

- (c) if the further sentence is for a period of three months or less and is not suspended under this Act, the offender shall be committed on that sentence only, and the previous sentence shall (subject to any order which may be passed under section 5 or section 6) continue to be suspended.

Saving of section 112, Burma Army Act.

8. The powers conferred by this Act shall be in addition to, and not in derogation of, any powers as to the mitigation, remission or commutation of sentences conferred by the principal Act, and a superior military authority shall, as regards persons subject to that Act, be an authority having power to mitigate, remit or commute sentences under section 112 of that Act.

Provision as to dismissal.

9. Where in addition to any other sentence the punishment of dismissal has been awarded by a Court-martial, and such other sentence is suspended under this Act, then, notwithstanding anything contained in the principal Act or in any rules made thereunder, such dismissal shall not take effect until so ordered by a superior military authority :

Provided that, if a sentence is remitted under this Act, the punishment of dismissal shall also be remitted:

THE BURMA RESERVE FORCES ACT

1. * * * *

Division of Reserve Forces into Regular and Supplementary Reserves.

2. The Burma Reserve Forces shall consist of the Regular Reserve and the Supplementary Reserve.

Locality of service of Reserves.

3. A person belonging to the Burma Reserve Forces shall be liable to serve beyond the limits of the Union of Burma as well as within those limits.

Power to make rules for regulation of Reserve Forces.

4. The President of the Union may make rules and orders for the government, discipline and regulation of the Burma Reserve Forces.

Liability of Reserve Forces to military law.

5. Subject to such rules and orders as may be made under section 4, a person belonging to the Burma Reserve Forces shall, as an officer or soldier, as the case may be, be subject to military law in the same manner and to the same extent as a person belonging to the Burma Forces.

Punishment of certain offences by persons belonging to Reserve Forces.

6. (1) If a person belonging to the Burma Reserve Forces—

- (a) when required by or in pursuance of any rule or order under this Act to attend at any place, fails without reasonable excuse to attend in accordance with such requirement, or
- (b) fails without reasonable excuse to comply with any such rule or order,
- or

(c) fraudulently obtains any pay or other sum contrary to any such rule or order,

he shall be liable—

- (i) on conviction by a Court-martial, to such punishment other than death, transportation or imprisonment for a term exceeding one year as such Court is by the Burma Army Act empowered to award, or
- (ii) on conviction by a Magistrate of the first class, to imprisonment for a term which may extend, in the case of a first offence under this section, to six months, and, in the case of any subsequent offence thereunder, to one year.

(2) Where a person belonging to the Burma Reserve Forces is required by or in pursuance of any rule or order under this Act to attend at any place, a certificate purporting to be signed by an officer appointed by such a rule or order in this behalf, and 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.

(3) Any person charged with an offence under this section may be taken into and kept in either military or civil custody, or partly into and in one description of custody and partly into and in the other, or be transferred from one description of custody to the other.

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THE BURMA TERRITORIAL FORCE ACT

1. * * * *

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

“enrolled” means enrolled or re-enrolled in the Burma Territorial Force under this Act;

* * * *

“non-commissioned officer” means a person holding non-commissioned rank in the Burma Territorial Force, and includes an acting non-commissioned officer;

* * * *¹; and

“prescribed” means prescribed by rules made under this Act.

3. There shall be raised and maintained in the manner hereinafter provided a force to be designated the Burma Territorial Force: Constitution of Burma Territorial Force.

Provided that the President of the Union shall establish all or any of the branches of the Force as circumstances may permit from time to time.

4. (1) The President of the Union may constitute one or more corps or units of the Burma Territorial Force and may disband or reconstitute any corps or unit so constituted. Constitution and disbandment of units.

(2) The President of the Union may constitute for any town or group of towns one or more urban corps or units of the Burma Territorial Force, to be recruited from persons residing in or near such town or towns, and may disband or reconstitute any corps or unit so constituted.

(3) The President of the Union may constitute a University Corps consisting of one or more units of the Territorial Force, for the appointment thereto of students of, and other persons connected with the University of Rangoon or colleges affiliated thereto, and may disband or reconstitute any unit so constituted.

4A. * * * *

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