

MASTER FILE

LAWS AND REGULATIONS

COMMUNICATED IN COMPLIANCE WITH THE TERMS OF THE

CONVENTION FOR LIMITING THE MANUFACTURE
AND REGULATING THE DISTRIBUTION
OF NARCOTIC DRUGS OF 13 JULY 1931

AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946



CHINA

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Note by the Secretary-General

In accordance with Article 21 of the Convention of 1931 for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to forward to the Members of the United Nations and to the other parties to the Convention the following text communicated by the Government of China.

**ENFORCEMENT MEASURES FOR THE PROHIBITION OF OPIUM
POPPIES IN THE FORM OF PETALS, CAPSULES, STEMS
OR LEAVES**

(Approved by the Executive Yuan* on 25 November 1947;
Administrative Order 36/4, Nei No. 48832)

1. The authorities of counties and municipalities (both those under provincial government administration and those controlled by the Executive Yuan) and Administrative Bureaux - which are hereinafter referred to as county authorities, municipalities and Bureaux respectively - shall issue proclamations strictly prohibiting trade in, and transport or storage of, opium poppies, whether in the form of petals, capsules, stems or leaves. They shall stipulate that those now in possession of such material shall, within three months of the date of issue of the said proclamations, surrender it to the authorities of the district, village or township or to the police authorities, for forwarding to the respective county authority, municipality or Bureau for confiscation.

2. The sale of poppy heads (*shu-ku*) now in stock in Chinese pharmacies shall be forbidden. The stock must be voluntarily surrendered for confiscation in accordance with the provisions of the preceding paragraph.

The district, village or township administration or police authorities shall send representatives to call on all such pharmacies within their territory, who shall ensure that all such material is surrendered and that a declaration is signed to that effect. Cases of disobedience shall be severely punished according to law. All cases shall be reported within three months after the date of the proclamation.

3. The district, village or township administration or police authorities shall forward the surrendered material to the respective county authority, municipality or Bureau within ten days after the expiry of the three month period and shall make a report which includes a list of names and addresses of the original possessors, types and quantities of drugs and date of surrender.

4. The county authority, municipality or Bureau shall submit a report including this information to the respective provincial government within twenty days after the expiry of the three month period and shall also request the provincial (or municipal) government to approve a proposed date on which the confiscated material shall be publicly burned. A municipality under the direct control of the Executive Yuan may set such a date itself.

Representatives of organs of public opinion and of legislative, judicial and other bodies shall be invited to supervise the examination and re-weighing of the material and to witness the actual burning. A record shall be made of the date and place of the burning, the types and quantities of the substances concerned, the names and titles of witnesses and the method of burning. A copy of this record shall be filed in the county, municipality or Bureau office and two copies submitted to the provincial government. One of these two copies shall be kept in the file of the provincial government and the other forwarded to the Ministry of the Interior for future reference. A municipality under the direct control of the Executive Yuan shall keep one copy in its files and forward the other direct to the Ministry of the Interior.

5. Persons engaged in trade in, or transport of, opium poppies in the form of petals, capsules, stems or leaves, who surrender the material either voluntarily or upon the order of the authorities after detection, shall be exempt from punishment in accordance with the principle that laws shall not be retroactive. In cases detected after the three month period, the offender and the material involved shall be brought before the proper judicial body for legal action.

6. No reward shall be given in cases of detection or seizure within the three month period. Rewards for cases of detection or seizure after the three month period shall be given in accordance with the following scale:

- i. Under 50 catty (one catty equals 1 1/3 lb.): N.C. \$20,000;
- ii. 50-100 catty; N.C. \$50,000;
- iii. 100 catty or more: N.C. \$100,000.

The distribution of rewards shall be made in accordance with Articles 5 and 6 of the Regulations Governing the Offer of Rewards for Seizure of Narcotic Drugs and their Disposal.

* Highest executive organ of the National Government (China Handbook).

7. Payment of the rewards referred to in the preceding paragraph shall be advanced by county authorities, municipalities or Bureaux upon being notified of the case and before the institution of judicial proceedings. In cases brought directly before a judicial body, the court concerned shall notify the respective county authority, municipality or Bureau, as soon as possible, of the quantity and substance involved; upon receiving such notification the latter authority shall make advance payment of the reward. In such cases, persons responsible for detection and seizure may also approach the respective county authority, municipality or Bureau directly for reward. Payments advanced by county authorities, municipalities or Bureaux shall be listed and reported to the provincial government for examination; the provincial government shall in turn forward the report to the Ministry of the Interior for reimbursement of the reward paid. Municipalities under the direct control of the Executive Yuan shall report directly to the Ministry of the Interior.

REGULATIONS ON THE FORWARDING OF SEIZED NARCOTIC DRUGS

(Amended and promulgated by the Executive Yuan* on 12 December 1947)

Article 1. The present regulations shall govern the forwarding of seized narcotic drugs by mail, airlines or other means, under the provisions of Article 9 of the Regulations Governing the Offer of Rewards for Seizure of Narcotic Drugs and their Disposal. The "airlines" referred to above shall be understood to include military air transport services.

Article 2. After careful examination of the seized drugs, the forwarding office must put them in a steel container, seal the container with lead and place it in a strong wooden box. The box must be properly packed and wrapped in heavy cloth. The seal of the forwarding office must be affixed to the seams of the wrappings, whether or not they are sealed with wax. The package must then be sent through the local post office or airline (including military air transport service), accompanied by an official letter from the forwarding office.

Article 3. The aforementioned package must be accepted by the post office as parcel post and handled by airlines or military air transport services in accordance with the usual procedure. The sending office must enter on the parcel post or package forms the addresses of the sending and receiving offices, the name and net weight of the drug and the gross weight of the package. These details must also be given on the label and each package must be plainly marked "seized narcotic drugs".

Article 4. Seized narcotic drugs shall be forwarded by the county or ordinary municipal authorities, through the respective provincial or special municipal governments, to the Ministry of Public Health or designated agencies under the Ministry.

Post offices or airlines accepting and delivering the packages must carefully examine the seal and the accompanying official letter of the sending office before undertaking delivery.

Article 5. The post office or airline (including military air transport service), upon receiving the narcotic drugs from the sending office, must immediately notify the post or airline office concerned in the locality of the addressee. Upon arrival of the package, the post or airline office in the locality of the addressee shall notify the receiving agency by means of parcel post notices or other documents. The receiving agency shall affix its seal to such documents and return them to the post or airline office before receiving the package.

Customs authorities in the locality of the post or airline office (including military air transport service) must not delay the forwarding of drugs once it is ascertained that the packages comply with the present regulations.

Article 6. Narcotic drugs forwarded in accordance with the present regulations must not be opened or detained by the inspection authorities, including military and police authorities at airports, and should be duly protected by them.

Article 7. If the narcotic drugs forwarded should be accidentally lost or damaged before reaching the addressee, the post or airline office (including military air transport service) must immediately notify the sending office. The sending office must then conduct a thorough investigation and report the incident to the Ministry of Public Health and to the Ministry of the Interior.

Article 8. The post office or airline (including military air transport service) must exercise every care in the forwarding and storage of narcotic drugs and must fully comply with the postal laws and regulations and with regulations governing air freight.

Article 9. The provisions of the present regulations shall apply to seized narcotic drugs forwarded by airlines (including military air transport service), when escorted by officers of the sending or receiving agencies.

Article 10. Officers of the sending or receiving agencies escorting such narcotic drugs shall personally carry an official letter from their agency as authorization. Such officers must purchase the usual passenger's ticket and must comply with all regulations concerning passengers.

Article 11. The post office or airline (including military air transport service) should give the best possible service in forwarding seized narcotic drugs, in order to obtain quick delivery.

* Highest executive organ of the National Government (China Handbook).

Article 12. Where questions are raised by the authorities during forwarding, the packages in question shall be allowed to proceed as soon as authorization is given by the Ministry of the Interior, Commission for the Suppression of the use of Opium or by the Ministry of Public Health.

Article 13. The provisions of the present regulations shall apply to seized narcotic drugs forwarded by water or land transport.

Article 14. The present regulations shall come into force on the date of their promulgation.

REGULATIONS ON THE LIABILITY OF OFFICIALS RESPONSIBLE
FOR THE SUPPRESSION OF THE USE OF OPIUM, THE REWARDS
FOR WHICH THEY MAY QUALIFY AND REWARDS FOR VOLUNTARY
ASSOCIATIONS AND INDIVIDUALS

(Amended and promulgated by the Executive Yuan*
and submitted to the National Government for
registration on 27 December 1947)

Article 1. The present regulations are adopted in accordance with Article 21 of the Regulations on Rehabilitation Measures for the Suppression of the use of Opium and other Dangerous Drugs.

Article 2. The present regulations shall apply to the following:

(a) The principal offices for the suppression of the use of opium:

- i. Provincial governments;
- ii. Municipal governments under the direct control of the Executive Yuan;
- iii. Offices of Special Administrative Inspectors;
- iv. Municipal governments;
- v. County governments and Administrative Bureaux;
- vi. District, village and township administrations;
- vii. Borough and ward offices;

(b) Any of the following auxiliary offices for the suppression of the use of opium specially designated to assist in this work:

- i. Local garrison headquarters;
- ii. Local transport and communications offices;
- iii. Local inspection offices;
- iv. Local finance offices;
- v. Local education offices;
- vi. Local public health offices;
- vii. Local social and relief agencies;

(c) Voluntary associations and individuals assisting in the suppression of the use of opium; any of the following credited with special achievements shall come within the scope of Article 4 of the present regulations:

- i. Associations for the suppression of the use of opium;
- ii. Other voluntary associations;
- iii. Organs of public opinion;
- iv. Individuals working for the suppression of the use of opium.

Article 3. The principal and auxiliary offices for the suppression of the use of opium or their supervising offices shall, after reviewing their work in the light of their programmes, expected progress and budgetary provisions, reward the deserving members of their staffs and punish the undeserving.

Article 4. Rewards shall be as follows:

- (a) Promotion
- (b) Medal of merit
- (c) Special mention
- (d) Honourable mention
- (e) Commendation

Item (e), commendation, may take the form of a government order or a certificate of merit. Government offices within the scope of Article 2, paragraphs (a) and (b), shall receive commendation in the form of a government order, while voluntary associations or individuals within the scope of Article 2, paragraph (c) shall receive certificates of merit issued by the Ministry of the Interior upon the recommendation of local governments.

Commendation by government order given three times shall be equivalent to one honourable mention; three honourable mentions shall be equivalent to one special mention; two special mentions shall qualify the person concerned for a medal of merit and three shall qualify him for promotion. The Department of Personnel Registration shall be duly notified of the persons awarded special mention. Voluntary associations or individuals within the scope of Article 2, paragraph (c) twice receiving certificates of merit or credited with extraordinary achievements may be awarded medals of merit. (The form of

* Highest executive organ of the National Government (China Handbook).

medals of merit and certificates of merit shall be determined by the Ministry of the Interior and prescribed in a separate regulation.)

Article 5. Punishments shall be as follows:

- (a) Dismissal from office
- (b) Reduction of rank
- (c) Report of gross dereliction of duty
- (d) Report of dereliction of duty
- (e) Reprimand

Three reprimands shall be equivalent to one report of dereliction of duty and two of the latter shall be equivalent to one report of gross dereliction of duty.

A person twice reported for gross dereliction of duty shall be punished by reduction of rank and if, after being reduced to a lower position for six months he still shows no merit, he shall be dismissed. One honourable mention shall cancel one report of dereliction of duty and vice versa.

Article 6. Officials shall be rewarded and punished in accordance with the following provisions:

(a) Rewards shall be granted to those who distinguish themselves by any of the following achievements:

- i. conscientious execution of the policy of absolute suppression, resulting in the elimination of all abuse of narcotics in a particular area;
- ii. repeated discovery or detection of serious offences relating to narcotics;
- iii. outstanding success in the treatment and examination of addicts;
- iv. effective work in providing publicity for the suppression campaign and in the relief of reformed addicts;
- v. proved competence in conducting the general investigation and survey of addicts and in carrying out such programmes within the prescribed time limit;
- vi. notable efficiency in promoting popular assistance in the work of suppression of the use of opium;
- vii. notable efficiency in establishing hospitals or clinics for the examination and treatment of addicts and in improving the facilities of such institutions;
- viii. important contributions to effective planning of the work of suppression;
- ix. speed in dealing with the evil influence left by the enemy and in collecting information on his policy of "narcotizing" the Chinese people;
- x. Valuable assistance in carrying out the suppression policy;
- xi. other accomplishments worthy of reward.

(b) Officials accountable for any of the following derelictions of duty shall be punished:

- i. proved incompetence in preventing offences relating to narcotics within their jurisdiction;
- ii. failure to discover and punish serious offences relating to narcotics which become known to other authorities;
- iii. inefficiency in the treatment and examination of addicts;
- iv. neglect in providing publicity for the suppression campaign and in the relief of reformed addicts;
- v. inefficiency in conducting the general investigation and survey of addicts and inability to complete such programmes within the prescribed time limit;
- vi. failure to promote popular assistance in the work of suppression;
- vii. tardiness and inefficiency in establishing hospitals or clinics for the examination and treatment of addicts;
- viii. impractical planning which impedes the progress of the work of suppression;
- ix. irresponsibility in carrying out investigations and seizure and in granting rewards;
- x. other punishable official misconduct.

Article 7. The following procedure shall be adopted for the review of work and the reward and punishment of officials:

(a) The work of the staffs primarily responsible for suppression and which are attached to provincial governments or to governments of municipalities under the direct control of the Executive Yuan, shall be reviewed by their respective offices.

(b) The work of the Special Administrative Inspectors and of mayors of municipalities under provincial administration shall be reviewed by the respective provincial governments; the work of the staffs of the offices of the Special Administrative Inspectors

and of the municipal governments shall be reviewed by their respective offices; reports on staff members holding delegated appointments (the fourth highest grade of Chinese government appointment) shall be re-examined by the provincial government concerned.

(c) The work of county magistrates and heads of the Administrative Bureaux shall be reviewed by the office of the Special Administrative Inspector and reported to the provincial government for re-examination; the work of the staffs at county level primarily responsible for suppression shall be reviewed by their respective offices; reports on staff members holding delegated appointments shall be reviewed by the office of the Special Administrative Inspector and also reported to the provincial government.

(d) The work of chiefs of districts, villages and townships and the staffs of borough and ward offices shall be reviewed by the county or municipal governments concerned, or by the Bureaux of Civil Affairs (or by the Bureaux of Social Affairs where Bureaux of Civil Affairs do not exist). Important cases shall be reported to provincial or municipal governments.

(e) The work of the staffs of auxiliary offices for suppression of the use of opium shall be reviewed by the respective superior offices in conjunction with the Ministry of the Interior or the provincial or municipal governments concerned. The work of the staffs of auxiliary offices at county level shall be reviewed by their respective offices in conjunction with the county government, and the results shall be reported to the provincial government for action.

(f) Reports on voluntary associations and individuals assisting in the work of suppression of the use of opium shall be submitted to the provincial or municipal governments by the respective local governments and shall be forwarded to the Ministry of the Interior. Such reports shall give details of the background of the association or individual, the assistance rendered and the proposed form of reward.

Cases concerning staff members reviewed under paragraphs (a), (b), (c), (d) and (e) above, holding recommended appointments (the third highest grade of government appointment) shall be reported separately to the Ministry of the Interior for re-examination. Cases concerning staff members holding selected appointments (the second highest grade of government appointment) shall be reported to the Executive Yuan by the Ministry of the Interior for re-examination. Cases of outstanding achievement by staff members holding delegated appointments or lower rank and by chiefs of districts, villages and townships or staff of borough and ward offices may be reported to the Ministry of the Interior for reference.

Article 8. When the reward or punishment of officials responsible for suppression of the use of opium comes within the scope of the Regulations for Reviewing the Work of Public Officials, such cases shall be dealt with in accordance with those regulations.

Article 9. The review of work provided for in the present regulations shall be conducted once every six months, but special cases may be dealt with as they arise.

Article 10. In addition to the rewards provided for in the present regulations, any official, voluntary association or individual credited with extraordinary achievements shall be reported, through the Ministry of the Interior, for decoration by the National Government, if the Regulations for Awarding Decorations are applicable to the case in question.

Article 11. The work of the chief officials of the provincial and municipal governments and of the auxiliary offices for the suppression of the use of dangerous drugs shall be reviewed by the Ministry of the Interior in conjunction with their respective superior offices; the results shall be reported for appropriate action.

Article 12. The present regulations shall also be applicable to the staffs or offices of the Central Government responsible for the suppression of the use of opium and other dangerous drugs.

Article 13. The present regulations shall come into force on the day of their promulgation.