

- (d) prescribe preliminary and periodical military training, compulsory and voluntary, for any persons or class of persons enrolled and provide for the embodiment of any corps or unit for that purpose ;
- (e) prescribe the military or other obligations to which members of a University Corps shall be liable when undergoing military training and provide generally for the maintenance of discipline in such cases ;
- (f) provide for the medical examination of persons offering themselves for enrolment under section 5 ;
- (g) provide for and regulate the remuneration, allowances, gratuities or compensation (if any) to be paid to any person or class of persons enrolled or to their dependants ; and
- (h) provide for any other matter which under this Act is to be or may be prescribed.

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

14. (1) The General Officer Commanding the Forces in the Union of Burma may make regulations consistent with this Act and the rules made thereunder providing generally for all details connected with the organisation and personnel of the Burma Territorial Force and for the duties, military training, clothing, equipment, allowances and leave of persons enrolled.

Power to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may specify the courses of training or instruction to be followed by any person or class of persons enrolled.

15. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, all [commissioned officers,]<sup>1</sup> non-commissioned officers and men of the Burma Territorial Force who have been appointed to a corps or unit shall be deemed to be [commissioned officers,]<sup>1</sup> non-commissioned officers and soldiers, respectively, of [the Burma Army.]<sup>1</sup>

Certain persons subject to this Act to be deemed part of the Burma Army for certain purposes.

16. No person shall be liable to pay any municipal or other tax in respect of any horse, bicycle, motor-bicycle, motor car, or other means of conveyance which he is authorised by regulations made under section 14 to maintain in his capacity as a member of the Burma Territorial Force.

Exemption from local taxation.

---

## THE BURMA AUXILIARY FORCE ACT.

---

### CONTENTS.

---

*Sections.*

1. Application of Act.
2. Definitions.
3. Constitution of an auxiliary force.
4. Classes who may be enrolled.
5. Enrolment.

---

<sup>1</sup> Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

*Sections.*

6. Liability to undergo military training.
7. Liability to perform military service.
8. Appointment to corps or unit.
9. Preliminary training.
10. \* \* \* \*
11. Classification and periodical training.
12. Classification.
13. Variations of training.
14. Medical examination.
15. Transfers.
16. Change of residence.
17. Discharge.
18. Calling out and embodiment.
- 19-20. \* \* \* \*
21. Application of the Army Act.
22. Refusal to appear for military service.
23. Penalties for breach of sections 8, 14 and 16.
24. Other offences.
25. Punishment for offences under section 24.
26. Dismissal.
27. Summary and minor punishments.
- 27A. Presumption as to certain documents.
28. Advisory Committees.
29. Constitution and disbandment of units.
30. Power to make rules.
31. Power to make regulations.
32. Certain persons subject to this Act to be deemed part of the Burma Army for certain purposes.
33. Trial of offences.
34. Exemption from local taxation.

## SCHEDULE I.—TRAINING.

**THE BURMA AUXILIARY FORCE ACT.**

- Application of Act.** 1. Notwithstanding anything to the contrary contained in the conditions of service under which persons have been enrolled under this Act it shall apply and shall be deemed always to have applied to such persons wherever they may be.
- Definitions.** 2. If this Act, unless there is anything repugnant in the subject or context,—
- “Advisory Committee” means an Advisory Committee constituted under section 28 for the prescribed military area, or part of a prescribed military area, within which a person subject to this Act for the time being resides or is serving, as the case may be ;
- “competent military authority” means the authority prescribed as competent to perform or exercise all or any of the duties imposed or powers conferred on the competent military authority by this Act ;
- “enrolled person” means a person enrolled in the prescribed manner under this Act ;

---

<sup>1</sup> Inserted by Act XX, 1943.

- "enrolling officer" means an officer authorised to enrol persons under this Act ;
- "prescribed" means prescribed by rules made under this Act, and "prescribe" has a corresponding meaning ;
- "regulation" means a regulation made under section 31 ; and
- "training year" means a period of twelve months beginning on the first day of April and ending on the thirty-first day of March.

3. There shall be raised and maintained in the manner hereinafter provided an auxiliary force \* \* \* \*<sup>1</sup> to be designated the Burma Auxiliary Force.

Constitution of an auxiliary force.

4. Every person who is a citizen of Burma shall, subject to the provisions of this Act, be eligible for enrolment thereunder.

Classes who may be enrolled.

5. (1) Any male eligible for enrolment under this Act who has attained the age of sixteen years and is not a member of the Burma regular naval, military or air forces may apply to be enrolled in the Burma Auxiliary Force, and, if he satisfies the prescribed conditions, may be enrolled therein in the prescribed manner and shall thereupon become subject to the provisions of this Act.

Enrolment.

(2) Subject to the prescribed conditions an applicant for enrolment may apply to be enrolled for service in any particular branch, or in any particular corps or unit.

6. Every enrolled person shall be liable to undergo military training as provided by or under this Act until discharged from the Burma Auxiliary Force, as hereinafter provided.

Liability to undergo military training.

7. Every enrolled person liable to undergo military training under section 6 shall, on and from the first day of April next following the date on which he attains the age of eighteen years or, if he has already attained the age of eighteen years, on and from any later date on which he is enrolled, be liable to perform military service under this Act.

Liability to perform military service.

8. (1) Every enrolled person shall, without unnecessary delay, be appointed by, or under the orders of, the competent military authority to a corps or unit of the Burma Auxiliary Force, and on receipt of an order so appointing him shall report himself for the purpose of joining such corps or unit at such time and place as may be specified in the order.

Appointment to corps or unit.

(2) Any person who has been enrolled for service in any particular branch, corps or unit shall be appointed to a corps or unit of that branch or to that corps or unit, as the case may be.

9. Every enrolled person liable to perform military service under this Act who on becoming so liable is included in the Active Class shall, within the training year in which he becomes so liable, undergo preliminary training of such amount as may be ordered by the competent military authority subject to the limits specified in Schedule I :

Preliminary training.

Provided that, if such preliminary training cannot be completed within that training year, it may be completed at the discretion of the officer commanding the corps or unit to which such enrolled person belongs in the training year next following :

Provided further that any person may be exempted either wholly or in part by the officer commanding his corps or unit from the necessity of undergoing

<sup>1</sup> Deleted by Act XX, 1943.

<sup>2</sup> This section was first substituted by Act XX, 1943, and subsequently substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

preliminary training required by this section, and shall, on the publication in the orders of the corps or unit of such exemption, be deemed to the extent of such exemption to have completed such preliminary training.

10. \* \* \* \*

Classification and periodical training.

11. Every enrolled person liable to perform military service under this Act—

(i) shall be included by the officer commanding the corps or unit to which he is appointed in one or other of the following classes, namely—

- (a) the Active Class ; or
- (b) the Reserve Class ;

(ii) shall under the orders of the competent military authority undergo the periodical training specified in Schedule I for the class in which he is for the time being included ; and

(iii) shall, if the President of the Union so directs, undergo such increased amount of training as may be specified by the President of the Union for this purpose for the class in which he is for the time being included.

Classification.

12. (1) Every commissioned officer of the Burma Auxiliary Force shall be included in the Active Class until he relinquishes his commission.

(2) Enrolled persons liable to perform military service under this Act, not being commissioned officers of the Burma Auxiliary Force, shall be classified as follows, namely :—

(a) every such person who is required by section 9 to undergo preliminary training or who being so required has completed or is deemed to have completed the same shall be included in the Active Class until he is transferred to the Reserve Class by order of the officer commanding the corps or unit ;

(b) every such person who is transferred from the Active Class under the provisions of clause (a) or who on enrolment is assigned to the Reserve Class by order of the officer commanding the corps or unit shall be included in the Reserve Class.

(3) Any enrolled person who ceases to be a commissioned officer of the Burma Auxiliary Force shall thereupon be included in the class in which he would have been included under this section if the provisions of sub-section (1) had not applied to him, and shall undergo periodical training accordingly.

(4) Any person who is under this section included in the Reserve Class may apply to the competent military authority to be included in the Active Class, and shall, if the competent military authority grants the application, thereupon be deemed to be included in that class.

Variations of training.

13. (1) The competent military authority may, by order in writing,—

(a) on the recommendation of the Advisory Committee, direct that any enrolled person included in the Active Class shall, for the purposes of periodical training, be included for any stated period in the Reserve Class, or

(b) on his own motion or on the recommendation of the Advisory Committee, reduce the specified amount of training either in individual cases or in the case of any unit or part thereof for any stated period.

(2) The competent military authority shall grant in respect of each individual or unit or part thereof whose training is reduced under clause (b) of sub-section (1) a certificate setting forth the amount of training to be undergone during the said period.

**14.** Every enrolled person shall, if and when required by the officer commanding the corps or unit to which he belongs, present himself for such medical examination as may be necessary to determine the extent, if any, to which he is fit to undergo military training or to perform military service, before a medical officer appointed or approved in that behalf by the competent military authority, and for the purposes of such medical examination shall comply with the directions of such medical officer. Medical examination.

**15. (1)** Every person appointed to a corps or unit under section 8 shall remain in that corps or unit until transferred to another corps or unit by, or under the orders of, the competent military authority, but no person shall be transferred from the Infantry branch to another branch or from one unit to another unit located in the same prescribed military area except at his own request. Transfers.

(2) Any person so transferred from the Infantry branch to another branch may be required to undergo such further preliminary training, not exceeding eight days, as may be ordered by the competent military authority, and thereafter shall undergo the periodical training to which he is liable in the branch to which he is transferred :

Provided that any periodical training already undergone by such person in the training year in which he is transferred shall be deemed to have been undergone in such other branch.

*Explanation.*—Except during periodical training in camp, for the purposes of this section and of Schedule I, a day shall be deemed to consist of four hours of actual military drill or instruction, and may be made up of fractions of a day not more than four in number.

**16. (1)** Any enrolled person who leaves his place of residence in the Union of Burma for the time being and thereby leaves the area commanded by one competent military authority for that commanded by another shall, if he does not intend to return to the area which he leaves, notify the competent military authority commanding that area of his change of residence. Change of residence.

(2) If such person having intended to return does not return within three months, he shall notify the competent military authority as aforesaid immediately on the expiry of that period.

(3) The competent military authority on being notified of a change of residence under sub-section (1) or sub-section (2) may, subject to the provisions of section 15, transfer such person from the corps or unit in which he is serving to another corps or unit.

**17. (1)** Any enrolled person who has attained the age of forty-five years or has completed four years' service from the date of his enrolment shall, on application made by him in the prescribed manner, be entitled to receive his discharge from the Burma Auxiliary Force. Discharge.

(2) An enrolled person who is not entitled to his discharge under sub-section (1) shall be discharged by the competent military authority on a recommendation of the Advisory Committee in this behalf.

(3) Any enrolled person may be discharged by such authority, and subject to such conditions, as may be prescribed.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3) no enrolled person shall in time of war or in any emergency which may be notified by the President of the Union be entitled to receive his discharge.



Calling out  
and embodi-  
ment.

**18.** No person liable to perform military service under this Act shall be required to perform such service except—

- (a) when called out with any portion of the Burma Auxiliary Force by an order of the senior military officer present either to act in support of the civil power or to provide guards which, in the opinion of such officer, are essential; or
- (b) when any portion of the Burma Auxiliary Force to which he belongs has been embodied to support or supplement [the Burma regular forces]<sup>1</sup> in the event of an emergency by a notification directing such embodiment issued by the President of the Union and published in the Gazette; or
- (c) when attached at his own request to any regular forces.

<sup>2</sup> 19-20.

\* \* \* \*

Application  
of the Army  
Act.

**21. (1)** Every commissioned officer of the Burma Auxiliary Force, when doing duty as a commissioned officer, and every [warrant officer,]<sup>3</sup> non-commissioned officer and man of the said force—

- (a) when attached to or otherwise acting as part of or with any regular forces, and
- (b) when called out by an order, or embodied by a notification, under section 18,

shall be subject to the provisions of [the Burma Army Act]<sup>1</sup> and any orders or regulations made thereunder, and the said Act, orders and regulations shall apply to every such person in the circumstances aforesaid as if the same were enacted in this Act, and as if such person held the same rank in [the Burma Army]<sup>1</sup> as he holds for the time being in the said force, subject in the case of an officer, to the terms of his commission and the orders of [the President of the Union]<sup>1</sup>, and, in the case of a [warrant officer,]<sup>3</sup> non-commissioned officer or man, to the orders of the President of the Union.

(2) Where an offence punishable under [the Burma Army Act]<sup>1</sup> has been committed by any person whilst subject to that Act under the provisions of sub-section (1), such person may be taken into and kept in military custody and tried and punished for such offence, although he has ceased to be so subject as aforesaid, in like manner as he might have been taken into and kept in military custody, tried or punished if he had continued to be so subject:

Provided that no such person shall be kept in military custody after he has ceased to belong to the Burma Auxiliary Force, unless he has been taken into or kept in military custody on account of the offence before the date on which he ceased so to belong, nor shall he be kept in military custody or be tried or punished for the offence after the expiry of two months from that date, unless his trial had already commenced before such expiry.

Refusal to  
appear for  
military  
service.

**22.** If any person liable to perform military service under this Act fails to comply with an order or notification under section 18 calling him out or embodying him for military service, any District Magistrate may, on the application of the competent military authority or of an officer empowered by such authority in writing in that behalf, cause such person to be arrested and brought before him, and, if the Magistrate is satisfied that such person has been duly required to

<sup>1</sup> Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

<sup>2</sup> Repealed by Act XX, 1943.

<sup>3</sup> Inserted *ibid.*

perform military service, the Magistrate may, without prejudice to any penalty which such person may have incurred, make over such person in custody to the military authorities.

23. An enrolled person who refuses or without lawful excuse (the burden of proving which shall lie upon such person) neglects—

Penalties for breach of sections 8, 14 and 16.

- (a) to comply with any order under section 8 ; or
- (b) to attend for medical examination, or to comply with the directions of the medical officer, as required by section 14 ; or
- (c) to notify any change of residence as required by section 16 ;

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

24. An enrolled person commits an offence if he, in circumstances when he is not subject to military law, does any of the following acts, namely :—

Other offences.

(1) when on parade or undergoing military training or wearing [military]<sup>1</sup> uniform—

- (a) strikes, or uses or offers violence to or uses threatening or insubordinate language to, or behaves with contempt to, his superior officer ; or
- (b) disobeys any standing order of, or lawful command given by, his superior officer ; or
- (c) neglects to obey a general or garrison order made specially applicable to the Burma Auxiliary Force by the competent military authority ; or
- (d) is in a state of intoxication ; or
- (e) being a [warrant officer, or]<sup>2</sup> non-commissioned officer strikes or ill-treats any person subject to military law or to this Act, or to the Burma Territorial Force Act, who is his subordinate in rank or position ;

(2) without sufficient cause fails to appear at the place of parade at the time fixed or to attend at any place in his capacity as a member of the Burma Auxiliary Force, when duly required so to attend, or when on parade without sufficient cause quits the ranks ;

(3) without sufficient cause fails to perform any part of the training which by or under this Act he is required to perform ;

(4) strikes, or uses or offers violence to, any person whether subject to military law or not in whose military custody he is placed, and whether such person is or is not his superior officer ;

(5) resists an escort whose duty it is to arrest him or detain him in military custody ;

(6) being under arrest or detention or otherwise in lawful military custody escapes or attempts to escape ;

(7) when in charge of any property belonging to Government or to a corps or unit of the Burma Auxiliary Force, makes away with, or is concerned in making away with, any such property ;

(8) wilfully injures, or by culpable neglect loses or causes injury to, any such property as is mentioned in clause (7) ;

(9) wilfully ill-treats a horse or other animal used in the public service ;

(10) knowingly furnishes a false return or report of the number or state of men under his command or charge, or of any money, arms or ammunition, clothing, equipment, stores or other property in his charge ;

(11) through design or culpable neglect omits to make or send any return of any matter mentioned in clause (10) which it is his duty to make or send ;

<sup>1</sup> Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

<sup>2</sup> Inserted by Act XX, 1943.

(12) when it is his official duty to make a declaration respecting any matter, makes a declaration respecting such matter which he either knows or believes to be false or does not believe to be true ;

(13) knowingly makes against any person subject to military law or to this Act or to the Burma Territorial Force Act an accusation which he either knows or believes to be false or does not believe to be true ;

(14) falsely personates any other person at any parade or on any occasion when such other person is required by or under this Act to do any act or attend at any place, or abets any such act of personation.

Punishment  
for offences  
under  
section 24.

**25. (1)** Any person committing any of the offences specified in sub-clauses (b), (c) and (d) of clause (1) or in clauses (2), (3), (8), (11) and (14) of section 24 shall be punishable with fine which may extend to two hundred rupees.

(2) Any person committing any other offence specified in section 24 shall be punishable with imprisonment which may extend to two months, or with fine which may extend to two hundred rupees, or with both.

Dismissal.

**26.** The competent military authority may in his discretion dismiss any enrolled person from the Burma Auxiliary Force.

Summary  
and minor  
punishments.

**27.** The President of the Union may prescribe summary and minor punishments for offences under section 24 or for contravention of any rule or regulation made under this Act to which enrolled persons shall be liable without the intervention of a criminal Court, and the officer or officers by whom and the circumstances in which and the extent to which such summary and minor punishments may be inflicted, and the manner in which any such punishment may be enforced :

Provided that no punishment involving any kind of imprisonment shall be imposed as a summary or minor punishment :

Provided further that no summary punishment shall be inflicted in any case in which the accused claims to be tried by a criminal Court.

Presumption  
as to certain  
documents.

**27A.** Where any [warrant officer,]<sup>1</sup> non-commissioned officer or man of the Auxiliary Force is required by or in pursuance of any rule, regulation or order made under this Act, to attend at any place, a certificate purporting to be signed by the prescribed officer stating that the person so required to attend failed to do so in accordance with such requirement, shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

Advisory  
Committees.

**28. (1)** The President of the Union shall constitute for each prescribed military area one or more Advisory Committees each consisting of three or more members, of whom one shall be the competent military authority and the others shall be persons eligible for enrolment in the Burma Auxiliary Force, within the meaning of section 4, who shall be appointed annually by, or under the orders of, the President of the Union.

(2) Any Advisory Committee constituted for a prescribed military area or a part thereof, as the case may be, which includes a place to which the President of the Union may, by order in writing, declare this sub-section to apply, shall consist of not less than five members, of whom not more than two shall be persons in the service of Government.

(3) The President of the Union shall prescribe the duties, powers and procedure of Advisory Committees and, in particular, the matters in respect of which the competent military authority shall be bound to give effect to a recommendation of an Advisory Committee unless the President of the Union otherwise directs.

<sup>1</sup> Inserted by Act XX, 1943.



29. The President of the Union may constitute any corps or unit and may disband any corps or unit constituted under this Act.

Constitution and disbandment of units.

30. (1) The President of the Union may make rules<sup>1</sup> to carry out the purposes of this Act.

Power to make

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

- (a) provide for the appointment of enrolling officers ;
- (aa) prescribe the authority which shall be the competent military authority for any purpose under this Act ;
- (b) prescribe military areas for the purposes of this Act ;
- (c) prescribe the manner in which and the conditions subject to which persons may offer themselves for enrolment under this Act and the conditions governing applications to be enrolled in a particular branch, corps or unit ;
- (d) define the manner in which and the conditions under which persons or any class of persons liable to military service under this Act may be excused from being called out or embodied ;
- (e) prescribe the military training to be undergone by persons liable to military training under section 6 but not to military service under section 7 ;
- (f) prescribe the conditions governing the grant of, and the rates of pay for, and provide for the grant of allowances to, enrolled persons ;
- (g) prescribe for any military area which is a railway area or for any area beyond the limits of the Union of Burma the authorities which shall be deemed respectively to be the Government and the District Magistrate for all or any of the purposes of this Act ; and
- (h) provide for any other matter which under this Act is to be or may be prescribed.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

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

31. The [General Officer Commanding, Burma Army,]<sup>2</sup> may make regulations consistent with this Act and the rules made thereunder providing generally for details connected with the organisation and personnel of the Burma Auxiliary Force, and for the duties, equipment, military training, allowances and leave of enrolled persons.

Power to make regulations.

32. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, all officers, [warrant officers,]<sup>3</sup> non-commissioned officers and men liable to perform military service under this Act who have been appointed to a corps or unit shall be deemed to be officers, [warrant officers,]<sup>3</sup> non-commissioned officers, and soldiers, respectively, of [the Burma]<sup>4</sup> Army.

Certain persons subject to this Act to be deemed part of the Burma Army for certain purposes.

<sup>1</sup> For rules under this section, see *Burma Gazette*, 1941, Part I, p. 939.

<sup>2</sup> Substituted by Act XX, 1943.

<sup>3</sup> Inserted *ibid.*

<sup>4</sup> Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Trial of offences.

33. Save as otherwise provided by section 27, no offence under this Act shall be tried save by a Court not inferior to that of a Magistrate of the first class.

Exemption from local taxation.

34. No enrolled person shall be liable to pay any municipal or other tax in respect of a horse, bicycle, motor-bicycle, motor car or other means of conveyance which he is authorised by a general or special order of the competent military authority to maintain in his capacity as a member of the Burma Auxiliary Force.

### SCHEDULE I.

(See sections 9, 11, 12 and 15.)

#### TRAINING.

1. Preliminary—		
(a) for infantry ...	...	32 days, and the annual musketry course as laid down in regulations.
(b) for other branches ...	...	40 days, and the annual musketry or gun course as laid down in regulations.
2. Periodical—		
(1) Active class—		
(a) for infantry ...	...	20 days in each training year, and the annual musketry course as laid down in regulations.
(b) for other branches ...	...	20 days in each training year, and the annual musketry or gun course as laid down in regulations.
(2) Reserve class—		
(A) Personnel transferred from the Active Class. All branches.		} The annual weapon training course as authorised in regulations.
(B) Personnel recruited direct to the Reserve class—		
(a) for infantry ...	...	} As prescribed in item 2 (1) above.
(b) for other branches ...	...	

NOTE.—(cf. section 15).—Except during periodical training in camp, a day consists of four hours of actual military drill or action and may be made up of fractions of a day not more than four in number.

### VOLUNTEER FORCES (PROTECTION IN CIVIL EMPLOYMENT) ACT.

၁/၁၉၄၀ ခု ဇူလိုင်လ ၂၈ ရက်နေ့  
 ဝန်ထမ်းများ၏ အလုပ်အကိုင်ကို  
 ကာကွယ်ရန် ဝန်ထမ်းများ  
 အကျိုးအမြတ်

[BURMA ACT IX, 1940.] (28th March, 1940.)

1. (1) This Act may be called the Volunteer Forces (Protection in Civil Employment) Act, 1940; and

(2) It shall come into force on the date on which the Volunteer Forces (Protection in Civil Employment) Ordinance, 1940, ceases to operate.

2. (1) The term "volunteer force" shall include the Burma Naval Volunteer Reserve Force, the Army in Burma Reserve of Officers, the Burma