

THE REQUISITIONING (EMERGENCY PROVISIONS) ACT (1947)

Burma Act XXXVIII, 1947

28 July, 1947

WHEREAS it is expedient to make provisions for requisitioning lands and premises in certain respects;

[..]

It is hereby enacted as follows:-

1. (1) This Act may be called the Requisitioning (Emergency Provisions) Act, 1947.

(2) It shall remain in force until such date as the President of the Union may, by notification, direct that it shall cease to be in force.

2. (1) The President of the Union may by order in writing requisition any land, building, part of a building, or other premises, together with any fixtures, fittings, furniture or other things therein, or any water-supply system connected or pertaining to such land or premises, and may make such further orders as appear to the President of the Union to be necessary or expedient in connection with the requisitioning:

Provided that no land, premises or things used for the purpose of religious worship shall be requisitioned under this Act:

Provided also that no land, premises or things shall be requisitioned under this Act for any person who is not a public servant, or whose work or duty is not connected with the Government, or in respect of whom the Government is under no obligation to make a requisition, or who is not a representative, or a member of the diplomatic mission, of another country, or a visitor from a foreign State.

(2) Where the President of the Union has requisitioned any land, premises water-supply system or thing under sub-section (1), the President of the Union may use such land, premises, water-supply system or thing in such manner as he may consider necessary or expedient, but shall have no power to dispose of any such land, premises, water-supply system or thing.

(3) The President of the Union may by order:

(a) require the owner or occupier of any land, building, part of a building, or other premises to furnish to such authority as may be specified in the order such information in his possession relating to the land, building, part of a building, or other premises, or to any fixtures, fittings, furniture or other things therein, or to any water-supply system connected or pertaining thereto, it may be so specified;

(b) direct that such owner or occupier shall not, without the permission of the President of the Union, dispose of such land, building, or other premises, or of any fixtures, fittings, furniture, or other things therein, or of any water-supply system connected or pertaining thereto, till the expiry of such period as may be specified in the order.

(4) If any person contravenes any order made in pursuance of this section, he shall be punishable with imprisonment for a term which may extend to three years, or within fine, or within both.

3. (1) The President of the Union may by order in writing require the owner, or the person having the management, of any warehouse or cold storage depot to place at the disposal of Government the whole or any part of the space or accommodation available in such warehouse or cold storage depot and to employ such space or accommodation for the storage of any articles or things specified in the order and such an order may require the said owner or person to afford such facilities, and maintain such services, in respect of the storage of such articles on things, as may be specified.

(2) Whenever in pursuance of an order made under sub-section (1) any space or accommodation in a warehouse or cold storage depot is placed at the disposal of the Government the owner of such warehouse or cold storage depot shall be paid therefor at such rates as the President of the Union may by order made in this behalf determine.

(3) If any person contravenes any order made in pursuance of this section he shall be punishable within imprisonment for a term which may extend to six months, or with fine, with both.

4. (1) The Government may cause any reasonable repair to be made to any building which is requisitioned under this Act and deduct the expenses of the repair from the rent, or otherwise recover it from the lessor.

(2) The provisions of sub-section (1) shall apply to the requisitions of the buildings made or purported to have been made under Rule 76 of the Defense of Burma Rules before the commencement of this Act, as if the said requisitions had been validly made under the provisions of this Act.

4A. The President of the Union may, by order, direct that any power-which is conferred upon him by section 2, section 3 and section 4 shall, subject to such conditions as may be specified therein, be exercised by such officer or authority as he may specify.

5. Notwithstanding anything contained in any other law, all requisitions of property or things made or purported to have been made under Rule 76 and Rule 79 of the Defense of Burma Rules before the commencement of this Act shall be deemed to have been made under the provisions of this Act, as if this Act were in force at the time the requisitions were made; and no such requisitions shall be deemed to be invalid by reason only that they were made in contravention of the provisions of the provisos to the said Rule 76 (1).

6. (1) Where any property or thing is requisitioned, or is deemed to have been requisitioned, under the provisions of this Act, the owner of such property or thing shall be paid such compensation for any loss he may have sustained as a result of such requisitioning as may be fixed in accordance with the provisions of this section.

(2) In default of argument between the Government and the owner of the property, the President of the Union shall, by general or special order, specify the authority or person through which or whom any claim for compensation under sub-section (1) shall be submitted and the authority or person by which or whom any such claim shall be adjudged or awarded.

(3) The President of the Union may further, by general or special order, prescribe the conditions to which the authority or person responsible for adjudging or awarding claim for compensation shall have regard which determining the amount of compensation payable, and may give such supplementary orders as to the assessment and payment of compensation as may appear to him to be necessary or expedient.

(4). No compensation shall be payable under the provisions of this section unless the owner of the property or thing, requisitioned or deemed to have been requisitioned under the provisions of this Act, submits his claim for such compensation within ninety days from the date on which the said property or thing was de-requisitioned.

6A. (1) Where any requisitioned land, building, part of a building or other premise is to be released from requisition, the President of the Union may, after making such inquiry, if any, as Inc considers necessary, specify by order in writing the person to whom possession of the said land, building, part of a building or other premise shall be given.

(2) The delivery of possession of the requisitioned land, building, part of a building, or other premises to the person specified in an order made under sub-section (1) shall be a full discharge of the President of the Union from all liability in respect of such delivery, but shall not prejudice any rights in respect of the said land, building, part of a building or other premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the said land, building, part of a building or other premises is so delivered.

(3) Where the person to whom possession of any requisitioned land, building, part of a building or other premises is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the President of the Union shall cause a notice, declaring that the said land, building, part of a building or other premises is released from requisition, to be affixed on some conspicuous part of the said land, building, part of the building or other premises and publish the notice in the Gazette.

(4) When notice referred to in sub-section (3) is published in the Gazette, the land, building, part of a building or other premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the President of the Union shall not be

liable for any compensation or other claim in respect of the said land, building, part of a building or other premises for any period after the said date.

7. The provisions of this Act shall be deemed to supersede the provisions of all other laws in so far as the latter are inconsistent with or repugnant to the provisions of this Act.