

of [the Burma]¹ 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 President of the Union 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 President of the Union may by order direct that any power which is conferred upon him by [sections 5, 5A, 5B, 6, 6A and 6B]² 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 [Union of Burma]¹ for any damage caused or likely to be caused by anything done or intended to be done in pursuance of this Act.

THE REQUISITIONING (EMERGENCY PROVISIONS) ACT:

[BURMA ACT XXXVIII, 1947.] (28th July, 1947.)

WHEREAS it is expedient to make provisions for requisitioning lands and premises in certain respects;

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It is hereby enacted as follows :—

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

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

² Amended by Acts XXVIII, 1947, LXXIX, 1947 and LXII, 1948.

(2) It shall remain in force until such date as the President of the Union may, by notification, direct that it shall cease to be in force.

2. (1) The President of the Union may by order in writing requisition any land, building, part of a building, or other premises, together with any fixtures, fittings, furniture or other things therein, or any water-supply system connected or pertaining to such land or premises, and may make such further orders as appear to the President of the Union to be necessary or expedient in connection with the requisitioning :

Provided that no land, premises or things used for the purpose of religious worship shall be requisitioned under this Act :

Provided also that no land, premises or things shall be requisitioned under this Act for any person who is not a public servant, or whose work or duty is not connected with the Government, or in respect of whom the Government is under no obligation to make a requisition, or who is not a representative, or a member of the diplomatic mission, of another country, or a visitor from a foreign [State].¹

²(2) Where the President of the Union has requisitioned any land, premises water-supply system or thing under sub-section (1), the President of the Union may use such land, premises, water-supply system or thing in such manner as he may consider necessary or expedient, but shall have no power to dispose of any such land, premises, water-supply system or thing.

(3) The President of the Union may by order :—

- (a) require the owner or occupier of any land, building, part of a building, or other premises to furnish to such authority as may be specified in the order such information in his possession relating to the land, building, part of a building, or other premises, or to any fixtures, fittings, furniture or other things therein, or to any water-supply system connected or pertaining thereto, as may be so specified ;
- (b) direct that such owner or occupier shall not, without the permission of the President of the Union, dispose of such land, building, or other premises, or of any fixtures, fittings, furniture, or other things therein, or of any water-supply system connected or pertaining thereto, till the expiry of such period as may be specified in the order.

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

3. (1) The President of the Union may by order in writing require the owner, or the person having the management, of any warehouse or cold storage depôt to place at the disposal of Government the whole or any part of the space or accommodation available in such warehouse or cold storage depôt and to employ such space or accommodation for the storage of any articles or things specified in the order ; and such an order may require the said owner or person to afford such facilities, and maintain such services, in respect of the storage of such articles or things, as may be specified.

(2) Whenever in pursuance of an order made under sub-section (1) any space or accommodation in a warehouse or cold storage depôt is placed at the disposal of the Government the owner of such warehouse or cold storage depôt shall be paid therefor at such rates as the President of the Union may by order made in this behalf determine.

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

² Substituted by Act LV, 1947.

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

4. (1) The Government may cause any reasonable repair to be made to any building which is requisitioned under this Act and deduct the expenses of the repair from the rent, or otherwise recover it from the lessor.

(2) The provisions of sub-section (1) shall apply to the requisitions of the buildings made or purported to have been made under Rule 76 of the Defence of Burma Rules before the commencement of this Act, as if the said requisitions had been validly made under the provisions of this Act.

¹4A. The President of the Union may, by order, direct that any power which is conferred upon him by section 2, section 3 and section 4 shall, subject to such conditions as may be specified therein, be exercised by such officer or authority as he may specify.

5. Notwithstanding anything contained in any other law, all requisitions of property or things made or purported to have been made under Rule 76 and Rule 79 of the Defence of Burma Rules before the commencement of this Act shall be deemed to have been made under the provisions of this Act, as if this Act were in force at the time the requisitions were made; and no such requisitions shall be deemed to be invalid by reason only that they were made in contravention of the provisions of the provisions to the said Rule 76 (1).

6. ²(1) Where any property or thing is requisitioned, or is deemed to have been requisitioned, under the provisions of this Act, the owner of such property or thing shall be paid such compensation for any loss he may have sustained as a result of such requisitioning as may be fixed in accordance with the provisions of this section.

(2) In default of agreement between the Government and the owner of the property, the President of the Union shall, by general or special order, specify the authority or person through which or whom any claim for compensation under sub-section (1) shall be submitted and the authority or person by which or whom any such claim shall be adjudged or awarded.

(3) The President of the Union may further, by general or special order, prescribe the conditions to which the authority or person responsible for adjudging or awarding claims for compensation shall have regard when determining the amount of compensation payable, and may give such supplementary orders as to the assessment and payment of compensation as may appear to him to be necessary or expedient.

³(4) No compensation shall be payable under the provisions of this section unless the owner of the property or thing, requisitioned or deemed to have been requisitioned under the provisions of this Act, submits his claim for such compensation within ninety days from the date on which the said property or thing was de-requisitioned.

⁴6A. (1) Where any requisitioned land, building, part of a building or other premises is to be released from requisition, the President of the Union may, after making such inquiry, if any, as he considers necessary, specify by order in writing the person to whom possession of the said land, building, part of a building or other premises shall be given.

¹ Inserted by Act LV, 1947.

² Substituted *ibid.*

³ Inserted by Act LXXIV, 1951.

⁴ Inserted by Act LXXV, 1951.

(2) The delivery of possession of the requisitioned land, building, part of a building, or other premises to the person specified in an order made under sub-section (1) shall be a full discharge of the President of the Union from all liability in respect of such delivery, but shall not prejudice any rights in respect of the said land, building, part of a building or other premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the said land, building, part of a building or other premises is so delivered.

(3) Where the person to whom possession of any requisitioned land, building, part of a building or other premises is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the President of the Union shall cause a notice, declaring that the said land, building, part of a building or other premises is released from requisition, to be affixed on some conspicuous part of the said land, building, part of the building or other premises and publish the notice in the Gazette.

(4) When notice referred to in sub-section (3) is published in the Gazette, the land, building, part of a building or other premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the President of the Union shall not be liable for any compensation or other claim in respect of the said land, building, part of a building or other premises for any period after the said date.

7. The provisions of this Act shall be deemed to supersede the provisions of all other laws in so far as the latter are inconsistent with or repugnant to the provisions of this Act.

THE PUBLIC UTILITIES PROTECTION ACT.

[BURMA ACT XLI, 1947.] (1st August, 1947.)

It is hereby enacted as follows :—

1. This Act shall be deemed to have come into force with effect from the first day of August 1947.

2. No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to—

- (a) any buildings, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of Government;
- (b) any railway (as defined in the Railways Act), tramway, road, canal, bridge, culvert, causeway, port, dockyard, lighthouse, aerodrome, or telegraph (as defined in the Burma Telegraph Act);
- (c) any rolling-stock of a railway or tramway, any vessel or aircraft;
- (d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory.

3. The provisions of section 2 shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.