

6. Whoever, in violation of the prohibition of the President of the Union, or of any condition subject to which permission to recruit may have been accorded—

- (a) induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any Foreign State, or
- (b) knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever,

shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the Court thinks fit, or to both.

7. Any offence against this Act may be inquired into and tried, as well in any district in which the person accused may be found, as in any district in which it might be inquired into and tried under the provisions of the Code of Criminal Procedure.

THE PRESENT WAR TERMINATION (DEFINITION) ACT, 1946.*

[BURMA ACT XII, 1946.] (25th April, 1946.)

1. (1) This Act may be called the Present War Termination (Definition) Act, 1946.

- (2) It shall extend to the whole of the Union of Burma.
- (3) It shall come into force at once.

2. The President of the Union may declare what day is to be treated as the date of the termination of the present war, and the present war shall be treated as being terminated on the date so declared for the purposes of any provision in any Act, Proclamation, or Regulation for the time being in force in the Union of Burma, and, except where the context otherwise requires, of any provision in any contract or instrument referring, expressly or impliedly, to the present war.

THE BURMA IMMIGRATION (EMERGENCY PROVISIONS) ACT. †

[BURMA ACT XXXI, 1947.] (13th June, 1947.)

1. (1) This Act may be called the Burma Immigration (Emergency Provisions) Act, 1947.

- (2) It shall come into force at once.

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

- (a) "carrier" includes the owner or charterer of a conveyance, the agent of such owner or charterer and also the person in charge of the conveyance ;

* Published in Judicial Department Notification No. 233, dated 25th April 1946.—(*Burma Gazette*, 1946, Part I, page 295.)

† The first day of February 1947 has been declared to be the date of the termination of the present war by Judicial Department Notification No. 48, dated 5th February 1947.—(*Burma Gazette*, 1947, Part I, page 74.)

‡ Published in Judicial Department Notification No. 214, dated 13th June 1947.—(*Burma Gazette*, 1947, Part I, page 364.)

§ Substituted by Act LIII, 1950.

- (b) "Controller" means the Controller of Immigration ;
 (c) "conveyance" means anything used for transport from one place to another ;
 (d) "crew" means a person employed on or engaged in the working of a conveyance ;
 (e) "foreigner" means a person who is not a citizen of the Union of Burma ;
 (f) "immigration official" means any official of the Immigration Department, who is not below the rank of a Sub-Inspector of Immigration ;
 (g) "immigration permit" includes a certificate or pass or any other document, issued to a foreigner under this Act or the rules made thereunder, for entry into or stay in the Union of Burma ;
 (h) "passenger" means any person who travels in any conveyance other than members of the crew ;
 (i) "prescribed" means prescribed by the President of the Union or by rules made by the President of the Union.

Delegation of powers.

- (2) The President of the Union may authorize any officer to exercise any or all the powers of the Controller under this Act or rules made thereunder.
 (3) The Controller may delegate any of his powers under this Act or the rules made thereunder to any immigration official.

Prohibition of entry without immigration permit, or duly *visaed* passport.

¹ 3. (1) No foreigner shall enter the Union of Burma without an immigration permit issued by the Controller or by any officer authorized to issue such permits or a valid passport duly *visaed* by or on behalf of the President of the Union.

² (2) No citizen of the Union of Burma shall enter the Union without a valid Union of Burma Passport, or a certificate in lieu thereof, issued by competent authority :

Provided that this section shall not apply to a person, who, in proceeding from one place in the Union of Burma to another place in the Union of Burma, traverses in the course of that journey any extra-territorial waters.

Conditions for immigration permits and passport *visas*.

³ 4. (1) Permits and passport *visas* * * * shall be subject to such conditions as may be prescribed and also to such conditions as may be set out in the permit or *visa* * * *.

(2) All such conditions shall be deemed to be conditions for allowing the holder of such permit or *visa* to enter or remain in the Union of Burma, and a breach of any of these conditions shall render the holder liable to deportation from the Union of Burma if the President of the Union so directs.

Administration of oath.

⁴ 4A. Where an affidavit is required for the purpose of issuing an immigration permit or passport *visa*, * * * the Controller or such other officer as may be authorized in this behalf by the President of the Union may administer the oath to the deponent.

Supply of information by the carrier.

⁵ 5. (1) The carrier landing or embarking passengers at any seaport or airport in the Union of Burma shall furnish to such person and in such manner as the President of the Union may prescribe a return giving such particulars in

¹ Section 3 was re-numbered as sub-section (1) of section 3 and sub-section 1 as re-numbered was amended by Act LIII, 1950.

² Inserted by *ibid*.

³ Amended by Act LIII, 1950.

⁴ Inserted by Act XL, 1948, and amended by Act LIII, 1950.

respect of such passengers as may be required for the time being by order of the President of the Union and such passengers shall furnish the carrier with all the information required by him for the purpose of the return.

¹ (2) The carrier arriving in any seaport or airport in the Union of Burma shall furnish the Controller with a—

- (a) schedule of expected arrivals and departures of conveyances for each week ;
- (b) list of crew on arrival and departure ;
- (c) list of crew who are signed on or off.

¹ (3) The President of the Union may by order exempt from the provisions of this section any class of passengers or voyages, or any conveyance, or seaports and airports ; and any such order may be withdrawn at any time at his discretion.

² 6. (1) No foreigner shall enter or leave the Union of Burma by any means except at such seaports, airports or land stations prescribed by the President of the Union.

Prohibition of entry except through prescribed ports and land stations.

(2) It shall be the duty of the carrier who brings in a conveyance to any seaport or airport or land station in the Union of Burma to stop the conveyance at such place as may be specified by an immigration official and not to remove the conveyance until clearance is granted by the immigration official.

(3) For examination of any conveyance on any official holidays or between 17'00 hours and 7'00 hours on other days, the carrier shall be liable to pay an overtime fee fixed according to the rates that may be prescribed.

³ 7. (1) Any foreigner who enters the Union of Burma, or who after entry remains in the Union of Burma, in contravention of the provisions of this Act or the rules made thereunder may, in lieu of or in addition to any punishment to which he may be subject under any other section of this Act be detained in such manner as the President of the Union may direct, and whilst so detained shall be deemed to be in legal custody and shall be liable to be deported by an order of the President of the Union or of such authority as may be appointed by him in that behalf.

Detention of illegal entrants.

⁴ (2) The carrier who is responsible for the illegal entry of any foreigner against whom any order of deportation is subsequently issued under sub-section (1) shall remove such foreigner from the Union of Burma.

8. The President of the Union may exempt any person or classes of persons from any or all of the provisions of the Act with or without conditions.

Exemptions.

⁵ 9. Nothing in this Act shall apply to any duly accredited head of a foreign diplomatic mission or members of his household, or to members of his official staff and their families, or to any consular representative in the Union of Burma and his family.

Exemption of persons in diplomatic service.

¹ Existing sub-section (2) was re-numbered as sub-section (3), and new sub-section (2) inserted by Act LIII, 1950.

² Section 6 was re-numbered as sub-section (1) of section 6 and amended and sub-sections (2) and (3) were inserted by Act LIII, 1950.

³ Substituted by Act XVI, 1948, and re-numbered as sub-section (1) of section 7 and amended by Act XII, 1949 and subsequently amended by Act LIII, 1950.

⁴ Inserted by Act XII, 1949, and subsequently substituted by Act LIII, 1950.

⁵ Substituted by Act LIII, 1950

Arrest without warrant. ¹ 10. Any immigration official or any police officer may enter any place or conveyance and arrest without warrant any person whom he may reasonably suspect of contravening or having contravened or being about to contravene any of the provisions of this Act.

Fees. ² 11. Fees may be charged for the issue of immigration permits or passport visas * * * at such rates as may be prescribed.

Detention of illegal entrants. ³ 12. Any foreigner who has been brought into the Union of Burma and who is not entitled to enter the Union of Burma under the provisions of this Act or the rules made thereunder shall be detained by the carrier, who shall, if required at any time by any immigration official above the rank of Sub-Inspector of Immigration remove him from the Union of Burma. Such detention shall be deemed to be legal custody.

Offences and penalties. ⁴ 13. (1) Whoever enters or attempts to enter the Union of Burma or whoever after legal entry remains or attempts to remain in the Union of Burma in contravention of any of the provisions of this Act or the rules made thereunder or any of the conditions set out in any permit or visa * * * shall be liable on summary conviction to imprisonment for a term not exceeding one year or to fine or to both.

⁵ (2) Whoever being the carrier knowingly brings or attempts to bring into the Union of Burma any person not authorized to enter the Union of Burma shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding Rs. 200 for every such person brought or attempted to be brought into the Union of Burma, or to both.

⁶ (3) The carrier who omits to make the return required of him under section 5 of this Act or who makes a false return or who fails to carry out any duty laid upon him by this Act, shall be liable to imprisonment not exceeding three months or to a fine not exceeding Rs. 200, or to both.

⁷ (4) Any passenger refusing to give any information required by the carrier under section 5 of this Act, or who gives false information for the purpose, shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding Rs. 200, or to both.

⁸ (5) Whoever assists or attempts to assist any person to enter the Union of Burma illegally or knowing that a foreigner is remaining in the Union of Burma in contravention of any of the provisions of this Act or the rules made thereunder wilfully assists or attempts to assist him to remain in the Union of Burma shall be liable on conviction to imprisonment for a term not exceeding six months or to fine or to both.

⁹ (6) Whoever wilfully suppresses information or gives false information to prevent the apprehension of any foreigner who has contravened any of the provisions of this Act or the rules made thereunder shall be liable on conviction to imprisonment for a term not exceeding six months or to fine or to both.

¹⁰ (7) Whoever—

(a) uses or has in his possession any forged immigration permit or any immigration permit which bears any illegal obliteration, tampering or alteration in respect of any material particulars, or

¹ Substituted by Act XVI, 1948, and subsequently amended by Act LIII, 1950.

² Amended by Act LIII, 1950.

³ Substituted by Act XVI, 1948, and again by Act LIII, 1950.

⁴ Substituted by Act XVI, 1948, and again by Act XL, 1948, and subsequently amended by Act LIII, 1950.

⁵ Inserted by Act XVI, 1948, and subsequently substituted by Act LIII, 1950.

⁶ Inserted by Act LIII, 1950.

(b) impersonates or falsely represents himself to be, or not to be, a person to whom an immigration permit has been issued, or with intent to obtain an immigration permit makes any false statements, shall be punished with imprisonment which may extend to twelve months or with fine or with both.

¹ 13A. If any question arises with reference to this Act or rules made thereunder whether a foreigner enters or remains in the Union of Burma legally, the onus of proving that he enters or remains in the Union of Burma legally shall, notwithstanding anything contained in the Evidence Act, be upon such foreigner. Burden of proof

¹ 13B. If any question arises with reference to this Act or rules made thereunder whether a person is or is not a foreigner, or is or is not a foreigner of a particular class, the onus of proving that such a person is not a foreigner or is not a foreigner of such particular class, as the case may be, shall, notwithstanding anything contained in the Evidence Act, be upon such person.

² 14. (1) No magistrate other than a first class magistrate or a subdivisional magistrate shall try cases under this Act. Trial Court.

(2) The magistrate trying the case may direct any portion of the fine levied under section 13 to be paid to any person who has contributed in any way to the arrest and conviction.

³ 15. (1) Every order of deportation made under this Act shall remain in force until it is revoked by the President of the Union or by such authority as the President of the Union may appoint in that behalf. Duration of order of removal or deportation and punishment for breach of order.

(2) If any foreigner against whom an order of deportation has been issued fails to comply with the order in any respect, or having left the Union of Burma re-enters the Union of Burma without the permission in writing of the President of the Union or of such authority as the President of the Union may appoint in that behalf while the order is in force, he shall be liable to imprisonment for a term which may extend two years or to fine or to both and shall, in addition to such penalty, be liable to be deported again from the Union of Burma in pursuance of the order.

(3) When security has been taken in pursuance of any of the provisions of this Act or rules made thereunder the bond shall be deemed to be a bond taken under the Criminal Procedure Code by the District Magistrate having jurisdiction in the area in respect of which the said security has been taken and the provisions of section 514 of the said Code shall apply accordingly.

16. (1) The President of the Union may make rules ⁴ to carry out the purposes of this Act. Rule-making power.

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

(a) the authorities by whom passports may be *visaed* * * * on behalf of the President of the Union under section 3;

¹ Inserted by Act LIII, 1950.
² Section 14 was amended by Act XII, 1949, and subsequently re-numbered as sub-section (1) of section 14, and sub-section (2) inserted by Act LIII, 1950.
³ Section 15 was re-numbered as section 16 and new section 15 was inserted by Act LIII, 1950.
⁴ For Burma Immigration (Detention) Rules, 1951, See *Burma Gazette*, 1952, Part I, page 450.
⁵ Amended by Act LIII, 1950.

- (b) the conditions to which immigration permits and passport *visas* * * * shall be subject ;
- (c) the particulars required in respect of passengers and crew under section 5 ;
- (d) fees under section 11 ;
- (e) the conditions under which and the authority by whom bail may be granted ;
- (f) persons who shall be permitted to practise as writers of applications for immigration permits or passport *visas* and regulating the conduct of business of persons so practising ; and
- (g) such other matters as may be deemed necessary for the purpose of giving effect to the provisions of the Act.

¹ (3) The President of the Union may direct that a breach of any rule made under sub-sections (1) and (2) shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Rs. 200, or with both.

THE TRANSFER OF IMMOVEABLE PROPERTY (RESTRICTION) ACT.²

[BURMA ACT LXXXVI, 1947.] (30th December, 1947.)

WHEREAS it is expedient to restrict the transfer of immoveable property to foreigners ;

It is hereby enacted as follows :—

Short title. 1. This Act may be cited as the Transfer of Immoveable Property (Restriction) Act, 1947.

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

³ (a) "foreigner" means any person who is not a citizen of the Union and includes any company or association or body of individuals whether incorporated in the Union of Burma or not whose central management and control are not vested in the hands of the citizens of the Union or whose major interests or shares are not held by the citizens of the Union ;

(b) "immoveable property" shall have the meanings assigned to it in the Registration Act ;

(c) "lease", "sale", "gift" and "mortgage" shall have the meanings assigned to them in the Transfer of Property Act.

Prohibition of transfer of immoveable property to foreigners. 3. Notwithstanding anything contained in any other law for the time being in force, no person shall transfer any immoveable property by way of sale, gift, mortgage, or otherwise, or grant a lease for a term exceeding one year of any immoveable property, in favour of a foreigner or any person on his behalf, and no foreigner shall acquire any immoveable property by way of purchase, gift, mortgage or otherwise or accept any lease of immoveable property for a term exceeding one year :

Provided that this section shall not apply to any transfer or lease of immoveable property to a foreign Government for the use of its diplomatic

¹ Inserted by Act XVI, 1948.

² Published in Judicial Department Notification No. 542, dated 30th December 1947.—*Burma Gazette*, 1948 Part I, page 30.

³ Substituted by Act XVII, 1952