

## CRIMES AGAINST RELIGION IN THE PENAL CODES OF BURMA, THAILAND AND THE PHILIPPINES

Burma and Thailand are Theravada Buddhist countries and the Philippines is a Christian country. The Burmese legal system was imposed by Britain through the British Indian Empire, while Thailand obtained the European continental system through a conscious effort to modernize. The Philippines, on the other hand, received the Spanish-American system without any choice. Even though these three countries have somewhat different legal systems, one element they share is that they have maintained a penal code until the present time. This code has its own history in each of these countries, and through both historical and legal perspectives this article attempts to investigate the nature of crimes against religion.

In the comparative history of these three countries Burma was the first to have a code, the Indian Penal Code of 1860. This was one of the earliest codes and was drafted by the first Indian Law Commission, of which Mr. (afterwards Lord) Thomas Babington Macaulay (1800-1859) was the President. He was a Whig, an imperialist, an historian and a statesman, and took a seat on the Supreme Council of Bengal. He amassed wealth enough during four years in India to be comfortable for the rest of his life, although he died at the age of fifty years.<sup>1</sup> The basis of the Indian Penal Code is the law of England. Interesting to note is that in England there was a movement for criminal reformation during the same period.<sup>2</sup> Suggestions and inspirations were also derived from the French Penal Code and Livingstone's Code of Louisiana. The draft was carefully revised by Sir Barnes Peacock, Chief Justice, and puisne Judges of the Calcutta High Court who were members of the Legislative Council.<sup>3</sup> Thus, although the draft was submitted to the Governor-General of India in Council in 1837 it was not until 1860 that it was passed into law.<sup>4</sup>

Before 1860 in British India the English criminal law, as modified by several Acts to suit the Indian situation, was administered in the Presidency-towns of Bombay, Calcutta and Madras. But in the mofussil the Courts were principally guided by the Mohammedan criminal law, the defects of which were partly removed by the regulations of the local governments.<sup>5</sup> A conflict of laws between the provincial Courts and the Courts of the Presidency-towns evolved within the judicial system. This happened because the colonial masters were ill-prepared to follow up the territorial annexation with a consistent judicial system. Attempts were made in this direction, however, and eventually the judicial system of Bombay was thoroughly restructured

and the Criminal Courts were provided with a regulation that redefined offenses and specified punishments. Despite such an improvement in Bombay, in the Bengal and Madras Presidencies the Mohammedan criminal law was still in force until the Indian Penal Code came into operation.<sup>6</sup>

British Burma, i.e. Lower Burma, did not undergo such changes when the Indian Penal Code went into effect on her soil. It is interesting that after the British occupation in 1853, the newly enacted Penal Code had far-reaching effects in suppressing the various resistance groups that were really out of British control.<sup>7</sup> The maintenance of law and order in the context of colonial policy was crucial and the Indian Penal Code was timely and effective in suppressing political uprising.<sup>8</sup> One is surprised to find this Penal Code also taken as a model of law when King Thibaw (1878-1885) and his council of ministers thought out a compromise to reform Burmese legal codes and procedures (excepting laws on marriage and inheritance) in the mid-1880s in Upper Burma. A comparative study of the Criminal Code of King Thibaw and the Penal Code of British Burma proves that the former was an adopted code of the latter with a few modifications to suit the cultural textures of the Burmese.<sup>9</sup> It was possible that even the Indian Penal Code in the Burmese version was, though theoretically in operation, imperfectly applied because of its foreignness. On the other hand, if it is presumed that the Penal Code was well applied, it was nevertheless doomed in view of the prevailing political climate hovering over the land-locked kingdom of Upper Burma.

After Burma is the Philippines which, as with Burma, was forced to receive a Penal Code: that of Spain of 1870. Historically the landing of Magellan in the Philippines on March 18, 1521 entered into a new era in the history of Philippine law. During the Spanish period (1565-1898) some partial codification of the Spanish law took place. In 1657 the *Nueva Recompilacion*, in 1680 the *Recompilacion de las Leyes de las Indias* and in 1805 the *Novisima Recompilacion* were promulgated. These compilations or collections were indeed important, but at the same time, they were confusing and obscure. In view of this situation the movement for the scientific codification was a *sine qua non* and, consequently, in 1811 the Cortes of Cadiz passed a resolution providing for the codification as soon as practicable of all important branches of Spanish laws. Most of the codes and special laws promulgated in Spain during this period were extended to the Philippines. From among them the Penal Code was the one particularly of importance, rather than other codes, such as the Code of Commerce, the Marriage Law of 1870 and the Law of Waters.<sup>10</sup>

This Penal Code in fact went into effect not without objections. By the Royal Decree of September 4, 1884 the Code was ordered to be promulgated in the Philippines. Despite some objections raised by then Gobierno General against its enforcement in the Philippines, a subsequent Royal Decree of December 17, 1886 ordered its promulgation in the *Gaceta de Manila*. Pursuant to this Decree, the Penal

Code was published in the *Gaceta de Manila* in the issue of March 13, 1887. It went into operation on July 14, 1887.<sup>11</sup> After about ten years of existence the sovereignty over the Philippines was transferred to the United States by the Treaty of Paris in 1898. Henceforth, Anglo-American juridical thought assumed an important role in shaping the nature and content of Filipino jurisprudence. During the period of American sovereignty (from 1898 to 1935), on October 18, 1927 a committee of five criminal law experts was appointed by Administrative Order No. 94 to prepare a revised draft of the Penal Code. Within about three years the committee completed a draft and it was accordingly enacted by the Philippine Legislature on December 18, 1930 as Act No. 3815 or the Revised Penal Code, and went into effect on January 1, 1932. It also repealed the Spanish Code of 1870.<sup>12</sup>

In Thailand, on the other hand, the passing of a Penal Code in 1908 was a landmark in the progress of regular codification of the laws of the country.<sup>13</sup> Before this time the substantive laws on crimes were primarily, but not exclusively, prescribed in the *Kotmai Tra Sam Duang* or the Three Seal Code, or simply the 1805 Code.<sup>14</sup> One common characteristic reflected in the advance of jurisprudence in these three countries-Burma, Thailand and the Philippines-is that special penal laws which are of a criminal nature and which were not included in the Penal Code, were enacted by the local legislative body. These laws were in most cases aimed at coping with the growing tension between the government and the governed and among antagonistic social groups, and also with the dimensions of political and social change. This feature universally shared by other countries as well remains persistent in these countries.

In Thailand a Royal Commission on codification was set up in 1897. It consisted of a number of prominent members of the legal profession, both foreign and native, and was presided over by the Minister of Justice, Prince Rabi of Rajburi.<sup>15</sup> The progress of the Commission in its codification work was slow and work was done, notably, in a leisurely manner. The promulgation of the Penal Code of 1908 was nonetheless credited to a Code Commission of French lawyers appointed in about 1905. This Code owed much of its form and inspiration to the Codes of India, Japan, Belgium, Italy, Hungary and French.<sup>16</sup> It was published in English and French as well as in Thai. Comparatively speaking, the Indian Penal Code of Burma originally appeared in the English language, the Penal Code of 1870 in the Philippines, in the Spanish language, and the Penal Code of 1908 in Thailand in the three languages, hence, the only code most probably in the region of Southeast Asia that breathed in a tri-lingual version. Moreover, this is the only code conceived, nourished and born in Thailand; other codes were imported ones. With a few minor amendments the Thai Penal Code remained in force for half a century and finally superseded by the Penal Code of 1956 and then by that of 1979.

In this Revised Penal Code of 1979 as in the Code of 1956 there are three sections on offenses relating to religion under *laksana* (Title) IV. From among these

sections - 206, 207 and 208, only section 207 has been amended in the Penal Code of 1979, and the others remain the same in both form and substance. In the amended section the duration of imprisonment extends from at least one year to seven years or with fine not less than two thousand bath and not more than ten thousand bath or both.<sup>17</sup> On the other hand, in the Revised Penal Code of the Philippines there are two articles, 132 and 133 dealing with crimes against religious worship under Section Four, and in the Burmese Penal Code there are five sections, 295, 295 A, 296, 297 and 298—on offenses relating to religion under Chapter XV. Quantitatively Burma has more sections on this aspect of crime, presumably because when the Indian Penal Code went into effect, the British Indian Empire abounded in many diverse ethnic groups professing various religions.

In fact a crime is an act of commission or omission for which punishment can be inflicted as the result of judicial proceedings taken in the name of the State. There are various kinds of crime.<sup>18</sup> Many crimes include a tort or civil injury, but every tort does not amount to a crime, nor does every crime include a tort. Offenses relating to religion are not tort but crimes. In the Indian Penal Code of Burma, "Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both".<sup>19</sup> In the Penal Code of Thailand it is prescribed that whoever does, by any means whatsoever, anything against any object or place of religious worship of any group of persons with the intention of insulting the religion they profess, shall be punished with imprisonment for a term which shall be from one year to seven years, or with fine not less than two thousand bath and not more than ten thousand bath or with both.<sup>20</sup>

In view of these two sections some of the points important in the interpretation of the law are of interest. The word, 'defile' is not confined to the idea of 'making dirty' but extends to ritual and ceremonial contamination. Therefore any act of commission or omission voluntarily made to pollute the ritual is a crime against religion. And the words, 'object' which is in the Thai sense, '*kai watthu*'<sup>21</sup> do not include animate objects but refer only to inanimate objects such as temples, pagodas, mosques, churches, and any symbolic figures representing gods.<sup>22</sup> In light of these definitions, a Buddhist monk who is forcefully disrobed is not covered by these sections,<sup>23</sup> and the killing of a cow by a Mohammedan within the sight of a public road frequented by Hindus, is not punishable either under these sections.<sup>24</sup> That a tourist went up into the temple of the Emerald Buddha in Bangkok with his shoes on is a crime against religion, and that he did the same when he went up to the platform of the Shwedagon Pagoda in Rangoon is also a crime against religion.<sup>25</sup> On the other hand, where a bull in religious ritual is dedicated and set free by a Hindu and subsequently

killed by certain Mohammedan secretly in the presence of none but Mohammedans, it was held that no offense was committed.<sup>26</sup> Where Pho Maung of Rangoon who was not on good terms with his neighbor, Abdal-Mubdi, drove a pig into the mosque frequented by Abdal-Mubdi, it is to be held that Pho Maung committed an offense under these sections. But he did not commit it if his pig tied up with a rope, incidentally entered into that mosque.<sup>27</sup>

It is clear that the 'object' and place of worship, and the intention of one who commits offense are not of little importance in the interpretation of the law. Besides these, according to the Indian Penal Code of Burma, "Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both".<sup>28</sup> Pursuant to the Revised Penal Code of Thailand, whoever causes any disturbance to any assembly of religious persons at the time when it is lawfully engaged in religious worship, or in the performance of religious ceremonies, shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding two thousand bath or with both.<sup>29</sup> In the Filipino Penal Code, it is prescribed that "The penalty of *arresto mayor*<sup>30</sup> in its maximum period to *prison correccional*<sup>31</sup> in its minimum period shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony, shall perform acts notoriously offensive to the feelings of the faithful".<sup>32</sup>

In comparative perspective the Indian Penal Code is very specific and detailed, and has a special section which reads, "Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both".<sup>33</sup> The substance of this section does not come into existence in both the Penal Code of Thailand and the Philippines, nor did it appear in the Indian Penal Code when it went into effect in 1860. It was only in 1927 that this section was introduced by the Criminal Law Amendment Act (XXV of 1927) on account of the agitation following the decision of the Lahore High Court in the *Rangila Rasul* case.<sup>34</sup> It was held in this case that s.153 A of the Indian Penal Code<sup>35</sup> was not meant to stop polemics against a deceased religious leader however scurrilous and in bad taste such attacks might be. Although this view was overruled in the *Risala-i-Vartman*<sup>36</sup> which laid down that a scurrilous, vituperative, and foul attack on religion or on its founder would come under and within the purview of s. 153A, the Legislature thought it necessary to enact a special provision dealing with such an offense;<sup>37</sup> thus a special section came into being.

The Select Committee responsible for the enactment of this section observed



that the essence of the offense is "that the insult to religion or the outrage to religious feelings must be the sole, or primary, or at least the deliberate and conscious intention. We have accordingly decided to adopt the phraseology of section 298 which requires deliberate intention in order to constitute the offense with which it deals".<sup>38</sup> Moreover the Committee mentioned, "Further, we were impressed by an argument to the effect that an insult to a religion or to the religious beliefs of the followers of a religion might be inflicted in good faith by a writer with the object of facilitating some measure of social reform by administering such a shock to the followers of the religion as would ensure notice being taken of any criticism so made. We have therefore applied the words, 'with deliberate intention' by inserting reference to malice, and we think that the section which we have now evolved will be both comprehensive and at the same time of not too wide an application".<sup>39</sup>

On the other hand, the Filipino Penal Code sees to this aspect in a different perspective. According to it, "The Penalty of *prison correccional* in its minimum period shall be imposed upon any public officer or employee who shall prevent or disturb the ceremonies of manifestations or any religion. If the crime shall have been committed with violence or threats, the penalty shall be *prison correccional* in its medium and maximum periods".<sup>40</sup> In view of this article, it is clear that any acts, on the part of public officers or employees, tending to interfere with the freedom of conscience in religious matters, are punishable. Comparatively speaking, both the Burmese and the Thai Penal Codes are silent over the interfering acts committed by any public officer or employee. But, if the wording, 'whoever' is construed in its meaning as including any person regardless of his position, the law can cover the actions of anyone, public officer or not.

The Penal Code of Thailand prescribes that whoever is wrongfully dressed, or uses a symbol manifesting that he is a Buddhist monk or a novice or a holy man or a clergyman of any religion with the intention of making any other person believe that he is such and such person, shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding two thousand bath, or with both.<sup>41</sup> No similar section is found in both the Burmese and the Filipino Penal Codes. Such being the case, it may be considered to be a 'Thai' flavor. This fact can be explained in historical context in the development of the Sangha organization in Thailand. Beginning with the reign of King Mongkut (1851-68) the Sangha organization was reformed, and since then, the gradual restructuring of it with the various levels of jurisdiction and power in the administrative hierarchy was a great contribution made by the Thai kings<sup>42</sup> while, on the other hand, in Burma after the dethronement of King Thibaw in 1885 the Sangha organization was somewhat out of the control either of the Thathanabaing residing in Mandalay or of the colonial government.<sup>43</sup> However that may be, since 1980 the 'unreal monks' have been taken to legal action in Burma not according to the Penal Code but pursuant to other administrative laws.<sup>44</sup>

Apart from these, according to the Indian Penal Code, "Whoever with the intention of wounding the feeling of any person, of insulting the religion of any person, or with its knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both".<sup>45</sup> This section does not exist under the sections of crimes against religion in the Thai and the Filipino Penal Codes, despite the fact that the trespass, particularly criminal trespass<sup>46</sup> is shared in common with all modern laws.

Interesting to note is that the essence of the section is an intention, or knowledge of likelihood, to wound feelings or insult religion and when, with that intention or knowledge, trespassing on a place of sepulture, indignity to a corpse, or disturbance to persons assembled for funeral ceremonies, is committed, the offense is complete.<sup>47</sup> Trespass in any place of worship implies not only criminal trespass but also an ordinary act of trespass, i.e. an entry on another's land without lawful authority with the intention of committing an offense.<sup>48</sup> Where a person had sexual connection in a mosque, it was held that he was guilty of an offense under this section.<sup>49</sup> Where at the Rangoon Chinese graveyard Tun Phu, a notorious man receiving the news that the corpse of a Chinese man was entombed with a lot of gold, secretly went at night to the place of sepulture and destroyed it in order to find the gold, it is to be held that he committed an offense under this section.<sup>50</sup>

In addition, "Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or with both".<sup>51</sup> No section such as this is found in the Thai and the Filipino Penal Codes, and the objects of this section are, according to the authors of the Code, "to allow all fair latitude to religious discussion, and at the same time to prevent the professors of any religion from offering, under the pretext of such discussion, intentional insults to what is held sacred by others".<sup>52</sup> In view of this section, interpolation of a forbidden chant in an authorized ritual is an offense<sup>53</sup> and also exhibiting cow's flesh by carrying it in an uncovered state around a village with a deliberate intention of wounding the religious feelings of a Hindu was held to be an offense.<sup>54</sup>

In summary Burma was the first country that received the Penal Code. This Code framed to suppress the resisting peoples who professed the various religions, proved to be effective and is still operative without drastic change. In the Philippines

the most liberal concept in the Revised Penal Code is found perhaps due to the influence of American jurisprudence. In between the two stands the Thai Penal Code which is a combination of both liberal and traditional values. Comparatively, the Penal code of Burma - an inheritance bequeathed by British colonialism - is so specific and so detailed that it needs to be modified to match the time.

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#### **ABBREVIATIONS:**

All.	Indian Law Reports, Allahabad Series
AWN	Allahabad Weekly Notes
Cal.	Indian Law Reports, Calcutta Series
FB	Decision of a Bench of three or more Judges
IPC	The Indian Penal Code
JRAS	Journal of the Royal Asiatic Society
JSS	Journal of the Siam Society
MLJ	Madras Law Journal
PLR	Punjab Law Reporter
PR	Punjab Record
RAB	Report on the Administration of Burma
RABB	Report on the Administration of British Burma
RPC	The Revised Penal Code



## ENDNOTES:

1. Geoffery Grigson & Charles Harvard Gibbs-Smith, ed., *People, Places and Things*, Vol. I, London, The Grosvenor Press, 1954, pp. 250-51.
2. See, Leon Radzinowicz, *A History of English Criminal Law : The Movement for Reform, 1750-1833*, New York, The MacMillan Company, 1948.
3. Ratanlal Ranchhoddas and Dhirajlal Keshavlal Thakore, *The Indian Penal Code*, Bombay, Bombay Law Reporter Office, 1936, p.464.
4. Ratanlal Ranchhoddas and Dhirajlal Keshavlal Thakore, *op. cit.*, p.1.
5. *ibid.*, see also, Noshirvan H. Jhabvala, *The Criminal Procedure Code*, Bombay, C. Jamnadas & Co, 1960, pp.1-3.
6. See, N.B.E. Baillie, "The Mohammedan Law of Evidence and Its Influence on the Administration of Justice in India," *JRAS*, Vol. 4, 1870, pp.480-85; "The Mohammedan Law of Evidence in connection with the Administration of Justice to Foreigners," *JRAS*, Vol. 4, 1870, pp. 486-96.
7. W.S. Morrison, *Burma Gazetteer, Henzada District*, Rangoon, Govt. Printing and Stationery, 1963, pp. 22-28; for the earlier resistance movement, see Maung Ba Shwe, *Kuiluini khat Kyokpru Dicatrit Samuin: (A History of Kyaukpyu District in the Early Colonial Period, 1826-1885)* M.A. Thesis, Department of History, University of Rangoon, 1979, Chapter IV.
8. *RABB*, 1872-73, pp.5-6, 8-10, 37-56.
9. Daw Ohn Kyi, "Thibawmin lakthat tara:rajawat upade nhan kyanthum" (Civil and Criminal Codes of King Thibaw), *Takkasuil Sutesanacacon* (University Research Journal), Vol. II, pt. i, 1980, pp. 151-71.
10. Melquiades J. Gamboa, *An Introduction to Philippine Law*, Manila, 1955, pp.80-83.
11. *ibid*, pp. 445.
12. *ibid.*, pp. 86, 445; *RPC.*, Art. 1.
13. W.A. Graham, *Siam*, Vol. I, London, 1924, pp. 376-77.
14. *Kotmai Tra Sam Duang* or the Three Seal Code is so called because the original royal edition-printed first in 1849, after its promulgation in 1805, was affixed with the three seals-the seal of the lion of the Interior Department, the *Kotchasi*, a mythological lion-elephant breast of the Defense Department and the glass lotus of the Finance Department.
15. Tamin Kraivixien, "The Legal System," in the *Administration of Justice in Thailand*, Bangkok, The Thai Bar Association, 1967, p.4; *The Kotmai Tra Sam Duang* was reprinted in 1901 and is better known as the Rajburi Version of the Code.
16. W.A. Graham, *op. cit*, p. 377.
17. See section 206 in the *Pramuan Kotmai Aya*, B.E. 2499 (1956) and the *Pramuan Kotmai Aya*, B.E. 2522 (1979). This section was amended according to section 6 of the 41st announcement of the Administrative Reform Council in 1976. See also, the *Pramuan Kotmai Aya*, B.E. 2522, s. 206, footnote.
18. See *Black's Law Dictionary*, St. Minn, West Publishing Co., 1979, pp. 334-35.
19. *IPC*, s. 295; *Rajasatkri:dika* (The Penal Code), s.295.
20. *Pramuan Kotmai Aya*, B.E. 2522, s.206.
21. *Pramuan Kotmai Aya*, B.E. 2522, s.206.
22. *Amam Ali*, (1887) 10 All. 150, F.B.
23. Example given in the *Rajasatkri:dika* under s.295.
24. *Ali Muhammad*, (1917) P.R. No. 10 of 1918, F.B.
25. In Burma in the 1920s this question was very sensitive. The crime which attracted most attention during the year 1919-20 was the assault delivered by a band of Buddhist monks upon a party of Europeans who were visiting the Eindawya Pagoda, Mandalay. The ostensible reason for the attack was the fact that the Europeans had entered the pagoda precincts without removing their shoes. *RAB*, 1919-20, p. 39.

26. *Romesh Chunder Sannyal v. Hiru Mondal*, (1890), 17 Cal. 852.
27. Example given in the *Rajasatkri:dika* under s.295.
28. *IPC*, s.296; *Rajasatkri:dika*, s.296.
29. *Pramuan Kotmai Aya*, B.E. 2522, s.207.
30. Confinement from one month and one day to six months.
31. Imprisonment from six months and one day to six years.
32. *RPC*, Art.133.
33. *IPC*, s.295 A; *Rajasatkri:dika*, s.295 (ka).
34. *Raj Pal*, (1927) 28 P.L.R. 514.
35. *IPC*, s.153A reads: "Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of Her Majesty's subjects, shall be punished with imprisonment which may extend to two years, or with fine, or with both.  
 Explanation - It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of Her Majesty's subjects"
36. *Divi Sharan Sharma*, (1927) 28 P.L.R. 497.
37. Ratanlal Ranchhoddas and Dhirajlal Keshavlal Thakore, *op. cit.*, p.235.
38. *Gazette of India*, dated September 17, 1927, Part V, p.251.
39. *ibid.*, pp.251-52.
40. *RPC*, Art.132.
41. *Pramuan Kotmai Aya*, B.E. 2522, s.208.
42. See, Aye Kyaw, "The Sangha Organization in Nineteenth Century Burma and Thailand," *JSS*, Vol.72, pt. 1 and 2, 1984, pp.166-96.
43. U Mya Sein, *Mranma Dhale Thumtum Upade*, (Burmese Customary Law), Mandalay, Yuwayaunson Press, 1970, pp.435-60.
44. See, *Winan Dhamakam Adhikarun: Mhukhan: Mya: Phre Rhan: Sum:phratre: Suinra Lupthum Lupnan: Mya:*, (Procedure for Solving the Religious Disputes), Rangoon, 1980.
45. *IPC*, s.297; *Rajasatkri:dika*, s.297.
46. *IPC*, s.441 reads: "Whoever enters into or upon property in possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit "criminal trespass"
47. *Burhan Shar*, (1887) P.R. No.26 of 1887.
48. See *IPC*, ss.442, 443, 444, 445, 446.
49. *Maqsud Husain*, (1923) 45 All. 529.
50. Example given in the *Rajasatkri:dika* under s.297.
51. *IPC*, s.298; *Rajasatkri:dika*, s.298.
52. Cited in Ratanlal Ranchhoddas and Dhirajlal Keshavlal Thakore, *op. cit.*, p.237.
53. *Narasimha v. Shree Khrishna*, (1892) 2 M.L.J. 236.
54. *Rahman*, (1893) 13 A.W.N. 144. An example is also given in the *Rajasatkri:dika* under s.298.