

## THE ESSENTIAL SUPPLIES AND SERVICES ACT.

[Burmia Act XLVII, 1947.] (1st August, 1947.)

It is hereby enacted as follows :—

1. This Act shall come into force on the first day of August, 1947, and shall remain in force until the President of the Union, by notification, directs that it shall cease to be in force.

2. In this Act, the expression—

- (a) "undertaking" means any undertaking by way of trade or business or to provide any public service;
- (b) "cattle" means bulls, bullocks, cows, calves, buffaloes (male and female) and buffalo calves.

3. The President of the Union may, so far as appears to him to be expedient for maintaining supplies and services essential to the life of the community, by order provide—

- (i) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of things of any description;
- and, in particular, for prohibiting the withholding from sale, either generally or to specified persons, of things kept for sale, and for requiring things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances;



- <sup>1</sup>(1A) for regulating or prohibiting or restricting the hire or charter of aircraft or for regulating the loading of, or for prohibiting or restricting the carriage of goods by, any aircraft ;
- <sup>2</sup>(1B) for controlling the use or disposal of, or dealings in, coin which is legal tender in the Union of Burma ;
- <sup>3</sup>(1C) for regulating or prohibiting the use, keeping, movement or disposal of animals employed in connection with any timber industry ;
- <sup>4</sup>(1D) for providing or regulating water supply and environmental sanitation in rural areas ;
- <sup>5</sup>(1E) for providing or regulating the business of taking goods and chattels in pawn for loans of money ;
- (2) for controlling the prices or rates at which things of any description may be sold or hired ;
- (3) for controlling the rates at which any vessel registered in the Union of Burma may be hired and the rates at which persons or goods may be carried in or on any such vessel ;
- (4) for regulating the letting and sub-letting in any area of residential accommodation, whether furnished or unfurnished and whether with or without board, and, in particular,—
- (i) for controlling the rents for such accommodation ;
- (ii) for preventing the unreasonable eviction of tenants and sub-tenants from such accommodation ; and
- (iii) for requiring such accommodation to be let either generally, or to specified persons or classes of persons, or in specified circumstances ;
- (5) for regulating the carrying on of any undertaking engaged in, or capable of doing, work appearing to the President of the Union essential to any of the above-mentioned purposes, and, in particular,—
- (i) for requiring work to be done by an undertaking ;
- (ii) for determining the order of priority in which, and the period or periods within which, work shall be done by an undertaking ;
- (iii) for controlling or fixing the charges which may be made by the undertakers in respect of the doing of any work by them ;
- (iv) for requiring, regulating or prohibiting the engagement in the undertaking, of any employee or any class of employees ;
- (v) for requiring any person or class of persons engaged in such work to reside in and remain within any place specified in the order, and to continue to perform such work or such other work of the same nature as may be directed by an authority specified in the order ;
- (vi) for requiring the undertaking to provide adequate safeguards against sabotage, theft, fire or other accident ;
- (6) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking and to employ such accounting and auditing staff, as may be specified in the order ;

<sup>1</sup> Inserted by Acts XV and XXVI, 1950.

<sup>2</sup> Inserted by Act XIV, 1950.

<sup>3</sup> Inserted by Act XLIX, 1950.

<sup>4</sup> Inserted by Act V, 1953.

<sup>5</sup> Inserted by Act II, 1954.



- (7) for requiring persons carrying on, or employed in connection with, any undertaking to produce to such authority as may be specified in the order any books, accounts or other documents relating to the undertakings; and for requiring such persons to furnish to such authority as may be specified in the order such estimates, returns, or other information relating to the undertaking as may be specified in the order or demanded thereunder;
- <sup>1</sup>(7A) for requiring measures to be taken, as may be specified therein, by any person or persons for the purpose of preventing loss of any supplies or money or valuable securities, belonging to or in the possession or under the control of or payable to the Civil Supplies Department, and for empowering any such person or persons to arrest without warrant;
- (8) for any incidental and supplementary matters for which the President of the Union thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates with a view to securing compliance with the order;

and an order under this Act may prohibit the doing of anything regulated by the order except under, and in accordance with the conditions of, a licence granted by such authority as may be specified in the order, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either generally or in any particular area.

4. If it appears to the President of the Union that for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole or any part of an existing undertaking, the President of the Union may by order authorize any person (hereinafter referred to as an "authorized controller") to exercise, with respect to the undertaking or any part thereof specified in the order, such functions of control as may be provided by the order, and so long as an order made under this section is in force with respect to any undertaking or part of an undertaking—

- (1) the authorized controller shall exercise his functions in accordance with any instructions given to him by the President of the Union, so, however, that he shall not have power to give any directions inconsistent with the provisions of any Act or other instrument determining the functions of the undertakers except in so far as may be specifically provided by the order; and
- (2) the undertaking or the part shall be carried on in accordance with any directions given by the authorized controller in accordance with the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

5. (1) If in the opinion of the President of the Union it is expedient so to do for securing the public safety, the maintenance of public order, or for maintaining supplies and services essential to the life of the community, the President of the Union may by order in writing requisition any animal, product, or thing, and may make such further orders as appear to the President of the Union to be expedient in connection with the requisitioning.

<sup>1</sup> Inserted by Act LXI, 1947.



(2) Where the President of the Union has requisitioned any animal, product, or thing under sub-section (1), the President of the Union may use or deal with the animal, product or thing in such manner as may appear to him to be expedient, and may acquire it by serving on the owner thereof a notice stating that the President of the Union has acquired it under this Act.

Where such notice of acquisition is served on the owner of the animal, product, or thing, then, at the beginning of the day on which the notice is served, the animal, product or thing shall vest in the President of the Union free from any mortgage, pledge, lien or other similar obligation, and the period of the requisition thereof shall end.

<sup>1</sup>(3) Whenever in pursuance of sub-section (1) or sub-section (2) the President of the Union requisitions or acquires any animal, product or thing, the owner thereof shall be paid compensation to such extent as may be determined in accordance with the provisions which the President of the Union shall, by special or general order, prescribe.

(4) The President of the Union may, with a view to the requisitioning of any animal, product or thing, or the determining of the compensation payable in respect of any animal, product or thing which has been requisitioned, by order—

- (i) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the animal, product or thing as may be so specified;
- (ii) direct that the owner, or person in possession, of the animal, product or thing shall not, without the permission of the President of the Union, dispose of it till the expiry of such period as may be specified in the order.

6. The President of the Union may, if in his opinion it is expedient so to do for the purpose of maintaining supplies and services essential to the life of the community, by order, prohibit or restrict, or impose conditions upon, the slaughter of cattle and sale of meat of cattle in the Union of Burma or in any area thereof.

7. The President of the Union may by order direct that any power or duty which is conferred or imposed on him by this Act shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged—

- (a) by any officer or authority subordinate to the President of the Union, or
- (b) by any other authority.

8. (1) Whoever contravenes any provision of any order, or direction issued under any order, made under sections 3, 4 and 5 of this Act shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

<sup>2</sup>(2) All things in respect of which an offence punishable under sub-section (1) has been committed shall be liable to confiscation by order of the Court trying the offence.

The receptacles, packages and coverings of such things, and the vessel, vehicle or means of transport used for the conveyance thereof shall also be liable to confiscation unless the owner proves that he had no reason to believe that such an offence was being or was likely to be committed.

(3) If any person contravenes any order made under section 6 of this Act, he 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.

<sup>1</sup> Substituted by Act XXI, 1953.

<sup>2</sup> Amended by Act LXI, 1947.



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(4) In any prosecution under sub-section (1) relating to a violation of any direction made under any order issued under section 3, the burden of proving that he has acquired lawfully, or has come into authorized possession of an essential commodity, shall lie on the person in whose possession such commodity is found.

*Explanation.*—A person shall be deemed to have acquired or to have come into lawful possession of an essential commodity only if such acquisition or possession is permitted under a general or special licence issued by the Commissioner of Civil Supplies or by an officer or officers authorized by him in his behalf.

9. The following orders shall be deemed to continue to be in force as if the said orders had been made under the provisions of this Act :—

- (a) The Burma Rationing (Preparatory Measures) Order, 1946.
- (b) The Burma Rationing Order, 1946.
- (c) The Civil Supplies Order, 1947.
- (d) The Paper Control Order, 1947.
- (e) The Inland Water Transport Order, 1946.
- (f) Compulsory Declaration of Paddy and Rice Stocks Order, 1946.
- (g) The Road Transport Order, 1947.

10. No suit, prosecution or other proceedings shall be instituted in any Court against any person or persons in respect of anything in good faith done or intended to be done under the provisions of this Act or any Order made under this Act.