

Search
warrant.

45. In any case in which any Court empowered under Part II has reason to believe that an offence under this Part has been or is likely to be committed in relation to any person under 16 within its jurisdiction, the Court may cause the production of such person by a search warrant and the provisions of the Code of Criminal Procedure shall apply to such warrant as if it were under section 100 of the said Code.

Bond by
parent or
guardian.

46. (1) If any Court empowered under Part II, after such inquiry as the Court thinks reasonable, is of opinion that a person under 16 is allowed by the parent or guardian to be in circumstances conducive to the commission of an offence under this Part, the Court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offences in relation to such person, and in default of his furnishing such security the Court may order him to suffer simple imprisonment for a term which may extend to six months or to pay a fine which may extend to one hundred rupees.

(2) The provisions of sections 513, 514, 514A and 516 of the Code of Criminal Procedure shall, so far as may be, apply to bonds taken under this section.

Power to
make cus-
tody order
or send
person to
training
school.

47. Where the parent or guardian of a person under 16 is convicted of offence under this Part or under Chapter XVI of the Penal Code in relation to such person the Court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such person or to send him to a training school as if he were dealt with under Part II.

Compensation for
frivolous
information.

48. If in any case dealt with under this Part the Court is of opinion that the case was instituted without reasonable cause or on frivolous information given by any person not empowered under section 44, the Court, after calling upon him to show cause, may order that he shall pay such compensation not exceeding one hundred rupees as the Court may deem reasonable to the person against whom the case was instituted or the information given, and such compensation shall be recoverable as a fine under the Code of Criminal Procedure.

THE STATE PRISONERS REGULATION,

[BENGAL REGULATION III, 1818.] (16th September, 1875).*

Preamble.

1. WHEREAS reasons of State, embracing the due maintenance of the alliances formed [with foreign powers and the security of the Union of Burma]¹ and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be inadvisable or improper ;

and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the President of the Union ;

and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should a

* The repealed section 8 of the Burma Laws Act, 1898, said that this Regulation shall, *mutatis mutandis*, be deemed to extend to Lower Burma with effect from 16th September, 1875 ; and by section 4 (J) of the said Act and the Schedule thereto (now repealed) this Regulation also became applicable to Upper Burma.

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

all times be allowed freely to bring to the notice of the President of the Union all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed ;

and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life and to his own wants and those of his family ;

It is enacted as follows :—

2. *First.*—When the reasons stated in the preamble of this Regulation may seem to the President of the Union to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the President of the Union shall be issued to the officer in whose custody such person is to be placed.

Proceedings for placing persons under restraint as State prisoners.

Second.—The warrant of commitment shall be in the following form :—

Form of warrant.

“ To the [here insert the officer's designation].

“ Whereas the President of the Union, for good and sufficient reasons, has seen fit to determine that [here insert the State prisoner's name] shall be placed under personal restraint at [here insert the name of the place], you are hereby required and commanded, in pursuance of that determination, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the President of the Union, and the provisions of the State Prisoners Regulation.”

Third.—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within the Union of Burma.

Authority of warrant.

3. Every officer in whose custody any State prisoner may be placed shall on the first of January and first of July of each year, submit a report to the President of the Union on the conduct, the health and the comfort of such State prisoner in order that the President of the Union may determine whether the orders for his detention shall continue in force or shall be modified.

Officers having custody of State prisoners to submit periodical reports.

4. When any State prisoner is placed in custody, the President of the Union will instruct a Judge or some other public officer, not being the person in whose custody the prisoner is placed, to visit the prisoner at stated periods and to submit a report to the President of the Union regarding the health and treatment of the prisoner.

State prisoners in custody by whom to be visited.

5. The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the President of the Union.

Representations by State prisoners to be submitted to President.

6. Every officer in whose custody any State prisoner may be placed shall as soon after taking such prisoner into his custody as may be practicable report to the President of the Union whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Report to President regarding confinement, etc., of prisoners.

7. Every officer in whose custody any State prisoner may be placed shall take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

Appropriation of allowance for support.