



UNITED NATIONS

E/NL. 1974/17
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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS

BURMA

Communicated by the Government of Burma

NOTE BY THE SECRETARY-GENERAL - In accordance with the relevant Articles of the International Treaties on Narcotic Drugs, the Secretary-General has the honour to communicate the following legislative text.

The Socialist Republic of the Union
of Burma,
Ministry of Home and Religious Affairs,
People's Police Force

E/NL.1974/17

The Union of Burma Revolutionary Council Law
No.5 of 1974

NARCOTICS AND DANGEROUS DRUGS LAW, 1974

Preamble

The abuse of Narcotics and Dangerous Drugs which could cripple human-beings in all respects is at present widespread throughout the world, and such being the situation, failure to take timely preventive measures could lead to the destruction of humanity. Inasmuch as every nation of the world is engaged in combating this danger, it is expedient for the Union of Burma, likewise to act effectively. Punitive action alone would be inadequate to deter this menace to humanity. The working people must be made to understand, through educational programmes, the gravity of the danger of such drugs. Penalties must be effectively imposed. Schemes should also be laid down to enable persons earning their livelihood by the cultivation of plants from which such drugs are derived, to substitute other agricultural crops. Arrangements should also be made by the Government to enforce strictly compulsory medical treatment for all persons who are addicted to such drugs. It is believed that only if such measures covering all aspects of control are undertaken, would successful prevention and elimination of the said menace be achieved. For the above reasons, the Revolutionary Council of the Union of Burma makes the following Law:

Chapter I

TITLE, COMMENCEMENT AND DEFINITIONS

1. (a) This Law may be called the Narcotics and Dangerous Drugs Law, 1974.
- (b) It shall come into force at once throughout the Union of Burma except in such areas as the Government may, by notification, exclude periodically from the operation of this Law.

2. The expressions in this Law shall have the following meanings:

- (a) "Narcotic and Dangerous Drug" means any of the following:
 - (1) any product of poppy plant, coca leaf and Cannabis plants and any substance manufactured therefrom;
 - (2) manufactured drugs and other substances which the Government may, from time to time, by notification declare to be narcotics and dangerous drugs.
- (b) "Production" means the separation of any substance from poppy plant, coca leaf and Cannabis plants as a step towards adapting it for human consumption.
- (c) "Manufacture" means any process by means of which the poppy plant, coca leaf and Cannabis plant have to undergo chemical and other suitable operations designed to transform them into narcotics and dangerous drugs.
- (d) "Possession" includes the holding of any narcotic and dangerous drug by any one on his person and also finding of such drugs in his residence, premises, vehicles, vessels and conveyances.

Chapter II

PROHIBITION OF CULTIVATION

3. (a) No one shall cultivate any poppy plant, coca plant, Cannabis plant and any other plant from which narcotics and dangerous drugs may be produced, for the purpose of producing narcotics and dangerous drugs.

(b) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term of not less than 5 years, and not more than 10 years or, with both such imprisonment and a fine which may extend to ten thousand kyats. In addition, the plantations from which the narcotics and dangerous drugs involved in the commission of the offence are derived shall be liable to destruction, and the implements and live stock used in such cultivation shall also be liable to confiscation.

Chapter III

PROHIBITION OF PRODUCTION

4. (a) No one shall produce narcotics and dangerous drugs.

(b) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term of not less than 5 years, and not more than 10 years or, with both such imprisonment and a fine which may extend to ten thousand kyats. In addition, the narcotics and dangerous drugs involved in the commission of the offence as well as the implements used in their production shall also be liable to confiscation.

Chapter IV

PROHIBITION OF MANUFACTURE

5. (a) No one shall manufacture narcotics and dangerous drugs.

(b) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term of not less than 10 years, and which may extend to an unlimited number of years, and a fine of fifty thousand kyats or with death. In addition, the narcotics and dangerous drugs involved in the commission of the offence as well as the implements, vehicles, vessels conveyances, land and buildings used in their manufacture shall also be liable to confiscation.

Chapter V

PROHIBITION OF POSSESSION

6. (a) No one shall possess narcotics and dangerous drugs, or equipment by means of which, or materials with which such drugs have been produced, manufactured or used except with the permission of the Government.

(b) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term of not less than 5 years and not more than 10 years or with both such imprisonment and a fine which may extend to ten thousand kyats. In addition, the narcotics and dangerous drugs and materials vehicles, vessels, conveyances, land and buildings involved in the commission of the offence shall also be liable to confiscation.

Chapter VI

PROHIBITION OF TRANSPORT

7. (a) No one shall transport narcotics and dangerous drugs.

(b) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term of not less than 5 years, and not more than 10 years or with both such imprisonment and a fine which may extend to ten thousand kyats. In addition, the narcotics and dangerous drugs involved in the commission of the offence as well as the receptacles, packages, implements, vehicles, vessels, conveyances and animals used in carrying the same shall also be liable to confiscation.

Chapter VII

PROHIBITION OF IMPORT, EXPORT AND EXTERNAL DEALINGS

8. (a) No one shall import or export narcotics and dangerous drugs or deal in such drugs with countries outside the Union of Burma.

(b) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term of not less than 10 years, and which may extend to an unlimited number of years, and a fine of fifty thousand kyats or with death. In addition, the narcotics and dangerous drugs involved in the commission of the offence shall also be liable to confiscation.

Chapter VIII

PROHIBITION OF TRANSFER

9. (a) No one who is authorized by the Government to possess narcotics and dangerous drugs shall transfer such narcotics and dangerous drugs to any other person not so authorized.

(b) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term of not less than 5 years, and not more than 10 years or with both such imprisonment and a fine which may extend to ten thousand kyats. In addition, the narcotics and dangerous drugs involved in the commission of the offence as well as the materials, implements, vehicles, vessels, conveyances and animals used in the transfer of such drugs shall be liable to confiscation.

Chapter IX

PROHIBITION OF SALE

10. (a) No one shall sell narcotics and dangerous drugs.

(b) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term of not less than 10 years, and which may extend to an unlimited number of years, and a fine of fifty thousand kyats or with death. In addition, the narcotics and dangerous drugs involved in the commission of the offence as well as the materials, implements, vehicles, vessels, conveyances, animals, land and buildings which are used for the purpose of selling such drugs shall be liable to confiscation.

Chapter X

ABETMENTS OF OFFENCES

11. Whoever abets an offence, or attempts or conspires to commit an offence under this Law shall be liable to the punishment provided in this Law for the offence.

Chapter XI

SEARCH AND ARREST

12. Powers, duties and procedures relating to search and arrest under this Law shall be prescribed by rules.

13. Whoever, being empowered to search or arrest under this Law, accepts or obtains or consents to accept, for himself or for any other person, any bribe or any narcotic and dangerous drug from any one, while making any search or arrest in connexion with any offence under this Law, shall be punishable with imprisonment for a term of not less than 5 years and not more than 10 years.

Chapter XII

REGISTRATION, MEDICAL TREATMENT AND PUNISHMENT OF ADDICTS OF NARCOTICS AND DANGEROUS DRUGS

14. (a) Addicts of narcotics and dangerous drugs shall get themselves registered within such period, and at such places as may be prescribed by the Government.

(b) The Government may issue directives regarding provision of medical treatment to such addicts of narcotics and dangerous drugs as are registered under sub-section (a) to cure them of addiction to the same, and may make such arrangements as may be necessary.

(c) The Government may issue such directives, and make such arrangements as may be necessary regarding provision of medical treatment to occasional users of narcotics and dangerous drugs.

(d) Whoever fails to comply with any of the directives issued under this section shall be punishable with imprisonment for a term of not less than 6 months and not more than 3 years.

Chapter XIII

MISCELLANEOUS

15. This Law shall not apply to such undertaking of the Government as may be necessary in respect of narcotics and dangerous drugs for the purpose of producing medicine, or carrying out research works, or for any other purpose.

16. This Law shall not apply either to lawful undertakings by institutions, persons or officers on duty, authorized by the Government to carry out such functions as are contained in section 15.

17. The Government may by rules to be prescribed, pay rewards to informers giving information concerning the commission of, or the intention to commit any offence under this Law or to persons who, acting on such information have assisted in investigating and in bringing about the arrest of offenders and the seizure of materials used in the commission of the offence.

18. Rules, orders or directives may be issued for the purpose of giving effect to the provisions of this Law.

19. Notwithstanding anything contained in any other law for the time being in force, matters relating to the provisions of this Law shall be dealt with only under this Law.

U Ne Win

Chairman

The Revolutionary Council of the
Union of Burma

Dated Rangoon, the 14th waning of Tabodwe 1335 B.E.
(20 February 1974)