

Trial of offences.

33. Save as otherwise provided by section 27, no offence under this Act shall be tried save by a Court not inferior to that of a Magistrate of the first class.

Exemption from local taxation.

34. No enrolled person shall be liable to pay any municipal or other tax in respect of a horse, bicycle, motor-bicycle, motor car or other means of conveyance which he is authorised by a general or special order of the competent military authority to maintain in his capacity as a member of the Burma Auxiliary Force.

SCHEDULE I.

(See sections 9, 11, 12 and 15.)

TRAINING.

1. Preliminary—		
(a) for infantry ...	...	32 days, and the annual musketry course as laid down in regulations.
(b) for other branches ...	...	40 days, and the annual musketry or gun course as laid down in regulations.
2. Periodical—		
(1) Active class—		
(a) for infantry ...	...	20 days in each training year, and the annual musketry course as laid down in regulations.
(b) for other branches ...	...	20 days in each training year, and the annual musketry or gun course as laid down in regulations.
(2) Reserve class—		
(A) Personnel transferred from the Active Class. All branches.		} The annual weapon training course as authorised in regulations.
(B) Personnel recruited direct to the Reserve class—		
(a) for infantry ...	...	} As prescribed in item 2 (1) above.
(b) for other branches ...	...

NOTE.—(cf. section 15).—Except during periodical training in camp, a day consists of four hours of actual military drill or action and may be made up of fractions of a day not more than four in number.

VOLUNTEER FORCES (PROTECTION IN CIVIL EMPLOYMENT) ACT.

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 ဝန်ထမ်းများ၏ အလုပ်အကိုင်ကို
 ကာကွယ်ရန် ဝန်ထမ်းများ
 အကျိုးအမြတ်

[BURMA ACT IX, 1940.] (28th March, 1940.)

1. (1) This Act may be called the Volunteer Forces (Protection in Civil Employment) Act, 1940; and

(2) It shall come into force on the date on which the Volunteer Forces (Protection in Civil Employment) Ordinance, 1940, ceases to operate.

2. (1) The term "volunteer force" shall include the Burma Naval Volunteer Reserve Force, the Army in Burma Reserve of Officers, the Burma

Auxiliary Force, the Burma Territorial Force, the Auxiliary Air Squadron, and such other volunteer Naval, Military, or Air Forces as may from time to time be raised in the Union of Burma.

(2) The term "employer" shall include any body of persons, whether incorporated or not, and any managing agent of an employer and the legal representative of a deceased employer, but shall not include the Government, and, for the purpose of section 4 of this Act, shall mean the employer by whom the employee was employed when the said employee was called to Navy, Army or Air Force service.

3. No employer shall dismiss, discharge or otherwise remove from his employment or discontinue his employment of an employee merely on the ground that the employee by virtue of his membership of a volunteer force has been called or is liable to be called to Navy, Army or Air Force service, or that the unit of the volunteer force to which the employee belongs has been or is liable to be embodied.

4. No employer shall refuse to reinstate an employee, who by virtue of his membership of a volunteer force has been called to Navy, Army or Air Force service, in his employment at the termination of that service in an occupation and under conditions not less favourable to the employee than those which would have been applicable to him had he not been called to service as aforesaid :

Provided that refusal to reinstate an employee shall not be an offence under this section if—

- (i) the employee does not within one month of the expiry of his Navy, Army or Air Force service, *plus* such period of leave as may be granted to him under the Naval, Army or Air Force regulations to which he is subject, apply to the employer for reinstatement, or
- (ii) the employee having been offered reinstatement by the employer at the expiry of his period of Navy, Army or Air Force service, *plus* such period of leave as may be granted to him under the Naval, Army or Air Force regulations to which he is subject, fails to present himself for employment at the time and place notified to him by the employer, or
- (iii) by reason of a change of circumstances (other than the engagement of some other person in the employee's place) it is not reasonably practicable for the employer to reinstate the employee in an occupation and under circumstances not less favourable to him than those which would have been applicable to him if he had not been called to service as aforesaid and the employer has offered to reinstate the employee in the most favourable occupation and under the most favourable circumstances reasonably practicable.

5. An employer who contravenes the provisions of section 3 or section 4 of this Act shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to rupees one thousand, or with both ; and the Court may also order the payment to an employee by an employer who has been convicted of an offence under either section 3 or section 4 of a sum in compensation not exceeding six months' salary at the rate at which the employee's salary was last payable to him by the employer.

6. Offences under this Act shall be triable only by the District Magistrate or by an Additional District Magistrate of the District in which the employee was last employed by the employer.

¹ 7. * * * *

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