



UNITED NATIONS

E/NL. 1958/88 - 93

30 December 1958

ENGLISH ONLY

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

BURMA

Communicated by the Government of Burma

NOTE BY THE SECRETARY-GENERAL -- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative texts.

E/NL.1958/88

THE OPIUM ACT (before amendment)

(India Act I, 1878 and Burma Act VII, 1909)

29th March 1879

PART I

.....

Section 9

9. Any person who, in contravention of this part, or of rules made and notified under section 5:
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| Penalty for possession, etc. of opium. | (a) possesses opium, or
(b) transports opium, or
(c)
(d) sells opium, or
(e) omits to warehouse opium, or removes or does any act in respect of warehoused opium, |
|--|---|

and any person who otherwise contravenes any such rule, shall, on conviction before a Magistrate, be punished for each such offence with imprisonment for a term which may extend to one year, or with a fine which may extend to one thousand rupees, or with both;

and, where a fine is imposed, the convicting Magistrate shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months, and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced.

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E/NL.1958/89

THE OPIUM (AMENDMENT) ACT, 1949
(Act No. XIII of 1949)

It is hereby enacted as follows:

1. The present section 9 of Part I of the Opium Act,^{1/} shall be re-numbered as sub-section (1) of section 9, and therein for the words "imprisonment", "one year" and "one thousand" the words "rigorous imprisonment", "three years" and "two thousand" shall be respectively substituted.

2. After sub-section (1) of section 9 as re-numbered, the following shall be inserted as sub-section (2) thereof, namely:

"(2) Any person who abets an offence punishable under sub-section (1), shall, notwithstanding anything contained in section 116 of the Penal Code, be punishable, whether such offence be committed or not in consequence of the abetment, with the same punishment as is provided for such offence :

Provided that if a person convicted under this section is, in the opinion of the convicting Magistrate, the true owner of the opium in respect of which he is convicted, rigorous imprisonment for a term which shall not be less than six months shall be inflicted upon him as part of the punishment."

E/NL.1958/90

THE OPIUM (AMENDMENT) ACT, 1953
(Act No. XXXVIII of 1953)

It is hereby enacted as follows:

1. This Act may be called the Opium (Amendment) Act, 1953.

2. In section 9 of the Opium Act,^{1/} Part I, hereinafter referred to as the said Act:

(i) in sub-section (1) for the portion beginning with the words "three years" and ending with the words "have been sentenced" the following shall be substituted, namely: "five years and shall also be liable to fine:

Provided that in the absence of special reasons to the contrary mentioned in the judgment of the Court, such imprisonment shall not be less than three months and fine shall not be less than five hundred kyats."

(ii) in the proviso to sub-section (2), for the words "six months" the words "one year" shall be substituted.

3. After section 9 of the said Act, the following shall be inserted as sections 9A, 9B, 9C, 9D and 9E, namely :

^{1/} Note by the Secretariat: E/NL.1958/88

- "9A. Whoever attempts to commit an offence punishable under this Act or to cause such an offence to be committed and in such attempt does
Attempt. any act towards the commission of the offence, shall, on conviction, be punished with the punishment provided for the offence.
- 9B. Whoever, being the owner or occupier or having the use of any house, room, enclosure, space, vessel, vehicle, or place knowingly permits
Punishment for allowing premises, etc., to be used for commission of offences. it to be used for the commission by any other person of an offence punishable under section 9 (1), 9(2) or 9A shall on conviction be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.
- 9C. (1) Whenever any person is convicted of any offence punishable under section 9 (1), 9 (2), 9A or 9B and the Magistrate convicting him is of opinion that it is necessary to require such persons to execute a bond for abstaining from the commission of offences punishable under those sections, the Magistrate may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offences during such period, not exceeding three years, as the
Security for abstaining from commission of certain offences. Magistrate thinks fit to fix.
- (2) The bond shall be in the form contained in the Schedule and the provision of the Code of Criminal Procedure shall, in so far as may be, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of the said Code.
- (3) If the conviction is set aside on appeal or in revision, the bond so executed shall become void.
- (4) An order under this section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.
- 9D. Whoever having been convicted of an offence punishable under section 9 (1), 9 (2), 9A or 9B is guilty of an offence punishable under any
Enhanced punishment after previous conviction. of those sections shall be subject for every such subsequent offence to twice the punishment which might be imposed on a first conviction under this Act.
- 9E. Notwithstanding anything contained in section 32 of the Code of Criminal
Special provisions regarding fine. Procedure, it shall be lawful for a Magistrate of the First Class to pass a sentence of fine exceeding one thousand kyats on any person convicted of contravening the provisions of section 9 (1), 9 (2), 9A or 9B."
4. After section 25 of the said Act the following Schedule shall be inserted, namely:

"SCHEDULE"

BOND TO ABSTAIN FROM THE COMMISSION OF OFFENCES UNDER THE OPIUM ACT

Whereas I (name) _____, inhabitant of (place) _____, have been called upon to enter into a bond to abstain from the commission of offences under section 9 (1), 9 (2), 9A or 9B of the Opium Act for the term of _____, I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to the President of the Union of Burma, the sum of Kyats _____

Dated this _____ day of _____ 19

(Where a bond with sureties is to be executed, add)

We do hereby declare ourselves sureties for the above-named _____ that he will abstain from the commission of offences under section 9 (1), 9 (2), 9A or 9B of the Opium Act during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to the President of the Union of Burma the sum of Kyats _____

Dated this _____ day of _____ 19

(Signatures)"

E/NL.1958/91

THE OPIUM (AMENDMENT) ACT, 1956

(Act No. XII of 1956)

It is hereby enacted as follows:

1. This Act may be called the Opium (Amendment) Act, 1956.
2. In the Opium Act, ^{1/} Part I, hereinafter referred to as the said Act after section 9D the following shall be inserted as section 9E, namely:

"9E. Any person who in the Union of Burma attempts or abets the commission in any place outside the Union of Burma of any offence punishable under this Act or under the provisions of any corresponding law in force in that place, or does any act preparatory to, or in furtherance of, any act which, if committed in the Union of Burma, would constitute an offence against this Act, shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine."

3. The existing section 9E of the said Act shall be re-numbered as section 9F.
4. In section 11 of the said Act:
 - (i) for the expression "under section 9" the expression "under section 9, 9A, 9B or 9D" shall be substituted;
 - (ii) in clause (a) thereof the expression "under the same section" shall be deleted;
 - (iii) in clause (b) thereof for the expression "the same section" the expression "section 9" shall be substituted;

- (iv) in clause (c) thereof, for the expression "the same section" the expression "section 9" shall be substituted;
 - (v) for the word "vessels" the word "receptacles" shall be substituted, and for the word "vessel" the word "receptacle" shall be substituted; and
 - (vi) after the word "animals" a comma (,) shall be inserted, and for the words "and conveyances" the words "vehicles, vessels and other conveyances" shall be substituted.
5. In section 12 of the said Act the second paragraph shall be deleted.
6. Section 20 of the said Act shall be re-numbered as sub-section (1) of section 20 and the following shall be inserted as sub-section (2), namely:

"(2) All officers in charge of a police-station shall take charge of and keep in safe custody pending the orders of a Magistrate or an investigating officer of the Excise Department all articles seized under this Act which may be delivered to them, and shall allow any investigating officer, who may accompany such articles to the police-station or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police-station and with the seal of the accused or his agent if he is available. All such packets of samples shall be signed by the accused or his agent if he is available."

Signed by me in pursuance of the Constitution.

DR. BA U
President of the Union of Burma

Rangoon, the 7th day of March 1956.

E/NL.1958/92

Ministry of Finance and Revenue
Excise and Taxes Branch

NOTIFICATION No. 470

Rangoon, dated the 22nd August 1953

Under sub-section (2) of section 4 of the Dangerous Drugs Act, the President of the Union directs that the following amendments shall be made to the Dangerous Drugs (Prepared Opium) Rules, 1938, published in the Lands and Revenue Department (Customs and Excise Branch) Notification No. 30, dated the 22nd September 1938, as amended to date:

1. In Rule 2 the following shall be inserted as clause (2A), namely:
 - "(2A) 'registered opium addict' means a person whose name has been entered in, and has not been removed from, the register of opium addicts prescribed by rules under the Opium Act;"

2. In Rule 3 the following shall be inserted as sub-rule (1A), namely:

"(1A) Prepared opium may be manufactured from opium lawfully possessed for the consumption of a person who is registered as an opium addict under the provisions of the Opium Rules, 1938:

Provided that any opium-water or other opium refuse remaining over from the manufacture must be destroyed."

3. In Rule 12:

(a) after the words "A registered opium smoker" in sub-rule (1) the words "or a registered opium addict" shall be inserted;

(b) sub-rule (2) shall be deleted.

E/NL.1958/93

Ministry of Finance and Revenue

Excise and Taxes Branch

NOTIFICATION No. 471

Rangoon, dated the 22nd August 1953

Under section 5 of Part I of the Opium Act,^{1/} the President of the Union directs that the following amendments shall be made to the Opium Rules, 1938, published in the Lands and Revenue Department (Customs and Excise Branch) Notification No.32, dated the 22nd September 1938, as amended to date:

1. In Rule 2:

(a) the following shall be inserted as clause (1A), (12A) and (14A) respectively, namely:

"(1A) 'Anti-opium clinic' means a clinic established under Rule 26 (A1)."

"(12A) 'Registered opium addict' means a person whose name has been entered in, and has not been removed from, the register of opium addicts prescribed in Rule 31A of these rules."

"(14A) 'Retail Sale Centre' means a depôt attached to an anti-opium clinic for the sale of opium to registered opium addicts and established under Rule 26A(3)."

(b) After the word and figures "Rule 36" in clause (14) the words and figures "or a retail centre established under Rule 26A(3)" shall be inserted.

2. In Rule 12, after the word "consumer" the word "or registered opium addict" shall be inserted and after the words "Government Opium Shop" the words "or a retail sale centre" shall be inserted.

3. After Rule 26 the following shall be inserted as Rule 26A, namely:

"26A. (1) The President may on the advice of the Excise Commissioner and the Director of Medical and Health Services permit anti-opium clinics to be established in the Union of Burma as adjuncts of Government hospitals, dispensaries or otherwise for the purpose of curing opium addicts of their habit.

(2) The clinics shall be in charge of Medical Officers working under the control of the Director of Medical and Health Services. Any private anti-opium clinic permitted by the President shall be subject to the control and supervision of the Medical Officer of the district.

(3) There shall be attached to each clinic a retail sale centre in charge of a Resident Excise Officer for the sale of opium to opium addicts who, having undergone a course of curative treatment at an anti-opium clinic, have been certified by the Medical Officer in charge of the clinic that they require opium on a strictly rationed basis."

"31A. The Resident Excise Officer in charge of a retail sale centre shall maintain a register in Form III-A appended to these rules of all opium addicts who have been permitted by the Medical Officer in charge of an anti-opium clinic to purchase opium at the retail sale centre."

5. In Rule 36, after the words "for each shop" the words "or retail centre" shall be inserted.

6. After Rule 52 the following shall be inserted as Rule 52A, namely:

"52A. The Medical Officer in charge of an anti-opium clinic shall indent on the Superintendent of Excise for such supply of opium as he considers essential to the treatment and such opium shall be supplied free of charge with the approval of the Collector."

By order,

KYAW NYUNT

Secretary to the Government of the Union of Burma,
Ministry of Finance and Revenue