

APPENDIX XI.

List of Returns due in the Office of the Inspector-General.

LIST OF RETURNS DUE DURING EACH CALENDAR MONTH.

January.			
1.	Usual monthly returns	...	Group 'A'
2.	Usual quarterly returns	...	Group 'B'
3.	Half-yearly returns	...	Group 'C' (1)
4.	Annual returns	...	Group 'D' (1)
February.			
1.	Usual monthly returns	...	Group 'A'
2.	Annual returns	...	Group 'D' (2)
March.			
1.	Usual monthly returns	...	Group 'A'
2.	Annual returns	...	Group 'D' (3)
April.			
1.	Usual monthly returns	...	Group 'A'
2.	Usual quarterly returns	...	Group 'B'
3.	Half-yearly returns	...	Group 'C' (2)
4.	Annual returns	...	Group 'D' (4)
May.			
1.	Usual monthly returns	...	Group 'A'
2.	Half-yearly returns	...	Group 'C' (3)
3.	Annual returns	...	Group 'D' (5)
June.			
1.	Usual monthly returns	...	Group 'A'
2.	Half-yearly returns	...	Group 'C' (4)
3.	Annual returns	...	Group 'D' (6)
July.			
1.	Usual monthly returns	...	Group 'A'
2.	Usual quarterly returns	...	Group 'B'
3.	Half-yearly returns	...	Group 'C' (1)
August			
1.	Usual monthly returns	...	Group 'A'
2.	Annual returns	...	Group 'D' (7)
September			
1.	Usual monthly returns	...	Group 'A'
2.	Half-yearly returns	...	Group 'C' (2)
3.	Annual returns	...	Group 'D' (8)
October.			
1.	Usual monthly returns	...	Group 'A'
2.	Usual quarter returns	...	Group 'B'
3.	Annual returns	...	Group 'D' (9)
November.			
1.	Usual monthly returns	...	Group 'A'
2.	Half-yearly returns	...	Group 'C' (3)
December.			
1.	Usual monthly returns	...	Group 'A'
2.	Half-yearly returns	...	Group 'C' (4)
3.	Annual returns	...	Group 'D' (10)

N.B.—The returns shown against items 108 and 109 in Group 'E' should be submitted as and when they fall due.

List of Returns due in the Office of the Inspector-General.

Serial No.	No. of Return	Name of Return	Date of Submission.
GROUP 'A'			
MONTHLY RETURNS			
<i>Statistical Returns.</i>			
1	J.F. No. 55 ...	Abstract of Population and Mortality.	1st of each month.
2	J.F. No. 37 ...	Sick Return ...	10th of each month.
3	J.F. No. 120 ...	Statement I.-Judicial—Showing number and disposal of convic's.	Do.
4	J.F. No. 130 ...	Statement XIV (Vital), showing sickness and mortality among prisoners of all classes.	Do.
5	J.F. No. 134 ...	Statement XVII (Judicial), showing particulars regarding under-trials in Jail.	Do.
6	J.F. No. 135 ...	Statement XVIII, showing particulars regarding civil prisoners.	Do.
7	J.F. No. 20 ...	Degradation report of convict officers.	Do.
8	Mis.-Genl. C.S.O. No. 4.	Return of deaths of European officers.	7th of each month.
9	J.F. No. 207 ...	Certificate regarding examination of registers.	Do.
<i>Supplies Section Returns</i>			
10	J.F. No. 155 ...	Memorandum forwarding a statement of expenditure on account of supplies and manufactures with the statements enumerated therein.	7th of each month.
11	J.F. No. 156 ...	Copy of monthly audited contingent bill, with details of charges under each head.	Do.
12	Manuscript ...	Statement of Expenditure ...	Do.

List of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return	Date of Submission.
GROUP 'A'—contd.			
MONTHLY RETURNS—contd.			
<i>Supplies Section Returns—concl'd.</i>			
13	Manuscript ...	Statement showing debits accepted and bills sent to Accountant-General.	7th of each month.
14	Do. ...	Statement showing reduction of expenditure on account of Treasury chalans.	Do.
15	Do. ...	Statement "B" showing articles received by or supplied from the Supplies Department.	Do.
16	J.F. No. 163 ...	Statement of sums realised and paid into the treasury under the head 'Miscellaneous Receipts'.	Do.
17	Manuscript ...	Fuel stock account (Rangoon Jail only.)	Do.
18	J.F. No. 185 ...	Stock account of dietary reserve stores.	Do.
<i>Manufacture Section Returns.</i>			
19	J.F. No. 168 ...	Copy of monthly audited contingent bill.	7th of each month.
20	Manuscript ...	Statement showing money drawn with details of charges under each head (Rangoon Jail only).	Do.
21	Do. ...	Statement of Expenditure ...	Do.
22	Do. ...	Statement showing debits accepted and bills sent to Accountant-General.	Do.
23	Do. ...	Statement showing reduction of expenditure on account of treasury chalans.	Do.
24	Do. ...	Statement "A" showing convict labour and manufactured articles supplied to Government Departments including the P.W.D., but excluding the Jail Department.	Do.
25	Do. ...	Statement "B" showing articles received by or supplied from the Manufacture Department.	Do.
26	Do. ...	Statement showing money paid into treasury.	Do.
27	Do. ...	Statement showing receipts under jail manufactures.	Do.
28	J.F. No. 174 ...	Manufacture Department Balance Sheet.	Do.
29	Manuscript ...	Statement showing manufacture and issue of Cinchona Febrifuge tablets (Rangoon Jail only).	Do.

List of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return	Date of Submission
GROUP 'A'—contd.			
MONTHLY RETURNS—contd.			
<i>Manufacture Section Returns—concl'd.</i>			
30	Manuscript ...	Statement showing manufacture and issue of eye lotion tablets, if any (Rangoon Jail only).	7th of each month.
31	Do. ...	Statement showing manufacture and issue of cholera tablets, if any (Rangoon Jail only).	Do.
32	Do. ...	Workyard report of incomplete orders.	Do.
33	Do. ...	Wheat grinding accounts (Wheat grinding Jails only).	Do.
34	Do. ...	Quarry returns (Camp and Quarry Jails only).	Do.
35	Do. ...	Progress report of the Manufacture Department.	15th of each month.
<i>Budget Section Returns.</i>			
36	Manuscript ...	Statement of Expenditure ...	7th of each month.
37	Do. ...	Statement of receipts ...	Do.
38	Do. ...	Return of expenditure of the Training School (Rangoon Jail only).	Do.
39	Do. ...	Statement showing number and date of treasury vouchers.	Do.

List of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return	Date of Submission
		GROUP 'A.'—concl'd. MONTHLY RETURNS—concl'd. <i>Establishment Section Returns</i>	
40	Manuscript ...	Return of Jailors and Head Warders, punishments.	7th of each
		GROUP 'B.' QUARTERLY RETURNS <i>Supplies Section Returns.</i>	
41	J.F. No. 166 ...	Dairy account ...	7th of January, April, July and October.
		<i>Manufacture Section Returns.</i>	
42	Manuscript ...	Bucket manufacture return (Rangoon Jail only).	7th of January, April, July and October.
		<i>Establishment Section Returns.</i>	
43	Manuscript ...	Return of Pension Papers ...	10th of January, April, July and October

LIST OF RETURNS DUE IN THE OFFICE OF THE [APP. XL]
INSPECTOR-GENERAL.

t of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return	Date of Submission
GROUP 'C.'			
HALF-YEARLY RETURNS.			
(1) <i>Returns due in January and July—(Statistical).</i>			
44	J.F. No. 110 ...	Return of 'C' class prisoners qualified to act as clerks (Central Jails only).	1st January and 1st July.
45	J.F. No. 121 ...	Statement II (Judicial), showing the religion, age, state of education and previous occupation of convicts.	5th January and 5th July.
46	J.F. No. 122 ...	Statement III (Judicial), showing number of convicts admitted into jail according to length of sentence and the number remaining on the last day of the half-year.	Do.
47	J.F. No. 123 ...	Statement III (Supplementary), showing the number sentenced to rigorous imprisonment and simple imprisonment under the bad livelihood section, Indian Penal Code.	Do.
48	J.F. No. 125 ...	Statement IV (Judicial), showing convicts admitted into jail who had been previously convicted.	Do.
49	J.F. No. 126 ...	Statement V (Judicial), showing escapes and recapture of convicts.	Do.
50	J.F. No. 127 ...	Statement VI (Judicial), showing offences committed by convicts and the punishments inflicted on them.	Do.
51	J.F. No. 129 ...	Statement XI (Financial), showing the general employment of convicts.	Do.
52	J.F. No. 131 ...	Statement XV (Vital), showing the admission to hospital and deaths from the chief diseases among convicts.	Do.
53	J.F. No. 133 ...	Statement XVI (Vital), showing the mortality among convicts according to length of time passed in jail.	Do.
54	J.F. No. 138 ...	Statement 'B' showing conditions of prisoners discharged from Jail.	Do.
55	J.F. No. 118 ...	Statement 'C' showing the working of Remission System.	Do.
56	J.F. No. 139 ...	Return of prison offences ...	Do.
57	J.F. No. 36 ...	Return of European and Anglo-Indian prisoners. (To be submitted by Rangoon, Akyab, Bassein and Moulmein Jails only.)	Do.

List of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return	Date of Submission
		GROUP 'C'—concl'd. HALF-YEARLY RETURNS—concl'd.	
		(2) Returns due in April and September—(Establishment).	
58	Misc.-Genl. C.S.O. No. 17.	List of candidates to appear for examination in Burmese and Hindustani.	1st April and 1st September.
		(3) Returns due in May and November—(Miscellaneous).	
59	Manuscript ...	Inspection report on Jail Buildings by Executive Engineer regarding security of Jail.	25th May and 25th November.
		(4) Returns due in June and December—(Accounts):	
60	J.F. No. 100 ...	Inventory Certificate ...	15th June and 15th December.

List of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return	Date of Submission
GROUP 'D.'			
ANNUAL RETURNS			
(1) Returns		<i>due in the month of January.</i>	
61	Manuscript ...	Balance Sheet for the Quinine and Bucket Department for the whole year (Rangoon Jail only.)	5th January.
62	Do. ...	Statement showing manufacture and issue of cinchona febrifuge, eye lotion and cholera tablets (Rangoon Jail only).	Do
63	J.F. No. 173 ...	Statement showing outstanding bills due to manufacture department.	7th January.
64	Manuscript Form III.	Statement of requirement of tamarrind.	15th January.
65	Manuscript ...	Annual Report on Jail Administration.	31st January.
66	J.F. No. 38 ...	Annual sick return ...	Do.
67	J.F. No. 114 ...	Education of juveniles ...	Do.
68	J.F. No. 116 ...	Transfer of prisoners ...	Do.
69	J.F. No. 22 ...	Juveniles admitted ...	Do.
70	J.F. No. 103 ...	Report on jail subordinates ...	Do.
71	Manuscript ...	Offences by jail establishment ...	Do.
72	J.F. No. 119 ...	Additions and repairs to jails buildings.	Do.
73	J.F. No. 143 ...	Vegetable produce from the Jail garden	Do.
74	J.F. No. 113 ...	Opium consumers ...	Do.
75	J.F. No. 84 ...	Fetters imposed on prisoners for safe custody.	Do.
76	J.F. No. 115 ...	Nominal roll of prisoners remaining uncaptured.	Do.
77	J.F. No. 147 ...	Statement IX, showing the expenditure in guarding and maintaining prisoners, excluding cost of buildings.	Do.
78	J.F. No. 144 ...	Statement XII, showing the result of the employment of convicts.	Do.
79	J.F. No. 150 ...	Statement XIII, showing the net cost of prisoners.	Do.
80	Manuscript ...	Return showing dates and number of visits paid by official and non-official visitors.	Do.
81	Do. ...	Return of religious serices ...	Do.
82	Do. ...	Return showing special remission granted.	Do.
83	Do. ...	Return showing corporal punishments.	Do.

List of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return	Date of Submission
GROUP 'D'.—contd.			
ANNUAL RETURNS—contd.			
(1) <i>Returns due in the month of January—concl'd.</i>			
84	Manuscript ...	Chronological statement of T.B. of Lungs.	31st January.
85	Do. ...	Statement of Hook-worm ...	Do.
86	J.F. No. 145 ...	Statement showing prisoners employed as convict officers.	Do.
87	J.F. No. 137 ...	Statement 'A' showing accommodation available for each class of prisoners.	Do.
88	Manuscript ...	Verification of paddy ...	Do.
(2) <i>Returns due in the month of February.</i>			
89	Manuscript Form VI.	Statement of requirements of Penang canes, Burma canes, Polish and Sand-paper.	15th February.

List of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return	Date of Submission
		GROUP 'D'—contd. ANNUAL RETURNS—contd.	
	(3) <i>Returns due in the month of March.</i>		
90	Manuscript Form V	Statement of requirements of ground-nut oil, pegya, pebyugale, gram and wheat.	31st March.
	(4) <i>Returns due in the month of April</i>		
91	I. A.F.Z. 2098 ...	Indent for ammunition ...	1st April.
92	Treasury Forms 12 and 13.	Detailed statement of permanent establishment of jailors as it stood on 1st April.	15th April.

List of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return	Date of Submission
GROUP 'D'—contd.			
ANNUAL RETURNS—contd.			
(5) <i>Returns due in the month of May.</i>			
93	Misc.-Genl. No. 30	Indent for forms (Jail) ...	1st May.
94	Misc.-Genl. No. 36	Estimate for Europe stores ...	15th May.
95	Misc.-Genl. No. 39	Indent for Europe Stores ...	Do.
96	Manuscript ...	Statement of requirements of aluminium plates.	Do.
97	Do. ...	Stores account of certain important raw materials and manufactured articles.	31st May.
(6) <i>Returns due in the month of June.</i>			
98	Manuscript ...	Statement of verification of service	1st June.
99	Do. ...	Statement of Indian Army Reservist employed in Jails as it stood on 1st June.	7th June.
100	Do. ...	List of firearms ...	15th June.
101	Do. ...	Statement of requirements of Perchloron.	Do.

List of Returns due in the Office of the Inspector-General—contd.

Serial No.	No. of Return	Name of Return.	Date of Submission
GROUP 'D'—contd.			
ANNUAL RETURNS—contd.			
(7) Returns due in the month of August.			
102	Misc.-Gen. No. 30	Indent for forms (Miscellaneous)	1st August.
103	J.F. No. 92 ...	Budget Estimates ...	10th August.
104	Misc.-Genl. No. 30 or Try. Form No. 87.	Indent for Treasury forms ...	15th August.
(8) Returns due in the month of September.			
105	Misc.-Genl. No. 32	Indent for Stationery ...	1st September.

List of Returns due in the Office of the Inspector-General—concl'd.

Serial No.	No. of Return	Name of Return	Date of Submission.
		GROUP 'D'—concl'd. ANNUAL RETURNS—concl'd.	
	(9) Returns	due in the month of October.	
106	Manuscript Form I	Statement of annual requirements of dry chillies, coriander seeds, onions, ginger, turmeric, ground-nut oilcake, <i>ngapi</i> , salt and <i>dhoby</i> -soap.	1st October.
	(10) Returns	due in the month of December.	
107	Manuscript Form II	Statement of requirements of paddy	5th December.
		GROUP 'E'.	
	<i>List of Returns for the submission of which no particular date has been fixed.</i>		
108	J.F. No. 140 ...	Corporal Punishment ...	To be submitted after each award of whipping is inflicted.
109	Manuscript ...	Report of analysis of water ...	As soon as the result of yearly analysis is received from the Chemical Examiner, Rangoon.

APPENDIX XII.

Instructions for the preparation of Annual Administration Reports by Superintendents of Jails.

INTRODUCTORY.

The reports prescribed in paragraphs 72 and 894 of the Burma Jail Manual should not be a reproduction, almost verbatim, of previous reports. The aim should be to utilize the statistics in order to arrive at correct deductions. It is not the intention of the Head of the Department to check the flow of free and honest opinions, based on the facts and figures available. Superintendents are therefore requested to avail themselves of the opportunity of placing on record their frank views on the subjects under report. As long as the views expressed by the Superintendents are based on reliable statistics, they may rest assured that they will receive the close attention of the Inspector-General of Prisons. Superintendents are no doubt aware that prison methods are undergoing a change. Every innovation has, however, to be introduced with caution, so that no false steps may be taken. It is therefore necessary to consider unfavourable as well as favourable remarks on various ideas, and the Inspector-General seeks the co-operation of the Superintendents in making the Prison Administration Report as interesting and instructive as possible, with the result that there may be progressive improvement in the methods, adopted by this Department. Superintendents should, in their general remarks pay particular attention to the efficiency of the jailor and warder staff, to the discipline and conduct of prisoners and to the effects in general on prisoners of present methods of Prison Administration. Health matters, diet, clothing, etc., should also be mentioned.

The preparation of the Annual Administration Report should be in the form of Answers to the Questionnaire appended to this appendix.

2. The answers to each question should be brief and to the point and at the same time as interesting as possible.

3. Superintendents may take the opportunity to record their opinion on matters which are not dealt with in the questionnaire or in the annual returns.

4. In comparing the figures for the year under report with those of the previous year, the latter should be given in brackets thus:—The number of offences relating to prohibited articles was 800 (750) and that relating to work was 200 (150) and so on, the figures 750 and 150 representing those of the previous year.

5. All returns must be signed and dated by the Superintendents. A list showing the numbers and names of returns required to accompany the Annual Administration Report is given on page.

6. Special attention is invited to the instructions conveyed in Prison Department Circular No. 96—183-Main, dated the 29th September 1921.

Questionnaire.

CHAPTER I—JUDICIAL.

Status—

Any change in the status or administration of the jail.

Defects—

Any defect in general management of the jail found during an outbreak or alarm parade.

Admissions—

(a) Number admitted from each district.

(b) Comment on the unusually large number, if any, from any district.

Transfers—

Reasons, if any, for a large number of transfers from your jail to central or other jails.

Releases—

(a) Number released by the Local Government under—

(i) Medical grounds.

(ii) Other grounds—

(a) Revisory Board (recommendation of)—

(1) Number conditionally released.

(2) Number released by the grant of special remission on the recommendation of the Revisory Board.

(b) Under 14 years' rule.

(c) Under remedial measures to relieve overcrowding.

(d) Burma Expulsion of Offenders Act.

(e) Salvation Army.

(f) Deported to China under Foreigners Act.

(g) Releases of rebel convicts under general amnesty.

(h) Other causes with explanation of the cause for the release.

Religion, Age, etc. (Statement II)—

Education—

Arrangements made, if any, for providing secular education to prisoners.

Nature and length of Sentences (Statement III)—

(a) Any increase in the number sentenced to simple imprisonment or to short-terms of rigorous imprisonment.

(b) State your personal opinion as to the justification or otherwise of the increase in such numbers.

Number of Recidivists (Statement IV)—

Give your observation on the statistics furnished in Statement IV for your jail.

Escapes and Recaptures (Statement V)—

1. Give a brief description of each escape which occurred during the year, mentioning the dates of escapes, number escaped, manner in which escapes took place, when recaptured, how the staff responsible

Questionnaire—contd.**CHAPTER I—JUDICIAL—contd.***Escapes and Recaptures (Statement V)—contd.*

for the escape was dealt with and whether the escapes were brought about as a result of any defect in structural arrangements or slackness in supervision.

2. Give the total number of escapes remaining uncaptured—
 - (a) 1st January.
 - (b) on the 31st December.
3. Give the number of recaptures, in the year under review—
 - (a) of those escaped during the year.
 - (b) of those escaped in previous years.

Escapes—

4. State how many of the prisoners who escaped during the year were—
 - (a) Casual prisoners.
 - (b) Habitual prisoners.
 - (c) Convict officers, giving grade.
 - (d) Class, such as A, B and C.

Attempts at Escape—

State the number and circumstances in brief and also refer to the report submitted to this office.

General Behaviour of Prisoners (Statement VI)—

1. Give cause of any increase or decrease in the number of each class of offences. Explain measures, if any, introduced which resulted in an appreciable decrease in the number of offences.
2. Give the total number of cases dealt with by Criminal Courts—
 - (a) for escapes,
 - (b) for assaults,
 - (c) for committing suicide,
 - (d) for allowing prisoners to escape,
 - (e) other causes, if any.
3. Give briefly details of all fatal assaults and outbreaks, if any.
4. General comments on the behaviour of prisoners.

Convict Officers—

Daily average number employed during the year—

—				Convict Night Watchmen.	Convict Overseers	Convict Warders.
Casuals	...	...	...			
Habituals	...	...	...			
Total						

Questionnaire—contd.

CHAPTER I—JUDICIAL—contd.

Convict Officers—concl'd.

Explain briefly the behaviour of the convict officers, and in the case of habitual convict officers the way in which they have carried out their duties and how far they can be relied upon.

Give the total number of punishments (major and minor, separately) inflicted on convict officers.

Corporal Punishments (Table D—

1. Number of whippings during the year and the reasons for infliction. Brief notes only are required.

2. Was there any case in which whipping was followed by any illness?

Habituals—

(a) The number of habituals at the beginning and at the end of the year.

(b) The number admitted.

(c) The number released.

(d) The daily average.

(e) Number of offences committed.

(f) Number punished—

(1) by Criminal Courts.

(2) by whipping.

(3) by other punishments.

(g) Number of convict officers.

(h) Number of prisoners classed as habituals, for failing to give security.

(i) General behaviour.

Bad-Hats Section of the Moulmein Jail Cell Block—

(To be answered by the Superintendent, Moulmein Jail.)

1. Accommodation.

2. Number of Bad-hats at the commencement of the year.

3. Number admitted.

4. Number released.

5. Number transferred to other jails.

6. The daily average.

7. Number remaining at the close of the year.

8. How employed.

9. General comments on the behaviour of prisoners and on the effectiveness or otherwise of the measures taken and any suggestions for improvement.

Rebel Prisoners—

Remarks on their behaviour in jail.

Questionnaire—contd.**CHAPTER II—FINANCIAL—concl'd.*****Employment of Prisoners (Statements XII and XIII)—***

1. Explain any rise or fall in the daily average number of convicts sentenced to rigorous imprisonment and any decrease or increase in the number employed on jail manufactures.

2. Give a brief description of each of the extramural works undertaken during the year, number of prisoners employed on each work, period of employment, expenditure incurred, and nett receipts derived from each work.

3. Give particulars of different works for which prisoners were hired to Municipalities, private individuals, Public Works Department, or other Government Departments and state the period of employment, number of prisoners employed, expenditure incurred, and nett receipts derived from each work.

4. Give a brief description of the chief forms of intramural employment of convicts and the approximate daily average number of convicts employed on each industry.

Give figures in respect of each industry, the total value of articles invoiced during the year, total value of raw materials used, and the amount realized in the form of labour charges, wear and tear of tools and profit.

6. (a) State the amount of profit earned by the jail compared with last year.

(b) State how the above figures work out to per head of number sentenced to labour.

(c) Give reasons for increase or decrease.

7. (a) State the amount of cash profit earned by the jail compared with last year.

(b) State how the above figures work out to per head of number sentenced to labour.

(c) Give reasons for increase or decrease.

8. Explain any increase in the value of stock or in the amount of outstandings due to or by the jail.

9. Name the industries which provided suitable form of labour to the convicts with satisfactory financial results and also name the industries which suffered much for lack of orders.

10. Can you suggest means of improving your jail industries. If so, in what direction and how?

11. Are there any large extramural or other works likely to be undertaken in your locality during the ensuing year which would give suitable labour to convicts?

CHAPTER III—VITAL.***Diet—***

Note change, if any. Was any modification made in the scale in respect of any particular item of diet?

Water supply—

1. Source.

Questionnaire—contd.

CHAPTER III—VITAL—contd.

Water supply—concl.

2. State the number of surface wells, tube wells, etc., provided inside and outside the jail, also the purpose for which water drawn from each such source is used.
3. Explain the method of distribution of water to various wards for drinking and washing purposes.
4. So also with reference to staff quarters, and jail garden.
5. Result of analysis.
6. Is quantity sufficient or not ; if not what action was taken?
7. Is chlorination carried out regularly and efficiently?
8. Is the starch iodide test carried out regularly?
9. Mention any works carried out during the year in connection with the improvement of water supply system.
10. Mention the works that were pending at the end of the year.

Conservancy—

1. Are latrines sufficient? If not what are your proposals?
2. What provision exists for night conservancy?
3. How night soil is disposed of?
4. How urine is disposed of?
5. Is there a dry earth system? If not, what system is adopted?
6. How many incinerators are there in your jail? If none exists, how is the excreta disposed of?
7. Is there one in the hospital?

Vaccination—

State the percentage of successful re-vaccinations during the year.

Statement B—

Note on special features, if any, in the condition of prisoners discharged during the year as regards weight on admission and weight on release from jail.

Health—

1. General health when compared with former years.
2. Health of the town—when compared with the jail.
3. Number of cases of plague, cholera and small-pox.
4. *Beri-Beri*—
 - (a) Total number of admissions during the year.
 - (b) Of the above—

(1) Number admitted from	Diet in the Police Lock-ups.
Police Lock-ups.	
(2) Number admitted from	Diet outside.
outside.	
(3) Number who developed the disease in the jail.	
5. Number of cases of tubercle of lungs admitted, and those transferred to Myingyan Special Tubercular Ward.
6. Number of cases of releases on medical grounds and counted as deaths.

Questionnaire—contd.**CHAPTER III—VITAL—contd.****Health—contd.**

7. Explain briefly the cause or causes responsible for the increase or decrease in the number of admissions and deaths from the following diseases and state if any special measures are taken to treat such cases—

- (1) Dysentery.
- (2) T.B. of Lungs.
- (3) * Malaria.
- (4) Pneumonia.
- (5) Diarrhoea.
- (6) Anæmia and Debility.
- (7) Enteric Fever.
- (8) Influenza.
- (9) Plague.
- (10) Cholera.
- (11) Small-pox.
- (12) Ankylostomiasis.
- (13) Leprosy.

8. Number transferred to Civil Hospital for treatment and nature of the diseases—

- (a) Number died at the Civil Hospital.
- (b) Number discharged, cured and returned to jail.

9. Number of prisoners received from the Andamans—

- (a) On medical grounds; the nature of disease and the method of disposal being clearly stated.
- (b) Incorrigibles and the method of disposal.
- (c) Undesirables and the method of disposal.
- (d) For other reasons and the method of disposal.

10. Health of prisoner admitted from Police Lock-up.

11. *Special Tubercular Ward, Myingyan—*

(To be furnished by the Superintendent of Jail, Myingyan.)

Give a brief note on the working of the Special Tubercular Ward.

Furnish statistics for each of the groups (a) In-door patients, (b) Special Gang, and (c) arrested cases, as to (1) number remaining at the beginning of the year, (2) number admitted during the year, and the sources from which admitted, (3) number disposed of, i.e., by death, by transfer to other groups, by release, as cured, etc., and (4) number remaining at the end of the year.

* State whether Atebrin and Plasmogquine were tried, and if so, with what result

Questionnaire—contd.

CHAPTER III—VITAL—concl'd.

Health—concl'd.

12. Pagan Leper Jail—

(To be furnished by the Superintendent of Jail, Pagan.)

Give a brief note on—

- (1) the daily average number of lepers,
- (2) the treatment given, and results obtained,
- (3) the treatment given, and results obtained.

Epidemics—

Description, origin, progress, termination and mortality.

Suicides, Accidental and Violent Deaths—

State fully the circumstances of each of the following cases and quote number and date of letter in which report was made to this office:—

- (1) Attempt at suicides.
- (2) Accidental deaths.
- (3) Violent deaths.

Deaths—

Total number of the deaths during the year:—

- | | |
|-----------------|-----|
| (a) Convicts | ... |
| (b) Undertrials | ... |
| (c) Civils | ... |

Total	...	_____
-------	-----	-------

Opium Consumers—

Number of opium addicts admitted and measures taken to eradicate the habit.

CHAPTER IV—MISCELLANEOUS.

Accommodation (Statement A)—

1. Total jail accommodation—

Convict	...	...	Male.	Female.	Total.
Undertrial	...	...			
Civil	...	...			

Total	...	_____	_____	_____
-------	-----	-------	-------	-------

2. Give particulars as to the number of wards, cells, etc., in each section of the jail, accommodation provided in each, and the class of prisoners accommodated therein.

3. Explain any changes effected in accommodation during the year

Questionnaire—contd.**CHAPTER IV—MISCELLANEOUS—contd.****Fetters—**

Explain cause of variation in the number of prisoners on whom fetters were imposed during the year.

Remission System—

Explain any marked falling off or increase in the number of prisoners or class of prisoners granted ordinary or special remission.

Prisoners Aid Society—

Is there one in the district? If so, give a brief description of its work.

Religious Services—

1. Number of *phongyis* and other religious preachers that are appointed to attend the jail.

2. Total number of religious services held—

- (a) for Christians,
- (b) for Hindus and Sikhs,
- (c) for Buddhists,
- (d) for Mohamedans,
- (e) for other denominations (give separate figures for each denomination).

3. Whether there has been a falling off in the prisoners' attendance at the services—and, if so, to what cause it is attributed?

4. The apparent effect on the conduct of the jail population.

5. If the number of services held for any particular denomination was comparatively few, the reason should be explained, details being given as to what action was taken to ensure the services being regularly held.

6. Any other items of interest relating to the subject.

Buildings—

1. Additions made during the year.

2. Whether in a state of repair or not.

3. Whether the Executive Engineer has certified as regards safety.

4. Any alterations required. Give particulars of works in order of their urgency and importance.

Visits—

1. Designation of Official Visitors and the total number of visits paid by each such visitor during the year.

2. Names of non-Official Visitors and the total number of visits paid by each such visitor during the year.

3. Number of meetings held by the non-Official Visiting Boards, and Jail Committee, if any.

4. Mention names and designation of Official and non-Official visitors who failed to pay regular visits during the year.

Questionnaire—contd.

CHAPTER IV—MISCELLANEOUS—contd.

Audit of Accounts—

Was any audit conducted during the year by the staff of the Office of the Accountant-General, Burma, in respect of the following accounts, and, if so, with what results?

- (1) Supplies Accounts.
- (2) Manufacture Accounts.
- (3) Increment Register of Warders.

First Aid Classes—

		Jailors.	Warders.	Prisoners.
Number trained	...	...		
Number passed	...	...		

Establishment—

1. State number of Chief and Head Warders and strength of permanent and temporary warders separately and explain causes of employment of temporary warders.
2. State the number of ex-military policemen or ex-army men employed as warders at the close of the year.
3. Specify convictions of warders.
4. Dismissal and causes of dismissal.
5. Reduction and causes of reductions.
6. Number of other punishments.
7. Number punished departmentally.
8. Number resigned.
9. Are the warders regularly drilled?
10. Date of last musketry practice. If none held, give reasons.
11. General result of practice.
12. Brief description of sports, if any, held among warders.
13. State of arms, ammunitions, accoutrements and uniform.

Jail Library—

Progress made in developing Jail Library.

Warders' Fine Fund—

1. Opening balance on 1st January.
2. Amount received.
3. Amount spent.
4. Closing balance on 31st December.
5. State briefly how the amount was spent.

Jailors and other Establishment—

1. Strength of permanent and temporary jailors, medical, technical and other staff.
2. Number of convictions, dismissals, reductions with causes.
3. Number punished departmentally.
4. Number resigned.
5. Name of subordinates who deserve special mention.
6. Are members of the jailor staff capable of drilling warders?

Questionnaire—concl'd.**CHAPTER IV.—MISCELLANEOUS—concl'd.***Satisfactory and Unsatisfactory Features of the Year—*

1. What are the main satisfactory features of the year?
2. What are the main unsatisfactory features of the year?

General Remarks—

(See remarks in the Introductory).

Returns to accompany the Annual Reports*(a) Form No. 38.—Sick Return (in original only).*

[NOTE.—Particular attention should be paid in the preparation of Statement I appended to the Annual Sick Return giving particulars regarding vaccination Column "Admitted during the year" should include convicts as well as undertial prisoners and civil prisoners so as to agree with the total shown in column 4 of Statement I, column 4 of Statement XVII and column 4 of Statement XVIII during the year].

No case should be returned as a primary vaccination, unless there is absolute certainty as to the unprotectedness of the patient.

A statement affording particulars in regard to prisoners who suffered from small pox during the year and a chronological table of cases of Tubercle of the Lungs should accompany the Annual Sick Returns, *vide* Prison Department Circulars No. 64—6 Main, dated the 6th June 1910.

(b) Form No. 22.—Juveniles admitted—

[NOTE.—Particulars concerning all prisoners under the age of 16 years admitted during the year should be carefully noted. Juveniles, whether sentenced to terms of imprisonment or flogging only, must be included in this statement. (See paragraph 630, Jail Manual)]

(c) Form No. 84.—Fetters Statement—

[NOTE.—On the reverse side of this statement, details should be furnished as to the nature of offences committed by those entered against Part I (1) and (2). (See paragraph 330, Jail Manual)]

(d) Form No. 113.—Opium Consumers and Cocaine Addicts—

(See foot-note to paragraph 402, Jail Manual).

[NOTE.—Superintendents of Jails should note with reference to this statement how many of those returned as consumers of opium are registered as such on the books of the Deputy Commissioner].

(e) Form No. 114.—Education of Juveniles—

(See paragraph 624, Jail Manual.)

[Please note that the sum of figures in columns 5 and 6 should in each case equal the number shown in column 4 (*vide* Circular No. 4—O/43—60, dated the 13th January 1899.)]

(f) Form No. 115.—Escaped Prisoners—

Nil.

(g) Form No. 116.—Transfers—

(Undertrials should not be included in this statement.)

The number of boys sent to the Borstal School, Thayetmyo, during the year should also be furnished as a footnote.

Returns to accompany the Annual Reports—concl'd.**(h) Form No. 119.—Additions and Repairs, etc.—**

[Information procured from the Executive Engineer, in accordance with paragraph 875 (b), Jail Manual, should be added in a footnote to this statement showing the value of convict labour supplied to the Public Works Department during the year.]

(i) Form No. 143.—Vegetables—

(See Chapter XX, Jail Manual.)

[NOTE.—On the reverse of this statement particulars should be recorded showing the quantity and value of paddy, condiments and other garden produce obtained from the jail garden (1) for jail use, (2) sale to the public.]

(j) Form No. 144.—Results of the Employment of Convicts—

(See Instructions on page 105, Appendix X, Part II of Jail Manual. In this connection attention is invited to this office Audit Department Circular No. 88—17-I. dated the 18th June 1929. The Instructions conveyed therein should receive careful attention in the preparation of this statement.)

(k) Form No. 147.—Statement IX.—Expenditure in guarding and maintaining prisoners—

NOTE.—On the reverse of this statement, the following information should be furnished : (a) quantity and value of each description of dietary articles on hand on the 1st January and (b) quantity and value of the articles at the close of the year. Great care should be taken in furnishing this information as it has been decided by the Local Government that the value of the actual quantity consumed during the year should be shown in Statement IX so far as dietary articles are concerned.)

(l) Form No. 150.—Statement XIII—

(See footnote to this statement.)

(m) Form No. 137.—Statement A.—(Showing accommodation in the jail.)

(n) A return affording particulars as to corporal punishment inflicted during the year. Particular attention is invited to the footnotes to the form. The return should be accurately prepared.

(p) A statement showing the amount of special remission earned by prisoners under the remission rules during the year, vide sample form shown in Appendix A.

(q) A return showing number of visits paid by official and non-official visitors during the year, vide sample form shown in Appendix B.

(r) A statement affording particulars, month by month from January to December, as to the Number of religious services held in your jail, vide this office Circular No. 74—175, dated the 18th August 1908, vide sample form shown in Appendix C.

NOTE.—Printed copies of forms required for the preparation of the returns mentioned against items (a) to (h) and (j) to (o) will be supplied to Superintendents of Jails every year in the month of December.

The returns shown against items (i) and (p) to (r) should be prepared in manuscript.

APPENDIX A.

—Jail.

Statement showing amount of special remission earned by prisoners under the Remission Rules during the year 19

Para- graph 842 of the Burma Jail Manual.	Para 847 (1)	Para. 847 (2)	Para. 847 (3)	Para. 847 (4)	Para. 847 (5)	Para. 847 (6)	Rat killing, vide Prison Department Circular No. 79-13M., dated 9th October 1921	Number of prisoners awarded special remission by the Inspector- General of Prisons.	Remarks.
No. of prisoners awarded special remissions.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners who killed rats.	No. of rats killed	
No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission on this account.		
No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	For being free from punishment for three years.		
No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	No. of days earned as special remission.	For good conduct		
No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	No. of prisoners awarded special remission.	For other reasons		

• Figures to be furnished for each month from January to December.

NOTE.—Give the number of prisoners who were released on the recommendation of the Jail Revisory Board and also the number that were granted special remission on the recommendation of the Jail Revisory Board separately.

APPENDIX B.

_____ Jail.

Return showing number of visits paid by Ex-Officio and non-Official Visitors during the year 19

Name and Designation of each Visitor	Total No. of visits paid in the year	Dates of Visits paid during each month of the year											
		Jan.	Feb.	Mar.	Apl.	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.
1. <i>Ex-Officio</i> Visitors* ...													
2. Non-Official Visitors*													
3. Non-Official Visiting Boards.													
4. Jail Committee Meet- ings.													

* Name and designation of each visitor should be mentioned under the respective heads.

Dated

19

Superintendent of Jail.

APPENDIX C.

_____ Jail.

Return showing particulars relating to Religious Services held during the year 19

Denomination	Jan.	Feb.		Mar.		Apr.		May.		June		July		Aug.		Sept.		Oct.		Nov.		Dec.		Total	
	A* B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	Total No. of services held during the year.	Average monthly attendance.
1. Buddhists	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		
2. Christians																									
3. Hindus and Sikhs																									
4. Mohamedans																									
5. Other denominations (each denomination to be particularized).																									

NOTE.—Under Columns 'A' give figures showing total number of services held during each month.
Under Columns 'B' give figures showing average attendance at the services during each month. Divide the number of aggregate number of prisoners who attended the services during the month by the number of services held during the month.
Average monthly attendance.—Divide the sum of figures shown in columns 'B' by the total number of services held during the year.

Dated

19

Superintendent of Jail,

APPENDIX XIII.

Orders regarding Department Inquiries.

Home Department "G" Circular No. 15 of 1940, dated the
1st May 1940.

1. A departmental inquiry is an inquiry by a superior authority into the conduct of a subordinate. The law on the subject of departmental inquiries is contained in sub-sections 1, 2 and 3 of section 97 of the Government of Burma Act, and in rule 55 of the Civil Services (Classification, Control and Appeal) Rules, which are reproduced in the appendix to this circular. In the case of persons covered by those sub-sections or that rule, a departmental inquiry must be held before an order of dismissal, removal or reduction is passed. A departmental inquiry is not legally necessary in the following cases: (1) where it is proposed to order a punishment less severe than dismissal, removal, or reduction; (2) where it is proposed to discharge an officer who is on probation; and (3) where the person concerned is paid by commission or from contingencies. Nevertheless the authority empowered to punish should always consider whether, even when no injury is legally necessary, it is not desirable to hold one in the interest of justice and fairness. A formal inquiry should ordinarily be held whenever there is any doubt or dispute about a matter of fact.

When Department
inquiries should be
held.

NOTE.—Acquittal by a criminal court does not preclude a subsequent departmental inquiry.

2. The Governor desires to impress on all officers that inefficiency and general incompetence are valid grounds for dispensing with the services of a person, in the employment of the Crown, just as in the case of a person in private employment. Failure to recognize and act on this principle is prejudicial to the public interest.

Inquiry in cases of
inefficiency.

3. Departmental inquiries shall be completed with the least possible delay, but the officer charged shall be given a reasonable time to prepare and to produce his defence.

Speedy disposal.

4. (1) When it is believed to be desirable to take action against a servant of the Crown, it is necessary to make sure that there is a *prima facie* case against him. For that purpose a preliminary investigation against him will frequently be necessary to elucidate doubtful points and or to collect evidence.

Preliminary Investiga-
tion.

(2) At the preliminary investigation witnesses may be examined either privately or in the presence of the respondent; the respondent also may be examined. If the investigating officer examines witnesses or the respondent in the course of the preliminary investigation, their statements shall be recorded in writing.

(3) At this stage a file shall be opened to contain all relevant papers. At the beginning shall be placed a diary form, on which shall be recorded briefly the progress of the case, office orders, dates fixed, etc. This file shall also contain the record of the formal inquiry, if one is held.

5. (1) The preliminary investigation will reveal whether there is sufficient ground to take formal action against the respondent.
Formal Inquiry.

(2) If it is proposed to hold a formal inquiry, the first thing to do is to decide who should hold it. The inquiry should normally be held by the head of the office, but may be held by any subordinate officer under his direction. If in an exceptional case it is thought desirable to obtain the services of a special officer, either to conduct the inquiry or to act as prosecutor, application should be made to the Commissioner of the Division or to the Head of the Department concerned.

6. The opening step in a formal inquiry is for the officer holding the inquiry to charge the respondent. The charge shall be in the following form, and a copy of it shall be given to the respondent:—

(1) You (*here enter name*) are hereby charged as follows:—

(*Here enter clearly and concisely the charge or charges. Where a charge is based on failure to observe a particular rule, that rule should be cited.*)

(2) The allegations on which each charge is based are as follows:—

(*Here enter a brief summary giving sufficient details for the respondent to understand what charges he has to meet, so far as these are not clear from the charges themselves.*)

(3) You are therefore called upon to show cause against dismissal or lesser punishment.

(4) Your written statement of defence is to reach me by (*here enter date, allowing a reasonable period*).

(5) In your written statement of defence you are to say whether you desire to be heard in person, and whether you desire an oral inquiry.

(6) If you desire an oral inquiry you are warned that the inquiry will be held by (*here enter name*). If you have valid objections to the officer appointed to hold the inquiry, you must say so, giving reasons, in your written statement of defence.

(7) You are further warned that if you are found guilty of the charge(s), the following other matters will be taken into consideration in deciding the punishment, and any representation you have to make in this connection should be included in your written statement of defence:—

(*Here enter the other matters, if any, such as previous bad work, previous punishments, etc.*)

NOTE.—Charges should not be multiplied excessively. Even if it is possible to make a large number of charges it is usually sufficient to concentrate on the most important charges only ; since if the most important charges are proved, this will

provide sufficient basis for punishment, and the inquiry will be shortened. When an officer is charged with inefficiency and general incompetence, it will usually be necessary to specify a number of actual cases of inefficiency and incompetence. In such cases there need, if more convenient, be only one charge, namely, inefficiency and general incompetence, and the details can be specified in the statement of allegations; see paragraph 6 (2).

7. On receipt of the written statement of defence, it will be necessary to consider whether an oral inquiry should be held. If the respondent gives a satisfactory written explanation, or if he admits the charges, an oral inquiry will usually be unnecessary. In order cases an oral inquiry will usually be necessary. If the respondent desires an oral inquiry, it shall always be held, unless his written explanation is satisfactory and it has been decided not to proceed further. Even if the respondent does not desire an oral inquiry, it may still be necessary to hold one if there is doubt about the material facts on which the charge is based.

8. (1) The respondent shall be present at the oral inquiry.

Procedure at oral inquiry.

(2) The respondent may at the discretion of the officer holding the inquiry be assisted at the oral inquiry by a lawyer or friend.

(3) The witnesses against the respondent shall be examined first, and may be cross-examined by the respondent.

(4) Witnesses examined at a preliminary investigation shall, if their evidence is relevant be recalled and examined afresh at the oral inquiry.

(5) Evidence shall not be taken on oath.

(6) All relevant statements made by a witness shall be reduced to writing, and read over to the witness. When the witness has signified that the written record of his evidence is correct, the record shall be signed by the officer holding the inquiry.

(7) The respondent shall be permitted to give evidence in person if he wishes to do so. He may also at any time be asked any questions which the officer holding the inquiry thinks necessary. His statements, if any, shall be reduced to writing.

(8) After the witnesses against the respondent have been examined, the respondent shall be asked to give a list of the names of his defence witnesses, and shall be allowed a reasonable time to do so.

(9) A date shall then be fixed for the examination of the defence witnesses, and they shall be summoned to attend on that date by the officer holding the inquiry: provided that for good and sufficient reasons to be recorded in writing the officer holding the inquiry may refuse to summon or examine any one or more of the defence witnesses, or may require the prior deposit of expenses of witnesses. (See Note 1 below.)

(10) On the date fixed the defence witnesses shall be examined, and their statements reduced to writing. If any of them fail to attend, those absent shall be summoned on a later date, and the officer holding the inquiry shall make every effort to procure their attendance.

(11) Charges may be added to or altered in the course of an inquiry. When the charges are added to or altered, the respondent shall be given a reasonable time to prepare his written defence to the additional or amended charges, and he shall be entitled to have the witnesses against him recalled for further cross-examination and also to produce new defence witnesses.

NOTE 1.—An officer holding a departmental inquiry has no legal power to procure the attendance of witnesses. In practice however witnesses are usually willing to attend. Witnesses will be paid by Government travelling expenses at the rates prescribed for witnesses appearing in criminal courts. If the officer holding the inquiry considers that the number of defence witnesses is excessive he may refuse to examine them or summon them unless the respondent deposits a sufficient sum to cover the expenses payable to them. Officials are entitled to travelling allowance at the ordinary rates.

NOTE 2.—The respondent should ordinarily be allowed a lawyer or friend in order to assist him, but the lawyer or friend should not be permitted to obstruct the inquiry, or to interfere with the discretion of the officer holding the inquiry. The officer holding the inquiry is not bound to follow the provisions of the Criminal Procedure Code or the Evidence Act. It is only necessary that he should hold the inquiry fairly and should follow the provisions of this circular. Irregularities in the conduct of a departmental inquiry will not vitiate it legally but if the appellate authority holds that irregularities have caused unfairness he may set aside the findings, or may direct a further inquiry on certain points or even an entirely new inquiry.

NOTE 3.—In cases where the respondent is charged with an offence under Rule 16 of the Burma Government Servants Conduct Rules, 1940, or under Rule 14 of the Burma Government Servants' (Defence Department) Conduct Rules, 1939, the proceedings of the enquiry should contain a clear statement of the officer's resources, a complete schedule of the debts which he has to meet and of any periodical charges arising out of them for interest, etc. The respondent should be examined as to his recurrent expenditure and a definite finding recorded on the question whether the officer's resources are sufficient to enable him to pay off his debts within the prescribed period.

9. (1) If the officer holding the inquiry is not empowered to pass orders in the case, he shall submit a report containing his findings on each charge and the reason therefor to the officer who ordered the inquiry.

(2) If the officer who ordered the inquiry is not authorized to pass orders, or if he considers that an adequate penalty can be inflicted only by a higher authority, he shall submit a report and recommendations dealing with the points mentioned in sub-paragraph (3) below, instead of passing orders. The report shall be submitted through the prescribed official channel, and each officer through whom it passes shall briefly record his recommendations.

(3) The authority competent to dispose of the case shall pass a formal order which shall contain the following details:—

- (a) which charges he considers proved, and why;
- (b) what weight is to be attached to the other matters, if any, mentioned in paragraph 7 of the charge;
- (c) the punishment ordered;
- (d) if postponement of increment is ordered, whether this is to have the effect of postponing all future increments;
- (e) if the respondent is released from suspension, an order to rejoin duty. No date of the release from suspension is to be mentioned; this will be the date he rejoins duty;

- (f) if the respondent is released from suspension, what pay is to be drawn during the period of suspension (see paragraph 12);
- (g) if the respondent is released from suspension but not honourably acquitted, whether the period of suspension is to count as duty (see Fundamental Rule 54);
- (h) if charge is only one of inefficiency or general incompetence and the order is one of dismissal or removal, a statement that immediate application for the grant of a compassionate allowance may be made without prejudice to any appeal which the respondent may subsequently wish to make against the order of dismissal or removal;
- (i) the period during which an appeal, if any, may be presented, and the authority to whom it may be presented (see paragraph 11).

(4) A copy of the former order shall be given to the respondent.

NOTE 1.—When two officers of different status are dealt with at the same departmental inquiry, it may happen that the officer who ordered the inquiry will be empowered to pass orders in the case of one officer but not in the case of the other. If this is so, the officer who ordered the inquiry should abstain from passing orders in the case of the subordinate officer until after the higher authority has passed orders in the case of the higher officer.

NOTE 2.—In the case of an officer who has been lent to the punishing authority the latter shall consult the lending authority before exercising any power of punishment (other than the power to suspend temporarily pending and inquiry).

10. The punishments which may be imposed upon a Government servant are given in rule 49 of the Civil Services (Classification, Control and Appeal) Rules, in General Department Circular No. 5 of 1926, in the Subordinate Police (Appointment and Disciplinary) Rules, and in other rules made under specific Acts.

NOTE 1.—An officer may be discharged at any time prior to his confirmation in Government service by the authority that appointed him, for good and sufficient reason, without the holding of a departmental inquiry. Even when such an inquiry is held, an order discharging the respondent will often meet the case if no serious misconduct has been proved.

NOTE 2.—A difference between removal and dismissal is that the former should be inflicted when the respondent has not been proved guilty of conduct which renders it desirable that he should be debarred from re-employment in Government service. Gross misconduct, fraud and dishonesty, continued and wilful negligence, and all offences involving serious moral turpitude should be punished with dismissal, after which the respondent cannot be re-employed in Government service in any capacity whatsoever without the sanction of Government.

NOTE 3.—Suspension is not ordinarily inflicted as a penalty for misconduct on the termination of an inquiry but imposed in the manner described in paragraph 12. The period spent under suspension and the consequent loss and disgrace inflicted upon the despondent should, however, be taken into consideration in determining the punishment.

11. The provisions governing appeals are mentioned in paragraph 10 above. The provisions governing the submission of memorials to the Governor are contained in General Department Circular No. 47 of 1909.

12. (1) An officer into whose conduct a departmental inquiry is to be held should ordinarily be placed under suspension if there appears reasonable ground for believing that the facts or conduct alleged will lead to his removal, dismissal or reduction. He should also ordinarily be suspended if his continuance in office appears to be prejudicial to the public interest, or likely to result in the suppression of evidence.

(2) An officer should also ordinarily be suspended if he is accused of a serious offence in a criminal court.

(3) In certain cases it may be suitable to transfer the officer instead of suspending him; but this should not be done if the transfer will deprive him of legitimate means of defence, or if it will cause administrative inconvenience or undue expense.

(4) In all cases in which an order or recommendation is made to the effect that an officer be placed under suspension, the officer recording such order or recommendation shall include in it a reference to the amount of subsistence allowance to be drawn under Fundamental Rule 53.

(5) When an officer is honourably acquitted at a departmental inquiry or in a criminal court, he shall be allowed to draw during his suspension the full emoluments of the post held by him prior to his suspension provided that ordinarily he shall not be permitted to draw allowances given to cover expenditure, such as fixed travelling allowance if, owing to his suspension, such expenditure has not been incurred.

(6) When the respondent is not honourably acquitted, he shall not be allowed to draw during his suspension the full emoluments of the post held by him prior to his suspension. In such a case he will be permitted to draw, under Fundamental Rule 54, only a proportion of the emoluments of the post.

13. As mentioned in paragraphs 6 and 9, the respondent is to be given a copy of the charge and a copy of the final order. The respondent is also entitled to be supplied on application, free of charge with copies of the evidence recorded during the oral inquiry, and with a copy of the reports, if any, mentioned in paragraphs 9 (1) and 9 (2). Copies of other papers, letters, reports, notes, etc.; connected with the inquiry should not be supplied.

14. The Judicial Department of Government maintains and publishes each year in the month of March a list of all persons who have been dismissed from the service of the Crown, other than those in inferior service, those paid by commission or from contingencies, or police officers of and below the rank of Head Constable. Whenever an officer not belonging to the excepted classes is dismissed, the dismissal should be promptly reported to the Secretary to the Government of Burma, Judicial Department, and a copy of the report should be forwarded through the Head of the Department of the Secretary to Government in the Department concerned. The report, which need

not be accompanied by the service book of the officer, should be in the following form:—

<i>Dismissal Report</i>				
Name of officer dismissed	Date of dismissal	Appointment held by officer when dismissed	Reasons for dismissal	Officer by whom dismissed

15. "G" Circular No. 49 of 1930 is hereby superseded.

16. This circular is issued with the concurrence of the Defence Department.

APPENDIX

1. Sections 97 (1), 97 (2) and 97 (3) of the Government of Burma Act are as follows:—

"97. (1) Except as expressly provided by this Act, every person who is a member of a civil service of the Crown in Burma, or holds any civil post under the Crown in Burma holds office during His Majesty's pleasure.

(2) No such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.

(3) No such person as aforesaid shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub-section shall not apply—

(a) where a person is dismissed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where an authority empowered to dismiss a person or reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause."

2. Rule 55 of the Civil Services (Classification, Control and Appeal) Rule is as follows:—

"Rule 55.—Without prejudice to the provisions of the Public Servants Inquiries Act, 1850, no order of dismissal, removal or reduction shall be passed on a member of a service (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take

action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so direct, an oral inquiry shall be held. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross examine the witnesses, to give evidence in person, and to have such witnesses called as he may wish, provided that the officer conducting the inquiry may for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof."

This rule shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the rules and those requirements can be waived without injustice to the person charged.

NOTE.—This rule only applies to members of the Subordinate Services and members of a higher service.

APPENDIX XIV.

Disciplinary Rules for the Subordinate Services.

General Department Circular No. 5 of 1926, as amended by Circulars Nos. 28 of 1926, 43 of 1926, 51 of 1926 and 46 of 1928.

The rules reproduce, in so far as they are applicable and with such verbal modifications as are necessary, the rules made by the Secretary of State in Council under sub-section (2) of section 96B of the Government of India Act which were published in the Government of India's Home Department Notification No. F-472—II-23 Public, dated the 21st June 1924. They also embody the orders passed by the Local Government under Rule XV of the said rules delegating to subordinate authorities disciplinary powers in regard to officers of the Subordinate Services and the rule issued by the Local Government under Rule XIX of the said rules prescribing the authority to whom appeals shall lie from members of subordinate services against disciplinary orders.

1. These Rules apply only to officers holding minor administrative, executive and ministerial posts to which appointments are made by the Local Government or by an authority subordinate to the Local Government. They do not apply to non-pensionable subordinate, clerical and menial establishment, or to officers of the All-India or Provincial Services or to officers holding special posts.

2. (1) Without prejudice to the provisions of any law for the time being in force, the Local Government or any authority to whom it has delegated the power may for good and sufficient reasons (1) censure, (2) withhold from promotion, (3) reduce to a lower post, (4) suspend, (5) remove, or (6) dismiss, any officer holding a post to which these rules apply. Punishments other than these, which are authorized by Departmental Rules are classed as minor punishments.

(2) An officer named in column 2 of the Schedule attached to these rules may exercise such of the powers specified in sub-rule (1) as are shown against his name in column 3 in respect of the class of officers detailed in column 1. Any order of punishment passed in exercise of such powers shall be subject to appeal (in accordance with the provisions of Rules 3 to 12) to the officer entered in column 4 of the schedule; and any order, whether of punishment or condonation, passed in exercise of such powers shall be subject to revision by the Local Government in accordance with the provisions of Rule 13.

3. No appeal shall lie against—

- (a) the discharge of a person appointed by an authority in Burma on probation, if his discharge is ordered before the termination of his probation;
- (b) the dismissal or removal of a person appointed by an authority in Burma to hold a temporary appointment.

4. Every Government servant desiring to prefer an appeal shall do so separately.

5. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the officer preferring the appeal, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the officer belongs or belonged and shall be accompanied by a copy of the order appealed against.

6. Every appeal to the Local Government or His Excellency the Governor which is not withheld under these rules shall be forwarded through the ordinary channels with an expression of opinion on the merits of the appeal.

7. Every appeal shall be preferred within six months after the date on which the officer preferring the appeal was informed of the orders against which he appeals:

Provided that the appellate authority may, at his discretion for good cause shown, extend the period to twelve months.

8. An appeal may be withheld—

- (1) which is an appeal in a cause in which under these rules no appeal lies;
- (2) which does not comply with one or more of the provisions of Rule 5;
- (3) which does not comply with the provisions of Rule 7;
- (4) which is a further appeal presented after a decision has been given by the appellate authority prescribed in these rules, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:

Provided that in every case in which an appeal is withheld the officer preferring the appeal shall be informed in writing of the fact and the reasons for it.

9. No appeal shall lie against the withholding of an appeal by a competent authority:

Provided that an appeal withheld for failure to comply with the conditions stated in Rule 5 shall not be withheld if it is resubmitted in a form which complies with that rule.

10. A list of appeals withheld under Rule 8, with the reasons for withholding them, shall be forwarded quarterly by the appellate authority to the Local Government in the case of appeals to the Local Government.

11. The Local Government may call for any appeal withheld by a Commissioner or a Head of a Department which under the rules may be made to it and may pass such orders thereon as it considers fit.

12. All appeals pending on the date of the introduction of these rules shall be dealt with under the rules existing before that date.

13. Nothing in these rules shall preclude the Local Government from revising, whether on its own motion or at the instance of the High Court, or of a Commissioner, or of the Head of a Department, any order passed by any authority subordinate to the Local Government in exercise of the powers conferred on such authority by these Rules.

SCHEDULE

Names of Services.	Authority to whom the local Government has delegated powers of punishment	Powers delegated or reserved : 1. Censure. 2. Whitholding promotion. 3. Reduction. 4. Suspension. 5. Removal. 6. Dismissal.	Appellate authority.
(1)	(2)	(3)	(4)
4.—PRISON DEPARTMENT.			
Jailors Chief and Head Warders. Office Establishment of I.G.-Prisons.	I.-G. ... Do. ...	All ... Do. ...	Local Government. Do.
Foreman, Boot Factory.	Do. ...	Do. ...	Do.
Accountant and Store Keeper, Boot Factory.	Do. ...	Do. ...	Do.
Compounder ...	Supdt. of Jail ...	I ...	Inspector-General of Prisons.
Bill Collector ...	Do. ...	I ...	Do.
Jail Warders ... Wardresses ... Engine-drivers ... Fitters ...	Group Supdts.	All ...	Do.
Office Establishment attached to Jails.	Supdts. of Jails	Do. ...	Do.

APPENDIX XV.

The Burma General Provident Fund Rules.

Notification No. 69, dated Rangoon, the 2nd October 1936, as amended by Notification No. 2 of 1937

In exercise of the powers conferred by Rules 41, 42 and clause (d) of Rule 44 of the Civil Services (Classification, Control and Appeal) Rules, 1930, and of his powers in respect of personnel serving under his control who have been excluded from the scope of the said Rules, and in supersession, subject to any express saving provisions contained in the rules made herewith, of the existing rules regulating the General Provident Fund in their application to persons

subject to the rule-making powers or control of His Excellency the Governor, the Governor in Council.

the Governor with his Ministers.
hereby makes the following rules the same having received the previous sanction of the Secretary of State in Council in pursuance of clause (i) of sub-rule (1) of Rule 9 of the said Civil Service (Classification, Control and Appeal) Rules, 1930, and of the Governor-General in Council in pursuance of Rule 11 of the said rules:—

THE BURMA GENERAL PROVIDENT FUND RULES.

Short Title and Definitions.

1. (a) These rules may be called the Burma General Provident Fund Rules.

(b) They shall come into force on the 1st October 1936.

2. (1) In these rules—

(a) *Account Officer* means such officer as may be appointed in this behalf by His Excellency the Governor.
the Local Government.

(b) Except where otherwise expressly provided *emoluments* means pay, leave salary or subsistence grant as defined in the Fundamental Rules, and includes sterling overseas pay converted at such rate of exchange as the Secretary of State in Council may prescribe in this behalf and any remuneration of the nature of pay received in respect of foreign service.

(c) *Family* means—

(i) in the case of a male subscriber, the wife or wives and children of a subscriber, and the widow, or widows, and children of a deceased son of the subscriber. Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs

to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification in writing to the Account Officer that she shall continue to be so regarded;

- (ii) in the case of a female subscriber, the husband and children of a subscriber, and the widow or widows and children of a deceased son of a subscriber:

Provided that if a subscriber by notification in writing to the Account Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.

NOTE I.—“Children” means legitimate children.

NOTE II.—An adopted child shall be considered to be a child when the Account Officer, or if any doubt arises in the mind of the Account Officer, the Government Advocate is satisfied that under the personal law of the subscriber, adoption is legally recognized as conferring the status of a natural child, but in this case only.

- (d) *Fund* means the General Provident Fund.
- (e) *Leave* means any variety of leave recognized by the Fundamental Rules or the Civil Service Regulations.
- (f) *Year* means a financial year.
- (g) Government servants do not include employees of Local Funds.

(2) Any other expression used in these rules which is defined either in the Provident Funds Act * (XIX of 1925) or in the Fundamental Rules is used in the sense therein defined.

(3) Nothing in these rules shall be deemed to have the effect of terminating the existence of the General Provident Fund as heretofore existing or of constituting any new Fund.

Constitution of the Fund.

3. The Fund shall be maintained in India in rupees.

NOTE.—The accounts of the subscribers to the General Provident Fund who are governed by the Burma General Provident Fund Rules shall be maintained in whole rupees only. Where the opening balances on the 1st April 1936 of the accounts of such subscribers contain fractions of a rupee, the fraction shall be rounded off to the next higher rupee, subscribers being required to contribute the small additional amount (fraction of a rupee) needed for the purpose.

4. All Government servants in such permanent pensionable and non-pensionable service (including probationary service) as is classed as superior within the meaning of the rules regulating such service, whose conditions of service His Excellency the Governor is competent to determine, shall be eligible to join the Fund:
the Local Government

Provided that no such servant as has been required or permitted to subscribe to a contributory provident fund shall be eligible to join

or continue as a subscriber to the Fund, while he retains his right to subscribe to such a Fund:

Provided also that such classes of Government servants as may be from time to time specified by the Local Government in this behalf and as would be eligible to join the Fund except for the fact that their service is temporary, shall be eligible to join the Fund, if the head of the Department in which they are employed certifies that they have been employed or are likely to be retained in service for at least three years:

Provided further that any Government servant not qualified for membership under this rule who has been duly admitted to membership under rules * or orders heretofore in force shall continue to be a member and to be governed by any special provisions relating to obligation for, and rates of, subscription contained in those rules or orders for so long as his conditions of service continue to be determined by His Excellency the Governor.
the Local Government.

5. (1) All eligible Europeans and Anglo-Indians† in permanent civil employ who entered the service of Government on or after the 1st August 1909 shall, on attaining a substantive pay of Rs. 100 ‡ a month, join the Fund.

(2) All other eligible Government servants may elect to join the Fund.

6. (1) A Government servant who exercises the option allowed by Rule 5 (2) may discontinue subscribing to the Fund at any time, but his right of renewing subscription shall lapse if he discontinues subscribing, except when on leave, more than three times.

(2) If a subscriber is reduced to the position of an inferior servant, he shall cease to subscribe to the Fund till he is reinstated in superior service.

(3) If a Government servant's right to resume subscription lapses under sub-rule (1) of this rule or if he ceases to subscribe under sub-rule (2) he shall nevertheless retain his other rights and liabilities as a subscriber to the Fund; and no final withdrawal of his deposits shall be allowed except on the happening of one or other of the contingencies provided for in Rules 28, 29 and 30.

Nominations.

7. (1) The Account Officer shall, as soon as may be after a subscriber joins the Fund, require him to make a nomination conferring the right to receive the amount that may stand to his credit in the Fund in the event of his death before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made.

* See Appendix B.

† This term means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India as defined by section 6 of the Government of India Act, 1870.

‡ Executive authorities should inform the Account Officer concerned as soon as any Government servant becomes liable to subscribe.

(2) A subscriber who, at the time of joining the Fund, has a family shall send to the Account Officer a nomination in the Form set forth in the First Schedule in favour of one or more members of his family.

(3) A subscriber who has no family shall similarly nominate a person or persons to the Form set forth in the Second Schedule:

Provided that a nomination made under this sub-rule shall be deemed to have been duly made in accordance with these rules only for so long as the subscriber has no family.

(4) If a subscriber at any time acquires a family he shall send to the Account Officer a nomination as provided in sub-rule (2), and, if he has under sub-rule (3) nominated any person other than a member of his family, he shall formally cancel the previous nomination.

(5) A subscriber may in his nomination distribute the amount that may stand to his credit in the Fund amongst his nominees at his own discretion.

(6) A nomination may be cancelled by a subscriber provided that it is replaced at the same time by any other nomination which is permitted to be made under this rule.

(7) A nomination shall take effect to the extent that it is valid on the date on which it is received by the Account Officer.

(8) On the death of a nominee a subscriber shall make a fresh nomination.

(9) Nothing in this rule shall be deemed to invalidate, or to require the replacement by a nomination thereunder of, a nomination made before these rules came into force under the corresponding rule heretofore in force.

Subscribers' Accounts.

8. An account shall be prepared in the name of each subscriber and shall show the amount of his subscriptions with interest thereon calculated as prescribed in sub-rule (2) of Rule 13.

Conditions and Rate of Subscriptions.

9. (1) Except as provided in Rule 6, a subscriber shall subscribe monthly to the Fund except during a period of suspension:

Provided that a subscriber may, at his option, elect not to subscribe during leave:

Provided further that a subscriber on re-instatement after period passed under suspension shall be allowed the option of paying in one sum, or in instalments, any sum not exceeding the maximum amount of arrear subscriptions permissible for that period.

(2) The subscriber shall intimate his election not to subscribe during leave in the following manner:—

(a) if he is an officer who draws his own pay bills, by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave;

(b) if he is not an officer who draws his own pay bills, by written communication to the head of his office before he proceeds on leave. Failure to make due and timely

intimation shall be deemed to constitute an election to subscribe.

The option of a subscriber intimated under this sub-rule shall be final.

(3) A subscriber who has under Rule 29, withdrawn the amount standing to his credit in the Fund shall not subscribe to the Fund after such withdrawal, unless and until he returns to duty.

10. (1) The amount of subscription shall be fixed by the subscriber himself subject to the following conditions:—

(a) It shall be expressed in whole rupees.

(b) It may be any sum, so expressed, not less than $6\frac{1}{4}$ per cent of his emoluments (i.e., one anna in the rupee) and not more than $15\frac{5}{8}$ per cent (i.e., $2\frac{1}{2}$ annas in the rupee).

(2) For the purposes of sub-rule (1) the emoluments of a subscriber shall be—

(a) in the case of a subscriber who was in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on that date: provided as follows—

(i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;

(ii) if the subscriber was on deputation out of Burma on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in Burma;

(iii) if the subscriber joined the Fund for the first time under the operation of Rule 5 on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date.

(b) in the case of a subscriber who was not in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on the first day of his service or, if he joined the Fund for the first time under the operation of Rule 5 on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date:

Provided that in the case of piece-workers in the Government Press emoluments shall be taken to mean 200 times their hourly class rate.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—

(a) if he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;

(b) if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave, or was

under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty ;

- (c) if he has entered Government service for the first time during the year, or if he is compulsorily required to join the Fund from a particular date under Rule 5 or joins the Fund for the first time, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund ;
- (d) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month ;
- (e) if he was on foreign service on the 31st March of the preceding year by the amount credited by him into the treasury on account of subscription for the month of April in the current year.

(4) The amount of subscription so fixed shall remain unchanged throughout the year :

Provided that if a subscriber is on duty for a part of a month and on leave for the remainder of that month and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

11. When a subscriber is transferred to foreign service or sent on deputation out of Burma, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

Realization of Subscriptions.

12. (1) When emoluments are drawn from a Government treasury in Burma or India or from the Home or a Colonial treasury, recovery of subscriptions on account of these emoluments and of the principal and interest of advances shall be made from the emoluments themselves ; except that, when emoluments other than sterling overseas pay are so drawn in Burma or India, deductions in respect of sterling overseas pay, when admissible, shall be made in Burma or India.

(2) When emoluments are drawn from any other source the subscriber shall forward his dues monthly to the Account Officer.

(3) If a Government servant fails to subscribe with effect from the date on which he is required to join the Fund under Rule 5, the total amount due to the Fund on account of arrears of subscriptions shall, with interest thereon at the rate provided in Rule 13, forthwith be paid by the subscriber to the Fund, or in default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as may be directed by one of the authorities competent to grant an advance under clause (a) of sub-rule (3) of Rule 14.

Interest.

13. (1) Subject to the provisions of sub-rule (5) below, Government shall pay to the credit of the account of a subscriber interest at such

rate as may be determined for each year according to the method of calculation prescribed from time to time by the Government of India :

Provided that, if the rate of interest determined for a year is less than 4 per cent, all existing subscribers to the Fund in the year preceding that for which the rate has for the first time been fixed at less than 4 per cent shall be allowed interest at 4 per cent.

(2) Interest shall be credited with effect from the last day in each year in the following manner :—

(i) On the amount at the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year—interest for twelve months ;

(ii) On sums withdrawn during the current year—interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal ;

(iii) On all sums credited to the subscriber's account after the last day of the preceding year—interest from the date of deposit up to the end of the current year ;

(iv) The total amount of interest shall be rounded to the nearest whole rupee (eight annas counting as the next higher rupee) :

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule, in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing at the credit of the subscriber became payable.

(3) In this rule, the date of deposit shall, in the case of a recovery from emoluments, be deemed to be the first day of the month in which it is recovered and in the case of an amount forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, if it is received by the Account Officer before the fifth day of that month, but if it is received on or after the fifth day of that month, the first day of the next succeeding month.

(4) In addition to any amount to be paid under Rule 28, 29 or 30, interest thereon up to the end of the month preceding that in which the payment is made, or up to the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be paid :

Provided that where the Account Officer has intimated to that person (or his agent) a date on which he is prepared to make payment in cash, or has posted a cheque in payment to that person, interest shall be payable only up to the end of the month preceding the date so intimated, or the date of posting the cheque, as the case may be.

(5) Interest shall not be credited to the account of a Muhammadan subscriber if he informs the Account Officer that he does not wish to receive it ; but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

(6) The interest on amounts which under sub-rule (3) of Rule 12, sub-rule (5) of Rule 15, sub-rule (3) of Rule 18, sub-rule (4) of Rule 20, sub-rule (1) of Rule 22, sub-rule (1) or (2) or Rule 23, Rule 28 or Rule 29 are replaced at the credit of the subscriber in the Fund, shall

be calculated at such rates as may be successively prescribed made under sub-rule (1) of this rule and so far as may be in the manner described in the rule.

Advances from the Fund.

14. (1) A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the authority specified in sub-rule (3), subject to the following conditions:—

(a) The subscriber must satisfy that authority of the necessity * for the advance ;

(b) That authority shall record in writing and communicate to the Account Officer the object of the advance and his reason for granting it ;

(c) An advance shall not save in exceptional cases for special reasons to be recorded in writing by that authority,

(i) exceed three months' pay, or

(ii) be granted until at least twelve months after the final repayment of all previous advances together with interest thereon :

Provided that if the reason is of a confidential nature, it may be communicated to the Account Officer personally and confidentially.

(2) In fixing the amount of an advance the sanctioning authority shall pay due regard to the amount at the credit of the subscriber in the Fund.

(3) The authority competent to grant an advance—

(a) (i) exceeding three months' pay, or

(ii) before a period of twelve months has elapsed since the final repayment of all previous advances together with interest thereon,

shall be one of those specified in Appendix D, Part I, to these rules which may be varied or added to from time to time by order of His Excellency the Governor
the Local Government :

provided that no advance exceeding six months' pay shall be granted, except with the previous approval of the Local Government in the Finance Department ; and

(b) in any case not specified in clause (a), shall be one of those specified in Appendix D, Part II.

15. (1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct ; but such number shall not be less than twelve unless the subscriber so elects, or in any case more than twenty-four. A subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be a number of whole rupees, the amount of the

* See Appendix C.

advantage being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner prescribed in Rule 12 for the realization of subscriptions, and shall commence on the first occasion after the advance is made on which the subscriber draws pay, or remuneration on foreign service, for a full month. Recovery shall not be made, except with the subscriber's consent, while he is on leave or in receipt of subsistence grant and may be postponed, on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

NOTE.—The expression "advance of pay" includes any ordinary advance of pay granted under Article 159 (a) and (b) of the Civil Account Code, Volume I, and Appendix L of the Burma Treasury Manual, Volume II, but does not include advances for the building, purchase or repair of a house, for the purchase of a conveyance or for the payment of passages overseas, which are of a different nature. This ruling shall apply only in respect of advances from the General Provident Fund sanctioned on or after the date on which these rules come into force.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of interest on advances granted to them from the Fund.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but, if the period referred to in clause (a) exceeds twelve months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that prescribed in sub-rule (2). Payment shall be rounded to the nearest rupee in the manner prescribed in clause (iv) of sub-rule (2) of Rule 13.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn, shall, with interest at the rate provided in Rule 13, forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as may be directed by one of the authorities competent to grant an advance under clause (a) of sub-rule (3) of Rule 14:

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

(6) Recoveries made under this rule shall be credited as they are made to the subscriber's account in the Fund.

Payments towards Insurance Policies and Family Pension Funds.

16. Subject to the conditions hereinafter contained in Rules 17 to 26—

- (a) (i) subscriptions to a family pension fund approved * in this behalf by His Excellency the Governor ; or
the Local Government
- (ii) payments towards a policy of life insurance, may, at the option of a subscriber, be substituted in whole or part for subscriptions due to the Fund ;
- (b) the amount of subscriptions with interest thereon standing to the credit of a subscriber in the Fund may be withdrawn to meet—
- (i) a payment towards a policy of life insurance ;
- (ii) the purchase of a single payment insurance policy ;
- (iii) the payment of a single premium or subscriptions to a family pension fund approved * in this behalf by His Excellency the Governor .
the Local Government

Provided that no amount shall be withdrawn (1) before the details of the proposed policy have been submitted to the Account Officer and accepted by him as suitable, or (2) to meet any payment or purchase made or effected more than twelve months before the withdrawal ; or (3) in excess of the amount required to meet a premium or subscription actually due for payment within six months of the date of withdrawal :

Provided further that payments towards an educational endowment policy may not be substituted for subscriptions to the Fund and that no amounts may be withdrawn to meet any payment or purchase in respect of such a policy if that policy is due for payment in whole or part before the subscriber's age of normal superannuation :

Provided further that amounts withdrawn shall be rounded to the nearest whole rupee.

17. (1) If the total amount of any subscriptions or payments substituted under clause (a) of Rule 16 is less than the amount of the minimum subscription payable to the Fund under Rule 10 (1), the difference shall be rounded to the nearest rupee in the manner provided in clause (iv) of sub-rule (2) of Rule 13, and paid by the subscriber as a subscription to the Fund.

(2) If the subscriber withdraws any amount standing to his credit in the Fund for any of the purposes specified in clause (b) of Rule 16, he shall, subject to his option under clause (a) of that rule, continue to pay to the Fund the subscription payable under Rule 10.

* The following funds have been approved by His Excellency the Governor :—
the Local Government

1. Superior Services (India) Family Pension Fund.
2. Bengal Uncovenanted Service Family Pension Fund.
3. Bombay Government Service Family Pension Fund.
4. Bengal and Madras Service Family Pension Fund.
5. General Family Pension Fund.
6. Hindu Family Annuity Fund.
7. Bengal Christian Family Pension Fund.

18. (1) A subscriber who desires to substitute a subscription or payment under clause (a) of Rule 16, may reduce his subscription to the Fund accordingly:

Provided that the subscriber shall—

- (a) intimate to the Account Officer on his pay bill or by letter the fact of, and reason for, the reduction;
 - (b) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer that the amount by which the subscription has been reduced was duly applied for the purposes specified in clause (a) of Rule 16.
- (2) A subscriber who desires to withdraw any amount under clause (b) of Rule 16 shall—
- (a) intimate the reason for the withdrawal to the Account Officer by letter;
 - (b) make arrangements with the Account Officer for the withdrawal;
 - (c) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer that the amount withdrawn was duly applied for the purposes specified in clause (b) of Rule 16.
- (3) The Account Officer shall order the recovery of any amount by which subscriptions have been reduced, or of any amount withdrawn, in respect of which he has not been satisfied in the manner required by clause (b) of sub-rule (1) and clause (c) of sub-rule (2), with interest thereon at the rate provided in Rule 13 from the emoluments of the subscriber and place it to the credit of the subscriber in the Fund.

19. (1) His Excellency the Governor
the Local Government shall not make any payments on behalf of subscribers to Insurance Companies nor take steps to keep a policy alive.

(2) A policy to be acceptable under these rules shall be one effected by the subscriber himself on his own life, and shall (unless it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of his wife or of his wife and children, or any of them) be such as may be legally assigned by the subscriber to the Governor.

Explanation 1.—A policy on the joint lives of the subscriber and the subscriber's wife or husband shall be deemed to be a policy on the life of the subscriber for the purpose of this sub-rule.

Explanation 2.—A policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first re-assigned to the subscriber or the subscriber and his wife both join in an appropriate assignment.

(3) The policy may not be effected for the benefit of any beneficiary other than the wife or husband of the subscriber or the wife or husband and children of the subscriber or any of them:

Provided that subscribers who took out policies under Note 1 of Rule * 21 (ii) or under clause (b) or (c) of Rule * 21A of the rules previously in force, shall remain subject to the provisions of those rules in so far as policies so taken out are concerned.

20. (1) The policy, within three months after the first withholding of a subscription or withdrawal from the Fund in respect of the policy ; or in the case of an Insurance Company whose headquarters are outside India within such further period as the Account Officer, if he is satisfied by the production of the completion certificate (*interim receipt*), may fix, shall—

(a) unless it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be assigned to the Governor as security for the payment of any sum which may become payable to the Fund under Rule 25, and delivered to the Account Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) or Form (3) of the Forms in the Third Schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and the subscriber's wife or husband or the policy has previously been assigned to the subscriber's wife ;

(b) if it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children or any of them, be delivered to the Account Officer.

(2) The Account Officer shall satisfy himself by reference to the Insurance Company where possible, that no prior assignment of the policy exists.

(3) Once a policy has been accepted by an Account Officer for the purpose of being financed from the Fund, the terms of the policy shall not be altered, nor shall the policy be exchanged for another policy without the prior consent of the Account Officer to whom details of the alteration or of the new policy shall be furnished.

(4) If the policy is not assigned and delivered, or delivered, within the said period of three months or such further period as the Account Officer may, under sub-rule (1), have fixed, any amount withheld or withdrawn from the Fund in respect of the policy, shall, with interest thereon at the rate provided in Rule 13, forthwith be paid or repaid, as the case may be, by the subscriber to the Fund, or, in default, be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber, by instalments or otherwise, as may be directed by one of the authorities competent to grant an advance under clause (a) of sub-rule (3) of Rule 14.

(5) Notice of assignment of the policy shall be given by the subscriber to the Insurance Company and the acknowledgment of the

notice by the Insurance Company shall be sent to the Account Officer within three months of the date of assignment.

NOTE 1.—Subscribers are advised to send notice of the assignment to the Insurance Company in duplicate, accompanied in cases in which the notice has to be sent to a company in Great Britain or Ireland, by a remittance of five shillings which is the fee for the acknowledgment authorized by the Policies of Assurance Act, 1867.

NOTE 2.—Subscribers who proceed to Great Britain or Ireland on quitting the service are advised that under the English Stamp Law assignment or re-assignments are required to be stamped within 30 days of their first arrival in those countries. Otherwise penalty will be incurred under the Stamp Act, and difficulties may arise when the policy matures for payment.

21. The subscriber shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the Fund by the subscriber or in default recovered by deduction from his emoluments by instalments or otherwise as may be directed by one of the authorities competent to grant an advance under clause (a) of sub-rule (3) of Rule 14.

22. (1) Save as provided by Rule 26 when the subscriber—

- (a) quits the service ; or
- (b) has proceeded on leave preparatory to retirement and applies to the Account Officer for re-assignment or return of the policy ; or
- (c) while on leave has been permitted to retire or declared by a competent medical authority to be unfit for further service and applies to the Account Officer for re-assignment or return of the policy ; or
- (d) pays or repays to the Fund the whole of any amount withheld or withdrawn from the Fund for any of the purposes mentioned in sub-clause (ii) of clause (a) of Rule 16 and sub-clauses (i) and (ii) of clause (b) of Rule 16 with interest thereon at the rate provided in Rule 13, the Account Officer shall—
 - (i) if the policy has been assigned to the Governor under Rule 20, or under the corresponding rule heretofore in force, re-assign the policy in the first Form set forth in the Fourth Schedule to the subscriber, or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber together with a signed notice of the re-assignment addressed to the Insurance Company ;
 - (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of Rule 20, make over the policy to the subscriber :

Provided that, if the subscriber, after proceeding on leave preparatory to retirement, or after being, while on leave, permitted to retire or declared by a competent medical authority to be unfit for further service, returns to duty, any policy so re-assigned or made over shall, if it has not matured or been assigned or charged or encumbered in

any way, be again assigned to the Governor and delivered to the Account Officer, or again be delivered to the Account Officer, as the case may be, in the manner provided in Rule 20, and thereupon the provisions of these rules shall, so far as may be, again apply in respect of the policy :

Provided further that, if the policy has matured or been assigned or charged or encumbered in any way, the provisions of sub-rule (4) of Rule 20 applicable to a failure to assign and deliver a policy shall apply.

(2) Save as provided by Rule 26, when the subscriber dies before quitting the service, the Account Officer shall—

- (i) if the policy has been assigned to the Governor under Rule 20 or under the corresponding rule heretofore in force re-assign the policy in the second Form set forth in the Fourth Schedule to such person as may be legally entitled to receive it, and shall make over the policy to such person together with a signed notice of the re-assignment addressed to the Insurance Company ;
- (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of Rule 20, make over the policy to the beneficiary, if any, or, if there is no beneficiary, to such person as may be legally entitled to receive it.

23. (1) If a policy assigned to the Governor under Rule 20 or under the corresponding rule heretofore in force matures before the subscriber quits the service, or if a policy on the joint lives of a subscriber and the subscriber's wife or husband, assigned under the said rule or under the corresponding rule heretofore in force, fall due for payment by reason of the death of the subscriber's wife or husband, the Account Officer shall, save as provided by Rule 26, proceed as follows:—

- (i) If the amount assured together with the amount of any accrued bonuses is greater than the whole of the amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in Rule 13, the Account Officer shall re-assign the policy in the Form set forth in the Fifth Schedule to the subscriber or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber, who shall immediately on receipt of the policy monies from the Insurance Company pay or repay to the Fund the whole of any amount withheld or withdrawn with interest, and in default, the provisions of sub-rule (4) of Rule 20 applicable to a failure to assign and deliver a policy shall apply.
- (ii) If the amount assured together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn with interest, the Account Officer shall realize the amount assured together with any accrued bonuses and shall place the amount so realized to the credit of the subscriber in the Fund.

(2) Save as provided by Rule 26, if a policy delivered to the Account Officer under clause (b) of sub-rule (1) of Rule 20 matures before the

subscriber quits the service, the Account Officer shall make over the policy to the subscriber:

Provided that if the interest in the policy of the wife of the subscriber, or of his wife and children, or any of them, as expressed on the face of the policy, expires when the policy matures, the subscriber, if the policy monies are paid to him by the Insurance Company, shall, immediately on receipt thereof, pay or repay to the Fund either—

- (i) the whole of any amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in Rule 13, or
- (ii) an amount equal to the amount assured together with any accrued bonuses,

whichever is less, and, in default the provisions of sub-rule (4) of Rule 20 applicable to a failure to assign and deliver a policy shall apply.

24. If the interest of the subscriber in the family pension fund ceases, in whole or part, from any cause whatsoever, the provident fund account of the subscriber shall forthwith be re-imbursed by the amount of the refund secured by the subscriber, from the family pension fund, which amount shall, in default of re-imburement, be deducted from the subscriber's emoluments by instalments or otherwise, as may be directed by one of the authorities competent to grant an advance under clause (a) of sub-rule (3) of Rule 14.

25. If the policy lapses, or is assigned, otherwise than to the Governor under Rule 20, charged or encumbered, the provisions of sub-rule (4) of Rule 20 applicable to a failure to assign and deliver a policy shall apply.

26. If the Account Officer receives notice of—

- (a) an assignment (otherwise than an assignment to the Governor under Rule 20), or
- (b) a charge or encumbrance on, or
- (c) an order of a Court restraining dealings with,

the policy or any amount realized thereon, the Account Officer shall not—

- (i) re-assign or make over the policy as provided in Rule 22, or
- (ii) realize the amount assured by the policy or re-assign, or make over the policy, as provided in Rule 23,

but shall forthwith refer the matter to His Excellency the Governor,
the Local Government.

27. Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under clause (1) of Rule 14 or withheld or withdrawn from the Fund under clause (a) or clause (b) of Rule 16 has been utilized for a purpose other than that for which sanction was given to the drawal, withholding or withdrawal of the money, the amount in question shall, with interest at the rate provided in Rule 13, forthwith be repaid or paid, as the case may be, by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber, even if he be on leave. If the total amount

to be repaid or paid, as the case may be, be more than half the subscriber's emoluments recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount recoverable be repaid, or paid, as the case may be, by him.

NOTE.—The term "emoluments" as used in this rule does not include subsistence grant.

Final withdrawal of Accumulations in the Fund.

28. When a subscriber quits the service, the amount standing to his credit in the Fund shall become payable to him :

Provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service shall, if required to do so, repay any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in Rule 13, in the manner provided in the proviso to Rule 29. The amount so repaid shall be credited to his account in the Fund.

29. When a subscriber—

- (a) has proceeded on leave preparatory to retirement, or, if he is employed in a vacation department, on leave preparatory to retirement combined with vacation, or
- (b) while on leave, has been permitted to retire or been declared by a competent medical authority to be unfit for further service,

the amount standing to his credit in the Fund shall, upon application made by him in that behalf to the Account Officer, become payable to the subscriber :

Provided that the subscriber, if he returns to duty, shall, if required to do so, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this rule with interest thereon at the rate provided in Rule 13, in cash or securities, or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as may be directed by one of the authorities competent to grant an advance under clause (a) of sub-rule (3) of Rule 14.

*** 30.** On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made—

(i) when the subscriber leaves a family—

- (a) if a nomination made by the subscriber in accordance with the provisions of Rule 7 or of the corresponding rule heretofore in force in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination ;
- (b) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination

* See also Appendix E.

relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares:

Provided that no share shall be payable to—

- (1) sons who have attained legal majority ;
- (2) sons of a deceased son who have attained legal majority ;
- (3) married daughters whose husbands are alive ;
- (4) married daughters of a deceased son whose husbands are alive ;

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4):

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso ;

- (ii) when the subscriber leaves no family, if a nomination made by him in accordance with the provisions of Rule 7 or of the corresponding rule heretofore in force in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

31. (1) When the amount standing to the credit of a subscriber in the Fund becomes payable, it shall be the duty of the Account Officer to make payment, as provided in section 4 of the Provident Funds Act, 1925.

(2) If the person to whom under these rules any amount or policy is to be paid, assigned, re-assigned or delivered, is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment of re-assignment or delivery will be made to such manager and not to the lunatic.

(3) Any person who desires to claim payment under this rule shall send a written application in that behalf to the Account Officer. Payment of amounts withdrawn shall be made in Burma or India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in Burma or India.

NOTE.—When the amount standing to the credit of a subscriber has become payable under Rule 28, 29 or 30, the Account Officer shall authorize prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon after as may be.

32. (a) If a Government servant who is a subscriber to a Provident Fund of any other Government which is a non-contributory provident fund is permanently transferred to pensionable service under His Excellency the Governor the Local Government, the amount of subscriptions, together with

interest thereon, standing to his credit in such other fund at the date of transfer shall, with the consent of the other Government concerned, be transferred to his credit in the Fund.

(b) If a Government servant who is a subscriber to the State Railway Provident Fund or the Contributory Provident Fund (India) or a Special Provident Fund or the Contributory Provident Fund (Burma) or the Forest Utilization Circle Provident Fund or the Federation Officers' Provident Fund is permanently transferred to pensionable service under His Excellency the Governor
the Local Government and elects or is required to earn pension in respect of such pensionable service—

- (i) the amount of subscriptions, with interest thereon, standing to his credit in such contributory provident fund at the date of transfer shall, with the consent of the other Government, if any, be transferred to his credit in the Fund ;
- (ii) the amount of Government or Federation contributions, with interest thereon, standing to his credit in such contributory provident fund shall, with the consent of the other Government, if any, be repaid to Government and credited to provincial revenues ; and
- (iii) he shall in exchange be entitled to count towards pension such part of the period during which he subscribed to such contributory provident fund as His Excellency the Governor
the Local Government may determine.

32A. If a subscriber to the Fund is subsequently admitted to the benefits of any Government Contributory Provident Fund, the amount of his subscriptions, together with interest thereon, shall be transferred to the credit of his account in that Contributory Provident Fund.

Procedure Rules.

33. All sums paid into the Fund under these rules shall be credited in the books of Government to an account named "The General Provident Fund". Sums of which payment has not been taken within six months after they become payable under these rules shall be transferred to "Deposits" at the end of the year and treated under the ordinary rules relating to deposits.

34. When paying a subscription either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund, which shall be communicated to him by the Account Officer. Any change in the number shall similarly be communicated to the subscriber by the Account Officer.

35. (1) As soon as possible after the close of each year, the Account Officer shall send to each subscriber a statement of his account in the Fund showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing

balance on that date. The Account Officer shall attach to the statement of account an enquiry whether the subscriber—

- (a) desires to make any alteration in any nomination made under Rule 7 or under the corresponding rule heretofore in force ;
- (b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under sub-rule (2) of Rule 7.

(2) Subscribers should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the Account Officer within six months from the date of receipt of the statement.

(3) The Account Officer shall, if required by a subscriber, once, but not more than once in a year, inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

FIRST SCHEDULE [RULE 7 (2)].

Form of Nomination when Subscriber has a Family.

I hereby direct that the amount at my credit in the General Provident Fund at the time of my death shall be distributed among the members of my family mentioned below in the manner shown against their names:—

Name and address of the nominee or nominees.	Relationship, with the subscriber.	Age of the nominee.	Amount or share of accumulations.
(1)	(2)	(3)	(4)

STATION :

Date

Signature of Subscriber.

Two witnesses to signature.

NOTE.—Column 4 shall be filled in so as to cover the whole amount at credit.

SECOND SCHEDULE [RULE 7 (3)].

Form of Nomination when Subscriber has no Family.

I hereby declare that I have no family * and direct that the amount at my credit in the General Provident Fund at the time of my death shall, in the event of my having no family, be distributed among the persons mentioned below in the manner shown against their names:—

Name and address of the nominee or nominees.	Relationship, if any, with the subscriber	Age of the nominee.	Amount or share of accumulation.
(1)	(2)	(3)	(4)

STATION :

Date

Signature of Subscriber.

Two witnesses to signature.

NOTE.—Column 4 shall be filled in so as to cover the whole amount at credit.

THIRD SCHEDULE [20 (1) (a)]

Forms of Assignment.

(1)

I, A. B., of.....hereby assign unto the Governor the within policy of assurance as security for payment of all sums which under Rule 25 of the Burma General Provident Fund Rules I may hereafter become liable to pay to that Fund.

I hereby certify that no prior assignment of the within policy exists.

Dated this day of 19 .

Signatures of Subscriber.

STATION :

One witness to signature.

(2)

We, A. B., (the subscriber), of.....and C. D. (the joint assured) of.....in consideration of the Governor agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said

* As defined in Rule 2 (1) (c) of the Burma General Provident Fund Rules.

A. B. to the General Provident Fund [or, as the case may be, to accept the withdrawal of the sum of Rs....., from the sum to the credit of the said A. B. in the General Provident Fund for payment of the premium of the within policy of assurance], hereby jointly and severally assign unto the said Governor the within policy of assurance as security for payment of all sums which under Rule 25 of the Burma General Provident Fund Rules the said A. B. may hereafter become liable to pay to that Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

STATION :

*Signatures of Subscriber
and the Joint Assured.*

One witness to signature.

NOTE.—The assignment may be executed on the policy itself either the subscriber's handwriting or in type, or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be fully signed and if pasted on the policy it must be initialled across all four margins.

(3)

I, C. D., wife of A. B., and the assignee of the within policy having at the request of A. B., the assured, agree to release my interest in the policy in favour of A. B. in order that A. B. may assign the policy to the Governor who has agreed to accept payments towards the within policy of assurance in substitution for the subscriptions payable by A. B. to the General Provident Fund hereby at the request and by the direction of A. B. assign and I the said A. B. assign and confirm unto the Governor the within policy of assurance as security for payment of all sums which under Rule 25 of the rules of the said Fund the said A. B. may hereafter become liable to pay to the Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

STATION :

*Signatures of Assignee
and the Subscriber.*

One witness to signature.

FOURTH SCHEDULE (RULE 22).

Forms of Reassignment by the Governor.

(1)

All sums which have become payable by the abovenamed A. B. under Rule 25 of the Burma General Provident Fund Rules having been paid and all liability for payment by him of any such sums in the future having ceased the Governor doth hereby reassign the within policy of assurance to the said A.B.
A. B. and C. D.

The abovenamed A.B. having died on the.....day of
.....19 , the Governor doth hereby reassign the within
policy of assurance to C.D.....*

Executed by—

Account Officer of the Fund for and
on behalf of the Governor of Burma in } X.Y.
the presence of—

Y.Z.

(One witness who should add his designation and address.)

FIFTH SCHEDULE (RULE 23).

Form of Reassignment by the Governor.

The Governor doth hereby reassign the within policy to the said
A. B.

A. B. and C. D.

Dated this _____ day of _____ 19____

Executed by—

Account Officer of the Fund for and
on behalf of the Governor of Burma in } X.Y.
the presence of— }

(Signature of Accounts Officer.)

Y.Z.

(One witness who should add his designation and address.)

APPENDIX A.

ACT No. XIX OF 1925.

[As amended by Act No. 28 of 1925, Nos. VII and XII of 1927 and No. 1 of 1930.]

PASSED BY THE INDIAN LEGISLATURE.

(Received the assent of the Governor-General on the 27th August 1925.)

An Act to amend and consolidate the law relating to Government and other Provident Funds.

WHEREAS it is expedient to amend and consolidate the law relating to Government and other Provident Funds; it is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Provident Funds Act, 1925.
- (2) It extends to the whole of British India, including British Baluchistan.
- (3) It shall come into force on such date as the Governor-General in Council may, by notification in the *Gazette of India*, appoint.

* Fill in particulars of person legally entitled to receive the policy.

Definitions.

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

- (a) "compulsory deposit" means a subscription to, or deposit in a Provident Fund which, under the rules of the Fund is not until the happening of some specified contingency, repayable on demand otherwise than for the purpose of the payment of premia in respect of a policy of life insurance, or the payment of subscriptions or premia in respect of a family pension fund and includes any contribution and any interest or increment which has accrued under the rules of the Fund on any such subscription, deposit or contribution, and also any such subscription, deposit, contribution, interest or increment remaining to the credit of the subscriber or depositor after the happening of any such contingency ;
- (b) "contribution" means any amount credited in a Provident Fund, by any authority administering the Fund, by way of addition to, a subscription to, or, deposit or balance at the credit of an individual account in the Fund ; and "Contributory Provident Fund" means a Provident Fund the rules of which provide for the crediting of contributions ;
- (c) "dependant" means any of the following relatives of a deceased subscriber to, or a depositor in, a Provident Fund, namely, a wife, husband, parent, child, minor brother, unmarried sister and a deceased son's widow and child, and, where no parent of the subscriber or depositor is alive, a paternal grand-parent ;
- (d) "Government Provident Fund" means a Provident Fund, other than a Railway Provident Fund, constituted by the authority of the Government for any class or classes of its employees or of persons employed in educational institutions or employed by bodies existing solely for educational purposes ;
- (e) "Provident Fund" means a fund in which subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions and any interest or increment accruing on such subscriptions, deposits or contributions under the rules of the Fund ;
- (f) "Railway administration" means—
 - (i) any company administering a railway or tramway in British India either under a special Act of Parliament or of the Indian or a local Legislature, or under contract with the Governor, Governor-General in Council or a Local Government, or
 - (ii) the manager of any railway or tramway administered by the Governor-General in Council or a Local Government—and includes, in any case referred to in sub-clause (ii), the Governor-General in Council or the Local Government, as the case may be ;

- (g) "Railway Provident Fund" means a Provident Fund constituted by the authority of a railway administration for any class or classes of its employees.

3. (1) A compulsory deposit in any Government or Railway Provident Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Civil, Revenue or Criminal Court in respect of any debt for liability incurred by the subscriber or depositor and neither the Official Assignee nor any Receiver appointed under the Provincial Insolvency Act, 1920, shall be entitled to, or have any claim on, any such compulsory or deposit. Protection of compulsory deposits,
V of 1920.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund to any dependant of the subscriber or depositor, or to such person as may be authorized by law to receive payment on his behalf, shall, subject to any deduction authorized by this Act and, save where the dependant is the widow or child of the subscriber or depositor, subject also to the rights of an assignee under an assignment made before the commencement of this Act, vest in the dependant, and shall, subject as aforesaid, be free from any debt or other liability incurred by the deceased or incurred by the dependant before the death of the subscriber or depositor.

4. (1) When under the rules of any Government or Railway Provident Fund the sum standing to the credit of any subscriber or depositor, or the balance thereof after the making of any deduction authorized by this Act, has become payable, the officer whose duty it is to make the payment shall pay the sum or balance, as the case may be, to the subscriber or depositor or if he is dead, shall— Provisions regarding repayments.

- (a) if the sum or balance, or any part thereof vests in a dependant under the provisions of section 3, pay the same to the dependant or to such person as may be authorized by law to receive payment on his behalf; or
- (b) if the whole sum or balance, as the case may be, does not exceed five thousand rupees, pay the same, or any part thereof, which is not payable under clause (a), to any person nominated to receive it under the rules of the Fund, or, if no person is so nominated, to any person appearing to him to be otherwise entitled to receive it; or
- (c) in the case of any sum or balance, or any part thereof, which is not payable to any person under clause (a) or clause (b) pay the same,—

- (i) to any person nominated to receive it under the rules of the Fund, on production by such person of probate or letters of administration evidencing the grant to him of administration to the estate of the deceased or a certificate granted under the Succession Certificate Act, 1889, or under the Bombay Regulation VIII of 1827, II of 1886. entitling the holder thereof to receive payment of such sum, balance or part, or
- (ii) where no person is so nominated, to any person who produces such probate, letters or certificate:

Provided that, where the whole or any part of any sum standing to the credit of the subscriber or depositor has been assigned to any other person before the commencement of this Act, and notice in writing of the assignment has been received by the officer from the assignee, the officer shall, after making any deduction authorized by this Act and any payment due under clause (a) to or on behalf of the widow or children of the subscriber or depositor—

- (i) if the subscriber or depositor or, if he is dead, the person to whom in the absence of any valid assignment the sum or balance would be payable under this sub-section gives his consent in writing, pay the sum or part of the balance, thereof as the case may be, to the assignee, or
- (ii) if such consent is not forthcoming, withhold payment of the sum, part or balance, as the case may be, pending a decision of a competent Civil Court as to the person entitled to receive it.

(2) The making of any payment authorized by sub-section (1) shall be a full discharge to the Government or the railway administration, as the case may be, from all liability in respect of so much of the sum standing to the subscriber or depositor as is equivalent to the amount so paid.

Rights of nominees.

5. (1) Subject to the provisions of this Act, but otherwise notwithstanding anything contained in any law for the time being in force or any disposition, whether testamentary or otherwise, by a subscriber to, or depositor in, a Government or Railway Provident Fund of the sum standing to his credit in the Fund, or of any part thereof, any nomination, duly made in accordance with the rules of the Fund, which purports to confer upon any person the right to receive the whole or any part of such sum on the death of the subscriber or depositor, shall be deemed to confer such right absolutely, until such nomination is varied by another nomination made in like manner or is expressly cancelled by the subscriber or depositor by notice given in such manner and to such authority as is prescribed by those rules.

VII of 1889.

(2) Notwithstanding anything contained in the Succession Certificate Act, 1889, or the Bombay Regulation VII of 1827, any such person shall, on the death of the subscriber or depositor, be entitled to the grant of a certificate under that Act, or that Regulation, as the case may be, entitling him to receive payment of such sum or part, and such certificate shall not be deemed to be invalidated or superseded by any grant to any other person of probate or letters of administration to the estate of the deceased.

Power to make deductions.

6. When the sum standing in the credit of any subscriber or depositor in any Government or Railway Provident Fund which is a contributory Provident Fund becomes payable, there may, if the authority specified in this behalf in the rules of the Fund so directs, be deducted therefrom and paid to Government or the Railway administration, as the case may be—

- (a) any amount due under a liability incurred by the subscriber or depositor to Government or the Railway administration, but not exceeding in any case the total amount of

any contributions credited to the account of the subscriber or depositor and of any interest or increment which has accrued on such contributions ; or

- (b) where the subscriber or depositor has been dismissed from his employment for any reasons specified in this behalf in the rules of the Fund, or where he has resigned such employment within five years of the commencement thereof, the whole or any part of the amount of any such contributions, interest and increment.

7. No suit or other legal proceeding shall lie 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
in good faith.

8. (1) The Local Government may, by notification in the local official Gazette, direct that the provisions of this Act shall apply to any Provident Fund established for the benefit of its employees by any local authority within the meaning of the Local Authorities Loans Act, 1914, and, on the making of such declaration, this Act shall apply accordingly, as if such Provident Fund were a Government Provident Fund and such local authority were the Government.

Power to
apply the Act
to other
Provident
Funds.
IX of 1914.

(2) The Governor-General in Council may, by notification in the *Gazette of India*, direct that the provisions of this Act shall apply to any Provident Fund established for the benefit of the employees of any of the institutions specified in the Schedule, or of any group of such institutions, and, on the making of such declaration, this Act shall apply accordingly, as if such Provident Fund were a Government Provident Fund and the authority having custody of the Fund were the Government :

Provided that section 6 shall apply as if the authority making the contributions referred to in that section were the Government.

(3) The Governor-General in Council may, by notification in the *Gazette of India*, add to the Schedule the name of any public institution he may deem fit, and any such addition shall take effect as if it had been made by this Act.

9. Nothing in section 4 or section 5 shall apply to money belonging to any estate for the purpose of the administration of which the Regimental Debts Act, 1893, applies.

Savings as to
estates of
soldiers,
56 and 57
Vict. c. 5.

"THE SCHEDULE."

LIST OF INSTITUTIONS.

[See sub-section (2) of section 8.]

1. The Pasteur Institute of India, Kasauli.
2. The Calcutta Improvement Tribunal.
3. A Court of Wards.
4. The Indian Central Cotton Committee.
5. The Trustees for the European Hospital for Mental Diseases at Ranchi.
6. The National Association for supplying Female Medical Aid to the Women of India.

7. A College affiliated to a University established by Statute.
8. The Indian Red Cross Society.
9. The Indian Lac Cess Committee.

APPENDIX B.

(Extracts from the Rules regulating the General Provident Fund as corrected up to the end of July 1929.)

1. * * * * *

NOTE 2.—Section writers who are members of fixed establishments and piece workers in Government Presses are eligible to subscribe to the Fund.

NOTE 3.—Patwaris, in inferior service, in permanent employ, are eligible to subscribe to the Fund.

NOTE 4.—Patwaris, in inferior service, in temporary employ and all officers in temporary superior service shall be eligible to subscribe to the Fund, with the consent of the head of their office, provided that they have been employed or, in the opinion of the head of their office, are likely to be employed for at least three years.

3. * * * * *

(c) * * * * *

NOTE 1.—Temporary Engineers in the Public Works Department appointed on or after the 1st July 1913 and also temporary Engineers already serving in the Department, whose service have been or may be re-engaged for a further period on an increased rate of pay, shall be required to subscribe to the Fund at the rate of $1\frac{1}{2}$ annas in the rupee or $9\frac{1}{2}$ per cent of pay.

* * * * *

21. (ii) An insurance policy shall be on the subscriber's own life in which case it is immaterial what form the policy takes, *i.e.*, it may be a life or an endowment, or double endowment policy, but it shall be such as is legally assignable to Government.

NOTE 1.—A guarantee policy which ensures the payment of the sum assured in the event of the policy-holder being retired by the Medical Board shall be accepted for the purposes of this rule.

A contingent annuity, which in the event of his death, ensures a certain income to the insurer's wife or children, or both, shall also be accepted for the purpose of this rule.

NOTE 2.—If a policy of insurance is effected by a subscriber on his own life for the benefit of a sole beneficiary specifically named therein, a formal assignment by both the insurance and the sole beneficiary shall be permissible. An assignment of a policy effected by a subscriber on his own life for the benefit of more than one beneficiary whether existent or not at the date of the policy shall not, in view of the attendant legal difficulties, be permissible under this rule.

* * * * *

21-A. (b) A married subscriber to the Fund may substitute, for subscriptions to the General Provident Fund, payments towards either (i) a policy of assurance effected on his own life, if the policy, on the face of it, is for the benefit of his wife or of his children or of any or all of these, provided that, if such policy matures not at death, but after a period of years, the date of maturity shall not be earlier than the earliest date on which the subscriber may, by the terms of his service, retire; or (ii) any policy of assurance effected on his own life which he has assigned to trustees by a deed of settlement for the benefit of his wife or of his children or of any or all of these.

(c) A married subscriber to the Fund may substitute, or continue to substitute, as the case may be, for contributions to the General Provident Fund, payments towards a policy of assurance on his own life to which he has already been subscribing, provided that he either (i) assigns his existing policy to trustees by a deed of settlement for the benefit of his wife or of his children or of any or all of these ; or (ii) converts his policy into a policy of assurance effected on his own life, but expressed on the face of it to be for the benefit of his wife or of his children or of any or all of these, provided that if such policy matures not at death, but after a period of years, the date of maturity shall not be earlier than the earliest date on which he may, by the terms of his service, retire ; or (iii) converts his policy into any policy of assurance effected on his own life, and then assign it to trustees by a deed of settlement for the benefit of his wife or of his children or of any or all of these, and provided that if he has as a bachelor been substituting for contributions to the Fund payments towards such policy of assurance, then such assignment, conversion or conversion and assignment, shall be effected before or within three months after his marriage.

NOTE 1.—If upon the conversion of an existing policy any portion of the surrender value of such policy is not applied in effecting the new policy, such portion shall be paid or repaid to the Fund and placed to the credit of the subscriber's account.

* * * * *

APPENDIX C.

Executive Instructions.

The following are deemed to be good and sufficient reasons for the grant of advances, provided the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify an advance, and that the amount advanced will be expended on the object for which it is given:—

- (a) To pay expenses incurred in connection with the illness of a subscriber or any person actually dependent on him ;
- (b) To pay for the overseas passage for reasons of health or education of a subscriber or any person actually dependent on him ;
- (c) To pay obligatory expenses on a scale appropriate to the subscriber's status in connection with marriages, funerals or ceremonies which by his religion it is incumbent on him to perform in cases where such expenses cannot be met from the ordinary resources of the subscriber.

Sanctioning authorities should reject an application for an advance to repay a debt incurred on account of illness or any other recognized purpose, made unreasonably long after the event to which it relates.

Advances are not rigidly confined to the objects mentioned in clauses (a) to (c) above, but may be sanctioned only for reasons no less cogent. An advance may not be granted for the purchase of a house or land, or for the erection of, or repairs to, a building, or to meet the expenses of law suits, or to repay ordinary debts, or to furnish security deposits, or to purchase motor-cars or other means of conveyance, or to meet the marriage expenses of a European, Anglo-Indian or Indian Christian subscriber or any person actually dependent on him.

APPENDIX D.

PART I.

[List of authorities competent to grant advances under Rule 14 (3) (a).]

- (1) The Registrar, High Court of Judicature at Rangoon.
- (2) Secretaries to Government.
- (3) Financial Commissioners.
- (4) The Director of Public Instruction.
- (5) The Inspector-General of Civil Hospitals.
- (6) The Inspector-General of Police.
- (7) The Inspector-General of Prisons.
- (8) Chief Engineers, Public Works Department.
- (9) The Commissioner of Settlements and Land Records
- (10) Commissioners of Divisions.
- (11) The Chief Conservator of Forests.
- (12) The Commissioner of Excise.
- (13) The Director of Agriculture.
- (14) The Bishop of Rangoon.
- (15) Senior Chaplain, Church of Scotland.
- (16) The Advocate-General.
- (17) The Director of Public Health.
- (18) The Examiner, Local Fund Accounts.
- (19) The Director of Veterinary Services.
- (20) The Principal Forest Officer, Federated Shan States.
- (21) The Chief Public Works Officer, Federated Shan States.
- (22) The Commissioner of Police, Rangoon.
- (23) The Registrar, Co-operative Societies.
- (24) The Nautical Advisor to the Government of Burma.
- (25) The Superintendent, Northern Shan States.
- (26) The Superintendent of Cottage Industries.
- (27) The Chief Education Officer, Federated Shan States.
- (28) The Military Secretary to His Excellency the Governor.
- (29) The Hon'ble the Speaker of the House of Representatives.
- (30) The Inspector-General, Burma Frontier Force.
- (31) Deputy Inspector-General of Police,
- (32) Superintending Engineers, Public Works Department,
- (33) Conservators of Forests,
- (34) Electrical Inspector to Government,
- (35) The Chairman, Public Service Commission.
- (36) The Director of Civil Aviation, Burma.
- (37) The Chief Inspector, Combined Borstal and Senior Training School, Burma.

} in respect of
non-gazetted
officers only.

PART II.

[List of authorities competent to grant advances under Rule 14 (3) (b).]

(a) In the case of gazetted officers and all other officers who are in receipt of Rs. 160 per mensem or over:—

- (1) The Registrar, High Court of Judicature at Rangoon.
- (2) Secretaries to Government.

- (3) Financial Commissioners.
- (4) The Director of Public Instruction.
- (5) The Inspector-General of Civil Hospitals.
- (6) The Inspector-General of Police.
- (7) The Inspector-General of Prisons.
- (8) Chief Engineers, Public Works Department.
- (9) The Commissioner of Settlements and Land Records.
- (10) Commissioners of Divisions.
- (11) The Chief Conservator of Forests.
- (12) The Commissioner of Excise.
- (13) The Director of Agriculture.
- (14) The Bishop of Rangoon.
- (15) Senior Chaplain, Church of Scotland.
- (16) The Advocate-General
- (17) The Director of Public Health.
- (18) The Examiner, Local Fund Accounts.
- (19) The Director of Veterinary Services.
- (20) The Principal Forest Officer, Federated Shan States.
- (21) The Chief Public Works Officer, Federated Shan States.
- (22) The Commissioner of Police, Rangoon.
- (23) The Registrar, Co-operative Societies.
- (24) The Nautical Adviser to the Government of Burma.
- (25) The Superintendent, Northern Shan States.
- (26) The Superintendent of Cottage Industries.
- (27) The Chief Education Officer, Federated Shan States.
- (28) The Hon'ble the Speaker of the House of Representatives.
- (29) The Inspector-General, Burma Frontier Force.
- (30) The Chairman, Public Service Commission.
- (31) The Director of Civil Aviation, Burma.
- (32) The Chief Inspector, Combined Borstal and Senior Training School, Burma.

(b) In the case of non-gazetted officers who are in receipt of Rs. 150 per mensem or over :—

- (1) Deputy Inspectors-General of Police.
- (2) Superintending Engineers, Public Works Department.
- (3) Conservators of Forests.
- (4) Electrical Inspector to Government.

(c) In the case of all other officers the Head of the Office, provided that where there is a combined establishment, *e.g.*, the clerical establishment of a Deputy Commissioner's Office, the Head of the Office for this purpose shall be deemed to be the Head of the combined establishment and not of any particular section of the establishment.

APPENDIX E.

1. Any sum payable under Rule 30 to a member of the family of a subscriber vests in such member under sub-section (2) of section 3 of the Provident Funds Act, 1925.

2. When a nominee is a dependant of the subscriber as defined in clause (c) of section 2 of the Provident Funds Act, 1925, the amount vests in such nominee under sub-section (2) of section 3 of the Act.

3. When the subscriber leaves no family and no nomination made by him in accordance with the provisions of Rule 7 subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund, the relevant, provisions of clause (b) and of sub-clause (ii) of clause (c) of sub-section (1) of section 4 of the Provident Funds Act, 1925, are applicable to the whole amount or the part thereof to which the nomination does not relate.

4. A nomination made under Rule 7 (3) will become ineffective if not revised in the event of a subscriber acquiring a family, and will cease to receive the protection under section 5 (1) of the Provident Funds Act, since that section does not itself create any right in favour of the nominee, but merely gives protection and force to a nomination made in accordance with the rules of the Fund.

5. In view of the words, "duly made in accordance with the rules of the fund" occurring in section 5 (1) of the Provident Funds Act, a nomination once valid may become invalid if the rules are subsequently altered or amended, and would then lose the protection of section 5 (1).

APPENDIX F.

Where a subscriber intends to take out a life assurance policy in any Company and to substitute premiums on such a policy for subscriptions to the General Provident Fund, he should satisfy himself that the Company concerned is a sound one. Every Life Assurance Company working in India is required by law to deposit with Government copies of the following documents:—

- (a) The actuary's report on the latest investigation made by him into its financial condition including a valuation of its liabilities,
- (b) Life assurance revenue account for the last financial year, and,
- (c) Balance sheet as at the close of the last financial year.

These should be asked for. The subscriber should examine the documents and apply the following three tests to judge for himself the financial stability of the Company:—

- (1) whether the latest actuarial investigation disclosed a *divisible surplus*, namely a surplus a portion of which was allocated to policy holders,
- (2) whether the revenue account shows that the expenses of management, including commission, did not absorb more than a third of the premium income in the last financial year, and
- (3) whether in the latest balance sheet "loans on personal security" did not constitute an appreciable portion of the total assets of the Company.

With reference to Rule 2 (1) (a) of the Burma General Provident Fund Rules, published with Finance (Audit II) Department Notification No. 69, dated the 2nd October 1936, His Excellency the Governor,
the Governor in Council, is pleased to
 the Governor with his Ministers,
 appoint the Accountant-General, Burma as the Accounts Officer for purposes of these rules.

APPENDIX XVI.

Rules for the grant of Departmental Rewards to Officers of the Prison Department for the performance of Special Services.

[Judicial Department Notification No. 101, dated Rangoon, the 14th July 1909.]

With the previous sanction of the Governor-General in Council, the following rules for the grant of departmental rewards to officers of the Prisons Department for the performance of special services are prescribed by the Lieutenant-Governor.

RULES

1. When a jail officer has performed a specially meritorious service for which it is considered desirable to reward him, the most appropriate form of reward is to grant him promotion.

2. In granting promotion as a reward for good service, regard must be paid to the seniority and qualifications of the officer whom it is proposed to reward. In cases where his position on the seniority roll or his lack of the necessary qualifications debar him from immediate promotion, a money reward may be granted.

3. Money rewards may be granted only with the previous sanction of the Inspector-General of Prisons, the Local Government or the Government of India, as the case may be.

4. Recommendations for such rewards should be submitted by the Superintendent of the jail to the Inspector-General of Prisons, with a brief report on the facts of the case, and should state the amount of the reward which it is proposed to grant.

5. Officers drawing Rs. 400 and over are not eligible for the receipt of money rewards.

6. The Inspector-General of Prisons may sanction rewards up to a total amount of Rs. 200 in any particular case, and subject to that limit, without restriction as to the amount awarded to any particular officer.

7. In special cases the Local Government may sanction rewards in excess of Rs. 500 in any one case.

8. Recommendations for the grant of money rewards should be made only in cases where an officer has shown marked energy or courage in the performance of his duties.

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APPENDIX XVII.

Rules for the Offer and Payment of Rewards in Criminal Cases.

The following rules on the subject of the proclamation and payment of rewards for the arrest and conviction of criminals, and for information in respect of the commission of offences, are prescribed by the Governor in Council, in supersession of the rules prescribed in this department Notification No. 1, dated the 4th January 1909, as subsequently amended. These rules do not affect the payment of rewards under the express provisions of any Act or Regulation or rule having the force of law, and do not apply to cases under the Customs, Excise, Opium, Stamp and Forest Acts:—

RULES FOR THE OFFER AND PAYMENT OF REWARDS IN CRIMINAL CASES.

1. For the arrest or attempted arrest of criminals, for information which leads to their arrest or conviction, or for assistance in procuring, or attempting to procure, their surrender, rewards may be offered and paid as follows:—

- (a) By the Commissioner of a Division, the Inspector-General of Police, or in Rangoon, the Commissioner of Police, not exceeding Rs. 1,000 in respect of any one person.
- (b) By a Deputy Commissioner, not exceeding Rs. 500 in respect of any one person.
- (c) By a District Superintendent of Police, not exceeding Rs. 250 in respect of any one person.
- (d) By a Superintendent of Police appointed under section 7 of the Rangoon Police Act, 1899 not exceeding Rs. 50 in respect of any one person.

2. For courage and determination shown in resistance to robbers, rewards may be offered and paid as follows:—

- (a) By the Commissioner of Police in Rangoon and Commissioner of a Division, not exceeding Rs. 1,000 to any one person.
- (b) By a Deputy Commissioner, not exceeding Rs. 500 to any one person.

3. A reward according to the following scale shall be paid to any one securing the recapture of an escaped prisoner:—

	Rs.
For a prisoner under sentence of seven years' imprisonment or more.	80

For any other prisoner, whether under trial or convict	40
--	----

The reward will be paid by the Magistrate of the District in which the prisoner is captured, or if the prisoner is captured in Rangoon, by the Commissioner of Police. Provided that no rewards shall be paid in any case in which an escaped prisoner voluntarily gives himself up, or to any person responsible for the safe custody of the prisoner when he escaped. Provided also that, for reasons to be recorded, the Magistrate of the district, or the Commissioner of Police, as the case

may be, may in any case withhold the payment of the reward. This rule does not prevent the offer or payment of larger rewards under Rule 1 (a) and (b).

NOTE.—The rewards admissible in Rules 1, 2 and 3 may be paid to the widows, orphans or other genuine dependant or dependants of persons who die as the result of injuries sustained during the arrest or attempted arrest of, or while offering resistance to, or securing the recapture of criminals.

4. For information which leads to the discovery of firearms or ammunition in respect of which there is reason to believe that an offence punishable under Arms Act has been committed:—

A District Superintendent of Police or, in Rangoon, a Superintendent of Police appointed under section 7 of the Rangoon Police Act, 1899, may offer or pay a reward up to Rs. 50, a Deputy Commissioner up to Rs. 100, and a Commissioner or the Inspector-General of Police or, in Rangoon, the Commissioner of Police up to Rs. 250.

5. The previous sanction of the Governor in Council shall be obtained for the offer or payment of any reward not specially authorized by these rules.

6. A sum shall be entered yearly in the Police budgets for rewards payable under these rules other than rewards debitable to the Jail Department under Rule 3. The sum provided in the Provincial Police budget shall be allotted by the Inspector-General of Police to the several districts. The Inspector-General of Police may make transfers from the allotment of one district to that of another. Provision shall also be made in the Jail Department budget for the payment of rewards under Rule 3 for the recapture of prisoners who have escaped from the jail. This sum shall be allotted by the Inspector-General of Prisons who may make transfers from the allotment of one jail to that of another.

7. The Inspector-General of Police, besides distributing the budget provision for rewards between districts according to requirements so far as he can foresee them, will retain a sufficient reserve to cover extraordinary expenditure which may occur in any district or districts. Whenever a District Superintendent of Police finds that the amount at his disposal for rewards is becoming exhausted, he shall at once report the fact to the Inspector-General of Police. The Inspector-General will then, if satisfied as to the necessity, supply the District Superintendent of Police with additional funds either from his reserve or by reappropriation from the funds already allotted to some other district. If the Inspector-General finds that the total funds at his disposal are becoming exhausted, he shall take early steps to obtain an additional grant or to reappropriate the necessary amount from other sources at his disposal under competent sanction.

Ordinarily rewards granted elsewhere than in Rangoon shall be paid by the District Superintendent of Police. But the Deputy Commissioner may pay a reward himself or may order it to be paid by any officer subordinate to him.

9. Gazetted officers and Myoôks shall not receive rewards except with the special sanction of the Governor in Council.

10. No reward shall be offered or paid under these rules to any soldier except with the previous sanction of the General Officer Commanding, Burma Independent District.

11. No reward may be paid under these rules to any police officer than a rural police officer, except with the previous sanction of the Inspector-General of Police, or, in Rangoon the Commissioner of Police. Nor may any reward be paid under these rules to any servant of Government whether a police officer or not, unless it is a reward of the nature described in Rule 48 of the Fundamental Rules, *i.e.*, a reward which has been offered for the arrest of a criminal or information or special services in connection with the administration of justice.

12. No reward shall be offered under these rules to any jail official. Nor shall a reward be paid under these rules to any jail official except with the previous sanction of the Inspector-General of Prisons.

APPENDIX XVIII.

Form of Endorsement by District Magistrates ordering Detention of Prisoners who have broken the conditions of their release.

[Vide Judicial Department "L" Circular No. 25 of 1941, dated the 14th August 1941.]
(See paragraph 387.)

To

THE SUPERINTENDENT OF JAIL AT

Whereas the above-named Nga has been arrested
and brought before me.

This is to authorize and require you, the Superintendent of the said jail, to receive the said Nga into your custody, together with the original committal warrant and a copy of the above order, and to keep him safely in order that he may undergo the unexpired portion of the sentence passed upon him according to the original warrant.

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

District Magistrate.

APPENDIX XIX.

Orders directing the dispensing with Sureties for certain Prisoners whose sentences have been remitted.

[Judicial Department Circular No. 16, dated the 4th August 1891.]
(See paragraph 488.)

It has been brought to the Chief Commissioner's notice that in various cases in which the sentences of prisoners have been remitted on condition that security is given, the condition has proved an unnecessary obstacle to release. Mr. Hodgkinson, when he examined the records of criminal trials in Upper Burma in 1890 and made recommendations for the remission of sentences, considered that the question of the amount of security to be given and the power to dispense with it altogether should be left to the discretion of the local authorities. He observed that there was danger lest a class of professional sureties should be called into existence whose security could not be relied on to restrain the released prisoner from evil ways.

The Chief Commissioner agrees that the security to be of any value must be given by the relations, friends, or other neighbours of the prisoner, and he can hardly think that the vigilance of District Officers would permit them to accept any other kind of security. The question of the amount of security to be given by each prisoner has always been left to the local authorities, and the Chief Commissioner is willing that the power to dispense with the security of sureties altogether should also be delegated. But a prisoner should only be relieved of the obligation to produce sureties with the special sanction of the Commissioner of the division, and in no case should he be exempted from entering into his personal recognizances to observe the conditions specified in his remission order.

APPENDIX XX.

Rules regarding the Notification of Residences of and Change of Residence by Released Convicts.

[Judicial Department Notification No. 33, dated Rangoon the 25th January 1902.]

In exercise of the powers conferred by section 565, sub-section (3), of the Code of Criminal Procedure, 1898 (Act V of 1898), and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor of Burma is pleased to make the following rules to carry out the provisions of the said section relating to the notification of residence by released convicts, namely:—

- I.—Every order made against a convict under section 565 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall be entered on the warrant of imprisonment.
- II.—A convict against whom such an order has been made shall fourteen days before the date fixed for his release, give to the Superintendent of the prison in which he is confined a true statement of the place in which he intends to take up his residence after his release. Such statement shall be taken down in writing and shall be read over to the convict and shall be signed by him in the presence of the Superintendent of the prison, who shall countersign it.
- III.—If the convict after release does not within ten days take up his residence in the place mentioned in such statement, he shall attend in person at the police-station within the jurisdiction of which he has taken up his residence, and notify to the officer-in-charge his place of residence.
- IV.—If, after taking up his residence in any place, the convict desires to change his residence, he shall attend in person at the police-station within the jurisdiction of which his place of residence is situated, and there notify to the officer-in-charge the place to which he intends to change his residence and the date on which the change will take place. Such attendance shall not be less than two days before his departure. If, for any reason, he does not, within seven days of the date on which he has notified that his change of residence will begin, take up his residence at the place notified, he shall at once notify, in the manner above set out, the place where he intends to reside.
- IVA.—If, after taking up his residence in any place, the convict desires to absent himself temporarily from such residence, he shall notify his destination, the route he intends to take and the period of his absence, to the headman of the village-tract in which he resides if his destination is a place within the jurisdiction of the same police-station and to the officer-in-charge of the police-station within the jurisdiction of which his place of residence is situated if his destination is a place outside the jurisdiction of that

police-station. Such notice shall be given not less than twelve hours before his departure.

IVB.—On receipt of the notice referred to in Rule IVA, the headman, of the village-tract or the officer-in-charge of the police-station, as the case may be, may issue a certificate in a form to be prescribed, which may embody the details of his report. The certificate may be presented to the corresponding officer at the place of the convict's destination. The village headman or the officer-in-charge of the police-station at the destination may make necessary endorsements in the certificate on the departure of the convict for his native village and return the certificate to the convict who may present it to the officer who issued it.

V.—Rules III to IVB shall be explained to the convict before he leaves the prison; he shall be told for what period he is required to observe them, and a copy of them in his mother-tongue shall be given to him.

VI.—In applying these rules to the case of a convict who has no fixed place of abode, such convict shall be deemed to reside where he sleeps.

APPENDIX XXI.

Rules relating to the use by Police Officers, or Soldiers who are called to the assistance of Prison Officers, of Arms against any prisoner, or body of prisoners in the case of an outbreak or an attempt at escape.

[Judicial Department Notification No. 63, dated the 14th April 1914.]

In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894), and with the previous sanction of the Governor-General in Council, and in supersession of this department Notification No. 87, dated the 6th July 1908, the Lieutenant-Governor is pleased to make the following rules under clause (6) of that section, to regulate in Burma the use by police officers or soldiers, who are called to the assistance of prison officers, of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape.

1. Any police officer or soldier may use a sword, bayonet, firearm or any other weapon against any prisoner escaping or attempting to escape; provided that resort shall not be had to the use of any such weapon unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape.

2. Any police officer or soldier may use a sword, bayonet, firearm or any other weapon on any person engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted.

3. Any police officer or soldier may use a sword, bayonet, firearm or any other weapon against any prisoner using violence to any officer of the prison or other person; provided that such police officer or soldier has reasonable ground to believe that the officer of the prison or other person is in danger to life or limb, or that other grievous hurt is likely to be caused to him.

4. Before using firearms against a prisoner under the authority conveyed in rule 1 of these rules, the police officer or soldier shall give a warning to the prisoner that he is about to fire on him.

5. No police officer or soldier shall, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.

6. Nothing in these rules shall be deemed to deprive police officers or soldiers of any power which they may exercise under any other law.

7. In these rules the expression "soldier" shall apply to every person subject to the Army Act, or to the Indian Army Act, 1911.

APPENDIX XXII.

The Bengal State Prisoners Regulation.

(BENGAL REGULATION III OF 1818.)*

[AS MODIFIED UP TO 1st AUGUST 1909 AND AS AMENDED BY THE GOVERNMENT OF BURMA (ADAPTATION OF LAWS) ORDER, 1937.]

Passed on the 7th of April 1818.

A Regulation for the confinement of State Prisoners.

1. Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with Foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostilities and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be inadvisable or improper ;

and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor ;

and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor all circumstances relating either

* SHORT TITLE.—This short title (The Bengal State Prisoners Regulation, 1818) was given by the Repealing and Amending Act, 1897 (5 of 1897), Sch. III, Genl. Acts, Vol. IV.

EXTENT—

Bengal.—This Regulation was passed for the whole of Bengal, *See* s. 1.

It has been declared by the Laws Local Extent Act, 1874 (15 of 1874), s. 6 *see* Genl. Acts, Vol. II, to be in force throughout Bengal, except as regards the Scheduled Districts.

It has been declared by notification under the Scheduled Districts Act, 1874 (14 of 1874), s. 3, to be in force in the following Scheduled Districts, namely :—

West Jalpaiguri and the Western Duars, in the Jalpaiguri District, *see* Ben. Code Vol. V, Part V, B (a) ; and EB. & A. Code. Vol III, Appendix I, Table B, 1.

The Hazaribagh, Ranchi, Palamau and Manbhum Districts, and Pargana Dhalbhum and the Porahat Estate in the Singhbhum District in the Chota Nagpur Division, *see* Ben. Code. Vol. V, Part V, B (b).

It has been extended, by notification under the Scheduled Districts Act, 1874 (14 of 1874), s. 5, to the following Scheduled Districts, namely :—

The Darjeeling District, *see* Ben. Code, Vol. V, B (a) ; and

The Kolhan, and the Singhbhum District, in the Chota Nagpur Division, *see* Ben. Code, Vol. V, Part VI, B (b).

to the supposed grounds of such determination, or to the manner in which it may be executed;

and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family;

It is enacted as follows:—

2. *First*.—When the reasons stated in the preamble of this Regulation may seem to the Governor to require that an individual should be placed under personal restraint without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor, shall be issued to the officer in whose custody such person is to be placed.

Proceeding for placing persons under restraint as State prisoners.

Second.—The warrant * of commitment shall be in the following form:—

Form of warrant.

To the † [*here insert the officer's designation*].

“Whereas the Governor, for good and sufficient reasons, has seen fit to determine that [*here insert the State prisoner's name*] shall be placed under personal restraint at [*here insert the name of the place*] you are hereby required and commanded in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor and the provisions of Regulation III of 1818.

Third.—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within British Burma.

Authority of warrant.

It is in force in all the de-regulationized tracts in Bengal, namely—

The Angul District, *see* Ben. Code, Vol. V, Part VI, B (a).

The Sonthal Parganas, *see ib.*, Part VI, B (c).

It has been declared by the State Prisoners Act, 1858 (3 of 1858), s. 2, *see* Gen. Acts, Vol. I, to be in force within the local limits or the jurisdiction of the High Court.

PENALTIES.—For penalties for allowing a State prisoner to escape, for aiding or assisting him to escape, for rescuing, harbouring or concealing him, and for resisting his re-capture, *see* the Indian Penal Code (Act 45 of 1860), ss. 128 to 130 Gen. Acts, Vol. 1.

REMOVAL OF STATE PRISONERS.—For power of Governor-General in Council to remove State prisoners from one place to another, *see* the State Prisoners Act, 1858 (3 of 1858), s. 5 Gen. Acts, Vol. 1.

The High Court's *habeas corpus* section in the Code of Criminal Procedure, 1898 (Act 5 of 1898), does not apply to persons detained under this Regulation, *see* s. 491 (3) of the Code, Gen. Acts, Vol. V.

* As to direction of warrant *see* The State Prisoners Act, 1850 (Act XXXIV of 1850). As to places in which a State prisoner may be confined, *see* The State Prisoners Act, 1850 (Act XXXIV of 1850); also The State Prisoners Act, 1858 (Act 111 of 1858).

† As to officers to whom warrants may be addressed, *see* the State Prisoners Act 1850 (Act XXXIV of 1850), and the Prisoners Act, 1871 (Act V of 1871) s. 15.

APPENDIX XXIII.

The Burma Criminal Law Amendment Act, 1931.

BURMA ACT No. III OF 1931.

[AS MODIFIED BY THE GOVERNMENT OF BURMA (ADAPTATION OF LAWS)
ORDER 1937.]

(Made by the Governor of Burma under the provisions of section 72E of the Government of India Act. Received the assent of his Majesty signified by an order of His Majesty in Council, which assent was notified by the Governor-General in the Gazette of India, Extraordinary, dated the 28th July 1931.)

An Act to Supplement the ordinary Criminal Law in Burma.

WHEREAS it is expedient to supplement the ordinary criminal law in Burma ;

Preamble.

AND WHEREAS the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act ;

s. 6
Geo.
V, C. 61,
s. 7 ;
Geo.
V, C. 37,
s. 10 ;
Geo.
V, C. 101.

It is hereby enacted as follows:—

1. (1) This Act may be called the Burma Criminal Law Amendment Act, 1931 ;

Short title,
commence-
ment,
extent and
duration.

(2) It shall come into force on such date as the Governor may, by notification in the Gazette, direct ; and

(3) It shall continue in force for ten * years from the date of its commencement.

2. In this Act, unless there is anything repugnant in the subject or context, "the Code" means the Code of Criminal Procedure, 1898.

V of 1898.

Defini-
tion.

3. (1) The Governor may, by order in writing, direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under this Act.

Power of
Governor
to direct
trial by
Commis-
sioners in
certain
cases.

(2) No order under sub-section (1) shall be made in respect of, or be deemed to include, any person who has been committed under the Code for trial before a High Court, but save as aforesaid an order under that sub-section may be made in respect of, or may include, any person accused of any offence specified in the First Schedule whether such offence was committed before or after the commencement of this Act.

4. (1) Commissioners for the trial of persons under this Act shall be appointed by the Governor.

Appoint-
ment and
qualifica-
tion of
Commis-
sioners.

(2) Such Commissioners may be appointed for the whole of British Burma or for any part thereof, or for the trial of any particular accused person or persons.

• Amended by Burma Act II of 1936.

(3) All trials under this Act shall be held by three Commissioners, of whom at least two shall be persons who at the time of appointment under this section are serving as, and have for at least three years served as or exercised the powers of Sessions Judges, or Additional Sessions Judges, or are persons qualified, for appointment as Judges of the High Court.

Procedure
of Commis-
sioners.

5. (1) Commissioners appointed under this Act may take cognizance of offences without the accused being committed to them for trial and in trying accused persons, shall record evidence in the manner prescribed in section 356 of the Code and shall, in other respects also subject to this Act and to any rules made thereunder follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

(2) In the event of any difference of opinion among the Commissioners, the opinion of the majority shall prevail.

Powers of
Commis-
sioners.

6. (1) The Commissioners may pass upon any person convicted by them any sentence authorized by law for the punishment of the offence of which such person is convicted.

(2) If in any trial under this Act it is found that the accused person has committed any offence, whether such offence is or is not an offence specified in the First Schedule, the Commissioners may convict such person of such offence and pass any sentence authorized by law for the punishment thereof.

Applica-
tion of
Code of
Criminal
Procedure
to Proceed-
ings of
Commis-
sioners.

7. The provisions of the Code, so far only as they are not inconsistent with the provisions of, or the special procedure prescribed by or under, this Act shall apply to the proceedings of Commissioners appointed under this Act, and such Commissioners shall have all the powers conferred by the Code on a Court of Sessions exercising original jurisdiction.

Tender of
Pardon.

8. (1) Commissioners trying an offence under this Act may, with a view to obtaining the evidence of any persons supposed to have been directly concerned in, or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor in the commission thereof.

(2) Where, in the case of any offence for the trial of which by Commissioners an order has been made under sub-section (1) of section 3, a pardon has, before the passing of such order, been tendered to and accepted by any person under section 337 of the Code, the provisions of sub-sections (2) and (3) of that section of the Code shall apply as if the accused person had been committed for trial to the Commissioners.

(3) For the purposes of section 339 and 339A of the Code pardons tendered under sub-section (1) and sub-section (2) shall be deemed respectively to have been tendered under sections 338 and 337 of the Code.

Special
Rule of
Evidence.

9. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any

Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused.

10. The Governor may, by notification in the *Burma Gazette*, make rules consistent with this Act to provide for all or any of the following matters, namely:—

Rule-making powers of Governor.

- (i) the times and places at which Commissioners appointed under this Act may sit;
- (ii) the procedure of such Commissioners, including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person;
- (iii) the conduct of and the procedure at trials, the manner in which prosecutions before such Commissioners shall be conducted and the appointment and powers of persons conducting such prosecution;
- (iv) the execution of sentences passed by such Commissioners;
- (v) the temporary custody or release on bail of persons referred to or included in any order made under sub-section (1) of section 3, and the transmission of records to the Commissioners; and
- (vi) any matter which appears to the Governor to be necessary for carrying into effect the provisions of this Act relating or ancillary to trials before Commissioners.

11. (1) Any person convicted on a trial held by Commissioners Appeals under this Act may appeal to the High Court of Judicature at Rangoon, and such appeal shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code.

and Confirmations.

(2) When the Commissioners pass a sentence of death, the record of the proceedings before them shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court which shall exercise, in respect of such proceedings, all the powers conferred on the High Court by Chapter XXVII of the Code.

12. (1) Where, in the opinion of the Governor, there are reasonable grounds for believing that any person—

Power of Governor to deal with certain suspects.

- (i) has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908; or
- (ii) has committed, is committing or is about to commit any offence specified in the Second Schedule; or
- (iii) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice;

the Governor, if he is satisfied that such person is a member, or is being controlled or instigated by a member, or any association of which the objects or methods include the doing of any of such acts

XI of
1878.
VI of
1908.

or the commission of any such offences, may, by order in writing, give all or any of the following directions, namely, that such person—

- (a) shall notify his residence and any change of residence to such authority as may be specified in the order;
- (b) shall report himself to the police in such manner and at such period as may be so specified;
- (c) shall conduct himself in such manner or abstain from such acts as may be so specified;
- (d) shall reside or remain in any area so specified;
- (e) shall not enter, reside in, or remain in any area so specified;
- (f) shall be committed to custody in jail;

and may at any time add to, amend, vary or rescind any order made under this section.

(2) The Governor in his order under sub-section (1) may direct—

- (a) the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police officer or by any officer of Government to whom the order may be directed or endorsed by or under the general or special authority of the Governor;
- (b) the search of any place specified in the order which in the opinion of the Governor has been, is being or is about to be used by such person, for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1).

service of
orders under
section 12.

13. An order made under sub-section (1) of section 12 shall be served on the person in respect of whom it is made in the manner provided in the Code for service of a summons, and upon such service such person shall be deemed to have had due notice thereof.

power to
arrest
without
warrant.

14. (1) Any officer of Government authorized in this behalf by general or special order of the Governor may arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 12.

(2) Any officer exercising the power conferred by sub-section (1) may, at the time of making the arrest, search any place and seize any property which is, or is reasonably suspected of being, used by such person for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1) of section 12.

(3) Any officer making an arrest under sub-section (1) shall forthwith report the fact to the Governor, and may by order in writing, commit any person so arrested to custody pending receipt of the orders of the Governor, and the Governor may by general or special order specify the custody to which such person shall be committed:

Provided that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the Governor, and no person shall in any case be detained in custody under this section for a period exceeding one month.

enforcement
orders.

15. (1) The Governor and every officer of Government to whom any copy of any order made under section 12 has been directed or

endorsed by or under the general or special authority of the Governor may use any and every means necessary to enforce compliance with such order.

(2) Any Officer exercising any of the powers conferred by section 14 may use any and every means necessary to the full exercise of such powers.

16. Whoever, being a person in respect of whom an order has been made under sub-section (1) of section 12, knowingly disobeys any direction in such order, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Penalty for breach of order under section 12.

17. (1) Every person in respect of whom an order has been made under sub-section (1) of section 12 shall, if so directed by any officer authorized in this behalf by general or special order of the Governor,—

Power of photographing, etc., persons in respect of whom order has been made under section 12.

- (a) permit himself to be photographed;
- (b) allow his finger impressions to be taken;
- (c) furnish such officer with specimens of his handwriting and signature;
- (d) attend at such times and places as such officer may direct for all or any of the foregoing purposes.

(2) If any person fails to comply with or attempts to avoid any direction given in accordance with the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

18. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorizing the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence specified in the First Schedule has been, is being, or is about to be committed and the seizure of anything found therein or thereon which the officer executing the warrant has reason to believe has been, is being, or is intended to be, used, for the commission of any such offence; and the provisions of the Code, so far as they can be made applicable, shall apply to searches made under the authority of any warrant issued under this section, and to the disposal of any property seized in any such search; and an order for search issued by the Governor under sub-section (2) of section 12 shall be deemed to be a search warrant issued by the District Magistrate having jurisdiction in the place specified therein, and may be executed by the person to whom the order is addressed in the manner provided in this section.

Powers of search.

19. (1) Within one month from the date of an order by the Governor under sub-section (1) of section 12, the Governor shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges, having, in either case, exercised for at least five years the powers of a Sessions Judge, or Additional Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession, and a statement of the allegations against the persons in respect of whom the order has been made and his answers to them, if furnished by him. The said Judges shall

Scrutiny of case by two Judges.

consider the said material facts and circumstances and the allegations and answers and shall report to the Governor whether or not in their opinion there is lawful and sufficient cause for the order.

(2) On receipt of the said report, the Governor shall consider the same and shall pass such order thereon as appears to the Governor to be just or proper.

(3) Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 12 to attend in person or to appear by pleader in any matter connected with the reference to the said Judges, and the proceedings and report of the said Judges shall be confidential.

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ars under
ion 12

20. (1) When an order under sub-section (1) of section 12 has been made against a person, the Governor may at any time, without conditions or upon any conditions which such person accepts, direct the suspension or cancellation of such order.

(2) If any condition on which an order has been suspended or cancelled is in the opinion of the Governor not fulfilled, the Governor may revoke the suspension or cancellation, and thereupon the person in whose favour such suspension, or cancellation was made may, if at large, be arrested by any police officer without warrant, and the order under sub-section (1) of section 12 shall be deemed to be in full force.

(3) If the conditions on which such suspension or cancellation has been made include the execution of a bond with or without sureties, the Governor may at once proceed to recover the penalty of such bond.

(4) A Magistrate of the first class shall in default of payment of such penalty issue, on application made in this behalf by an officer of the Governor specially empowered, a warrant for the attachment and sale of the moveable property belonging to the defaulter or his estate if he be dead. On the issue of such warrant the provisions of sub-sections (3) and (4) of section 514 of the Code shall apply to such recovery.

ting
imittees.

21. (1) the Governor shall, by order in writing appoint such persons as he thinks fit to constitute Visiting Committees for the purposes of this Act, and shall by rules prescribe the functions which these Committees shall exercise.

(2) Such rules shall provide for periodical visits to persons under restraint by reason of an order made under sub-section (1) of section 12.

(3) No person in respect of whom any such order has been made requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specified act, shall be deemed to be under restraint for the purpose of sub-section (2).

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22. The Governor shall make to every person, who is placed under restraint by reason of an order made under sub-section (1) of section 12, a monthly allowance for his support of such amount as is, in the opinion of the Governor adequate for the supply of his wants, and shall also make to his family, if any, and to such of his near relatives, if any, as are in the opinion of the Governor dependent on him for support, an allowance for the supply of their wants suitable in the opinion of the Governor to their rank in life.

Explanation.—In this section the expression "under restraint" has the same meaning as in section 21.

23. The Governor may make rules providing for the procedure to be followed regarding the notification of residence and report to the police by persons in respect of whom orders have been made under section 12, and for the place and manner of custody of all persons arrested or committed to or detained in custody under this Act.

Power to make rules.

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

Publication of rules.

25. 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, and the powers conferred by section 491 of the Code shall not be exercised in respect of any person arrested, committed to or detained in custody under this Act.

Bar to suits, prosecutions and other legal proceedings.

Ordinance of 1931.

26. Where, prior to the commencement of this Act, anything has been done, or any action has been taken under the provisions of the Burma Criminal Law Amendment Ordinance, 1931, which thing or action might have been done or taken under the provisions herein enacted had this Act commenced on the 31st day of January 1931, such thing or action shall be deemed to have been done or taken under the provisions of this Act, and every consequence which would have ensued if this Act had commenced as aforesaid, and such thing or action had been done or taken thereunder, shall thereupon ensue in all respects as if this Act had so commenced and such thing or action had been so done or taken.

Effect of the Act.

Ordinance of 1931.

27. The Burma Criminal Law Amendment Ordinance, 1931, is hereby repealed.

Repeal.

THE FIRST SCHEDULE.

(See SECTIONS 3 AND 6.)

Any of the following if offences, in the opinion of the Local Government there are reasonable grounds for believing that such offence has been committed by a member, or a person controlled or instigated by a member, of any association of which the objects or methods include the commission of any of such offences namely:—

LV of 860.

(a) any offence punishable under any of the following sections of the Indian Penal Code, namely, sections 148, 302, 304, 326, 327, 329, 332, 333, 385, 386, 387, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459, 460 and 506;

II of 1908.
II of 1878.

(b) any offence under the Explosive Substances Act, 1908;

(c) any offence under the Indian Arms Act, 1878;

(d) any attempt or conspiracy to commit, or any abetment of, any of the above offences.

THE SECOND SCHEDULE.

(See SECTION 12.)

LV of 860.

(1) Any offence punishable under any of the following sections of the Indian Penal Code, namely, sections 148, 302, 304, 326, 327, 329, 332, 333, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 457 and 506.

(2) Any attempt or conspiracy to commit, or any abetment of, any of the above offences.

APPENDIX XXIV.

The Penal Servitude Act, 1855.

[AS MODIFIED BY THE GOVERNMENT OF BURMA (ADAPTATION OF LAWS)
ORDER, 1937.]

*An Act to substitute penal servitude for the punishment of Transportation in respect of European and American Convicts.**

Whereas by reason of the difficulty of providing a place to which, Europeans or Americans can, with safety to their health, be sent for the purpose of undergoing sentences of transportation or of imprisonment for long terms, it has become expedient to substitute other punishment for that of transportation,* ; it is enacted as follows:—

1. * No European or American shall be liable to be sentenced or ordered, by any Court to be transported.

No European or American to be sentenced to transportation.

2. Any person who, but for the passing of this Act, would, by any law now in force, or which may hereafter be in force, be liable to be sentenced or ordered, by any such Court, to be transported, shall, if a European or American, be liable to be kept in penal servitude for such term as hereinafter mentioned.

Terms of penal servitude instead of the present terms of transportation.

The terms of penal servitude to be awarded by any sentence or order, instead of the term of transportation to which any such offenders would, but for the passing of this Act, be liable, shall be as follows: that is to say—

Instead of transportation for seven years, or for a term not exceeding seven years penal servitude for the term of four years.

Instead of any term of transportation exceeding seven years, and not exceeding ten years, penal servitude for any term not less than four and not exceeding six years.

Instead of any term of transportation exceeding ten years and not exceeding fifteen years, penal servitude for any term not less than six and not exceeding eight years.

Instead of any term of transportation exceeding fifteen years, penal servitude for any term not less than six and not exceeding ten years.

Instead of transportation for the term of life, penal servitude for the term of life. And in every case where, at the discretion of the Court, one of any two or more of the terms of transportation hereinbefore mentioned might have been awarded, the Court shall have the like discretion to award one of the two or more terms of penal servitude hereinbefore mentioned, in relation to such terms of transportation.

* The words "and to amend the law relating to the removal of such convicts" in the title and the words "and to amend the law relating to the removal of European and American convicts for the purpose of imprisonment" in the Preamble were repealed by the Repealing and Amending Act, 1891 (Act XII of 1891), and are omitted.

3. Provided always that nothing herein contained shall interfere with or effect the authority or discretion of any Court in respect of any punishment which such Court may now award or pass on any offender other than transportation; but where such other punishment may be awarded at the discretion of the Court instead of transportation or in addition thereto, the same may be awarded instead of, or (as the case may be) in addition to, the punishment substituted for transportation by this Act.

Discretion of Court as to alternative punishments not to be affected.

4. If an offender sentenced by any Court to the punishment of death shall have mercy extended to him, upon condition of his being kept in penal servitude for life, or for any term of years, all the provisions of this Act shall be applicable to such offender in the same manner as if he had been lawfully sentenced under this Act to the term of penal servitude specified in the condition.

Effect of pardon granted upon condition of penal servitude.

5. [*Power to substitute penal servitude for transportation.*] Repealed by the Prisoners Act, 1871 (Act V of 1871).

6. [*Mode of dealing with person under sentence of penal servitude.*] Repealed by the Prisoners Act, 1871, (Act V of 1871.)

7. [*Application of enactments respecting transportation and imprisonment with hard labour.*] Repealed by the Prisoners Act, 1871 (Act V of 1871).

8. [*Removal of convicts under sentence of imprisonment from one prison to another.*] Repealed by the Presidency Jails Act, 1867 (Act XII of 1867).

9, 10, 11, and 12. [*Licences to convicts under sentence of penal servitude to be at large.*] Repealed by the Prisoners Act, 1871 (Act V of 1871).

13. Nothing in this Act is intended to alter or effect the provisions of the 12 and 13 Victoria, Chapter 43, or any Act of Parliament passed in the United Kingdom of Great Britain and Ireland since the 28th of August 1833, or which may hereafter be passed.

Act not to affect the provisions of certain English Statutes.

14. Any sentence or order upon any person describing him as a European or American shall be deemed, for the purposes of this Act, to be conclusive of the fact that such person is a European or American within the meaning of this Act.

Sentence when proof that a person is a European or an American.

15. The word "European" as used in this Act, shall be understood to include any person usually designed a European British subject. Words in the singular number or the masculine gender shall be understood to include several persons as well as one person, and females as well as males, unless there be something in the context repugnant to such construction.

Interpretation clause.

16. [*Commencement of Act.*] Repealed by the Repealing Act, 1870 (Act XIV of 1870).

APPENDIX XXV.

Rules framed under section 20 of the Criminal Tribes Act, 1911 which apply to any Person who may be undergoing a sentence of imprisonment or who may be detained in any Jail.

[Judicial Department Notification No. 346, dated the 21st November 1928].

In exercise of the powers conferred by section 20 of the Criminal Tribes Act, 1924, the Governor in Council is pleased to direct that the following shall be substituted for Part I of the rules published in Police Department Notification No. 82, dated the 20th April 1926:

[NOTE.—For the purposes of these Rules the register shall mean the register referred to in section 4.]

PART I.

Action prior to Notification under Section 3, etc.

1. The preliminary enquiry to establish to the satisfaction of the Local Government the necessity for notifying any tribe, gang or class of persons or any part of a tribe, gang or class as a criminal tribe under section 3, and for taking action under section 10, 11 or 16 of the Act, shall be held by a Deputy Inspector-General of Police, in consultation with the Deputy Commissioners of the districts in which such persons reside. The Deputy Inspector-General, on completion of the enquiry, shall submit the proceedings, together with his report thereon, to the Local Government through the Deputy Commissioners and Commissioners concerned, and the Deputy Inspector-General of Police for Railways and Criminal Investigation, Burma. The report shall be compiled in pamphlet form and shall be divided into nine parts as under—

(1) A brief account of the general working of the gang, and the inter-connection between the members, illustrated by a tabular statement showing the names of the members and the cases in which they were associated.

(2) A short account of each case in which any members of the gang have taken part.

(3) Confessional, and approver's statements, if any, made before a magistrate in (2) above.

(4) Copies of magistrates' judgments in (2) above.

(5) List of—

(a) persons whom it is desired to name in the notification as members of the criminal tribe, and

(b) persons who are believed to be members of the criminal tribe but whom, owing to insufficiency of evidence or any other reason, it is not desired to have registered at once.

(6) Individual history sheets of each person named in the lists supplied under (5) above.

(7) A report as to the desirability of issuing a notification under section 10 directing every registered member of the tribe to report at fixed intervals or notify his place of residence, etc., or both.

(8) A list of such persons named in 5 (a) above as it is desired to restrict or settle by a notification under section 11, together with a report on the matters referred to in sub-section (2) of section 11 in respect of each such person.

(9) A report as to the desirability of placing the tribe, or any named members of the tribe, in a settlement by a notification under section 16.

2. Each officer through whom the report is submitted shall record any recommendations that he may wish to make on the proposals. In cases in which it is proposed that a notification under section 11 or section 16 shall issue the Deputy Commissioner of the district in which any person whom it is proposed to restrict, settle or place in a settlement, resides shall also—

(i) with reference to section 11, record his opinion as to the correctness of the report on the matters referred to in sub-section (2) of that section, and

(ii) with reference to section 16, hold an enquiry into the necessity for making an order under that section, giving each person whom it is proposed to place in a settlement an opportunity of showing cause against this action, and forward the result of his enquiry with a supplementary report; *provided that*, if such enquiry cannot be held without unduly delaying the submission of the papers, the papers shall be submitted at once and the supplementary report submitted at a later but early date.

Action after Notification under Section 3.

3. As soon as a criminal tribe is notified and an order from the Local Government to prepare a register is received, the register shall be prepared in English by the District Superintendent of Police, under the orders of the District Magistrate, and shall be in Form I appended to these rules.

Explanation.—The Local Government's notification will ordinarily define a criminal tribe as consisting of certain named persons and their associates.

4. The notice referred to in section 5 shall be in Form 11 appended to these rules, and shall be sent to the officer-in-charge of every police-station within the limits of which any member of the criminal tribe whom it concerns resides. Such officer shall cause a copy of the notice to be affixed in some conspicuous part—

(a) of the place where the register is to be made;

(b) of each village or town within his jurisdiction containing one or more such members.

He shall also cause information of the publication and contents of the notice to be communicated by word of mouth by a subordinate police officer to every such member, to the village headman, and to

the owner of the land on which any such member resides, or to his agent, or where there are several owners, to such owner or owners or their agents as it may be practicable to inform.

Explanation.—For the purpose of this and the following rule the members of the criminal tribe shall be those named in the Local Government's notification and such others as the District Magistrate may propose to register.

5. In addition to, or in lieu of, the procedure prescribed in Rule 4, the District Magistrate may, if he thinks fit, direct that a copy of the notice shall be served on any member of the criminal tribe, village headman, land-owner, or agent concerned in the manner provided in the Criminal Procedure Code for the service of a summons.

6. Upon completion of the register the District Magistrate shall cause to be delivered, along with a copy of sections 26 and 27, to every manager of a reformatory settlement or to every village headman in a village, where any registered person resides, and to the owner of the land on which any registered member resides or to his agent, or where there are several such owners, to such owner or owners or their agents as the Magistrate may select for the purpose, a list in Form III appended to these rules of the registered members so residing. He shall also, from time to time as necessity arises, communicate to the aforesaid person or persons any addition to and alteration in the said list. A list of all registered members of the tribe or gang shall be sent by the District Superintendent of Police to each police-station within the jurisdiction of which any member of the tribe or gang resides.

7. The District Magistrate may from time to time after due enquiry direct that the name of any member of a notified criminal tribe shall be added to the register under section 7.

8. The notice referred to in sub-section (2) of section 7 shall be served in the manner provided in the Criminal Procedure Code for the service of a summons.

9. When any member of a criminal tribe whose name has been entered in the register under section 5 or any person whose name it is proposed to add to the register under section 7 is undergoing a sentence of imprisonment, or is detained in any jail, the notice prescribed by section 5 or section 7 shall be sent by the District Magistrate to the Superintendent of the Jail concerned.

The Superintendent of the Jail shall thereupon call on the person so confined or detained to furnish such information as the District Magistrate may require. The Superintendent shall forward this information together with such person's finger impressions to the District Superintendent of Police, informing the District Magistrate that he has done so.

Action with reference to Notifications under Sections 10, 11 and 16.

10. When notifying a criminal tribe under section 3 the Local Government will, if it considers it advisable, at the same time issue notifications under section 10 in respect of the tribe, or under

section 11 or section 16 in respect of the tribe or any of the named members of the tribe.

11. If after the register has been made the District Magistrate considers that any registered member residing in his district who has not been restricted or settled or placed in a settlement should be dealt with under section 11 or section 16 he will submit a recommendation to the Local Government through the Commissioner concerned and the Deputy Inspector-General of Police for Railways and Criminal Investigation. His recommendation should be accompanied in the case of section 11 by a report on the particulars referred to in sub-section (2) of that section, or in the case of section 16 by the supplementary report referred to in Rule 2 (ii) above.

12. If the District Magistrate exempts from registration or cancels the registration of any member who has been notified under section 11 or section 16 he shall communicate the fact to the Local Government.

13. The District Magistrate may in the case of any member restricted or settled in an area in his district, by order in writing, change such place of restriction or residence to another place in the same district. In so doing he shall have regard to the requirements of sub-section (2) of section 11.

14. If the District Magistrate considers that—

- (i) any member restricted or settled in his district should be placed in a settlement, or
- (ii) any member placed in a settlement should be allowed to leave the settlement and should be restricted or settled, or
- (iii) any member restricted, settled or placed in a settlement should be released from such obligation, or
- (iv) any member restricted or settled in an area in his district should be restricted or settled in an area in another district,

he shall submit a recommendation to that effect to the Local Government through the usual channel, attaching to his recommendation the reports referred to in Rule 11 above as required in cases under sections 11 and 16.

15. All registered members of a criminal tribe in respect of which a notification under section 10 or section 11 has issued shall be notified of the fact and informed of the conditions which they are required to fulfil. This notification and information shall be given in such manner as the District Magistrate may by general or special order direct to case, if the Deputy Commissioner so deems fit, be conveyed in the form of a notice which shall be served in the manner provided in the Code of Criminal Procedure for the service of a summons.

16. (a) Every registered member of a criminal tribe in respect of which a notification has issued under clause (a) of section 10 shall report himself on such dates not exceeding four in any calendar month, as the District Magistrate may by general or special order direct to the officer-in-charge of the police-station within the limits of which he is for the time being resident.

(b) If such a report is made at any police-station other than that within the limits of which the person making the report was resident

at the time at which his name was entered in the register, the officer-in-charge of the police-station shall enquire from him the name of the police-station within the limits of which he was originally residing and shall send a report to the District Superintendent of Police, who shall take the necessary steps to have the lists of registered members corrected. If the new police-station is situated in another district the relevant pages from the register shall be transferred.

(c) If any such member is prevented by sickness from reporting himself on the prescribed date, he shall give immediate information of his inability to do so to the headman of his village, who shall report accordingly on the occasion of the next visit of a police officer to his village.

(d) The District Superintendent of Police may exempt from attendance at the police-station any such member, who by reason of old age or infirmity is considered unfit to undertake the journey to the police-station. Every person so exempted shall report his presence on the prescribed dates to the headman of his village, or in the absence of the headman to the *gaung*. The *gaung* shall report accordingly on the occasion of the next visit of a police officer to his village.

17. (1) Every registered member of a criminal tribe in respect of which a notification has issued under clause (b) of section 10 shall notify in person to the officer-in-charge of the police-station within the limits of which he is for the time being residing, his place of residence, and any change or intended change of residence, and any absence or intended absence from his residence. If the new place of residence is within the jurisdiction of another police-station, a report of the new place of residence must be made in person, within seven days of arrival, to the officer-in-charge of the police-station within the limits of which the new place of residence is situated:

Provided that it shall not be necessary for a registered person to report at the police-station within which his new residence is situated (whether a change of district is involved or not), if he returns to his original residence within 72 hours of his departure, and spends each intervening night in the place which he has reported as his new residence:

Provided also that any female to whom the provisions of clause (b) of section 10 have been applied may, if she so desires, cause the report required under this rule to be made at the police-station by any male relative in person. She shall, however, be bound by the actual report made exactly as if she had made it in person.

(2) The officer-in-charge of the police-station from the limits of which a member of a criminal tribe is departing shall, without delay, inform in Form IV appended to these rules, the officer-in-charge of a police-station in the jurisdiction in which such member intends to take up his residence, of such intention, and of the place where such member intends to reside, and of the date of such member's departure. The person concerned shall also be given a departure form in Form V appended to these rules. He will be required to hand this over to the officer-in-charge of the police-station in which his new place of residence is situated. If the change of residence is permanent, the residence

entered on the register shall be altered under the orders of the District Superintendent of Police, and the lists at both police-stations shall be corrected.

(3) In the case of a permanent change of residence to another district, the District Superintendent of Police shall send the relevant pages of the register to the District Superintendent of Police within whose jurisdiction the person intends to reside.

NOTE 1.—A temporary absence between the hours of sunrise and sunset shall not be deemed to be "absence" within the meaning of this rule, and it shall not be necessary to give notice thereof to the officer-in-charge of the police-station.

NOTE 2.—The residence of a member of a criminal tribe shall, for the purposes of these rules, be deemed to the place where he passes the night.

18. (i) When a registered member of a criminal tribe in respect of which a notification under section 10 has been issued is undergoing a sentence of imprisonment, or is detained in any jail, he shall, before the date fixed for his release, be called upon by the Superintendent of the Jail to give a true statement of the place in which he intends to take up his residence after his release. Such statement shall be taken down in writing and shall be read over to such person and shall be signed by him in the presence of the Superintendent of the Jail, who shall countersign it. The statement shall then be forwarded forthwith to the District Magistrate and to the District Superintendent of Police concerned. On receipt of the statement the District Magistrate shall take the action prescribed by Rule 6 and shall inform the Superintendent of the Jail of the conditions which the person about to be released is required to fulfil. The Superintendent of the Jail shall explain these conditions to the prisoner before his release and shall send a certificate that he has done so to the District Magistrate.

(ii) When such person has been registered as a member of a criminal tribe in respect of which a notification has issued under clause (a) of section 10, he shall, in addition to reporting himself under Rule 16, also report himself as soon as possible after his release to the officer-in-charge of the police-station within the limits of which is situated the place to which he proceeds for the purpose of taking up his residence.

General.

19. (a) Any person whose name has been entered in the register may apply to have his name erased therefrom to the District Superintendent of Police within whose jurisdiction the applicant resides. The Superintendent of Police shall forward the application to the District Magistrate with such recommendation as he deems fit.

(b) The District Superintendent of Police shall once a year bring to the notice of the District Magistrate the names of all persons whom he thinks may safely be removed from the register.

(c) The District Magistrate shall carefully go through the register once in three years and examine the case of each person whose name appears therein.

(d) If the District Magistrate, on enquiry, is satisfied that such person does not belong either to the tribe, sang or class to which he

is alleged to belong or to any other registered tribe, gang or class, he shall order the name of such person to be erased from the register. If he is satisfied that such person is earning an honest livelihood and that he has been doing so for the past three years he may order the name of such person to be erased from the register.

The District Magistrate shall have power to order any person whose name has been erased under this rule to be registered again if he considers, for reasons to be recorded in writing, that such action is called for.

20. Any police officer not below the rank of a Sub-Inspector of Police, or the Manager of any settlement established under section 16, may at any time under the general or special order of the District Superintendent of Police inspect the residence of any member of any criminal tribe.

21. Every registered member of a criminal tribe shall be given a certificate of identity in Form VI signed by the District Superintendent of Police of the district of which he is a permanent resident at the time of this registration. He can be called on to produce this certificate of identity by any Magistrate, any police officer not below the rank of a Sub-Inspector, village headman, or the Manager of a settlement established under section 16.

22. In every case where a registered member changes his place of residence permanently from one village to another, the District Magistrate, or where the new village is in another district, the District Magistrate of such district, shall take such action under Rule 6 as may be necessary.

23. Failure on the part of a registered member of a criminal tribe to carry out the requirements of Rule 16, 17 or 21 without sufficient cause shall at once be reported to the District Superintendent of Police by the officer-in-charge of the police-station.

APPENDIX.

FORM I.

CRIME 36A.

(See PART I, RULE 3.)

A

Register of Members of the Tribe or Gang or Class notified under sections Criminal Tribes Act, 1924.

Contents.

1. A copy of the Government notification under section 3.
2. Brief description of tribe, gang or class, with grounds for notification.
3. Subsequent orders of Government.
4. Orders under section 16.
5. Notes by Inspecting Officers.
6. Index Register.

CRIME 36A.

B

Number, date and copy of Government notification :—

CRIME 36A.

C

Brief description of tribe, gang or class with grounds for notification:—

(Blank pages to be added as necessary)

CRIME 36A.

D

Subsequent orders of Government:—

CRIME 36A.

E

Orders under section 15 (Transfer of Register):—

CRIME 36A.

F

Notes and Remarks by Managers of Reformatory Settlements, District Superintendents of Police, District Magistrates and Inspecting Officers.

(Blank pages to be added as necessary.)

CRIME 36A.

G

Index Register.

Serial No.	Name	Village	Police-station and District
(1)	(2)	(3)	(4)

CRIME 36A.

H

Classification as reported by
the Finger Print Bureau.

Police Station.

Village
Town where registered person ordin-
arily resides.
Serial No. (of individual).

Left thumb impression.

Name

Parentage

Caste

Age at date of registration

Village or Reformatory Settlement to
which restricted person has been
restricted.

Convictions ascertained before registration:—

Date (1)	Sentence (2)	Section (3)	Where convicted (4)

Signature, with date of officer preparing
register under section 5, or in the case
of a name added to the register under
sections 7 and 8 of District Magistrate
ordering addition of name.

Date of taking finger impressions with
impression-taker's full signature.
Date of death or removal from register.

Signature of Magistrate ordering removal
from register.

CRIME 36A.

(a) Convictions subsequent to registration:—

Date	Sentence	Section	District where convicted
(1)	(2)	(3)	(4)

(b) Movements subsequent to registration:—

(Blank pages to be added as necessary.)

FORM II.

CRIME 36A.

(See PART I, RULE 4.)

J

Notice under section 5 of the Criminal Tribes Act, 1924.

Whereas the Local Government of Burma has declared the persons named below to be a criminal tribe under section 3 of the aforesaid Act by Notification No. _____, dated _____, and Magistrate of the _____ district has been directed under section 4 to prepare a register of all such persons, the District Magistrate hereby directs under section 5 that all persons mentioned below who reside in _____ village, should present themselves at _____ at _____ .m., on _____ before _____ and give to him such information as may be necessary to enable him to make the register and allow their finger impressions to be taken.

NOTE.—Any person failing to comply with this order, in all respects, renders himself liable to arrest without warrant, and, on conviction, to a sentence which may extend to six months' imprisonment and a fine of Rs. 200.

Name of persons included in gang.

(1)	(6)
(2)	(7)
(3)	(8)
(4)	(9)
(5)	(10)

FORM III.

ရာဇဝတ် ၃၆-က။

ပုံစံနံပါတ် ၃။

အပိုင်း ၁၊ နည်းဥပဒေ ၆။

၁၉၂၄ ခုနှစ်၊ ရာဇဝတ်ပြစ်မှုကျူးလွန်သူလူမျိုးအက်ဥပဒေ
နံပါတ် ၆၊ ပုဒ်မ ၅ အရထုတ်ဆင့်သည့်ကြော်ငြာစာ။

အောက်တွင် အမည်ဖော်ပြပါရှိသူတို့မှာ၊ ဆိုခဲ့သည့် အက်ဥပဒေပုဒ်မ ၃ အရ၊ ရာဇဝတ်ပြစ်မှု ကျူး
လွန်သူလူမျိုးဖြစ်ကြောင်းနှင့် ၁၉ ခုနှစ်၊ လ ရက်
() နေ့စွဲပါ အမိန့်ကြော်ငြာစာနံပါတ် အရ၊ ပြန်မာ
နိုင်ငံတော် အစိုးရမင်းတို့က ပြဋ္ဌာန်းတော်မူပြီးဖြစ်သည့်ပြင်၊ ၎င်းလူမျိုးအရပ်ရပ် တို့အမည်များကိုမှတ်ပုံ၊
စာရင်းစာအုပ်စီမံရေးသားထားရှိစေရန်လည်း၊
စီရင်စုနယ် ရာဇဝတ်တရားသူကြီးထံပုဒ်မ ၄ အရ ဆင့်ဆိုပြီးသည်နှင့်အညီ၊
ရွာနေ၊ အောက်၌ အမည်ဖော်ပြပါရှိသူအရပ်ရပ်တို့မှာ၊
မုန်းမတည့်မီ နာရီအချိန် မြို့ တွင် ရွှေသို့
မုန်းလွဲ ရွာ
လာရောက်ကြပြီးလျှင်၊ ၎င်း ကမ္ဘတ်ပုံစာရင်းစာအုပ်စီမံရေးသားနိုင်ရန် အလို့ငှါ
လိုအပ်သည့်အကြောင်းအရာများကို ပြောကြား၊ မိမိတို့လက်ထိပ်ဗွေနှိပ်အမှတ်များ နိပ်ယူသည်ကိုလည်း
ခံကြရမည်ဖြစ်ကြောင်းကို၊ ပုဒ်မ ၅ အရ၊ ဆိုခဲ့သည့်စီရင်စုနယ် ရာဇဝတ်တရားသူကြီးက၊ ယခုဆင့်ဆို
တော်မူသည်။

မှတ်ရန်။ ။ယခုအမိန့်အတိုင်း အလုံးစုံမလိုက်နာသူ မည်သူမဟုတ်၊ ဝါးရမ်းမပါဘဲ ဖမ်းဆီးခြင်း၊
ခံရန်ထိုက်သင့်စေမည်ဖြစ်၊ မှုပြစ်ထင်ရှား ဖြစ်သည့်အခါလည်း၊ ၆ လထိ ထောင်ဒဏ်နှင့်ငွေဒဏ် ၂၀၀
စီရင်ခြင်းခံရန်ထိုက်သင့်စေမည်။

ဆိုခဲ့သည့်လူစုအစည်းအရုံးတွင်ပါဝင်သူတို့အမည်။

၁။	၆။
၂။	၇။
၃။	၈။
၄။	၉။
၅။	၁၀။

FORM IV.

CRIME 36A.

[See PART I, RULE 17 (2).]

K

For use when a member of a registered criminal tribe is to be transferred from the jurisdiction of one police-station to another.

1. Name and father's name—
2. Gang—
3. Number and date of Government Notification under which
Proclaimed—
4. Present residence—
5. Intended residence—
6. Date of departure—

Place
Date

}

Signature.

FORM V.

CRIME 36A.

[See PART I, RULE 17 (2).]

L

(1) Issued to (name) son of , who has
notified under section 10 (b), Criminal Tribes Act, his intention to
change his residence to—

Village—

Police Station—

District—

Notified date of departure—

	Left thumb impression	<i>Signature of Officer-in-Charge of police-station in the jurisdiction of which the registered person is living</i>
--	-----------------------	--

(2) Places to which to report himself *en route*—

Village	Police-station	Date	Signature and designation of person to whom reported.
(1)	(2)	(3)	(4)

(3) Date of arrival at destination—

Place

Date

}

Signature of Receiving Officer.

FORM VI.

(See PART I, RULE 21.)

Certificate of Identity.

Name—

Father's Name—

Village, Police-station and District of residence—

Serial number and name of Criminal Tribe of
which a registered member—

Photograph

Name of village or Reformatory Settlement to
which restricted—Left thumb
impression

District Superintendent of Police

PART II.

(NOTE.—The Rules in this Part apply only to members of a criminal tribe who have been ordered to be placed in an Industrial, Agricultural or Reformatory Settlement under section 16.)

1. For the purposes of these rules—

- (a) "registered criminal" shall mean a member of a criminal tribe who has been ordered to be placed in a settlement under section 16;
- (b) "settlement" means an industrial, agricultural or reformatory settlement established under section 16.

2. The management and control of every settlement shall be vested in a Manager. The Manager shall be appointed by the Local Government and shall be under the direct control and supervision of the Deputy Commissioner of the district in which the settlement is situated.

3. Every registered criminal shall be notified of the order which has been issued under section 16 with regard to him or with regard to the criminal tribe or part of the criminal tribe to which he belongs, and shall be informed of the conditions which he is required to fulfil. This notification and information shall be given in such manner as the Deputy Commissioner may prescribe, and it may, in any particular case, if the Deputy Commissioner so deems fit, be conveyed in the form of a notice which shall be served after the manner prescribed in the Code of Criminal Procedure for the service of a summons.

4. When a registered criminal has been notified under Rule 3 he shall forthwith report himself in person to the officer-in-charge of the police-station within the limits of which he is residing, and the police-station officer shall make arrangements to send him with a subordinate police officer to the settlement in which he has been ordered to be placed.

5. (1) If the registered criminal is undergoing a term of imprisonment or is confined in any jail the District Magistrate shall inform the Superintendent of the Jail of the name of the settlement in which such registered criminal has been ordered to be placed and of the conditions which he is required to fulfil. The Superintendent of the Jail shall inform the registered criminal accordingly and shall send a certificate that he has done so to the District Magistrate.

(2) The Superintendent of the Jail shall inform the District Superintendent of Police and the Manager concerned of the release of a registered criminal prior to his release so that arrangements can be made to escort the released prisoner from the jail in which he is confined to the settlement in which he has been ordered to be placed. The information should be given as early as possible, but not more than one month before the release of the registered criminal.

6. No registered criminal who has been placed in a settlement shall leave or remain outside such settlement without a pass issued in accordance with these rules and except in accordance with the terms of such pass.

7. (a) Every registered criminal placed in a settlement under section 16 may be granted a pass authorizing him to leave the said settlement up to a maximum of fifteen days by the Manager.

(b) The District Superintendent of Police or the District Magistrate of the district within whose jurisdiction the settlement is situated may, on due cause being shown, grant any registered criminal placed therein any leave of absence which he may deem reasonable and may issue a pass to him.

8. (a) Any person granted leave of absence under Rule 7 shall travel to his destination, and return to the settlement by the route specified in the pass. He shall have the time and date of his arrival endorsed on the pass by the headman of the village-tract of destination and within four days of his arrival he shall report himself at the police-station within the limits of which his destination is situated, and shall present his pass for endorsement.

(b) During such time as any registered criminal is absent from the settlement in which he has been placed he shall report himself once every three days to the headman of the village-tract; or if in a town to the headman of the ward, in which he may happen to be, and once in every fifteen days he shall, unless exempted by order of the District Magistrate, report himself to and present his pass for endorsement by the officer-in-charge of the police-station within the limits of which he may happen to be.

(c) On his return to his settlement he shall deliver the pass to the authority from whom he received it. All passes so returned shall be sent for record to the Manager of the settlement concerned.

9. Passes issued under Rule 7 shall be printed in Burmese as in Form VII appended to these rules, and details shall be entered in

Burmese. The pass shall be drawn up in triplicate, and shall be signed by the authority issuing it. One copy shall be retained by such authority, the second copy shall be sent to the officer-in-charge of the police-station within the limits of which the destination of the holder of the pass lies, and the third shall be given to the person granted leave. If the authority issuing the pass is not the Manager, a certified copy of the pass shall also be sent to the Manager concerned.

10. If any person who has been granted a pass under these rules is from any unavoidable cause prevented from returning to his residence within the period of his leave, he shall at once give information to the nearest police-station. The officer-in-charge of the police-station shall verify the information and shall send a report to the Manager.

11. Any pass granted under these rules may at any time be withdrawn by the Manager, or by the District Superintendent of Police, or by the District Magistrate.

12. The Manager shall report to the officer-in-charge of the police-station having jurisdiction the fact of the absence without leave of any registered criminal as soon as his absence is known and also the fact of the return to the settlement of any registered criminal who had previously been reported as absent without leave.

13. Every registered criminal shall be required to report himself to the Manager, or to some person authorized by him in this behalf, at such times or intervals of times, as the Manager may direct; provided that the Manager may exempt any such member from attendance either on a specified occasion or generally. Every person required to report himself by an order under this rule shall do so by attending in person and this fact shall be recorded in the Attendance Register (Form XI).

14. In every settlement a list shall be maintained of the registered criminals residing in the settlement in Form IX. All changes therein should be forthwith notified to the District Superintendent of Police of the district in which the settlement is situated and to the officer-in-charge of the police-station having jurisdiction.

15. The Manager may decide what domestic animals may be kept by registered criminals placed in the settlement and may frame rules to ensure that they are so kept as not to cause injury or danger to health, property or person. For any breach of these rules the Manager may sell the animal or animals in respect of which the breach has been committed and the proceeds of the sale shall be given to the owner of the animals.

16. In agricultural settlements where some form of agriculture is the main occupation provided, the settlers shall carry out such tasks for the purpose of improving the land or of growing a crop, as may be ordered by the Manager. The terms of loans, whether in kind or cash for any specific purpose, and the distribution of the land shall be decided by the Manager, subject to the general or special orders of the Local Government.

17. The Manager may fix the hours during which inmates of agricultural settlements shall be bound to work. Such hours shall not exceed the following maxima:—

(i) Adults—Eight hours a day.

- (ii) Juvenile adults under 16—Six hours a day.
- (iii) Children under 13—Three hours a day.

The Manager may, for special reasons exempt any individual from working for the whole or part of the time prescribed for his class.

18. (1) Any settler who disobeys these rules or refuses to obey any reasonable order given by the Manager shall be subject to any one or more of the following penalties:—

- (a) a formal warning,
- (b) additional or more arduous work at the discretion of the Manager,
- (c) cancellation or withholding of leave,
- (d) loss of other privileges,
- (e) daily roll-call,
- (f) restriction of movements to any particular area within the settlement at the discretion of the Manager,
- (g) prosecution under the Act.

All orders of punishment under this rule shall be passed by the Manager and shall be liable to revision by the District Magistrate.

(2) Children may be punished for misbehaviour in accordance with the usual methods of school discipline.

19. Managers of settlements, may, at their discretion, reward registered criminals for good conduct. Such rewards may include exemption from roll-call, more liberal grant of passes, promotion to positions of responsibility and allotment of extra land for cultivation.

20. (1) The settlement, or any residence therein or part thereof may be inspected at any time by the District Magistrate, the Commissioner, District Superintendent of Police, Deputy Inspectors-General of Police, Inspector-General of Police, or Inspector-General of Prisons or by any person empowered by any of these officers in writing.

(2) The Manager shall keep a book for record of notes of inspection by inspecting officers, and shall forward a copy of any notes made therein within 48 hours to the District Magistrate.

21. The following registers shall be maintained by Managers of settlements:—

- (1) Extracts from register of members of criminal tribes in Form X.
- (2) A roll of the members of the settlement in Form IX.
- (3) Attendance register in Form XI.
- (4) Register of leave and pass-holders in Form XII.
- (5) Register of births in Form XIII.
- (6) Register of deaths in Form XIV.
- (7) Register of members of criminal tribes absent without leave in Form XV.
- (8) Register of transfers from the settlement in Form XVI.
- (9) Register of punishments in Form XVII.
- (10) List of visitors to the settlers in Form XVIII.
- (11) Inspection Book.
- (12) Children's Register in Form XIX.

PART III.

[NOTE.—*The Rules in this part apply only to members of a criminal tribe who have been restricted in their movements under section (11), sub-section (1), clause (a), to any specified area.*]

1. For the purposes of these rules—

“registered criminal” shall mean a member of a criminal tribe who has been ordered to restrict his movements under section 11, sub-section (1), clause (a), to any specified area.

2. Every registered criminal shall be notified of the order which has been issued under section 11, sub-section (1), clause (a), with regard to him or with regard to the criminal tribe or part of the criminal tribe to which he belongs, and shall be informed of the conditions which he is required to fulfil. This notification and that information shall be given in such manner as the Deputy Commissioner may prescribe, and it may, in any particular case, if the Deputy Commissioner so deems fit, be conveyed in the form of a notice which shall be served in the manner provided in the Code of Criminal Procedure for the service of a summons.

3. When a registered criminal has been notified under Rule 2 he shall forthwith report himself in person to the officer-in-charge of the police-station within the limits of which he is residing, and the police-station officer shall make arrangements to send him with a subordinate police officer to the specified area in which he has been ordered to reside.

4. (1) If the registered criminal is undergoing a term of imprisonment or is confined in any jail the District Magistrate shall inform the Superintendent of the Jail of the name of the specified area to which he has been ordered to restrict his movements and of the conditions which he is required to fulfil. The Superintendent of the Jail shall inform the registered criminal accordingly and shall send a certificate that he has done so to the District Magistrate.

(2) The Superintendent of the Jail shall inform the District Superintendent of Police of the release of a registered criminal prior to his release so that arrangements can be made to escort the released prisoner from the jail in which he is confined to the specified area to which he has been ordered to restrict his movements. The information should be given as early as possible but not more than one week before the release of the registered criminal.

5. No registered criminal shall leave the area to which his movements have been restricted or remain outside that area without a pass issued in accordance with these rules and except in accordance with the terms of such pass.

6. (a) Every registered criminal whose movements have been restricted to a specified area may be granted a pass authorizing him to leave the said area up to a maximum of fifteen days by the officer-in-charge of the police-station within the limits of which the said area lies.

(b) The District Superintendent of Police or the District Magistrate of the district within whose jurisdiction the area is situated may, on due cause being shown, grant any registered criminal whose movements have been restricted thereto any leave of absence which he may deem reasonable, and may issue a pass to him.

7. The pass referred to in Rule 5 shall be printed in Burmese as in Form VII appended to these rules and details shall be entered in Burmese. The pass shall be drawn up in triplicate, and shall be signed by the authority issuing it. The original shall be kept by the officer issuing the pass, the duplicate handed over to the person who is granted leave, and the triplicate sent to the officer-in-charge of the police-station within the limits of which the place of destination of the person granted leave is situated.

The routes to be taken by the person granted leave on the journeys to and from his destination shall be specified in the pass and he shall travel by no other route. He shall report himself to the headman of every village in which he halts over-night, and such headman shall affix his signature on the reverse of the pass, noting therein the approximate hours of arrival and departure. On arrival at his destination, he shall at once report himself to the village headman, who shall note this fact on the reverse of the pass. He shall also report his arrival to the officer-in-charge of the police-station within the limits of which the village lies within three days of his arrival at the village. A person who has been granted leave shall show his pass to any Magistrate or police officer not below the rank of a Sub-Inspector of Police who may demand its production. On return to his notified area he shall report himself immediately to the officer-in-charge of the police-station having jurisdiction and hand over the pass to him.

8. If any person who has been granted a pass under these rules is from any unavoidable cause prevented from returning to his residence within the period of his leave, he shall at once give information to the nearest police-station. The officer-in-charge of the police-station shall verify the information, and send a report to the police-station within the jurisdiction of which is situated the area to which the registered criminal's movements have been restricted.

9. Any pass granted under these rules may at any time be withdrawn by the officer issuing it, or by the District Magistrate, or any officer duly authorized by him in writing in this behalf or by the District Superintendent of Police.

10. Every registered criminal shall be required to report himself once in 48 hours to the village headman of the area to which he has been restricted, and once in a month to the police-station officer of the area in which the specified residence lies, provided that the District Superintendent of Police or the District Magistrate may exempt any such member from attendance either on a specific occasion or generally.

11. The place of report shall be the house of the headman, or the police-station. Every person required to report himself under Rule 10 should do so by attending in person, and signing or having his left thumb impression taken on Form VIII appended to these rules, unless physically incapacitated from doing so.

12. Failure on the part of a member of the criminal tribe to carry out the requirements of Rule 3, 5, 7, 10 or 11, without sufficient cause shall at once be reported to the District Superintendent of Police by the officer-in-charge of the police-station.

APPENDIX**FORM I.****CRIME 36A.**

(See PART I, RULE 2.)

A.**Register of members of the tribe or gang or class notified under sections Criminal Tribes Act, 1924.***Contents.*

1. A copy of the Government notification under section 3.
2. Brief description of tribe, gang or class, with grounds for notification.
3. Subsequent orders of Government.
4. Orders under section 16.
5. Notes by Inspecting Officers..
6. Index Register.

CRIME 36A.**B.**

Number, date and copy of Government notification:—

CRIME 36A.**C.**

Brief description of tribe, gang or class, with grounds for notification:—

(Blank pages to be added as necessary).

CRIME 36A.**D.**

Subsequent orders of Government:—

CRIME 36A.**E.**

Orders under section 15 (Transfer of Register):—

CRIME 36A.**F.**

Notes and remarks by Managers of Reformatory Settlements District Superintendents of Police, District Magistrates and Inspecting Officers:—

CRIME 36A.**G.**

(Blank pages to be added as necessary.)

Index Register.

Serial No.	Name	Village	Police-station and District
(1)	(2)	(3)	(4)

400 000 000

... ..

1.

Date (1)	Sentence (2)	Section (3)	District where convicted (4)

(Blank pages to be added as necessary.)

FORM II.

CRIME 36A.

J.

(See PART I, RULE 3.)

Notice under section 5 of the Criminal Tribes Act, 1924.

Whereas the Local Government of Burma has declared the persons named below to be a criminal tribe under section 3 of the aforesaid Act by Notification No. , dated and the Magistrate of the district has been directed under section 4 to prepare a register of all such persons, the District Magistrate hereby directs, under section 5, that all persons mentioned below who reside in village, should present themselves at at m., on before and give to him such information as may be necessary to enable him to make the register and allow their finger impressions to be taken.

NOTE.—Any person failing to comply with this order, in all respects, renders himself liable to arrest without warrant, and, on conviction, to a sentence which may extend to six months' imprisonment and a fine of Rs. 200.

Name of Persons included in gang.

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)

FORM III.

ရာဇဝတ် ၃၆-က။

ပုံစံနံပါတ် ၃။

အပိုင်း ၁။ နည်းဥပဒေ ၅။

၁၉၂၄ ခုနှစ်၊ ရာဇဝတ်ပြစ်မှုကျူးလွန်သူလူစုများ အက်ဥပဒေနံပါတ် ၆။

ပုဒ်မ ၅ အရထုတ်ဆင့်သည့်ကြော်ငြာစာ။

အောက်တွင် အမည်ဖော်ပြ ပါရှိသူတို့မှာ ဆိုခဲ့သည့် အက်ဥပဒေ ပုဒ်မ ၃ အရ၊ ရာဇဝတ် ပြစ်မှုကျူးလွန်သူလူစုများ ဖြစ်ကြောင်းနှင့်၊ ၁၉ ခုနှစ်၊ လ ရက် () နေ့စွဲပါ အမိန့်ကြော်ငြာစာ နံပါတ် () အရ၊ မြန်မာနိုင်ငံတော် အစိုးရမင်းတို့က ပြဋ္ဌာန်းတော်မူပြီး ဖြစ်သည့်ပြင်၊ ၎င်းလူမျိုး အရပ်ရပ်တို့အမည်များကို၊ မှတ်ပုံစာရင်းစာအုပ် စီမံရေးသားထားရှိစေရန်လည်း စီရင်စုနယ် ရာဇဝတ်ကဏ္ဍကြီးထံ ပုဒ်မ ၄ အရ၊ ဆင့်ဆိုပြီးသည့် အညွှန်းစာအုပ်၊ အောက်၌ အမည်ဖော်ပြ ပါရှိ အရပ်ရပ်တို့မှ နေ

မွန်းမတည်မီ
မွန်းလွဲ

နာရီအချိန်

၆ တွင်
၅

ရွှေသီလာရောက်ကြ

ပြီးလျှင်၊ ၎င်း က မှတ်ပုံစာရင်းစာအုပ် စီမံရေးသားနိုင်ရန် အလို့ငှါ၊ လိုအပ်သည့်အကြောင်းအရာများကိုပြောကြား၊ မိမိတို့ လက်ထပ်ပေ့နှိပ်အမှတ်များ နှိပ်ယူသည်ကိုလည်း ခံကြရမည်အကြောင်းကို၊ ပုဒ်မအရ၊ ဆိုခဲ့သည့် စီရင်စုနယ် ရာဇဝတ်ကဏ္ဍကြီးက၊ ယခုဆင့်ဆိုတော်မူသည်။

မှတ်ရန်။ ။ယခုအမိန့်အတိုင်းအလုံးစုံမလိုက်မနာသူ မည်သူမဆိုဝါးရမ်းမပါဘဲ ပမ်းဆီးခြင်းခံရန် ထိုက်သင့်စေမည်ဖြစ်။ မှုတ်ထင်ရှားဖြစ်သည့်အခါလည်း၊ ၆ လထိ ထောင်ဒဏ်နှင့်ငွေဒဏ် ၂၀၀ စီရင်ခြင်းခံရန် ထိုက်သင့်စေမည်။

ဆိုသည့်လူအစည်းအရုံးတွင် ဝါဝင်သူတို့အမည်။

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FORM IV.

CRIME 36A.

K.

[See PART I, RULE 11 (2).]

For use when a member of a registered criminal tribe is to be transferred from the jurisdiction of one police-station to another.

1. Name and father's name—
2. Gang—
3. Number and date of Government Notification under which proclaimed—
4. Present residence—
5. Intended residence—
6. Date of departure—

Place

Date

Signature.

FORM V.

CRIME 36A

L.

[See PART I, RULE 11 (2).]

(i) Issued to (name) son of , who has notified under section 10 (b), Criminal Tribes Act, his intention to change his residence to

Village—

Police-station—

District—

Notified date of departure—

Left thumb impression

Signature of Officer-in charge of police station in the jurisdiction of which the registered person is living.

(2) Places to which to report himself *en route*—

Village (1)	Police-station (2)	Date (3)	Signature and designation of person to whom reported (4)

(3) Date of arrival at destination—

Date

Place

}

Signature of Receiving Officer

FORM VI.

(See PART I, RULE 14.)

Certificate of Identity.

Name

Father's name

Village, Police-station and District of residence

Serial number and name of Criminal Tribe of
which a registered member.Name of Village or Reformatory Settlement to
which restricted.

Photograph

Left thumb
impression*District Superintendent of Police*

FORM VII.

(See PART II, RULE 9 AND PART III, RULE 7.)

(To be printed in Burmese.)

(Foil for record.) <i>Pass for leave granted to persons registered under the Criminal Tribes Act, 1924.</i>				(Counterfoil for the person granted leave.) <i>Pass for leave granted to persons registered under the Criminal Tribes Act, 1924.</i>			
Serial No.	Date	Place	Serial No.	Date	Place	Serial No.	Date
Name	Father's name	Residence	Leave granted	Route prescribed	Name	Father's name	Residence
Signature of Officer granting the Pass. PART II. <i>Rule 7. (a) Every registered criminal placed in a settlement under section 16 may be granted a pass authorizing him to leave the said settlement up to a maximum of 15 days by the Settlement Manager.</i> <i>(b) The District Superintendent of Police or the District Magistrate of the district within whose jurisdiction the settlement is situated may on due cause being shown grant any registered criminal placed therein any leave of absence which he may deem reasonable and may issue a pass to him.</i>					Signature of Officer granting the Pass. PART II. <i>Rule 7. (a) Every registered criminal placed in a settlement under section 16 may be granted a pass authorizing him to leave the said settlement up to a maximum of 15 days by the Settlement Manager.</i> <i>(b) The District Superintendent of Police or the District Magistrate of the district within whose jurisdiction the settlement is situated may on due cause being shown grant any registered criminal placed therein any leave of absence which he may deem reasonable and may issue a pass to him.</i>		

Rule 8. (a) Any person granted leave of absence under Rule 7 shall travel to his destination, and return to the settlement by the route specified in the pass. He shall have the time and date of his arrival endorsed on the pass by the headman of the village-tract of destination; and within four days of his arrival he shall report himself at the police-station within the limits of which his destination is situated, and shall present his pass for endorsement.

(b) During such time as any registered criminal is absent from the settlement in which he has been placed he shall report himself once every three days to the headman of the village-tract, or if in a town to the headman of the ward, in which he may happen to be, and once in every fifteen days he shall, unless exempted by order of the District Magistrate, report himself to, and present his pass for endorsement by the officer-in-charge of the police-station within the limits of which he may happen to be.

(c) On his return to his settlement he shall deliver the pass up to the authority from whom he received it. All passes so returned shall be sent for record to the Manager of the settlement concerned.

Rule 9. Passes issued under Rule 7 shall be printed in Burmese as in Form VII appended to these rules and details shall be entered in Burmese. They shall be drawn up in triplicate, and shall be signed by the authority issuing the pass. One part shall be retained by such authority, the second part shall be sent to the officer-in-charge of the police-station within the limits of which the destination of the holder of the pass lies, and the third shall

Rule 8. (a) Any person granted leave of absence under Rule 7 shall travel to his destination, and return to the settlement by the route specified in the pass. He shall have the time and date of his arrival endorsed on the pass by the headman of the village-tract of destination, and within four days of his arrival he shall report himself at the police-station within the limits of which his destination is situated, and shall present his pass for endorsement.

(b) During such time as any registered criminal is absent from the settlement in which he has been placed he shall report himself once every three days to the headman of the village-tract, or if in a town to the headman of the ward, in which he may happen to be, and once in every fifteen days he shall, unless exempted by order of the District Magistrate, report himself to, and present his pass for endorsement by the officer-in-charge of the police-station within the limits of which he may happen to be.

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be given to the person granted leave. If the authority issuing the pass is not the Settlement Manager a certified copy of the pass shall also be sent to the Settlement Manager concerned.

Rule 10. If any person who has been granted a pass under these rules is from any unavoidable cause prevented from returning to his residence within the period of his leave, he shall at once give information to the nearest police-station. The officer-in-charge of the police-station shall verify the information and shall send a report to the Settlement Manager.

Rule 11. Any pass granted under these rules may at any time be withdrawn by the Settlement Manager or by the District Superintendent of Police or by the District Magistrate.

Rule 12. The Settlement Manager shall report to the officer-in-charge of the police-station having jurisdiction the fact of the absence without leave of any registered criminal as soon as his absence is known and also the fact of the return to the settlement of any registered criminal who had previously been reported as absent without leave.

PART III.

Rule 5. No registered criminal shall leave the area to which his movements have been restricted or remain outside that area without a pass issued in accordance with these rules and except in accordance with the terms of such pass.

Rule 6. (a) Every registered criminal whose movements have been restricted to a specified area may be granted a pass authorizing him to leave the said area up to a maximum of 15 days by the officer-in-charge of the police-station within the limits of which the said area lies.

be given to the person granted leave. If the authority issuing the pass is not the Settlement Manager a certified copy of the pass shall also be sent to the Settlement Manager concerned.

Rule 10. If any person who has been granted a pass under these rules is from any unavoidable cause prevented from returning to his residence within the period of his leave, he shall at once give information to the nearest police-station. The officer-in-charge of the police-station shall verify the information and shall send a report to the Settlement Manager.

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(b) The District Superintendent of Police or the District Magistrate of the district within whose jurisdiction the area is situated may on due cause being shown grant any registered criminal whose movements have been restricted thereto any leave of absence which he may deem reasonable and may issue a pass to him.

Rule 7. The pass referred to in Rule 5 shall be printed in Burmese as in Form VII appended to these rules and details shall be entered in Burmese. They shall be drawn up in triplicate and shall be signed by the authority issuing the pass. The original shall be kept by the officer issuing the pass, the duplicate handed over to the person who is granted leave, and the triplicate sent to the officer-in-charge of the police-station within the limits of which the place of destination of the person granted leave is situated.

The routes to be taken by the person granted leave on the journeys to and from his destination shall be specified in the pass and he shall travel by no other route. He shall report himself to the headman of every village in which he halts overnight, and such headman shall affix his signature on the reverse of the pass, noting therein the approximate hours of arrival and departure. On arrival at this destination, he shall at once report himself to the village headman, who shall note this fact on the reverse of the pass. He shall also report his arrival to the officer-in-charge of the police-station within the limits of which the village lies within three days of his arrival at that village. A person who has been granted leave shall show his pass to any Magistrate or police officer not below the rank

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of a Sub-Inspector of Police who may demand its production. On return to his notified area he shall report himself immediately to the officer-in-charge of the police-station having jurisdiction and hand over the pass to him.

Rule 8. If any person who has been granted a pass under these rules is from any unavoidable cause prevented from returning to his residence within the period of his leave, he shall at once give information to the nearest police-station. The officer-in-charge of the police-station shall verify the information and send a report to the police-station within the jurisdiction of which is situated the area to which the registered criminal's movements have been restricted.

Rule 9. Any pass granted under these rules may at any time be withdrawn by the officer issuing it or by the District Magistrate or any officer duly authorized by him in writing in this behalf or by the District Superintendent of Police.

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Foot-note.—The penalties for the violation of any order of restriction passed under the Criminal Tribes Act, 1924, or any condition of the pass prescribed by the rules made under the aforesaid Act are :—

- (a) On a first conviction with imprisonment for a term which may extend to one year ;
- (b) On a second conviction with imprisonment for a term which may extend to two years, and
- (c) On any subsequent conviction with imprisonment for a term which may extend to three years or with a fine which may extend to Rs. 500 or with both.

Endorsements while on leave.

Date of departure on leave (1)	Signature of head- man or officer (a)	Dates of endorse- ments while on leave (3)	Signature of officer or headman and name of village- tract (4)
		Date of return to residence.	Signature of head- man or officer.
		Date of pass reach- ing police-station.	Signature of officer- in-charge.

FORM VIII.

CRIME 36A.

(See PART III, RULE 11.)

M.

Attendance Sheet of

Registered Member.

No.

of (Gang).

Due date of report (1)	Actual date of report (2)	Signature or left thumb print or explanation of absence, and action taken. etc. (3)

FORM IX.

(See PART II, RULE 21.)

Roll of Members of Criminal Tribes or Individuals restricted under Habitual Offenders Restriction Act at the Reformatory Settlement:-

(1) Serial No.	Whether restricted under the Criminal Tribes Act or under Habitual Offenders Restriction Act
(2)	
(3) If restricted under the Criminal Tribes Act, number in Criminal Tribes Register	
(4) Name and aliases	
(5) Father's name	
(6) Age	
Movements	
(7) Date of admission to settlement	
(8) Present	
(9) Absconding	
(10) In Jail	
(11) Date of removal from settlement	
(12) Remarks	

FORM X.

(See PART II, RULE 21.)

Register of Members of Criminal Tribes.

1. Serial No.
2. Name
3. Sex
4. Caste
5. Year of birth
- Age
6. Father's name
- Husband's
7. Residence
8. Aliases
9. Date of entry in the register
10. Signature and designation of officer making entry
11. Date of removal from register
12. Reasons of removal
13. Signature and designation of officer ordering removal
14. Description. (Here enter height and marks of identification.)
15. Remarks. (Here enter personal number in the C.T.A. Register, if any.)

(See PART II, RULE 13.)

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[illegible]

FORM XII.

(See PART II, RULE 21.)

Register of Leave and Pass-holders.

Serial No.	Name of the member of the criminal tribe granted leave	Number in the roll	Period of leave granted		Actual date of return	Village and destination	Remarks
			From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

FORM XIII.

(See PART II, RULE 21.)

Register of Births.

Serial No.	Date of birth	Name of parents of the child	Their numbers in the roll	Sex of the child	Name of the child	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM XIV.

(See PART II, RULE 21.)

Register of Deaths.

Serial Number	Date of occurrence	Name of deceased	Number if any in the roll	Names of parents of husbands and their numbers in the roll	Sex	Age	Cause of death	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM XV.

(See PART II, RULE 21.)

Register of Members of Criminal Tribes absent without leave.

Serial Number	Name of the member of the criminal tribe	Number in the roll	Date on which absence commenced	Date of return	Date on which arrested	Action taken against the absentee	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

FORM XVI.

(See PART II, RULE 21.)

Register of Members of Criminal Tribes transferred from the Settlement.

Serial Number	Name of the member of the criminal tribe	Number in the roll	Sex	Age	Date of admis- sion	Date of removal	Reasons for removal	Authority ordering the removal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

FORM XVII.

(See PART II, RULE 21.)

Register of Punishments.

Serial Number	Name of the member of the criminal tribe	Number in the roll	Offence	Details of punishment	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

List of Visitors to the Settlers.

Name of the Settlement *Juvenile Register (Settlements).*

[illegible]

APPENDIX XXVI.

Rules concerning the Management of Subsidiary Jails.

1. Subsidiary Jails are of two classes, viz.—

I.—Those solely under the control of the Inspector-General of Prisons; and

II.—Those under the general supervision of the Inspector-General of Prisons, but the guarding and general management, till they are formally made over to the Prison Department, will be carried out by the Police Department.

I. SUBSIDIARY JAILS SOLELY UNDER THE CONTROL OF THE INSPECTOR-GENERAL OF PRISONS.

2. The undermentioned Subsidiary Jails are solely under the control of the Inspector-General of Prisons:—

1. Sandoway,
2. Thatôn,
3. Taungdwingyi,
4. Mōnywa,
5. Pakōkku.

3. These Subsidiary Jails are intended primarily for the confinement of undertrial prisoners and of convicted prisoners whose sentences of imprisonment do not exceed six months, provided the surplus accommodation is utilized for convicted prisoners and provided also that no overcrowding is caused thereby. It may occasionally be necessary to detain for a brief period for the purpose of giving evidence before a Court one or more convicted prisoners whose sentences of imprisonment exceed six months.

4. The rules contained in the Burma Jail Manual, Part I, shall be observed as far as they are applicable in the management of these Subsidiary Jails.

4A. Transfers by Superintendents of Subsidiary Jails to prevent, or to relieve, overcrowding shall be carried out in accordance with the subjoined scheme.

Transferring Jails	Receiving Jails
Sandoway. Thaton. Taungdwingyi. Monywa. Pakokku.	Kyaukpyu. Moulmein. Magwe. Mandalay. Myingyan.

5. When the Superintendent of Subsidiary Jail is absent from the station, the powers and duties conferred and imposed by the Prisons

Act, 1894, on a Superintendent, may be exercised and performed by the Magistrate designated in column 2 of the list below.

<i>Name of Jail.</i>	<i>Designation of Magistrates (other than District Magistrates) at Headquarters where the subsidiary Jail is situated.</i>
Taungdwingyi	... First Additional Magistrate (Township Judge), Taungdwingyi.
Pakôkku	... Treasury Officer and Headquarters Magistrate, Pakôkku.
Sandoway	... Treasury Officer and Headquarters Magistrate, Sandoway.
Thatôn	... Treasury Officer and Headquarters Magistrate, Thatôn.
Mônywa	... Treasury Officer and Headquarters Magistrate, Mônywa.

II. SUBSIDIARY JAILS UNDER THE GENERAL SUPERVISION OF THE INSPECTOR-GENERAL OF PRISONS.

6. The undermentioned Subsidiary Jails are under the general supervision of the Inspector-General of Prisons:—

1. Pegu,
2. Pyapôn.

7. These Subsidiary Jails are intended primarily for the confinement of undertrial prisoners and of convicted prisoners whose sentences of imprisonment are too short to admit of removal to an ordinary jail. It may occasionally be necessary to detain a convicted prisoner for a brief period for the purpose of giving evidence before a Court.

8. The guarding and general management of these Subsidiary Jails, till they are formally made over to the Prison Department, will be carried out by the Police Department.

9. The District Superintendent of Police, or in his absence the Headquarters Assistant (Police) of the District, shall exercise the powers of a Superintendent, and the Civil Surgeon shall be the Medical Officer. These officers shall carry out in conformity with the Prisons Act or any rules thereunder, all orders which may be given by the District Magistrate respecting matters connected with the Jail.

The monthly statement of prisoners in confinement and dieting statements shall be submitted by the Police Officer at the Subsidiary Jail to the District Superintendent of Police.

10. The provisions of sections 5, 42, 45, 46, 59 and clause (c) of section 60 of the Prisons Act, 1894, shall be extended to the Subsidiary Jails at Pegu and Pyapôn and to the officers employed and the prisoners confined therein.

11. General Instructions to Officers-in-charge.—The officers detailed in Rule 9 above shall observe the general rules laid down in the Burma Jail Manual, as they are applicable and such special instructions as are issued by the Inspector-General of Prisons.

12. Duties of Medical Officer.—The Officer in medical charge of a Subsidiary Jail shall inspect the sanitary arrangements and the food supplied from time to time, and shall advise the District Superintendent of Police should he consider alteration necessary. The District Superintendent of Police shall, so far as is possible, be guided by the advice of the Medical Officer. The general rules for the guidance of Medical Officers will be found in paragraphs 879—907 of the Burma Jail Manual, Part I.

13. Admission of Prisoners.—The rules contained in Chapter VIII, Section XVIII of the Burma Jail Manual, Part I, regarding unconvicted criminal prisoners shall be observed as far as possible.

14. Prison Offences.—The acts which constitute a prison offence will be found detailed in paragraphs 808 and 809 of the Burma Jail Manual, Part I. The rules declaring the circumstances in which an act, constituting both a prison offence and an offence under the Indian Penal Code, may or may not be dealt with as a prison offence, are contained in paragraph 810 of the Burma Jail Manual, Part I.

15. Punishment of Offences.—The rules relating to punishment are contained in paragraph 811 [except clause (4).] paragraphs 812, 816 and 817 [except clauses (3) to (5)] and paragraph 818 [except clauses (2) (a) to (f)] of the Burma Jail Manual, Part I.

The following punishments shall not be inflicted until the prisoner has been examined by the Medical Officer and certified to be fit to undergo the punishment:—

- (1) Change of labour.
- (2) Imposition of hard labour.
- (3) Imposition of handcuffs and fetters.
- (4) Separate confinement.
- (5) Penal diet.
- (6) Whipping.

The rules in Chapter X of the Burma Jail Manual, Part I, relating to jail offences and punishments are applicable to unconvicted criminal prisoners. If fetters are imposed on such prisoners, the circumstances shall be reported to the Inspector-General of Prisons.

In cases of doubt as to whether a particular form of punishment can be imposed or not, the officer-in-charge of the jail shall take the advice of the Senior Magistrate or of the District Magistrate if the matter is urgent, or the orders of the Inspector-General of Prisons, if the matter is not urgent.

16. Attempts to Escape.—An under-trial prisoner, attempting to escape, shall be sent up for trial under section 224 of the Indian Penal Code, without delay.

17. Escapes and Outbreaks.—The rules regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape, will be found in Chapter VII, Section (ii) of the Burma Jail Manual, Part I.

18. Visitors' Book.—Each Subsidiary Jail shall be provided with a Visitors' Book. Official Visitors shall prepare copies in triplicate of any remarks or suggestions which they desire to make, one copy to be entered in the Visitors' Book, another copy to be forwarded to the Inspector-General of Police, and the third copy to the Inspector-General of Prisons. The copies intended for the Inspector-General of Police and the Inspector-General of Prisons shall be forwarded by the Superintendent of the Subsidiary Jail with any notes he may wish to make thereon.

In the case of remarks made by the Inspector-General of Prisons a report shall be made to him, within a fortnight, showing the action taken on the orders passed or suggestions made by him.

APPENDIX XXVII.

Rules concerning the Juvenile Jail at Meiktila.

The Governor of Burma, under section 59 of the Prisons Act, and in supersession of the Rules published in Judicial Department Notification No. 173, dated the 18th November 1912, makes the following Rules for the classification of the Meiktila Jail as a Juvenile Jail, for the treatment of juvenile offenders confined therein, and for the regulation of other matters affecting the said jail, in accordance with the provisions of the said section:—

Rules.

1. The Meiktila Jail shall be a jail for the detention of juvenile prisoners sentenced to imprisonment or transportation, by any Court in Burma*.

2. For the purpose of these Rules, "juvenile prisoners shall include all male prisoners who at the time of sentence, have attained their fourteenth birthday but have not attained their nineteenth birthday"

3. No juvenile prisoner shall be confined in the Meiktila Jail if he has attained his twenty-fourth birthday.

4. No juvenile prisoner classed as an "habitual" prisoner, as defined in paragraph 421 of the Burma Jail Manual, Part I, shall be confined in the Meiktila Jail.

5. All juvenile prisoners, other than habituals, shall be transferred to the Meiktila Jail, with the following exceptions:—

(a) Convicted prisoners, who have been previously confined for not less than twelve months in the Meiktila Jail, shall not be sent again to the Meiktila Jail;

(b) Juvenile prisoners, who cannot be sent to the Meiktila Jail without danger to their own health, or to the health of other prisoners, shall not be sent to the Meiktila Jail;

(c) Juvenile prisoners sentenced to less than three months' imprisonment shall not be transferred from other jails to the Meiktila Jail;

(d) Juvenile prisoners, who are specially turbulent or dangerous, shall not be sent to the Meiktila Jail, except under orders of the Inspector-General of Prisons.

6. There shall be three grades of prisoners, the Ordinary Grade, the Special Grade and the Penal Grade.

7. On arrival each prisoner shall be placed in the Ordinary Grade.

8. Prisoners in the Ordinary Grade, who have been free from punishments for six months, shall be promoted to the Special Grade.

9. Prisoners in the Special Grade may be reduced to the Ordinary Grade or Penal Grade by the Superintendent for misconduct, for such

*Includes a court in the Federated Shan States.

period as he may consider desirable. Prisoners in the Ordinary Grade may similarly be reduced to the Penal Grade.

10. Prisoners in the Ordinary Grade shall wear a white *gaung-baung*, white jacket, and a yellow *longyi*. Prisoners in the Special Grade shall wear a white *gaung-baung*, white jacket and a red *longyi*.

Prisoners in the Penal Grade shall wear ordinary convict dress.

11. A convict night-watchman shall wear a red *gaung-baung*, a convict overseer shall wear a blue *gaung-baung* and a brass arm badge, and a convict warder shall wear the clothes prescribed in adult jails.

12. Prisoners of all grades shall be provided with two complete suits of clothes, excluding the *gaung-baung*, and, in addition, one pair of white drawers for gymnastics.

13. Prisoners in the Ordinary Grade shall be provided with a plank bed, a coir or cotton pillow and a prison blanket; prisoners in the Special Grade, a plank bed, coir or cotton pillow, prison blanket, a mat and a cotton sheet; and prisoners in the Penal Grade a prison bed of the ordinary pattern.

14. Prisoners in the Ordinary Grade and Penal Grade shall be provided with the ordinary jail diet. Prisoners in the Special Grade may be allowed extra food and such other small luxuries as the Superintendent, subject to the control of the Inspector-General of Prisons, may direct. They may also be permitted to smoke once a day after the evening meal, if over the age of eighteen.

15. Prisoners in the Penal Grade shall earn no monetary reward. Prisoners while in the Ordinary Grade shall earn four annas for every complete month in that grade, and one anna for every complete period of seven days in the case of a broken period of a month.

Prisoners while in the Special Grade shall earn eight annas for every complete month in that grade, and two annas for every complete period of seven days in the case of a broken period of a month. The money so earned may be spent by the prisoner on objects approved by the Superintendent up to a maximum of one-fifth of the earnings, the balance to be paid to the prisoner on release. A proper account shall be maintained, and a copy of the same shall be submitted to the Inspector-General, with the monthly accounts.

16. All prisoners, who are eligible therefor, shall be under the remission rules in force in other jails.

17. All prisoners shall be required to work eight hours every working day. The work shall ordinarily be divided as follows:—

Physical drill	...	...	1 hour.
Literary education	...	...	2 hours.
Manual industry	...	...	5 hours.

18. Subject to the condition that all prisoners shall do one hour's physical drill, the remaining seven hours may, in special cases, be divided between literary education and manual industry, otherwise than as laid down above, as the Committee of Visitors may direct, to meet the bent of individual prisoners.

19. Prisoners, who have passed the Vernacular or Anglo-Vernacular Fourth Standard examination or any higher standard before admission, may be employed as pupil teachers.

20. Such manual industries as the Committee of Visitors may direct shall be taught. Prisoners shall be kept, as far as possible, to the study of the same industry during the period of their confinement in the jail and in deciding what industry each prisoner shall be taught, his situation in life, his capabilities and his inclinations shall be taken into consideration.

21. Sundays, Christmas Day, Good Friday and the King's Birthday shall be considered as holidays, no work except menial and necessary work shall be done on these days.

22. Religious instruction shall, so far as possible, be given on Sundays, and prisoners shall be encouraged to keep Sabbath on Sundays and on other days prescribed by their religion. Extra holidays may also be given to prisoners to enable them to observe the principal religious days of their religion.

23. Specially well conducted prisoners may be taken out of the jail for route marches once a week accompanied by the Superintendent, or a Jailer. They may also be allowed to take part in football matches at the discretion of the Superintendent, and subject to the following conditions—

- (a) that the privilege shall not be allowed more than once a week on the average;
- (b) that they shall be accompanied by the Superintendent or Jailer, and by sufficient warders, or drill or other instructors attached to the jail, to keep order;
- (c) that strict discipline shall be maintained on the march to the field and back, and that both the players and the on-looking boys shall behave in a proper manner; and
- (d) that for any failure to behave properly the privilege shall be withdrawn for a period to be fixed by the Superintendent at his discretion.

24. There shall be appointed for the Meiktila Jail a Committee of Visitors consisting of the District and Sessions Judge, Meiktila; the Deputy Commissioner, Meiktila District; the Headquarters Assistant, Meiktila; the Deputy Inspector of Schools, Meiktila; and six non-official gentlemen to be appointed by Inspector-General of Prisons with the approval of the Commissioner, Mandalay Division, of whom not less than three shall be Burmans. Every non-official visitor shall be appointed for a period of three years, and shall be eligible for reappointment on the expiry of each term of office. In the event of death, or resignation of, or vacation of office by, a visitor, the Inspector-General of Prisons may appoint in the manner indicated above another visitor for the unexpired portion of the term of office of his predecessor.

25. The District and Sessions Judge, Meiktila, shall be the Chairman of the Committee, and the Superintendent of the Jail shall be the Secretary.

26. The Visitors shall visit the jail in accordance with the ordinary rules respecting the duties of Visitors to jails, and shall meet not less than once a month on a date to be fixed by the Chairman.

27. Subject to the instruction in the Note under sub-clause (b) of this Rule, at each Meeting the Visitors shall see all prisoners with the records relating to each—

- (a) who have been admitted to jail since the previous Meeting ;
- (b) who have been sentenced to imprisonment for three years and more and whose releases do not fall due within six months of the date of the Meeting, and who have served three years of their sentence, including remission earned ;

NOTE.—The Committee need not necessarily examine at any one Meeting every prisoner, whose case falls under Rule 27 (b), but may divide the cases of all such prisoners into convenient batches, for consideration at another Meeting or at subsequent Meetings.

- (c) who will attain his twenty-fourth birthday within two months of the date of the Meeting ; and

- (d) whose release is due within two months of the date of the Meeting.

28. The Visitors may recommend the transfer to an ordinary jail, of any prisoner, whose detention in the Meiktila Jail they may consider undesirable. On receipt of such recommendation the Inspector-General of Prisons shall arrange for the transfer of such prisoner to another jail.

29. The Visitors may recommend any prisoner to the Government, for remission of sentence under the provisions of Section 401 of the Code of Criminal Procedure.

30. In the case of every prisoner, who has appeared before the Committee under Rule 27 (b), the Committee shall consider whether to recommend his transfer to an ordinary Jail, or a remission of his sentence, or to order his further detention in the Meiktila Jail.

31. In the case of every prisoner, who is about to attain his twenty-fourth birthday the Committee shall consider whether to recommend his transfer to an ordinary jail, or a remission of his sentence.

32. In the case of every prisoner, whose release is about to fall due, the Superintendent shall place before the Visitors such details as to his past history, conduct and character in Jail, the nature of his offence, and his future intentions, or prospects, as the Superintendent may be able to obtain, and the Visitors shall take such measures as they may think fit, to arrange for the prisoner to be sent to his home, to find employment for him, and otherwise to assist him.

APPENDIX XXVIII.

Rules for the concentration of Habitual Juveniles in the Insein Central Jail and for the treatment of these prisoners.

1. Subject to the restrictions mentioned in the subjoined notes, all juvenile habituals shall be transferred to the Insein Central Jail without loss of time and before their appeals are decided.

NOTE 1.—Juveniles with less than six months to serve committed to the Jails at Akyab, Kyaukpadaung, Sandoway, Tavoy and Mergui, and those with sentences of less than three months committed to the jails at Bhamo, Katha, Shwebo, Mogoke and Monywa are ineligible for transfer to the Insein Central Jail.

NOTE 2.—Juveniles who belong to the Hill Tribes and are liable to suffer from incarceration in the plains, may not be transferred to the Insein Central Jail.

2. There shall be three grades of prisoners, viz., "Penal, Ordinary and Special."

3. On admission each prisoner shall be placed in the penal grade.

4. Prisoners in the penal grade, who have been free from punishment for six months, shall be promoted to the Ordinary grade.

5. Prisoners in the ordinary grade, who have been free from punishment for one year shall be promoted to the special grade.

6. Prisoners in the special grade may be reduced to the Ordinary or penal grade by the Superintendent for misconduct for such period as he may consider desirable. Prisoners in the ordinary grade may similarly be reduced to the penal grade.

7. Prisoners in the penal grade shall wear the ordinary B class dress. Prisoners in the ordinary grade shall wear a white *longyi* and jacket with a single blue stripe in the centre and a green *gaung-baung*.

Prisoners in the special grade shall wear a white *longyi* and jacket, yellow *gaung-baung* and on the right arm, a brass badge with particulars of sentence, section of Code, date of sentence, date of release, and prison number.

8. Prisoners of all grades shall each be provided with two complete suits as mentioned in Rule 7 and in addition, one pair of white drawers to be worn at physical exercise.

9. Prisoners in the penal and ordinary grades shall be provided with ordinary jail bedding and prisoners in the special grade shall, in addition, be provided with a coir pillow and a *dhurri*.

10. Prisoners in the penal and ordinary grades shall be provided with the ordinary jail diet on the labouring scale. Prisoners in the special grades may, in addition, be allowed an extra issue of meat once a month.

11. Prisoners in the penal and ordinary grades shall earn no monetary reward. Prisoners in the special grade shall earn one rupee for every month in that grade and, for a broken period of a month four annas for every complete seven days in that grade. The money so earned shall be paid to the prisoner on release.

12. All prisoners shall be eligible for remission under the Remission Rules.

13. All prisoners shall be required to work eight hours every working day. The work shall ordinarily be divided as follows:—

Physical exercise	...	...	1 hour.
Literary education	...	...	2 hours.
Manual industry	...	...	5 hours.

NOTE.—Elderly and well educated prisoners of the casual class are to be employed as teachers. Manual training is to be undergone in a workshop specially set apart for these juveniles, and the greatest care should be taken in the selection of maistries as instructors to the juveniles.

14. The prisoners shall be kept separate from other prisoners both by day and night. During the day they shall be in the charge of elderly well behaved convicts, specially selected by the Superintendent of the Jail, and they shall sleep in separate cells at night.

15. All the juveniles shall be paraded apart from the other prisoners and attend the weekly sermons preached by the *pongyis* visiting the jail.

APPENDIX XXIX.

Talking among prisoners, and conversation between officers and prisoners.

1. *Talking among Prisoners.*—Arising from the old abuses of the times when prisoners were herded together indiscriminately came the rule of complete separation, and the prevention of all communication. This rule checked contamination, but brought its own evils. Tempered by the discretion of Prison Officers, the rule (which corresponds with paragraph 809 of the Burma Jail Manual, clause 1), has never been enforced with absolute strictness; but the question how far it ought to be enforced has always been in doubt and the doubt has led to a certain amount of variety in practice at different prisons.

The usual practice for years past has been not to report a prisoner for talking but only for persisting in conversation after being told by the officer to stop. Singing, loud laughing and loud talking should at all times be stopped. The correct view is that conversation between prisoners at labour, whether in a workshop or out of doors, should not be more, and need not be less, than the conversation which takes place among work people in the outer world in properly managed workshops. That is to say, such remarks as the work requires may pass, but there is to be no idle talking on general subjects. Out of working hours, the making of a remark or two need not be forbidden. When, however, the remarks are continued and the Officer sees that a gossiping conversation is developing, he should direct the prisoners to stop, and if they refuse to do so after one or more such orders, he should report them. Reports should not be for "talking" but for "disobedience of orders by talking after being told to stop." If there are special reasons for preventing all communication between particular prisoners the right plan is to keep them separated.

As regards communication which goes beyond the mere exchange of one or two remarks increased opportunities for this are desirable on three conditions: (1) that it is under supervision; (2) that the prisoners have something sensible to talk about; and (3) that they are adequately classified so as to avoid, as far as possible, the contamination of the younger or more ignorant by the older or more depraved. To this end a beginning should be made in your Jail by arranging, through your non-official visitors, the Deputy Commissioner or any other agency, for lectures on useful and interesting subjects to be delivered to prisoners on Sundays once or twice a month. Prisoners should be permitted on these occasions to ask questions, to make suggestions, and to take an intelligent interest in the subject matter of the lectures.

The way to avoid contamination is to separate prisoners of different ages, and characters, by a proper classification. The mere enforcement of silence not only brings its own evils in its train, but is ineffective, as it can never be completely carried out.

2. *Conversation between Officers and Prisoners.*—In paragraph 122 of the Burma Jail Manual, it is laid down that no officer shall unnecessarily converse with a prisoner, or allow any familiarity on the

part of prisoners towards himself or any other officer of the jail. Here again, idle gossip between an officer and a prisoner is forbidden. This does no good to either, but, on the contrary, does harm, and may lead the officer into serious danger. The officer brings himself down to a level with the prisoner, and diminishes his own self-respect, even if nothing worse happens; while at the same time he lessens the respect which the prisoner should have for him. He is lessening rather than improving, his prospects of exercising a good influence over his prisoners because such good influence must always depend first and foremost on respect felt by the prisoner for the officer. "Familiarity" thus tends directly to defeat the object for which prisoners are committed to our charge, namely, that they may, so far as possible, be trained, educated, and established again as sound citizens of the country.

But the prohibition of "familiar" conversation does not mean that an officer is never to speak to a prisoner, except to give an order. An officer should not be blamed for addressing, at proper opportunities, a few kindly and sensible words of advice and help to a prisoner. Every person of good sense knows what is meant, and such a point can safely be left to the judgment of sensible officers. To such officer the distinction between remarks of this kind and the idle talk, which only leads to harm, will never present any difficulty.

APPENDIX XXX.

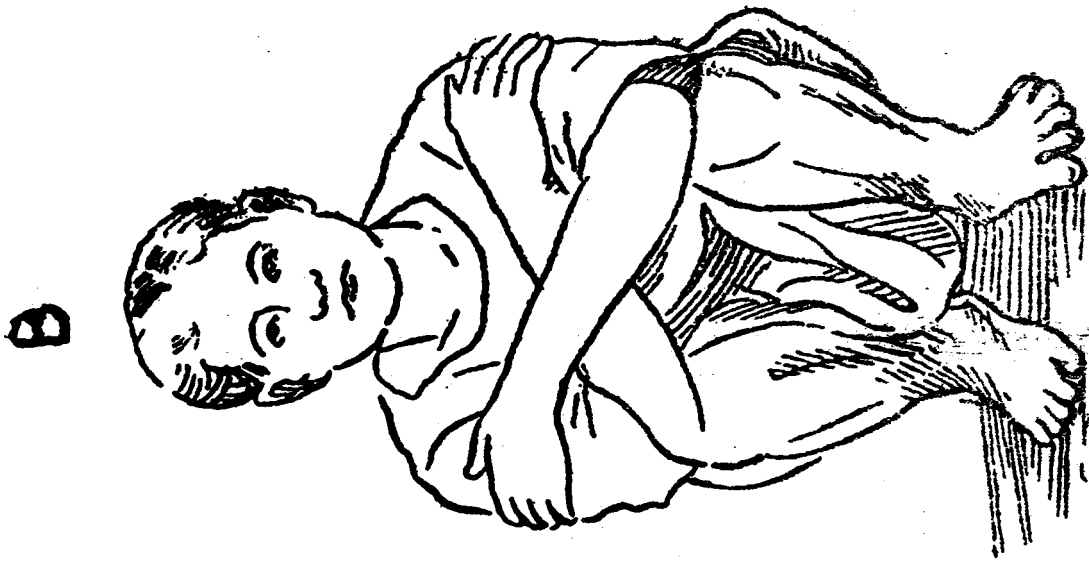
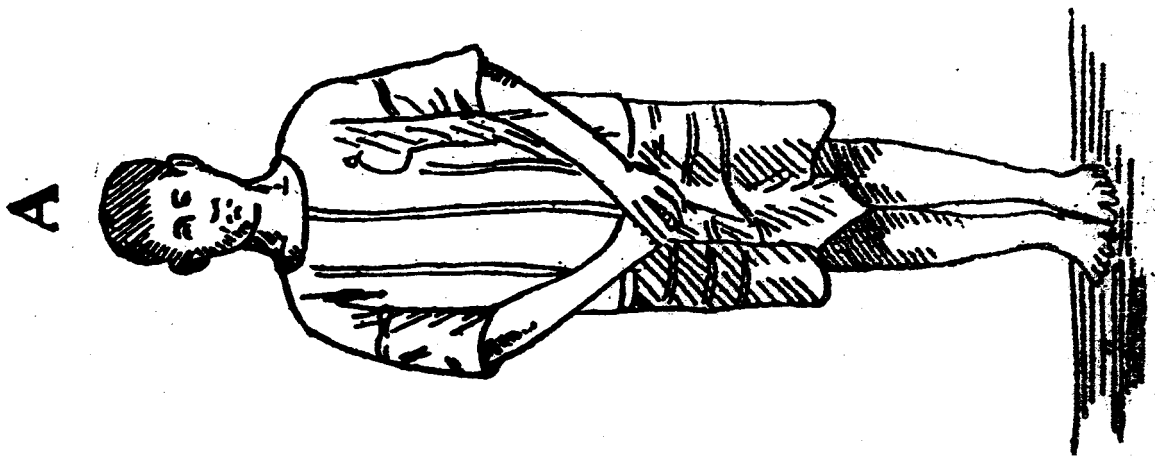
Rules in regard to marks of respect to be shown by "C" class prisoners in Jails to Government Officials and Visitors.

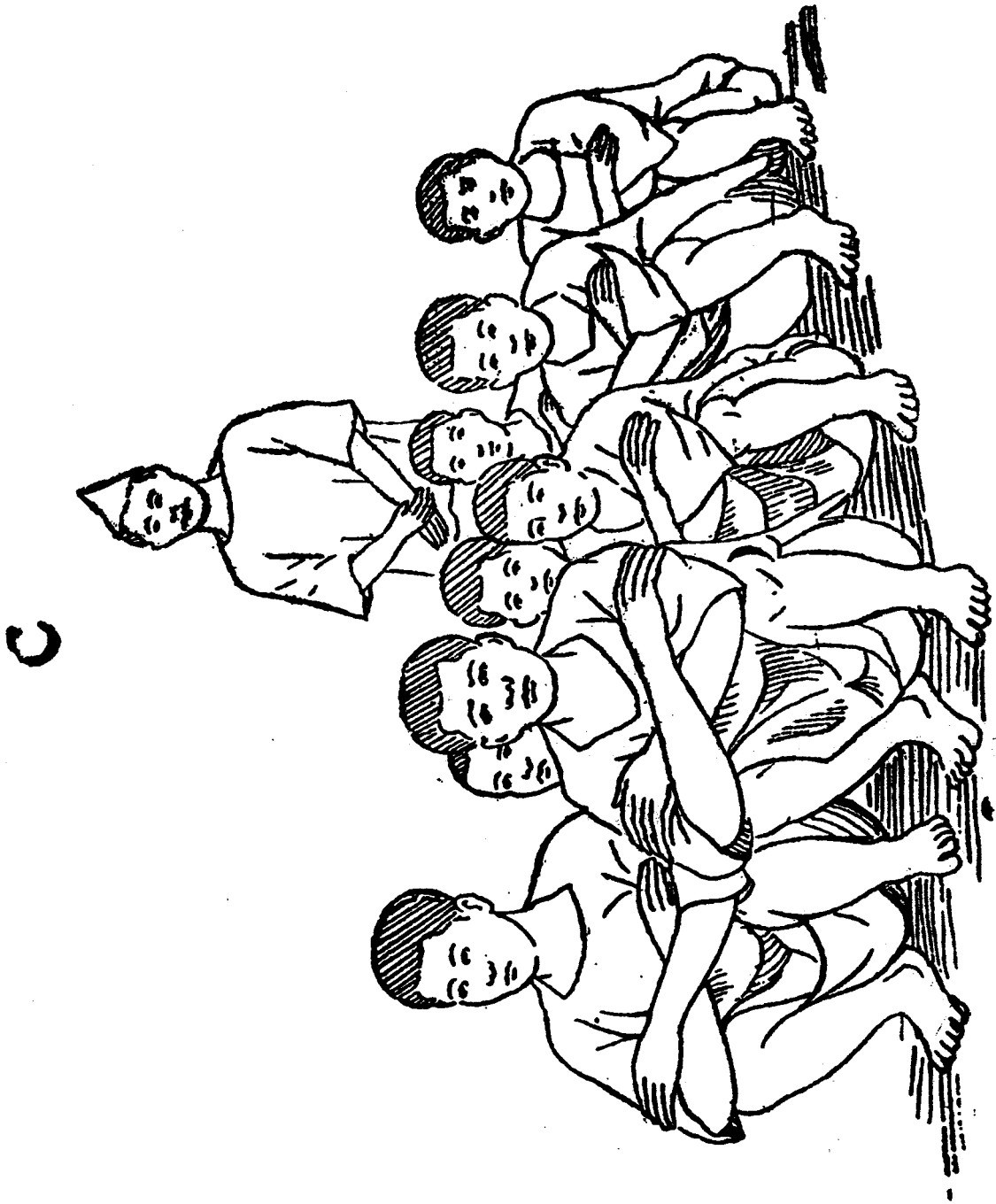
In the presence of Officials and Visitors all prisoners shall observe the following marks of respect:—

- A. (1) *Standing*.—Stand erect with legs close together placing both hands at the full extent of the arms with the fingers of one hand clasping the fingers of the other. See the illustration marked A.
- A. (2) *At Inspection Parade*.—When on inspection parade the history tickets should be held in both hands and placed over the middle of the chest, otherwise the attitude should be as in A (1).
- B. *Sitting*.—The prisoner shall sit down (squat) with folded arms. The elbows resting on the knees, the left palm should be placed on the right upper arm and the right palm on the left upper arm. See the illustration marked B.
- C. *Rules to be observed by Convict Officer (Book-keeper or Bok-Kaing) in charge of a gang of prisoners*.—When a gang of prisoners meets a Jail Official or Visitor the gang should be made to sit down (squat) in twos or in fours (as necessary) as prescribed in Rule B above, while the *Bok-Kaing* should stand erect as prescribed in Rule A (1). See the illustration marked C.
- D. *Rules to be observed by a Convict Overseer (Tan-zi) when in supreme charge of a gang of prisoners*.—The Convict Overseer (*Tan-zi*) shall stand erect with his baton held in both hands and placed over the right shoulder, while the prisoners and *Bok-Kaing* shall act as prescribed in Rule C. See the illustration marked D.

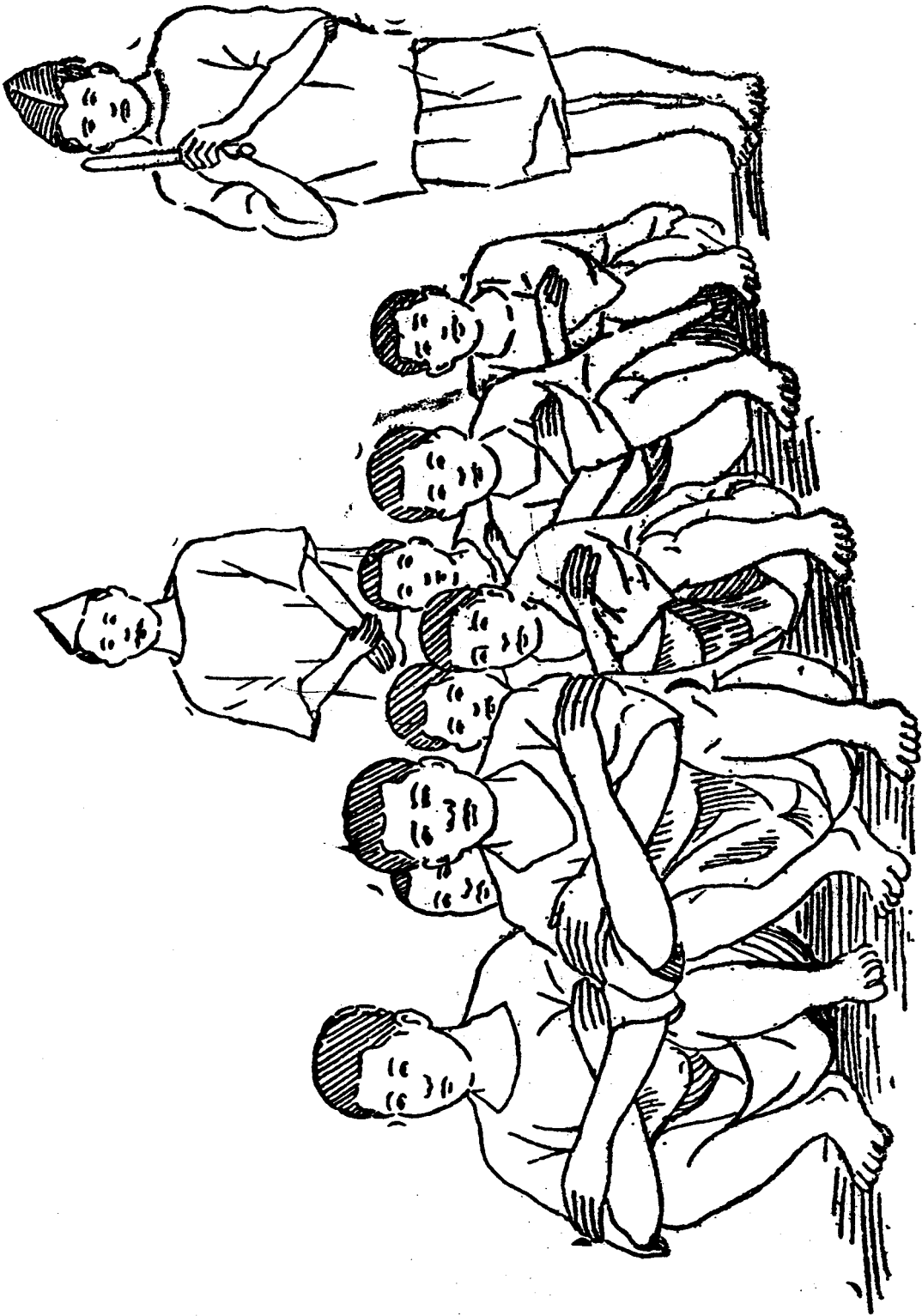
NOTE.—The above rules are not required to be carried out by prisoners while under treatment in the Jail Hospital as in-patients.

- E. Every prisoner is required as part of Jail discipline, to be respectful towards those placed in authority over him, and any breach of this general rule will be regarded as a misdemeanour and treated as such.





D



APPENDIX XXXI.

Rules regarding the receipt, issue and custody of small arms ammunition and the return of empty fired cartridge cases.

1. Indents for ammunition are only complied with by the Ordnance Department on condition (1) that the demand is within authorized quantities, (2) that an equivalent number of empty fired cases (metal) of the same description has been received, and (3) that the indents have been countersigned by the Inspector-General.

2. Indents should be submitted for full boxes of ammunition except in the case of buckshot, when the exact number of rounds should be indented for.

3. All boxes of small arms ammunition have the gross weight stamped at the ends. On receipt of boxes of ammunition, Superintendents of Jails should see that the weight of each box corresponds with that stamped on it and certify the fact on the receipt voucher accompanying it.

4. When indents are submitted for small arms ammunition the authority to be quoted on the indent is "Equipment Tables, Civil Police and Jails, Table.....(the appropriate table number to be entered)." The strength of the establishment and number of Muskets held on charge should in all cases be entered on the indent.

5. Fired cases of all kinds of ammunition should be collected and returned to store for eventual transmission to the Arsenal.

In view of the rules which govern the supply of ammunition it behoves all concerned to exercise the greatest possible care to prevent loss of ammunition and empty fired cases. The empty fired cases should be carefully collected and counted after practice, and, should be checked with the number of rounds which were issued for the practice.

The Officer in Charge of the firing party is held personally responsible for any deficiency in the number of fired cases.

6. Should there be any round deficient owing to the loss of empty fired cases, the Superintendent of the Jail concerned will submit to the Inspector-General a statement of the number of cases so lost with a full explanation of the circumstances connected with these losses.

7. If the explanation is satisfactory, the Inspector-General will sanction the write-off of the deficiency on I.A.F.A. 498. A copy of the sanction on I.A.F.A. 498 should be attached to the indent to explain the difference in the number of rounds demanded and the empty fired cases returned to Arsenal.

8. Packages containing empty cartridge cases, old bullets or old lead, etc., should be sealed in the same manner as cases containing arms (see paragraph 17) and marked with the name of the consignee,

APPENDIX XXXII.

Table of dates for submission, to the Director, Harcourt Butler Institute of Public Health, Burma, for analysis, of Samples of Water used for drinking and culinary purposes.

In complying with the instructions contained in paragraph 1017 of the Burma Jail Manual, Superintendents will be guided, as far as possible, by the following dates for the despatch of the samples from the jail. Due observance of this will prevent congestion of work in the laboratory of the Government Analyst:—

Serial No.	Jail	Date of submission	Serial No.	Jail	Date of submission
1	Thayetmyo ...	4th April.	19	Thaton ...	16th May.
2	Kyaukpyu ...	23rd April.	20	Mergui ...	18th May.
3	Akyab ...	25th April.	21	Toungoo ...	22nd May.
4	Mokpalin ...	30th April.	22	Prome ...	27th May.
5	Alon ...	30th April.	23	Paungde ...	27th May.
6	Sandoway ...	1st May.	24	Mandalay ...	2nd October.
7	Pegu ...	2nd May.	25	Bhamo ...	2nd October.
8	Pyapon ...	3rd May.	26	Myingyan ...	3rd October.
9	Rangoon ...	5th May.	27	Mogok ...	4th October.
10	Insein ...	6th May.	28	Pagan ...	5th October.
11	Tharrawaddy ...	7th May.	29	Katha ...	5th October.
12	Pakokku ...	7th May.	30	Taungdwingyi ...	6th October.
13	Maubin ...	7th May.	31	Monywa ...	9th October.
14	Bassein ...	9th May.	32	Yamethin ...	12th October.
15	Myaungmya ...	10th May.	33	Shwebo ...	14th October.
16	Henzada ...	11th May.	34	Meiktila ...	17th October.
17	Moulmein ...	15th May.	35	Magwe ...	20th October.
18	Tavoy ...	15th May.			

Samples of water obtained from municipal mains or running streams need not be sent for periodic analysis.

APPENDIX XXXIII.

Rules regarding use of Power-driven Machinery in Jails.

Orders of the Government of India with regard to the recommendations made in Chapter IX of the Report of the Indian Jails Committee, 1919-20, on the subject of prison labour and manufactures.

[Home Department Resolution No. F.-6 (Jails), dated the 19th December 1912.]

In the Home Department letter No. 13, dated the 14th January 1921, the attention of local Governments and Administrations, was invited to the recommendations of the Indian Jails Committee on the subject of prison labour and manufactures contained in Chapter IX of their Report. Their replies have now been received and considered by the Government of India.

2. In the present Resolution the Government of India propose to deal with the most important recommendation of the Committee contained in this chapter of their Report, viz., the use of power-driven machinery in jails, which involves a departure from the policy of the Government of India as laid down in the Home Department Resolution No. 10-605-18, dated the 7th May 1886, and in the Home Department letter No. 151-160, dated the 10th August 1906, and which is admittedly at variance with the recommendations contained in paragraphs 215 and 216 of the report of the Indian Industrial Commission of 1916-18. In paragraph 6 of the Home Department letter, dated the 14th January 1921, referred to above, it was stated that the Government of India were inclined to accept the conclusions arrived at by the Conference of Provincial Directors of Industries held in Cawnpore in November 1920 on the Committee's recommendations, but desired to have the opinions of local Governments before arriving at a final decision in the matter. At that Conference the Committee's recommendations were generally accepted but it was considered desirable that the Inspector-General of Prisons should consult the Provincial Director of Industries before the introduction of any new industry into a jail. The replies received note that there is general agreement amongst local Governments, with the exception of Burma, in accepting the conclusions of the Cawnpore Conference that provinces are already considering schemes for increasing manufactures in jails, and that there is already co-ordination between the Jails and the Industries Departments. The Governor-General in Council has now decided with the approval of the Secretary of State for India, to cancel the orders on the subject contained in the Home Department Resolution No. 10-605-18, dated the 7th May 1886, and in the Home Department letter No. 145-154, dated the 29th April 1912, as he considers that the existing restriction on the use of power-driven machinery should be relaxed and that it may be employed in well-established industries, care being taken to avoid interference with nascent or unorganised industrial enterprise, though he is disposed to think that the apprehension of the possible competition of jails with established industries is more imaginary than real. His Excellency in Council wishes, however, to emphasize that the introduction of this

policy must be conditional on consultation and co-ordination between the Jail and the Industries Departments of local Governments. In view of the necessity for fixing the price of jail-made articles according to the ordinary market rate for such articles, co-operation between the Jails and Industries Departments should, therefore, include consultation of the latter by the former on the prices to be fixed for jail products. As conditions in Burma appear to differ from those obtaining in India, His Excellency in Council does not wish to urge the immediate adoption of this policy upon the Government of Burma, but at the same time he trusts that Government will not fail to adopt it as soon as the circumstances of the province justify this course.

ORDER.—Ordered that this Resolution be communicated to all local Governments and Administrations for information and guidance, also to the Department of Industries for information. Ordered also that the Resolution be published in the *Gazette of India*.