

THE WAR-TIME CRIMES (EXEMPTION) ACT, 1946.

[BURMA ACT No. XLVII of 1946.]

WHEREAS it is expedient to indemnify certain persons in respect of acts and things done or purported to have been done in the course of their duty and in certain other circumstances ;

AND WHEREAS by Proclamation, dated the tenth day of December, 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935, in the Legislature or in either Chamber thereof ;

NOW, THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows:—

1. (1) This Act may be called the War-Time Crimes (Exemption) Act, 1946.

(2) It shall come into force at once.

2. In this Act—

“period intervening” means either the period commencing with the cessation of the British Administration and ending with the establishment of the new administration under the Japanese Military Authority in the area concerned, or the period commencing with the cessation of the Burmese Administration set up during the Japanese military occupation of Burma and ending with the establishment of the British Military Administration in the area concerned, as the case may be.

3. No suit, prosecution or other legal proceedings whatsoever, whether civil or criminal, shall be instituted in, or entertained or heard by, any Court or Tribunal for or in respect of any act or thing done during the period intervening if done in good faith, and done or purported to have been done—

- (i) in the defence of person or property,
- (ii) under the order of any organization or committee which was formed or constituted in any place in Burma during the period intervening for the purpose of preserving peace or maintaining law and order in the locality in which it was formed or constituted, or
- (iii) under the authority of, or the powers invested by, such organization or committee.

4. No suit, prosecution or other legal proceeding whatsoever, whether civil or criminal, shall be instituted in, or entertained or heard by, any Court or Tribunal for or in respect of any act or thing if done in good faith, and done or purported to have been done by a person who was a member of, or attached to the Burma Independent Army, Burma Defence Arm, Burmese Army, or Patriotic Burmese Forces—

- (i) in the course of his duty as a member of or a follower of such Army or Force,

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- (ii) under the order or direction of a superior officer of such Army or Forces, or
- (iii) for the purpose of maintaining law and order, or securing the public safety or safety of such Army or Forces, or maintaining supplies and services essential to the life of the community,—
where such act or thing was done,
 - (a) between the 8th day of December, 1941 and the 5th day of May, 1945 in Burma other than in the areas comprised in the Tenasserim Division, or
 - (b) between the 8th day of December, 1941 and the 1st day of January, 1946 in the areas comprised in the Tenasserim Division.

5. (1) Where any person has been sentenced for any act or thing done or purported to be done in the circumstances specified in section 3 or section 4, the remaining portion of the sentence passed upon him, if unexpired, shall be remitted, and he shall be set free.

(2) For the purpose of this section, the decision of the Governor on the question whether any person was a member of or attached to the Burma Independent Army, Burma Defence Army, Burmese Army or Patriotic Burmese Forces, or whether he was sentenced for or in respect of any act or thing done in the circumstances specified in section 3 or section 4, shall be conclusive.

6. No criminal proceeding whatsoever shall be instituted, entertained or heard by any Court or Tribunal against any person in respect of any offence committed by him under section 143, section 144, section 145, section 147, section 148, section 150 or section 153, or under any other section of the Penal Code when it is read with section 149 of the Penal Code, where such offence was committed during the intervening period in Burma.