



UNITED NATIONS

## LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE  
CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE  
AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS  
AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

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## INDIA

COMMUNICATED BY THE GOVERNMENT OF  
INDIA

**NOTE BY THE SECRETARY-GENERAL**

In accordance with Article 21 of the Convention of 13 July 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 communicate the following legislative texts.

*New York, 1953*

Government of Saurashtra.

**PART III**

Home Department (Excise).

NOTIFICATION.

Rajkot, 21st November, 1951.

**DANGEROUS DRUGS ACT II OF 1930.**

No. HD/EX/8-24. - In exercise of the powers conferred by subsection (2) of section 8 of the Dangerous Drugs Act 1930 (II of 1930) the Government of Saurashtra are pleased to make the following rules to permit and to regulate -

- (a) the interprovincial import and export into and from the State of Saurashtra, the transport, possession and sale of manufactured drugs (other than prepared opium) and of coca leaf; and
- (b) the manufacture of medicinal opium, or of any preparation containing morphine, diacetyl-morphine or cocaine from materials which the maker is lawfully entitled to possess in the State of Saurashtra.

**I-PRELIMINARY**

- 1. These rules may be cited as the Saurashtra Dangerous Drugs Rules, 1951.
- 2. In these rules, unless there is anything repugnant in the subject or context: -
  - (1) "The Act" means the Dangerous Drugs Act, 1930;
  - (2) "Approved practitioner" means -
    - (i) any person registered as a medical practitioner under the Bombay Medical Act, 1912 as adapted in the State of Saurashtra or under any law for the registration of Medical practitioners for the time being in force in any part of India or the State of Saurashtra; or
    - (ii) any person registered as a dentist under the Dentists Act, 1878, as adapted in the State of Saurashtra or under any law for the registration of dentists for the time being in force in any part of India or the State of Saurashtra; or
    - (iii) any person possessed of qualifications which render him eligible for registration as a medical practitioner under the Bombay Medical Act, 1912, as adapted or as a dentist under the Dentists Act, 1878 as adapted or under any law for the registration of medical practitioners or dentists for the time being in force in any part of 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 India; or
    - (iv) any other person engaged in medical or veterinary practice and approved by the Prohibition Commissioner or by any officer duly empowered in this behalf by the Prohibition Commissioner for the purpose of these rules or of corresponding rules for the time being in force in any part of India;

(3) "Collector" means the chief officer in charge of the revenue administration of a district, for the time being, and includes any officer either generally or specially authorised by Government to exercise throughout the State of Saurashtra or in any specified area therein all or any of the powers of Collector under these rules;

(4) "Government" means the Government of Saurashtra;

(5) "Licensed chemist" means a person who has obtained a license under these rules, for the possession and sale or dispensing on prescription of manufactured drugs (other than prepared opium) and of coca leaf;

(6) "Licensed dealer in manufactured drugs" means a person who has obtained a license under these rules -

(i) for the manufacture of medicinal opium or of any preparation containing morphine, diacetyl-morphine or cocaine from materials which he is lawfully entitled to possess; or

(ii) for the possession and sale, otherwise than on prescriptions, of manufactured drugs (other than prepared opium) and of coca leaf;

(7) "To export" means to export interstatally out of the State of Saurashtra.

(8) "To import" means to import interstatally into the State of Saurashtra.

### *II-Manufacture.*

3. No licensed dealer in manufactured drugs shall, except in accordance with the conditions of his license and except on the premises licensed for the purpose under these rules, manufacture medicinal opium or any preparation containing morphine, diacetyl-morphine or cocaine from materials which he is lawfully entitled to possess.

4. No licensed chemist shall dispense manufactured drugs (other than prepared opium) except on prescriptions and in accordance with the conditions of his license.

### *III-Possession.*

5. No person shall possess any manufactured drug (other than prepared opium), except in such quantity as has been at one time dispensed or sold for his use in accordance with the provisions of rule 4 or 25 of these rules or of corresponding rules for the time being in force in any part of India, the import where from into, or export where to from, the State of Saurashtra of manufactured drugs (other than prepared opium), has been permitted under the rules framed by the Government in exercise of the powers and duties under or in relation to sub-section (2) of section 7 of the Act entrusted to it by Government of India, Finance Department (Central Revenues), Notification No. 13, dated the 14th August 1937.

6. (1) No approved practitioner shall for the purpose of sale possess any quantity of opium derivatives or medicinal hemp;

Provided that such practitioner may, for use in his practice, possess -

(a) opium derivatives (other than prepared opium) containing in the aggregate not more than 120 grains of either morphine or diacetyl-morphine or both; and

(b) medicinal hemp not exceeding 1 oz. of extract or 4 ozs. of tincture or both.

Provided further that the Collector may, by special order, authorise any such practitioner to possess as aforesaid any larger quantity of the said drugs.

(2) No approved practitioner shall, for the purpose of sale, possess any quantity of coca derivatives;

Provided that such practitioner may under a special permit granted in this behalf by the Collector, in Form DD 3 hereto annexed, possess for use in his practice coca derivatives containing not more than 60 grains of cocaine in the aggregate.

Provided further that the Collector may authorise any such practitioner to possess as aforesaid a larger quantity of coca derivatives containing not more than 120 grains of cocaine.

(3) The expression "use in his practice" in sub-rules (1) and (2) means only the actual direct administration of the drug in injections, surgical operations or other emergent cases by or in the presence of an approved practitioner. All other issues of the drug by an approved practitioner. All other issues of the drug by an approved practitioner shall be deemed to be sales, except in the case of issues free of charge from specially recognised charitable medical institutions.

7. (1) A medical officer belonging to the Subordinate Medical Service in charge of Government and Government grant-in-aid Medical Institutions may possess manufactured drugs (other than prepared opium) for use in such institutions.

(2) An approved practitioner in charge of Local Board or Municipal dispensaries or in charge of hospitals and dispensaries belonging to missions and other corporate bodies may possess manufactured drugs (other than prepared opium) required for use in such dispensaries and hospitals.

(3) An approved practitioner in charge of hospitals and dispensaries belonging to State Railways may possess manufactured drugs (other than prepared opium) for use in such hospitals and dispensaries.

8. (1) No person, unless he is authorised in this behalf by the Collector by an order made under rule 28 (1) shall possess opium derivatives (other than prepared opium) and medicinal hemp and not exceeding such quantities and otherwise than in such manner as may be specified in such order.

(2) No person, unless he is authorised in this behalf by the Collector by an order made under rule 28 (3) or (4) shall possess and use manufactured drugs (other than prepared opium) for educational or scientific purposes or for use in any emergency and not exceeding such quantity and otherwise than in such manner as may be specified in such order.

9. No licensed dealer in manufactured drugs or licensed chemist shall possess manufactured drugs (other than prepared opium) except in such quantity and in such manner as may be specified in his license.

10. No person shall, without an authorization granted to him under these rules for the import, export or transport of manufactured drugs (other than prepared opium), possess such drugs exceeding such quantity and otherwise than in such manner as may be specified in such authorization.

#### *IV-Import, Export and Transport.*

11. No person shall import, export or transport manufactured drugs (other than prepared opium) except in such quantities as he may lawfully possess under rule 5.

12. (1) No approved practitioner shall import, export or transport opium derivatives (other than prepared opium) and medicinal hemp except in such quantities as he may lawfully possess under rule 6 (1).

(2) No practitioner shall, without a license in Form DD 2 hereto annexed or a special permit in Form DD 3 hereto annexed, import, export or transport coca derivatives containing not more than 20 grains of cocaine for use in his practice, provided that no such export or transport shall be made for sale.

13. (1) An approved practitioner in charge of hospitals and dispensaries belonging to State Railway may transport manufactured drugs (other than prepared opium) required for use in such hospitals and dispensaries.

(2) A medical officer belonging to the subordinate medical service in

charge of Government and Government grant-in-aid medical institutions may transport manufactured drugs (other than prepared opium) required for use in such institutions.

14. (1) No person, unless he is authorised in this behalf by the Collector by an order made under rule 28 (1), shall import or transport opium derivatives (other than prepared opium) or medicinal hemp and not exceeding such quantity and otherwise than in such manner as may be specified in such order on an indent countersigned by the Chief Medical Officer, Civil Surgeon or the Superintendents of the Civil Veterinary Department.

(2) No person, unless he is authorised in this behalf by the Collector by an order made under rule 28 (2), shall transport manufactured drugs (other than prepared opium) for educational or scientific purposes and not exceeding such quantities and otherwise than in such manner as may be specified in such order.

15. No person shall, without an authorization granted to him under these rules for the import of any manufactured drug (other than prepared opium), import that drug exceeding such quantity and otherwise than in such manner as may be specified in such authorization.

16. No licensed dealer in manufactured drugs shall, unless permitted by the Prohibition Commissioner or by an officer duly empowered in this behalf by the Prohibition Commissioner import medicinal opium from the Ghazipur Factory (hereinafter referred to as "the Factory"). Such import shall be permitted subject to the following conditions: -

(1) Every application for the supply of medicinal opium shall be sent to the Prohibition Commissioner through the Collector. Such application if approved by the Prohibition Commissioner will be forwarded to the Opium Agent, Benares, for decision.

(2) The stock in hand on the date of application shall be stated and the quantity of opium applied for shall not be more than sufficient for six months' manufacture, subject, however, to the minimum of 5 pounds prescribed in sub-rule (9) for individual indents.

(3) The purposes for which the medicinal opium is required shall be specified in the application.

(4) An intimation of the despatch of each consignment shall be sent by the Superintendent of the Factory to the Collector who shall make arrangements for its examination on arrival by a responsible officer not below the rank of a sub-Inspector of Excise.

(5) A complete record of the quantity of medicinal opium received and used for each preparation, with the amount of each product manufactured and its morphine contents shall be maintained in such form as the Collector may prescribe. Such record shall be periodically examined by the Superintendent of Excise and shall also be open to inspection by any Excise Officer not below the rank of Sub-Inspector.

(6) Every consignment on arrival shall be examined by the Officer referred to in sub-rule (4) and immediately brought to account in the form prescribed in sub-rule (5). No part of the medicinal opium shall be medicated except in the presence of such officer, who shall witness -

(a) in the case of liquid extracts or tinctures the beginning of the paning in the evaporators or the addition of the solvent in the percolators;

(b) in the case of mixtures-the thorough admixtures of the medicinal opium with other drugs.

Two clear days' notice shall be given to such officer of any medication of medicinal opium.

(7) No medicinal opium shall under any circumstances be sold or shall be allowed to be removed from the premises of the person to whom it has been issued, otherwise than as part of a manufactured medicinal preparation, and no medicinal opium shall be used for purposes other than those specified in the application.

(8) It shall be competent to Government to supply medicinal opium to such persons as they deem fit.

(9) The limit of the amount of medicinal opium to be supplied to any person in any one year commencing from the 1st day of April shall be 400 pounds; and individual indents shall not be for less than 5 pounds or more than 100 pounds at a time except in case of special urgency;

(10) Medicinal opium shall be supplied to any person at such price as may from time to time be fixed by the Opium Agent, Benares.

17. No licensed dealer in manufactured drugs shall, except under an authorization granted under rule 32 and subject to the conditions of his license, export manufactured drugs (other than prepared opium) to any part of British India outside the State of Saurashtra.

An indent for opium derivative (other than prepared opium) or medicinal hemp, countersigned by the Chief Medical Officer, Civil Surgeon or the Superintendent of the Civil Veterinary Department shall, for the purpose of this rule, be deemed to be an authorization.

18. No person, unless he is authorised in this behalf by the Prohibition Commissioner by a special order made under rule 29, shall export opium derivatives (other than prepared opium,) or medicinal hemp exceeding such quantity and otherwise than in such manner as may be specified in such order.

19. No person shall, without an authorization granted to him under these rules for the transport of manufactured drug (other than prepared opium) transport the drugs exceeding such quantity and otherwise than in such manner as may be specified in such authorization.

20. Every person importing, exporting or transporting manufactured drugs (other than prepared opium) shall comply with such general or special directions as may, from time to time, be issued by the Prohibition Commissioner.

21. Except as provided in rule 22, no person shall import, export or transport manufactured drugs (other than prepared opium) by post, into, out of or within the State of Saurashtra.

22. Import, export or transport of manufactured drugs (other than prepared opium) shall be allowed by inland post subject to the following conditions namely:-

- (a) Only the parcel post shall be used and the parcels shall be insured;
- (b) the parcel shall be covered by a permit issued in this behalf by the competent authority at the place to which the parcel is addressed;
- (c) the parcel shall be accompanied by a declaration showing the names of the consignor and the consignee, the contents of the parcel in detail, the number and date of the permit covering the import, export or transport as the case may be, and the number of the license, if any, held by the consignor or the consignee;
- (d) the consignor and the consignee, if they are licensees, shall show distinctly in their account books, the names of the consignee and the consignor, respectively, and the quantities of the drugs imported, exported or transported by and to them, as the case may be, from time to time, by post.

23. Nothing in these rules shall be deemed to permit the import of manufactured drugs (other than prepared opium) from any parts of India outside the State of Saurashtra unless the rules for the time being in force in such parts of India relating to the interstatal export, have been complied with.

#### V - Sale.

24. (1) A licensed dealer in manufactured drugs may sell, otherwise than on prescription, manufactured drugs other than prepared opium, subject to the conditions of his license.

(2) He shall maintain a written record of every sale made under this license in the manner laid down therein and in such manner as the Prohibition Commissioner may from time to time direct, and shall preserve such record for not less than two years from the date of the last entry therein.

25. No licensed chemist shall sell manufactured drugs (other than prepared opium) otherwise than on prescription and subject to the conditions of his license.

*VI-Conditions relating to prescriptions.*

26. A prescription for the supply of manufactured drugs (other than prepared opium) shall comply with the following conditions:-

(1) The prescription shall be in writing and shall be dated and signed by an approved practitioner with his full name, qualifications and address. The prescription shall also specify the name and address of the person to whom such prescription is given and the total quantity of the drug to be supplied thereon. If the drug to be supplied be coca derivatives, the quantity shall not contain more than 6 grains of cocaine; Provided that the collector may by a special order authorise the supply of a larger quantity in the circumstances of any particular case.

(2) The prescription shall not be given for the use of the prescriber himself.

(3) A prescription given by a registered dentist shall be only for the purpose of dental treatment and shall be marked "For local dental treatment only".

(4) A prescription given by an approved Veterinary Surgeon shall be only for the purpose of treatment of animals and shall be marked "For animal treatment only".

(5) No practitioner shall give any prescription for the supply of any of the manufactured drugs (other than prepared opium) otherwise than in accordance with the foregoing conditions.

*VII-Approval, Authorisation, Licenses and Passes.*

27. (1) The Prohibition Commissioner may, for the purposes of rule 2 (2) (iv) approve 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 (2) (iii) for the purposes of that rule.

28. The Collector may, with the sanction of the Commissioner by a general or special order, authorise -

(1) any approved practitioner in managing or supervising charge of a hospital or a dispensary to possess, import and transport opium derivatives (other than prepared opium) and medicinal hemp in such quantity and in such manner as may be specified in such order;

(2) any person in charge of an educational institution or engaged in scientific research to possess and use, for educational and scientific purposes only, manufactured drugs (other than prepared opium) in such quantity and in such manner as may be specified in such order;

(3) a pilot of an air-craft to possess and use on the air-craft in an emergency preparations containing morphine in such quantity and in such manner as may be specified in such order;

(4) any person in charge of an ambulance or a first aid station or a first aid box to possess and use in an emergency manufactured drugs (other than prepared opium) in such quantity and in such manner as may be specified in such order.

29. The Prohibition Commissioner may by a special order authorise any person to export opium derivatives (other than prepared opium) or medicinal hemp, subject to such conditions as may be specified in such order.

30. The Collector or any other officer empowered in this behalf by the Prohibition Commissioner may grant a dealer's license in Form DD 1 hereto annexed, or a chemist's license in Form DD 2 hereto annexed, to any person who in the opinion of the Collector or such Officer, as the case may be, is not likely to abuse such grant and may fix the quantity of the drugs to be possessed under such licenses.

31. The Collector or such other officer, as the Collector may empower in this behalf, may grant to any licensed dealer in manufactured drugs, or to a licensed chemist an authorization in Form DD 4 hereto annexed, for the import interprovincially of manufactured drugs (other than prepared opium) not exceeding the quantity which such dealer or chemist may lawfully possess.

32. When any manufactured drug (other than prepared opium) is to be exported to any other part of India the person intending to export the same shall first obtain a no-objection certificate from an officer authorised in this behalf under the corresponding rules in force in such other part of India and present such certificate, along with the indent, to the Collector or such other officer as may be authorised in this behalf at the place of export, who shall then, if he sees no objection, issue an export authorization in Form DD 5 hereto annexed:

Provided that in the case of export of drugs required for use in Government Medical institutions no such no-objection certificate shall be necessary if the Controlling Medical Officer, not below the rank of civil Surgeon or the Superintendent of the Civil Veterinary Department in the district to which the drug is to be exported, certifies by endorsement on the requisition or indent that the drug is required for bona fide Government purposes and intimates that facts to the Prohibition Commissioner, Saurashtra of the places from and to which the drug is to be exported.

33. When any manufactured drug (other than prepared opium) is to be transported, the person intending to transport the same shall first obtain a transport authorization in Form DD 6 hereto annexed, from the Collector or such other officer as may be authorised in his behalf at the place to which the drug is to be transported and present it to the Collector or such other officer as may be authorised in this behalf at the place from which the drug is to be transported, who shall complete the authorization and allow the removal of the drug provided that the quantity of the drug does not exceed the quantity which such person may lawfully possess.

34. The Collector may grant a special authorization in Form DD 3 hereto annexed, to an approved practitioner for the possession for use in the exercise of his practice, but not for sale, of coca derivatives containing not more than 60 grains of cocaine:

Provided that the Collector may allow a larger quantity of the drug containing not more than 120 grains cocaine, in such cases as he may having regard to the requirements of the permit holder, consider advisable.

34A. Fees in respect of the transfer of a licence from one site to another or from one name to another, the grant of a duplicate copy of a license, authorisation or pass, the amendment of licence or authorization shall be charged at the rates and be paid at the place and in the manner mentioned below:-

(1) *Fee for the transfer of a licensed premises to a new site.*- The fee payable in respect of the transfer of a licence in form DD 1 from one site to another shall be Rs. 2 and that in Form DD 2 Re. 1. The fees shall be paid before such transfer takes place;

Provided that if consequent on unforeseen circumstances such as fire, earthquake, lightning or any other act of God or by reason of the prevalence of an epidemic, the Collector directs the transfer of a licence from one site to another, no fee shall be chargeable for such transfer. Should the licensee, however, desire to establish himself permanently at such new site, the licensee shall be liable to pay the prescribed fee for such transfer:

Provided further that no fee shall be chargeable for the transfer of a licence from one site to another when such transfer is made within thirty days of the date on



which the licence was granted or when, in the opinion of the Collector, such transfer is necessary on administrative grounds.

(2) *Fee for the transfer of licences from one name to another.* - The fee payable in respect of the transfer of a licence in Form DD 1 from one name to another shall be Rs 2 and that in form DD 2 Re. 1. The fee shall be paid before such transfer takes place.

EXPLANATION. - For the purposes of this sub-rule, an admission into or withdrawal of a partner from the business of a licensee with the approval of the Collector shall be deemed to be a transfer of licence from one name to another except in the case of a transfer of licence from the name of a deceased licensee or partner of such licensee to that of his legal heirs or representative.

(3) *Fee for the grant of a duplicate copy of a licence, an authorisation or a pass.* - The fee payable for supply to a licensee of a duplicate copy of a licence, authorisation or pass shall be Re. 1.

(4) *Fee for amendment in a licence or authorisation.* - The fee payable for each amendment to be made in a licence or authorisation shall be Re. 1.

(5) *Place of payment.* - The fees payable under these rules shall be paid at the nearest Taluka Treasury.

35. (1) Subject to any directions that the Prohibition Commissioner may give in this behalf, the officer who has granted a licence or has by order approved or authorised, any person under these rules -

(a) may cancel, or suspend such licence or order -

(i) if such person -

(a) has failed to pay any duty or fee payable by him, or

(b) has by himself or by any servant or person acting on his behalf, committed any breach of the conditions of such licence or order or of these rules or;

(c) has been convicted of one 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 licence 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

(b) shall cancel such licence or order within fifteen days of the receipt from such person of a notice to the effect that he desires to surrender the same.

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

36. In the case of preparations and admixtures containing cocaine, morphine or diacetyl-morphine, the limit wherever specified shall be with reference to the cocaine, morphine or diacetyl-morphine contents, respectively, and not reference to the quantity or bulk of the preparation, and the bottles, phials, packages or other containers of these preparations or labels affixed to them shall plainly exhibit the actual quantity of the dangerous drugs present in such container or sufficient particulars to admit of the ready calculation of such quantity.

#### VIII- Disposal of drugs and confiscated articles.

37. (1) Whenever any article is ordered to be confiscated under section 34 of the Act for an offence committed in contravention of these rules, the Magistrate or the Officer, authorised by the State Government, who orders confiscation, shall make over such article to the Collector for disposal.

(2) The Collector shall cause -

- (a) all manufactured drugs (other than prepared opium) and diacetylmorphine, confiscated and made over to him under sub-rule (1), and
- (b) all manufactured drugs (other than the prepared opium) made over to him under rule 35 (2);

to be examined by the Chemical Analyser to Government. All confiscated diacetylmorphine shall be destroyed. If any drugs examined by the said Chemical Analyser are certified by him to be fit for use, the Collector may sell them to any dealer in manufactured drugs or chemist licensed under these rules or under any corresponding rules for the time being in force in any other part of India or to any person authorised by an order made under rule 28 or any corresponding rules in force as aforesaid. The Collector may require any licensed dealer in manufactured drugs or licensed chemist to purchase at such price as the Collector may direct any quantity of such drugs not exceeding such quantity as the Collector may determine to be ordinarily saleable by him in two months. The sale proceeds of the confiscated drugs shall be credited to Government. The sale proceeds of the drugs made over to the Collector under sub-rule (2) of rule 35 shall, however, be paid to the person whose licence has been cancelled or suspended. If any such drugs are certified by the said Chemical Analyser to be unfit for use, the Collector shall cause them to be destroyed.

(3) The Collector shall dispose of all articles, made over to him under sub-rule (1), other than those mentioned in clause (a) of sub-rule (2), in such manner as he may think fit.

#### *IX-Issue of Subsidiary Orders.*

38. Subject to the provisions of the Act and of these rules, Prohibition Commissioner may from time to time give such directions as it may think fit for purpose of carrying out the provisions of the rules.

#### *X-Exemptions.*

39. All preparations containing not more than 0.2 per cent. of morphine or 0.1 per cent. of cocaine and any preparation which the President in Bharat in Council may by notification in the Gazette of India made in pursuance of a finding under article 8 of the Geneva Convention declare not to be a manufactured drug, may be imported, exported, transported, possessed or sold without any restriction.

40. The provisions of these rules shall not apply to the import, export, transport, possession or sale of codeine, deonin and their respective salts, unless the quantity involved in any transaction or possessed at any one time exceeds one pound.

41. (1) For the purposes of these rules the Collector shall be deemed to be subordinate to the Prohibition Commissioner. Any order of the Collector under these rules is liable to be modified or cancelled by the Prohibition Commissioner either on an appeal by the party aggrieved or otherwise.

(2) An appeal shall lie to the Government from any order passed by the Prohibition Commissioner except in the case of any order passed by such authority on appeal from an order passed by any officer subordinate to such authority.

(3) An appeal under these rules shall be made within ninety days from the date of the order complained of.

(4) Subject to the foregoing provisions of this rule, the provisions of the Bombay Land Revenue Code, 1879 as adapted and applied to the State of Saurashtra and of the rules made thereunder relating to appeals shall so far as may be, apply to appeals under these rules.

(5) The Government may call for and examine the record of any order passed by any officer or authority subordinate to it for the purpose of satisfying itself

as to the legality or propriety of such order and may modify, annul or reverse such order and may pass such order as it deems fit.

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FORM DD 1.

*Licence for the manufacture, possession, and sale, otherwise than on prescription of manufactured drugs (other than prepared opium), by dealers.*

No.

Licence is hereby granted to \_\_\_\_\_ of \_\_\_\_\_ following the profession of \_\_\_\_\_ (hereinafter called the licensee) at \_\_\_\_\_ authorising him under and subject to the provisions of the Dangerous Drugs Act, 1930 as adapted and applied to the State of Saurashtra and the rules made thereunder-  
(a) to possess and sell, otherwise than on prescription, manufactured drugs (other than prepared opium) and coca leaf, and  
(b) to manufacture medicinal opium or any preparation containing morphine, diacetylmorphine or cocaine from materials which he is lawfully entitled to possess at his shop situated at in the Taluka of the District of \_\_\_\_\_ State of Saurashtra \_\_\_\_\_ for a period of one year commencing from the 1st day of April 19 \_\_\_\_\_ and ending the 31st day of March 19 on payment of a fee of Rs. 10 and subject to the conditions hereinafter mentioned, viz:-

1. The Licensee shall purchase all manufactured drugs (other than prepared opium) to be sold under this license from a dealer in manufactured drugs licensed under the Saurashtra Dangerous Drugs Rules 1951 or under the corresponding rules for the time being in force in any part of India, or in accordance with conditions 8, or import such drugs from abroad in accordance with the rules issued under Section 7 of the Dangerous Drugs Act, 1930, by the Central Government. He shall not receive or have in his possession manufactured drugs, other than prepared opium, obtained otherwise than as permitted under this condition. Nor shall he receive or have in his possession any quantity of -

- (a) coca derivatives containing in the aggregate more than\* of cocaine,
- (b) opium derivatives (other than prepared opium) containing in the aggregate more than\* to either morphine, diacetylmorphine or both,
- (c) medicinal hemp exceeding\* in the case of extract and\* in the case of tinctures.

In the case of preparations and admixtures of coca derivatives and opium derivatives, the limit shall be fixed with reference to the cocaine and morphine contents respectively, and not with reference to the quantity or bulk of the preparations, and the bottles, phials, packages or other containers of the preparations or labels affixed to them shall plainly exhibit the actual quantity of dangerous drugs present in each container or sufficient particulars to admit of the ready calculation of such quantity.

\* To be fixed by The Collector.

2. The Licensee shall not keep store or sell manufactured drugs (other than prepared opium) in any place except in his shop described above. If he wishes to remove any manufactured drug from one place to another he shall first obtain a transport authorization from the Collector for the purpose.

3. The Licensee shall be responsible for the acts and omissions of every person appointed to officiate for him in carrying on the business of the said shop and of all his servants as if the said acts and omissions were his own.

4. The Licensee shall not sell -

(1) Opium derivatives or medicinal hemp except -

- (a) to a dealer in manufactured drugs or a chemist licensed under the Saurashtra Dangerous Drugs Rules, 1951, or under the corresponding rules for the time being in force in any part of India outside the State of Saurashtra.
- (b) to an approved practitioner;
- (c) to a person specially authorised by the Collector to possess the drug under rule 28 of the Saurashtra Dangerous Drugs Rules, 1951 or under the corresponding rules for the time being in force in any part of India outside the State of Saurashtra;
- (d) to a person holding an export authorization granted under these rules, or under the rules issued under section 7 of the Dangerous Drugs Act, 1930;
- (e) to a medical officer belonging to the subordinate medical service in charge of Government and Government grant-in-aid medical institutions.

(2) Coca derivatives, except to -

- (a) to a dealer manufactured drugs or a chemist or approved practitioner licensed under the Saurashtra Dangerous Drugs Rules, 1951, or under the corresponding rules for the time being in force in any part of India outside the State of Saurashtra.
- (b) to an approved practitioner holding a special permit granted by the Collector for the possession of the drug:

Provided that -

- (i) the quantity of the drug sold shall not exceed the quantity which such dealer, chemist, practitioner or person, as the case may be, may lawfully possess.
  - (ii) the drug shall not be delivered to any person not licensed or otherwise authorised to be in possession of the drug, who purports to be sent by or on behalf of a person so licensed or authorised, unless such person produces an authority in writing signed by the person so licensed or authorised to receive the drug on his behalf and unless the Licensee is satisfied that the authority is genuine, and
  - (iii) where for the removal of the drug an authorization is required, the Licensee shall before permitting the removal of the drug from his shop by the purchaser, satisfy himself that the purchaser has obtained the necessary permit from the Collector;
- (c) to any person in charge of an educational institution or engaged in scientific research and authorised by the Collector under rule 28 (2) of the Saurashtra Dangerous drugs Rules, 1951, to possess and use such drugs;
  - (d) to a medical officer belonging to the subordinate medical service in charge of Government and Government grant-in-aid medical institutions or to an approved practitioner in charge of Local board or Municipal dispensaries, or in charge of hospitals and dispensaries belonging to Missions and other corporate bodies or (State Railways.)

5. The Licensee may import, export or transport manufactured drugs (other than prepared opium) through the inland post, subject to the following conditions: -

- (a) only the parcel post shall be used and the parcel shall be insured;
- (b) the parcel shall be covered by an authorization issued by the competent authority at the place to which the parcel is addressed;
- (c) the parcel shall be accompanied by a declaration showing the names of the consignor and the consignee, the contents of the parcel in detail, the number and date of the permit covering the import, export or transport, as the case may be, and the number of the licence, if any, held by the consignor and by the consignee;
- (d) the consignor and the consignee, if they are Licensees shall show distinctly in their account books, the names of the consignee and the consignor, respectively, and the quantities of the drugs imported, exported or transported by or to them from time to time by post.

6. (1) The Licensee shall keep accounts of the manufactured drugs received, sold and held in stock by him from time to time, in the form prescribed by the Collector. The Accounts shall be plainly and correctly written up in books bound, pagged and sealed with the Collector's seal and shall show in each case of purchase or sale the date of the transaction and the name and the address of the person or firm from whom the purchase was made or to whom or on whose behalf the drug was sold, as the case may be.

(2) The Licensee shall preserve the said accounts and authorizations for not less than two years from the date of the last entry in the account book and shall produce them, together with this licence and any manufactured drugs that may be in his possession at the time, for inspection on demand by the Collector or any other officer duly authorised by him in this behalf.

7. (1) This licence may be cancelled or suspended by the Collector at any time -

- (a) for non-payment of duty or fee payable by the Licensee;
- (b) for default or violation by himself or by any servant or person acting on his behalf or any of the conditions specified in this licence or of the provisions of the Saurashtra Dangerous Drugs Rules 1951;
- (c) if the Licensee be convicted of a breach of the peace or of any offence under the Dangerous Drugs Act, 1930, or under the law for the time being in force relating to excise revenue or of any other criminal offence during the currency of the licence;
- (d) if the Licensee infringes any of the conditions imposed on him by the Dangerous Drugs Act, 1930, or by the rules in force thereunder;
- (e) after giving the Licensee 15 days' notice, or if the Licensee desire to surrender his license, within 15 days from the receipt of such notice from him.

(2) When such licence is cancelled, suspended or surrendered, the Licensee shall forthwith make over to the Collector or to such other officer as he may appoint, his licence together with all manufactured drugs in his possession.

8. The Licensee shall be bound to purchase in such quantity not exceeding that which he is likely to sell in two months, and at such rates as the Collector may direct, any manufactured drugs (other than prepared opium) that may be delivered to the Collector by any other licensee whose licence has expired or has been cancelled or suspended.

9. All preparations containing not more than 0.1 per cent. of cocaine or 0.2 per cent. of morphine and any preparation which the Government of India may by notification in the *Gazette of India* made in pursuance of a finding under article 8 of the Geneva Convention declare not to be a manufactured drug, may be imported, exported, transported, possessed and sold without restriction.



- (ii) opium derivatives containing more than 120 grains of morphine or diacetylmorphine or both; and
- (iii) medicinal hemp exceeding 1 oz. of extract or 4 ounces of tinctures or both;

he shall first obtain an authorization from the Collector for the purpose.

3. The Licensee shall be responsible for the acts and omissions of every person, appointed to officiate for him in carrying on the business of the said dispensary and of all his servants as if the said acts and omissions were his own.

4. (1) The Licensee shall not sell or dispense manufactured drugs (other than prepared opium), except on a bona fide prescription, given by himself, if he is an approved practitioner, nor in larger quantity nor to any other person than may be specified in the prescription, provided the prescription is not given for the use of the prescriber himself.

(2) A prescription for the supply of manufactured drugs (other than prepared opium) must comply with the following conditions: -

- (a) The prescription shall be in writing, and shall be dated and signed by an approved practitioner with his full name, qualifications and address and shall also specify the name and address of the person to whom it is given and the total quantity of the drug to be supplied thereon. If the drug to be supplied be coca derivatives the quantity should not contain more than 6 grains of cocaine; provided that the Collector may by special order authorise the supply of a larger quantity considering the circumstances of the particular case,
- (b) The prescription shall not be given for the use of the prescriber himself.
- (c) A prescription given by a registered dentist shall be only for the purpose of dental treatment and shall be marked "For local dental treatment only", and
- (d) A prescription given by an approved Veterinary Surgeon shall be only for the purpose of treatment of animals and shall be marked "For animal treatment only".

(3) When coca derivatives are to be sold or dispensed, the Licensee shall see that the prescription is marked with the words "not to be repeated" and shall not supply coca derivatives more than once on the same prescription, except in pursuance of fresh directions duly endorsed on the prescription by the approved practitioner by whom it was originally issued and signed with his name in full and dated. Except under a special order made by the Collector under rule 26(1) of Saurashtra Dangerous Drugs Rules 1951, the quantity so sold or dispensed at one time or to one and the same person in the aggregate on any one day shall not contain more than 6 grains of cocaine.

(4) Where opium derivatives or medicinal hemp are to be sold or dispensed: -

- (a) 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, the Licensee shall sell the 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.
- (b) If the prescription bears a superscription as aforesaid, and if it appears that opium derivatives or medicinal hemp 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 the drugs on such

prescription, unless it is further superscribed in that behalf by an approved practitioner.

(5) The Licensee shall mark on every prescription dispensed by him his name, the address of the premises at which and the date on which it was dispensed. In the case of every preparation made upon a prescription which contains manufactured drugs (other than prepared opium) the bottle or other receptacle or the wrapper or other covering in which such preparation is enclosed shall bear clearly marked upon it the amount and percentage of cocaine or morphine or diacetylmorphine or medicinal hemp contained in such preparation; provided that if the preparation be in the form of uniformly divided dosal units, e.g., pills, powders, tablets, capsules, etc., it shall be sufficient if the bottle or other receptacle or the wrapper or other covering in which such preparation is enclosed bears clearly marked upon it the amount and percentage of cocaine or morphine contained in each such dosal unit.

(6) Where the prescription has to be returned to the person who presents it, the Licensee shall, on the first sale thereon, take and keep a copy of it, and on the occasion of each subsequent sale, note thereon the date of the sale and also sign and seal it.

5. The Licensee may import, export, or transport manufactured drugs (other than prepared opium) through the inland post subject to the following conditions: -

- (a) only the parcel post shall be used and the parcel shall be insured;
- (b) the parcel shall be covered by authorization issued by competent authority at the place to which the parcel is addressed;
- (c) the parcel shall be accompanied by a declaration showing the names of the consignor and the consignee, the contents of the parcel details, the number and date of the authorization covering the import, export or transport, as the case may be, and the number of the licence, if any, held by the consignor and the consignee.

6. The Licensee shall file and preserve for one year all prescriptions upon which manufactured drugs have been sold or dispensed by him and shall produce such prescriptions along with this licence and any manufactured drug that may be in his possession for inspection on demand by the Collector or any officer duly authorised by him.

\*6-A The Licensee shall maintain a register in such form as may be approved by the Collector, wherein he shall, from time to time, record, in respect of the manufactured drugs (other than prepared opium) dispensed by him, the full names and addresses of the approved practitioners prescribing the drugs and of the persons for whom they are prescribed. The Licensee shall similarly record in the said register a true account of the kind and quantity of the manufactured drugs (other than prepared opium) dispensed and the balance held by him in stock. The Licensee shall, before the seventh day of each calendar month, furnish to the Collector or such other officer as he may appoint in this behalf, a copy of the entries made by him in the register during the preceding calendar month".

7. (1) This licence may be cancelled or suspended by the Collector at any time -

- (a) for non-payment of duty or fee payable by the Licensee;
- (b) for default or violation by himself or by any servant or person acting on his behalf of any of the conditions specified in the license or of the provision of the Saurashtra Dangerous Drugs Rules, 1951;
- (c) if the licensee be convicted of any offence under the Dangerous Drugs, Act, 1930 or under the law for the time being in force relating to excise revenue or of a breach of the peace or of any other criminal offence during the currency of the licence;
- (d) if the Licensee infringes any of the conditions imposed on him by the Dangerous Drugs Act, 1930, or by the rules in force thereunder;





currency for a breach of its conditions of any provisions of the Dangerous Drugs Act or any of the rules prescribed thereunder.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19

Seal of the  
Collector.

Collector.

*Form of Accounts of coca derivatives to be kept by Medical Practitioners who have been granted Special authorization for the possession of coca derivatives for use in the exercise of their profession.*

Month \_\_\_\_\_ 19 \_\_\_\_\_ ,

	Coca derivative powder.		Coca derivative tabloids.		Coca derivative solution.		Remarks.
	Ozs.	Grs.	Ozs.	Grs.	Ozs.	Grs.	
Opening Balance	...	...	...	...	...	...	Names of persons from which and the dates on which purchased.
Purchased during the month.							
Total ... ..							
Used during the month.							
Closing Balance carried to next month.							

FORM DD 4  
 for the Inter-  
 state import of Manufactured Drugs  
 into the State of Saurashtra.

Authorization for the Inter-  
 state import of Manufactured Drugs  
 into the State of Saurashtra.

Authorization for the Inter-  
 state import of Manufactured Drugs  
 into the State of Saurashtra.

Part I

Part II

Part III

(To remain in the office of  
 issue)

(To be forwarded to the authori-  
 ty of the place of export).

(To be handed over to the import-  
 er to accompany the consignment).

Mr. \* is  
Messrs are  
 hereby authorized to import the  
 undermentioned drugs from Mr.  
Messrs\*\*

Mr. \* is  
Messrs are  
 hereby authorized to import the  
 undermentioned drugs from Mr.  
Messrs\*\*

Mr. \* is  
Messrs are  
 hereby authorized to import the  
 undermentioned drugs from Mr.  
Messrs\*\*

Exact description of the drug	Total quantity of the drug to be imported.	Percentage of the drug contents.	Re-marks
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Exact description of the drug	Total quantity of the drug to be imported.	Percentage of the drug contents.	Re-marks
-------------------------------	--	----------------------------------	----------

Exact description of the drug	Total quantity of the drug to be imported.	Percentage of the drug contents.	Re-marks
-------------------------------	--	----------------------------------	----------

This authorization must be used within one month from the date of its issue.

This authorization must be used within one month from the date of its issue.

This authorization must be used within one month from the date of its issue.

This authorization shall be delivered on arrival of the drugs at their destination to\*\*\*

The bulk of the consignment shall not be broken in transit.

This authorization shall be delivered on arrival of the drugs at their destination to\*\*\*

The bulk of the consignment shall not be broken in transit.

The bulk of the consignment shall not be broken in transit.

Dated the 19  
 Collector

Dated the 19  
 Collector

Dated 19  
 Collector

\* Name and full address of the importer.  
 \*\* Name and full address of the exporter.  
 \*\*\* Designation of the officer to whom the pass is to be delivered.

FORM DD 5. Authorization for the Inter-state Export of Manufactured Drugs from the Saurashtra State.

FORM DD 5. Authorization for the Inter-state Export of Manufactured Drugs from the Saurashtra State.

FORM DD 5. Authorization for the Inter-state Export of Manufactured Drugs from the Saurashtra State.

FORM DD 5. Authorization for the Inter-state Export of Manufactured Drugs from the Saurashtra State.

I (To remain in the office of issue)

II (To be handed over to the consignor to accompany the consignment.)

III (To be forwarded to the authority at the place of import).

IV (To be issued in the case of despatch of drugs by parcel post and handed over to the consignor for production at the Post Office of despatch).

Mr. \* is Messrs. are hereby authorized to export the undermentioned drugs to Mr. Messrs.\*\*

Mr. \* is Messrs. are hereby authorized to export the undermentioned drugs to Mr. Messrs.\*\*

Mr. \* is Messrs.\* are hereby authorized to export the undermentioned drugs to Mr. Messrs.\*\*

Mr. \* Messrs. hereby authorized to export the undermentioned drugs to Mr. Messrs.\*\*

by\*\*\* in\*\*\*\*

by\*\*\* in\*\*\*\*

by\*\*\* in\*\*\*\*

by\*\*\* in\*\*\*\*

Exact description of the drug.	Total quantity of the drug to be exported.	Percentage of the contents.	Remarks	Exact description of the drug.	Total quantity of the drug to be exported.	Percentage of the contents.	Remarks	Exact description of the drug.	Total quantity of the drug to be exported.	Percentage of the contents.	Remarks	Exact description of the drug.	Total quantity of the drug to be exported.	Percentage of the contents.	Remarks
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This authorization will remain in force up to the evening of 19. The bulk of the consignment shall not be broken in transit.

This authorization will remain in force up to the evening of 19. The bulk of the consignment shall not be broken in transit.

This authorization will remain in force up to the evening of 19. The bulk of the consignment shall not be broken in transit.

This authorization will remain in force up to the evening of 19. The bulk of the consignment shall not be broken in transit.

Dated 19 Collector

Dated 19 Collector

Dated 19 Collector

Dated 19 Collector

\* Name and full address of consignor.  
 \*\*\*\* Number and description of consignee.

FORM DD 6.

Authorization for the Transport of Manufactured Drugs within the State of Saurashtra.

COUNTERFOIL.

(To remain attached to book).

Mr. \* is  
Messrs. are  
hereby authorized to transport to\*\* from\*\*\* the undermentioned drugs:-

Exact description of the drug.	Total quantity to be transported.	Percentage of the drug contents.	Re-marks
--------------------------------	-----------------------------------	----------------------------------	----------

This authorization must be used within one month from the date of its issue.

Dated 19 .

Excise Authority at the place to which drug is to be transported.

\* Name of the person or firm authorized.  
\*\* Locality and district of destination of consignment.

FORM DD

Authorization for the Transport of Manufactured Drugs within the State of Saurashtra.

DUPLICATE.

(To be forwarded to the authority of the place from which the drugs are to be transported).

Mr. \* is  
Messrs. are  
hereby authorized to transport to\*\* from\*\*\* the undermentioned drugs:-

Exact description of the drug.	Total quantity to be transported.	Percentage of the drug contents.	Re-marks
--------------------------------	-----------------------------------	----------------------------------	----------

This authorization must be used within one month from the date of its issue.

Dated 19

Excise Authority at the place to which drug is to be transported.

This authorization is to remain in force upto the evening of 19

The drug covered by it shall be conveyed intact by\*\*\*\* in\*\*\*\*\*

Dated 19 .

Excise Authority at the place from which the drug is to be transported.

\*\*\* Name and full address of the firm supplying the drugs.  
\*\*\*\* Route and mode of conveyance.  
\*\*\*\*\* Number and description of packages.

FORM DD 6.

Authorization for the Transport of Manufactured Drugs within the State of Saurashtra.

TRIPLICATE.

(To be handed over to the applicant to accompany the consignment).

Mr. \* is  
Messrs. are  
hereby authorized to transport to\*\* from\*\*\* the undermentioned drugs:-

Exact description of the drug.	Total quantity to be transported.	Percentage of the drug contents.	Re-description of the drug marks
--------------------------------	-----------------------------------	----------------------------------	----------------------------------

This authorization must be used within one month from the date of its issue.

Dated 19

Excise Authority at the place to which drug is to be transported.

This authorization is to remain in force upto the evening of 19

The drug covered by it shall be conveyed intact by\*\*\*\* in\*\*\*\*\*

Dated 19 .

Excise Authority at the place from which the drug is to be transported.

By Order of H. H. the Raj Pramukh,  
B. R. PATEL,  
Chief Secretary to the Government of Saurashtra.

## Government of Saurashtra.

## PART III

Home Department (Excise).

## NOTIFICATION.

Rajkot, 27 October, 1951.

No. HD/EX/24/18/2222. - In exercise of the powers conferred by sections 5 and 13 (a) of the Opium Act, 1878 (I of 1878), as extended to the State of Saurashtra by the Opium and Revenue Laws Extension of Application Act, 1950 (XXXIII of 1950) and in supersession of any similar rules in force in any of the Convenanting States or merged Talukas and Estates, the Government is pleased to make the following rules for regulating traffic in Opium in the State of Saurashtra: -

## PRELIMINARY.

1. These rules may be cited as the Saurashtra Opium Rules, 1951.
2. In these rules, unless there be something repugnant in the subject or context -
  - (1) "Act" means the Opium Act, 1878 (I of 1878);
  - (2) "Collector" means the Chief Officer in charge of the revenue administration of a district. It includes an Assistant Collector or a Deputy Collector duly authorised by such Collector to perform all or any of the duties imposed on a Collector by these rules;
  - (3) "Commissioner" means the Prohibition Commissioner Saurashtra.
  - (4) "Export" means to export inter-statally, as defined in clause (1) of section 2 of the Dangerous Drugs Act 1930 (II of 1930);
  - (5) "Form" means Form appended to these rules;
  - (6) "Import" means to import inter-statally, as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930 (II of 1930);
  - (7) "Licensed vendor" means a person who has obtained a license for the vend of opium under rule 14;
  - (8) "Opium" means -
    - (a) the capsules of poppy (*papaver somniferum* L.);
    - (b) the spontaneously coagulated juice of such capsules, which has not been submitted to any manipulations other than those necessary for packing and transport; and
    - (c) any mixture with or without neutral materials of any of the above forms of opium, but does not include -
      - (i) Capsules of poppy which have been lanced and dried or from which the juice has been extracted;
      - (ii) any preparation containing not more than 0.2% of morphine, or a manufactured drug as defined in section 2 of Dangerous Drugs Act, 1930;
  - (9) "Sale" does not include sales for export across customs frontiers as defined by the Central Government, and "Sell" shall be constructed accordingly.

- (10) "Transport" means to remove from one place to another within the territories administered by the Government of Saurashtra.

#### POSSESSION.

3. No person shall have in his possession any opium other than opium either:-  
(i) purchased from Government or from licensed vendor;  
(ii) in transit covered by a pass issued under rule 6; or  
(iii) lawfully imported during transit to its destination.
4. No person, not being a licensed vendor or one transporting or importing opium as provided in clauses (ii) and (iii) of rule 3 or one to whom a license or permit is granted under rule 5 shall have in his possession more than three tola of opium in any area in the State of Saurashtra.
5. (1) The Collector may grant -  
(i) to any medical practitioner, chemist or druggist residing within his district, a license for the possession of opium for medical purposes only, in such quantity as the Collector may fix; such license shall be for such period and shall contain such conditions as the Commissioner, with the previous sanction of Government, may prescribe;  
(ii) to any person a special permit authorizing him, for a specified period, to have in his possession, for private consumption only, a specified quantity of opium, in excess of (three tola) in any area in the State of Saurashtra, provided that it shall not exceed  $7\frac{1}{2}$  Tolas per month. For issue of a permit exceeding the above limit price sanction of the Prohibition Commissioner, Saurashtra, shall be necessary,
- (2) The Collector may, with the sanction of the Commissioner, delegate to the Mamlatdar or other Chief Revenue Officer of the Taluka, or to the Superintendent of Excise, the power of granting special permits given to him by clause (ii) of sub-rule (1) of this rule under such restrictions and subject to such instructions as he may think fit.

#### TRANSPORT.

6. No person shall transport from one place to another any quantity of opium exceeding three tola in any area in the State of Saurashtra except under cover of a pass in Form A or in such other form as the Commissioner may from time to time prescribe, the pass being granted -  
(i) in the case of opium to be transported from one place to another within the jurisdiction of any one Collector, by that Collector; and  
(ii) in the case of opium to be transported from any place within the jurisdiction of one Collector to any other place within the jurisdiction of another Collector, by the Collector of the place to which it is to be transported; and the time during which the pass is to be in force shall be noted on the reverse thereof by the Collector of the place from which the transport is to be made;

Provided that in the case of opium removed from a Government Depot to a retail shop, a pass in Form B or in such other form as the Commissioner shall, from time to time prescribe, may be granted by the Officer in charge of such depot.

7. No package containing opium shall be opened during transport.

8. The pass and the packages shall, on arrival, be presented for examination to the Collector. If, after examination, the Collector is satisfied that the packages have not been opened or tampered with in transit, if the number is complete, and if they may be found to be of the full weight specified in the pass, the

packages may be dealt with by the owner as the Law or these rules allow, the pass being retained by the examining officer. Otherwise, the packages shall be detained and dealt with as the law or the orders of any duly authorised authority may direct.

#### TRANSMISSION OF OPIUM BY INLAND POST.

9. Transmission of opium by inland post is permitted on the following conditions, namely -
- (a) that opium is transmitted by parcel post and the parcel has been insured;
  - (b) that the parcel is covered by a permit issued by a proper authority in the State to which the parcel is addressed;
  - (c) that the parcel is accompanied by a declaration showing the names of the consignee and the consignor, the contents of the parcel in detail, the permit number and date covering the parcel in detail, the permit number covering the parcel and the number of licenses if any held by the consignor; and
  - (d) that the consignor and consignee, if they are licensees, show distinctly in their account books the names of the consignee and the consignor, respectively, and the quantities of opium transmitted by and to them, from time to time, by post.

#### IMPORT.

10. No opium shall be imported into the State of Saurashtra by land, except by railway from Gazipur in the Uttar Pradesh to a Government Opium Depot or Sub-Depot in the State of Saurashtra.

#### EXPORT.

11. When any person desires to export opium from the State of Saurashtra into any other State in India, he shall first obtain an import pass in Form C-1 from the Chief Excise Authority of the district into which such opium is to be imported, and shall produce it before the Collector of the place from which the opium is to be exported.

The Collector shall thereupon grant a pass in Form C-2 for the export of such opium, each package of which shall be sealed with his official seal.

#### GENERAL RULES AS TO OPIUM TRANSPORTED, IMPORTED AND EXPORTED.

12. No Railway company shall receive or convey opium which is not covered and accompanied by a pass from an officer duly empowered in this behalf, or shall convey opium otherwise than direct and in custody of a railway official up to the station at which the opium should leave the railway and according to the route prescribed in such pass.

13. (1) The bulk of a consignment of opium in transit in the course of importation or exportation shall not be broken, and any Revenue officer, not inferior in grade to a Mahalkari, or any Inspector, or Sub-Inspector in the Excise Department or any Head Constable in the Police Force may at any time examine such consignment.

(2) If, after such examination, the officer concludes that the packages have not been opened or tampered with in such transport, if their number corresponds with the number specified in the pass, and if they be of the full weight specified in such pass, the consignment shall be allowed to proceed. Otherwise the consigner shall be detained and disposed of according to law.



## SALE.

14. No person shall sell opium without a license in this behalf: Provided that a medical practitioner, chemist or druggist, who holds a license granted to him under rule 5, may sell opium to the extent, and subject to the conditions, prescribed in the said license.

15. No licensed vendor shall sell to any person at one time in the State of Saurashtra more than (three tolas of opium); Provided that such vendor may sell to a medical practitioner, chemist or druggist, holding a license granted under clause (i) of sub-rule (1) of rule 5, or any person holding a special permit granted under clause (ii) of the said sub-rule such quantity as may have been specified in the license or special permit.

16. Licenses for the vend of opium shall be granted by the Collector. The licenses shall be for such period and shall contain such conditions as the Commissioner, with the previous sanction of the Government, may prescribe.

17. If any licensed vendor shall have in his possession on the expiry of his license any opium which he is, to the satisfaction of the Collector, unable to dispose by private sale to another licensed vendors, he shall surrender the same to the Collector, and the in-coming licensed vendor, or, if the expired license is not renewed, any licensed vendor within the district, when so required by the Collector, shall be bound to purchase the opium fore-said to the extent of two months supply at such price and in such quantities as the Collector shall adjudge:

Provided that the price of opium thus adjusted shall be in no case exceed the rate at which it can at that time be procured from Government:

Provided also that if such opium be, in the opinion of the Collector, unfit for use, the Collector shall cause it to be destroyed.

18. Central and subsidiary depots of opium for issue to licensed vendors and for other Government purposes, shall be established in Saurashtra and such other places as the Government may from time to time direct.

19. The opium required for these depots shall be imported from the Uttar Pradesh or be otherwise procured as Government may direct, and shall be stored in the first instance at the Central Depot (or, when the Commissioner so directs at any subsidiary depot), whence it will be supplied on indent to the subsidiary depots as and when required, as also, on demand, to licensed vendors.

20. Opium shall be issued from the Government depots to licensed vendors at a price to be fixed and notified from time to time by Government.

## PREPARATIONS AND ADMIXTURES CONTAINING OPIUM.

21. In the case of preparations and admixtures containing opium (which are not manufactured drugs under the Dangerous Drugs Act, 1930), the limit shall be fixed with reference to the opium contents and not with reference to the quantity or bulk of the preparations or admixtures, and the bottles, phials, packages or other containers of those preparations and admixtures or the labels affixed to them shall plainly exhibit the actual quantity of opium present in each container or sufficient particulars thereof to admit of the ready calculation of such quantity.

## DISPOSAL OF CONFISCATED OPIUM

22. All opium confiscated under the Act shall be sent by the Collector or any other officer duly empowered by him in this behalf to the nearest Central Depot. when a stock of not less than 10 tolas of confiscated opium is accumulated at the Central depot, the Officer in charge of the depot, shall send this opium to the Gazipur Opium Factory. A contingent bill on account of packing and conveyance

charges, incurred in sending the said opium to Gazipur shall then be prepared and transmitted for further disposal to the Collector in whose district the depot is situated. The Depot Officer shall at the end of each year report to the Prohibition Commissioner the total charges incurred in this behalf for adjustment with the Government of India's Account.

23. All property other than opium, which is confiscated under the Act, shall be disposed of under the orders of the Collector or other officer by whom the confiscation was adjudged.

#### CONTROL.

24. All Collectors shall, as regards any matter connected with the administration of these rules, be subject to the general control of the Commissioner.

25. All orders passed by any Excise Officer other than the Collector or the Commissioner under these rules, shall be appealable to the Collector at any time within sixty days from the date of the order complained of.

26. All orders passed by a Collector or the Commissioner under these rules shall be appealable to the Commissioner or to Government respectively, at any time within ninety days from the date of the order complained of:

Provided that no appeal shall lie against an order passed by the Commissioner in appeal.

27. Subject to rules 25 and 26 the rules for the time being in force relating to appeals in the Revenue Department shall apply to appeals under these rules.

#### IMPORT, ETC. ON BEHALF OF GOVERNMENT.

28. Nothing contained in the foregoing rules shall effect possession, transport, import, export or sale of opium by or on behalf of Government.

By Order of H. H. the Raj Pramukh,  
B. R. PATEL,  
Chief Secretary to the Government of Saurashtra.

#### FORM A.

#### PASS FOR TRANSPORT OF OPIUM.

(See rule 6.)

No. \_\_\_\_\_ of \_\_\_\_\_  
Pass from \_\_\_\_\_ to \_\_\_\_\_  
(here state locality and district) here state locality  
and District, by \_\_\_\_\_ in charge  
(here give route and mode of conveyance),  
of \_\_\_\_\_ opium to the amount of \_\_\_\_\_  
(here give name) (here state weight)  
in \_\_\_\_\_  
(here state number and description of packages).  
This pass is to remain in force from \_\_\_\_\_  
(specify date and hour)  
to \_\_\_\_\_ and shall be delivered on arrival of the opium  
(specify date and hour)

At its destination to \_\_\_\_\_  
(here enter name of official designation.)

Dated 195 .

Collector or (other Officer authorised by the Collector as the case may be),

**FORM B.**

**PASS FOR CONVEYANCE OF OPIUM FROM GOVERNMENT DEPOT TO SHOP  
FOR RETAIL SALE.**

(See rule 6)

No. \_\_\_\_\_ of \_\_\_\_\_  
Pass from the Government Opium Depot at \_\_\_\_\_  
to the shop of \_\_\_\_\_ (here enter name) at \_\_\_\_\_ (here enter locality) Seers  
Tolas \_\_\_\_\_ of Opium in charge of \_\_\_\_\_ (here enter name) between the hours  
of \_\_\_\_\_ M and on the \_\_\_\_\_ 195 .  
(here enter date)

Dated at 195 .

Officer in charge of Depot.

**FORM C-I.**

**PASS FOR IMPORT OF OPIUM**

(See Rule 11).

Pass granted to \_\_\_\_\_ (here state name and designation of the consignee) to import from  
or via \_\_\_\_\_ (here state locality and Dist.) into \_\_\_\_\_ (here state locality and District) Opium to  
the amount of \_\_\_\_\_ as specified below \_\_\_\_\_ (here state description and  
weight or quantity to be imported)

This pass must be used within one month from the date of its issue.

The pass shall be delivered on arrival of the opium at its destination to \_\_\_\_\_ (here

enter official designation of the person to whom the pass is to be delivered.)

The bulk of the consignment shall not be broken in transit.

Dated 195 .

Chief Excise Authority.

Note: - Before the opium covered by this pass is removed from the district of export, or, in the case of import from outside India, from the Customs house, this pass must be presented before the Collector of the exporting district or the Collector of Customs, as the case may be, and the export pass below must be completed and signed by such officer.

**FORM C-2.**

**PASS FOR EXPORT OF OPIUM.**

(See Rule 11).

From the State of \_\_\_\_\_

Through the State of \_\_\_\_\_

This pass is to remain in force from \_\_\_\_\_ (here specify date and hour) to \_\_\_\_\_ (here specify date and hour).

The opium covered by it shall be conveyed by \_\_\_\_\_ (here state route and mode for Conveyance) in charge of \_\_\_\_\_ (here give the name of person if any) in \_\_\_\_\_ (here state number and description of packages).

Dated \_\_\_\_\_ 195 .

Collector or (other officer authorised by the Collector, as the case may be).

S. P. -Rjt -862-50--12-52.

E/NL.1953/151

Finance Department (Excise).

**NOTIFICATION**

Rajkot, dated 25th July 1952.

No. FD/EX/24-3/2019. - WHEREAS Government considers it expedient to make Rules for sale, purchase, transport, possession and use of opium and Hemp drugs;

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 as adapted and applied to the State of Saurashtra, the Government is pleased to make the following Rules, namely: -

1. The sale of Opium, Ganja and Bhang to persons other than those holding permits will be entirely prohibited in the State of Saurashtra with effect from the 1st October, 1952. The drugs will be sold on the strength of permits issued by the

Mamlatdar of the Taluka or Mahal in which the person resides, in the prescribed form (form A) on production of a Medical Certificate in form B, granted by a Government Medical Officer of the said Taluka or Mahal, or if there is no such officer in the Taluka or Mahal by the Government Medical Officer of the nearest Taluka or Mahal.

2. The maximum quantities which can be recommended in the medical certificates as required by an addict per month will be: -

Opium	...	5 Tolas
Bhang	...	10 Tolas
Ganja	...	10 Tolas

A permit holder will not be able to obtain more than the following quantities at one time: -

Opium	...	3 Tolas
Bhang	...	10 Tolas
Ganja	...	5 Tolas

3. Opium, Ganja and Bhang required for retail sale will be supplied to the vendors of the licensed shops who shall sell them to the permit holders at fixed rates as provided in rule 1.
4. The Mamlatdars or the Mahalkaries of the Talukas or Mahals in which such licensed shops are situated, should see that -
- (1) the quantity sold is not in excess of the monthly maximum sanctioned in the permit on the authority of the medical certificate;
  - (2) no permit is given to a minor.
5. A fee of Re. 1 is fixed for medical examination and for issue of a permit, out of which As. 8 will be retained by the Medical Officer who examines the persons concerned and the remaining As. 8 will be credited to the Government.
6. The permit will be issued in a book form when the original permit is completed, a fresh permit will be issued without charging any fee. The original permit will be retained and cancelled by the Issuing Authority and a fresh permit will be issued under the same number.
7. (a) The permit holder shall make in person the purchase of the drug for which the permit is issued to him but in case, he cannot do so, he should obtain an authorisation on the permit from the Issuing Authority in favour of his servant or agent in the form prescribed below.
- (b) Purchase of this drug by an agent will only be allowed in the case of pardanashin ladies or permit holders who are unable through age, illness or other physical disability to go to the licensed shop to purchase.
- (c) The permit holder should personally present his application for authorisation to the Mamlatdar/Mahalkaries or an Excise Officer not below the rank of a Sub-Inspector but if the permit holder is pardanashin lady or is unable to do so on account of age, illness or any other physical disability, he or she will send his/her application to the officer concerned with a duly authorised agent.
- (d) Such authorisations in the form below will be issued also by the Superintendent of Excise, Chief Inspector of Excise, Inspector of Excise, Sub-Inspector of Excise and Circle Inspectors of the place after they are satisfied that the permit holder is unable to attend in person.

#### AUTHORISATION.

Shri \_\_\_\_\_ is permitted to buy Opium/  
Ganja/Bhang on behalf of Shri \_\_\_\_\_ on this permit.  
Indentification mark of the servant or the agent

Date

Signature or thumb-impression  
of the servant or the Agent.

Seal of the  
Office

Mamlatdar/Mahalkari.

Taluka/Mahal.

8. A permit holder is authorised to purchase the drug covered by the permit from any licensed shop in Saurashtra on the condition that the quantity of the drug in question purchased by him is duly endorsed on his permit by the licensee from whom he makes the purchase.
9. When a permit holder applies for a fresh permit to the authority other than the authority issuing the original one, the authority issuing the fresh permit should communicate it to the original authority. In such a case, a new number should be given to the fresh permit.
10. In case of loss of a permit or a permit having been rendered unserviceable, a duplicate permit will be issued by the Mamlatdar/Mahalkari concerned on payment of a fee of As. 8 after satisfying that the demand for a duplicate permit is genuine. Such a fee shall be credited to Government accounts.
11. After the issue of a permit for the quota as recommended by the Government medical officer, there will be a progressive six monthly cut as under: -
  - (1) In case of opium,  $1/8$  of the quantity allowed in the permit subject to a minimum of  $1/8$  of tola-the fraction of a quantity less than  $1/8$  tola being rounded off to the nearest eighth of tola.
  - (2) In case of Ganja and Bhang,  $1/4$  of the quantity allowed in the permit.

*Exception* (a) These cuts may not be enforced in respect of persons of and above 60 years of age who may experience hardship in the absence of customary allotment and of persons suffering from painful and incurable diseases (e. g. cancer)

  - (b) The persons who are dissatisfied with the reduced quota, should get themselves examined by the Government Medical Officer of the Taluka/Mahal concerned and if the Medical Officer finds that any reduction in the quota would seriously impair the permit holders' health, he should refer the case through the Mamlatdar or Mahalkari for the orders of the Prohibition Commissioner who alone can decide whether the cut should be enforced or not.

By Order of H. H. the Raj Pramukh,  
B. S. RAGHAVENDRA RAO,  
Secretary to Government of Saurashtra.

## REVENUE DEPARTMENT.

Bombay Castle, 30th April 1953.

## DANGEROUS DRUGS ACT, 1930.

No. 5712/51. - In exercise of the powers conferred by sub-section (2) of section 8 of the Dangerous Drugs Act, 1930 (II of 1930), the Government of Bombay is pleased to amend the Bombay Dangerous Drugs Rules, 1935, as follows, namely: -

In the said Rules -

1. In rule 7 -

(i) in sub-rule (1), for the words "A medical officer belonging to the Subordinate Medical Service" the words "A Government Medical Officer" shall be substituted.

(ii) in sub-rule (3), for the words "An approved practitioner in charge of hospitals and dispensaries belonging to Company-managed State Railways" the words "A Government Medical Officer in charge of hospitals and dispensaries belonging to railways" shall be substituted.

2. In rule 13 -

(i) in sub-rule (1), for the words "An approved practitioner in charge of hospitals and dispensaries belonging to Company-managed State Railways" the words "A Government Medical Officer in charge of hospitals and dispensaries belonging to railways" shall be substituted.

(ii) in sub-rule (2), for the words "A medical officer belonging to the Subordinate Medical Service" the words "A Government Medical Officer" shall be substituted.

3. In Form D.D. 1, in condition 4,-

(i) for sub-clause (e) of clause (1), the following shall be substituted, namely: -

"(e) to a Government Medical Officer in charge of Government and Government grant-in-aid medical institutions.

(f) to a Government Medical officer in charge of hospitals and dispensaries belonging to railways".

(ii) for sub-clause (d) of clause (2), the following shall be substituted, namely: -

"(d) to a Government Medical officer in charge of Government and Government grant-in-aid institutions or to an approved practitioner in charge of Local Board or Municipal dispensaries, or in charge of hospitals and dispensaries belonging to Missions and other corporate bodies or to a Government Medical officer in charge of hospitals and dispensaries belonging to railways".

By order and in the name of the  
Governor of Bombay,

D. S. BAKHLE,  
Secretary to Government

# THE MADHYA BHARAT OPIUM RULES

SAMVAT 2009 (YEAR 1953)

In exercise of the powers conferred under sections 5 and 13 of the Opium Act, 1878 (I of 1878) the Government of Madhya Bharat has been pleased to make the following Rules :—

## (1) Introductory

1. (1) These Rules may be called "The Madhya Bharat Opium Rules, Samvat 2009."

### Title and commencement.

(2) They shall come into force after 15 days of their publication in the *Government Gazette*.

2. In these Rules, unless there is anything repugnant in the subject or context :—

### Definitions.

- (a) "The Act" means the Opium Act, 1878 (I of 1878) as amended by subsequent Acts, including the Dangerous Drugs Act, 1930 (II of 1930);
- (b) "Excise Commissioner" means the Excise Commissioner appointed under the Madhya Bharat Excise Act, Samvat 2009 and includes any officer specially authorised by the Madhya Bharat Government to exercise throughout Madhya Bharat, or any specified area therein all or any of the powers of the Excise Commissioner under these Rules ;
- (c) "Collector" means the chief officer in charge of the revenue administration of a district for the time being, and includes any officer specially authorised by the Madhya Bharat Government to exercise throughout Madhya Bharat or any specified area therein all or any of the powers of a Collector under these Rules ;
- (d) "Excise Officer" means a Collector or any officer or other person appointed or invested with powers under section 6 of the Madhya Bharat Excise Act, Samvat 2009;
- (e) "Approved medical practitioner" means a medical practitioner registered under the Madhya Bharat Medical Practitioners' Registration Act, or who possesses qualifications, which are registrable under the said Act;
- (f) "Licensed vendor" means a person, holding a licence, in Form Op.—1 for the retail sale of raw opium;
- (g) "Licensed druggist" means a person, holding a licence, in Form Op.—2, for the sale of preparations, containing opium, as defined in the Act, for medicinal purposes:



- (h) the expressions "import", "export", and "transport" have the meanings assigned to them respectively in section 3 of the Act;
- (i) the expression "raw opium" means the spontaneously coagulated juice of the capsules of poppy, which has not been submitted to any manipulations other than those necessary for packing and transport;
- (j) expressions referring to "sale" include any transfer otherwise than by way of gift;
- (k) "seer" means a weight of eighty tolas ;
- (l) "tola" means a weight of one hundred and eighty grains troy.

### (2) Import

3. (1) Except where otherwise specially notified, any person may import opium to the extent of the quantity, which he may, under rule 9(1), possess without a licence.

**Import of opium.** (2) A licensed druggist may import opium, other than raw opium, exclusively for medicinal purposes, in quantity not exceeding that, which he is authorised to possess, under a pass in Form Op. —4.

### (3) Export

4. The export of opium is prohibited except —

**Export of opium.**

- (a) on behalf of Government or under the special sanction of the Excise Commissioner, or
- (b) by a licensed druggist, who may export opium other than raw opium, for purely medicinal purposes under a pass in Form Op. —4 subject to the rules in force in the state of import.

### (4) Transport

5. No opium exceeding the quantity, prescribed for possession by a private person under rule 9 (1), shall be transported except under a pass.

**Transport by private persons.**

6. Any approved medical practitioner or licensed druggist, duly licensed to sell opium for medicinal purposes, may transport opium in such quantity as added to his stock in hand, shall not exceed that, which he is authorised under these Rules to possess:

**Transport by medical practitioners and licensed druggists.**

Provided that such transport shall be only for the purposes of his profession or business as such approved medical practitioner or druggist.

7. (1) A licensed vendor may, subject to the conditions of his licence, transport raw opium from a Government warehouse under cover of an entry, in his pass book Form Op.—3, made by the officer-in-charge of the warehouse

**Transport by licensed vendors.**

The pass book shall accompany the consignment, and shall be retained at the shop of the licensed vendor, to which the consignment is made.

(2) The transport of pure opium from one retail shop to another may be permitted under the special orders of the District Excise Officer.

**(5) Transmission by Post**

8. (1) Except as provided in sub-rule (2) no opium shall be imported, exported or transported by post into, out of or within Madhya Bharat.

**Transmission by post.**

(2) A licensed druggist may import, export or transport preparations containing opium by inland post subject to the following conditions:—

- (a) Only the parcel post shall be used.
- (b) The parcel shall be insured.
- (c) The parcel shall be covered by a permit, granted by an officer duly authorised.
- (d) The parcel shall be accompanied by a declaration, stating the names of the consignee and consignor, the contents of the parcel in detail, the number and date of the permit, covering the transmission, the number and date of the licences, held by the consignee and consignor, and such other particulars as may be required from time to time by the Excise Commissioner.
- (e) The consignee shall show distinctly in his account books the name of the consignor and the quantity of drugs, sent to him from time to time by post.

**(6) Possession**

9. (1) Any person may, without a licence, have in his possession at any one time opium to the extent of 1 tola or such quantity as may be prescribed by the Government from time to time, provided that the opium has been bought by retail from a licensed vendor, and

(2) An approved medical practitioner may, without a licence, have in his possession at any one time, for use in the exercise of his profession, opium in quantities not exceeding those specified below or in such quantities as may be prescribed by the Government from time to time:—

Raw opium	..	..	..	..	4 Ounces.
Opium powder	..	..	..	..	4 Ounces.

(3) Subject to the conditions of his licence, a licensed druggist may possess raw opium to the extent specified in his licence.

(4) Subject to the conditions of his licence, a licensed vendor may possess any quantity of raw opium purchased by him, or under his authority, from the Government, or, with the written consent of the District Excise Officer, from any other licensed vendor.

10. Any person, who has been a licensed vendor or a licensed druggist, may, with the sanction of the District Excise Officer, possess, any quantity of opium, of which, at the time of the expiry of his licence, he is in lawful possession in accordance with the conditions of his licence and provisions of these Rules, till such time as he shall have disposed of or surrendered such opium under these Rules.

**Possession by licence-holders of stocks of opium on the expiry of their licence.**

#### (7) Sale

11. (1) The sale of opium is prohibited except by a licensed vendor or licensed druggist to whom a licence in Form Op. —1 or Op. —2 respectively, for the sale of opium has been granted by the Collector.

(2) The licence in Form Op.—1 shall be for the sale of raw opium by retail to the public and shall be granted in respect of such places in the district as the Collector, subject to the orders of the Excise Commissioner, may determine. The licences shall, unless otherwise directed by the Government, be granted for a period not exceeding one year and every such licence shall cease to be in force on the expiry of the financial year, in which it was granted.

(3) The licence in Form Op.—2 shall be for the sale of opium exclusively for medicinal purposes, shall be for a period of one year, and shall cease to be in force on the expiry of the financial year, in which it was granted.

#### (8) Grant of Licences

12. Licences in Form Op.—1 for the retail sale of raw opium shall be disposed of by tender, auction or in such other manner as the Government may, by general or special order, direct.

**Disposal of licences.**

13. When licences are put to auction, the following provisions shall apply :—

**Certain persons debarred from bidding.**

- (a) Former licensees, who are in arrears to Government in payment of Excise or Opium revenue, or whose conduct as licensees has been unsatisfactory, or who have been guilty of serious breaches of the conditions of their licences under the Excise or Opium Act or the rules made thereunder and persons, who have been convicted by a criminal court of such offences as, in the opinion of the officer holding the auction, render them undesirable holders of licences, and persons believed to be of bad character shall not be entitled to bid at the auction, without the consent of the Collector or the officer holding the auction.
- (b) An agent shall not bid at the auction, unless he holds a power of attorney from his principal, or unless such principal is present and authorises the agent to bid on his behalf ;
- (c) Without the express sanction of the Collector no person shall bid at the auction, who holds, or is the agent or servant of any person holding any excise privilege in an adjoining area, of any other State of India.

14. No person holding or possessing any interest in a foreign liquor licence shall hold **Certain persons** or possess any interest in a licence for the retail sale of opium in the **debarred from** same locality. **holding contracts.**

15. The Collector is authorised to cancel any purchase of monopoly, if he believes the **Collusive bids.** bid not to have been made bona fide by the bidder on his own behalf.

16. The confirmation of any auction sale, whether held by the Collector himself or by any other officer, shall rest with the Collector, who may accept or **Confirmation of** reject any bid at his discretion without cause assigned. **auction sales.**

17. At any time before the granting or during the currency of a retail licence the **Taking of security.** Collector may require the licensee to furnish adequate security for the performance of the contract.

18. (1) It shall be in the discretion of the Collector to refuse to grant a licence under these Rules to any person until such person shall have given a bond for **Bonds for per-** the due performance of the conditions, subject to which it is proposed **formance of con-** that such licence shall be granted, binding himself, in the event of his **ditions of licence.** committing a breach of any of such conditions, or causing or permitting any such breach to be committed, or in the event of his abandoning the business, connected with such licence, before the expiry of the term, for which such licence may be granted, to pay such compensation, not exceeding the amount named in the bond, as the Collector may fix.

(2) The payment of compensation under sub-rule (1) shall not operate as a bar to, or otherwise affect, any other proceedings, which may lawfully be taken against the licensee in respect of the infringement of the conditions of his licence.

19. The licences and passes granted under these Rules shall be in the following forms:—

**Forms of licences and passes.**

- (a) The licence for the retail sale of raw opium shall be in the appended Form Op.—1
- (b) The druggist's licence shall be in the appended Form Op. —2.
- (c) The retail shop transport pass book shall be in the appended Form Op.—3.
- (d) The import, export or transport pass for preparations containing opium, as defined in section 3 of the Act, shall be in the appended Form Op.—4.
- (e) The permit for the transport of opium from a godown or warehouse to another warehouse shall be in Form Op.—5.

20. The Excise Commissioner may, from time to time make necessary alterations in—

**Power of making necessary alterations in the forms of licences, passes and permits.**

- (a) the forms, in which licences, passes and permits mentioned in these Rules, shall be granted, and

- (b) the terms and conditions of such licences, passes and permits:  
provided they are consistent with the provisions of the Opium Act, 1878 and these Rules.

21. The Collector may on receiving a written application, grant licences in Form Op.—2 to approved druggists on payment of a fee of Rs. 5 per annum.

**Druggist's licence.**

#### (9) General Licence Conditions

22. (1) Every licence granted shall be deemed to have been granted personally to the licensee named therein, and shall, on the expiry thereof be surrendered to the District Excise Officer.  
**The personal character of the privilege.**

(2) If any licence-holder dies before or during the period of the currency of his licence, such licence shall forthwith cease to be in force:

Provided that the District Excise Officer may, at his discretion, continue any such licence in favour of any heir or of the surety of the deceased licence-holder.

23. (1) The licence fee shall be payable at the treasury, or in outlying tahsils at the sub-treasury, in twelve equal monthly instalments on or before the first working day of each month. If the licence fee be not exactly divisible by 12, the remainder left after its division by 12 shall be paid with the first instalment.  
**Payment of licence fees.**

(2) No remission or abatement shall be claimable except in accordance with the provision of rule 30(2). An advance deposited by way of security shall be credited to fees due in the closing months of the year.

(3) If the licence fee of any shop is in arrear, the District Excise Officer may, at his discretion, prohibit the supply of opium to that shop.

24. The premises, on which sales under a licence may be carried on shall be as specified in the licence. The sale of opium outside such premises and the possession of opium in quantities greater than those permitted to an unlicensed person, unless covered by a transport pass or permit, are prohibited.  
**Licensed premises.**

25. (1) The District Excise Officer may order the transfer of shop for the retail sale of raw opium in Form Op.—1 from one locality to another, or its closure, or the opening of additional shops in any locality.  
**Transfer of shops.**

Provided that such changes, if they affect the interest of adjoining licence-holders, shall not be made during the currency of their licences, unless such licence-holders have been given an opportunity of being heard and unless the order, making the change, has been passed or confirmed by the Excise Commissioner.

(2) Any claims for compensation on this account by such licence-holders shall be decided by the Excise Commissioner.

26. The licensee shall at once produce his licence and accounts for inspection on the demand of any officer of any of the Departments of Excise, Police or Revenue superior in rank to a peon or constable empowered under section 14 of the Act and he shall not prevent any such officer from entering his premises at any hour of the day or night.

27. A licensee shall report to the District Excise Officer all instances, which come to his knowledge, of persons, employed by him in the manufacture, carriage or sale of opium, committing breaches of the Excise or Opium Act or of the rules, made thereunder, or of the engagements entered into by the licensee, and he shall comply with the District Excise Officer's orders respecting the further employment of such persons.

28. Licensees shall furnish such returns and information, as may from time to time be required by the District Excise Officer.

**The furnishing of returns.**

29. No licensee shall enter into any transaction of the nature of a gift or loan with any Excise Officer and all other pecuniary dealings by a licensee with an Excise Officer shall require the previous sanction of the Collector.

**Pecuniary dealings with Excise Officers.**

30. (1) Any licence granted under these Rules may, at any time, be forthwith revoked and cancelled by the Collector—

**Revocation and cancellation of licences.**

- (a) if the licence-holder infringes or causes or permits any other person to infringe any of the conditions of his licence or any provision of the Act or any rule made thereunder ; or
- (b) if the licence-holder becomes physically or mentally or otherwise incapable, for any period exceeding one month, of personally carrying on his business under his licence; or
- (c) if the licence-holder is declared insolvent or imprisoned for any criminal offence ; or
- (d) for any other sufficient cause.

(2) When the Collector cancels a licence under clause (d) of sub-rule (1) he shall remit a sum equal to the amount of the fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the licence, or shall, in addition to remitting the sum aforesaid, grant such additional compensation for default of notice as the Madhya

Bharat Government may direct. On the expiration of the notice, or on the payment of the additional compensation, the Collector may cancel the licence. Otherwise, no person to whom any licence has been granted under these Rules shall be entitled to demand, recover or receive any payment or compensation whatsoever, or any refund of fees or instalment of fees already paid by him, or any remission of any sum due from him to Government, on account of the revocation, cancellation or other determination of such licence in accordance with any of the provisions of these Rules or of any condition of such licence.

(3) The revocation, cancellation or other determination of any licence, granted to any person under any power, conferred by these Rules, shall not operate as a bar to, or otherwise, in any way, affect, any proceeding, which may lawfully be taken against such person in respect of anything done under, or arising out of, or connected with, anything done under such licence, nor shall such revocation, cancellation or other determination relieve such person of any liability or penalty, incurred by him under any provision of the Act, or other law for the time being in force regulating the manufacture, import, export, transport and possession of opium or any of these matters, or the rules made under the Act or such law.

31. The following conditions shall apply to the disposal of balances of opium left with a licensed vendor after the revocation, cancellation or other determination of his licence:—

**Disposal of balances.**

- (a) If the vendor has obtained a new licence for the same article, which is to come into force immediately on the expiry of the old licence and is granted for the same premises, he may retain his balance of stock for the purposes of the new licence.
- (b) If the vendor's new licence is for different premises he must, on the expiry of the old licence, forthwith deposit his stock with such person as the Collector may, by general or special order, appoint for the purpose, and shall not remove it thence to the new shop, except, under a permit granted by an Excise Officer not below the rank of Sub-Inspector.
- (c) If the vendor has been granted no other licence, he shall deposit his balance as provided in clause (b) and, with the prior sanction of the District Excise Officer may dispose of it wholesale to any other licensed vendor of the same class of article. The stock shall then be transported to the premises of such vendor under a permit granted by an Excise Officer not below the rank of Sub-Inspector. In the event of the former licence-holder being unable to dispose of his balance within ten days of the date of expiry of his licence, the person to whom the new licence has been granted in his stead or, if no such new licence has been granted, any licensed vendor of the article, may be required, under penalty of forfeiting his licence, to purchase the article at such price as the Collector may fix, and in any quantity not exceeding that, which the Collector may determine to be ordinarily saleable by him in two months

Provided that if the article be unfit for use, the whole of it, or if the quantity be unreasonably large, the excess may be destroyed under the orders of the Collector. The vendor shall not be entitled to any compensation for any loss suffered in consequence of action taken under this rule.

32. If it is notified by the Commissioner that from any particular date the duty leviable on opium is to be enhanced, all licensed vendors in possession of such opium shall, on the evening, preceding that date, deposit their stock with such person as the District Excise Officer may appoint for the purpose. Such stocks shall remain in deposit until verified and the District Excise Officer may order that the difference of duty be levied on the balance of the stocks, and the licensee shall then pay such duty within ten days of the date, on which the enhanced rate of duty comes into force :

**Procedure when duty on opium is enhanced.**

Provided that—

- (a) if such stock, or part of such stock, be destroyed, the difference of duty shall not be levied on the stock destroyed ; and
- (b) if the balance of stock so deposited, is transferred to another licensed vendor, the difference of duty shall be levied from the transferee, before the transfer is completed.

33. Subject to the provisions of the Act and these Rules, the Excise Commissioner may, from time to time, give such directions and prescribe such forms and registers as he may think fit, for the purpose of carrying out the provisions of the Rules.

**Supplementary directions by the Excise Commissioner.**

#### (10) Exemption

34. Government servants when acting on behalf of the Government are exempted from the provisions regarding the import, export, transport, possession and sale of opium or its transmission by inland post.

**Exemptions granted to Government servants.**

35. The following hospitals and dispensaries are exempted from the provisions regarding possession and sale of opium, as defined in section 3 of the Act, in so far as the "sale" consists in taking payment for medicines, issued in accordance with the rules, prescribed, for the hospitals or dispensaries concerned:—

**Exemptions granted to hospitals and dispensaries.**

- (a) hospitals, dispensaries and veterinary dispensaries working under the supervision of the Government, subsidised dispensaries, and the railway hospitals and dispensaries, and
- (b) other medical institutions, specially authorised by the Excise Commissioner in this behalf.



36. An approved medical practitioner, usually dispensing medicines to his patients, in the exercise of his profession, is exempted from the provisions regarding the sale of opium, as defined in section 3 of the Act, in so far as the sale consists in taking payment for medicines issued or medical treatment given to bona fide patients.

#### (11) Appeals and Revision

37. From every decision or order of a Revenue or Excise Officer, relating to the recovery of dues of the Madhya Bharat Government under section 23 or 25 of the Act, an appeal shall lie as if such decision had been made or order passed under the Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007.

From an original or appellate decision made or order passed under the Act, or the rules made thereunder, other than a decision made or an order passed under section 23 or 25 of the Act, an appeal shall lie :—

- (a) when such decision is made or order is passed by any officer subordinate to the Collector, to the Collector;
- (b) when such decision is made or order is passed by the Collector to the Excise Commissioner ;
- (c) when such decision is made or order is passed by the Excise Commissioner to the Chief Revenue Authority, as defined in section 2(3) of the Madhya Bharat Excise Act, Samvat 2009.

38. (1) Every petition of appeal shall be presented within thirty days of the date of decision or order appealed against and shall be accompanied by the decision or order in original, or by a certified copy of such decision or order, unless the omission to produce such decision or order or a copy thereof is explained to the satisfaction of the appellate authority.

(2) The petition may be submitted by post, or may be presented to the officer concerned, or to such other officer, as he may appoint in this behalf, by the party concerned, or by a recognised agent or legal practitioner.

39. (1) The appellate authority may either admit the appeal or after calling for the record and giving the appellant an opportunity to be heard, may summarily reject it:

Provided that the appellate authority shall not be bound to call for the record where the appeal is time-barred or does not lie.

(2) If the appeal is admitted, the appellate authority may confirm, vary, or reverse the decision or order appealed against, or may direct such further investigation to be made as it may think necessary, or may remand the case for disposal with such directions as it thinks fit:

Provided that it shall not under this rule vary or reverse any decision or order affecting any right of any private person without having given to such person notice to appear and be heard in support of such decision or order.

40. (1) If an appeal is admitted, the appellate authority may, pending the result of the appeal, direct that the execution of the order appealed from be stayed.

**Power to stay execution of orders.**

(2) If execution of any order is stayed under sub-rule (1) such security may be taken or conditions imposed as the appellate authority thinks fit.

41. The Chief Revenue Authority or the Excise Commissioner or the Collector may, at any time, either on his own motion or on the application of any person or party interested, for the purpose of satisfying himself or himself as to the legality or propriety of any decision made or order passed by any officer subordinate to it or him, call for and examine the record of any case pending before, or disposed of by, such officer, and may pass such order in reference thereto as he thinks fit:

**Power of revision of superior officers.**

Provided that he shall not under this rule vary or reverse any decision or order affecting any right of any private person without having given to such person notice to appear and be heard in support of such decision or order.

*Note.*—Application for the revision of any decision made, or order passed by a Collector, in proceedings relating to the actual recovery of dues of the Madhya Bharat Government will lie to the higher revenue authorities in the manner provided by the Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007 or the rules made thereunder.

42. An application for revision shall be presented in the same manner as a petition of appeal.

**Application for revision.**

43. No appeal shall lie from any order rejecting an application for revision.

**No appeal against certain orders.**

44. The provisions of the Indian Limitation Act, 1908 shall apply to all appeals and applications for revision under these Rules.

**Application of Act IX of 1908.**

45. The Madhya Bharat Government may transfer any appeal or application for revision from the Excise Commissioner or a Collector to any other officer, specially authorised to dispose of such appeal or application under clause (b) or clause (c) of rule 2 of these Rules.

**Transfer of Appeals or applications for Revision.**

### (12) Disposal of things confiscated

46. All things confiscated under the Act shall be delivered to the District Excise Officer of the district, in which the order of confiscation is passed.

**All things confiscated to be delivered to the District Excise Officer.**

47. If the thing confiscated be opium it shall be destroyed under the orders of the Collector, unless the Collector is satisfied that the Opium is fit for consumption and weighs five tolas or more, in which case it shall be disposed of in such manner as the Excise Commissioner may, from time to time, direct.

**Disposal of Opium.**

48. All other articles confiscated shall be destroyed, or sold by public auction and the sale-proceeds credited to Government.

**Disposal of other things.**

49. The sale or other disposal of any thing or any animal confiscated under the Act shall be deferred until the period of appeal against the order of confiscation has expired, or, if an appeal be made against such order, until such appeal has been decided.

**Disposal to be deferred till period of appeal.**

Provided that any perishable thing or any animal may be disposed of immediately.

### (13) Rewards to be paid to Officers and Informers

50. The Government have prescribed the following scale of rewards for seizures of opium :—

**Scale of rewards.**

#### (a) For Informers

- (i) On first 10 seers of opium .. .. Up to Rs. 20 per seer.
- (ii) On next 30 seers of opium .. .. Up to Rs. 15 per seer.
- (iii) On excess over 40 seers of opium .. .. Up to Rs. 10 per seer.

#### (b) For Officers

Non-information cases      Information cases.

- (i) On first 20 seers of opium .. Up to Rs. 20 per seer .. Up to Rs. 15 per seer.
- (ii) On excess over 20 seers of opium Up to Rs. 15 per seer      Up to Rs. 10 per seer.

51. (a) The following officers may grant rewards mentioned in Rule 50 up to the limits mentioned against them :—

**Powers to grant rewards.**

- (i) District Excise Officers .. Up to Rs. 100 only in each case.
- (ii) Collectors .. .. Up to Rs. 500 only in each case.
- (iii) Excise Commissioner .. Up to Rs. 1,000 only in each case.

(b) The maximum amount for distribution in any one case shall not, however, exceed Rs. 1,000, the share of an individual officer being not more than Rs. 250.

**APPENDIX**

**FORM Op. —1**

[Under Rule 2(f) of the Opium rules, Samvat 2009]

**Licence for the retail sale of raw opium**

Number of licence.....

Mr.....resident of .....Pargana.....District .....  
is hereby authorised by the Collector of ..... district to sell raw opium by retail  
under the provisions of rule 11 of the Opium Rules, Samvat 2009 in his shop at.....in Pargana  
..... during the currency of the financial year commencing on the 1st  
April 19 , and ending on the 31st March 19 , or of so much of it as still remains unexpired  
after the date of the issue of this licence; on the following conditions:—

1. The said licensee shall pay to the Government the sum of Rs.....in  
the following instalments:—

On the 1st of April Rs. .... (one-twelfth of Rs.....  
plus the remainder, if any, left after its division by 12).

May 19 to March 19 Rs. .... (one-twelfth of Rs.....) per month  
An advance deposited by way of security shall be credited to fees due in the closing months of  
the year.

2. The shop shall be kept open throughout the year unless its temporary or permanent  
closure has been authorised by the District Excise Officer. Such supply of raw opium as the  
Collector may consider sufficient to meet the local requirements shall be kept.

3. The licensee shall not sell, transfer or sub-lease his shop, nor shall he enter into any  
partnership for the working of the shop in any manner without the written permission of the  
District Excise Officer, which shall be endorsed on the licence. A partner or sub-lessee shall  
be bound by all the conditions of the licence, but the original licensee shall also continue to be  
responsible to Government for the due payment of the licence fees.

4. Except with the special sanction of the Collector the licensee shall not open his shop  
for the sale of raw opium before ..... A. M. or keep it open after.....P. M.

5. The licensee shall close his shop when ordered to do so by any magistrate or any  
Police or Excise Officer above the rank of Head Constable, and shall, without any order, close  
his shop in the event of riot or unlawful assembly being apprehended.

6. No agent shall be appointed for the management of the shop without the previous approval of the District Excise Officer. Such approval may be withdrawn at any time. A servant or dependant of the licensee who merely assists in the shop shall not be deemed an agent within the meaning of this rule, but a person other than the wife or husband of the licensee, who manages a shop on behalf of the licensee, shall be considered an agent even though he be a member of the licensee's family.

7. (1) No person except the licensee, his agent or servants shall be allowed to remain in the shop during the night.

(2) No person apparently under 18 years of age and no insane person shall be permitted to enter a shop and no intoxicated person shall be allowed to enter or remain therein.

(3) During the hours, for which the premises may be kept open for business no person licensed to sell opium shall employ or permit to be employed in any part of the licensed premises any woman except his wife or the wife of his agent, either with or without remuneration.

(4) No person suffering from leprosy or from any contagious disease shall be employed in the sale or transport of opium.

(5) No person who has been convicted of any offence under the Excise, Dangerous Drugs or Opium Act or of any non-bailable offence shall be employed in the sale or transport of opium without the previous sanction of the District Excise Officer.

8. The licensee shall sell no opium except such as he may purchase from the Government or a licensed vendor and shall not receive or have in his possession any opium obtained otherwise. All opium purchased by him from the warehouse shall after, entry in the shop pass-book of the quantity of opium purchased and of the time allowed for transport to the shop, be taken to the shop for which the pass is granted (and not to any other shop or place) within the time allowed in the pass-book. Before opium is issued, the licensee shall pay for it at such issue price rate as is fixed from time to time by Government.

9. The licensee shall not sell to any one person in one day raw opium in greater quantity than one tola:

Provided that he may, with the District Excise Officer's permission in writing, sell raw opium in greater quantities than half a tola to an approved medical practitioner, or a licence druggist but only in such quantities as such practitioner or druggist may be entitled to possess.

10. Sales shall be conducted in a building, of which the whole or part shall be entirely set aside for use as a shop. The sale room shall be suitably constructed and lighted, as may be required by the District Excise Officer and the interior thereof, where sales are affected shall be visible from the doorway. The shop shall not be used for any other purpose than that, for which it is licensed. If there are means of communications between the shop and an adjoining dwelling house, they shall be locked at night.

11. The licensee shall not permit the consumption of opium in any form in his shop or any other premises in his occupation.

12. The licensee shall not adulterate or mix any foreign substance with the opium sold or kept for sale by him. He shall not have in his possession more than one broken cake of opium for sale to his customers without the permission of the District Excise Officer.

13. Only such weights as may from time to time be prescribed by the Excise Commissioner and correct scales of such pattern as shall be approved by the District Excise Officer shall be used on any licensed premises. The possession of other weights or scales on any licensed premises or the giving of short weight shall be considered to be a breach of the licence.

14. (1) The licensee in retailing opium shall so far as possible cut off the cake only the quantity required by each successive customer:

Provided that the retailer may on bazar days cut off pieces for retail sale previous to the time of sale. He may not form into pills or in any way shape the pieces thus cut off. Pieces cut off shall be kept for sale either at one pice or at one anna each, the two sizes being kept separate. At the close of the day's sale he shall weigh all pieces left over and enter in his account book details of the number of pieces of each price and their aggregate weight. He shall then put aside the pieces in a locked receptacle for use on the next bazar day.

(2) The District Excise Officer may at any time withdraw from any licensee the permission to cut off pieces prior to the time of sale.

15. No opium shall be sold or given —

(i) to persons under the age of 20 years ;

(ii) to any railway servant, Police or Excise Officer below the rank of Sub-Inspector when on duty or in uniform or to a vagrant under police custody, or insane person or person known or believed to be intoxicated.

16. Sales shall be made on payment in cash only.

17. Opium shall not be sold below such minimum and above such maximum price, if any, as is or may from time to time be fixed.

18. There shall be affixed to the front of each shop a signboard, painted in Hindi, showing the nature of the licence, under which sales are conducted, the name of the licensee and the current rate or rates of sale. If the rate of sale varies according to the quantity sold, there shall be only one rate for each such quantity and the details of each shall be separately recorded. The licensee shall sell at the rate or rates advertised on the signboard, which shall be uniform for all the purchasers without distinction. Where pieces are cut off previous to the time of sale on bazar days, the current rate to be specified in this case will be the quantity of opium sold for one pice and that sold for one anna respectively, the accuracy of the selling rate being verified by the actual weighment of the opium thus cut off. The rate or rates of sale shall not be varied until a report of the change has been made to and received by an Excise Officer not below the rank of Sub-Inspector.

19. The licensee shall keep in ink a true daily account in the annexed form showing the receipts and sales of opium each day and the balance in stock. In column 6 he shall show the name, father's name, caste, and residence of each purchaser of half a tola and upwards, the entries to be made immediately after each transaction :—

Date.	Quantity of opium in stock from yesterday.	Quantity of opium received this day and whence received.	Total quantity to be accounted for.	Quantity sold this day.	Name, father's name, caste, and residence, of each purchaser of half a tola and upwards.	Quantity left in stock.	Remarks.
1	2	3	4	5	6	7	8

SCHEDULE

Description of the site.	Boundaries of shop			
	North.	East.	South.	West.

20. Each licensee shall report to the Warehouse Officer after the 31st December (a) the total quantity of opium sold by him during the first three quarters of the excise year and (b) the balance in hand on the 1st January. The further issue of opium to such licensee shall be limited in each month of the last quarter to a quantity not exceeding the average sales of the first nine months plus 25%, from which will then be deducted one third of the balance in hand on the 1st January. For example, if the total sales in first nine months are 85 seers and the balance in hand on the 1st January is 4 seers the limit of issue for each month of the last

$$\text{quarter will be } \frac{85 + 21\frac{1}{4}}{9} = \frac{106\frac{1}{4}}{9} = \frac{12}{9} = \frac{94\frac{1}{4}}{9} = \frac{4\frac{1}{4}}{9} = 10\frac{1}{2} \text{ seers.}$$

A fraction of seers when 19 tolas or less should be neglected; when more than 10 and less than 60 tolas more may be taken as a whole seer. The District Excise Officer may relax this rule in special cases at his discretion.

21. On the infringement of any of the above conditions or of any of the provisions of the Opium Act or of the rules made thereunder, or of any executive orders or instructions made or issued from time to time under the said rules, or if there be reason to believe that the licensee either himself smuggles or connives at smuggling of opium, or if the licensee be convicted under the Excise, Opium, or Dangerous Drugs laws, or of any cognizable and non-bailable offence, the licence may be cancelled by the Collector. The licensee shall have no claims to any compensation whatsoever or to the refund of any licence fees already paid, but it shall be in the discretion of the Collector to make such compensation or refund as he may consider necessary or desirable.

22. (1) The Collector may, on an application made in this behalf, accept a sum of money not exceeding two hundred rupees from a licensee, whose licence is liable to be cancelled, as consideration for not cancelling it.

(2) The District Excise Officer may, in such cases or class of cases as the Collector may, by general or special order, direct, exercise the powers of the Collector under clause (1) subject to the limitation that he shall not accept a sum exceeding fifty rupees. If in any case, he thinks that a sum in excess of fifty rupees should be accepted, he shall submit the case for the orders of the Collector.

23. Any loss caused to the Government in consequence of the cancellation of this licence for any of the causes specified in condition 21 shall be recoverable from the *ex*-licensee, but he shall not be entitled to any gain that may accrue to Government from its resale.

24. The licensee may surrender his licence on the expiration of one month's notice in writing given by him to the Collector of his intention to surrender it, and on payment of the fee payable for the licence for the remainder of the period, for which it would have been current but for such surrender:

Provided that if the Collector is satisfied that there is sufficient reason for surrendering a licence he may with the previous sanction of the Excise Commissioner, remit to the licensee the sum so payable on surrender, or any portion thereof.

25. All moneys falling due to Government under any of the conditions of this licence shall be recoverable, as if they were arrears of land revenue.

Collector,  
.....District.

Dated the.....19 .



FORM Op.—2

[Under Rule 2 (g) of the Opium rules, Samvat 2009]

**Druggist's Licence**

Under rule 21 of the Opium Rules, Samvat 2009 in consideration of the payment of a fee of Rs.....the receipt of which is hereby acknowledged, licence is granted to you..... to sell opium, as defined in section 3 of the Opium Act, 1878 (I of 1878) exclusively for medicinal purposes on your premises in ..... street in the town of ..... in the district of ..... for the year ending the 31st March, 19.....subject to the following conditions to be observed by you :—

1. You shall not transfer this licence to any other person.
2. You shall not have in your possession at any one time more than.....of opium.
3. All raw opium shall be procured from the Government or a licenced vendor or other licensed druggist.
4. You shall procure your preparations or admixtures of raw opium either by importing them or by preparing them yourself from the raw opium, you are allowed to possess.
5. You shall maintain in the following form proper and true accounts showing the quantities of raw opium, preparations of opium and poppy heads in your possession from day to day and shall submit to the office of the District Excise Officer a monthly abstract of such accounts :—

Date.	Opening balance.	Quantity received this day and whence received.	Total quantity to be accounted for.	Quantity sold this day.	Full name of purchaser.	Full address.	Date of prescription and name of approved practitioner who granted it.	Balance.	Remarks.
1	2	3	4	5	6	7	8	9	10

6. You shall retain in the shop for inspection every prescription on the authority of which you have sold opium, and you shall not sell more than once on the authority of any one prescription. You shall preserve all such prescriptions and the sale account for six months from the date, on which the period of your licence expires.
7. You shall produce your licence, sale accounts, file of prescriptions and stock of opium for inspection immediately on demand of any officer specially or generally authorised by the Collector or of any officer not below the rank of Naib Tahsildar or Sub-Inspector of Excise.
8. You shall not sell to any person other than—
  - (a) an approved medical practitioner, and in a quantity not exceeding 4 ounces at one time, or
  - (b) a person, producing the prescription of an approved medical practitioner and not exceeding such quantity as may be stated in such prescription, or
  - (c) a person holding a licence in this form, and in quantity not exceeding that, which he may be authorised to possess.
9. This licence may be cancelled by the Collector if any breach of the provisions of the Opium Act, 1878, or of the rules made thereunder, or of any executive orders or instructions made or issued from time to time under the said rules or of any of the abovementioned conditions is committed by you or your partner or agent or any other person employed on the premises, for which this licence is granted.
10. This licence may be withdrawn, at any time without notice, at the discretion of the Collector.

Dated.....19 .

Collector,

.....District.

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FORM Op. —3

(Under Rule 7 of the Opium rules, Samvat 2009)

Pass Book for retail vendors of opium

Name of shop .....

Name of licensee .....

Date.	Quantity of opium issued.	No. and date of Treasury challan.	Price and duty paid	Time and route allowed.	Name of carrier.	Signature of officer issuing opium.	Remarks.
1	2	3	4	5	6	7	8

Note:—The entry will protect the consignment only up to the time allowed and so long as it is carried by the prescribed route and remains in tact.

OPIMUM SERIES

FORM Op. 4

(Under rule 19(d) of the Opium Rules, Samvat 2009)

Counterfoil

Form of pass for the import/export/transport of opium as defined in section 3 of the Opium Act, 1878 for medicinal purposes.

(To be issued in quadruplicate, one copy being kept as a counterfoil in the office of issue, another to be returned by the consignee to the Collector of the district to which the consignment is sent after noting the details of the drugs consigned on the form on the back of the foil, the third to be sent to the authority of the exporting district and the fourth to accompany the consignment.)

Pass granted to.....(here enter name of consignee) to import from/export to/transport from or via.....(here enter locality and district) into/from/to.....(here state district) opium as defined in section 3 of the Opium Act, 1878 for medicinal purposes to the amount of.....as specified below:-

(here state description and weight or quantity of each kind of drug)

This pass must be used within one month from the date of its issue. The duplicate pass shall be returned by the consignee after despatch of the consignment to the Collector.....(district).

The bulk of the consignment shall not be broken in transit.

Place.....

Date.....

Excise Commissioner. Collector.

Form overleaf to be filled up, signed and dated by the consignee and this pass to be returned to the Collector.....

FORM Op. 4

(Under rule 19(d) of the Opium Rules, Samvat 2009)

Duplicate

Form of pass for the import/export/transport of opium as defined in section 3 of the Opium Act, 1878 for medicinal purposes.

(To be returned by the consignee to the Collector of the district to which the consignment is sent after noting the details of the drugs consigned in the form on the back of this foil.)

Pass granted to.....(here enter the name of consignee) to import from/export to/transport from or via.....(here enter locality and district) into/from/to.....(here state district) opium as defined in section 3 of the Opium Act, 1878 for medicinal purposes to the amount of.....as specified below:-

(here state description and weight or quantity of each kind of drug)

This pass must be used within one month from the date of its issue. The duplicate pass shall be returned by the consignee after despatch of the consignment to the Collector.....(district).

The bulk of the consignment shall not be broken in transit.

Place.....

Date.....

Excise Commissioner. Collector.

Form overleaf to be filled up, signed and dated by the consignee and this pass to be returned to the Collector.....

FORM Op. 4

(Under rule 19(d) of the Opium Rules, Samvat 2009)

Triplicate

Form of pass for the import/export/transport of opium as defined in section 3 of the Opium Act, 1878 for medicinal purposes.

(To be sent to the authority of the exporting district)

Pass granted to.....(here enter name of consignee) to import from/export to/transport from or via.....(here enter locality and district) into/from/to.....(here state district) opium as defined in section 3 of the Opium Act, 1878 for medicinal purposes to the amount of.....as specified below:-

(here state description and weight or quantity of each kind of drug)

This pass must be used within one month from the date of its issue. The bulk of the consignment shall not be broken in transit.

The bulk of the consignment shall not be broken in transit.

Place.....

Date.....

Excise Commissioner. Collector.

Form overleaf to be filled up, signed and dated by the consignee before the consignment leaves his premises.

FORM Op. 4

(Under rule 19(d) of the Opium Rules, Samvat 2009)

Permit

Form of pass for the import/export/transport of opium as defined in section 3 of the Opium Act, 1878 for medicinal purposes.

(To accompany the consignment).

Pass granted to.....(here enter name of consignee) to import from/export to/transport from or via.....(here enter locality and district) into/from/to.....(here state district) opium as defined in section 3 of the Opium Act, 1878 for medicinal purposes to the amount of.....as specified below:-

(here state description and weight or quantity of each kind of drug)

This pass must be used within one month from the date of its issue. The duplicate pass shall be returned by the consignee after despatch of the consignment to the Collector.....(district).

The bulk of the consignment shall not be broken in transit.

Place.....

Date.....

Excise Commissioner. Collector.

**Details of Consignment**

The drugs specified below have this day, the.....  
 19 , been despatched by .....  
 (mode of conveyance) in charge of .....  
 in .....  
 (state No. and description of packages) :—

Description of drugs.	Quantity or weight.	Packages.

Date.....

Signature of consignor.

No.....

Dated.....the 19 .

Copy forwarded to the .....  
 for information.

Place.....

Excise Commissioner.  
 Collector.

**Advice of consignment of opium as defined in section 3 of the Opium Act, 1878 for Medicinal Purposes.**

The drugs specified below have this day, the.....  
 19 , been despatched by .....  
 (mode of conveyance) in charge of .....  
 in.....  
 (state No. and description of packages) :—

Description of drugs.	Quantity or weight.	Packages.

Date.....

Signature of consignor

Forwarded to the Collector.....

**FORM Op. 5**

*(Under rule 19 (e) of the Opium Rules,  
Samvat 2009)*

Dated the.....19 .

**Counterfoil**

*Permit for the transport of opium from a  
Godown or Warehouse to another Warehouse.*

The transport of mds.....srs. .... of  
opium contained in the chest No.....  
is hereby permitted from the Godown/  
Warehouse at.....  
to .....Warehouse.

Warehouse Officer.

This permit is current for.....  
hours only.

Warehouse Officer.

**FORM Op. 5**

*(Under rule 19 (e) of the Opium Rules,  
Samvat 2009)*

Dated the.....19 .

**Duplicate**

*Permit for the transport of Opium from a  
Godown or Warehouse to another Warehouse.*

(To accompany consignment)

The transport of mds.....srs. ....of  
opium contained in the chest No.....  
is hereby permitted from the Godown/  
Warehouse at.....  
to.....Warehouse.

Warehouse Officer.

This permit is current for.....  
hours only.

Warehouse Officer.

**FORM Op. 5**

*(Under rule 19(e) of the Opium Rules,  
Samvat 2009)*

Dated the.....19

**Triplicate**

*Permit for the transport of opium from a  
Godown or Warehouse to another Warehouse.*

(For the information of the District  
Excise Officer).

The transport of mds.....srs. ....of  
opium contained in the chest No.....  
is hereby permitted from the Godown/  
Warehouse at .....  
to.....Warehouse.

Warehouse Officer.

This permit is current for.....  
hours only.

Warehouse Officer.

FORM Op. 6

(Under rule 33 of the Opium Rules, Samvat 2009)

**Opium Indent.....District.**

(To be submitted so as to reach the Excise Commissioner by the 10th April annually).

District.	Quantity issued during period 1st July 19 to 31st March 19.	Average issue per month (1/9th of col. 2)	Estimated issue during period 1st July 19 to 31st August 19 (14 months).	Estimated average issue per month (deduced from col. 4).	Stock of opium in store on 31st March 19	Amount of instalment due in April 19 .	Estimated issue from April to June 19 . (deduced from col. 3)	Probable stock of opium in store on 30th June 19 . (column 6 plus column 7 minus column 8).	Quantity of opium now indented for (difference between columns 4 and 9).
1	2	3	4	5	6	7	8	9	10

Quantity of opium required in		Quantity to be received in			
Seer cakes	Half-seer cakes.	July	October	January	April.
11	12	13	14	15	16

Dated.....19 .

District Excise Officer.

## FORM Op. 7.

(Under rule 33 of the Opium Rules, Samvat 2009)

## Opium Store Register

Date of receipt and No. and date of permit.	Mark on chest and weight of opium in chest verified.	Particulars of receipts, issues and balances.	Government Opium						Signature of Warehouse Officer.
			Quantity			Value at Rs. per seer.			
1	2	3	4						5
			M.	S.	T.	Rs.	As.	Ps.	

Note:—(1) Every "balance" entry to be initialled by the warehouse officer.

(2) The cakes of each chest should be kept separate. They should be counted by the verifying officer and weighed in lots of 10 seers. The total weight of each lot and the whole chest of opium (including papers, wrappers but excluding chest) should be recorded.



FORM Op.  
(Under rule 33 of the Opium Rules, Samvat 2009)

**Opium Sale Register**

General account.		Details of daily sales.										
Date	Particulars as to receipts, sales and balances.	Quantity.	Name of purchaser.	For what shop purchased.	Quantity purchased.	Amount of deficiency.	Price paid		Total sale of the day		Signature of the warehouse officer in token of agreement with the No. and date of treasury receipted <i>challan</i> presented at the warehouse.	
1	2	3	4	5	6	7	8	9	10	11	12	
	Balance ..	M. S. T.										
	Received ..		(The	details	of the	total	sales of	the day	to be	given		
	Total ..									here)		
	Total sales of the day:											
	Balance											



FORM Op. 10

(Under rule 33 of the Opium Rules, Samvat 2009)

Register of Madak Smokers.

Name of locality.	Number of madak smokers by castes.											
	Brahmans.	Rajputs	Banias.	Sonars.	Telis.							Total
1	2	3	4	5	6	7	8	9	10	11	12	13

## FORM Op. 11

(Under rule 33 of the Opium Rules, Samvat 2009)

## Statement of persons convicted of smuggling opium into Madhya Bharat from other States

Name of District.	Name and residence of accused.	Quantity and description of smuggled opium seized.	State or village (if known) whence the opium was brought		Supposed destination of the opium.	Whether brought by railway or road.	Name and powers of convicting magistrate.	Date of conviction.	Punishment inflicted	Reward paid.	Any remarks, which the local authorities desire to offer.
			(a) As stated by the accused.	(b) As shown by the evidence.							
1	2	3	4	5	6	7	8	9	10	11	12
		M. S. C. T.M.									

*Instructions.*—Important cases of smuggling should be reported separately and *at once* in this form. “Important” cases are those, in which the quantity of opium seized exceeds 40 lbs. (half md.) in weight or in which any new information regarding organised and systematic smuggling is disclosed.

FORM Op. 12  
(Under rule 33 of the Opium Rules, Samvat 2009)

**Abstract Return of opium transactions in the Warehouse.....**  
**for the month.....19 .**

Opening balance.	Quantity of opium received from the godown during the month.	Total quantity of opium to be accounted for,	Quantity of opium issued during the month	Closing balance of opium.	Duty.	Cost price.	Total	Remarks.
1	2	3	4	5	6	7	8	9
M. S. T.	M. S. T.	M. S. T.	M. S. T.	M. S. T.	Rs. As. P.	Rs. As. P.	Rs. As. P.	

I certify that I have this day verified the balance of opium in the warehouse and found it to be given as above. I have also satisfied myself that the duty and cost price of all opium sold in the month have been fully realized and credited.  
Dated.....19 . Warehouse Officer.

## FORM Op. 13

(Under rule 33 of the Opium Rules, Samvat 2009)

Statement showing the monthly issues of opium to each shop from the Warehouse  
 at ..... during the month ..... 19 .

Serial No.	Name of shop.	Quantity issued.		Remarks.
1	2	3		4
		Srs.	Tolas.	

.....  
 The ..... 19 .

Warehouse Officer,  
 Warehouse.....

FORM Op. 14

(Under rule 33 of the Opium Rules, Samvat 2009)

Shop Account

Account of opium received and sold at the Shop at.....in the Pargana of.....

Date	Quantity in stock from yesterday.	Quantity received this day and whence received.	Total quantity to be accounted for.	Quantity sold this day.	Name, father's name, caste and residence of each purchaser of half a tola or upwards of opium. (to be recorded as each sale is made.)	Quantity left in stock.	Remarks.
1	2	3	4	5	6	7	8
	S. T.	S. T.	S. T.	S. T.		S. T.	

## FORM Op. 15

(Under rule 33 of the Opium Rules, Samrat 2M09)

## Stock Register of confiscated Opium

	1	Date.
S. T.	2	Opening balance
	3	No. and date of transport permit in Form Op. 5.
	4	Whence received.
S. T.	5	Quantity despatched by the district.
S. T.	6	Quantity found on verification at the Excise Stores.
S. T.	7	Dryage column (5) <i>minus</i> column (6).
S. T.	8	Total in hand and received column (2) <i>plus</i> column (6).
S. T.	9	Dryage at Excise Stores.
	10	No. and date of advice from Excise Stores.
S. T.	11	Quantity sent to Gazipur.
S. T.	12	Total of columns (9) and (11).
S. T.	13	Balance left column (8) <i>minus</i> column (12).
	14	Initials.
	15	Remarks.



# The Madhya Bharat Dangerous Drugs Rules

SAMVAT 2009 (YEAR 1952)

In exercise of powers conferred under sub-section (2) of section 8 of the Dangerous Drugs Act, 1930, the Government has been pleased to make the following Rules:—

Rules for the import, export, transport, possession and sale of manufactured drugs, other than prepared opium, and of coca leaf and for the manufacture of medicinal opium or of any preparation, containing morphine, diacetylmorphine or cocaine.

## (1) Introductory

1. (i) These Rules may be cited as “The Madhya Bharat Dangerous Drugs Rules, Samvat 2009 (Year 1952)”.

### **Title and Commencement.**

(ii) They shall come into force after fifteen days of their publication in the *Government Gazette*.

2. In these Rules unless there is anything repugnant in the subject or context,—

### **Definitions.**

- (a) “the Act” means the Dangerous Drugs Act, 1930 (II of 1930);
- (b) “approved medical practitioner” means a medical practitioner registered under the Madhya Bharat Medical Practitioners Registration Act or who possesses qualifications which are registrable under the said Act;
- (c) “Collector” means the chief officer in charge of the revenue administration of a district for the time being, and includes any officer specially authorised by the Government to exercise throughout Madhya Bharat or any specified area therein all or any of the powers of a Collector under these Rules;
- (d) “Excise Commissioner” means the Excise Commissioner appointed under the Madhya Bharat Excise Act, Samvat 2009 and includes any officer specially authorised by the Government to exercise throughout Madhya Bharat or any specified area therein, all or any of the powers of the Excise Commissioner under these Rules;
- (e) “Excise Officer” means a Collector or any officer or other person appointed or invested with powers under section 6 of the Madhya Bharat Excise Act, Samvat 2009 and not below the rank of Sub-Inspector.

- (f) the expressions "import", "export" and "transport" have the meanings assigned to them respectively in clauses (j), (l) and (m) of section 2 of the Act.
- (g) "manufacture" means the process of mixing one or more of the drugs, known as medicinal opium preparations, containing morphine, diacetyl-morphine or cocaine, with or without neutral materials;
- (h) "licensed vendor" means a person holding a licence in Form D. D. 1 for the possession and sale of coca leaf and manufactured drugs, other than prepared opium, otherwise than on the prescription of an approved medical practitioner; and
- (i) "licensed druggist" means a person holding a licence in Form D. D. 2 for the possession and sale on prescription of an approved medical practitioner, of manufactured drugs and coca leaf, other than prepared Opium.

### (2) Manufacture

3. A licensed vendor or licensed druggist may, subject to the conditions of his licence, manufacture medicinal opium or any preparation containing morphine, diacetyl-morphine or cocaine from materials, which he is lawfully entitled to possess.

4. Approved medical practitioners in the exercise of their profession and officers of Government who, in the course of their official duty or for the purposes of such duty, are required to manufacture medicinal opium or any preparation containing morphine, diacetyl-morphine or cocaine shall be exempt from the provisions contained in these Rules regarding manufacture.

### (3) Possession

5. Any person may possess such quantity of manufactured drugs other than prepared opium, as has been at one time dispensed and sold for his use on the prescription of an approved medical practitioner; provided that the prescription is in writing, is dated, is signed by an approved medical practitioner with his full name and address, states the exact quantity of each manufactured drug, gives the full name and address of the person, for whose use it is given, and is in the possession of such person or his guardian or a person duly authorised on his behalf.

6. An approved medical practitioner may possess, for his use, in the exercise of his profession, manufactured drugs, other than prepared opium, in quantities not exceeding in the aggregate, those specified below:—

**Possession by approved medical practitioner.**

	Description of drugs.	Quantity.
(i)	Cocaine .. ..	½ ounce.
(ii)	Medicinal hemp .. ..	10 ounces.
(iii)	Medicinal opium .. ..	10 ounces.
(iv)	Morphine, diacetyl-morphine and admixtures of alkaloids of these drugs.	120 grains of pure drugs or 8 ounces of these drugs in all forms of admixtures of alkaloid.

Provided that the Collector may, by special order, authorise any such practitioner to possess as aforesaid any larger quantity.

7. A licensed vendor or licensed druggist may possess such quantity of coca leaf and manufactured drugs other than prepared opium, and in such manner as may be specified in his licence.

**Possession by licensed vendor or licensed druggist.**

8. The following institutions shall be exempt from the provisions, contained in these Rules, regarding the possession of coca leaf and manufactured drugs, other than prepared opium:—

**Exemptions.**

- (i) Hospitals, dispensaries and veterinary dispensaries working under the supervision of the Government subsidised dispensaries and railway hospitals and dispensaries.
- (ii) Other medical institutions specially authorised by the Excise Commissioner in this behalf, by a general or special order, subject to such conditions as may be specified in the order.

Provided that such articles have been obtained under a duly granted import or transport licence.

#### (4) Import

9. Any person may import such manufactured drugs, other than prepared opium, as he may lawfully possess under rule 5.

**Import by private persons.**

10. (1) In the following cases coca leaf and manufactured drugs other than prepared opium, may be imported only under a licence to be obtained, for each consignment separately, from the following authorities:—

**Import by others.**

Cases in which licence may be granted.	Authority granting the licence.
(i) For supplies required for hospitals, dispensaries and veterinary dispensaries, working under Government	The indent shall be countersigned by the Director of Medical and Health Services, Director of Veterinary

Cases in which licence may be granted.	Authority granting the licence.
supervision, subsidised dispensaries, and railway hospitals and dispensaries.	Services or the District Surgeon of the Railway, as the case may be. This indent shall be regarded as a licence.
(ii) Other medical institutions specially authorised by the Excise Commissioner.	The indent shall be countersigned by the Civil Surgeon of the district and such indent shall be regarded as a licence.
(iii) In all other cases .. ..	The Excise Commissioner, in respect of coca leaf and coca derivatives, and the Collector in respect of medicinal hemp and opium derivatives, other than prepared opium, shall grant the licence. The licence shall be in Form D. D. 3.

(2) The importer shall give intimation of the arrival of the consignment to the District Excise Officer and present the consignment to him, or to an officer, deputed by him for examination, together with the import licence received by the importer.

(3) The Collector shall send the Copy of the import licence received by him to the District Excise Officer, who shall personally, or through an officer subordinate to him, check the consignment, and see that it tallies with the import certificate granted.

11. A person, to whom a licence has been granted, under these rules, for the import of coca leaf and manufactured drugs, other than prepared opium, shall import only such quantity and in such manner as may be specified in his licence.

**Import—subject to restrictions specified in the import licence.**

#### (5) Export

12. Export of coca leaf and manufactured drugs, other than prepared opium, may, be permitted by the Excise Commissioner under a licence in Form D. D. 3. Such licence shall not be granted except on the production of an import licence, issued by an officer, duly authorised in that behalf, by the Government of the importing State.

**Export.**

#### (6) Transit

13. A licence in Form D. D. 3 for the transit of coca leaf and manufactured drugs, other than prepared opium, consigned to any other states in India through Madhya Bharat may be granted by the Excise Commissioner on requisition by the Excise Commissioner of such state. The articles shall be carried in sealed packages and shall not be opened *on route*.

**Transit.**

(7) **Transport**

14. A licence for the transport of coca leaf and manufactured drugs, other than prepared opium, within the limit of possession authorised may be granted by the following authorities:—

Cases in which licence may be granted	Authority granting the licence.
(i) For supplies required for hospitals, dispensaries and veterinary dispensaries working under Government supervision, subsidised dispensaries, Military Hospitals and Dispensaries, and railway hospitals and dispensaries.	The indent shall be countersigned by the Director of Medical and Health Services, the Director of Veterinary Services, the Chief Medical Officer-in-charge of the Military Hospital or Dispensary, or the District Surgeon of the Railway, as the case may be. This indent shall be regarded as a licence.
(ii) Other medical institutions specially authorised by the Excise Commissioner.	The indent shall be countersigned by the Civil Surgeon of the district and such indent shall be regarded as a licence.
(iii) In all other cases .. ..	The Excise Commissioner, in respect of coca leaf and coca derivatives, and the Collector, in respect of medicinal hemp and opium derivatives, other than prepared opium, shall grant the licence. The licence shall be in Form D. D. 3.

(8) **Transmission by Post**

15. Import, export or transport of coca leaf and manufactured drugs, other than prepared opium, by inland post is prohibited, except by licensed druggists and licensed vendors, and shall be subject to the following conditions:—

- Transmission by Post,**
- (i) Only the parcel post shall be used.
  - (ii) The parcel shall be insured.
  - (iii) The parcel shall be covered by a licence granted by an officer duly authorised.
  - (iv) The parcel shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcel in detail, the number and date of the licence, covering the transmission, the number and date of the licence, held by the consignee and consignor and such other particulars as may be required, from time to time, by the Excise Commissioner;

- (v) The consignee shall show, distinctly in his account books the name of the consignor and the quantity of drugs, sent to him from time to time by post.

(9) Sale

16. (1) The sale of coca leaf or any manufactured drugs, other than prepared opium, is prohibited except by a licensed vendor or a licensed druggist to whom a licence in Form D. D. 1 or D. D. 2 respectively, for the sale of the same, has been granted by the Collector .

Licence for the sale of	Quantity allowed and license fee payable for			
	Druggist's licence.		Vendor's licence.	
	Quantity.	Rs.	Quantity.	Rs.
( i ) Coca derivatives and coca leaf.	1 Ounce	10	2 Ounces	5
( ii ) Medicinal Hemp—				
(a) Extract of hemp ..	15 Ounces	2	20 Ounces	1
(b) Tincture of hemp ..	150 Ounces	2	200 Ounces	1
( iii ) Medicinal Opium ..	15 Ounces	} 10	20 Ounces	} 5
or Tincture Opium ..	150 Ounces		200 Ounces	
( iv ) Morphine, diacetyl-morphine or officinal or non officinal preparations, containing more than 0.2 per cent. of morphine or containing any diacetyl-morphine.	240 grains of pure drugs or 8 ounces of these drugs in all forms of admixtures of alkaloids.	10	240 grains of pure drugs or 8 ounces of these drugs in all forms of admixtures of alkaloids.	5

*Note.*—In special cases, the Collector may allow a larger quantity of any drugs.

- (2) A separate licence shall be granted for each kind of drug. The licence shall be for a period not exceeding one year and shall cease to be in force on the expiry of the financial year, in which it is granted.

17. A licensed vendor may, subject to the conditions of his licence, sell only to the following persons:—

**Sale by a licensed vendor.**

- (a) A vendor or druggist licensed under these Rules or under the Rules for the time being in force in any part of India, or
- (b) an approved medical practitioner, or

(c) a medical institution authorised and exempted under rule 8 of these Rules or under any corresponding rule for the time being in force in any other part of India,

such coca leaf or manufactured drugs, other than prepared opium, and in such quantities as such vendor, druggist, medical practitioner or medical institution may lawfully possess. He shall maintain a written record of every such sale in such manner as the Excise Commissioner may direct.

18. A licensed druggist may, subject to the conditions of his licence, sell, only on prescriptions of approved medical practitioners such coca leaf or manufactured drugs, other than prepared opium, as may have been allowed in his licence. He shall maintain a written record of every such sale, as laid down in his licence and as ordered by the excise Commissioner from time to time.

**Sale by a licensed druggist.**

#### (10) General

19. (1) The medicinal institutions exempted under rule 8 of these Rules shall also be exempt from the provisions regarding the sale of manufactured drugs, other than prepared opium, in so far as the sale consists in taking payment for medicines, issued in accordance with the rules prescribed for the hospital or dispensary.

**Exemptions.**

(2) An approved medical practitioner, usually dispensing medicines to his patients in the exercise of his profession shall be exempt from the provisions regarding the sale of manufactured drugs, other than prepared opium, in so far as the sale consists in taking payment for medicines issued or medical treatment, given to bona fide patients:

Provided that this exemption shall apply only to a dispensary, owned by an approved medical practitioner where no prescriptions except his own are dispensed:

Provided further that the approved medical practitioner shall file and preserve for not less than two years, all the prescriptions, so dispensed at the dispensary, shall produce them along with his stock and permits and invoices of supplies obtained, on the demand of any officer not below the rank of Sub-Inspector of Excise and furnish such returns and information in regard to dealings in dangerous drugs as may be required by the Collector or the District Excise Officer.

(3) The exemption under sub-rule (2) may be withdrawn by the Excise Commissioner if there is any breach of the conditions, given in that sub-rule, or if he is satisfied after such enquiry, as he deems proper, that dangerous drugs are supplied otherwise than for bona fide medical treatment.

20. Every licence granted shall be deemed to have been granted personally to the licensee named therein and shall, on the expiry thereof, be surrendered to the District Excise Officer. If any licence-holder dies before or during currency of his licence, such licence shall forthwith cease to be in force.

**The personal character of the privilege.**

21. Subject to any directions that the Excise Commissioner may give in this behalf, the officer, who has granted a licence to, or **Cancellation of licence or order.** has, by order, approved or authorised, any person under these Rules, may cancel or suspend such licence or order—

- (i) if such person—
  - (a) has by himself or by any servant or person acting on his behalf, committed any breach of the conditions of such licence or order or of these Rules: or
  - (b) has been convicted of any offence under the Act or under the Law for the time being in force relating to excise or opium revenue or of any criminal offence;
- (ii) if it is a condition of such licence or order that it may be cancelled or suspended at the will of such officer;
- (iii) in any other case, after giving to such persons fifteen days' notice, and shall cancel such licence or order within fifteen days, on receiving from such person a notice that he desires to surrender the same.

22. On the expiration, cancellation or suspension of any licence granted or any order passed under these Rules, the holder thereof shall forthwith make over to the Collector all manufactured drugs and coca leaf in his possession, and shall, with the prior sanction of the Collector, dispose of these drugs to any other person authorised to possess them under these Rules or under rules for the time being in force in any part of India within two calendar months from the date of such expiration, cancellation or suspension of the licence or order. If the Collector so directs, the drugs, made over to him as aforesaid, shall be sealed by an officer, appointed by him in that behalf and shall be kept in the custody of the holder, until they are disposed of.

**Stock of drugs to be made over to Collector on expiration, cancellation or suspension of a licence or order.**

23. (1) The Collector shall, if necessary, cause all coca leaf and manufactured drugs, other than prepared opium, delivered to him under **Disposal of drugs deposited on cancellation of licence.** rule 22 to be examined by the chemical examiner or by such other officer as the Excise Commissioner may direct.

(2) If any of the articles are certified by such officer to be fit for use the Collector may allow them to be sold to any person, authorised to possess them under these Rules or under any rules for the time being in force in any part of India. The Collector may require any licensed vendor or druggist to purchase at such price, as the Collector may direct, any quantity of such articles not exceeding such quantity, as the Collector may determine to be ordinarily saleable in two months.

(3) If the articles are certified to be unfit for use the whole of the stock, or if the quantity is unreasonably large, the excess may be destroyed under the



orders of the Collector. The person delivering the articles shall not be entitled to any compensation for any loss suffered in consequence of action taken under this Rule.

**Exemptions.** 24. The provisions of these Rules shall not apply to the import, export, transport, possession or sale of codeine, dionin and their respective salts, unless the quantity, involved in any transaction or possessed at any one time, exceeds one pound.

**Supplementary directions by the Excise Commissioner.** 25. Subject to the provisions of the Act and these Rules, the Excise Commissioner may, from time to time, give such directions and prescribe such forms and registers, as he may think fit, for the purpose of carrying the provisions of the Rules.

#### (11) Appeals and Revision

**Supplementary orders by the Excise Commissioner.** 26. An appeal shall lie from an original or appellate decision or order of an excise officer as follows, namely:—

- (a) Supplementary orders by the Excise Commissioner, To the Collector when the decision is made or the order is passed by any officer subordinate to the Collector.
- (b) To the Excise Commissioner, when the decision is made or order is passed by the Collector.
- (c) To the Chief Revenue Authority, as defined in section 2 (3) of the Madhya Bharat Excise Act, Samvat 2009, when the decision is made or the order is passed by the Excise Commissioner:

Provided that—

- (i) when an original order is confirmed on first appeal, a second appeal shall not lie;
- (ii) when any such order is modified or reversed by the Collector on appeal, the order made by the Excise Commissioner on second appeal, if any, shall be final.

**Limitation of appeal and copy of the decision or order, objected to, to accompany petition.** 27. (1) Every petition of appeal shall be presented within 30 days of the date of the decision or order appealed against, and shall be accompanied by the decision or order in original, or by a certified copy of such decision or order unless the omission to produce such decision or order or a copy thereof is explained to the satisfaction of the appellate authority.

(2) The petition may be submitted by post or may be presented to the officer concerned, or to such other officer, as he may appoint in this behalf, by the party concerned or by a recognised agent or legal practitioner.

28. The Chief Revenue Authority or the Excise Commissioner or the Collector may at any time either on his own motion, or on the application of any person or party interested, for the purpose of satisfying himself as to the legality or propriety of any decision made or order passed by an officer subordinate to him, call for and examine the record of any case, pending before, or disposed of, by such officer, and may pass such order in reference thereto, as he thinks fit.

29. An application for revision shall be presented in the same manner as a petition of appeal.

30. The Government may transfer any appeal or application for revision from the Excise Commissioner or a Collector to any other officer specially authorised to dispose of such appeal or application under clause (c) or clause (d) of rule 2 of these Rules.

**APPENDIX**

**FORM D. D. 1**

*(Under Rule 16 of the Dangerous Drugs Rules, Samvat 2009)*

**Licence for the sale of coca leaf and manufactured drugs other than prepared Opium, by a vendor**

Under rule 16 of the Madhya Bharat Dangerous Drugs Rules, Samvat 2009, and in consideration of the payment of a fee of Rs.....the receipt of which is hereby acknowledged, licence is granted to you.....to sell.....otherwise than on prescription on your premises in.....street, in the town of.....in the district.....during the year ending the 31st March 19 , subject to the following conditions, namely:—

**Conditions**

1. You shall not transfer this licence to any other person.
2. You shall not have in your possession more than..... ounces of.....and other allied drugs taken together.
3. You shall not sell except on the premises, for which this licence is granted.
4. You shall not sell.....except to the following persons in quantity not exceeding what they may, respectively lawfully possess:—
  - (a) a vendor or druggist licensed under these Rules or under the rule for the time being in force in any other part of India;
  - (b) an approved medical practitioner;
  - (c) a medical institution authorised and exempted under rule 8 of the Madhya Bharat Dangerous Drugs Rules, Samvat 2009 or under any corresponding rules for the time being in force in any other part of India.
5. You shall maintain a correct account of transactions in the following form, a separate page being set aside for each different preparation of the drug:—

Date.	Opening balance.	Quantity received this day and whence received.	Total quantity to be accounted.	Quantity sold this day	Full name of purchaser.	Full address.	Balance.	Remarks.
1	2	3	4	5	6	7	8	9

6. You shall file all import passes properly.

7. You shall produce your licence, file or passes and account book and your stock for inspection immediately on demand of any officer specially or generally authorised by the Collector or any officer not below the rank of Sub-Inspector of Excise or Police or of Naib Tahsildar. In support of the receipts you shall produce the permits and invoices of supplies obtained.

8. This licence may be cancelled by the Collector if any breach of any of the provisions of the Dangerous Drugs Act, 1930 (II of 1930) or of the rules made thereunder or of the above-mentioned conditions is committed by you or by any person, employed by you on the premises, for which this licence is granted.

Collector,

Dated.....19 . .....District.

FORM D. D. 2

(Under rule 16 of Dangerous Drugs Rules, Samvat 2009)

**Licence for the sale of coca leaf and manufactured drugs other than prepared opium by a druggist**

Under rule 16 of the Madhya Bharat Dangerous Drugs Rules, Samvat 2009, and in consideration of the payment of a fee of Rs....., the receipt of which is hereby acknowledged, licence is hereby granted to you..... druggist to sell.....*bona fide* as medicine from your premises in.....street, in the town of.....in the district.....during the year ending the 31st March 19 , subject to the following conditions, namely:—

**Conditions**

1. You shall not transfer this licence to any other person.
2. You shall not have in your possession at any one time more than..... ounces of.....
3. You shall not sell except on the premises for which this licence is granted.
4. You shall obtain the drugs, to be sold under this licence, from a licenced vendor thereof in India and you shall not receive or have in your possession, any such drug, obtained otherwise.
5. You shall not sell to any person other than a person, producing the prescription of an approved medical practitioner, and not exceeding such quantity, as may be entered in such prescription.
6. You shall not sell coca leaf or the manufactured drugs specified above unless the prescription is in writing, is dated, is signed by an approved medical practitioner with his full name and address, states the exact quantity of each manufactured drug and gives the full name and address of the person for whose use it is given. You shall not sell more than once on the authority of a prescription, unless it contains a superscription by an approved medical practitioner stating that it is to be repeated the intervals at which it is to be repeated, and the number of times it is to be repeated.
7. You shall retain every prescription, on the authority of which you sold the drug:

Provided that you shall first warn the person presenting the prescription that, unless it bears a superscription as aforesaid it will be retained and not repeated.

8. (1) If the prescription bears a superscription as aforesaid you shall enter on the prescription, the date of sale, and shall sign or seal the prescription, and retain it on the premises for inspection:

Provided that if it appears that 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, you shall not sell any more drugs on such prescription unless it is further superscribed in that behalf by an approved medical practitioner.

(2) You shall plainly mark every package or bottle, containing the manufactured drug sold, with the amount of the drug, or in the case of a preparation, containing any such drug, with the name, amount and percentage of the drug in the article.

9. You shall not store any manufactured drug or coca leaf to be sold under this licence in any premises other than those, named herein.

10. (a) You shall keep a correct account in the following form to be balanced at the close of each day, a separate set of pages being set aside for each different preparation of the drug stocked by you:—

1	2	3	4	5	6	7	8	9	10
Date.	Opening balance.	Quantity received this day and whence received.	Total quantity to be accounted for.	Quantity sold this day.	Full name of purchaser.	Full address.	Date of prescription and name of approved medical practitioner who issued it.	Balance.	Remarks.

(b) You shall not cancel, obliterate or alter any entry in the account or make therein any entry, which is untrue in any particular. Any mistake in

an entry may be corrected by marginal note or foot-note, giving the correct particulars and date.

11 (a) You shall produce your licence, the accounts of sale of coca leaf or the manufactured drugs, specified in this licence, the sale on prescriptions and your stock for inspection immediately on the demand of any officer specially or generally authorised by the Collector or any officer, not below the rank of Sub-Inspector of Excise or of Naib Tahsildar. In support of the receipts you shall produce the permits and invoices of supplies obtained; and in support of the issues, the prescriptions, on which the drugs were sold.

(b) You shall preserve all prescriptions, the sale accounts and records, etc., for not less than two years from the date, on which the period of your licence expires.

12. This licence may be cancelled by the Collector if any breach of the provisions of the Dangerous Drugs Act, 1930 (II of 1930) or of the rules made thereunder or of the above-mentioned conditions is committed by you or your partner or agent or any other person, employed by you on the premises, for which this licence is granted.

Collector,

Dated.....19 .

.....District.

FORM D.D.—3  
Counterfoil

Form of licence for the import/export/ transport/ transit of\*.....(here enter name of drug.)

(Under rules 10, 12, 13, 14. of the Dangerous Drugs Rules, Samvat 2009).

(To be issued in quadruplicate, one copy being kept as a counterfoil in the office of issue, another to be returned by the consignor to the Collector of the district to which the consignment is sent, after noting the details of the drugs, consigned, in the form on the back of the foil, the third to be sent to the authority of the exporting district, and the fourth to accompany the consignment.)

Licence granted to.....(here enter name of consignee) to import from/ export to/ transport from or via.....(here enter locality and district) manufactured drugs (other than prepared opium) coca leaf to the amount of.....as specified below:—

(Here state the description and weight or quantity of each kind of drug.)

(One ounce equals 437.5 grains avoirdupois.)

This licence must be used within one month from the date of its issue. The duplicate shall be returned by the consignor, after despatch of the consignment, to the Collector.....(here enter district.)

The bulk of the consignment shall not be broken in transit.

Place.....  
Date.....  
Excise Commissioner.  
Collector.

\*Here enter the kind of drug allowed to be imported/ exported/ transported e.g. (1) coca derivatives and coca leaf, (2) medicinal hemp (3) derivatives opium, or (4) morphine, diacetyl-morphine (official or non-official preparations) as the case may be. They should be entered on the licence and the duplicate and triplicate copies thereof also.

FORM D.D.—3  
Duplicate

Form of licence for the import/export/transport/ transit of\*..... (here enter name of drug.)

(Under rules 10, 12, 13, 14 of the Dangerous Drugs Rules, Samvat 2009).

(To be returned by the consignor to the Collector of the district to which the consignment is sent after noting, details of the drugs, consigned, in the form, on the back of this foil.

Licence granted to.....(here enter name of consignee) to import from/export to/ transport from or via.....(here enter locality and district.) into/from/to..... (here state district) manufactured drugs (other than prepared opium) coca leaf to the amount of ..... as specified below:—

(Here state the description and weight or quantity of each kind of drug.)

(One ounce equals 437.5 grains avoirdupois.)

This licence must be used within one month from the date of its issue. The duplicate shall be returned by the consignor after despatch of the consignment, to the Collector ..... (here enter district.)

The bulk of the consignment shall not be broken in transit.

Place.....  
Date.....  
Excise Commissioner.  
Collector.

Form overleaf to be filled up, signed and dated by the consignor and this duplicate to be returned to the Collector.

FORM D.D.—3  
Triplicate

Form of licence for the import/export/ transport/ transit of\* .....(here enter name of drug.)

(Under rules 10, 12, 13 and 14 of Dangerous Drugs Rules, Samvat 2009).

(To be sent to the authority of the exporting district.)

Licence granted to.....(here enter name of consignee) to import from/export to/ transport from or via.....(here enter locality and district) manufactured drugs (other than prepared opium) coca leaf to the amount..... as specified below:—

(Here state the description and weight or quantity of each kind of drug.)

(One ounce equals 437.5 grains avoirdupois.)

This licence must be used within one month from the date of its issue. The bulk of the consignment shall not be broken in transit.

Place.....  
Date.....  
Excise Commissioner.  
Collector.

Form overleaf to be filled up, signed and dated by the consignor before the consignment leaves his premises.

FORM D.D.—3  
Licence

Form of licence for the import/ export/ transport/ transit of\*.....(here enter name of drug). (Under rules 10,12,13, and 14 of Dangerous Drugs Rules, Samvat 2009).

(To accompany the consignment).

Licence granted to.....(here enter names of consignee) to import from/export to/transport from or via.....(here enter locality and district) into/from/ to..... (here state district) manufactured drugs (other than prepared opium) coca leaf to the amount of..... as specified below:—

(Here state the description and weight or quantity of each kind of drug.)

(One ounce equals 437.5 grains avoirdupois.)

This licence must be used within one month from the date of its issue. The duplicate shall be returned by the consignor, after despatch of the consignment, to the Collector, .....(here state district).

The bulk of the consignment shall not be broken in transit.

Place.....  
Date.....  
Excise Commissioner.  
Collector.

Form overleaf to be filled up, signed and dated by the consignor before the consignment leaves his premises.



**Details of Consignment**

The drugs specified below have this day the.....  
 .....19 . been despatched by .....  
 (mode of conveyance) in charge of.....in...  
 .....State No. and Description of packages)

Description of drugs.	Quantity or weight.	Packages.

Date..... Signature of Consignor.

No.....

Dated.....the 19 .....

Copy forwarded to the .....for information.

Place.....

Excise Commissioner,  
Collector.

**Advice of Consignment of Manufactured Drugs (Other than Coca Leaf prepared Opium)**

The drugs specified below have this day the.....  
 .....19 . been despatched by.....  
 (mode of conveyance) in charge of.....in.....  
 .....(State No. and description of packages)—

Description of Drugs.	Quantity or Weight.	Packages.

Date..... Signature of Consignor.

Forwarded to Collector.....Dist.