

**Addendum: Freedom of Opinion and Expression
Questionnaire**

Full Text of Relevant Statutes

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The Electronic Transactions Law
(The State Peace and Development Council Law No. 5/2004)
The 12th Waxing of Kason 1366 M.E.
(30th April, 2004)

The State Peace and Development Council hereby enacts the following Law:

Chapter I

Title and Definition

1. This Law shall be called the Electronic Transactions Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:-
 - a. Information includes data, texts, images, sounds, codes, computer programmes, software and databases;
 - b. Electronic record means a record generated, sent, received or stored by means of electronic, magnetic, optical or any other similar technologies in an information system or for transmission from one information system to another;
 - c. Electronic data message means an information generated, sent, received or stored by means of electronic, optical or any other similar technologies, including electronic data interchange, fax, e-mail, telegraph, telex and telecopy.
 - d. Computer means a device capable of receiving, transmitting, storing, processing or retrieving information and records, using arithmetic and logical means by manipulation of electronic, magnetic, optical or any other similar technologies;
 - e. Computer network means the network system of the interconnection of computers through use of satellite or by any other technologies;
 - f. Electronic signature means any symbol or mark arranged personally or on his behalf by electronic technology or any other similar technologies to verify the authenticity of the source of the electronic record and the absence of amendment or substitution;
 - g. Certification authority means a person or an organization that has been granted a license by the Control Board under this Law for services in respect of the electronic signature;
 - h. Certificate means the certificate issued to a subscriber by the certification authority as an electronic data message or other record identifying the relation between the signer of an electronic signature and the electronic data message;
 - i. Originator means a person by whom or on whose behalf the electronic record or electronic data message purports to have been created, generated or sent. This expression does not include a person acting as an intermediary with respect to electronic record or electronic data message;

- j. Addressee means a person who is intended by the originator to receive the electronic record or electronic data message. This expression does not include a person acting as an intermediary with respect to electronic record or electronic data message;
- k. Subscriber means a person who is by any technologies identified as an authentic signer of an electronic signature in the certificate;
- l. Central Body means the Central Body of Electronic Transactions formed under this Law;
- m. Ministry means the Ministry of Communications, Posts and Telegraphs;
- n. Control Board means the Electronic Transactions Control Board formed under this Law.

Chapter II

Aims

- 3. The aims of this Law are as follows:-
 - a. to support with electronic transactions technology in building a modern, developed nation;
 - b. to obtain more opportunities for all-round development of sectors including human resources, economic, social and educational sector by electronic transactions technologies;
 - c. to recognize the authenticity and integrity of electronic record and electronic data message and give legal protection thereof in matters of internal and external transactions, making use of computer network;
 - d. to enable transmitting, receiving and storing local and foreign information simultaneously, making use of electronic transactions technologies;
 - e. to enable communicating and co-operating effectively and speedily with international organizations, regional organizations, foreign countries, local and foreign government departments and organizations, private organizations and persons, making use of computer network.

Chapter III

Application

- 4.
 - a. The provisions contained in this Law shall apply to any kind of electronic record and electronic data message used in the context of commercial and non-commercial activities including domestic and international dealings, transactions, arrangements, agreements, contracts and exchanges and storage of information.
 - b. This Law shall apply to any person who commits any offence actionable under this Law within the country or from inside of the country to outside of the country, or from outside of the country to inside of the country by making use of the electronic transactions technology.
- 5. The provisions contained in this Law shall not apply to the following matters:
 - a. “Will” defined in sub-section (h) of section 2 of the Succession Act;

- b. Negotiable instrument” defined in section 13 of the Negotiable Instruments Act;
- c. “Trust” defined in section 3 of the Trusts Act;
- d. Power of Attorney” granted under the Powers of Attorney Act;
- e. Documents relating to title;
- f. Instruments prescribed in any existing law to be registered;
- g. Matters exempted by the Ministry by issuing notification, with the approval of the Government.

Chapter IV

Formation of the Central Body of Electronic Transactions and Functions and Duties thereof

- 6. The Government: -
 - a. shall form the Central Body of Electronic Transactions for enabling the implementation of the aims of this Law, comprising the Minister for the Ministry of Communications, Posts and Telegraphs as the Chairman and persons from the relevant ministries, government departments and organizations and technicians as members;
 - b. may, in forming the Central Body, determine the Vice-Chairman, Secretary and Joint Secretary and assign duties thereof;
 - c. may reorganize the Central Body as may be necessary.
- 7. The functions and duties of the Central Body are as follows: -
 - a. laying down plans for application step by step of electronic transactions technologies extensively in building the modern, developed nation;
 - b. laying down and implementing programmes for enriching experience and knowledge on electronic transactions technologies and readiness in globalization process;
 - c. carrying out activities to be in conformity with the policies relating to electronic transactions technologies, legal affairs and specifications to enable communicating, co-operating and dealing effectively and speedily, with international organizations, regional organizations, foreign countries and local and foreign organizations;
 - d. communicating and co-operating with international organizations, regional organizations, foreign countries, local and foreign organizations on matters relating to electronic transactions technologies;
 - e. forming the Control Board and supervising and guiding thereof;
 - f. forming the necessary working committees and stipulating functions and duties thereof for enabling the implementation of their functions and duties successfully.
- 8. The Central Body may, if necessary, assign any of its functions and duties to an appropriate government department and organization or person.

Chapter V

Formation of the Electronic Transactions Control Board and Functions and Powers thereof

9. The Central Body:
 - a. shall, for the purposes of this Law, form the Electronic Transactions Control Board comprising suitable persons and experts for enabling the supervision of the activities of the electronic transactions.
 - b. may reorganize the Control Board as may be necessary.
10. The Control Board shall exercise and carry out the following functions and powers under the guidance of the Central Body:
 - a. issuing license to enable performing as a certification authority and refusing to issue the same;
 - b. specifying the manner in which dealings shall be conducted between the certification authority and the subscribers;
 - c. specifying the terms and conditions and standards subject to which the certification authority shall conduct its business and the detailed data to be recorded in the accounts to be maintained by it;
 - d. specifying the qualifications and experience that employees of the certification authority should possess;
 - e. settling disputes relating to interests which arise between the certification authority and the subscriber;
 - f. facilitating the establishment of any electronic system by a certification authority either solely or jointly with other certification authority and regulation of such system;
 - g. maintaining a database containing the disclosure record by certification authority of particulars that shall be accessible to the public;
 - h. reproducing, copying or extracting, if necessary, of records, accounts, data and documents stored by a certification authority and examining thereof
 - i. having access to and inspecting and checking the operation of any computer system and any associated apparatus or material which it has reasonable cause to suspect is or has been in use in connection with any offence under this Law;
 - j. exposing and acquiring any necessary identification document from any person with respect to any offence contained in this Law;
 - k. examining and supervising the activities of the certification authority;
 - l. investigating as may be necessary to scrutinize whether this Law and rules, procedures, notifications, orders and directives issued under this Law are abided by or not;
 - m. recognizing any foreign certification authority in accordance with the stipulations;
 - n. submitting its activities to the Central Body in accordance with the stipulations;
 - o. performing other functions and duties as are assigned by the Central Body and the Ministry from time to time.
11. The Control Board may, if necessary, assign any of its functions and duties to a body after forming it or to an expert, with the approval of the Central Body.

Chapter VI

Certification Authority

12. Any person or organization from inside or outside of the country desirous of performing service as a certification authority shall apply to the Control Board to obtain the license in accordance with the stipulations.
13. The Control Board may, after scrutinizing the license application under section 12, issue the license to the person or organization by prescribing the terms and conditions or refuse to issue the same.
14. The certification authority shall:
 - a. utilize the trustworthy system so as not to cause intrusion and misuse of computer hardware, software and procedures of computer;
 - b. prescribe a reasonable level of reliability in its services which are reasonably suited to the performance of intended functions;
 - c. carry out the secrecy and privacy of the electronic signatures in accordance with the security procedures;
 - d. observe the specified standards;
 - e. mention the detailed facts of electronic transactions certificate;
 - f. disclose its service that can be provided with respect to issuance of certificate;
 - g. disclose facts that may materially and adversely affect reliability, or responsibility or guaranty of a certificate that is issued or its ability to perform its services;
 - h. in the event of occurrences that may materially and adversely affect due to conditions permitted in the certificate or failure in the computer system:
 - i. notify the person who may foreseeably be affected, by any possible means;
 - ii. act in accordance with procedures governing such an occurrence specified in its certification practice statement;
 - i. comply with the regulations and duties prescribed by the Control Board from time to time.
15.
 - a. The certification authority who obtains a license issued under section 13 shall, on submitting a proposal to obtain a permit under the Myanmar Citizens Investment Law or Union of Myanmar Foreign Investment Law, apply to the Myanmar Investment Commission together with the license issued by the Control Board.
 - b. The Myanmar Investment Commission may, with respect to application under sub-section (a), seek the remark of the Control Board, if necessary.

Chapter VII

Subscriber

- 16.

- a. Any person, desirous of performing as a subscriber, shall apply to the certification authority to obtain the certificate in accordance with the stipulations.
 - b. The certification authority may, after scrutinizing the application under sub-section (a), issue the certificate by prescribing conditions or refuse to issue the same.
17. The subscriber shall: -
- a. when using valid signature by decryption of the electronic signature, take care so that such decryption may not be used by others unlawfully;
 - b. in using the certificate issued for electronic signature during the period granted, take care to be completely accurate and correct with respect to facts relevant to him or facts that are to be inserted;
 - c. if the secrecy of decryption of the electronic signature has been compromised or is in a situation where compromise may possibly occur, inform the persons who are related to his electronic signature as arranged by the certification authority or by any suitable arrangement without delay.
18. The subscriber shall be responsible for the consequences of the loss and damage to be caused by his failure to comply with the provisions of section 17.

Chapter VIII

Electronic Record, Electronic Data Message and Electronic Signature

- 19.
- a. Matters prescribed to be reduced to writing or to be signed under any existing law may be made by electronic record, electronic data message or electronic signature.
 - b. The electronic record, electronic data message or electronic signature made under sub-section (a) shall be lawful as if they were made under the relevant law.
20. The originator and the addressee shall, in accordance with the stipulated means, perform the sending, receiving or storing of electronic record, electronic data message or electronic signature. However, if there is a specific agreement between them, it may be performed in accordance with the means of such agreement.

Chapter IX

Contracts made by Electronic Technology

21. In making contracts unless otherwise agreed by the parties, offer acceptance of offer and other requirements may be made by electronic technology.
22. The electronic record and electronic data message shall be deemed to be that of the originator if it was sent by the originator himself or by a person who had the authority to act on behalf of the originator or by an information system programmed by or on behalf of the originator to operate automatically.

23. An addressee is entitled to regard an information electronic record or electronic data message as being that of the originator if it conforms to any of the following points and to act on that assumption:
 - a. sending in accordance with the procedure previously agreed between the originator and the addressee;
 - b. receiving by the addressee data message which resulted from the action of a person who has relationship with the originator or who has the authority to act on behalf of the originator and sending by a procedure used by the originator.
24. On or before sending of the electronic record or electronic data message, the originator and the addressee:
 - a. may acknowledge the receipt by any of the following procedures:
 - i. communicating by the addressee himself or automated or by any other means;
 - ii. any conduct sufficient to indicate to the originator that addressee has received it;
 - b. may enter into specific agreement in respect of the acknowledgement of receipt.
25. Where:
 - a. the originator has stated that electronic record or the electronic data message is conditional on receipt of the acknowledgement of the electronic data message or electronic record, it shall be treated as though it had never been sent until the acknowledgement is received;
 - b. the originator has not stated that electronic record or the electronic data message is conditional on receipt of acknowledgement and the acknowledgement has not been received by the originator within the time specified or agreed or if no time has been specified or agreed within a reasonable time, the originator may give notice to the addressee stating that no acknowledgement has been received.
26. Unless otherwise agreed between the originator and the addressee in respect of dispatch and receipt of an electronic record or electronic data message:
 - a. dispatch of it occurs when it enters information system outside the control of the originator or his agent;
 - b. the time of receipt of it is as follows:
 - i. the time when it enters the designated information system;
 - ii. if an information system which is not designated is used, the time when it is retrieved by the addressee;
 - iii. if no information system has been designated, the time when it enters an information system of the addressee.
27.
 - a. Unless otherwise agreed between the originator and the addressee the place of business of the originator shall be deemed to be the dispatching place and the place of business of the addressee shall be deemed to be the receiving place.
 - b. If the originator and the addressee conduct business in more than one place, the principal place of business shall be deemed to be the permanent

address. If there is no place of business, their place of permanent residence shall be deemed to be the permanent address, and if it is a corporate body, the place where it has been incorporated and established legally shall be deemed to be the permanent address.

Chapter X

Taking Administrative Action

28. The Control Board may, if the certification authority violates any condition of the license or is convicted for the commission of any offence under this Law, pass any of the following administrative orders:
 - a. imposing a penalty as stipulated;
 - b. suspending the license subject to a time limit;
 - c. cancelling the license.
29. The certification authority may, if the subscriber violates any condition contained in the certificate or is convicted for the commission of any offence under this Law, pass any of the administrative orders:
 - a. suspending the certificate subject to a time limit;
 - b. cancelling the certificate.

Chapter XI

Application for Revision and Appeal

30. A person dissatisfied with any order or decision made by the certification authority in respect of the refusal of issuing certificate, suspension of the certificate subject to a time limit or cancellation of the certificate may apply for revision to the Control Board within 30 days from the date of passing such order or decision;
 - a. The Control Board may confirm, revise or set aside the order or decision made by the certification authority.
31.
 - a. A person dissatisfied with any order or decision made by the Control Board in respect of the refusal of issuing certificate, imposing a penalty as stipulated, suspension of license subject to a time limit or cancellation of the license or with any order or decision made under sub-section (b) of section 30 may file an appeal to the Central Body within 60 days from the date of passing such order or decision;
 - b. The Central Body may confirm, revise or set aside the order or decision made by the Control Board.
32. The decision made by the Central Body under sub-section (b) of section 31 shall be the final and conclusive.

Chapter XII

Offences and Penalties

33. Whoever commits any of the following acts by using electronic transactions technology shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 7 years to a maximum of 15 years and may also be liable to a fine:
- a. doing any act detrimental to the security of the State or prevalence of law and order or community peace and tranquility or national solidarity or national economy or national culture.
 - b. receiving or sending and distributing any information relating to secrets of the security of the State or prevalence of law and order or community peace and tranquility or national solidarity or national economy or national culture.
34. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 5 years or with fine or with both:
- a. sending, hacking, modifying, altering, destroying, stealing, or causing loss and damage to the electronic record, electronic data message, or the whole or part of the computer programme dishonestly;
 - b. intercepting of any communication within the computer network, using or giving access to any person of any fact in any communication without permission of the originator and the addressee;
 - c. communicating to any other person directly or indirectly with a security number, password or electronic signature of any person without permission or consent of such person;
 - d. creating, modifying or altering of information or distributing of information created, modified or altered by electronic technology to be detrimental to the interest of or to lower the dignity of any organization or any person.
35. Any certification authority or any of his officer or employee who violates any of the prohibitions contained in the order issued by the Control Board shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine or with both.
36. Whoever violates any of the prohibitions contained in the rules, notifications and orders issued under this Law shall, on conviction be punished with imprisonment for a term which may extend to 1 year or with fine or with both.
37. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 1 year or with fine or with both:-
- a. knowingly misrepresents to the certification authority his identity or authorization in applying for a certificate or in submitting for suspension or cancellation of a certificate;
 - b. obstructing or impeding or assaulting the Central Body and body or person assigned duty by it or the Control Board and body or person assigned duty by it which performs the functions and duties in accordance with this Law or failing to comply with the demand to perform in accordance with this Law.
38. Whoever attempts to commit any offence of this Law or conspires amounting to an offence or abets the commission of an offence shall be punished with the punishment provided for such offence in this Law.

Chapter XIII

Miscellaneous

39. The government departments and organizations shall recognize the transaction of electronic record or electronic data message as lawful for the following matters:
 - a. submitting, accepting or retention of documents;
 - b. issuing permit, license or approval;
 - c. claiming the required payment, paying, receiving and issuing a receipt therefore.
40. The persons making use of electronic transactions may determine the required type and level of security of electronic record and electronic data message and may select, use and implement the methods which accord with their requirement.
41. The Ministry shall determine the tenure of license, license fees and renewal fees of tenure of license in respect of business license to enable performance as the certification authority.
42. The Control Board has the right to recover the fees and fines to be received under this Law from the defaulter as if they were arrears of land revenue.
43. The Ministry:-
 - a. may prescribe and allow remuneration to the members of the Central Body, who are not government servants.
 - b. shall arrange to carry out the functions of the office of Central Body and shall also bear the expenses.
44. In prosecuting under this Law, prior sanction of the Central Body shall be obtained.
45. Any offence contained in this Law is cognizable by the Myanmar Police Force.
46. If an exhibit involved in any offence prosecuted under this Law is not easily producible before the Court, such exhibit needs not be produced before the Court. However, a report with other relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court may dispose of the same in accordance with Law.
47. The expression “experts” referred to in section 45 of the Evidence Act shall be deemed to include the Control Board, the body or person assigned duty by it or the certification authority.
48. Information, electronic record, electronic data message, electronic signature or other documents communicated between the originator and the addressee shall not be denied legal effect, validity or enforceability solely on the ground of being made through electronic technology.
49. No suit or prosecution shall lie against the Central Body and body or person assigned duty by it or the Control Board and body or person assigned duty by it or the certification authority for duties and functions done in good faith in pursuance of this Law.
50. The Ministry may, with the approval of the Government, issue a notification if necessary, to clarify the definition of any technical terms of this Law.

51. Notwithstanding anything contained in any existing law, the provisions contained in this Law shall prevail over the provisions not in conformity with or contradicting any provisions contained in this Law.

52. In implementing the provisions of this Law:-

- a. the Ministry may, with the approval of the Government, issue necessary rules and procedures;
- b. the Central Body and the Ministry may issue necessary notifications, orders and directives and the Control Board may issue necessary directives.

**The Towns Act
Burma Act III
25 May 1907**

PRELIMINARY

1-2. [...]

3. *In this Act, unless there is something repugnant in the subject or context:*

(1) [...]

(2) "town" means a local area declared to be a town for the purposes of this Act by a notification under section 4.

4. *The President of the Union may, by notification, declare any local area to be a town for the purposes of this Act.*

5.

(1) *The Deputy Commissioner may, by order in writing, divide any town into wards and any ward into blocks.*

(2) [*Substituted by Act LXV of 1947*] *The Deputy Commissioner shall appoint a person to be headman of a ward and may appoint persons to be elders of a block. Where there are more suitable candidates than the appointments to be made, the Deputy Commissioner shall be guided in his choice by the wishes of the inhabitants of the ward or block concerned to be ascertained by means of an election: Provided that the Deputy Commissioner shall not be bound to accept the candidature of any person whom, on grounds to be recorded in writing, he considers for any reason to be unsuitable: Provided also that the Deputy Commissioner shall not be bound by the results of the election where the successful candidate:*

- (a) *owed his election to the exercise of undue influence or intimidation or corrupt practices; or*
- (b) *cannot furnish such security as is or may be prescribed in this behalf. No person shall be eligible to be a headman of a ward or elder of a block unless he is eligible to vote.*

(3) [*Substituted by Act LXV of 1947*] *The Deputy Commissioner may delegate to a Subdivisional Officer or Township Officer by name the duty of holding the election referred to in sub-section (2).*

(4)

(a) [*Substituted by Act LXV of 1947*] *The headman of a ward or elder of a block so appointed shall hold office for a period of five years, but shall be eligible for re-election.*

(b) *Notwithstanding anything contained in any other law, the Deputy Commissioner may, in the case of a headman of a ward or elder of a block appointed in his jurisdiction prior to the commencement of the Towns (Amendment) Act, 1947, by three months' notice in writing to the headman or elder concerned, terminate the appointment of such headman or elder with effect from the date to be mentioned in the notice. General Duties of Headmen and Elders.*

6.

(1) Every headman of a ward shall communicate forthwith to the officer in charge of the nearest police station or to the nearest Magistrate any information which he may obtain respecting:

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in his ward;

(b) the resort to any place within, or the passage through, his ward of any person whom he may know or reasonably suspect to be a dacoit, robber, house-breaker, escaped convict or proclaimed offender;

(c) the commission of, or attempt or intention to commit, within his ward, any of the following offences, namely:

(i) murder;

(ii) culpable homicide not amounting to murder;

(iii) dacoity;

(iv) robbery;

(v) offences against the Arms Act;

(vi) offences against section 10A; and

(vii) any other offence respecting which the Deputy Commissioner, by general or special order, with the previous sanction of the President of the Union, may direct him to communicate information;

(d) the occurrence in his ward of any sudden or unnatural death, or of death under suspicious circumstances.

(2) Every elder of a block shall communicate forthwith to the headman of his ward any information which he may obtain respecting any of the matters specified in sub-section (1), which may exist or occur in his block, and in the absence of the headman of his ward, he shall communicate the information forthwith to the officer in charge of the nearest police station.

7.

(1) The headman of a ward shall be bound to perform the following public duties, namely:-

(a) to assist the police in the investigation of every offence respecting which he is required by the last foregoing section to communicate information;

(b) to search for and use his utmost endeavors to arrest any person whom he may have reason to believe to have been concerned in the commission or attempted commission of any such offence, and to recover, if possible, any property taken by any such person;

(c) to arrest any person found lurking within the limits of the ward who cannot give a satisfactory account of himself;

(d) to forward, as soon as may be, to the nearest police-station, any person arrested by him or made over to his custody, together with any weapon or other article likely to be useful as evidence;

(e) to prevent to the best of his ability the commission of any offence regarding which he is required by section 6, sub-section (1), to communicate information, and to arrest the person

designing to commit such offence if it appears to him that the commission of such offence cannot otherwise be prevented;

(f) to collect or aid in collecting, to the utmost of his ability, any revenue or other money due to the Government or to a municipal or town committee from residents of the ward or persons holding land therein;

(g) to report to such officer as may be appointed by the Deputy Commissioner in this behalf all trespass or encroachments upon, and injuries to, State land and public property which may occur within his ward, and of which he may reasonably and fairly be expected to have cognizance;

(h) if so ordered by the Deputy Commissioner, in accordance with such rules as may be made in this behalf by the President of the Union, to register all births and deaths which take place within the ward, and any other vital statistics which may be prescribed by such rules;

(i) to take such measures as may be prescribed in any rules made in this behalf by the Commissioner with the previous sanction of the President of the Union:

(firstly) for the prevention and extinction of fires;

(secondly) for the prevention of public nuisances;

(thirdly) for the general sanitation of the ward and the prevention of the spreading of any contagious or infectious disease among human beings;

(f) to take such measures as may be prescribed in any rules made in this behalf for the prevention and suppression of any contagious or infectious disease among domestic animals;

(k) to report all cases of small-pox, plague, cholera and cattle disease which occur within his ward and of which he may reasonably and fairly be expected to have cognizance, and to supply, to the best of his ability, any local information which any Magistrate, officer of police or municipal officer may require;

(l) to collect and furnish, upon receipt of payment for the same in advance at such rates as the Deputy Commissioner, with the sanction of the Commissioner, may from time to time fix guides, supplies of food, carriage, and means of transport for any troops or police posted in or near or marching through or near the town: Provided that no headman shall be bound to collect supplies beyond the limits of the ward of which he is headman, or to furnish carriage or means of transport for more than twelve hours journey from such town unless the Deputy Commissioner certifies in writing that it is necessary in the public interests that carriage or means of transport should be supplied for a longer period, in which case the Deputy Commissioner shall fix higher rates of payment than the rates of payment for journeys of twelve hours or less: Provided also that no headman shall requisition for personal service any resident of such ward who is not of the labouring class and accustomed to do such work as may be required; and

(m) generally to assist all officers of the Government and municipal officers in the execution of their public duties.

(2) The elder of a block shall be bound to assist the headman of his ward in the performance of the duties prescribed in sub-section (1).

(3) The President of the Union may, by notification, direct that particular clauses of subsection (1) shall not apply to any town specified in such notification.

8. If any headman of a ward or elder of a block neglects, without reasonable excuse, to perform any of the public duties imposed upon him by this Act or any rule made thereunder, he shall be liable, on conviction by a Magistrate, to a fine which may extend to fifty rupees.

General Duties of Residents.

9. Persons residing in a ward shall be bound to perform the following public duties, namely:-

(a) to take such measures as may be prescribed in any rules made in this behalf for the prevention and suppression of any contagious or infectious disease among domestic animals;

(b) on a general or individual requisition of the headman to assist him in the execution of his public duties.

9A. If any person residing in a ward refuses or neglects to perform any of the public duties imposed upon him by this Act or any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable, on conviction by a Magistrate, to a fine which may extend to fifty rupees.

10.

(1) If in any town in the Union of Burma (The word "Upper" was omitted from the original expression "Upper Burma" by the Union of Burma (Adaptation of Laws) Order, 1948) which the President of the Union may, by notification, declare to be within the operation of this section, any person who is not a resident of such town comes into a ward thereof, he or the person (if any) in whose house he is living shall, within twelve hours of his coming into such ward, report to the headman his arrival, his name and occupation, and the name of the place where he last resided.

(2) The departure from such ward of a person reported under sub-section (1) shall also be reported by the person, if any, in whose house he has been living.

(3) Any person who contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to fifteen days, or with both.

10A.

(1) The Deputy Commissioner may, by a notification publicly promulgated or addressed to individuals, prohibit the carrying of duds of a kind exempted from the provisions of the Arms Act, bludgeons, loaded sticks, hunting crops, clasp-knives of a specified size, or other offensive instruments in any public place.

(2) Any person being in a public place shall upon demand deliver up to a police officer or to the ward headman any such offensive instrument as is referred to in sub-section (1) which may be in his possession.

(3) Whoever contravenes a prohibition under sub-section (1) or the provisions of subsection (2) shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

(4) When any person is convicted of an offence under sub-section (3) the instrument in respect of which he has been convicted shall be liable to be confiscated by the Court.

(5) This section shall not apply to Rangoon Town.

Pwes, Billiards, Saloons, Pawn-shops etc.

11.

(1) Whoever:

- (a) holds a pwe in any town, without a license granted by the Deputy Commissioner or by an officer appointed by the Deputy Commissioner in this behalf, or*
- (b) promotes the holding of a pwe held without such license, or*
- (c) takes part in or in any manner assists the race, performance or other entertainment (if any) constituting a pwe held without such license, or takes part in or in any manner assists the arrangement or management of a pwe held without such license, or*
- (d) being present thereat, permits the holding of a pwe without such license on any land or premises under his control, shall be punished, on conviction by a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.*

(2) No fee shall be paid on the application for, or on the issue of, the license required by sub-section (1).

(3) For the purposes of this section "pwe" ordinarily means a puppet show or other theatrical or dramatic performance; or a native cart, pony, boat or other like race, held for public entertainment whether on public or private property; and, in respect of any local area, also includes public entertainments or assemblies of any such class as the President of the Union may, by notification, declare to be pwes for the purposes of this section when held in such local area.

11A.

(1) No person shall keep a public billiard table, bagatelle board, ring-throwing establishment, or any place of public resort for any form of game or amusement which the President of the Union may, by notification, declare to be within the provisions of this section, except under and in accordance with the conditions of a license granted by the Deputy Commissioner or by an officer appointed by the Deputy Commissioner in this behalf.

(2) The President of the Union may by rules prescribe the circumstances in which such licenses may be refused, the fees to be paid for such licenses and the conditions on which such licenses may be granted or revoked.

(3) Any person who commits a breach of sub-section (1) or of any of the conditions of a license granted under this section shall be liable for a first offence to a fine which may extend to one hundred rupees, and for a subsequent offence to imprisonment for a term which may extend to one month, or to fine which may extend to five hundred rupees, or to both.

11B.

(1) No person shall keep a pawn-shop or carry on the business of a pawn-broker except under and in accordance with rules made by the President of the Union in this behalf.

(2) The President of the Union may make rules:

- (a) regulating pawn-shops and rendering licenses necessary for pawn-brokers;*

(b) prescribing the form of such licenses and the conditions subject to which they shall be granted and may be revoked;

(c) providing for the sale, issue, production and return of such licenses; and

(d) generally for carrying into effect the objects of this section.

(3) The President of the Union may, by rule under this section, attach to the breach of any rule thereunder punishment which may extend for a first offence to a fine of rupees one hundred, and for each subsequent offence to imprisonment for one month, or to a fine of two hundred rupees, or both: Provided that this section shall apply only to such towns as the President of the Union may, by notification, direct.

Supplemental.

12.

(1) No appeal shall lie from any order made under this Act or any rule made thereunder.

(2) But the Deputy Commissioner may revise any such order made by any officer subordinate to him; the Commissioner may revise any such order made by the Deputy Commissioner; and the President of the Union may revise any order made by the Deputy Commissioner or Commissioner.

(3) Save as provided by this section, every order made under this Act shall be final and shall not be liable to be contested by suit or otherwise.

13.

(1) The President of the Union may make rules to carry out the objects and purposes of this Act.

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

(a) prescribe the duties to be performed by the headman and residents of a ward in respect of the matters mentioned in section 7, sub-section (1), clause (j), and in section 9, clause (a);

(b) prescribe the measures to be taken for the prevention and suppression of any contagious or infectious disease among domestic animals coming into or passing through a ward: Provided that the President of the Union may, by notification, exclude from the operation of all or any of the rules made under clauses (a) and (b) any town which has been constituted a municipality under the provisions of the Municipal Act.

13A. Whoever, not being a resident of a ward, refuses to obey or contravenes any rule made under clause (b), sub-section (2), of section 13 shall be punishable, on conviction by a Magistrate, with a fine which may extend to fifty rupees.

14. All rules made under this Act by the President of the Union or by a Commissioner shall be published in the Gazette, and, when so published, shall have the same effect as if enacted by this Act.

The Television and Video Law
(The State Law and Order Restoration Council Law No. 8/96)
The 14th Waxing Day of 2nd Waso, 1358 M.E.
(29th July, 1996)

The State Law and Order Restoration Council hereby enacts the following Law
Chapter I

Title and Definition

1. This Law shall be called the Television and Video Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:-
 - a. Television Set means an apparatus which can receive the television transmission;
 - b. Video means the representation of a still picture or moving picture or picture and sound by any television technology;
 - c. Video Cassette Recorder means any apparatus which can reproduce the video;
 - d. Video Tape means any cassette tape, laser disc or any similar facility in which picture and sound are recorded. This expression also includes video recordings and video copying.
 - e. License for Possession means the license for possession, issued under this Law for the purpose of utilization of the television set or the video cassette recorder;
 - f. License for Video Business means the license issued under this Law for any type of the video business.

Chapter II

Objectives

3. The objectives of this law are as follows:-
 - a. to modernize and uplift the standard of video business;
 - b. to cause the emergence of video tapes which will be beneficial for the all-round development of the State and the preservation of Myanmar cultural heritage;
 - c. to cause emergence of video tapes which will contribute towards national solidarity and, dynamism of patriotic spirit;
 - d. to prohibit and ban decadent video tapes which will undermine Myanmar culture and Myanmar tradition;
 - e. to control and prevent malpractices which are caused through video business.

Chapter III

License for Possession

4. Any person who holds and uses a television set or a video cassette recorder shall apply for license for possession, in accordance with the stipulations to the relevant post office within 30 days from the date of receipt of the same.
5.
 - a. The applicant shall pay the fee payable out of the following fees in accordance with the stipulations to the relevant post office:-
 - i. fee of the license for possession;
 - ii. overdue fee;
 - iii. extension fee;
 - b. On receipt the prescribed fee the relevant post office shall issue the license for possession to the applicant.
6. Upon the expiry of the tenure of the license for possession, a person desirous of extending such tenure shall have the extension effected by paying to prescribed fee to the relevant post office.
7. The Ministry of Communications, Posts and Telegraphs shall determine the tenure and fee of the license for possession, overdue fee and extension fee.
8. Any person who is desirous of possessing any satellite television receiver shall comply with the order and directives relating to import, possession, use, transfer, sale, issuance of license, determination of license fee and license conditions, issued from time to time by the Ministry of Communications, Posts and Telegraphs.

Chapter IV

Video Business License

9. A person desirous of operating any one of the following video business for a commercial purpose shall apply for the business license for each type of the business to the relevant State or Divisional Video Business Supervisory Committee in the prescribed manner:-
 - a. production of video;
 - b. video taping;
 - c. editing of video;
 - d. copying of video tape;
 - e. distribution of video tape;
 - f. hiring of video tape;
 - g. exhibiting by video.
10. The relevant State or Divisional Video Business Supervisory Committee shall, after scrutinizing as to whether or not the application is in conformity with the stipulations:-
 - a. if it conforms, grant the respective video business license to the applicant upon receiving the prescribed fee;
 - b. if it does not conform, refuse to grant the video business license.
11. A person desirous of extending the tenure of the video business license shall on expiry thereof apply to the relevant State or Divisional Video Business Supervisory Committee in the prescribed manner.

12. The relevant State or Divisional Video Business Supervisory Committee shall scrutinize the application, cause payment of the prescribed fee to be made and may extend the tenure of the video business license.
13. The Ministry of Information shall determine the tenure and fee of video business license, overdue fee and extension fee.
14. The Myanmar Motion Picture Enterprise shall determine the conditions to be complied with by the video business license holder.
15. The video business license shall become invalidated on expiry of the tenure or on revocation or when surrendered by the video business license holder.

Chapter V

Formation of the Video Business Supervisory Central Committee; Functions and Duties Thereof

16. The Ministry of Information:-
 - a. shall form the Video Business Supervisory Central Committee comprising the following persons:
 - i. Managing Director, Myanmar Motion Picture Enterprise Chairman
 - ii. Representatives from the relevant Government departments and organizations Members
 - iii. Suitable Citizens Members
 - iv. Director, Myanmar Motion Picture Enterprise Secretary
 - b. may determine the-tenure of the Video Business Supervisory Central Committee;
 - c. may re-constitute the Video Business Supervisory Committee as necessary.
17. Members of the Video Business Supervisory Central Committee who are non-governmental members are entitled to receive remuneration determined by the Ministry of Information.
18. The functions and duties of ~the Video Business Supervisory Central Committee are as follows:
 - a. supervising video business for the success of the objectives of this Law;
 - b. supervising and giving guidance to the activities of the Sate or Divisional Video Business Supervisory Committees;
 - c. taking action as may be necessary; finding that any order or decision made by the State or Divisional Video Business Supervisory Committee is not in conformity with the Law;
 - d. assigning from time to time functions and duties to State or Divisional Video Business Supervisory Committee.

Chapter VI

Formation of State or Divisional Video Business Supervisory Committees; Duties and Powers Thereof

19. The Ministry of Information:-

- a. shall form the State or Divisional Video Business Supervisory Committee comprising persons from relevant government departments and government organizations. In so forming, the Chairman and secretary shall be determined;
 - b. may determine the tenure of the State or Divisional Video Business Supervisory Committee;
 - c. may re-constitute the State or Divisional Video Business Supervisory Committee, as may be necessary;
 - d. if it is necessary to form more than one Video Business Supervisory Committee within a State or Division, it may do so.
20. The duties and powers of the State or Divisional Video Business Supervisory Committee are as follows:-
- a. granting or refusing the Video business license after scrutinizing as to whether or not the application is in conformity with the stipulations;
 - b. inspecting and supervising the Video business;
 - c. imposing on the video business license holder who violates any of the terms and conditions prescribed by the Myanmar Motion Picture Enterprise a fine which may extend from a minimum of kyats 5,000 to a maximum of kyats 50,000 and also revoking the video business license;
 - d. carrying out the duties assigned by the Ministry of Information or Video Business Supervisory Central Committee.
21. The State or Divisional Video Business Supervisory Committee may, if necessary, form the District or Township Video Business Supervisory Committee in accordance with the stipulations. In so forming, it shall determine the duties and functions thereof.

Chapter VII

Formation of Video Censor Board and Duties and Powers Thereof

22. The Ministry of Information:-
- a. shall form the Video Censor Board comprising the following persons:
 - i. Managing Director of the Myanmar Motion Picture Enterprise Chairman
 - ii. representatives from the relevant government departments and government organizations Members
 - iii. suitable citizens Members
 - iv. Director of Myanmar Motion Picture Enterprise Secretary
 - b. may determine the tenure of the Video Censor Board.
 - c. may reconstitute the Video Censor Board as may be necessary.
23. Members of the Video Censor Board who are non-governmental members are entitled to receive the remuneration determined by the Ministry of Information.
24. When application is made for video censor certificate in respect of Myanmar Video tapes produced and submitted or video tapes which have been imported or brought from a foreign country, the Video Censor Board, after examining as to whether it is in conformity with the policies laid down:-
- a. may permit exhibition to the public or for a family show;

- b. may prohibit public exhibition of the video tape and may seize or destroy such video tape;
 - c. may permit public exhibition or family show of the video tape after making excision, amending or erasing the portion which is not suitable for public exhibition or family show;
 - d. shall issue the video censor certificate after causing payment of the prescribed fee to be made if the video tape is permitted for public exhibition and family show.
- 25.
- a. The Video Censor Certificate issued by the Video Censor Board shall be valid throughout Myanmar for the prescribed period.
 - b. The Video Censor Certificate issued by the Video Censor Board shall be included in showing the video tape. Moreover, the small-sized Video Censor Certificate with the permitted serial number shall be attached on the video tape.
26. The Video Censor Board:-
- a. shall collect the prescribed fee for- inspecting the video tape from the person concerned;
 - b. may, if necessary, inspect again the video tape that has been issued Video Censor Certificate;
 - c. may revoke any Video Censor Certificate, if there is valid reason to do so.
27. When a person dissatisfied with the decision of the Video Censor Board appeals to the Ministry of Information on the Board's decision passed under sub-section (b) or (c) of section 24, the Video Censor Board shall cause compliance with the order passed on appeal. If there is no appeal, it shall cause compliance in accordance with its decision, on the expiry of the appellate period.

Chapter VIII

Appeal

- 28. A person dissatisfied with the order or decision of the Video Censor Board or Video Business Supervisory Central Committee or State or Divisional Video Business Supervisory Committee may appeal to the Ministry of Information within 60 days from the date of the passing of such order or decision.
- 29. The Ministry of Information may confirm, set aside, revise the order or decision passed by the Video Censor Board or Video Business Supervisory Central Committee or State or Divisional Video Business Supervisory Committee or direct re-scrutinizing or re-examination to be made.
- 30. The decision of the Ministry of Information shall be final and conclusive.

Chapter IX

Offences and Penalties

- 31. Whoever with the exception of a Government department and government organization operates the television transmission business without the permission of the Government shall, on conviction, be punished with imprisonment for a term

- which may extend to 5 years or with fine. In addition, the property which relate directly to the offence shall also be confiscated.
32. Whoever commits one of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 100,000 or with both. In addition, the property which relate directly to the offence shall also be confiscated:-
- a. operating video business for commercial purpose without a video business license;
 - b. copying, distributing, hiring or exhibiting the video tape that has no video censor certificate and small-sized video censor certificate with the permitted serial number with the exception of cases exempted under this Law;
 - c. copying, distributing, hiring or exhibiting the video tape without abiding by the directive of the Video Censor Board to make excision, amend or erase;
 - d. exhibiting to the public the video tape imported or brought from a foreign country without video censor certificate;
 - e. exhibiting to the public the video tape imported or brought from a foreign country and which is permitted only for the family show.
33. Whoever commits one of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 100, 000 or with both:-
- a. distributing, hiring or exhibiting the copied television programme transmitted by the government department or government organization, for commercial purpose;
 - b. copying, distributing, hiring or exhibiting for commercial purpose a video tape which has already obtained video censor certificate, without permission of the license holder of video production business or video tape distribution business.
34. If any video business license holder operates video business other than the kind for which he holds license he shall, on conviction, be punished with imprisonment for a term which may extend to 1 year or with fine which may extend to kyats 100, 000 or with both. In addition, the property which relate directly to the offence shall also be confiscated.
35. If any video business license holder transfers his video business license to another person to operate he shall, on conviction, be punished with imprisonment for a term which may extend to 6 months or with fine which may extend to kyats 50, 000 or with both.
36. Whoever fails to abide by an order or directive issued by the Ministry of Information or Video Censor Board or the Video Business Supervisory Central Committee under this Law shall, on conviction, be punished with imprisonment for a term which may extend to 6 months or with fine which may extend to kyats 50, 000 or with both.

Chapter X

Miscellaneous

- 37.
- a. Foreign diplomatic mission or the United Nations Organization desirous of public exhibition a video tape imported from a foreign country shall submit the same to the Video Censor Board for scrutiny.
 - b. The Video Censor Board may, after examining the video tape:-
 - i. permit public exhibition if it is appropriate to do so;
 - ii. permit public exhibition after causing the portion unsuitable for public exhibition to be excised or erased;
 - iii. permit exhibition only to a reserve audience within the premises of a foreign diplomatic mission or the United Nations Organization.
38. The Video Censor Board:-
- a. may decide after examining the video tape imported or brought from a foreign country and forwarded by the Customs Department for examination as to whether the video tape is suitable or not for public exhibition or family show;
 - b. may give a remark as to whether or not the video tape which is to be sent or carried to a foreign country should be permitted to do so;
 - c. may excise, amend or erase the unsuitable portion for public exhibition of the video tape which is to be exported for commercial purpose.
39. The video tape used by the government department or government organization shall be exempted from payment of fee for being examined under this Law.
40. The Ministry of Information may, by notification exempt government departments and government organizations from any of the provisions of this Law.
41. Section 34, section 35 and section 36 of this Law are determined as offences cognizable by the Myanmar Police Force.
42. The provisions of this Law are not applicable to the following:-
- a. videotaping related to family affair; hiring or exhibiting such videotape free of charge;
 - b. videotaping of a motion picture which has already obtained a motion picture censor certificate to exhibit free of charge.
43. The Myanmar motion picture Enterprise shall:-
- a. carry out the office work, and
 - b. hear the expenses of the Video Business Supervisory Central Committee and Video Censor Board.
- 44.
- a. The procedures, orders and directives issued under the Television and Video Law (Pyithu Hluttaw Law No 12 of 1985) may continue to be applicable in so far as they are not inconsistent with the provisions of this Law;
 - b. The existing Censor Board and Committee formed under the Television and Video Law (Pyithu Hluttaw Law No 12 of 1985) shall be deemed to have been formed under this Law, before the Video Censor Board and the Video Business Supervisory Committees can be formed;

- c. License certificate and entrepreneur's registration already issued under the Television and Video Law (Pyithu Hluttaw Law No 12 of 1985) and not yet expired, shall be deemed to be valid until the day of expiry of its tenure.
45. For the purpose of carrying out the provisions of this Law:-
- a. The Ministry of Information may issue such rules and procedures as may be necessary with the approval of the Government;
 - b. The Ministry of Information, Myanmar Motion Picture Enterprise, Video Censor Board or Video Business Supervisory Central Committee may issue such orders and directives as may be necessary;
 - c. The Ministry of Communications, Posts and Telegraphs may issue such orders and directives as may necessary in respect of Chapter III.
46. The Television and Video Law (Pyithu Hluttaw Law No 12 of 1985) is hereby repealed.

MYANMAR
THE PENAL CODE

- 505.** Whoever makes, publishes or circulates any statement, rumour or report,—
- a. with intent to -cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force [* *]1 to mutiny or otherwise disregard or fail in his duty as such; or
 - b. with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or
 - c. with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,
- shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Exception.— It does not amount to an offence, within the meaning of his section, when the person making, publishing or circulating shy such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.

The Control of Imports and Exports (Temporary) Act
[BURMA ACT LVI, 1947]
(30th September, 1947)

It is hereby enacted as follows:

1.
 - a. This Act may be called the Control of Imports and Exports (Temporary) Act, 1947.
 - b. It shall come into force at once and shall remain in force until the President of the Union by notification, directs that it shall cease to be in force.
2. In this Act:
 - a. "Customs-collector" means a Customs-collector as defined in the Sea Customs Act, or a Collector of Land Customs appointed under the Land Customs Act;
 - b. "Import" and "Export" mean respectively bringing into, and taking out of, the Union of Burma by sea, land or air;
 - c. "Officer of Customs" means an officer of Customs appointed under the Sea Customs Act, or a Land Customs Officer appointed under the Land Customs Act.
3. (1) The President of the Union may, by order published in the Gazette, make provision for prohibiting, restricting or otherwise controlling, in all cases or in specified classes of cases, and subject to such exceptions, if any, as may be specified in such order,
 - a. the import, export, carriage coastwise or shipment as ships' stores, of goods of any specified description;
 - b. the bringing into any port or place in the Union of Burma of goods of any specified description intended to be taken out of the Union of Burma without being removed from the ship or conveyance in which they are being carried.(1A)¹ Without prejudice to the generality of the provisions contained in sub-section (1), the order made thereunder may__
 - a. provide for the issue of import or export licenses;
 - b. fix a period for which a license shall remain valid;
 - c. prescribe a fee payable in respect of each license at a rate not exceeding five per cent of the value of the goods covered by such license ;
 - d. prescribe the circumstances under which a license shall be re-validated and the fees payable by the holder thereof on such re-validation at a rate not exceeding five per cent of the value of the goods covered by such license.(2) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act and all the provisions of that Act shall apply thereto, except that section 183 thereof shall have effect as if for the word "shall" therein the word "may" were substituted.

¹ Inserted by Act XLVIII, 1949

- (3) Notwithstanding anything contained in the Sea Customs Act, the President of the Union may, by order published in the Gazette, prohibit, restrict or impose conditions on the clearance, whether for home consumption or for shipment abroad, of any goods or class of goods imported into the Union of Burma.
4. All proceedings pending and liabilities existing under orders or notifications made under Rule 84 of the Defense of Burma Rules, which continue to be enforceable by the Imports and Exports Control Act, 1947, at the commencement of this Act shall continue to be enforceable as if the Imports and Exports Control Act, 1947, have not been repealed.
5. ² (1) If any person contravenes any order made under this Act, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, as applied by subsection (2) of section 3, be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.
- (2) Notwithstanding anything contained in any other law for the time being in force, if the contravention of any such order is in respect of paddy or rice or rice products, the offender shall be punishable with transportation for life or with imprisonment for a term which shall not be less than seven years, and with whipping and the property in respect of which, or in connection with which, such offence is committed, shall be liable to confiscation.
- (3) Any person [who attempts to contravene any such order, or]³ who abets the contravention of any such order, shall be liable to the same punishment as is provided for the contravention thereof.
6. ***⁴
7. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court-
- (2) 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 or any order made thereunder.
8. Subject to the provisions of section 4, the Imports and Exports Control Act, 1947, is hereby repealed.

² Substituted by Act LXXXIV, 1947.

³ Inserted by Act XLIX, 1953

⁴ Deleted by Act XXIII, 1949

Burma Immigration (Emergency Provisions) Act, 1947⁵

I. Short title

1. This Act may be called the Burma Immigration (Emergency Provisions) Act, 1947.
2. It shall come into force at once.

II. Definitions; Delegation of powers

1. In this Act unless there is anything repugnant in the subject or context:
 - a. "carrier" includes the owner or charterer of a conveyance, the agent of such owner or charterer and also the person in charge of the conveyance;
 - b. "controller" means the Controller of Immigration;
 - c. "conveyance" means anything used for transport from one place to another;
 - d. "crew" means a person employed on or engaged in the working of a conveyance;
 - e. "foreigner" means a person who is not a citizen of the Union of Burma;
 - f. "immigration official" means any official of the immigration department, including a junior immigration assistant;
 - g. "immigration permit" includes a certificate or pass or any other document, issued to a foreigner under this Act or the rules made thereunder, for entry into or stay in the Union of Burma;
 - h. "passenger" means any person who travels in any conveyance other than members of the crew;
 - i. "prescribed" means prescribed by the President of the Union or by rules made by the President of the Union.
2. The President of the Union may authorize any officer to exercise an or all of the powers of the Controller under this Act or the rules made thereunder.
3. The Controller may delegate any of his powers under this Act or the rules made thereunder to any immigration official.

III. Prohibition or entry without immigration permit or duly visaed passport

1. No foreigner shall enter the Union of Burma without an immigration permit issued by the Controller or by any Official authorized to issue such permits or a valid passport duly visaed or endorsed by or on behalf of the President;
2. No citizen of the Union of Burma shall enter the Union without a valid Union of Burma passport, or a certificate in lieu thereof, issued by a competent authority: Provided that this section shall not apply to a person, who, in proceeding from one place in the Union of Burma to another place in the Union of Burma, traverses in the course of that journey any extraterritorial waters.

⁵ The Immigration Act was originally intended to apply to foreigners entering Burma illegally. In 1968, the Supreme Court passed Order 107/20-79(68) indicating that the Act was also to be applied to Burmese citizens.

IV. Conditions for immigration permits, passport, visa and endorsements

1. Permits and passport visas shall be subject to such conditions as may be prescribed and also to such conditions as may be set out in the permit or visa.
2. All such conditions shall be deemed to be condition for allowing the holder of such permit or visa to enter or remain in the Union of Burma, and a breach of any of these conditions shall render the holder liable to deportation from the Union of Burma if the President of the Union so directs.

IV (A) Administration of oath

Where an affidavit is required for the purpose of issuing an immigration permit, passport or visa, the Controller or such other officer as may be authorized in this behalf by the President, may administer the oath to the deponent.

V. Supply of information by the master of a ship or captain of an aircraft

1. The carrier, landing or embarking passengers at any seaport or airport in the Union of Burma shall furnish to such person and in such manner as the President of the Union may prescribe a return giving such particulars in respect of such passengers as may be required for the time being by order of the President of the Union and such passengers shall furnish the carrier with all the information required by him for the purpose of the return.
2. The carrier arriving in any seaport or airport in the Union of Burma shall furnish the Controller with a
 - a. schedule of expected arrivals and departures of conveyances for each week;
 - b. list of crew on arrival and departure;
 - c. list of crew who are signed on or off;
3. The President of the Union may by order exempt from the provisions of this section any class of passengers or voyages, or any conveyance or seaports and airports, and any such order may be withdrawn at any time at his discretion.

VI. Prohibition of entry except through prescribed ports and land stations

1. No foreigner shall enter or leave the Union of Burma by any means except at such seaport airports or land stations prescribed by the President of the Union.
2. It shall be the duty of the carrier who brings a conveyance to any seaport or airport or land station in the Union of Burma,-
 - a. to stop the conveyance at such place as may be specified by an immigration official not below the rank of an Immigration Assistant; and
 - b. not to remove the conveyance until clearance is granted by an immigration official not below the rank of an Immigration Assistant.
3. For examination of any conveyance on any official holidays or between 17.00 hours and 7.00 hours on other days, the carrier shall be liable to pay an overtime fee fixed according to the rates that may be prescribed.

VII. Detention of illegal entrants

1. The President of the Union or any such authority as may be appointed by him under his subsection, may order any foreigner who has been convicted under an section of this Act of rules made thereunder to be deported from the Union or Burma and pending orders of deportation such foreigner may be detained in such manner as the President of the Union may direct and whilst so detained shall be deemed to be in legal custody.
2. The President of the Union or any such authority as may be appointed by him under this subsection, may, in lieu of prosecution, order any foreigner who contravenes any of the provisions of this Act, or the rules made thereunder, to be deported from the Union of Burma and pending orders of deportation such foreigner may be detained in such manner as the President of the Union may direct and whilst so detained shall be deemed to be in legal custody.
3. The President of the Union or the authority competent to order deportation under sub-section (2) shall have power to adjudge, if any foreigner has in fact contravened any of the provisions of this Act, or the rules made thereunder.
4. Any foreigner ordered to be deported under sub-section (1) or sub-section (2) may be detained by such authority and in such manner as the President of the Union may direct pending the completion of arrangements for his removal out of the Union of Burma and whilst so detained shall be deemed to be in legal custody.
5. Any foreigner who has been detained under subsection (1) or sub-section (2) or sub-section (4) may be admitted to bail by such authority and upon such terms and conditions as may be prescribed by the President of the Union.
6. The carrier who is responsible for the illegal entry of any against whom any order of deportation is subsequently issued under sub-section (1) or subsection (2) shall remove such foreigner from the Union of Burma.

VIII. Exemption

The President of the Union may exempt any person or classes of persons from any or all the provisions of the Act with or without conditions.

IX. Exemption of persons in diplomatic Service

Nothing in this Act shall apply to any duly accredited head of a foreign diplomatic mission or members of his household, or to members of his official staff and their families, or to any consular representative in the Union of Burma and his family.

X. Arrest without warrant

Any Immigration Officer or any Police Officer may enter any place or conveyance and arrest without warrant any person whom he may reasonably suspect of contravening or having contravened or being about to contravene any of the provisions of this Act.

XI. Fees

Fees may be charged for the issue of immigration permits or passport visas at such rates as may be prescribed.

XII. Detention of illegal entrants

Any foreigner who has been brought into the Union of Burma and who is not entitled to enter the Union of Burma under the provisions of this Act or the rules made thereunder shall be detained by the carrier, who shall, if required at any time by any immigration official not below the rank of Assistant Immigration officer remove him from the Union of Burma. Such detention shall be deemed to be legal custody.

XIII. Offences and Penalties

1. Whoever enters or attempts to enter the Union of Burma or whoever after legal entry remains or attempts to remain in Union of Burma in contravention of an of the provisions of this Act or the rules made thereunder or any of the conditions set out in any permit or visa shall be punished with imprisonment for a term not exceeding two years, or with fine, or with both.⁶
2. Whoever being the carrier knowingly brings or attempts to bring into the Union of Burma any person not authorized to enter the Union of Burma shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding K. 200 for every such person brought or attempted to be brought into Burma or to both.
3. The carrier who omits to make the return required of him under section 5 (1) of this Act or who makes a return or who fails to carry out any duty laid upon him be this Act, shall be liable to imprisonment not exceeding three months or to a fine not exceeding K. 200 or to both.
4. Any passenger refusing to give any information required by the carrier under section 5 of this Act, or who gives false information for the purpose, shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding K. 200 or to both.
5. Whoever assists or attempts to assist any person to enter the Union of Burma illegally or knowing that a foreigner is remaining in the Union of Burma in contravention of any of the provisions of this Act or the rules made there under willfully assists or attempts to assist him to remain in the Union of Burma shall be punished with imprisonment for a term not exceeding two years, or with fine, or with both.
6. Whoever willfully suppresses information or gives false information to prevent the apprehension of any foreigner who has contravened any of the provisions of this Act or the rules made thereunder shall be liable on conviction to imprisonment for a term not exceeding six months or fine or to both.
7. Whoever:
 - a. impersonates or falsely represents himself to be or not to be a person to whom an immigration permit has been issued, or
 - b. makes any false statement with intent to obtain an immigration permit for himself or for any other person, or
 - c. forges, alters or tampers with any immigration permit, or

⁶In 1990, the government passed order SLORC Act 2/90 changing the potential imprisonment for this provision to a minimum of six months and up to five years.

- d. uses or has in his possession any forged immigration permit or any immigration permit which bears any illegal obliteration, tampering or alteration in respect of any material particulars, shall be punished with imprisonment for a term not exceeding two years, or with fine, or with both.

XIII (A). Burden of Proof As to Entry

If any question arises with reference, to this Act or rules made thereunder whether a foreign enters or remains in the Union of Burma legally, the onus of proving that he enters or remains in the Union of Burma legally shall notwithstanding anything contained in the Evidence Act, be upon such foreigner.

XIII (B). Burden of proof as to foreigner

If any question arises with reference to this Act or rules made thereunder whether a person is or is not a foreigner, or is or is not a foreigner of a particular class, the onus of proving that such a person is not a foreigner or is not a foreigner of such particular class, as the case may be, shall notwithstanding anything contained in the Evidence Act, be upon such person.

XIV. Trial Court

1. No magistrate other than a first class magistrate or a sub divisional magistrate shall try cases under this Act.
2. The magistrate trying the case may direct any portion of the fine levied under section 13 to be paid to any person who hits contributed in any way to the arrest and conviction.

XV. Duration of order of removal or deportation and punishment for breach of order

1. Every order of deportation, made under this Act shall remain in force until it is revoked by the President of the Union or by such authority as the President of the Union may appoint in that behalf.
2. If any foreigner against whom an order of deportation has been issued fails to comply with the order in any respect, or having left the Union of Burma re-enters the Union of Burma without the permission in writing of the President of the Union or of such authority as the President of the Union may appoint in that behalf while the order is in force, he shall be liable to imprisonment for a term which may extend to two years or fine or to both and shall, in addition to such penalty, be liable to be deported again from the Union of Burma in pursuance of the order.
3. When security has been taken in pursuance of any of the provisions of this Act or rules made thereunder the bond shall be deemed to be a bond taken under the Criminal Procedure 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.

XVI. Rule-making power

1. The President may make rules to carry out the purpose of this Act.
2. In particular and without prejudice to the generality of the foregoing powers, such rules may provide for:
 - a. the authorities by whom passports may be visaed on behalf of the President under section 3;
 - b. the conditions to which immigration permits and passport visas shall be subject;
 - c. the particulars required in respect of passengers and crew under section 5;
 - d. fees under section 11;
 - e. the condition under which and the authority by whom bail may be granted;
 - f. persons who shall be permitted to practice as writers of applications for immigration permits or passport visas and regulating the conduct of business of persons so practicing; and
 - g. such other matters as may be deemed necessary for the purpose of giving effect to the provisions of the Act.
- a. The President of the Union may direct that a breach of any rule made under subsection (1) and (2) shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to K. 200, or with both.

The Unlawful Associations Act
[India Act XIV, 1908]
11th December 1908

PART II: Unlawful Associations.

15. In this Part-

1. "association" means any combination or body of persons, whether the same be known by any distinctive name or not; and
2. "unlawful association" means an association –
 - a. which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or
 - b. which has been declared to be unlawful by the President of the Union under the powers hereby conferred.

16. If the President of the Union is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the President of the Union may, by notification in the Gazette, declare such association to be unlawful.

- 17.**
1. Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association or in any way assists the operations of any such association, shall be punished with imprisonment for a term [which shall not be less than two years and more than three years and shall also be liable to fine]
 2. Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term [which shall not be less than three years and more than five years and shall also be liable to fine]⁷
 3. * * *

- 17(A)**
1. The president of the Union may, by notification in the Gazette, mortify and place which in his opinion is used for the purposes of an unlawful association. Explanation - For the purposes of this section "place" includes an house or building, or part thereof, or a tent or vessel.
 2. The District Magistrate, or any officer authorized in this behalf in writing by the District Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking possession to the President of the Union: Provided that where such place contains any apartment occupied by women or children,

⁷ Substituted by Act LXI, 1954.

⁸ Deleted, *ibid*.

reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

3. A notified place whereof possession is taken under sub-section (2) shall be section (1) in respect thereof remains in force.

- 17(B)**
1. The District Magistrate, or officer taking possession of a notified place, shall also take possession of all movable property found therein and shall make a list thereof in the presence of two respectable witnesses
 2. If, in the opinion of the District Magistrate, any articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed subject to the provisions hereafter contained in this section to order such articles to be forfeited to the State.
 3. All other articles specified in the list shall be delivered to the person whom he considers to be entitled to possession thereof, or, if no such person is found, shall be disposed of in such manner as the District Magistrate may direct.
 4. The District Magistrate shall publish, as nearly as may be in the manner provided in section 87 of the code of Criminal procedure for the publication of a proclamation, a notice specifying the articles which it is proposed to forfeit and calling upon any person claiming that any article is not liable to forfeiture to submit in writing within fifteen days any representation he desires to make against the forfeiture of the article.
 5. Where any such representation is accepted by the District Magistrate, he shall deal with the article concerned in accordance with the provisions of sub-section (3).
 6. Where any such representation is rejected, the representation, with the decision thereon, shall be forwarded to the District Judge, in the case of a decision by a District Magistrate, and no order of forfeiture shall be made until the District Judge has adjudicated upon the representation. Where the decision is not confirmed the articles shall be dealt with in accordance with the provisions of sub-section (3).
 7. In making adjudication under sub-section (6) the procedure to be followed shall be the procedure laid down in the code of civil Procedure for the investigation of claims, so far as it can be made to apply, and the decision of the District Judge shall be final.
 8. If the article seized is livestock or is of a perishable nature, the District Magistrate may, if he thinks it expedient, order the immediate sale thereof, and the proceeds of the sale shall be disposed of in the manner herein provided for the disposal of other articles.

- 17C.** Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorized by him in this behalf, shall be deemed to commit criminal trespass.

- 17D.** Before a notification under sub-section (1) of section 17A is cancelled, the

President of the Union shall give such general or special directions as he may deem requisite regulation the relinquishment by government of possession of notified places.

- 17E.**
1. Where the President of the Union is satisfied, after such inquiry as he may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the President of the Union may, by order in writing, declare such monies, securities or credits to be forfeited to the State.
 2. a copy of an order under sub-section (1) may be served on the person copy such person shall pay or deliver the monies, securities or credits to the order of the President of the Union. Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the President of the Union may select, and such officer shall have power to enter upon an search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.
 3. Before and order of forfeiture is made under sub-section (1) the President of the Union shall give written notice to the person (if any) in whose custody the monies, securities or credits are found of his intention to forfeit, and any person aggrieved thereby may within fifteen days from the issue of such notice file an application to the District Judge in a District to establish that the monies, securities or credits or any of them are not liable to forfeiture, and if any such application is made, no order of forfeiture shall be passed in respect of the monies, securities or credits concerned until such application has been disposed of and unless the District Judge has decided that the monies, securities or credits are liable to forfeiture.
 4. In disposing of an application under sub-section (3) the procedure to the investigation or claims, so far as it can be made to apply, and the decision of the District Judge shall be final.
 5. Where the President of the Union has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the President of the Union may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the President of the Union. A copy of such order shall be served upon the person to whom it is directed.
 6. The President of the Union may endorse a copy of an order under sub-section (3) for investigation to any officer he may select, and such copy shall be a warrant where under such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

7. A copy of an order under this section may be served in the manner provided in the Code of Criminal Procedure for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or, where there is no registered office, at the place where it carries on business.
 8. Where and order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited to the order of the President of the Union.
 9. Where any person liable under this section to pay or deliver any monies, securities or credits to the order of the President of the Union refuses or fails to comply with any direction of the President of the Union in this behalf, the President of the Union may recover from such person, as arrears of land-revenue or as a fine, the amount of such monies or credits or the market value of such securities.
 10. In this section, "security" includes a document whereby any person acknowledges that he is under a legal liability to pay money, or where under any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the President of the President of the Union.
 11. Except so far as is necessary for the Purposes of any proceeding Under this section, no information obtained in the course of any investigation made under sub-section (6) shall be divulged by any officer of Government without the consent of the President of the Union.
- 17F.** Every report of the taking possession of property and every declaration of forfeiture made, or purporting to be made under this Act shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and save as provided in sections 17B and 17E no proceeding purporting to be taken under section 17A, 17B, 17C, 17D, or 17E, shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said sections or against Government or person action on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by government under this Act.
- 18.** An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.