

POLITICAL DEPARTMENT.

Rules Under the Opium Act, 1878.

No.19

Dated Rangoon, the 19th May 1924.

No. 19. - In exercise of the powers conferred by sections 5 and 13 of the Opium Act, 1878, as extended to the notified areas of Taunggyi, Lashio, Loilem and Kalaw by Political Department Notifications No. 5, dated the 22nd January 1907, and No. 2, dated the 1st January 1914, and to the lands occupied by the Burma Railways Company, Limited, by Political Department Notifications No. 15, dated the 14th June 1901, and No. 5, dated the 27th February 1912, His Excellency the Governor makes the following rules to regulate within the said areas the matters referred to in clauses (c), (d) and (e) of section 5 and in section 13 of the said Act. These rules shall come into force on the 1st July 1924, and with effect from the same date Financial Department Notification No. 20, dated the 25th February 1907, shall be deemed to be cancelled.

RULES.

1. Definitions-

- (1) **Opium** includes also poppy heads, preparations or admixtures of opium and intoxicating drugs prepared from the poppy, but excludes all or any of these articles when possessed, transported, imported, exported or sold by or on behalf of Government or the Federated Shan States.
- (2) **Import** means to bring into any area to which this notification applies Export means to take out of any area to which this notification applies. Transport means to remove from one place to another within any area to which this notification applies.
- (3) **Civil Surgeon** means a Civil Surgeon or other Principal Medical Officer of a district.
- (4) **Licensed retail vendor** means a person to whom a license for the sale of opium has been granted by the Chief of a State with the approval of the Superintendent under section 15 of the Shan States Opium Order.

2. Possession.-Any person may possess opium not exceeding six tolas in weight which has been purchased from a licensed retail vendor.

3. Import, Export and Transport.-(a) The import and export into and from Burma of opium is prohibited.

(b) Any person may transport, import or export opium which he may legally possess under these rules within and to and from the areas to which this notification applies from and to any Shan States.

4. Disposal of things confiscated.- (1) All things confiscated under the Opium Act, 1878, except opium, shall be disposed of under the orders of the Superintendent by public auction.

(2) Opium confiscated under the said Act shall be sent for examination to the Civil Surgeon, and, if declared by him to be fit for use, shall be taken into stock by the Superintendent and may be sold by him to any Chief of a Shan State who requires opium for sale to a licensed retail vendor at Rs. 60 per viss of raw opium. If declared to be unfit for use, it shall be immediately destroyed in the presence of a Headquarters Magistrate or Assistant Superintendent of the Shan States.

5. Rewards.- (a) When the Magistrate has convicted an offender under section 9 or when a Magistrate or Superintendent has ordered the confiscation of anything under section 12 of the Opium Act, 1878, the Superintendent or Assistant Superintendent empowered by him in this behalf may grant, in such proportion as he thinks fit, to any person or persons who have contributed to the conviction of the offender or to the seizure of the thing or things confiscated, a reward or rewards not exceeding in the aggregate the value of the things confiscated plus the amount of any fine imposed.

(b) If in any case the fine is not realized or is only realized in part or if the value of the confiscated articles is not realized or is only realized in part and if the total sum realized appears to the Superintendent or the Assistant Superintendent as the case may be, to be insufficient for the proposed rewarding the person or persons who have contributed to the conviction of the offender or the seizure of the thing or things confiscated, the Superintendent may grant to the said person or persons any reasonable reward or rewards not exceeding Rs. 200 in the aggregate as may seem fit. In like manner the Commissioner, North-East Frontier Division, may grant rewards not exceeding Rs. 500.

6. Appeal and Revision.- (1) Appeals shall lie from the original or appellate orders of a Magistrate, an Assistant Superintendent or Superintendent as follows:-

(a) To the Superintendent when the order is made by a Magistrate or an Assistant Superintendent of Shan States.

(b) To the Commissioner, North-East Frontier Division, when the order is made by the Superintendent, provided that when a Superintendent confirmation appeal the order of a Magistrate or Assistant Superintendent a further appeal shall not lie.

(2) The period of limitation for an appeal under sub-rule (1) shall run from the date of the order appealed against and shall be as follows:-

- (a) When the appeal lies to the Superintendent,-30 days.
- (b) When the appeal lies to the Commissioner, North-East Frontier Division,- 60 days.

(3) The Commissioner, North-East Frontier Division, may revise any order passed by a Magistrate, Assistant Superintendent or Superintendent under these rules.

(4) (a) A petition of appeal from or any application for revision of an order must be accompanied by an authenticated copy of the order or the omission to produce such copy must be explained.

(b) An officer who has passed an order under these rules other than an order in the course of a judicial proceeding may, of his own motion or on the application of any person concerned, cancel or modify such order.

By order of His Excellency the Governor.

F. LEWISOHN,
Chief Secy. to the Govt. of Burma,
Home and Political Dept.