုအစီရင်ခံစာကို နိုင်ငံတော်သမ္မတက ဝါလီမန်သို့တင်ပြရ မည်။ သို့ရာတွင်အဖွဲ့သည်၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်၏ ကြိုတင်သဘောတူညီချက်ဖြင့်၊ ခန့်သော ပြည်သူ့ဝန်ထမ်းမဟုတ်သည့် နာမည်ရငွေစာရင်းစစ်အား၊ နိုင်ငံတော်သမ္မတ၏ သဘောတူညီချက် ဖြင့်အဖွဲ့၏ငွေစာရင်းများကို၊ ကုန်သည်တို့နည်းလမ်းအတိုင်း၊ ကြားဖြတ်စစ်ဆေးစေနိုင်သည်။

၂၇။ ။ကုမ္ပဏီတခုကမိမိ၏ အသားတင်ဝင်ငွေပေါ်တွင် အခွန်များပေးဆောင်ရသည့် နည်းလမ်းအတိုင်း၊ ထိုကုမ္ပဏီ၌အခွန်ပေးဆောင်ရန် တာဝန်ရှိသည်နှင့်အမျှ၊ အဖွဲ့မှလည်း မိမိ၏ အသားတင်ဝင်ငွေပေါ်တွင် အခွန်များပေးဆောင်ရန်တာဝန်ရှိရမည်။

၂၈။ ။အဖွဲ့သည်၊ တန်ဖိုးယုတ်လျော့ခြင်းအတွက်နှင့် သီးသန့်ရံပုံငွေမှစ၍ အခြားရံပုံငွေ များအတွက်၊ နိုင်ငံတော်သမ္မတက၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်နှင့် ညှိနှိုင်းတိုင်ပင်၍၊ သတ်မှတ်သည့် နှုန်းများနှင့်စည်းကမ်းချက်များအတိုင်း ရံပုံငွေစီမံရာထားရမည်။

၂၉။ ။ပုဒ်မ ၂၈ တွင်ဖော်ပြထားသည့် ရံပုံငွေစီမံရာထားပြီးသည့်နောက် သတ်မှတ်ရမည့် အဖွဲ့၏ အသားတင်အမြတ်ငွေကို၊ အခါအားလျော်စွာ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်၍ နိုင်ငံတော်သမ္မတက ဆုံးဖြတ်သည့်နည်းလမ်းအတိုင်းသုံးစွဲရမည်။

အပိုင်း ၇။

အထွေထွေ။

၃၀။ ။အဖွဲ့၏ရာထင်းမှုထမ်းအားလုံးသည်၊ ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များနှင့်အညီ ဆောင်ရွက်သောအခါ၊ သို့တည်းမဟုတ် ဆောင်ရွက်သည့်သဘောသက်ရောက်သော အပြုအမူကို ပြုသောအခါ၊ ရာဇသတ်ကြီးပုဒ်မ ၂၁ ၏ အဓိပ္ပါယ်အရ ဖြည်သူ့ဝန်ထမ်းများ ဖြစ်သည်ဟုမှတ်ယူ ရမည်။

၃၁။ ။ဤအက်ဥပဒေအရ သဘောရိုးဖြင့်ပြုလုပ်သော၊ သို့တည်းမဟုတ် ပြုလုပ်သည့် သဘောသက်ရောက်သောအပြုအမူ တခုခုနှင့်ပတ်သက်၍၊ အဖွဲ့အပေါ်တွင်ဖြစ်စေ၊ အဖွဲ့ဝင်လူကြီး တဦးဦးအပေါ်တွင်ဖြစ်စေ၊ အဖွဲ့၏ရာထင်းမှုထမ်း တဦးဦးအပေါ်တွင်ဖြစ်စေ၊ တရားမမှုစွဲဆိုခြင်း၊ သို့တည်းမဟုတ် ရာဇဝတ်မှုစွဲဆိုခြင်းမပြုရ၊ သို့တည်းမဟုတ် အခြားအမှုအခင်းမပြုရ။

သို့ရာတွင်ကူးသန်းရောင်းဝယ်ရေး ကုမ္ပဏီတခုကတရားမမှုစွဲဆိုနိုင်သကဲ့သို့၊ သို့တည်းမဟုတ် စွဲဆိုခံထိုက်သကဲ့သို့၊ အလားတူအမှုများတွင် အလားတူနည်းလမ်းဖြင့် အဖွဲ့က၊ သို့တည်းမဟုတ်ဆိုခဲ့ သည့် ပုဂ္ဂိုလ်ကဖြစ်စေ၊ အဖွဲ့ကို၊ သို့တည်းမဟုတ်ဆိုခဲ့သည့်ပုဂ္ဂိုလ်ကိုဖြစ်စေ၊ တရားမမှုစွဲဆိုခြင်းကို၊ ဤပုဒ်မပါမည်သည့်ပြဋ္ဌာန်းချက်ကမျှ ပိတ်ပင်ခြင်းမရှိစေရ။

ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေး အာဏာပိုင် အက်ဥပဒေ။

[၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၄။] (၁၉၅၂ ခု၊ ဒီဇင်ဘာလ ၁ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။(၁) ဤအက်ဥပဒေကို၊ ၁၉၅၂ ခုနှစ်၊ ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေး အာဏာပိုင်အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော် သမတက၊ အမိန့်ကြော်ငြာစာ ထုတ်ပြန်ကျေညာ သတ်မှတ်သည့်နေ့ရက်^၁ တွင် စတင်အာဏာတည်ရမည်။

၂။ ။ဤအက်ဥပဒေတွင်၊ အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၏အဓိပ္ပါယ် နှင့်ဖြစ်စေ မဆန့်ကျင်လျှင်၊ “ပြဋ္ဌာန်းသည်” ဆိုသည်မှာ၊ ဤအက်ဥပဒေဖြင့်ဖြစ်စေ၊ ဤအက်ဥပဒေ အရပြုသည့် နည်းဥပဒေများဖြင့်ဖြစ်စေ ပြဋ္ဌာန်းသည်ကိုဆိုလိုသည်။

၃။ ။နိုင်ငံတော် သမတ သည်၊ အမိန့်ကြော်ငြာစာ ထုတ်ပြန် ကျေညာ၍ ထိုအမိန့် ကြော်ငြာစာတွင် ဖော်ပြပါရှိသည့် အရပ်ဒေသများတွင် ပြည်ထောင်စု မြန်မာနိုင်ငံ၏ စီးပွားရေး အခြေအနေ၊ သို့တည်းမဟုတ် လူထု၏နေထိုင်မှု အခြေအနေ အကျိုးစီးပွားတို့နှင့်သက်ဆိုင်သမျှ ကိစ္စ များနှင့်စပ်လျဉ်း၍၊ စာရင်းစစ်တမ်းကောက်ယူရန် ဆင့်ဆိုနိုင်သည်။

^၁ ၁၉၅၂ ခု၊ ဒီဇင်ဘာလ ၁ ရက်။ ။မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၂ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၂၄၆ တွင်ကြည့်။

၄။ ။(၁) နိုင်ငံတော်သမတသည်၊ဗဟိုစာရင်းစစ်တမ်းကောက်ယူရေးနှင့် စီးပွားရေး ဌာန ညွှန်ကြားရေးဝန်ဟု ခေါ်တွင်ရမည့်အရာရှိတဦးကို ခန့်ထားရမည်။ ထိုညွှန်ကြားရေးဝန်သည်၊ ဤအက်ဥပဒေအရ စာရင်းစစ်တမ်းကောက်ယူရန်ကိစ္စအလို့ငှါ၊ ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေး အာဏာပိုင်အဖြစ်ဖြင့် ဆောင်ရွက်ရမည်။

ဗဟိုစာရင်း စစ် တမ်းကောက် ယူရေးနှင့်စီးပွား ရေးဌာနညွှန် ကြားရေးဝန် စ သည်တို့ ခန့် ထားခြင်း။

(၂) နိုင်ငံတော် သမတ သည်၊ ဤအက်ဥပဒေကိစ္စအလို့ငှါ၊ ဗဟို စာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာန ဒုတိယ ညွှန်ကြားရေးဝန်များနှင့် အခြား ရာထမ်း မှုထမ်းများ ကို ခန့်ထားနိုင်သည်။ ယင်းသို့ ခန့်ထားခြင်းခံရသည့် ဒုတိယ ညွှန်ကြားရေးဝန်သည်၊ ပုဒ်မ ၁၄ အရပြုသည့် နည်းဥပဒေများနှင့်အညီ၊ မိမိအားလွှဲအပ်သည့် ညွှန်ကြားရေးဝန်၏ အာဏာများနှင့် တာဝန်ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်ရမည်။

၅။ ။(၁) ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာန ညွှန်ကြားရေးဝန် ၏ တာဝန်ဝတ်တရားများမှာ အောက်ပါအတိုင်းဖြစ်ရမည်။

ဗဟိုစာရင်းစစ် တမ်းကောက် ယူရေးနှင့်စီး ပွားရေးဌာန ညွှန်ကြားရေး ဝန်၏ အဓိက တာဝန်ဝတ် တရားများ။

- (က) လူတို့၏ နေထိုင်ရေးနှင့် စီးပွားရေးဝါဒစည်းမျဉ်း၊အကျိုးထိရောက်သော စီမံ ကိန်းနှင့် အုပ်ချုပ်မှုတို့ကို ဖြစ်စေရန်အလို့ငှါ၊ ပြည့်စုံ ကောင်းမွန်ကျန၍ စိတ်ချနိုင်လောက်သည့် စာရင်းစစ်တမ်းဆိုင်ရာ စံနှစ်တရပ်ရေးဆွဲခြင်း။
- (ခ) စာရင်းစစ်တမ်း ကောက်ယူရေးအတွက်ဖြစ်စေ၊ အုပ်ချုပ်ရေးအတွက်ဖြစ်စေ၊ အခြားကိစ္စများအတွက်ဖြစ်စေ၊ ဆောင်ရွက်သည့် အစိုးရ၏စာရင်းစစ်တမ်း ဆိုင်ရာ လုပ်ငန်းဟူသမျှတို့ကို ပြန်လည်စိစစ်ခြင်းနှင့် အကြံဉာဏ်ပေးခြင်း။
- (ဂ) စာရင်းစစ်တမ်းများနှင့် စာရင်းစစ်တမ်းဆိုင်ရာလုပ်ငန်းများကို ညှိနှိုင်း ပေါင်း စပ်ဆောင်ရွက်ခြင်း။
- (ဃ) စာရင်းစစ်တမ်းကောက်ယူရေးနှင့်စပ်လျဉ်း၍ အမြင့်ဆုံးအဆင့်အတန်း တည် ထွင်ခြင်း၊ပြဋ္ဌာန်းခြင်းနှင့် ထိုအဆင့်အတန်းတည်မြဲစေခြင်း။
- (င) ပြည်ထောင်စု မြန်မာနိုင်ငံ၏ စီးပွားရေးအတွက် လိုအပ်သော အချက်များကို ထောက်ရှု၍ လူတို့၏နေထိုင်မှုနှင့် စီးပွားရေးဆိုင်ရာ စာရင်းများကောက်ယူ ရေး၊ သို့တည်းမဟုတ် စုံစမ်းရေးပြုလုပ်မှုကို စံနှစ်တကျ ရေးဆွဲထားသော အခြေခံမူအရဖြစ်စေ၊ တိုတောင်းသောအချိန်အတွင်း ကြိုတင်ပြင်ဆင်မှုမရှိဘဲ ဖြစ်စေ လိုအပ်သည့်အလျောက် စီစဉ်ဆောင်ရွက်လုပ်ကိုင်ခြင်း။

(၂) ဗဟို စာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာန ညွှန်ကြားရေးဝန်သည်၊ ရ-သုံးခန့်မှန်းခြေစာရင်းတွင် ရာထားသည့်ငွေထက်မပိုစေဘဲ၊ လောလောဆယ်ပေါ်ပေါက်သော အကြောင်းကိစ္စများဆောင်ရွက်နိုင်စေခြင်းငှါ၊ သို့တည်းမဟုတ် လုပ်ငန်းများကို လျင်မြန်ထိရောက်စွာ ဆောင်ရွက်နိုင်စေခြင်းငှါ၊ ထိုစာရင်းကောက်ယူရေး၊ သို့တည်းမဟုတ် စုံစမ်းရေးအစီအစဉ်ကိုသော် ၎င်း၊ လုပ်ငန်းအကျယ်အဝန်းကိုသော်၎င်း ပြောင်းလဲခြင်းကို၊ သို့တည်းမဟုတ် လိုအပ်သည့်အတိုင်း ပြင်ဆင်ခြင်းကိုပြုနိုင်သည်။

၆။ ။(၁) ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာန ညွှန်ကြားရေးဝန် သည်၊ ပြဋ္ဌာန်းသည့် ကာလအပိုင်းအခြား ကုန်ဆုံးသည့်အခါတိုင်းတွင် ပြဋ္ဌာန်းသည့်ပုံစံဖြင့် ပြဋ္ဌာန်း သည့် အချက်များဖော်ပြလျက် စာရင်းစစ်တမ်း ကောက်ယူမည့်ကိစ္စနှင့် သက်ဆိုင်သော အကြောင်း အရာကို၊ သို့တည်းမဟုတ် စာရင်းကိုပြဋ္ဌာန်းသည့် နည်းလမ်းဖြင့် ပြဋ္ဌာန်းသည့် အချိန်အတွင်း၊ ပြဋ္ဌာန်းသည့် အာဏာပိုင်ထံ၊ သို့တည်းမဟုတ် ပြဋ္ဌာန်းသည့်အခြားသူထံ တင်သွင်းရမည်ဟု တဦး တယောက်သောသူထံသို့၊ သို့တည်းမဟုတ် လုပ်ငန်းပိုင်ရှင်ထံသို့၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းသို့

စာရင်းများနှင့် အကြောင်း အရာများ တောင်းယူရန် ဗဟိုစာရင်းစစ် တမ်း ကောက် ယူရေးနှင့်

စီးပွားရေးဌာန ကိုက်ရိုက်ဖြစ်စေ၊ ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာန၏ ရာထမ်း မှုထမ်းများမှ ညွှန်ကြားရေး တဆင့်ဖြစ်စေ၊ မိမိကိုယ်စားလှယ်အဖြစ် လွှဲအပ်သည့်ဌာနမှတဆင့်ဖြစ်စေ၊ နှိုက်စာ ချအပ်နိုင်သည်။ ဝန်၏အာဏာ။ သို့တည်းမဟုတ် ချအပ်စေနိုင်သည်။

(၂) ဗဟို စာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာန ညွှန်ကြားရေးဝန်သည်၊ မိမိကိုယ်တိုင်ဖြစ်စေ၊ မိမိကိုယ်စားလှယ်အဖြစ် လွှဲအပ်ထားသော အစိုးရဌာနမှတဆင့်ဖြစ်စေ၊ ဤအက်ဥပဒေအရ စာရင်းစစ်တမ်းများကောက်ယူရန်ကိစ္စအလို့ငှါ၊ တဦးတယောက်သောသူ၊ သို့တည်းမဟုတ် လုပ်ငန်းပိုင်ရှင်၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းလက်ဝယ်ရှိသော သက်ဆိုင်ရာမှတ်တမ်းကို၊ သို့တည်းမဟုတ် စာချုပ်စာတမ်းတခုခုကို ကြည့်ရှုနိုင်သည်။ ထို့ပြင် စာရင်းစစ်တမ်း ကောက်ယူရေးအတွက် ဤအက်ဥပဒေအရ တင်သွင်းရန်လိုအပ်သည့် အကြောင်းအရာတခုခုရှိရန် မေးမြန်းလိုသည့်ကိစ္စများကိုလည်း မေးမြန်းစုံစမ်းနိုင်သည်။

စာရင်းများကို လျှို့ဝှက် ထားရှိရေး။ ၇။ ။ (၁) ဤအက်ဥပဒေပါကိစ္စများအလို့ငှါ တင်သွင်းထားသည့်စာရင်းတခုကို၎င်း၊ ထိုစာရင်း၏အစိတ်အပိုင်းကို၎င်း၊ သက်ဆိုင်သူပုဂ္ဂိုလ်တဦးဦးနှင့်၊ သို့တည်းမဟုတ် လုပ်ငန်းပိုင်ရှင်တဦးဦးနှင့်၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းတခုခုနှင့် စပ်လျဉ်းသည့် အကြောင်းအရာကို၎င်း၊ ထိုစာရင်းနှင့်၊ သို့တည်းမဟုတ် အကြောင်းအရာနှင့်စပ်လျဉ်းသည့် ပုဂ္ဂိုလ်က၊ သို့တည်းမဟုတ် လုပ်ငန်းပိုင်ရှင်ကဖြစ်စေ၊ လုပ်ငန်းပိုင်ရှင်၏ ကိုယ်စားလှယ်ကဖြစ်စေ၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းကဖြစ်စေ၊ သဘောတူကြောင်းစာကိုကြိုတင်မရှိဘဲ အကြောင်းအချက်တခုခုသည် သက်ဆိုင်သူပုဂ္ဂိုလ်တဦးဦးကို၊ သို့တည်းမဟုတ် လုပ်ငန်းပိုင်ရှင်တဦးဦးကို၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းတခုခုကိုရည်ညွှန်းသည်ဟု သိရှိနိုင်ရန် ဖော်ပြသည့်နည်းလမ်းမျိုးဖြင့် ထုတ်ပြန်ကျေညာခြင်းမပြုရ။

(၂) ဤအက်ဥပဒေအရဖြစ်စေ၊ ရာဇသတ်ကြီးအရဖြစ်စေ၊ တရားစွဲဆိုရန်ကိစ္စအတွက်မှတပါး၊ ဤအက်ဥပဒေအရ စာရင်းစစ်တမ်း ကောက်ယူခြင်းနှင့်၊ သို့တည်းမဟုတ် စုဆောင်းခြင်းနှင့်၊ သို့တည်းမဟုတ် စစ်ဆေးခြင်းနှင့်စပ်လျဉ်း၍ မလုပ်ကိုင်သူမည်သူ့ကိုမျှ ဤအက်ဥပဒေအရ ကောက်ယူသည့်စာရင်းကို၊ သို့တည်းမဟုတ် အကြောင်းအရာကိုကြည့်ရှုခွင့်မပြုရ။

စာရင်းများ တင်သွင်းရန် ငြင်းဆိုခြင်း၊ သို့တည်းမဟုတ် စာရင်းကို မမှန်မကန် ပြုလုပ်ခြင်း အတွက် ပြစ်ဒဏ်။

၈။ ။ မည်သူမဆို—

- (က) ဤအက်ဥပဒေအရ မိမိတင်သွင်းရမည့် အကြောင်းအရာကို၊ သို့တည်းမဟုတ် စာရင်းအင်းကိုတင်သွင်းရန် တမင်သက်သက် ငြင်းဆိုလျှင်၊ သို့တည်းမဟုတ် တရားသောအကြောင်းပြချက်မရှိဘဲ တင်သွင်းရန်ပျက်ကွက်လျှင်သော်၎င်း၊
- (ခ) မမှန်ဟု မိမိသိလျက်၊ သို့တည်းမဟုတ် ယုံကြည်လျက်နှင့်အကြောင်းအရာကို၊ သို့တည်းမဟုတ် စာရင်းတခုခုကို တမင်သက်သက်တင်သွင်းလျှင်၊ သို့တည်းမဟုတ် တင်သွင်းစေလျှင်သော်၎င်း၊
- (ဂ) ဤအက်ဥပဒေအရ မိမိတင်သွင်းရမည့် အကြောင်းအရာတခုခုရှိရန် မိမိအား မေးမြန်းသည့်မေးခွန်းတခုခုကို ဖြေဆိုရန်ငြင်းဆိုလျှင်၊ သို့တည်းမဟုတ် တမင်သက်သက်မမှန်သောအဖြေကိုပေးလျှင်သော်၎င်း၊
- (ဃ) ပုဒ်မ ၆ (၂) ဖြင့် ပေးအပ်ထားသော သက်ဆိုင်ရာမှတ်တမ်းများနှင့် စာချုပ်စာတမ်းများကို ကြည့်ရှုနိုင်သည့် အခွင့်အရေးကို တားမြစ် ပိတ်ပင်လျှင်၊ သို့တည်းမဟုတ် အနှောင့်အယှက်ပြုလျှင်သော်၎င်း

ထိုသူသည် ပြစ်မှုအသီးသီးအတွက် ပြစ်မှုတခုလျှင် ငါးရာကျပ်ထိ ငွေဒဏ်စီရင်ခြင်း ခံရမည်။ ထို့ပြင် လုပ်ငန်းဌာနတခုနှင့်စပ်လျဉ်း၍ ဆက်လက်ကျူးလွန်သည့်ပြစ်မှုဖြစ်လျှင်၊ ပြစ်မှုကျူးလွန်သည့် ပဌမနေ့မှတပါး နောက်ထပ်ဆက်လက်ကျူးလွန်သော ကာလအပိုင်းအခြားအတွင်း၊ အခြားနေ့ရက်များအတွက်

ထိုလုပ်ငန်း ပိုင်ရှင်သည်၊ တနေ့လျှင် နှစ်ရာကျပ်ထိ ငွေဒဏ်စီရင်ခြင်း ခံရမည်။ ထို့ပြင် မမှန်သော အကြောင်းအချက်နှင့်၊ သို့တည်းမဟုတ် မမှန်သောစာရင်းများနှင့်၊ သို့တည်းမဟုတ် မမှန်သောအဖြေ များနှင့် စပ်လျဉ်းသည့် ပြစ်မှုကို၊ မှန်သော အကြောင်းအချက်၊ သို့တည်းမဟုတ် မှန်သော စာရင်း၊ သို့တည်းမဟုတ် မှန်သောအဖြေတင်သွင်းသည့်၊ သို့တည်းမဟုတ် ပေးသည့်နေ့တိုင်အောင် ဆက်လက် ကျူးလွန်နေသည်ဟု မှတ်ယူရမည်။

၉။ ။ဤအက်ဥပဒေအရ၊ စာရင်းစစ်တမ်း ကောက်ယူခြင်းနှင့်စပ်လျဉ်း၍ လုပ်ကိုင်နေသူ တဦးတယောက်က ဤအက်ဥပဒေအရ အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရန်ကိစ္စအတွက်မှတစ်ပါး၊ သို့တည်းမဟုတ် ဤအက်ဥပဒေအရဖြစ်စေ၊ ရာဇသတ်ကြီးအရဖြစ်စေ၊ ပြစ်မှုတခုခုအတွက် တရားစွဲဆို ရန် ကိစ္စအတွက်မှတစ်ပါး၊ ဤအက်ဥပဒေအရ ပေးသည့် အကြောင်းအရာကိုဖြစ်စေ၊ တင်သွင်းသည့် စာရင်းပါ အချက်များကိုဖြစ်စေ အစိုးရက ထုတ်ပြန်ကျေညာခြင်းမပြုမီ၊ တမင်သက်သက် နည်းလမ်း မကျဘဲ ပေါက်ကြားအောင် ပြုလုပ်ထုတ်ဖော်ပြောဆိုလျှင်၊ ထိုသူသည် ခြောက်လထိ ထောင်ဒဏ်ဖြစ် စေ၊ တထောင်ကျပ်ထိ ငွေဒဏ်ဖြစ်စေ၊ ထောင်ဒဏ်နှင့်ငွေဒဏ် နှစ်ရပ်လုံးဖြစ်စေ စီရင်ခြင်းခံရမည်။

နည်းလမ်း မကျ ဘဲ ပေါက်ကြား အောင် ပြုသည့် အတွက် ပြစ် ဒဏ်။

၁၀။ ။ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာန ညွှန်ကြားရေးဝန်ကဖြစ် စေ၊ ထိုညွှန်ကြားရေးဝန်၏ အခွင့်အမိန့်နှင့်ဖြစ်စေ စွဲဆိုသည်မဟုတ်လျှင်၊ ပုဒ်မ ၈ အရ မည်သည့် တရားစွဲဆိုမှုကိုမျှမပြုရ။ ထို့ပြင် နိုင်ငံတော်သမတကဖြစ်စေ၊ နိုင်ငံတော်သမတ၏ အခွင့်အမိန့်နှင့်ဖြစ် စေ စွဲဆိုသည်မဟုတ်လျှင်၊ ပုဒ်မ ၉ အရ မည်သည့်တရားစွဲဆိုမှုကိုမျှမပြုရ။

ပြစ်မှုများကို အရေးယူခြင်း။

၁၁။ ။(၁) လုပ်ငန်းပိုင်ရှင်သည် ဖက်စပ်လုပ်ငန်း၊ သို့တည်းမဟုတ် သီးခြားပုဂ္ဂိုလ် များပါဝင်သည့်အဖွဲ့ဖြစ်လျှင်၊ ထိုဖက်စပ်လုပ်ငန်းတွင် ဖက်စပ်ပါဝင်သူများ၊ သို့တည်းမဟုတ် ထိုအဖွဲ့ တွင်ပါဝင်သူများအနက် မည်သူ့ကိုမဆို၊လုပ်ငန်းပိုင်ရှင်အား ပြစ်ဒဏ်ပေးနိုင်သည့်ပြစ်မှုတခုခုအတွက် ဤအက်ဥပဒေအရ တရားစွဲဆို၍ ပြစ်ဒဏ်စီရင်နိုင်သည်။

မည်သူသည် လုပ်ငန်းပိုင်ရှင် ဖြစ်ကြောင်း ဆုံးဖြတ်ခြင်း။

သို့ရာတွင် ထိုဖက်စပ်လုပ်ငန်းတွင်၊ သို့တည်းမဟုတ် အဖွဲ့တွင်ပါဝင်သူတို့အနက်၊ ပြည် ထောင်စုမြန်မာနိုင်ငံ၌ နေထိုင်သူ တဦးတယောက်ကို ဤအက်ဥပဒေပါ ကိစ္စများအလို့ငှါ လုပ်ငန်းပိုင် ရှင်အဖြစ် အမည်တင်သွင်းထားပြီးဖြစ်ကြောင်းဖြင့်၊ ထိုဖက်စပ်လုပ်ငန်းက၊ သို့တည်းမဟုတ် အဖွဲ့က ဗဟိုစာရင်းစစ်တမ်းကောက်ယူရေးနှင့် စီးပွားရေးဌာနညွှန်ကြားရေးဝန်အား နှိုက်နှိုက်ခွဲခွဲပေးပို့နိုင်သည်။ ထို့ပြင် ထိုပုဂ္ဂိုလ်သည် ယင်းသို့နေထိုင်သမျှကာလပတ်လုံး မိမိအား အမည်တင်သွင်းခန့်ထားခြင်းကို ပယ်ဖျက်သည့် နောက်ထပ်နှိုက်နှိုက်ခွဲခွဲ ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာန ညွှန် ကြားရေးဝန်က မရခိုသော်ငြား၊ မိမိသည် ထိုဖက်စပ်လုပ်ငန်းတွင်၊ သို့တည်းမဟုတ် အဖွဲ့တွင် အစုပါ ဝင်သူအဖြစ်မှ၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်အဖြစ်မှ ရပ်စဲခြင်းမပြုမီသော်ငြား၊ ဤအက်ဥပဒေပါကိစ္စများ အလို့ငှါ၊ လုပ်ငန်းပိုင်ရှင်ဖြစ်သည်ဟူ၍ မှတ်ယူရမည်။

(၂) လုပ်ငန်းပိုင်ရှင်သည်၊ အများပိုင်ကုမ္ပဏီဖြစ်လျှင် ထိုကုမ္ပဏီ၏ ဒါရိုက်တာလူကြီး များအနက်၊ မည်သည့်ဒါရိုက်တာလူကြီးကိုမဆို၊ သို့တည်းမဟုတ် အနည်းပိုင် ကုမ္ပဏီဖြစ်လျှင် ထို ကုမ္ပဏီတွင် အစုပါဝင်သူများအနက် မည်သည့် အစုပါဝင်သူကိုမဆို လုပ်ငန်းပိုင်ရှင်အား ပြစ်ဒဏ် ပေးနိုင်သည့်ပြစ်မှုတခုခုအတွက် ဤအက်ဥပဒေအရတရားစွဲဆို၍ ပြစ်ဒဏ်စီရင်နိုင်သည်။

သို့ရာတွင် ထိုကုမ္ပဏီသည် အများပိုင်ကုမ္ပဏီဖြစ်လျှင် ပြည်ထောင်စုမြန်မာနိုင်ငံတွင် နေ ထိုင်သည့် ဒါရိုက်တာလူကြီးတဦးဦးကိုသော်ငြား၊ အနည်းပိုင် ကုမ္ပဏီဖြစ်လျှင် ပြည်ထောင်စုမြန်မာ နိုင်ငံတွင် နေထိုင်သည့် အစုပါဝင်သူ တဦးဦးကိုသော်ငြား၊ ဤအက်ဥပဒေပါကိစ္စအလို့ငှါ၊ လုပ်ငန်း ပိုင်ရှင်အဖြစ် အမည်တင်သွင်းထားပြီးဖြစ်ကြောင်းဖြင့်၊ ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွား

ရေးဌာန ညွှန်ကြားရေးဝန်အား၊ နှိုင်းတစ်စာပေးပို့နိုင်သည်။ ထို့ပြင် ထိုဒါရိုက်တာလူကြီးသည်၊ သို့တည်းမဟုတ် အစုပါဝင်သူသည် ယင်းသို့ နေထိုင်သမျှကာလပတ်လုံး မိမိအား အမည်တင်သွင်း ခန့်ထားခြင်းကိုယ်ကျင့်သည့် နောက်ထပ် နှိုင်းတစ်စာကို ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာနညွှန်ကြားရေးဝန်က မရမီသော်၎င်း၊ မိမိသည် ဒါရိုက်တာလူကြီးအဖြစ်မှ၊ သို့တည်းမဟုတ် အစုပါဝင်သူအဖြစ်မှ ရပ်စဲခြင်းမပြုမီသော်၎င်း၊ ဤအက်ဥပဒေပါ ကိစ္စများအလို့ငှါ၊ လုပ်ငန်းပိုင်ရှင် ဖြစ်သည်ဟူ၍ မှတ်ယူရမည်။

ပြည်သူ့ ဝန်ထမ်းဖြစ်ခြင်း။

၁၂။ ။ ဤအက်ဥပဒေအရ၊ ခန့်ထားသည့် ဗဟိုစာရင်းစစ်တမ်း ကောက်ယူရေးနှင့် စီးပွားရေးဌာန ညွှန်ကြားရေးဝန်၊ ဒုတိယညွှန်ကြားရေးဝန်များနှင့် အခြား ရာထမ်း မှုတမ်းများသည်၊ ဤအက်ဥပဒေ ပြဋ္ဌာန်းချက် တခုနှင့်အညီ ဆောင်ရွက်နေစဉ်၊ သို့တည်းမဟုတ် ဆောင်ရွက်သည့် သဘောသက်ရောက်သော အပြုအမူကိုပြုနေစဉ် ရာဇသတ်ကြီးပုဒ်မ ၂၁ ၏အဓိပ္ပါယ်အရ၊ ပြည်သူ့ဝန်ထမ်းဖြစ်သည်ဟု မှတ်ယူရမည်။

လွတ်ငြိမ်းခွင့်။

၁၃။ ။ ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များအရသော်၎င်း၊ ဤအက်ဥပဒေအရ ပြုသည့် နည်းဥပဒေများအရသော်၎င်း၊ သဘောရိုးဖြင့် ဆောင်ရွက်သည့်၊ သို့တည်းမဟုတ် ဆောင်ရွက်ရန် ကြံရွယ်သည့်ကိစ္စအတွက် မည်သူ့ကိုမျှ တရားမမှုဖြစ်စေ၊ ရာဇဝတ်မှုဖြစ်စေ၊ အခြားတရားမှုခင်းဖြစ်စေ မည်သည့်တရားရုံးတွင်မျှ မစွဲဆိုရ။

နည်းဥပဒေများ ပြုရန်နိုင်ငံတော် သမတ၏ အာဏာ။

၁၄။ ။ (၁) နိုင်ငံတော်သမတသည်၊ နည်းဥပဒေများကို အမိန့်ကြော်ငြာစာ ကြိုတင် ထုတ်ပြန်ကျေညာရမည်ဆိုသော စည်းကမ်းချက်ကို မဆန့်ကျင်စေဘဲ၊ ဤအက်ဥပဒေပါ ကိစ္စများကို ဆောင်ရွက်ရန်အလို့ငှါ၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်၍ နည်းဥပဒေများပြုနိုင်သည်။
(၂) အထက်ဆိုခဲ့သည့် အာဏာ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ နိုင်ငံတော် သမတသည်၊ ပုဒ်မ ၆ (၂) ဖြင့် ပေးအပ်ထားသော သက်ဆိုင်ရာမှတ်တမ်းများနှင့် စာချုပ်စာတမ်းများကို ကြည့်ရှုနိုင်သည့်အခွင့်အရေးကို သုံးစွဲခြင်းနှင့်စပ်လျဉ်း၍ စည်းမျဉ်းသတ်မှတ်ရန် နည်းဥပဒေများကိုပြုနိုင်သည်။

စက်မှုလက်မှုတိုးချဲ့လုပ်ကိုင်ရေးကော်မီရှင်းအက်ဥပဒေ။

[၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၄၃။] (၁၉၅၂ ခု၊ နိုဝင်ဘာလ ၁ ရက်။)
အောက်ပါအတိုင်းအက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

အခန်း ၁။

အမည်ကို၊ သက်ဆိုင်ရာနယ်အဝှန်း၊ အာဏာတည်သည့် နေ့ရက်နှင့် အဓိပ္ပါယ် ဖော်ပြချက်။

- ၁။ ။ (၁) ဤအက်ဥပဒေကို၊ ၁၉၅၂ ခုနှစ်၊ စက်မှုလက်မှုတိုးချဲ့လုပ်ကိုင်ရေးကော်မီရှင်းရှင်း ဟူ၍ ခေါ်ရမည်။
- (၂) ဤအက်ဥပဒေသည်၊ ပြည်ထောင်စု မြန်မာနိုင်ငံတဝှန်းလုံးနှင့်သက်ဆိုင်ရမည်။
- (၃) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမတက၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်၍သတ်မှတ်သည့် နေ့ရက်^၁ တွင် စတင်အာဏာတည်ရမည်။

^၁ ၁၉၅၂ ခု၊ နိုဝင်ဘာလ ၁ ရက်။ ။ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၂ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၁၂၉ တွင်ကြည့်။

၂။ ။ ဤအက်ဥပဒေတွင်၊ ရှေ့နောက်စကားတို့၏အဓိပ္ပါယ်ကို ထောက်ထားရန်မလိုလျှင်—

- (က) “ကော်ပိုရေးရှင်း” ဆိုသည်မှာ၊ ဤအက်ဥပဒေပုဒ်မ ၃ အရ တည်ထောင်သော စက်မှုလက်မှု တိုးချဲ့လုပ်ကိုင်ရေး ကော်ပိုရေးရှင်းကိုဆိုလိုသည်။
- (ခ) “အဖွဲ့” ဆိုသည်မှာ၊ ဤအက်ဥပဒေ ပုဒ်မ ၄ အရ ဖွဲ့စည်းသော ဒါရိုက်တာ အဖွဲ့ကိုဆိုလိုသည်။
- (ဂ) “စက်မှုလက်မှုလုပ်ငန်း” ဆိုသည့်စကားရပ်တွင်၊ တွင်းထွက်ဝတ္ထုတူးဖော်ရေး လုပ်ငန်းများမပါဝင်စေရ။

အခန်း ၂။

ကော်ပိုရေးရှင်းဖွဲ့စည်းအုပ်ချုပ်ပုံ။

၃။ ။ (၁) နိုင်ငံတော်သမတက၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်၍သတ်မှတ်သည့်နေ့ရက်တွင် “စက်မှုလက်မှုတိုးချဲ့လုပ်ကိုင်ရေး ကော်ပိုရေးရှင်း”ဟု ခေါ်သည့်ကော်ပိုရေးရှင်း တခုတည်ထောင်ရမည်။

(၂) အဆိုပါ ကော်ပိုရေးရှင်းသည်၊ စဉ်ဆက်မပြတ် ဆက်ခံဆောင်ရွက်နိုင်ခွင့်နှင့် တကွ မိမိပိုင် တံဆိပ်တခုရှိသော တရားဝင် အဖွဲ့ ဖြစ်ရမည်ဖြစ်၊ အဆိုပါအမည်ဖြင့် တရားစွဲဆိုနိုင်၍၊ တရားစွဲဆိုခြင်းကိုလည်း ခံနိုင်ရမည်။

၄။ ။ ကော်ပိုရေးရှင်း၏ အာဏာများ၊ တာဝန်ဝတ်တရားများနှင့်အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရန် “ဒါရိုက်တာအဖွဲ့”ဟု ခေါ်သည့်အဖွဲ့တခုဖွဲ့စည်းရမည်။ ထိုအဖွဲ့တွင် အောက်ပါ ပုဂ္ဂိုလ်များ ပါဝင်ရမည်။

- (၁) နိုင်ငံတော်သမတက ရွေးချယ်သော ပြည်ထောင်စုအစိုးရအဖွဲ့ဝင် [ဝန်ကြီးလေးဦး]။^၁
- (၂) ပြည်ထောင်စု မြန်မာနိုင်ငံတော် ဘဏ်ဒါရိုက်တာ အဖွဲ့၏ ကိုယ်စားလှယ် တဦး (ကိုယ်စားလှယ် အဖြစ်ဖြင့် ဆောင်ရွက်ရန်၊ ထိုဒါရိုက်တာ အဖွဲ့သည် မိမိတို့အဖွဲ့ဝင်များထံမှ တဦးကိုဖြစ်စေ၊ ဘဏ်အထွေထွေမန်နေဂျာကိုဖြစ်စေရွေးချယ်နိုင်သည်)။
- (၃) ပုဒ်မ ၆ အရ ခန့်အပ်သော အုပ်ချုပ်ရေးမှူး။
- (၄) နိုင်ငံတော်သမတ ခန့်အပ်သည့်စက်မှုလက်မှု၊ ကူးသန်းရောင်းဝယ်ရေး၊ သို့တည်းမဟုတ် ငွေရေး ကြေးရေးကိစ္စများ၊ လက်တွေ့လောကဓါတ်ပညာရပ်၊ အုပ်ချုပ်ရေး၊ သို့တည်းမဟုတ် အလုပ်သမား စီမံခန့်ခွဲ အုပ်ချုပ်မှုတွင် ကျွမ်းကျင်သူ လေးဦး။

၅။ ။ နိုင်ငံတော်သမတသည်၊ ပုဒ်မ ၄ (၁) တွင် ရည်ညွှန်း ထားသည့် အစိုးရ အဖွဲ့ဝင် [ဝန်ကြီးလေးဦး] အနက် တဦးကို အဖွဲ့၏ ဥက္ကဋ္ဌအဖြစ် ဆောင်ရွက်ရန် တင်မြှောက်ရမည်။

၆။ ။ (၁) နိုင်ငံတော်သမတသည်၊ မိမိသင့်တော်သည်ထင်မြင်သည့် ပုဂ္ဂိုလ်တဦးဦးအား အဖွဲ့၏ အုပ်ချုပ်ရေးမှူးအဖြစ် ခန့်အပ်ရမည်။

- (၂) အုပ်ချုပ်ရေးမှူးသည် အောက်ပါတာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရမည်။
 - (က) ပုဒ်မ ၁၁ တွင် ပြဋ္ဌာန်းထားသော တာဝန် ဝတ်တရားများ၊ လုပ်ငန်းဆောင်တာများနှင့် အညီ အခြေခံစီမံကိန်းတခုကို ရေးဆွဲခြင်း။

^၁ ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၁၈ အရ အစားထည့်သွင်းသည်။

- (ခ) အဖွဲ့၏ သဘောတူညီချက်ရယူရန်အလို့ငှါ၊ နှစ်စဉ်ရ-သုံးမုန်းခြေငွေစာရင်းများကို အဖွဲ့က အခါအားလျော်စွာ သတ်မှတ်သည့်နေ့ရက်တွင်တင်ပြခြင်း။
- (ဂ) ကော်ပိုရေးရှင်း၏ လုပ်ငန်းဆောင်တာလုပ်ဆောင်မည့် အစီအစဉ်ကို အဖွဲ့သို့ တင်ပြခြင်း။
- (ဃ) အဖွဲ့ သို့တည်းမဟုတ်ကော်မတီအဖွဲ့များ၏ဆုံးဖြတ်ချက်များကိုဆောင်ရွက်ခြင်း၊ ထိုသို့ဆောင်ရွက်ရာ၌ထိုဆုံးဖြတ်ချက်များအတိုင်းဖြစ်မြောက်စေရန်လိုအပ်သော တာဝန်ဝတ်တရား၊ ပဋိညာဉ်စာချုပ် ချုပ်မှု၊ လုပ်ကိုင် ဆောင်ရွက်မှုအဝဝတို့ကို ပြုလုပ်ဆောင်ရွက်၍၊ ကော်ပိုရေးရှင်း၏ အကျိုးကိုထိရောက်စွာ ကာကွယ်နိုင်ရန် အတွက်၊ ဥပဒေအရ အာမခံရယူရေး များကိုလည်းတာဝန်ယူခြင်း။
- (င) အဖွဲ့က မိမိအား လွှဲအပ်သော တာဝန် ကိစ္စ အသီးသီးတို့တွင် ကော်ပိုရေးရှင်း၏ ကိုယ်စား ဆောင်ရွက်ခြင်း။
- (စ) ဘဏ္ဍာတော်နှစ် အသီးသီး ထုတ်ဆုံးပြီးနောက် လျင်မြန် နိုင်သမျှ လျင်မြန်စွာ ကော်ပိုရေးရှင်း၏ နှစ်ချုပ် အစီရင်ခံစာနှင့် လက်ကျန် ရှင်းတမ်း တို့ကို အဖွဲ့သို့ တင်ပြခြင်း။
- (ဆ) အဖွဲ့၏ သဘောတူချက်ကိုရယူ၍ ကော်ပိုရေးရှင်း၏ဌာနမှူးများနှင့်အခြားရာထမ်း မှုထမ်းများခန့်အပ်ခြင်း။
- (ဇ) အဖွဲ့ကမိမိအားလွှဲအပ်သောအခြားတာဝန်ဝတ်တရားများကိုဆောင်ရွက်ခြင်း။

(၃) အဖွဲ့သည် အခါအားလျော်စွာအုပ်ချုပ်ရေးမှူးအား၊ သို့တည်းမဟုတ်ကော်ပိုရေးရှင်း၏ အခြားရာထမ်းမှုထမ်းများအား မိမိသင့်လျော်သည် ထင်မြင်သည့် အာဏာများနှင့်တာဝန်ဝတ်တရား များ အပ်နှင်းနိုင်သည်။

၇။ ။အဖွဲ့က ပြုလုပ်သည့် သို့တည်း မဟုတ် ပြုထုပ်ရန် ကြံရွယ်သည့် ပဋိညာဉ်၊ လုပ်ကိုင်မှု၊ ရောင်းမှု၊ သို့တည်းမဟုတ် ဝယ်မှုတစ်ခုခုတွင် တိုက်ရိုက် ဖြစ်စေ၊ သွယ်ဝိုက်၍ဖြစ်စေ၊ တနည်းနည်းဖြင့် အကျိုးသက်ဆိုင်သည့် အဖွဲ့ဝင်သည်၊ မိမိမည်သူ့ အကျိုးသက်ဆိုင်ကြောင်းကိုအဖွဲ့အစည်းအဝေးတွင် ထုတ်ဖော် ပြောဆိုရမည်။ ထိုသို့ထုတ်ဖော်ပြောဆိုချက်ကို၊ အဖွဲ့အစည်းအဝေး မှတ်တမ်း များတွင် ရေးမှတ် ထားရမည်။ ထို့ပြင်၊ ထိုအဖွဲ့ဝင်သည် ထိုပဋိညာဉ်အရ လုပ်ကိုင်မှုနှင့်၊ သို့တည်းမဟုတ် ထိုရောင်းမှုနှင့်၊ သို့တည်းမဟုတ် ထိုဝယ်မှုနှင့်စပ်လျဉ်း၍၊ အဖွဲ့က ဆွေးနွေး ရာတွင်၊ သို့တည်းမဟုတ် ဆုံးဖြတ်ရာတွင် မဝါဝင်ရ။

၈။ ။(၁) ပုဒ်မ ၄ အရ ခန့်အပ်သောအဖွဲ့ဝင်များ၏ ရာထူးသက်တမ်းသည်၊ နိုင်ငံတော် သမ္မတ သတ်မှတ်သည့်အတိုင်းဖြစ်ရမည်။ သို့သော် ၄ နှစ်ထက်မကျော်လွန်စေရ။ အဖွဲ့ဝင်တို့၏ရာထူး သက်တမ်းကို နိုင်ငံတော်သမ္မတက မည်သည့်အချိန်တွင်မဆို ရပ်စဲစေနိုင်သည်။

(၂) နိုင်ငံတော် သမ္မတသည်၊ မည်သည့် အဖွဲ့ဝင်ကိုမဆို ထိုသူ၏ ရာထူးသက်တမ်းစေ့ ကုန်သည့်အခါတွင်ပြန်လည်ခန့်ထားနိုင်သည်။

၉။ ။အဖွဲ့ဝင်များနှင့် အုပ်ချုပ်ရေးမှူးအား နိုင်ငံတော် သမ္မတ သတ်မှတ်သည့် အခများနှင့် စရိတ်ကြေးငွေများပေးရမည်။ သို့သော်အဖွဲ့ဝင်၏၊ သို့တည်းမဟုတ် အုပ်ချုပ်ရေးမှူး၏ခရီးစရိတ်များ ကို အဖွဲ့ကသတ်မှတ်နိုင်သည်။

၁၀။ ။အဖွဲ့ဝင်၏ ဆောင်ရွက်မှု တို့သည် အဖွဲ့ဝင်နေရာ လစ်လပ်သောကြောင့် သော်လည်း၊ အဖွဲ့ဝင်တဦးဦး ခန့်အပ်ရာ၌ ချို့ယွင်းချက် ရှိခြင်းကြောင့် သော်လည်း၊ ပျက်ပြယ်ခြင်းမရှိစေရ။

အခန်း ၃။

ကော်ပိုရေးရှင်း၏အာဏာနှင့်တာဝန်ဝတ်တရားများ။

၁၁။ ။(၁) စက်မှုလက်မှုလုပ်ငန်းတည်ထောင်မှုနှင့် တိုးချဲ့ လုပ်ကိုင်မှုတို့ကို ဆောင်ရွက်ခြင်းသည် ကော်ပိုရေးရှင်း၏ တာဝန်ဝတ်တရားဖြစ်ရမည်။

(၂) ကော်ပိုရေးရှင်းသည် ပုဒ်မခွဲ (၁) တွင် ဖော်ပြထားသော တာဝန်ဝတ်တရားများနှင့် ဆက်သွယ်၍ ပေါ်ပေါက် လာသော ကိစ္စ များကို၎င်း၊ ထိုတာဝန် ဝတ်တရားများ ဆောင်ရွက်ရာ၌ လိုအပ်မည်၊ အကျိုးရှိမည်၊ သို့တည်းမဟုတ် သင့်လျော်မည်ဟု မိမိထင်မြင်သော ကိစ္စ များကို၎င်း ဆောင်ရွက်ရမည်။ အထူးသဖြင့် ဤပုဒ်မ၏ ယေဘုယျ သဘောကို မထိခိုက်စေဘဲ၊ အောက်ပါ ကိစ္စများကိုလည်းဆောင်ရွက်ရမည်။

- (က) နိုင်ငံတော်သမ္မတက သဘောတူညီပြီးဖြစ်သည့်မည်သည့်အခြေခံစီမံကိန်းများနှင့် မျှ မဆန့်ကျင်သည့် စက်မှုလက်မှု တိုးတက်ရန် စီမံကိန်းများရေးဆွဲခြင်း။
- (ခ) ထုတ်ကုန်ပစ္စည်းများကို သိုလှောင်ခြင်း၊ ရောင်းချခြင်း၊ ဖြန့်ဖြူးခြင်း။
- (ဂ) သင်တန်းများဖွင့်လှစ်ခြင်း၊ ဗဟုသုတရစေရန်ပညာပေးခြင်း၊ စမ်းသပ်လုပ်ကိုင်ခြင်း၊ သုတေသနလုပ်ငန်းများ စီစဉ်လုပ်ကိုင်ခြင်း။

(၃) ကော်ပိုရေးရှင်းသည် ဤပုဒ်မပါတာဝန်ဝတ်တရားများကိုဆောင်ရွက်ရာ၌ နိုင်ငံတော်သမ္မတ၏ သဘောတူချက်ကို ကြိုတင်ရယူ၍ ပုဂ္ဂလိကပိုင် အရင်းရှင် လုပ်ငန်းများနှင့်ဖက်စပ်နိုင်သည်။

၁၂။ ။(၁) ဤအက်ဥပဒေအရပြဋ္ဌာန်းထားသော တာဝန်ဝတ်တရားများကိုဆောင်ရွက်ရာတွင်၊ လိုအပ်သော၊ သို့တည်း မဟုတ် သင့်တော်သော မည်သည့် အလုပ် ကိစ္စမဆို လုပ်ကိုင်ရန် အဖွဲ့ အာဏာရှိရမည်။

(၂) ပုဒ်မခွဲ(၁)၏ယေဘုယျသဘောကိုမထိခိုက်စေဘဲ၊ အဆိုပါအာဏာတွင်အောက်ပါ ကိစ္စများကို ဆောင်ရွက်ရန်အာဏာလည်းပါဝင်ရမည်။

- (က) ဥပဒေအရ ဝတ်တရားများကိုဆောင်ရွက်ရန်အလို့ငှါ မိမိ၏ရံပုံငွေမှ အပိုငွေ (ဂ)၊ (ဃ) နှင့် ပုဒ်မ ၁၈ နှင့် ၂၀ ၏ပြဋ္ဌာန်းချက်များနှင့် မဆန့်ကျင် စေဘဲ၊ မိမိသင့်လျော်သည်ဟု ထင်မြင်သည်အလျောက်သုံးစွဲခြင်း။
- (ခ) ငွေချေးယူခြင်းနှင့် ငွေထုတ်ချေးခြင်း (ထိုသို့ပြုရာတွင် ချေးထူထားသောငွေ၊ သို့တည်းမဟုတ် ထုတ်ချေးရန် စဉ်းစားဆဲ ငွေ အပါအဝင်ဖြစ်သည့် ထုတ်ချေးထားသော ငွေစုစုပေါင်းမှာ ဘဏ္ဍာတော်နှစ်တနှစ် အတွင်းငွေဆယ်သိန်းကျပ် ထက်ကျော်လွန်ခဲ့သော၊ ယင်းသို့ကျော်လွန်သည့် ကိစ္စတခုစီ အတွက်ဖြစ်စေ၊ ယေဘုယျအားဖြင့် အားလုံးအတွက်ဖြစ်စေ နိုင်ငံတော်သမ္မတ၏ သဘောတူညီချက်ကို ကြိုတင်ရယူရမည်)။
- (ဂ) နိုင်ငံတော် သမ္မတက၊ သတ်မှတ်သည့် စည်းကမ်းချက်များအရ၊ နိုင်ငံတော်သမ္မတက၊ အာမခံသည့် ခံဝန်ချုပ်များ (Bonds)၊ ကြွေးမြီ အာမခံစာချုပ်များ (Debentures)နှင့် အစုစတောက်များ (Stocks) ထုတ်ပေးခြင်း။
- (ဃ) နိုင်ငံတော် သမ္မတက၊ သတ်မှတ်သည့် စည်းကမ်းချက်များအရ၊ နိုင်ငံခြားမှငွေ ချေးယူသုံးစွဲခြင်း။

- (င) အဖွဲ့ဝင်နှစ်ဦး၊ သို့တည်းမဟုတ် နှစ်ဦးထက် ပိုသော အဖွဲ့ဝင်များ ပါဝင်သည့် ကော်မီတီများခန့်အပ်၍ ထိုကော်မီတီများအားအဖွဲ့၏တာဝန်ဝတ်တရားများနှင့် အာဏာများလွှဲအပ်ရန်။
- (စ) ကိုယ်စားလှယ်များခန့်အပ်၍ထိုကိုယ်စားလှယ်များအားဤအက်ဥပဒေ၏ရည်ရွယ်ချက်များကို ဆောင်ရွက်ရန် အဖွဲ့ကလိုအပ်သည်ဟု ထင်မြင်သော တာဝန်ဝတ်တရားများနှင့် အာဏာများ အပ်နှင်းရန်။
- (ဆ) အဖွဲ့အား မည်သည့်ကိစ္စ၌ မဆိုအကြံဉာဏ်ပေးရန် ပုဂ္ဂိုလ်ခန့်အပ်ခြင်း၊ သို့တည်းမဟုတ် ရွေးချယ်ခြင်း ပြုရန် နှင့် ထိုပုဂ္ဂိုလ်အား သင့်တော်သော အခွင့် စရိတ်ကြေးငွေများပေးရန်။
- (ဇ) အောက်ပါကိစ္စအားလုံးနှင့်၊ သို့တည်းမဟုတ်အချို့နှင့်စပ်လျဉ်း၍ စည်းကမ်းဥပဒေများပြုရန်။
 - (၁) အဖွဲ့၏ လုပ်ငန်းကို စီမံဆောင်ရွက်ခြင်းနှင့် အဖွဲ့ အစည်းအဝေး များတွင် လိုက်နာရန် ကျင့်ထုံး။
 - (၂) ရာထမ်းမှုထမ်းများခန့်အပ်ခြင်း၊ နုတ်ပယ်ခြင်း၊ ထိုရာထမ်းမှုထမ်းများ၏ လစာစရိတ်ကြေးငွေနှင့် အမှုထမ်းစည်းကမ်းများသတ်မှတ်ခြင်း၊ ထိုရာထမ်းမှုထမ်းများ၏ တာဝန်ဝတ်တရားများနှင့် အာဏာများသတ်မှတ်ခြင်း။
 - (၃) အဖွဲ့၏ရာထမ်းမှုထမ်းများ၏ သက်သာ ချောင်ချိရေးအတွက် သင့်တော်မည့် အခွန်စာရံပုံငွေနှင့် အခြားအထောက်အပံ့များစီမံပြုလုပ်ပေးခြင်း။
 - (၄) အဖွဲ့ကိုယ်စား စာချုပ်စာတမ်းများထို လက်မှတ်ရေးထိုးခြင်း။
 - (၅) ယေဘုယျ အားဖြင့် အဖွဲ့၏ တာဝန် ဝတ်တရား များကို ထိရောက်စွာ ဆောင်ရွက်ခြင်း။

၁၃။ ။ (၁) အဖွဲ့သည်၊ မိမိ၏ တာဝန် ဝတ်တရားများ ဆောင်ရွက်ရာတွင် ထုန်သွယ်မှု လုပ်ငန်းစဉ်များအတိုင်းဆောင်ရွက်ရမည်။ လိုက်နာရမည့်မှုနှင့်သက်ဆိုင်သည့်အချက်များတွင်၊ နိုင်ငံတော်သမတက၊ အဖွဲ့နှင့်တိုင်ပင်၍ ညွှန်ကြားသည့်အတိုင်းဆောင်ရွက်ရမည်။

(၂) အဖွဲ့သည်၊ သင်တန်းပေးခြင်း၊ ပညာပေးခြင်း၊ စမ်းသပ်ခြင်း၊ သုတေသနလုပ်ငန်းများ စီစဉ်လုပ်ကိုင်ခြင်းနှင့်စပ်လျဉ်းသော တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရမည်။

(၃) နိုင်ငံတော်သမတသည်၊ မည်သည့်အခါမဆို၊ အဖွဲ့၏၊ သို့တည်းမဟုတ် ကော်မီတီ၏ အမှုတွဲများမှ ကောက်နုတ်ချက်များကို၎င်း၊ မှတ်တမ်းများကို၎င်း၊ စီမံအုပ်ချုပ်မှုဆိုင်ရာ စာရင်းများကို၎င်း၊ အဖွဲ့ကကြီးကြပ်အုပ်ချုပ်ရသော ကိစ္စနှင့်စပ်လျဉ်းသည့် အစီရင်ခံစာရင်း၊ အစီရင်ခံစာမှန်းခြေ ငွေစာရင်း၊ သို့တည်းမဟုတ်အခြားအကြောင်းအရာကိုမိမိထံတင်ပြရန် အဖွဲ့အားတောင်းဆိုနိုင်သည်။ ယင်းသို့တောင်းဆိုသည့်အခါအဖွဲ့က လိုက်နာဆောင်ရွက်ရမည်။

၁၄။ ။ အဖွဲ့သည်၊ ဘဏ္ဍာတော်နှစ်အသီးသီး ကုန်ဆုံး ပြီးနောက် ဆောလျင် နိုင်ငံသမ္မု ဆောလျင်စွာ၊ ထိုနှစ်အတွက် အဖွဲ့၏တာဝန် ဝတ်တရားများကို ဆောင်ရွက်ခြင်းနှင့်၎င်း၊ အဖွဲ့က လိုက်နာသည့်မှုနှင့်၎င်း၊ လုပ်ငန်းအစီအစဉ်များနှင့်၎င်း၊ စပ်လျဉ်း၍နိုင်ငံတော်သမတထံအစီရင်ခံစာ ဘင်သွင်းရမည်။ ထိုအစီရင်ခံစာတွင် ပုဒ်မ ၁၃ အရ နိုင်ငံတော်သမတက၊ ထုတ်ဆင့်သည့်ညွှန်ကြားချက်များအရ အဖွဲ့က လိုက်နာ ဆောင်ရွက်သည့်အချက်များပါရှိစေရမည်။ နိုင်ငံတော် သမတသည်၊ အဆိုပါ အစီရင်ခံစာအသီးသီး၏ မိတ္တူကို ဝါလီမန်သို့ တင်ပြရမည်။

၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၁၈ အရ ပြင်ဆင်ထားသည်။

အခန်း ၄။

ငွေရေး ကြေးရေး နှင့် ငွေစာရင်းများ။

၁၅။ ။ ကော်ပိုရေးရှင်းသည်၊ ရံပုံငွေတခုထားရှိရမည်။ ကော်ပိုရေးရှင်းရရှိသောငွေအားလုံးကို ထိုရံပုံငွေသို့ထည့်သွင်း၍၊ ကော်ပိုရေးရှင်းကပေးရန်ရှိသော ငွေအားလုံးကိုထိုရံပုံငွေထဲမှဝေးရမည်။

၁၆။ ။ ကော်ပိုရေးရှင်းက မိမိ၏အာဏာနှင့် တာဝန် ဝတ်တရားများကို သုံးစွဲ ဆောင်ရွက်နိုင်ရန် အလို့ငှါ၊ နိုင်ငံတော်သမ္မတသည်၊ ကော်ပိုရေးရှင်းအား တလုံးတခဲတည်း ထောက်ပံ့ငွေများပေးနိုင်သည်။ သို့တည်းမဟုတ် နိုင်ငံတော် သမ္မတက၊ သင့်လျော်သည်ဟု ယူဆသောစည်းကမ်းချက်များဖြင့်ကော်ပိုရေးရှင်းသို့အခွန်ငွေစာရင်းတွင်ထည့်သွင်း၍ဖြစ်စေ၊ မ၊ တည်ငွေစာရင်းတွင်ထည့်သွင်း၍ဖြစ်စေ ငွေထုတ်ချေးနိုင်သည်။

၁၇။ ။ ကော်ပိုရေးရှင်းသည်၊ ချက်ခြင်းအသုံးမလိုသည့် မိမိပိုင်ငွေအားလုံးကို၊ နိုင်ငံတော်သမ္မတက သဘောတူသည့် ဘဏ်တွင်၊ သို့တည်းမဟုတ် ဘဏ်များတွင် ထားရမည်။

၁၈။ ။ (၁) ကော်ပိုရေးရှင်းသည်၊ တဏှာတော်နှစ်အသီးသီးမကုန်မီ ရက် ၃၀ ကြိုတင်၍၊ ထိုနှစ် နောက်လအတွက် ဘဏှာတော်နှစ် အတွက်၊ မိမိ၏ရ-သုံးမှန်းခြေ ငွေစာရင်းကို၊ နိုင်ငံတော်သမ္မတထံ သဘောတူညီချက်ရရန် တပ်သွင်း ရမည်ဖြစ်။ အဆိုပါမှန်းခြေ ငွေစာရင်းကိုပြင်သည့် နောက်ထပ်မှန်းခြေငွေစာရင်းကိုလည်း၊ အခါအားလျော်စွာထိန်းသိမ်းအတူတပ်သွင်းနိုင်သည်။

(၂) နိုင်ငံတော်သမ္မတ၏ သဘောတူချက်ဖြင့် စည်းကမ်းများနှင့်အညီ ပြန်လည် ခွဲဝေသုံးစွဲခြင်းမှတစ်ပါး၊ ပုဒ်မခွဲ(၁) အရ၊ ခွင့်ပြုသည့် မှန်းခြေငွေစာရင်းထက်ပို၍ မည်သည့် အသုံး စရိတ်ကိုမျှ ကော်ပိုရေးရှင်းက ကျခံခြင်းမပြုရ။

၁၉။ ။ (၁) အဖွဲ့သည်၊ ငွေစာရင်းများကို၎င်း၊ ထိုငွေစာရင်းများနှင့် သက်ဆိုင်သည့်အခြားမှတ်တမ်းများကို၎င်း ထားရှိရမည်ဖြစ်။ ဘဏှာတော်နှစ်အသီးသီးနှင့်စပ်လျဉ်းသည့် အဖွဲ့၏နှစ်ချုပ်ငွေစာရင်းကို ကုန်သွယ်လုပ်ငန်းစည်းမျဉ်းများအတိုင်းစီစဉ်ရေးသားရမည်။

(၂) အဖွဲ့၏ ရှင်းတမ်းနှင့် ငွေစာရင်း များကို၊ နိုင်ငံတော်သမ္မတက သတ်မှတ်သည့်နည်းအတိုင်း စစ်ဆေးရမည်။

(၃) အဖွဲ့သည် မိမိ၏ သုံးလပတ် ရ-သုံး ငွေစာရင်း ရှင်းတမ်းကို လာလတ္တီသော သုံးလအတွင်း၌ နိုင်ငံတော်သမ္မတက၊ သတ်မှတ်ထားသည့်စည်းကမ်းချက်များအရ၊ နိုင်ငံတော်သမ္မတထံသို့ ပေးပို့ရမည်။

(၄) အဖွဲ့၏ရှင်းတမ်းနှင့် ငွေစာရင်းများကို စစ်ဆေးပြီးသည်နှင့် တပြိုင်နက်၊ အဖွဲ့သည် နိုင်ငံတော်သမ္မတထံ ထိုနှစ်ချုပ် ငွေစာရင်း မိတ္တူ တစောင်ကို စာရင်းစစ် များ၏ အစီရင်ခံစာ မိတ္တူ တစောင်နှင့်တကွတင်ပြရမည်။

- (၅) ထိုရှင်းတမ်းနှင့် အစီရင်ခံစာ အသီးသီး၏ မိတ္တူတစောင်စီကို—
 - (က) အဖွဲ့၏ဗဟိုရုံးတွင်၊ လူအများကြည့်ရှုစစ်ဆေးနိုင်ရန်အတွက်ထားရှိရမည်၊ ထို့ပြင်
 - (ခ) ပါလီမန်တွင်တင်ပြရမည်။

၂၀။ ။ အဖွဲ့သည် တန်ဖိုး ယုတ်လျော့မှု အတွက် ရာထားငွေ၊ အပိုရာထားငွေ နှင့် အခြားရံပုံငွေတို့ကို နိုင်ငံတော်သမ္မတ သတ်မှတ်သည့် နှုန်းထားနှင့်စည်းကမ်းချက်များအရထားရှိရမည်။

အခန်း ၅။

လက်အောက်ခံကော်ပိုရေးရှင်းများ။

၂၁။ ။(၁) အဖွဲ့သည် လက်အောက်ခံကော်ပိုရေးရှင်းများကို ဖွဲ့စည်းနိုင်သည်။ အဆိုပါ လက်အောက်ခံ ကော်ပိုရေးရှင်းများသည် အဖွဲ့၏အုပ်ချုပ်မှုကိုခံယူလျက်အဖွဲ့ကလွှဲအပ်သည့် တာဝန် နှင့် အာဏာများကို ဆောင်ရွက်သုံးစွဲနိုင်ရမည်။

(၂) လက်အောက်ခံ ကော်ပိုရေးရှင်းများ၏ ဥက္ကဋ္ဌနှင့်အဖွဲ့ဝင်များကိုအဖွဲ့ကခန့်အပ်ရမည်။

အခန်း ၆။

အထွေထွေ။

၂၂။ ။အဖွဲ့၏ ရာထမ်းမှုထမ်း အသီးသီးသည်ဤဥပဒေ အရ ဆောင်ရွက် နေစဉ်၊ သို့တည်း မဟုတ် ဆောင်ရွက်သည့်သဘောသက်ရောက်သော အပြုအမူကိုပြုနေစဉ်၊ရာဇသတ်ကြီးပုဒ်မ ၂၁ ၏ အဓိပ္ပါယ်အရ၊ ပြည်သူ့ဝန်ထမ်းဖြစ်သည်ဟု မှတ်ယူရမည်။

၂၃။ ။ကော်ပိုရေးရှင်းအား၎င်း၊ အဖွဲ့အား၎င်း၊ အဖွဲ့ဝင်တဦးဦးအား၎င်း၊ အဖွဲ့၏ရာထမ်း မှုထမ်းတဦးဦးအား၎င်း၊ အဖွဲ့တွင်လုပ်ကိုင်နေသူ တဦးဦးအား၎င်း၊ ဤအက်ဥပဒေအရ သဘောရိုးဖြင့် ဆောင်ရွက်သည့်၊ သို့တည်းမဟုတ် ဆောင်ရွက်ရန် ကြံရွယ်သည့်ကိစ္စ အတွက်၊ တရားမမှုဖြစ်စေ၊ ရာဇဝတ်မှုဖြစ်စေ၊ အခြားတရားမမှုခင်းဖြစ်စေ၊ မည်သည့်တရားရုံးတွင်မျှမစွဲဆိုရ။

သို့ရာတွင် ကူးသန်းရောင်းဝယ်ရေးကုမ္ပဏီတခုခုကတရားမမှုစွဲဆိုနိုင်သကဲ့သို့၊ သို့တည်းမဟုတ် စွဲဆိုခံရထိုက်သကဲ့သို့ အလားတူအမှုများတွင် အလားတူနည်းလမ်းဖြင့် ကော်ပိုရေးရှင်းက၊ သို့တည်း မဟုတ် ဆိုခဲ့သည့် ပုဂ္ဂိုလ်ကဖြစ်စေ၊ကော်ပိုရေးရှင်းကို၊ သို့တည်းမဟုတ် ဆိုခဲ့သည့် ပုဂ္ဂိုလ်ကိုဖြစ်စေ၊ တရားမမှုစွဲခြင်းကို ဤပုဒ်မပါ မည်သည့် ပြဋ္ဌာန်းချက်ကမူမိတ်ပင်ခြင်းမရှိစေရ။

ဓါတ်သတ္တုပင်ရင်းအခြေအမြစ်များကိုတိုးတက်အောင်ဆောင်ရွက်ရေး ကော်ပိုရေးရှင်းအက်ဥပဒေ။

[၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၄၄။] (၁၉၅၂ ခု၊ နိုဝင်ဘာလ ၁ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

အခန်း ၁။

အမည်တို့၊ သက်ဆိုင်ရာနယ်အဝှန်း၊ အာဏာတည်သည့်နေ့ရက်နှင့် အဓိပ္ပါယ်ဖော်ပြချက်။

၁။ ။(၁) ဤအက်ဥပဒေကို၊ ၁၉၅၂ ခုနှစ်၊ ဓါတ်သတ္တု ပင်ရင်းအခြေအမြစ်များကို တိုးတက်အောင် ဆောင်ရွက်ရေး ကော်ပိုရေးရှင်း အက်ဥပဒေဟု ခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ တဝှန်းလုံးနှင့် သက်ဆိုင်ရမည်။

(၃) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမ္မတ က၊ အဓိနုကြော်ငြာစာ ထုတ်ပြန်၍ သတ်မှတ်သည့် နေ့ရက်တွင် စတင်အာဏာတည်ရမည်။

⁂ ၁၉၅၂ ခု၊ နိုဝင်ဘာလ ၁ ရက်။ ။မြန်မာနိုင်ငံပြန်တမ်း၊၁၉၅၂ ခု၊ အပိုင်း ၁၊စာမျက်နှာ ၁၁၂၉ တွင်ကြည့်။

၂။ ။ ဤအက်ဥပဒေတွင်၊ ရွှေနောက်စကားတို့၏ အဓိပ္ပါယ်ကိုထောက်ထားရန်မလိုလျှင်—

(က) “ကော်ပိုရေးရှင်း” ဆိုသည်မှာ၊ ဤအက်ဥပဒေပုဒ်မ ၃ အရ၊ တည်ထောင်သော ဓါတ်သတ္တုပင်ရင်းအခြေအမြစ်များကို တိုးတက်အောင် ဆောင်ရွက်ရေး ကော်ပိုရေးရှင်းကိုဆိုလိုသည်။

(ခ) “အဖွဲ့” ဆိုသည်မှာ၊ ဤအက်ဥပဒေပုဒ်မ ၄ အရ၊ ဖွဲ့စည်းသော ဒါရိုက်တာ အဖွဲ့ကိုဆိုလိုသည်။

အခန်း ၂။

ကော်ပိုရေးရှင်းဖွဲ့စည်းအုပ်ချုပ်ပုံ။

၃။ ။ (၁) နိုင်ငံတော် သမ္မတ က၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်၍ သတ်မှတ်သည့်နေ့ရက် တွင် “ဓါတ်သတ္တုပင်ရင်း အခြေအမြစ်များကို တိုးတက်အောင် ဆောင်ရွက်ရေး ကော်ပိုရေးရှင်း” ဟု ခေါ်သည့် ကော်ပိုရေးရှင်းတခု တည်ထောင်ရမည်။

(၂) အဆိုပါ ကော်ပိုရေးရှင်းသည်၊ စဉ်ဆက်မပြတ် ဆက်ခံ ဆောင်ရွက်နိုင်ခွင့်နှင့် တကွ မိမိပိုင်တံဆိပ်တခုရှိသော တရားဝင်အဖွဲ့ဖြစ်ရမည်။ အဆိုပါ အမည်ဖြင့် တရားစွဲဆိုနိုင်၍ တရား စွဲဆိုခြင်းကိုလည်းခံနိုင်ရမည်။

၄။ ။ ကော်ပိုရေးရှင်း၏အာဏာများ၊ တာဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရန် “ဒါရိုက်တာအဖွဲ့” ဟုခေါ်သည့် အဖွဲ့တခုဖွဲ့စည်းရမည်။ ထိုအဖွဲ့တွင် အောက်ပါ ပုဂ္ဂိုလ်များပါဝင်ရမည်။

(၁) နိုင်ငံတော်သမ္မတ က၊ ရွေးချယ်သော ပြည်ထောင်စု အစိုးရအဖွဲ့ဝင် [ဝန်ကြီး လေးဦး] ။

(၂) ပြည်ထောင်စု ဖြန့်မာနိုင်ငံတော် ဘဏ်ဒါရိုက်တာအဖွဲ့၏ ကိုယ်စားလှယ်တဦး (ကိုယ်စားလှယ်အဖြစ်ဖြင့်ဆောင်ရွက်ရန်၊ ထိုဒါရိုက်တာအဖွဲ့သည် မိမိတို့အဖွဲ့ ဝင်များထဲမှ တဦးကိုဖြစ်စေ၊ ဘဏ်အထွေထွေ မန်နေဂျာကို ဖြစ်စေ ရွေးချယ် နိုင်သည်) ။

(၃) ပုဒ်မ ၆ အရ၊ ခန့်အပ်သော အုပ်ချုပ်ရေးမှူး။

(၄) နိုင်ငံတော်သမ္မတ ခန့်အပ်သည့်စက်မှုလက်မှု၊ ဓါတ်သတ္တုထူးသန်းရောင်းဝယ်ရေး၊ သို့တည်းမဟုတ် ငွေရေးကြေးရေးကိစ္စများ၊ လက်တွေ့ သောကဓါတ်ပညာရပ်၊ အုပ်ချုပ်ရေး၊ သို့တည်းမဟုတ် အလုပ်သမား စီမံခန့်ခွဲ အုပ်ချုပ်မှုတွင် ကျွမ်း ကျင်သူ ၄ ဦး။

၅။ ။ နိုင်ငံတော်သမ္မတ သည်၊ ပုဒ်မ ၄ (၁) တွင် ရည်ညွှန်းထားသည့် အစိုးရအဖွဲ့ဝင် [ဝန်ကြီးလေးဦး] ၊ အနက် တဦးကိုအဖွဲ့၏ ဥက္ကဋ္ဌအဖြစ်ဆောင်ရွက်ရန် တင်မြှောက်ရမည်။

၆။ ။ (၁) နိုင်ငံတော်သမ္မတ သည်၊ မိမိသင့်တော်သည်ထင်မြင်သည့် ပုဂ္ဂိုလ်တဦးအား အဖွဲ့၏အုပ်ချုပ်ရေးမှူးအဖြစ်ခန့်အပ်ရမည်။

(၂) အုပ်ချုပ်ရေးမှူးသည် အောက်ပါ တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရမည်။

(က) ပုဒ်မ ၁၁ တွင် ပြဋ္ဌာန်းထားသော တာဝန်ဝတ်တရားများ၊ လုပ်ငန်းဆောင် တာများနှင့် အညီအခြေခံ စီမံကိန်းတခုကို ရေးဆွဲခြင်း။

° ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၁၉ အရ အစားထည့်သွင်းသည်။

- (ခ) အဖွဲ့၏ သဘောတူညီချက် ရယူရန်အလို့ငှါ၊ နှစ်စဉ်ရသုံးနှုန်းခြေ ငွေစာရင်းများကို အဖွဲ့ကအခါအားလျော်စွာ သတ်မှတ်သည့်နေ့ရက်တွင်တင်ပြခြင်း။
- (ဂ) ကော်ပိုရေးရှင်း၏ လုပ်ငန်းဆောင်တာ လုပ်ဆောင်မည့် အစီအစဉ်ကို အဖွဲ့သို့ တင်ပြခြင်း။
- (ဃ) အဖွဲ့၊ သို့တည်းမဟုတ် ကော်မတီအဖွဲ့များ၏ ဆုံးဖြတ်ချက်များကို ဆောင်ရွက်ခြင်း၊ ထိုသို့ဆောင်ရွက်ရာ၌ ထိုဆုံးဖြတ်ချက်များအတိုင်း ဖြစ်မြောက်စေရန် လိုအပ်သော တာဝန်ဝတ်တရား၊ ပဋိညာဉ်စာချုပ် ချုပ်မှု၊ လုပ်ကိုင်ဆောင်ရွက်မှု အဝဝတို့ကို ပြုလုပ်ဆောင်ရွက်၍၊ ကော်ပိုရေးရှင်း၏အကျိုးကိုထိရောက်စွာကာကွယ်နိုင်ရန်အတွက် ဥပဒေအရ၊ အာမခံရယူရေးများကိုလည်း တာဝန်ယူခြင်း။
- (င) အဖွဲ့က မိမိအားလွှဲအပ်သော တာဝန်ကိစ္စအသီးသီးတို့တွင် ကော်ပိုရေးရှင်း၏ ကိုယ်စားဆောင်ရွက်ခြင်း။
- (စ) ဘဏ္ဍာတော်နှစ် အသီးသီးကုန်ဆုံးပြီးနောက်၊လျင်မြန်နိုင်သမျှလျင်မြန်စွာ ကော်ပိုရေးရှင်း၏နှစ်ချုပ်အစီရင်ခံစာနှင့် လက်ကုန်ရှင်းတမ်းတို့ကို အဖွဲ့သို့တင်ပြခြင်း။
- (ဆ) အဖွဲ့၏သဘောတူချက်ကိုရယူ၍ ကော်ပိုရေးရှင်း၏ ဌာနမှူးများနှင့် အခြားရာထမ်း မှုထမ်းများခန့်အပ်ခြင်း။
- (ဇ) အဖွဲ့ကမိမိအားလွှဲအပ်သော အခြားတာဝန်ဝတ်တရားများကို ဆောင်ရွက်ခြင်း။

(၃) အဖွဲ့သည်အခါအားလျော်စွာ အုပ်ချုပ်ရေးမှူးအား၊ သို့တည်းမဟုတ် ကော်ပိုရေးရှင်း၏ အခြားရာထမ်း မှုထမ်းများအား မိမိသင့်လျော်သည့် ထပ်မြင်သည့် အာဏာများနှင့် တာဝန်ဝတ်တရားများ အပ်နှင်းနိုင်သည်။

၇။ ။အဖွဲ့ကပြုလုပ်သည့်၊ သို့တည်းမဟုတ် ပြုလုပ်ရန်ကြံရွယ်သည့် ပဋိညာဉ်၊ လုပ်ကိုင်မှု၊ ရောင်းမှု၊သို့တည်းမဟုတ် ဝယ်ယူ တခုခုတွင် တိုက်ရိုက်ဖြစ်စေ၊ သွယ်ဝိုက်၍ဖြစ်စေ၊ တနည်းနည်းဖြင့် အကျိုးသက်ဆိုင်သည့်အဖွဲ့ဝင်သည်၊ မိမိမည်သို့အကျိုးသက်ဆိုင်ကြောင်းကို အဖွဲ့အစည်းအဝေးတွင် ထုတ်ဖော်ပြောဆိုရမည်။ ထိုသို့ ထုတ်ဖော် ပြောဆိုချက်ကို၊ အဖွဲ့အစည်းအဝေး မှတ်တမ်းများတွင် ရေးမှတ်ထားရမည်။ ထို့ပြင်၊ ထိုအဖွဲ့ဝင်သည် ထိုပဋိညာဉ်အရ လုပ်ကိုင်မှုနှင့်၊ သို့တည်းမဟုတ် ထိုရောင်းမှုနှင့်၊ သို့တည်းမဟုတ် ထိုဝယ်ယူမှုနှင့်စပ်လျဉ်း၍၊ အဖွဲ့ကဆွေးနွေးရာတွင်၊ သို့တည်းမဟုတ် ဆုံးဖြတ်ရာတွင် မပါဝင်ရ။

၈။ ။(၁) ပုဒ်မ ၄ အရခန့်အပ်သော အဖွဲ့ဝင်များ၏ရာထူးသက်တမ်းသည်၊ နိုင်ငံတော်သမ္မတ သတ်မှတ်သည့်အတိုင်း ဖြစ်ရမည်။ သို့သော် ၄ နှစ်ထက်မကျော်လွန်စေရ။ အဖွဲ့ဝင်တို့၏ ရာထူးသက်တမ်းကို နိုင်ငံတော်သမ္မတက၊ မည်သည့်အချိန်တွင်မဆို ရပ်စဲစေနိုင်သည်။

(၂) နိုင်ငံတော်သမ္မတ သည်၊ မည်သည့်အဖွဲ့ဝင်ကိုမဆို ထိုသူ၏ရာထူးသက်တမ်း စေ့ကုန်သည့်အခါတွင် ပြန်လည်ခန့်အပ်နိုင်သည်။

၉။ ။အဖွဲ့ဝင်များနှင့် အုပ်ချုပ်ရေးမှူးအား နိုင်ငံတော်သမ္မတ သတ်မှတ်သည့် အခများနှင့် စနိတ်ကြေးငွေများပေးရမည်။ သို့သော် အဖွဲ့ဝင်၏၊ သို့တည်းမဟုတ် အုပ်ချုပ်ရေးမှူး၏ ခရီးစရိတ်များကို အဖွဲ့ကသတ်မှတ်နိုင်သည်။

၁၀။ ။အဖွဲ့၏ဆောင်ရွက်မှုတို့သည် အဖွဲ့ဝင်မနေရာ လစ်လပ်သောကြောင့်သော်၎င်း၊ အဖွဲ့ဝင်တဦးဦးခန့်အပ်ရာ၌ ချို့ယွင်းချက်ရှိခြင်းကြောင့်သော်၎င်း ပျက်ပြယ်ခြင်းမရှိစေရ။

အခန်း ၃။

ကော်ပိုရေးရှင်း၏ အာဏာနှင့်တာဝန်ဝတ်တရားများ။

၁၁။ ။(၁) ဓါတ်သတ္တု ပင်ရင်း အခြေအမြစ် ပစ္စည်းများကို တူးဖော် ထုတ်လုပ်မှု၊ တိုးချဲ့လုပ်ကိုင်မှုနှင့် အသုံးချမှုတို့ကို ဆောင်ရွက်ခြင်းသည် ကော်ပိုရေးရှင်း၏ တာဝန်ဝတ်တရားများ ဖြစ်ရမည်။

(၂) ကော်ပိုရေးရှင်းသည် ပုဒ်မခွဲ (၁)တွင် ဖော်ပြထားသော တာဝန်ဝတ်တရားများ နှင့် ဆက်သွယ်၍ပေါ်ပေါက်လာသော ကိစ္စများကို၎င်း၊ ထိုတာဝန်ဝတ်တရားများ ဆောင်ရွက်ရာ ၌ အကျိုးရှိမည်၊ သို့တည်းမဟုတ် သင့်လျော်မည်ဟု မိမိထင်မြင်သောကိစ္စများကို၎င်း ဆောင်ရွက် ရမည်။ အထူးသဖြင့် ဤပုဒ်မ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အောက်ပါကိစ္စများကိုလည်း ဆောင်ရွက်ရမည်။

- (က) နိုင်ငံတော်သမ္မတက သဘောတူညီပြီးဖြစ်သည့် မည်သည့်အခြေခံ တိုးတက်မှု စီမံကိန်းများနှင့်မျှ မဆန့်ကျင်သည့် သဘာဝသတ္တု အခြေအမြစ်ပစ္စည်းများကို တူးဖော်ထုတ်လုပ်ရေး၊ တိုးချဲ့လုပ်ကိုင်ရေးနှင့် အသုံးချရေးအတွက် စီမံကိန်း များ ရေးဆွဲခြင်း။
- (ခ) ထုတ်ကုန်ပစ္စည်းများကို ကောင်းမွန်တိုးတက်စေရန် ပြုလုပ်ခြင်း၊ သိုလှောင်ခြင်း၊ ရောင်းချခြင်းနှင့် ဖြန့်ဖြူးဝေငှခြင်း။
- (ဂ) သင်တန်းများဖွင့်လှစ်ခြင်း၊ ဗဟုသုတရစေရန် ပညာပေးခြင်း၊ စမ်းသပ်လုပ်ကိုင် ခြင်းနှင့် သုတေသနလုပ်ငန်းများ စီစဉ်လုပ်ကိုင်ခြင်း။
- (ဃ) စူးစမ်း ရှာဖွေခြင်းနှင့် ဓါတ်သတ္တု စမ်းသပ် တူးဖော်ရေးများအတွက် လုပ် ဆောင်ခြင်း။

(၃) ကော်ပိုရေးရှင်းသည် ဤပုဒ်မပါ တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရာ၌၊ နိုင်ငံ တော်သမ္မတ၏ သဘောတူညီချက်ကို ကြိုတင်ရယူ၍ ပုဂ္ဂလိကပိုင် အရင်းရှင် လုပ်ငန်းများနှင့် ဖက် စပ်နိုင်သည်။

၁၂။ ။(၁) ဤအက်ဥပဒေအရ ပြဋ္ဌာန်းထားသော တာဝန်ဝတ်တရားများကို ဆောင် ရွက်ရာတွင်၊ လိုအပ်သော၊ သို့တည်းမဟုတ် သင့်တော်သော မည်သည့်အလုပ်ကိစ္စမဆို လုပ်ကိုင် ရန်အဖွဲ့အာဏာရှိရမည်။

(၂) ပုဒ်မခွဲ(၁)၏ ယေဘုယျသဘောကိုမထိခိုက်စေဘဲ၊အဆိုပါ အာဏာတွင် အောက် ပါကိစ္စများကို ဆောင်ရွက်ရန် အာဏာလည်းပါဝင်ရမည်။

- (က) ဥပဒေအရ ဝတ်တရားများကို ဆောင်ရွက်ရန်အလို့ငှါ၊ မိမိ၏ရံပုံငွေမှ အပိုဒ်ငယ် (ဂ)၊ (ဃ)နှင့် ပုဒ်မ ၁၈ နှင့် ၂၀ ၏ပြဋ္ဌာန်းချက်များနှင့် မဆန့်ကျင်စေဘဲ၊ မိမိသင့်လျော်သည် ဟုထင်မြင်သည်အလျောက် သုံးစွဲခြင်း။
- (ခ) ငွေချေးယူခြင်းနှင့် ငွေထုတ်ချေးခြင်း (ထိုသို့ပြုရာတွင် ချေးယူထားသောငွေ၊ သို့တည်းမဟုတ် ထုတ်ချေးရန် စဉ်းစားဆဲငွေ အပါအဝင်ဖြစ်သည့် ထုတ်ချေး ထားသောငွေ စုစု ပေါင်းမှာ၊ ဘဏ္ဍာတော်နှစ် တနှစ်အတွင်း ငွေဆယ်သိန်း ကျပ်ထက် ကျော်လွန်ခဲ့သော၊ ယင်းသို့ကျော်လွန်သည့်ကိစ္စ တခုစီအတွက် ဖြစ်စေ၊ ယေဘုယျအားဖြင့် အားလုံးအတွက်ဖြစ်စေ၊ နိုင်ငံတော်သမ္မတ ၏ သဘောတူညီချက်ကို ကြိုတင်ရယူရမည်)။

- (ဂ) နိုင်ငံတော်သမ္မတ က၊ သတ်မှတ်သည့်စည်းကမ်းချက်များအရ၊ နိုင်ငံတော်သမ္မတ က၊ အာမခံသည့် ခံဝန်ချုပ်များ (Bonds)၊ ကြေးမြီ အာမခံ စာချုပ်များ (Debentures) နှင့် အစုစတောက်များ (Stocks) ထုတ်ပေးခြင်း။
- (ဃ) နိုင်ငံတော်သမ္မတ က၊ သတ်မှတ်သည့် စည်းကမ်းချက်များ အရ၊ နိုင်ငံခြားမှ ငွေချေးယူသုံးစွဲခြင်း။
- (င) အဖွဲ့ဝင်နှစ်ဦး၊ သို့တည်းမဟုတ် နှစ်ဦးထက်ပိုသော အဖွဲ့ဝင်များ ပါဝင်သည့် ကော်မတီများ ခန့်အပ်၍၊ ထိုကော်မတီများအား အဖွဲ့၏တာဝန်ဝတ်တရားများနှင့် အာဏာများလွှဲအပ်ရန်။
- (စ) ကိုယ်စားလှယ်များ ခန့်အပ်၍၊ ထိုကိုယ်စားလှယ်များအား ဤအက်ဥပဒေ၏ ရည်ရွယ်ချက်များကို ဆောင်ရွက်ရန်၊ အဖွဲ့က လိုအပ်သည်ဟု ထင်မြင်သော တာဝန်ဝတ်တရားများနှင့် အာဏာများအပ်နှင်းရန်။
- (ဆ) အဖွဲ့အား မည်သည့်ကိစ္စဉ်မဆို အကြံဉာဏ်ပေးရန် ပုဂ္ဂိုလ်ခန့်အပ်ခြင်း၊ သို့တည်းမဟုတ် ရွေးချယ်ခြင်း ပြုရန်နှင့် ထိုပုဂ္ဂိုလ်အား သင့်တော်သောအခွင့် စရိတ်ကြေးငွေများ ပေးရန်။
- (ဇ) အောက်ပါကိစ္စအားလုံးနှင့်၊ သို့တည်းမဟုတ် အချို့နှင့်စပ်လျဉ်း၍ စည်းကမ်းဥပဒေများပြုရန်—
 - (၁) အဖွဲ့၏ လုပ်ငန်းကို စီမံဆောင်ရွက်ခြင်းနှင့် အဖွဲ့ အစည်းအဝေး များတွင် လိုက်နာရန်ကျင့်ထုံး။
 - (၂) ရာထမ်း မှုထမ်းများ ခန့်အပ်ခြင်း၊ နုတ်ပယ်ခြင်း၊ ထိုရာထမ်း မှုထမ်းများ၏ လစာစရိတ်ကြေးငွေနှင့် အမှုထမ်းစည်းကမ်းများ သတ်မှတ်ခြင်း၊ ထိုရာထမ်း မှုထမ်းများ၏ တာဝန်ဝတ်တရားများနှင့် အာဏာများသတ်မှတ်ခြင်း။
 - (၃) အဖွဲ့၏ ရာထမ်းမှုထမ်းများ၏ သက်သာချောင်ချိရေးအတွက် သင့်တော်မည့် အိန်နာစာရိပ်ငွေနှင့် အခြားအထောက်အပံ့များ စီမံပြုလုပ်ပေးခြင်း။
 - (၄) အဖွဲ့ကိုယ်စား စာချုပ်စာတမ်းများကို လက်မှတ်ရေးထိုးခြင်း။
 - (၅) ယေဘုယျအားဖြင့် အဖွဲ့၏ တာဝန်ဝတ်တရားများကို ထိရောက်စွာဆောင်ရွက်ခြင်း။

၁၃။ ။(၁) အဖွဲ့သည် မိမိ၏တာဝန် ဝတ်တရားများ ဆောင်ရွက်ရာတွင်၊ ကုန်သွယ်မှု လုပ်ငန်း စည်းမျဉ်းများအတိုင်း ဆောင်ရွက်ရမည်။ လိုက်နာရမည့်မှုနှင့် သက်ဆိုင်သည့်အချက်များတွင် နိုင်ငံတော်သမ္မတ က၊ အဖွဲ့နှင့်တိုင်ပင်၍ ညွှန်ကြားသည့်အတိုင်း ဆောင်ရွက်ရမည်။

(၂) အဖွဲ့သည် သင်တန်းပေးခြင်း၊ ပညာပေးခြင်း၊ စမ်းသပ်ခြင်း၊ သုတေသနလုပ်ငန်းများ စီစဉ်လုပ်ကိုင်ခြင်းနှင့် စပ်လျဉ်းသော တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရမည်။

(၃) နိုင်ငံတော်သမ္မတ သည်၊ မည်သည့်အခါမဆို အဖွဲ့၏၊ သို့တည်းမဟုတ် ကော်မတီ၏ အမှုတွဲများမှ ကောက်နုတ်ချက်များကို၎င်း၊ မှတ်တမ်းများကို၎င်း၊ စီမံအုပ်ချုပ်မှုဆိုင်ရာ စာရင်းများကို၎င်း၊ အဖွဲ့ကကြီးကြပ်အုပ်ချုပ်ရသော ကိစ္စနှင့်စပ်လျဉ်းသည့် အစီရင်ခံစာရင်း၊ အစီရင်ခံစာမှန်းခြေငွေစာရင်း၊ သို့တည်းမဟုတ် အခြားအကြောင်းအရာကို မိမိထံတင်ပြရန် အဖွဲ့အား တောင်းဆိုနိုင်သည်။ ယင်းသို့ တောင်းဆိုသည့်အခါ အဖွဲ့ကလိုက်နာဆောင်ရွက်ရမည်။

၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၁၉ အရ၊ ပြင်ဆင်ထားသည်။

၁၄။ ။အဖွဲ့သည် ဘဏ္ဍာတော်နှစ်အသီးသီးကုန်ဆုံးပြီးနောက်၊ဆောလျင်နိုင်သမျှဆောလျင်စွာ ထိုနှစ်အတွက် အဖွဲ့၏တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ခြင်းနှင့်၎င်း၊ အဖွဲ့ကလိုက်နာသည့်မှုနှင့်၎င်း၊လုပ်ငန်းအစီအစဉ်များနှင့်၎င်း စပ်လျဉ်း၍၊ နိုင်ငံတော် သမတ ထံအစီရင်ခံစာတင်သွင်းရမည်။ ထိုအစီရင်ခံစာတွင် ပုဒ်မ ၁၃ အရ၊ နိုင်ငံတော် သမတ ကထုတ်ဆင့်သည့် ညွှန်ကြားချက်များအရ အဖွဲ့က လိုက်နာဆောင်ရွက်သည့်အချက်များပါရှိစေရမည်။ နိုင်ငံတော်သမတ သည်၊ အဆိုပါ အစီရင်ခံစာ အသီးသီး၏ မိတ္တူကို ပါလီမန်သို့တင်ပြရမည်။

အခန်း ၄။

ငွေရေးကြေးရေးနှင့် ငွေစာရင်းများ။

၁၅။ ။ကော်ပိုရေးရှင်းသည် ရံပုံငွေတခုထားရှိရမည်။ ကော်ပိုရေးရှင်းရရှိသောငွေအားလုံးကို ထိုရံပုံငွေသို့ထည့်သွင်း၍၊ ကော်ပိုရေးရှင်းကဝေးရန်ရှိသော ငွေအားလုံးကိုထိုရံပုံငွေထဲမှပေးရမည်။

၁၆။ ။ကော်ပိုရေးရှင်းက မိမိ၏အာဏာနှင့် တာဝန်ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်နိုင်ရန်အလို့ငှါ၊ နိုင်ငံတော်သမတ သည်၊ ကော်ပိုရေးရှင်းအား တလုံးတခဲတည်း ထောက်ပံ့ငွေများပေးနိုင်သည်။ သို့တည်းမဟုတ် နိုင်ငံတော်သမတ က၊ သင့်လျော်သည်ဟု ယူဆသော စည်းကမ်းချက်များဖြင့် ကော်ပိုရေးရှင်းသို့ အခွန်ငွေစာရင်းတွင် ထည့်သွင်း၍ဖြစ်စေ၊ မ၊တည်ငွေစာရင်းတွင် ထည့်သွင်း၍ဖြစ်စေ ငွေထုတ်ချေးနိုင်သည်။

၁၇။ ။ကော်ပိုရေးရှင်းသည် ချက်ခြင်းအသုံးမလိုသည့် မိမိပိုင်ငွေအားလုံးကို နိုင်ငံတော်သမတ က သဘောတူသည့်ဘဏ်တွင်၊ သို့တည်းမဟုတ် ဘဏ်များတွင်ထားရမည်။

၁၈။ ။(၁) ကော်ပိုရေးရှင်းသည် ဘဏ္ဍာတော်နှစ်အသီးသီးမကုန်မီ ရက် ၃၀ ကြိုတင်၍၊ ထိုနှစ်နောက်လာမည့် ဘဏ္ဍာတော်နှစ်အတွက်၊ မိမိ၏ ရ-သုံးမှန်းခြေ ငွေစာရင်းကို၊ နိုင်ငံတော်သမတ ထံသဘောတူညီချက်ရရန် တင်သွင်းရမည်ပြင်၊ အဆိုပါမှန်းခြေငွေစာရင်းကို ပြင်သည့်နောက်ထပ်မှန်းခြေငွေစာရင်းကိုလည်း အခါအားလျော်စွာ ထိုနည်းအတိုင်းတင်သွင်းနိုင်သည်။

(၂) နိုင်ငံတော်သမတ၏ သဘောတူချက်ဖြင့် စည်းမျဉ်းများနှင့်အညီ ပြန်လည် ခွဲဝေသုံးစွဲခြင်းမှတစ်ပါး ပုဒ်မခွဲ(၁)အရ၊ ခွင့်ပြုသည့်မှန်းခြေငွေစာရင်းထက်ပို၍ မည်သည့် အသုံးစရိတ်ကိုမျှ ကော်ပိုရေးရှင်းက ကျခံခြင်းမပြုရ။

၁၉။ ။(၁) အဖွဲ့သည် ငွေစာရင်းများကို၎င်း၊ ထိုငွေစာရင်းများနှင့် သက်ဆိုင်သည့် အခြားမှတ်တမ်းများကို၎င်း ထားရှိရမည်ပြင်၊ ဘဏ္ဍာတော်နှစ်အသီးသီးနှင့်စပ်လျဉ်းသည့် အဖွဲ့၏နှစ်ချုပ်ငွေစာရင်းကို ကုန်သွယ်လုပ်ငန်း စည်းမျဉ်းများအထိင်း စီစဉ်ရေးသားရမည်။

(၂) အဖွဲ့၏ရှင်းတမ်းနှင့် ငွေစာရင်းများကို၊ နိုင်ငံတော်သမတ က၊ သက်မှတ်သည့်နည်းအတိုင်းစစ်ဆေးရမည်။

(၃) အဖွဲ့သည် မိမိ၏သုံးလပတ် ရ-သုံးငွေစာရင်းရှင်းတမ်းကို လာလတ္တံ့သော သုံးလ အတွင်း၌ နိုင်ငံတော်သမ္မတ က၊ သတ်မှတ်ထားသည့် စည်းကမ်းချက်များအရ၊ နိုင်ငံတော်သမ္မတ ထံသို့ ပေးပို့ရမည်။

(၄) အဖွဲ့၏ရှင်းတမ်းနှင့် ငွေစာရင်းများကို စစ်ဆေးပြီးသည်နှင့် တပြိုင်နက်၊ အဖွဲ့သည် နိုင်ငံတော်သမ္မတ ထံ ထိနှစ်ချုပ်ငွေစာရင်း မိတ္တူတစောင်ကို၊ စာရင်းစစ်များ၏ အစီရင်ခံစာ မိတ္တူ တစောင်နှင့်တကွ တင်ပြရမည်။

(၅) ထိုရှင်းတမ်းနှင့် အစီရင်ခံစာ အသီးသီး၏ မိတ္တူတစောင်စီကို—

(က) အဖွဲ့၏ ဗဟိုရုံးတွင်၊ လူအများကြည့်ရှုစစ်ဆေးနိုင်ရန်အတွက် ထားရှိရမည်၊ ထိုပြင်

(ခ) ပါလီမန်တွင် တင်ပြရမည်။

၂၀။ ။အဖွဲ့သည် တန်ဖိုးယုတ်လျော့မှုအတွက်ရာထားငွေ၊ အပိုရာထားငွေနှင့် အခြား ရံပုံငွေတို့ကို နိုင်ငံတော်သမ္မတ သတ်မှတ်သည့် နှုန်းထားနှင့် စည်းကမ်းချက်များအရ ထားရှိရမည်။

အခန်း ၅။

လက်အောက်ခံကော်ပိုရေးရှင်းများ။

၂၁။ ။(၁) အဖွဲ့သည် လက်အောက်ခံ ကော်ပိုရေးရှင်းများကို ဖွဲ့စည်းနိုင်သည်။ အဆိုပါ လက်အောက်ခံကော်ပိုရေးရှင်းများသည် အဖွဲ့၏အုပ်ချုပ်မှုကိုခံယူလျက် အဖွဲ့ကလွှဲအပ်သည့်တာဝန် နှင့်အာဏာများကို ဆောင်ရွက်သုံးစွဲနိုင်ရမည်။

(၂) လက်အောက်ခံ ကော်ပိုရေးရှင်းများ၏ ဥက္ကဋ္ဌနှင့် အဖွဲ့ဝင်များကို အဖွဲ့က ခန့်အပ် ရမည်။

အခန်း ၆။

အထွေထွေ။

၂၂။ ။အဖွဲ့၏ရာထမ်း မှုထမ်းအသီးသီးသည်၊ ဤဥပဒေအရ ဆောင်ရွက်နေစဉ်၊ သို့တည်း မဟုတ် ဆောင်ရွက်သည့်သဘောသက်ရောက်သော အပြုအမူကိုပြုနေစဉ်၊ ရာဇသတ်ကြီးပုဒ်မ ၂၁ ၏ အဓိပ္ပာယ်အရ၊ ပြည်သူ့ဝန်ထမ်းဖြစ်သည်ဟု မှတ်ယူရမည်။

၂၃။ ။ကော်ပိုရေးရှင်းအား၎င်း၊ အဖွဲ့အား၎င်း၊ အဖွဲ့ဝင် တဦးဦးအား၎င်း၊ အဖွဲ့၏ ရာ ထမ်းမှုထမ်းတဦးဦးအား၎င်း၊ အဖွဲ့တွင်လုပ်ကိုင်နေသူတဦးဦးအား၎င်း၊ ဤအက်ဥပဒေအရ သဘော ရိုးဖြင့်ဆောင်ရွက်သည့်၊ သို့တည်းမဟုတ် ဆောင်ရွက်ရန်ကြံရွယ်သည့်ကိစ္စအတွက်၊ တရားမမှုဖြစ်စေ၊ ရာဇဝတ်မှုဖြစ်စေ၊ အခြားတရားမှုခင်းဖြစ်စေ၊ မည်သည့်တရားရုံးတွင်မျှ မစွဲဆိုရ။

သို့ရာတွင် ထူးသန်းရောင်းဝယ်ရေး ကုမ္ပဏီတခုခုက တရားမမှု စွဲဆိုနိုင်သကဲ့သို့၊ သို့တည်း မဟုတ် စွဲဆိုခံရထိုက်သကဲ့သို့ အလားတူအမှုများတွင် အလားတူနည်းလမ်းဖြင့် ကော်ပိုရေးရှင်းက၊ သို့တည်းမဟုတ် ဆိုခဲ့သည့်ပုဂ္ဂိုလ်ကဖြစ်စေ၊ ကော်ပိုရေးရှင်းကို၊ သို့တည်းမဟုတ် ဆိုခဲ့သည့်ပုဂ္ဂိုလ် ကိုဖြစ်စေ၊ တရားမမှု စွဲခြင်းကို ဤပုဒ်မပါမည်သည့် ပြဋ္ဌာန်းချက်ကမျှ ပိတ်ပင်ခြင်းမရှိစေရ။

သရက်မြို့ရှိ ဘိလပ်မြေလုပ်ငန်းကို ပြည်သူပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ။

[၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၁၈။] (၁၉၅၄ ခု၊ ဧပြီလ ၁၉ ရက်။)

အောက်ပါအတိုင်းအက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ (၁) ဤအက်ဥပဒေကို၊ ၁၉၅၄ ခုနှစ်၊ သရက်မြို့ရှိဘိလပ်မြေလုပ်ငန်းကို ပြည်သူပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမ္မတက အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်သည့် နေ့တွင် စတင်အာဏာတည်ရမည်။

၂။ ။ ဤအက်ဥပဒေတွင်၊ အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၏ အဓိပ္ပါယ်နှင့်ဖြစ်စေ မဆန့်ကျင်လျှင် “ကုမ္ပဏီ” ဆိုသည်မှာ ဘားမားစီးမင့်ကုမ္ပဏီလီမိတက်ကို ဆိုလိုသည်။

၃။ ။ နိုင်ငံတော်သမ္မတမှာ အမိန့်ကြော်ငြာစာဖြင့် မိမိသတ်မှတ်သည့် နေ့ရက်တွင် ကုမ္ပဏီဆောင်ရွက်နေသည့် ဘိလပ်မြေလုပ်ငန်းများကိုကုမ္ပဏီထံမှနိုင်ငံပိုင်အဖြစ်ဖြင့်လွှဲယူရန်အာဏာရှိရမည်။ ယင်းသို့လွှဲယူသည့်အခါ အဆိုပါနေ့မှစ၍ ကုမ္ပဏီပိုင်လုပ်ငန်းအရပ်ရပ်နှင့် ကုမ္ပဏီ၏လက်ရှိ ပစ္စည်းအရပ်ရပ်သည်၎င်း၊ ကုမ္ပဏီ၏ ရာထမ်းမှုထမ်းအားလုံးသည်၎င်း နိုင်ငံတော်သမ္မတ၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ ရောက်လာရမည်။

၄။ ။ ပုဒ်မ ၃ တွင် ရည်ညွှန်းထားသည့် ရာထမ်းမှုထမ်းများအား ကုမ္ပဏီက ပေးသည့် နှုန်းများအတိုင်း လစာနှင့်စရိတ်များပေးလျက်၊ နိုင်ငံတော်သမ္မတ၏ ကြီးကြပ်အုပ်ချုပ်မှု အောက်သို့ ရောက်သည့်နေ့မှစ၍ သုံးလအောက် မနည်းသည့် အချိန်ကာလမျှ နိုင်ငံတော်သမ္မတက မိမိ၏လက်အောက်တွင် ဆက်လက်အမှုထမ်းစေရမည်။

၅။ ။ (၁) နိုင်ငံတော်သမ္မတသည် ပုဒ်မ ၃ အရ အမိန့်ကြော်ငြာစာဖြင့်မိမိသတ်မှတ်သည့်နေ့နောက်တလအတွင်း ဥက္ကဋ္ဌတဦးနှင့် အခြားအဖွဲ့ဝင်နှစ်ဦး ပါဝင်သည့်ကော်မရှင်အဖွဲ့တခုကို ခန့်ရမည်။ ထိုကော်မရှင်အဖွဲ့သည် အောက်ပါကိစ္စများကို သတ်မှတ်ဆုံးဖြတ်ရမည်။

(က) ဤအက်ဥပဒေအရကုမ္ပဏီထံမှ လွှဲယူသည့်ပစ္စည်းများ၏အကြောင်းအရာများ။

(ခ) ထိုပစ္စည်းများအတွက် ကုမ္ပဏီကို ပေးသင့်သည့် တရားမျှတသော လျော်ကြေးငွေနှင့်

(ဂ) လျော်ကြေးပေးမည့်နည်းလမ်းများ။

(၂) ပုဒ်မ ၁) အရလျော်ကြေးကို သတ်မှတ်ဆုံးဖြတ်ရာတွင်ဤအက်ဥပဒေအရကုမ္ပဏီထံမှ လွှဲယူသည့် ပစ္စည်းများ၏ မူလတန်ဖိုး၊ ယင်းသို့လွှဲယူသည့်နေ့အထိ ထိုပစ္စည်းများဟောင်းနှင်း၊ သို့မဟုတ် ပျက်စီးသည့်အတွက် လျော့သင့်သော ကြေးငွေနှင့် ထိုပစ္စည်းများကို ပြုပြင်သည့်အတွက် ကုန်ကျသည့်စရိတ်၊ သို့တည်းမဟုတ် ပြန်လည်ထူထောင်သည့်အတွက် ကုန်ကျသည့်ကြေးငွေတို့ကို ကော်မရှင်အဖွဲ့က တရားမျှတသည်ထင်မြင်သည့်အတိုင်း ထည့်သွင်းစဉ်းစားရမည်။

* ၁၉၅၄ ခု၊ ဧပြီလ ၁၉ ရက်။ ။ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၄ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၅၂၉ တွင်ကြည့်။

၆။ ။ပုဒ်မ ၅ အရ လျော်ကြေးငွေကို သတ်မှတ်ဆုံးဖြတ်ရာတွင် ကော်မရှင်အဖွဲ့သည် တရားမကျင့်ထုံးဥပဒေကို၊ သို့တည်းမဟုတ် အခြားတည်ဆဲဥပဒေတစ်ခုခုကို လိုက်နာရန်မလိုအပ်စေရ။ သို့သော်လည်း ထိုကော်မရှင်အဖွဲ့သည် တရားမျှတစွာဆောင်ရွက်ရမည်။

၇။ ။(၁) ကော်မရှင်အဖွဲ့သည် အောက်ပါကိစ္စများနှင့် စပ်လျဉ်း၍ တရားမကျင့်ထုံး ဥပဒေအရ တရားရုံးအား အပ်နှင်းထားသော အာဏာများရရှိရမည်။

- (က) အကြောင်းအရာများကို ဖွင့်လှစ်ထုတ်ဖော်စေခြင်းနှင့် ကြည့်ရှုစစ်ဆေးခြင်း။
- (ခ) သက်သေများကို လာရောက်စေရန်အတင်းအကြပ်ဆင့်ခေါ်ယူခြင်း၊ သက်သေ စရိတ် တင်သွင်းစေရန် ဆင့်ဆိုခြင်း။
- (ဂ) စာချုပ်စာတမ်းများကို တင်ပြစေရန် အတင်းအကြပ်ဆင့်ဆိုခြင်း။
- (ဃ) သက်သေများကို ကျမ်းသစ္စာဖြင့် စစ်ဆေးခြင်း။
- (င) ရွှေ့ဆိုင်းခွင့်ပေးခြင်း။
- (စ) ကျမ်းကျိန်လွှာဖြင့် ထွက်ဆိုသော သက်သေထွက်ချက်ကို လက်ခံခြင်း။
- (ဆ) သက်သေများကို စစ်ဆေးရန် အာဏာလွှဲ အမိန့်များထုတ်ခြင်း။

ထိုမှတစ်ပါး ကော်မရှင်အဖွဲ့သည်၊ ရာဇဝတ်ကျင့်ထုံး ဥပဒေပုဒ်မ ၄၈၀ နှင့် ၄၈၂ ထို့၏ အဓိပ္ပါယ်အရ တရားမရုံးဖြစ်သည်ဟုမှတ်ယူရမည်။

(၂) ကော်မရှင်အဖွဲ့ဝင်များ ထင်မြင်ယူဆချက် ကွဲလွဲသည့်အခါ၊ ထိုကော်မရှင်အဖွဲ့ဝင် များရာ၏ထင်မြင်ချက်သည် အတည်ဖြစ်ရမည်။

(၃) ကော်မရှင်အဖွဲ့ဝင် တယောက်သည်၊ ကော်မရှင်အဖွဲ့ဝင်အဖြစ်ဖြင့် ဆက်လက် မဆောင်ရွက်နိုင်လျှင်၊ နိုင်ငံတော်သမ္မတသည် ထိုအဖွဲ့ဝင်အစား အခြားသူတယောက်ကို ခန့်ထားရ မည်။ ထိုသူကိုကော်မရှင်အဖွဲ့စတင်ဖွဲ့စည်းစဉ်ကပင် အဖွဲ့ဝင်အဖြစ် ခန့်ထားဘိသကဲ့သို့ ကော်မရှင် အဖွဲ့သည် မိမိ၏မူခင်းကိစ္စများကိုဆက်လက်ဆောင်ရွက်ရမည်။

၈။ ။ကုမ္ပဏီကသော်၎င်း၊ အစိုးရကသော်၎င်း၊ လျော်ကြေးနှင့်စပ်လျဉ်းသည့်ကော်မရှင် အဖွဲ့၏ ဆုံးဖြတ်ချက်ကို၊ ဥပဒေကြောင်းနှင့် ဖြစ်စေ၊ အမှုခြင်းရာနှင့် ဖြစ်စေ တရားလွှတ်တော်ချုပ်သို့ [ထိုဆုံးဖြတ်ချက် ချမှတ်သည့်နေ့မှစ၍ ရက်ပေါင်း ၉၀ အတွင်း] အယူခံဝင်နိုင်သည်။

၉။ ။ဤအက်ဥပဒေအရ နိုင်ငံပိုင်ပြုလုပ်သည့် လုပ်ငန်းများကို ဆောင်ရွက်ရန်အလို့ငှာ၊ နိုင်ငံတော်သမ္မတသည်၊ မိမိသင့်လျော်သည် ထင်မြင်လျှင်၊ အမိန့်တရပ်ဖြင့် စည်းမျဉ်းသတ်မှတ်လျက် အဖွဲ့တခု ဖွဲ့စည်းနိုင်သည်။ သို့တည်းမဟုတ် အခြားစီစဉ်မှုပြုလုပ်နိုင်သည်။

၁၀။ ။(၁) ဤအက်ဥပဒေနှင့်အညီ သဘောမူဖြင့် ပြုလုပ်သည့်၊ သို့တည်းမဟုတ် ပြုလုပ်ရန်ကြံရွယ်သည့် အပြုအမူတစ်ခုခုအတွက်၊ မည်သူ့ကိုမျှ တရားမမှု၊ ရာဇဝတ်မှု၊ သို့တည်းမဟုတ် အခြားမှုခင်းစွဲဆိုခြင်းမပြုရ။

(၂) ဤအက်ဥပဒေတွင် အတည်အလင်း ဖြဋ္ဌာန်းထားသည်မှတစ်ပါး၊ ဤအက်ဥပဒေအရ ပြုလုပ်သည့်အပြုအမူအတွက်၊ အစိုးရအားမည်သည့်တရားမမှု၊ သို့တည်းမဟုတ် အခြားမှုခင်းမျှစွဲဆိုခြင်း မပြုရ။

၁ ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၅၆ အရ၊ ထည့်သွင်းသည်။

ဒိုင်ယာမီကင် (မြန်မာနိုင်ငံ) လီမိတက်၏ မြစ်ရည်နှင့် အရက်ချက်လုပ်ငန်း ကို ပြည်သူပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ။

[၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၃၀။] (၁၉၅၄ ခု၊ ဇူလိုင်လ ၂၂ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ (၁) ဤအက်ဥပဒေကို ၁၉၅၄ ခုနှစ်၊ ဒိုင်ယာမီကင် (မြန်မာနိုင်ငံ) လီမိတက်၏ မြစ်ရည်နှင့် အရက်ချက်လုပ်ငန်းကို ပြည်သူပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည် နိုင်ငံတော် သမတက အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်သည့် နေ့^၁ တွင် စတင်အာဏာတည်ရမည်။

၂။ ။ ဤအက်ဥပဒေတွင်၊ အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရွှေ့နှောက်စကားတို့၏ အဓိပ္ပါယ် နှင့်ဖြစ်စေ၊ မဆန့်ကျင်လျှင် “ကုမ္ပဏီ” ဆိုသည်မှာ ဒိုင်ယာမီကင် (မြန်မာနိုင်ငံ) လီမိတက်ကို ဆိုလိုသည်။

၃။ ။ နိုင်ငံတော် သမတမှာ၊ အမိန့်ကြော်ငြာစာဖြင့် မိမိသတ်မှတ်သည့် နေ့ရက်တွင် ကုမ္ပဏီဆောင်ရွက်နေသည့် မန္တလေးမြို့ရှိ မြစ်ရည်နှင့်အရက်ချက် လုပ်ငန်းများကို ကုမ္ပဏီထံမှ နိုင်ငံပိုင် အဖြစ်ဖြင့်လွှဲယူရန် အာဏာရှိရမည်။ ယင်းသို့လွှဲယူသည့်အခါ အဆိုပါ နေ့မှစ၍ ကုမ္ပဏီပိုင်လုပ်ငန်း အရပ်ရပ်နှင့် ကုမ္ပဏီ၏ လက်ရှိပစ္စည်းအရပ်ရပ်သည် ၎င်း၊ ကုမ္ပဏီ၏ ရာထူးမှထွက်အားလုံးသည် ၎င်း၊ နိုင်ငံတော်သမတ၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ရောက်လာရမည်။

၄။ ။ ပုဒ်မ ၃ တွင် ရည်ညွှန်းထားသည့် ရာထူးမှထွက်အားများအား ကုမ္ပဏီက ပေးသည့် နှုန်းများအတိုင်း လစာနှင့်စရိတ်များပေးလျက်၊ နိုင်ငံတော် သမတ၏ ကြီးကြပ်အုပ်ချုပ်မှု အောက်သို့ ရောက်သည့်နေ့မှစ၍ သုံးလအောက်မနည်းသည့် အချိန်ကာလမျှ နိုင်ငံတော်သမတ က မိမိ၏လက် အောက်တွင် ဆက်လက်အမှုထမ်းစေရမည်။

၅။ ။ (၁) နိုင်ငံတော်သမတသည် ပုဒ်မ ၃ အရ၊ အမိန့်ကြော်ငြာစာဖြင့် မိမိသတ်မှတ် သည့်နေ့နောက်တလအတွင်း ဥက္ကဋ္ဌတဦးနှင့် အခြားအဖွဲ့ဝင်နှစ်ဦးပါဝင်သည့် ကော်မရှင်အဖွဲ့တခုကို ခန့်ရမည်။ ထိုကော်မရှင်အဖွဲ့သည် အောက်ပါကိစ္စများကို သတ်မှတ်ဆုံးဖြတ်ရမည်—

(က) ဤအက်ဥပဒေအရ၊ ကုမ္ပဏီထံမှလွှဲယူသည့်ပစ္စည်းများ၏အကြောင်းအရာများ။

(ခ) ထိုပစ္စည်းများ အတွက် ကုမ္ပဏီကို ပေးသင့်သည့် တရားမျှတသော လျော် ကြေးငွေနှင့်

(ဂ) လျော်ကြေးပေးမည့် နည်းလမ်းများ။

(၂) ပုဒ်မ ၃ (၁) အရ၊ လျော်ကြေးကို သတ်မှတ်ဆုံးဖြတ်ရာတွင် ဤအက်ဥပဒေအရ၊ ကုမ္ပဏီထံမှ လွှဲယူသည့်ပစ္စည်းများ၏ မူလတန်ဖိုး၊ ယင်းသို့လွှဲယူသည့်နေ့အထိ၊ ထိုပစ္စည်းများဟောင်း နှမ်း၊ သို့မဟုတ် ပျက်စီးသည့်အတွက် လျော့သင့်သောကြေးငွေနှင့် ထိုပစ္စည်းများကိုပြုပြင်သည့်အတွက် ကုန်ကျသည့်စရိတ်၊ သို့တည်းမဟုတ် ပြန်လည်ထူထောင်သည့် အတွက် ကုန်ကျသည့်ကြေးငွေတို့ကို ကော်မရှင်အဖွဲ့က တရားမျှတသည့်ထင်မြင်သည့်အတိုင်း ထည့်သွင်းစဉ်းစားရမည်။

^၁ ၁၉၅၄ ခု၊ ဇူလိုင်လ ၂၂ ရက်။ ။ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၄ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၁၁၀ တွင်ကြည့်။

၆။ ။ ငှက်မ ၅ အရ လျော်ကြေးငွေကို သတ်မှတ်ဆုံးဖြတ်ရာတွင်၊ ကော်မရှင်အဖွဲ့သည် တရားမကျင့်ထုံး ဥပဒေကို၊ သို့တည်းမဟုတ် အခြားတည်ဆဲဥပဒေ တခုခုကိုလိုက်နာရန်မလိုအပ်စေရ။ သို့သော်လည်း ထိုကော်မရှင်အဖွဲ့သည်၊ တရားမျှတစွာဆောင်ရွက်ရမည်။

၇။ ။ (၁) ကော်မရှင် အဖွဲ့သည် အောက်ပါကိစ္စများနှင့်စပ်လျဉ်း၍၊ တရားမကျင့်ထုံး ဥပဒေအရ၊ တရားရုံးအားအပ်နှင်းထားသော အာဏာများရှိရမည်—

- (က) အကြောင်းအရာများကို ဖွင့်လှစ်ထုတ်ဖော်စေခြင်းနှင့် ကြည့်ရှုစစ်ဆေးခြင်း။
- (ခ) သက်သေများကိုလာရောက်စေရန် အတင်းအကြပ်ဆင့်ခေါ်ယူခြင်း၊ သက်သေ စရိတ် တင်သွင်းစေရန်ဆင့်ဆိုခြင်း။
- (ဂ) စာချုပ်စာတမ်းများကို တပ်ပြစေရန် အတင်းအကြပ်ဆင့်ဆိုခြင်း။
- (ဃ) သက်သေများကို ကျမ်းသစ္စာဖြင့်စစ်ဆေးခြင်း။
- (င) ရွှေ့ဆိုင်းခွင့်ပေးခြင်း။
- (စ) ကျမ်းကျိန်လွှာဖြင့်ထွက်ဆိုသော သက်သေထွက်ချက်ကို လက်ခံခြင်း။
- (ဆ) သက်သေများကို စစ်ဆေးရန်အာဏာလွှဲ အမိန့်များထုတ်ခြင်း။

ထိုမှတစ်ပါး ကော်မရှင်အဖွဲ့သည်၊ ရာဇဝတ်ကျင့်ထုံး ဥပဒေပုဒ်မ ၄၈၀ နှင့် ၄၈၂ တို့၏ အဓိပ္ပါယ်အရ တရားမရုံးဖြစ်သည်ဟုမှတ်ယူရမည်။

(၂) ကော်မရှင်အဖွဲ့ဝင်များထင်မြင်ယူဆချက် ကွဲလွဲသည့်အခါ၊ ထိုကော်မရှင်အဖွဲ့ဝင် များရာ၏ထင်မြင်ချက်သည် အတည်ဖြစ်ရမည်။

(၃) ကော်မရှင်အဖွဲ့ဝင် တယောက်သည် ကော်မရှင်အဖွဲ့ဝင် အဖြစ်ဖြင့် ဆက်လက် မဆောင်ရွက်နိုင်လျှင်၊ နိုင်ငံတော်သမတသည်၊ ထိုအဖွဲ့ဝင်အစားအခြားသူတယောက်ကိုခန့်ထားရမည်။ ထိုသူကို ကော်မရှင်အဖွဲ့စတင်ဖွဲ့စည်းစဉ်ကပင် အဖွဲ့ဝင်အဖြစ် ခန့်ထားဘိသကဲ့သို့ ကော်မရှင် အဖွဲ့ သည်၊ မိမိ၏မူခင်းကိစ္စများကို ဆက်လက်ဆောင်ရွက်ရမည်။

၈။ ။ ကုမ္ပဏီကသော်၎င်း၊ အစိုးရကသော်၎င်း လျော်ကြေးနှင့်စပ်လျဉ်းသည့် ကော်မရှင် အဖွဲ့၏ ဆုံးဖြတ်ချက်ကို ဥပဒေကြောင်းနှင့်ဖြစ်စေ၊ အမှုခြင်းရာနှင့်ဖြစ်စေ တရားလွှတ်တော်ချုပ်သို့ [ထိုဆုံးဖြတ်ချက် ချမှတ်သည့်နေ့မှစ၍ ရက်ပေါင်း ၉၀ အတွင်း] အယူခံ ဝင်နိုင်သည်။

၉။ ။ ဤအက်ဥပဒေအရ၊ ဒိုင်ပိုင်ပြုလုပ်သည့်လုပ်ငန်းများကို ဆောင်ရွက်ရန် အလို့ငှါ၊ နိုင်ငံတော်သမတသည်၊ မိမိသင့်လျော်သည့် ထင်မြင်လျှင်၊ အမိန့်တရပ်ဖြင့် စည်းမျဉ်း သတ်မှတ်လျက် အဖွဲ့တခု ဖွဲ့စည်းနိုင်သည်။ သို့တည်းမဟုတ် အခြားစီစဉ်ပြုလုပ်နိုင်သည်။

၁၀။ ။ (၁) ဤအက်ဥပဒေနှင့်အညီ သဘောရိုးဖြင့် ပြုလုပ်သည့်၊ သို့တည်းမဟုတ် ကြံရွယ်သည့်အပြုအမူ တခုခုအတွက် မည်သူ့ကိုမျှ တရားမမှု၊ ရာဇဝတ်မှု၊ သို့တည်းမဟုတ် အခြား မူခင်းစွဲဆိုခြင်းမပြုရ။

(၂) ဤအက်ဥပဒေတွင် အတည်အလင်း ပြဋ္ဌာန်းထားသည်မှတစ်ပါး၊ ဤအက်ဥပဒေ အရပြုလုပ်သည့်အပြုအမူအတွက်အစိုးရအား မည်သည့်တရားမမှု၊ သို့တည်းမဟုတ် အခြားမူခင်းမျှစွဲဆို ခြင်းမပြုရ။

^၁ ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၅၅ အရ၊ ထည့်သွင်းသည်။

ပြည်ထောင်စုနိုင်ငံ ပင်လယ်ငါးဖမ်း လုပ်ငန်းဆိုင်ရာဒေသများ လုပ်ကိုင် နိုင်သော အခွင့်အရေးပေးရေး အက်ဥပဒေ။

[၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ်၃၆။] (၁၉၄၈ ခု၊ ဇန္နဝါရီလ ၄ ရက်။)

အောက်ပါအတိုင်းအက်ဥပဒေအဖြစ် ခြေခံရေးလိုက်သည်။

၁။ ။(၁) ဤအက်ဥပဒေကို၊ ၁၉၅၄ ခုနှစ်၊ ပြည်ထောင်စုနိုင်ငံဝင်လယ် ငါးဖမ်း လုပ်ငန်းဆိုင်ရာဒေသများ လုပ်ကိုင်နိုင်သော အခွင့်အရေးပေးရေးအက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ ၁၉၄၈ ခုနှစ်၊ ဇန္နဝါရီလ ၄ ရက်နေ့မှစ၍ အာဏာတည် သည်ဟု မှတ်ယူရမည်။

၂။ ။ပြည်ထောင်စု နိုင်ငံအစိုးရသည်၊ ပြည်ထောင်စုနိုင်ငံအတွင်းရှိ ပင်လယ်ငါးဖမ်း လုပ်ငန်းဆိုင်ရာ ဒေသများကို လုပ်ကိုင်နိုင်သော၊ သို့တည်းမဟုတ် တိုးတက်အောင်မြင်နိုင်သော အခွင့် အရေးကို ပြည်ထောင်စုခြန်မာနိုင်ငံ၏ ဖွဲ့စည်းအုပ်ချုပ်ပုံအခြေခံ ဥပဒေပုဒ်မ ၂၁၉ တွင်ရည်ညွှန်း ထားသော သီးခြားခြွင်းချက်စည်းကမ်းများအဖြစ်ဖြင့် အောက်ဖော်ပြသောစည်းကမ်းများနှင့်မညီညွတ် လျှင် မည်သည့်ပုဂ္ဂိုလ်၊ သို့တည်းမဟုတ် ထုမ္မဏီ၊ သို့တည်းမဟုတ်အဖွဲ့အစည်းကိုမျှပေးနိုင်ခွင့်မရှိစေရ။

(က) ပြည်ထောင်စုနိုင်ငံသားတစ်ဦးတယောက်ကသော်၎င်း၊ ပြည်ထောင်စုနိုင်ငံသား များထံမှ အနည်းဆုံး ရာခိုင်နှုန်း ခြောက်ဆယ်မျှ ပါဝင်သည့် ငွေရင်းရှိ သော ကုမ္ပဏီတစ်ခုခုက၊ သို့တည်းမဟုတ် အဖွဲ့အစည်း တစ်ခုခုကသော်၎င်း ထိုပင်လယ်ငါးဖမ်းလုပ်ငန်းဆိုင်ရာ ဒေသများကို နိုင်ငံတော်အကျိုးဖြစ်ထွန်း အောင် လုပ်ကိုင်ရန်ဖြစ်စေ၊ တိုးတက်အောင်မြင်ရန်ဖြစ်စေ၊ စွမ်းဆောင်နိုင် လိမ့်မည်မဟုတ်ဟူ၍ နိုင်ငံတော်အစိုးရက ယုံကြည်ယူဆရန် အကြောင်း ရှိခြင်း။

(ခ) အထက်အပိုဒ်(က)တွင် ဖော်ပြထားခြင်းမရှိသောပုဂ္ဂိုလ်၊ သို့တည်းမဟုတ် ကုမ္ပဏီ၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းအား၊ ထိုလုပ်ကိုင်နိုင်သော၊ သို့တည်း မဟုတ် တိုးတက်အောင်မြင်နိုင်သောအခွင့်အရေးမျိုးကို မပေးဘဲနေခဲ့ သော်၊ ပြည်ထောင်စုနိုင်ငံ၏ အကျိုးစီးပွားကိုပျက်ပြားစေမည်ဟူ၍ နိုင်ငံတော် အစိုးရက ယုံကြည်ယူဆရန်အကြောင်းရှိခြင်း။

(ဂ) အခွင့်အရေးကို အသစ်ထုတ်ပေးရာ၌၎င်း၊ အဟောင်းကို ထပ်မံပြုပြင်ထုတ်ဝေ ရရာ၌၎င်း ထိုအခွင့်အရေးသည်၊ တည်ဆဲဖြစ်သော အင်းအိုင်နည်းဥပဒေများ အရသာလျှင် ဖြစ်စေခြင်း။

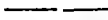
(ဃ) ထိုအခွင့်အရေးကို နိုင်ငံတော်အစိုးရ၏ စီးပွားရေးစီမံကိန်းနှင့် အညီအညွတ် ဖြစ်စေခြင်း။

၃။ ။(၁) နိုင်ငံတော်အစိုးရသည်၊ ဤအက်ဥပဒေပါကိစ္စများနှင့်ရည်ရွယ်ချက်များကို ဆောင်ရွက်ရန်အလို့ငှါ၊ အမိန့်ကျေညာချက်တရပ်ထုတ်ပြန်၍ နည်းဥပဒေများပြုလုပ်နိုင်သည်။

(၂) အထူးသဖြင့် ဤကဲ့သို့ဆိုခဲ့ပြီးသော အခွင့်အာဏာ၏ ယေဘုယျသဘောကို မထိ ခိုက်စေဘဲ၊ နည်းဥပဒေများတွင် အောက်ပါကိစ္စများအတွက် ပြဋ္ဌာန်းစေရမည်။

(က) ဤအက်ဥပဒေ ကိစ္စများနှင့် ရည်ရွယ်ချက်များကို ဆောင်ရွက်ရာတွင် နိုင်ငံ တော်အစိုးရအား ကူညီရန်အလို့ငှါ အဖွဲ့တစ်ဖွဲ့စည်းရေး။

- (ခ) စက်မှုလက်မှုတက်တွင်၎င်း၊ ငါးဖမ်းခြင်းဘက်တွင်၎င်း၊ စီမံအုပ်ချုပ်မှုဘက်တွင်၎င်း နိုင်ငံသားများကို သင်ပေးခန့်ထားစေရေး။
- (ဂ) မည်သည့်ပင်လယ်ငါးဖမ်းဆိုင်ရာဒေသများကို လုပ်ကိုင်သော၊ သို့တည်းမဟုတ် တိုးတက်အောင်မြင်သော ကုမ္ပဏီ၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းတွင် အစိုးရ ထံမှသော်၎င်း၊ နိုင်ငံသားများထံမှသော်၎င်း မည်မျှငွေရင်းပါရှိစေရေး။



ဇေယျဝတီသင်္ကြာကုမ္ပဏီလီမိတက်ကိုပြည်သူပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ။

[၁၉၅၄ ခုနှစ်၊အက်ဥပဒေအမှတ် ၅၀။] (၁၉၅၄ ခု၊ အောက်တိုဘာလ ၂၂ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

၀။ ။ (၁) ဤအက်ဥပဒေကို၊ ၁၉၅၄ ခုနှစ်၊ ဇေယျဝတီသင်္ကြာကုမ္ပဏီလီမိတက်ကို ပြည်သူပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမ္မတက အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်သည့် နေ့ တွင်စတင်အာဏာတည်ရမည်။

၂။ ။ ဤအက်ဥပဒေတွင်၊ အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၏အဓိပ္ပါယ်နှင့် ဖြစ်စေ မဆန့်ကျင်လျှင်၊ “ ကုမ္ပဏီ ” ဆိုသည်မှာ၊ ဇေယျဝတီသင်္ကြာကုမ္ပဏီလီမိတက်ကိုဆိုလိုသည်။

၃။ ။ နိုင်ငံတော်သမ္မတမှာ၊ အမိန့်ကြော်ငြာစာဖြင့် မိမိ သတ်မှတ်သည့် နေ့ရက်တွင် ကုမ္ပဏီဆောင်ရွက်နေသည့် ဇေယျဝတီရှိ သင်္ကြာလုပ်ငန်းများကို ကုမ္ပဏီထံမှ နိုင်ငံပိုင်အဖြစ်ဖြင့် လွှဲ ယူရန်အာဏာရှိရမည်။ ယင်းသို့လွှဲယူသည့်အခါ အဆိုပါနေ့မှစ၍ ကုမ္ပဏီပိုင်သင်္ကြာလုပ်ငန်းအရပ်ရပ် နှင့် ကုမ္ပဏီ၏သင်္ကြာလုပ်ငန်းနှင့် သက်ဆိုင်သော လက်ရှိပစ္စည်းအရပ်ရပ်သည်၎င်း၊ ကုမ္ပဏီ၏ သင်္ကြာထုပ်ငန်းနှင့် သက်ဆိုင်သော ရာထမ်းမှုထမ်းအားလုံးသည်၎င်း၊ နိုင်ငံတော်သမ္မတ၏ ကြီးကြပ် အုပ်ချုပ်မှုအောက်သို့ ရောက်လာရမည်။

၄။ ။ ပုဒ်မ ၃ တွင်ရည်ညွှန်းထားသည့်ရာထမ်းမှုထမ်းများအား ကုမ္ပဏီကပေးသည့် နှုန်း များအတိုင်း လစာနှင့် စရိတ်များပေးလျက်၊ နိုင်ငံတော်သမ္မတ၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ရောက် သည့်နေ့မှစ၍ သုံးလအောက်မနည်းသည့် အချိန်ကာလမျှ နိုင်ငံတော်သမ္မတက၊ မိမိလက်အောက်တွင် ဆက်လက်အမှုထမ်းစေရမည်။

၅။ ။ (၁) နိုင်ငံတော်သမ္မတသည်၊ ပုဒ်မ ၃ အရ အမိန့်ကြော်ငြာစာဖြင့် မိမိသတ်မှတ် သည့်နေ့ နောက်တလအတွင်း ဥက္ကဋ္ဌတဦးနှင့် အခြားအဖွဲ့ဝင်နှစ်ဦးပါဝင်သည့် ကော်မရှင်အဖွဲ့တခုကို ခန့်ရမည်။ ထိုကော်မရှင်အဖွဲ့သည်၊ အောက်ပါကိစ္စများကို သတ်မှတ်ဆုံးဖြတ်ရမည်။

- (က) ဤအက်ဥပဒေ အရ၊ ကုမ္ပဏီထံမှ လွှဲယူသည့် ပစ္စည်းများ၏ အကြောင်း အရာများ၊
- (ခ) ထိုပစ္စည်းများအတွက် ကုမ္ပဏီကို ပေးသင့်သည့် တရားမျှတသော လျော်ကြေး ငွေနှင့်
- (ဂ) လျော်ကြေးပေးမည့်နည်းလမ်းများ။

^၁ ၁၉၅၄ ခု၊ အောက်တိုဘာလ ၂၂ ရက်။ ။ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၄ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၆၄၃ တွင်ကြည့်။

(၂) ပုဒ်မခွဲ(၁)အရ လျော်ကြေးကို သတ်မှတ်ဆုံးဖြတ်ရာတွင် ဤအက်ဥပဒေအရ၊ ကုမ္ပဏီထံမှလွှဲယူသည့်ပစ္စည်းများ၏ မူလတန်ဖိုး၊ ယင်းသို့လွှဲယူသည့်နေ့အထိ၊ ထိုပစ္စည်းများဟောင်း နှမ်း၊ သို့တည်းမဟုတ် ပျက်စီးသည့်အတွက် လျော့သင့်သော ကြေးငွေနှင့် ထိုပစ္စည်းများကိုပြုပြင်သည့် အတွက် ကုန်ကျသည့်စရိတ်၊ သို့တည်းမဟုတ် ပြန်လည်ထူထောင်သည့်အတွက် ကုန်ကျသည့်ကြေးငွေ တို့ကို၊ ကော်မရှင်အဖွဲ့က တရားမျှတသည်ထင်မြင်သည့်အတိုင်း ထည့်သွင်းစဉ်းစားရမည်။

၆။ ။ ပုဒ်မ ၅ အရ လျော်ကြေးငွေကို သတ်မှတ်ဆုံးဖြတ်ရာတွင် ကော်မရှင်အဖွဲ့သည်၊ တရားမကျင့်ထုံးဥပဒေကို၊ သို့တည်းမဟုတ် အခြားတည်ဆဲဥပဒေတစ်ခုခုကို လိုက်နာရန်မလိုအပ်စေရ၊ သို့သော်လည်း ထိုကော်မရှင်အဖွဲ့သည်၊ တရားမျှတစွာ ဆောင်ရွက်ရမည်။

၇။ ။ (၁) ကော်မရှင်အဖွဲ့သည်၊ အောက်ဝါကိစ္စများနှင့် စပ်လျဉ်း၍၊ တရားမကျင့် ထုံးဥပဒေအရ၊ တရားရုံးအား အပ်နှင်းထားသော အာဏာများရရှိရမည်။

- (က) အကြောင်းအရာများကိုစွန့်လွှတ်ဖော်စေခြင်းနှင့် ကြည့်ရှုစစ်ဆေးခြင်း။
- (ခ) သက်သေများကို လာရောက်စေရန် အတင်းအကြပ် ဆင့်ခေါ်ယူခြင်း၊ သက် သေစရိတ်တင်သွင်းစေရန်ဆင့်ဆိုခြင်း။
- (ဂ) စာချုပ်စာတမ်းများကို တင်ပြစေရန် အတင်းအကြပ်ဆင့်ဆိုခြင်း။
- (ဃ) သက်သေများကို ကျမ်းသစ္စာဖြင့် စစ်ဆေးခြင်း။
- (င) ရွှေ့ဆိုင်းခွင့်ပေးခြင်း။
- (စ) ကျမ်းကျိန်လွှာဖြင့် ထွက်ဆိုသော သက်သေထွက်ချက်ကိုလက်ခံခြင်း။
- (ဆ) သက်သေများကို စစ်ဆေးရန် အာဏာလွှဲအပ်မိန့်များထုတ်ခြင်း။

ထိုမှတပါးကော်မရှင်အဖွဲ့သည်၊ ရာဇဝတ်ကျင့်ထုံးဥပဒေပုဒ်မ ၄၀၀ နှင့် ၄၀၂ တို့၏ အဓိပ္ပါယ်အရ တရားရုံးဖြစ်သည်ဟုမှတ်ယူရမည်။

(၂) ကော်မရှင်အဖွဲ့ဝင်များ ထင်မြင်ယူဆချက် ကွဲလွဲသည့်အခါ၊ ထိုကော်မရှင်အဖွဲ့ဝင် များရာ၏ ထင်မြင်ချက်သည်အတည်ဖြစ်ရမည်။

(၃) ကော်မရှင်အဖွဲ့ဝင်တယောက်သည်၊ ကော်မရှင် အဖွဲ့ဝင် အဖြစ်ဖြင့် ဆက်လက် မဆောင်ရွက်နိုင်လျှင်၊ နိုင်ငံတော်သမတသည်၊ ထိုအဖွဲ့ဝင်အစား အခြားသူတယောက်ကို ခန့်ထားရ မည်။ ထိုသူကို ကော်မရှင်အဖွဲ့ စတင်ဖွဲ့စည်းစဉ်ကပင် အဖွဲ့ဝင်အဖြစ် ခန့်ထားဘိသကဲ့သို့ ကော်မရှင် အဖွဲ့သည်၊ မိမိ၏မူခင်းကိစ္စများကို ဆက်လက်ဆောင်ရွက်ရမည်။

၈။ ။ ကုမ္ပဏီကသော်၎င်း၊ အစိုးရကသော်၎င်း လျော်ကြေးနှင့်စပ်လျဉ်းသည့်ကော်မရှင် အဖွဲ့၏ ဆုံးဖြတ်ချက်ကို၊ ဥပဒေကြောင်းနှင့်ဖြစ်စေ၊ အမှုခြင်းရာနှင့် ဖြစ်စေ တရားလွှတ်တော်ချုပ်သို့ ထိုဆုံးဖြတ်ချက်ချမှတ်သည့်နေ့မှစ၍ ရက်ပေါင်း ၉၀ အတွင်းအယူခံဝင်နိုင်သည်။

၉။ ။ ဤအက်ဥပဒေအရ၊ နိုင်ငံပိုင်ပြုလုပ်သည့် လုပ်ငန်းများကို ဆောင်ရွက်ရန်အလို့ငှါ၊ နိုင်ငံတော်သမတသည်၊ မိမိသင့်လျော်သည်ထင်မြင်လျှင်၊ အမိန့်တရပ်ဖြင့် စည်းမျဉ်း သတ်မှတ်လျက် အဖွဲ့တစ်ဖွဲ့စည်းနိုင်သည်။ သို့တည်းမဟုတ် အခြားစီစဉ်မှုပြုလုပ်နိုင်သည်။

၁၀။ ။ (၁) ဤအက်ဥပဒေနှင့်အညီ သဘောရိုးဖြင့် ပြုလုပ်သည့်၊ သို့တည်းမဟုတ် ပြုလုပ်ရန်ကြံရွယ်သည့် အပြုအမူတစ်ခုခုအတွက်၊ မည်သူ့ကိုမျှ တရားမမှု၊ ရာဇဝတ်မှု၊ သို့တည်းမဟုတ် အခြား မူခင်းစွဲဆိုခြင်းမပြုရ။

(၂) ဤအက်ဥပဒေတွင် အတည့်အလင်းဖြဉ္စာန်းထားသည်မှတပါး၊ ဤအက်ဥပဒေအရ ပြုလုပ်သည့် အပြုအမူအတွက်၊ အစိုးရအား၊ မည်သည့်တရားမမှု၊ သို့တည်းမဟုတ်အခြားမူခင်းမျှ စွဲဆို ခြင်းမပြုရ။

H.—POWER.

ဇ။ ။ စက်အားဓါတ်အားဆိုင်ရာ။

THE BOILERS ACT.**CONTENTS.***Sections.*

1. * * * *
2. Definitions.
3. Limitation of application.
4. Power to limit extent.
5. Appointment of Chief Inspector and Inspectors.
6. Prohibition of use of unregistered or uncertificated boiler.
7. Registration.
8. Renewal of certificate.
9. Provisional orders.
10. Use of boiler pending grant of certificate.
11. Revocation of certificate or provisional order.
12. Alterations and renewals to boilers.
13. Alterations and renewals to steam-pipes or feed-pipes.
14. Duty of owner at examination.
15. Production of certificates, etc.
16. Transfer of certificates, etc.
17. Powers of entry.
18. Report of accidents.
19. Appeals to Chief Inspector.
20. Appeals to appellate authority.
21. Finality of orders.
22. Minor penalties.
23. Penalties for illegal use of boiler.
24. Other penalties.
25. Penalty for tampering with register mark.
26. Limitation and previous sanction for prosecutions.
27. Trial of offences.
28. Power to make regulations.
29. Power to make rules.
30. Penalty for breach of rules.
31. Publication of regulations and rules.
32. Recovery of fees, etc.
33. Applicability to the State.
34. Power to exempt. Power to suspend in case of emergency.

THE BOILERS ACT.

[INDIA ACT V, 1923.] (1st January, 1924.)

1. * * * *

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

- (a) “accident” means an explosion of a boiler or steam-pipe or any damage to a boiler or steam-pipe which is calculated to weaken the strength thereof so as to render it liable to explode ;
- (b) “boiler” means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure, and includes any mounting or other fitting attached to such vessel, which is wholly or partly under pressure when steam is shut off ;
- (c) “Chief Inspector” and “Inspector” mean, respectively, a person appointed to be a Chief Inspector and an Inspector under this Act ;
- (d) “owner” includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof ;
- (e) “prescribed” means prescribed by regulations or rules made under this Act ;
- (f) “steam-pipe” means any main pipe through which steam passes directly from a boiler to a prime-mover or other first user, and includes any connected fitting of a steam-pipe ;
- (g) “feed-pipe” means any pipe through which feed water passes from the feed pump or injector to the check valve on the boiler and includes any connected fitting of a feed-pipe ;
- (h) “structural alteration, addition or renewal” shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting.

3. (1) Nothing in this Act shall apply in the case of any boiler or steam-pipe—

Limitation
of applica-
tion.

- (a) in any steamship as defined in section 2 of the Burma Merchant Shipping Act or in any steam vessel within the Inland Steam Vessels Act ;
- (b) belonging to or under the control of [the Burma Navy.]¹

(2) The President of the Union may, by notification in the Gazette, declare that the provisions of this Act shall not apply in the case of boilers or steam-pipes, or of any specified class of boilers or steam-pipes, belonging to or under the control of any railway administered by the [Railway Administration]¹ or by any railway company as defined in clause (5) of section 3 of the Railways Act.

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

Power to
limit extent.

4. The President of the Union may, by notification in the Gazette, exclude any specified area from the operation of all or any specified provisions of this Act.

Appoint-
ment of
Chief Ins-
pector and
Inspectors.

5. (1) The President of the Union may appoint such persons as he thinks fit to be Inspectors for the purposes of this Act, and may define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act.

(2) The President of the Union shall likewise appoint a person to be Chief Inspector, who may, in addition to the powers and duties conferred or imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Inspectors.

(3) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Penal Code.

Prohibition
of use of
unregistered
or uncertifi-
cated boiler.

6. Save as otherwise expressly provided in this Act, no owner of a boiler shall use the boiler or permit it to be used—

(a) unless it has been registered in accordance with the provisions of this Act ;

(b) * * * *

(c) unless a certificate or provisional order authorizing the use of the boiler is for the time being in force under this Act ;

(d) at a pressure higher than the maximum pressure recorded in such certificate or provisional order ;

(e) where the President of the Union has made rules requiring that boilers shall be in charge of persons holding certificates of competency, unless the boiler is in charge of a person holding the certificate required by such rules.

Registration.

7. (1) The owner of any boiler which is not registered under the provisions of this Act may apply to the Inspector to have the boiler registered. Every such application shall be accompanied by the prescribed fee.

(2) On receipt of an application under sub-section (1), the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed.

(3) On the said date the Inspector shall proceed to measure and examine the boiler and to determine in the prescribed manner the maximum pressure, if any, at which such boiler may be used, and shall report the result of the examination to the Chief Inspector in the prescribed form.

(4) The Chief Inspector, on receipt of the report, may—

(a) register the boiler and assign a register number thereto, either forthwith or after satisfying himself that any structural alteration, addition or renewal which he may deem necessary has

been made in or to the boiler or any steam-pipe or feed-pipe attached thereto, or

(b) refuse to register the boiler :

Provided that where the Chief Inspector refuses to register a boiler, he shall forthwith communicate his refusal to the owner of the boiler together with the reasons therefor.

(5) The Chief Inspector shall, on registering the boiler, order the issue to the owner of a certificate in the prescribed form authorizing the use of the boiler for a period not exceeding twelve months at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act.

(6) The Inspector shall forthwith convey to the owner of the boiler the orders of the Chief Inspector and shall in accordance therewith issue to the owner any certificate of which the issue has been ordered, and, where the boiler has been registered, the owner shall within the prescribed period cause the register number to be permanently marked thereon in the prescribed manner.

8. (1) A certificate authorizing the use of a boiler shall cease to be in force— Renewal of certificate.

- (a) on the expiry of the period for which it was granted ; or
- (b) when any accident occurs to the boiler ; or
- (c) when the boiler is moved, the boiler not being a vertical boiler the heating surface of which is less than two hundred square feet, or a portable or vehicular boiler ; or
- (d) when any structural alteration, addition or renewal is made in or to the boiler ; or
- (e) if the Chief Inspector in any particular case so directs, when any structural alteration, addition, or renewal is made in or to any steam-pipe or feed-pipe attached to the boiler ; or
- (f) on the communication to the owner of the boiler of an order of the Chief Inspector or Inspector prohibiting its use on the ground that it or any steam-pipe or feed-pipe attached thereto is in a dangerous condition.

(2) Where an order is made under clause (f) of sub-section (1), the grounds on which the order is made shall be communicated to the owner with the order.

(3) When a certificate ceases to be in force, the owner of the boiler may apply to the Inspector for a renewal thereof for such period not exceeding twelve months as he may specify in the application.

(4) An application under sub-section (3) shall be accompanied by the prescribed fee and, on receipt thereof, the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed :

Provided that, where the certificate has ceased to be in force ~~owing~~ to the making of any structural alteration, addition or renewal, the Chief Inspector may dispense with the payment of any fee.

(5) On the said date the Inspector shall examine the boiler in the prescribed manner and, if he is satisfied that the boiler and the steam-pipe and feed-pipe attached thereto are in good condition, shall issue a renewed certificate authorizing the use of the boiler for such period not exceeding twelve months and at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act :

Provided that if the Inspector—

(a) proposes to issue any certificate—

(i) having validity for a less period than the period entered in the application, or

(ii) increasing or reducing the maximum pressure at which the boiler may be used, or

(b) proposes to order any structural alteration, addition or renewal to be made in or to the boiler or any steam-pipe or feed-pipe attached thereto, or

(c) is of opinion that the boiler is not fit for use,

the Inspector shall, within forty-eight hours of making the examination inform the owner of the boiler in writing of his opinion and the reasons therefor, and shall forthwith report the case for orders to the Chief Inspector.

(6) The Chief Inspector, on receipt of a report under sub-section (5), may, subject to the provisions of this Act and of the regulations made hereunder, order the renewal of the certificate in such terms and on such conditions, if any, as he thinks fit, or may refuse to renew it :

Provided that where the Chief Inspector refuses to renew a certificate, he shall forthwith communicate his refusal to the owner of the boiler, together with the reasons therefor.

(7) Nothing in this section shall be deemed to prevent an owner of a boiler from applying for a renewed certificate therefor at any time during the currency of a certificate.

Provisional
orders.

9. Where the Inspector reports the case of any boiler to the Chief Inspector under sub-section (3) of section 7 or sub-section (5) of section 8, he may, if the boiler is not a boiler the use of which has been prohibited under clause (f) of sub-section (1) of section 8, grant to the owner thereof a provisional order in writing permitting the boiler to be used at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act, pending the receipt of the orders of the Chief Inspector. Such provisional order shall cease to be in force—

(a) on the expiry of six months from the date on which it is granted, or

(b) on receipt of the orders of the Chief Inspector, or

(c) in any of the cases referred to in clauses (b), (c), (d), (e) and (f) of sub-section (1) of section 8,

and on so ceasing to be in force shall be surrendered to the Inspector.

10. (a) Notwithstanding anything hereinbefore contained, when the period of a certificate relating to a boiler has expired, the owner shall, provided that he has applied before the expiry of that period for a renewal of the certificate, be entitled to use the boiler at the maximum pressure entered in the former certificate pending the issue of orders on the application.

Use of boiler pending grant of certificate.

(2) Nothing in sub-section (1) shall be deemed to authorize the use of a boiler in any of the cases referred to in clauses (b), (c), (d), (e) and (f) of sub-section (1) of section 8 occurring after the expiry of the period of the certificate.

11. The Chief Inspector may at any time withdraw or revoke any certificate or provisional order on the report of an Inspector or otherwise—

Revocation of certificate or provisional order.

- (a) if there is reason to believe that the certificate or provisional order has been fraudulently obtained or has been granted erroneously or without sufficient examination ; or
- (b) if the boiler in respect of which it has been granted has sustained injury or has ceased to be in good condition ; or
- (c) where the President of the Union has made rules requiring that boilers shall be in charge of persons holding certificates of competency, if the boiler is in charge of a person not holding the certificate required by such rules ; or
- (d) where no such rules have been made, if the boiler is in charge of a person who is not, having regard to the condition of the boiler, in the opinion of the Chief Inspector competent to have charge thereof :

Provided that where the Chief Inspector withdraws or revokes a certificate or provisional order on the ground specified in clause (d), he shall communicate to the owner of the boiler his reasons in writing for the withdrawal or revocation, and the order shall not take effect until the expiry of thirty days from the receipt of such communication.

12. No structural alteration, addition or renewal shall be made in or to any boiler registered under this Act unless such alteration, addition or renewal has been sanctioned in writing by the Chief Inspector.

Alterations and renewals to boilers.

13. Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or to any steam-pipe or feed-pipe attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention, and shall send therewith such particulars of the proposed alteration, addition or renewal as may be prescribed :

Alterations and renewals to steam-pipes or feed-pipes.

Provided that no pipe of three inches or less in internal diameter shall be held to be a steam-pipe for the purposes of this section.

14. (1) On any date fixed under this Act for the examination of a boiler, the owner thereof shall be bound—

Duty of owner at examination.

- (a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of him ;

- (b) to have the boiler properly prepared and ready for examination in the prescribed manner ; and
- (c) in the case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

(2) If the owner fails, without reasonable cause, to comply with the provisions of sub-section (1), the Inspector shall refuse to make the examination and shall report the case to the Chief Inspector who shall, unless sufficient cause to the contrary is shown, require the owner to file a fresh application under section 7 or section 8, as the case may be, and may forbid him to use the boiler notwithstanding anything contained in section 10.

Production
of certi-
ficates, etc.

15. The owner of any boiler who holds a certificate or provisional order relating thereto shall, at all reasonable times during the period for which the certificate or order is in force, be bound to produce the same when called upon to do so by a District Magistrate, Commissioner of Police or Magistrate of the first class having jurisdiction in the area in which the boiler is for the time being, or by the Chief Inspector or by an Inspector or by any Inspector appointed under the Factories Act, or by any person specially authorized in writing by a District Magistrate or Commissioner of Police.

Transfer of
certificates,
etc.

16. If any person becomes the owner of a boiler during the period for which a certificate or provisional order relating thereto is in force, the preceding owner shall be bound to make over to him the certificate or provisional order.

Powers of
entry.

17. An Inspector may, for the purpose of inspecting or examining a boiler or any steam-pipe or feed-pipe attached thereto or of seeing that any provision of this Act or of any regulation or rule made hereunder has been or is being observed, at all reasonable times enter any place or building within the limits of the area for which he has been appointed in which he has reason to believe that a boiler is in use.

Report of
accidents.

18. (1) If any accident occurs to a boiler or steam-pipe or feed-pipe, the owner or person in charge thereof shall, within twenty-four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a true description of the nature of the accident and of the injury, if any, caused thereby to the boiler or to the steam-pipe or feed-pipe or to any person, and shall be in sufficient detail to enable the Inspector to judge of the gravity of the accident.

(2) Every person shall be bound to answer truly to the best of his knowledge and ability every question put to him in writing by the Inspector as to the cause, nature or extent of the accident.

Appeals to
Chief
Inspector.

19. Any person considering himself aggrieved by—

- (a) an order made or purporting to be made by an Inspector in the exercise of any power conferred by or under this Act, or

- (b) a refusal of an Inspector to make any order or to issue any certificate which he is required or enabled by or under this Act to make or issue.

may, within thirty days from the date on which such order or refusal is communicated to him, appeal against the order or refusal to the Chief Inspector.

20. Any person considering himself aggrieved by an original or appellate order of the Chief Inspector— Appeals to appellate authority.

- (a) refusing to register a boiler or to grant or renew a certificate in respect of a boiler ; or
- (b) refusing to grant a certificate having validity for the full period applied for ; or
- (c) refusing to grant a certificate authorizing the use of a boiler at the maximum pressure desired ; or
- (d) withdrawing or revoking a certificate or provisional order ; or
- (e) reducing the amount of pressure specified in any certificate or the period for which such certificate has been granted ; or
- (f) ordering any structural alteration, addition or renewal to be made in or to a boiler or steam-pipe or feed-pipe, or refusing sanction to the making of any structural alteration, addition or renewal in or to a boiler ;

may, within thirty days of the communication to him of such order, lodge with the Chief Inspector an appeal to an appellate authority to be constituted by the President of the Union under this Act.

21. An order of an appellate authority under section 20 and, save as otherwise provided in sections 19 and 20, an order of the Chief Inspector or of an Inspector shall be final and shall not be called in question in any Court. Finality of orders.

22. Any owner of a boiler who refuses or without reasonable excuse neglects— Minor penalties.

- (i) to surrender a provisional order as required by section 9, or
- (ii) to produce a certificate or provisional order when duly called upon to do so under section 15, or
- (iii) to make over to the new owner of a boiler a certificate or provisional order as required by section 16.

shall be punishable with fine which may extend to one hundred rupees.

23. Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force, or at a higher pressure than that allowed thereby, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to one hundred rupees for each day after the first day in regard to which he is convicted of having persisted in the offence. Penalties for illegal use of boiler.

Other penalties.

24. Any person who—

(a) * * * *

(b) being the owner of a boiler fails to cause the registered number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (6) of section 7, or

(c) makes any structural alteration, addition or renewal in or to a boiler without first obtaining the sanction of the Chief Inspector, when so required by section 12, or to a steam-pipe or feed-pipe, without first informing the Chief Inspector, when so required by section 13, or

(d) fails to report an accident to a boiler or steam-pipe or feed-pipe when so required by section 18, or

(e) tampers with a safety valve of a boiler so as to render it inoperative at the maximum pressure at which the use of the boiler is authorized under this Act,

shall be punishable with fine which may extend to five hundred rupees.

Penalty for tampering with register mark.

25. (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Act, or Burma Act II of 1910¹ or the Indian Boilers Act, 1923, shall be punishable with fine which may extend to five hundred rupees. India V, 1923.

(2) Whoever fraudulently marks upon a boiler a register number which has not been allotted to it under this Act, or Burma Act II of 1910,¹ or the Indian Boilers Act, 1923, shall be punishable with imprisonment which may extend to two years, or with fine, or with both. India V, 1923.

Limitation and previous sanction for prosecutions.

26. No prosecution for an offence made punishable by or under this Act shall be instituted except within six months from the date of the commission of the offence, and no such prosecution shall be instituted without the previous sanction of the Chief Inspector.

Trial of offences.

27. No offence made punishable by or under this Act shall be tried by a Court inferior to that of a Magistrate of the first class.

Power to make regulations.

28. The President of the Union may, by notification in the Gazette, make regulations consistent with this Act for all or any of the following purposes, namely—

(a) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler under this Act ;

(b) for prescribing the method of determining the maximum pressure at which a boiler may be used ;

(c) for regulating the registration of boilers, prescribing the fees payable therefor, the drawings, specifications, certificates and particulars to be produced by the owner, the method of preparing

¹ This Act, called the Burma Steam-boilers and Prime-Movers Act, 1910, was repealed by India Act V, 1923.

- a boiler for examination, the form of the Inspector's report thereon, the method of marking the register number, and the period within which such number is to be marked on the boiler ;
- (d) for regulating the inspection and examination of boilers, steam-pipes and feed-pipes, and prescribing forms of certificates therefor, and
- (e) for ensuring the safety of persons working inside a boiler.

29. The President of the Union may, by notification in the Gazette, make rules¹ consistent with this Act and the regulations made thereunder for all or any of the following purposes, namely—

Power to make rules.

- (a) for prescribing the qualifications and duties of the Chief Inspector and of Inspectors, for regulating their salary, allowances and conditions of service, for prescribing or constituting authorities to which they shall respectively be subordinate, and the limits of the administrative control to be exercised by such authorities ;
- (b) for regulating the transfer of boilers ;
- (c) for providing for the registration and certification of boilers in accordance with the regulations made under this Act ;
- (d) for requiring boilers to be in charge of persons holding certificates of competency, and for prescribing the conditions on which such certificates may be granted ;
- (e) for prescribing the times within which Inspectors shall be required to examine boilers under section 7 or section 8 ;
- (f) for prescribing the fees payable for the issue of renewed certificates and the method of determining the amount of such fees in each case ;
- (g) for regulating inquiries into accidents ;
- (h) for constituting the appellate authority referred to in section 20, and for determining its powers and procedure ;
- (i) for determining the mode of disposal of fees, costs and penalties levied under this Act ; and
- (j) generally to provide for any matter.

30. Any regulation or rule made under section 28 or section 29 may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

Penalty for breach of rules.

31. (1) The power to make regulations and rules conferred by section 28 and 29 shall be subject to the condition of the regulations and rules being made after previous publication.

Publication of regulations and rules.

(2) Regulations and rules so made shall be published in the Gazette and, on such publication, shall have effect as if enacted in this Act.

32. All fees, costs and penalties levied under this Act shall be recoverable as arrears of land-revenue.

Recovery of fees, etc

¹ For rules made under this section, see *Burma Gazette*, 1941, Part I, page 830.

Applic-
ability to
the State.

33. Save as otherwise expressly provided, this Act shall apply to boilers, steam-pipes and feed-pipes belonging to the State.

Power to
exempt.

34. (1) The President of the Union may, by notification in the Gazette, exempt from the operation of this Act, subject to such conditions and restrictions as he thinks fit, any boilers or classes or types of boilers used exclusively for the heating of buildings or the supply of hot water.

Power to
suspend in
case of
emergency.

(2) In case of any emergency, the President of the Union may, by general or special order in writing, exempt any boiler or steam-pipe or feed-pipe from the operation of all or any of the provisions of this Act.

THE ELECTRICITY ACT.

CONTENTS.

PART I.

PRELIMINARY.

Sections.

1. * * *
2. Definitions.

PART II.

SUPPLY OF ENERGY.

Licences.

3. Grant of licences.
4. Revocation or amendment of licences.
5. Provisions where licence of licensee, not being a local authority, is revoked.
6. Provisions where licence of local authority is revoked.
7. * * *
8. Provisions where no purchase and licence revoked with consent of licensee.
9. * * *
10. General power for President to vary terms of purchase.
11. Annual accounts of licensee.

Works.

Sections.

12. Provisions as to the opening and breaking up of streets, railways and tramways.
13. Notice of new works.
14. Alteration of pipes or wires.
15. Laying of electric supply-lines or other works near sewers, pipes or other electric supply-lines or works.
16. Streets, railways, tramways, sewers, drains or tunnels broken up to be reinstated without delay.
17. Notice to telegraph-authority.
18. Aërial lines.
19. Compensation for damage.

Supply.

- 19A. Point where supply is delivered.
20. Power for licensee to enter premises and to remove fittings or other apparatus of licensee.
21. Restrictions on licensee's controlling or interfering with use of energy.
22. Obligation on licensee to supply energy.
23. Charges for energy to be made without undue preference.
24. Discontinuance of supply to consumer neglecting to pay charge.
25. Exemption of electric supply-lines or other apparatus from attachment in certain cases.
26. Meters.
27. Supply of energy outside area of supply.

PART III.

SUPPLY, TRANSMISSION AND USE OF ENERGY BY NON-LICENSEES.

28. Sanction required by non-licensees in certain cases.
29. Power for non-licensees to break up streets.
- 29A. Application of section 18 to aërial lines maintained by railways.
30. Control of transmission and use of energy.

PART IV.

GENERAL.

Protective Clauses.

31. Protection of railways, and canals, docks, wharves and piers.
32. Protection of telegraphic, telephonic and electric signalling lines.
33. Notice of accidents and inquiries.

Sections.

34. Prohibition of connection with earth, and power for President to interfere in certain cases of default.

Administration and Rules.

35. Advisory Boards.
36. Appointment of Electric Inspectors.
37. Power to make rules.
38. Further provisions respecting rules.

Criminal Offences and Procedure.

39. Theft of energy.
40. Penalty for maliciously wasting energy or injuring works.
41. Penalty for unauthorized supply of energy by non-licensees.
42. Penalty for illegal or defective supply or for non-compliance with order.
43. Penalty for illegal transmission or use of energy.
44. Penalty for interference with meters or licensee's works, and for improper use of energy.
45. Penalty for extinguishing public lamps.
46. Penalty for negligently wasting energy or injuring works.
47. Penalty for offences not otherwise provided for.
48. Penalties not to affect other liabilities.
49. Penalties where works belong to Government.
50. Institution of prosecutions.

Supplementary.

51. Exercise in certain cases of powers of telegraph-authority.
52. Arbitration.
53. Service of notices, orders or documents.
54. Recovery of sums recoverable under certain provisions of Act.
55. Delegation of certain functions of President to Electric Inspectors.
56. Protection for acts done in good faith.
57. Amendment of the Land Acquisition Act.

THE SCHEDULE.

PROVISIONS TO BE DEEMED TO BE INCORPORATED WITH, AND TO FORM PART OF, EVERY LICENCE GRANTED UNDER PART II SO FAR AS NOT ADDED TO, VARIED OR EXCEPTED BY THE LICENCE.

*Clause.**Security and accounts.*

- I. Security for execution of works of licensee not being local authority.
- II. Audit of accounts of licensee not being local authority.
- III. Separate accounts.

Clause.

- IV. Execution of work after commencement of licence.
- V. Provisions as to laying down of further distributing mains.
- VI. Requisition for supply to owners or occupiers in vicinity.
- VII. Further provisions as to laying of service lines.
- VIII. Supply for public lamps.

Supply by bulk-licensees.

- IX. Special provisions applying to supply by bulk-licensees.

Charges.

- X. Methods of charging.
- XI. Maximum charges.
- XIA. Minimum charges.
- XII. Charge for supply for public lamps.

Testing and inspection.

- XIII. Licensee to establish testing stations and keep instruments for testing.
- XIV. Facilities for testing.
- XV. Testing of works.

Plans.

- XVI. Plan of area of supply to be made and kept open for inspection.

Additional notice of certain works.

- XVII. Notice to Electric Inspector.

THE ELECTRICITY ACT.

[INDIA ACT IX, 1910.] (1st January, 1911.)

PART I,

PRELIMINARY.

1. * * * *

2. In this Act, expressions defined in the Burma Telegraph Act have the meanings assigned to them in that Act, and, unless there is anything repugnant in the subject or context,—

Definitions.

- (a) “aërial line” means any electric supply line which is placed above ground and in the open air ;
- (b) “area of supply” means the area within which alone a licensee is for the time being authorized by his licence to supply energy ;
- (c) “consumer” means any person who is supplied with energy by a licensee, or whose premises are for the time being connected for the purposes of a supply of energy with the works of a licensee ;

- (d) “daily fine” means a fine for each day on which an offence is continued after conviction therefor ;
- (e) “distributing main” means the portion of any main with which a service line is, or is intended to be, immediately connected ;
- (f) “electric supply-line” means a wire, conductor or other means used for conveying, transmitting or distributing energy, together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of so conveying, transmitting or distributing such energy ;
- (g) “energy” means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of a message ;
- (h) “licensee” means any person licensed under Part II to supply energy ;
- (i) “main” means any electric supply-line through which energy is, or is intended to be, supplied by a licensee to the public ;
- (j) “prescribed” means prescribed by rules made under this Act ;
- (k) “public lamp” means an electric-lamp used for the lighting of any street ;
- (l) “service line” means any electric supply-line through which energy is, or is intended to be, supplied by a licensee—
 - (i) to a single consumer either from a distributing main or immediately from the licensee’s premises, or
 - (ii) from a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of the distributing main ;
- (m) “street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway ; and
- (n) “works” includes electric supply-lines and any buildings, machinery or apparatus required to supply energy and to carry into effect the objects of a licence granted under Part II.

PART II.

SUPPLY OF ENERGY.

Licences.

Grant of
licences.

3. (1) The President of the Union may, on application made in the prescribed form and on payment of the prescribed fee (if any), grant to any person a licence to supply energy in any specified area, and also to lay down or place electric supply-lines for the conveyance and transmission of energy,—

- (a) where the energy to be supplied is to be generated outside such area, from a generating station situated outside such area to the boundary of such area, or

- (b) where energy is to be conveyed or transmitted from any place in such area to any other place therein across an intervening area not included therein, across such area.

(2) In respect of every such licence and the grant thereof the following provisions shall have effect, namely :—

- (a) any person applying for a licence under this Part shall publish a notice of his application in the prescribed manner and with the prescribed particulars, and the licence shall not be granted—

- (i) until all objections received by the President of the Union with reference thereto have been considered by him :

Provided that no objection shall be so considered unless it is received before the expiration of three months from the date of the first publication of such notice as aforesaid ; and

- (ii) until, in the case of an application for a licence for an area including the whole or any part of any cantonment, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for naval or military purposes, the President of the Union has ascertained that there is no objection to the grant of the licence on the part of the Defence Department ;
- (b) where an objection is received from any local authority concerned, the President of the Union shall, if in his opinion the objection is insufficient, record in writing and communicate to such local authority his reasons for such opinion ;
- (c) no application for a licence under this Part shall be made by any local authority except in pursuance of a resolution passed at a meeting of such authority held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given ;
- (d) a licence under this Part—

- (i) may prescribe such terms as to the limits within which, and the conditions under which, the supply of energy is to be compulsory or permissive, and as to the limits of price to be charged in respect of the supply of energy, and generally as to such matters as the President of the Union may think fit ; and
 - (ii) save in cases in which, under section 10, clause (b), the provisions of sections 5 and 7, or either of them, have been declared not to apply, every such licence shall declare whether any generating station to be used in connection with the undertaking shall or shall not form part of the undertaking for the purpose of purchase under section 5 or section 7;

- (e) the grant of a licence under this Part for any purpose shall not in any way hinder or restrict the grant of a licence to another person within the same area of supply for a like purpose ;
- (f) the provisions contained in the Schedule shall be deemed to be incorporated with, and to form part of, every licence granted under this Part, save in so far as they are expressly added to, varied or excepted by the licence, and shall, subject to any such additions, variations or exceptions, which the President of the Union is hereby empowered to make, apply to the undertaking authorized by the licence :

Provided that, where a licence is granted in accordance with the provisions of clause IX of the Schedule for the supply of energy to other licensees for distribution by them, then, in so far as such licence relates to such supply, the provisions of clauses IV, V, VI, VII, VIII and XII of the Schedule shall not be deemed to be incorporated with the licence.

Revocation
or amend-
ment of
licences.

4. (1) The President of the Union may, if in his opinion the public interest so requires, revoke a licence in any of the following cases, namely :—

- (a) where the licensee, in the opinion of the President of the Union, makes wilful and unreasonably prolonged default in doing anything required of him by or under this Act ;
- (b) where the licensee breaks any of the terms or conditions of his licence the breach of which is expressly declared by such licence to render it liable to revocation ;
- (c) where the licensee fails, within the period fixed in this behalf by his licence or any longer period which the President of the Union may substitute therefor by order under sub-section (3), clause (b), and before exercising any of the powers conferred on him thereby in relation to the execution of works,—
 - (i) to show, to the satisfaction of the President of the Union, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his licence, or
 - (ii) to make the deposit or furnish the security required by his licence ;
- (d) where the licensee is, in the opinion of the President of the Union, unable, by reason of his insolvency, fully and efficiently to discharge the duties and obligations imposed on him by his licence.

(2) Where the President of the Union might, under sub-section (1), revoke a licence, he may, instead of revoking the licence, permit it to remain in force subject to such further terms and conditions as he thinks fit to impose, and any further terms or conditions so imposed shall be binding upon, and be observed by, the licensee, and shall be of like force and effect as if they were contained in the licence.

(3) Where in his opinion the public interest so permits, the President of the Union may, on the application or with the consent of the licensee, and, if the licensee is not a local authority, after consulting the local authority (if any) concerned,—

- (a) revoke a licence as to the whole or any part of the area of supply upon such terms and conditions as he thinks fit, or
- (b) make such alterations or amendments in the terms and conditions of a licence, including the provisions specified in section 3, sub-section (2), clause (f), as he thinks fit.

5. Where the President of the Union revokes, under section 4, sub-section (1), the licence of a licensee, not being a local authority, the following provisions shall have effect, namely :—

Provisions where licence of licensee, not being a local authority, is revoked.

- (a) the President of the Union shall serve a notice of the revocation upon the licensee, and, where the whole of the area of supply is included in the area for which a single local authority is constituted, upon that local authority also, and shall in the notice fix a date on which the revocation shall take effect ; and on and with effect from that date all the powers and liabilities of the licensee under this Act shall absolutely cease and determine ;
- (b) where a notice has been served on a local authority under clause (a), the local authority may, within three months after the service of the notice, and with the written consent of the President of the Union, by notice in writing, require the licensee to sell, and thereupon the licensee shall sell, the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purposes of the undertaking, other than a generating station declared by the licence not to form part of the undertaking for the purpose of purchase, such value to be, in case of difference or dispute, determined by arbitration :

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, but without any addition in respect of compulsory purchase or of goodwill or of any profits which may be or might have been made from the undertaking, or of any similar considerations :

- (c) where no purchase has been effected by the local authority under clause (b), and any other person is willing to purchase the undertaking, the President of the Union may, if he thinks fit,

with the consent of the licensee, or without the consent of the licensee in case the price is not less than that for which the local authority might have purchased the same, require the licensee to sell, and thereupon the licensee shall sell, the undertaking to such other person ;

- (d) where no purchase has been effected under clause (b) or clause (c) within such time as the President of the Union may consider reasonable, or where the whole of the area of supply is not included in the area for which a single local authority is constituted, the Government shall have the option of purchasing the undertaking and, if the Government elects to purchase, the licensee shall sell the undertaking to the Government upon terms and conditions similar to those set forth in clause (b) ;

- (e) where a purchase has been effected under any of the preceding clauses,—

- (i) the undertaking shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking :

Provided that any such debts, mortgages or similar obligations shall attach to the purchase-money in substitution for the undertaking; and

- (ii) the revocation of the licence shall extend only to the revocation of the rights, powers, authorities, duties and obligations of the licensee from whom the undertaking is purchased, and, save as aforesaid, the licence shall remain in full force, and the purchaser shall be deemed to be the licensee :

Provided that where the Government elects to purchase under clause (d), the licence shall, after purchase, in so far as the Government is concerned, cease to have any further operation ;

- (f) where no purchase has been effected under any of the foregoing clauses the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit :

Provided that, if the licensee does not exercise such option within a period of six months from the date on which the same became exercisable, the President of the Union may forthwith cause the works of the licensee in, under, over, along or across any street to be removed and every such street to be reinstated, and recover the cost of such removal and reinstatement from the licensee ;

- (g) if the licensee has been required to sell the undertaking, and if the sale has not been completed by the date fixed in the notice issued under clause (a), the purchaser may, with the previous sanction of the President of the Union, work the undertaking pending the completion of the sale.

6. (1) Where the President of the Union revokes the licence of a local authority under section 4, sub-section (1), and any person is willing to purchase the undertaking, the President of the Union may, if he thinks fit, require the local authority to sell, and thereupon the local authority shall sell, the undertaking to such person on such terms as the President of the Union thinks just.

Provisions where licence of local authority is revoked.

(2) Where no purchase has been effected under sub-section (1), the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as it may think fit :

Provided that, if the licensee does not exercise such option within a period of six months from the date on which the same became exercisable, the President of the Union may forthwith cause the works of the licensee in, under, over, along or across any street to be removed and every such street to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

17. * * * *

8. Where, on the expiration of any of the periods referred to in section 7, sub-section (1), neither a local authority nor the Government purchases the undertaking, and the licence is, on the application or with the consent of the licensee, revoked, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit :

Provisions where no purchase and licence revoked with consent of licensee.

Provided that, if the licensee does not exercise such option within a period of six months, the President of the Union may proceed to take action as provided in section 5, clause (f), proviso.

19. * * * *

10. Notwithstanding anything in sections 5, 7 and 8, the President of the Union may, in any licence to be granted under this Act,—

General power for President to vary terms of purchase

(a) vary the terms and conditions upon which, and the periods on the expiration of which, the licensee shall be bound to sell his undertaking, or

(b) direct that, subject to such conditions and restrictions (if any) as he may think fit to impose, the provisions of the said sections or any of them shall not apply.

11. (1) Every licensee shall, unless expressly exempted from the liability by his licence, or by order in writing of the President of the Union, prepare and render to the President of the Union or to such authority as the President of the Union may appoint in this behalf, on or before the prescribed date in each year, an annual statement of accounts of his undertaking made up to such date, in such form, and containing such particulars, as may be prescribed in this behalf.

Annual accounts of licensee.

(2) The licensee shall keep copies of such annual statement at his office, and sell the same to any applicant at a price not exceeding five rupees per copy.

Works

Provisions
as to the
opening and
breaking up
of streets,
railways and
tramways.

12. (1) Any licensee may, from time to time but subject always to the terms and conditions of his licence, within the area of supply, or, when permitted by the terms of his licence to lay down or place electric supply-lines without the area of supply, without that area---

- (a) open and break up the soil and pavement of any street, railway or tramway ;
- (b) open and break up any sewer, drain or tunnel in or under any street, railway or tramway ;
- (c) lay down and place electric supply-lines and other works ;
- (d) repair, alter or remove the same ; and
- (e) do all other acts necessary for the due supply of energy.

(2) Nothing contained in sub-section (1) shall be deemed to authorize or empower a licensee, without the consent of the local authority or of the owner and occupier concerned, as the case may be, to lay down or place any electric supply-line or other work in, through or against any building, or on, over or under any land not dedicated to public use whereon, wherever or whereunder any electric supply-line or work has not already been lawfully laid down or placed by such licensee :

Provided that any support of an aerial line or any stay or strut required for the sole purpose of securing in position any support of an aerial line may be fixed on any building or land or, having been so fixed, may be altered, notwithstanding the objection of the owner or occupier of such building or land, if the District Magistrate or, in Rangoon, the Commissioner of Police by order in writing so directs :

Provided also that, if any time the owner or occupier of any building or land on which any such support, stay or strut has been fixed shows sufficient cause, the District Magistrate or, in Rangoon, the Commissioner of Police may by order in writing direct any such support, stay or strut to be removed or altered.

(3) When making an order under sub-section (2), the District Magistrate or the Commissioner of Police, as the case may be, shall fix the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.

(4) Every order made by a District Magistrate or a Commissioner of Police under sub-section (2) shall be subject to revision by the President of the Union.

(5) Nothing contained in sub-section (1) shall be deemed to authorize or empower any licensee to open or break up any street not repairable by the Government or a local authority, or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as he is specially authorized to break up by his licence, without the written consent of the person by whom the street is repairable or of the person for the time being

entitled to work the railway or tramway, unless with the written consent of the President of the Union :

Provided that the President of the Union shall not give any such consent as aforesaid until the licensee has given notice by advertisement or otherwise as the President of the Union may direct, and within such period as the President of the Union may fix in this behalf, to the person above referred to, and until all representations or objections received in accordance with the notice have been considered by the President of the Union.

13. (1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over, along or across any street, part of a street, railway, tramway, canal or water-way, the following provisions shall have effect, namely—

Notice of
new works.

- (a) not less than one month before commencing the execution of the works (not being a service line immediately attached, or intended to be immediately attached, to a distributing main, or the repair, renewal or amendment of existing works of which the character or position is not to be altered), the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter in this section referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, canal or waterway (hereinafter in this section referred to as "the owner"), as the case may be, a notice in writing describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or owner, as the case may be, from time to time give such further information in relation thereto as may be desired ;
- (b) if the repairing authority intimates to the licensee that it disapproves of such works, section or plan, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the President of the Union, whose decision, after considering the reasons given by the repairing authority for its action, shall be final ;
- (c) if the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within one month, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under clause (a) ;

- (d) if the owner disapproves of such works, section or plan, or approves thereof subject to amendment, he may, within three weeks after the service of the notice under clause (a), serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the owner to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration ;
- (e) where no requisition has been served by the owner upon the licensee under clause (d) within the time named, the owner shall be deemed to have approved of the works, section and plan, and in that case, or where after a requisition for arbitration the matter has been determined by arbitration, the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties ;
- (f) where the works to be executed consist of the laying of any underground service line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall give to the repairing authority or owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works ;
- (g) where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority, or to the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works, and, on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch and, if possible, both by day and by night until completed.

(2) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason hereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

(3) Notwithstanding anything in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after giving notice in writing to the repairing authority or the owner, as the case may be, of his intention to do so, place an aerial line without complying with the provisions of sub-section (1) :

Provided that such aerial line shall be used only until the defect in the underground electric supply-line can be made good, and in no case (unless with the written consent of the President of the Union) for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

14. (1) Any licensee may alter the position of any pipe (not forming, in a case where the licensee is not a local authority, part of a local authority's main sewer), or of any wire under or over any place which he is authorized to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under this Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise of any powers vested in him.

Alteration
of pipes or
wires.

(2) In any such case as aforesaid the following provisions shall, in the absence of an agreement to the contrary between the parties concerned, apply, namely—

- (a) not less than one month before commencing any alteration, the licensee or other person desiring to make the same (hereinafter in this section referred to as "the operator") shall serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works, as the case may be, (hereinafter in this section referred to as "the owner"), a notice in writing, describing the proposed alteration, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire;
- (b) within fourteen days after the service of the notice, section and plan upon the owner, the owner may serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration;
- (c) every arbitrator to whom a reference is made under clause (b) shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid, as far as possible, interference therewith;
- (d) where no requisition is served upon the operator under clause (b) within the time named, or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing of any compensation accepted or determined by arbitration, be executed in accordance with the notice, section, and plan and subject to such modifications as may have been determined by arbitration or agreed upon between the parties;
- (e) the owner may, at any time before the operator is entitled to commence the alteration, serve upon the operator a statement

in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, determined by arbitration ;

- (f) where a statement is served upon the operator under clause (e), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made, and thereupon the owner may proceed to execute the alteration as required by the operator ;
- (g) where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served upon him under clause (f), comply with the notice, the operator may himself execute the alteration ;
- (h) all expenses properly incurred by the owner in complying with a notice served upon him by the operator under clause (f) may be recovered by him from the operator.

(3) Where the licensee or other person desiring to make the alteration makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Laying of
electric sup-
ply-lines or
other works
near sewers,
pipes or
other elec-
tric supply-
lines or
works.

15. (1) Where—

- (a) the licensee requires to dig or sink any trench for laying down any new electric supply-lines or other works, near to which any sewer, drain, water-course or work under the control of the Government or of any local authority, or any pipe, syphon, electric supply-line or other work belonging to any duly authorized person, has been lawfully placed, or
- (b) any duly authorized person requires to dig or sink any trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed,

the licensee or such duly authorized person, as the case may be, (hereinafter in this section referred to as "the operator"), shall, unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the President of the Union or local authority, or to such duly authorized person or to the licensee, as the case may be, (hereinafter in this section referred to as "the owner"), not less than forty-eight hours' notice in writing before commencing to dig or sink the trench, and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or service-pipes or service-lines belonging to any duly authorized person or to any person supplying, transmitting or using energy under this Act, he shall not, except with the written consent of such person and in accordance with section 34, sub-section (1), lay his electric supply-lines so as to come into contact with any such pipes, lines or service-pipes or service-lines.

(4) Where the operator makes default in complying with any of the provisions of this section, he shall make full compensation for any loss or damage incurred by reason thereof.

(5) Where any difference or dispute arises under this section, the matter shall be determined by arbitration.

(6) Where the licensee is a local authority, the references in this section to the local authority and to sewers, drains, water-courses or works under its control shall not apply.

16. (1) Where any person, in exercise of any of the powers conferred by or under this Act, opens or breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall—

- (a) immediately cause the part opened or broken up to be fenced and guarded ;
- (b) before sunset cause a light or lights, sufficient for the warning of passengers, to be set up and maintained until sunrise against or near the part opened or broken up ;
- (c) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up, and carry away the rubbish occasioned by such opening or breaking up ; and
- (d) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues.

Streets,
railways,
tramways,
sewers,
drains or
tunnels
broken up to
be reinstated
without
delay.

(2) Where any person fails to comply with any of the provisions of sub-section (1), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.

(3) Where any difference or dispute arises as to the amount of the expenses incurred under sub-section (2), the matter shall be determined by arbitration.

Notice to
telegraph-
authority.

17. (1) A licensee shall, before laying down or placing, within ten yards of any part of any telegraph-line, any electric supply-line or other works (not being either service lines or electric supply-lines for the repair, renewal or amendment of existing works of which the character or position is not to be altered), give not less than ten days' notice in writing to the telegraph-authority, specifying—

- (a) the course of the works or alteration proposed,
- (b) the manner in which the works are to be utilised,
- (c) the amount and nature of the energy to be transmitted, and
- (d) the extent to, and manner in, which (if at all) earth returns are to be used ;

and the licensee shall conform with such reasonable requirements, either general or special, as may be laid down by the telegraph-authority within that period for preventing any telegraph-line from being injuriously affected by such works or alterations :

Provided that, in case of emergency (which shall be stated by the licensee in writing to the telegraph-authority) arising from defects in any of the electric supply-lines or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(2) Where the works to be executed consist of the laying or placing of any service line, the licensee shall, not less than forty-eight hours before commencing the work, serve upon the telegraph-authority a notice in writing of his intention to execute such works.

Aërial lines.

18. (1) Save as provided in section 13, sub-section (3), nothing in this Part shall be deemed to authorize or empower a licensee to place any aërial line along or across any street, railway, tramway, canal or waterway unless and until the President of the Union has communicated to him a general approval in writing of the methods of construction which he proposes to adopt :

Provided that the communication of such approval shall in no way relieve the licensee of his obligations with respect to any other consent required by or under this Act.

(2) Where any aërial line has been placed or maintained by a licensee in breach of the provisions of sub-section (1), the President of the Union may require the licensee forthwith to remove the same, or may cause the same to be removed, and recover from the licensee the expenses incurred in such removal.

(3) Where any tree standing or lying near an aërial line, or where any structure or other object which has been placed or has fallen near an aërial line subsequently to the placing of such line, interrupts or interferes with, or

is likely to interrupt or interfere with, the conveyance or transmission of energy or the accessibility of any works, a Magistrate of the first class or, in Rangoon, the Commissioner of Police may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.

(4) When disposing of an application under sub-section (3), the Magistrate or Commissioner of Police, as the case may be, shall, in the case of any tree in existence before the placing of the aerial line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Explanation.—For the purposes of this section, the expression “tree” shall be deemed to include any shrub, hedge, jungle-growth or other plant.

19. (1) A licensee shall, in exercise of any of the powers conferred by or under this Act, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him. Compensation for damage.

(2) Save in the case provided for in section 12, sub-section (3), where any difference or dispute arises as to the amount or the application of such compensation, the matter shall be determined by arbitration.

Supply.

19A. For the purposes of this Act, the point at which the supply of energy by a licensee to a consumer shall be deemed to commence shall be determined in such manner as may be prescribed. Point where supply is delivered.

20. (1) A licensee or any person duly authorized by a licensee may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which energy is or has been supplied by him, for the purpose of— Power for licensee to enter premises and to remove fittings or other apparatus of licensee.

(a) inspecting and testing the electric supply-lines, meters, fittings, works and apparatus for the supply of energy belonging to the licensee ; or

(b) ascertaining the amount of energy supplied or the electrical quantity contained in the supply ; or

(c) removing, where a supply of energy is no longer required, or where the licensee is authorized to take away and cut off such supply, any electric supply-lines, meters, fittings, works or apparatus belonging to the licensee.

(2) A licensee or any person authorized as aforesaid may also, in pursuance of a special order in this behalf made by the District Magistrate or, in Rangoon, by the Commissioner of Police, and after giving not less than twenty-four hours' notice in writing to the occupier, enter any premises to which energy is or has been supplied, or is to be supplied, by him for the purpose of examining and testing the electric-wires, fittings, works and apparatus for the use of energy belonging to the consumer.

(3) Where a consumer refuses to allow a licensee or any person authorized as aforesaid to enter his premises in pursuance of the provisions of sub-section (1) or sub-section (2), or, when such licensee or person has so entered, refuses to allow him to perform any act which he is authorized by those sub-sections to perform, or fails to give reasonable facilities for such entry or performance, the licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer.

Restrictions
on licensee's
controlling
or interfering
with use of
energy.

21. (1) A licensee shall not be entitled to prescribe any special form of appliance for utilising energy supplied by him, or, save as provided by section 23, sub-section (2) or by section 26, sub-section (7), in any way to control or interfere with the use of such energy :

Provided that no person may adopt any form of appliance, or use the energy supplied to him, so as unduly or improperly to interfere with the supply by the licensee of energy to any other person.

(2) Subject to the provisions of sub-section (1), a licensee may, with the previous sanction of the President of the Union, given after consulting the local authority where the licensee is not the local authority, make conditions not inconsistent with this Act or with his licence or with any rules made under this Act, to regulate his relations with persons who are or intend to become consumers, and may with the like sanction given after the like consultation add to or alter or amend any such conditions ; and any conditions made by a licensee without such sanction shall be null and void :

Provided that any such conditions made before the 23rd day of January, 1922,¹ shall, if sanctioned by the President of the Union on application made by the licensee before such date as the President of the Union may, by general or special order, fix in this behalf, be deemed to have been made in accordance with the provisions of this sub-section.

(3) The President of the Union may, after the like consultation, cancel any condition or part of a condition previously sanctioned under sub-section (2) after giving to the licensee not less than one month's notice in writing of his intention so to do.

(4) Where any difference or dispute arises as to whether a licensee has prescribed any appliance or controlled or interfered with the use of energy in contravention of sub-section (1), the matter shall be either referred to an Electric Inspector and decided by him or, if the licensee or consumer so desires, determined by arbitration.

¹ The date fixed by the Indian Electricity (Amendment) Act, 1922 (India Act I, 1922), which added this sub-section.

22. Where energy is supplied by a licensee, every person within the area of supply shall, except in so far as is otherwise provided by the terms and conditions of the licence, be entitled, on application, to a supply on the same terms as those on which any other person in the same area is entitled in similar circumstances to a corresponding supply :

Obligation on licensee to supply energy.

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of energy for any premises having a separate supply unless he has agreed with the licensee to pay to him such minimum annual sum as will give him a reasonable return on the capital expenditure, and will cover other standing charges incurred by him in order to meet the possible maximum demand for those premises, the sum payable to be determined in case of difference or dispute by arbitration.

23. (1) A licensee shall not, in making any agreement for the supply of energy, show undue preference to any person, but may, save as aforesaid, make such charges for the supply of energy as may be agreed upon, not exceeding the limits imposed by his licence.

Charges for energy to be made without undue preference.

(2) No consumer shall, except with the consent in writing of the licensee, use energy supplied to him under one method of charging in a manner for which a higher method of charging is in force.

(3) In the absence of an agreement to the contrary, a licensee may charge for energy supplied by him to any consumer—

- (a) by the actual amount of energy so supplied, or
- (b) by the electrical quantity contained in the supply, or
- (c) by such other method as may be approved by the President of the Union.

(4) Any charges made by a licensee under clause (c) of sub-section (3) may be based upon, and vary in accordance with, any one or more of the following considerations, namely—

- (a) the consumer's load factor, or
- (b) the power factor of his load, or
- (c) his total consumption of energy during any stated period, or
- (d) the hours at which the supply of energy is required.

24. (1) Where any person neglects to pay any charge for energy or any sum, other than a charge for energy due from him to a licensee in respect of the supply of energy to him, the licensee may, after giving not less than seven clear days' notice in writing to such person and without prejudice to his right to recover such charge or other sum by suit, cut off the supply and for that purpose cut or disconnect any electric supply-line or other works, being the property of the licensee, through which energy may be supplied, and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and re-connecting the supply, are paid, but no longer.

Discontinuance of supply to consumer neglecting to pay charge.

(2) Where any difference or dispute has been referred under this Act to an Electric Inspector before notice as aforesaid has been given by the licensee, the licensee shall not exercise the powers conferred by this section until the Inspector has given his decision :

Provided that the prohibition contained in this sub-section shall not apply in any case in which the licensee has made a request in writing to the consumer for a deposit with the Electric Inspector of the amount of the licensee's charges or other sums in dispute or for the deposit of the licensee's further charges for energy as they accrue, and the consumer has failed to comply with such request.

Exemption
of electric
supply-lines
or other
apparatus
from attach-
ment in cer-
tain cases.

25. Where any electric supply-lines, meters, fittings, works or apparatus belonging to a licensee are placed in or upon any premises, not being in the possession of the licensee, for the purpose of supplying energy, such electric supply-lines, meters, fittings, works and apparatus shall not be liable to be taken in execution under any process of any civil Court or in any proceedings in insolvency against the person in whose possession the same may be.

Meters.

26. (1) In the absence of an agreement to the contrary, the amount of energy supplied to a consumer or the electrical quantity contained in the supply shall be ascertained by means of a correct meter, and the licensee shall, if required by the consumer, cause the consumer to be supplied with such a meter :

Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof unless the consumer elects to purchase a meter.

(2) Where the consumer so enters into an agreement for the hire of a meter, the licensee shall keep the meter correct, and, in default of his doing so, the consumer shall, for so long as the default continues, cease to be liable to pay for the hire of the meter.

(3) Where the meter is the property of the consumer, he shall keep the meter correct, and, in default of his doing so, the licensee may, after giving him seven days' notice, for so long as the default continues, cease to supply energy through the meter.

(4) The licensee or any person duly authorized by the licensee shall, at any reasonable time and on informing the consumer of his intention, have access to, and be at liberty to inspect and test, and for that purpose, if he thinks fit, take off and remove, any meter referred to in sub-section (1) ; and, except where the meter is so hired as aforesaid, all reasonable expenses of and incidental to, such inspecting, testing, taking off and removing shall, if the meter is found to be otherwise than correct, be recovered from the consumer ; and, where any difference or dispute arises as to the amount of such reasonable expenses, the matter shall be referred to an Electric Inspector, and the decision of such Inspector shall be final :

Provided that the licensee shall not be at liberty to take off or remove any such meter if any difference or dispute of the nature described in sub-section (6) has arisen until the matter has been determined as therein provided.

(5) A consumer shall not connect any meter referred to in sub-section (1) with any electric supply-line through which energy is supplied by a licensee, or disconnect the same from any such electric supply-line, without giving to the licensee not less than forty-eight hours' notice in writing of his intention.

(6) Where any difference or dispute arises as to whether any meter referred to in sub-section (1) is or is not correct, the matter shall be decided, upon the application of either party, by an Electric Inspector, or by a competent person specially appointed by the President of the Union in this behalf; and, where the meter has, in the opinion of such Inspector or person, ceased to be correct, such Inspector or person shall estimate the amount of the energy supplied to the consumer, or the electrical quantity contained in the supply, during such time as the meter shall not, in the opinion of such Inspector or person, have been correct; and where the matter has been decided by any person other than the Electric Inspector, an appeal shall lie to the Inspector, whose decision shall in every case be final; but, save as aforesaid, the register of the meter shall, in the absence of fraud, be conclusive proof of such amount or quantity:

Provided that, before either a licensee or a consumer applies to the Electric Inspector under this sub-section, he shall give to the other party not less than seven days' notice of his intention so to do.

(7) In addition to any meter which may be placed upon the premises of a consumer in pursuance of the provisions of sub-section (1), the licensee may place upon such premises such meter, maximum demand indicator or other apparatus as he may think fit for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer, or the number of hours during which the supply is given, or the rate per unit of time at which energy is supplied to the consumer, or any other quantity or time connected with the supply:

Provided that the meter, indicator or apparatus shall not, in the absence of an agreement to the contrary, be placed otherwise than between the distributing mains of the licensee and any meter referred to in sub-section (1):

Provided, also, that, where the charges for the supply of energy depend wholly or partly upon the reading or indication of any such meter, indicator or apparatus as aforesaid, the licensee shall, in the absence of an agreement to the contrary, keep the meter, indicator or apparatus correct; and the provisions of sub-sections (4), (5) and (6) shall in that case apply as though the meter, indicator or apparatus were a meter referred to in sub-section (1).

Explanation.—A meter shall be deemed to be "correct" if it registers the amount of energy supplied, or the electrical quantity contained in the supply, within the prescribed limits of error, and a maximum indicator

or other apparatus referred to in sub-section (7) shall be deemed to be "correct" if it complies with such conditions as may be prescribed in the case of any such indicator or other apparatus.

Supply of
energy out-
side area of
supply.

27. Notwithstanding anything in this Act, the President of the Union may, by order in writing, and subject to such conditions and restrictions, if any, as he thinks fit to impose, authorize any licensee to supply energy to any person outside the area of supply, and to lay down or place electric supply-lines for that purpose :

Provided, first, that no such authority shall be conferred on the licensee within the area of supply of another licensee without that licensee's consent, unless the President of the Union considers that his consent has been unreasonably withheld :

Provided, secondly, that such authority shall not be conferred unless the person to whom the supply is to be given has entered into a specific agreement with the licensee for the taking of such supply :

Provided, thirdly, that a licensee on whom such authority has been conferred shall not be deemed to be empowered outside the area of supply to open or break up any street, or any sewer, drain or tunnel in or under any street, railway or tramway, or to interfere with any telegraph-line, without the written consent of the local authority or person by whom such street, sewer, drain or tunnel is repairable, or of the telegraph-authority, as the case may be, unless the President of the Union after such inquiry as he thinks fit, considers that such consent has been unreasonably withheld :

Provided, fourthly, that, save as aforesaid, the provisions of this Act shall apply in the case of any supply authorized under this section as if the said supply were made within the area of supply.

PART III,

SUPPLY, TRANSMISSION AND USE OF ENERGY BY NON-LICENSEES.

Sanction
required by
non-licensees
in certain
cases.

28. (1) No person, other than a licensee, shall engage in the business of supplying energy except with the previous sanction of the President of the Union and in accordance with such conditions as the President of the Union may fix in this behalf, and any agreement to the contrary shall be void :

Provided that such sanction shall not be given within the area for which a local authority is constituted, without that local authority's consent, or within the area of supply of any licensee, without that licensee's consent, unless the President of the Union considers that consent has been unreasonably withheld.

(2) Where any difference or dispute arises as to whether any person is or is not engaging, or about to engage, in the business of supplying energy within the meaning of sub-section (1), the matter shall be referred to the President of the Union, and the decision of the President of the Union thereon shall be final.

29. (1) The local authority may, by order in writing, confer and impose upon any person, who has obtained the sanction of the President of the Union under section 28 to engage in the business of supplying energy, all or any of the powers and liabilities of a licensee under sections 12 to 19, both inclusive, and the provisions of the said sections shall thereupon apply as if such person were a licensee under Part II.

Power for non-licensees to break up street

(2) A local authority, not being a licensee, shall, for the purpose of lighting any street, have the powers and be subject to the liabilities respectively conferred and imposed by sections 12 to 19, both inclusive, so far as applicable, as if it were a licensee under Part II.

(3) In cases other than those for which provision is made by sub-section (1), the person responsible for the repair of any street may, by order in writing, confer and impose upon any person who proposes to transmit energy in such street all or any of the powers and liabilities of a licensee under sections 12 to 19 (both inclusive), in so far as the same relate to—

- (a) opening or breaking up of the soil or pavement of such street, or
- (b) laying down or placing electric supply-lines in, under, along or across such street, or

(c) repairing, altering or removing such electric supply-lines,

and thereupon the provisions of the said sections shall, so far as aforesaid, apply to such person as if he were a licensee under Part II.

(4) If no order is made within fourteen days after the receipt of an application for the same under sub-section (1) or sub-section (3), the order so applied for shall be deemed to have been refused, and every order, and every refusal to make an order, under sub-section (1) or sub-section (3), shall be subject to revision by the President of the Union.

29A. The provisions of sub-sections (3) and (4) of section 18 and of the *Explanation* thereto shall apply in the case of any aerial line placed by any railway administration as if references therein to the licensee were references to the railway administration.

Application of section 18 to aerial lines maintained by railways.

30. (1) No person, other than a licensee duly authorized under the terms of his licence, shall transmit or use energy at a rate exceeding two hundred and fifty watts,—

Control of transmission and use of energy.

- (a) in any street, or
- (b) in any place—

(i) in which one hundred or more persons are likely ordinarily to be assembled, or

(ii) which is a factory within the meaning of the Factories Act, or

(iii) which is a mine within the meaning of the Mines Act, or

(iv) to which the President of the Union, by general or special order, declares the provisions of this sub-section to apply,

without giving not less than seven clear days' notice in writing of his intention to the District Magistrate, or, in Rangoon, to the Commissioner of Police,

and complying with such of the provisions of Part IV, and of the rules made thereunder, as may be applicable :

Provided that nothing in this section shall apply to energy used for the public carriage of passengers, animals or goods on, or for the lighting or ventilation of the rolling-stock of, any railway or tramway subject to the provisions of the Railways Act :

Provided, also, that the President of the Union may, by general or special order and subject to such conditions and restrictions as may be specified therein, exempt from the application of this section or of any such provisions or rule as aforesaid any person or class of persons using energy on premises upon or in connection with which it is generated, or using energy supplied under Part II in any place specified in clause (b).

(2) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are likely ordinarily to be assembled, the matter shall be referred to the President of the Union, and the decision of the President of the Union thereon shall be final.

(3) The provisions of this section shall be binding on the Government.

PART IV.

GENERAL.

Protective Clauses.

Protection
of railways
and canals,
docks,
wharves
and piers.

31. No person shall, in the generation, transmission, supply or use of energy, in any way injure any railway, tramway, canal or waterway, or any dock, wharf or pier, vested in or controlled by a local authority, or obstruct or interfere with the traffic on any railway, tramway, canal or water-way.

Protection
of telegra-
phic, tele-
phonic and
electric sig-
nalling lines.

32. (1) Every person generating, transmitting, supplying or using energy (hereinafter in this section referred to as the "operator") shall take all reasonable precautions in constructing, laying down and placing his electric supply-lines and other works, and in working his system, so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic or electric-signalling communication, or the currents in such wire or line.

(2) Where any difference or dispute arises between the operator and the telegraph-authority as to whether the operator has constructed, laid down or placed his electric supply-lines or other works, or worked his system, in contravention of sub-section (1), or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the President of the Union ; and the President of the Union, unless he is of opinion that the wire or line has been placed in unreasonable proximity to the electric supply-lines or works of the operator after the

construction of such lines or works, may direct the operator to make such alterations in, or additions to, his system as may be necessary in order to comply with the provisions of this section, and the operator shall make such alterations or additions accordingly :

Provided that nothing in this sub-section shall apply to the repair, renewal or amendment of any electric supply-line so long as the course of the electric supply-line and the amount and nature of the energy transmitted thereby are not altered.

(3) Where the operator makes default in complying with the requirements of this section, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Explanation.—For the purposes of this section, a telegraph-line shall be deemed to be injuriously affected if telegraphic, telephonic or electric signalling communication by means of such line is, whether through induction or otherwise, prejudicially interfered with by an electric supply-line or work or by any use made thereof.

33. (1) If any accident occurs in connection with the generation, transmission, supply or use of energy in, or in connection with, any part of the electric supply-lines or other works of any person, and the accident results or is likely to have resulted in loss of life or personal injury, such person shall give notice of the occurrence, and of any loss of life or personal injury actually occasioned by the accident, in such form and within such time and to such authorities as the President of the Union may, by general or special order, direct.

Notice of accidents and injuries.

(2) The President of the Union may, if he thinks fit, require any Electric Inspector, or any other competent person appointed by him in this behalf, to inquire and report—

- (a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by, or in connection with, the generation, transmission, supply or use of energy, or
- (b) as to the manner in, and extent to, which the provisions of this Act or of any licence or rules thereunder, so far as those provisions affect the safety of any person, have been complied with.

34. (1) No person shall, in the generation, transmission, supply or use of energy, permit any part of his electric supply-lines to be connected with earth except so far as may be prescribed in this behalf or may be specially sanctioned by the President of the Union.

Prohibition of connection with earth, and power for President to interfere in certain cases of default.

(2) If at any time it is established to the satisfaction of the President of the Union--

- (a) that any part of an electric supply-line is connected with earth contrary to the provisions of sub-section (1), or

- (b) that any electric supply-lines or other works for the generation, transmission, supply or use of energy are attended with danger to the public safety or to human life or injuriously affect any telegraph-line, or
- (c) that any electric supply-line or other works are defective so as not to be in accordance with the provisions of this Act or of any rule thereunder, .

the President of the Union may, by order in writing, specify the matter complained of and require the owner or user of such electric supply-lines or other works to remedy it in such manner as shall be specified in the order, and may also in like manner forbid the use of any electric supply-line or works until the order is complied with or for such time as is specified in the order.

Administration and Rules.

Advisory
Boards.

35. (1) The President of the Union may, by notification, constitute an Advisory Board or Advisory Boards ¹ for the whole or any part of the Union of Burma.

(2) Every such Board shall consist of a chairman and not less than two other members.

(3) The President of the Union may, by general or special order,—

- (a) determine the number of members of which any such Board shall be constituted and the manner in which such members shall be appointed,
- (b) define the duties and regulate the procedure of any such Board,
- (c) determine the tenure of office of the members of any such Board, and
- (d) give directions as to the payment of fees to, and the travelling expenses incurred by, any member of any such Board in the performance of his duty.

Appoint-
ment of
Electric
Inspectors.

36. (1) The President of the Union may, by notification in the Gazette, appoint duly qualified persons to be Electric Inspectors, and every Electric Inspector so appointed shall exercise the powers and perform the functions of an Electric Inspector under this Act within such areas and subject to such restrictions as the President of the Union may direct.

(2) * * * *

(3) In the absence of express provision to the contrary in this Act or any rule thereunder, an appeal shall lie from the decision of an Electric Inspector to the President of the Union or, if the President of the Union by general or special order so directs, to an Advisory Board.

¹ For rules relating to the constitution, conduct of business, functions, etc, of the Electricity Board, see *Burma Gazette*, 1939, Part I, page 867 ; and for the Electricity Advisory Board Rules see *Burma Gazette*, 1939, Part I, page 868. ●

37. (1) The President of the Union may make rules, for the whole or any part of, the Union of Burma, to regulate the generation, transmission, supply and use of energy, and, generally, to carry out the purposes and objects 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 form of applications for licences and the payments to be made in respect thereof ;
- (b) regulate the publication of notices ;
- (c) prescribe the manner in which objections with reference to any application under Part II are to be made ;
- (d) provide for the preparation and submission of accounts by licensees in a specified form ;
- (e) provide for the securing of a regular, constant and sufficient supply of energy by licensees to consumers and for the testing at various parts of the system of the regularity and sufficiency of such supply and for the examination of the records of such tests by consumers ;
- (f) provide for the protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission, supply or use of energy ;
- (g) for the purposes of electric traction regulate the employment of insulated returns, or of uninsulated metallic returns of low resistance, in order to prevent fusion or injurious electrolytic action of or on metallic pipes, structures or substances, and to minimise, as far as is reasonably practicable, injurious interference with the electric wires, supply-lines and apparatus of parties other than the owners of the electric traction system, or with the currents therein, whether the earth is used as a return or not ;
- (h) provide for preventing telegraph-lines and magnetic observatories or laboratories from being injuriously affected by the generation, transmission, supply or use of energy ;
- (i) prescribe the qualifications to be required of Electric Inspectors ;
- (j) authorize any Electric Inspector or other officer of a specified rank and class to enter, inspect and examine any place, carriage or vessel in which he has reason to believe any appliance or apparatus used in the generation, transmission, supply or use of energy to be, and to carry out tests therein, and to prescribe the facilities to be given to such Inspectors or officers for the purposes of such examinations and tests ;
- (k) authorize and regulate the levy of fees for any such testing or inspection and, generally, for the services of Electric Inspectors under this Act ; and
- (l) provide for any matter which is to be or may be prescribed.

(3) Any rules made in pursuance of clause (f) or clause (h) of sub-section (2) shall be binding on the Government.

(4) In making any rule under this Act, the President of the Union may direct that every breach thereof shall be punishable with fine which may extend to three hundred rupees, and, in the case of a continuing breach, with a further daily fine which may extend to fifty rupees.

Further provisions respecting rules.

38. (1) The power to make rules under section 37 shall be subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with the Burma General Clauses Act, as that after which a draft of rules proposed to be made under section 37 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(3) Any rule to be made under this Act shall, before it is published for criticism under sub-section (2), be referred to the Advisory Board (if any) constituted for the whole of the Union of Burma, or, if no such Board has been constituted, then to such Board or Boards (if any) as the President of the Union may direct, and the rule shall not be so published until such Board or Boards (if any) has or have reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

(4) All rules made under section 37 shall be published in the Gazette and, on such publication, shall have effect as if enacted in this Act.

Criminal Offences and Procedure.

Theft of energy.

39. Whoever dishonestly abstracts, consumes or uses any energy shall be deemed to have committed theft within the meaning of the Penal Code; and the existence of artificial means for such abstraction shall be *prima facie* evidence of such dishonest abstraction.

Penalty for maliciously wasting energy or injuring works.

40. Whoever maliciously causes energy to be wasted or diverted, or, with intent to cut off the supply of energy, cuts or injures, or attempts to cut or injure, any electric supply-line or works, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Penalty for unauthorized supply of energy by non-licensees.

41. Whoever, in contravention of the provisions of section 28, engages in the business of supplying energy shall be punishable with fine which may extend to three thousand rupees, and, in the case of a continuing contravention, with a daily fine which may extend to three hundred rupees.

Penalty for illegal or defective supply or for non-compliance with order.

42. Whoever—

- (a) being a licensee, save as permitted under section 27 or section 51 or by his licence, supplies energy or lays down or places any electric supply-line or works outside the area of supply; or

- (b) being a licensee, in contravention of the provisions of this Act or of the rules thereunder or in breach of the conditions of his licence and without reasonable excuse, the burden of proving which shall lie on him, discontinues the supply of energy or fails to supply energy ; or
- (c) makes default in complying with any order issued to him under section 34, sub-section (2) ;

shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence or default, with a daily fine which may extend to one hundred rupees.

43. Whoever, in contravention of the provisions of section 30, transmits or uses energy without giving the notice required thereby, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

Penalty for illegal transmission or use of energy.

44. Whoever—

- (a) connects any meter referred to in section 26, sub-section (1), or any meter, indicator or apparatus referred to in section 26, sub-section (7), with any electric supply-line through which energy is supplied by a licensee, or disconnects the same from any such electric supply-line, without giving to the licensee forty-eight hours' notice in writing of his intention ; or
- (b) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee, without such licensee's consent ; or
- (c) maliciously injures any meter referred to in section 26, sub-section (1), or any meter, indicator or apparatus referred in section 26, sub-section (7), or wilfully or fraudulently alters the index of any such meter, indicator or apparatus, or prevents any such meter, indicator or apparatus from duly registering ; or
- (d) improperly uses the energy of a licensee ;

Penalty for interference with meters or licensee's works and for improper use of energy

shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees ; and if it is proved that any artificial means exists for making such connection as is referred to in clause (a), or such communication as is referred to in clause (b), or for causing such alteration or prevention as is referred to in clause (c), or for facilitating such improper use as is referred to in clause (d), and that the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not, it shall be presumed, until the contrary is proved, that such connection, communication, alteration, prevention or improper use, as the case may be, has been knowingly and wilfully caused by such consumer.

45. Whoever maliciously extinguishes any public lamp shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to three hundred rupees, or with both:

Penalty for extinguishing public lamps.

Penalty for negligently wasting energy or injuring works.

46. Whoever negligently causes energy to be wasted or diverted, or negligently breaks, throws down or damages any electric supply-line, post, pole or lamp, or other apparatus connected with the supply of energy, shall be punishable with fine which may extend to two hundred rupees.

Penalty for offences not otherwise provided for.

47. Whoever, in any case not already provided for by sections 39 to 46 (both inclusive), makes default in complying with any of the provisions of this Act, or with any order issued under it, or, in the case of a licensee, with any of the conditions of his licence, shall be punishable with fine which may extend to one hundred rupees and, in the case of a continuing default, with a daily fine which may extend to twenty rupees :

Provided that, where a person has made default in complying with any of the provisions of sections 13, 14, 15, 17 and 32, as the case may be, he shall not be so punishable if the Court is of opinion that the case was one of emergency, and that the offender complied with the said provisions as far as was reasonable in the circumstances.

Penalties not to affect other liabilities.

48. The penalties imposed by sections 39 to 47 (both inclusive) shall be in addition to, and not in derogation of, any liability in respect of the payment of compensation or, in the case of a licensee, the revocation of his licence, which the offender may have incurred.

Penalties where works belong to Government.

49. The provisions of sections 39, 40, 44, 45 and 46 shall, so far as they are applicable, be deemed to apply also when the acts made punishable thereunder are committed in the case of energy supplied by, or of works belonging to, the Government.

Institution of prosecutions.

50. No prosecution shall be instituted against any person for any offence against this Act or any rule, licence or order thereunder, except at the instance of the Government or an Electric Inspector, or of a person aggrieved by the same.

Supplementary.

Exercise in certain cases of powers of telegraph-authority.

51. Notwithstanding anything in sections 12 to 16 (both inclusive) and sections 18 and 19, the President of the Union may, by order in writing, for the placing of appliances and apparatus for the transmission of energy, confer upon any public officer or licensee, subject to such conditions and restrictions (if any) as the President of the Union may think fit to impose, and to the provisions of the Burma Telegraph Act, any of the powers which the telegraph-authority possesses under that Act, with respect to the placing of telegraph-lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

Arbitration.

52. Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the licence of a licensee, be determined by such person or persons as the President

of the Union may nominate in that behalf on the application of either party ; but in all other respects the arbitration shall be subject to the provisions of the Arbitration Act.

53. (1) Every notice, order or document by or under this Act required or authorized to be addressed to any person may be served by post or left,— Service of notices, orders or documents.

- (a) where the Government is the addressee, at the office of such officer as the President of the Union may designate in this behalf ;
- (b) where a local authority is the addressee, at the office of the local authority ;
- (c) where a company is the addressee, at the registered office of the company or, in the event of the registered office of the company not being in the Union of Burma, at the head office of the company in the Union of Burma ;
- (d) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(2) Every notice, order or document by or under this Act required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the " owner " or " occupier " of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

54. Every sum declared to be recoverable by section 5, clause (f), section 6, sub-section (2), section 14, sub-section (2), clause (h), section 16, sub-section (2), section 18, sub-section (2) or sub-section (4), or section 26, sub-section (4), and every fee leviable under this Act, may be recovered, on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by the distress and sale of any moveable property belonging to such person. Recovery of sums recoverable under certain provisions of Act.

55. The President of the Union may, by general or special order, authorize the discharge of any of his functions under section 13, or section 18, or section 34, sub-section (2), or clause V, sub-clause (2), or clause XIII of the Schedule, by an Electric Inspector. Delegation of certain functions of President to Electric Inspectors.

56. No suit, prosecution or other proceeding shall lie against any public officer, or any servant of a local authority, for anything done, or in good faith purporting to be done, under this Act. Protection for acts done in good faith.

57. (1) In section 40, sub-section (1), clause (b), and section 41, sub-section (5), of the Land Acquisition Act, the term " work " shall be deemed to include electrical energy supplied, or to be supplied, by means of the work to be constructed. Amendment of the Land Acquisition Act.

(2) The President of the Union may, if he thinks fit, on the application of any person, not being a company, desirous of obtaining any land for the purposes of his undertaking, direct that he may acquire such land under the provisions of the Land Acquisition Act, in the same manner and on the same conditions as it might be acquired if the person were a company.

THE SCHEDULE.

PROVISIONS TO BE DEEMED TO BE INCORPORATED WITH, AND TO FORM PART OF,
EVERY LICENCE GRANTED UNDER PART II, SO FAR AS NOT ADDED TO, VARIED OR
EXCEPTED BY THE LICENCE.

[See section 3, sub-section (2), clause (f).]

Security and Accounts.

Security for
execution of
works of
licensee not
being local
authority.

I. Where the licensee is not a local authority, the following provisions as to giving security shall apply, namely :—

- (a) The licensee shall, within the period fixed in that behalf by his licence, or any longer period which the President of the Union may substitute therefor by order under section 4, sub-section (3), clause (b), of the Electricity Act, before exercising any of the powers by the licence conferred on him in relation to the execution of works, show, to the satisfaction of the President of the Union, that he is in a position fully and efficiently to discharge the duties and obligations imposed upon him by the licence throughout the area of supply.
- (b) The licensee shall also, within the period fixed in that behalf by his licence, or any longer period which the President of the Union may substitute therefor by order under section 4, sub-section (3), clause (b), of the Electricity Act, and before exercising any of the powers conferred on him in relation to the execution of works, deposit or secure to the satisfaction of the President of the Union such sum (if any) as may be fixed by the licence or, if not so fixed, by the President of the Union.
- (c) The said sum deposited or secured by the licensee under the provisions of this clause shall be repaid or released to him on the completion of the works or at such earlier date or dates, and by such instalments, as may be approved by the President of the Union.

Audit of
accounts of
licensee not
being local
authority.

II. Where the licensee is not a local authority, the following provisions as to the audit of accounts shall apply, namely :—

- (a) The annual statement of accounts of the undertaking shall, before being rendered under section 11 of the Electricity Act, be examined and audited by such person as the President of the

Union may appoint or approve in this behalf, and the remuneration of the auditor shall be such as the President of the Union may direct, and his remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the President of the Union shall approve, shall be paid by the licensee on demand.

- (b) The licensee shall afford to the auditor, his clerks and assistants, access to all such books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for that purpose, and afford to him and them all facilities for the proper execution of his and their duty.
- (c) The audit shall be made and conducted in such manner as the President of the Union may direct.
- (d) Any report made by the auditor, or such portion thereof as the President of the Union may direct, shall be appended to the annual statement of accounts of the licensee, and shall thenceforth form part thereof.
- (e) Notwithstanding the foregoing provisions of this clause, the President of the Union may, if he thinks fit, accept the examination and audit of an auditor appointed by the licensee.

III. The licensee shall, unless the President of the Union otherwise directs, at all times keep the accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by him of any other undertaking or business.

Separate
accounts.

Compulsory works and supply.

IV. The licensee shall, within a period of three years after the commencement of the licence, execute to the satisfaction of the President of the Union all such works as may be specified in the licence in this behalf or, if not so specified, as the President of the Union may, by order in writing issued within six months of the date of the commencement of the licence, direct.

Execution of
work after
commence-
ment of
licence.

V. (1) Where, after the expiration of two years and six months from the commencement of the licence, a requisition is made by six or more owners or occupiers of premises in or upon any street or part of a street within the area of supply, or by the President of the Union or a local authority charged with the public lighting thereof, requiring the licensee to provide distributing mains throughout such street or part thereof, the licensee shall comply within six months with the requisition, unless,—

Provisions
as to laying
down of
further
distributing
mains.

- (a) where it is made by such owners or occupiers as aforesaid, the owners or occupiers making it do not, within fourteen clear days after the service on them by the licensee of a notice in writing, in this behalf, tender to the licensee a written contract duly executed and with sufficient security binding themselves to

take, or guaranteeing that there shall be taken, a supply of energy for not less than two years to such amount as will in the aggregate produce annually, at the current rates charged by the licensee, a reasonable return to the licensee ; or

- (b) where it is made by the President of the Union or a local authority, the President of the Union or local authority, as the case may be, does not, within the like period, tender a like contract binding himself or itself to take a supply of energy for not less than seven years for the public lamps in such street or part thereof.

(2) Where any difference or dispute arises between the licensee and such owners or occupiers as to the sufficiency of the security offered under this clause, or as to the amount of energy to be taken or guaranteed as aforesaid, the matter shall be referred to the President of the Union, and either decided by him or, if he so directs, determined by arbitration.

(3) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(4) Every requisition under this clause shall be in a form to be prescribed by rules under the Electricity Act ; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

Requisition
for supply to
owners or
occupiers in
vicinity.

VI. (1) Where, after distributing mains have been laid down under the provisions of clause IV or clause V and the supply of energy through those mains or any of them has commenced, a requisition is made by the owner or occupier of any premises situate within the area of supply requiring the licensee to supply energy for such premises, the licensee shall, within one month from the making of the requisition or within such longer period as the Electric Inspector may allow, supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy in accordance with the requisition :

Provided, first, that the licensee shall not be bound to comply with any such requisition unless and until the person making it—

- (a) within fourteen days after the service on him by the licensee of a notice in writing in this behalf, tenders to the licensee a written contract, in a form approved by the President of the Union, duly executed and with sufficient security, binding himself to take a supply of energy for not less than two years to such amount as will produce, at current rates charged by the licensee, a reasonable return to the licensee, and
- (b) if required by the licensee so to do, pays to the licensee the cost of so much of any service line as may be laid down or placed for the purposes of the supply upon the property in respect of which the requisition is made, and of so much of any service line as it may be necessary for the said purposes to lay down or place beyond one hundred feet from the licensee's distributing main, although not on that property :

Provided, secondly, that the licensee shall be entitled to discontinue such supply--

- (a) if the owner or occupier of the property to which the supply is made has not already given security, or if any security given by him has become invalid or insufficient, and such owner or occupier fails to furnish security or to make up the original security to a sufficient amount, as the case may be, within seven days after the service upon him of notice from the licensee requiring him so to do, or
- (b) if the owner or occupier of the property to which the supply is made adopts any appliance, or uses the energy supplied to him by the licensee for any purposes, or deals with it in any manner, so as unduly or improperly to interfere with the efficient supply of energy to any other person by the licensee, or
- (c) if the electric wires, fittings, works and apparatus in such property are not in good order and condition, and are consequently likely to affect injuriously the use of energy by the licensee or by other persons, or
- (d) if the owner or occupier makes any alterations of, or additions to, any electric wires, fittings, works or apparatus within such property as aforesaid, and does not notify the same to the licensee before the same are connected to the source of supply, with a view to their being examined and tested :

but the licensee shall re-connect the supply with all reasonable speed on the cessation of the act or default or both, as the case may be, which entitled him to discontinue it :

Provided, thirdly, that the maximum rate per unit of time at which the owner or occupier shall be entitled to be supplied with energy shall not exceed what is necessary for the maximum consumption on his premises, and, where the owner or occupier has required a licensee to supply him at a specified maximum rate, he shall not be entitled to alter that maximum, except after one month's notice in writing to the licensee, and the licensee may recover from the owner or occupier any expenses incurred by him by reason of such alteration in respect of the service lines by which energy is supplied to the property beyond one hundred feet from the licensee's distributing main, or in respect of any fittings or apparatus of the licensee upon that property : and

Provided, fourthly, that, if any requisition is made for a supply of energy and the licensee can prove, to the satisfaction of an Electric Inspector,—

- (a) that the nearest distributing main is already loaded up to its full current-carrying capacity, or
- (b) that, in case of a larger amount of current being transmitted by it, the loss of pressure will seriously affect the efficiency of the supply to other consumers in the vicinity.

the licensee may refuse to accede to the requisition for such reasonable period, not exceeding six months, as such Inspector may think sufficient for the purpose of amending the distributing main or laying down or placing a further distributing main.

(2) Any service line laid for the purpose of supply in pursuance of a requisition under sub-clause (1) shall, notwithstanding that a portion of it may have been paid for by the person making the requisition, be maintained by the licensee.

(3) Where any difference or dispute arises as to the amount of energy to be taken or guaranteed as aforesaid, or as to the cost of any service line or as to the sufficiency of the security offered by any owner or occupier, or as to the improper use of energy, or as to any alleged defect in any wires, fittings, works or apparatus, or as to the amount of the expenses incurred under the third proviso to sub-clause (1), the matter shall be referred to an Electric Inspector and decided by him.

(4) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(5) Every requisition under this clause shall be in a form to be prescribed by rules under the Electricity Act : and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

Further provisions as to laying of service lines.

VII. The licensee shall, before commencing to lay down or place a service line in any street in which a distributing main has not already been laid down or placed, serve upon the local authority (if any), and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the service line so to be laid down or placed, twenty-one days' notice stating that the licensee intends to lay down or place a service line, and intimating that, if within the said period the local authority or any five or more of such owners or occupiers require, in accordance with the provisions of the licence, that a supply shall be given for any public lamps or to their premises, as the case may be, the necessary distributing main will be laid down or placed by the licensee at the same time as the service line.

Supply for public lamps.

VIII. (1) Where, after distributing mains have been laid down under the provisions of clause IV or clause V and the supply of energy through those mains or any of them has commenced, a requisition is made by the President of the Union or by a local authority requiring the licensee to supply for a period of not less than seven years energy for any public lamps within the area of supply, the licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy for such lamps in such quantities as the President of the Union or the local authority, as the case may be, may require.

(2) The provisions of sub-clause (b) of the first proviso, of sub-clauses (c) and (d) of the second proviso, and of the third and fourth provisos to sub-clause (1) and the provisions of sub-clauses (2) and (3) of clause

VI shall, so far as may be, apply to every case in which a requisition for the supply of energy is made under this clause as if the President of the Union or local authority were an owner or occupier within the meaning of those provisions.

Supply by bulk-licensees.

IX. (1) Where, and in so far as, the licensee (hereinafter in this clause referred to as "the bulk-licensee") is authorized by his licence to supply energy to other licensees for distribution by them (hereinafter in this clause referred to as "distributing-licensees") the following provisions shall apply, namely—

Special provisions applying to supply by bulk-licensees.

- (a) any distributing-licensees within the bulk-licensee's area of supply may make a requisition on the bulk-licensee, requiring him to give a supply of energy and specifying the point, and the maximum rate per unit of time, at which such supply is required, and the date upon which the supply is to commence, such date being fixed after the date of receipt of the requisition so as to allow an interval that is reasonable with regard to the locality and to the length of the electric supply-line and the amount of the plant required ;
- (b) such distributing-licensee shall, if required by the bulk-licensee so to do, enter into a written agreement to receive and pay for a supply of energy for a period of not less than seven years of such an amount that the payment to be made for the same at the rate of charge for the time being charged for such supply shall not be less than such an amount as will produce a reasonable return to the bulk-licensee on the outlay (excluding expenditure on generating plant then existing and any electric supply-line then laid down or placed) incurred by him in making provision for such supply ;
- (c) the maximum rate per unit of time at which a distributing-licensee shall be entitled to be supplied with energy shall not exceed what is necessary for the purposes for which the supply is required by him, and need not be increased except upon a fresh requisition made in accordance with the foregoing provisions ;
- (d) if any difference or dispute arises under this clause, it shall be determined by arbitration, and, in the event of such arbitration, the arbitrator shall have regard to the following amongst other considerations, namely :—
 - (i) the period for which the distributing-licensee is prepared to bind himself to take energy ;
 - (ii) the amount of energy required and the hours during which the bulk-licensee is to supply it ;
 - (iii) the capital expenditure incurred or to be incurred by the bulk-licensee in connection with the aforesaid supply of energy ; and

- (iv) the extent to which the capital expended or to be expended by the bulk-licensee in connection with such supply may become unproductive upon the discontinuance thereof.

(2) Notwithstanding anything in sub-clause (1), the bulk-licensee shall give a supply of energy to any distributing-licensee within his area of supply applying therefor, even although the distributing-licensee desires to be supplied with only a portion of the energy required for distribution by him :

Provided that the distributing-licensee shall, if so required by the bulk-licensee, enter into an agreement to take such energy upon special terms (including a minimum annual sum to be paid to the bulk-licensee) to be determined, if necessary, by arbitration in the manner laid down in sub-clause (1) (d).

(3) The maximum price fixed by a licence for energy supplied to a distributing-licensee shall not apply to any partial supply given under sub-clause (2).

(4) Every distributing-licensee, who is supplied with energy by a bulk-licensee and intends to discontinue to receive such supply, shall give not less than twelve months' notice in writing of such intention to the bulk-licensee :

Provided that, where the distributing-licensee has entered into a written agreement with the bulk-licensee to receive and pay for a supply of energy for a certain period, such notice shall be given so as not to expire before the end of that period.

Charges.

Methods of
charging.

X. (1) Where the licensee charges by any method approved by the President of the Union in accordance with section 23, sub-section (3), clause (c) of the Electricity Act, any consumer who objects to that method may, by not less than one month's notice in writing, require the licensee to charge him, at the licensee's option, either by the actual amount of energy supplied to him or by the electrical quantity contained in the supply, and thereafter the licensee shall not, except with the consent of the consumer, charge him by another method.

(2) Before commencing to supply energy through any distributing main, the licensee shall give notice, by public advertisement, of the method by which he proposes to charge for energy so supplied ; and, where the licensee has given such notice, he shall not be entitled to change that method of charging without giving not less than one month's notice in writing of such change to the President of the Union, to the local authority (if any) concerned, and to every consumer of energy who is supplied by him from such distributing main.

(3) If the consumer is provided with a meter in pursuance of the provisions of section 26, sub-section (1), of the Electricity Act, and the licensee changes the method of charging for the energy supplied by him from the distributing main, the licensee shall bear the expense of providing a new meter, or such other apparatus as may be necessary by reason of the new method of charging.

XI. Save as provided by clause IX, sub-clause (3), the prices charged by the licensee for energy supplied by him shall not exceed the maxima fixed by his license, or, in the case of a method of charge approved by the President of the Union, such maxima as the President of the Union shall fix on approving the method :

Maximum charges.

Provided that, if, at any time after the expiration of seven years from the commencement of the licence, the President of the Union considers that the maxima so fixed or approved as aforesaid should be altered, he shall refer the matter to an Advisory Board and, if the Board recommends any alteration may make an order in accordance with such recommendation, which shall have effect from such date as may be mentioned therein :

Provided, also, that, where an order in pursuance of the foregoing proviso has been made, no further order altering the maxima fixed thereby shall be made until the expiration of another period of five years.

XIA. A licensee may charge a consumer a minimum charge for energy of such amount and determined in such manner as may be specified by his licence, and such minimum charge shall be payable notwithstanding that no energy has been used by the consumer during the period for which such minimum charge is made.

Minimum charges.

XII. The price to be charged by the licensee and to be paid to him for energy supplied for the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the licensee and the President of the Union or the local authority, as the case may be, and, where any difference or dispute arises, the matter shall be determined by arbitration.

Charge for supply for public lamps.

Testing and Inspection.

XIII. The licensee shall establish at his own cost and keep in proper condition such number of testing stations, situated at such places within reasonable distance from any distributing main, as the President of the Union may direct for the purpose of testing the pressure or periodicity of the supply of energy in the distributing main, and shall supply and keep in proper condition thereat, and on all premises from which he supplies energy, such instruments for testing as an Electric Inspector may approve, and shall supply energy to each testing station for the purpose of testing.

Licensee to establish testing stations and keep instruments for testing.

XIV. The licensee shall afford all facilities for inspection and testing of his works and for the reading, testing and inspection of his instruments, and may, on each occasion of the testing of his works or the reading, testing or inspection of any instruments, be represented by an agent, who may be present but shall not interfere with the reading, testing or inspection.

Facilities for testing.

XV. On the occasion of the testing of any works of the licensee by an Electric Inspector reasonable notice thereof shall be given to the licensee ; and the testing shall be carried out at such suitable hours as, in the opinion

Testing of works.

of the Electric Inspector, will least interfere with the supply of energy by the licensee, and in such manner as the Electric Inspector may think fit ; but, except under the provisions of an order made in each case in that behalf by the President of the Union, the Electric Inspector shall not be entitled to have access to, or interfere with, the works of the licensee at any points other than those at which the licensee himself has access to the same :

Provided that the licensee shall not be held responsible for any interruption or irregularity in the supply of energy which may be occasioned by, or required by the Electric Inspector for the purpose of any such testing as aforesaid :

Provided, also, that the testing shall not be made in regard to any particular portion of the works oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the President of the Union.

Plans.

Plan of area of supply to be made and kept open for inspection.

XVI. (1) The licensee shall, after commencing to supply energy, forthwith cause a plan to be made of the area of supply, and shall cause to be marked thereon the alignment and, in the case of underground works, the approximate depth below the surface of all his then existing electric supply-lines, street-distributing boxes and other works, and shall once in every year cause that plan to be duly corrected so as to show the electric supply-lines, street-distributing boxes and other works for the time being in position. The licensee shall also, if so required by an Electric Inspector, cause to be made sections showing the approximate level of all his existing underground works other than service lines.

(2) Every such plan shall be drawn to such scale as the President of the Union may require : Provided that no scale shall be required unless maps of the locality on that scale are for the time being available to the public.

(3) Every such section shall be drawn to horizontal and vertical scales which shall be such as the President of the Union may require.

(4) Every plan and section so made or corrected, or a copy thereof, marked with the date when it was so made or corrected, shall be kept by the licensee at his principal office or place of business within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and copies thereof shall be supplied on such terms and conditions as may be prescribed by rules under the Electricity Act.

(5) The licensee shall, if required by an Electric Inspector and, where the licensee is not a local authority, by the local authority (if any) concerned, supply free of charge to such Electric Inspector or local authority a copy of every such plan or section duly corrected so as to agree with the original kept at the principal office or place of business of the licensee.

Additional notice of certain works.

XVII. On the day next preceding the commencement of any such works as are referred to in section 13 of the Electricity Act, the licensee shall, in addition to any other notices which he may be required to give, serve upon the Electric Inspector, or such officer as the President of the Union may appoint in this behalf for the area of supply, a notice in writing stating that he is about to commence the works, and the nature and position of the same.

Notice to
Electric
Inspector.

THE WATER POWER ACT.

[BURMA ACT XI, 1927.] (29th October, 1927.)

1. * * * *

2. In this Act, unless there is something repugnant in the context, the term "public water" shall mean a collection of water, whether running or still, which is not the subject of private property exclusively, situate on, or flowing over or to, any land to which the State has any title in possession or in future, or in respect of which the Government has a right to use water for obtaining energy or for mining purposes.

Definition of
public water.

3. When rules made under this Act prescribe licences for the use of any public water for obtaining energy or for mining operations, no person shall use, or attempt to use, any such water for any such purpose, or pollute or obstruct the flow of any such water, or discharge therein any mining refuse, except under and in accordance with the terms of such licence or any grant, lease, or licence from the President of the Union of, or in respect of, any land.

When licence
is necessary
for use of
public
waters.

4. The President of the Union may, by notification, make rules¹— Rules.

- (a) prescribing licences for the use of any public water or of public waters in any local area for obtaining energy or for mining operations ;
- (b) authorizing officers to make exemptions from the operation of such rules ;
- (c) prescribing the officers by whom, the circumstances in which, and the conditions subject to which, licences under this Act shall or may be granted, including provision for the payment of royalty or rent ;
- (d) prescribing the procedure for granting such licences, and the fees payable for the issue thereof ;

¹ For the Burma Water-Power (Mining Operation) Rules, see *Burma Gazette*, 1949, Part , page 357.

- (e) providing for appeals from orders of officers authorized to grant such licences ; and
- (f) generally for carrying out the purposes of this Act.

Removal of
things con-
travening
the Act.

5. The Deputy Commissioner may, by written notice to any person by whom or on whose authority anything has been constructed or is maintained in contravention of this Act, order the removal of such thing and, if such person fails to comply with such order, the Deputy Commissioner may cause the thing to be removed or demolished, and the expense of such removal or demolition to be recovered from such person as if it were an arrear of land-revenue.

Penalties.

6. Every person who contravenes any of the provisions of section 3, or who fails to comply with an order under section 5, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or both.

THE PETROLEUM ACT.

CONTENTS.

PRELIMINARY.

Sections.

- 1. * * *
- 2. Definitions.

CHAPTER I.

CONTROL OVER PETROLEUM.

- 3. Import, transport and storage of petroleum.
- 4. Rules for the import, transport and storage of petroleum.
- 5. Production, refining and blending of petroleum.
- 6. Receptacles of dangerous petroleum to show a warning.
- 7. No licence needed for small stocks of non-dangerous petroleum not in bulk.
- 8. No licence needed for small quantities of dangerous petroleum.
- 9. Exemptions for motor conveyances and stationary engines.
- 10. No licence needed by railway administration acting as carrier.
- 11. Exemption of heavy oils.
- 12. General power of exemption.
- 13. Inspection of places.

CHAPTER II.

THE TESTING OF PETROLEUM.

Sections.

14. Inspection and sampling of petroleum.
15. Standard test apparatus.
16. Certification of other test apparatus.
17. Testing officers.
18. Manner of test.
19. Certificate of testing.
20. Right to require re-test.
21. Power to make rules regarding tests.
22. Special rules for testing viscous or solid forms of petroleum.

CHAPTER III.

PENALTIES AND PROCEDURE.

23. General penalty for offences under this Act.
24. Confiscation of petroleum and receptacles.
25. Jurisdiction.
26. Power of entry and search.
27. Reports of accidents with petroleum.
28. Inquiries into serious accidents with petroleum.

CHAPTER IV.

SUPPLEMENTAL.

29. Provisions relating to rules.
30. Power to apply Act to other substances.
31. Power to limit powers of local authorities over petroleum.

THE PETROLEUM ACT.

[INDIA ACT XXX, 1934.] (30th March, 1937.)

PRELIMINARY.

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

- (a) “petroleum” means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon ;

- (b) "dangerous petroleum" means petroleum having its flashing-point below seventy-six degrees Fahrenheit ;
- (c) "flashing-point" of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited, determined in accordance with the provisions of Chapter II and the rules made thereunder ;
- (d) "to transport" petroleum means to move petroleum from one place to another in the Union of Burma, and includes moving from one place to another in the Union of Burma by sea or across territory in the Union of Burma which is not part of the Union of Burma ;
- (e) "to import" petroleum means to bring it into the Union of Burma by land, sea or air, otherwise than during the course of transport ;
- (f) "to store" petroleum means to keep it in any one place, but does not include any detention happening during the ordinary course of transport ;
- (g) "motor conveyance" means any vehicle, vessel or aircraft for the conveyance of human beings, animals or goods, by land, water or air, in which petroleum is used to generate the motive power ;
- (h) "prescribed" means prescribed by rules made under this Act.

CHAPTER I.

CONTROL OVER PETROLEUM.

Import,
transport and
storage of
petroleum.

3. (1) No one shall import, transport or store any petroleum save in accordance with the rules made under section 4.

(2) Save in accordance with the conditions of any licence for the purpose which he may be required to obtain by rules made under section 4, no one shall import any dangerous petroleum, and no one shall transport or store any petroleum.

Rules for the
import,
transport
and storage
of petroleum.

4. The President of the Union may make rules¹—

- (a) prescribing places where petroleum may be imported and prohibiting its import elsewhere ;
- (b) regulating the import of petroleum ;
- (c) prescribing the periods within which licences for the import of dangerous petroleum shall be applied for, and providing for the disposal, by confiscation or otherwise, of any dangerous petroleum in respect of which a licence has not been applied for within the prescribed period or has been refused and which has not been exported ;
- (d) regulating the transport of petroleum .

¹ For such rules, see *Burma Gazette*, 1937, Part I, page 437.

- (e) specifying the nature and condition of all receptacles and pipe, lines in which petroleum may be transported ;
- (f) regulating the places at which and prescribing the conditions subject to which petroleum may be stored ;
- (g) specifying the nature, situation and condition of all receptacles in which petroleum may be stored ;
- (h) prescribing the form and conditions of licences for the import of dangerous petroleum, and for the transport or storage of any petroleum, the manner in which applications for such licences shall be made, the authorities which may grant such licences and the fees which may be charged for such licences ;
- (i) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, consignee or carrier ;
- (j) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes ;
- (k) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion ; and
- (l) generally, providing for any matter which in his opinion is expedient for proper control over the import, transport and storage of petroleum.

5. (1) No one shall produce, refine or blend petroleum save in accordance with the rules made under sub-section (2).

Production, refining and blending of petroleum.

(2) The President of the Union may make rules¹ —

- (a) prescribing the conditions subject to which petroleum may be produced, refined or blended ; and
- (b) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as dangerous petroleum, of any petroleum which has not satisfied the prescribed tests.

6. All receptacles containing dangerous petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or, where that is impracticable, displayed near the receptacle, exhibiting in conspicuous characters the words “ Petrol ” or “ Motor Spirit ”, or an equivalent warning of the dangerous nature of the petroleum :

Receptacles of dangerous petroleum to show a warning.

Provided that this section shall not apply to—

- (a) any securely stoppered glass, stoneware or metal receptacle of less than two gallons capacity containing dangerous petroleum which is not for sale, or

¹ For such rules, see *Burma Gazette*, 1937, Part I, page 437.

- (b) a tank incorporated in a motor conveyance, or attached to an internal combustion engine, and containing petroleum intended to be used to generate motive power for the motor conveyance or engine, or
- (c) a pipe-line for the transport of petroleum, or
- (d) any tank which is wholly underground, or
- (e) any class of receptacles which the President of the Union may, by notification in the Gazette, exempt from the operation of this section.

No licence
needed for
small stocks
of non-
dangerous
petroleum
not in bulk.

7. Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.

No licence
needed for
small
quantities of
dangerous
petroleum.

8. (1) Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the import, transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons.

(2) Dangerous petroleum possessed without a licence under this section shall be kept in securely stopped receptacles of glass, stoneware or metal which shall not in the case of receptacles of glass or stoneware exceed one quart in capacity or in the case of receptacles of metal five gallons in capacity.

Exemptions
for motor
conveyances
and
stationary
engines.

9. (1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyance and its driver or pilot, and the owner of any stationary internal combustion engine, shall not be required to obtain a licence—

- (a) for the import, transport or storage of any petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or
- (b) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity, in addition to any quantity possessed under clause (a),

provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine.

(2) The dangerous petroleum transported or stored without a licence under clause (b) shall be kept as provided in sub-section (2) of section 8, and, if it exceeds six gallons in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

10. Notwithstanding anything contained in this Chapter, a railway administration, as defined in section 3 of the Railways, Act, need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier.

No licence needed by railway administration acting as carrier.

11. Nothing in this Chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.

Exemption of heavy oils.

12. The President of the Union may, by notification in the Gazette, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

General power of exemption.

13. (1) The President of the Union may authorize any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder.

Inspection of places.

(2) The President of the Union may make rules regulating the procedure of officers authorized under this section.

CHAPTER II:

THE TESTING OF PETROLEUM.

14. (1) The President of the Union may, by notification in the Gazette, authorize any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced, refined or blended and to inspect and take samples for testing of any petroleum found therein.

Inspection and sampling of petroleum.

(2) The President of the Union may make rules¹—

- (a) regulating the taking of samples of petroleum for testing,
- (b) determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and
- (c) generally, regulating the procedure of officers exercising powers under this section.

15. (1) A standard apparatus for determining the flashing-point of petroleum shall be deposited with an officer to be appointed in this behalf by the President of the Union, by notification in the Gazette.

Standard test apparatus.

(2) Such apparatus shall be engraved with the words "Standard Test Apparatus", and shall be verified and corrected from time to time and replaced when necessary, in accordance with rules made under section 21.

¹ For such rules, see *Burma Gazette*, 1937, Part I, page 437.

(3) The standard test apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.

Certification
of other test
apparatus.

16. (1) The officer appointed under section 15 shall, on payment of the prescribed fee, if any, compare with the standard test apparatus any apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the standard test apparatus within prescribed limits, the officer shall engrave such apparatus with a special number and with the date of the comparison, and shall give a certificate in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the standard test apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus.

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

Testing
officers.

17. The President of the Union may authorize any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

Manner of
test.

18. All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

Certificate of
testing.

19. (1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating whether the petroleum is dangerous or non-dangerous, and, if the petroleum is non-dangerous, the flashing-point of the petroleum.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point.

20. (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

Right to
require
re-test.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him,

(3) If, on such re-test, it appears that the original test was erroneous, the testing officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

21. The President of the Union may make rules¹—

- (a) for the specification, verification, correction and replacement of the standard test apparatus ;
- (b) prescribing fees for the inspection of the standard test apparatus ;
- (c) regulating the procedure in comparing a test apparatus with the standard test apparatus ;
- (d) prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid ;
- (e) prescribing the form of the register of such certificates ;
- (f) prescribing fees for comparing a test apparatus with the standard test apparatus ;
- (g) regulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed ;
- (h) prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor ;
- (i) providing, where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot under test, for the division of the lot into sub-lots, and for the selection and testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples ;
- (j) prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous ; and
- (k) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

Power to
make rules
regarding
tests.

¹ For such rules, see *Burma Gazette*, 1937, Part I, page 437.

Special rules
for testing
viscous or
solid forms
of petroleum.

22. The President of the Union may also make rules¹ providing specially for the testing of any form of petroleum which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify or supplement any of the provisions of this Chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

CHAPTER III.

PENALTIES AND PROCEDURE.

General
penalty for
offences
under this
Act.

23. (1) Whoever—

- (a) in contravention of any of the provisions of Chapter I or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or
- (b) contravenes any rule made under section 4 or section 5, or
- (c) breaks the condition of any licence held by him, issued under section 4, or
- (d) being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorized under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or
- (e) being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorized under section 14 any petroleum in such place, or to give him such assistance as he may require for the inspection of such petroleum, or refuses to allow him to take samples of the petroleum, or
- (f) being required, under section 27, to give information of an accident fails to give such information as so required by that section.

shall be punishable with fine which may extend to five hundred rupees.

(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of any offence punishable under that sub-section, he shall be punishable for every such subsequent offence with fine which may extend to two thousand rupees.

Confiscation
of petroleum
and re-
ceptacles.

24. (1) In any case in which an offence under clause (a) or clause (b) or clause (c) of sub-section (1) of section 23 has been committed, the convicting Magistrate may direct that—

- (a) the petroleum in respect of which the offence has been committed, or

¹ For such rules, see *Burma Gazette*, 1937, Part I, page 437.

- (b) where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed.

shall, together with the receptacles in which it is contained be confiscated.

(2) This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

25. Offences punishable under this Act shall be triable by a Magistrate of the first class, or by a Magistrate of the second class who has been specially empowered by the President of the Union in this behalf. Jurisdiction.

26. (1) The President of the Union may, by notification in the Gazette, authorize any officer by name or by virtue of office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder, and to seize, detain or remove any or all of the petroleum in respect of which in his opinion an offence under this Act has been committed. Power of entry and search.

(2) The provisions of the Code of Criminal Procedure relating to searches shall, so far as they are applicable, apply to searches by officers authorized under this section.

(3) The President of the Union may make rules regulating the procedure of authorized officers in the exercise of their powers under this section subject, however, to the provisions of sub-section (2).

27. Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour, or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police-station. Reports of accidents with petroleum.

28. (1) The inquiry mentioned in section 176 of the Code of Criminal Procedure shall be held in all cases where any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapour. Inquiries into serious accidents with petroleum.

(2) Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was the result of the ignition of petroleum or petroleum vapour, if such accident was attended by serious injury to person or property, notwithstanding that no person was killed thereby.

(3) For the purposes of this section the Commissioner of Police in Rangoon shall be deemed to be a Magistrate empowered to hold an inquest.

(4) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the President of the Union.

CHAPTER IV.

SUPPLEMENTAL.

Provisions
relating to
rules.

29. (1) In making any rules under this Act, the President of the Union may—

(a) provide for any matter ancillary to such rules for which in his opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum, and

(b) make special provision for the special circumstances of any place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the Gazette.

Power to
apply Act
to other
substances.

30. (1) The President of the Union may, by notification in the Gazette, apply any or all of the provisions of this Act, and of the rules made thereunder, with such modifications as he may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The President of the Union may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1), and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of such tests.

Power to
limit powers
of local
authorities
over petro-
leum.

31. Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum, the President of the Union may, by notification in the Gazette,—

(a) limit the operation of such enactment, or

(b) restrict the exercise of such powers in any manner he deems fit.

THE EXPLOSIVES ACT.¹

[INDIA ACT IV, 1884.] (1st July, 1887.)

1-3. *

*

*

*

Definitions.

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

(1) “explosive”

(a) means gunpowder, nitro-glycerine, dynamite, gun-cotton,¹ blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above-mentioned or not, used or manufactured with a

¹ For the law relating to explosive substances, see also the Explosive Substances Act (India Act VI, 1908) in Volume II of this Code.

view to produce a practical effect by explosion or a pyro-technic effect ;

- (b) includes fog-signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined ;
- (2) “ manufacture ” includes the process of dividing into its component parts, or otherwise breaking up or unmaking, any explosive, or making fit for use any damaged explosive and the process of re-making, altering or repairing any explosive ;
- (3) “ vessel ” includes every ship, boat and other vessel used in navigation, whether propelled by oars or otherwise ;
- (4) “ carriage ” includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods, or passengers by land, in whatever manner the same may be propelled ;
- (5) “ master ” includes every person (except a pilot or harbour-master) having for the time being command or charge of a vessel : provided that, in reference to any boat belonging to a ship, “ master ” shall mean the master of the ship ;
- (6) “ import ” means to bring into the Union of Burma by sea or land.

5. (1) The President of the Union may make rules consistent with this Act to regulate or prohibit, except under and in accordance with the conditions of a licence granted as provided by those rules, the manufacture, possession, use, sale, transport and importation of explosives, or any specified class of explosives.

Power to make rules as to licensing of the manufacture, possession, use, sale, transport and importation of explosives.

(2) Rules under this section may provide for all or any of the following, among other matters, that is to say—

- (a) the authority by which licences may be granted ;
- (b) the fees to be charged for licences, and the other sums (if any) to be paid for expenses by applicants for licences ;
- (c) the manner in which applications for licences must be made, and the matters to be specified in such applications ;
- (d) the form in which, and the conditions on and subject to which, licences must be granted ;
- (e) the period for which licences are to remain in force , and
- (f) the exemption absolutely or subject to conditions of any explosives from the operation of the rules.

(3) The authority making rules under this section may by the rules impose penalties on all persons manufacturing, possessing, using, selling, transporting or importing explosives in breach of the rules, or otherwise contravening the rules :

Provided that the maximum penalty which may be imposed by any such rules shall not exceed—

- (a) in the case of a person so importing or manufacturing an explosive, a fine which may extend to three thousand rupees ;

- (b) in the case of a person so possessing, using or transporting an explosive, a fine, which may extend to one thousand rupees ;
- (c) in the case of a person so selling an explosive, a fine which may extend to five hundred rupees ; and
- (d) in any other case, two hundred rupees.

Power for President to prohibit the manufacture, possession or importation of specially dangerous explosives.

6. (1) Notwithstanding anything in the rules under the last foregoing section the President of the Union may, from time to time, by notification in the Gazette, prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character that, in the opinion of the President of the Union, it is expedient for the public safety to issue the notification.

(2) The officers of sea customs at every port shall have the same power in respect of any explosive with regard to the importation of which a notification has been issued under this section and the vessel containing the explosive as they have for the time being in respect of any article the importation of which is prohibited or regulated by the law relating to sea customs¹ and the vessel containing the same ; and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly.

(3) Any person manufacturing, possessing or importing an explosive in contravention of a notification issued under this section shall be punished with fine which may extend to three thousand rupees, and, in the case of importation by water, the owner and master of the vessel in which the explosive is imported shall, in the absence of reasonable excuse, each be punished with fine which may extend to three thousand rupees.

Power to make rules conferring powers of inspection, search, seizure, detention and removal.

7. (1) The President of the Union may make rules consistent with this Act authorizing any officer either by name or in virtue of his office,—

- (a) to enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a licence granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of this Act or of the rules made under this Act ;
- (b) to search for explosives therein ;
- (c) to take samples of any explosive found therein on payment of the value thereof ; and
- (d) to seize, detain, remove and, if necessary, destroy any explosive found therein.

(2) The provisions of the Code of Criminal Procedure relating to searches under that Code shall, so far as the same are applicable, apply to searches by officers authorized by rules under this section.

¹ See Chapter IV of the Sea Customs Act.

8. Whenever there occurs in or about, or in connection with, any place in which an explosive is manufactured, possessed or used, or any carriage or vessel either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place, or the master of the vessel or the person in charge of the carriage, as the case may be, shall forthwith give notice thereof to the officer in charge of the nearest police-station.

Notice of
accidents.

9. (1) Whenever, in the opinion of a District Magistrate, Subdivisional Magistrate or any other Magistrate specially empowered by the President of the Union in this behalf, an inquiry is necessary into the cause of any accident of the description mentioned in section 8, he may either himself make the inquiry or direct a Magistrate subordinate to himself to make the inquiry.

Inquiry into
accidents.

(2) Any Magistrate making an inquiry under this section shall, for the purposes of conducting the inquiry, have all the powers which he would have in holding an inquiry into an offence under the Code of Criminal Procedure.

10. When a person is convicted of an offence punishable under this Act or the rules made under this Act, the Court before which he is convicted may direct that the explosive, or ingredient of the explosive, or the substance (if any) in respect of which the offence has been committed, or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Forfeiture
of explosives.

11. Where the owner or master of a vessel is adjudged under this Act to pay a fine for an offence committed with, or in relation to, that vessel, the Court may, in addition to any other power it may have for the purpose of compelling payment of the fine, direct it to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Distress of
vessel.

12. Whoever abets, within the meaning of the Penal Code, the commission of an offence punishable under this Act or the rules made under this Act, or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

Abetment
and
attempts.

13. Whoever is found committing any act for which he is punishable under this Act or the rules under this Act, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored, or any railway or port, or any carriage, ship or boat, may be apprehended without a warrant by a police officer, or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place, or by any agent or servant of, or other person authorized by, the railway administration or conservator of the port, and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

Power to
arrest with-
out warrant
persons
committing
dangerous
offences.

Saving for manufacture, possession, use, sale, transport or importation by Government.

14. Nothing in this Act shall apply to the manufacture, possession, use, sale, transport or importation of any explosive—

- (a) by order of the Government, or
- (b) by any person employed under the Government in the execution of this Act, or as a keeper of a magazine, artizan, soldier, sailor, airman, policeman or otherwise, or enrolled as a volunteer in the course of his employment or duty as such.

Saving of Arms Act.

15. Nothing in this Act shall affect the provisions of the Arms Act :

Provided that an authority granting a licence under this Act for the manufacture, possession, sale, transport or importation of an explosive may, if empowered in this behalf by the rules under which the licence is granted, direct by an order written on the licence that it shall have the effect of a like licence granted under the said Arms Act.

Saving as to liability under other law.

16. Nothing in this Act or the rules under this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or those rules, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or those rules :

Provided that a person shall not be punished twice for the same offence.

Extension of definition of " explosive " to other explosive substances.

17. The President of the Union may, from time to time, by notification in the Gazette, declare that any substance which appears to the President of the Union to be specially dangerous to life or property, by reason either of its explosive properties or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act ; and the provisions of this Act (subject to such exceptions, limitations and restrictions as may be specified in the notification) shall accordingly extend to that substance in like manner as if it were included in the definition of the term " explosive " in this Act.

Procedure for making rules.

18. All rules made under this Act shall be made after previous publication.

လျှပ်စစ်ဓါတ်အားပေးရေး အက်ဥပဒေ။

[၁၉၄၀ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၉။] (၁၉၅၁ ခု၊ အောက်တိုဘာလ ၁ ရက်။)

ပြည်ထောင်စုမြန်မာနိုင်ငံအတွက် လျှပ်စစ်ဓါတ်အားပေးရေးအဖွဲ့တခု ဖွဲ့စည်းရန်ပြဋ္ဌာန်းသင့်သည်ဖြစ်သောကြောင့်တကြောင်း၊ လျှပ်စစ်ဓါတ်အားပေးခြင်းမှစ၍၊ အခြားကိစ္စအချို့နှင့်ပတ်သက်သည့် အလုပ်ဝတ်တရားများကို၊ ထိုအဖွဲ့ကဆောင်ရွက်ရန် ပြဋ္ဌာန်းသင့်သည် ဖြစ်သောကြောင့်တကြောင်း၊ လျှပ်စစ်ဓါတ်အက်ဥပဒေအရ၊ လိုင်စင်ရရှိသူ၊ သို့မဟုတ် အခွင့်အမိန့်ရရှိသူတဦးဦး၏ ပစ္စည်းများ၊ အခွင့်အရေးများ၊ တာဝန်ဝတ်တရားများ၊ ကြွေးမြီတာဝန်များနှင့် အာဏာများကို ထိုအဖွဲ့သို့လွှဲပြောင်းရန် ပြဋ္ဌာန်းသင့်သည်ဖြစ်သောကြောင့် တကြောင်း၊ ထို့ပြင် အဆိုပါကိစ္စများနှင့်

သက်ဆိုင်သည့် အခြားကိစ္စများအတွက်လည်း ပြဋ္ဌာန်းသင့်သည် ဖြစ်သောကြောင့် တကြောင်း၊ ထိုအကြောင်းများကြောင့်—

အောက်ပါအတိုင်းအက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

အခန်း ၁။

၁။ ။ (၁) ဤအက်ဥပဒေကို၊ ၁၉၄၈ ခုနှစ်၊ လျှပ်စစ်ဓါတ်အားပေးရေး အက်ဥပဒေဟု အမည်နှင့် ခေါ်ရမည်။ စတင်ရန် နေ့ရက်။

(၂) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမ္မတက အမိန့်ကြော်ငြာစာ ထုတ်ပြန်ကြော်ငြာ၍ သတ်မှတ်သည့် နေ့ရက်^၁ တွင် အတည်ဖြစ်ရမည်။

၂။ ။ (၁) ဤအက်ဥပဒေတွင်၊ ရှေ့နောက်စကားတို့၏ အဓိပ္ပါယ်ကို ထောက်ထားရန် အဓိပ္ပါယ်ဖော်ပြ မလိုလျှင်— ချက်များ။

(က) အဖွဲ့ဆိုသည်မှာ၊ ပုဒ်မ ၃ အရ ဖွဲ့စည်းသော လျှပ်စစ် ဓါတ်အားပေးရေးအဖွဲ့ကို ဆိုလိုသည်။

(ခ) လိုင်စင်ရသူဆိုသည်မှာ၊ လျှပ်စစ်ဓါတ်အားပေးရန်အတွက်၊ လျှပ်စစ်ဓါတ် အက် ဥပဒေ အပိုင်း ၂ အရ လိုင်စင်ရသူတစ်ဦးကို သော်၎င်း၊ ဤအက်ဥပဒေပုဒ်မ ၂၄ အရ လိုင်စင်ရသူ တစ်ဦးကို သော်၎င်း ဆိုလိုသည်။

(ဂ) ပြဋ္ဌာန်းသည်ဆိုသည်မှာ၊ ဤအက်ဥပဒေဖြင့်သော်၎င်း၊ ဤအက်ဥပဒေအရ ပြုလုပ် သည့် စည်းကမ်းဥပဒေများဖြင့်သော်၎င်း ပြဋ္ဌာန်းသည်ကို ဆိုလိုသည်။

(ဃ) လုပ်ငန်းတာဝန်ခံသူ ဆိုသည်မှာ၊ လျှပ်စစ်ဓါတ် အက်ဥပဒေပုဒ်မ ၂၈ အရ သော်၎င်း၊ ဤအက်ဥပဒေပုဒ်မ ၂၄ အရသော်၎င်း၊ အခွင့်အမိန့်ရသူကို ဆိုလိုသည်။

(င) လုပ်ငန်းဆိုသည်မှာ၊ *အလုပ်အဆောင်များ၊ လျှပ်စစ်ဓါတ်အား ဖြစ်ပေါ် စေသည့်စက်၊ လျှပ်စစ်ဓါတ်အား ပေးပို့ဖြန့်ဖြူးသည့် လျှပ်စစ်ဓါတ်အား သွားလမ်းများ၊ လမ်းမီးထွန်းသည့်ကရိယာများ၊ လျှပ်စစ်ဓါတ်အား သုံးစွဲသူ တို့၏ အဆောက်အဦများတွင် ထားရှိသောလိုင်စင်ရသူ၊ သို့တည်းမဟုတ် လုပ်ငန်းတာဝန်ခံသူပိုင် မီတာနှင့်အခြား ကရိယာများ၊ မြေ၊ အဆောက် အဦများ၊ အိမ်ထောင်ပစ္စည်းများ၊ ရုံးပစ္စည်းများ၊ စမ်းသပ်သည့်ရုံများ၊ သိုလှောင်ထားသည့် ပစ္စည်းကရိယာတန်ဆာပလာများ၊ မှာယူထားသည့် လက်ဝယ်မရသေးသောပစ္စည်း ကရိယာတန်ဆာပလာများ၊ မော်တော်ယာဉ် များနှင့် အခြားပစ္စည်းအားလုံး၊ လျှပ်စစ်ဓါတ်အားသုံးစွဲသူများ တင်သွင်း ထားသည့် စတော့ငွေများနှင့် ရင်းနှီးထားသော ငွေများကို ဆိုလိုသည့်ပြင်၊ လိုင်စင်ဖြင့်သော်၎င်း၊ အခွင့်အမိန့်ဖြင့်သော်၎င်း၊ ခွင့်ပြုထားသည့် လျှပ်စစ်ဓါတ် အားပေးခြင်းနှင့် ပတ်သက်သော အလုပ်အကိုင်ကို လုပ်ကိုင်ရန်အတွက် လိုင်စင် ရသူ၊ သို့တည်းမဟုတ် လုပ်ငန်းတာဝန်ခံသူက၊ နေရာတကျသုံးစွဲရန် လက်ကျန် ငွေကိုလည်းဆိုလိုသည်။

^၁ ၁၉၅၁ ခု၊ အောက်တိုဘာလ ၁ ရက်။ ။ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၁ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၆၉၄ တွင်ကြည့်။

(၂) ပုဒ်မခွဲ(၁) ပါပြဋ္ဌာန်းချက်များနှင့်မဆန့်ကျင်ဘဲ၊ လျှပ်စစ်ဓါတ်အက်ဥပဒေ ပုဒ်မ ၂ ပါ အဓိပ္ပါယ်ဖော်ပြချက်များသည် ဤအက်ဥပဒေနှင့် သက်ဆိုင်ရမည်။

အခန်း ၂။

လျှပ်စစ်ဓါတ်အားပေးရေးအဖွဲ့။

လျှပ်စစ်ဓါတ်
အားပေးရေး
အဖွဲ့ဖွဲ့စည်း
ခြင်း။

၃။ ။ (၁) ဤအက်ဥပဒေပါကိစ္စများကို ဆောင်ရွက်ရန်အလို့ငှါ၊ လျှပ်စစ်ဓါတ်အားပေးရေး အဖွဲ့ခေါ် အဖွဲ့တခု ဖွဲ့စည်းရမည်။ ထိုအဖွဲ့တွင် အောက်ပါလူကြီးများပါဝင်ရမည်။

(က) နိုင်ငံတော်သမ္မတက ခန့်သော ဥက္ကဋ္ဌ [နှင့် ဒုတိယ ဥက္ကဋ္ဌ။]°

၂(ခ) ဘဏ္ဍာရေးဝန်ကြီးဌာနမှ ကိုယ်စားလှယ်တဦး။

၂(ဂ) နိုင်ငံတော် သမ္မတကခန့်သည့် ပုဂ္ဂိုလ်ငါးဦး။ ထိုငါးဦးတွင် အစိုးရ အရာရှိ ဧကုတ်သူ အနည်းဆုံးသုံးဦးပါဝင်စေရမည်။

၂(ဃ) လျှပ်စစ်ဓါတ်အားပေးရေး * * * ကြီးကြပ်သူ * * * ။

°(၂) ဥက္ကဋ္ဌ၊ ဒုတိယဥက္ကဋ္ဌနှင့် အမှုဆောင်အရာရှိချုပ်၏ လစာများသည်၊ နိုင်ငံတော် သမ္မတက သတ်မှတ်သည့်အတိုင်းဖြစ်ရမည်။

ရာထူးသက်
တမ်း။

၄။ ။ (၁) ရာထူးအလျောက်ဖြစ်သော အဖွဲ့ဝင်လူကြီးမှတစ်ပါး၊ အခြားအဖွဲ့ဝင်လူကြီး များသည်၊ ငါးနှစ်ကာလမျှ ရာထူး၌ထမ်းရွက်ရမည်။ ရာထူးသက်တမ်းစေ့ကုန်သည့်အခါ၊ ထိုအဖွဲ့ဝင် လူကြီးများကိုပင် မြန်လည်ခန့်ထားနိုင်သည်။

(၂) ရာထူးအလျောက်ဖြစ်သောအဖွဲ့ဝင်လူကြီးသည်၊ ထိုရာထူး၌ထမ်းရွက်နေသမျှ ကာလ ပတ်လုံး အဖွဲ့ဝင်လူကြီးဖြစ်နေရမည်။

(၃) ပုဒ်မခွဲ (၁) တွင် ဖော်ပြထားသည့် ရာထူးသက်တမ်း ငါးနှစ်စေ့ကုန်စေကာမူ၊ ထိုသို့ ရာထူးသက်တမ်းစေ့ကုန်၍ လစ်လပ်သောနေရာတွင်၊ ထပ်မံခန့်ထားခြင်းမရှိသေးမီ၊ လက်ရှိထမ်းရွက် နေသောလူကြီးများသည်၊ ထိုရာထူးများ၌ ဆက်လက်ထမ်းရွက်ရမည်။ သို့သော် * * * * ။ ထိုလစ်လပ်သောနေရာကို ၆ လ အတွင်းဖြည့်ရမည်။

ရံဖန်ရံခါလစ်
လပ်သောနေ
ရာများ။

၅။ ။ (၁) ရံဖန်ရံခါ လစ်လပ်သောနေရာတွင် ခန့်ထားခြင်းခံရသည့် အဖွဲ့ဝင်လူကြီး သည်၊ ထိုနေရာသာမလစ်လပ်ပါမူ၊ ထိုနေရာတွင် ယခင်အဖွဲ့ဝင်လူကြီး ထမ်းရွက်နိုင်မည်ဖြစ်သည့် ကျန်ကာလမျှသာ ထမ်းရွက်ရမည်။

(၂) အဖွဲ့တွင် နေရာလစ်လပ်ငြားသော်လည်း၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်လူကြီးတဦး တယောက်ခန့်ထားရာ၌ ချို့ယွင်းချက်ရှိငြားသော်လည်း၊ အဖွဲ့ဆိုင်ရာ ဆောင်ရွက်ချက်များသည် အတည်ဖြစ်ရမည်။

° ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၃၅ အရ ထည့်သွင်းသည်။

၂ ၁၉၄၉ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၂ အရ၊ မူလအပိုဒ်(ခ) ကိုပယ်ဖျက်၍၊ ရှိရင်းအပိုဒ်(ဂ)၊ (ဃ)၊ (င) တို့ကို အပိုဒ် (ခ)၊ (ဂ)၊ (ဃ) အဖြစ်ပြန်လည် အမှတ်စဉ်သည်။

° အဆိုပါ ဥပဒေအရ ပယ်ဖျက်သည်။

၄ ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၅ အရ ပယ်ဖျက်သည်။

၆။ ။ (၁) မည့်သည့်အဖွဲ့ဝင်လူကြီးမဆို—

အဖွဲ့ဝင်လူကြီးများကို နုတ်ပယ်ခြင်း။

- (က) အဖွဲ့ဝင်လူကြီးအဖြစ်မဆောင်ရွက်လိုဟု ငြင်းဆိုလျှင်၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်လူကြီးအဖြစ် မစွမ်းဆောင်နိုင်လျှင်၊ သို့တည်းမဟုတ်
- (ခ) လူခွဲအဖြစ် ဆုံးဖြတ်ကျေညာခြင်းခံရလျှင်၊ သို့တည်းမဟုတ်
- (ဂ) နိုင်ငံတော်သမတ၏ထင်မြင်ချက်အရ၊ အဖွဲ့ဝင်လူကြီးအဖြစ်ဆက်လက်ဆောင်ရွက်ရန်မသင့်တော်လောက်အောင် အကျင့်စာရိတ္တပျက်သည့်ပြစ်မှုအတွက် ပြစ်ဒဏ်ခံရလျှင်၊ သို့တည်းမဟုတ် အကျင့်စာရိတ္တ ပျက်ကြောင်း ရာဇဝတ်ရုံးတခုခုက အမိန့်ချမှတ်ခံရလျှင်၊ သို့တည်းမဟုတ်
- (ဃ) နိုင်ငံတော်သမတ၏ ထင်မြင်ချက်အရ၊ လုံလောက်သော အကြောင်းမရှိသည့်ပြင်၊ အဖွဲ့၏ သဘောတူညီချက်လည်း မရရှိဘဲ၊ အဖွဲ့၏လစဉ် အစည်းအဝေးသို့ တဆက်တည်း လေးကြိမ်ထက်ပို၍ မတက်ဘဲနေလျှင်၊ သို့တည်းမဟုတ်
- (င) ပုဒ်မ ၁၁ ပါပြဋ္ဌာန်းချက်များကို မလိုက်နာလျှင်၊ သို့တည်းမဟုတ်
- (စ) ထိုသူ ရာထူး၌ဆက်လက်ထမ်းရွက်နေခြင်းသည်၊ ပြည်သူ့အကျိုးကို ဆုတ်ယုတ်စေမည်ဟု နိုင်ငံတော်သမတကထင်မြင်လျှင်

ထိုသူကို နိုင်ငံတော်သမတက အမိန့်ကြော်ငြာစာထုတ်ပြန်ကြော်ငြာ၍ ရာထူးမှနုတ်ပယ်နိုင်သည်။

(၂) ထိုသို့နုတ်ပယ်ခံရသူကို မည်သည့်ကာလအတွင်း ပြန်လည်ခန့်ထားခြင်း မပြုစေရန် နိုင်ငံတော်သမတက၊ ကာလပိုင်းခြားသတ်မှတ်နိုင်သည်။

၇။ ။ (၁) အဖွဲ့သည် အလုပ်ကိစ္စများကို ဆောင်ရွက်ရန်အလို့ငှါ၊ တလလျှင် အနည်းဆုံး အစည်းအဝေး တကြိမ် အစည်းအဝေး ကျင်းပရမည်။ လစဉ်အစည်းအဝေးကျင်းပရန် ချိန်းဆိုချက်ကို ဥက္ကဋ္ဌ၏ အမိန့်ဖြင့် ပယ်ချက်နိုင်သည်။ သို့သော် ထိုလစဉ်အစည်းအဝေးကျင်းပရန် ချိန်းဆိုချက်ကို နှစ်ကြိမ် ဆက်၍ ပယ်ချက်ခြင်းမပြုရ။

(၂) ဥက္ကဋ္ဌ၏ အမိန့်ဖြင့်သော်၎င်း၊ အဖွဲ့ဝင်လူကြီး အနည်းဆုံးသုံးဦးက လက်မှတ်ရေးထိုးသောစာဖြင့် အစည်းအဝေး ကျင်းပလိုသည့်ကိစ္စကိုဖော်ပြ၍ အစည်းအဝေး ခေါ်ဝေးရန် တောင်းဆိုသောအခါသော်၎င်း၊ အဖွဲ့၏ အထူးအစည်းအဝေးများကို မည်သည့်အချိန်အခါတွင်မဆို ကျင်းပနိုင်သည်။

၈။ ။ အစည်းအဝေးသို့ အဖွဲ့ဝင်လူကြီး သေးဦးတက်ရောက်လျှင် အစည်းအဝေး အထမြောက်သည်။ အစည်းအဝေး ရှေးအတွက် လိုအပ်သောအဖွဲ့ဝင်လူကြီး ဦးရေ။

၉။ ။ ဥက္ကဋ္ဌသည်၊ အဖွဲ့၏အစည်းအဝေးတိုင်း၌ သဘာပတိအဖြစ် ဆောင်ရွက်ရမည်။ အစည်းအဝေးသို့ ဥက္ကဋ္ဌမတက်ရောက်နိုင်သည့်အခါ၊ [ဒုတိယဥက္ကဋ္ဌသည်၊ သဘာပတိအဖြစ် ဆောင်ရွက်ရမည်။ ဥက္ကဋ္ဌနှင့်ဒုတိယဥက္ကဋ္ဌစဦးလုံး မတက်ရောက်နိုင်သည့်အခါ၊] ခရောက်ရှိနေသော အဖွဲ့ဝင်လူကြီးများအနက် အဖွဲ့ဝင်လူကြီးတဦးကို အစည်းအဝေး၏ သဘာပတိအဖြစ် ဆောင်ရွက်ရန် ရွေးကောက် တင်မြှောက်ရမည်။

၁ ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၅ အရ ထည့်သွင်းသည်။

ခရီးစရိတ်နှင့်
အခြားစရိတ်
များ။

၁၀။ ။ပုဒ်မ ၁၃ အရ ဆွေးနွေးတိုင်ပင်ရန် ဘိတ်ခေါ်ထားသောလူကြီးများနှင့် အဖွဲ့ဝင်
လူကြီးများအား၊ အစည်းအဝေးများသို့ တက်ရောက်ရသည့်အတွက်သော်၎င်း၊ ဤအက်ဥပဒေပါ
ကိစ္စများအလို့ငှါ အဖွဲ့ကထိုလူကြီးတို့အား လွှဲအပ်ထားသည့် တာဝန်ဝတ်တရားကို ဆောင်ရွက်ရသည့်
အတွက်သော်၎င်း၊ ပြဋ္ဌာန်းထားသည့်ခရီးစရိတ်များနှင့် အခြားစရိတ်များကို ပြဋ္ဌာန်းထားသည့်
နှုန်းများဖြင့် ပြဋ္ဌာန်းထားသည့် စည်းကမ်းများနှင့် အညီပေးရမည်။

ငွေရေးကြေး
ရေးနှင့် ပတ်
သက်၍ အဖွဲ့ဝင်
လူကြီးတို့၏ အ
ကျိုးခံစားခွင့်ကို
ထုတ်ဖော်ပြော
ဆိုရခြင်း။

၁၁။ ။(၁) အဖွဲ့ဝင်လူကြီးတိုင်းသည် အစုစပ်ကုမ္ပဏီတစ်ခုခုတွင်၊ သို့တည်းမဟုတ် ကုန်
ဖက်စပ်လုပ်ငန်းတစ်ခုခုတွင် ငွေရေးကြေးရေးနှင့်ပတ်သက်၍၊ မိမိအကျိုးခံစားခွင့် ရှိကြောင်းကို ဥက္ကဋ္ဌ
ထံစာဖြင့် ဖော်ပြရမည်။ မိမိ၏အမည်နှင့်၎င်း၊ မိမိ၏ ဇနီးသားသမီး၏ အမည်များနှင့်၎င်း၊
ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်း၌ ရှိသောမြေများကိုလည်း ထုတ်ဖော်ပြောဆိုရမည်။

(၂) ဥက္ကဋ္ဌကဖြစ်စေ၊ အဖွဲ့ဝင် အခြားလူကြီး တဦးတယောက်က ဖြစ်စေ၊ ငွေရေး
ကြေးရေးနှင့် ပတ်သက်၍ အကျိုး ခံစားခွင့် ရှိသည့်ကိစ္စကို အဖွဲ့၏ အစည်းအဝေးတွင်
စဉ်းစားနေလျှင်၊ ဥက္ကဋ္ဌသည်သော်၎င်း၊ ထိုအဖွဲ့ဝင်လူကြီးသည်သော်၎င်း၊ ထိုအစည်းအဝေးသို့
မတက်ရောက်ရ။ ထိုသို့အကျိုးခံစားခွင့်ရှိသော အဖွဲ့ဝင်လူကြီးသည် အစည်းအဝေးသို့ ရောက်ရှိ
နေပါမူ၊ ယင်းသို့ အကျိုးသက်ဆိုင်ခွင့်ရှိသည့် အကြောင်းကို အဖွဲ့အား ပြောပြရမည်။

(၃) ငွေရေးကြေးရေးနှင့်ပတ်သက်၍ အဖွဲ့ဝင် လူကြီးတဦးတယောက်၌ အကျိုးခံစားခွင့်
ရှိမရှိ ဆုံးဖြတ်ရန် ကိစ္စပေါ်ပေါက်သောအခါ၊ သဘာပတိ၏ ဆုံးဖြတ်ချက်မှာ အပြီးအပြတ်
အတည်ဖြစ်ရမည်။

ကော်မတီများ
ခန့်ရန်အာဏာ။

၁၂။ ။(၁) သာမန်ကိစ္စအတွက် သော်၎င်း၊ အထူးကိစ္စအတွက် သော်၎င်း၊ အဖွဲ့ဝင်
လူကြီးဦးရေ မည်ရွေ့မည်မျှမဆို ပါဝင်သည့်ကော်မတီများကို အဖွဲ့က ခန့်ထားနိုင်သည်။ ထို
ကော်မတီသည် ၎င်းအား အဖွဲ့ကလွှဲအပ်သည့် အဖွဲ့၏အာဏာများ၊ တာဝန်ဝတ်တရားများနှင့်
အလုပ်ဝတ်တရားများကို အဖွဲ့၏ကြီးကြပ် အုပ်ချုပ်ခြင်းကို လိုက်နာ၍ သုံးစွဲဆောင်ရွက်ရမည်။

(၂) အဖွဲ့က လွှဲအပ်သည့် တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရန်အလို့ငှါ အဖွဲ့ဝင်
လူကြီး နှစ်ဦးအောက်မနည်းပါဝင်သော အထူးကော်မတီများကိုခန့်ရန် အဖွဲ့၌ အာဏာရှိရမည်။
ထိုကော်မတီများ၌လည်း ကော်မတီလူကြီးများ ထပ်ဖြည့်ရန် အာဏာရှိရမည်။

ဆွေးနွေးတိုင်
ပင်အပ်သူများ
'ဘိတ်ခေါ်ရန်
အာဏာ။

၁၃။ ။အဖွဲ့၌ဖြစ်စေ၊ အဖွဲ့က ခန့်ထားသည့် ကော်မတီ၌ဖြစ်စေ၊ အထူးကိစ္စနှင့်ပတ်သက်၍
ဆွေးနွေးတိုင်ပင်ရန်အလို့ငှါ၊ ထိုကိစ္စတွင် အကြံဉာဏ် ပေးနိုင်သော အထူး အရည်အချင်း ရှိသူကို
သော်၎င်း၊ ဆိုင်ရာနယ်မြေ၏ အခြေအနေများကို ကောင်းစွာ သိကျွမ်းနားလည်သူကို သော်၎င်း
ဘိတ်ခေါ်ရန် အာဏာရှိရမည်။ ထိုသူတို့အား အဖွဲ့က သတ်မှတ်သည့်အခစေ့၊ သို့တည်းမဟုတ်
ဉာဏ်ပူဇော်ခကိုဝေးနိုင်သည်။

သို့သော် ဤပုဒ်မအရ၊ ဘိတ်ခေါ်ထားသူမှာ၊ မဲဆန္ဒပေးနိုင်သည့် အခွင့်အရေးမရှိစေရ။

စည်းကမ်း
ဥပဒေများ
ပြုလုပ်ရန်အ
ာဏာ။

၁၄။ ။အောက်ပါ ကိစ္စများနှင့်ပတ်သက်၍ အဖွဲ့သည်၊ နိုင်ငံတော် သမတ၏ ကြီးကြပ်
အုပ်ချုပ်ခြင်းကို လိုက်နာ၍ ဤအက်ဥပဒေနှင့် မဆန့်ကျင်သော စည်းကမ်း ဥပဒေများ
ပြုလုပ်နိုင်သည်။

- (၁) အဖွဲ့၏ အစည်းအဝေးများ ကျင်းပမည့် အချိန်နှင့်နေရာဌာန၊
- (၂) အစည်းအဝေးများ ကျင်းပမည့်ကို ကြိုတင် အကြောင်းကြားသည့် နည်းလမ်း၊
- (၃) အစည်းအဝေးများတွင် အလုပ်ကိစ္စများ ဆောင်ရွက်ခြင်း၊
- (၄) အဖွဲ့ဝင်လူကြီးများအချင်းချင်း တာဝန်ဝတ်တရားခွဲဝေခြင်း၊

- (၅) ပုဒ်မ ၁၂ အရ၊ ခန့်နိုင်သည့် ကော်မတီများ ခန့်ထားခြင်း၊ ကော်မတီများ၏ တာဝန်ဝတ်တရားများနှင့် ကော်မတီများ လိုက်နာဆောင်ရွက်ရန်နည်းလမ်း၊
- (၆) ဆွေးနွေးတိုင်ဝင်ရန် ဘိတ်ခေါ်ထားသူတို့အား ပေးရမည့် ခရီးစဉ်များနှင့် အခြားစရိတ်များ၊ ထို့ပြင်
- (၇) သာမန်အားဖြင့် ဤအက်ဥပဒေပါကိစ္စ အားလုံးကိုဖြစ်စေ၊ တခုခုကိုဖြစ်စေ ဆောင်ရွက်ခြင်း။

အခန်း ၃။

အဖွဲ့ဆိုင်ရာအရာရှိများနှင့်အမှုထမ်းများ။

၁၅။ ။ (၁) လျှပ်စစ်ဓါတ်အားပေးရေး * * * ကြည့်ကြပ်သူ * * * သည်၊ အမှုဆောင် အဖွဲ့၏ အမှုဆောင် အရာရှိချုပ် ဖြစ်ရမည်။ မိမိအား လွှဲအပ်သည့် အဖွဲ့၏ အာဏာများ၊ တာဝန် ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကို အဖွဲ့၏ အုပ်ချုပ်ခြင်းကို လိုက်နာ၍ သုံးစွဲဆောင်ရွက် ရမည်။

၂ [ဒုတိယဥက္ကဋ္ဌသည်၊ ဥက္ကဋ္ဌက အဖွဲ့နှင့်တိုင်ပင်၍ မိမိအား လွှဲအပ်သည့်အာဏာများ၊ တာဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်ရမည်။]

(၂) ဤအက်ဥပဒေ အတည်ဖြစ်သည့်နေ့တွင် လျှပ်စစ်ဓါတ်အားပေးရေး ဌာန၌ အမှု ထမ်းရွက်နေသော အရာရှိများနှင့် အမှုထမ်းများကို အဖွဲ့ဆိုင်ရာ အရာထမ်း အမှုထမ်းအဖွဲ့သို့ လွှဲပြောင်းသည်ဟူ၍ မှတ်ယူရမည်။

၁၆။ ။ (၁) ဤအက်ဥပဒေပါ ကိစ္စအလို့ငှါ ထားရန်လိုအပ်သည်ဟု အဖွဲ့ကထင်မြင်သော အရာရှိများနှင့် သို့တည်းမဟုတ် ထားရန်သင့်သည်ဟု အဖွဲ့ကထင်မြင်သော အရာထမ်း အမှုထမ်း စာရင်းများကို အခါကာလအားလျော်စွာ အဖွဲ့က စီစဉ်ရေးသား၍ အစည်းအဝေးတွင် တင်သွင်းအတည်ပြုရမည်။

သို့သော် လက်မှတ်ညာသည်များ၊ ကူလီများနှင့် ကူလီခေါင်းများသည်၊ ဤအခန်းတွင် ဖော်ပြထားသော အရာရှိများ၊ သို့တည်းမဟုတ် အမှုထမ်းများဖြစ်သည်ဟူ၍ မမှတ်ယူရ။

(၂) ဆိုခဲ့သည့် အရာရှိ အသီးသီးအတွက် သော်ငြား၊ အမှုထမ်း အသီးသီးအတွက် သော်ငြား၊ အစည်းအဝေးဖြင့်အဖွဲ့က ခွင့်ပြုသည့်လစာများ၊ အခွေများနှင့် စဉ်းစားမှု၏ အရေ အတွက်နှင့် အမျိုးအစားကို ထိုစာရင်းများတွင် ဖော်ပြရမည်။

(၃) အဖွဲ့က နောက်ဆုံးအတည်ပြုထားသည့် စာရင်းအားလုံး၏ မိတ္တူတစောင်ကို ပုဒ်မ ၅၂ အရ၊ ပြုလုပ်ထားသည့် နှစ်စဉ်ရ-သုံးမှန်းခြေ ငွေစာရင်းနှင့် ပူးတွဲ၍ နိုင်ငံတော်သမ္မတ၏ သဘောတူညီချက် ရရှိရန်အလို့ငှါ တင်ပြရမည်။

၁၇။ ။ အဖွဲ့သည်၊ အစည်းအဝေး၌ အခါကာလ အားလျော်စွာ အောက်ပါကိစ္စများ အတွက် စည်းကမ်းဥပဒေများ ပြုလုပ်နိုင်သည်။

- (က) အဖွဲ့ဝင် လူကြီးများအား ခရီးစရိတ်နှင့် အခြားစရိတ်များ ပေးခွင့်ပြုရန်အတွက်၊
- (ခ) အဖွဲ့ဆိုင်ရာ အရာရှိများနှင့် အမှုထမ်းများအား အားလပ်ခွင့်ပေးခြင်းနှင့် ပတ်သက်၍ သတ်မှတ်ရန်အတွက်၊

၁ ၁၉၄၉ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၂ အရ ပယ်ဖျက်သည်။
 ၂ ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၅ အရ ထည့်သွင်းသည်။
 ၃ အဆိုပါ ဥပဒေ အရ ပယ်ဖျက်သည်။

- (ဂ) အခွင့်နှင့်နေသော အရာရှိများနှင့် အမှုထမ်းများအား စရိတ်ပေးခွင့် ပြုရန် အတွက်၊
- (ဃ) အခွင့်နှင့်နေသော အရာရှိများနှင့် အမှုထမ်းများအား ဆောင်ရွက်ရန် ခန့်ထားသူတို့အား ဝေးရမည့် အခွင့်ကို သတ်မှတ်ရန်အတွက်၊
- (င) ထိုအရာရှိနှင့် အမှုထမ်းအားလုံး ထင်းရှက်ရမည့်ကာလ အပိုင်းအခြားနှင့် အခြားစည်းကမ်းများ သတ်မှတ်ရန်အတွက်၊
- (စ) ထိုအရာရှိများနှင့် အမှုထမ်းများပင်စင် ပျာသောအခါ ရရှိမည့်ပင်စင် လစာများ၊ ဆုငွေများ၊ သို့တည်းမဟုတ် ကရုဏာကြေးများနှင့် ပတ်သက်၍ စည်းကမ်း သတ်မှတ်ရန်အတွက်နှင့် ထိုပင်စင် လစာများ၊ ဆုငွေများနှင့် ကရုဏာကြေးများ မည်ရွှေ့ မည်မျှ ပေးရမည်ကို သတ်မှတ်ရန်အတွက်၊
- (ဆ) အိုနာစာရံပုံငွေ၊ သို့တည်းမဟုတ် ပင်စင်လစာ ရံပုံငွေကို တည်ထောင် ထားရှိရန်အတွက်၊ ထို့ပြင် ထိုရံပုံငွေနှင့် ပတ်သက်၍—

- (၁) (အစိုးရအရာရှိဟုတ်သော) ဆိုသည့် အရာရှိအားလုံး၊ သို့တည်းမဟုတ် တဦးတယောက်အား ထိုရံပုံငွေသို့ ထည့်သွင်းအောင် အတင်းအကြပ် ပြုလုပ်ရန်အတွက်၊ ထို့ပြင်ရံပုံငွေသို့ ထည့်သွင်းရမည့်ငွေကို အရာရှိများ၊ သို့တည်းမဟုတ် အမှုထမ်းများ၏ လစာ အခကြေးငွေများထဲမှ နုတ်ယူ၍ ပြဋ္ဌာန်းရန်လိုလျှင် ပြဋ္ဌာန်းရန်အတွက်၊
- (၂) ထိုရံပုံငွေမှ ငွေထုတ်ပေးရန် စည်းကမ်းချက်များနှင့် ထိုသို့ငွေထုတ်ပေးခြင်းဖြင့် ရံပုံငွေမှ နောက်ထပ်ပေးရန် တာဝန်ကင်းသွတ်စေသည့် စည်းကမ်းချက်များ သတ်မှတ်ရန်အတွက်၊
- (၃) ထိုရံပုံငွေနှင့်သော်ငှား၊ ထိုရံပုံငွေသို့ ငွေထည့်သွင်းခြင်းနှင့်သော်ငှား၊ ထိုရံပုံငွေမှ ငွေရလိုကြောင်း တောင်းဆိုချက်များနှင့်သော်ငှားစပ်လျဉ်း၍ အဖွဲ့နှင့် အခြားသူများ၊ သို့တည်းမဟုတ် ရံပုံငွေမှအစ၊ သို့မဟုတ် အကျိုးခံစားခွင့် တောင်းဆိုသူအချင်းချင်း အငြင်းအခုံ ဖြစ်ပွားမှုများကို အနုညာတ စီရင်ဆုံးဖြတ်ခြင်းဖြင့် ဖြစ်စေ၊ အခြားတနည်းနည်းဖြင့် ဖြစ်စေ ဆုံးဖြတ်၍ ပြဋ္ဌာန်းရန်အတွက်၊
- (၄) ထိုရံပုံငွေနှင့်ငှား၊ ထိုရံပုံငွေမှထုတ်၍ ရင်းနှီးထားသည့် ငွေနှင့်ငှား စပ်လျဉ်းသည့် အခြားကိစ္စများကို သာမန်အားဖြင့် သတ်မှတ်ရန် အတွက်၊ ထို့ပြင်
- (၅) အဖွဲ့ကသော်ငှား၊ အဖွဲ့၏ သဘောတူညီချက်နှင့်သော်ငှား၊ တည်ထောင်ထားသည့် အိုနာစာ ရံပုံငွေ၊ သို့တည်းမဟုတ် ပင်စင်လစာ ရံပုံငွေသို့ အဖွဲ့ပိုင် အခြားရံပုံငွေများမှ အဖွဲ့ကငွေထုတ်၍ ထည့်သွင်းငွေ ပြဋ္ဌာန်းရန်အတွက်။

သို့သော် ဤပုဒ်မအရ၊ ပြုလုပ်သည့် စည်းကမ်းဥပဒေသည်၊ ၎င်းကို နိုင်ငံတော် သမတက အတည်မပြုသေးမီ အတည်မဖြစ်ရ။

အရာရှိများနှင့် အမှုထမ်းများ ခန့်ထားခြင်း စသည်များ။ ၁၈။ ။ (၁) ပုဒ်မ ၁၆ အရ ပြုလုပ်သည့် စာရင်းများ၌ရှိသော အခါကာလအားလျော်စွာ ခွင့်ပြုထားသော ရာထူးများအတွက် လိုအပ်သည့်အတိုင်း အဖွဲ့ဆိုင်ရာ အရာရှိများနှင့် အမှုထမ်းများကို ခန့်နိုင်သည့်အာဏာ၊ ရာထူးတိုးမြှင့် ပေးနိုင်သည့်အာဏာ၊ ငွေဒဏ်တပ်နိုင်သည့်အာဏာ

နှင့် ရာထူးလျှော့ချထားနိုင်သည့် အာဏာကို ပုဒ်မ ၁၇ အရ၊ ပြုလုပ်သည့် စည်းကမ်း ဥပဒေများနှင့် မဆန့်ကျင်စေဘဲ—

- (က) တလလျှင် လစာငွေ သုံးရာငါးဆယ်ထက် ပို၍မရသော အရာရှိ၊ သို့တည်းမဟုတ် အမှုထမ်းဖြစ်လျှင် ဥက္ကဋ္ဌကသော်၎င်း၊ အစည်းအဝေးဖြင့်အဖွဲ့က ပြုလုပ်သည့် စည်းကမ်းဥပဒေအရ၊ ဤကိစ္စအလို့ငှါ၊ ထိုစည်းကမ်း ဥပဒေကို မကျော်လွန်ဘဲ သုံးစွဲရန်အခွင့်အာဏာ အထူးအပ်နှံထားသည့် အရာရှိက သော်၎င်း သုံးစွဲနိုင်သည်။ ထို့ပြင်
- (ခ) အခြားအရာရှိများ၊ သို့တည်းမဟုတ် အမှုထမ်းများဖြစ်လျှင်၊ အဖွဲ့က အစည်းအဝေးဖြင့် ဆုံးဖြတ်သုံးစွဲနိုင်သည်။

(၂) ပုဒ်မ ၁၇ အရ၊ ပြုလုပ်သည့် စည်းကမ်းဥပဒေများနှင့် မဆန့်ကျင်စေဘဲ၊ ထိုအရာရှိများနှင့် အမှုထမ်းများကို ရာထူးမှ ချထားနိုင်သည့်အာဏာ၊ သို့တည်းမဟုတ် ထုတ်ပယ်နိုင်သည့် အာဏာ၊ သို့တည်းမဟုတ် အားလပ်စွင့် ပေးနိုင်သည့် အာဏာကို—

- (က) တလလျှင် လစာငွေ သုံးရာငါးဆယ်ထက်ပို၍ မရသော အရာရှိများ၊ သို့တည်းမဟုတ် အမှုထမ်းများဖြစ်လျှင်၊ ဥက္ကဋ္ဌက သုံးစွဲနိုင်သည်။ ထို့ပြင်
- (ခ) အခြားအရာရှိများ၊ သို့တည်းမဟုတ် အမှုထမ်းများဖြစ်လျှင်၊ အဖွဲ့က အစည်းအဝေးဖြင့် ဆုံးဖြတ်သုံးစွဲနိုင်သည်။

သို့သော်ခေတ္တရာထူးမှ ချထားနိုင်သည့်အာဏာ၊ သို့တည်းမဟုတ် ဆယ်ရက်ထက် မပိုသည့် အားလပ်ခွင့်ပေးနိုင်သည့် အာဏာကို မည်သည့်အချက်တွင်မဆို ဥက္ကဋ္ဌကသော်၎င်း၊ အစည်းအဝေးတွင်အဖွဲ့က ပြုလုပ်သည့် စည်းကမ်းဥပဒေအရ၊ ဤကိစ္စအလို့ငှါ ထိုစည်းကမ်း ဥပဒေကို မကျော်လွန်ဘဲ သုံးစွဲရန် အခွင့်အာဏာ အထူးအပ်နှံထားသည့် အရာရှိကသော်၎င်း သုံးစွဲနိုင်သည်။

၁၉။ ။ပုဒ်မ ၅၆ ပါပြဋ္ဌာန်းချက်များနှင့် မဆန့်ကျင်စေဘဲ၊ တကြိမ်လျှင်လုံးလထက် မပိုသော ကာလ အပိုင်းအခြားအတွက် လိုအပ်သည့် အရာရှိများနှင့် အမှုထမ်းများကို ဥက္ကဋ္ဌက ခေတ္တခန့်ထားနိုင်သည်။ သို့ရာတွင် ထိုသို့ခန့်ထားခြင်းကို နောက်ကျင်းပမည့် အစည်းအဝေးတွင် အဖွဲ့က အတည်ပြုနိုင်သည်။ သို့တည်းမဟုတ် ပယ်ဖျက်နိုင်သည်။ ခေတ္တအမှုထမ်းအဖွဲ့။

အခန်း ၄။

အဖွဲ့၏အလုပ်ဝတ်တရားများနှင့်အာဏာများ။

၂၀။ ။ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်းရှိ အရပ်ဒေသ အားလုံးအတွက် စီးပွားရေးလုပ်ငန်း သဘောဖြင့် လျှပ်စစ်ဓါတ်အားလိုလောက်စွာပေးနိုင်စေခြင်းငှါ၊ ဤလျှပ်စစ်ဓါတ်အားပေးရေး စံနှစ်တခုကို ဖြစ်မြောက်အောင် တည်ထွက်၍ နည်းလမ်းတကျလုပ်ကိုင်ဆောင်ရွက်ရန်မှာ အဖွဲ့၏တာဝန် ဖြစ်ရမည်။ ထို့ပြင် ထိုကိစ္စအတွက်အဖွဲ့က— အဖွဲ့၏ အဓိက အလုပ်ဝတ် တရားများ။

- (က) လျှပ်စစ်ဓါတ်အားဖြစ်ပေါ်အောင်၊ သို့တည်းမဟုတ် ရရှိအောင်ဆောင်ရွက်ရမည်။
- (ခ) ပြည်ထောင်စု မြန်မာနိုင်ငံအတွင်း၌ဖြစ်စေ၊ အပြင်၌ဖြစ်စေ၊ မည်သည့်ဒေသတွင်မဆို နေထိုင်ကြသော လျှပ်စစ်ဓါတ်အား သုံးစွဲသူတို့အတွက် လက်ကားဖြင့်သော်၎င်း၊ လက်လီဖြင့်သော်၎င်း လျှပ်စစ်ဓါတ်အားပေးနိုင်သည်။
- (ဂ) အစိုးရ၏ လျှပ်စစ်ဓါတ်အားပေးရေးဌာနမှ အလုပ်ဝတ်တရားများကို အဖွဲ့က လွှဲပြောင်းယူရမည်။

- (ဃ) ၁၉၄၇ ခုနှစ်၊ ရေအားဖြင့် လျှပ်စစ်ဓါတ်အားရရှိရေး စုံစမ်းမှုအမိန့်အရ ဖွဲ့စည်းထားသည့်ရေအားဖြင့် လျှပ်စစ်ဓါတ်အားရရှိရေး စုံစမ်းမှုအဖွဲ့ဆိုင်ရာအစိုးရအလုပ်ဝတ်တရားများကို လွှဲပြောင်းယူရမည်။
- (င) ပြည်ထောင်စု မြန်မာနိုင်ငံ၏ ရေအားဖြင့် လျှပ်စစ်ဓါတ်အားရရှိရေးစုံစမ်းမှုကိုတိုးချဲ့၍ပြည်ထောင်စုမြန်မာနိုင်ငံ၏ရေအားဖြင့် လျှပ်စစ်ဓါတ်အားရရှိနိုင်သည့် ပင်ရင်းအခြေအမြစ်များကို အများဆုံးရရှိအောင်ရှာဖွေ၍ တိုးတက်ကောင်းမွန်အောင် စီမံဆောင်ရွက်ရမည်။

အဖွဲ့၏နောက်ထပ်အလုပ်ဝတ်တရားများ။

၂၁။ ။အဖွဲ့တွင်အောက်ပါကိစ္စများကို ဖြစ်မြောက်အောင် ရှေ့ဆောင်ရွက်နိုင်သည့် ၁၊၁၅ ရှိရမည်။

- (က) လျှပ်စစ်ဓါတ်အားကို စရိတ်သက်သာစွာနှင့် ဖြစ်ပေါ်စေသည့်နည်းလမ်း၊ ပေးပို့နိုင်သည့်နည်းလမ်းနှင့် ဖြန့်ဖြူးနိုင်သည့် နည်းလမ်းများကိုအသုံးပြုခြင်း၊
- (ခ) လျှပ်စစ်ဓါတ်အားကို သက်သာသောနှုန်းဖြင့်ပေးခြင်း၊
- (ဂ) လျှပ်စစ်ဓါတ်အားပေးရာ၌ မျက်နှာကြားငယ်လိုက်ခြင်း ကိုရှောင်ကြဉ်ခြင်း၊
- (ဃ) လျှပ်စစ်ဓါတ်အားပေးခ တွက်နည်းများကို လွယ်ကူအောင်ပြုလုပ်ခြင်း၊
- (င) လျှပ်စစ်ဓါတ်အားပေးသည့် စံနှုန်းများနှင့် လျှပ်စစ်ဓါတ်အားပေးရာ၌ တပ်ဆင်သည့် ကနိယာအမျိုးအစားများကို စံမှုထား၍ တညီတညွတ်တည်းဖြစ်စေခြင်း၊
- (စ) အဖွဲ့၏လက်အောက်တွင် အမှုထမ်းရွက်နေသူများ၏ အကျိုးတိုးပွားရေး၊ ကျန်းမာရေးနှင့်ဘေးရန်ကင်းရှင်းရေး၊
- (ဆ) လျှပ်စစ်ဓါတ်အားဖြစ်ပေါ်စေခြင်း၊ ပေးခြင်းနှင့်သက်ဆိုင်သောကိစ္စများ တိုးပွားရေးအတွက် စုံစမ်းရှာဖွေခြင်းနှင့် ထိုသို့စုံစမ်းရှာဖွေသူများကို အကူအညီပေးခြင်း၊ ထို့ပြင်
- (ဇ) အဖွဲ့၏လက်အောက်တွင် လုပ်ကိုင်နေသူများ၏အလုပ်ကျွမ်းကျင်မှုနှင့်နားလည်မှုတို့ကိုတိုးတက်အောင် ပြုပြင်ပေးခြင်း၊ ထို့ပြင်နောင်အခါအဖွဲ့၏လက်အောက်၌ ခန့်ထားရန်အလို့ငှါ၊ သင့်တော်သောသူများ အတတ်ပညာ အလွယ်တကူလေ့လာသင်ကြားနိုင်ရန်စီမံပေးခြင်း။

အဖွဲ့၏အာဏာများ။

၂၂။ ။အဖွဲ့မှာ အောက်ပါကိစ္စများကိုဆောင်ရွက်ရန် အာဏာရှိရမည်။

- (က) လျှပ်စစ်ဓါတ်အား ပေးစက်ပြုလုပ်ခြင်း၊ လျှပ်စစ်ဓါတ်အားဖြစ်ပေါ်စေရန်၊ပို့ရန်၊ ပေးရန်နှင့်အသုံးပြုရန်၊ အခြားလိုအပ်သည့် ကနိယာအားလုံးကိုပြုလုပ်ခြင်း။
- (ခ) မီးပေးရန်၊ အပူဓါတ်ပေးရန်နှင့် ဓါတ်အားပေးရန်အတွက် သုံးသည့်လျှပ်စစ်ဓါတ်အားပေးစက်၊ အသုံးအဆောင်များ၊ တပ်ဆင်သည့်ကနိယာများ၊ စက်ကနိယာများ၊ ပိုင်ယာကြိုးများကိုရောင်းခြင်း၊ ငှားခြင်း၊ ငှားဝယ်စံနှုန်းဖြင့်ရောင်းခြင်း၊ ထိုစက်ကနိယာ စသည်များကိုတပ်ဆင်ခြင်း၊ ပြင်ဆင်ခြင်း၊ မပျက်မစီးအောင်ပြုပြင်ထားရှိခြင်း၊ သို့တည်းမဟုတ် ဖြိုက်ယူခြင်းရှေ့ခြင်း၊ ထို့ပြင် ထိုစက်ကနိယာစသည်များကိုရောင်းရန်၊ သို့တည်းမဟုတ် ငှားရန်ဆိုင်များနှင့်ပြခန်းများဖွင့်လှစ်ထားရှိခြင်း။
- (ဂ) အဖွဲ့က မိမိ၏ တာဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရန်သော်၎င်း၊ ယင်းသို့ဆောင်ရွက်ခြင်းနှင့် ပတ်သက်၍သော်၎င်း၊ ဤအက်ဥပဒေအရ အဖွဲ့သို့အပ်နှင်းသည့် ပစ္စည်းများကို အကျိုးအများဆုံးရရှိအောင်

အသုံးပြုရန်သော်၎င်း လိုအပ်မည်၊ အကျိုးရှိမည်၊ သို့တည်းမဟုတ် သင့်လျော်မည်ဟု အဖွဲ့ကထင်မြင်သဘောရှိသော အခြား အလုပ်အကိုင်အားလုံးကို လုပ်ကိုင်ဆောင်ရွက်ခြင်း။

(ဃ) အဖွဲ့၏ တာဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကို ဆောင်ရွက်ရန်လိုအပ်သည်ဟု အဖွဲ့ကယူဆသောမြေ၊ သို့တည်းမဟုတ် ဖြတ်သန်းနိုင်သည့်အခွင့်အရေး၊ သို့တည်းမဟုတ် ရေလျှောင်ခိုင်း၊ ထုတ်နိုင်သည့်အခွင့်အရေးကိုအပိုင်၊ သို့တည်းမဟုတ်အငှားသိမ်းယူခြင်း။

သို့သော် ထိုသို့သိမ်းယူခြင်းသည် မည်သည့်အာဏာပိုင်၏ အလုပ်အကိုင်ကိုမျှ၊ သို့တည်းမဟုတ်မည်သည့်ပြည်သူ့ အဖွဲ့၏အလုပ်အကိုင်ကိုမျှထိခိုက်ခြင်းမရှိစေရ။

ထို့ပြင် ထိုသို့သိမ်းယူခြင်းဖြင့် အကျိုးပျက်စီးခံရသည့် ပိုင်ရှင်အား သင့်တော်သော လျော်ကြေးပေးမည်။

(င) အဖွဲ့၏တာဝန်ဝတ်တရားများနှင့် အလုပ်ဝတ်တရားများကို နေရာကျဆောင်ရွက်ရန်အလို့ငှါ၊ ပဋိညာဉ်စာချုပ် ချုပ်ဆိုခြင်း။

(စ) အဖွဲ့၌ လျှပ်စစ်ဓါတ်အားပေးရေး လုပ်ငန်းရှိပြီးဖြစ်လျှင်၊ တည်ဆဲအခြားတရားဥပဒေတွင် မည်သို့ပင်ပါရှိစေကာမူ၊ ဆိုင်ရာ ဒေသန္တရ အာဏာပိုင်နှင့်သဘောတူစာချုပ် ချုပ်ဆို၍၊ လမ်းဓါတ်မီးပေးရန် အဖွဲ့သဘာလျှင် အာဏာရှိရမည်။

အခန်း ၅။

အဖွဲ့အတွက်မြေသိမ်းယူခြင်း။

၂၃။ ။ဤအက်ဥပဒေပါကိစ္စများအတွက် မည်သည့်မြေကိုမဆိုအလိုရှိ၍ အဖွဲ့ကလျှောက် မြေများသိမ်းယူခြင်း။
တောင်းသောအခါ၊ နိုင်ငံတော်သမတသည်၊ မြေသိမ်းအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များအရ မြေကို သိမ်းယူရန်ဆောင်ရွက်နိုင်သည်။ ထို့ပြင် ထိုအက်ဥပဒေအရ ဆုံးဖြတ်သည့်လျော်ကြေးကို အဖွဲ့ကပေးသောအခါမြေကိုအဖွဲ့ကပိုင်ရမည်။

အခန်း ၆။

လျှပ်စစ်ဓါတ်အက်ဥပဒေအရ ထုတ်ပေးသည့်လိုင်စင်များ၊ သို့တည်းမဟုတ်အခွင့်အမိန့်များ။

၂၄။ ။လျှပ်စစ်ဓါတ်အက်ဥပဒေတွင်သော်၎င်း၊ ထိုအက်ဥပဒေအရ ပြုလုပ်သည့်နည်းဥပဒေများတွင်သော်၎င်း၊ ထိုအက်ဥပဒေအရ ထုတ်ပေးသည့်လိုင်စင်၊ သို့တည်းမဟုတ် အခွင့်အမိန့်တွင် လိုင်စင်စသည်များထုတ်ပေးရန်အာဏာကိုအဖွဲ့ကသုံးစွဲခြင်း။
သော်၎င်း၊ မည်သို့ပင်ဆန့်ကျင်၍ပါရှိစေကာမူ၊ လျှပ်စစ်ဓါတ်အက်ဥပဒေ ပုဒ်မ ၃ နှင့် ၂၀ အရလျှပ်စစ်ဓါတ်အားပေးနိုင်ခွင့်အတွက် လျှောက်ထားသူတို့အား၊ လိုင်စင်များနှင့် အခွင့်အမိန့်များ ထုတ်ပေးသည့်ကိစ္စနှင့်ပတ်သက်၍၎င်း၊ ထိုကိစ္စနှင့်စပ်လျဉ်း၍ ပေါ်ပေါက်လာသည့် အခြားကိစ္စတစ်ခုတရာနှင့် ပတ်သက်၍၎င်း၊ လျှပ်စစ်ဓါတ်အက်ဥပဒေအရ၊ ယခင်ကနိုင်ငံတော်သမတက သုံးစွဲသည့်၊ သို့တည်းမဟုတ် သုံးစွဲနိုင်သည့် အာဏာအားလုံးကို၊ ယခုအက်ဥပဒေအတည် ဖြစ်ပြီးသည့်နောက် အဖွဲ့က သုံးစွဲရမည်။

၂၅။ ။ဤအက်ဥပဒေ အတည်ဖြစ်ပြီးသည့်နောက်၊ လျှပ်စစ်ဓါတ် အက်ဥပဒေ ပုဒ်မ ၃ လျှပ်စစ်ဓါတ်အက်ဥပဒေအရထုတ်ပေး
နှင့် ၂၀ အရ လျှပ်စစ်ဓါတ်အားပေးနိုင်ခွင့်အတွက် လျှောက်ထားသူတို့အားထုတ်ပေးသော လိုင်စင်

သည်လိုင်စင်
များနှင့် အခွင့်
အမိန့်များအ
တည်ဖြစ်ခြင်း။

များနှင့် အခွင့်အမိန့်များသည်၊ လျှပ်စစ်ဓါတ်အားပေးရေး လုပ်ငန်းကို အဖွဲ့ကအခန်း ၇ ပါပြဋ္ဌာန်း
ချက်များအရ သိမ်းယူခြင်းမပြုမီ ဆက်လက်အတည်ဖြစ်စေရမည်။

အခွင့်အာဏာ
ရလုပ်ငန်း တာ
ဝန်ခံသူတို့က၊
မိမိတို့တပ်ဆင်
ရန် ကြံရွယ်
သည့်လျှပ်စစ်
ဓါတ်အားဖြစ်
ပေါ်စေသည့်
စက်၊သို့တည်း
မဟုတ်
အွစ်(ချ်) ဂီယာ
ခေါ်လျှပ်စစ်
ဓါတ်သွားလမ်း
လွှဲခလုတ်များ
နှင့်ပတ်သက်၍
အကြောင်း
အရာတင်သွင်း
ခြင်း။

၂၆။ ။လိုင်စင်ရသူနှင့် လုပ်ငန်းတာဝန်ခံသူ အားလုံးသည်၊ ရှိရင်းအားပေးရုံတွင်သော်
ငင်း၊ အားပေးရုံသစ်တွင်သော်ငင်း၊ ရံဖန်ရံခါ မိမိတို့တပ်ဆင်ရန် ကြံရွယ်သည့်လျှပ်စစ်ဓါတ်အား
ဖြစ်ပေါ်စေသည့်စက်၊ သို့တည်းမဟုတ် အွစ်(ချ်) ဂီယာခေါ် လျှပ်စစ်ဓါတ်သွားလမ်းလွှဲ ခလုတ်များ
၏အင်အားအတိုင်းအတာနှင့် အခြားသက်ဆိုင်သည့် အချက်အလက်များနှင့် စပ်လျဉ်း၍ အကြောင်း
အရာ အစုံအလင်ကို အဖွဲ့၏သဘောတူညီချက်ရယူရန် အလို့ငှါ။ အဖွဲ့ကအမိန့်ကြော်ငြာစာထုတ်ပြန်
ကြော်ငြာ၍ သတ်မှတ်သည့် နေ့နောက်တွင် တင်သွင်းရမည်။ ရေအားဖြင့်သော်ငင်း၊ အခြားနည်း
သစ်နည်းကောင်းများဖြင့်သော်ငင်း၊ ရရှိမည့်လျှပ်စစ်ဓါတ်အားကို၊ လျှပ်စစ်ဓါတ်အားပေးရေးလုပ်
ငန်းသို့လက်ကားဖြင့် ပေးနိုင်မည်ဖြစ်သောကြောင့်၊ ထိုလျှပ်စစ်ဓါတ်အား ဖြစ်ပေါ်စေသည့်စက်၊
သို့တည်းမဟုတ် အွစ်(ချ်) ဂီယာခေါ် လျှပ်စစ်ဓါတ်သွားလမ်းလွှဲခလုတ်များ လိုမည့်လက္ခဏာမရှိ၊
သို့တည်းမဟုတ် အသုံးပြုရန်သင့်တော်မည့်လက္ခဏာမရှိဟု အဖွဲ့ကယူဆလျှင်၊ သဘောတူညီချက်ကို
မပေးဘဲထားနိုင်ခွင့်ရှိရမည်။ အဖွဲ့၏သဘောတူညီချက်ကို ကြိုတင်မရရှိဘဲ လိုင်စင်ရသူနှင့် လုပ်ငန်း
တာဝန်ခံသူတို့သည် (ကြံရွယ်ထားသည့်) လျှပ်စစ်ဓါတ်အားဖြစ်ပေါ်စေသည့်စက်၊ သို့တည်းမဟုတ်
အွစ်(ချ်) ဂီယာခေါ် လျှပ်စစ်ဓါတ်သွားလမ်းလွှဲခလုတ်များကို ဝယ်ယူ တပ်ဆင်ခြင်းမပြုရ။ လိုင်စင်ရ
သူများနှင့်လုပ်ငန်းတာဝန်ခံသူများသည်၊ ဤအက်ဥပဒေအတည်ဖြစ်သည့်နေ့တွင် မရသေးသော
စက်ကိရိယာများအတွက် အမှာစာများနှင့် ပတ်သက်၍ အကြောင်းအရာအစုံအလင်ကိုလည်း အဖွဲ့
သို့ပေးပို့ရမည်။

အခွင့်အာဏာ
ရလုပ်ငန်းတာ
ဝန်ခံသူများသို့
ငွေထုတ်ချေး
ခြင်း။

၂၇။ ။အဖွဲ့သည်၊ လိုင်စင်ရသူတဦးတယောက်သို့သော်ငင်း၊ လုပ်ငန်းတာဝန်ခံသူတဦး
တယောက်သို့သော်ငင်း၊ မိမိသင့်တော်သည့် ထင်မြင်သည့်ငွေများကို၊ နိုင်ငံတော်သမ္မတက
သဘောတူညီသောစည်းကမ်းချက်များဖြင့်ထုတ်ချေးနိုင်သည်။

အခန်း ၇။

လျှပ်စစ်ဓါတ်အားပေးရေး လုပ်ငန်းများကိုသိမ်းယူခြင်း။

လျှပ်စစ်ဓါတ်
အားပေးရေး
လုပ်ငန်းများကို
သိမ်းယူရန်
အာဏာ၊

၂၀။ ။(၁) လျှပ်စစ်ဓါတ် အက်ဥပဒေတွင်သော်ငင်း၊ လျှပ်စစ်ဓါတ်အက်ဥပဒေအရ
ပြုလုပ်သည့် နည်းဥပဒေများတွင်သော်ငင်း၊ ထိုအက်ဥပဒေအရ ထုတ်ပေးသည့်လိုင်စင်၊ သို့တည်းမ
ဟုတ် အခွင့်အမိန့်တခုခုတွင်သော်ငင်း၊ မည်သို့ပင်ဆန့်ကျင်လျက် ပါရှိစေကာမူ၊ ဤပုဒ်မ၏ ပုဒ်မခွဲ
(၂) နှင့်တကွ တဆက်တည်းဖြစ်သော အောက်ပုဒ်မပါ ပြဋ္ဌာန်းချက်များသည်အာဏာတည်ရမည်။
(၂) သုံးလအောက်မနည်းကြိုတင်၍ နို့တစ်စာပေးပြီးသည့်နောက် အဖွဲ့ကသတ်မှတ်သည့်
နေ့တွင်လိုင်စင်ရသူ၊ သို့တည်းမဟုတ် လုပ်ငန်းတာဝန်ခံသူ တဦးတယောက်၏ လျှပ်စစ်ဓါတ်အား
ပေးရေးလုပ်ငန်းတခုလုံး၊ သို့မဟုတ် တစိတ်တဒေကိုအဖွဲ့က မည်သည့်အချိန်တွင်မဆို ပေးသင့်
ပေးထိုက်သော လျော်ကြေးငွေကိုဆုံးဖြတ်ပြီး၊ သို့မဟုတ် မဆုံးဖြတ်မီ သိမ်းယူနိုင်သည်။ ထိုသို့သိမ်း
ယူသောနေ့တွင်ပင်ထိုလုပ်ငန်းကို အဖွဲ့ကပိုင်ရမည်။ သို့သော် ထိုလုပ်ငန်းနှင့်ပတ်သက်၍ တင်ရှိသည့်
မည်သည့်ကြေးမြီ၊ သို့တည်းမဟုတ် မည်သည့်အပေါင်အနှံ၊ သို့တည်းမဟုတ် မည်သည့်အလားတူ
တာဝန်ကိုမျှအဖွဲ့နှင့်မသက်ဆိုင်စေရ။

သို့သော်အဖွဲ့နှင့် လိုင်စင်ရသူတို့ နှစ်ဦးသဘောတူစာချုပ် ချုပ်ဆိုလျက်၊ ထိုလုပ်ငန်း၏
-တစိတ်တဒေသကို မသိမ်းယူဘဲချန်ထားနိုင်သည်။

၁(၃) ဤပုဒ်မပါ ပြဋ္ဌာန်းချက်များနှင့်အညီ အဖွဲ့သည်၊ လျှပ်စစ်ဓါတ်အားပေးရေးလုပ်ငန်းတခုခုကို သိမ်းယူသည့်အခါ၊ ထိုလုပ်ငန်းကို စီမံအုပ်ချုပ်ဆောင်ရွက်ရန်အလို့ငှါ၊ သီးခြားအုပ်ချုပ်ရေးအဖွဲ့တခု ဖွဲ့စည်းရန်လိုသည်ဟု ထင်မြင်လျှင်၊ သင့်တော်သည်ထင်မြင်သည့် ပုဂ္ဂိုလ်များပါဝင်သောအုပ်ချုပ်ရေးအဖွဲ့တခုကို ဖွဲ့စည်းနိုင်သည်။ ထိုသို့သီးခြားဖွဲ့စည်းထားသည့်အုပ်ချုပ်ရေးအဖွဲ့သည် အဖွဲ့၏ကြီးကြပ်အုပ်ချုပ်ခြင်းကိုလိုက်နာလျက်၊ ၎င်းအားလွှဲအပ်သည့် အဖွဲ့၏အခွင့်အရေးများ၊ အာဏာများနှင့် တာဝန်ဝတ်တရားများကိုရရှိသုံးစွဲဆောင်ရွက်နိုင်ရမည်။

၂၉။ ။(၁) ပုဒ်မ ၂၈ ပါ ပြဋ္ဌာန်းချက်များနှင့်အညီ၊ အဖွဲ့က လျှပ်စစ်ဓါတ်အားပေးရေးလုပ်ငန်းတခုခုကိုသိမ်းယူလျှင်၊ လျော်ကြေးကိုနှစ်ဦးသဘောတူသည့် အတိုင်းသော်၎င်း၊ အဖွဲ့က သတ်မှတ်သည့်အတိုင်းသော်၎င်း၊ ထိုလုပ်ငန်းအတွက် လိုင်စင်ရသူအား သမတ၏သဘောတူညီချက်ဖြင့်ပေးရမည်။ ယင်းသို့ အဖွဲ့ကသတ်မှတ်သောလျော်ကြေးမှာ လုပ်ငန်း၏တန်ဖိုးနှင့် ထိုကိစ္စအကြောင်းခြင်းရာကို ထောက်ထား၍၊ အဖွဲ့ကပေးသင့်သည်ဟုထင်မြင်သော ငွေများဖြစ်ရမည်။ သို့သော် ဤပုဒ်မခွဲပါ ကိစ္စများအလို့ငှါ လိုင်စင်ရသူ ဆိုသည့်စကားရပ်တွင် လုပ်ငန်းကို အာမခံထား၍ငွေထုတ်ချေးသူ၊ သို့တည်မဟုတ် အပေါင်ခံသူပါဝင်သည်။

(၂) ပုဒ်မခွဲ(၁)ပါကိစ္စများအလို့ငှါ၊ ထိုလုပ်ငန်း၏ တန်ဖိုးသည် လုပ်ငန်းအတွက်မူလဆောက်တည်ရ၍ ကုန်ကျသည့်မ၊ တည်ငွေနှင့် နောက်ထပ်လုပ်ငန်းတိုးချဲ့ပြင်၍ကုန်ကျသည့် မ၊ တည်စရိတ်နှစ်ရပ်ပေါင်းထဲမှ ဝစွည်းတန်ဖိုး ယုတ်လျော့သောငွေနှင့် စစ်ကြောင့်သော်၎င်း၊ အခြားအကြောင်းကြောင့်သော်၎င်း၊ ပျက်စီးယိုယွင်းသည့်ပစ္စည်းတန်ဖိုးငွေကို နုတ်၍ ကျန်သောငွေထက် မပိုစေရ။

(၃) လိုင်စင်ရသူသည်၊ ပုဒ်မခွဲ(၁)အရ အဖွဲ့ကပေးသော လျော်ကြေးငွေကို မကျေနပ်လျှင်၊ ပုဒ်မ ၃၄ အရ အနုညာတခုံအဖွဲ့တခု ခန့်ထားပေးရန် နိုင်ငံတော်သမတထံလျှောက်ထားနိုင်သည်။ ထိုခုံအဖွဲ့သည် ပုဒ်မခွဲ(၂) ပါ ပြဋ္ဌာန်းချက်နှင့် မဆန့်ကျင်စေဘဲ၊ ပုဒ်မခွဲ(၁) အရပေးရမည့် လျော်ကြေးကိုသတ်မှတ်၍ ဆုံးဖြတ်ချက်ချရမည်။ ထိုဆုံးဖြတ်ချက်မှာအပြီးအပြတ် အတည်ဖြစ်ရမည်။

(၄) အဖွဲ့သည်၊ လျှပ်စစ်ဓါတ်အားပေးရေးလုပ်ငန်းတခုခုကိုသိမ်းယူသောအခါ၊ လျှပ်စစ်ဓါတ်အားသုံးစွဲသူတို့ တင်သွင်းထားသည့် စဘောငွေများကို၎င်း၊ ထိုလုပ်ငန်းနှင့်အတူ လွှဲယူလိုက်သည့် အမှုထမ်းများနှင့် စပ်လျဉ်း၍ အိုမင်းမစွမ်းရှိ၍ ပင်စင်ယူသူတို့အတွက် တည်ထောင်ထားသော ရံပုံငွေ၊ အမှုထမ်းအဖွဲ့အတွက် ထည်ထောင်ထားသောအခြားရံပုံငွေ၊ ထိုရံပုံငွေများမှလုတ်၍ ရင်းနှီးထားသောငွေနှင့် လက်ကုန်ငွေများကို၎င်း [သိမ်းယူနိုင်ရမည်။] လိုင်စင်ရသူ၌သော်၎င်း၊ လုပ်ငန်းတာဝန်ခံသူ၌သော်၎င်း၊ အထက်ဖော်ပြပါငွေများမှလွဲ၍ အခြားရင်းနှီးငွေနှင့် လက်ကုန်ငွေအားလုံးကိုမသိမ်းမယူစေဘဲချန်ထားနိုင်ခွင့်ရှိရမည်။ လုပ်ငန်းနှင့်ပတ်သက်၍ ရရန်ရှိသောကြေးမြီနှင့် အခြားရရန်ရှိသောငွေအားလုံးကို တောင်းယူပိုင်ခွင့်လည်းရမည်။ သို့ရာတွင်အဖွဲ့ကသဘောတူ လွှဲယူနိုင်သည့် တည်ဆောက် တိုးချဲ့ပြင်ရသည့်အတွက် ပေးအပ်ရန်ကျန်ရှိသေးသောကြေးမြီမှတစ်ပါး၊ ထိုလုပ်ငန်းနှင့်ပတ်သက်သည့်ကြေးမြီနှင့် အခြားပေးရန်ရှိသမျှငွေအားလုံးကို လိုင်စင်ရသူကသော်၎င်း၊ လုပ်ငန်းတာဝန်ခံသူကသော်၎င်း၊ ပြေလည်အောင်ပေးဆပ်ရန် တာဝန်ရှိရမည်။ သို့သော်အဖွဲ့ကလွှဲယူသည့် ကြေးမြီကို မပေးဆပ်သေးမီတိုကြေးမြီနှင့်ပတ်သက်သည့်လုပ်ငန်းပိုင်ပစ္စည်းများကိုအဖွဲ့သို့လွှဲအပ်ရမည်။

(၅) သိမ်းယူသောလုပ်ငန်းအတွက်လျော်ကြေးကို သိမ်းယူသောနေ့မှ ဆယ်နှစ်လအတွင်း ငွေလက်ငင်းအားဖြင့်သော်၎င်း၊ သို့မဟုတ်အခြားနည်းအားဖြင့်သော်၎င်း ပေးရမည်။ သုံးလအတွင်း

၁ ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၃၅ အရ ထည့်သွင်းသည်။
၂ အဆိုပါ အက်ဥပဒေ အရအစားထည့်သွင်းသည်။

အပြီးအပြတ်ပြေလည်အောင်မပေးလျှင်၊ ထိုသုံးလကျော်လွန်၍ မပေးဘဲကျန်နေသေးသောလျော်ကြေး အတွက် ငွေတရားလွှဲ တနှစ်သုံးကျပ်တိုးနှုန်းဖြင့်လျော်ကြေး အကုန် အစင် ပေးပြီးသည် တိုင်အောင် အတိုးပေးရမည်။

သိမ်းယူသော လုပ်ငန်းများမှ အမှုထမ်းများ ကိုခန့်ထားခြင်း။

၃၀။ ။ (၁) လိုင်စင်ရသူ၏ လုပ်ငန်းတွင်သော်၎င်း၊ လုပ်ငန်းတာဝန်ခံသူ၏ လုပ်ငန်းတွင်သော်၎င်း၊ ထိုလုပ်ငန်းကို သိမ်းယူသည့်အချိန်အထိ အမြဲတမ်းအမှုထမ်းနေသူကို အဖွဲ့ကမိမိ၏ လက်အောက်တွင် လိုအပ်သည်ထင်လျှင် လုပ်ကိုင်ရန် ခန့်ထားနိုင်သည်။ ထိုသို့ခန့်ထားသည့်လူများ နှင့်ပတ်သက်၍ အဖွဲ့၏လက်အောက်တွင် အလားတူတာဝန်ဝတ်တရားများနှင့် တာဝန်ခံအလုပ်များ ကိုလုပ်ကိုင်လျက်ရှိသော အခြားအမှုထမ်းများအတွက် ထားရှိသည့် လစာနှုန်း၊ အခနှုန်း၊ စရိတ်နှုန်း စည်းကမ်းချက်များနှင့် တူညီသော စည်းကမ်းချက်များကို ထားပေးရမည်။ သို့တည်းမဟုတ် သိမ်းယူသောလုပ်ငန်းနှင့် ပတ်သက်သည့် အလုပ်အကိုင်တာဝန်ဝတ်တရားများနှင့် အဖွဲ့၏လက်အောက်တွင် လုပ်ကိုင်လျက်ရှိနေသူများ၏ အလုပ်အကိုင် တာဝန်ဝတ်တရားများ မတူသည့် ထူးခြားချက် များကို ထောက်၍အဖွဲ့ကခွင့်ပြုသောလစာနှုန်း၊ အခနှုန်းနှင့်စရိတ်နှုန်းများအတိုင်းပေးရန် စည်းကမ်းချက်များ ကို ထားပေးရမည်။

(၂) အထက်တန်းအရာရှိများခန့်ထားရန်ချုပ်ဆိုသည့် မည်သည့်ပဋိညာဉ်ကိုမဆို၊ အဖွဲ့က သဘောတူပြီးဖြစ်လျှင်၊ ထိုပဋိညာဉ်ကိုလိုင်စင်ရသူထံမှသော်၎င်း၊ လုပ်ငန်းတာဝန်ခံသူထံမှသော်၎င်း အဖွဲ့ကလွှဲပြောင်းယူရမည်။

(၃) သို့ရာတွင်လုပ်ငန်းကို သိမ်းယူသောအခါ၊ လိုင်စင်ရသူ၏၊ သို့တည်းမဟုတ်လုပ်ငန်း တာဝန်ခံသူ၏ လုပ်သားသည်၊ အဖွဲ့၏လက်အောက်တွင် ဝင်ရောက်မလုပ်လိုက မလုပ်ဘဲနေနိုင် သည်။ ဤကဲ့သို့ဝင်ရောက်မလုပ်ဘဲနေ၍ အလုပ်လက်လွှတ်ဖြစ်ရသည့်အတွက် အဖွဲ့အပေါ်တွင် မည် သည့်အခွင့်အရေးကိုမျှ တောင်းဆိုခွင့်မရှိစေရ။

လိုင်စင်ရသူ များ၏ အခွင့် အရေးများနှင့် တာဝန်များကို လွှဲပြောင်းခြင်း။

၃၁။ ။ လျှပ်စစ်ဓါတ်အက်ဥပဒေများ၊ သို့တည်းမဟုတ်အမိန့်များပါပြဋ္ဌာန်းချက်များအနက် ပြဋ္ဌာန်းချက်တခုခုတွင်—

- (က) တရားဥပဒေတခုခုဖြင့်သော်၎င်း၊ လိုင်စင်တခုခုဖြင့်သော်၎င်း၊ မည်သည့်ဒေသ တွင်မဆို၊ လျှပ်စစ်ဓါတ်အားပေးရန်ခွင့်ပြုထားသူ မည်သူကိုမဆို၊ သို့တည်းမဟုတ် မည်သည့်အဖွဲ့ကိုမဆို (ထိုသူ၊ သို့တည်းမဟုတ် အဖွဲ့ကိုဖော်ပြရန် မည် သည့်စကားရပ်ကိုမဆိုသုံးစွဲစေကာမူ)၊
- (ခ) ထိုသူ၏၊ သို့တည်းမဟုတ် အဖွဲ့၏လျှပ်စစ်ဓါတ်အားပေးရေးလုပ်ငန်းကို၊ ထို့ပြင်
- (ဂ) ထိုသို့ လျှပ်စစ်ဓါတ်အားပေးရန်ခွင့်ပြုသည့် မည်သည့်တရားဥပဒေကိုမဆို၊ သို့ တည်းမဟုတ် လိုင်စင်ကိုမဆို (မည်သည့်စကားရပ်ကိုမဆိုသုံးစွဲထားစေကာမူ)

ရည်ညွှန်းသည့် စကားများသည်၊ ၁၉၄၇ ခုနှစ်၊ လျှပ်စစ်ဓါတ် (လုပ်ငန်းများကြီးကြပ်အုပ်ချုပ်ရေး) အက်ဥပဒေပုဒ်မ ၁ အရ နို့တစ်စာပေးပြီးသည့်နေ့ နောက်၌ဖြစ်စေ၊ ဤအက်ဥပဒေပုဒ်မ ၂၈ အရ နို့တစ်စာပေးပြီးသည့်နေ့ နောက်၌ဖြစ်စေ၊ အဖွဲ့ကို၎င်း၊ အဖွဲ့ကဆောင်ရွက်သည့် အလုပ်အကိုင် ကို၎င်း၊ အဖွဲ့နှင့်သက်ဆိုင်သည့် တရားဥပဒေတခုခုကို၎င်း၊ ဆိုင်သင့်ရာရာ ရည်ညွှန်းသည့် ဟူ၍ အဓိပ္ပါယ်ကောက်ယူရမည်။

လိုအပ်သည့် အကြောင်းအရာများကို

၃၂။ ။ လိုင်စင်ရသူ၊ သို့တည်းမဟုတ် လုပ်ငန်းတာဝန်ခံသူတဦးတယောက်၏လျှပ်စစ်ဓါတ် အားပေးရေး လုပ်ငန်းကို သိမ်းယူရန် ကြံရွယ်လျှင်၊ အဖွဲ့ကထိုလုပ်ငန်းကို အလွယ်တကူသိမ်းယူရန် အလို့ငှါ၊ အကြောင်းအားလျော်စွာ လိုအပ်သည့် ငွေစာရင်းစာအုပ်များ၊ မှတ်တမ်းများနှင့် စာချုပ်

စာတမ်းများကို တင်ပြရမည်ဟူ၍၎င်း၊ ထိုစာရင်းစာအုပ်များ၊ မှတ်တမ်းများနှင့် စာချုပ်စာတမ်းများ တောင်းယူရန် မှ ကူးယူသည့်မိတ္တူများနှင့် ထုတ်နုတ်ချက်များကိုပေးအပ်ရမည်ဟူ၍၎င်း၊ အခြားအကြောင်းအရာ အာဏာ။ များကိုပေးရမည်ဟူ၍၎င်း၊ လိုင်စင်ရသူ၊ သို့တည်းမဟုတ် လုပ်ငန်းတာဝန်ခံသူကိုဆင့်ဆိုရန်အဖွဲ့၌ အာဏာရှိရမည်။

၃၃။ ။(၁) လျှပ်စစ်ဓါတ်အားဖြစ်ပေါ်စေသည့်စက်ရုံမှ တနှစ်လျှင်လျှပ်စစ်ဓါတ်အားဖြစ် ကိုယ်ပိုင်လျှပ် စေသော ကီလိုဝပ်နာရီချိန်များအနက် ၅၀၀ ငှပ် ထက်ပို၍ ထိုစက်ရုံပိုင်ရှင်၏ သတ္တုတွင်းတူးသည့် စစ်ဓါတ်အား လုပ်ငန်းအတွက်သော်၎င်း၊ ကုန်ပစ္စည်းပြုလုပ်သည့် လုပ်ငန်းအတွက်သော်၎င်း၊ ထိုလုပ်ငန်းများနှင့် ဖြစ်ပေါ်စေ ပတ်သက်သည့် အခြားကိစ္စများအတွက်သော်၎င်း၊ ပိုင်ရှင်၏အဆောက်အဦများတွင်ဖြစ်စေ၊ လုပ် သည့်စက်ရုံပိုင် ရှင်များ၏အ ကြီးကိုကာ ကွယ်ပေးခြင်း။ ငန်းများတွင်ဖြစ်စေ၊ မြေပေါ်တွင်ဖြစ်စေအသုံးပြုလျှင်၊ ထိုစက်ရုံကိုသိမ်းယူရန်အဖွဲ့၌အာဏာမရှိစေရ။

(၂) ဤအက်ဥပဒေပါပြဋ္ဌာန်းချက်များသည်၊ ပိုင်ရှင်များက အခြားသူများသို့ လျှပ်စစ် ဓါတ်အားပေးရန်လုံးလုံးလျားလျားအသုံးပြုသည့်အလုပ်အဆောင်များနှင့်သက်ဆိုင်စေရမည်။

(၃) ပိုင်ရှင်အသုံးပြုသင့်သမျှထက်ပိုသော လျှပ်စစ်ဓါတ်အားကို လက်ကားအဖြစ်ဖြင့်သော် ၎င်း၊ နှစ်ဦးသဘောတူညီသည့် အဘိုးနှုန်းဖြင့်သော်၎င်း၊ အဖွဲ့သို့ပေးရန် အဖွဲ့ကပိုင်ရှင်ကိုဆင့်ဆိုနိုင် သည်။ လက်ကားယူရာ၌ လျှပ်စစ်ဓါတ်အားတယူနှစ်အတွက် ကုန်ကျသည့်ထင်း၊ မီးသွေးဘိုးနှင့်တူ ထင်း၊ မီးသွေးဘိုး၏ ငါးဆယ်ရာခိုင်နှုန်းဖြင့် အထွေထွေစရိတ် (overhead charges) များနှင့် အခငွေများကာမိအောင် တွက်စစ်၍ ရသောငွေနှစ်ရပ်ပေါင်းထည့်၍ ရသည့်နှုန်းထားအတိုင်း ပေး ရမည်။

အခန်း ၈။

အနုညာတခံအဖွဲ့။

၃၄။ ။အက်ဥပဒေနှင့် ပတ်သက်၍ ပေါ်ပေါက်လာသော ငြင်းခုံမှုများကို အနုညာတခံ အနုညာတခံ အဖွဲ့သို့လွှဲအပ်ရမည်။ ထိုခုံအဖွဲ့တွင်လူကြီးသုံးဦးပါဝင်၍၊ တဦးမှာ ဥက္ကဋ္ဌအဖြစ်ဆောင်ရွက်ရမည်။ အဖွဲ့သို့လွှဲအပ် အနုညာတခံအဖွဲ့ဝင်လူကြီးများကို အမည်ဖြင့်သော်၎င်း၊ လက်ရှိရာထူးအလျောက်သော်၎င်း၊ နိုင်ငံ ခြင်း။ တော်သမတ ကခန့်ထားရမည်။

၃၅။ ။(၁) အနုညာတခံအဖွဲ့၌၊ အခြားအာဏာများအပြင် အောက်ပါကိစ္စများနှင့် အနုညာတခံ စပ်လျဉ်း၍ တရားမကျင့်ထုံးဥပဒေအရ၊ တရားရုံးသို့ ပေးအပ်ထားသည့် အာဏာများလည်းရှိရမည်။ အဖွဲ့၏အာဏာ များ။

- (က) ဆိုင်ရာအကြောင်းအရာများနှင့် စာချုပ်စာတမ်း စသည်များကို ဖွင့်လှစ် ထုတ် ဖော်ခြင်းနှင့်စစ်ဆေးခြင်း၊
- (ခ) သက်သေများကို လာရောက်စေရန် အတင်းအကြပ် ခေါ်ယူခြင်းနှင့် သက်သေ များ၏ စာချုပ်စာတမ်းများကို တင်ပြရန် အတင်းအကြပ်ပြုလုပ်ခြင်းနှင့် ထိုစာချုပ် စာ တမ်းများကို သိမ်းယူခြင်း၊
- (ဃ) သက်သေများကို ကျမ်းတိုက်စစ်ဆေးခြင်း၊
- (င) အမှုရွှေ့ဆိုင်းရန်ခွင့်ပြုခြင်း၊
- (စ) ကျမ်းကျိန်လွှာကို သက်သေခံအဖြစ်လက်ခံခြင်း၊ ထို့ပြင်
- (ဆ) သက်သေများကို စစ်ဆေးရန် လွှဲအပ်သည့် ကော်မရှင်အဖွဲ့များထုတ်ပေးခြင်း။

ထို့ပြင် ခုံအဖွဲ့ကအရေးကြီးသည်ဟု ထင်သောအချက်နှင့်ပတ်သက်၍ သက်သေခံနိုင်သူ မည်သူ့ကိုမဆို၊ အဖွဲ့က အလိုအလျောက် သမ္မာန်စာဖြင့်ဆင့်ခေါ်၍ စစ်ဆေးနိုင်သည်။ ထိုအနုညာတခုံအဖွဲ့သည်၊ ရာဇဝတ်ကျင့်ထုံးဥပဒေပုဒ်မ ၄၈၀ နှင့် ၄၈၂ ပါ အဓိပ္ပါယ်ဖော်ပြချက်အရ၊ တရားမရုံးဖြစ်သည်ဟု မှတ်ယူရမည်။

(၂) အမှုကို စစ်ဆေးနေသည့် အတောအတွင်း မည်သည့်အချိန်တွင်မဆို ဥပဒေအချက်အလက်နှင့်ပတ်သက်၍ တရားလွှတ်တော်၏ သဘောထင်မြင်ချက်ကို ရယူရန်အလို့ငှါ၊ အမှု၏ အကြောင်းအရာဖော်ပြချက်ကို အနုညာတခုံအဖွဲ့ကတရားလွှတ်တော်သို့တင်သွင်းနိုင်သည်။ အကယ်၍ တဖက်ဖက်သော အမှုသည်က ထိုသို့တင်သွင်းရန် လျှောက်ထားလျှင်၊ ခုံအဖွဲ့ကတရားလွှတ်တော်သို့ မတင်သွင်းဘဲမနေရ။ ထိုသို့တင်သွင်းသောအမှုကို တရားလွှတ်တော်ကကြားနာ၍ မမြီးမပြတ်သေးမီ၊ အမှုကို ရွှေ့ဆိုင်းထားရမည်။

(၃) အနုညာတခုံအဖွဲ့ကိုဖြစ်စေ၊ ခုံအဖွဲ့သို့လာရောက်ရန် နည်းလမ်းအတိုင်း သမ္မာန်စာဖြင့် ဆင့်ခေါ်သော သက်သေများကိုဖြစ်စေ ပေးရမည့်အခွင့်၊ သို့တည်းမဟုတ် အသုံးစရိတ်များ၊ သို့တည်းမဟုတ်အခြားစရိတ်များကို အစိုးရကကျခံရမည်။ ထိုသို့အစိုးရက ကျခံသောငွေများကိုလျှပ်စစ်ဓါတ်အားပေးရေးအဖွဲ့က အစိုးရကိုပြန်ဆပ်ရမည်။

(၄) ဤအခန်းအရ အနုညာတခုံအဖွဲ့ကချမှတ်သော ဆုံးဖြတ်ချက်သည် အပြီးအပြတ် အတည်ဖြစ်ရမည်။

အခန်း ၉။

လျှပ်စစ်ဓါတ်အားပေးရေးအဖွဲ့၏ ငွေချေးယူနိုင်သောအာဏာများ။

ငွေချေးယူရန် အာဏာ။

၃၆။ ။ဤအက်ဥပဒေပါ ကိစ္စများကိုဆောင်ရွက်ရန် လိုအပ်သည့် ငွေများကိုရရှိရန် အလို့ငှါ၊ အမိန့်ပြန်တမ်းတွင် နည်းလမ်းအတိုင်း အမိန့်ကြော်ငြာစာ ထုတ်ပြန်ကြော်ငြာပြီးနောက်၊ အဖွဲ့က ငွေချေးယူနိုင်သည်။

သို့သော်နိုင်ငံတော်သမတ၏ အခွင့်အမိန့်ကို ကြိုတင်မရရှိဘဲ ငွေမချေးယူရ။

ငွေချေးယူရန် နည်းလမ်း။

၃၇။ ။ (၁) ဤအက်ဥပဒေအရ ချေးယူသည့်ငွေအားလုံးအတွက်—

- (က) အဖွဲ့ပိုင်ပစ္စည်းကို၎င်း၊
- (ခ) ချေးငွေများပေးဆပ်ရန်အတွက် ကြွေးမြီဆပ်ရန်သီးသန့်ထားသည့် ရံပုံငွေအဖြစ် အဖွဲ့ကဖယ်ထားသည့် ငွေများကို ဤအက်ဥပဒေအရ စည်းကြပ်ကောက်ခံနိုင်သည့် အခွန်အတုတ်၊ အခ၊ ငှားရမ်းခစသည်များမှနုတ်၍ ကျန်ရှိသောငွေကို၎င်း

အာမခံပေးရမည်။

(၂) ငွေချေးစာချုပ်များကို ကြော်ငြာ၍ ရောင်းချခြင်းဖြင့် ငွေများကို ချေးယူနိုင်သည်။ သို့တည်းမဟုတ် မြန်မာနိုင်ငံလျှပ်စစ်ဓါတ်ပေးရေးအတွက် အစုလက်မှတ်များထုတ်ပေးခြင်းဖြင့်လည်း ငွေချေးယူနိုင်သည်။ သို့တည်းမဟုတ် အစိုးရထံမှလည်း ငွေချေးယူနိုင်သည်။ သို့သော်ချေးယူငွေ အသီးသီးနှင့် ဝတ်သက်သည့် စည်းကမ်းချက်များသည်၊ နိုင်ငံတော်သမတ သဘောတူညီသော စည်းကမ်းချက်များဖြစ်ရမည်။

၃၈။ ။(၁) ဤအက်ဥပဒေအရ ထုတ်ပေးသော ဒီဘင်ချာခေါ်ငွေချေးစာချုပ်အားလုံးသည်၊ အဖွဲ့က အခါကာလ အားလျော်စွာ သတ်မှတ်သည့် ပုံစံအတိုင်း ဖြစ်ရမည်။ သို့သော် ပြည်ထောင်စုမြန်မာနိုင်ငံပြင်ပမှ ချေးယူသောငွေများနှင့်ပတ်သက်၍၊ ဒီဘင်ချာခေါ်ငွေချေးစာချုပ်များ၏ပုံစံသည်၊ နိုင်ငံတော်သမ္မတ၏ ကြိုတင်အခွင့်အမိန့်ရရှိပြီးသောပုံစံဖြစ်ရမည်။

ဒီဘင်ချာခေါ်
ငွေချေးစာချုပ်
များ၏ပုံစံ။
ထိုစာချုပ်များ
ကို လွှဲပြောင်း
နိုင်ခြင်း။

(၂) ဤပုဒ်မအရ ခွင့်ပြုထားသည့်ပုံစံဖြင့်ထုတ်သော ဒီဘင်ချာခေါ် ငွေချေးစာချုပ်လက်ရှိ ဖြစ်သူသည်၊ ထိုကဲ့သို့ခွင့်ပြုထားသည့် အခြားပုံစံတခုခုဖြင့် ထုတ်သောဒီဘင်ချာခေါ် ငွေချေးစာချုပ် နှင့် မိမိစာချုပ်ကို အဖွဲ့ကအခါကာလအားလျော်စွာ သတ်မှတ်သည့် စည်းကမ်းချက်များအရ လဲယူ နိုင်သည်။

(၃) အဖွဲ့ကထုတ်သည့်ဒီဘင်ချာခေါ် ငွေချေးစာချုပ်အသီးသီးကို စာချုပ်တွင် ပါရှိသည့် နည်းလမ်းဖြင့် လွှဲပြောင်းနိုင်သည်။

၃၉။ ။ထိုဒီဘင်ချာခေါ် ငွေချေးစာချုပ်များဖြင့်ချေးယူသော ငွေများနှင့်ပတ်သက်၍တရား စွဲဆိုရန်အခွင့်အရေးကို အခါကာလအားလျော်စွာ ထိုဒီဘင်ချာခေါ် ငွေချေးစာချုပ်လက်ရှိဖြစ်သူ များက သုံးစွဲနိုင်သည်။ ထိုသို့တရားစွဲဆို သုံးစွဲရာ၌ ဒီဘင်ချာခေါ်ငွေချေးစာချုပ်များအနက် အချို့ စာချုပ်သည်၊ အခြားစာချုပ်များထက် အလျင်ကျသည့်အကြောင်းကို ထောက်ထားရန်မလို။

ဒီဘင်ချာခေါ်
ငွေချေးစာချုပ်
များအရ၊
တရားစွဲဆိုရန်
အခွင့်အရေး။

၄၀။ ။အစိုးရအဖွဲ့သို့ထုတ်ချေးသော ငွေအားလုံးနှင့်ပတ်သက်၍၊ အစိုးရမှ၊ ဒီဘင်ချာခေါ် ငွေချေးစာချုပ်လက်ရှိဖြစ်သူများကဲ့သို့ တရားဆွဲနိုင်သည့် အခွင့်အရေးရှိရမည်။ သို့သော်အစိုးရသည် ထိုချေးငွေများနှင့်ပတ်သက်၍၊ ဒီဘင်ချာခေါ် ငွေချေးစာချုပ် လက်ရှိဖြစ်သူများထက် အလျင်တရား စွဲဆိုနိုင်သည့် အခွင့်အရေးများသော်၎င်း၊ ထိုသူများထက်သာသော အခွင့်အရေးများသော်၎င်း ရရှိ သည်ဟူ၍ မမှတ်ယူရ။

အစိုးရထံမှ
ချေးယူသော
ငွေများနှင့်
ပတ်သက်၍
တရားစွဲဆိုနိုင်
သည့် အလား
တူအခွင့်
အရေး။

၄၁။ ။ဤအက်ဥပဒေ၏အာဏာအရ ထုတ်သည့် ဒီဘင်ချာခေါ် ငွေချေးစာချုပ်များနှင့် ပူးတွဲထားသော ကူပွန်ဖြတ်ပိုင်းအားလုံးတွင် ဥက္ကဋ္ဌ၏လက်မှတ်ပါရှိရမည်။ ထိုလက်မှတ်ကို ရိုက်နှိပ် ထားနိုင်သည်။ သို့တည်းမဟုတ် ကျောက်နှင့်ပုံနှိပ်ထားနိုင်သည်။ သို့တည်းမဟုတ် စက်ဖြင့် နှိပ်ထား နိုင်သည်။

ဒီဘင်ချာခေါ်
ငွေချေးစာချုပ်
များနှင့် ပူးတွဲ
ထားသော
ကူပွန်ဖြတ်ပိုင်း
များတွင် ပါရှိ
သည့် လက်
မှတ်။

၄၂။ ။အဖွဲ့ကပြန်ဆပ်ရမည့် ချေးငွေအားလုံးသည်၊ အဖွဲ့၏ဝင်ငွေများနှင့် အဖွဲ့ပိုင်ပစ္စည်း များမှ ရှေးဦးစွာပြန်ဆပ်ရမည့် ကြေးမြီများဖြစ်ရမည်။

အဖွဲ့၏ပစ္စည်း
များနှင့်ဝင်ငွေ
များမှချေးငွေ
များကိုရှေးဦး
စွာပြန်ဆပ်
ရခြင်း။

ပြည်ထောင်စု
မြန်မာနိုင်ငံတွင်
မြန်မာ့ဥပဒေစာ
ဖြင့်သာဥပဒေများ
ချေးယူခြင်း။

၄၃။ ။ နိုင်ငံတော်သမ္မတက အမိန့်ကြော်ငြာစာ ထုတ်ပြန်ကြော်ငြာ၍ အခြားနည်းဖြင့် ချေးယူရန် ညွှန်ကြားခြင်းမရှိလျှင်၊ အဖွဲ့ကချေးယူသော ငွေအားလုံးကို ပြည်ထောင်စုမြန်မာနိုင်ငံ အတွင်း၌ မြန်မာ့ဥပဒေစာဖြင့်သာ ချေးယူရမည်။

ကြေးမြီဆပ်ရန်
သီးသန့်ထား
သည့် ရံပုံငွေ
တည်ထောင်
ခြင်း။

၄၄။ ။ (အစိုးရထံမှ ချေးယူထားသောငွေမှတစ်ပါး) တနှစ်ထက်ပိုသော ကာလအပိုင်း အခြားအတွက်၊ အဖွဲ့က အခြားချေးယူထားသော ငွေများကိုပေးဆပ်ရန် သီးသန့်ထားသော ရံပုံငွေ တခု စီမံထားရမည်။ အနှစ် ၃၀ ထက်မပိုသော ကာလအပိုင်းအခြားအတွင်းသော်၎င်း၊ နိုင်ငံတော် သမ္မတ၏ ကြိုတင်ခွင့်ပြုချက်အရဖြင့် အနှစ် ၆၀ ထက်မပိုသောကာလအပိုင်းအခြားအတွင်းသော်၎င်း၊ ချေးငွေများကိုအပြေဆပ်ပေးနိုင်ရန်လိုအပ်သည့်ငွေများကိုရနိုင်အောင်၊ ထိုရံပုံငွေသို့ကျသင့်သည့်ငွေကို ၆ လလျှင်တကြိမ်ကျထည့်သွင်းရမည်။

ကြေးမြီဆပ်ရန်
သီးသန့်ထား
သည့် ရံပုံငွေကို
သုံးစွဲခြင်းနှင့်
ရင်းနှီးခြင်း။

၄၅။ ။ ကြေးမြီဆပ်ရန် သီးသန့်ထားသည့် ရံပုံငွေတွင်စုမိသော ငွေအားလုံးကိုသော်၎င်း၊ အချို့အဝက်ကိုသော်၎င်း၊ ထိုရံပုံငွေမှပြန်ဆပ်ရန်ရည်ရွယ်ထားသည့် ချေးငွေများကို တကြိမ်တည်း ဖြစ်စေ၊ အကြိမ်ကြိမ်ဖြစ်စေ ပြေလည်အောင်ဆပ်ရန် အသုံးပြုနိုင်သည်။ သို့သော်ထိုသို့အသုံးပြုသည့် ရံပုံငွေပေါ်မှ ရသင့်သောအတိုးနှင့် ညီမျှသည့်ငွေကို ချေးငွေအားလုံးပြေလည်တိုင်အောင် အဖွဲ့က ထိုရံပုံငွေသို့နှစ်စဉ် ထည့်သွင်း၍စုထားရမည်။

ကြေးမြီဆပ်ရန် သီးသန့်ထားသော ရံပုံငွေအဖြစ်ဖယ်ထားသော ငွေများကို ပြည်ထောင်စု မြန်မာနိုင်ငံအစိုးရ၏ အာမခံစာချုပ်ကို ဝယ်ယူခြင်းဖြင့်သော်၎င်း၊ အဖွဲ့၏ဒီဘင်ချာခေါ် ငွေချေး စာချုပ်များကို ဝယ်ယူခြင်းဖြင့်သော်၎င်း၊ နိုင်ငံတော်သမ္မတက ဤကိစ္စအတွက် သဘောတူညီသည့် အခြားအာမခံစာချုပ်များကို ဝယ်ယူခြင်းဖြင့်သော်၎င်း၊ ရင်းနှီးထားရမည့်ပြင်၊ ဤအက်ဥပဒေပါ ကိစ္စများအလို့ငှါ ဘဏ္ဍာထိန်းလူကြီးနှစ်ဦးလက်တွင် အပ်နှံထားရမည်။ ထိုနှစ်ဦးအနက် တဦးသည် အဖွဲ့ဝင်ဖြစ်ရမည်။ အခြားတဦးမှာ နိုင်ငံတော်သမ္မတက ခန့်ထားသူဖြစ်ရမည်။

ကြေးမြီဆပ်ရန်
သီးသန့်ထား
သည့် ရံပုံငွေကို
နှစ်စဉ်စစ်ဆေး
ခြင်း။

၄၆။ ။ မည်သည့်ချေးငွေကိုမဆို ပြေလည်အောင် ပေးဆပ်ရန် တည်ထောင်ထားသော ကြေးမြီဆပ်ရန် သီးသန့်ထားသည့် ရံပုံငွေကို ပြည်ထောင်စုမြန်မာနိုင်ငံတော် စာရင်းစစ်ချုပ်က နှစ်စဉ်စစ်ဆေးရမည်။ ရံပုံငွေအရ ဘဏ်စာရင်းရှိငွေနှင့် အာမခံစာချုပ်များ၏ ကာလတန်ဘိုးနှစ်ရပ် ပေါင်းသည်၊ အကယ်၍မူလခန့်မှန်းထားသည့် အတိုးနှုန်းဖြင့် ထိုငွေများကို မှန်မှန်ရင်းနှီးထားပါမူ၊ ထိုသို့ရင်းနှီးထားရာမှ ဖြစ်ပွားလာမည့် အတိုးအရင်း နှစ်ရပ်ပေါင်းနှင့် ညီမညီ အမှန်သိအောင်၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်က စစ်ဆေးရမည်။

နိုင်ငံတော်စာရင်းစစ်ချုပ်က၊ ကြေးမြီဆပ်ရန် သီးသန့်ထားသည့် ရံပုံငွေ စာရင်းတွင်၊ ငွေ လျော့နေသည်ဟု သက်သေခံလက်မှတ် ရေးပေးသောအခါ၊ စာရင်းနှင့်ငွေကို တဖြည်းဖြည်းကိုက် အောင်ပြုလုပ်ရန်၊ နိုင်ငံတော် သမ္မတက၊ အထူးအခွင့်အမိန့်မပေးလျှင်၊ ထိုလျော့နေသောငွေကို အဖွဲ့ က၊ ထိုရံပုံငွေသို့ ချက်ခြင်းပေးသွင်းရမည်။

အစိုးရထံမှ
ချေးငွေများကို
အချိန်မစေ့မီ
ပေးဆပ်နိုင်
သည့် အာဏာ
များ။

၄၇။ ။ အဖွဲ့၏ ဒီဘင်ချာခေါ် ငွေချေးစာချုပ် လက်ရှိဖြစ်သော အခြားသူများ ရရှိထား သည့် အခွင့်အရေးများကို မထိခိုက်လျှင်၊ အစိုးရသို့ပေးဆပ်ရန် ကျန်နေသေးသော ငွေရင်းကို၊ သက် မှတ်ထားသော အချိန်မစေ့သော်လည်း အဖွဲ့က ပေးဆပ်နိုင်သည်။

သို့သော်၊ ထိုသို့ပေးဆပ်သောငွေများသည်၊ ငွေတသောင်းထက် မနည်းစေရ။ ထို့ပြင် ထိုသို့ ပေးဆပ်လျှင်၊ မပြေကျန်နေသေးသော ငွေရင်းပေါ်တွင်၊ ကျသင့်သည့် အတိုးနှင့်ကိုက်ညီအောင်၊ နောက်အရစ်ကျ ငွေရင်းအသီးသီးအတွက် အတိုးများကို ပြင်ဆင်ရမည်။

၄၀။ ။ နိုင်ငံတော် သမတ၏ အခွင့်အမိန့်ဖြင့်၊ ဒေသန္တရ အာဏာပိုင်များ ငွေချေး အကဲ
ဥပဒေအရ၊ အဖွဲ့ကငွေချေးယူခြင်းကို၊ ဤအကဲဥပဒေရှိ စကားကြောင့် အတားအဆီး မရှိစေရ။

ဒေသန္တရ
အာဏာပိုင်
များငွေချေး
အကဲဥပဒေ
အရ။ ငွေချေး
ယူနိုင်သည့်
အာဏာကို
မထိခိုက်
စေခြင်း။

အခန်း ၁၀။

ရံပုံငွေများကိုခွဲဝေချထားခြင်း။

၄၉။ ။ (၁) ပုဒ်မ ၅၀ တွင် ပြဋ္ဌာန်းထားသည့် အတိုင်းမှတစ်ပါး၊ ဤအကဲဥပဒေအရ
အဖွဲ့က ချေးယူသောငွေအားလုံးနှင့် အဖွဲ့သို့ပေးသည့်ငွေအားလုံးကို၊ အဖွဲ့က အစည်းအဝေးအကျင်းပ
၍ ရွေးချယ်သည့် ဘဏ်တခုတည်းတွင်ဖြစ်စေ၊ ဘဏ်အများတွင်ဖြစ်စေ ထားရမည်။ သို့သော် ထိုသို့
ထားရန်၊ နိုင်ငံတော် သမတ၏ သဘောတူညီချက်ကို ကြိုတင်ရရှိရမည်။

ငွေကို ဘဏ်၌
ထားခြင်း။

သို့သော် ဤအကဲဥပဒေပါ ကိစ္စအလို့ငှာ၊ ချက်ခြင်းသုံးစွဲရန် မလိုသော ငွေများကို ကာလ
မကြာမြင့်မီ ဆိုခဲ့သည့်ကိစ္စအတွက် သုံးစွဲရန်လိုမည်ဖြစ်သော်လည်း၊ ထိုကာလအတွင်း ပုဒ်မ ၅၀ အရ
အကျိုးဖြစ်ထွန်းအောင် ရင်းနှီးထားနိုင်မည်မဟုတ်ဟူ၍ အဖွဲ့က ထင်မြင်သဘောရှိလျှင်၊ ထိုငွေပိုများ
ကို အပ်နှံထားရန်အတွက်၊ အဖွဲ့က ရွေးချယ်၍ နိုင်ငံတော်သမတက သဘောတူညီသော ရန်ကုန်မြို့
ရှိ ဘဏ်တခုတွင်ဖြစ်စေ၊ ဘဏ်အများတွင်ဖြစ်စေ အတိုးနှင့်အပ်နှံထားနိုင်သည်။

(၂) ပုဒ်မ ၁) အရ ဘဏ်တခုတွင်ထားသော၊ သို့တည်းမဟုတ် အပ်နှံထားသော ရံပုံ
ငွေများမှ၊ အဖွဲ့ဝင်လူကြီးနှစ်ဦး၏ လက်မှတ်မပါဘဲ ထုတ်ယူခြင်းမပြုရ။ ထိုသူနှစ်ဦးအနက် တဦးမှာ
သာမန်အားဖြင့် ဥက္ကဋ္ဌဖြစ်ရမည်။

သို့သော် ဤအကဲဥပဒေအရ ထုတ်သည့် ဒီဘင်ချာခေါ် ငွေချေးစာချုပ်များနှင့်ပတ်သက်၍၊
အတိုးအဖြစ် အဖွဲ့ကပေးရန်ရှိသည့် ငွေများကို၊ ထိုအတိုးရထိုက်သူများသို့ ချက်လက်မှတ်ဖြင့်
ထုတ်ပေးနိုင်သည်။ ထိုချက်လက်မှတ်ကို အဖွဲ့က အစည်းအဝေးတွင် ချမှတ်သည့် ဆုံးဖြတ်ချက်အရ၊
ဘဏ်ကြီးကြပ်သူ (မန်နေဂျာ) ၏ သဘောတူညီချက်ဖြင့် အထူးအခွင့်အာဏာ အပ်နှံထားသော
ဘဏ်အရာရှိက လက်မှတ်ထိုးနိုင်သည်။

၅၀။ ။ အဖွဲ့သည်—

- (၁) မိမိတို့ ထားရှိသော ငွေစာရင်းမှ ကျခံရမည့် ကုန်ကျစရိတ် အားလုံးကို ပေးပြီး
သည့်နောက်၊ နှစ်စဉ် စက်တင်ဘာလ ၃၀ ရက်နေ့တွင် ရှိနေသေးသော လက်
ကျန်ငွေများကို၎င်း၊
- (၂) အထူးကိစ္စ တခုခုအတွက်သော်၎င်း၊ မိမိတို့လိုအပ်သည်ဟု ယူဆသည့် သဘော
တူညီပြီး ရံပုံငွေကို ထားရှိရန်အတွက်သော်၎င်း၊ ဖယ်ထားသည့် ငွေများကို၎င်း၊
ပြည်ထောင်စု မြန်မာနိုင်ငံ အစိုးရ၏ အာမခံစာချုပ်များကို ဝယ်ယူခြင်းဖြင့်
သော်၎င်း၊ အဖွဲ့၏ ဒီဘင်ချာခေါ် ငွေချေးစာချုပ်များကို ဝယ်ယူခြင်းဖြင့်
သော်၎င်း၊ နိုင်ငံတော် သမတက၊ ဤကိစ္စအတွက် သဘော တူညီသည့်
အခြားအာမခံ စာချုပ်များကို ဝယ်ယူခြင်းဖြင့်သော်၎င်း ရင်းနှီးထားနိုင်သည်။
ထို့ပြင် အဖွဲ့သည်၊ ရံဖန်ရံခါ ဆိုခဲ့သည့် အာမခံ စာချုပ်များကို ရောင်းချ၍
ရသော ငွေများကို၊ အခြားအလားတူ အာမခံစာချုပ်များ ဝယ်ယူခြင်းဖြင့်
ရင်းနှီးထားနိုင်သည်။ သို့တည်းမဟုတ် ထိုရောင်းရငွေများကို၊ အာမခံစာချုပ်

လက်ကျန်ငွေ
များနှင့် အထူး
ရံပုံငွေများကို
ရင်းနှီးထား
ခြင်း။

များဝယ်ယူသော ငွေများဆိုင်ရာစာရင်းတွင်၊ တရားနှင့်လျော်ညီစွာ သုံးစွဲနိုင်သည့် ကိစ္စတခုအတွက် သုံးစွဲရန် သွင်းနိုင်သည်။

သို့သော်၊ အဖွဲ့က ငွေစာရင်းတခုမှ ထုတ်၍ရင်းနှီးသည့် ငွေစုစုပေါင်းသော်၎င်း၊ နှစ်စဉ်ရင်းနှီးသည့် ငွေပေါင်းသော်၎င်း နိုင်ငံတော် သမတက သတ်မှတ်ထားသည့် ငွေပေါင်းထက်မပိုရ။

ငွေများသုံးစွဲခြင်း။

၅၁။ ။အဖွဲ့ပိုင်ငွေများကို အောက်ဖော်ပြပါ ငွေများပေးရန်အတွက် သုံးစွဲရမည်။ အဖွဲ့ပိုင်ပစ္စည်းများ မလုံလောက်လျှင် ပေးရမည့်ငွေကို အောက်ပါအစီအစဉ်အတိုင်း အဆင့်အတန်းထား၍ ထုတ်ပေးရမည်။

- (၁) အဖွဲ့က ချေးယူသည့်ငွေနှင့် သော်၎င်း၊ အဖွဲ့ကပေးဆပ်ရန် တာဝန်ရှိသော ချေးငွေနှင့်သော်၎င်း စပ်လျဉ်း၍ပေးရန်ရှိသော အတိုးနှင့် ငွေရင်းအရစ်ကျ၊
- (၂) အဖွဲ့၏ဥက္ကဋ္ဌ၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်လူကြီးများကို၎င်း၊ ဤအက်ဥပဒေအရ ခန့်ထားသည့်၊ သို့တည်းမဟုတ် ထားရှိသည့်အရာရှိများနှင့် အမှုထမ်းများကို၎င်း၊ သို့တည်းမဟုတ် အဖွဲ့သို့ငှားထားသည့် အရာရှိများနှင့် အမှုထမ်းများကို၎င်း ပေးရန်ရှိသောလစာများ၊ အခများ၊ စရိတ်များ၊ ပင်စင်လစာများ၊ ဆုငွေများ၊ ကရုဏာကြေးများ၊ သို့တည်းမဟုတ် အခြားငွေများ၊ ထို့ပြင် အစိုးရက အဖွဲ့သို့ငှားထားသည့် အရာရှိတဦးတယောက်၏ ပင်စင်လစာနှင့်အားလပ်ခွင့်စရိတ်အတွက် အစိုးရသို့ ထောက်ပံ့ငွေများ ပေးရန်ရှိလျှင်၊ ထိုထောက်ပံ့ငွေများ၊ ထို့ပြင် ပုဒ်မ ၁၇ (ဆ) ပါ ပြဋ္ဌာန်းချက်များအရ ပြုလုပ်သည့် စည်းကမ်းဥပဒေများဖြင့် အိန္ဒာစာရိပုံငွေသို့ ထည့်သွင်းရန် နည်းလမ်းအတိုင်း ခွင့်ပြုလျှင်၊ ထိုသို့ထည့်သွင်းရန်ငွေများ၊
- (၃) အဖွဲ့ပိုင် ပစ္စည်းများကို ပြင်ဆင်ခြင်း၊ ပြုပြင်ထားရှိခြင်းအတွက် ကုန်ကျငွေ၊ ထိုပစ္စည်းများအပေါ်၌ ကျသင့်သော စရိတ်များနှင့်အလုပ်အကိုင်စရိတ်များ၊
- (၄) ဤအက်ဥပဒေပါ ကိစ္စများကို ဆောင်ရွက်ရန်အတွက် လိုအပ်သည့် အလုပ်အဆောင်ဆောက်လုပ်ရာ၌ ကုန်ကျသည့်စရိတ်၊ ထို့ပြင်
- (၅) နိုင်ငံတော်သမတက အထူးခွင့်ပြုသည့်၊ သို့တည်းမဟုတ် အဖွဲ့ကတရားဥပဒေနှင့် အညီပေးရန် တာဝန်ရှိသည့် အခြားစရိတ်များ။

အခန်း ၁၁။

နှစ်စဉ် ရ-သုံးမှန်းခြေငွေစာရင်းများနှင့် ငွေစာရင်းများ။

အဖွဲ့က နှစ်စဉ် ရ-သုံးမှန်းခြေ ငွေစာရင်းများ ပြုလုပ်ခြင်းနှင့် ထိုခန့်မှန်းခြေ စာရင်းများကို စဉ်းစား ဆင်ခြင်ခြင်း။

၅၂။ ။(၁) နှစ်စဉ်ဩဂုတ်လတွင် ကျင်းပရမည့် အထူးအစည်းအဝေး၌ ဥက္ကဋ္ဌသည်၊ ရှေ့လာမည့် အောက်တိုဘာလ ၁ ရက်နေ့မှ အစပြုသည့် နှစ်အတွက် အဖွဲ့၏ဝင်ငွေနှင့်အသုံးစရိတ် ရ-သုံးမှန်းခြေစာရင်းတခုပြုလုပ်၍ နိုင်ငံတော်သမတ၏ သဘောတူညီချက်ဖြင့်၊ အဖွဲ့က အခါကာလအားလျော်စွာ ညွှန်ကြားသော အချက်အလက်များကို အစုံအလင်ဖော်ပြလျက်၊ အဖွဲ့ကညွှန်ကြားသည့်ပုံစံဖြင့် အဖွဲ့ဝင်လူကြီးများထံ တင်ပြရမည်။

ထို ရ-သုံးမှန်းခြေစာရင်းတွင် ပါဝင်သည့် အလုပ်အဆောင်သစ်အားလုံး၏ အကြောင်းအရာများနှင့်တကွ ထိုအလုပ်အဆောင်သစ်များ၏ ခန့်မှန်းရ ကုန်ကျစရိတ်ကိုပါ ဖော်ပြသည့်နောက်ဆက်တွဲတခုကို ထိုရ-သုံးမှန်းခြေစာရင်းတွင် ရှေးဦးစွာတွဲထားရမည်။ ထိုနောက် ပုဒ်မ ၁၆ ပါ ပြဋ္ဌာန်းချက်များအရ ခန့်ထားခွင့်ပြုသည့် အရာရှိများနှင့် အမှုထမ်းများ၏စာရင်းကို တွဲထားရမည်။

(၂) ဆိုခဲ့သည့် ရ-သုံးမှန်းခြေစာရင်းသည် အပြည့်အစုံပြုလုပ်ပြီးသားဖြစ်ရမည်။ ထိုရ-သုံးမှန်းခြေစာရင်း၏မိတ္တူများကို ရ-သုံးမှန်းခြေစာရင်းကို တင်ပြရမည့် အစည်းအဝေးမတိုင်မီ အနည်းဆုံး ဆယ်ရက်ကြိုတင်၍ အဖွဲ့ဝင်လူကြီးအသီးသီးထံသို့ တစောင်စီ စာပို့တိုက်မှသော်၎င်း၊ အခြားတနည်းနည်းဖြင့်သော်၎င်း ပေးပို့ရမည်။

(၃) ထိုသို့တင်ပြသော ရ-သုံးမှန်းခြေစာရင်းကို အဖွဲ့ကစဉ်းစားဆင်ခြင်ရမည်။ အဖွဲ့က သင့်လျော်သည်ထင်မြင်သော ပြင်ဆင်ချက်များကို ပြုလုပ်၍အတည်ပြုရမည်။

သို့သော် အဖွဲ့က အလုပ်စတင်လုပ်ကိုင်သည့် ပဌမနှစ်အတွက်၊ ထိုသို့အလုပ်စတင်လုပ်ကိုင်သည့်နေ့ရက်မှ ထိုဘဏ္ဍာတော် နှစ်ကုန်ဆုံးသည့်နေ့ထိ ကာလအပိုင်းအခြားနှင့် သက်ဆိုင်သော ရ-သုံးမှန်းခြေစာရင်းကို၊ အဖွဲ့က နိုင်ငံတော်သမတထံ လျင်မြန်နိုင်သမျှ လျင်မြန်စွာတင်သွင်းရမည်။

၅၃။ ။(၁) အဖွဲ့ကအတည်ပြုသည့် ရ-သုံးမှန်းခြေစာရင်း၏ မိတ္တူတစောင်ကို နိုင်ငံတော်သမတထံ သဘောတူညီချက်ရရန် တင်သွင်းရမည်။ နိုင်ငံတော်သမတက မိမိသင့်တော်သည်ထင်မြင်သည့်အတိုင်း၊ ထိုရ-သုံးမှန်းခြေစာရင်း တခုလုံးကိုဖြစ်စေ၊ အစိတ်အပိုင်းကိုဖြစ်စေ သဘောတူညီနိုင်သည်။ သို့တည်းမဟုတ် ရ-သုံးမှန်းခြေစာရင်းတခုလုံးကိုဖြစ်စေ၊ တစိတ်တပိုင်းကိုဖြစ်စေ၊ ခွင့်မပြုဘဲပယ်ချနိုင်သည်။ ထို့ပြင် ထိုရ-သုံးမှန်းခြေစာရင်းကိုပြင်ဆင်ရန် ရ-သုံးမှန်းခြေစာရင်းရရှိသည့်နေ့မှ နှစ်လအတွင်း မည်သည့်အချိန်၌မဆိုပြန်ပို့နိုင်သည်။

ခန့်မှန်းခြေစာရင်းကို နိုင်ငံတော်သမတထံ တင်သွင်းခြင်းနှင့် ခန့်မှန်းခြေစာရင်းကို ပြင်ဆင်ခြင်း။

(၂) ရ-သုံးမှန်းခြေစာရင်းကိုပြင်ဆင်ရန်နိုင်ငံတော်သမတကပြန်ပို့လျှင်၊ အဖွဲ့သည် ထိုရ-သုံးမှန်းခြေစာရင်းကိုပြင်ဆင်ရန် ချက်ခြင်းဆောင်ရွက်ရမည်။ ထိုနောက် ထိုသို့ပြင်ဆင်ထားသည့် ရ-သုံးမှန်းခြေစာရင်းကို နိုင်ငံတော်သမတထံ သဘောတူညီချက်ရရန် ထပ်မံတင်သွင်းရမည်။

၅၄။ ။(၁) ရ-သုံး မှန်းခြေစာရင်းကို ခွင့်ပြုသည့်နှစ်အတွင်း မည်သည့်အချိန်၌မဆို အဖွဲ့က နောက်ထပ် ရ-သုံးမှန်းခြေစာရင်းတခုကို စီစဉ်ပြုလုပ်စေပြီးလျှင်၊ မိမိတို့ထံသို့ တင်သွင်းစေနိုင်သည်။

နောက်ထပ် ရ-သုံးမှန်းခြေစာရင်း။

(၂) အဖွဲ့က အတည်ပြုသည့်ထိုနောက်ထပ် ရ-သုံးမှန်းခြေစာရင်းအသီးသီးကို နိုင်ငံတော်သမတထံသဘောတူညီချက်ရရန် အထက်နည်းလမ်းအတိုင်း တင်သွင်းရမည်။ ထိုအခါ ပုဒ်မ ၅၃ ပါ ပြဋ္ဌာန်းချက်များသည်၊ ထိုနောက်ထပ် ရ-သုံးမှန်းခြေစာရင်းနှင့်လည်း မူလရ-သုံးမှန်းခြေ စာရင်းကဲ့သို့ပင် သက်ဆိုင်သည်။

၅၅။ ။ဤကိစ္စအလို့ငှါ နိုင်ငံတော်သမတကပေးသည့် ညွှန်ကြားချက်များနှင့် မဆန့်ကျင်ဘဲ၊ အထက်ပါပြဋ္ဌာန်းချက်များအရ ခွင့်ပြုထားသည့် ရ-သုံး မှန်းခြေစာရင်းရှိ မည်သည့်ငွေကိုမဆို၊ သို့တည်းမဟုတ် ထို့ငွေ၏ မည်သည့်အစိတ်အပိုင်းကိုမဆို သုံးစွဲရန် အခွင့်အာဏာ ပေးထားသော ငြားလည်း မသုံးစွဲသေးလျှင်၊ ထိုငွေကို အဖွဲ့ကဆိုခဲ့သည့် ရ-သုံးမှန်းခြေစာရင်းတွင် အခြားအသုံးစရိတ်တခုခုအတွက်သုံးစွဲရန် အခွင့်အာဏာ ပေးထားသည့်ငွေထက်ပို၍ သုံးစွဲမိသောငွေကိုကာမိရန် မည်သည့်အချိန်၌မဆို လွှဲပြောင်းသုံးစွဲနိုင်သည်။

ရ-သုံးမှန်းခြေစာရင်းရှိငွေများကို လွှဲပြောင်းသုံးစွဲခြင်း။

သို့သော် အဖွဲ့ကအတည်ပြု၍ နိုင်ငံတော်သမတက သဘောတူညီသော ရ-သုံးမှန်းခြေစာရင်းတွင် ခွင့်ပြုထားသည့် အသုံးစရိတ်ငွေ စုစုပေါင်းထက်ပို၍ နိုင်ငံတော်သမတ၏ အခွင့်အစိန့်မရဘဲမသုံးစွဲရ။

ရ-သုံးမှန်းခြေ ၅၆။ ။ လွန်ခဲ့သည့် အရေးတကြီးကိစ္စများအတွက်မှတစ်ပါး၊ ဤအခန်းအရ ခွင့်ပြုထားသည့် စာရင်းတွင် အတည်ဖြစ်ခဲ့ ရ-သုံးမှန်းခြေစာရင်းတွင် အသုံးစရိတ်ရာထားခြင်း မရှိလျှင်သော်၎င်း၊ အဖွဲ့ကအတည် သုံးစရိတ် ရာ ပြုထားသည့် ရ-သုံးမှန်းခြေစာရင်းကို ပုဒ်မ ၅၅ အရ၊ ငွေလွှဲပြောင်းသုံးစွဲခြင်းဖြင့် ပြင်ဆင်၍ ထားခြင်းမရှိ ရာထားချက် မရှိသေးလျှင်သော်၎င်း၊ မည်သည့်ငွေကိုမျှ အဖွဲ့ကဖြစ်စေ၊ အဖွဲ့အတွက်ဖြစ်စေ သောကိစ္စအ သုံးစွဲခြင်းမပြုရ။

ငွေသုံးစွဲ ခြင်းကိုတားမြစ် ပိတ်ပင်ခြင်း။

အရေးတကြီး ၅၇။ ။ တနှစ်တွင် စုစုပေါင်း ငွေငါးထောင်ထက် ပို၍လွန်ကဲသည့် အရေးတကြီးကိစ္စများ ကိစ္စများအ အတွက် သုံးစွဲရမည်ဖြစ်လျှင်၊ ဥက္ကဋ္ဌသည် နိုင်ငံတော်သမတထံသို့၊ ထိုအသုံးစရိတ်ကိုကာမိအောင်၊ တွက် ကန့်သတ် အဖွဲ့က မည်သို့စီမံရန် ကြံ့မတ်ထားသည်ဟုဖော်ပြသော ရှင်းလင်းချက်နှင့်တကွ၊ အကျိုးအကြောင်း ထားသည်ထက် အစီရင်ခံစာတင်သွင်းရမည်။

ပို၍သုံးစွဲသော အသုံး စရိတ်နှင့် ပတ်သက်၍ အစီရင်ခံခြင်း။

မ-တည်ကုန်ကျ ၅၈။ ။ နိုင်ငံတော်သမတက အတိအလင်း ခွင့်မပြုလျှင်၊ အဖွဲ့သည် မည်သည့်အသုံး စရိတ်မျှ ငွေရင်းမှကျခံခြင်းမပြုရ။

ငွေစာရင်းများ ၅၉။ ။ (၁) အဖွဲ့၏ငွေစာရင်းများကို၊ နိုင်ငံတော်သမတက ညွှန်ကြားသည့်နည်းလမ်း စစ်ဆေးခြင်းနှင့် အတိုင်းစစ်ဆေးရမည်။ ထို့ပြင် အဖွဲ့ကစာရင်းစစ်၏ အစီရင်ခံစာကို၊ အစိုးရပြန်တမ်းတွင်၎င်း၊ အစီရင်ခံစာ ရန်ကုန် တွင်ထုတ်ဝေသော နေ့စဉ်သတင်းစာတစောင်၊ သို့တည်းမဟုတ် သတင်းစာအများတွင်၎င်း ထုတ်ပြန်ကြော်ငြာစေနိုင်သည်။

(၂) ဤအက်ဥပဒေအရ ငွေစာရင်းများစစ်ဆေးရန် ကိစ္စအလို့ငှါ၊ စာရင်းစစ်သည်၊ အမိန့် စာဖြင့် မိမိလိုအပ်သည်ဟုထင်မြင်သော စာအုပ်၊ စာချုပ်၊ ပဋိညာဉ်၊ ငွေစာရင်း၊ ဘောက်ချာ လက်မှတ်နှင့်အခြားစာချုပ် စာတမ်းအားလုံးကို မိမိထံတင်ပြရန်ဆင့်ဆိုနိုင်သည့်ပြင်၊ ထိုစာအုပ်များ၊ စာချုပ်များ၊ ပဋိညာဉ်များ၊ ငွေစာရင်းများ၊ ဘောက်ချာလက်မှတ်များ၊ စာချုပ်စာတမ်းများ လက်ရှိ ဖြစ်သူ တဦးတယောက်ကိုသော်၎င်း၊ ထိုစာအုပ်စသည်များနှင့်ပတ်သက်၍ အကျိုးအကြောင်းပြော နိုင်သူ တဦးတယောက်ကိုသော်၎င်း၊ ထိုငွေစာရင်းစစ်ဆေးရာသို့ လာရောက်ရန်ဆင့်ခေါ်၍၊ စာအုပ် စသည်တို့နှင့်ပတ်သက်၍ ထုတ်ဖော်ပြောဆိုစေပြီးလျှင်၊ ထိုထုတ်ဖော်ပြောဆိုချက်ကို လက်မှတ်ရေး ထိုးစေနိုင်သည်။

နိုင်ငံတော်သမ ၆၀။ ။ အဖွဲ့သည်၊ တနှစ်လျှင် တကြိမ်သော်၎င်း၊ နိုင်ငံတော်သမတက ဆင့်ဆိုလျှင် တထံ ငွေစာ တကြိမ်ထက်ပို၍သော်၎င်း၊ မိမိတို့၏ ရငွေများနှင့် သုံးငွေများစာရင်းကို၊ နိုင်ငံတော်သမတက ရင်းများ တင် ညွှန်ကြားသည့်နည်းဖြင့် ညွှန်ကြားသည့်အချိန်တွင် တင်သွင်းရမည်။

အခန်း ၁၂။

အရပ်ရပ်ဆိုင်ရာ။

နိုင်ငံတော်သမ ၆၁။ ။ (၁) ဤအက်ဥပဒေအရ ပြီးမြောက်အောင် ဆောင်ရွက်ရန် ရည်ရွယ်ထားသော တကမ္ဘာ၏ ကိစ္စများကို အဖွဲ့က နေရာကျပြီးမြောက်အောင် မဆောင်ရွက်သေးသည့်ပြင်၊ ဆောင်ရွက်မည့်

လက္ခဏာလည်းမရှိဟု နိုင်ငံတော်သမတက မည်သည့်အချိန်တွင်မဆို ထင်မြင်သဘောရှိလျှင်၊ နိုင်ငံတော်သမတ ကျေနပ်လောက်အောင် အဖွဲ့က ထိုကိစ္စများကို သုံးလအတွင်း နေရာကျပြီးမြောက်အောင် ဆောင်ရွက်ခြင်းမပြုပါ။ ဤအက်ဥပဒေအရ အဖွဲ့သို့အပ်နှင်းထားသော အာဏာများကို၊ ထိုသုံးလကာလစေ့ကုန်ပြီးနောက်၊ နိုင်ငံတော်သမတက ရုပ်သိမ်းမည်ဟု အမိန့်ကြော်ငြာစာထုတ်ပြန်ကြော်ငြာ၍ အကြောင်းကြားနိုင်သည်။

အာဏာများကို ရုပ်သိမ်းနိုင်ခြင်း။

(၂) အထက်ဆိုခဲ့သည့် သုံးလကာလစေ့ကုန်သောအခါ၊ အဖွဲ့က နိုင်ငံတော်သမတကျေနပ်လောက်အောင် ဆောင်ရွက်ခြင်းမပြုသေးလျှင်၊ နိုင်ငံတော်သမတသည် ထိုအာဏာများကို ရုပ်သိမ်းလိုက်ပြီဟု ကျေညာ၍သိမ်းယူထားနိုင်သည်။ ထိုအခါ ထိုသို့ကျေညာသည့်အတိုင်း အာဏာများသည် ရုပ်သိမ်းပြီးဖြစ်ရမည်ဖြစ်သည်။ ဤအက်ဥပဒေပါကိစ္စများအလို့ငှါ၊ အဖွဲ့သို့ပေးအပ်ထားသည့် သို့တည်းမဟုတ် အဖွဲ့ကလက်ရှိထားသည့် အာဏာအားလုံး၊ အခွင့်အရေးအားလုံး၊ အခွင့်အာဏာအားလုံးနှင့် ပစ္စည်းအားလုံးသည် နိုင်ငံတော်သမတ၌တည်ရှိရမည်။

၆၂။ ။မည်သည့်ပဋိညာဉ်မျှ အဖွဲ့၏ အစည်းအဝေးမှတ်တမ်းတွင် ချုပ်ဆိုရန် အခွင့်အာဏာပေးထားခြင်းမရှိလျှင်၎င်း၊ အဖွဲ့၏တံဆိပ်ခတ်နှိပ်ထားခြင်းမရှိလျှင်၎င်း အတည်မဖြစ်စေရ။

၆၃။ ။အဖွဲ့၏အာဏာများနှင့် အလုပ်ဝတ်တရားများကို ကော်မတီများနှင့် အမှုဆောင်အရာရှိသို့ လွှဲအပ်ရန် အဖွဲ့အာဏာရှိရမည်။

အာဏာများ လွှဲအပ်ခြင်း။

၆၄။ ။ဤအက်ဥပဒေအရ အာဏာများ ပေးအပ်ထားသည့် အဖွဲ့ဝင်လူကြီး၊ သို့တည်းမဟုတ် အဖွဲ့၏အရာရှိ၊ သို့တည်းမဟုတ် အဖွဲ့၏အမှုထမ်း တဦးတယောက်အပေါ်တွင် မည်သည့်ကိစ္စကိုမဆို ဤအက်ဥပဒေအရ ရိုးသားသောသဘောဖြင့် ပြုလုပ်သည့်အတွက်သော်၎င်း၊ ပြုလုပ်ရန် ကြိုးပမ်းဆောင်ရွက်သည့်အတွက်သော်၎င်း၊ ရာဇဝတ်မှုစွဲဆိုခြင်း၊ သို့တည်းမဟုတ် တရားမမှုစွဲဆိုခြင်းမပြုရ၊ သို့တည်းမဟုတ် အခြားအမှုအခင်းမပြုလုပ်ရ။

တရားစွဲဆိုခြင်းကို တားမြစ်ခြင်း။

၆၅။ ။အဖွဲ့သည်၊ ဤအက်ဥပဒေပါ ကိစ္စအားလုံးကိုသော်၎င်း၊ ကိစ္စတခုခုကိုသော်၎င်း ဆောင်ရွက်ရန်အလို့ငှါ၊ ဤအက်ဥပဒေနှင့် အညီဖြစ်သော စည်းကမ်းဥပဒေများကို ကြိုတင်ကြော်ငြာပြီး ပြုလုပ်နိုင်သည်။ သို့သော် ထိုစည်းကမ်းဥပဒေများသည် နိုင်ငံတော်သမတက သဘောတူညီမှုအတည်ဖြစ်ရမည်။

စည်းကမ်းဥပဒေများပြုလုပ်ရန်နောက်ထပ် အာဏာ။

၆၆။ ။အရပ်ရပ်နှင့်ဖြစ်စေ၊ ဒေသန္တရနှင့်ဖြစ်စေသက်ဆိုင်သောအခွန်အတုတ်၊ အကောက်၊ အခနှင့်အခြားကျသင့်သောငွေကို ပေးဆောင်ရမည့်တာဝန်မှ အဖွဲ့ကို ဤအက်ဥပဒေရှိစကားကြောင့် လွတ်ကင်းစေသည်ဟူ၍ မမှတ်ယူရ။

အဖွဲ့သည် အခွန်ထမ်းဆောင်ရမည့်တာဝန်မှ လွတ်ကင်းခြင်း။

၆၇။ ။လျှပ်စစ်ဓါတ်အက်ဥပဒေပုဒ်မ ၇ နှင့် ၉ ကို၎င်း၊ လျှပ်စစ်ဓါတ် (လုပ်ငန်းများကြီးကြပ်အုပ်ချုပ်ရေး) အက်ဥပဒေတခုလုံးကို၎င်း၊ ဤအက်ဥပဒေဖြင့် ရုပ်သိမ်းလိုက်သည်။ သို့သော် ဤသို့ရုပ်သိမ်းခြင်းသည် လျှပ်စစ်ဓါတ်အက်ဥပဒေပါ ဆိုခဲ့သည့် ပုဒ်မများနှင့် လျှပ်စစ်ဓါတ် (လုပ်ငန်းများကြီးကြပ်အုပ်ချုပ်ရေး) အက်ဥပဒေ၏အထက်က အတည်ဖြစ်ခဲ့သော အာဏာများကိုသော်၎င်း၊ ထိုပုဒ်မများနှင့်ထိုဥပဒေအရ နည်းလမ်းတကျ အထက်ကပြုလုပ်ထားသော ကိစ္စတခုခုကိုသော်၎င်း ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များနှင့် မဆန့်ကျင်ဘဲ မထိခိုက်စေရ။

ရုပ်သိမ်းခြင်း။

I.—LABOUR.

ဓမ္မ။ ။ အလုပ်သမားဆိုင်ရာ။

THE APPRENTICES ACT.

[INDIA ACT XIX, 1850.] (11th April, 1850.)

Prean.ble.

For better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood ; It is enacted as follows :—

Apprenticing of child between ten and eighteen years.

1. Any child, above the age of ten and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.

Evidence of age in questions as to right to service.

2. The age set forth in the contracts shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

Powers of Magistrate acting for orphans, etc.

3. Any Magistrate may act with all the powers of a guardian under the Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him or any other Magistrate of vagrancy, or the commission of any petty offence.

Apprenticing of child brought up by public charity.

¹ 4. An orphan or poor child, brought up by any public charity, may be bound apprentice by the governors, directors or managers thereof, as his or her guardians for this purpose.

5—7. * * * *

Form and contents of contract of apprenticeship.

8. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A) annexed to this Act, or to the like effect, which shall set forth the conditions agreed upon, particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

Signatures to contract.

9. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding ; but when the apprentice is bound by the governors, directors or

¹ Instruments of apprenticeship executed by a Magistrate under this Act or by which a person is apprenticed by or at the charge of a public charity are exempted from stamp duty (see Art. 9, Schedule I of the Burma Stamp Act),

managers of a public charity, the signature of two of them, or of their secretary or officer shall be sufficient on behalf of the persons binding the apprentice.

10. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the District Magistrate of the place or district where it has been executed, and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand.

Contract not valid unless executed as prescribed and deposited. Copies to be given to parties.

11. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice if he is above the age of fourteen years : Provided that the changes agreed to or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to section 9 of this Act ; and the Magistrate shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

Alteration of terms of service and termination of contract.

12. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof : Provided that such person shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively : And every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate according to the form given in Schedule (B) annexed to this Act.

Assignment of apprentice to new master.

13. Upon complaint made to any Magistrate, by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint ;

Powers of Magistrate in case of complaint by apprentice against master.

and at such time, whether the master or his agent be present or not (service of the summons being proved), may examine into the matter of the complaint ; and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium or a less premium than fifty rupees was paid, not exceeding two hundred rupees ;

and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and, if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

Powers of master or his agent to chastise apprentice.

14. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child ; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished had it been against his child, whether or not any proceedings be taken for cancelling the contract of apprenticeship.

Liability of master or agent for assault, etc.

Power of Magistrate in case of complaint by master against apprentice.

15. Upon complaint made to any Magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order ; and, if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped ; or, if the offender be a girl, or in the case of any boy, the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

Cancellation of contract for misconduct of apprentice.

16. Upon complaint of wilful and repeated ill-behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved ; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved ; and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case ; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

17. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

Appropriation of sum recovered for apprentice on cancellation of contract.

18. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act unless it be brought within one month after the cause of complaint arose, or, if the cause of complaint arose on board ship during a voyage, within one month after the arrival thereof at a port or place in the Union of Burma; and no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act unless it be brought within three months after the cause of complaint arose, or, if the cause of complaint arose on board ship during a voyage, within three months after the arrival thereof at a port or place in the Union of Burma.

Limitation of complaint of master against apprentice;

of apprentice against master.

19. If the master of any apprentice shall die before the end of the apprenticeship the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium which shall have been paid to such master on the binding of the apprentice to him shall be returned by the executors or administrators out of the estate of the deceased to the person or persons who shall have paid the same; unless the executors or administrators of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

Effect of death of master during apprenticeship.

Offer by representatives of deceased master to continue to keep apprentice.

20. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the executors or administrators on the original contract of apprenticeship, and also on the office copies thereof, by the Magistrate, and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

Offer to be certified on original contract and copies.

21. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the death of his master out of the assets left by him: Provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the executors or administrators of such master, or such person as they appoint.

Maintenance of apprentice whose master dies. Apprentice to continue to serve.

22. The apprentice of any person against whom a commission of bankruptcy shall be issued, or who shall be adjudged to have committed an act of insolvency, during the apprenticeship, shall be discharged from all obligation under the contract of apprenticeship; and, if any premium was

Effect of insolvency of master during apprenticeship.

paid on binding him as an apprentice, he or a person by whom he was bound shall be entitled to claim the amount thereof as a debt against the estate of the bankrupt or insolvent.

23. * * * *

Appeal from
orders of
Magistrates.

24. An appeal shall lie from any order passed by any Magistrate to the Court of Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

Interpreta-
tion of
terms.

25. In this Act, the words "master", "owner", "person", and the pronoun "he" shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

FORM OF AGREEMENT.

THIS AGREEMENT made the _____ day of _____ in the year _____ between *A.B.*, of _____, and *C.D.*, of _____, witnesseth that the said *A.B.* doth this day bind *E.F.*, a boy (or girl) of the age of _____ years completed, son (or daughter) of the said *A.B.* (or otherwise describing the relation in which *A.B.* and *E.F.* stand), to dwell with and serve the said *C.D.*, as an apprentice, from this day forth for _____ years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said *C.D.*, according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly and obediently, in all things, towards the said *C.D.* and his (or her) family. And the said *C.D.* for himself (or herself) and his (or her) executors and administrators, in consideration [of the premium or sum of _____ paid by the said *A.B.* to the said *C.D.*, the receipt whereof the said *C.D.* hereby acknowledges, and] of the faithful service of the said *E.F.*, doth covenant and agree with the said *A.B.*, his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said *E.F.*, in the best way and manner that he (or she) can, the trade (craft or employment) of a _____ during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary, fit and reasonable for an apprentice: (and further, *here insert any special covenants*).

If there is no premium the words between brackets may be omitted.

IN WITNESS whereof the parties have hereunto set their hands the day and year above written.

A.B.

C.D.

SCHEDULE B.

FORM OF ORDER OF ASSIGNMENT.

(To be endorsed on the Agreement.)

BE IT KNOWN to all men that on the
day of in the year personally appeared
before G.H., Magistrate of , C.D., of with E.F., his
(or her) apprentice and J.K., of , and desired that the agreement
of apprenticeship whereby the said E. F. was bound to the said C.D. might
be assigned and made over to the said J.K., and the said G.H., having
satisfied himself, by personal examination of the said E.F. and by other
lawful ways and means, that such assignment is for the benefit of the said
E.F., and is made with the consent of [the said
E.F., and of] all persons whose consent thereunto
by law is required, doth allow such assignment; and
the contract of apprenticeship whereby the said
E.F. was on the day of in the year
bound to the said C.D. as an apprentice to learn the trade (craft or
employment) of a shall henceforth endure, unto the end of the
said term, as if the said J.K. had been originally party to the said deed, and
had executed the same, in the place and stead of the said C.D., and shall be
bound, for himself (or herself), his (or her) executors or administrators, to
fulfil the covenants by the said C.D. to be performed, and the said E.F.
shall henceforth be bound unto the said J.K., in like manner as he (or she)
was by the said agreement bound unto the said C.D.

*If E.F. is not above the age
of fourteen years, the words
between brackets may be
omitted.*

C.D.

E.F.

J.K.

IN WITNESS whereof the said C.D., E.F. and J.K. have hereunto set
their hands before me the day and year above written.

G.H.
Magistrate.

THE CHILDREN (PLEDGING OF LABOUR) ACT.

[INDIA ACT II, 1933.] (24th February, 1933.)¹

1. * * * *

Definitions.

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

“an agreement to pledge the labour of a child” means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilized in any employment :

Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child’s services, and terminable at not more than a week’s notice, is not an agreement within the meaning of this definition :

“child” means a person who is under the age of fifteen years ; and

“guardian” includes any person having legal custody of or control over a child.

Agreements
contrary to
the Act to be
void.

3. An agreement to pledge the labour of a child shall be void.

Penalty for
parent or
guardian
making
agreement
to pledge
the labour
of a child.

4. Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child shall be punished with fine which may extend to fifty rupees.

Penalty for
making with
a parent or
guardian an
agreement to
pledge the
labour of a
child.

5. Whoever makes with the parent or guardian of a child an agreement whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees.

Penalty for
employing
a child
whose labour
has been
pledged.

6. Whoever, knowing or having reason to believe that an agreement has been made to pledge the labour of a child, in furtherance of such agreement employs such child, or permits such child to be employed in any premises or place under his control, shall be punished with fine which may extend to two hundred rupees.

¹ Section 1 (3) of this Act, as it stood at the date of enactment, said that sections 1 to 3 shall come into force at once (*i.e.*, 24th February, 1933) and the remaining sections shall come into force on the 1st July, 1933.

THE DOCK LABOURERS ACT.¹

[INDIA ACT XIX, 1934.]

WHEREAS a Revised Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships was adopted at Geneva on the twenty-seventh day of April, nineteen hundred and thirty-two;

Preamble.

AND WHEREAS it is expedient to give effect in the Union of Burma to the said Convention ;

It is hereby enacted as follows :—

1. This Act shall come into force on such date as the President of the Union may, by notification, appoint. It shall not apply to any ship of war of any nationality.

Commencement and application.

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

Definitions.

(a) “the processes” includes all work which is required for or is incidental to the loading or unloading of cargo or fuel into or from a ship and is done on board the ship or alongside it ; and

(b) “worker” means any person employed in the processes.

3. (1) The President of the Union may, by notification in the Gazette, appoint such persons as he thinks fit to be Inspectors for the purposes of this Act within such local limits as he may assign to them respectively.

Inspectors.

(2) All Principal Officers of the Mercantile Marine Department shall be Inspectors under this Act, *ex officio*, within the limits of their charges.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Penal Code, and shall be officially subordinate to such authority as the President of the Union may direct.

4. Subject to any rules made in this behalf under section 6, an Inspector may, within the local limits for which he is appointed,—

Powers of Inspectors.

(a) enter, with such assistants (if any) as he thinks fit, any premises or ship where the processes are carried on ;

(b) make such examination of the premises or ship and the machinery and gear, fixed or loose, used for the processes, and of any prescribed registers and notices, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act ; and

(c) exercise any other powers which may be conferred upon him by the regulations made under section 5.

5. (1) The President of the Union may make regulations—

(a) providing for the safety of working places on shore and of any regular approaches over a dock, wharf, quay or similar

Power to President to make regulations.

¹ This Act has not yet been brought into force.

- premises which workers have to use for going to or from a working place at which the processes are carried on, and for the lighting and fencing of such places and approaches ;
- (b) prescribing the nature of the means of access which shall be provided for the use of workers proceeding to or from a ship which is lying alongside a quay, hulk or other vessel ;
 - (c) prescribing the measures to be taken to ensure the safe transport of workers proceeding to or from a ship by water and the conditions to be complied with by the vessels used for the purpose ;
 - (d) prescribing the nature of the means of access to be provided for the use of the workers from the deck of a ship to a hold in which the processes are carried on ;
 - (e) prescribing the measures to be taken to protect hatchways accessible to the workers and other openings in a deck which might be dangerous to them ;
 - (f) providing for the efficient lighting of the means of access to ships on which the processes are carried on and of all places on board at which the workers are employed or to which they may be required to proceed ;
 - (g) providing for the safety of the workers engaged in removing or replacing hatch coverings and beams used for hatch coverings ;
 - (h) prescribing the measures to be taken to ensure that no hoisting machine or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition ;
 - (i) providing for the fencing of machinery, live electric conductors and steam pipes ;
 - (j) regulating the provision of safety appliances on derricks, cranes and winches ;
 - (k) prescribing the precautions to be observed in regard to exhaust and live steam ;
 - (l) requiring the employment of competent and reliable persons to operate lifting or transporting machinery used in the processes, or to give signals to a driver of such machinery, or to attend to cargo falls on winch ends or winch drums, and providing for the employment of a signaller where this is necessary for the safety of the workers ;
 - (m) prescribing the measures to be taken in order to prevent dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith ;
 - (n) prescribing the precautions to be taken to facilitate the escape of the workers when employed in a hold or between decks in dealing with coal or other bulk cargo ;

- (o) prescribing the precautions to be observed in the use of stages and trucks ;
- (p) prescribing the precautions to be observed when the workers have to work where dangerous or noxious goods are, or have been, stowed or have to deal with or work in proximity to such goods ;
- (q) providing for the rendering of first-aid to injured workers and removal to the nearest place of treatment ;
- (r) prescribing the provision to be made for the rescue of immersed workers from drowning ;
- (s) prescribing the abstracts of this Act and of the regulations required by section 8 ;
- (t) providing for the submission of notices of accidents and dangerous occurrences and prescribing the forms of such notices, the persons and authorities to whom they are to be furnished, the particulars to be contained in them and the time within which they are to be submitted ;
- (u) specifying the persons and authorities who shall be responsible for compliance with regulations made under this Act ;
- (v) defining the circumstances in which and conditions subject to which exemptions from any of the regulations made under this section may be given, specifying the authorities who may grant such exemptions and regulating their procedure ;
- (w) defining the additional powers which Inspectors may exercise under clause (c) of section 4 ; and
- (x) providing generally for the safety of workers.

(2) Regulations made under this section may make special provision to meet the special requirements of any particular port or ports.

(3) In making a regulation under this section, the President of the Union may direct that a breach of it shall be punishable with fine which may extend to five hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

6. The President of the Union may make rules regulating—

- (a) the inspection of premises or ships where the processes are carried on ; and
- (b) the manner in which Inspectors are to exercise the powers conferred on them by this Act.

Power to make rules.

7. (1) The power to make regulations and rules conferred by sections 5 and 6 is subject to the condition of the regulations and rules being made after previous publication.

General provisions relating to regulations and rules.

(2) Regulations and rules shall be published in the Gazette.

Abstracts of
Act and
regulations
to be con-
spicuously
posted.

8. There shall be affixed in some conspicuous place near the main entrance of every dock, wharf, quay or similar premises where the processes are carried on, in English and in the language of the majority of the workers, the abstracts of this Act and of the regulations made thereunder which may be prescribed by the regulations.

Penalties.

9. Any person who—

- (a) wilfully obstructs an Inspector in the exercise of any power under section 4, or fails to produce on demand by an Inspector any registers or other documents kept in pursuance of the regulations made under this Act, or any gear, fixed or loose, used for the processes, or conceals or prevents or attempts to prevent any person from appearing before, or being examined by, an Inspector, or
- (b) unless duly authorized, or in case of necessity, removes any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing required to be provided by or under the regulations made under this Act, or
- (c) having in case of necessity removed any such fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary,

shall be punishable with fine which may extend to five hundred rupees.

Provisions
relating to
jurisdiction.

10. (1) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act or the regulations made thereunder.

(2) No prosecution for any offence under this Act or the regulations made thereunder shall be instituted except by or with the previous sanction of an Inspector.

(3) No Court shall take cognizance of any offence under this Act or the regulations made thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Power to
exempt.

11. The President of the Union may, by notification in the Gazette, exempt from all or any of the provisions of this Act and of the regulations made thereunder, on such conditions, if any, as he thinks fit,—

- (a) any port or place, dock, wharf, quay or similar premises at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or
- (b) any specified ship or class of ship.

Protection
to persons
acting under
this Act.

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

THE MINES ACT.

CONTENTS.

CHAPTER I

PRELIMINARY.

Sections.

1. * * * *
2. Saving of Upper Burma Ruby Regulation.
3. Definitions.

CHAPTER II.

INSPECTORS.

4. Chief Inspector and Inspectors.
5. Functions of Inspectors.
6. Powers of Inspectors of Mines.
7. Powers of special officer to enter, measure, etc.
8. Facilities to be afforded to Inspectors.
9. Secrecy of information obtained.

CHAPTER III.

MINING BOARDS AND COMMITTEES.

10. Mining Boards.
11. Committees.
12. Powers of Mining Boards and Committees.
13. Recovery of expenses.

CHAPTER IV.

MINING OPERATIONS AND MANAGEMENT OF MINES.

14. Notice to be given of mining operations.
15. Managers.
16. Duties and responsibilities of owners, agents and managers.

CHAPTER V.

PROVISIONS AS TO HEALTH AND SAFETY.

Sections.

17. Conservancy.
18. Medical appliances.
19. Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous.
20. Notice to be given of accidents.
21. Power of President to appoint Court of inquiry in cases of accidents.
22. Publication of reports.

CHAPTER VI.

HOURS AND LIMITATION OF EMPLOYMENT.

- 22A. Weekly day of rest.
- 22B. Hours of work above ground.
- 22C. Hours of work below ground.
- 22D. Special provision for night relays.
23. Prohibition of employment of certain persons.
- 23A. * * * *
- 23B. Notices regarding hours of work.
- 23C. Hours of work for technical reasons.
- 23D. Exemptions from maximum weekly hours.
- 23E. Conditions for employment in mine on a Sunday.
- 23F. Rate of pay in respect of overtime worked.
24. Supervising staff.
25. Exemption from provisions regarding employment.
26. Children and women.
- 26A. Young persons not to be allowed underground without certificates of fitness.
27. Disputes as to age.
28. Register of employees.

CHAPTER VII.

REGULATIONS, RULES AND BYE-LAWS.

29. Power of President to make regulations.
30. Power of President to make rules.
- 30A. Power of President to require rescue stations to be established.
31. Prior publication of regulations and rules.
- 31A. Power to make regulations without previous publication.
32. Bye-laws.

Sections.

33. Posting up of extracts from Act, regulations, etc.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

34. Obstruction.
35. Falsification of records, etc.
36. Omission to furnish plans, etc.
37. Contravention of provisions regarding employment of labour.
38. Notice of accidents.
39. Disobedience of orders.
40. Contravention of law with dangerous results.
41. Prosecution of owner, agent or manager.
42. Limitation of prosecutions.
43. Cognizance of offences.
44. Reference to Mining Board or Committee in lieu of prosecution in certain cases.

CHAPTER IX.

MISCELLANEOUS.

45. Decision of question whether a mine is under this Act.
46. Power to exempt from operation of Act.
47. Power to alter or rescind orders.
48. Application of Act to State mines.
49. Saving.

THE MINES ACT.

[INDIA ACT IV, 1923.] (1st July, 1924.)

CHAPTER I.

PRELIMINARY.

1. * * *

2. Nothing in this Act shall be construed to affect the provisions of the Upper Burma Ruby Regulation.

Saving of
Upper
Burma Ruby
Regulation.

Definitions.

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

- (a) “agent”, when used in relation to a mine, means any person appointed or acting as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a manager under this Act ;
- (b) “Chief Inspector” means the Chief Inspector of Mines appointed under this Act ;
- (c) “child” means a person who has not completed his fifteenth year ;
- (cc) “day” means a period of twenty-four hours beginning at midnight ;
- (d) a person is said to be “employed” in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations ;
- (e) “Inspector” means an Inspector of Mines appointed under this Act, and includes a District Magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform ;
- (f) “mine” means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine :

Provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals :

- (g) “owner”, when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine ; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability ;
- (h) “prescribed” means prescribed by regulations, rules or bye-laws ;
- (i) “qualified medical practitioner” means any person registered under the Medical Act, 1858, or any Act amending the same or under the Burma Medical Act or any Act of any Legislature in India or Pakistan providing for the maintenance of a register of medical practitioners ;

- ¹ (i) "recognized general holiday" means a day (other than a Sunday) agreed by custom or by written agreement between employers and work-people concerned to be a general holiday either for a whole establishment or for a particular grade or class of workers ;
- (j) "regulations", "rules" and "bye-laws" mean respectively regulations, rules and bye-laws made under this Act ;
- (jj) where work of the same kind is carried out by two or more sets of workers working during different periods of the day each of such sets is called a "relay" ;
- (k) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of the use of or permanent injury to, any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb, or the enforced absence of the injured person from work for a period exceeding twenty days ; and
- (l) "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

CHAPTER II.

INSPECTORS.

4. (1) The President of the Union may, by notification in the Gazette, appoint a duly qualified person to be Chief Inspector of Mines for the whole of the Union of Burma, and duly qualified persons to be Inspectors of Mines subordinate to the Chief Inspector. Chief Inspector and Inspectors.

(2) No person shall be appointed to be Chief Inspector or an Inspector, or having been appointed shall continue to hold such office, who is or becomes directly or indirectly interested in any mine or mining rights in the Union of Burma.

(3) The District Magistrate may exercise the powers and perform the duties of an Inspector subject to the general or special orders of the President of the Union :

Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section 19 or section 32.

(4) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Penal Code.

5. (1) The Chief Inspector may, by order in writing, prohibit or restrict the exercise by any Inspector named, or any class of Inspectors specified, in the order of any power conferred on Inspectors by this Act, and shall, subject Functions of Inspectors.

¹ Inserted by Act XLVII, 1948.

as aforesaid, declare the local area or areas within which, or the group or class of mines with respect to which, Inspectors shall exercise their respective powers.

(2) The Inspector shall give information to owners, agents and managers of mines, situate within the local area or areas or belonging to the group or class of mines in respect of which he exercises powers under sub-section (1), as to all regulations and rules which concern them respectively and as to the places where copies of such regulations and rules may be obtained.

**Powers of
Inspectors
of Mines.**

6. The Chief Inspector and any Inspector may—

- (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine ;
- (b) with such assistants (if any) as he thinks fit, enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine ;
- (c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the bye-laws for the time being in force relating to the mine, and all matters and things connected with or relating to the safety of the persons employed in the mine.

**Powers of
special officer
to enter,
measure, &c.**

7. Any person in the service of the Government duly authorized by a special order in writing of the Chief Inspector or of an Inspector in this behalf may, for the purpose of surveying, levelling or measuring in any mine, after giving not less than three days' notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine.

**Facilities to
be afforded
to
Inspectors.**

8. Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector and every person authorized under section 7 all reasonable facilities for making any entry, inspection, survey, measurement, examination or inquiry under this Act.

**Secrecy of
information
obtained.**

9. (1) All copies of, and extracts from, registers or other records appertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector or by any one assisting him in the course of the inspection of any mine under this Act, or acquired by any person authorized under section 7 in the exercise of his duties thereunder, shall be regarded as confidential.

(2) If the Chief Inspector, or an Inspector or any other person referred to in sub-section (1), discloses to any one other than a Magistrate or an officer to whom he is subordinate any such information as aforesaid without

the consent of the President of the Union, he shall be guilty of a breach of official trust, and shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) No Court shall proceed to the trial of any offence under this section except on complaint made by order of or under authority from the President of the Union, or made by a person aggrieved by the offence.

CHAPTER III.

MINING BOARDS AND COMMITTEES.

10. (1) The President of the Union may constitute for the Union of Mining Boards, or for any part of the Union of Burma, or for any group or class of mines in the Union of Burma, a Mining Board consisting of—

- (a) a person in the service of the Government, not being the Chief Inspector or an Inspector, nominated by the President of the Union to act as chairman ;
- (b) the Chief Inspector or an Inspector ;
- (c) a person, not being the Chief Inspector or an Inspector, nominated by the President of the Union ;
- (d) two persons nominated by owners of mines or their representatives in such manner as may be prescribed ;
- (e) two persons to represent the interest of miners, who shall be nominated in accordance with the following provisions :—
 - (i) if there are one or more registered trade unions having in the aggregate as members not less than one quarter of the miners, the said persons shall be nominated by such trade union or trade unions in such manner as may be prescribed ;
 - (ii) if sub-clause (i) is not applicable and there are one or more registered trade unions having in the aggregate as members not less than 1,000 miners, one of the said persons shall be nominated by such trade union or trade unions in such manner as may be prescribed and the other by the President of the Union ;
 - (iii) if neither sub-clause (i) nor sub-clause (ii) is applicable, the said persons shall be nominated by the President of the Union.

Explanation.—In this clause “miner” means a person employed, otherwise than in a position of supervision or management, in any of the mines for which the Mining Board is constituted.

(2) The chairman shall appoint a person to act as secretary to the Board.

(3) The President of the Union may give directions as to the payment of travelling expenses incurred by the secretary or any member of any such Mining Board in the performance of his duty as such secretary or member.

Committees.

11. (1) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of—

- (a) a chairman nominated by the President of the Union or by such officer or authority as the President of the Union may authorize in this behalf ;
- (b) a person nominated by the chairman and qualified by experience to dispose of the question referred to the Committee, and
- (c) two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the President of the Union to represent the interests of the persons employed in the mine.

(2) No Inspector or person employed in or in the management of any mine concerned shall serve as chairman or member of a Committee appointed under this section.

(3) Where an owner, agent or manager fails to exercise his power of nomination under clause (c) of sub-section (1), the Committee may, notwithstanding such failure, proceed to inquire into and dispose of the matter referred to it.

(4) The Committee shall hear and record such information as the Chief Inspector or the Inspector, or the owner, agent or manager of the mine concerned, may place before it, and shall intimate its decision to the Chief Inspector or the Inspector and to the owner, agent or manager of the mine, and shall report its decision to the President of the Union.

(5) On receiving such report the President of the Union shall pass orders in conformity therewith, unless the Chief Inspector or the owner, agent or manager of the mine has lodged an objection to the decision of the Committee, in which case the President of the Union may proceed to review such decision and to pass such orders in the matter as he may think fit. If an objection is lodged by the Chief Inspector notice of the same shall forthwith be given to the owner, agent or manager of the mine.

(6) The President of the Union may give directions as to the remuneration, if any, to be paid to the members of the Committee or any of them, and as to the payment of expenses of the inquiry including such remuneration.

Powers of
Mining
Boards and
Committees.

12. (1) Any Mining Board constituted under section 10 and any Committee constituted under section 11 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to it.

(2) Every Mining Board constituted under section 10 and every Committee appointed under section 11 shall have the powers of a civil Court under the Code of Civil Procedure for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects ; and every person required by any such Mining Board or Committee to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Penal Code.

13. The President of the Union may direct that the expenses of any inquiry conducted by a Mining Board constituted under section 10 or by a Committee appointed under section 11 shall be borne in whole or in part by the owner or agent of the mine concerned, and the amount so directed to be paid may, on application by the Chief Inspector or an Inspector to a Magistrate having jurisdiction at the place where the mine is situated or where such owner or agent is for the time being resident, be recovered by the distress and sale of any movable property within the limits of the Magistrate's jurisdiction belonging to such owner or agent.

Recovery of expenses.

CHAPTER IV.

MINING OPERATIONS AND MANAGEMENT OF MINES.

14. The owner, agent or manager of a mine shall, within three months after the commencement of mining operations, give to the District Magistrate of the district in which the mine is situated notice in writing in such form and containing such particulars relating to the mine as may be prescribed.

Notice to be given of mining operations.

15. (1) Save as may be otherwise prescribed, every mine shall be under one manager who shall have the prescribed qualifications and shall be responsible for the control, management and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person having such qualifications to be such manager.

Managers.

(2) If any mine is worked without there being a manager for the mine as required by sub-section (1), the owner and agent shall each be deemed to have contravened the provisions of this section.

16. (1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder.

Duties and responsibilities of owners, agents and managers.

(2) In the event of any contravention of any such provisions by any person whomsoever, the owner, agent and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention :

Provided that the owner or agent shall not be so deemed if he proves—

- (a) that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine ; and
- (b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties ; and
- (c) that the offence was committed without his knowledge, consent or connivance.

(3) Save as hereinbefore provided, it shall not be a defence in any proceedings brought against an owner or agent of a mine under this section that a manager of the mine has been appointed in accordance with the provisions of this Act.

CHAPTER V.

PROVISIONS AS TO HEALTH AND SAFETY.

Conservancy. 17. There shall be provided and maintained for every mine latrine and urinal accommodation of such kind and on such scale, and such supply of water fit for drinking, as may be prescribed.

Medical appliances. 18. At every mine in respect of which the President of the Union may, by notification in the Gazette, declare this section to apply, such supply of ambulances or stretchers, and of splints, bandages and other medical requirements, as may be prescribed, shall be kept ready at hand in a convenient place and in good and serviceable order.

Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous. 19. (1) If, in any respect which is not provided against by any express provision of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, it appears to the Chief Inspector or the Inspector that any mine, or any part thereof or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and require the same to be remedied within such time as he may specify in the notice.

(2) If the Chief Inspector, or an Inspector authorized in this behalf by general or special order in writing by the Chief Inspector, is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by an order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(3) Where an order has been made under sub-section (2) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of the order, appeal against the same to the Chief Inspector who may confirm, modify or cancel the order.

(4) The Chief Inspector or the Inspector making a requisition under sub-section (1) or an order under sub-section (2), and the Chief Inspector making an order (other than an order of cancellation) in appeal under sub-section (3), shall forthwith report the same to the President of the Union and shall inform the owner, agent or manager of the mine that such report has been so made.

(5) If the owner, agent or manager of the mine objects to a requisition made under sub-section (1), or to an order made by the Chief Inspector under sub-section (2) or sub-section (3), he may, within twenty days after the receipt of the notice containing the requisition or of the order, or after the date of the decision of the appeal, as the case may be, send his objection in writing, stating the grounds thereof, to the President of the Union, who shall refer the same to a Committee.

(6) Every requisition made under sub-section (1), or order made under sub-section (2) or sub-section (3) to which objection is made under sub-section (5), shall be complied with pending the receipt at the mine of the decision of the Committee :

Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a requisition under sub-section (1) pending its decision on the objection.

(7) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure.

20. (1) When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall give such notice of the occurrence to such authorities, and in such form, and within such time, as may be prescribed.

Notice to be given of accidents.

(2) The President of the Union may, by notification in the Gazette, direct that accidents other than those specified in sub-section (1) which cause bodily injury resulting in the enforced absence from work of the person injured for a period exceeding forty-eight hours shall be entered in a register in the prescribed form or shall be subject to the provisions of sub-section (1).

(3) A copy of the entries in the register referred to in sub-section (2) shall be sent by the owner, agent or manager of the mine, within fourteen days after the 30th day of June and the 31st day of December in each year, to the Chief Inspector.

21. (1) When any accidental explosion, ignition, outbreak of fire or irruption of water or other accident has occurred in or about any mine, the President of the Union, if he is of opinion that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, may appoint a competent person to hold such inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

Power of President to appoint Court of inquiry in cases of accidents.

(2) The person appointed to hold any such inquiry shall have all the powers of a civil Court under the Code of Civil Procedure for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects ; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Penal Code.

(3) Any person holding an inquiry under this section may exercise such of the powers of an Inspector under this Act as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(4) The person holding an inquiry under this section shall make a report to the President of the Union stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make.

Publication
of reports.

22. The President of the Union may cause any report submitted by a Committee under section 11, and shall cause every report submitted by a Court of inquiry under section 21, to be published at such time and in such manner as he may think fit.

CHAPTER VI.

HOURS AND LIMITATION OF EMPLOYMENT.

Weekly day
of rest.

22A. No person shall be allowed to work in a mine on more than six days in any one week.

Hours of
work above
ground.

22B. (1) A person employed above ground in a mine shall not be allowed to work for more than [forty-four]¹ hours in any week or for more than [eight]¹ hours in any day.

(2) The periods of work of any such person shall be so arranged that, along with his intervals for rest, they shall not in any day spread over more than [ten]¹ hours, and that he shall not work for more than [five]¹ hours before he has had an interval for rest of at least one hour.

(3) Persons belonging to two or more relays shall not be allowed to do work of the same kind above ground at the same moment :

Provided that for the purposes of this sub-section persons shall not be deemed to belong to separate relays by reason only of the fact that they receive their intervals for rest at different times.

Hours of
work below
ground.

22C. ¹(1) A person employed below ground in a mine shall not be allowed to work for more than forty hours in any week or for more than eight hours in any day.

(2) Work of the same kind shall not be carried on below ground in any mine for a period spreading over more than [eight]¹ hours in any day except by a system of relays so arranged that the periods of work for each relay are not spread over more than [eight]¹ hours.

(3) No person employed in a mine shall be allowed to be in any part of the mine below ground except during the periods of work shown in respect of him in the register kept under sub-section (1) of section 28.

¹ Substituted by Act XLVII, 1948.

22D. Where a worker works in a relay whose period of work extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning at the end of the period of work fixed for the relay, and the hours he has worked after midnight shall be counted towards the previous day.

Special provision for night relays.

23. No person shall be allowed to work in a mine who has already been working in any other mine within the preceding [fourteen]¹ hours.

Prohibition of employment of certain persons.

23A. * * * *

23B. (1) The manager of every mine shall cause to be posted outside the office of the mine a notice in the prescribed form stating the time of the commencement and of the end of work at the mine and, if it is proposed to work by a system of relays, the time of the commencement and of the end of work for each relay. The notice shall also state the time of the commencement and of the end of the intervals for rest fixed for persons employed above ground. A copy of each such notice shall be sent to the Chief Inspector * * * 2.

Notices regarding hours of work.

(2) In the case of a mine at which mining operations commence after the 14th day of April, 1930, the notice referred to in sub-section (1) shall be posted not less than seven days before the commencement of work.

(3) Where it is proposed to make any alteration in the time fixed for the commencement or for the end of work in the mine generally or for any relay or in the rest intervals fixed for persons employed above ground, an amended notice in the prescribed form shall be posted outside the office of the mine not less than seven days before the change is made, and a copy of such notice shall be sent to the Chief Inspector not less than seven days before such change.

(4) No person shall be allowed to work in a mine otherwise than in accordance with the notice required by sub-section (1).

³ **23C.** Notwithstanding anything contained in sub-section (1) of sections 22B and 22C, a person employed above or below ground in a mine engaged in a process which, for technical reasons, is required to be carried on continuously throughout the day may be allowed to work for forty-eight hours in any week.

Hours of work for technical reasons.

³ **23D. (1)** Subject to the control of the President of the Union, the Chief Inspector may, by written order, grant suitable exemptions from the maximum weekly hours prescribed under section 22B, 22C or 23C in cases in which he considers such exemptions necessary in the interest of the rehabilitation of the mines.

Exemptions from maximum weekly hours.

(2) Any exemption given under sub-section (1) in respect of weekly hours of work shall be subject to a maximum limit of fifty-four hours per week.

(3) An order under sub-section (1) shall remain in force for such period as it may specify, but in no case for more than two months at a time from

¹ Substituted by Act XLVII, 1948.

² Deleted *ibid.*

³ Inserted *ibid.*

the date on which notice thereof is given to the owner, agent or manager of the mine.

Conditions
for employ-
ment in
mine on a
Sunday.

¹ 23E. (1) No person shall be employed to work in a mine on a Sunday unless—

- (a) he has had or will have one whole day of rest on one of the three days immediately before or after that Sunday, and
- (b) the owner, agent or manager of the mine has before that Sunday or the substituted day of rest, whichever is earlier—
 - (i) delivered a notice in writing to the office of the Inspector of his intention to require the worker to work on that Sunday which shall also specify the substituted day of rest, and
 - (ii) displayed a notice to that effect in the mine at least twenty-four hours before the opening hour of the mine on that Sunday or on the substituted day of rest:

Provided that no such substitution of the day of rest shall be made, which will result in any worker working for more than ten days consecutively without having one whole day of rest.

(2) A notice given under sub-section (1) may be cancelled by a subsequent notice delivered to the office of the Inspector, and a notice displayed in the mine may be cancelled not later than the day before the Sunday or the substituted day of rest, whichever is earlier.

(3) Where, in accordance with the provisions of sub-section (1), any worker works on a Sunday, that Sunday shall, for the purpose of calculating his weekly hours of work, be included in the week in which he enjoys a substituted day of rest.

Rate of pay
in respect of
overtime
worked.

¹ 23F. (1) Where a worker in a mine works for more than the normal hours prescribed by section 22B, 22C or 23C, he shall be entitled in respect of the overtime worked to pay at the rate of twice his ordinary rate of pay.

(2) Where a worker in any mine works on a recognized general holiday, he shall be entitled, in respect of the time so worked, to pay at the rate of twice his ordinary rate of pay.

(3) Where any workers are paid on a piece rate basis, the Government, in consultation with the owner, agent or manager of the mine concerned, may, for the purposes of this section, fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this section.

(4) The Government may prescribe the registers that shall be maintained in a mine for the purpose of securing compliance with the provisions of this section.

¹ Inserted by Act XLVII, 1948.

24. Nothing in section 22A, section 22B, section 22C, section 23, or sub-section (4) of section 23B [or section 23C, section 23D, section 23E or section 23F]¹ shall apply to persons who may by rules be defined to be persons holding positions of supervision or management or employed in a confidential capacity. Supervising staff.

25. In case of an emergency involving serious risk to the safety of the mine or of persons employed therein, the manager may, subject to the provisions of section 19 [and section 23F]¹ permit persons to be employed in contravention of section 22A, section 22B, section 22C, section 23, or sub-section (4) of section 23B, [section 23C or section 23E]¹ on such work as may be necessary to protect the safety of the mine or of the persons employed therein : Exemption from provisions regarding employment.

Provided that, where such occasion arises, a record of the fact shall immediately be made by the manager [to be placed before the Inspector at his next inspection of the mine and a copy of such record shall be sent immediately to the Chief Inspector for his information].²

3 26. (1) No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground. Children and women.

(2) No woman shall be permitted to enter for purposes of employment, or be employed, in the underground working; of any mine :

Provided that this sub-section shall not apply to women employed in health and welfare services.

(3) No woman shall be permitted to enter or remain in the underground workings of any mine unless she is in possession of a pass granted by the manager of the mine.

Explanation.—“Underground workings” means any part of a mine situated beneath the superjacent ground, and includes vertical shafts provided for access to, or for the ventilation of, such part ; but does not include tunnels made and used only for convenience in disposing of spoil.

26A. No person who has not completed his [eighteenth]² year shall be allowed to be present in any part of a mine which is below ground unless— Young persons not to be allowed underground without certificates of fitness.

(a) a certificate of fitness in the prescribed form and granted to him by a qualified medical practitioner is in the custody of the manager of the mine, and

(b) he carries while at work a token giving a reference to such certificate.

27. (1) If any question arises between the Chief Inspector or the Inspector and the manager of any mine as to whether any person is a child or has not completed his [eighteenth]² year the question shall, in the absence of a certificate as to the age of such person granted in the prescribed manner, Disputes as to age.

¹ Inserted by Act XLVII, 1943.

² Substituted *ibid.*

³ Substituted by Act XL, 1949, which came in to force on 1st August 1949.

be referred by the Chief Inspector or the Inspector for decision to a qualified medical practitioner.

(2) Every certificate as to the age of a person which has been granted in the prescribed manner, and any certificate granted by a qualified medical practitioner on a reference under sub-section (1), shall for the purposes of this Act be conclusive evidence as to the age of the person to whom it relates.

Register of
employees.

28. (1) For every mine there shall be kept in the prescribed form and place a register of all persons employed in the mine showing, in respect of each such person,—

- (a) the nature of his employment,
- (b) the periods of work fixed for him,
- (c) the intervals for rest, if any, to which he is entitled,
- (d) the days of rest to which he is entitled, and
- (e) where work is carried on by a system of relays, the relay to which he belongs.

(2) The entries in the register prescribed by sub-section (1) shall be such that workers working in accordance therewith would not be working in contravention of any of the provisions of this Chapter.

(3) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person and no person shall be employed except during the periods of work shown in respect of him in the register.

¹(4) For every mine in which workers are employed below ground there shall be kept in the prescribed form and place a register which shall show at any moment the name of every person then working below ground in the mine.

CHAPTER VII.

REGULATIONS, RULES AND BYE-LAWS.

Power of
President to
make re-
gulations.

29. The President of the Union may, by notification in the Gazette, make regulations consistent with this Act for all or any of the following purposes, namely :—

- (a) for prescribing the qualifications to be required by a person for appointment as Chief Inspector or Inspector ;
- (b) for prescribing and regulating the duties and powers of the Chief Inspector and of Inspectors in regard to the inspection of mines under this Act ;
- (c) for prescribing the duties of owners, agents and managers of mines and of persons acting under them ;
- (d) for prescribing the qualifications of managers of mines and of persons acting under them ;
- (e) for regulating the manner of ascertaining, by examination or otherwise, the qualifications of managers of mines and persons

¹ Substituted by Act XLVII, 1948.

- acting under them, and the granting and renewal of certificates of competency ;
- (f) for fixing the fees, if any, to be paid in respect of such examinations and of the grant and renewal of such certificates ;
 - (g) for determining the circumstances in which and the conditions subject to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications ;
 - (h) for providing for the making of inquiries into charges of misconduct or incompetency on the part of managers of mines and persons acting under them and for the suspension and cancellation of certificates of competency ;
 - (i) for regulating, subject to the provisions of the Explosives Act and of any rules made thereunder, the storage and use of explosives ;
 - (j) for prohibiting, restricting or regulating the employment in mines or in any class of mines of women, [* * * *]¹ on particular kinds of labour which are attended by danger to the life, safety or health of such women ;
 - (k) for providing for the safety of the persons employed in a mine, their means of entrance thereto and exit therefrom, the number of shafts or outlets to be furnished, and the fencing of shafts, pits, outlets, pathways and subsidences ;
 - (l) for providing for the safety of the roads and working places in mines, including the siting and maintenance of pillars and the maintenance of sufficient barriers between mine and mine ;
 - (m) for providing for and regulating the ventilation of mines and the action to be taken in respect of dust and noxious gases ;
 - (n) for providing for the care, and the regulation of the use, of all machinery and plant and of all electrical apparatus used for signalling purposes ;
 - (o) for requiring and regulating the use of safety lamps in mines ;
 - (p) for providing against explosions or ignitions or irruptions of or accumulations of water in mines and against danger arising therefrom, and for prohibiting, restricting or regulating the extraction of minerals in circumstances likely to result in or to aggravate irruptions of water or ignitions in mines ;
 - (q) for prescribing the notices of accidents and dangerous occurrences, and the notices, reports and returns of mineral output, persons employed and other matters provided for by regulations, to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the time within which they are to be submitted ;

¹ Deleted by Act XL, 1949.

- (r) for prescribing the plans to be kept by owners, agents and managers of mines and the manner and places in which such plans are to be kept for purposes of record ;
- (s) for regulating the procedure on the occurrence of accidents or accidental explosions or ignitions in or about mines ;
- (t) for prescribing the form of, and the particulars to be contained in, the notice to be given by the owner, agent or manager of a mine under section 14 ; and
- (u) for prescribing the notice to be given by the owner, agent or manager of a mine before mining operations are commenced at or extended to any point within fifty yards of any railway subject to the provisions of the Railways Act, or of any public work or classes of public works which the President of the Union may, by general or special order, specify in this behalf.

Power of
President to
make rules,

30. The President of the Union may, by notification in the Gazette, make rules consistent with this Act for all or any of the following purposes, namely —

- (a) for providing for the appointment of chairmen and members of Mining Boards, and for regulating the procedure of such Boards ;
- (aa) for prescribing the form of the register referred to in sub-section (2) of section 20 ;
- (b) for providing for the appointment of Courts of inquiry under section 21, for regulating the procedure and powers of such Courts, for the payment of travelling allowance to the members, and for the recovery of the expenses of such Courts from the manager, owner or agent of the mine concerned ;
- (c) for prescribing the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking-water, the supply and maintenance of medical appliances and comforts and the training of men in ambulance work ;
- (cc) for prescribing the forms of notices required under section 23B, and for requiring such notices to be posted also in specified vernaculars ;
- (d) for defining the persons who shall, for the purpose of section 24, be deemed to be persons holding positions of supervision or management or employed in a confidential capacity ;
- (e) for prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner to have completed their fifteenth year, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked ;
- (ee) for prescribing the form of the certificates of fitness required by section 26A and the circumstances in which such certificates may be granted and revoked ;
- (f) for prescribing the form of registers required by section 28

- (g) for prescribing abstracts of this Act and of the regulations and rules, and the vernacular in which the abstracts and bye-laws shall be posted as required by sections 32 and 33 ;
- (h) for requiring the fencing of any mine or part of a mine, whether the same is being worked or not, where such fencing is necessary for the protection of the public ;
- (i) for the protection from injury, in respect of any mine when the workings are discontinued, of property vested in the State¹ or any local authority or railway company as defined in the Railways Act ;
- (j) for requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the times within which they are to be submitted ; and
- (k) generally to provide for any matter not provided for by this Act or the regulations, provision for which is required in order to give effect to this Act.

30A. The President of the Union may, by notification in the Gazeite, make regulations under this section—

Power of President to require rescue stations to be established.

- (a) requiring groups of specified mines to establish central rescue stations ;
- (b) prescribing the position, equipment, control, maintenance and functions of such rescue stations ;
- (c) providing for the allocation of the cost of maintenance and upkeep thereof among mines served by such stations, and for the recovery from owners or agents of mines of sums payable on account of such cost ; and
- (d) providing for the formation, training and duties of rescue brigades.

31. (1) The power to make regulations and rules conferred by sections 29, 30 and 30A is subject to the condition of the regulations and rules being made after previous publication.

Prior publication of regulations and rules.

(2) The date to be specified in accordance with the Burma General Clauses Act, as that after which a draft of regulations or rules proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the proposed regulations or rules is published for general information.

(3) Before the draft of any regulation is published under this section it shall be referred to every Mining Board constituted in the Union of Burma which is, in the opinion of the President of the Union, concerned with the subject dealt with by the regulation, and the regulation shall not be so

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

published until each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.

(3A) No rule shall be made unless the draft thereof has been referred to every Mining Board constituted in the Union of Burma affected by the rule, and unless each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.

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

Power to
make re-
gulations
without
previous
publication

31A. Notwithstanding anything contained in sub-sections (1), (2) and (3) of section 31, regulations under clause (i) and clauses (k) to (s), inclusive, of section 29 may be made without previous publication and without previous reference to Mining Boards, if the President of the Union is satisfied that for the prevention of apprehended danger or the speedy remedy of conditions likely to cause danger it is necessary in making such regulations to dispense with the delay that would result from such publication and reference :

Provided that any regulations so made shall not remain in force for more than two years from the making thereof.

Bye-laws.

32. (1) The owner, agent or manager of a mine may, and shall if called upon to do so by the Chief Inspector or Inspector, frame and submit to the Chief Inspector or Inspector a draft of such bye-laws, not being inconsistent with this Act or any regulations or rules for the time being in force, for the control and guidance of the persons acting in the management of, or employed in, the mine as such owner, agent or manager may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in the mine.

(2) If such owner, agent or manager —

(a) fails to submit within two months a draft of bye-laws after being called upon to do so by the Chief Inspector or Inspector, or

(b) submits a draft of bye-laws which is not in the opinion of the Chief Inspector or Inspector sufficient,

the Chief Inspector or Inspector may—

(i) propose a draft of such bye-laws as appear to him to be sufficient, or

(ii) propose such amendments in any draft submitted to him by the owner, agent or manager as will, in his opinion, render it sufficient.

and shall send such draft bye-laws or draft amendments to the owner, agent or manager, as the case may be, for consideration.

(3) If within a period of two months from the date on which any draft bye-laws or draft amendments are sent by the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section (2), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the bye-laws to be made under sub-section (1), the Chief Inspector or Inspector shall refer the draft bye-laws for settlement to the Mining Board or, where there is no Mining Board, to such officer or authority as the President of the Union may, by general or special order, appoint in this behalf.

(4) (a) When such draft bye-laws have been agreed to by the owner, agent or manager and the Chief Inspector or Inspector, or, when they are unable to agree, have been settled by the Mining Board or such officer or authority as aforesaid, a copy of the draft bye-laws shall be sent by the Chief Inspector or Inspector to the President of the Union for approval.

(b) The President of the Union may make such modification of the draft bye-laws as he thinks fit.

(c) Before the President of the Union approves the draft bye-laws, whether with or without modifications, there shall be published, in such manner as the President of the Union may think best adapted for informing the persons affected, notice of the proposal to make the bye-laws and of the place where copies of the draft bye-laws may be obtained, and of the time (which shall not be less than thirty days) within which any objections with reference to the draft bye-laws, made by or on behalf of persons affected, should be sent to the President of the Union.

(d) Every objection shall be in writing and shall state—

- (i) the specific grounds of objection, and
- (ii) the omissions, additions or modifications asked for.

(e) The President of the Union shall consider any objection made within the required time by or on behalf of persons appearing to him to be affected, and may approve the bye-laws either in the form in which they were published or after making such amendments thereto as he thinks fit.

(5) The bye-laws, when so approved by the President of the Union, shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall cause a copy of the bye-laws, [in Burmese and in such other language or languages]¹ as may be prescribed, to be posted up in some conspicuous place at or near the mine, where the bye-laws may be conveniently read or seen by the persons employed; and, as often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.

(6) The President of the Union may, by order in writing, rescind, in whole or in part, any bye-law so made, and thereupon such bye-law shall cease to have effect accordingly.

33. There shall be kept posted up at or near every mine, [in Burmese and in such other language or languages]¹ as may be prescribed, the prescribed abstracts of the Act and of the regulations and rules.

Posting up
of extracts
from Act,
regulations,
etc.

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

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Obstruction.

34. (1) Whoever obstructs the Chief Inspector, an Inspector or any person authorized under section 7 in the discharge of his duties under this Act, or refuses or wilfully neglects to afford the Chief Inspector, an Inspector or such person any reasonable facility for making any entry, inspection, examination or inquiry authorized by or under this Act in relation to any mine, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever refuses to produce on the demand of the Chief Inspector or Inspector any registers or other documents kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to three hundred rupees.

Falsification
of records,
etc.**35. Whoever —**

- (a) counterfeits, or knowingly makes a false statement in, any certificate, or any official copy of a certificate, granted under this Act, or
- (b) knowingly uses as true any such counterfeit or false certificate, or
- (c) makes or produces or uses any false declaration, statement or evidence, knowing the same to be false, for the purpose of obtaining for himself or for any other person a certificate, or the renewal of a certificate, under this Act, or any employment in a mine, or
- (d) falsifies any plan or register or record the maintenance of which is required by or under this Act, or
- (e) makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Omission to
furnish
plans, etc.

36. Any person who, without reasonable excuse the burden of proving which shall lie upon him, omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan, return, notice, register, record or report required by or under this Act to be made or furnished shall be punishable with fine which may extend to two hundred rupees.

Contraven-
tion of pro-
visions
regarding
employment
of labour.

37. Whoever, save as permitted by section 25, contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder, prohibiting, restricting or regulating the employment or presence of persons in or about a mine, shall be punishable with fine which may extend to five hundred rupees,

38. (1) Whoever, in contravention of the provisions of sub-section (1) of section 20, fails to give notice of any accidental occurrence shall, if the occurrence results in serious bodily injury, be punishable with fine which may extend to five hundred rupees, or, if the occurrence results in loss of life, be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both. Notice of accidents.

(2) Whoever, in contravention of a direction made by the President of the Union under sub-section (2) of section 20, fails to record in the prescribed register or to give notice of any accidental occurrence shall be punishable with fine which may extend to five hundred rupees.

39. Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder for the contravention of which no penalty is hereinbefore provided shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing contravention, with a further fine which may extend to one hundred rupees for every day on which the offender is proved to have persisted in the contravention after the date of the first conviction. Disobedience of orders.

40. (1) Notwithstanding anything hereinbefore contained, whoever contravenes any provision of this Act, or of any regulation, rule or bye-law or of any order made thereunder, shall be punishable, if such contravention results in loss of life, with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both, or, if such contravention results in serious bodily injury, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, or, if such contravention otherwise causes injury or danger to workers or other persons in or about the mine, with imprisonment which may extend to one month, or with fine which may extend to five hundred rupees, or with both. Contravention of law with dangerous results.

(2) Where a person having been convicted under this section is again convicted thereunder, he shall be punishable with double the punishment provided by sub-section (1).

(3) Any Court imposing, or confirming in appeal, revision or otherwise, a sentence of fine passed under this section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured, or, in the case of his death, to his legal representative :

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal.

41. No prosecution shall be instituted against any owner, agent or manager for any offence under this Act except at the instance of the Chief Inspector or of the District Magistrate or of an Inspector authorized in this behalf by general or special order in writing by the Chief Inspector. Prosecution of owner, agent or manager.

Limitation
of prosecu-
tions.

42. No Court shall take cognizance of any offence under this Act unless complaint thereof has been made within six months of the date on which the offence is alleged to have been committed.

Cognizance
of offences.

43. No Court inferior to that of a Magistrate of the first class shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a mine, or any offence which is by this Act made punishable with imprisonment.

Reference to
Mining
Board or
Committee
in lieu of
prosecution
in certain
cases.

44. (1) If the Court trying any case instituted at the instance of the Chief Inspector or of the District Magistrate or of an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Mining Board or a Committee, it may stay the criminal proceedings, and report the matter to the President of the Union with a view to such reference being made.

(2) On receipt of a report under sub-section (1), the President of the Union may refer the case to a Mining Board or a Committee, or may direct the Court to proceed with the trial.

CHAPTER IX.

MISCELLANEOUS.

Decision of
question
whether a
mine is under
this Act.

45. If any question arises as to whether any excavation or working is a mine within the meaning of this Act, the President of the Union may decide the question, and a certificate signed by a Secretary to the Government shall, be conclusive on the point.

Power to
exempt from
operation of
Act.

46. (1) The President of the Union may, by notification in the Gazette exempt either absolutely or subject to any specified conditions, any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any specified provisions of this Act:

Provided that no local area or mine or group or class of mines shall be exempted from the provisions of section 26 unless it is also exempted from the operation of all the other provisions of this Act.

(2) * * * *

Power to
alter or
rescind
orders.

47. The President of the Union may reverse or modify any order passed under this Act by any authority subject to his control.

Application
of Act to
State
mines.
Saving.

48. This Act shall apply to mines belonging to the State.¹

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

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

THE OILFIELDS ACT.

[BURMA ACT I, 1918.] (1st January, 1919.)

1. * * * *

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

- (a) “flowing well” means a well from the mouth of which oil or gas or both flow continuously or intermittently without artificial stimulus, and includes a pumped well from the mouth of which oil or gas or both flow occasionally without artificial stimulus ;
- (b) “gas” means natural gas whether in association with natural petroleum in a liquid or solid state or not ;
- (c) “notified oil-field” means an area declared to be a notified oil-field under section 3 ;
- (d) “oil” means natural petroleum and includes crude oil, refined oil, partially refined oil and any of the products of petroleum in a liquid or solid state ;
- (e) “operator” means and includes any person who holds a mining lease, prospecting licence or grant entitling him to win natural petroleum or natural gas, or any sub-lease of such lease, licence or grant, or any share or interest in such lease, licence or grant, other than a share in a company incorporated by or under the law of the Union of Burma or India or Pakistan or the United Kingdom, and any person under whose control operations for the winning of oil or gas are conducted ;
- (f) “waste” includes waste in the utilization of oil or gas, underground waste and surface waste ;
- (g) “well” means an excavation or boring made in the ground for the purpose of extracting oil or gas or both.

3. The President of the Union may, by notification, declare any area to be a notified oil-field for the purposes of this Act and may define the limits of such area.

Power to define and alter limits of notified oil-fields.

4. (1) The President of the Union may, by notification, (a) appoint a person or persons to be called Wardens to perform such duties and exercise such powers as may be assigned to them by or under this Act, and (b) define the local limits of any Warden’s jurisdiction.

Appointment of officers to carry out the purposes of the Act.

(2) It shall be the duty of a Warden to regulate within his jurisdiction all operations for the winning of oil and gas with a view to preventing waste of oil and gas and damage to accumulations of oil and gas by the infiltration of water or other causes.

(3) The President of the Union may, by notification, appoint Assistant Wardens to assist any Warden in performing his duties and exercising his powers in any specified area within the local limits of his jurisdiction.

(4) The President of the Union may, by notification, confer on Assistant Wardens all or any of the powers or impose upon them all or any of the duties of a Warden under this Act, subject to such conditions and restrictions, if any, as he may deem fit. Such notification may be general or may refer to a particular Assistant Warden only.

Tax on
steam-
boilers
consuming
oil-fuel.

5. The President of the Union may, by notification, declare that all steam-boilers or engines consuming oil-fuel other than oil on which royalty or import duty has been paid, or gas from which gasoline has not been extracted, in such areas as may be defined by the notification, shall be subject to the payment of a tax at such rate as may be specified in the notification.

Enquiry into
accidents.

6. A Warden or Assistant Warden may hold an enquiry into any occurrence connected with or subsidiary to any operations for the winning of oil or gas or both and shall for the purposes of conducting such enquiry have all the powers which a Magistrate would have in holding an enquiry into an offence under the Code of Criminal Procedure.

Inapplic-
ability of
section 556
of Code of
Criminal
Procedure
to trials of
offences
against this
Act.

7. The Warden or Assistant Warden shall not be deemed, within the meaning of section 556 of the Code of Criminal Procedure, to be a party to or personally interested in any prosecution for any offence under this Act or any rule made thereunder.

Indemnity
for acts done
in good faith.

8. No suit or criminal prosecution shall lie against any public servant for anything done or in good faith intended to be done under this Act.

Government
not liable for
loss or
damage.

9. The Government shall not be responsible for any loss or damage, which may occur owing to any action taken in good faith by any public servant under this Act.

Persons em-
powered by
rules under
section 13
(2)(bb) to be
deemed
public
servants.

10. Every person empowered by any rules made under section 13, subsection (2), clause (bb), to do any act shall in that behalf for the purposes of Chapter X of the Penal Code be deemed to be a public servant within the meaning of section 21 of the said Code.

Appeals and
revisions.

11. (1) Appeals from orders of the Warden or of an Assistant Warden under this Act shall lie in such cases, to such officers, and subject to such limitations as to time and other conditions, as the President of the Union may by rule prescribe.

(2) The Financial Commissioner shall have power to call for and revise any order passed by a Warden or an Assistant Warden under this Act or an order passed in appeal against such an order : Provided that he shall not reverse or modify any order affecting any question of right between private persons without giving those persons an opportunity of being heard.

(3) Save as provided by this section, an order passed under this Act shall be final and shall not be liable to be contested by suit or otherwise.

12. In any notified oil-field to which the President of the Union may by notification apply this section, whoever has in his possession or conveys in any manner anything which may reasonably be suspected to be stolen property, as defined under section 410 of the Penal Code, shall, if he fails to account satisfactorily for his possession of the same, be punished with imprisonment which may extend to three months, or with fine, or with both.

Punishment for possession or conveyance of property believed to be stolen.

12A. (1) The Warden may, by notice publicly promulgated or addressed to individuals,—

Power to give prohibition for prevention of disorder.

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

(2) Whoever contravenes a prohibition under this section shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Penalty for contravention of a prohibition.

13. (1) The President of the Union may make rules for regulating all matters connected with or subsidiary to any operations for the winning of oil or gas or both.

Power to make rules.

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

- (a) define the powers and duties of a Warden ;
- (b) direct that any of the powers or duties assigned by this Act or any rule thereunder to the President of the Union shall be exercised or performed, subject to such conditions as may be imposed, by the Financial Commissioner or the Warden ;
- (c) provide for the appointment by operators of responsible local representatives and officers and for the duties to be carried out by such representatives and officers ;
- (d) provide for the maintenance by operators of records of all matters relating to the drilling, re-drilling, deepening, shutting down, plugging or abandoning of all wells and for the inspection of such records, and for the supply of copies or abstracts of such records to the Warden ;
- (e) prescribe the maintenance by operators of records relating to the production of oil, gas or water from all wells and for the inspection of such records or the supply of copies or abstracts of such records to the Warden ;
- (f) prescribe the submission by operators of records, reports and statistics relating to any other technical matter connected with or subsidiary to any operations for the winning of oil or gas or both, or the provision of facilities for the inspection of such records by the Warden or his representative at the offices of operators ;
- (g) provide for the prevention of waste of oil or gas ;
- (h) provide for the detection of the presence of water in wells and for the prevention of the influx of water into oil and gas sands ;
- (i) for the purpose of preventing waste of oil or gas or damage to oil or gas sands by water or other causes, provide for the regulation of the drilling, re-drilling, deepening, shutting down, plugging and abandoning of wells and for the limitation or prohibition of such operations and for the taking of remedial measures ;
- (j) for the purposes of preventing waste of oil or gas or damage to oil and gas sands by water or other causes, provide for the regulation of the methods of producing oil or gas and for the limitation or prohibition of such methods and for the taking of remedial measures ;
- (k) provide for measurement of oil and gas for the assessment of royalty or of any tax ;
- (l) provide for the conveyance of oil and gas to the place of measurement ;
- (m) provide for the prevention of the removal of oil or gas without measurement ;
- (n) provide for the recovery of any royalty or tax ;

- (o) regulate the rights of ingress or egress to and from any well-sites, and the right to transport materials, tools or machinery or to lay pipes or wires above or below ground across any well-sites ;
- (p) regulate or prohibit all access to any area in which operations for the winning or subsidiary to the winning of oil or gas or both are carried on ;
- (q) provide that no article or no specified class of article shall be removed from any area in which operations for the winning of oil or gas or both or subsidiary thereto are carried on without a pass in the prescribed form ;
- (r) provide for the issue, production and surrender of such passes ;
- (s) prescribe the manner in which persons owning wells or well-sites shall demarcate such wells or well-sites and provide for the preservation of the demarcation marks prescribed ;
- (t) prescribe the manner in which hand-dug wells shall be protected ;
- (u) provide for the reporting of fires, accidents and other occurrences ;
- (v) prescribe the precautions which operators and their employees shall take so as not to interfere with neighbouring operators or their employees or with lines of communication ;
- (w) regulate or prohibit the use of naked lights and of lamps other than those of a prescribed description or pattern ;
- (x) regulate or prohibit smoking and the use or possession of matches ;
- (y) regulate or prohibit the use of forges and open fires ;
- (z) regulate or prohibit all or any kind of work by night ;
- (aa) regulate or prohibit the use of steam-boilers ;
- (bb) provide for the institution and regulation of fire-brigades, voluntary or otherwise ;
- (cc) prescribe and regulate the use of lightning conductors ;
- (dd) prescribe the use of fire-extinguishing apparatus ;
- (ee) prescribe the procedure to be adopted when a fire breaks out ;
- (ff) provide for the compulsory cessation or limitation of operations of any kind in order to prevent or limit the spread of fires ;
- (gg) provide for the construction of gate-valves or stop-cocks on flowing wells and their closure on an alarm of fire being given ;
- (hh) provide for the maintenance of fire-lines ;
- (ii) regulate the collection and disposal of oil and gas ;
- (jj) regulate or prohibit the use of oil-tanks ;
- (kk) regulate the position of pipes for the conveyance of oil and provide for the laying of such pipes underground where necessary ;
- (ll) prescribe the method of dealing with flowing wells ;
- (mm) provide for the prohibition within or removal from any area of any construction which might in the opinion of the Warden cause danger or inconvenience ;
- (nn) regulate the construction of any rig, derrick, engine-house or similar construction ;

- (oo) regulate the use of engines and machinery ;
- (pp) prescribe the use of guards on machinery ;
- (qq) prescribe the provision and use of safety belts or appliances ;
- (rr) prescribe the provision and use of safety appliances in connection with the descent of persons in hand-dug wells ;
- (ss) prescribe the cases in which, the authorities to whom, and the limitations as to time and other conditions subject to which, an appeal shall lie from an order passed by the Warden or by an Assistant Warden under this Act :

Provided that rules made under clause (p) shall not interfere with the rights of access to land belonging on the 1st August, 1933, to the site and curtilage of any monastery, pagoda or other sacred building, and continuing to be used for the purpose of such monastery, pagoda or other sacred building.

(3) The President of the Union may, by rule, attach to the breach of any rule under this section any punishment not exceeding a fine of five hundred rupees, and, if fraudulent intention is proved or actual injury or damage to person or property ensues, any punishment not exceeding imprisonment for a term of six months, or a fine of one thousand rupees, or both.

(4) The President of the Union may also, by rule, attach to the breach of any rule under clauses (g), (h), (i), (j), (k), (l), (m), (w), (x), (y), (dd), (ee), (ff), (ii), (jj) and (ll) of sub-section (2) the penalty of forfeiture of any grant, lease or licence for the winning of oil or gas or both held by the offender or his employer from Government and of forfeiture of any grant, lease or licence of the area in or on which the offence has been committed.

(5) The Warden may define the limits within which all or any of the rules made under clause (u) and clauses (w) to (rr) of sub-section (2) of this section shall apply.

Previous publication, etc., of rules.

14. (1) The power to make rules conferred on the President of the Union by section 13 shall be subject 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 thereupon have effect as if enacted in this Act.

Exclusion of jurisdiction of Revenue-officers in certain cases.

15. Notwithstanding anything contained in the Land and Revenue Act, or in the Upper Burma Land and Revenue Regulation, or in this Act, a Revenue-officer shall not exercise jurisdiction over any of the following matters, which shall be cognizable exclusively by a civil Court, namely :—

Any claim as between private persons to the ownership or possession of any well or well-site, whether situate on State or other land, or to establish any lien upon or other interest in any such well or well-site or the rents, profits or produce thereof.

THE PAYMENT OF WAGES ACT.

CONTENTS.

Sections.

1. Application.
2. Definitions.
3. Responsibility for payment of wages.
4. Fixation of wage-periods.
5. Time of payment of wages.
6. Wages to be paid in current coin or currency notes.
7. Deductions which may be made from wages.
8. Fines.
9. Deductions for absence from duty.
10. Deductions for damage or loss.
11. Deductions for services rendered.
12. Deductions for recovery of advances.
13. Deductions for payments to co-operative societies, insurance and saving schemes.
- 13A. Cost of Living Allowance not liable to attachment.
14. Inspectors.
15. Claims arising out of deductions from wages or delay in payment of wages and penalty for malicious or vexatious claims.
16. Single application in respect of claims from unpaid group.
17. Appeal.
18. Powers of authorities appointed under section 15.
19. Power to recover from employer in certain cases.
20. Penalty for offences under the Act.
21. Procedure in trial of offences.
22. Bar of suits.
23. Contracting out.
24. * * * *
25. Display by notice of abstracts of the Act.
26. Rule-making power.

THE PAYMENT OF WAGES ACT.

[INDIA ACT IV, 1936.] (28th March, 1937.)

1. (1-3) * * * *

(4) This Act applies in the first instance to the payment of wages to persons employed in any factory and to persons employed (otherwise than in a factory) upon any railway by a railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration. Application

(5) The President of the Union may, after giving three months' notice of his intention of so doing, by notification in the Gazette, extend the provisions of this Act or any of them to the payment of wages to any class of persons employed in any industrial establishment or in any class or group of industrial establishments.

(6) Nothing in this Act shall apply to wages payable in respect of a wage-period which, over such wage-period, average [four]¹ hundred rupees a month or more.

Definitions.

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

- (i) “factory” means a factory as defined in clause (j) of section 2 of the Factories Act ;
- (ii) “industrial establishment” means any—
 - (a) tramway or motor omnibus service ;
 - (b) dock, wharf or jetty ;
 - (c) inland steam-vessel ;
 - (d) mine, quarry or oil-field ;
 - (e) plantation ;
 - (f) workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale ;
 - ² (g) warehouse ;
 - ² (h) restaurant, hotel, cinema or theatre.
- (iii) “plantation” means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose ;
- (iv) “prescribed” means prescribed by rules made under this Act ;
- (v) “railway administration” has the meaning assigned to it in clause (6) of section 3 of the Railways Act ; and
- (vi) “wages” means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—
 - (a) the value of any house-accommodation, supply of light, water, medical attendance or other amenity, or of any service

¹ Substituted by Act XVII, 1949, which, with the exception of section 4 thereof, came into force on 1st August, 1949.

² Inserted *ibid*.

excluded by general or special order of the President of the Union ;

- (b) any contribution paid by the employer to any pension fund or provident fund ;
- (c) any travelling allowance or the value of any travelling concession ;
- (d) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment ; or
- (e) any gratuity payable on discharge.

3. Every employer shall be responsible for the payment to persons employed by him of all wages required to be paid under this Act :

Responsibility for payment of wages...

Provided that, in the case of persons employed (otherwise than by a contractor)—

- (a) in factories, if a person has been named as the manager of the factory under clause (e) of sub-section (1) of section 9 of the Factories Act,
- (b) in industrial establishments, if there is a person responsible to the employer for the supervision and control of the industrial establishment,
- (c) upon railways (otherwise than in factories), if the employer is the railway administration and the railway administration has nominated a person in this behalf for the local area concerned, the person so named, the person so responsible to the employer, or the person so nominated, as the case may be, shall be responsible for such payment :

¹ Provided further that for the purpose of this section a maistry shall not be deemed to be a contractor or an employer.

¹ *Explanation.*—In this section ‘maistry’ means a person who supplies labourers under a contract, expressed or implied, for performance of any work.

4. (1) Every person responsible for the payment of wages under section 3 shall fix periods (in this Act referred to as wage-periods) in respect of which such wages shall be payable.

Fixation of wage-periods.

(2) No wage-period shall exceed one month.

5. (1) The wages of every person employed upon or in—

- (a) any railway, factory or industrial establishment upon or in which less than one thousand persons are employed, shall be paid before the expiry of the seventh day,
- (b) any other railway, factory or industrial establishment, shall be paid before the expiry of the tenth day,

Time of payment of wages.

after the last day of the wage-period in respect of which the wages are payable.

¹ Inserted by Act XVII, 1949, section 4.

(2) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(3) The President of the Union may, by general or special order, exempt, to such extent and subject to such conditions as may be specified in the order, the person responsible for the payment of wages to persons employed upon any railway (otherwise than in a factory) from the operation of this section in respect of the wages of any such persons or class of such persons.

(4) All payments of wages shall be made on a working-day.

6. All wages shall be paid in current coin or currency notes or in both.

Wages to be paid in current coin or currency notes.

Deductions which may be made from wages.

7. (1) Notwithstanding the provisions of sub-section (2) of section 47 of the Railways Act, the wages of an employed person shall be paid to him without deductions of any kind except those authorized by or under this Act.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of this Act, be deemed to be a deduction from wages.

(2) Deductions from the wages of an employed person shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely :—

(a) fines ;

(b) deductions for absence from duty ;

(c) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default ;

(d) deductions for house-accommodation supplied by the employer [or Government or Local Authority or any Housing Corporation approved by the Government ;]¹

(e) deductions for such amenities and services supplied by the employer as the President of the Union may, by general or special order, authorize ;

Explanation.—The word “ services ” in this sub-clause does not include the supply of tools and raw materials required for the purposes of employment ;

(f) deductions for recovery of advances or for adjustment of overpayments of wages ;

(g) deductions of income-tax payable by the employed person ;

(h) deductions required to be made by order of a Court or other authority competent to make such order ;

(i) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Provident Funds Act applies, or any recognized provident fund as defined in section

¹ Inserted by Act XVII, 1949, section 4.

58A of the Burma Income-tax Act, or any provident fund approved in this behalf by the President of the Union during the continuance of such approval ;

(j) deductions for payments to co-operative societies approved by the President of the Union or to a scheme of insurance maintained by the Indian Post Office ;

¹ (k) deductions, made with the written authorization of the employed person, in furtherance of any Savings Scheme, approved by the Government ; and

² (l) deductions of subscriptions to any Trade Union registered under the Trade Unions Act made with the written authorization of the employed person, and by agreement between the employer and the Trade Union concerned.

² (3) All sums collected in accordance with clause (l) of sub-section (2) shall be handed over to the Trade Union concerned within fourteen days of the collection.

² (4) The total deduction for any wage-period, exclusive of deductions on account of absence from duty, shall not exceed 50 per cent of the wages payable to the employed person during that wage-period :

Provided that the President of the Union may, by general or special order and subject to such conditions as may be specified therein, permit an increase in the percentage mentioned above, if the President of the Union is satisfied that the amenities and services supplied by the employer justify such an increase.

8. (1) No fine shall be imposed on any employed person save in respect of such acts and omissions on his part as the employer, with the previous approval of the President of the Union or of the prescribed authority, may have specified by notice under sub-section (2). Fines.

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on or, in the case of persons employed upon a railway (otherwise than in a factory), at the prescribed place or places.

(3) No fine shall be imposed on any employed person until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage-period on any employed person shall not exceed an amount equal to half an anna in the rupee of the wages payable to him in respect of that wage-period.

(5) No fine shall be imposed on any employed person who is under the age of fifteen years.

¹ Amended by Act XVII, 1949.

² Inserted *ibid.*

(6) No fine imposed on any employed person shall be recovered from him by instalments or after the expiry of sixty days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realisations thereof shall be recorded in a register to be kept by the person responsible for the payment of wages under section 3 in such form as may be prescribed ; and all such realisations shall be applied only to such purposes beneficial to the persons employed in the factory or establishment as are approved by the prescribed authority.

Explanation.—When the persons employed upon or in any railway, factory or industrial establishment are part only of a staff employed under the same management, all such realisations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

Deductions
for absence
from duty.

9. (1) Deductions may be made under clause (b) of sub-section (2) of section 7 only on account of the absence of an employed person from the place or places where, by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage-period for which the deduction is made a larger proportion than the period for which he was absent bears to the total period, within such wage-period, during which by the terms of his employment he was required to work :

Provided that, subject to any rules made in this behalf by the President of the Union, if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which is required under the terms of their contracts of employment) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

Deductions
for damage
or loss.

10. (1) A deduction under clause (c) of sub-section (2) of section 7 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the employed person and shall not be made until the employed person has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions.

(2) All such deductions and all realisations thereof shall be recorded in a register to be kept by the person responsible for the payment of wages under section 3 in such form as may be prescribed.

Deductions
for services
rendered.

11. A deduction under clause (d) or clause (e) of sub-section (2) of section 7 shall not be made from the wages of an employed person unless the house-accommodation, amenity or service has been accepted by him, as a

term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house-accommodation, amenity or service supplied and, in the case of a deduction under the said clause (e), shall be subject to such conditions as the President of the Union may impose.

12. Deductions under clause (f) of sub-section (2) of section 7 shall be subject to the following conditions namely :—

Deductions
for recovery
of advances.

(a) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage-period, but no recovery shall be made of such advances given for travelling-expenses ;

(b) recovery of advances of wages not already earned shall be subject to any rules made by the President of the Union regulating the extent to which such advances may be given and the instalments by which they may be recovered.

13. Deductions under clause (j) and clause (k) of sub section (2) of section 7 shall be subject to such conditions as the President of the Union may impose.

Deductions
for payments
to co-opera-
tive societies,
insurance
and saving
schemes.

¹ 13A. The Cost of Living Allowance of a labourer, to whom the provisions of this Act are applicable, shall not be liable to attachment in execution of any decree.

Cost of
Living
allowance
not liable to
attachment.

14. (1) An Inspector of Factories, appointed under sub-section (1) of section 10 of the Factories Act, shall be an Inspector for the purposes of this Act in respect of all factories within the local limits assigned to him.

Ins-pectors

(2) The President of the Union may appoint Inspectors for the purposes of this Act in respect of all persons employed upon a railway (otherwise than in a factory) to whom this Act applies.

(3) The President of the Union may, by notification in the Gazette, appoint such other persons as he thinks fit to be Inspectors for the purposes of this Act, and may define the local limits within which and the class of factories and industrial establishments in respect of which they shall exercise their functions.

(4) An Inspector may, at all reasonable hours, enter on any premises, and make such examination of any register or document relating to the calculation or payment of wages, and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of this Act.

(5) Every Inspector shall be deemed to be a public servant within the meaning of the Penal Code.

¹ (6) All Inspectors appointed under sub-sections (2) and (3) shall be subordinate to the Chief Inspector of Factories appointed under sub-section (2) of section 10 of the Factories Act :

¹ Inserted by Act XVII, 1949.

Provided that the provisions of this sub-section shall not apply to the mines other than the mines where the Chief Inspector of Factories has jurisdiction under the Factories Act.

Claims arising out of deductions from wages or delay in payment of wages and penalty for malicious or vexatious claims.

15. (1) The President of the Union may, by notification in the Gazette, appoint any Commissioner for Workmen's Compensation or other officer with experience as a Judge of a civil Court or as a stipendiary Magistrate to be the authority to hear and decide for any specified area all claims arising out of deductions from the wages, or delay in payment of the wages, of persons employed or paid in that area.

(2) Where contrary to the provisions of this Act any deduction has been made from the wages of an employed person, or any payment of wages has been delayed, such person himself, or any legal practitioner or any official of a registered trade union authorized in writing to act on his behalf, or any Inspector under this Act, or any other person acting with the permission of the authority appointed under sub-section (1), may apply to such authority for a direction under sub-section (3) :

Provided that every such application shall be presented within six months from the date on which the deduction from the wages was made or from the date on which the payment of the wages was due to be made, as the case may be :

Provided further that any application may be admitted after the said period of six months when the applicant satisfies the authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or other person responsible for the payment of wages under section 3, or give them an opportunity of being heard, and, after such further inquiry (if any) as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under this Act, direct the refund to the employed person of the amount deducted, [or the payment of the delayed wages. The authority may also direct the payment of such compensation as he may think fit, not exceeding ten times the amount deducted in the former case and not exceeding ten rupees in the latter. Such an order for payment of compensation may be made even if the amount deducted has been refunded, or the delayed wages have been paid, during the pendency of the application :] ¹

Provided that no direction for the payment of compensation shall be made in the case of delayed wages if the authority is satisfied that the delay was due to—

- (a) a *bonâ fide* error or *bonâ fide* dispute as to the amount payable to the employed person, or
- (b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the person responsible for the payment

¹ Substituted by Act XVII, 1949

of the wages was unable, though exercising reasonable diligence, to make prompt payment, or

(c) the failure of the employed person to apply for or accept payment.

(4) If the authority hearing any application under this section is satisfied that it was either malicious or vexatious, the authority may direct that a penalty not exceeding fifty rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered—

(a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate, and

(b) if the authority is not a Magistrate, by any Magistrate, to whom the authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

16. (1) Employed persons are said to belong to the same unpaid group if they are borne on the same establishment and if their wages for the same wage-period or periods have remained unpaid after the day fixed by section 5.

Single application in respect of claims from unpaid group.

(2) A single application may be presented under section 15 on behalf or in respect of any number of employed persons belonging to the same unpaid group, and in such case the maximum compensation that may be awarded under sub-section (3) of section 15 shall be ten rupees per head.

(3) The authority may deal with any number of separate pending applications, presented under section 15 in respect of persons belonging to the same unpaid group, as a single application presented under sub-section (2) of this section, and the provisions of that sub-section shall apply accordingly.

17. (1) An appeal against a direction made under sub-section (3) or sub-section (4) of section 15 may be preferred, within thirty days of the date on which the direction was made, in Rangoon, before the [Rangoon City Civil Court]¹ and elsewhere before the District Court—

Appeal.

(a) by the employer or other person responsible for the payment of wages under section 3, if the total sum directed to be paid by way of wages and compensation exceeds three hundred rupees, or

(b) by an employed person, if the total amount of wages claimed to have been withheld from him or from the unpaid group to which he belonged exceeds fifty rupees, or

(c) by any person directed to pay a penalty under sub-section (4) of section 15.

(2) Save as provided in sub-section (1), any direction made under sub-section (3) or sub-section (4) of section 15 shall be final.

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

Powers of
authorities
appointed
under
section 15.

18. Every authority appointed under sub-section (1) of section 15 shall have all the powers of a civil Court under the Code of Civil Procedure for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such authority shall be deemed to be a civil Court for all the purposes of section 195 and of Chapter XXXV of the Code of Criminal Procedure.

Power to
recover from
employer in
certain cases.

19. When the authority referred to in section 15 or the Court referred to in section 17 is unable to recover from any person (other than an employer) responsible under section 3 for the payment of wages any amount directed by such authority under section 15 or section 17 to be paid by such person, the authority shall recover the amount from the employer of the employed person concerned.

Penalty for
offences
under
the Act.

20. (1) Whoever being responsible for the payment of wages to an employed person contravenes any of the provisions of any of the following sections, namely, section 5 and sections 7 to 13, both inclusive, shall be punishable with fine which may extend to five hundred rupees.

(2) Whoever contravenes the provisions of section 4, section 6 or section 25 shall be punishable with fine which may extend to two hundred rupees.

Procedure in
trial of
offences.

21. 1(1) No Court shall take cognizance of a contravention of any provision of this Act, or a contravention of any rule made thereunder except on a complaint made by, or with the sanction in writing of the Chief Inspector of Factories.

(2) Before sanctioning the making of a complaint against any person for an offence under sub-section (1) of section 20, [the Chief Inspector of Factories shall satisfy himself that the default was not due to—]¹

(a) a *bonâ fide* error or *bonâ fide* dispute as to the amount payable to the employed person, or

(b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the person responsible for the payment of the wages was unable, though exercising reasonable diligence, to make prompt payment, or

(c) the failure of the employed person to apply for or accept payment.

2(3) In imposing any fine for an offence under sub-section (1) of section 20 the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 15.

2 (4) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act or any rule made thereunder.

¹ Substituted by Act XVII, 1949.

² Original sub-section (3) was deleted and original sub-section (4) was re-numbered as sub-section (3), and new sub-section (4) was inserted *vid.*

22. No Court shall entertain any suit for the recovery of wages or of any deduction from wages in so far as the sum so claimed—

- (a) forms the subject of an application under section 15 which has been presented by the plaintiff and which is pending before the authority appointed under that section or of an appeal under section 17; or
- (b) has formed the subject of a direction under section 15 in favour of the plaintiff; or
- (c) has been adjudged, in any proceeding under section 15, not to be owed to the plaintiff; or
- (d) could have been recovered by an application under section 15.

23. Any contract or agreement, whether made before or after the commencement of this Act, whereby an employed person relinquishes any right conferred by this Act shall be null and void in so far as it purports to deprive him of such right.

Contracting out.

24. * * * *

25. The person responsible for the payment of wages to persons employed in a factory [or industrial establishment or on a railway] ¹ shall cause to be displayed * * * ² a notice containing such abstracts of this Act and of the rules made thereunder, [in Burmese and English.]³

Display by notice of abstracts of the Act.

26. (1) The President of the Union may make rules to regulate the procedure to be followed by the authorities and Courts referred to in sections 15 and 17.

Rule-making power.

(2) The President of the Union may, by notification in the Gazette, make rules ⁴ for the purpose of carrying into the effect the provisions of this Act.

(3) In particular, and without prejudice to the generality of the foregoing power, rules made under sub-section (2) may—

- (a) require the maintenance of such records, registers, returns and notices as are necessary for the enforcement of the Act and prescribe the form thereof;
- (b) require the display in a conspicuous place on premises where employment is carried on of notices specifying rates of wages payable to persons employed on such premises;
- (c) provide for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them;
- (d) prescribe the manner of giving notice of the days on which wages will be paid;

¹ Inserted by Act XVII, 1949.

² Deleted *ibid.*

³ Substituted *ibid.*

⁴ For rules under this section, see *Burma Gazette*, 1937, Part I, page 408,

- (e) prescribe the authority competent to approve under sub-section (1) of section 8 acts and omissions in respect of which fines may be imposed;
- (f) prescribe the procedure for the imposition of fines under section 8 and for the making of the deductions referred to in section 10;
- (g) prescribe the conditions subject to which deductions may be made under the proviso to sub-section (2) of section 9;
- (h) prescribe the authority competent to approve the purposes on which the proceeds of fines shall be expended;
- (i) prescribe the extent to which advances may be made and the instalments by which they may be recovered with reference to clause (b) of section 12;
- (j) regulate the scales of costs which may be allowed in proceedings under this Act;
- (k) prescribe the amount of Court-fees payable in respect of any proceedings under this Act; and
- (l) prescribe the abstracts to be contained in the notices required by section 25.

(4) In making any rules under this section the President of the Union may provide that a contravention of the rule shall be punishable with fine which may extend to two hundred rupees.

(5) All rules made under this section shall be subject to the condition of previous publication, and the date to be specified under the Burma General Clauses Act shall not be less than three months from the date on which the draft of the proposed rules was published.

THE WORKMEN'S COMPENSATION ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. * * *
2. Definitions.

CHAPTER II.

WORKMEN'S COMPENSATION.

3. Employer's liability for compensation.
4. Amount of compensation.

Sections.

5. Method of calculating wages.
6. Review.
7. Commutation of half-monthly payments.
8. Distribution of compensation.
9. Compensation not to be assigned, attached or charged.
10. Notice and claim.
- 10A. Power to require from employers statements regarding fatal accidents
- 10B. Reports of fatal accidents.
11. Medical examination.
12. Contracting.
13. Remedies of employer against stranger.
14. Insolvency of employer.
15. Special provisions relating to masters and seamen.
16. Returns as to compensation.
17. Contracting out.
18. Proof of age.
- 18A. Penalties.

CHAPTER III.

COMMISSIONERS.

19. Reference to Commissioner.
20. Appointment of Commissioners.
21. Venue of proceedings and transfer.
22. Form of application.
- 22A. Power of Commissioner to require further deposit in cases of fatal accident.
23. Powers and procedure of Commissioners.
24. Appearance of parties.
25. Method of recording evidence.
26. Costs.
27. Power to submit cases.
28. Registration of agreements.
29. Effect of failure to register agreement.
30. Appeals.
- 30A. Withholding of certain payments pending decision of appeal.
31. Recovery.

CHAPTER IV.

RULES.

32. Power of the President to make rules.
33. Power of President to make rules regulating scales of costs, etc.
34. Publication of rules.

Section

35. Rules to give effect to arrangements with other countries for the transfer of money paid as compensation.

SCHEDULE I.

List of injuries deemed to result in permanent partial disablement.

SCHEDULE II.

* * * *

SCHEDULE III.

List of occupational diseases.

SCHEDULE IV.

* * * *

THE WORKMEN'S COMPENSATION ACT.

[INDIA ACT VIII, 1923.] (1st July, 1924.)

CHAPTER I.**PRELIMINARY.**

1. * * * *

Definitions.

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

- (a) "adult" and "minor" mean respectively a person who is not and a person who is under the age of fifteen years ;
- (b) "Commissioner" means a Commissioner for Workmen's Compensation appointed under section 20 ;
- (c) "compensation" means compensation as provided for by this Act;
- (d) "dependant" means any of the following relatives of a deceased workman, namely :—
 - (i) a [widow]¹, a minor legitimate son and unmarried legitimate daughter, or a widowed mother ; and
 - (ii) if wholly or in part dependent on the earnings of a workman at the time of his death, a [widower]¹, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an

¹ Substituted by Act LII, 1951, which came into force on 1st January 1952.

unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, [a minor child of a deceased daughter where no parent of child is alive,]¹ or, where no parent of the workman is alive, a paternal grandparent ;

- (e) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him [and also includes the owner of any vehicle or vessel the use of which is obtained from the owner thereof for the purpose of plying for hire with the said vehicle or vessel under any contract other than a hire purchase agreement in consideration of the payment of a fixed sum or a share in the earnings or otherwise]¹ ;
- (f) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer ;
- ¹ (ff) "outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles ;
- (g) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time : provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement ;
- (h) "prescribed" means prescribed by rules made under this Act ;
- (i) "qualified medical practitioner" means any person registered under the Medical Act, 1858, or any Act amending the same, or under the Burma Medical Act or any Act of any Legislature in India or Pakistan providing for the maintenance of a register of medical practitioners ;
- (j) * * * *
- (k) "seaman" means any person forming part of the crew of any ship, but does not include the master of the ship ;

21 & 22
Vict.,
c. 90.

¹ Inserted by Act LII, 1951.

- (l) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement : provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent ;
- (m) "wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment ;
- ¹ (n) "workman" means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing ; and also includes a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise, but does not include—
- (i) any person employed otherwise than by way of manual labour whose wages exceeds four hundred rupees per month ; or
 - (ii) a person employed in agriculture, that is to say, the cultivation of crops other than those grown on any estate which is maintained for the purpose of growing cinchona, rubber coffee or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed ; or
 - (iii) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club ; or
 - (iv) any person working in the capacity of a member of the naval, military or air forces of the Union of Burma ; or
 - (v) a member of a police force ; or
 - (vi) an outworker ; or
 - (vii) a member of the employer's family dwelling in his house.

Explanation.—For the purposes of this sub-section "member of a family" means wife or husband, father, mother, grandfather, grandmother, step-father,

¹ Substituted by Act LII, 1951,

step-mother, son, daughter, grandson, grand-daughter, step-son, step-daughter, brother, sister, half-brother, half-sister.

¹(2) Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

(3) The exercise and performance of the powers and duties of a local authority or of any department of the Government shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

2 * * *

CHAPTER II.

WORKMEN'S COMPENSATION.

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter :

Employer's liability for compensation.

³ Provided that the employer shall not be so liable in respect of any injury, not resulting in death, caused by an accident which is directly attributable to—

- (i) the workman having been at the time thereof under the influence of drink or drugs, or
- (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or
- (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

(2) ² * * * * If a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in [List A of] ¹ Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

Explanation.—For the purposes of this sub-section a period of service shall be deemed to be continuous which has not included a period of service under any other employer.

¹(3) If a workman contracts any disease specified in List B of Schedule III, and it is certified by a qualified medical practitioner that the disease is directly due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date of

¹ Inserted by Act LII, 1951.

² Deleted *ibid.*

³ Amended *ibid.*

disablement, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section, and unless the employer proves the contrary the accident shall be deemed to have arisen out of and in the course of the employment aforesaid :

Provided that the compensation shall be recoverable from the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due.

¹(4) The President of the Union, after giving, by notification in the Gazette, not less than three months' notice of his intention so to do, may, by a like notification, add any description of employment to the employments specified in [List A of] ²Schedule III, and shall specify in the case of the employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and the provisions of sub-section (2) shall thereupon apply as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.

²(5) The President of the Union, after giving, by notification, not less than three months' notice of his intention to do so, may, by a like notification add any diseases to the occupational diseases specified in List B of Schedule III, and the provisions of sub-section (3) shall thereupon apply as if such diseases had been declared by this Act to be occupational diseases.

¹(6) Save as provided by sub-sections (2) and (3), no compensation shall be payable to a workman in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment.

¹(7) Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted in a civil Court a suit for damages in respect of the injury against the employer or any other person ; and no suit for damages shall be maintainable by a workman in any Court of law in respect of any injury—

(a) if he has instituted a claim to compensation in respect of the injury before a Commissioner ; or

(b) if an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Act.

4. (1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely :—

A. Where death results from the injury—

³(i) in the case of an adult, a sum equal to 36 times the workman's monthly wages calculated in accordance with this Act :

Amount of
compensation.

¹ Sub-sections (3), (4) and (5) were re-numbered as sub-sections (4), (6) and (7) by Act LII, 1951.

² Inserted *ibid.*

³ Substituted *ibid.*

Provided that the minimum and the maximum payment in such a case shall be Rs. 2,160 and Rs. 7,200 respectively, and

(ii) in the case of a minor—two hundred rupees ;

B. Where permanent total disablement results from the injury—

¹ (i) in the case of an adult, a sum equal to 36 times 140 per cent of the workman's monthly wages calculated in accordance with this Act :

Provided that the minimum and the maximum payment in such a case shall be Rs. 3,024 and Rs. 10,080 respectively, and

(ii) in the case of a minor—twelve hundred rupees ;

C. Where permanent partial disablement results from the injury—

(i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury ;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries ;

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day² * * * from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

¹ (i) in the case of an adult—of a sum equivalent to one-third of the workman's monthly wages calculated in accordance with this Act, and

(ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees :

Provided that—

(a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be ; and

¹ Substituted by Act LII, 1951.

² Deleted *ibid.*

(b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident ; and

¹ (c) no compensation shall be payable in respect of the first four days of the disablement if the period of the workman's disablement is ten days or less.

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

Method of
calculating
wages

5. (1) [In this Act and for the purposes thereof, the expression "monthly wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and]² calculated as follows, namely :—

(a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period ;

(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed by a workman employed on similar work in the same locality ;

(c) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

Explanation.—A period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

(2) * * * *

Review.

6. (1) Any half-monthly payment payable under this Act, either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of

¹ Inserted by Act LII, 1951.

² Substituted *ibid.*

the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to rules made under this Act, on application made without such certificate.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Act, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

7. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Commutation of half-monthly payments.

8. (1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation :

Distribution of compensation.

Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer.

(2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him.

(4) On the deposit of any money under sub-section (1) as compensation in respect of a deceased workman the Commissioner shall deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding twenty-five rupees, and pay the same to person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid. The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

(5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under sub-section (4), be apportioned among

the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one dependant.

(6) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom compensation is payable is not a woman or a person under a legal disability, and may in other cases, pay the money to the person entitled thereto.

(7) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion or on an application made to him in this behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.

(8) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation, or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case:

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

(9) Where the Commissioner varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner hereinafter provided in section 31.

Compensation not to be assigned, attached or charged.

9. Save as provided by this Act, no lump sum or half-monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Notice and claim.

10. (1) No proceedings for the recovery of compensation shall be maintainable before a Commissioner unless notice of the accident has been given, in the manner hereinafter provided, as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect

to such accident has been instituted within twelve ¹ months of the occurrence of the accident or, in case of death, within twelve ¹ months from the date of death :

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease :

Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings—

- (a) if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or
- (b) if the employer had knowledge of the accident from any other source at or about the time when it occurred :

Provided further that Commissioner may admit and decide any claim to compensation in any case, notwithstanding that the notice has not been given, or the claim has not been instituted, in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or institute the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employers, or upon any person directly responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

(3) The President of the Union may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice-book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting *bonâ fide* on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice-book is maintained, by entry in the notice-book.

10A. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the

Power to
require from
employers
statements

¹ Substituted by Act LII, 1951.

regarding
fatal
accidents.

workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or he is not liable to deposit compensation on account of the death.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

Reports
of fatal
accidents.

10B. (1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the death :

Provided that, where the President of the Union has so prescribed, the person required to give the notice may, instead of sending such report to the Commissioner, send it to the authority to whom he is required to give the notice.

(2) The President of the Union may, by notification in the Gazette, extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner.

Medical
examination.

11. (1) ¹(a) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination ; and any workman who is in receipt of a half-monthly payment under this Act shall, if so required, submit himself for such examination from time to time.

¹(b) If the Commissioner considers it necessary for the settlement of any question arising in any proceedings under this Act, he may require a workman who has given notice of an accident to submit himself for examination by a medical practitioner, and the cost of such medical examination, if any, shall be payable by the employer :

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with

¹ Original sub-section (1) was renumbered as sub-section (1) (a) and clause (b) was inserted by Act LII, 1951.

rules made under this Act, or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workman, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination, voluntarily leaves without having been so examined the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under sub-section (2) or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension. * * * * *

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge, or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case, and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly.

12. (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and, where compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer Contracting.

¹ Deleted by Act LII, 1951.

except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor or any other person from whom the workman could have recovered compensation, and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman would have recovered compensation, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

Remedies of
employer
against
stranger.

13. Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Insolvency
of employer.

14. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency proceedings or liquidation.

(3) Where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premia), the provisions

of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman :

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.

(4) There shall be deemed to be included among the debts which under section 49 of the Rangoon Insolvency Act, or under section 61 of the Burma Insolvency Act, or under section 230 of the Burma Companies Act, are in the distribution of the property of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and those Acts shall have effect accordingly.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if application were made for that purpose under section 7, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

(7) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

15. This Act shall apply in the case of workmen who are masters of ships or seamen subject to the following modifications, namely :—

Special provisions relating to masters and seamen.

(1) The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident.

(2) In the case of the death of a master or seaman, the claim for compensation shall be made within six months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within eighteen months of the date on which the ship was, or is deemed to have been, so lost.

(3) Where an injured master or seaman is discharged or left behind in any part of His Britannic Majesty's dominions or in a foreign country, any

depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the President of the Union shall, in any proceedings for enforcing the claim, be admissible in evidence—

- (a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made ;
- (b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness ; and
- (c) if the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused ;

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition, if made in a criminal proceeding, was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

(4) In the case of the death of a master or seaman leaving no dependants, the Commissioner shall, if the owner of the ship is under any law in force for the time being in the Union of Burma relating to merchant shipping liable to pay the expenses of burial of the master or seaman, return to the employer the full amount of the compensation deposited under sub-section (1) of section 8 without making the deduction referred to in sub-section (4) of that section.

(5) No half-monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being in the Union of Burma relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman.

Returns as
to compen-
sation.

16. The President of the Union may, by notification in the Gazette, direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the President of the Union may direct.

Contracting
out.

17. Any contract or agreement, whether made before or after the 1st July, 1924, ¹ whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

¹ Date of commencement of this Act.

18. Where any question arises to the age of a person injured by accident arising out of and in the course of his employment in a factory, a certificate granted in respect of such person under section 12 or section 52 of the Factories Act before the occurrence of the injury shall be conclusive proof of the age of such person. Proof of age

18A. (1) Whoever—

Penalties.

- (a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10, or
- (b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of section 10A, or
- (c) fails to send a report which he is required to send under section 10B, or
- (d) fails to make a return which he is required to make under section 16.

shall be punishable with fine which may extend to one hundred rupees.

(2) No prosecution under this section shall be instituted except by or with the previous sanction of a Commissioner, and no Court shall take cognizance of any offence under this section unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER III.

COMMISSIONERS.

19. (1) If any question arises in any proceedings under this Act as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by a Commissioner. Reference to Commissioner.

(2) No civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Act.

20. (1) The President of the Union may, by notification in the Gazette, appoint any person to be a Commissioner for Workmen's Compensation for such local area as may be specified in the notification. Appointment of Commissioners.

(2) Where more than one Commissioner has been appointed for any local area, the President of the Union may, by general or special order, regulate the distribution of business between them.

(3) Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Act, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

(4) Every Commissioner shall be deemed to be a public servant within the meaning of the Penal Code.

Venue of
proceedings
and transfer.

21. (1) Where any matter is under this Act to be done by or before a Commissioner, the same shall, subject to the provisions of this Act and to any rules made hereunder, be done by or before a Commissioner for the local area in which the accident took place which resulted in the injury :

Provided that, where the workman is the master of a ship or a seaman, any such matter may be done by or before a Commissioner for the local area in which the owner or agent of the ship resides or carries on business.

(2) If a Commissioner is satisfied by any party to any proceedings under this Act pending before him that such matter can be more conveniently dealt with by any other Commissioner, he may, subject to rules made under this Act, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings :

Provided that no matter other than a matter relating to the actual payment to a workman or the distribution among dependants of a lump sum shall be transferred for disposal under this sub-section to a Commissioner save with the previous sanction of the President of the Union unless all the parties to the proceedings agree to the transfer.

(3) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Act, inquire therein and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

(5) The President of the Union may transfer any matter from any Commissioner to any other Commissioner.

Form of
application.

22. (1) No application for the settlement of any matter by a Commissioner, other than an application by a dependant or dependants for compensation, shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) An application to a Commissioner may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely :—

(a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims ;

(b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and

if such notice has not been served or has not been served in due time, the reason for such omission ;

(c) the names and addresses of the parties ; and

(d) except in the case of an application by dependants for compensation, a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

22A. (1) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

Power of Commissioner to require further deposit in case of fatal accident.

(2) If the employer fails to show cause to the satisfaction of the Commissioner, the Commissioner may make an award determining the total amount payable, and requiring the employer to deposit the deficiency.

23. A Commissioner shall have all the powers of a civil Court under the Code of Civil Procedure for the purpose of taking evidence on oath (which such Commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects, and a Commissioner shall be deemed to be a civil Court for all the purposes of section 195 and of Chapter XXXV of the Code of Criminal Procedure.

Powers and procedure of Commissioners.

24. Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or other person authorized in writing by such person.

Appearance of parties.

25. The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record :

Method of recording evidence.

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

Provided, further, that the evidence of any medical witness shall be taken down as nearly as may be word for word.

26. All costs incidental to any proceedings before a Commissioner shall, subject to rules made under this Act, be in the discretion of the Commissioner.

Costs.

Power to
submit
cases.

27. A Commissioner may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

Registration
of agree-
ments.

28. (1) Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been settled as being payable to a woman or a person under a legal disability, a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a register in the prescribed manner :

Provided that—

(a) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned ;

(b) * * * *

(c) the Commissioner may at any time rectify the register ;

(d) where it appears to the Commissioner that an agreement as to the payment of a lump sum, whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a woman or a person under a legal disability, ought not to be registered by reason of the inadequacy of the sum or amount or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement and may make such order, including an order as to any sum already paid under the agreement, as he thinks just in the circumstances.

(2) An agreement for the payment of compensation which has been registered under sub-section (1) shall be enforceable under this Act notwithstanding anything contained in the Contract Act or in any other law for the time being in force.

Effect of
failure to
register
agreement.

29. Where a memorandum of any agreement, the registration of which is required by section 28, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Act, and, notwithstanding anything contained in the proviso to sub-section (1) of section 4, shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation, whether under the agreement or otherwise.

Appeals.

30. (1) An appeal shall lie to the High Court from the following orders of a Commissioner, namely :—

(a) an order awarding as compensation a lump sum, whether by way of redemption of a half-monthly payment or otherwise, or disallowing a claim in full or in part for a lump sum ;

(b) an order refusing to allow redemption of a half-monthly payment ;

- (c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant ;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 12 ; or
- (e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions :

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute in the appeal is not less than three hundred rupees :

Provided, further, that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties :

Provided, further, that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.

(2) The period of limitation for an appeal under this section shall be sixty days.

(3) The provisions of section 5 of the Limitation Act shall be applicable to appeals under this section.

30A. Where an employer makes an appeal under clause (a) of sub-section (1) of section 30, the Commissioner may, and if so directed by the High Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him.

Withholding of certain payments pending decision of appeal.

31. The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act.

Recovery.

CHAPTER IV.

RULES.

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

Power of the President to make rules.

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

- (a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 6 when not accompanied by a medical certificate ;

¹ For the Workmen's Compensation Rules, see Notification No. L-1182, Gazette of India, Part I, dated 26th June, 1924.

- (b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under sub-section (1) of section 11 ;
- (c) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Act and by the parties in such cases ;
- (d) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases ;
- (e) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another ;
- (f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance ;
- (g) for prescribing the form and manner in which memoranda of agreements shall be presented and registered ; and
- (h) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same.

Power of
President
to make
rules
regulating
scales of
costs, etc.

33. The President of the Union may make rules to provide for all or any of the following matters, namely :—

- (a) for regulating the scales of costs which may be allowed in proceedings under this Act ;
- (b) for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Act ;
- (c) for the maintenance by Commissioners of registers and records of proceedings before them ;
- (d) for prescribing the classes of employers who shall maintain notice-books under sub-section (3) of section 10, and the form of such notice-books ;
- (e) for prescribing the form of statement to be submitted by employers under section 10A ;
- (f) for prescribing the cases in which the report referred to in section 10B may be sent to an authority other than the Commissioner ; and
- (g) generally for carrying out the provisions of this Act.

Publication
of rules.

34. (1) The power to make rules conferred by sections 32 and 33 shall be subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with the Burma General Clauses Act, as that after which a draft of rules proposed to be made under section 32 or section 33 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(3) Rules so made shall be published in the Gazette and, on such publication, shall have effect as if enacted in this Act.

35. (1) The President of the Union may, by notification in the Gazette, make rules for the transfer to any other country of money deposited with a Commissioner under this Act which has been awarded to or may be due to any person residing or about to reside in such part or country, and for the receipt, distribution and administration in the Union of Burma of any money deposited under the law relating to workmen's compensation in any other country, which has been awarded to or may be due to any person residing or about to reside in the Union of Burma :

Rules to give effect to arrangements with other countries for the transfer of money paid as compensation.

Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (4) and (5) of section 8.

(2) Where money deposited with a Commissioner has been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money.

SCHEDULE I.

[See sections 2 (1) and 4.]

List of injuries deemed to result in permanent partial disablement.

Injury.	Percentage of loss of earning capacity.
Loss of right arm above or at the elbow	70
Loss of left arm above or at the elbow	60
Loss of right arm below the elbow	60
Loss of leg at or above the knee	60
Loss of left arm below the elbow	50
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye	30
Loss of thumb	25
Loss of all toes of one foot	20
Loss of one phalanx of thumb	15
Loss of index finger	15
Loss of great toe	10
Loss of any finger other than index finger	5

NOTE.—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE II. ¹

* * * *

¹ Deleted by Act LII, 1951.

SCHEDULE III.

(See section 3.)

LIST OF OCCUPATIONAL DISEASES.

List A.

Occupational Disease.	Employment.
Anthrax	Handling of wool, hair, bristles, animal carcasses or parts of such carcasses, or the loading, unloading or transport of any merchandise, or any work in connection with animals infected with anthrax.
Lead poisoning or its sequelæ ...	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelæ ...	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelæ ...	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelæ ...	Any process involving the use of arsenic or its preparations or compounds.
Poisoning by benzene and its homologues or the sequelæ of such poisoning.	Handling benzene or any of its homologues; and any process in the manufacture, or involving the use of benzene or any of its homologues.
Poisoning by nitro-and amido-derivatives of benzene and its homologues (trinitrotoluene, anillin and others) or the sequelæ.	Handling any nitro-or amido-derivative of benzene or any of its homologues, or any process in the manufacture, or involving the use, thereof.
Poisoning by nitrous fumes or its sequelæ ...	Any process in which nitrous fumes are involved.
Dope poisoning (that is, poisoning by any substance used as or in conjunction with a solvent for acetate of cellulose) or its sequelæ	Any process involving the use of any substance used as or in conjunction with a solvent for acetate of cellulose.
Poisoning by carbon bisulphide or its sequelæ.	Any process involving the use of carbon bisulphide or its preparations or compounds.
Poisoning by nickel carbonyl or its sequelæ	Any process in which nickel carbonyl gas is involved.
Epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of those substances.	Handling or use of tar, pitch, bitumen, mineral oil or paraffin or any compound, product or residue of any of those substances.
Ulceration of the corneal surface of the eye due to tar, pitch, bitumen, mineral oil, or paraffin, or any compound, product or residue of any of those substances.	Handling or use of tar, pitch, bitumen, mineral oil or paraffin or any compound, product or residue of any of those substances.

Occupational Disease.	Employment.
Chrome ulceration or its sequelæ ...	Any process involving the use of Chromic acid or bichromate of ammonium, potassium, or sodium, or their preparations.
Compressed air illness or its sequelæ ...	Any process carried on in compressed air.
Cataract in glassworkers ...	Any process in the manufacture of glass involving exposure to the glare of molten glass.
Cataract caused by exposure to rays from molten or red-hot metal.	Any process normally involving exposure to rays from molten or red-hot metal in the manufacture of iron or steel, including reheating and rolling iron or steel.
Subcutaneous cellulitis of the hand (beat hand)	Mining.
Subcutaneous cellulitis, or acute bursitis over the elbow (beat elbow).	Mining.
Inflammation of the sinovial lining of the wrist joint and tendon sheaths.	Mining
Glanders ...	Care of any equine animal suffering from glanders, handling the carcass of such animal.
Telegraphist's cramp ...	Use of telegraphic instruments.

List B.

Dermatitis produced by dust or liquids.

Ulceration of the skin produced by dust or liquids.

Ulceration of the mucous membrane of the nose or mouth produced by dust.

Writer's cramp.

Twister's cramp caused by twisting of cotton or woollen (including worsted) yarns.

Inflammation, ulceration, malignant disease of the skin and subcutaneous tissues, due to exposure to X-Rays or radio-active substances.

SCHEDULE IV. ¹

* * * *

¹ Deleted by Act LII, 1951.

THE EMIGRATION ACT

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. * * *

2. Definitions.

CHAPTER II.

PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

3. Appointment of Protectors of Emigrants.
4. General duty of Protector.
5. Power to appoint persons to exercise functions of a Protector.
6. Appointment of Medical Inspectors.
7. Agents in foreign countries.
8. Advisory Committees.

CHAPTER III.

EMIGRATION FOR THE PURPOSE OF UNSKILLED WORK.

9. Ports from which emigration of unskilled workers is lawful.
10. Countries to which emigration of unskilled workers is lawful.
11. Power to suspend emigration of unskilled workers.
12. Revocation of prohibition.
13. Powers of President to prohibit emigration to specified country.
14. Saving.

CHAPTER IV.

EMIGRATION FOR THE PURPOSE OF SKILLED WORK.

15. Ports from which emigration of skilled workers is lawful.
16. Emigration of skilled workers.
17. Applications how to be disposed of.
18. Appearance of engaged persons before, and registration of names by, Protector of Emigrants.
19. Provisions as to security.
20. Delegation to Protector of Emigrants of authority to receive or dispose of applications.
21. Power to prohibit emigration of skilled workers.
22. Saving.

CHAPTER V.

RULES.

Sections.

23. Rules under section 2 (2).
24. Power for the President to make rules.

CHAPTER VI.

OFFENCES.

25. Unlawful emigration or inducement to emigrate.
26. Fraudulently inducing to emigrate.
27. False representation of Government authority.
28. Sanction to prosecutions.
29. Power for Customs-officer to search and detain for purposes of Act.

CHAPTER VII.

SUPPLEMENTAL.

30. Prohibition of departure by land under an agreement to work for hire in some country beyond the sea.

CHAPTER VIII.

SAVINGS.

31. Application of Act.
32. * * * *

THE EMIGRATION ACT.

[INDIA ACT VII, 1922.] (5th March, 1922.)

CHAPTER I.

PRELIMINARY.

1. * * * *

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

- (a) “ dependant ” means any woman or child who is related to an emigrant and any aged or incapacitated relative of an emigrant ;
- (b) “ emigrant ” means any person who emigrates or has emigrated or who has been registered as an emigrant under this Act, and includes any dependant of an emigrant, but does not include—
 - (i) any person emigrating to a country in which he has resided for not less than five years or the wife or child of such person, or

- (ii) the wife or child of any person who has lawfully emigrated when such wife or child departs for the purpose of joining such person ;
 - (c) “ emigrate ” and “ emigration ” mean the departure by sea out of the Union of Burma of —
 - (i) any person who departs under an agreement to work for hire in any country beyond the limits of the Union of Burma, and
 - (ii) any person who is assisted to depart, otherwise than by a relative, if he departs for the purpose or with the intention of working for hire or engaging in agriculture in any country beyond the limits of the Union of Burma ;
 - (cc) “ emigrant ship ” means any ship specially chartered for the conveyance of emigrants, or conveying emigrants exceeding a number to be prescribed :
- Provided that the President of the Union may, by notification in the Gazette, declare that ships conveying emigrants to any specified port shall not be deemed to be emigrant ships ;
- (d) “ prescribe ” means to prescribe by rules made under this Act ;
 - (e) “ work ”, with its grammatical variations, means skilled or unskilled work ;
 - (f) “ skilled work ” means—
 - (i) working as an artisan ; or
 - (ii) working as a clerk or shop assistant ; or
 - (iii) working for the purpose of any exhibition or entertainment ;
or
 - (iv) service in any restaurant, tea-house, or other place of public resort ; or
 - (v) domestic service ; or
 - (vi) any other occupation which the President of the Union may, by notification in the Gazette, declare to be skilled work ;
 - (g) “ unskilled work ” includes engaging in agriculture.

(2) In case of any doubt or dispute arising, otherwise than in the course of any legal proceedings, as to whether—

- (a) any person is an emigrant, or
- (b) any work is skilled or unskilled, or
- (c) any person has been assisted otherwise than by a relative,

within the meaning of this Act, the question shall be determined by such person and in such manner as the President of the Union may prescribe, and such determination shall be final.

CHAPTER II.

PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

3. (1) The President of the Union may appoint a person to be the Protector of Emigrants for any port situate within the Union of Burma from which emigration is lawful. Appointment of Protectors of Emigrants.

(2) The President of the Union may define the area to which the authority of a Protector of Emigrants so appointed shall extend.

(3) Every Protector of Emigrants shall be a public servant within the meaning of the Penal Code.

4. Every Protector of Emigrants, in addition to the special duties assigned to him by or under this Act, shall— General duty of Protector.

- (a) protect and aid with his advice all emigrants ;
- (b) cause, so far as he can, all the provisions of this Act and of the rules made thereunder to be complied with ;
- (c) inspect, at the time of arrival to such extent and in such manner as the President of the Union may prescribe, vessels bringing return emigrants to the port for which he is Protector ;
- (d) inquire into the treatment received by return emigrants both during the period of their residence in the country to which they emigrated, and also during the return voyage, and report thereon to the President of the Union ;
- (e) aid and advise return emigrants so far as he reasonably can ; and
- (f) on being satisfied that any person intending to depart by sea out of the Union of Burma comes within one of the classes expressly excluded from the definition of emigrant in section 2, furnish such person with a certificate to the effect that such person is not an emigrant for the purpose of this Act.

5. (1) In any specified area where there is not a Protector of Emigrants, the President of the Union may appoint any person to perform all or any of the duties of a Protector of Emigrants under this Act. Power to appoint persons to exercise functions of a Protector.

(2) Every person so appointed shall be a public servant within the meaning of the Penal Code.

6. (1) The President of the Union may appoint one or more Medical Inspectors of Emigrants at any port from which emigration is lawful or at any other place, and, where more than one are appointed, may apportion their respective duties. Appointment of Medical Inspectors.

(2) Every Medical Inspector of Emigrants shall be a public servant within the meaning of the Penal Code.

7. The President of the Union may, for the purpose of safe-guarding the interests of emigrants in any place outside the Union of Burma, appoint persons to be agents in such places, and may define their powers and duties. Agents in foreign countries.

Advisory
Committees.

8. The President of the Union may, for the purpose of assisting any Protector of Emigrants appointed by him or any person appointed by him under section 5, constitute an Advisory Committee in such manner as he may think fit, and may prescribe the procedure to be followed and the functions to be performed by such committee.

CHAPTER III.

EMIGRATION FOR THE PURPOSE OF UNSKILLED WORK.

Ports from
which emi-
gration of
unskilled
workers is
lawful.

9. (1) Emigration, for the purpose of unskilled work, shall not be lawful except from such ports as the President of the Union may, by notification, declare to be ports from which such emigration is lawful.

(2) The President of the Union may, by notification, fix for the purposes of this Act the limits of any port from which such emigration is lawful.

Countries to
which emi-
gration of
unskilled
workers is
lawful.

10. (1) Emigration, for the purpose of unskilled work, shall not be lawful except to such countries and on such terms and conditions as the President of the Union, by notification, may specify in this behalf.

(2) No notification shall be made under sub-section (1) unless it has been laid in draft before both Chambers of the Union Parliament and has been approved by a resolution of each Chamber, either without modification or addition or with modifications and additions to which both Chambers agree, but, upon such approval being given, the notification may be issued in the form in which it has been so approved.

1 (3) * * * *

Power to
suspend
emigration
of unskilled
workers.

11. (1) Where the President of the Union has reason to believe that in any country to which emigration for the purpose of unskilled work is lawful plague or any other epidemic disease dangerous to human life has broken out, and that emigrants if allowed to emigrate to that country would be exposed to serious risk to life on arrival there, he may, by notification, declare that emigration to that country for the purpose of unskilled work shall cease to be lawful.

(2)-(3) * * * *

Revocation
of prohibi-
tion.

12. Where the President of the Union is satisfied that the ground on which a notification under sub-section (1) of section 11 has been made with respect to any country has ceased to exist, he may, by notification, declare that emigration to that country for the purpose of unskilled work shall again be lawful from a date to be specified in the notification.

Powers of
President
to prohibit
emigration to
specified
country

13. (1) The President of the Union may, by notification, prohibit, from a date and for reasons to be specified in the notification, all persons or any specified class of persons from emigrating to any specified country from the Union of Burma, or any specified part thereof, for the purpose of unskilled work.

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

(2) Every notification issued under this section shall be laid before both Chambers of the Union Parliament as soon as may be after it is made.

14. A notification under section 10, section 11, section 12 or section 13 shall not affect any act done, offence committed, or legal proceedings commenced before the date on which such notification takes effect. Saving.

CHAPTER IV.

EMIGRATION FOR THE PURPOSE OF SKILLED WORK.

15. Emigration, for the purpose of skilled work, shall not be lawful except from a port from which emigration for the purpose of unskilled work is lawful and from such other ports as the President of the Union may, by notification, specify in this behalf. Ports from which emigration of skilled workers is lawful.

16. (1) Whoever desires to engage, or to assist, any person to emigrate for the purpose of skilled work shall apply for the permission of the President of the Union and shall state in his application— Emigration of skilled workers.

- (a) the number of persons whom he proposes so to engage or assist ;
- (b) the place beyond the limits of the Union of Burma to which each such person and his dependants are to proceed ;
- (c) the accommodation to be provided for each such person and his dependants until their departure out of the Union of Burma and during the voyage.

(2) Whoever desires to engage any person for the purpose described in sub-section (1) shall, in addition to the information which he is required by that sub-section to supply in his application, further state therein—

- (a) the provision to be made for the health and well-being of such person and his dependants during the period of the proposed engagement and for their repatriation at the end of such period ;
- (b) the terms of the agreement under which such person is to be engaged ;
- (c) the security in the Union of Burma which he proposes to furnish for the due observance of such agreement and for the proper treatment of the person to be engaged and his dependants.

17. On receiving an application under section 16, the President of the Union may, after such inquiry as he may deem necessary, grant the permission applied for on such terms and conditions (if any) and on payment of such fees (if any) as he thinks fit, or withhold such permission, and the decision of the President of the Union shall be final. Applications how to be disposed of.

18. (1) Before any person departs from the Union of Burma in accordance with permission granted under section 17, the person by whom he has been engaged or assisted shall appear in person or by his duly Appearance of engaged persons before, and

registration
of names by,
Protector of
Emigrants.

authorized agent before the Protector of Emigrants at the port of embarkation with such first-mentioned person and with any persons intending to accompany him as his dependants.

(2) If it appears to the Protector of Emigrants—

- (a) that permission to engage or assist such person has been duly obtained,
- (b) in the case of an engagement, that the terms of the agreement under which such person has been engaged are in accordance with the terms of the permission granted and are understood by him, and
- (c) that the conditions on which the permission was granted have been complied with,

he shall register in a book to be kept for the purpose such particulars concerning the person engaged or assisted and his dependants (if any) and concerning the person engaging or assisting him, and in such form as the President of the Union may prescribe.

Provisions
as to se-
curity.

19. Where such security as is referred to in sub-section (2) of section 16 has been furnished, the President of the Union may, at any time after making such inquiry as he may deem necessary, pass orders in regard to the forfeiture of the security in whole or in part and the application of the same or any part thereof, and, on the expiry of the period to which the agreement relates and on being satisfied that no ground exists for forfeiting the security in whole or in part, order the return of the security or of any part thereof to the person by whom it was furnished or to his representative.

Delegation
to Protector
of Emigrants
of authority
to receive or
dispose of
applications.

20. The President of the Union may, by notification, authorize a Protector of Emigrants to receive and dispose of applications made under this Chapter :

Provided that an appeal shall lie to the President of the Union from every order passed by a Protector of Emigrants in exercise of the authority so conferred.

Power to
prohibit
emigration
of skilled
workers.

21. (1) Where the President of the Union has reason to believe that sufficient grounds exist for prohibiting emigration of skilled workers to any country, he may, by notification, declare that such emigration to that country shall cease to be lawful from a date specified in the notification ; and from that date such emigration to that country shall accordingly cease to be lawful.

(2) Every notification issued under this section shall be laid before both Chambers of the Union Parliament as soon as may be after it is made.

Saving.

22. Nothing in this Chapter shall apply in any case in which a person engages another to accompany him out of the Union of Burma as his personal domestic servant.

CHAPTER V.

RULES.

23. The President of the Union may, by notification, make rules consistent with this Act to prescribe the person by whom any doubt or dispute referred to in sub-section (2) of section 2 shall be determined and the procedure to be followed and the proof to be required in such cases, and to provide for any other matter which the President of the Union is by this Act empowered to prescribe.

Rules under section 2 (2).

24. (1) The President of the Union may, by notification, and after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

Power for the President to make rules.

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

- (a) the powers and duties of the several officers appointed by the President of the Union under this Act ;
- (b) the licensing, supervision and control of persons in the Union of Burma engaged in causing or assisting persons to emigrate and in the conveyance and accommodation of emigrants, and the prohibition of unlicensed persons from being so engaged ;
- (c) the establishment, supervision and regulation of any places of accommodation provided for emigrants and for their medical care while resident there ;
- (d) the forms to be maintained and the returns to be submitted by persons licensed in accordance with rules framed under clause (b) ;
- (e) the information to be furnished by persons licensed in accordance with rules framed under clause (b) to emigrants and the language in which such information is to be furnished ;
- (f) the production and examination of emigrants before District Magistrates or such other authorities as may be appointed in this behalf ;
- (g) the age below which persons of either sex may not emigrate except as dependants ;
- (h) the accommodation, the provisions, fuel and other necessities, the medical stores and staff, the life-saving and sanitary arrangements, and the records to be maintained on emigrant ships ;
- (i) the reception and the despatch to their homes of return emigrants ;
- (j) the fees, if any, payable by emigration agents to Protectors of Emigrants for each emigrant departing from the Union of Burma ; and
- (k) generally, the security, well-being and protection of emigrants up to the date of their departure from the Union of Burma, during a voyage on an emigrant ship, and on their return to the Union of Burma.

CHAPTER VI.

OFFENCES.

Unlawful
emigration
or inducement
to emigrate.

25. (1) Whoever, except in conformity with the provisions of this Act or of the rules made under this Act, emigrates or attempts to emigrate shall be punishable with fine which may extend to fifty rupees.

(2) Whoever, except in conformity with the provisions of this Act or of the rules made under this Act,—

(a) makes, or attempts to make, any agreement with any person purporting to bind that person, or any other person, to emigrate, or

(b) causes or assists, or attempts to cause or assist, any person to emigrate or to attempt to emigrate or to leave any place for the purpose of emigrating, or

(c) causes any person engaged or assisted by him, after grant of the permission referred to in section 17, to depart by sea out of the Union of Burma without registration of the particulars required by sub-section (2) of section 18,

shall be punishable with fine which may extend to five hundred rupees.

(3) When in the course of any proceedings in connection with emigration in which a person licensed in accordance with rules framed under clause (b) of sub-section (2) of section 24 is concerned, a breach of the provisions of this Act or of the rules made under this Act is committed, such person shall be liable to the punishment provided by sub-section (2), unless he shows that he was not responsible for and could not have prevented the commission of the breach.

(4) If any person commits an offence under this section, any police-officer may arrest him without warrant.

Fraudulent-
ly inducing
to emigrate.

26. Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any person to emigrate, or enter into any agreement to emigrate, or leave any place with a view to emigrating, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

False repre-
sentation of
Government
authority.

27. Whoever falsely represents that any emigrants are required by the Government or are to be engaged on behalf of the Government shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Sanction to
prosecu-
tions.

28. No prosecution shall be instituted for any offence under this Chapter except with the sanction of a Protector of Emigrants or of a person appointed under section 5 and empowered in this behalf, or, where there is no Protector or person so appointed and empowered, of the District Magistrate :

Provided that no sanction shall be required when an offence has been committed in respect of an emigrant or an intended emigrant and the

complaints is filed by such emigrant or intended emigrant, or, on behalf of such emigrant or intended emigrant, by the father, mother, husband, wife or guardian of such emigrant or intended emigrant or, if such emigrant or intended emigrant is a member of a joint Hindu family, by the manager of that family.

29. All the powers for the time being conferred by law on officers of sea-customs, with regard to the searching and detention of vessels or otherwise for the prevention of smuggling on board thereof, may be exercised by those officers for the prevention of offences against this Act.

Power for Customs-officer to search and detain for purposes of Act.

CHAPTER VII.

SUPPLEMENTAL.

30. (1) The departure by land out of the Union of Burma of any person under, or with a view to entering into, an agreement to work for hire, or when assisted, otherwise than by a relative, so to depart for the purpose or with the intention of working for hire or engaging in agriculture, in any country beyond the sea, is prohibited.

Prohibition of departure by land under an agreement to work for hire in some country beyond the sea.

(2) Whoever departs, or attempts to depart, by land out of the Union of Burma in contravention of this section shall be deemed to have committed an offence under sub-section (1) of section 25.

(3) Whoever causes or assists, or attempts to cause or assist, any person to depart by land out of the Union of Burma in contravention of this section shall be deemed to have committed an offence under sub-section (2) of section 25.

CHAPTER VIII.

SAVINGS.

31. Nothing in this Act shall be deemed to apply to the departure out of the Union of Burma of any person who is not a citizen of the Union of Burma or any person enrolled under the Burma Army Act.

Application of Act.

² 32. * * *

THE TRADE UNIONS ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. * * *
2. Definitions.

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

² Omitted *ibid.*

CHAPTER II.**REGISTRATION OF TRADE UNIONS.***Sections.*

3. Appointment of Registrar.
4. Mode of registration.
5. Application for registration.
6. Provisions to be contained in the rules of a Trade Union.
7. Power to call for further particulars and to require alteration of name.
8. Registration.
9. Certificate of registration.
10. Cancellation of registration.
11. Appeal.
12. Registered office.
13. Incorporation of registered Trade Unions.
14. Certain Acts not to apply to registered Trade Unions.

CHAPTER III.**RIGHTS AND LIABILITIES OF REGISTERED TRADE UNIONS.**

15. Objects on which general funds may be spent.
16. Constitution of a separate fund for political purposes.
17. Criminal conspiracy in trade disputes.
18. Immunity from civil suit in certain cases.
19. Enforceability of agreements.
20. Right to inspect books of Trade Union.
21. Rights of minors to membership of Trade Unions.
22. Proportion of officers to be connected with the industry.
23. Change of name.
24. Amalgamation of Trade Unions.
25. Notice of change of name or amalgamation.
26. Effects of change of name and of amalgamation.
27. Dissolution.
28. Returns.

CHAPTER IV.**REGULATIONS.**

29. Power to make regulations.
30. Publication of regulations.

CHAPTER V.**PENALTIES AND PROCEDURE.**

31. Failure to submit returns.
32. Supplying false information regarding Trade Unions.
33. Cognizance of offences.

THE TRADE UNIONS ACT.

[INDIA ACT XVI, 1926.] (1st June, 1927.)

CHAPTER I.**PRELIMINARY.****1** 1. This Act shall extend to the whole of the Union of Burma.

Extent.

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

- (a) “executive” means the body, by whatever name called, to which the management of the affairs of a Trade Union is entrusted ;
- (b) “officer”, in the case of a Trade Union, includes any member of the executive thereof, but does not include an auditor ;
- (c) “prescribed” means prescribed by regulations made under this Act ;
- (d) “registered office” means that office of a Trade Union which is registered under this Act as the head office thereof ;
- (e) “registered Trade Union” means a Trade Union registered under this Act ;
- ² (f) “Registrar” means the Registrar of Trade Unions appointed under sub-section (1) of section 3 ; and “Assistant Registrar” means an Assistant Registrar of Trade Unions appointed under sub-section (2) of section 3 ;
- (g) “trade dispute” means any dispute between employers and workmen, or between workmen and workmen, or between employers and employers, which is connected with the employment or non-employment, or the terms of employment or the conditions of labour, of any person, and “workmen” means all persons employed in trade or industry, whether or not in the employment of the employer with whom the trade dispute arises ; and
- (h) “Trade Union” means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions ;

Provided that this Act shall not affect—

- (i) any agreement between partners as to their own business ;
- (ii) any agreement between an employer and those employed by him as to such employment ; or

¹ Inserted by Act XVI, 1949, which came into force on 1st August 1949.² Substituted *ibid.*

- (iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft.

CHAPTER II.

REGISTRATION OF TRADE UNIONS.

Appoint-
ment of Re-
gistrar.

3. ¹(1) The President of the Union shall appoint a person to be the Registrar of Trade Unions for the Union of Burma.

¹(2) The President of the Union may appoint a person to be an Assistant Registrar of Trade Unions for any local area, and may, by general or special order, confer on him all or any of the powers of the Registrar under this Act.

Mode of
registration.

4. Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Act with respect to registration, apply for registration of the Trade Union under this Act.

Application
for regis-
tration.

5. (1) Every application for registration of a Trade Union shall be made to the Registrar, and shall be accompanied by a copy of the rules of the Trade Union and a statement of the following particulars, namely :—

(a) the names, occupations and addresses of the members making the application ;

(b) the name of the Trade Union and the address of its head office ;

(c) the titles, names, ages, addresses and occupations of the officers of the Trade Union ; and

²(d) the total number of members of the Trade Union.

(2) Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars as may be prescribed.

Provisions
to be con-
tained in
the rules of
a Trade
Union.

6. A Trade Union shall not be entitled to registration under this Act, unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely :—

(a) the name of the Trade Union ;

(b) the whole of the objects for which the Trade Union has been established ;

(c) the whole of the purposes for which the general funds of the Trade Union shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Act ;

(d) the maintenance of a list of the members of the Trade Union and adequate facilities for the inspection thereof by the officers and members of the Trade Union

¹ Original section 3 was re-numbered as sub-section (1) thereof and sub-section (2) was inserted by Act XVI, 1949.

² Inserted *ibid.*

- (e) the admission of ordinary members who shall be persons actually engaged or employed in an industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary members as officers required under section 22 to form the executive of the Trade Union ;
- (f) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members ;
- (g) the manner in which the rules shall be amended, varied or rescinded ;
- (h) the manner in which the members of the executive and the other officers of the Trade Union shall be appointed and removed ;
- (i) the safe custody of the funds of the Trade Union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the officers and members of the Trade Union ; and
- (j) the manner in which the Trade Union may be dissolved.

7. (1) The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of section 5, or that the Trade Union is entitled to registration under section 6, and may refuse to register the Trade Union until such information is supplied.

Power to call for further particulars and to require alteration of name.

(2) If the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall require the persons applying for registration to alter the name of the Trade Union stated in the application, and shall refuse to register the Union until such alteration has been made.

8. The Registrar, on being satisfied that the Trade Union has complied with all the requirements of this Act in regard to registration, shall register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.

Registration.

9. The Registrar, on registering a Trade Union under section 8, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the Trade Union has been duly registered under this Act.

Certificate of registration.

10. A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar—

Cancellation of registration.

- (a) on the application of the Trade Union to be verified in such manner as may be prescribed, or
- (b) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake, or that the Trade Union has ceased to

exist, or has wilfully and after notice from the Registrar contravened any provision of this Act, or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by section 6 :

Provided that not less than two months' previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union.

Appeal.

11. (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal—

(a) where the head office of the Trade Union is situated within the limits of Rangoon, to the High Court, or

(b) where the head office is situated in any other area, to such Court, not inferior to the Court of an additional or assistant Judge of a principal civil Court of original jurisdiction, as the President of the Union may appoint in this behalf for that area.

(2) The appellate Court may dismiss the appeal, or pass an order directing the Registrar to register the Union and to issue a certificate of registration under the provisions of section 9, or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of an appeal under sub-section (1) an appellate Court shall, so far as may be, follow the same procedure and have the same powers as it follows and has when trying a suit under the Code of Civil Procedure, and may direct by whom the whole or any part of the costs of the appeal shall be paid, and such costs shall be recovered as if they had been awarded in a suit under the said Code.

(4) In the event of the dismissal of an appeal by any Court appointed under clause (b) of sub-section (1), the person aggrieved shall have a right of appeal to the High Court, and the High Court shall, for the purpose of such appeal, have all the powers of an appellate Court under sub-sections (2) and (3), and the provisions of those sub-sections shall apply accordingly.

Registered office.

12. All communications and notices to a registered Trade Union may be addressed to its registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in section 8.

Incorporation of registered Trade Unions.

13. Every registered Trade Union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal, with power to acquire and hold both moveable and immoveable property and to contract, and shall by the said name sue and be sued.

14. The following Acts, namely:—

- (a) The Societies Registration Act,
- (b) The Co-operative Societies Act,
- (c) The Provident Insurance Societies Act,
- (d) The Life Assurance Companies Act, and
- (e) The Burma Companies Act.

Certain
Acts not to
apply to re-
gistered
Trade
Unions.

shall not apply to any registered Trade Union, and the registration of any such Trade Union under any such Act shall be void.

CHAPTER III.

RIGHTS AND LIABILITIES OF REGISTERED TRADE UNIONS.

15. The general funds of a registered Trade Union shall not be spent on any other objects than the following, namely:—

Objects on
which gen-
eral funds
may be

- (a) the payment of salaries, allowances and expenses to officers of the Trade Union ;
- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union ;
- (c) the prosecution or defence of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs ;
- (d) the conduct of trade disputes on behalf of the Trade Union or any member thereof ;
- (e) the compensation of members for loss arising out of trade disputes ;
- (f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members ;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment ;
- (h) the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members ;
- (i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such ;
- (j) the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general : provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year

be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year ; and

- (k) subject to any conditions contained in the notification, any other object notified by the President of the Union in the Gazette.

Constitution
of a sepa-
rate fund
for political
purposes.

16. (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-section (2).

(2) The objects referred to in sub-section (1) are :—

- (a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of the Union Parliament or of any local authority, before, during, or after the election in connection with his candidature or election ; or
- (b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate ; or
- (c) the maintenance of any person who is a member of the Union Parliament or of any local authority ; or
- (d) the registration of electors or the selection of a candidate for the Union Parliament or for any local authority ; or
- (e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(3) No member shall be compelled to contribute to the fund constituted under sub-section (1) ; and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund ; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

Criminal
conspiracy
in trade
disputes.

17. No officer or member of a registered Trade Union shall be liable to punishment under sub-section (2) of section 120B of the Penal Code in respect of any agreement made between the members for the purpose of furthering any such object of the Trade Union as is specified in section 15, unless the agreement is an agreement to commit an offence.

Immunity
from civil
suit in cer-
tain cases.

18. (1) No suit or other legal proceeding shall be maintainable in any civil Court against any registered Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party on the ground only

that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A registered Trade Union shall not be liable in any suit or other legal proceeding in any civil Court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union.

19. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered Trade Union shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade :

Enforce-
ability of
agreements.

Provided that nothing in this section shall enable any civil Court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions on which any members of a Trade Union shall or shall not sell their goods, transact business, work, employ or be employed.

20. The account books of a registered Trade Union and the list of members thereof shall be open to inspection by an officer or member of the Trade Union at such time as may be provided for in the rules of the Trade Union.

Right to
inspect
books or
Trade
Union.

21. Any person who has attained the age of fifteen years may be a member of a registered Trade Union subject to any rules of the Trade Union to the contrary, and may, subject as aforesaid, enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules :

Rights of
minors to
membership
of Trade
Unions.

Provided that no person who has not attained the age of eighteen years shall be an officer of any such Trade Union.

22. Not less than one-half of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected :

Proportion
of officers
to be con-
nected with
the industry

Provided that the President of the Union may, by special or general order, declare that the provisions of this section shall not apply to any Trade Union or class of Trade Unions specified in the order.

23. Any registered Trade Union may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of section 25, change its name.

Change of
name.

24. Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of the funds of such Trade Unions or either or any of them, provided that the votes of at least one-half of the members of each or every such Trade

Amalgama-
tion of
Trade
Unions.

Union entitled to vote are recorded, and that at least sixty per cent of the votes recorded are in favour of the proposal.

Notice of
change of
name or
amalgama-
tion.

25. (1) Notice in writing of every change of name and of every amalgamation, signed, in the case of a change of name, by the Secretary and by seven members of the Trade Union changing its name, and, in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is a party thereto, shall be sent to the Registrar.

(2) If the proposed name is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Act, in respect of change of name have been complied with, register the change of name in the register referred to in section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the Trade Union formed thereby is entitled to registration under section 6, register the Trade Union in the manner provided in section 8, and the amalgamation shall have effect from the date of such registration.

Effects of
change of
name and
of amalga-
mation.

26. (1) The change in the name of a registered Trade Union shall not effect any rights or obligations of the Trade Union or render defective any legal proceeding by or against the Trade Union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

(2) An amalgamation of two or more registered Trade Unions shall not prejudice any right of any of such Trade Unions or any right of a creditor of any of them.

Dissolution.

27. (1) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration.

(2) Where the dissolution of a registered Trade Union has been registered and the rules of the Trade Union do not provide for the distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

Returns.

28. (1) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered Trade Union

during the year ending on the 31st day of March next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such 31st day of March. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officers made by the Trade Union during the year to which the general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of the despatch thereof to the Registrar.

(3) A Copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of alteration.

CHAPTER IV.

REGULATIONS.

29. (1) The President of the Union may make regulations for the purpose of carrying into effect the provisions of this Act. Power to make re-
gulations.

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

- (a) the manner in which Trade Unions and the rules of Trade Unions shall be registered and the fees payable on registration ;
- (b) * * * *
- (c) the manner in which, and the qualifications of persons by whom, the accounts of registered Trade Unions or of any class of such Unions shall be audited ;
- (d) the conditions subject to which inspection of documents kept by Registrars shall be allowed and the fees which shall be chargeable in respect of such inspections ; and
- (e) any matter which is to be or may be prescribed.

30. (1) The power to make regulations conferred by section 29 is subject to the condition of the regulations being made after previous publication. Publication
of regula-
tions.

(2) The date to be specified in accordance with the Burma General Clauses Act as that after which a draft of regulations proposed to be made will be taken into consideration shall not be less than three months from the date on which the draft of the proposed regulations was published for general information.

(3) Regulations so made shall be published in the Gazette, and on such publication shall have effect as if enacted in this Act.

CHAPTER V.

PENALTIES AND PROCEDURE.

Failure to
submit re-
turns.

31. (1) If default is made on the part of any registered Trade Union in giving any notice or sending any statement or other document as required by or under any provision of this Act, every officer or other person bound by the rules of the Trade Union to give or send the same, or, if there is no such officer or person, every member of the executive of the Trade Union, shall be punishable with fine which may extend to five rupees and, in the case of a continuing default, with an additional fine which may extend to five rupees for each week after the first during which the default continues ;

Provided that the aggregate fine shall not exceed fifty rupees.

(2) Any person who wilfully makes, or causes to be made, any false entry in, or any omission from, the general statement required by section 28, or in or from any copy of rules or of alterations of rules sent to the Registrar under that section, shall be punishable with fine which may extend to five hundred rupees.

Supplying
false in-
formation
regarding
Trade
Unions.

32. Any person who, with intent to deceive, gives to any member of a registered Trade Union or to any person intending or applying to become a member of such Trade Union any document purporting to be a copy of the rules of the Trade Union, or of any alterations to the same, which he knows, or has reason to believe, is not a correct copy of such rules or alterations as are for the time being in force, or any person who, with the like intent, gives a copy of any rules of an unregistered Trade Union to any person on the pretence that such rules are the rules of a registered Trade Union, shall be punishable with fine which may extend to two hundred rupees.

Cognizance
of offences.

33. (1) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act.

(2) No Court shall take cognizance of any offence under this Act, unless complaint thereof has been made by, or with the previous sanction of, the Registrar or, in the case of an offence under section 32, by the person to whom the copy was given, within six months of the date on which the offence is alleged to have been committed.

THE TRADE DISPUTES ACT.

[INDIA ACT VII, 1929.] (8th May, 1929.)

Extent.

1 1. This Act shall extend to the whole of the Union of Burma.

Interpreta-
tions.

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

(a) “Board” means a Board of Conciliation constituted under this Act ;

(b) “Court” means a Court of Inquiry constituted under this Act ;

¹ Inserted by Act, X, 1950.

- ¹ (aa) "award" means any interim or final determination arrived at by the Industrial Court in an arbitration proceeding arising out of any reference to it under section 9 ;
- ¹ (bb) "Industrial Court" means the Court of Industrial Arbitration constituted under section 8 :
- ¹ (dd) "Industry" means—
- (i) any business, trade, manufacture or undertaking or calling of employers ;
 - (ii) any calling, service, employment, handicraft or industrial occupation or avocation of employees :
- ¹ (ee) "conciliation officer" means a conciliation officer appointed under this Act ;
- (c) "employer", in the case of any industry, business or undertaking carried on by any department of the Government, means the authority prescribed in this behalf or, where no authority is prescribed, the head of the department ;
- (d) a person shall be deemed to be "independent" for the purpose of his appointment as the chairman or other member of a Court or a Board if he is unconnected with the dispute with reference to which the Court or the Board is appointed and with any trade or industry directly affected by the dispute ;
- ³ (e) "lock-out" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him, where such closing, suspension or refusal occurs in consequence of a trade dispute ;
- (f) "prescribed" means prescribed by rules made under this Act ;
- (g) "public utility service" means—
- (i) any railway service which the President of the Union may, by notification in the Gazette, declare to be a public utility service for the purposes of this Act ; or
 - ¹ (ii) any water transport service carrying passengers, to whose vessels any of the provisions of the Inland Steam Vessels Act apply, or any port service, which the President of the Union may, by notification in the Gazette, declare to be a public utility service for the purposes of this Act ; or
 - (iii) any postal, telegraph or telephone service ; or
 - (iv) any industry, business or undertaking which supplies light or water to the public ; or
 - ⁴ (v) any industry, business or undertaking supplying mineral oil or its products to the public, which the President of the Union

¹ Inserted by Act XXXV, 1947.

² Inserted by Act X, 1950.

³ Substituted *ibid.*

⁴ Inserted by Act XLIII, 1948.

may, by notification, declare to be a public utility service for the purposes of this Act ; or

(vi) any system of public conservancy or sanitation ;

(h) “ railway company ” means a railway company as defined in section 3 of the Railways Act ;

(i) “ strike ” means a cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment ;

¹ (j) “ trade dispute ” means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or service including pension, gratuity, bonus and allowances, or with the conditions of labour, of any person ; and

¹ (k) “ workman ” means any person employed, whether for wages or not, in any trade or industry to do any skilled or unskilled, manual or clerical work and includes, for the purpose of proceedings under this Act in relation to a trade dispute, a workman discharged or dismissed during that dispute but does not include any person employed in the Naval, Military or Air Services of the Union of Burma.

² 2A. (1) In the case of any industry in which fifty or more workmen are employed or have been employed on any day in the preceding twelve months, the President of the Union may, by general or special order, require the employer to constitute in the prescribed manner Works Committee or Committees consisting of representatives of employers and workmen engaged in the industry so, however, that the number of representatives of workmen on the Works Committee shall not be less than the number of representatives of the employer. The representatives of the workmen shall be chosen in the prescribed manner from among the workmen engaged in the industry and in consultation with their trade union, if any, registered under the Trade Unions Act.

(2) It shall be the function of the Works Committees to secure the greater measure of co-operation between the management and the employees with a view to its increased efficiency and the well-being of the employees and also to provide means whereby the employees can be kept informed of the state of the industry and particularly in—

(a) questions concerning the safety, health and welfare of the employees ;

(b) recreation of the employees, at or away from place of work ;

(c) questions of education and training of the employees ;

¹ Substituted by Act X, 1950.

² Inserted by Act LXXIII, 1954.

- (d) related personnel problems, including any individual grievance which the Works Committee may decide to consider ;
- (e) improvements in methods of production, such as efficient use of the maximum number of production hours and economy in the use of materials ;
- (f) provision of the best means for utilising the ideas and suggestions of the employees and encouragement of them to put forward ideas and suggestions ; and
- (g) any matter affecting the industry concerned which it shall decide to take into its consideration.

(3) The President of the Union may, by order, direct that his power under sub-section (1) shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by any officer or authority subordinate to him.

Reference of Disputes to Courts and Boards.

1 3. If any trade dispute exists or is apprehended, [* * * *] ^a the President of the Union may, if he thinks fit, exercise all or any of the following powers, namely:—

Reference of disputes to Courts or Boards.

- (a) enquire into the causes and circumstances of the dispute ;
- (b) take such steps as may seem expedient for the purpose of enabling the parties to the dispute to meet together, by themselves or their representatives, under the presidency of a chairman, mutually agreed upon or nominated by the President of the Union or by some other person or body authorized by the President of the Union with a view to the amicable settlement of the dispute ;
- (c) on the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint by order in writing a person or persons to act as a Board of Conciliation for promoting a settlement of the dispute ;
- (d) refer any matters appearing to be connected with or relevant to the dispute to a Court of Inquiry to be appointed by the President of the Union ;

Provided that where both parties to the dispute apply, whether separately or conjointly, for a reference to a Court, or whether both parties apply, whether separately or conjointly, for a reference to a Board, and the authority having the power to appoint is satisfied that the persons applying represent the majority of each party, a Court or a Board, as the case may be, shall be appointed accordingly.

Courts of Inquiry,

4. (1) A Court shall consist of an independent chairman and such

Constitution of Courts.

¹ Substituted by Act XXXV, 1947.

² Deleted by Act LXXIII, 1954.

other independent persons as the appointing authority thinks fit, or may, if such authority thinks fit, consist of one independent person.

(2) A Court, having the prescribed quorum, may act notwithstanding any vacancy in the number of its members other than the chairman.

Duties of
Courts.

5. (1) A Court shall, either in public or in private, at its discretion, inquire into the matters referred to it and report thereon to the authority by which the Court was appointed.

(2) A Court may, if it thinks fit, make interim reports.

Boards of Conciliation.

Constitution
of Boards.

6. (1) A Board shall consist of a chairman and two or four other members, as the appointing authority thinks fit, or may, if such authority thinks fit, consist of one independent person.

(2) Where the Board consists of more than one person, the chairman shall be an independent person and the other members [may include independent persons, or persons appointed in equal numbers to represent the parties to the dispute, or both]; ¹ all persons appointed to represent any party shall be appointed on the recommendation of that party :

Provided that, if any party fails to make the necessary recommendation within the prescribed time, the appointing authority shall select and appoint such persons as it thinks fit to represent that party.

(3) A Board, having the prescribed quorum, may act notwithstanding any vacancy in the number of its members other than the chairman :

Provided that, where a Board includes an equal number of persons representing the parties to the dispute and the services of any such person cease to be available before the Board has completed its work, the authority appointing the Board shall appoint, in the manner specified in sub-section (2), another person to take his place, and the proceedings shall be continued before the Board so re-constituted.

Duties of
Boards.

7. (1) Where a dispute has been referred to a Board under this Act, it shall be the duty of the Board to endeavour to bring about a settlement of the same, and for this purpose the Board shall, in such manner as it thinks fit and without delay, investigate the dispute and all matters affecting the merits thereof and the right settlement thereof, and in so doing may do all such things as it thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period sufficient in its opinion to allow the parties to agree upon terms of settlement.

(2) If a settlement of a dispute is arrived at by the parties thereto after it has been referred to a Board and during the course of the investigation thereof, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and the Board shall send a report of the settlement, together with the memorandum, to the authority by which the Board was appointed.

¹ Substituted by Act XXXV, 1947.

(3) If no such settlement is arrived at during the course of the investigation, the Board shall, as soon as possible after the close thereof, send a full report regarding the dispute to the authority by which the Board was appointed, setting forth the proceedings and steps taken by the Board for the purpose of ascertaining the facts and circumstances relating to the dispute and of bringing about a settlement thereof, together with a full statement of such facts and circumstances and its findings thereon and the recommendation of the Board for the determination of the dispute.

(4) The recommendation of the Board shall deal with each item of the dispute, and shall state in plain language what in the opinion of the Board ought and ought not to be done by the respective parties concerned.

¹ (5) If an agreement in a dispute is arrived at between the parties thereto, as a result of the negotiations conducted by either a Board or a Conciliation Officer, such an agreement duly signed by the accredited representatives of both parties shall be legally binding upon both parties to the dispute and failure on the part of either party to comply with or carry out any of the terms of such agreement shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Court of Industrial Arbitration.

² 8. (1) There shall be a standing Court of Industrial Arbitration, consisting of such number of persons as the President of the Union may, by notification, think fit to appoint.

(2) The Chairman of the Industrial Court and the Chairman of any division of the Industrial Court shall be such persons being barristers or advocates of not less than five years' standing, as the President of the Union may, by order, given either generally or specially, direct.

(3) For the purpose of dealing with any matter which may be referred to it, the Industrial Court shall be constituted of such of the members, not being less than two, of the Industrial Court as the Chairman of the Industrial Court may direct.

(4) Every member of the Industrial Court shall be a person who is not connected with any industry :

Provided that when [any matter in dispute]³ is referred to the Industrial Court under section 9, the President of the Union may, in respect of any particular reference, appoint a person who possesses expert knowledge of industrial matters to advise the Industrial Court in matters connected with or arising out of the * * * *⁴ reference, but no person shall, by virtue of such appointment, be considered to be a member of the Industrial Court or to have a right to decide any matter under reference before such Court.

⁵ 9. The President of the Union may, at any time, refer [any particular matter at issue in]¹ a trade dispute to the arbitration of the Industrial Court.

¹ Inserted by Act XLIII, 1948.

² Sub-sections (1) to (3) were substituted by Act XII, 1951, and existing sub-section (3) was renumbered as sub-section (4) by the same Act.

³ Substituted by Act XLIII, 1948.

⁴ Deleted *ibid.*

⁵ Inserted by Act XXXV, 1947.

if he is satisfied that—

(a) by reason of the continuance of the dispute—

- (i) a serious outbreak of disorder or a breach of the public peace is likely to occur, or
- (ii) serious or prolonged hardship to a large section of the community is likely to be caused, or
- (iii) the industry concerned is likely to be seriously affected or the prospects and scope of employment therein curtailed ; or

(b) the dispute is not likely to be settled by other means ; or

(c) it is necessary in the public interest to do so.

¹ 10. (1) The Industrial Court shall on a matter ² being referred to it under section 9 make such award as it thinks fit and proper after due enquiry and consideration. * * * ³ A copy of the award made by it shall be forwarded to each of the parties and to the President of the Union.

(2) On receipt of such award the President of the Union shall have it published in the official Gazette.

⁴ (3) Where the members of the Industrial Court are not unanimous, the matter shall be decided by a majority.

⁴ (4) Where each of the members, including the Chairman, holds conflicting views, the matter shall be decided by the Chairman acting with the full powers of an Umpire.

¹ 11. ⁵ (1) The award shall come into operation on the date specified in the award or when no such date has been specified therein on the date on which it is published under section 10.

⁵ (2) The award shall remain in force for a period of six months ; and thereafter it shall continue to be in force subject to such modifications, if any, as may be made under sub-section (3).

⁵ (3) After the lapse of six months from the date of an award—

(i) either party may, at any time, apply to the Government for reconsideration of the award by the Industrial Court, and the Industrial Court may, on reference, make such modification in respect of any item of the award as it may deem fit ; and the provisions of sections 10 and 11 in respect of an award shall apply to such modification ; or

(ii) the parties may agree to make any modification in respect of any item of the award by direct negotiation or through the intervention of a neutral person. Such modification shall take effect on the date of the agreement between the parties concerned. Within fifteen days of the ratification of such an agreement, a copy thereof shall be filed with the Industrial Court.

¹ 12. The arbitration proceeding shall be deemed to have been completed when the award is published under section 10.

¹ Inserted by Act XXXV, 1947.

² Substituted by Act XLIII, 1948.

³ Deleted *ibid.*

⁴ Inserted *ibid.*

⁵ Original section 11 was re-numbered as sub-section (1) thereof and sub-sections (2) and (3) were inserted *ibid.*

¹ 13. An award of the Industrial Court shall be binding on—

- (a) all parties to the trade dispute who appeared or were represented before it ;
- (b) all parties who were summoned to appear as parties to the dispute whether they appeared or not, unless the Industrial Court is of opinion that they were improperly made parties ;
- (c) in the case of an employer who is a party to the proceeding before such Court in respect of the undertaking to which the dispute relates, his successors, heirs or assigns in respect of the undertaking to which the dispute relates ;
- ² (d) where a party referred to in clause (a) or clause (b) is composed of workmen, all workmen who were employed in the undertaking or part of the undertaking, as the case may be, to which the dispute relates on the date of the dispute and all workmen who subsequently become employees in that undertaking or part of the undertaking.

³ (e) * * * *

¹ 14. No award of the Industrial Court shall be called in question in any civil or criminal Court.

⁴ 14A. When a matter in dispute has been referred to the Industrial Court, [* * *]³ the continuance of any strike or lock-out in connection with such matter shall be illegal.

⁵ 14B. No workman who is employed in any industry shall go on strike or continue a strike and no employer of any such workmen shall declare a lock-out in breach of contract :—

- (i) during the pendency of conciliation proceedings before a Board or Conciliation Officer and seven days after the conclusion of such proceedings ; or
- (ii) during the pendency of proceedings before an Industrial Court and two months after the conclusion of such proceedings ; or
- (iii) during any period in which a settlement or award is in operation, in respect of any of the matters covered by the settlement or award, in respect of any matter, which has been the subject of consideration in such conciliation proceedings or before the Industrial Court as proceedings are referred to in clauses (i) and (ii).

⁶ 14C. When the matter in dispute relating to the discharge, retrenchment or reduction of workmen has been referred to the Industrial Court, the employer shall not, pending the award by the Industrial Court, discharge, retrench or reduce any workman in his employment, except for reasons

¹ Inserted by Act XXXV, 1947.

² Substituted by Act LXXIII, 1954.

³ Deleted *ibid*.

⁴ Inserted by Act XLIII, 1948.

⁵ New section 14B inserted by Act LXXIII, 1954.

⁶ Substituted for original section 14B as sections 14C and 14D *ibid*.

unconnected with the dispute under reference and anything done or any action taken by the employer contrary to the provisions of this section shall be illegal, and he shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to two hundred kyats, or with both :

Provided that where the employer committing an offence under this section is a corporation, company or other association of persons, any secretary, director, or other officer or person concerned with the management thereof shall be deemed to have committed the offence unless he proves that the offence was committed without his knowledge or his consent.

¹ 14D. During the pendency of any proceedings before an Industrial Court, the employer shall not alter, to the prejudice of the workmen concerned in such a dispute, the conditions of service applicable to them immediately before the commencement of such proceedings.

General.

15. No order of the President of the Union appointing any person as a member of a Court or a Board [or the Industrial Court]² shall be called in question in any manner.

16. (1) Courts and Boards shall, subject to the provisions of this Act, follow such procedure as may be prescribed.

² The Industrial Court shall make rules prescribing the procedure for the hearing and conduct of [the matters]⁵ referred to it under section 9.

(2) Courts, [Boards and Industrial Courts]³ shall have the same powers as are vested in Courts under the Code of Civil Procedure when trying a suit in respect of the following matters :—

(a) enforcing the attendance of any person and examining him on oath ;

(b) compelling the production of documents and material objects ;
and

(c) issuing commissions for the examination of witnesses ;

and shall have such further powers as may be prescribed ; and every inquiry or investigation by a Court or Board [or Industrial Court]² shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Penal Code.

⁴ (3) Every member of a Court, Board or Industrial Court shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

17. (1) If the services of the chairman or of any other independent member of a Court or Board [or Industrial Court]² cease to be available at any time for the purposes of the Court or Board [or Industrial Court],² the appointing authority shall in the case of a chairman, and may in the case of any other member, appoint another independent [or qualified person, as the

Finality of
orders con-
stituting a
Court or
Board.

Procedure
and powers.

Filling of
vacancies.

¹ Substituted for original section 14B as sections 14C and 14D by Act LXXIII, 1954.

² Inserted by Act XXXV, 1947.

³ Substituted *ibid*.

⁴ Inserted by Act X, 1950.

⁵ Substituted by Act XLIII, 1948.

case may be,]¹ to fill the vacancy, and the proceedings shall be continued before the Court or Board [or Industrial Court]¹ so re-constituted.

(2) Where the Court or Board consists of one person only and his services cease to be available as aforesaid, the appointing authority shall appoint another independent person in his place, and the proceedings shall be continued before the person so appointed.

18. The report of a Court or Board shall be in writing and shall be signed by all the members of the Court or Board : Form of report.

Provided that nothing in this section shall be deemed to prevent any member of a Court or Board from recording a minute of dissent from a report or from any recommendation made therein.

19. (1) The final and any interim report of a Court or Board, together with any minute of dissent recorded therewith, shall, as soon as possible after its receipt by the authority by which the Court or Board was appointed, be published by that authority in such manner as it thinks fit. Publication of results of inquiry.

(2) The said authority may publish or cause to be published from time to time, in such manner as such authority thinks fit, any information obtained, or conclusions arrived at, by the Court or Board as the result or in the course of its inquiry or investigation.

¹ **20. (1)** If any party or person on whom the award is binding fails to carry out the terms of any award of the Industrial Court he shall, on conviction, be punishable with fine which may extend to Rs. 1,000 for every day on which the terms of the award are not carried out.

(2) When the employer is a corporation, company or other association of persons, any secretary, director or other officer or person concerned with the management thereof, shall be punishable for the failure of the corporation, company or other association of persons, as the case may be, to comply with the terms of the award made by the Industrial Court under section 10.

(3) No Court shall take cognizance of any offence under this section, save on complaint made by or under authority from the President of the Union.

(4) No Court inferior to that of a Magistrate of the first class shall try any offence under this section.

21. (1) Notwithstanding anything contained in section 12, there shall not be included in any report or publication made or authorized by a Court or Board or the authority appointing a Court or Board any information obtained by the Court or Board in the course of its inquiry or investigation as to any Trade Union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through evidence given before the Court or Board, if the Trade Union, person, firm or company in question has preferred a request to the Court or Board that such information shall be treated as confidential, nor shall any individual member of the Court or Board or any person concerned in the proceedings before it disclose any such information without the consent in writing of the Certain matters to be kept confidential.

¹ Inserted by Act XXXV, 1947.

Secretary of the Trade Union or the person, firm or company in question, as the case may be.

(2) If any member of a Court or Board or any person present at or concerned in the proceedings before a Court or Board wilfully discloses any information in contravention of the provisions of sub-section (1), he shall, on complaint made by or under the authority of the Trade Union or individual business affected, be punishable with fine which may extend to one thousand rupees :

Provided that nothing in this sub-section shall apply to the disclosure of any such information for the purposes of a prosecution under section 193 of the Penal Code.

(3) No criminal Court inferior to that of a Magistrate of the first class shall try any offence under this section.

(4) No criminal Court shall take cognizance of any offence under this section except with the previous sanction of the authority appointing such Court or Board ; and no civil Court shall without the like sanction entertain any suit against a member of a Court or Board, or any person present at or concerned in the proceedings before a Court or Board, for any matter arising out of such proceedings.

Representa-
tion of
parties.

22. Subject to such conditions and restrictions as may be prescribed, any party to a dispute under inquiry or investigation by a Court or Board [or Industrial Court]¹ shall be entitled to be represented before the Court or Board [or Industrial Court]¹ by a legal practitioner.

Special Provision regarding Public Utility Services.

Sudden
strikes and
lock-outs
in utility
services.

23. (1) Any person who, being employed in a public utility service, goes on strike in breach of contract without having given to his employer, within one month before so striking, not less than fourteen days' previous notice in writing of this intention to go on strike or, having given such notice, goes on strike before the expiry thereof, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(2) Any employer carrying on any public utility service who locks out his workmen in breach of contract without having given them, within one month before such lock-out, not less than fourteen days' notice in writing of his intention to lock them out, or, having given such notice, locks them out before the expiry thereof, shall be liable to imprisonment which may extend to one month, or to a fine which may extend to one thousand rupees, or with both.

(3) Where the employer committing an offence under sub-section (2) is a corporation, company or other association of persons, any secretary, director or other officer or person concerned with the management thereof shall be punishable as therein provided unless he proves that the offence was committed without his knowledge or without his consent.

¹ Inserted by Act XXXV, 1947.

(4) No Court shall take cognizance of any offence under this section or of the abetment of any such offence save on complaint made by, or under authority from, the President of the Union.

(5) No Court inferior to that of a Magistrate of the first class shall try any offence under this section.

24. (1) A strike or a lock-out shall be illegal which—

- (a) has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and
- (b) is designed or calculated to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government or the Railway Administration to take or abstain from taking any particular course of action.

Illegal strikes
and lock-
outs.

(2) It shall be illegal to commence or continue, or to apply any sums in direct furtherance or support of any such illegal strike or lock-out.

(3) For the purposes of this section—

- (a) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of persons in that trade or industry;
- (b) without prejudice to the generality of the expression "trade or industry", workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with agreements made with the same employer or group of employers.

(4) A strike or a lock-out shall not be deemed to be calculated to compel the Government or the Railway Administration unless such compulsion might reasonably be expected as a consequence thereof.

25. (1) If any person declares, instigates, incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is illegal under the provisions of [section 14A or section 24],¹ he shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both: Penalty.

Provided that no person shall be deemed to have committed an offence under this section by reason only of his having ceased work or refused to continue to work or to accept employment.

(2) No Court shall take cognizance of any offence under this section save on complaint made by, or under authority from, the President of the Union.

(3) No Court inferior to that of a Magistrate of the first class shall try any offence under this section.

¹ Amended by Acts XXXV, 1947, and XLIII, 1948.

Protection of
persons with-
holding from
illegal strike
or lock-out.

26. (1) No person refusing to take part, or to continue to take part, in any strike or lock-out which is illegal under the provisions of section 16 shall, by reason of such refusal or by reason of any action taken by him under this section, be subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled, or be liable to be placed in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union or society anything to the contrary in the rules of a trade union or society notwithstanding.

(2) Nothing in the rules of a trade union or society requiring the settlement of disputes in any manner shall apply to any proceeding for enforcing any right or exemption secured by this section, and in any such proceeding the civil Court may, in lieu of ordering a person who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade union or society such sum by way of compensation or damages as that Court thinks just.

¹ 27. (1) The President of the Union may, by notification in the official Gazette, appoint officers, herein referred to as Conciliation Officers, charged with the duty of mediating in or promoting the settlement of trade disputes.

(2) A Conciliation Officer may be appointed for a specified area or for specified businesses, industries or undertakings in a specified area or for one or more specified businesses, industries or undertakings and either permanently or for a limited period.

(3) A Conciliation Officer may, for the purpose of inquiring into an existing or apprehended trade dispute after giving reasonable notice, enter the premises occupied by any industry, business or undertaking and may call for and inspect any document which he has ground for considering to be relevant to the trade dispute. * * * * *

² (3A) Every Conciliation Officer shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

³ (3B) Every Conciliation Officer shall have the power to serve notice on any party to a trade dispute requiring such party either to attend in person or to send an accredited representative or representatives to attend and participate in the conciliation proceedings before him, if he is satisfied that there is no likelihood of such dispute being settled between the parties concerned without his intervention.

If any party to a trade dispute who is duly served with such notice fails without good causes shown to attend in person or to send an accredited representative or representatives to attend and participate in the conciliation proceedings before the Conciliation Officer within such time as may be

¹ Inserted by Act XXXV, 1947.

² Inserted by Act X, 1950.

³ Inserted by Act LXXI, 1951, and subsequently substituted by Act LXXIII, 1954.

⁴ Deleted by Act X, 1950

specified by him such defaulting party shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one hundred kyats, or with both.

(4) If any person supplying information or producing a document to a Conciliation Officer requests in writing that the information or the document or any part thereof shall be treated as confidential the Conciliation Officer shall not disclose such information or the contents of such document or part thereof except to—

- (a) the authority which appointed him to be a Conciliation Officer ; or
- (b) the parties concerned in the dispute for the purpose of mediating therein or promoting the settlement thereof.

(5) If a Conciliation Officer contravenes the provisions of sub-section (4), he shall be punishable with a fine which may extend to one hundred rupees.

(6) No criminal Court shall take cognizance of an offence under this section except with the previous sanction of the authority appointing the Conciliation Officer concerned ; and no civil Court shall without the like sanction entertain any suit against a Conciliation Officer in respect of the disclosure of any information or the contents of any document or part thereof of the nature referred to in sub-section (4).

Duties of Conciliation Officers.

¹ 27A. (1) Where any industrial dispute exists or is apprehended the Conciliation Officer may, or where the dispute relates to a public utility service, shall hold conciliation proceedings in the prescribed manner.

(2) The Conciliation Officer shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(3) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings the Conciliation Officer shall send a report thereof to the President of the Union or to the authority appointed by him in that behalf together with a memorandum of the settlement signed by the parties to the dispute.

(4) If no such settlement is arrived at, the Conciliation Officer shall, as soon as practicable after the close of the investigation, send to the President of the Union or to the authority appointed by him in that behalf, a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reason on account of which, in his opinion, a settlement could not be arrived at.

(5) A report under this section shall be submitted within a week of the termination of the conciliation proceedings or within such shorter period as may be fixed by the President of the Union.

¹ Inserted by Act LXXIII, 1954.

Rules.

Power to
make rules.

28. (1) The President of the Union may make rules¹ for the purpose of giving effect to the provisions of this Act.

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

- ²(a) the powers and procedure of Courts and Boards, including rules as to the summoning of witnesses, the production of documents relevant to the subject-matter of an inquiry or investigation and the number of members necessary to form a quorum ;
- ³(a1) the powers of the Industrial Courts, including rules as to the summoning of witnesses, the production of documents relevant to the subject-matter of an inquiry ;
- ³(a2) enabling the Industrial Court to sit in two or more divisions ;
- ⁴(a3) the powers of Conciliation Officers and the procedure to be followed by them ;
- (b) the allowances admissible to members of Courts, Boards and Industrial Courts and to witnesses ;
- (c) the ministerial establishment which may be allotted to a Court or Board or the Industrial Court and the salaries and allowances payable to members of such establishments ;
- (d) the conditions and restrictions subject to which persons may be represented by legal practitioners in proceedings under this Act before a Court or Board or the Industrial Court ;
- (e) any other matter which is to be or may be prescribed.

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

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) ACT. *

[BURMA ACT III, 1948.] (2nd January, 1948.)

It is hereby enacted as follows :—

1. This Act may be called the Dock Workers (Regulation of Employment) Act, 1948.

2. In this Act :—

- (a) “cargo” includes anything carried or to be carried in a ship or other vessel ;

¹ For Industrial Court Rules, 1952, see *Burma Gazette*, 1952, Part I, page 294.

² Substituted by Act XII, 1951.

³ Inserted *ibid*.

⁴ Inserted by Act LXXIII, 1954.

* Published in Judicial Department Notification No. 2, dated 2nd January 1948 (*Burma Gazette*, 1948, Part I, page 53).

- (b) “dock worker” means a person employed or to be employed in, or in the vicinity of, any port or work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port;
- (c) “employer”, in relation to a dock worker, means the person by whom he is employed or to be employed as aforesaid;
- (d) “port” includes any place at which ships are loaded or unloaded;
- (e) “scheme” means a scheme made under this Act.

3. (1) Provision may be made by a scheme for the following purposes :—

- (a) to ensure greater regularity of employment for dock workers
- (b) to secure that an adequate number of dock workers is available for the efficient performance of their work; and
- (c) to provide suitable conditions of employment for dock workers in regard to accommodation, health, safety, remuneration or otherwise.

(2) In particular, a scheme may provide—

- (a) for the application of the scheme to dock workers and employers as may be specified therein, for prescribing the obligation of dock workers and employers subject to the fulfilment of which the scheme may apply to them and the circumstances in which the scheme shall cease to apply to any dock workers or employers, and for prohibiting or restricting the employment of dock workers to whom the scheme does not apply and the employment of dock workers by employers to whom the scheme does not apply;
- (b) for regulating the recruitment and entry into the scheme of dock workers and their allocation to employers, and for securing that, in respect of periods during which employment, or full employment, is not available for dock workers to whom the scheme applies who are available for work, such workers will, subject to the conditions of the scheme, receive not less than such pay as may be thereby provided;
- (c) for securing that the rates for remuneration and condition of service for dock workers to whom the scheme applies (including conditions as to holidays and pay in respect thereof) will be in accordance with any national or local agreements for the time being in force;
- (d) for making satisfactory provision for the training and welfare of dock workers, in so far as such provision does not exist apart from the scheme;

- (e) for prescribing the manner in which, and the persons by whom the cost of operating the scheme is to be defrayed or receipt in connection with the scheme are to be taken charge of ;
- (f) for constituting or prescribing a body of persons to be responsible for the administration of the scheme ; and
- (g) for such incidental and supplementary matters as may be necessary or expedient for the purpose of the scheme.

(3) A scheme may declare, as respects any provision of the scheme prohibiting or restricting the employment of dock workers to whom the scheme does not apply, or the employment of dock workers by employers to whom the scheme does not apply, that a contravention of that provision is an offence.

(4) Any person who contravenes any provision in relation to which such a declaration is in force shall be guilty of an offence under this section, and shall be liable on conviction to imprisonment for a term not exceeding three months, or to a fine, or to both imprisonment and fine.

(5) A scheme may relate to any port or ports in the Union of Burma or to any part of any such port, and, for every port or part of a port to which it relates, either to dock workers generally or to any class or description of such workers.

4. (1) A scheme may be prepared jointly by bodies of persons appearing to the President of the Union to be representative respectively of dock workers of the class or description and at the port or ports to which the scheme relates and of their employers, and when prepared shall be submitted to the President of the Union.

(2) If at any time before a day prescribed in a notification by the President of the Union to be issued for the purpose no scheme is in force for any port or in relation to any class or description of dock workers, the President of the Union may on the application of any of the bodies of persons mentioned in the last foregoing sub-section, prepare a scheme for the port or in relation to the class or description of workers in question.

(3) If at any time on or after the said day no such scheme is in force,, the President of the Union may prepare such a scheme if it appears to him unlikely that a scheme for the port and relating to the class or description of dock workers in question will be prepared under sub-section (1) of this section within a reasonable time.

(4) Any scheme may be varied by a subsequent scheme prepared and submitted to the President of the Union as mentioned in sub-section (1) of this section, or by a subsequent scheme prepared by the President of the Union.

(5) A scheme shall take effect only after it has been previously published in the Gazette and embodied in an Order made by the President of the Union and the date on which it takes effect shall be such date not earlier than the making of the Order as may be specified in the Order.

(6) A scheme may be revoked by order of the President of the Union either on the application of any of such bodies as are mentioned in sub-section (1) of this section or otherwise.

(7) In this section references to a port include references to part of a port.

5. The President of the Union may make loans towards the cost of the operation of schemes to such persons and on such terms as he may determine.

လယ်ယာအလုပ်သမား အနည်းဆုံးအခကြေးငွေ အက်ဥပဒေ။

[၁၉၄၈ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၄၄။] (၁၉၄၈ ခု၊ ဒီဇင်ဘာလ ၃၀ ရက်။)

အောက်ပါအတိုင်း ဥပဒေပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ (၁) ဤဥပဒေကို လယ်ယာအလုပ်သမားအနည်းဆုံးအခကြေးငွေ အက်ဥပဒေ ဟုခေါ်ရမည်။

(၂) ဤဥပဒေသည် နိုင်ငံတော်သမ္မတက ပြန်တမ်းထုတ်ပြန် ကျေညာ၍ ပြည်ထောင်စု မြန်မာနိုင်ငံတော်အတွင်း သတ်မှတ်သည့်ဒေသတွင် ကန့်သတ်သည့်ရက်^၁ ၌ အတည်ဖြစ်စေရမည်။

၂။ ။ ဤဥပဒေတွင် ရှေ့နောက်စကားစဉ်၌သော်၎င်း၊ အကြောင်းအရာ၌သော်၎င်း ဆန့်ကျင်ခြင်းမရှိသော်—

- (က) “လယ်ယာလုပ်ငန်း” ဆိုသည်မှာ ကိုင်း၊ ကျွန်း၊ ဥယျာဉ်လုပ်ငန်းနှင့် ကျွန်း၊ နွားမွေးမြူရေးလုပ်ငန်းတို့လည်းပါဝင်သည်။
- (ခ) “လယ်ယာအလုပ်သမား” ဆိုသည်မှာ လယ်ယာလုပ်ငန်းများတွင်၎င်း၊ လယ်ယာလုပ်ငန်းများနှင့်ပတ်သက်သည့်လုပ်ငန်းများတွင်၎င်း မိမိတို့၏လုပ် အားကို အဓိကအသက်မွေးဝမ်းကျောင်းအဖြစ် ငှားရမ်း၍နေထိုင် စား သောက်ရသူကိုဆိုလိုသည်။
- (ဂ) “သူရင်းငှား” ဆိုသည်မှာ ရာသီအလိုက် ငှားရမ်းသောလယ်ယာအလုပ် သမားကို ဆိုလိုသည့်ပြင်၊ တနှစ်ပတ်လုံးငှားထားသော ပင်တိုင်သူရင်းငှား၊ သီးနှံစိုက်ပျိုးရန် စတင်လုပ်ကိုင်သည့်နေ့မှစ၍ သီးနှံကို ရိတ်သိမ်းကျိတ်သွင်းပြီး သည်အထိ ငှားရမ်းသော ကျီဝင် သူရင်းငှား၊ သီးနှံစိုက်ပျိုးရန် စတင်လုပ် ကိုင်သည့်နေ့မှစ၍ ထွန်ယက် စိုက်ပျိုးပြီးသည်အထိ ငှားရမ်းသော ထွန်တုံးပိတ် သူရင်းငှား၊ သီးနှံရိတ်သိမ်းချိန် နွေရာသီအတွက် ငှားရမ်းသော နွေရာသီ သူရင်းငှားများပါဝင်သည်။

^၁ ဤအက်ဥပဒေသည် ၁၉၄၈ ခု၊ ဒီဇင်ဘာလ ၃၀ ရက်နေ့မှစ၍ (ချင်းပိသေသတိုင်းနှင့် ရှမ်းပြည်နယ်၊ ကရင် နိပြည်နယ်၊ ကချင်ပြည်နယ်တို့ကို ချန်လှပ်၍) ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်း အာဏာတည်သည်။ မြန်မာနိုင်ငံ ပြန်တမ်း ၁၉၄၉ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၅၅ တွင် ကြည့်။