

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for—

- (a) restrictions on the exercise of powers under this Act ;
- (b) the places at which measurements and photographs may be taken ;
- (c) the nature of the measurements that may be taken ;
- (d) the method in which any class or classes of measurements shall be taken ;
- (e) the dress to be worn by a person when being photographed under section 3 ;
- (f) the preservation, safe custody, destruction and disposal of records of measurements and photographs ; and
- (g) the manner in which specimens of handwriting or signatures shall be furnished.

9. No suit or other proceeding shall lie against any person for anything done or intended to be done, in good faith, under this Act or under any rule made thereunder. Bar of suits.

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## THE YOUNG OFFENDERS ACT.

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### CONTENTS.

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#### PART I.

*Sections.*

- |    |  |   |   |   |   |
|----|--|---|---|---|---|
| 1. |  | * | * | * | * |
| 2. | Definitions.                           | * | * | * | * |
| 3. |  | * | * | * | * |
| 4. | Jurisdiction in the case of juveniles. | * | * | * | * |
| 5. |  | * | * | * | * |

#### PART II.

- 6. Training schools established by President.
- 7. Places certified as training schools.
- 8. Combined schools.
- 9. Custody of persons under 16.
- 10. Courts empowered to deal with persons under 16.
- 11. Procedure when Court is not empowered.
- 12. Conduct of proceedings concerning persons under 16.
- 13. Appeals.
- 14. Finding as to age.
- 15. Restrictions of sentences in respect of persons under 16.
- 16. Substitutes for imprisonment of persons under 16.

**Sections.**

17. First offenders.
18. Conviction not to be a disqualification in case of person under 16.
- 18A. Sending to a training school of persons between 14 and 16 who fail to furnish security.
19. Bar to security orders against persons under 14.
20. Protection of persons under 14 from circumstances conducive to crime.
21. Uncontrollable children under 14.
22. Liability of parent or guardian of persons under 16.
23. Custody orders in respect of persons under 16.
24. Order sending person under 16 to a training school.
25. Borstal schools for reception of persons between 16 and 19.
26. Power to amend orders.
27. Bonds.
28. Investigation of character and circumstances.
29. Transfers from prisons to training schools.
30. Transfer between senior and junior schools and from a training school to a prison.
31. Inter-action with India or Pakistan.
32. Boarding out.
33. License to live out.  
Emergency parole license.  
Ordinary parole license.
34. Discharge.
35. Inspectors.
36. Inspection of private institutions.
37. Penalty for obstructing Inspector.
38. Arrest of fugitives.
39. Rules under Part II.

**PART III.**

40. Ill-treatment of persons under 16.
41. Encouraging begging by person under 16.
42. Permitting person under 16 to frequent brothel.
43. Encouraging seduction of girl.
44. Custody of person in respect of whom an offence is committed or likely to be committed.
45. Search warrant.
46. Bond by parent or guardian.
47. Power to make custody order or send person to training school.
48. Compensation for frivolous information.

**THE YOUNG OFFENDERS ACT.**

[BURMA ACT III, 1930.] (5th April, 1930.)

WHEREAS it is expedient to provide for the training and care of young persons who are by their circumstances likely to enter upon a life of crime, for the custody, trial, and control of young persons who have committed offences, and for the punishment of offences against young persons ;

It is hereby enacted as follows :—

**PART I.**

1. \* \* \* \*

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

- (a) a " person under (a specified age) " means an individual who has not attained that age,
- (b) a " person between (specified ages) " means an individual who has attained the lesser age but has not attained the greater,
- (c) " guardian " means a person having the actual control or charge of another,
- (d) " training school " means a school established or certified under this Act being a " junior school " if for the reception of persons under 14, a " senior school " if for the reception of persons between 14 and 16, and a " borstal school " if for the reception of persons between 16 and 21,
- (e) " prescribed " means prescribed by rules made under this Act, and
- (f) " brothel " means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution.

3. \* \* \* \*

4. Notwithstanding anything contained in section 29B of the Code of Criminal Procedure, any offence, other than one punishable with death or transportation for life, committed by any person who at the date when he appears or is brought before the Court is under the age of sixteen years, may be tried by any Magistrate empowered to exercise all or any of the powers conferred on Courts by Part II of this Act. Jurisdiction in the case of juveniles.

5. \* \* \* \*

**PART II.**

6. The President of the Union may establish and maintain one or more training schools for the reception of persons dealt with under this Part and shall appoint, for each such school, a Superintendent and a Committee of Visitors who shall be the managers of the school and responsible for the conduct thereof in the prescribed manner. Training schools established by President.

<sup>1</sup> Part I of this Act was applicable to the whole of Burma from the date of its enactment (Section 1) and by notification No. 230, dated the 21st July, 1931 (*Burma Gazette*, 1931, Part I, p. 573) sections 6 to 20 and 22 to 48 of this Act were extended to the whole of Burma and to all classes of persons therein.

Section 5 of this Act, now deleted by the Burma Laws (Adaptation) Act, 1940, said that when sections 15 and 16 have been applied to any local area the provisions of the Reformatory Schools Act, 1897 (India Act VIII, 1897) except section 15, shall cease to be applicable to such area. Section 15 of that Act is, by its terms, inapplicable to Burma. The Reformatory Schools Act, 1897, is, therefore, no longer law in Burma.

Places certified as training schools.

7. (1) If the President of the Union is satisfied that any institution is fit for the reception of persons dealt with under this Part and has a governing body fit to be the managers of the school and to conduct it in the prescribed manner, the President of the Union may certify such institution to be a training school of a specified class or classes.

(2) The managers of a training school certified under sub-section (1) may decline to receive any person under this Part; but having received any such person, the managers shall be deemed to have undertaken to teach, train, lodge, clothe and feed him in proper manner until he is duly discharged or transferred.

(3) The President of the Union may, by notice served on the managers of any such school, prohibit for such time as may be specified in the notice the reception in such school of persons sent to a training school under this Part.

(4) The managers of any such school may, after six months' notice in writing given to the President of the Union, surrender the certificate of the school.

(5) The President of the Union may withdraw the certificate of any such school by notice of withdrawal served on the managers.

(6) No person shall be received into any such school under this Part after notice has been given of surrender or withdrawal of the certificate of the school; but the obligation of the managers in respect of the persons detained in the school shall, except in so far as the President of the Union may otherwise direct, continue until such persons are discharged or transferred by the President of the Union.

Combined schools.

8. The President of the Union may direct that any training school shall be a junior school, a senior school or a borstal school or any two of such schools combined.

Custody of persons under 16.

9. (1) If any person under arrest appears to the officer in charge of the police-station to which he is brought, or to the Court before which he is brought, to be under 16 he shall (notwithstanding the provisions of section 497, sub-section (1), of the Code of Criminal Procedure), be released on bail unless such officer or Court believes, for reasons to be recorded, that such release would defeat the ends of justice or would bring such person into association with any reputed criminal.

(2) When any such person is not released on bail he shall be detained in custody in the manner prescribed.

Courts empowered to deal with persons under 16.

10. The powers and duty conferred and imposed on Courts by this Part may be exercised and performed by any of the Courts hereunder mentioned, in original, appellate and revisional jurisdiction, in cases within their powers and jurisdictions as defined by other laws :—

(a) the High Court,

(b) Courts of Session,

(c) District and Additional District Magistrates,

(d) Subdivisional Magistrates, and

(e) Magistrates or Benches of Magistrates having first class powers authorized by the President of the Union to exercise powers under this Part either generally or as to specified matters, areas or persons.

*Explanation.*—Nothing in this section shall be deemed to limit the exercise by any Court of the jurisdiction conferred on it by any other law except in so far as such jurisdiction is expressly limited by this Act.

Procedure when Court is not empowered.

11. When any Court not empowered under this Part is of opinion that any person brought before it or tried by it should be dealt with under this Part, it shall record such opinion and submit its proceedings and forward the person to the nearest Magistrate so empowered having jurisdiction in the case : and such

Magistrate may continue the proceedings or commence them anew as he thinks fit, and may pass any order which he might have passed if the person had originally been brought before or tried by him.

12. Every Court trying or holding an inquiry against any person under 16 who is not dealt with jointly with any person of the age of 19 or more shall, whenever practicable, sit in a building or room other than that in which the ordinary sittings of the Court are held or on days or times other than those on or at which such sittings are held ; and, except by leave of the Court, no person other than the members and officers of the Court, the parties to the case and their pleaders, and other persons directly concerned with the case shall be present during such proceedings.

Conduct of proceedings concerning persons under 16.

13. In addition to the right of appeal provided in ordinary course by the Code of Criminal Procedure, every person affected by an order made under this Part, except on a finding as to age under 14 or an order under section 11, by any Court subordinate to a Court of Session, may appeal therefrom to the Court of Session, but subject to any time-limit prescribed for the presentation of such appeals.

Appeals.

14. When any person is brought before any Court empowered under this Part in circumstances indicating that, by reason of his age, he should be dealt with by such Court under this Part, the Court shall, after making such inquiry as it may deem sufficient, record a finding as to the age of such person ; and such finding shall be final.

Finding as to age.

15. (1) Notwithstanding anything contained in any other law, no person under 16 shall be sentenced to death or transportation, and no person under 16 shall be sentenced to imprisonment except by a Court empowered under this Part and on the certificate of the Court that the offence is so serious or the offender is of so unruly or depraved a character that the methods of dealing with him provided by this Part are not suitable.

Restriction of sentences in respect of persons under 16.

(2) If any person under 16 is convicted by any Court empowered under this Part of an offence which, by any other law, is punishable with death or transportation only, the Court may, on certificate as aforesaid, sentence him to imprisonment for not more than 10 years.

16. If any person under 16 is convicted by any Court empowered under this Part of an offence punishable with death, transportation or imprisonment, and is not sentenced to imprisonment on a certificate under section 15, the Court may—

Substitutes for imprisonment of persons under 16.

- (a) discharge him after due admonition ; or
- (b) sentence him to fine ; or
- (c) sentence him to whipping, if such sentence may be legally imposed under any other law ; or
- (d) by an order, hereinafter called a " custody order ", commit him to the custody of his parent or guardian or an adult relative (if any such person can be found who in the opinion of the Court is fit to be the custodian) or to the custody of any trustworthy person : provided that (in the case of a custody order made under this clause) the custodian shall if the Court so orders execute a bond, with or without sureties as the Court shall think fit, to be responsible for the good behaviour of the person so entrusted to him according to the conditions of the bond for a period not exceeding twelve months , or
- (e) order him to be sent to a training school ; or
- (f) use the powers specified in clauses (b) and (d) combined.

First offenders.

17. (1) When any person under 16 is convicted of an offence punishable with fine only and is sentenced to fine, the Court may add a sentence of whipping in default of payment of fine unless action against his parent or guardian under sub-section (3) of section 22 is practicable.

(2) If in any case such as is described in sub-section (1) the offender has previously undergone a sentence of whipping passed under that sub-section, he may, in default of payment of fine, be sent to a training school for a period of two years.

Conviction not to be a disqualification in case of person under 16.

18. Where a person under 16 is convicted of any offence and is not sentenced to imprisonment on certificate under section 15, the conviction shall not have effect under section 75 of the Penal Code or section 565 of the Code of Criminal Procedure, or operate as a disqualification for office or election under any law.

Sending to a training school of persons between 14 and 16 who fail to furnish security.

18A. Where any person between 14 and 16 has failed to furnish security in pursuance of any order made against him under Chapter VIII of the Code of Criminal Procedure, or any of the provisions of that Chapter as applied by any law to persons who earn a livelihood by unlawful means, the Court shall order him to be sent to a training school, and he shall be detained until he furnishes the security ordered, or until two years shall expire: provided that, if the Court certifies that such person is of so unruly or depraved a character that he ought not to be sent to a training school, the Court may commit him to prison according to law.

Bar to security orders against persons under 14.

19. No person under 14 shall be dealt with under Chapter VIII of the Code of Criminal Procedure, or under any of the provisions of that Chapter as applied by any law to persons who earn a livelihood by unlawful means.

Protection of persons under 14 from circumstances conducive to crime.

20. (1) If any Court has reason to believe that any person under 14, within the local limits of its jurisdiction—

- (a) has neither parent nor guardian nor home, or
- (b) has no legitimate means of subsistence, or
- (c) has a parent or guardian who, by reason of criminal or drunken habits or insanity or disease or other cause, is unfit to exercise proper guardianship, or
- (d) frequents the company of any reputed criminal, prostitute, or brothel-keeper, or
- (e) is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime,

the Court may, by a summons directed to the parent or guardian of such person or a warrant to be executed in the prescribed manner by a police-officer not below the rank of Sub-Inspector, cause such person to be produced in Court.

(2) Any person authorized in this behalf in the prescribed manner may, without warrant, arrest and bring before any Court, to be dealt with under this section, any person under 14 whom he has reasons to believe to be in circumstances such as are described in sub-section (1).

(3) When any person is brought before any Court under this section, the Court shall inquire into the case and, if satisfied by evidence of repute or otherwise that such person is in circumstances such as are described in this section, the Court may order him to be sent to a junior school, or make a custody order for him to be detained in custody for any period up to the age of 16

Uncontrollable children under 14.

21. Where the parent or guardian of a person under 14 proves to a Court that he is unable to control such person and satisfies the Court that he desires such person to be sent to a junior school, the Court may, if after inquiry it thinks fit so to deal with such person, order him to be sent to a junior school.

22. (1) In any trial or proceedings in which any person under 16 is to be dealt with under this Part, the Court may, in so far as it deems reasonable, cause the parent or guardian of such person, or both the parent and the guardian, to attend at all stages of the trial or proceedings.

Liability of parent or guardian of person under 16.

(2) No order under this Part shall be made against any parent, guardian or other person without giving him an opportunity of being heard, unless his absence is due to failure, without reasonable cause, to attend the Court on being duly required so to do.

(3) If a Court convicting any person under 16 of any offence is of opinion that a fine would be a suitable punishment, whether with or without any other punishment, the Court may, and if such person is under 12 shall, order that the fine shall be paid by the parent or guardian, unless the Court is satisfied that the parent or guardian cannot be found or has not conduced to the commission of the offence by neglecting to exercise due care of the person convicted.

(4) If a person under 16 is convicted of any offence, the Court may, in addition to or in substitution for any other sentence or order which the Court may pass, direct the parent or guardian of such person to pay compensation for any loss or damage caused by such person in the commission of the offence and any costs of the trial which the Court may deem reasonable.

(5) Any Court which makes an order sending any person under 16 to a training school or committing him to custody may, at the time of making the order or thereafter, direct that such payments as the Court may deem reasonable for his maintenance shall be made by the person who, from the evidence in the case or after such further inquiry as the Court may deem reasonable, appears to be responsible for such maintenance, and the Court may vary any maintenance order made in respect of the person first mentioned under section 488 of the Code of Criminal Procedure, provided that the Court may, at any time on proof of change of circumstances, vary any order made under this sub-section or cancel such order or substitute therefor any other order of like nature.

(6) All moneys ordered to be paid by a parent or guardian or other person under this section shall be recoverable in the manner provided by the Code of Criminal Procedure for the recovery of fines: provided that imprisonment shall not be awarded in default of payment.

And the Court may at any time order that any such moneys shall be payable in instalments covering a period not exceeding six months.

(7) Any moneys recovered under this section may be applied, under the direction of the Court, in the manner described in sections 545 and 546A, and subject to the provisions of section 54, of the said Code.

23. (1) A custody order shall take effect over the right of parent or guardian to have the custody of the person in respect of whom the order is made, and the custodian named in the order shall have a right, equal to and in supersession of the right of the parent or guardian, to exercise discipline and control over such person.

Custody orders in respect of persons under 16.

(2) It shall be deemed to be a condition of the bond, if any, executed by the custodian under a custody order, that he shall feed, clothe and house in suitable manner the person committed to his custody, and shall cause him to be brought up in accordance with his religion as ascertained by the Court and mentioned in the order.

(3) In the event of a custodian failing to observe or perform the conditions of any bond executed by him in pursuance of a custody order, the Court which made the order may, in addition to or in substitution for enforcing the penalty of the bond, cancel the custody order and substitute therefor any other order which the Court might have passed in its stead.

Order sending person under 16 to a training school.

24. Every order sending a person under 16 to a training school shall specify—

- (a) the school by name, being such as in the opinion of the Court is best suited to the age, religion and class of such person : provided that a person under 12 shall be sent to a junior school and a person between 12 and 14 shall, on conviction, be sent to a senior school, unless the Court, for reasons to be recorded, thinks fit to send him to a junior school ; and
- (b) the period for which the person shall be detained in the school subject to the provisions of this Part for dealing with person so detained : provided that the period shall be such as the Court deems proper for his training, being not less than two years and not extending beyond the age of (i) 16, in the case of a person sent to a junior school, and (ii) 18, in the case of a person sent to a senior school.

Borstal schools for reception of persons between 16 and 19.

25. (1) In any trial against any person between 16 and 19 where a sentence of imprisonment would ordinarily be passed, the Court may, instead of passing such sentence, direct that such person shall be sent to a Borstal school for a period of not less than two years and not extending beyond the age of 21 :

Provided that the President of the Union may, by notification,<sup>1</sup> declare that any ages other than 19 and 21 shall be substituted therefor in this section.

(2) \* \* \* \*

(3) When any person between 16 and 19 has failed to furnish security in pursuance of any order made against him under Chapter VIII of the Code of Criminal Procedure or any of the provisions of that Chapter, as applied by any law to persons who earn a livelihood by unlawful means, the Court shall order him to be sent to a Borstal school, and he shall be detained until he furnishes the security ordered, or until two years shall expire : provided that, if the Court certifies that such person is of so unruly or depraved a character that he ought not to be sent to a Borstal school, the Court may commit him to prison according to law.

Power to amend orders.

26. Without prejudice to the powers of Courts of appeal and revision, any custody order may be amended by the Court which made the order in respect of the person named as custodian and in respect of such matters of detail as may be prescribed.

Bonds.

27. 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 Part.

Investigation of character and circumstances.

28. For the purpose of determining the sentence or order which a Court ought to pass or make under this Part against any person tried by or brought before it, the Court shall, after recording its finding on the facts of the case, have regard to the character of the person and the circumstances in which he is living as disclosed by the facts of the case or, on further inquiry, by any other evidence whether based upon direct knowledge, or information, or general repute.

Transfers from prisons to training schools.

29. Notwithstanding the requirements of sub-section (1) of section 401 of the Code of Criminal Procedure as to the acceptance of the conditions for the suspension of sentences, the President of the Union may direct—

- (a) that any person under 16 who is undergoing transportation or imprisonment under the sentence or order of any Court in the Union of Burma shall be sent to a senior school for any period not extending beyond the end of his sentence ; or

<sup>1</sup> By Judicial Department Notification No. 124, dated the 9th April, 1934, the age of 23 has been substituted for the age of 21.

- (b) that any person of an age suitable for Borstal training who is sentenced to transportation or imprisonment, or is ordered to undergo imprisonment, or is undergoing transportation or imprisonment under the sentence or order of any Court in the Union of Burma, shall be sent to a Borstal school for any period not extending beyond the end of his sentence.

**30. The President of the Union may order—**

- (a) that any person detained in a senior school shall be transferred to another senior school ; or
- (b) that any person under 14 detained in a senior school shall be transferred to a junior school ; or
- (c) that any person over 12 detained in a junior school shall be transferred to a senior school ; or
- (d) that any person detained in a training school shall be transferred to a prison.

Transfer between senior and junior schools, and from a training school to a prison.

**31. (1)** The President of the Union, acting with the managers of any senior school, may consent to the transfer to that school of any person under 16 in respect of whom an order has been made by proper authority in any part of India or Pakistan of the nature of an order under this Part directing him to be sent to a training school.

Inter-action with India or Pakistan.

(2) The President of the Union may order any person under 16 to be transferred from any senior school to any school of like nature in India or Pakistan in respect of which arrangements in this behalf have been made between the President of the Union and the appropriate Government in India or Pakistan.

**32. (1)** Any person under 10 who is detained in a training school may, with the consent of the Chief Inspector of Training Schools appointed under this Part, be placed by the managers under the care of any suitable person outside the school.

Boarding out.

(2) Every person so boarded out shall, except in so far as may be prescribed, be subject to the authority of the managers as if he were in the training school, and may be recalled by them whenever they think fit.

**33. (1)** The managers of any training school may, by license, permit any person detained in the school for any period to live outside the school for the remainder of the period with any trustworthy person named in the license and on the prescribed conditions : provided that such license shall not, except with the sanction of the Chief Inspector of Training Schools, be granted before 18 months of the period have expired.

License to live out.

(2) The managers of any training school may, by an emergency parole license, permit any person detained in the school for any period to visit his parent or near relative who may be seriously ill.

Emergency parole license.

(3) The managers of any training school may, by an ordinary parole license, grant any person detained in the school, who is considered fit to be discharged on license under sub-section (1), leave of absence for any period which the manager consider necessary.

Ordinary parole license.

(4) Every such license shall be revoked by the managers if the person named in the license so requires or if the managers for any other reason deem it advisable to revoke it, and on such revocation the person so licensed shall return to the training school and if he delays in so doing the period for his detention shall be extended to cover such delay.

**34.** The President of the Union may order that any person detained in any training school, or licensed out or committed to custody under this Part shall be discharged either absolutely or subject to conditions.

Discharge.

## Inspectors.

35. (1) The President of the Union may appoint a person to be Chief Inspector of Training Schools and such other persons as may be necessary to act as his deputy and assistants as may be prescribed.

(2) Every training school shall be inspected by a duly appointed Inspector at least once a year, and the managers of the school shall give the Inspector access to every part of the school and to all papers, registers and accounts, at all reasonable hours.

(3) Where any training school is for the reception of girls only, the inspection shall, where practicable, be made by the Chief Inspector or by a Woman Inspector.

(4) The President of the Union may appoint any registered medical practitioner to inspect any training school and report on the health of the inmates and the sanitary condition of the school.

## Inspection of Private institutions.

36. The President of the Union may authorize any person to inspect any institution for the reception of poor persons under 16 which is supported wholly or partly by voluntary contributions and which does not come within any other scheme of inspection by Government :

Provided that, where such institution is carried on in accordance with the principles of any religious denomination, the managers may require that the Inspector shall be a person of that denomination, and where the institution is for the reception of girls only the Inspector shall be a woman.

## Penalty for obstructing Inspector.

37. Whoever obstructs an Inspector in the execution of his duties under this Part shall be punishable with fine not exceeding fifty rupees.

## Arrest of fugitives.

38. (1) Where any person who is ordered or is required by this Part to be detained in a training school or in custody avoids or escapes from such detention, he may be apprehended by or under the authority of the managers of the school or the custodian, as the case may be, and such managers or custodian may apply to a Court for the arrest of the fugitive and for such order on the parent or guardian to produce the fugitive as the Court, after such inquiry as it may deem necessary, finds suitable to the circumstances of the case.

(2) Whoever, without reasonable excuse, fails to comply with an order for the production of a fugitive under this section shall be punishable with fine not exceeding fifty rupees.

(3) Whoever knowingly assists or induces directly or indirectly any person to avoid or escape from detention or custody under this Part, or to commit any breach of any license under which he was released from such detention shall, on conviction, be punishable with imprisonment which may extend to two months or with fine which may amount to two hundred rupees, or with both.

## Rules under Part II.

39. (1) The President of the Union may make rules generally for the purpose of carrying into effect the provisions of this Part.

(2) In particular, and without prejudice to the generality of the foregoing provision, the President of the Union may make rules for all or any of the following matters, namely :—

(a) the appointment and remuneration of the managers of training schools established by Government ; the conditions to be satisfied before any place is certified as a training school ; the manner in which a training school shall be conducted ; and the circumstances in which the certificate of a training school may be withdrawn ;

(b) the place and manner of custody of persons under 16 who are under arrest ;

(c) subject to the local limits of the jurisdictions of Courts, the time, place and mode of trial of persons under 16 ;

(d) the time-limit for appeals from orders under this part ;

- (e) the persons by whom and the manner in which the arrest of persons under 14 may be made under section 20;
- (f) the conditions of bonds to be executed in pursuance of custody orders;
- (g) the matters in respect of which custody orders may be amended by a Court;
- (h) the transfer of persons from one training school to another, or to a prison; their boarding out and licensing to live outside the training schools; the grant of emergency and ordinary parole licenses; and the care of persons discharged from training schools;
- (i) the appointment, remuneration and duties of Inspectors of Training Schools and of private institutions.

PART III.

40. (1) Whoever, being the parent or guardian of a person under 16, abandons, exposes, or wilfully neglects or ill-treats such person in a manner likely to cause unnecessary suffering or injury to the health of such person, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both.

Ill-treatment of persons under 16.

(2) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain a person under 16 shall be deemed to neglect or ill-treat him if he fails to provide him with such food, clothing, medical aid and lodging as would, in the opinion of the Court which hears the case, be suitable to his condition in life.

(3) Nothing in this section shall be deemed to affect the right of a parent or guardian to administer reasonable punishment to a person in his charge.

41. Whoever for his own profit causes, or being the parent or guardian allows, any person under 16 to beg in any public place 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.

Encouraging begging by person under 16.

42. Whoever, being the parent or guardian of any person between 14 and 16, allows that person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Permitting person under 16 to frequent brothel.

43. (1) Whoever, being the parent or guardian of a girl under 16, causes or encourages the prostitution of the girl, or causes or encourages anyone other than her husband to have sexual intercourse with her, shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

Encouraging seduction of girl.

(2) For the purposes of sub-section (1) the parent or guardian shall be deemed to have caused or encouraged the mischief therein mentioned if it has occurred after he has knowingly allowed the girl to consort with any prostitute or person of like character.

44. In any case in which a police-officer not below the rank of Sub-Inspector, or a person authorized in this behalf in the prescribed manner, is of opinion that an offence under this Part has been, or is likely to be, committed in relation to any person under 16, he may cause such person to be placed in safety in such manner as the President of the Union may, by rule, prescribe: provided that such person shall not, without an order of a Court empowered under Part II, be detained for more than twenty-four hours in addition to the time necessary to produce him before such Court.

Custody of person in respect of whom an offence is committed or likely to be committed.

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]<sup>1</sup> 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.

<sup>1</sup> Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.