

THE KARENNI STATE PUBLIC ORDER (PRESERVATION) ACT, 1950.*

[KARENNI STATE ACT I, 1950.] (18th October, 1950.)

WHEREAS it is expedient to make provisions for restoring and preserving peace and order in the Karenni State,¹ it is hereby enacted as follows:—

1. (1) This Act shall be called “The Karenni State¹ Public Order (Preservation) Act, 1950.”

(2) It shall come into force at once, and shall remain in force until such date as the Head of the Karenni State¹ may, by notification, declare it to be no longer in force.

(3) It shall extend to the whole of the Karenni State.¹

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

(1) “the Code” means the Code of Criminal Procedure.

(2) “the Head of State” means the Head of the Karenni State,¹

3. Notwithstanding anything contained in the Code or in any other law for the time being in force,—

(a) any member of the Armed Forces serving in the Karenni State,¹ who is authorized, by name or designation, by the Head of State in this behalf may exercise the powers conferred upon police officers by the provisions of Chapter V of the Code as amended;

(b) the operation of the provisions of sub-section (3) of section 46 of the Code shall be suspended;

(c) section 61 of the Code shall have effect as if the expression “seventy-two hours” had been substituted for the expression “twenty-four hours” appearing therein.

4. (1) Notwithstanding anything contained in any law for the time being in force, any officer who is authorized, by name or designation, by the Head of State in this behalf may take hostages from or may impose fines in money or goods, or may confiscate or destroy the property or any part of the property of, the inhabitants of any village-tract, or may destroy by burning or by any other means any village or any part thereof, if after enquiry he finds that any substantial number of the inhabitants of such village-tract or village have—

(a) taken part in or conspired to create a disturbance of the public tranquillity or attempted to create or abetted the creation of such disturbance or collected men, arms or ammunition or otherwise prepared to create a disturbance of the public tranquillity;

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¹ Now the Kayah State, see Act LXII, 1951.

(b) taken part in or abetted the commission of or conspired to commit robbery or dacoity with arms.

(2) Such officer may order the whole or any part of the fine imposed under sub-section (1) to be given as compensation to any person to whom damage or injury has been caused directly or indirectly by the act or acts in respect of which the fine is imposed.

5. (1) Any police officer not below the rank of a sub-inspector or any other officer of Government empowered in this behalf by general or special order by the Head of State may issue an order of arrest or arrest without warrant any person whom he suspects of having acted, of acting, or of being about to act—

(a) in any manner calculated to disturb, or to assist a disturbance of the public tranquillity ;

(b) in a manner prejudicial—

(i) to the safety of any place or area or of any industry, machinery or building in any such place or area ;

(ii) to the output or effective control of any such industry or machinery,

(2) Any officer who makes an arrest in pursuance of sub-section (1) shall forthwith report the fact of such arrest to the Head of State, and pending the receipt of the orders of the Head of State he may, by an order in writing, commit any person so arrested to such custody as the Head of State may by general or special order specify :

Provided—

(i) that no person shall be detained in custody under this sub-section for a period exceeding fifteen days without the order of the Head of State ;

(ii) that no person shall be detained in custody under this sub-section for a period exceeding two months.

(3) If any person arrested under clause (b) of sub-section (1) is prepared to furnish security, the officer who has arrested him may, instead of committing him to custody, release him on his executing a bond with or without sureties undertaking that he will not, pending the receipt of the orders of the Head of State, enter, reside or remain in the area in respect of which he became liable to arrest.

(4) On receipt of any report made under the provisions of sub-section (2) the Head of State may, in addition to making such orders subject to the second proviso to sub-section (2) as may appear to be necessary for the temporary custody of any person arrested under this section, make, under section 5A such final order as may appear to the Head of State in the circumstances of the case to be reasonable or necessary.

(5) When security has been taken in pursuance of the provisions of sub-section (3), the bond shall be deemed to be a bond taken under the 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.

5A. (1) If the Head of State is satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the public safety and the maintenance of public order it is necessary so to do, the Head of State may make an order—

- (a) directing such person to remove himself from the Karenni State¹ in such manner, by such time and by such route as may be specified in the order, and prohibiting his return to the Karenni State¹;
- (b) directing that he be detained;
- (c) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in the Karenni State¹ as may be specified in the order;
- (d) requiring him to reside or remain in such place or within such area in the Karenni State¹ as may be specified in the order, and if he is not already there to proceed to that place or area within such time as may be specified in the order;
- (e) requiring him to notify his movements in such manner, at such times and to such authority or persons as may be specified in the order;
- (f) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, in respect of his control over minor children of whom he is parent or guardian, and in respect of his activities in relation to the dissemination of news or propagation of opinions;
- (g) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order;
- (h) otherwise regulating his conduct in any such particular as may be specified in the order;

Provided that no order under clause (a) of this sub-section shall be made in respect of any native of the Karenni State.¹

(2) An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order.

¹ Now the Kayah State, *see* Act LXII, 1951.

(3) If any person is in any area or place in contravention of an order made under the provisions of this section or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-section (5), he may be removed from such area or place by any police officer or by any person acting on behalf of Government.

(4) So long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline, as the Head of State may from time to time determine.

(5) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both, and if such person has entered into a bond in pursuance of the provisions of sub-section (2), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

(6) If the Head of State has reason to believe that a person in respect of whom he has made an order under sub-section (1) directing that the person be detained has absconded or is concealing himself so that such order cannot be executed, the Head of State may make a report in writing of the facts to a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate.

5B. (1) The Head of State may, by order, direct that any person in respect of whom an order has been made under the provisions of section 5A, shall—

- (a) allow himself to be photographed;
- (b) allow his finger and thumb impressions to be taken;
- (c) furnish specimens of his handwriting and signature; and
- (d) attend at such time and place before such authority or person as may be specified in the order for all or any of the purposes mentioned in this section.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

6. (1) The Head of State may, by order, direct that, subject to any specified exemption, no person present within any specified area shall, between such hours as may be specified, be out of doors except under the authority of a written permit granted by a specified authority or person.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) No Court shall take cognizance of an alleged offence under this section except on a report in writing of the facts constituting such offence made by a public servant.

6A. (1) The Head of State may, by general or special order, prohibit or restrict in any area any such exercise, movement, evolution or drill of a military nature as may be specified in the order.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

6B. (1) If the Head of State is satisfied that—

(a) the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of the Burma Forces or by a member of any official Police Force or of any force constituted under any law for the time being in force ;

(b) the wearing or display in public of any distinctive dress or article of apparel or any emblem,

would be likely to prejudice the public safety or the maintenance of public order, the Head of State may, by general or special order, prohibit or restrict the wearing or display in public of any such dress, article of apparel or emblem.

(2) For the purposes of this section, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

7. The Head of State may by order direct that any power which is conferred upon him by sections 5, 5A, 5B, 6, 6A and 6B shall, subject to such conditions as may be specified therein, be exercised by such officer or authority as he may specify.

8. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public order and safety.

9. (1) No order made in exercise of any power conferred by or under this Act shall be called into question in any Court.

(2) Where an order purports to have been made and signed by any officer or authority in exercise of any power conferred by or under this Act, a Court shall within the meaning of the Evidence Act, presume that such order was made by that officer or authority until the contrary be proved.

10. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) Save as otherwise expressly provided under this Act no suit or other legal proceeding shall lie against the Karenni State Government for any damage caused or likely to be caused by anything done or intended to be done in pursuance of this Act.

၁၉၅၃ ခုနှစ်၊ ကယားပြည်နယ်အကြံပေးပုဂ္ဂိုလ်များအက်ဥပဒေ။

[၁၉၅၃ ခုနှစ်၊ ကယားပြည်နယ်အက်ဥပဒေ အမှတ် ၁။] (၁၉၅၂ ခု၊ မတ်လ ၃ ရက်။)

၁။ ။ဤအက်ဥပဒေသည် ၁၉၅၂ ခုနှစ်၊ မတ်လ ၃ ရက်နေ့မှစ၍ အာဏာတည်သည်ဟု ယူဆရမည်။

၂။ ။ဤအက်ဥပဒေတွင် အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၏ အဓိပ္ပါယ်နှင့် ဖြစ်စေ မဆန့်ကျင်လျှင်—

- (က) “ ဥက္ကဋ္ဌ ” ဆိုသည်မှာ၊ ဖွဲ့စည်းအုပ်ချုပ်ပုံအခြေခံဥပဒေအရ ခန့်ထားအပ်သော ကယားပြည်နယ်ဥက္ကဋ္ဌကိုဆိုလိုသည်။
- (ခ) “ အစည်းအဝေး ” ဆိုသည်မှာ၊ ကယားပြည်နယ်ကောင်စီ အစည်းအဝေး၊ သို့မဟုတ် ကယားပြည်နယ်ကောင်စီကသော်၎င်း၊ ဥက္ကဋ္ဌကသော်၎င်း၊ ရွေးချယ်ခန့်အပ်ထားသောကော်မီတီ၏၊ သို့မဟုတ် ဆပ်ကော်မီတီ၏ အစည်းအဝေးများကို ဆိုလိုသည်။
- (ဂ) “ အကြံပေးပုဂ္ဂိုလ် ” ဆိုသည်မှာ၊ ဥက္ကဋ္ဌသည် မိမိ၏ပြည်နယ်စီရင်အုပ်ချုပ်မှုတွင် အကြံပေးကူညီရန်၊ အတိုင်ပင်ခံရန်၊ သို့မဟုတ် အစည်းအဝေးတွင် အကြံပေးကူညီရန်၊ အတိုင်ပင်ခံရန်ဥက္ကဋ္ဌက ခန့်အပ်ခြင်းခံရသောပုဂ္ဂိုလ်တစ်ဦး၊ သို့မဟုတ် တဦးထက်ပိုသောပုဂ္ဂိုလ်များကိုဆိုလိုသည်။
ထိုကဲ့သို့ခန့်အပ်ခြင်းကို အစိုးရပြန်တမ်းတွင် ကျေညာရမည်။

၃။ ။အကြံပေးပုဂ္ဂိုလ်တစ်ဦးသည် ဥက္ကဋ္ဌ၏အမိန့်အရ၊ အကြံပေးကူညီခြင်း၊ အစည်းအဝေး တက်ရောက်ခြင်း စသည့်အလုပ်ဝတ်တရားများကို ဆောင်ရွက်သည့်နေ့များအတွက် နေ့တွက်စရိတ် တနေ့လျှင် ၂ ပီ (နှစ်ဆယ်ကျပ်) ကျ ရယူခွင့်ရှိစေရမည်။

အလုပ်ဝတ်တရားများကို ဆောင်ရွက်သည့်နေ့များကို တွက်ချက်ရာတွင် အလုပ်ဝတ်တရားများ စတင်မဆောင်ရွက်မီ တနေ့နှင့် ဆောင်ရွက်ပြီးနောက်တနေ့များထည့်သွင်းရမည်။

၄။ ။အကြံပေးပုဂ္ဂိုလ်တစ်ဦးသည် ပုဒ်မ ၃ တွင်ပြဋ္ဌာန်းထားသည့်စရိတ်အပြင်၊ မိမိ၏တာဝန် ဝတ်တရားများအတွက် ခရီးသွားလာရသည့်အခါ၊ ဤအက်ဥပဒေအရ ပြဋ္ဌာန်းထားသော နည်းဥပဒေ များရှိက၊ ၎င်းနည်းဥပဒေများတွင် သတ်မှတ်သောစည်းကမ်းချက်များနှင့်အညီ ခရီးစရိတ်များကိုရယူ ခွင့်ရှိစေရမည်။

¹ Now the Kayah State, see Act LXII, 1951.