

**(The National Service (European British Subjects) Rules, 1940)**

**No. 782**

**The 21st September 1940.**

No. 782.- The Governor of Burma makes, under sub-section (1) of section 17, of the National Service (European British Subjects) Act, 1940, the following Rules:-

1. These Rules may be called **the National Service (European British Subjects) Rules, 1940.**
2. In these Rules, unless there is anything repugnant in the subject or context,-
  - (1) "the Act" means the National Service (European British Subjects) Act, 1940 (Act No. XVIII of 1940);
  - (2) "Committee" means a National Service Advisory Committee constituted under section 5 of the Act;
  - (3) "Schedule" means a Schedule annexed to these Rules;
  - (4) "Tribunal" means a tribunal constituted under section 13 of the Act.
3. The preliminary notices referred to in section 4 of the Act shall be in one or other of the Forms set forth in Schedule I.
4. A person called up under section 4 of the Act for enquiry shall be entitled to receive travelling allowance in accordance with the provisions set forth in Schedule II.
5. (1) Claims for travelling allowance shall be submitted to the Committee concerned in the form of a bill duly signed and stamped.
  - (2) The name of the treasury from which payment is desired shall be specified in the bill.
  - (3) The Chairman of the Committee after satisfying himself as regards the correctness of the claim shall countersign and transmit the bill for payment to the Controller of Military Accounts, Burma, through the General Officer Commanding, Army in Burma, in which the claimant is residing.
6. The claims referred to in sub-section (1) of section 7 of the Act shall be in the Form set forth in Schedule III.
7. The calling-up notice referred to in sub-section (1) of section 8 of the Act shall be in the Form set forth in Schedule IV or Schedule V according as the person is called up for service in His Majesty's armed forces or in a civilian capacity.

8. A person called up under section 8 of the Act for service in His Majesty's armed forces or in a civilian capacity under the Crown shall be entitled to receive travelling allowance at the rate admissible in the service to which he is assigned.
9. A person called up under section 8 of the Act for civilian service otherwise than under the Crown shall,-
- (a) on the first occasion of his joining such service, be paid by the competent authority travelling expenses at such rates as that authority may, having regard to his status and mode of life, fix in this behalf; and
  - (b) on the termination of his employment in such service otherwise than by dismissal or discharge, be paid by the employer to whom he was assigned, travelling expenses at the rates fixed under clause (a) to the place where he was employed or was residing immediately before being called up for national service.
10. (1) The competent authority shall fix the salary or wages to be paid to any person called up for service in a specified civilian capacity having due regard to the nature of the service which he is to undertake and the salary or wages of which he was in receipt in his former employment (if any).
- (2) Subject to the provisions of sub-rule (3) no person called up for service in a specified civilian capacity shall receive a salary or wages higher than he received in the post in which he was last employed unless it can be shown that the work on which he is to be engaged is of a more responsible or arduous nature.
- (3) In fixing the salary or wages to be paid to a person called up for service in a specified civilian capacity the competent authority shall ensure as far as may be that the economic position of such person does not suffer by reason of his being assigned to such service.
- (4) The salary or wages fixed by a competent authority under this rule shall be paid by the Government or other employer to whom the person has been assigned for national service.
11. Any person called up for service in a specified military or civilian capacity may be permitted by the competent authority to continue to subscribe to any Provident or Superannuation Fund or other scheme for the benefit of employees maintained or managed by his former employer under the same terms and conditions as would be applicable if he had continued to be employed by that employer; and, thereupon,
- (a) the employer by whom he has been released for national service shall keep open his account and receive such subscriptions as would in accordance with the rules of such fund be payable from time to time if the subscriber were still in his employ; and

- (b) the Government or other employer to whom the person has been assigned for national service shall from time to time make such contributions to the fund as would be payable by the former employer if the subscriber were still in his employ.
12. Any person called up for service in a specified civilian capacity shall, if the competent authority so directs, be entitled, subject to such conditions as may be laid down by the competent authority, to such leave on full pay at the expense of the Government or other employer to whom he has been assigned for national service as would be admissible to him if he had continued in his former employment.
13. (1) Every appeal by a conscientious objector under sub-section (4) of section 7 of the Act shall be addressed to the Chairman of the Tribunal at his official address, and shall show the name, address and occupation of the appellant and enclose a copy of the order appealed against.
- (2) Every appeal under section 9 or section 10 of the Act shall be in the Form set forth in Schedule VI or Schedule VII, according as the appeal is by a person called up for national service or by the employer of such person, and shall be addressed to the Chairman of the Tribunal at his official address.
14. Every reference made under the first proviso to section 12 of the Act shall state the name, address and occupation of the person making the reference, the terms of service formerly enjoyed by the employee concerned, and a brief statement of the grounds of reference.
15. The following rules shall not apply to servants of the Crown:-
- Rules 3, 4, 5, 6, 13 and 14.

----- Footnote -----

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----- Attachment -----

- [ ATTACH LIST 1 ] 01 SCHEDULE I. (See Rule 3.) Forms of Preliminary Notice. (1)
- [ ATTACH LIST 2 ] 02 SCHEDULE II. (See Rule 4.) (The National Service (European British Subjects) Rules, 1940)
- [ ATTACH LIST 3 ] 03 SCHEDULE III. (See Rule 6.) Form of claim by conscientious objector.
- [ ATTACH LIST 4 ] 04 SCHEDULE IV. (See Rule 7.) Form of calling up notice for service in His Majesty's armed forces.
- [ ATTACH LIST 5 ] 05 SCHEDULE V. (See Rule 7.) Form of calling up notice for service in a civilian capacity.
- [ ATTACH LIST 6 ] 06 SCHEDULE VI. (See Rule 13.) Form of appeal to be used by an employer.

[ ATTACH LIST 7 ] 07 SCHEDULE VII. (See Rule 13.) Form of appeal to be used by a person called up for national service.

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