

DEPARTMENT OF LANDS AND REVENUE.

CUSTOMS AND EXCISE BRANCH.

(THE DANGEROUS DRUGS (PREPARED OPIUM) RULES, 1938.)

No.30

Rangoon, the 22nd September 1938.

No.30.- Under sub-section (2) of section 4 of the Dangerous Drugs Act, 1930, the Governor of Burma makes the following Rules:-

I.- Preliminary.

1. (1) These rules may be called **the Dangerous Drugs (Prepared Opium) Rules, 1938.**
  - (2) They shall come into force on the 1st October 1938.
  - (3) On and from that date all rules previously made by whatever authority under the Opium Act, 1878, relating to opium smokers, shall cease to have effect, except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings commenced before that date.
2. In these rules unless there is anything repugnant in the subject or context, the expression-
  - (1) "Collector" includes any officer specially authorized by the Governor to exercise throughout Burma or any specified area therein all or any of the powers of the Collector under these rules;
  - (2) "prepared opium" shall have the meaning assigned to it in the Dangerous Drugs Act, 1930, and shall include-
    - (a) "beinsi" that is to say, crude opium clarified with water for smoking purposes, whether prepared or in course of preparation,
    - (b) "beinchi" or "pyaungchi", that is to say, the refuse remaining in the opium pipe after the smoking of "beinsi",
    - (c) "Opium-water", that is to say, an admixture of opium and water remaining over from the manufacture of prepared opium; and
    - (d) Katpon or Katku, that is to say, an admixture of Beinsi and plantain leaf;
  - (3) "registered opium consumer" means a person whose name has been entered in, and has not been removed from, the register of opium consumers prescribed by rules under the Opium Act, 1878;

- (4) "registered opium smoker" means a person, whose name has been entered in, and has not been removed from, the register of opium smokers prescribed under Rule 4 of these rules;
- (5) "Superintendent of Excise" means an Officer as defined in the rules framed under the Opium Act, 1878.

## **II.- Manufacture and Possession.**

3. (1) Prepared opium may be manufactured from opium lawfully possessed for the consumption of a person, who is registered as an opium smoker under the provisions of these rules;
- Provided that any opium-water or other opium refuse remaining over from the manufacture must be destroyed.
- (2) Katpon or Katku may also be manufactured from opium lawfully possessed for the consumption of a person, who is registered as an opium smoker, in the Katha, Bhamo and Myitkyina. Districts, and in the Homalin and Mawlaik Sub-divisions of the Upper Chindwin District.
4. A register in Form D.D. (P.O) 1 appended to these rules shall be maintained in every opium shop established by rule under the Opium Act, 1878, showing the names of all persons resident within the sale limits of the shop, who have been permitted to be registered as opium smokers.
5. The Superintendent of Excise, subject to the control of the Collector, shall determine upon the application of any person desiring to be so registered and after careful enquiries have been made regarding the applicant's addiction to opium smoking, whether such applicant shall be so registered:
- Provided that persons who were registered as opium smokers before the coming into force of these rules shall be registered forthwith.
- Provided further that no one who appears to be under twenty-five years of age shall be registered under these rules.
6. There shall be endorsed on the opium consumer's ticket prescribed by rules under the Opium Act, 1878, which is possessed by a registered opium smoker, a note of the consumer's registration as an opium smoker under these rules.
7. The Collector may direct that finger prints of all applicants for registration under these rules shall be taken or that other necessary particulars for identification shall be recorded before an applicant's name is entered in the register of smokers.
8. A registered opium smoker who changes his residence permanently to some other district may apply to have his name transferred to the register of the district in which he is about to reside. On receipt of such application, the Superintendent of Excise, subject to the control of the Collector of the district in which

the applicant's name has hitherto been registered, may direct that the applicant's name shall be struck off the shop register. When this has been done, the Superintendent of Excise, subject to the control of the Collector of the district in which the applicant is about to reside, may direct that the applicant's name shall be entered in any shop register of that district.

9. An opium smoker whose name is borne on a register prescribed by Rule 4 and who changes his residence permanently from within the sale limits of one shop to those of another shop in the same district may apply to have his name transferred. After considering such application, the Superintendent of Excise may direct that the name of the applicant should be struck off the register at the opium shop within the sale limits of which the applicant has hitherto resided and be brought on the register of the shop within the sale limits of which the applicant is about to reside.
10. A registered smoker may apply to have his name removed from the register. The applicant must surrender his consumer's ticket for cancellation of the endorsement made thereon.
11. When a registered opium smoker dies, his name shall be struck off the register. When a registered opium smoker ceases to purchase at the shop for a period of six months, the Superintendent of Excise may direct that his name shall be struck off the register.
12. (1) A registered opium smoker may possess prepared opium not exceeding three tolas in weight:  
Provided that any raw opium possessed by him shall count against this maximum quantity of three tolas.  
(2) When two or more registered opium smokers are assembled for the purpose of smoking opium, the aggregate quantity of prepared opium possessed by them shall not exceed five tolas:  
Provided that the aggregate quantity of any raw opium possessed by such opium smokers shall count against this maximum quantity of five tolas.  
(3) In the Katha, Bhamo and Myitkyina Districts, and in the Homalin and Mawlaik Subdivisions of the Upper Chindwin District, a registered opium consumer may possess Katpon or Katku not exceeding three tolas in weight:  
Provided that any raw opium possessed by him shall count against this maximum quantity of three tolas.

### **III. Appeal and Revision.**

13. Appeals shall lie from orders passed under these rules as follows:-
  - (1) To the Collector from an order of an Excise Officer subordinate to him;
  - (2) To the Commissioner of the Division from an order of the Collector, except of the Collector, Rangoon Town;

(3) To the Excise Commissioner from an order of the Collector, Rangoon Town;

(4) To the Governor from an order of the Commissioner of the Division or of the Excise Commissioner;

Provided that when an original order is confirmed on first appeal a further appeal shall not lie.

14. The period of limitation of an appeal under Rule 13 shall run from the date of the making of the order appealed from and shall be as follows:-

(1)	When the appeal lies to the Collector	30	days.
(2)	When the appeal lies to the Commissioner of the Division or the Excise Commissioner	...	60
(3)	When the appeal lies to the Governor	...	90

15. The Governor may revise an order of the Collector, the Commissioner of the Division, or the Excise Commissioner, under these rules.

16. A petition of appeal from, or an 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.

17. Any 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.

----- Footnote -----

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----- Attachment -----

[ ATTACH LIST 1 ] 01 APPENDIX. FORM D.D. (P.O) 1.