The State Law and Order Restoration Council

Narcotic Drugs and Psychotropic Substances Law

(The State Law and Order Restoration Council Law No. 1/93)

The 5th Waxing Day of Tabodwe, 1354 M.E.(27th January, 1993)

The State Law and Order Restoration Council hereby enacts the following Law:-

Chapter I
Title and Definition

1. This Law shall be called the Narcotic Drugs and Psychotropic Substances Law.

2. The following expressions contained in this Law have the meanings given hereunder; ?

(a) "**Narcotic Drug**" means any of the following: -

(i) poppy plant, coca plants, cannabis plant or any kind of plant which the Ministry of Health has, by notification declared to be a narcotic drug, substances and drugs derived or extracted from any such plant;

(ii) drugs which the Ministry of Health has, by notification declared to be a narcotic drug, and substances containing any type of such drug;

(b) Psychotropic Substance means drugs which the Ministry of Health has, by notification declared to be a psychotropic substance;

(c) Production means production designed to transform poppy plant, coca plant, cannabis plant and any kind of plant which the Ministry of Health has, by notification declared to be a narcotic drug, into a narcotic drug or psychotropic substance; processing, preparation and manufacture by a mixture of the substance so produced with chemicals or with any other type of substance;

(d) Possession means the holding of a narcotic drug or psychotropic substance by anyone on his person, in his residence, premises, vehicle/vessel and property. This expression also includes holding or causing to be held under the arrangement of such person;

(e) Drug User means a person who uses a narcotic drug or psychotropic substance without permission in accordance with the law

(f) Central Body means the Central Body for the Prevention of the Danger of Narcotic Drugs and Psychotropic Substances formed by the Government under this Law.

Chapter II
Aims

3. The aims of this Law are as follows :-

(a) to prevent the danger of narcotic drugs and psychotropic substances, which can cause degeneration of mankind, as a national responsibility

(b) to implement the provisions of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

(c) to carry out more effectively measures for imparting knowledge and education on the danger of narcotic drugs and psychotropic substances and for medical treatment and rehabilitation of drug Users

(d) to impose more effective penalties on offenders in respect of offences relating to narcotic drugs and psychotropic substances;

(e) to co-operate with the States Parties to the United Nations Convention, international and regional organizations in respect of the prevention of the danger of narcotic drugs and psychotropic substances.

Chapter III
Formation of the Central Body and the Functions and Duties of the Central Body

4. The Government shall form the Central Body for the prevention of the of Narcotic Drugs and Psychotropic Substances

5. In forming the Central Body -

(a) it shall consist of the Minister of the Ministry of Home Affair as Chairman and persons from the relevant Ministry, Government departments and organizations as members;

(b) the Vice-Chairmen, Secretary and Joint Secretary of the Central Body shall be determined.

6. functions and duties of the Central Body are as follows :-

(a) laying down the policies in respect of the prevention of the danger of narcotic drugs and psychotropic substances and coordinating with the relevant boards of authority, Ministers and non-Governmental organizations;

(b) being able to co-operate with States Parties to the United Nations Convention, international and regional organizations in respect of the prevention of the danger of narcotic drugs and psychotropic substances;

(c) determining and co-coordinating as may be necessary the functions and duties of the working bodies and regional bodies in order to carry out successfully the functions and duties of the Central Body;

(d) laying down and carrying out programmes in respect of reclamation of land, allotment of land, contribution of materials and aids and rendering of assistance as may be necessary, in order to carry out substitute crops cultivation and livestock breeding;

(e) laying down and carrying out programmes in respect of medical treatment of drug users, imparting knowledge and educative incitement;

(f) organizing by laying down plans and rendering suitable assistance in respect of rehabilitation of drug users and persons serving sentences; causing to be taught means of livelihood to enable them to resume their normal lives;

(g) scrutinizing, supervising and guiding in order to ascertain whether or not the programmes laid down by the Central Body are systematic and successful;

(h) destroying or causing to be destroyed narcotic drugs and psychotropic substances in accordance with the stipulation;

(i) directing as may be necessary to seize as exhibits immoveable property involved in an offence under this Law, money, property and benefits derived from the transfer and conversion of property involved in the offence:

(j) directing the attachment and sealing of immoveable property involved in the offence, which have been seized as exhibits under this Law; directing the removal of the attachment; disposing of as may be necessary in accordance with the final order of the relevant Court in the offence prosecuted;

(k) directing by passing an order responsible persons of the relevant bank and financial institutions to allow relevant persons authorized to search and seize to inspect financial records relating to an offence under this Law, to make copies thereof and to seize the same as exhibits;

(l) disposing of as may be necessary ownerless narcotic drugs and psychotropic substances which have been seized as exhibits.

(m) taking such measures as may be necessary for giving reward in respect of an offence against which action has been taken under this Law, with the approval of the Government;

(n) reporting form time to time to the Government on the progress of the work of prevention of the danger of narcotic drugs and psychotropic substances;

(o) carrying out the functions and duties as are assigned by the Government from time to time.

Chapter IV
Formation of Working Bodies and Regional Bodies

7. The Central Body shall form the following Working Bodies and shall lb. functions and duties thereof respectively: -

(a) Body for Supervision of Prevention and Suppression;

(b) Body for Prevention and Suppression;

(c) Body for Substitute Crops Cultivation;

(d) Body for Livestock Breeding:

(e) Body for Medical Treatment:

(f) Body for Rehabilitation;

(g) Body for Imparting Knowledge to Young Students;

(h) Body for Educative Incitement of the Working People;

(i) Body for Disposal of Narcotic Drugs and Psychotropic Substances Seized;

(k) Other Working Bodies as may be required.

8. The Central Body shall form the following Regional Bodies and shall determine the functions and duties thereof respectively;

(a) State/Divisional District, Township, Ward and Village Tract Bodies for the Prevention of the Danger of Narcotic Drugs and Psychotropic Substances;

(b) Special Bodies for the Prevention and Suppression of the Danger of Narcotic Drugs and Psychotropic Substances.

Chapter V
Registration, Medical Treatment and Cancellation of Registration of a Drug User

9. (a) A drug user shall register at the place prescribed by the Ministry of Health or at a medical centre recognised by the Government for this purpose, to take medical treatment;

(b) The Ministry of Health shall lay down and carry out programmes as may be necessary in respect of medical treatment for a registered drug user;

(c) A registered drug user undergoing medical treatment shall abide by the directives issued by the Ministry of Health.

10. Cancellation of the registration of a drug user shall be carried out in accordance with the stipulations.

Chapter VI
Rehabilitation

11. The Ministry of Social Welfare, Relief and Resettlement shall, in respect of the rehabilitation and after-care of drug users carry out the following measures in accordance with the stipulations -

(a) rendering assistance arid protection as may be necessary to persons undergoing medical treatment and the families dependent on them ;

(b) providing for rehabilitation, teaching of means of livelihood as may be necessary, resettlement and after-care to enable persons who have undergone medical treatment to resume their normal lives;

(c) conducting expertise training course for the relevant persons in order to implement systematically and effectively work of rehabilitation of drug users.

12. The Ministry of Home Affairs shall provide for the teaching of means of livelihood as may be necessary to persons serving sentences under section 15, in accordance with the stipulations.

Chapter VII
Search, Arrest and Seizure of Exhibits

13. Action taken under this Law in respect of the following matters shall be done in accordance with the rules : -

(a) search and seizure of narcotic drug, psychotropic substance, money, property and implements involved in an offence and arrest of the offender ;

(b) search and seizure of money, property and benefits derived from transfer, conversion and transformation of property involved in an offence;

(c) inspection and making copies of financial records kept at the bank and financial institutions;

(d) laboratory analysis in respect of narcotic drugs and psychotropic substances.

14. Notwithstanding anything contained in any existing law, responsible persons from the bank and financial institutions shall, on receipt of an order issued by the Central Body in respect of money and property involved in an offence under this Law -

(a) permit the inspection of financial records and making copies thereof and seizure of the exhibits;

(b) pending the conclusion of a case in which action is being taken, take custody of the financial records, money and property involved in the offence, in accordance with the stipulations, without returning or transferring the same to anyone.

Chapter VIII
Offences and Penalties

15. A drug user who fails to register at the place prescribed by the of health or at a medical centre recognised by the Government for pose or who tails to abide by the directives issued by the Ministry of medical treatment shall be punished with imprisonment for a term which may extend from a minimum of 3 years to a maximum of 5 years.

16. Whoever is guilty of any of the following ads shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine : -

(a) cultivation of poppy plant, coca plant, cannabis plant or any kind of plant which the Ministry of Health has, by notification declared to be narcotic drug;

(b) possession, transportation, distribution and sale without permission under this Law of materials, implements and chemicals which the relevant Ministry has, by notification declared to be materials used in the production of a narcotic drug or psychotropic substance;

(c) possession, transportation, transmission and transfer of a narcotic drug or psychotropic substance;

(d) transfer of a narcotic drug or psychotropic substance by a person who possesses the same with permission in accordance with law to a person who is not so permitted;

(e) inciting, inducing, deceiving, coercing, using undue influence or any other means to cause abuse of a narcotic drug or psychotropic substance;

(f) misappropriating, causing to disappear, destroying, removing or transferring any property which has been seized or attached under this Law.

17. A responsible person from the bank or financial institutions, who is guilty of any of the following acts in respect of money, property and benefits involved in an offence under this Law shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine: -

(a) transferring of accounts, causing to disappear altering and amending relevant financial records so that action may not be taken against the offender;

(b) refusing to allow a person authorized to search and seize in accordance with an order passed by the Central Body under section 6 sub-section (k) to inspect the relevant financial records, make copies thereof and seize the exhibits;

(c) returning and transferring without the permission of the Central Body or the relevant Court financial records relating to the offence and money, property and benefits seized as exhibits.

18. A person authorized to search, arrest, seize exhibits and investigate in respect of any offence under this Law, who is guilty of any of the following acts shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine : -

(a) asking and accepting any money and property as gratification either for himself or for another person;

(b) accepting a narcotic drug or psychotropic substance unlawfully;

(c) replacing another person for the offender; concealing the offender without taking any action ;

(d) causing to disappear, altering by wrongful means, substituting, mixing the material involved in the offence; stating incorrectly the weight, volume or quantity of the material.

19. Whoever is guilty of any of the following acts shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 10 years to a maximum of an unlimited period -

(a) possessing, transporting, transmitting and transferring a narcotic drug or psychotropic substance for the purpose of sale;

(b) offering for sale, agreeing thereto or communicating to market a narcotic drug or psychotropic substance;

(c) concealing and causing to disappear money, property and benefits derived from the commission of any offence contained in this Law, so that action may not be taken transferring and converting money, property and benefits involved in an offence, so that It may appear to have been acquired from a legitimate source.

20. Whoever is guilty of any of the following acts shall on conviction be with punished with imprisonment for a term which may extend from a minimum of 15 years to a maximum of an unlimited period or with death : -

(a) production, distribution and sale of a narcotic drug or psychotropic substance;

(b) importing and exporting a narcotic drug or psychotropic substance; communicating to effect such import and export.

21. Whoever attempts, conspires, organizes, administers or provides financial assistance to commit any offence contained in this Law or abets the commission of any such offence shall be liable to the punishment provided in Law for such offence.

22. If any of the acts provided in sections 16 to 21 have been committed under any of the following circumstances, the offender shall be liable to the maximum punishment provided for such offence : -

(a) being a member of a local or foreign organization or group which commit crimes involving narcotic drugs or psychotropic substances or communicating with and participating in such organizations or groups;

(b) handling and using arms or explosives in the commission of the offence;

(c) making use of children who have not completed the age of 16 years in the commission of the offence;

(d) committing or causing to commit an offence by making use of the' influence or power of a public servant:

23. Whoever is guilty of any of the acts provided in sections 16 to 21 shall, after a prior conviction for the same offence be liable to the maximum punishment provided for such subsequent offence.

24. The Court shall -

(a) in passing a sentence for any offence provided in sections 16 to 21 pass an order for the confiscation or destruction or disposal in accordance with the stipulations of the narcotic drug, psychotropic substance, money, implements, moveable property, vehicles / vessels and animals involved in the offence;

(b) in passing a sentence under section 19 or section 20 pass an order for confiscation of the immoveable property involved in the offence, which have been seized as exhibits.

25. The Court shall -

(a) in respect of a person who habitually commits or is notorious of committing any offence contained in this Law pass an order for execution of a bond for good behaviour during a period not exceeding 3 years, in accordance with the rules

(b) if there is violation of the condition of the bond passed under sub-section (a) or if there is failure to execute the bond in accordance with the order passed for execution of a bond punish such person with imprisonment for a term which may extend from a minimum of 1 year to a maximum of 3 years.

Chapter IX
Miscellaneous

26. Whoever possesses or transports, transmits or transfers any of the following narcotic drug or psychotropic substance of the weight, volume or quantity or in excess of the weight, volume or quantity shown against each shall be deemed to possess for the purpose of sale and to transport, transmit or transfer for the purpose of sale :

(a) in the case of heroin .... three grammes

(b) in the case of morphine ... three grammes

(c) in the case of mono-acetyl morphine .... three grammes

(d) total of the narcotic drugs contained in .... three grammes
sub-sections (a), (b) and (c)
or
total of two types out of the said three .... three grammes

(e) in the case of crude opium or processed opium or total of the two ..... one hundred grammes

(f) in the case of cannabis or essence .... seventy-five grammes of cannabis or total of the two

(g) in the case of coca leaf ... one hundred grammes

(h) in the case of cocaine ... three grammes

(i) the weight, volume or quantity which the Ministry of Health has by notification from time to time prescribed for any narcotic drug or psychotropic substance.

27. If an exhibit involved in any offence prosecuted under this Law is not easily produceable before the Court, such exhibit need not be produced before the Court. However, a report or other relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court shall pass an order for disposal of the same in accordance with law.

28. The provisions of this Law shall not apply to the following cases : -

(a) production of narcotic drug or psychotropic substance and carrying out works or research thereof with the consent of the relevant Ministry;

(b) use, possession, transportation, transmission transfer, sale, import, export and external dealing in respect of narcotic drug or psychotropic substance in the manner prescribed for the purpose of production, work of research or medical treatment, with the consent of the relevant Ministry;

(c) use, possession and transportation of a narcotic drug or psychotropic substance permitted by the Ministry of Health under the direction of any registered medical practitioner, in accordance with the stipulations.

29. Rules, notifications, orders and directives issued under the Narcotics and Dangerous Drugs Law, 1974 which is repealed by this Law may continue applicable in so far as they are not inconsistent with this Law.

30. For the purpose of carrying out the provisions of this Law -

(a) the relevant Ministry may issue rules and procedures with the approval of the Government;

(b) the relevant Ministries and the Central Body may issue notifications, orders and directives as may be necessary

31. The Narcotics and Dangerous Drugs Law, 1974 is hereby repealed.

Sd./ Than Shwe
General
Chairman
The State Law and Order Restoration Council

http://web.archive.org/web/20110920192728/http://blc-burma.org/html/Myanmar%20Law/lr_e_ml93_01.html