



Government of the Union of Myanmar
The Ministry of Home Affairs

Order No 1/99

Yangon , the 15th Waning of Kason 1361 ME
(14th May 1999)

Order Directing Not To Exercise Powers Under Certain Provisions of The Towns
Act, 1907 and the Village Act, 1907

1. The Government of The Union of Myanmar, the Ministry of Home Affairs hereby Issues this Order under the directive of the Memorandum dated 14-5-99, Letter No. 04/ Na Ya Ka (U)/ Ma Nya of the State Peace and Development Council.
2. Under Section 7 of the Towns Act, 1907, powers have been conferred on the Chairmen of the Ward Peace and Development Councils to enable them to execute their public duties. Among such powers, the right to requisition for personal service of the residents of the ward is provided in Sub-section (1) (1) and (m) of Section 7. It is provided in Section 9 that residents of the ward shall fulfil the duty assigned under the said power and it is provided in section 9A that on failing to fulfil such duty, action may be taken against them.
3. Similarly, under Section 8 of the Village Act, 1907 also, powers have been conferred on the Chairmen of the Village Tract Peace and Development Councils to enable them to execute their public duties. Among such powers, the right to requisition for personal service of the residents of the village tract is provided in Sub-section (1) (g), (n) and (o) of section 8. It is provided in section 11 (d) that the residents of the village tract shall fulfil the duty assigned under the said power and it is provided in section 12 that on failing to fulfil such duty, action may be taken against them.
4. In order to make the Towns Act, 1907 and the Village Act, 1907 conform to the changing situation such as security, administrative, economic and social condition within the internal domain of the State, the Ministry of Home Affairs has been scrutinizing and reviewing as to how the said Acts should be amended, inserted and deleted, in coordination with the relevant ministries, Government departments and organizations.
5. As such, this Order is hereby issued directing the Chairmen of the Ward and Village Tract Peace and Development Councils and the responsible persons of the Department of General Administration and the Myanmar Police Force not to exercise powers under these provisions relating to requisition for personal service prescribed in the above-mentioned Towns Act, 1907 and the Village Act, 1907, until and unless any further directive is issued, except for the following circumstances;-

- (a) requisition for personal service in work of service exacted in cases of emergency on the occurrence of disasters such as fire, flood, storm, earthquake, epidemic diseases that would endanger the existence or the well-being of the population;
- (b) requisition for personal service in work of service which is of important direct interest for the community and general public and is of present or imminent necessity, and for which it has been impossible to obtain voluntary labour by offer of usual rates of wages and which will not lay too heavy a burden upon the present population.

6. Any person who fails to abide by this Order shall have action taken against him under the existing law.

(signed)

Col. Tin Hlaing
Minister
Ministry of Home Affairs

Circulation:

- (1) Office of the Chairman of the State Peace and Development Council;
- (2) Office of the State Peace and Development Council;
- (3) Office of the Government;
- (4) Supreme Court;
- (5) Office of the Attorney General;
- (6) Office of the Auditor General;
- (7) Public Services Selection and Training Board;
- (8) All Ministries;
- (9) Director General, Department of General Administration
(Forwarded for information and for further circulation of the copy of this Order to the State, Divisional, District and Township Administrative Officers subordinate to him);
- (10) Police Major General, Myanmar Police Force (Forwarded for information and for further circulation of the copy of this Order to the relevant departments and organizations subordinate to him);
- (11) Director General, Department of Special Investigation;
- (12) Director General, Prisons Department;
- (13) All State and Divisional Peace and Development Councils;
- (14) All District Peace and Development Councils;
- (15) All Township Peace and Development Councils (Forwarded for information and for further circulation of the copy of this Order to the Chairmen of the Ward and Village Tract Peace and Development Councils subordinate to it);
- (16) Managing Director, Printing and Publishing Enterprise (with a request for publication in the Myanmar Gazette.)



The Government of the Union of Myanmar
The Ministry of Home Affairs

Yangon, 1st Waxing of Tazaungmon 1362, M.E.
(27th October, 2000)

ORDER SUPPLEMENTING ORDER NO. 1/99

The Ministry of Home Affairs of the Government of the Union of Myanmar, under the direction of the State Peace and Development Council, hereby directs that the following amendment shall be made to Order No. 1/99 dated 14th May, 1999 as requisition of forced labour is illegal and is an offence under the existing laws of the Union of Myanmar:-

1. Clause 5 of the said Order 1/99 shall be substituted with the following:-
 - (a) Responsible persons including members of the local authorities, members of the Armed Forces, members of the Police Force and other public service personnel shall not requisition work or service notwithstanding anything contained in Sections 7(1) and 9(b) of the Towns Act, 1907 and Sections 8(1) and 11(d) of the Village Act, 1907.
 - (b) The above Clause (a) shall not apply to requisition work or service when an emergency arises due to fire, flood, storm, earthquake, epidemic disease, war, famine and epizootic disease that poses an imminent danger to the general public and the community.
2. When the responsible persons have to requisition work or service for purposes mentioned in Clause 1(b) of this Supplementary Order the following shall be complied:-
 - (a) The work or service shall not lay too heavy a burden upon the present population of the region.
 - (b) The work or service shall not entail the removal of workers from their place of habitual residence.
 - (c) The work or service shall be important and of direct interest for the community. It shall not be for the benefit of private individuals, companies or associations.
 - (d) It shall be in circumstances where it is impossible to obtain labour by the offer of usual rates of wages. In such circumstances, the people of the area who are participating shall be paid rate of wages not less favorable than those prevailing in the area.

- (e) School teachers and pupils shall be exempted from requisition of work or service.
- (f) In the case of adult able-bodied men who are the main supporters of the necessities of food, clothing and shelter for the family and indispensable for social life, requisition shall not be made except only in unavoidable circumstances.
- (g) The work or service shall be carried out during the normal working hours. The hours worked in excess of the normal working hours shall be remunerated at prevailing overtime rates.
- (h) In case of accident, sickness or disability arising at the place of work, benefits shall be granted in accordance with the Workmen's Compensation Act.
- (i) The work or service shall not be used for work underground in mines.

3. When the responsible persons have to requisition work or service for purposes mentioned in Clause 1(b) of this Supplementary Order, they shall do so only with the permission of the Deputy Commissioner of the General Administration Department who is also a member of the relevant District Peace and Development Council.

4. The State or Divisional Commissioner of the General Administration Department who is also a member of the relevant State or Divisional Peace and Development Council shall supervise the responsible persons to abide by the Order No. 1/99 and this Supplementary Order.

5. The phrase "Any person who fails to abide by this Order shall have action taken against him under the existing law" contained in Clause 6 of the said Order No. 1/99 means that any person including local authorities, members of the Armed Forces, members of the Police Force and other public service personnel shall have action taken against him under Section 374 of the Penal Code or any other existing law.

Col. Tin Hlaing
Minister
Ministry of Home Affairs

Letter No. Pa-Hta-Ya/2-3 (3140)/0o 3

Dated: 27th October 2000

Circulation

- [1]** Office of the Chairman of the State Peace and Development Council;
- [2]** Office of the State Peace and Development Council [Forwarded for the issuance of further directives to State, Divisional, District and Township Peace and Development Council for supervision not to requisition forced labour.];
- [3]** Office of the Government;
- [4]** Supreme Court;
- [5]** Office of the Attorney General;
- [6]** Office of the Auditor General;
- [7]** Public Service Selection and Training Board;
- [8]** Ministry of Defence [Forwarded for the issuance of further directives to all units under its command for supervision not to requisition forced labour.];
- [9]** Ministry of Progress of Border Areas and National Races and Development Affairs [Forwarded for the issuance of further directives to relevant departments and regional work committees stationed at border areas subordinate to it for supervision not to requisition forced labour.];
- [10]** All other Ministries;
- [11]** Director General,
General Administration Department;
- [12]** Police Major General,
Myanmar Police Force;
- (13) Director General,
Bureau of Special Investigation;
- (14) Director General,
Prisons Department;
- (15) All State/Divisional Peace and
Development Councils;
- (16) All District Peace and Development
Councils;
- (17) All Township Peace and Development Councils [Forwarded for the issuance of further directives to wards and village tracts subordinate to them for supervision not to requisition forced labour.];
- (18) Managing Director, Printing and Publishing Enterprise [For publication in the Myanmar Gazette.]
- [Forwarded for the issuance of further directives to departments and organizations subordinate to him for supervision not to requisition forced labour.]
- [Forwarded for the issuance of further directives to organizations subordinate to them for supervision not to requisition forced labour.]