

(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.

— — —

**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;

\* \* \* \*<sup>1</sup>; 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. \* \* \* \*

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

- Enrolment.**      **5. (1)** [Any citizen of Burma]<sup>1</sup> may offer himself for enrolment in the Burma Territorial Force, and any such person who satisfies the prescribed conditions may be enrolled in the prescribed manner for such period, not exceeding six years, as may be prescribed.
- (2)** An applicant for enrolment may apply to be enrolled for service in any particular branch, corps or unit constituted for the place within which he for the time being resides.
- \*            \*            \*            \*<sup>2</sup>
- Appointment to corps or unit.**      **6. (1)** Every person enrolled shall without unnecessary delay be appointed in the prescribed manner to a corps or unit constituted under section 4 for the place in which he for the time being resides.
- (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.
- Transfer and attachment.**      **7. (1)** Any person appointed to a corps or unit under section 6 may be transferred, whether on disbandment of the corps or unit or otherwise, to another corps or unit of the Burma Territorial Force, in such manner as may be prescribed.
- (2)** Nothing contained in sub-section (1) shall be deemed to authorise the transfer without his own consent of any person enrolled to a corps or unit constituted for a place other than that in which he for the time being resides, or of a person enrolled for service in a particular branch to a corps or unit of another branch, or of a person enrolled for service in a particular corps or unit to any other corps or unit.
- (3)** Any person enrolled may be attached at his own request to any corps or unit of the Burma Territorial Force or to any regular forces.
- Change of residence.**      **7A. (1)** Any enrolled person who leaves his place for the time being and thereby leaves the place in which the corps or unit in which he is serving is constituted shall, if he does not intend to return to that place, notify the prescribed authority in that place of his change of residence.
- (2)** If such person having intended to return does not return within three months, he shall notify the prescribed authority as aforesaid immediately on the expiry of that period.
- (3)** The prescribed authority on being notified of a change of residence under sub-section (1) or sub-section (2) may, subject to the provisions of section 7, transfer such person from the corps or unit in which he is serving to another corps or unit.
- Discharge.**      **8.** Every person enrolled shall be entitled to receive his discharge from the Burma Territorial Force on the expiration of the period for which he was enrolled, and any such person may, prior to the expiration of that period, be discharged from the said Force by such authority and subject to such conditions as may be prescribed, and shall be so discharged on a recommendation of the Advisory Committee in this behalf :
- Provided that no person enrolled who is for the time being engaged in military service under the provisions of this Act shall be entitled to receive his discharge before the termination of such service.
- Liability to serve and perform military service.**      **9. (1)** Every person enrolled shall, subject to such conditions as may be prescribed, be bound to serve in any corps or unit of the Burma Territorial Force to which he has been appointed or transferred or is for the time being attached, and shall be subject to all rules and regulations that may be made under this Act relating to such corps or unit.

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

<sup>2</sup> Deleted *ibid.*

(2) Every person enrolled who has attained the age of eighteen years shall be liable to perform military service—

- (a) when called out with any portion of the Burma Territorial 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 Territorial Force to which he belongs has been embodied to support or supplement [the Burma 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 :

Provided that nothing in this sub-section shall apply to persons enrolled in a University Corps.

10. (1) No person embodied under section 9 shall be required to perform military service beyond the limits of the Union of Burma save under a general or special order of the President of the Union.

Territorial  
limits of  
liability to  
and duration  
of military  
service.

(2) Any portion of the Burma Territorial Force which, having been called out or embodied under section 9, is performing military service shall be replaced by regular troops or otherwise as soon as circumstances permit, and shall not be required to perform such service after such replacement has been effected to the satisfaction of the senior military officer in charge or after the cancellation of the order or notification under clause (a) or (b), as the case may be, of section 9.

11. <sup>2</sup> (1) \* \* \* \*

(2) Every [commissioned officer]<sup>1</sup> of the Burma Territorial Force, when doing duty as such officer, shall be subject to the Burma Army Act, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in [the Burma Forces]<sup>1</sup> as he holds for the time being in the said Force, subject to the terms of his commission and the orders of the President of the Union.

(3) Every non-commissioned officer and man of the Burma Territorial Force,—

- (a) when called out or embodied for military service under section 9,
- (b) when attached to, or otherwise acting as part of, or with, any regular force, or
- (c) when embodied for, or otherwise undergoing, military training in the prescribed manner,

shall be subject to the Burma Army Act, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in [the Burma Forces]<sup>1</sup> as he holds for the time being in the said Force, subject to the orders of the President of the Union :

Provided that the said Act, rules and regulations shall, in their application to such non-commissioned officers and men when embodied for or otherwise undergoing military training, be modified to such extent and in such manner as may be prescribed :

Provided further that non-commissioned officers and men of an urban corps or unit, when undergoing military training without having been embodied for that purpose, and non-commissioned officers and men of a University Corps when undergoing training, shall, in respect of such training, be subject only to such disciplinary and other rules as may be prescribed.

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

<sup>2</sup> Deleted *ibid.*

(4) Where an offence punishable under the Burma Army Act, or, as the case may be, under that Act as modified under sub-section (3), has been committed by any person whilst subject to that Act under the provisions of this section, 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 Territorial 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 has already commenced before such expiry.

Summary  
trial and  
punishments.

**11A.** In addition to, or in substitution for, any punishment or punishments to which he may be liable under the Burma Army Act, [any commissioned officer,]<sup>1</sup> non-commissioned officer or man of the Burma Territorial Force, not being a member of a University Corps, may be punished, either by a criminal Court or summarily by order of the prescribed authority, for any offence under that Act, with fine which may extend to fifty rupees, to be recovered in such manner and by such authority as may be prescribed :

Provided that no fine shall be summarily inflicted by order of the prescribed authority in any case in which the accused claims to be tried by a criminal Court :

Provided further that no Court inferior to that of a Magistrate of the first class shall try any offence made punishable by or under this Act.

Presumption  
as to certain  
documents.

**11B.** Where [any commissioned officer,]<sup>1</sup> non-commissioned officer or man of the Burma Territorial 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.

**12. (1)** The President of the Union shall constitute a Central Advisory Committee to advise him on matters connected with the Territorial Force and a Unit Advisory Committee for each unit.

(2) \* \* \* \*

(3) The constitution, powers and procedure of the Advisory Committees shall be such as may be prescribed.

Power to  
make rules.

**13. (1)** The President of the Union may, after previous publication, make rules<sup>2</sup> to carry out the purposes of this Act.

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

- (a) prescribe the manner in which, the period for which and the conditions subject to which, persons may be enrolled under section 5 ;
- (b) prescribe the manner in which persons enrolled may be appointed to corps and units under section 6 or transferred under section 7 or section 7A ;
- (c) prescribe the authorities by which and the conditions subject to which persons enrolled may be discharged under section 8 ;

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

<sup>2</sup> For such rules, see *Burma Gazette*, 1941, Part I, p. 952.

- (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.

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## THE BURMA AUXILIARY FORCE ACT.

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