

4. One-third part of the standard yard shall be called a standard foot, and one-thirty-sixth part of such a yard shall be called a standard inch. Standard foot and inch.

5. Any measure having stamped thereon or affixed thereto a certificate purporting to be made under the authority of the President of the Union or of any Government in India or Pakistan, and stating that the measure is of the length of the standard yard, or that a measure marked thereon as a foot or inch is of the length of the standard foot or standard inch, as the case may be, shall, when produced before any Court by any public servant having charge of the measure in pursuance of any direction published in the Gazette by order of the President of the Union, or by any person acting under the general or special authority of such a public servant, be deemed to be correct until its inaccuracy is proved. Presumption in favour of accuracy of certified measures.

6. A public servant having in pursuance of such a direction charge of such a measure as is mentioned in the last foregoing section shall allow any person to inspect it free of charge at all reasonable times and to compare therewith or with any measure marked thereon any measure which such person may have in his possession. Inspection of certified measures by the public.

THE UPPER BURMA RUBY REGULATION.¹

[REG. XII, 1887.] (10th October, 1887.)

1. * * * *

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

- (1) "precious stone" or "stone" means ruby, spinel or sapphire, and includes any other stone which the President of the Union may, by notification in the Gazette, declare to be a precious stone for the purposes of this Regulation ;
- (2) "stone-tract" means a tract which the President of the Union has, by notification in the Gazette, declared to be a local area in which precious stones are found ;
- (3) "native" used with reference to a stone-tract, means a person who was born, and during the five years immediately preceding the 10th October, 1887² has habitually resided, in the stone-tract ;
- (4) "transport" means to remove from one place to another within the territory to which this Regulation extends ; and
- (5) "vessel" includes anything made for the conveyance by water of human beings or of property.

¹ As its name implies this Regulation applies to Upper Burma only.
² Date of commencement of this Regulation.

Prohibition
of digging
for, or deal-
ing in stones
except under
rules.

3. Except as permitted by rules under this Regulation, no one shall—
- (a) if he is not a native of a stone-tract, reside therein ;
 - (b) dig for or raise any precious stone in a stone-tract ;
 - (c) cut or dress any precious stone ;
 - (d) possess any precious stone in a stone-tract or, for the purposes of trade in any place beyond the limits of a stone-tract ;
 - (e) buy or sell, or be otherwise a party to the transfer of, any precious stone ; or
 - (f) transport any precious stone.

Power to
make rules.

4. (1) The President of the Union may, by notification in the Gazette, make rules consistent with this Regulation to permit on such conditions and in consideration of such payments, if any, as he thinks fit, and to regulate, all or any of the following matters, namely :—

- (a) the residence in a stone-tract of persons who are not natives thereof ;
- (b) the digging for or raising of precious stones in a stone-tract ;
- (c) the cutting or dressing of precious stones ;
- (d) the possession of precious stones in a stone-tract or, for the purposes of trade, in any place beyond the limits of a stone-tract ;
- (e) the purchase or sale of, or other mode of transferring, precious stones ; and
- (f) the transport of precious stones.

(2) * * * *

Supple-
mentary
provisions
respecting
rules.

5. (1) Rules under the last foregoing section may provide for the following among other matters, namely :—

- (a) the grant of licences to do anything permitted by the rules to be done ;
- (b) the authority by which the licences may be granted ;
- (c) the time and manner at and in which applications for the licences are to be made ;
- (d) the authority by which the conditions of the licences, and the payments, if any, to be made therefor, are to be prescribed ;
- (e) the powers which may be exercised for the purpose of enforcing any provision of this Regulation or the rules or securing the fulfilment of any condition of a licence, and the authority by which those powers may be exercised ;
- (f) the period for which any licence is to remain in force ;
- (g) the authority by which fees may be prescribed for services rendered to licensees and other persons under the rules, and the limitation of the amount of those fees ;
- (h) the authority by which forms may be prescribed for any of the purposes of the rules ;

- (i) the exemption, absolutely or subject to conditions, of any precious stones from the operation of this Regulation or the rules ; and
- (j) any other matter for which it is, in the opinion of the President of the Union, necessary to make rules in the interests of the public or of the public revenue.

(2) A licence to dig for or raise precious stones in a stone-tract may impose on the holder thereof the condition that he shall, at the option of the authority granting the licence, or of some other authority appointed by the President of the Union in this behalf, or of some person upon whom the right of exercising the option has been conferred by the President of the Union by lease or other appropriate instrument under this Regulation, either—

- (a) sell at his own valuation to that authority or person all or any stones which he or any person permitted by the licence to work under him finds or raises, or
- (b) pay on that valuation to that authority or person such duty in respect of the stones as the President of the Union directs and in accordance with such conditions, if any, as to the time, place and mode of payment as he may direct.

6. (1) If any person, in contravention of this Regulation or of any rule duly made thereunder, digs for or raises any precious stone, he shall, on conviction before a Magistrate of the first class, or, in a stone-tract, before a Magistrate of the second class specially empowered by the President of the Union in this behalf, be punished for each such offence with imprisonment for a term which may extend to one year for the first offence, and to two years for any subsequent offence, or with fine, or with both. Offences.

(2) In either of the following cases, namely :—

- (a) if any person, in contravention of this Regulation or of any rule duly made thereunder, resides within a stone-tract, or possesses any precious stone in a stone-tract or for the purposes of trade in any place beyond the limits of a stone-tract, or buys or sells, or is otherwise a party to the transfer of, any precious stone, or transports any precious stone, or
- (b) if any licensee fails or refuses to comply with any provision of any rule duly made under this Regulation, or commits a breach of any condition of his licence,

he shall, on conviction before a Magistrate of the first class, or, in a stone-tract, before a Magistrate of the second class specially empowered by the President of the Union in this behalf, be punished for each such offence with imprisonment for a term which may extend to one month for the first offence, and to six months for any subsequent offence, or with fine, or with both.

7. Subject to any rule under this Regulation, it shall be presumed in a prosecution under section 6, until the contrary is proved, that any stone for which the accused person is unable to account satisfactorily is a stone in respect of which he has committed an offence under that section. Presumption in prosecutions.

Confiscation. **8.** (1) Any stone in respect of which an offence under section 6 has been committed shall be liable to confiscation.

(2) When the offender is convicted, or when the person charged with an offence in respect of any stone is acquitted but the Magistrate decides that the stone is liable to confiscation, the confiscation may be ordered by the Magistrate.

(3) When an offence under section 6 has been committed but the offender is not known or cannot be found, the Deputy Commissioner, or other officer authorized by the President of the Union in this behalf either by name or by office, shall inquire into and determine the case, and may order the confiscation of the stone in respect of which the offence was committed :

Provided that the order shall not be made until one month has expired after the date of the seizing of the stone, nor until an opportunity has been given to the persons, if any, claiming any right to the stone of being heard and of producing evidence in support of their claims.

(4) When a stone not in the possession of any person cannot be satisfactorily accounted for, the Deputy Commissioner or other officer may proceed with respect thereto under sub-section (3) as if it were a stone to which that sub-section applied.

(5) The Magistrate, Deputy Commissioner or other officer may, instead of ordering the confiscation of a stone liable to be confiscated, give the owner of the stone an option to pay, in lieu of confiscation, such sum as the officer thinks fit.

Powers of search, seizure and arrest.

9. (1) Any officer authorized by the President of the Union in this behalf either by name or by office, who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that any stone liable to confiscation under section 8 is to be found in any building, vessel or enclosed place, may, after sunrise and before sunset,—

- (a) enter the building, vessel or place ;
- (b) in case of resistance, break open any door and remove any other obstacle to his entry ;
- (c) search for and seize the stone ; and
- (d) detain and search, and if he thinks proper arrest, any person whom he has reason to believe to be guilty of any offence relating to the stone.

(2) Any officer authorized by the Deputy Commissioner in this behalf may—

- (a) search for and seize, in any open place or in transit, any stone which he has reason to believe to be liable to confiscation under section 8 ;
- (b) in a stone-tract, detain and search any person whom he has reason to believe to be guilty of any offence under section 6, and, if necessary, arrest that person and any other person in his company ;

(c) elsewhere, detain and search any person whom he has reason to believe to be guilty of any offence under section 6, and, if that person has any stone in his possession, arrest him and any other person in his company.

(3) The provisions of the Code of Criminal Procedure relating to searches under that Code shall, so far as they can in the circumstances for the time being be made applicable, apply to searches under sub-section (1) and sub-section (2).

(4) In either of the following cases, namely :—

- (a) if an officer authorized to act under sub-section (1) enters, without reasonable ground of suspicion, any building, vessel or place, or
- (b) if an officer authorized to act under sub-section (1) or sub-section (2) vexatiously and unnecessarily makes any search or detains or arrests any person,

the officer shall for every such offence be punished with fine which may extend to five hundred rupees.

(5) Where an officer is sentenced to a fine for an offence under the last foregoing sub-section, the Court imposing the fine or confirming the sentence may presume, for the purposes of section 545 of the Code of Criminal Procedure, that injury has been caused by the offence and that substantial compensation is recoverable by civil suit in respect of the injury.

10. (1) A Magistrate may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence under section 6, or for the search, by day or by night, of any building, vessel or place in which he has reason to believe any stone liable to confiscation under section 8 to be kept or concealed.

Issue of warrants by Magistrates.

(2) Warrants issued under this section shall, so far as the circumstances for the time being admit, be executed in accordance with the provisions of the Code of Criminal Procedure.

11. (1) A person arrested or stone seized under section 9 shall be forwarded without delay to the officer in charge of the nearest police-station.

Disposal of persons arrested and stones seized.

(2) A person arrested or stone seized under section 10 shall be forwarded without delay to the Magistrate by whom the warrant under that section was issued.

(3) The police-officer or Magistrate, as the case may be, to whom a person or stone is forwarded under sub-section (1) or sub-section (2), shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of the person or stone.

12. When an officer makes an arrest or seizure under section 9 or section 10, he shall, within forty-eight hours next after the arrest or seizure, make a full report of all the particulars of the arrest or seizure to his immediate official superior.

Report of arrests and seizures.

Obligation to give information of offences.

13. A police-officer, railway-servant, carrier of goods for hire or person in the employ of such a carrier, who is aware of the commission of or of the intention to commit an offence under section 6, shall be legally bound to give immediate information, orally or in writing, of the commission of or intention to commit the offence to a Magistrate, or to a police-officer above the rank of constable.

Power for President to grant lease.

14. The President of the Union may grant by lease or other appropriate instrument, with respect to all or any stone-tracts or to any stone-tract, the right to exercise the option referred to in section 5, sub-section (2).

Recovery of arrears of fees, duties and rents.

15. (1) Any fee, duty or other money due to the Government under any rule or licence made or given under this Regulation, and any money due to the Government from a grantee under the last foregoing section, may be recovered from the person from whom the money is due, or from his surety, if any, as if it were an arrear of revenue. ¹

(2) Nothing in sub-section (1) shall be construed to affect the right of the Government to proceed by suit, in addition to or in lieu of any process authorized by that sub-section, for the recovery of any such money as is mentioned in the sub-section,

Acquisition of land for lessee.

16. If, in the opinion of the President of the Union, the acquisition of any land on behalf of a grantee under section 14 is desirable for the purposes of this Regulation, the President of the Union may, at the request of the grantee, proceed to acquire the land under the provisions of the Land Acquisition Act and, on payment by the grantee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in him, subject to such conditions, if any, as the President of the Union may in each case prescribe.

ပြည်ထောင်စုနိုင်ငံ တွင်းထွက်ပင်းရင်း အခြေအမြစ်များကို ထုတ်ဖော် လုပ်ကိုင်နိုင်သော အခွင့်အရေးပေးရန် (ခွင့်ပြုသည့်) အက်ဥပဒေ။

[၁၉၄၉ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၄၇။] (၁၉၄၀ ခု၊ ဇန္နဝါရီလ ၄ ရက်။)

ပြည်ထောင်စုနိုင်ငံ၏ သတ္တုများမှစ၍ တွင်းထွက် ပင်းရင်းအခြေအမြစ်များကို ထုတ်ဖော် လုပ်ကိုင်နိုင်သော၊ သို့တည်းမဟုတ် တိုးတက်အောင်မြင်နိုင်သော အခွင့်အရေးကို ပြည်ထောင်စု မြန်မာနိုင်ငံ၏ ဖွဲ့စည်းအုပ်ချုပ်ပုံအခြေခံဥပဒေပုဒ်မ ၂၁၉ တွင်ဖော်ပြထားသောပုဂ္ဂိုလ်များ၊ ကုမ္ပဏီ များ၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းများမှတစ်ပါး၊ အခြားပုဂ္ဂိုလ်များ၊ ကုမ္ပဏီများ၊ သို့တည်းမဟုတ် အဖွဲ့အစည်းများအား ပေးရန်အလို့ငှါ၊ တရားဥပဒေဖြင့် သီးခြားခြွင်းချက်စည်းကမ်းများ ပြဋ္ဌာန်းနိုင် သည့်အာဏာကို ပြည်ထောင်စု ပါလီမန်အား၊ ထိုအခြေခံဥပဒေပုဒ်မ ၂၁၉ ဖြင့် အပ်နှင်းထား သည့်တကြောင်း၊

¹ See sections 41 and 47 of the Upper Burma Land and Revenue Regulation.