

Report of
arrests and
seizures.

(4) Whenever any officer makes any arrest, seizure or search under this Part, he shall, within forty-eight hours next after such arrest, seizure or search, make a full report of all the particulars of such arrest, seizure or search to his immediate official superior.

Investiga-
tion of
offences by
Excise
Officers.

5. The President of the Union may invest any officer of the Excise Department not inferior in rank to a sub-inspector with the powers of an officer in charge of a police-station for the investigation of offences under this Part.

No confession made to an Excise Officer so empowered shall be proved as against a person accused of any offence.

THE POISONS ACT.

[INDIA ACT XII, 1919.] (3rd September, 1919.)

1. * * * *

Power of
President to
regulate
possession
for sale and
sale of any
poison.

2. (1) The President of the Union may by rule regulate, within the whole or any part of the Union of Burma, the possession for sale and the sale, whether wholesale or retail, of any specified poison.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the grant of licences to possess any specified poison for sale, wholesale or retail, and the fixing of the fee (if any) to be charged for such licences ;
- (b) the classes of persons to whom alone such licences may be granted ;
- (c) the classes of persons to whom alone any such poison may be sold ;
- (d) the maximum quantity of any such poison which may be sold to any one person ;
- (e) the maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same ;
- (f) the safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale ; and
- (g) the inspection and examination of any such poison when possessed for sale by any such vendor.

Power to
prohibit im-
portation
into the
Union of
Burma of
any poison
except under
licence.

3. The President of the Union may, by notification in the Gazette, prohibit, except under and in accordance with the conditions of a licence, the importation into the Union of Burma of any specified poison, and may by rule regulate the grant of licences.

4. (1) The President of the Union may by rule regulate the possession of any specified poison in any local area in which the use of such poison for the purpose of committing murder or mischief by poisoning cattle appears to him to be of such frequent occurrence as to render restrictions on the possession thereof desirable. Power to regulate possession of any poison in certain areas.

(2) In making any rule under sub-section (1), the President of the Union may direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the poison in respect of which the breach has been committed, and of the vessels, packages or coverings in which the same is found.

5. Any substance specified as a poison in a rule made or notification issued under this Act shall be deemed to be a poison for the purposes of this Act. Presumption as to specified poisons.

6. (1) Whoever—

- (a) commits a breach of any rule made under section 2, or
- (b) imports into the Union of Burma without a licence any poison the importation of which is for the time being restricted under section 3, or
- (c) breaks any condition of a licence for the importation of any poison granted to him under section 3,

Penalty for unlawful importation, etc.

shall be punishable,—

- (i) on a first conviction, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and
- (ii) on a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Any poison in respect of which an offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, shall be liable to confiscation.

7. (1) The District Magistrate and the Subdivisional Magistrate may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of this Act or any rule thereunder, or that any poison liable to confiscation under this Act is kept or concealed. Power to issue search warrants.

(2) The person to whom the warrant is directed may enter and search the place in accordance therewith, and the provisions of the Code of Criminal Procedure relating to search-warrants shall, as far as may be, be deemed to apply to the execution of the warrant.

8. (1) In addition to any other power to make rules hereinbefore conferred, the President of the Union may make rules generally to carry out the purposes and objects of this Act. Rules.

(2) Every power to make rules conferred by this Act shall be subject to the condition of the rules being made after previous publication.

(3) All rules made under this Act shall be published in the Gazette and on such publication shall have effect as if enacted in this Act.

Savings.

9. (1) Nothing in this Act or in any licence granted or rule made thereunder shall extend to, or interfere with, anything done in good faith in the exercise of his profession as such by a medical or veterinary practitioner.

(2) Notwithstanding anything hereinbefore contained, the President of the Union may, by general or special order, declare that all or any of the provisions of this Act shall be deemed not to apply to any article or class of articles of commerce specified in such order, or to any poison or class of poisons used for any purpose so specified.

(3) The authority on which any power to make rules under this Act is conferred may, by general or special order, either wholly or partially—

(a) exempt from the operation of any such rules, or

(b) exclude from the scope of the exemption provided by sub-section (1),

any person or class of persons either generally or in respect of any poisons specified in the order.

THE WHITE PHOSPHORUS MATCHES ACT.

[INDIA ACT V, 1913.] (1st July, 1913.)¹

Definition.

1. * * * *

2. In this Act, "white phosphorus" means the substance commonly known as white or yellow phosphorus.

3. * * * *

Prohibition of use of white phosphorus in manufacture of matches.

4. (1) No person shall use white phosphorus in the manufacture of matches.

(2) Any person who uses, or permits the use by any person under his control of, white phosphorus in the manufacture of matches shall be punishable with fine which may extend to two hundred rupees.

Power of Inspector of Factories to take samples of material used in manufacture.

5. (1) Every person who manufactures matches shall allow an Inspector of Factories appointed under the Factories Act at any time to take for analysis sufficient samples of any material in use, or mixed for use, in such manufacture :

Provided that any such person may, at the time the sample is taken, and on providing the necessary appliances, require the Inspector to divide the sample so taken into two parts, and to mark, seal and deliver to him one part.

(2) Any person who refuses to permit any such Inspector of Factories as aforesaid to take a sample, in accordance with the provisions of sub-section (1), shall be punishable with fine which may extend to two hundred rupees.

Prohibition of sale.

6. (1) No person shall sell, or offer or expose for sale, or have in his possession for the purposes of sale, any matches made with white phosphorus.

¹ This Act came into force on the first day of July, 1913, with the exception of section 6, which came into force on the first day of July 1914 see section 1 (5) of India Act V, 1913.