

POLICE DEPARTMENT.

(The Habitual Offenders Restriction Rules 1919.)

NO. 280

THE MYANMAR GAZETTE, NOVEMBER 22ND, 1919.

[Amendment : 18.06.1989]

No. 280. In exercise of the powers conferred by section 17 of the Myanmar Habitual Offenders Restriction Act, 1919, the Lieutenant-Governor is pleased to make the following rules:-

RULES.

Short Title.

1. These rules may be known as the Habitual Offenders Restriction Rules 1919.

Definition.

2. In these rules the expression "Court" includes "Magistrate."

Areas of restriction.

3. The areas to which persons may be restricted by an order under this Act shall ordinarily be-

(a) if the person resides in a village-tract-the area of such village-tract, to which may be added at the discretion of the Court the areas of any contiguous village-tracts in which the said person owns or occupies any immovable property or practises any trade or calling;

(b) if the person resides in a town-the area of such town, to which may be added at the discretion of the Court the areas of any contiguous village-tracts in which the said person owns or occupies any immovable property or practises any trade or calling.

Exceptions.

But in special cases the Court may, if it is of opinion that restriction to the aforesaid areas is inexpedient, select any other village-tract or town, as the case may be, in the district within which the person ordinarily resides.

Absence without leave, Passes.

4. No person restricted by an order of restriction under this Act shall leave or be absent from the area of restriction without having obtained a pass in accordance with these rules and except in accordance with the terms of such pass.

Times of report.

5. The times at which a person is required by an order of restriction to report himself shall be such times at intervals of not less than 24 hours or not more than seven days as the Court may fix; but such times shall not be more frequent than the Court thinks strictly necessary in each case.

Places of report.

The place of report shall be the house of the headman or other person or officer, who, in exceptional cases for reasons to be recorded in writing, may be a police-officer not below the rank of an officer-in-charge of a police-station, as the Court may direct: provided that no person shall be required to report himself at a place situated more than three miles from the place where he ordinarily resides. Provided further that in the temporary absence of the headman or other person or officer to whom a report is to be made, a report made to the person temporarily discharging the functions of such headman or person or officer shall be deemed a sufficient compliance with the order of the Court.

Mode of report.

Every person required to report himself by an order of restriction under this Act shall do so by attending in person, and announcing his presence, unless physically incapacitated from doing so.

Leave for three days or less.

6. A person restricted to any area by an order of restriction under this Act may be granted a pass authorising him to leave the said area for a period not exceeding three days-

- (a) if he is restricted to any village-tract or group of contiguous village-tracts or larger area, -by the headman of the village-tract in which he ordinarily resides;
- (b) if he is restricted to a town -by the person or officer to whom a report has to be made.

Leave not exceeding fifteen days.

7. The officer-in-charge of the police-station within the limits of which any person is restricted by an order of restriction under this Act may, on due cause being shown, grant such person leave of absence for a period not exceeding fifteen days and may issue a pass to him.

Long leave.

8. The District Magistrate of the district in which any person is restricted by an order of restriction under this Act, or any person duly authorised by the District Magistrate in writing in this behalf, may, on due cause being shown, grant such person any leave of absence which he may deem reasonable and may issue a pass to him.

Conditions attaching to absence on leave.

9. Any person granted leave of absence under Rule 6, 7, or 8 shall travel to his destination and return to his residence by the route specified in the pass. He shall have the time and date of his arrival endorsed on the pass by the headman of the village-tract of destination, and within three days of his arrival he shall report himself at the police-station within the limits of which his destination is situated, and shall present his pass for endorsement.

Reports while on leave.

10. During such time as any person restricted to any area by an Order of Restriction under this Act is absent from the area of restriction, he shall report himself once every three days to the headman of the village-tract, or if in a town to the headman of the ward, in which he may happen to be, and once in every fifteen days he shall, unless exempted by order of the District Magistrate, report himself to, and present his pass for endorsement by, the officer-in-charge of the police-station within the limits of which he may happen to be.

Surrender of pass.

11. On his return to his residence he shall deliver the pass up to the authority from whom he received it. All passes so returned shall be sent for record to the police-station within whose limits the person is restricted.

Form of passes.

12. Passes issued under Rule 6, 7, or 8 shall be printed and filled in, in Myanmar in Form A appended to these rules. They shall be drawn up in triplicate and each part shall be signed by the authority granting the pass. One part shall be retained by such authority, the second part shall be sent to the officer-in-charge of the police-station within the limits of which the destination of the holder of the pass lies, and the third shall be given to the person granted leave:

Provided that when short leave is granted under Rule 6 the second part may be cancelled and not issued.

[<Amendment 18.06.1989>](#)

Person on leave unable to return.

13. If any person who has been granted a pass under these rules is from any unavoidable cause prevented from returning to his residence within the period of his leave, he shall at once give information to the nearest police-station. The officer-in-charge of the police-station shall verify the information and shall send a report to the authority which issued the pass.

Withdrawal of passes.

14. Any pass granted under these rules may at any time be withdrawn by the authority which granted it, or by the District Magistrate or any officer duly authorised by him in writing in this behalf.

C. M. WEBB,
Chief Secy. to the Govt. of Myanmar.

----- Attachment -----

[ATTACH LIST 1] 01 (Foil for record.) Pass for Leave granted to persons restricted under the Myanmar Habitual Offenders Restriction Act, 1919.

[ATTACH LIST 2] 02 FORM A (RULES 6 AND 12). (To be printed in Myanmar.) (Counterfoil for the police-station to which person is going.) Pass for Leave granted to persons restricted under the Myanmar Habitual Offenders Restriction Act, 1919.

[ATTACH LIST 3] 03 (Counterfoil for the person granted leave.) Pass for Leave granted to persons restricted under the Myanmar Habitual Offenders Restriction Act, 1919.