

(THE DEFENCE OF BURMA (REPEALING) ACT, 1947.)

[BURMA ACT No. IV of 1947.]

The 11th January 1947.

[Amendment: 13.02.1947]

No. 13-The following Act is published for general information:-

THE DEFENCE OF BURMA (REPEALING) ACT, 1947.

WHEREAS it is expedient to repeal the Defence of Burma Act, 1940, and to withdraw the Rules thereunder;

AND WHEREAS by Proclamation, dated the tenth day of December, 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935, in the Legislature or in either Chamber thereof;

NOW, THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows:-

1. (1) This Act may be called **the Defence of Burma (Repealing) Act, 1947**.
(2) It shall come into force at once.
2. Subject to the provisions hereinafter contained, the Defence of Burma Act, 1940, hereinafter called the said Act, is hereby repealed.
3. Notwithstanding anything contained in section 2, all provisions of the said Act specified in column 1 of the First Schedule to this Act, and subject to the modifications set out therein against them in column 2 thereof, shall continue and be deemed to be in force as if this Act had not been enacted, until the Governor shall, by notification, declare the aforesaid provisions of the said Act to be no longer in force or until the date, whichever is earlier, on which the Defence of Burma Act, 1940, would ordinarily, but for the provisions of section 2 hereof, have ceased to be in force under the provisions of sub-section (4) of section 1 of the said Act.
4. Notwithstanding anything contained in this Act, the repeal of the said Act shall not affect or render invalid any Rules made under the said Act or any Orders made under the said Act or Rules before the commencement of this Act, in so far as they were made under the provisions of the said Act or Rules specified in the Schedules, except that the said Rules shall continue to be in force subject to the modifications set out against them in column 2 of the Second Schedule.
5. Nothing contained in this Act shall be deemed to derogate from the Governor's powers, which he possessed before this Act came into force, to cancel or amend any Rules specified in the Second Schedule, or any Orders made under the provisions of the said Act or Rules specified in the said Schedules, or from making any new rules or orders under the aforesaid provisions of the said Act or Rules, so long as the provisions of the Defence of Burma Act, 1940, specified in the First Schedule continue to be in force.

6. (1) Notwithstanding anything contained in this Act, a Deputy Commissioner may continue and is empowered to retain in custody any person who has been detained under Rule 26 of the Defence of Burma Rules pending the orders of the Governor, if he is satisfied that such person is a dangerous criminal, as if the said Rule 26 had not lapsed and is still in force in so far as dangerous criminals are concerned:

Provided that the Deputy Commissioner shall submit to the Governor a report containing the reasons for the further detention of the person concerned, together with relevant documents, within seven days from the date on which this Act comes into force.

(2) The Governor may, on his own motion or on receipt of the report from the Deputy Commissioner concerned, order further detention of the person concerned for a period not exceeding three months from the date on which this Act comes into force, or direct the release of such person unconditionally or subject to such conditions as he may deem fit.

(3) For the purposes of this section, the expression "dangerous criminal" means any person who habitually commits or attempts to commit non-bailable offences punishable under the Penal Code or who habitually aids, instigates or abets the commission of any non-bailable offences.

7. Notwithstanding anything contained in section 5 of the Burma General Clauses Act, no criminal proceeding whatsoever shall be instituted in, continued or heard by any Court or Tribunal for or in respect of any act or thing done before the commencement of this Act for which the offenders could have been prosecuted or punished under any of the provisions of the Defence of Burma Act, 1940, or Rules made thereunder, which had been omitted from the Schedules to this Act; and any punishment or penalty incurred before the commencement of this Act under or by virtue of any provisions of the Defence of Burma Act, 1940, or Rules made thereunder, which had been omitted from the Schedules to this Act, shall, where such sentence or penalty remains unexpired, cease to have effect, and the offenders concerned shall be set free:

Provided that nothing contained in this section shall be deemed to affect any fine already paid under the provisions of the Defence of Burma Act or Rules made thereunder.

Provided also that nothing contained in this section shall preclude any Court or Tribunal from entertaining, trying or hearing any proceeding in respect of any act or thing done which is also punishable under the provisions of any law other than, and independently of, the provisions of the Defence of Burma Act or the Rules made thereunder which have been omitted from the Schedules to this Act.

<Amendment 13.02.1947>

In the name of His Majesty I assent to this Act.

H. E. RANCE,
Governor of Burma.

RANGOON, the ninth day of January 1947.

[ATTACH LIST 1] 01 SCHEDULES. FIRST SCHEDULE.

[ATTACH LIST 2] 02 SECOND SCHEDULE.