

THE RANGOON POLICE ACT

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THE RANGOON POLICE ACT

[Burma Act IV, 1899.]. (15th June, 1899.)

PART I.

PRELIMINARY

1. This Act extends to the Town of Rangoon.¹
2. (I) Except as provided in section 48 of the Police Act, and in section 3 of this Act, the Police Act shall cease to take effect within the limits of Rangoon Town.

(2) Subject to the provisions of section 3 of this Act, the police-force employed in the cantonment of Rangoon shall, for the purposes of this Act, be deemed to be part to the police establishment constituted under this Act.
3. (1) Notwithstanding anything in this Act, the Police Act shall apply to all military and civil police-officers of the general police district of the Union of Burma stationed or employed within the limits of Rangoon Town, for the purposes of the organization, regulation and control of such police and of the discharge by them, within such limits, of police functions connected with the administration of any parts of the Union of Burma beyond such limits.

(2) Subject to any orders which the President of the Union may make in this behalf, any such police-officer may discharge any functions of a police-officer in Rangoon Town and shall, while so discharging any functions not provided for in sub-section (1). be deemed to be a member of the police establishment constituted under this Act and be vested with the powers, functions and privileges and be subject to the liabilities of a police-officer appointed under this Act.

¹ For a definition of this expression, see the Burma General Clauses Act.2(49)

4. In the event of the limits of Rangoon Town being altered at any time hereafter,-

- (a) this Act shall be deemed to extend to any area thereby included within such limits from the date of such inclusion ; and
- (b) this Act shall cease to be operative within, and the Police Act shall extend to, any area thereby excluded from Rangoon Town from the date of such exclusion, unless it be otherwise expressly provided in the notification or enactment altering such limits.

5. In this Act, unless there is anything repugnant in the subject or context,-

- (1) "**Cattle**" includes (besides horned cattle) elephants, camels, horses, asses, mules, sheep, goats and swine:
- (2) "**Police**" includes-
 - (a) all persons appointed under this Act: and
 - (b) any member of any other police establishment so law as may be necessary for the purposes of sub-section (2) of section 3 of this Act, or of section 48 of the Police Act:
- (3) "**Shop**" includes dwelling-house and warehouse or other place of business, or place where business is transacted:
- ¹(3A) "**Subordinate ranks** " of the police-force means members of the police-force below the rank of the Superintendent:
- (4) "**Vehicle**" includes every description of wheeled conveyance except "perambulators and other conveyances designed for the carriage of children.

¹ Inserted by Act VII, 1945.

PART II

CONSTITUTION, REGULATION AND POWERS OF THE POLICE

6. The superintendence of the police in Rangoon Town shall vest in, and * *
* *¹ shall be exercised by, the President of the Union.

7. The President of the Union shall appoint a Commissioner of Police for Rangoon Town, and in him shall be vested the administration of the police of that town subject to the direct control of the President of the Union.

The President of the Union may * * * *¹ appoint so many Superintendents of Police as he thinks fit,

8. The Commissioner of Police -

- (1) shall have the powers of a Magistrate so far as may be necessary for the purposes of preserving the peace, preventing crime, and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate and so far as maybe necessary for the performance of the duties assigned to the Commissioner of Police by this Act;
- (2) shall perform the duties and exercise the powers of the Deputy Commissioner under the Towns Act ;
- (3) shall likewise exercise the full powers conferred -on the District Superintendent of Police by any law or regulation in force in Range* n Town ;
- (4) may, when the holder of a license granted under the Arms Act is within the limits of Rangoon Town, cancel or suspend such license, if, for reasons to be recorded in writing, he deems it necessary to do so for the security of the public peace ;

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

- (5) may, whenever sanction is necessary under section 29 of the Arms Act for the institution of proceedings in respect of an offence under . section 19, clause (f), of the said Act, give such sanction, notwithstanding anything contained in such sections ; and
- (6) may do any acts which a Magistrate is authorized or required to do under the Lunacy Act.

8A. Every Superintendent of Police may exercise the powers conferred on a District Superintendent of Police by sections 6 and 6A of the Gambling Act.

9. ¹(1) The Rangoon police-force shall be a separate police establishment and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such force shall receive such pay as shall from time to time be ordered by the President of the Union * * * *

(2)² Every police-officer appointed under this Act shall make and subscribe an oath according to the form set out in Schedule I to this Act, and shall receive on his app: intent a certificate in the form set out in Schedule II to this Act under the seal of the Commissioner of Police.

³10. The police-force shall be under the exclusive direction and control of the Commissioner of Police who may, subject to the previous approval of the President of the Union, frame such orders and rules as he shall deem expedient relative to the organization, classification and distribution of the police-force, the places at which members of the force shall reside, and the particular services to be performed by them ; their inspection, the description of arms, accoutrements and other necessities to be furnished to them ; the collecting and communicating by them of intelligence affecting the public peace ; and all such other orders and rules relative to the police-

¹ Section 9 was renumbered as sub-section U) of section 9 and sub-section [2) inserted by Act VII, 1945.

² Inserted by Act VII, 1945.

³ Substituted by *ibid*.

force as the Commissioner of Police shall deem expedient for preventing abuse or neglect of duty, and for rendering the force efficient in the discharge of its duties.

- ¹11. (1) Subject to the control of the President of the Union, the appointment, promotion and posting of all police-officers of the subordinate ranks shall be made by the Commissioner of Police, who may at any time suspend, reduce, remove or dismiss any such officer whom he thinks remiss or negligent in the discharge of his duty or unfit for the same ; or may award to any such police-officer who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, any one or more of the punishments prescribed by rules made under sub-section (2).
- (2) Subject to the previous approval of the President of the Union, the Commissioner of Police may make rules,-
- (a) prescribing the punishments which may be awarded to a police-officer of the subordinate ranks under sub-section (1);
 - (b) delegating his powers under sub-section (1) in respect of police-officers of such rank or ranks as may be prescribed to any police-officer not below the rank of Inspector ;
 - (c) prescribing the procedure to be followed in inquiries into the conduct of police-officers of the subordinate ranks ;
 - (d) prescribing the cases in which and the authorities to whom a police-officer of the subordinate ranks shall be entitled to appeal from an order which is to his disadvantage :

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

12. Every police-officer appointed under section 7 shall, by virtue of his appointment, and every police-officer holding a certificate under [section 91] shall,

¹ Substituted by *ibid.*

by virtue of such certificate, be vested with the powers, functions and privileges of a police-officer.

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

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

14. No. police-officer shall engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted in writing by the Commissioner of Police to do so.

15. Every police-officer shall, for the purposes of this Act, be considered to be always on duty, and may at any time be employed as a police-officer in any part of Rangoon Town.

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

- (1) collecting and communicating intelligence affecting, and otherwise preserving, the public peace ;
- (2) preventing the commission of offences and public nuisances ;
- (3) detecting and bringing offenders to justice;
- (4) apprehending persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists ;
- (5) regulating processions and assemblies in public places;
- (6) regulating the traffic upon public thoroughfares and removing obstructions therefrom ;

- (7) preserving order and decorum in public places, in places of public resort and in assemblies for public amusements ;
- (8) protecting unclaimed or lost property, and finding the owners thereof;
- (9) taking charge of and impounding stray animals ;
- (10) inspecting weights and measures and instruments for weighing;
- (11) assisting in the protection of life and property at fires ;
- (12) protecting public property from loss or injury ;
- (13) attending the criminal Courts and keeping order therein;
- (14) escorting and guarding prisoners to and from prisons and places of detention ; and
- (15) executing warrants of arrest, and serving summonses and notices whenever specially directed by a Magistrate to do so.

17. No police-officer appointed under section 11 shall be at liberty to withdraw himself from the duties of his office, unless expressly allowed to do so by the Commissioner of Police, nor without the leave of the Commissioner of Police to resign his office unless he shall have served continuously for it lent eighteen months in the police-force and unless he shall have given to his superior officer notice in writing, for a period of not less than two months, of his intention to resign.

18. Every person, who ceases to be a police-officer appointed under section 11, shall forthwith deliver up to the Commissioner of Police or to a Superintendent of Police his certificate and the clothing, accoutrements, appointments, and other articles which have been supplied to him for the execution of his duty.

If he neglects or refuses to do so, he shall be liable, on conviction, to imprisonment for a term which may extend to six months, or to a fine not exceeding two hundred rupees, or to both.

¹19. Any person who knowingly makes a false statement or uses a false document for the purpose of obtaining for himself or any other person employment or release from employment as a police-officer shall be liable to imprisonment which may extend to three months, or to fine which may extend to one hundred, rupees, or to both.

20. Any police-officer who -

- (a) shall engage in any employment or office contrary to the provisions of section 14 ;
- (b) shall withdraw himself from the duties of his office contrary to the provisions of section 17 ;
- (c) being absent on leave shall fail, without reasonable cause, to report himself for duty on the expiration of such leave ;
- (d) shall be guilty of any violation of duty, or willful breach or neglect of any rule or lawful order made by competent authority ;
- (e) shall be guilty of cowardice ; or
- (f) shall offer any unwarrantable personal violence to any person in his custody;

21. shall be liable, on conviction, to imprisonment for a term which may extend to three months, or to fine not exceeding three months* pay or to both.

PART III

SPECIAL PROVISIONS FOR ADDITIONAL POLICE AND DISTURBED AREAS

22. It shall be lawful for the Commissioner of Police, on the application of any person showing the necessity thereof, to depute or appoint any additional number of police-officers to keep the peace at any place within his jurisdiction. Such force

¹ Substituted by Act VII, 1945.

shall be exclusively under the orders of the Commissioner of Police and shall be at the charge of the person making the application:

Provided that it shall be lawful for the person on whose application such deputation or appointment shall have been made, on giving one month's notice in writing to the Commissioner of Police, to require that the police-officers so deputed or appointed shall be withdrawn; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

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

24. (1) It shall be lawful for the President of the Union, by proclamation to be noticed in the Gazette and in such other manner, if any, as the President of the Union shall direct, to declare that any area has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.
- (2) It shall thereupon be lawful for the Commissioner of Police, with the sanction of the President of the Union, to employ any police-force in addition to the ordinary fixed complement to be quartered in the area specified in such proclamation as aforesaid.

- (3) Subject to the provisions of sub-section (5) of this section, the cost of such additional police-force shall be borne by the inhabitants of such area described in the proclamation.
- (4) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such cost among the inhabitants who are, as aforesaid, liable to bear the same, and who shall not have been exempted under the next succeeding sub-section. Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.
- (5) It shall be lawful for the President of the Union by order to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.
- (6) Every proclamation issued under subsection (1) of this section shall state the period for which it is to remain in force, but it may be withdrawn at any time or continued from time to time for a further period or periods as the President of the Union may in each case think fit to direct.

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

- 25. (1) If, in any area in regard to which any proclamation notified under the last preceding section is in force, death or grievous hurt, or loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants of such area, or any class or section of them (whether before or during the period for which the proclamation is in force) in the course of the disturbed conditions to which the proclamation relates, it shall be lawful for any person who claims to

have suffered injury from such misconduct to make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the District Magistrate.

- (2) It shall thereupon be lawful for the District Magistrate, with the sanction of the President of the Union, after such enquiry as he may deem necessary, and whether any additional police-force has or has not been quartered in such area under the last preceding section, to-
 - (a) declare the persons to whom injury has been caused by, or has ensued from, such misconduct;
 - (b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them ; and
 - (c) assess the proportion in which the same shall be paid by the inhabitants of such area, other than the applicant, who shall not have been exempted from the liability under the next succeeding sub-section :

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

- (3) It shall be lawful for the President of the Union, by order, to exempt any persons or class or section of such inhabitants from liability to pay any portion of such compensation.
- (4) Every declaration or assessment made or order passed by the District Magistrate under sub-section (2) shall be subject to revision by the President of the Union, but save as aforesaid shall be final.
- (5) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

26. (1) All moneys payable under sections 22, 23, 24 and 25 shall be recoverable by the District Magistrate as a fine, or by a suit in any competent Court.
- (2) All moneys paid or recovered under sections 22, 23, and 24 shall form part of the revenues of the Union of Burma.
- (3) All moneys paid or recovered under section 25 shall be paid by the District Magistrate to the persons to whom and in the proportions in which the same are payable under that section.
27. The Commissioner of Police may of his own authority appoint special police-officers to assist the police-force on any temporary emergency.
28. Every special police-officer so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of police.
29. If any person, being appointed a special police-officer under section 27, shall, without sufficient excuse, neglect or refuse to serve as such, or to obey any lawful order or direction, he shall be liable, on conviction, to a fine not exceeding fifty rupees for every such neglect or refusal or disobedience.

PART IV

PROVISIONS FOR THE PRESERVATION OF PEACE AND ORDER AND FOR OTHER PURPOSES

Provisions against Thieves and Vagabonds

30. (a) Any person found armed with any dangerous or offensive instrument whatsoever, and who is unable to give a satisfactory account of his reasons for being so armed ;
- (b) any reputed thief found between sunset and sunrise lying or loitering in any bazaar, street, road, and, thoroughfare or other place, who shall not give a satisfactory account of himself ;

- (c) any person found between sunset and sunrise having his face covered or otherwise disguised and who is unable to give a satisfactory account of himself;
- (d) any person found within the precincts of any dwelling-house or other building whatsoever, or in any back-drainage space, or on board any vessel, without being able satisfactorily to account for his presence therein ; and
- (e) any person having in his possession, without lawful excuse, any implement of house-breaking, may be taken into custody by any police-officer without a warrant, and shall be liable to imprisonment which may extend to three months.

31. Whoever has in his possession or conveys in any manner anything which may reasonably be suspected to be stolen property as defined in section 410 of the Penal Code shall, if he fails to account satisfactorily for his possession of the same, be punished with imprisonment which may extend to three months, or with fine, or with both.

31A. (1) Whenever any person is convicted of an offence under section 30 or section 31 before the High Court, or the Court of the District Magistrate or of a Sub divisional Magistrate or Magistrate of the first class,

and it is deemed necessary to require such person to execute a bond for his good behavior,

the convicting Court may, at the time of passing sentence on such person, and the High Court may, on appeal or in exercise of its revision powers, order him to execute a bond, with or without sureties, for his good behavior during such period not exceeding one year, and for such amount, as it thinks fit to fix :

Provided -

firstly, that the amount of such bond shall be fixed with due regard to the circumstances of the case and shall not be excessive ; and

secondly, that when the person so convicted is a minor, the bond shall be executed only by his sureties.

- (2) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.
- (3) The provisions of sections 120 to 126, 514 and 515 of the Code of Criminal Procedure shall apply in the case of any security so required under this section:

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

- 31B. (1) The Commissioner of Police may, by a notification publicly promulgated or addressed to individuals,”
 - (a) prohibit the carrying of any of a kind exempted from the provisions of the Arms Act, bludgeons, loaded sticks, hunting crops, clasp-knives of a specified size, or other offensive instruments, in any public place ;
 - (b) whenever and for such time as he shall consider necessary for the preservation of the public peace or safety, prohibit”
 - (i) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles ;
 - (ii) the exhibition of persons or of corpses, or figures or effigies, in any public place ;
 - (iii) the public utterance of cries, singing of songs, playing of music ; and

- (iv) the delivery of harangues, the use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures symbol?, placards or of any other object or thing when such action object or thing may be of a nature to outrage morality or decency or, in the opinion of the Commissioner of Police, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of lawful authority.
- (2) Whoever contravenes a prohibition under this section shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

Powers of Entry and Inspection

32. It shall be lawful for every police-officer, for any of the purposes mentioned in section 16, without a warrant to enter and inspect any pawn-shop, licensed lodging-house, public-house or bar, and any place of resort of loose or disorderly characters.

33. (1) It shall be lawful for any police-officer, generally or specially deputed to that duty by the Commissioner of Police, to enter without a warrant any shop for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein ; and

to seize any weight, measure or instrument for weighing which he may have reason to believe is false or, within the limits of the City of Rangoon, not in accordance with bye-laws made by the Municipal Corporation for prescribing the standard weights and measures to be used within the municipality.

- (2) The police-officers making a seizure under sub-section (1) shall forthwith give information of such seizure to the Magistrate having

jurisdiction; and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

34. Police-officers on duty shall have free admission to all places of public resort and assemblies for public amusement while open to any of the public.

Additional Powers to Arrest

35. Whoever -

- (a) commits an offence on or with respect to the person or property another ; or
- (b) in committing any offence described in this Act, injures or damages the person or property of another,

may if his name and address be unknown, be apprehended by the person injured or by any person using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him; and may be detained until he gives his name and address, and satisfies such person that the name and address so given are correct, or until he can be delivered into the custody of a police-officer.

36. If any person, lawfully apprehended under the last preceding section, shall assault or forcibly resist the person by whom he shall be so apprehended, or any person acting in his aid he shall be liable to a fine not exceeding two hundred rupees.

36A. (1) Any police-officer may arrest without a warrant any person committing in his view any of the offences described or referred to in this Act, if the name and address of such person be unknown to such police-officer and cannot be ascertained by him then and there.

- (2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required; provided

that, if such person is not resident in the Union of Burma, the bond shall be secured by a surety or sureties resident in the Union of Burma.

- (3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Regulation of Crowds, Traffic, etc.

- 37. (1) The Commissioner of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, streets and thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.
- (2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in his judgment if uncontrolled be likely to cause a breach of the peace, require, by general or special notice that the persons, convening or collecting such assembly or directing or promoting such procession [shall apply for and obtain a license.]¹
- (3) On such application being made, he may issue a license specifying the names of the licensees, and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section.
- (4) He may also regulate the extent to which music, torches or other naked lights may be used in the streets on the occasions of festivals and ceremonies.
- 38. (1) Any Magistrate, or the Commissioner of Police or a Superintendent or Inspector of Police, or any police-officer in charge of a station, may

¹ Substituted by Act VII, 1945

stop any procession which violates the conditions of a license granted under the last preceding section, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

- (2) Any procession or assembly which neglects or refuses to obey any order given under sub-section (1) shall be deemed to be an unlawful assembly within the meaning of section 141 of the Penal Code.

39. Any police-officer may, subject to the general or special orders of the Commissioner of Police, give all proper orders and directions to any persons for the purpose of -

- (a) keeping order on the public roads, streets, thoroughfares and landing places, and at all other places of public resort; and
- (b) preventing obstructions on the occasions of assemblies and processions on the public roads and streets, or in the neighborhood of places of worship during the times of public worship, and in any case when any road, street, thoroughfare or landing-place may be thronged or may be liable to be obstructed.

40. Every person opposing or not obeying the orders issued under the last three preceding sections, or violating the conditions of any license granted by the Commissioner of Police for the use of music, torches or naked lights, or for the conduct of assemblies and processions, [shall be liable to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding three months, or to both.]¹

40A. When police-officers are specially deputed on the application of any person for the purpose of preserving order or regulating the traffic at any public or private entertainment, meeting or other assembly, fees may be levied from the person at whose request or on whose behalf they are so deputed in accordance with a scale to be prescribed by the Commissioner of- Police, and such fees shall be disposed of in such manner as the President of the Union may direct.

¹ Substituted by Act VII, 1945

41. Whoever, within such limits as shall be, from time to time, and in respect of any of the following offences, defined by the Commissioner of Police, in any public street, road, thoroughfare or place of public resort, commits any of the following offences, shall be liable to fine which shall not exceed fifty rupees, or to imprisonment not exceeding eight days, or to both:-

- (1) Whoever drives, rides or leads any elephant or wild animal without the permission of the Commissioner of Police:
- (2) Whoever drives or otherwise propels any vehicle of any description between half an hour after sunset and half an hour before sunrise, without sufficient and proper lights:
- (3) Whoever, without reasonable cause, rides, drives or otherwise propels any vehicle or cattle otherwise than on the left or near side of the road so as to cause any obstruction, inconvenience, risk, danger or damage to any person :
- (4) Whoever rides or drives or otherwise propels any vehicle or cattle recklessly or furiously:
- (5) Whoever, to the obstruction, inconvenience, risk, danger or damage to any person-
 - (a) exposes for show, hire or sale any horse or other animal; or
 - (b) cleans or dresses any horse or other animal, or cleans any carriage or other conveyance ; or
 - (c) makes or repairs any put of any cart or carriage except in cases of accident where repairs on the spot are necessary; or
 - (d) trains or breaks any horse or other animal ; except in such places and at such times as may be allowed by the Commissioner of Police :
- (6) Whoever, by negligence or ill-usage in driving cattle, causes any mischief to be done by such cattle, or in anywise misbehaves himself

in the driving, management or care of such cattle so as to cause mischief or obstruction:

- (7) Whoever, being in charge of a cart, carriage or horse, leaves it at such a distance as not to have the same under due control:
- (8) Whoever causes any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose; or leaves any cart, carriage or truck, or fastens any horse or other animal, so as to cause any obstruction in any thoroughfare; or leads thereon more cattle than two at once :
- (9) Whoever leads or rides any horse or other animal, or draws, drives or otherwise propels any vehicle, upon any foot-way, or fastens any animal so that it can stand across or on any foot-way:
- (10) Whoever causes obstruction or inconvenience to any person by placing any goods on the streets or foot-way, whether for sale or otherwise, longer than is necessary for loading or unloading, except as permitted under the City of Rangoon Municipal Act:
- (11) Whoever beats a drum, tom-tom or pong, or blows a horn, shell or trumpet, or sounds any brass or other metal instrument or utensil to the annoyance of any person, except at such times and places as shall be, from time to time, allowed by the Commissioner of Police i
- (12) Whoever, without the consent of the Commissioner of Police, puts up any post or other thing on the side of any public street tor the purpose of fixing lamps or illuminations unless authorized to do so under the City of Rangoon Municipal Act:
- (13) Whoever bathes or washes himself in any public place not set apart for such purpose :
- (14) Whoever is found drunk or riotous or incapable of taking care of himself:

- (15) Whoever willfully and indecently exposes his person or eases himself in a place not set apart for the purpose:
- (16) Whoever behaves in a disorderly manner or uses any abusive, insulting or obscene words or gestures whereby a breach of the peace or a public nuisance may be caused:
- (17) Whoever neglects to fence in or protect any excavation, well or ether 'dangerous place or structure over which he has control:
- (18) Whoever flies kites or plays foot-ball or other games.

41A. Save as provided by the Cinematograph Act, whoever, without a license issued by the Commissioner of Police or otherwise than in accordance with such conditions as may from time to time be imposed by him, plays or operates or permits to be played or operated in furtherance of or in connection with or in the pursuance of his trade or business any mechanical instrument or any device for the production of music or of the sound of the human voice or other sounds shall be liable to a fine which shall not exceed rupees one hundred or to imprisonment not exceeding eight days, or to both :

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

41B. Whoever -

- (i) begs or applies for alms; or
- (ii) seeks for or obtains alms by means of any false statement or presence or
- (iii) exposes or exhibits any sore, wound, bodily ailment or deformity with the object of exciting charity or of obtaining alms, shall be punishable with fine which may extend to fifty rupees, or with imprisonment which may extend to one month, or with both.

- 41C. (1) The Commissioner of Police may direct any person who has been twice convicted of an offence under section 41B to remove himself to such place by such route and within such time as he may prescribe.
- (2) If any person so directed under sub-section (1) fails or refuses to remove himself within the time specified, the Commissioner of Police may cause such person to be arrested and removed in police custody to such place as he may in each case direct.
- (3) If any person who has been directed to remove himself or has been removed under the foregoing sub-sections returns to any place within Rangoon Town without the permission in writing of the Commissioner of Police, he shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

41D. Whenever the District Magistrate or a Sub divisional Magistrate receives information that any person within the town of Rangoon lives wholly or in part by importing crippled or diseased beggars or on the proceeds of the beggary of others, he may deal with such person as nearly as may be as if the information received about him was of the description mentioned in section 109 of the Code of Criminal Procedure ; and for the purposes of any proceeding under this section the fact that a person lives as aforesaid may be proved by evidence of general repute or otherwise.

42. Whoever, within such times and limits as shall be, from time to time defined by the Commissioner of Police,-

- (a) sets fire to or burns any straw or other matter to the risk or damage of any person ; or
- (b) sends up any fire-balloon ; or
- (c) in or near any public street, road or thoroughfare lights any bonfire, or wantonly discharges any fire-gun or air-gun, or lets off or throws any fire-work, shall be liable to fine which shall not exceed fifty rupees, or to imprisonment for a term not exceeding eight days, or to both.

43. Whoever, without the consent of the owner or occupier, affixes or authorizes the affixing of any poster, advertisement or notice against or upon any building, wall, fence or property, or writes upon, defaces or marks any such building, wall, fence or property with chalk or paint or in any way whatsoever, and whoever does the like upon any public property of any description without the permission of the person in charge of such property, shall be liable to a fine which shall not exceed fifty rupees, or to imprisonment for a term not exceeding eight days, or to both.

43A-43C. * * * *

43D. Notwithstanding anything contained in section 65 of the Penal Code any person sentenced to fine only as a substantive sentence for any offence under sections 41, 41A, 41B, 42 or 43 may be imprisoned in default of payment of such fine for any period not exceeding the maximum term of imprisonment fixed for such offence.

44. For every license granted by the Commissioner of Police under this Act, there shall be levied a fee of two rupees.

Protection of Unclaimed and Lost Property

45. It shall be the duty of every police-officer to take charge of all unclaimed property and furnish an inventory thereof to the Commissioner of Police.

46. The Commissioner of Police may proclaim the property and issue a proclamation specifying the articles of which it consists and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

47. If the person entitled to the possession of such property is unknown or absent and the property is subject to a speedy and natural decay, or the Commissioner of Police is of opinion that its sale would be for the benefit of the Commissioner of Police may at any time direct it to be sold, and shall hold the net proceeds of such sale in deposit until the expiration of six months from the date of the proclamation under section 46.

48. (1) If no person shall within the period allowed claim such property, it may, if not already sold, be sold under the orders of the Commissioner of Police.
- (2) The sale-proceeds of property sold under the provisions of sub-section (1) section 47, to which no claim has been established, shall be at the disposal of Government.
49. (1) Whenever any person dies intestate in Rangoon Town leaving moveable property therein, the total value of which is under two hundred rupees, and the property is, in the absence of any person entitled thereto, taken charge of by the police for the purpose of safe custom, it shall be lawful for the Commissioner of Police to order the said property to be delivered, without letters of administration having been taken out, to any person claiming to be entitled to the whole or any part thereof:

Provided that he shall be satisfied of the title of the claimant:

Provided also that the Commissioner of Police may, before making any order under this section, take security for the due administration and distribution of the property.

- (2) Nothing contained in sub-section (1) shall affect the right of any person to recover the whole or any part of such property from the person to whom it may have been delivered pursuant to such order.

Destruction of Stray Dogs

50. The Commissioner of Police may by public notice appoint, from time to time, certain periods within which any dogs found straying may be destroyed, and ten days after the issue of such notice any dog found straying, without a collar or other mark of ownership, beyond the enclosure of the house of his owner may be destroyed by such person and in such manner as the Commissioner of Police may direct.

PART V**LIMITATION OF PROCEEDINGS**

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

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

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

53. No Court shall take cognizance of an offence punishable under section 20, clause (a), (b), (c) or (c) or section 29 without the previous sanction of the Commissioner of Police.

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

Such plea shall be proved by the production of the warrant directing the act and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favor notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary unless the Court shall see reason to doubt its being genuine:

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

PART VI

POWER TO MAKE RULES

55. The President of the Union may, from time to time, by notification, make rules consistent with this Act -

- (a) to regulate the procedure to be followed by Magistrates and police-officers in the discharge of any duty imposed upon them by or under this Act;
- (b) to prescribe the time, manner and conditions within and under which claims for compensation under section 25 are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including local enquiries if necessary) which are to be taken consequent thereon ; and
- (c) generally for giving effect to the provisions of this Act.

SCHEDULE I¹

[See section 9.)

I have read (or had read over to me) Chapter III of the Police Act, 1945, and on being appointed * under the said Act, I do hereby swear/solemnly affirm that I will truly and faithfully [maintain the Constitution of the Union]² and discharge all powers and duties vested in me faithfully and according to law.

SCHEDULE II.

(See section 9.)

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

*Commissioner of Police,
Rangoon.*

¹ Substituted by Act VII, 1945

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

* Here enter the rank to which appointed.