

- (e) prescribe the form of application for review under sub-section (3) of section 5 ;
- (f) prescribe the registers to be kept and the form and manner in which the Registrar is to register births, deaths and marriages ;
- (g) prescribe the forms of certificates or copies of entries to be given by the Registrar ;
- (h) prescribe the events and circumstances on and in which the Registrar may correct entries of births, deaths and marriages in the registers kept by him ; and
- (i) prescribe the custody in which the registers and records are to be kept.

Saving.

10. The expiry of this Act, in pursuance of a notification under sub-section (2) of section 1, shall not affect the validity of any action taken in pursuance thereof or of any of the registers maintained thereunder, and any certificate or certified copy of an entry given under this Act shall continue to be admissible in evidence as though this Act had continued in operation.

THE BURMA CENSUS ACT.

[BURMA ACT V, 1940.] (16th March, 1940.)

P. esident
may direct
taking of
census.

1. Subject to the provisions of this Act, the President of the Union may, from time to time, direct that a census shall be taken for the Union of Burma or any part thereof.

Appoint-
ment of
census-
officers.

2. (1) The President of the Union may appoint any person to take, or aid in, or supervise the taking of, a census within any special local area.

(2) Persons so appointed shall be called census-officers.

(3) The President of the Union may delegate to such authority as he thinks fit the power of appointing census-officers which is conferred by this section.

Proof of
appointment
of census-
officers and
their status
as public
servants.

3. (1) A declaration in writing, signed by any officer authorized by the President of the Union in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of the Penal Code.

Discharge
of duties of
census-
officers in
certain cases.

4. (1) (a) Every officer in command of any body of men belonging to the Burma naval, military or air forces or of any vessel of war,

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory, training school or lock-up, or of any public, charitable, religious or educational institution,

- (d) every keeper, secretary or manager of any hotel, boarding-house, lodging-house, emigration depôt or club, and
- (e) every occupant of immovable property who has at the time of the taking of the census not less than twenty persons living on or in such property, and every manager or officer of a railway or other commercial or industrial establishment who has at such time not less than ten persons employed under him.

shall, if so required by the District Magistrate or by such officer as the President of the Union may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house or present on or in such immovable property or are employed under him, as such Magistrate or officer may by written order direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as they can be made applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Penal Code.

5. (1) The District Magistrate, or such officer as the President of the Union may appoint in this behalf for any local area, may, by written order, which shall have effect throughout the limits of his district or of such local area, as the case may be, call upon—

Power of District Magistrate to call upon certain persons to give assistance.

- (a) all owners and occupiers of land and lessees of fisheries under the Fisheries Act, or the Upper Burma Land and Revenue Regulation, or their agents, and
- (b) all village headmen, members of village committees, *ywagaungs*, ten-house *gaungs* and rural policemen appointed under the Village Act,

to give such assistance as he needs towards the taking of a census of the persons who are at the time of the census on the lands of such owners, occupiers, or within the limits of such fisheries, or in the villages or other areas for which such village headmen, members of village committees, *ywagaungs*, ten-house *gaungs* and rural policemen are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers and lessees, or their agents, and such village headmen, members of village committees, *ywagaungs*, ten-house *gaungs* and rural policemen shall be bound to obey it.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the President of the Union and published in the Gazette, he may be directed to ask.

Asking of questions by census-officers.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such questions to the best of his knowledge or belief.

Obligation to answer questions.

Occupier to allow access, and permit affixing of numbers.

8. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purpose of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purpose of the census.

Occupier or manager to fill up schedule.

9. (1) Subject to such orders as the President of the Union may issue in this behalf, any census-officer may leave, or cause to be left,—

- (a) at any dwelling-house within the local area for which he is appointed, or
- (b) with any manager or officer of any commercial or industrial establishment who has at the time of the taking of the census not less than ten persons employed under him.

a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof, or by such manager or officer, with such particulars as the President of the Union may direct regarding the inmates of such house or part, or the persons employed under such manager or officer at the time of the taking of the census, as the case may be.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates, or the manager or officer with whom it is left, shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, or the persons employed under him at the time aforesaid, as the case may be, and shall sign his name thereto, and when so required shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

Penalties.

10. In any of the following cases, namely—

- (a) if a census-officer or a person lawfully required to give assistance towards the taking of a census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or with any rule duly made thereunder,
- (b) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return, or, without the previous sanction of the President of the Union, discloses any information which he has received by means of or for the purposes of a census return,
- (c) if any person refuses to answer, to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 7 so to answer,
- (d) if any person occupying any house, enclosure, vessel or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,
- (e) if any person removes, obliterates, alters or injures, before a date prescribed by the President of the Union by a notification in this behalf, any letters, marks or numbers which have been painted or affixed for the purpose of the census.

(f) if any occupier of a dwelling-house or part thereof or any person with whom a schedule is left under section 9 knowingly and without sufficient cause fails to comply with the provisions of section 9, or makes any false return under that section,

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

11. (1) The President of the Union may, by notification in the Gazette, declare before what classes of Magistrates prosecutions under this Act may be instituted. Jurisdiction in prosecutions.

(2) Unless and until a notification is published under sub-section (1), all prosecutions under this Act shall be instituted before the District Magistrate.

(3) No prosecution under this Act shall be instituted except with the previous sanction of the President of the Union, or of some officer authorized by the President of the Union in this behalf.

12. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such officer or any schedule delivered under section 9, and, notwithstanding anything to the contrary in the Evidence Act, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure. Records of census not open to inspection or admissible in evidence in certain proceedings.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census, cause the census of the municipality to be taken wholly or in part by any method authorized by this Act. Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

14. Notwithstanding anything in any enactment or rule in regard to municipal or local funds, the President of the Union may direct that the whole or any part of any expenses incurred for anything done in connection with this Act may be charged to any municipal or local fund constituted for, and on behalf of, the area within which such expenses were incurred. Power in regard to expenses.

15. (1) The President of the Union may make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may make rules providing—

(a) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers or persons ;

- (b) for the enumerating of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision ; and
- (c) for the enumeration of persons travelling on the night when a census is taken.

THE VACCINATION ACT.

CONTENTS.

Sections.

PART I.

1. Application of Part I.
2. Interpretation clause.
3. Extension of Part to municipalities.
4. Extension to cantonments.
5. Power to withdraw local area from operation of Part.
6. Prohibition of inoculation.
Inoculated persons not to enter, without certificate, local area subject to this Part.
7. Vaccination-circles.
Vaccinators.
Superintendent of vaccination.
8. Private vaccinators.
9. Unprotected children to be vaccinated.
Vaccinator to vaccinate children, or deliver certificates of postponement.
10. Inspection after vaccination.
11. Procedure when vaccination is successful.
12. Procedure when vaccination is unsuccessful.
13. Procedure when child is unfit for vaccination.
Renewal of postponement certificate.
14. Certificates of insusceptibility of successful vaccination.
15. What lymph to be used.
16. No fee to be charged except by private vaccinator.
17. Duties of Superintendent of vaccination.
Notice to parent or guardian neglecting to comply with this Part.
18. Order by Magistrate when notice not complied with.
Procedure when order not obeyed.

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