

## THE BURMA VOLUNTEER AIR FORCE (DISCIPLINE) ACT.

[BURMA ACT III, 1941.] (26th March, 1941.)

1. (1) This Act may be called the Burma Volunteer Air Force (Discipline) Act, 1941.

(2) It extends to the whole of the Union of Burma and applies to members of the Burma Volunteer Air Force wherever they may be.

(3) It shall come into force at once.

2. The President of the Union may make rules<sup>1</sup> for the government, discipline and regulation of the Burma Volunteer Air Force.

3. Every member of the Burma Volunteer Air Force while undergoing training in pursuance of rules made under section 2, or when called into actual service in pursuance of the said rules, shall be subject to the Air Force Act, with such modifications as are set out in the Schedule, and shall continue to be so subject until duly released from such training or service, as the case may be.

7 & 8  
Geo. 5,  
c. 51.

4. (1) If any member of the Burma Volunteer Air Force, when required, in pursuance of rules made under section 2 to join a unit or attend at any place for the purpose of undergoing training, fails without reasonable excuse to join or attend in accordance with such requirement he shall be punishable with fine which may extend to two hundred rupees.

(2) If any member of the Burma Volunteer Air Force, when called into actual service and required by such call to join any unit or attend at any place, fails without reasonable excuse to comply with such requirement at or within such time as the President of the Union may, by order, direct, he shall be liable to be apprehended and punished in accordance with the provisions of the Air Force Act relating to the apprehension and punishment of a person deserting or improperly absenting himself from duty, subject to such modifications as are set out in the Schedule, except that the punishment shall not exceed imprisonment which may extend to two years.

7 & 8  
Geo. 5,  
c. 51.

5. When any member of the Burma Volunteer Air Force is required, in pursuance of rules made under section 2, to join any unit or attend at any place for the purpose of undergoing training, or is called into actual service, a certificate purporting to be signed by an officer appointed in this behalf under the said rules and stating that the said member failed to join or attend in accordance with such requirement or call shall, without proof of the signature or appointment of such officer, be evidence of the matter stated therein.

6. No Court inferior to that of a Magistrate of the first class shall try an offence punishable under sub-section (1) of section 4.

\* 6A-7. \* \* \* \*

<sup>1</sup> For rules made under Ordinance VIII of 1940, now repealed by this Act, see *Burma Gazette*, 1940, Part I, pp. 1112 and 1217.

<sup>2</sup> S. 6A was inserted by Act XXII, 1946; but both s. 6A and s. 7 were deleted by the Union of Burma (Adaptation of Laws) Order, 1948.

THE SCHEDULE.

MODIFICATIONS IN THE AIR FORCE ACT AS MADE APPLICABLE TO THE BURMA VOLUNTEER AIR FORCE.

Section 6 (3) (c) is omitted.

The following is substituted for section 13 (1) (a) :—

“When belonging to the Burma Volunteer Air Force without having obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist or enrol, enlists or enrolls himself in the regular air force or in any air force raised in the Union of Burma ; or ”

The following is substituted for section 13 (1) (b) :—

“When belonging to the Burma Volunteer Air Force without having fulfilled the conditions enabling him to enlist, enrol or enter, enrolls himself or enlists in the air force reserve or the auxiliary air force, or any of the military forces, or enters the Burma Naval Volunteer Reserve,”

In section 21 (2)—

- (i) the words “provost marshal, or assistant provost marshal” wherever they occur are omitted ; and
- (ii) the word “or” is inserted between the words “officer” and “non-commissioned officer” wherever they occur.

In the proviso to section 28 the words “suffer imprisonment” are substituted for the words “be imprisoned, with or without hard labour”.

Section 30 is omitted.

Section 31 is omitted.

In section 39A the words “President of the Union” are substituted for the words “Air Council”.

In section 41 (5) the words “the Union of Burma” are substituted for the word “England” wherever it occurs.

In section 42 the words “President of the Union” are substituted for the words “Air Council” and a full stop is substituted for the comma after the words “obtain justice”. The following words are omitted :—

“who are hereby required to examine into such complaint and (if so required by the officer) through a Secretary of State make their report to His Majesty in order to receive the directions of His Majesty thereon.”

In section 44 (c) and (k) the words “with or without hard labour” are omitted.

In section 44 (kk) the words “twenty-eight days” are substituted for the words “two years”.

Provisos (5), (9) and (10) to section 44 are omitted.

In proviso (11) to section 44 the words “prescribed by the President of the Union” are substituted for the words “provided by Royal Warrant; but shall not, save as may be provided by Royal Warrant, be liable to any forfeiture under the Regimental Debts Act, 1893, as applied to the Air Force, or under any Act relating to the military savings banks as so applied or any regulations made in pursuance of either of the abovementioned Acts as so applied”.

56 & 57  
Vict.,  
c. 5.

In section 45 (4) the words “or a provost marshal or assistant provost marshal” and the words “provost marshal or assistant provost marshal” are omitted and the word “or” is inserted between the word “officer” and the words “non-commissioned officer”.

In section 46 (1) the following words are omitted :—

“or, in the case of an officer below the rank of squadron-leader or of a warrant officer may refer the case to be dealt with summarily by an air or general officer under the provisions of this Act.”

In section 46 (2) (d) the following words are omitted :—

“ may award to the offender field punishment within the meaning of section forty-four of this Act for any period not exceeding twenty-eight days, and ”.

In section 46 (3) the word “ district ” is omitted.

In section 46 (8) the word “ district ” is omitted wherever it occurs.

The following is substituted for section 46 (9) :—

“ The power of dealing summarily with a case may be delegated by the commanding officer to any officer under his command in accordance with such provisions as may be prescribed :

Provided that such officer shall not have power to inflict any punishment other than a minor punishment, or such fines for drunkenness as may be prescribed.”

Section 47 is omitted.

The following is substituted for section 48 :—

“ The following rules are enacted with respect to Courts-martial :—

(i) A Court-martial shall be convened by the President of the Union.

(ii) A Court-martial shall consist of not less than five nor more than nine officers who shall be selected by the President of the Union from officers of the Army in the Union of Burma not below the rank of Captain and from officers of the regular Air Force and of the Burma Volunteer Air Force not below the rank of Flight Lieutenant.

(iii) Sentence of death shall not be passed on any person without the concurrence of two-thirds at least of the officers serving on the Court-martial by which he is tried.

(iv) The president of a Court-martial shall be appointed by the President of the Union, but he shall not be under the rank of Squadron-Leader if he is an officer of the regular Air Force or of the Burma Volunteer Air Force and he shall not be under the rank of Major if he is an officer of the Army in the Union of Burma.

(v) A Court-martial shall be held at such place as the President of the Union may direct.”

Section 49 is omitted.

Section 50 (1) and section 50 (2) are omitted.

In section 50 (3) the following words are omitted :—

“ save in the case of a field general Court-martial.”

The following is substituted for section 54 :—

“ (1) Subject to the provisions of this section with respect to the finding of acquittal, the finding and sentence of a Court-martial shall not be valid except in so far as the same may be confirmed by the President of the Union.

(2) The President of the Union may send back a finding and sentence submitted to him for confirmation, or either of them, for revision once, but not more than once and it shall not be lawful for the Court on any revision to receive any additional evidence ; and where the finding only is sent back for revision, the Court shall have power without any direction to revise the sentence also. In no case shall the President of the Union recommend the increase of a sentence, nor shall the Court-martial on revisal of the sentence, either in obedience to the recommendation of the President of the Union, or for any other reason, have the power to increase the sentence awarded.

(3) The finding of acquittal, whether on all or some of the offences with which the accused is charged, shall not require confirmation or be subject to be

revised, and shall be pronounced at once in open Court, and, if it relates to the whole of the offences, the accused shall be released."

The following is substituted for section 56 (6) :—

"Where an accused is charged before a Court-martial with a civil offence and the charge is one upon which, if he had been tried by a civil Court in the Union of Burma for such an offence committed in the Union of Burma, he might have been found guilty of any other offence, the Court-martial shall have power to find him guilty of that offence."

The following is substituted for section 57 :—

"(1) The President of the Union may, when confirming the sentence of any Court-martial, mitigate or remit punishment thereby awarded, or commute such punishment to which the offender might have been sentenced by the said Court-martial, or if such punishment is death awarded for the offence of murder, then for penal servitude<sup>1</sup> or such less punishment as is in this Act mentioned, or if such punishment is cashiering awarded for an offence under section 16 of this Act, then for dismissal from service or such less punishment as is in this Act mentioned. The President of the Union may also suspend for such time as seems expedient the execution of a sentence.

(2) The President of the Union may if he thinks fit mitigate, remit or commute the punishment of a person subject to such punishment.

(3) The provisions of this Act, with respect to an original sentence of penal servitude<sup>1</sup>, imprisonment, or detention shall apply to a sentence of penal servitude<sup>1</sup>, imprisonment or detention imposed by way of commutation."

The following is substituted for section 57A (1) :—

"Where an airman is sentenced to penal servitude<sup>1</sup>, imprisonment or detention, the President of the Union may, when confirming the sentence, direct that the airman be not committed to prison or detention barracks until the orders of the commanding officer have been obtained."

The following is substituted for section 57A (2) :—

"The commanding officer may in the case of the airman so sentenced :—

(a) direct that a committal to prison or detention barracks shall not be issued until his orders have been obtained ; and

(b) suspend the sentence whether or not the airman has already been committed to prison or detention barracks."

The following is substituted for section 57A (5) :—

"Where a sentence has been suspended under this section, the case may at any time, and shall, at intervals of not more than three months, be reconsidered by the commanding officer, and, if on any such reconsideration it appears to the commanding officer that the conduct of the airman since his conviction has been such as to justify a remission of the sentence, he shall remit it."

In section 57A (6) and in section 57A (7) the words "the commanding officer" are substituted for the words "a superior air-force authority".

Section 57A (8) and section 57A (9) are omitted.

The following is substituted for section 58 :—

"(1) Where a sentence of penal servitude<sup>1</sup> or of imprisonment is passed by a Court-martial, the air-force convict or air-force prisoner, as the case may be, shall undergo the term of his sentence in a civil prison where he shall be dealt with in the same manner as an ordinary civil prisoner under sentence of penal servitude<sup>1</sup> or of imprisonment, as the case may be.

(2) Where a sentence of detention is passed by a Court-martial or by the commanding officer the person on whom that sentence has been passed shall

<sup>1</sup>The Union of Burma (Adaptation of Laws) Order, 1948, directs that in this Act all references to penal servitude as a punishment shall be deemed to have no effect.

undergo the term of his detention either in a detention barrack, or in air-force custody, or partly in one way and partly in the other, but not in prison."

The following is substituted for section 59 :—

"The order of the President of the Union or of the commanding officer shall be a sufficient warrant for the committal of an air-force convict or air-force prisoner to a civil prison and for his release therefrom."

The following is substituted for section 60 :—

"The order of the President of the Union or of the commanding officer shall be a sufficient warrant for the committal of an airman, on whom a sentence of detention has been passed, to air-force custody or to a detention barrack and for his release therefrom."

The following is substituted for section 61 :—

"An air-force convict or an air-force prisoner shall be kept in air-force custody after the passing of sentence for such period as the commanding officer may consider necessary for the removal of such convict or prisoner, as the case may be, to a civil prison."

The following is substituted for section 62 :—

"An air-force convict, an air-force prisoner or an airman undergoing detention may, during his conveyance from place to place, be subjected to such restraint as is necessary for his safe conduct and removal."

Sections 63, 64, 65, 66 and 67 are omitted.

Section 68 (2) (d) is omitted.

The following is substituted for section 68 (2) (e) :—

"The expression 'detention barrack' means a building or part of a building set apart as such by the President of the Union."

The following is substituted for section 68 (2) (f) :—

"The expression 'civil prison' means any prison in the Union of Burma in which offenders sentenced by a civil Court to penal servitude<sup>1</sup> or to imprisonment can be confined."

Section 68 (2) (g) is omitted.

Section 68 (2) (h) is omitted.

Section 68A is omitted.

The following is substituted for section 70 (1) :—

"Subject to the provisions of this Act, the President of the Union may by rules from time to time make and when made repeal, alter, or add to, provisions in respect of the following matters or any of them, that is to say,—

- (a) the assembly and procedure of Courts of enquiry ;
- (b) the convening and constituting of Courts-martial ;
- (c) the adjournment, dissolution and sittings of Courts-martial ;
- (d) the procedure to be observed in trials by Courts-martial ;
- (e) the confirmation and revision of the findings and sentences of a Court-martial, and enabling the President of the Union to substitute a valid sentence for an invalid sentence of a Court-martial ;
- (f) the carrying into effect sentences of Courts-martial ;
- (g) the forms of orders to be made under the provisions of this Act relating to Courts-martial, penal servitude<sup>1</sup>, imprisonment, or detention ;
- (h) any matter in this Act directed to be prescribed ;
- (i) any other matter or thing expedient or necessary for the purpose of carrying this Act into execution so far as relates to the investigation, trial and punishment of offences triable or punishable by Court-martial under this Act."

<sup>1</sup> See footnote at p. 93.

Section 70 (4) is omitted.

In section 73 (3) the words "President of the Union" are substituted for the words "Air Council".

Section 74 is omitted.

In section 75 (1) the words "President of the Union" are substituted for the words "authority confirming the finding and sentence of such Court-martial, or the Air Council".

In section 75 (2) the words "President of the Union" are substituted for the words "confirming authority or the Air Council".

In section 75 (3) the words "President of the Union" are substituted for the words "confirming authority or the Air Council" and for the words "authority or the Air Council".

Part II is omitted.

Part III is omitted.

Section 122 is omitted.

Section 123 is omitted.

The following is substituted for section 124 :—

"Any person tried by a Court-martial shall be entitled, on demand, at any time within seven years after the confirmation of the finding and sentence of the Court or after his acquittal, to obtain from the officer or person having custody of the proceedings of such Court a copy thereof, including the proceedings with respect to the revision and confirmation thereof, upon payment for the same at the prescribed rate, and for the purposes of this section the proceedings of Courts-martial shall be preserved in the prescribed manner :

Provided that, when any person tried by Court-martial dies within the above-mentioned period of seven years, his next-of-kin shall, within a period of 12 months after his death, have the same right to obtain a copy of the proceedings."

Section 127 is omitted.

In section 128 the words "the Union of Burma" are substituted for the word "England".

In section 129 (1) the words "the High Court" are substituted for the words "His Majesty's High Court of Justice in England".

The last sentence of section 129 is omitted.

In section 130 (1), (2) and (3) the words "the President of the Union" are substituted for the words "His Majesty" wherever they occur.

In section 131 the words "Chief Jailer" are substituted for the word "Governor" wherever it occurs ; the words "the President of the Union" are substituted for the words "a Secretary of State" and the words "the Union of Burma" are substituted for the words "the United Kingdom".

The following is substituted for section 132 :—

"(1) It shall be lawful for the President of the Union to set apart any building or part of a building under his control as a detention barrack.

(2) It shall be lawful for the President of the Union from time to time to make, alter, and repeal rules—

(a) for the government, management and regulation of detention barracks,

(b) for the appointment and removal and powers of inspectors, visitors, governors and officers thereof ; and

(c) for the safe custody of airmen undergoing detention and the maintenance of discipline among them, and the punishment by personal correction, restraint or otherwise of offences committed by such airmen ;

Provided that such rules shall not authorize corporal punishment to be inflicted for any offence, nor render the detention more severe than it is under the law in force for the time being in any civil prison."

Section 133 is omitted.

In section 134 (1) the words "air-force prison or" are omitted, and the words "India or" are omitted.

In section 134 (2) the words "India or" are omitted.

Section 135 is omitted.

The following is substituted for section 136 :—

"(1) The pay of an officer or airman of the Burma Volunteer Air Force shall be paid without any deduction other than the deductions authorized by this Act or by any law for the time being in force in the Union of Burma.

(2) Notwithstanding anything in any law in force as aforesaid in the Union of Burma no part of the pay of an officer or airman of the Burma Volunteer Air Force shall be attached by direction of a Court in satisfaction of any decree or order enforceable against him :

Provided that nothing in this sub-section affects any attachment order made by a Court in the Union of Burma in respect of any liability incurred before the end of the year nineteen hundred and thirty eight."

In section 137 the words "Burma Volunteer Air Force" are substituted for the words "regular air force".

In section 137 (1) the words "President of the Union" are substituted for the words "Air Council".

The following is substituted for section 137 (4) :—

"The sum required to make good any loss, damage, or destruction of public or service property, or property belonging to the Navy, Army and Air Force Institutes which, after due investigation, appears to the President of the Union to have been occasioned by any wrongful act or negligence on the part of the officer".

In section 138 the words "Burma Volunteer Air Force" are substituted for the words "regular air force".

In section 138 (1) the words "or field punishment" are omitted.

In section 138 (3) the words "by the commanding officer dealing summarily with a charge" are substituted for the words "by the authority dealing summarily with a charge under section forty-seven of this Act".

In section 138 (4A) the words "to be held in the prescribed manner" are substituted for the words "to be held in the manner provided in the King's Regulations".

Section 138 (5) is omitted.

In section 138 (6) the words "not exceeding such amount a day for twenty-eight days as may be prescribed" are substituted for the words "not exceeding one penny a day for twenty-eight days".

In section 138 (8) the words "President of the Union" are substituted for the words "Air Council" and the words "or any officer deputed by them for the purpose" are omitted.

In proviso (a) to section 138 the words "less than such amount a day as may be prescribed" are substituted for the words "less than one penny a day".

The following is substituted for section 139 :—

"Any deduction of pay authorized by this Act may be remitted in such manner and by such authority as may be from time to time prescribed."

In section 140 (1) the words "as may be from time to time prescribed" are substituted for the words "as may be from time to time directed by any regulation or order of the Air Council".

The following is substituted for the first sentence in section 140 (2) :—

“ The President of the Union may also from time to time prescribed what shall be deemed, for the purposes of the provisions of this Act relating to deductions from pay, to constitute a day of absence or a day of imprisonment or detention.”

The following is substituted for section 140 (3) :—

“ In cases of doubt as to the proper issue of pay or the proper deduction from pay due to any officer or airman, the pay may be withheld until the President's order respecting it has been signified, which order shall be final.”

In section 141 the words “ such provisions as may be prescribed ” are substituted for the words “ a Royal Warrant ”.

Section 142 is omitted.

In section 143 (1) the words “ Burma Volunteer Air Force ” are substituted for the words “ regular air force ”, the word “ legally ” is inserted between the words “ otherwise ” and “ demandable ”. The words “ by virtue of any Act of Parliament already passed or hereafter to be passed, or by virtue of any Act, Ordinance, order, or direction of any legislature or other authority in India, Burma or a colony ” are omitted.

Section 143 (2) is omitted.

In section 143 (3) the words “ fifty rupees ” are substituted for the words “ five pounds ” and the words “ five rupees ” are substituted for the words “ ten shillings ”.

In section 144 (1) the words “ Burma Volunteer Air Force ” are substituted for the words “ regular air force ”.

In section 144 (1) (b) the words “ four hundred rupees ” are substituted for the words “ thirty pounds ”.

The following is substituted for section 144 (2) :—

“ For the purposes of this section a crime shall mean an offence punishable according to any law in force in the Union of Burma with fine or imprisonment or both and shall not include the offence of a person absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting his contract.”

Section 144 (3) is omitted.

In proviso (1) to section 144 (5) the words “ Burma Volunteer Air Force ” are substituted for the words “ regular air force ”.

The second proviso to section 144 (5) is omitted.

In section 145 (1) the words “ Burma Volunteer Air Force ” are substituted for the words “ regular air force ”.

In section 145 (2) the words “ President of the Union ” are substituted for the words “ Air Council, or any officer deputed by them for the purpose ” and for the words “ Air Council or officer ” wherever these words occur. The words “ in his discretion ” are substituted for the words “ in their or his discretion ”. The words “ think or ” between the words “ from time to time ” and the words “ thinks fit ” are omitted.

In the proviso to section 145 (3) the words “ the Union of Burma ” are substituted for the words “ the United Kingdom ”.

In the last paragraph of section 145 (3) the words “ President of the Union ” are substituted for the words “ Air Council or officer in accordance with sub-section (2) of this section ” and for the words “ Air Council ” wherever these words occur.



In section 145 (4) the words " Burma Volunteer Air Force " are substituted for the words " regular air force ".

Section 146 is omitted.

The following is substituted for section 152:—

" Any person who falsely represents himself to any air-force, military, naval, or civil authority to be a deserter from the Burma Volunteer Air Force shall on conviction be sentenced to imprisonment of either description for any period not exceeding three months."

In section 153 the words " in the United Kingdom or elsewhere " are omitted, and the words " shall be liable on conviction to imprisonment for a term not exceeding six months " are substituted for the words " shall be liable, on summary conviction, to be imprisoned with or without hard labour, for a term not exceeding six months ".

In section 153A the words " in the United Kingdom or elsewhere " are omitted, and the words " shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine " are substituted for the words " shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine ".

In section 154 the words " police officer " are substituted for the word " constable " wherever it occurs.

In section 154 (1) the words " the nearest Magistrate " are substituted for the words " a Court of summary jurisdiction ".

The following is substituted for section 154 (2) :—

" A Magistrate may, if satisfied by evidence that a deserter or absentee without leave is or is reasonably suspected to be within his jurisdiction, issue a warrant authorizing such deserter or absentee without leave to be apprehended and brought forthwith before the nearest Magistrate."

The following is substituted for section 154 (3) :—

" Where a person is brought before a Magistrate charged with being a deserter or absentee without leave under this Act, such Magistrate may deal with the case in accordance with the provisions of the Code of Criminal Procedure for the trial of warrant cases."

In section 154 (4) the word " Magistrate " is substituted for the word " Court "

The following is substituted for section 154 (5) :—

" Where a person confessed himself to be a deserter or absentee without leave, and evidence of the truth or falsehood of such confession is not then forthcoming, the Magistrate shall remand such person for the purpose of obtaining information as to the truth or falsehood of the said confession, and for that purpose the Magistrate shall submit to the commanding officer a return (in this Act referred to as a descriptive return) containing such particulars and being in such form as is specified in the Fourth Schedule to this Act, or as may be from time to time directed by the President of the Union."

In section 154 (6) the word " Magistrate " is substituted for the word " Court ".

The following is substituted for section 154 (7) :—

" Where a Magistrate causes a person either to be delivered into air-force custody or to be committed as a deserter or absentee without leave, the Magistrate shall send to the commanding officer a descriptive return in relation to such deserter or absentee without leave."

Section 154 (8) is omitted.

In section 154 (9) the words "in the United Kingdom" are omitted, the word "Magistrate" is substituted for the words "Court of summary jurisdiction", and the words "commanding officer" are substituted for the words "Air Council or as they may direct".

In section 155 the words "Burma Volunteer Air Force" are substituted for the words "regular air force", the words "one thousand rupees" are substituted for the words "one hundred pounds", and the words "on indictment or information" are omitted.

Section 156 is omitted.

In section 156A the word "summary" is omitted and the words "two hundred rupees" are substituted for the words "twenty pounds".

The following is substituted for section 159 :—

"Any person subject to this Act who, within or without the Union of Burma, commits any offence for which he is liable to be tried by Court-martial, may be tried and punished for such offence at any place which is within the jurisdiction of an officer authorized under section forty-eight of this Act in its application to the regular air force to convene general Courts-martial, and in which the offender may for the time being be, in the same manner as if the offence had been committed where the trial by Court-martial takes place, and the offender were under the command of the officer convening such Court-martial."

In section 161 the words "has performed continuous air-force service" are substituted for the words "has served continuously", the words "President of the Union" are substituted for the words "Air Council", and the words "in any corps or unit of the regular air force" are omitted.

In section 162 (3) the words "on conviction in the High Court be punishable with imprisonment or with fine or with both" are substituted for the words "on conviction in any of His Majesty's superior Courts in the United Kingdom, or in a High Court in India or Burma, be guilty of a misdemeanour", and the words "police officers" are substituted for the word "constables".

In section 162 (4) the words "President of the Union" are substituted for the words "Air Council" wherever they occur.

Section 162 (5) is omitted.

Section 163 is omitted.

In section 164 the words "and shall be allowed for such certificate a fee of three shillings" are omitted and a full stop is substituted for the comma immediately preceding these words.

In section 165 the words "the President of the Union" are substituted for the words "a Secretary of State".

Section 166 is omitted.

Section 167 (1) and section 167 (3) are omitted.

Section 167 (6) and section 167 (7) are omitted.

The following is substituted for section 168 :—

"All offences under this Act which may be prosecuted, and all fines under this Act which may be recovered, and all proceedings under this Act which may be taken before a civil Court, may be prosecuted and recovered and taken in such Courts and in such manner as may be from time to time provided by law, or if no express provision is made, then in and before the Courts and in the

manner in which the like offences and fines may be prosecuted and recovered and proceedings taken therein by law or as near thereto as circumstances admit."

Section 169 is omitted.

The following is substituted for section 170 (3):—

"Every such action, and also every action against a member or minister of a Court-martial in respect of a sentence of such Court, or of anything done by virtue or in pursuance of such sentence, shall be brought in the High Court and in no other Court whatsoever."

In section 172 (1) the words "President of the Union" are substituted for the words "Air Council" wherever they occur.

In section 172 (5) the words "commanding officer" are substituted for the words "air-force authority".

In section 173 the word "Magistrate" is substituted for the words "justice of the peace" and "justice". The words "if known, and if not, then to the Air Council" are omitted and a full stop is substituted for the comma immediately preceding these words.

Section 174 is omitted.

Section 174A is omitted.

The following is substituted for section 175 :—

"All officers belonging to the Burma Volunteer Air Force are subject to this Act to the same extent as officers of the regular air force when attached to or doing duty with any portion of the regular, reserve or auxiliary air force outside the Union of Burma, subject, however, to such exceptions as may be prescribed by regulations made by the Air Council and the President of the Union."

The following is substituted for section 176 :—

"All non-commissioned officers and men belonging to the Burma Volunteer Air Force are subject to this Act to the same extent as non-commissioned officers and men of the regular air force, when attached to, or otherwise acting as part of or with, any portion of the regular, reserve, or auxiliary air force outside the Union of Burma, subject, however, to such exceptions as may be prescribed by regulations made by the Air Council and the President of the Union."

The following is substituted for section 177 :—

"Any law of the Union of Burma may extend to the officers, non-commissioned officers and men belonging to the Burma Volunteer Air Force whether within or without the limits of the Union of Burma; and where the Burma Volunteer Air Force is serving with part of the regular air force, then so far as the law of the Union of Burma has not provided for the government and discipline of the Burma Volunteer Air Force, this Act and any other Act for the time being amending the same shall, subject to such exceptions and modifications as may be specified in the general orders of the officer, whether military or air force, not below the rank of Colonel or Group Captain, commanding the Burma forces with which the Burma Volunteer Air Force is serving, apply to the officers, non-commissioned officers and men of such force in like manner as they apply to the officers, non-commissioned officers and men of the regular air force :

Provided that—

- (i) this section shall not apply to any officer, non-commissioned officer or man of or belonging to the Burma Volunteer Air Force who is for the time being subject to this Act by virtue of section one hundred and seventy-five and section one hundred and seventy-six of this Act ;

- (ii) powers of command, when forces are serving together, shall so far as provision in that behalf is made by regulations under section 184B of this Act, be determined by those regulations."

Section 178 is omitted.  
Section 179 is omitted.  
Section 179A is omitted.  
Section 179B is omitted.  
Section 179C is omitted.  
Section 179D is omitted.  
Section 180 is omitted.  
Section 181 is omitted.

The following is substituted for section 182 :—

" The provisions of this Act shall apply to a warrant officer in like manner as if he were a non-commissioned officer, subject nevertheless (in addition to the modifications for a non-commissioned officer) to the modification that he shall not be punished by his commanding officer."

The following is substituted for section 183 :—

"(1) The obligation on the commanding officer to deal summarily with an airman charged with drunkenness shall not apply to a non-commissioned officer charged with drunkenness :

(2) a non-commissioned officer may, by the sentence of a Court-martial, be ordered to be reduced to the ranks, or to any lower grade, or to forfeit seniority of rank either in addition to or without any other punishment, in respect of an offence :

(3) a non-commissioned officer sentenced by Court-martial to penal servitude<sup>1</sup>, imprisonment or detention shall be deemed to be reduced to the ranks :

Provided that an airman being an acting non-commissioned officer by virtue of his employment either in superior rank or in an appointment may be ordered by his commanding officer either for an offence or otherwise to revert to his permanent grade as a non-commissioned officer, or, if he has no permanent grade above the ranks, to the ranks."

Section 184 is omitted.  
Section 184A is omitted.  
Section 185 is omitted.  
Section 186 is omitted.  
Section 187 is omitted.  
Section 187A is omitted.  
Section 187C is omitted.  
Section 188 (2) is omitted.  
Section 189 (2) is omitted.  
Section 189 (3) is omitted.  
Section 189 (4) is omitted.  
Section 189 (5) is omitted.  
Section 189 (6) is omitted.

In section 190 (5) the words "and includes an air force schoolmaster when not a warrant officer" are omitted.

[For clause (7) of section 190 the following shall be substituted :—

"(7) The expression 'superior officer' when used in relation to a person subject to this Act, includes a warrant officer and a non-commissioned officer, and as regards persons placed under his orders, an officer, a warrant officer or non-commissioned officer of any of the Burma naval, military or air forces."]

<sup>1</sup> See footnote at p. 93.

<sup>2</sup> Inserted by Act XXII, 1946.

Section 190 (21) is omitted.  
 Section 190 (21A) is omitted.  
 Section 190 (21B) is omitted.  
 Section 190 (26) is omitted.  
 Section 190 (27) is omitted.  
 Section 190 (29) is omitted.  
 Section 190 (30) is omitted.

In section 190 (31) the words "and includes a Court of summary jurisdiction" are omitted, and a colon is substituted for the comma immediately preceding these words.

Section 190 (33) is omitted.  
 Section 190 (34) is omitted.  
 Section 190 (35) is omitted.  
 Section 190 (36) is omitted.  
 Section 190 (37) is omitted.  
 Section 190 (38) is omitted.  
 Section 190 (39) is omitted.  
 Section 190 (40) is omitted.  
 Section 190 (40A) is omitted.

The First, Second and Sixth Schedules are omitted.  
 The following is substituted for the Fourth Schedule :—

#### FOURTH SCHEDULE.

##### FORM OF DESCRIPTIVE RETURN.

*Descriptive Return of who\*  
 on the day of at  
 confinement at on the and was committed to  
 as a deserter ( or absentee without leave) from the day of*

\* After the word "who" to be inserted either the words "was apprehended", or "surrendered himself", as the case may be.

Age.	...	...	...	...		
Height.	...	...	...	...	Feet.	Inches.
Complexion.	...	...	...	...		
Hair.	...	...	...	...		
Eyes.	...	...	...	...		
Marks.	...	...	...	...		

In uniform or plain clothes. ... ..	
Probable date and place of attestation. ...	
Probable date of desertion or beginning of absence, and from what place.	
Name, occupation, and address of the person by whom or through whose means the deserter (or absentee without leave) was apprehended and secured. <sup>1</sup>	
Particulars of the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner and upon what grounds. The fullest possible details to be given.	
I do hereby certify that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he <sup>2</sup> the above-mentioned unit, and I recommend <sup>3</sup> for a reward of Rs. ....	_____ Signature } of committing _____ Residence } Magistrate. _____ Post Town }  _____ Signature of prisoner. _____ Signature of informant.

Or where the prisoner confessed, and evidence of the truth or falsehood of such confession is not then forthcoming:—

I hereby certify that the above named prisoner confessed to the circumstances above stated, but that evidence of the truth or falsehood of such confession is not forthcoming, and that the case was adjourned until the day of for the purpose of obtaining such evidence from a Secretary to Government.	_____ Signature. _____ Residence. _____ Post Town.
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<sup>1</sup> It is important for the public service, and for the interest of the deserter or absentee without leave, that this part of the return should be accurately filled up, and the details should be inserted by the Magistrate in his own handwriting, or, under his direction, by his clerk.

<sup>2</sup> Insert *is or is not, a deserter or absentee without leave from, or belongs or does not belong to,* as the case may be.

<sup>3</sup> The Magistrate will insert the name of the person to whom the reward is due, and the amount which, in his opinion, should be granted in this particular case.