

(The Burma Morphia Rules, 1918.)

No. 34

The 17th July 1918.

[Amendment : 30.04.1927]

No.34.- In exercise of the powers conferred by sections 5 and 13 of the Opium Act, 1878, and with the previous sanction of the Governor-General in Council, the Local Government, is pleased to make the following rules to regulate the manufacture, possession, import, export, transport and sale of morphia drugs in Burma:-

1. These rules may be cited as **the Burma Morphia Rules, 1918.**
2. In these rules, unless there is something repugnant in the subject or context:-
 - (a) **“The Act”** means the Opium Act, 1878.
 - (b) **“Approved practitioner”** means-
 - (i) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of British India, or
 - (ii) any person registered as a dentist under the Dentists Act, 1878, and any Act of Parliament amending the same, or
 - (iii) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist as the case may be, under the Medical Act, 1858, the Dentists Act, 1878, and any Act of Parliament amending the same Acts, or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India, and approved by the Collector for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India;
 - (iv) any other person engaged in medical or veterinary practice and approved by the Excise Commissioner for the purpose of these rules or of corresponding rules for the time being in force in any part of British India.
 - (c) **Repeal**

(d) **“Collector”** means the chief officer in charge of the revenue administration of a district and includes any officer specially authorized by the Local Government to exercise throughout Burma or in any specified area therein all or any of the powers of a Collector under these rules.

(e) **“Licensed dealer”** means a person who has obtained a license under these rules for the manufacture, possession and sale otherwise than on prescription of morphia drugs.

(f) **“Licensed chemist”** means a person who has obtained a license under these rules for the manufacture, possession and sale on prescription of morphia drugs.

(g) **“Morphia drug”** includes all alkaloids of opium and their salts and preparations containing any of these articles.

(h) **“Prescription”** means a prescription given by an approved practitioner for the supply of morphia drugs to a patient.

[**<Amendment 30.04.1927>**](#)

II. MANUFACTURE.

3. A licensed dealer or chemist may, subject to the conditions of his license, manufacture morphia drugs from opium or morphia drugs lawfully possessed by him.
4. A licensed chemist may, subject to the provisions of rule 20, dispense morphia drugs on prescription.

III. POSSESSION.

5. Any person may possess such quantity of morphia drugs as has been at one time dispensed and sold for his use in accordance with the provisions of rules 4 and 20, or of corresponding rules for the time being in force in any part of British India.
6. An approved practitioner may possess, for his use in his practice but not for sale, morphia drugs not exceeding in the aggregate 120 grains:
Provided that the Collector may, by special order, authorise any such practitioner to possess as aforesaid any larger quantity.
7. A person authorised in this behalf by the Collector by an order made under rule 22 may possess such quantity of morphia drugs in such manner as may be specified in such order.
8. A licensed dealer or licensed chemist may possess such quantity of morphia drugs in such manner as may be specified in his license.

9. A person to whom a pass has been granted under these rules for the import, export or transport of morphia drugs may possess such quantity of morphia drugs in such manner as may be specified in his pass.

IV. IMPORT, EXPORT AND TRANSPORT.

10. Any person may import, export and transport such morphia drugs as he may lawfully possess under rule 5.

11. An approved practitioner may import, export and transport such morphia drugs as he may lawfully possess under rule 6.

12. A person authorised in this behalf by the Collector by an order made under rule 22 may import such quantity of morphia drugs in such manner as may be specified in such order, on an indent countersigned by a Chief Medical Officer or Civil Surgeon or Superintendent of the Civil Veterinary Department.

13. A person to whom a pass has been granted under these rules for the import of morphia drugs may import such quantity of morphia drugs in such manner as may be specified in his pass.

14. When a pass has been granted (a) under the rules for the time being in force in any part of British India outside Burma, or (b) by the Resident or Political Agent in any Native State or Foreign Territory to bring morphia drugs from Burma into such part, State or Territory, and when such pass has been countersigned by the Collector in accordance with these rules, a licensed dealer may, subject to the conditions of his license, export such quantity of morphia drugs in such manner within such period and by such route as may be specified in such pass.

An indent for morphia drugs countersigned by a Chief Medical Officer or Civil Surgeon or Superintendent of the Civil Veterinary Department shall for the purposes of this rule be deemed to be a pass, and shall not require further countersignature.

15. A person authorised in this behalf by the Excise Commissioner by a special order made under rule 23 may export such quantity of morphia drugs in such manner as may be specified in such order.

[<Amendment 30.04.1927>](#)

16. A person to whom a pass has been granted under these rules for the transport of morphia drugs may transport such quantity of morphia drugs in such manner as may be specified in his pass.

17. Every person importing, exporting or transporting morphia shall comply with such general or special directions as may be given by the Excise Commissioner.

[<Amendment 30.04.1927>](#)

18. Nothing in these rules shall be deemed to permit-

(1) the import of morphia drugs-

(a) from any part of British India outside Burma, unless the rules for the time being in force in such

part relating to the export of morphia drugs have been complied with,

(b) from any foreign territory, unless the duty leivable at the place of importation under the Indian

Tariff Act, 1894, or any other enactment for the time being in force, has been paid, and the pass has been endorsed by the Customs Collector;

(2) the import, export or transport of morphia drugs by post.

V. SALE.

19. A licensed dealer may, subject to the conditions of his license, sell, otherwise than on prescription,-

(a) to a dealer or chemist licensed under these rules or under the rules for the time being in force in any part of British India outside Burma,

(b) to an approved practitioner,

(c) to a person authorised under rule 22 of these rules or under any corresponding rule for the time being in force as aforesaid,

morphia drugs not exceeding the quantity which such dealer, chemist, practitioner or person may lawfully possess. He shall maintain a written record of every such sale in such manner as the Excise Commissioner may direct.

20. A licensed chemist may sell morphia drugs on prescription, subject to the following conditions, namely:-

(a) He shall sell morphia drugs in such quantity and for the use of such person only as may be specified in the prescription.

(b) If the prescription does not bear a superscription by an approved practitioner stating that it is to be repeated, and at what interval of time it is to be repeated, and how many times it is to be repeated, he shall sell morphia drugs once only on such prescription, and shall retain the prescription; provided that he shall first warn the person presenting the prescription that unless it bears such a superscription as aforesaid it will be retained.

(c) If the prescription bears a superscription as aforesaid, he shall enter on the prescription the date of sale and shall sign or seal the prescription; provided that if it appears that morphia drugs have already been sold on the prescription six times, or such number of times as the prescription is required to be repeated, or that the interval specified in the superscription has not elapsed since the prescription was

last dispensed, he shall not sell morphia drugs on such prescription unless it is further superscribed in that behalf by an approved practitioner.

(d) Any other conditions that may be contained in his license.

He shall maintain a written record of every such sale in such manner as the Excise Commissioner may direct.

VI. APPROVAL, AUTHORISATION, LICENSES AND PASSES.

21. (1) The Excise Commissioner may approve, for the purposes of rule 2 (b) of these rules, any person engaged in medical or veterinary practice.
- (2) The Collector may in like manner approve any person possessed of the qualifications specified in rule 2 (b) (iii).

[<Amendment 30.04.1927>](#)

22. The Collector may, with the sanction of the Excise Commissioner, by general or special order authorise any approved practitioner in managing or supervising charge of a hospital or dispensary to possess, import and transport such quantity of morphia drugs in such manner as may be specified in such order.

[<Amendment 30.04.1927>](#)

23. The Excise Commissioner may by special order authorise any person to export morphia drugs.

[<Amendment 30.04.1927>](#)

24. (1) The Collector with the previous sanction of the Excise Commissioner may grant to any person a dealer's license, permitting him to manufacture, possess and, subject to the provisions of rule 19, to sell morphia drugs.

(2) The Collector may grant to any person a chemist's license, permitting him to manufacture, possess and, subject to the provisions of rule 20, to sell morphia drugs; provided that such license shall not authorise such chemist to possess a greater quantity than four ounces of morphia drugs.

[<Amendment 30.04.1927>](#)

25. The Collector may grant to any licensed dealer or licensed chemist a pass for the import of morphia drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

26. (1) When a pass has been granted (a) under the rules for the time being in force in any part of British India outside Burma or (b) by the Resident or Political Agent in any Native State or Foreign Territory to any person to bring morphia drugs from Burma into such part, State or Territory, such person shall present such pass to the Collector, who shall enter therein the period for which the pass is to remain in

force and the route by which and the person (if any) in whose charge the consignment is to be conveyed and the number and description of the packages, and shall countersign the pass.

(2) When a pass has been granted to any person under these rules for the import of morphia drugs from foreign territories, such person shall present such pass to the Customs Collector at the place of import, who shall enter therein the particulars specified in sub-rule (1) and shall countersign the pass.

27. The Collector may grant to any licensed dealer or licensed chemist a pass for the transport of morphia drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

28. Subject to the provisions of the Act and of these rules, every license or pass under these rules shall be in such form and shall contain such particulars, and shall be granted by such officer, on payment of such fees, for such period, and subject to such conditions, as the Excise Commissioner may direct.

[**<Amendment 30.04.1927>**](#)

29. (1) The officer who has granted a license to , or has by order approved or authorised any person under these rules may cancel or suspend such license or order-

(i) if such person has-

- (a) failed to pay any duty or fee payable by him,
- (b) by himself or by any servant or person acting on his behalf, committed any breach of the conditions of such license or order or of these rules;
- (c) been convicted of any offence under the Act, or under the law for the time being in force relating to excise revenue, or of any criminal offence;

(ii) if it is a condition of such license or order that it may be cancelled or suspended at the will of such officer,

(iii) in any other case after giving to such person fifteen days' notice,

and shall cancel such license or order within fifteen days on receiving from such person notice that he desires to surrender the same.

(2) When such license or order has been cancelled or suspended as aforesaid, such person shall forthwith make over to the Collector all morphia drugs in his possession.

[**<Amendment 30.04.1927>**](#)

VII. DISPOSAL OF MORPHIA DRUGS AND CONFISCATED ARTICLES.

30. The Collector shall cause all morphia drugs confiscated under the Act or delivered to him under rule 29 to be examined by the Chemical Examiner or by such other officer as the Excise Commissioner may direct. If

any such morphia drugs are certified by such officer to be fit for use, the Collector may sell them to any dealer or chemist licensed under these rules or under any rules for the time being in force in any part of British India or to any person authorised by an order under rule 22 or any corresponding rules in force as aforesaid. The Collector may require any licensed dealer or chemist to purchase at such price as the Collector may determine to be ordinarily saleable by him in two months. If any such morphia drugs are certified as aforesaid to be unfit for use, the Collector shall cause them to be destroyed.

[**<Amendment 30.04.1927>**](#)

31. The Collector shall dispose of all other things confiscated in connection with any offence relating to morphia drugs in such manner as he may think fit.

VIII. ISSUE OF SUBSIDIARY ORDERS.

32. [**Repeal**](#)

[**<Amendment 30.04.1927>**](#)

IX. POWERS AND DUTIES OF OFFICERS, APPEALS AND REVISIONS, AND REWARDS.

33. The provisions contained in the rules relating to opium issued by the Local Government under sections 5 and 13 of the Act shall, in so far as they refer to the powers and duties of officers, appeals and revisions, and rewards, apply to the case of morphia drugs also.

X. EXEMPTIONS.

34. The preparations specified in the annexed schedule may be transported, imported, exported, possessed and sold without restriction, provided that their import by sea shall be permitted only by means other than that of the post.

----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 SCHEDULE.