



UNITED NATIONS

E/NL 1953/140-148
21 October 1953

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

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

OPIUM SMOKING RULES OF 1358 F. (1949).

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In exercise of the powers mentioned in Section 5 of the Hyderabad Opium and Intoxicating Drugs Act, 1333 F. the Military Governor is pleased to make the following Rules regarding the control and supervision of preparations of opium and their possession and grant of licenses:-

1. (i) These Rules may be called the Opium Smoking Rule 1358 F., and shall come into force in the whole of the Hyderabad State from the date of their publication in the Jarida.

(ii) From the date of the coming into force of these rules, the Opium Smoking Rules, 1347 F., shall be repealed.

2. In these rules, unless there is anything repugnant in the subject or context.-

- a) "Act" means the Hyderabad Opium and Intoxicating Drugs Act, 1333 F.
- b) "A preparation of opium for smoking" includes Madak, Chandu and other preparations made from opium for the purpose of opium smoking.
- c) "Certifying Officer" means in the City of Hyderabad, Secunderabad and Hyderabad District the City Civil Surgeon, and in other districts, the concerned Civil Surgeon, or any other Medical Officer, authorised by Government for issuing a medical certificate for the purposes of Rule 5.
- d) "Licensing Officer" means the concerned Excise Superintendent or any other Officer, authorised by Government for issuing a license for the purposes of Rule 6.
- e) "Form" means a form appended to these Rules.

3. No person shall, except in accordance with the terms and conditions laid down in Rule 6, make any preparation of Opium for smoking or keep it in his possession.

4. Every person shall, before obtaining the license referred to in Rule 6, appear before the Certifying Officer, and obtain a medical certificate on payment of a fee of Rs.5/- in advance.

5. When a person appears before the Certifying Officer, under Rule 6, the Certifying Officer shall grant him a medical certificate in Form (I) after satisfying himself by medical examination that such person is addicted to opium smoking to such an extent that continuance of the same is essential for the maintenance of his health.

Explanation:- A person shall be declared to be addicted to opium smoking, if for a period of one hour after $\frac{1}{4}$ grain of morphia is injected into his body or for a period of two hours after 10 minims of tincture opium or one grain of opium have been administered to him, he does not show any drowsiness or his eye pupils do not contract.

6. If a medical certificate is granted to any person under Rule 5, he shall, within one month from the date of granting of such certificate, submit an application in Form (2) for grant of a license to the Licensing Officer enclosing the medical certificate referred to above, and remit a fee of Rs.6/- in advance. The licensing Officer shall, after necessary scrutiny issue a license in Form (3) within a period of one week from the date of submission of application:

Provided that an application for the grant of a license shall not be acceptable if a period of more than one month has elapsed since the medical certificate enclosed with the application was granted;

Provided further that no license shall be issued at a time for more than one preparation of opium for smoking.

7. The license issued under Rule 6, shall be valid till the end of Aban of any year; and it may be renewed every year on submission of an application in Form (2) and on payment of a fee of Rs.6/- in advance:

Provided that it shall not be necessary to enclose the medical certificate with an application for renewal of a license.

8. The Licensing Officer shall prepare and maintain in his office a list of persons to whom licenses are--issued during the period of one year from the date of the coming into force of these Rules, and shall send, at the end of the year, a copy of such list to the Excise Commissioner for information.

9. After the expiry of the period of one year from the date of the coming into force of these Rules, no fresh licenses shall be issued, and if a person does not get his license renewed, his name shall be struck off from the list referred to in Rule 8, and intimation of the same shall be given to the Excise Commissioner as early as possible.

10. Every certificate granted under Rule 5, or a license granted under Rule 6, shall be exclusively confined to the person to whom it is granted and such-- certificate or license shall not be transferable.

11. Any person who obtains under a license any preparation of opium for smoking in any quantity shall not be competent to allow any other person to use such article or any - quantity of it either free or on payment or otherwise.

12. The license shall be useful only for the place which is specified in the license. In case of change of place, necessary specification in the license shall be obtained from the Licensing Officer.

13. The Licensing Officer shall inform the concerned Excise and Police Sub-Inspectors of the issue or renewal as the case may be, of every license.

14. Any Excise or Police Officer not below the rank of Sub-Inspector, who is satisfied that a person who has been granted a license under Rule 6, has contravened any of the conditions mentioned in the license, shall impound the license and send it to the Licensing Officer with his detailed report..

15. On receipt of the report referred to in Rule 14, the Licensing Officer may, after necessary enquiry, cancel or suspend the license. Such punishment shall not bar any legal proceedings against the defaulter.

16. Any person who contravenes all or any of the provisions of these rules shall be punishable under the Act for such contravention.

17. An appeal against an order of the Licensing Officer shall lie to the Taluqdar, within the territorial limits of whose jurisdiction, the person against whom such order is passed resides. The decision of the Taluqdar shall be final.

By Order.

Sd/- Ram Lal.

REVENUE SECRETARY.

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F O R M (I)

(See Rule 5)

Medical Certificate for persons addicted to opium smoking

This is to certify that Mr.....
S/o..... age..... caste Occupation.....
resident of..... is addicted to Opium Smoking to such an
extent that continuance of the same is essential for the maintenance of his health.

Date.....

Signature of Certifying Officer.

Instructions

1. In the City of Hyderabad, Secunderabad and Hyderabad District, the City Civil Surgeon, and in other districts the concerned Civil Surgeon, or any other Medical Officer authorised by Government in this behalf, shall be competent to issue this certificate.

2. For granting this certificate, a person shall be declared to be addicted to Opium Smoking, if for a period of one hour after $\frac{1}{4}$ th grain of morphia is injected into his body or for a period of two hours after 10 minims of-- tincture opium or one grain of opium have been administered to him, he does not show any drowsiness or his eye pupils do not contract. A fee of Rs.5/- shall be recovered in-- advance for the medical examination.

3. This certificate shall become invalid after the expiry of one month from the date of its issue, and there-after a fresh certificate shall have to be obtained.

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FORM (2)

(See Rule 6)

Application for issue/renewal of license for making and keeping in possession preparations of opium for smoking.

To

THE LICENSING OFFICER.

Sir,

I.....s/o.....age
caste.....occupation.....resident of.....
do hereby state that I am addicted to Opium Smoking.
Medical Certificate No.....date.....
granted by.....
is herewith submitted,
has already been submitted with the original application.

I undertake to abide by the conditions of the license and the provisions of the Opium Smoking Rules and other-- relevant orders. In case of contravention, I shall be liable to punishment under the Opium and Intoxicating Drugs Act, 1333 F. A fee of Rs.6/- is herewith paid in advance.

I request you to pass orders for the issue/renewal of a license for making and keeping in possession the preparation of opium for smoking* () for the year.....which expires at the end of Aban of the Fasli year.

Date.....

I beg to remain,

Sir,

Your most obedient Servant,

Signature of the applicant.

* Within brackets mention the kind of preparation of Opium for smoking for which the license is required.

NOTE:- Portion not applicable should be struck off.

-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-

FORM NO. (3)

License for making and keeping in possession preparations of opium for smoking.

Issued from the office of.....
.....

Date.....

Mr.....s/o.....age.....
caste.....occupation.....resident of.....
has produced a medical certificate No.....date.....to the
effect that he is addicted to opium smoking; and he has paid a fee of Rs.6/- in
advance for the issue of the license. He undertakes to abide by the provisions of the
Opium Smoking Rules of 1358 F. and other relevant orders.

Therefore, a license for the year.....which expires at the end of
Aban 13 F. is hereby issued for making and keeping in possession the preparation
of opium for smoking* () at house No.....Village.....Taluq.....
District.....subject to the condition that on the authority of this
license, the said licensee may daily make and keep in his possession one masha of the
preparation of opium for smoking-- specified above.

2. No alterations in this license shall be lawful without my orders.

LICENSING OFFICER.

* Within the brackets mention the kind of preparation of opium for smoking for which license is being issued.

RENEWAL OF A LICENSE

| Date of renewal. | The year for which renewal is made. | Signature of the Licensing Officer. |
|---------------------|--|--|
|---------------------|--|--|

Act XXIV of 1124

THE TRAVANCORE OPIUM SMOKING ACT, 1124.

An Act to provide for the control of the practice
of smoking prepared opium.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE
UNDER DATE THE 6TH MEENAM 1124 CORRESPONDING
TO THE 19TH MARCH 1949 UNDER SECTION 22 OF
ACT VI OF 1123.

Whereas it is expedient to control the practice of smoking
Preamble. prepared opium in Travancore; it is hereby enacted
as follows:-

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Travancore Opium Smoking Act, 1124.
Short title, extent
and commencement. (2) It extends to the whole of Travancore. (3) It shall come
into force at once.
2. In this Act, unless there is anything repugnant in the subject or context-
Definitions. (1) "notification" means a notification published by Our
Government in Our Government Gazette;
(2) "prepared opium" means any product of opium obtained by
any series of operations designed to transform opium into an extract suitable for
smoking and includes the dross or other residue remaining after opium is smoked;
(3) "registered" means registered under the provisions of this
Act as a smoker of prepared opium on the strength of a medical certificate issued by
a competent Medical Officer not below the rank of a District Surgeon;
(4) "place" includes a building, house, shop, booth, tent,
vessel, raft and vehicle and any part thereof;
(5) "Excise Inspector" means an officer of the Excise Depart-
ment who is authorised to take up cases under the provisions of this Act.

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CHAPTER II.

3. Whoever, not being registered, smokes prepared opium shall be punished for
Smoking prepared the first offence with imprisonment for a term which may extend
Opium. to six months or with fine which may extend to five hundred
rupees, or with both, and for every subsequent offence with imprisonment which may
extend to one year or with fine which may extend to one thousand rupees, or with
both.
4. If any person, not being registered, is found in possession of prepared
Presumption of opium or of any apparatus used for the smoking of, or in the
smoking prepared manufacture of, prepared opium, it shall be presumed, until
opium in certain the contrary is proved, that such person smoked prepared
cases. opium.

5. Whoever manufactures, possesses, sells, keeps or exposes for sale or Manufacture, possession attempts to sell any prepared opium, or assists any other or sale of prepared person, whether an opium smoker or not, in the manufacture opium. of prepared opium, shall be punished with imprisonment which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

Exception.- Manufacture or possession for his own use by a registered opium smoker of prepared opium not exceeding one tola in weight or such other lesser quantity as Our Government may, by notification, direct, shall not be an offence under this section.

6. Whoever opens, keeps or uses any place or permits any place to be used, for Keeping or having the purpose of enabling two or more persons, whether charge of place registered or not, to meet together to smoke prepared opium used for smoking or has the care or management of, or in any way assists in prepared opium. conducting the business of, any place used or kept for the said purpose shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both.

7. If two or more persons, whether registered or not, assemble in any place Smoking of prepared for the purpose of smoking prepared opium, each such person opium in assembly shall be punished with imprisonment for a term which may of two or more. extend to one year, or with fine which may extend to one thousand rupees, with both.

8. If any prepared opium or any apparatus used for smoking, or in the manu- Presumption from facture of, prepared opium is found in any place where two presence of prepared or more persons, whether registered or not, are assembled, opium, etc, in it shall be presumed until the contrary is proved that the certain places. place is used, and that the persons are present in such place, for the purpose of smoking prepared opium.

CHAPTER III.

9. Our Government may, by notification, make rules providing for:-

Power of Government (i) the registration of persons who are opium smokers and to make rules for their identification, and registration of (ii) the method of registration, the fee payable for such opium smokers.- registration, and the form of the register and the maintenance thereof:

Provided that no person shall be registered as an Opium Smoker, who is below the age of twenty five years;

Provided also that, subject to such exceptions as Our Government may by rule prescribe, no person shall be registered as an opium smoker after a date to be fixed in this behalf by Our Government;

(iii) the carrying out the provisions of this Act.

10. The Excise Commissioner, the Assistant Excise Commissioner or a Magistrate Powers to enter and may issue a warrant to the Excise Inspector for the arrest search any place and of any person whom he has reason to believe, has committed to seize articles and an offence, punishable under Chapter II, or for the search, to arrest persons whether by day or by night, of any building, conveyance, found in such place. vessel or place, in which he has reason to believe that prepared opium liable to confiscation is kept or concealed. The Excise Inspector may thereupon:-

(a) enter such place by day or night with such assistance as such officer may consider necessary.

(b) search all parts of such place in which the officer has reason to

believe that any prepared opium or any apparatus for the smoking of such opium or for the manufacture thereof is concealed and all or any person whom he may find in such place,

(c) arrest any person found in such place whom he has reason to believe to be guilty of an offence under this Act, and

(d) seize all prepared opium and apparatus for the smoking or for the manufacture thereof which may be found in such place.

11. All searches or issue of warrants under the provisions of this Act shall be Searches and made in accordance with the provisions of the Code of issue of warrants. Criminal Procedure, 1117.

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CHAPTER IV.

12. Whenever an Excise Inspector makes any arrest or seizure under this Act, he Reports to be made shall, within twenty-four hours next after such arrest or in case of arrest seizure, make in full report of all the particulars of such or seizure. arrest or seizure to his immediate official superior as well as to the nearest Magistrate having jurisdiction.

13. Every such superior officer, on receipt of such report shall after such Procedure By further enquiry as he considers necessary, either release superior the accused or cause his appearance before the Magistrate officers. having jurisdiction to try the case.

14. Whenever any person arrested under this Act is prepared to furnish bail to Bail and Security. the satisfaction of the officer making the arrest, he shall be released on bail, or at the discretion of the officer making the arrest on his own bond.

15. All officers of the Police and Land Revenue Departments shall be legally Aid to Excise Officer. bound to assist an Excise Inspector, in carrying out the provisions of this Act, upon request made by such Inspector.

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CHAPTER V.

16. On the conclusion of a trial for an offence under this Act, the Magistrate Power of Magistrate may order that any prepared opium and any instrument or to confiscate or appliance in respect of, or by means of which, such offence destroy articles has been committed or appears to have been committed and any seized. receptacle, package or covering in which such prepared opium, instrument or appliance was found, and any other contents of such receptacle, package or covering shall be confiscated or destroyed.

17. No Magistrate other than a Magistrate of the first class shall try any Offences by whom offence punishable under this Act. triable.

18. No Magistrate shall take cognizance of any offence under this Act except on Cognizance of the complaint or report of an Excise Inspector in charge of offences. a Range.

19. No suit, prosecution or legal proceeding, whatever shall lie against any Indemnity. person in respect of anything which is, in good faith, done or intended to be done under this Act.

20. The provisions of the Opium Act, IV of 1090 and the rules framed thereunder Repeal. so far as the same relate to the manufacture, possession, and use of prepared opium intended for smoking, are hereby repealed.

SIGN MANUAL.

ORDERS BY THE CHIEF COMMISSIONER, AJMERMERWARA

NOTIFICATION

Ajmer, the 29th July 1949

No.11/20/48-Genl.- In exercise of the powers conferred on him by Section 10(1) of the U.P. Opium Smoking Act, 1934 (Act III of 1934) as extended to the Province of Ajmer-Merwara by the Central Government, *vide* Ministry of Home Affairs Notification No.F. 8/16/48-Judl, dated the 11th December 1948, the Chief Commissioner is pleased to make the following rules for the registration of opium smokers and to secure the ultimate prohibition of opium smoking in Ajmer-Merwara having been previously published as required by Section 10(3) of the said Act.

1. These Rules shall be called the Ajmer-Merwara Opium Smoking Rules, 1949 and shall come into force from the 1st August 1949.

2. In these rules unless there is anything repugnant in the subject or context-

(a) the "Act" means the United Provinces Opium Smoking Act, 1934 (Act III of 1934) as extended to Ajmer-Merwara.

(b) an "authorised agent" means a person who has been authorised in writing to represent as "opium smoker",

(c) "tola" means a weight of 180 grains

(d) "Collector" means the Collector of Excise Revenue, Ajmer-Merwara.

(e) "Excise Commissioner" means the Chief Commissioner, Ajmer-Merwara.

3. (a) An application for the registration of an opium smoker shall be made either by the opium smoker himself or by his authorised agent.

Provided that where an application is submitted by an authorised agent, the officer receiving the application must be satisfied as to the identity of the applicant and the genuineness of his signature or thumb impression or identification mark.

(b) An application for registration shall be submitted in form "A" appended to these rules and shall contain all the particulars provided in the form; forms may be obtained free of cost from the Collector's office.

(c) An application for registration shall be submitted to such gazetted officer as the Collector may determine.

4. (a) A register of opium smokers in form B appended to these rules shall be prepared and maintained in accordance with the directions of the Collector.

(b) Every entry and every correction of an entry in the register shall be signed by such gazetted officer as the Collector may authorise in this behalf.

(c) Relevant extracts from the register will be sent to the excise sub-Inspectors of the circles in which registered smokers concerned reside.

5. The register mentioned in section 3(3) of the Act shall be closed on 1st December 1949 and no fresh entry shall be made therein after such date without the previous sanction of the Excise Commissioner.

6. No registered smoker shall manufacture or possess prepared opium at any one time in excess of $\frac{1}{2}$ a tola in weight.

7. The Collector shall supply each registered opium smoker with a permit in form C appended to these rules free of charge.

For subsequent copies of such permit a fee of Re.1/- shall be charged for each copy.

8. If a registered opium smoker intends to change his place of residence permanently, he shall before leaving his place of residence report the change to the Collector stating the date from which and the place at which he intends to take up his new residence.

9. If a registered opium smoker changes his residence permanently he shall within 30 days of the date of the change of such residence under rule 8 produce his permit.

10. If any registered smoker fails to comply with any of the conditions set forth in these rules, his permit will, in the absence of a satisfactory explanation, be liable to cancellation by the Collector and/or to suspension for such period as he may decide.

11. Any prepared opium or any instrument or apparatus in respect of, or by means of, which an offence under the Act has been committed or any receptacle, package or covering in which such prepared opium, instrument or apparatus was found and any other contents or receptacle, package or covering shall, on confiscation under section 24 of the Act, be destroyed by the Court after the period of appeal has expired or, if any appeal has been made, after the appeal has been decided;

Provided that if the thing be of a perishable nature it may be disposed of immediately.

All other articles so confiscated shall be disposed of by the Collector by public auction and the sale proceeds shall be credited to departmental fines and forfeitures.

12. (1) When an offender has been convicted under the Act, the Collector may grant to any person who has contributed in any way to the conviction, a reward equal to the fine imposed upon the offender. In no case shall reward be granted by the trying Magistrate.

(2) If a prosecution has failed to result in a conviction or if no sentence of fine has been imposed, the Collector may grant a reward upto a limit of Rs.100/- in any case to any person or persons whom he may consider to deserve it.

(3) If the Collector is of opinion that the reward he is empowered to grant to any person under the above rule is not sufficient, he may with the previous sanction of the Excise Commissioner grant a larger reward not exceeding Rs.500/-.

13. (1) When anything is confiscated under the Act by the order of a magistrate the Collector may grant to any person who has contributed in any way to its seizure, part of its value.

(2) The Collector may at his discretion incur expenditure not exceeding Rs.100/- or with the sanction of the Excise Commissioner not exceeding Rs.500/- for the employment of informers or for any other purpose connected with the prevention and detection of offences against the Act.

(3) All revenue officers below the rank of Tehsildar, all Police Officers upto and including the rank of Inspector and all Excise officials except gazetted officers are eligible for reward.

FORM A.

(See rule 3(b)).

Application for registration under the United Provinces Opium Smoking Act, 1934, as extended to Ajmer-Merwara.

1. Name in full, religion, nationality, occupation.

2. Age on the date of application.
3. Evidence of age, if any.
4. Identification marks or photograph of the applicant.
5. Father's name, also husband's name in case of females.
6. Permanent address.

In towns.

The number of the holding and the name of street or lane or of the locality.

In rural areas.

1. Name of the village, pargana and tehsil.
2. Police station.
3. Post Office.
- *7. Name, occupation and address of the authorised agent, if any.
- *8. Signature of the authorised agent.
- *9. Signature of person identifying the applicant and the genuineness of his signature or thumb impression.
10. Date of application.

Note.-Items 7, 8, 9, marked with asterisk (*) are to be filled only when the application is made by an authorised agent but not otherwise. In such cases the agent's written authority should be attached to the application together with the Collector's order permitting the agent to submit the application.

Signature of the applicant

or his thumb-impression.

FORM B.

(See rule 4(a)).

Register of Opium Smokers.

District.

1. Serial No.
2. Name in full, caste or community, occupation and religion.
3. Agent.
4. Father's name/Husband's name.
5. Permanent address.

Police station
Village
Post Office
Mohalla or tola

6. Identification marks, or thumb impression or photograph.

Signature of Collector.

Statement of changes of residence.

| District. | Address. | New serial number in the district, if any. | Initials of Collector. |
|-----------|----------|--|------------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

Result of verification of addresses.

Date of inspection.

Name of Inspecting Officer.

FORM C.
(See Rule 7).

Permit

1. Serial number in the registers of smokers.
2. Name of the registered smoker, his religion, nationality and occupation.
3. Age.
4. Father's name, in case of woman, also husband's name.
5. Permanent address.
6. Identification marks or photograph.

Collector.

Subsequent changes of address.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Subject to the orders of the Collector, this permit shall remain in force so long as the holder of this permit performs and abides by the following conditions:-

Conditions.

1. The holder shall manufacture "prepared opium" only from excise opium lawfully possessed.
2. The holder shall not manufacture or possess more than $\frac{1}{2}$ tola of prepared opium at any one time.
3. The holder shall not sell or attempt to sell prepared opium or assist any person, whether any registered smoker or not, in the manufacture of prepared opium.
4. The holder shall not open keep or use any place or permit any place to be used for the purpose of enabling two or more persons, whether registered or not, to meet together to smoke prepared opium or shall not remain in charge or manage or in any way assist in conducting the business of any place used or kept for the said purpose.
5. The holder shall not assemble in any place with any other person, whether registered or not, for the purpose of smoking prepared opium.
6. If the holder intends to change his place of residence permanently he shall, before leaving his place of residence report the change to the Collector, stating the date from which and the place at which he intends to take up his residence.
7. If the holder has changed his residence permanently he shall produce his permit before the Collector within 30 days of such change.
8. The holder shall produce his permit for inspection by any excise officer not below the rank of an excise Sub-Inspector.

N.B.—Infraction of any of the above conditions by the holder of this permit will subject the holder of the permit to forfeiture of the permit and to all or any of the penalties prescribed by law.

Collector of Excise Revenue.
By order,

A. N. LAL,
Assistant Secretary
to the Chief Commissioner, Ajmer-Merwara.

Act No.VII of 1950.

THE RAJASTHAN OPIUM SMOKING PROHIBITION ACT, 1950.

(Made by His Highness the Raj Pramukh on the 22nd day of May 1950.)

An Act to provide for the prohibition of Opium Smoking.

Whereas it is expedient to prohibit the smoking of opium and to prevent the assembling of persons for the purpose of opium smoking; It is hereby enacted as follows:-

1. Short title, extent and commencement.- (I) This Act may be called the Rajasthan Opium Smoking Prohibition Act, 1950.

(2) It extends to the whole of Rajasthan.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

(a) "Opium" includes chandu, madak, and every other preparation or admixture of opium which may be used for smoking;

(b) "Place" includes a building, house, shop, booth, chapar, tent, vessel, raft and vehicle and any part thereof.

3. Opium Smoking Assembly.- An Assembly of two or more persons is designated an opium smoking assembly if the common object of the persons composing that assembly is to smoke opium or to prepare opium for smoking purposes:

Provided that a man and his wife shall not be deemed to be an opium smoking assembly within the meaning of this section even if their common object be to smoke opium or to prepare opium for smoking purposes.

Explanation:- An assembly which was not an opium smoking assembly when it assembled may subsequently become such an assembly.

4. Member of opium smoking assembly.- Whoever, being aware of facts which render an assembly an opium smoking assembly, intentionally joins that assembly or continues therein is said to be member of that assembly.

5. Presumption raised by presence of opium or opium smoking appliances.- The presence of any opium and of any pipes or apparatus for the smoking of opium or for the preparation of opium for smoking purposes in any place where two or more persons are assembled shall be held sufficient to raise a presumption that such persons have assembled at such place for the purpose of smoking opium or of preparing opium for smoking purposes.

6. Penalties for opium smoking etc.- Whoever

(a) smokes opium;

(b) gathers, keeps or possesses appliances, pipes, apparatus or instruments used for the purpose of smoking of opium or of preparing opium for smoking purposes, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

7. Penalty for being member of opium smoking assembly.- Whoever is a member of an opium smoking assembly shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

8. Penalty for opening, keeping or having charge of place used for such assembly.- Whoever opens, keeps or uses any place or permits any place to be opened, kept or used, for the purposes, of an opium smoking assembly or has the care or management of, or in any way assists in conducting the business of, any place used, or kept for the purposes aforesaid shall be punished with imprisonment for a term which may extend to

six months, or with fine which may extend to one thousand rupees, or with both.

9. Penalty when owner fails to give notice of use of place for such assembly.-Whoever, being the owner of any place, and knowing or having reason to believe that such place whether in his actual occupation or otherwise, is being or is about to be used for the purposes of an opium smoking assembly fails, either himself or through his agent or manager, to give the earliest possible notice of such knowledge or belief to the Collector or the officer in charge of the nearest police station or to an Excise Officer, shall be punished with a fine which may extend to five hundred rupees.

10. Enhancement of punishment on second conviction.-Whoever having been previously convicted of an offence under this Act is again convicted of an offence under this Act shall be liable on such subsequent conviction to twice the punishment which might be imposed on a first conviction for such offence.

11. Search warrants and powers to search.-If a District Magistrate, a Sub-Divisional Magistrate or a Magistrate of the First Class upon information received and after such enquiry (if any) as he considers necessary, has reason to believe that any place is being or is likely to be, used for the purposes of an opium smoking assembly, he may issue a warrant to an officer of the Excise Department, not below the rank of an Inspector, authorising him (a) to enter such place by day or night with any persons whose assistance such officer may consider necessary; (b) to search all parts of such place in which such officer has reason to believe that any opium or any appliances or apparatus for the preparation of opium or for opium smoking are concealed and all or any persons whom he may find in such place; (c) to arrest all persons whom such officer may find in such place, whether they are actually engaged in smoking opium or not; (d) to seize all opium and apparatus, instruments and appliances for opium smoking or for the preparation of opium which may be found in such place.

12. Application of the Code of Criminal Procedure, 1898, to warrants and searches.-The provisions of the Code of Criminal Procedure, 1898, of the Central Legislature as adapted to Rajasthan shall apply to the execution of warrants and to searches made under section 11.

13. Bail and Security.-When any person arrested under this Act is prepared to furnish bail he shall be released on bail or, at the discretion of the officer making the arrest, on his own bond.

14. Aid to Excise Officers.-Every officer of the Police and Land Revenue Departments shall be bound to give reasonable aid to any Excise Officer in carrying out the provisions of this Act upon notice given and request made.

15. Report to be made in the case of arrest or seizure.-Whenever any officer makes any arrest or seizure under this Act he shall without delay and in any case within forty-eight hours forward every person arrested and everything seized with a full report of all particulars of the arrest or seizure to the Magistrate by whom the warrant was issued.

16. Confiscation and destruction of opium and things seized.-On the conviction of any person for an offence under this Act the Court may order that any opium or any instrument, apparatus or appliance in respect of, or by means of which such offence has been committed, or any receptacle, package or covering in which such opium, instrument, apparatus or appliance was found, and any other contents of such receptacle, package or covering, shall be confiscated or destroyed.

17. Offences to be triable by the First Class Magistrates only.-No Magistrate other than a Magistrate of the First Class shall try any offence punishable under this Act.

18. Bar of certain suits.-No suit shall lie in any Civil Court against the Government or any Collector or Excise Officer for damages for any act in good faith done or ordered to be done in pursuance of this Act.

19. Power to make Rules.-(1) The Government may make rules to carry out the objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power

such rules may-

- (a) regulate the disposal of things confiscated under this Act, and
- (b) prescribe and regulate the payment of rewards out of fines imposed under this Act.

20. Tender of pardon to accused persons turning approver.-(1) Whenever two or more persons are prosecuted for any offence under this Act, the Magistrate may, if for reasons to be recorded by him, he thinks fit, tender to any accused a pardon on condition of his making a full and true disclosure of all facts connected with the offence.

(2) Such accused person shall, on accepting the tender, be a competent witness in the case and shall not be liable to punishment so long as the pardon remains in force.

21. Interpretation.-The provisions of the General Clauses Act, 1897, of the Central Legislature shall mutatis mutandis apply so far as may be to this Act as they apply to a Central Act.

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E/NL.1953/144

No.11-J.
Government of India
Ministry of States.

Dated New Delhi-2, the 12th January, 1952.

N O T I F I C A T I O N

In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950) the Central Government hereby extends to the State of Vindhya Pradesh the United Provinces Opium Smoking Act, 1934 (United Provinces Act III of 1934) as at present in force in the State of Uttar Pradesh subject to the modifications specified below:-

Modifications.

Throughout the Act-

1. (i) for the words "Utter Pradesh" wherever they occur except in the title, preamble or citation, the words "State of Vindhya Pradesh" shall be substituted.
(ii) for the words "State Government", the words "Chief Commissioner" shall be substituted.
(iii) for the word "Collector" the words "Deputy Commissioner" shall be substituted.
2. For sub-section (3) of section 1, the following sub-section shall be substituted, namely:-
"(3) It shall come into force on the expiry of two months from the date of publication of this notification in the gazette".
3. In section 2-
(i) for clause (4) the following clause shall be substituted, namely:-
"(4) "Deputy Commissioner" means the Chief Officer-in-Charge of the Revenue Administration of a district and includes the Additional Deputy Commissioner."

- (ii) for clause (6) the following clause shall be substituted, namely:-
 "(6) "Excise Commissioner" means the Chief Excise Officer as defined in sub-section (4) of section 3 of the Rewa Excise Act, 1921."
 (iii) for clause (7) the following clause shall be substituted, namely:-
 "(7) "Officer of the Excise Department" means the Excise Commissioner, or an officer or such persons as may be appointed in the Excise Department to be officers for the collection of the excise revenue, for carrying out all or any of the provisions of the Rewa Excise Act, 1921".

A N N E X U R E.

The United Provinces Opium Smoking Act, 1934 (United Provinces Act II of 1834) as amended by this notification.

Sd/-A.N. Sachdev.
Under Secretary.

E/NL. 1953/145

No. 12-J.
Government of India
Ministry of States.

Dated New Delhi-2, the 12th January, 1952.

N O T I F I C A T I O N

In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950, (XXX of 1950), the Central Government hereby extends to the State of Kutch, the United Provinces Opium Smoking Act, 1934, (United Provinces Act III of 1934) as at present in force in the State of Uttar Pradesh subject to the following modifications, namely:-

Modifications.

1. Throughout the Act -
 - (i) for the words "State Government" the words "Chief Commissioner" shall be substituted;
 - (ii) for the words "Uttar Pradesh" wherever they occur except in the title, preamble or citation, the words "State of Kutch" shall be substituted;
 - (iii) for the words "Excise Commissioner" the words "Collector of Kutch" shall be substituted;
2. In sub-section (3) of section 1, the words "and on and from that date the United Provinces Opium Smoking Act, 1925 shall be repealed" shall be omitted.
3. Clauses (4), (6) and (7) of section 12 shall be omitted.
4. In sections 19 and 27, the words "of the Excise Department" shall be omitted.
5. For section 23 the following section shall be substituted namely:-
 "23. Every officer of the Revenue Department, every Police of Revenue Patel and every village chowkidar shall upon notice given or request made to him be bound to give reasonable aid to any officer carrying out the provisions of this Act"
 P.T.O.

6. In section 25, for the words "of the Excise Department not below the rank of an Excise Inspector" the words "not below the rank of a Mahalkari or a Sub-Inspector of Police" shall be substituted.
7. For section 26 the following section shall be substituted, namely:-
"26. No suit shall lie in any Civil Court against the Government or any officer for damages for any act in good faith done or ordered to be done in pursuance of this Act".
8. For section 27, the following section shall be substituted, namely:-
"27. No civil Court shall try any suit against the Government or any of its officers in respect of anything done in pursuance of this Act and except with the previous sanction of the Chief Commissioner no Magistrate shall take cognizance of any charge made against any officer under this Act unless the suit or prosecution is instituted within six months after the date of the act complained of"

ANNEXURE

The United Provinces Opium Smoking Act, 1934 (United Provinces Act III of 1934) as amended by this notification.

Sd. A.N. Sachdev.
Under Secretary.

E/NL.1953/146

GOVERNMENT OF MANIPUR

PART II

ORDERS BY THE CHIEF COMMISSIONER

Imphal, the 19th February, 1952

NO. EX. 15/51 - In exercise of the powers conferred by sections 5 and 13 of the Opium Act, 1878 (I of 1878) read with Government of India, Ministry of States Notification No.104-J, dated the 24th August, 1950, the Chief Commissioner is pleased to make the following rules:-

These rules may be called the Manipur Opium Rules and shall come into force with effect from the 1st day of March 1952.

These rules shall not in any way affect anything done or any offence committed or any proceedings commenced before that day based on the rules then in force.

RULES.

PART I. - DEFINITIONS.

Definitions

1. In these rules, unless there is something repugnant in the subject or context,

(1) "the Act" means the Opium Act, 1878, as amended from time to time.

(2) "Manipur" means the territories as defined in the paragraph 2 of the Manipur (Administration) Order, 1949.

(3) "Consumer's pass" or "Pass" means a ticket or pass given to an opium consumer, in virtue of which he will be entitled to be supplied with excise opium, on payment, from a retail shop.

(4) "Deputy Commissioner" includes in any provision of these rules any officer empowered by the Chief Commissioner of Manipur by name or in virtue of his office to perform the functions of a Deputy Commissioner for the purposes of that provision.

(5) "Excise Opium" means opium issued from the Government Treasury in Manipur.

(6) "Kafa" means a piece of cloth saturated or stained with opium.

(7) "Licensed vendor" means a person to whom a license for the sale by retail of excise opium has been granted by the Deputy Commissioner under these rules.

(8) "Licensed druggist" means a person to whom a license for the sale by retail to the public of opium and poppy-heads for medicinal purposes, or for the manufacture and sale for similar purposes of medicinal drugs, has been granted by the Deputy Commissioner under these rules.

(9) "Medicinal drugs" means any mixture with or without neutral materials of any of the forms of opium as defined under section 3, clauses (i) and (ii) of the Act but does not include (1) any preparation containing not more than 0.2 per cent of morphine or (2) opium derivative as defined under section 2 of the Dangerous Drugs Act, 1930.

(10) "Monthly ration" or "ration" when used with reference to a shop for the retail sale of excise opium means the maximum amount of excise opium which has been fixed for the shop under rule 40, and when used with reference to a consumer means the maximum amount which any consumer may purchase in any one month of his pass.

(11) "Opium" - See definition under section 3 of the Act.

(12) "Permit holder" means any person other than a pass-holder, to whom a permit has been given to purchase and possess excise opium for medicinal purposes. The term includes the holder of a special permit.

(13) "Poppy-heads" means unlanced capsules of the poppy plant and does not include dry capsules from which opium has been extracted.

(14) "Preventive officer" means an officer of a department mentioned in section 14 of the Act.

(15) "Qualified medical practitioner" or "approved practitioner" means -

(i) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of India, or

(ii) any person registered as a dentist under the Dentist Act, 1878, and any Act of Parliament amending the same, or

(iii) any person possessed of qualifications which render him eligible for registration as medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentists' Act, 1878, and any Act of Parliament amending the same Act, or under any law for the registration of medical practitioners or dentists for the time being in force in any part of India, and who is approved by order of the Deputy Commissioner for the purpose of these rules, or of corresponding rules for the time being in force in any part of India,

(iv) any person practising veterinary medicine and surgery who has obtained the diploma of a recognised veterinary institution,

(v) any other person engaged in medical, dental or veterinary practice and approved by order of the Chief Commissioner for the purpose of these rules:

Provided that the Chief Commissioner may declare any "Medical Practitioner" to be deprived of the privilege of a "Medical Practitioner" under these rules by reason of unprofessional conduct in respect of the import, export, transport, use or prescription of opium or by reason of conviction under the Excise or Opium Act or the Dangerous Drugs Act.

(16) "Seer" means a weight of 80 tolas.

(17) Expressions relating to "sale" include any transfer otherwise than by way or

gift.

(18) "Tola" means a weight 180 grains. - English Troy.

(19) "The Government Treasury" means the Government Treasury which the Deputy Commissioner has, by general or special order, assigned for the storage and supply of excise opium, and the "Treasury Officer" means the officer in charge of such treasury.

(20) "Vend-fee" means the fee per seer of excise opium which a licensed vendor pays for the privilege of selling the drug by retail in the case of those shops which are settled on the vend-fee system.

(21) "Veterinary Officer" means an officer of the Civil Veterinary Department not below the rank of a Veterinary Assistant Surgeon.

PART II. - GENERAL RESTRICTIONS

1 - POSSESSION

Possession, Transport etc., prohibited except in accordance with these rules. 2. No person shall possess, transport, export or sell opium or poppy-heads, except in accordance with the provisions of these rules.

By any person. 3. (1) In Manipur no person except those who are specially authorised by the Deputy Commissioner to hold pass or permit shall possess opium. Such special passes will be granted only on medical grounds. The applicant for a special pass shall have to furnish a medical certificate and the Civil Surgeon is the competent authority to grant such certificate, provided that all the following conditions have been fulfilled:-

(i) That the opium has been purchased from a licensed vendor;

(ii) That the amount of opium possessed by the pass-holder at any one time does not exceed the monthly ration entered in his pass; and

(iii) That when the full ration of opium allowed to a pass-holder in any particular month has already been purchased and consumed, no further opium may be possessed by the pass-holder during that month.

By licensed vendor. (2) Subject to the conditions mentioned in rule 28 (1) and the other conditions of his license, a licensed vendor of opium in Manipur may possess any quantity of Excise opium if bought from the Government treasury or taken over from a person who has been a licensed vendor, a licensed druggist or a permit holder under rule 13.

Provided that he shall at no time possess more than one month's ration.

By licensed druggist and others. (3) Subject to the conditions of his license, a licensed druggist in Manipur may possess Excise opium to the extent of 1 seer if bought from the Government treasury, and a qualified medical practitioner, veterinary officer or a permit holder may possess Excise opium to the extent of ten tolas if bought from a licensed druggist, or where there is no licensed druggist, from licensed vendor specially authorised by the Deputy Commissioner provided that the Deputy Commissioner may fix a limit to the amount to be possessed in a year by the druggist, medical practitioner, veterinary officer or permit-holder to meet their lawful requirements.

On expiry of license or permit. (4) Any person who has been a licensed vendor, a licensed druggist or a permit-holder in Manipur may, with the sanction of the Deputy Commissioner, possess for a period not exceeding 4 days from the date of expiration of his license or permit; any quantity of Excise opium, of which at the time of the expiry of his license or permit he is in lawful possession in accordance with the conditions of such license or permit and the provisions of these rules.

2 - TRANSPORT

Transport by licensed vendor or licensed 4. In Manipur a licensed vendor or a licensed druggist may transport excise opium (either personally or through such

druggist.

agent as may be named in his license) from the Government treasury or, in the case of a licensed vendor, from the premises of a person from whom he has purchased it under rule 13 to his own licensed premises.

The transport will be covered by the endorsement on the duplicate copy of the license prescribed in rule 5 below. This duplicate copy must be produced on the requisition of a preventive officer, who may at any time examine such consignment.

Sales from treasury to be endorsed on duplicate copy of license.

5. Each licensed vendor of Excise opium and each licensed druggist will be furnished with a duplicate copy of his license to enable him or his agent as named in the license to transport opium from the Government treasury to the place of sale. On each occasion the duplicate copy of the license, endorsed by the Treasury Officer, must accompany the person transporting opium, and on the requisition of a preventive officer it must be produced for examination.

Transport by other persons.

6. Any other person may transport excise opium, of which he is lawfully in possession, from a place where he has purchased it to a place where he may lawfully use or consume it.

Transport by post restricted.

7. Transmission of opium by post is prohibited except in the case of poppy-heads as provided in rule 49.

3 - SALE

Supply from Government treasury.

8. Excise opium in quantities of not less than one seer in weight, or, with the special sanction of the Deputy Commissioner in smaller quantities, shall be supplied from the

Government treasury, on pre-payment at such rates as the Chief Commissioner may from time to time prescribe by notification in the official gazette, to a licensed vendor or a licensed druggist.

Sale by official vendors or medical officers.

Provided when the Chief Commissioner has directed under rule 34 below, that opium shall be sold in any particular shop by an official vendor, the Deputy Commissioner may draw from the treasury on a simple receipt any opium required for that

shop in such quantities and at such times as may be convenient, without repayment of treasury price or vend fee. The vend fee in such cases shall be fixed from time to time by the Deputy Commissioner so as to cover the whole difference between the treasury price and the sale proceeds, which proceeds shall be credited into the treasury from time to time under the appropriate heads when the opium has been sold. An account shall be maintained in the Excise Office of withdrawals of opium and deposits of sale proceeds and it shall be the duty of the Deputy Commissioner to see that receipts are credited without undue delay and that fresh supplies of opium are not issued until cash has been deposited to cover the greater part of the opium previously issued.

The above proviso will also apply in the case of Medical Officers in-charge of Civil Hospitals when they are declared and appointed by the Chief Commissioner, to be official vendors of opium for the supply of opium to the pass-holders and permit-holders. The petty contingent expenditure, if any, incurred by the Medical Officer, may be deducted from the sale proceeds, but these should be eventually brought to account by following the procedure laid down in Subsidiary Order 17. The Medical Officer will maintain an account in the form prescribed by the Chief Commissioner and will follow instruction issued to them by the Deputy Commissioner from time to time in this respect. The cash and opium will be kept in the custody of the Medical Officers in-charge of the hospitals.

Advance issue of opium in certain case.

9. For special reasons such as a change of lessees, the intervention of holidays, or the inaccessibility of any particular shop, the Deputy Commissioner may authorise the advance

issue of a reasonable amount of opium to a lessee or a prospective lessee or his agent a few days before the beginning of the month for which the ration is issuable or before the new lessee's license becomes valid as the case may be. No advance issue of opium may be retailed by the purchaser till after the beginning of the month for which the issue is made. The cost price, duty and vend fee will be calculated at the rate which will be valid in the month during which the opium will be retailed.

Sale by persons whose license or permit has expired. 10. (1) If a person who has been a licensed vendor, or a licensed druggist or a permit-holder has in his possession, after the expiration of his license or permit, any excise opium which he is unable to dispose of, he shall, within

four days from the date of expiration of his license or permit, surrender the same to such officer or licensed vendor or vendor or vendors as the Deputy Commissioner may appoint in this behalf, and any licensed vendor or vendors of the articles within the district shall, on the requisition of the Deputy Commissioner, be bound under penalty, if the Deputy Commissioner sees fit, of forfeiting their licenses to buy opium at such price as the Deputy Commissioner may determine:

Provided that - (a) the Deputy Commissioner shall not require any licensed vendor to purchase any such opium in excess of the quantity which with the quantity (if any) already taken by the licensed vendor from the treasury will make up the full monthly ration, and (b) if such excise opium or any part thereof be declared by the Civil Surgeon or Subdivisional Medical Officer of the subdivision to be unfit for use, the Deputy Commissioner shall cause it or that part, to be destroyed without any compensation being claimable by the former licensed vendor, licensed druggist or permit-holder.

(2) All sales under this rule shall be endorsed on the duplicate copy of the purchaser's license.

Sale by licensed vendor and by licensed druggist. 11. A licensed vendor may sell by retail excise opium in accordance with the conditions specified in his license.

12. A licensed druggist may sell excise opium in accordance with the conditions specified in his license to permit-holders in quantities not exceeding those specified in the permits, and to qualified medical practitioners in quantities not exceeding ten tolas.

Use by certain person in course of practice. 13. Except as provided in rules 8 to 12 supra the sale of excise opium is prohibited:

Provided that a qualified medical practitioner or, subject to the condition of his permit, a permit-holder may use excise opium in the course of his practice, or may compound or dispense the same for the use of his own patients for bonafide medical purposes.

Permit fee. 14. A fee of Rs.3/- per annum, payable in advance, shall be charged for each of the permits granted under rules 12 and 13 above.

4 - RULES AND RESTRICTIONS RELATING TO SALE BY LICENSED VENDORS

Sale and storage allowed on licensed premises only.

15. No licensed vendor shall sell or store excise opium to be sold under his license at any place other than on the licensed premises specified in that behalf in his license, except with the previous written sanction of the Deputy Commissioner.

Prohibition of storage or sale of adulterated opium.

16. No licensed vendor shall adulterate or add anything to any excise opium sold or kept for sale by him. He shall not sell any excise opium which he knows to have been adulterated or to have had anything added to it and shall not store such excise opium or permit such excise opium to be stored on his premises.

Signboard.

17. There shall be fixed in a prominent position at the entrance of all premises licensed for the sale of excise opium a signboard showing in large characters the name of the vendor, the period of the currency of the license, the current retail prices and the fact that the premises have been licensed for the sale of excise opium.

5 - EMPLOYMENT OF PERSONS BY LICENSED VENDORS FOR CONDUCT OF SALE OR FOR OTHER PURPOSES

Appointments of
salesmen and agents.
Females not to be
employed.

18. (a) No licensed vendor shall allow any person to conduct sales in his licensed premises or to carry any opium on his behalf unless the name of such person shall have been previously submitted to the Deputy Commissioner, the sub-divisional Officer or to the Superintendent of Excise for

approval and endorsed by him on the license. No licenses for sale of opium shall be issued to females nor shall they be appointed as salesmen in shops for the retail sale of opium.

Salesmen responsible
for observance of
rules and conditions
of license.

(b) No person shall conduct sales or shall carry any opium on behalf of a licensed vendor unless his name has been endorsed by the Deputy Commissioner, the Subdivisional Officer or Superintendent of Excise on the license. Any Salesman or agent whose name has been so endorsed shall,

along with the vendor, be responsible for the observance of these rules and the conditions of the license; the responsibility of such salesman or agent shall be in addition to and not in derogation of the responsibility of the licensed vendor.

Persons disqualified
for being employed
as salesmen or agents.

19. The following persons are disqualified for being appointed as salesmen or agents:-

- (i) Persons below 18 years,
- (ii) Persons convicted of offences under the Excise, Opium, Opium Smoking or Dangerous Drugs Act or of any nonbailable offence,
- (iii) Persons whose licenses have been cancelled under the Excise, Opium or Dangerous Drugs Act, or who have been held guilty of committing any serious shop malpractice.
- (iv) Persons of notoriously bad character or whose conduct is found otherwise undesirable,
- (v) Persons suffering from any infectious or contagious disease,
- (vi) Persons other than the licensee, who have any pecuniary interest in the sales at the shop,
- (vii) Persons who have been declared by a Deputy Commissioner to be debarred from holding settlement of Excise or opium shops or from serving as a salesman in an Excise or Opium shop:

Provided that in the case of persons falling under (ii), (iii), (iv) and (vii) above, the disqualification may at any time be removed by a written order of the Deputy Commissioner alone.

6 - PROHIBITION OF SALE OF OPIUM TO CERTAIN PERSONS

Sale of opium to a
person under 18 years
of age.

20. No licensed vendor shall sell or deliver any excise opium to any person who is under the age of 18 years, whether for consumption by such person or by any other persons.

7 - PROHIBITION OF SALES EXCEPT FOR CASH

Prohibition of sales

21. No licensed vendor shall sell excise opium on credit or

| | |
|--|---|
| except for cash. | receive any pledge for payment of the price thereof or anything but money in exchange thereof. He is also prohibited from making free gifts of excise opium. |
| Sale proceeds, how to be kept. | He shall keep the sale-proceeds of opium intact in a cash box maintained in the shop for the purpose and shall not remove the cash until its day's sales are closed. |
| Consumption on licensed premises prohibited. | 22. No licensed vendor shall permit any excise opium to be consumed on his licensed premises. |
| Fixed retail sale price of opium. | 23. The holder of a license for the retail sale of opium shall not sell the drug at a price higher or lower than that fixed by the Chief Commissioner, from time to time. |

**8 - HOURS DURING WHICH LICENSED PREMISES MAY BE KEPT OPEN,
AND WEIGHTS AND SCALES**

Hours of sale. 24. Unless otherwise ordered by the Chief Commissioner, premises licensed for the sale of excise opium shall be opened and closed at the following hours:-

| Opening hours | Closing hours |
|--|---------------|
| (a) from 16th March 6 A.M. to 15th Oct. | .7 p.m. |
| (b) from 16th Oct. 7 A.M. to 15th March | 6 p.m. |

Opening of licensed premises. 25. Every licensed vendor will be required to open his shop on the day his term of license commences, or on such subsequent date as the Deputy Commissioner may order. Time will be allowed only in cases of hardship when the delay may have arisen from causes beyond the licensed vendor's control. He shall keep his licensed premises open during the prescribed hours throughout the currency of his license, unless their temporary or permanent closure is authorised by the Deputy Commissioner.

Prescribed minimum stock to be maintained. 26. Every licensed vendor shall always maintain in his shop such minimum stock of excise opium as may be prescribed by the Deputy Commissioner, the Subdivisional Officer or the

Superintendent of Excise.

Weights and scales. 27. Every licensed vendor shall apply himself with accurate scales of a pattern approved by the Deputy Commissioner and accurate weight of 1/16 of a tola, 1/8 of a tola, 1/4 of a tola, 1/2 of a tola and one tola (of 180 grains English Troy weight), and shall keep the same in good condition. He shall also be bound to weight, with these weights and scales, any excise opium sold in the presence and in view of the purchaser at the time of the sale and shall give correct weight of opium.

He shall also provide himself with accurate weights of 2, 3, 5, 10, 20, 40 and 80 tolas for weighing the stock of opium.

9 - ACCOUNTS TO BE MAINTAINED BY LICENSEES AND PERMIT-HOLDERS

Accounts to be maintained by licensees. 28. (1) All persons holding licenses for the sale of excise opium shall maintain, in such form as may, from time to time, be prescribed by the Deputy Commissioner, a regular and accurate account of all sales, which must be balanced daily as soon as the shop closes, showing the daily opening balance, the quantities received and sold, and daily closing balance. They shall check their balance of

opium in hand by actual weighthment after each day's sales and note in their shop account any difference between the result so ascertained and the balance as calculated in their accounts. Any surplus so found will be at the disposal of the Deputy Commissioner, and the licensee's shall not be entitled to any payment, refund or remission therefor.

In addition to this account they shall maintain in the forms prescribed by the Deputy Commissioner an accurate record of all sales to consumers showing the name and address of each purchaser and the amount and date of each sale and such other particulars as may be required from time to time.

Veterinary officers (2) A veterinary Officer or a permit-holder shall keep such or permit-holders to accounts as may be prescribed by the Deputy Commissioner. keep account.

Inspection of accounts. (3) Accounts of veterinary officers and permit-holders shall be liable to inspection in such manner as may be prescribed by the Deputy Commissioner.

Stock in hand to be reported. 29. Every licensed vendor shall report to the Deputy Commissioner, the Subdivisional officer or the Superintendent of Excise on the 1st of each month the stock he has in hand.

Sale of opium allowed only to pass or permit-holders or their authorised agents. 30. (1) Subject to the provisions of sub-rule (3) of this rule, a licensed vendor shall not sell opium by retail to any person except a pass-holder holding a pass valid for his shop or a veterinary officer or a person holding a permit for purchase granted by the Deputy Commissioner under rule

3(3) and no pass-holder shall purchase opium at any shop other than that for which his pass is valid.

Use of any other pass prohibited. (2) No person shall, unless specially authorised in writing by the Deputy Commissioner or any Officer deputed by him under the general or special order of the Chief Commissioner

use or attempt to use for the purchase of opium any pass standing in any other name than his own.

(3) In cases in which a person is authorised by an order under sub-rule (2) of this rule, to act as an agent for other pass-holders he may purchase opium on behalf of such other pass-holders at the shop for which such passes are valid.

(4) Except when authorised to act as an agent for other pass holders under sub-rule (2) of this rule, no person shall have in his possession more than one pass which must stand in his own name.

Production of pass or permit at the time of purchase. (5) In the case of every sale, pass or permit shall be produced, and the licensed vendor or his salesman shall enter on it the amount of the sale and date of the sale and date of the sale and shall sign or initial the entry. The

licensed vendor shall not in any one month sell to a pass-holder, or to any one duly authorised on his behalf, more than the pass-holder's monthly ration as shown in the pass.

In cases in which a person is authorised under sub-rule (2) of this rule to act as an agent the licensed vendor shall enter the name of the agent at each sale to him in the sale register.

Duplicate copy of pass or permit. (6) If a registered pass-holder loses his pass he may obtain a duplicate pass from the Deputy Commissioner or Superintendent of Excise or in a Subdivision from the Subdivisional Officer on an application stamped with a court fee of Re 1/-. The Duplicate copy must be stamped "Duplicate" with a rubber stamp on each page before issue, and the order cancelling the original pass must be communicated to the circle Excise Officer and the Lessee of the shop at which the pass is valid. If the pass is transferred to another shop, the order must similarly be communicated to the Circle Excise Officer and the lessee

If that shop, where the pass was originally valid.

Sale prohibited on
pass cancelled.

(7) No licensed vendor shall sell opium on a pass which within his knowledge has been cancelled or ordered to be cancelled. If such a pass is produced at his shop or if a

pass is produced in respect of which he has been informed that a duplicate has been issued or which he has reason to believe stands in the name of person who is dead or has given up the habit or has left the district, he shall seize the pass, and make it over at the earliest opportunity to an officer of the Excise Department.

Excise Officer and/or
vendor to be informed
when a pass is
cancelled.

(8) When a pass is cancelled for any reason or an order is issued directing that a pass should be cancelled, the circle Excise Officer and the licensed vendor of the shop for which the pass was valid shall be informed immediately.

Responsibility of
licensees for enforce-
ment of rules.

(9) All licensed vendors shall assist Excise Officers by all means in their power in the proper maintenance of the records and in the enforcement of the rules regarding the registration and rationing of opium consumers. Failure in this respect will render their licenses liable to cancellation.

Production of license,
accounts, etc.

31. A licensed vendor shall at once produce his license and accounts and all excise opium in his licensed premises on the demand of any officer empowered under section 14 of the

Opium Act, 1878, and shall not prevent any such officer from entering his licensed premises at any hour of the day or night.

10 - LICENSES

Authority to grant
licenses for sale.
Period of license.

32. Licenses for the sale of Excise opium shall be granted by the Deputy Commissioner in the prescribed form, and shall be for a period of one year, from the 1st April to the 31st March or if specially directed by the Chief Commissioner for any shorter period within that year.

11 - SETTLEMENT

Method of Settlement.

33. Subject to any special or general orders of the Chief Commissioner such number of shops for the sale of excise opium as the Deputy Commissioner may from time to time determine, shall be sold by public auction or such shops shall be settled in such other mode as the Chief Commissioner may from time to time prescribe, by or under the orders of the Deputy Commissioner before the commencement of its financial year.

Settlement of shops
in any other method.

34. Notwithstanding anything contained in these rules, the settlement of all or any opium shops may be made in conformity with such procedure or on such terms or of such period, as the Chief Commissioner, may from time to time direct.

as the Chief
Licenses not to be
issued to females.
Monthly ration for
shops.

35. As stated in rule 18 supra, no license for the sale of opium shall be issued to females.

36. The monthly ration of a shop is the amount of excise opium required to supply the pass-holders registered in respect of the shop plus any quantity of opium which the Deputy Commis-

sioner may consider necessary to supply the requirements of temporary pass-holders and permit-holders. The monthly ration for each shop shall be fixed by the Deputy Commissioner and shall be announced before the sale or the settlement. The Deputy Commissioner during the currency of a license may vary the monthly ration of a shop to meet local requirements. No licensee whose monthly ration has been altered under this rule shall have any claim for compensation.

Fees for licenses.

37. The fees for licenses mentioned in rule 32 shall be paid as follows:-

The vend-fee of opium will be paid in along with the duty

and cost price at the time of issue of excise opium from the Government treasury. Each licensed vendor will be required to deposit as security at the time of settlement not less than one month's and not more than two months' vend-fees on the full ration of the shop. The security which will be required for each shop shall be decided by the Deputy Commissioner with the sanction of the Chief Commissioner and shall be announced before sale. If not forfeited under the provisions of rule 41 it will be refunded to the licensed vendor towards the end of the year, or transferred to another shop at his request.

Fees to be paid
without inter-
vention of Excise
Officers.

38. All payments of license fees etc. shall be made by the licensees into the local treasury, either by direct payment or by postal money order, without the intervention of Excise Officers.

Transfer or sub-
lease.

39. No transfer or sub-lease (whether entire or partial) of a license shall be made, except with the previous permission of the Deputy Commissioner. The Deputy Commissioner shall

not allow such transfer or sub-lease, unless good and sufficient reason be shown to his satisfaction, and unless the transferee or sub-lessee is, in his opinion, fit and qualified to hold such license. In cases in which there is reason to suspect a benami settlement, the application for transfer or sub-lease shall ordinarily be refused.

Transfer of license
on death of licensee.

40. On the death of a licensee the Deputy Commissioner may, subject to the provision of rule 35 above, renew the license for the remainder of the lease on the same terms in favour of a representative of the deceased, if he be satisfied that such representative is fit to hold it, and on the condition that any arrears due from the deceased licensee are recovered before the license is so renewed. In such case no fresh deposit in addition to the deposit required by rule 37 need be called for.

Cancellation or
suspension.

41. (1) The Deputy Commissioner may cancel or suspend any license for the sale of excise opium:-

(a) if any duty or fee payable by the holder thereof be not duly and punctually paid, or

(b) in the event of any breach by the holder thereof or by any of his servants or by any one acting in his behalf with his express or implied permission, of any of the terms or conditions thereof or any of the provisions of the Opium Act, 1878, or of the Eastern Bengal and Assam Excise Act, 1910, or of any rules issued under either of these acts, or

(c) if the holder thereof is convicted of any cognizable and nonbailable offence, or

(d) if there is reason to believe that the license is issued as a cloak for smuggling, or for illicit sales including sales to opium smugglers, or

(e) at will, if the conditions of the license provide for such cancellation or suspension.

rule (1) clauses (a), (b), (c) or (d), the Deputy Commissioner may cancel any other license, permit or pass granted to such person under the Act.

Compensation, etc.
not allowed on
cancellation.

(3) When a license is cancelled or suspended under sub-rule (1) clauses (a), (b), (c) or (d), the licensee shall not be entitled to any compensation for its cancellation or suspension or to the refund of the security deposited

in advance at the time of settlement. The licensee must, if so required, also pay vend-fees on the full ration calculated on the average sales of the proceeding three months for the remainder of the month in which the license is cancelled or suspended:

Provided that if the licensee is subsequently reinstated it shall be open to the Deputy Commissioner to refund the vend-fees realised for that portion of the ration for the month in which the license is suspended which has not actually been purchased by the licensee.

Cancellation with or without notice.

(4) When a license is cancelled under clause (e) sub-rule (1), this shall be done either -

(a) on the expiration of 15 days' notice in writing of the Deputy Commissioner's intention to do so,

(b) forthwith without notice.

In the latter case the Deputy Commissioner shall pay to the licensee such sum (if any) by way of compensation, not exceeding one-sixth of the vend-fees paid by the lessee during the previous three months, as he may consider reasonable.

(5) When a license is cancelled under clause (e) of sub-rule (1), any security deposit made by the lessee in respect thereof shall be refunded to him after deducting the amount (if any) due to Government.

Resettlement after cancellation.

(6) As soon as a license is cancelled under this rule or surrendered under rule 43 the Deputy Commissioner will be at liberty to resettle the license at once in such manner as seems to him suitable:

as seems to him suitable:

Provided that when a license is suspended the resettlement shall be effected provisionally and shall not be confirmed pending the result of the enquiry or prosecution in consequence of which the order of suspension was passed.

Composition.

42.(1) The Deputy Commissioner may accept from any person whose license is liable to be cancelled under rule

41(1) clauses (a), (b), (c) or (d), payment of a sum of money not exceeding Rs.500/- in lieu of such cancellation.

Surrender.

43.(1) A licensed vendor may surrender his license at any time, giving one month's previous notice to the Deputy

Commissioner of his intention to surrender the same, and on payment of such sum, not exceeding the amount of vend-fees on the full monthly ration for four months calculated on the actual sales of the three months preceding the surrender, as the Deputy Commissioner may fix in this behalf.

(2) If the Deputy Commissioner is satisfied that there is sufficient reason for surrendering a license or permit, he may, with the sanction of the Chief Commissioner, remit the whole or any portion of the sum so fixed and he may refund the whole or any portion of the security deposit.

Explanations:-

(a) The word "license vendor", as used in this rule, include a person whose application, tender or bid for a license has been accepted by the Deputy Commissioner, although he may not actually have received the license.

(b) The four months vend-fees referred to above will include the security deposit.

PART - III RULES RELATING TO MEDICINAL DRUGS CONTAINING OPIUM AND POPPY-HEADS.

1 - MANUFACTURE

Manufacture of medicinal drugs.

44.(1) A licensed druggist or a permit-holder or a qualified medical practitioner may manufacture medicinal drugs for medicinal purposes to the extent to which he is

entitled to possess the same from excise opium of which he is permitted by these rules to be in possession,

Provided - (a) that he shall keep a record of the

amount of opium used by him in manufacture of such medicinal drugs in a form ordered by the Deputy Commissioner.

(b) that he shall keep a record of the disposal of such medicinal drugs in a form ordered by the Deputy Commissioner,

(c) that these records shall be produced on demand to the Deputy Commissioner or any person authorised by the Deputy Commissioner by general or specific order to inspect the same,

(d) that these records shall not be destroyed without permission of the Deputy Commissioner, and

(e) every bottle or package containing medicinal drugs shall be marked with the percentage or proportion or amount of opium obtained in medicinal drugs.

(2) Any person may manufacture medicinal drugs to the extent to which he is entitled to possess the same, provided that such manufacture is for his private consumption and not for sale and is from excise opium of which he is permitted by these rules to be in possession.

Possession of medicinal drugs by any person. 45.(1) Any person may possess medicinal drugs of any kind amounting in the aggregate to three tolas -

(i) if manufactured by himself for private consumption under the conditions of rule 44(2);

(ii) if bought by retail from a licensed druggist for bonafide medicinal purposes;

(iii) if obtained for bonafide medicinal purposes from his tendant, provided that the latter is either a qualified medical practitioner holder;

(iv) if he has imported them in accordance with the provisions of rule 50 below;

Provided that any person may possess medicinal drugs maintained for bonafide medicinal purposes on a prescription of a qualified medical practitioner up to the quantity specified in such prescription.

By licensed druggist. (2) Subject to the conditions of his license, a licensed druggist may possess medicinal drugs (not exceeding one seer of any kind or kinds), and poppy-heads (not exceeding ten seers) provided that he has manufactured the former from excise opium of which he is permitted by these rules to be in possession or has purchased them from a licensed druggist or under rule 54 from a person who has been a licensed druggist or a permit-holder, or has imported them under rule 47 and 50.

By qualified medical practitioner or permit-holder. (3) A qualified medical practitioner or, subject to the conditions of his permit, a permit-holder, may possess medicinal drugs to the extent of 10 tolas of any kind or

kinds or such larger quantity as the Deputy Commissioner may allow in the case of a medical officer in charge of a hospital or charitable dispensary not under Government supervision, provided that he has manufactured the same from excise opium of which he is permitted by these rules to be in possession or has purchased them from a licensed druggist or where there is no licensed druggist from a licensed vendor specially authorised by the Deputy Commissioner or has imported them under rule 50 and provided further that the Deputy Commissioner may fix the limit to be possessed in any one year to meet the lawful requirements of the practitioner or permit-holder.

On expiration of license or permit. (4) Any person who has been a licensed druggist or a permit-holder may for a period of four days from the date of expiration of his license or permit, and with the sanction

of the Deputy Commissioner, possess any quantity of medicinal drugs or poppy-heads of which at the time of the expiration of his license or permit he is in lawful possession in accordance with the conditions of such license or permit and the pro-

visions of these rules.

2 - TRANSPORT

Transport of
medicinal drugs.

46. Any person may transport medicinal drugs which he is lawfully in possession from a place where he has purchased to a place where he is licensed or authorised by these rules to manufacture or sell the said articles or where he may lawfully use or consume them.

3 - IMPORT Poppy-heads

Import of poppy-heads.

47. (a) The Chief Commissioner may grant passes for the import of poppy-heads to any person engaged in medical or veterinary practice for use in such practice. Such passes will be in such form as the Chief Commissioner may order.

(b) a fee of Rs.3/- shall be charged for every such pass.

(c) a pass-holder for the import of poppy-heads shall observe the terms of his pass and shall keep an accurate account of their use in his practice.

Import prohibited
under certain circum-
stances.

48. Save as provided under rules 47, 49 and 50 the import of poppy-heads is prohibited.

Import by post.

49. A person may import poppy-heads by post provided:-

(a) he has obtained the necessary pass under rule 47

(b) only the parcel post is used and the parcel is insured;

(c) a declaration is furnished with the parcel stating

the names of consignor and consignee, the contents of the parcel in detail, the number and date of the pass and such other particulars as may be prescribed from time to time by the Deputy Commissioner.

Import by land from
another part of India.

50. The import by land of medicinal drugs or poppy-heads from another part of India into Manipur is permitted in the following cases:

(i) by any person, if obtained on a bonafide prescription of a qualified medicinal practitioner under a permit granted by the Deputy Commissioner of the importing district.

(ii) by a licensed druggist, qualified medical practitioner or permit-holder in Manipur under a permit granted by the Deputy Commissioner.

4 - EXPORT

Export by licensed
druggist.

51. Medical drugs or poppy-heads may be exported by a licensed druggist:-

(i) on a bonafide prescription of a qualified medical practitioner or (ii) on the production, -

(a) in the case of export to a district in all States of India except part B States, of permission from the Collector of that district; or in the case of a hospital or a charitable dispensary, or orders countersigned by a civil Surgeon, an officer of the Indian Medical Service or an Officer of the Royal Army Medical Corps, or the Superintendent of the Civil Veterinary Department;

(b) in the case of export to a part B State or foreign territory in India of permission from the proper authority therein;

Provided that in all cases of export under clause (ii) of this rule a pass must be obtained from the Deputy Commissioner of the District from which the medicinal drugs or poppy-heads are despatched. A copy of such pass shall be sent to the Collector of the importing district or the authority in the part B State of foreign territory by whom permission to import was given, as the case may be.

5 - SALE

Sale by licensed druggist.

52. Subject to the conditions of his license, a licensed druggist may sell medicinal drugs or poppy-heads up to such quantity as the purchaser is authorised by these rules to possess -

(a) to another licensed druggist or permit-holder on production of his license or permit;

(b) to a qualified medical practitioner on being satisfied that the purchaser is a qualified medical practitioner;

(c) to any other person for bonafide medicinal purposes:
53. A qualified medical practitioner or, subject to the conditions of his permit, a permit-holder, may use medicinal drugs or poppy-heads in the course of his practice, or may compound or dispense the same for the use of his own patients for bonafide medicinal purposes.

Disposal on expiration of license.

54. Any person who has been a licensed druggist or a permit-holder may, within four days from the date of expiration of his license or permit and with the sanction of the Deputy

Commissioner, sell any quantity of medicinal drugs or poppy-heads of which at the time of the expiration of his license or permit he is in lawful possession in accordance with the conditions of such license or permit and the provisions of these rules to licensed druggist to the extent to which the purchaser is authorised by rule 45 to possess the same.

6 - RESTRICTION ON SALE

Sale allowed on licensed premises only.

55. No licensed druggist shall sell medicinal drugs or poppy-heads at any place other than on the premises specified in that behalf in his license.

Prohibition of storage except on licensed premises.

56. No licensee or permit-holder shall store any medicinal drugs or poppy-heads at any place other than that specified in that behalf in his license or permit except with the previous written sanction of the Deputy Commissioner.

Prohibition of sale for delivery to young person.

57. No licensed druggist shall sell or deliver any medicinal drugs or poppy-heads to any person under the age of 18 years whether for consumption by such person or by any other person.

Accounts to be maintained.

58. Regular or accurate accounts shall be maintained by every licensee and permit-holder, and, if a form has been prescribed by the Deputy Commissioner shall be kept in such

form. Such accounts shall be totalled and balanced as soon as the transactions for each day, have been closed.

Licensee to assist in stock taking.

The licensee or permit-holder shall when required by an Excise Officer of or above the rank of Sub-Inspector, assist him by a sufficient number of servants in taking account of his stock.

Production of license, accounts, etc.

59. Every licensee or permit-holder shall at once produce his license or permit and correct accounts on the demand of any officer empowered under section 14 of the Act, and shall

not prevent any such officer from entering and inspecting the premises in which he is authorised to store medicinal drugs or poppy-heads at any hour of the day or night.

7 - LICENSES AND PERMITS

Fees for license and permits.

60. (1) Every licensed druggist and every permit-holder shall pay for his license or permit the fee prescribed in rule 14 supra and it shall be specified in the license or permit,

and shall be payable at such times and places as the Deputy Commissioner may direct.
Period of license (2) Such licenses and permits shall be granted by the
or permit. Deputy Commissioner at his discretion for a period of one
year at a time, provided that every license and permit shall
expire on 31st March next following the date on which such license or permit was
granted.

Cancellation. 61. (1) A license or permit may be cancelled by the Deputy
Commissioner for any cause specified by him. The licensee
or permit-holder shall not in such case be entitled to the refund of any fee payable
under the license or permit which he has paid in advance.

Responsibility of (2) If any person in the employ and acting on behalf of
licensee for act of the holder of license or permit wilfully does any act in
servant. in breach of any of the conditions of the license or per-
mit or the provisions of these rules, the holder of the
license or permit shall himself be deemed to have committed such breach unless
establishes that all due and reasonable precautions were taken by him to prevent it.

Composition. 62. (1) The Deputy Commissioner may accept from any person
whose license or permit is liable to be cancelled under
rule 61 payment of a sum of money not exceeding Rs.500/- in lieu of such cancellation.

(2) When the payment referred to in sub-rule (1) has been
duly made, no further proceedings shall be taken against each person in respects of
the acts or omissions on account of which the license is then liable to cancellation.

Withdrawal. 63. Whenever the Deputy Commissioner considers that license
or permit should be withdrawn, he shall remit a sum equal
to the fee for such part of the period for which the license has been issued as is
unexpired on the date of his order, and may withdraw the license either -

(a) on the expiration of 15 days' notice in writing of
his intention to do so, or

(b) forthwith without notice.

In the latter case the Deputy Commissioner shall, in
addition to remitting the sum aforesaid, pay to the licensee or permit-holder such
further sum (if any) by way of compensation as the Chief Commissioner may direct.

Surrender. 64. A licensed druggist or permit-holder may surrender his
license or permit at any time by one month's previous
notice in writing given by him to the Deputy Commissioner on payment of any fees
for which he may be liable.

PART IV - GENERAL PROVISIONS

1 - GENERAL

Possession under 65. A person to whom a permit or pass has been granted for
permit or pass. transport, import or export under these rules may possess
the excise opium, medicinal drugs or poppy-heads covered by

the permit in accordance with conditions of such permit or pass.
Observance of condi- 66. The holder of a license, permit or pass shall be bound
tions of license, by the conditions thereof, and in the expiry of a license,
permit or pass. permit or pass the holder thereof shall return the same to
the officer who granted it, or, if the conditions thereof

provide for its disposal in some other manner, shall dispose of it in accordance
with such conditions.

Bar of claim to 67. The holder of a license or permit shall have no legal
compensation. claim against the Government or the Chief Commissioner, as
the case may be, for compensation for any loss alleged to
be due to a change during the currency of his license or permit in the conditions
thereof or in any other matter connected with the administration of the Act.

Prohibition of cer- 68. Any transaction of the nature of gift or loan between

tain transactions with excise officers. holder of a license, permit or pass and an officer of the Excise Department is absolutely prohibited.

NOTE - Exceptions allowed under the Government servants, Conduct Rules do not apply to officers of Excise Department in their dealings with the holders of licenses, permits and passes.

2 - FORMS OF LICENSES, PERMITS AND OTHER DOCUMENTS

Forms and conditions of licenses, permits, etc. 69. The Chief Commissioner may from time to time prescribe -
(a) the forms in which licenses, permits and passes shall be granted by the Deputy Commissioner;
(b) the conditions in such licenses or permits relating to the persons to whom a licensee may or may not sell excise opium, medical drugs or poppy-heads which may be sold to any person or class of persons;
(c) any further restrictions or conditions consistent with the provisions of the Act, and of these rules under or on which any license, permit or pass may be granted; and
(d) a form for any other proceeding under these rules for which he considers that a form should be provided.

3 - DISPOSAL OF THINGS CONFISCATED

Disposal of things confiscated. 70. (1) All things confiscated under the Act, except excise opium, morphia and its allied compounds, smoking preparations, medicinal drugs, kafa and poppy-heads, shall be disposed of by the Deputy Commission by the Deputy Commissioner by public auction.
(2) Confiscated excise opium which was originally issued from the treasury in Manipur shall be taken into stock at the treasury only when such opium is in cakes of unbroken seers and is in perfect condition and fit for use.
Other confiscated opium, whether excise or contra-band, shall be sent to the opium Factory at Ghazipur in conformity with such procedure and on such terms as the Chief Commissioner may from time to time direct.
(3) Morphia and its allied compounds, when confiscated may be disposed of in accordance with rule 27 of the Assam Dangerous Drugs Rules.
(4) Smoking preparations, when confiscated, shall be disposed of in accordance with the rules under Assam Opium Smoking Act.
(5) Medicinal drugs so confiscated shall immediately be destroyed, under the orders of the Deputy Commissioner.
(6) Kafa, i.e. cloth saturated or stained with opium so confiscated should be destroyed by fire under the Deputy Commissioner's order.
(7) Poppy-heads so confiscated shall be disposed of as the Deputy Commissioner may direct.

4 - APPEALS AND REVISION

Appeal to the Deputy Commissioner. 71. (a) An appeal shall lie to the Deputy Commissioner from any order of any officer subordinate to him and discharging functions under the Act, or under any rule or order under the Act.

NOTE - The Deputy Commissioner will hear appeals from the Officers subordinate to him who have been invested with the powers of a Deputy Commissioner under these rules.

Appeal to Chief (b) An appeal shall lie to the Chief Commissioner from

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|--|--|
| Commissioner. | any original order made by the Deputy Commissioner (but not from any original order made by an officer discharging functions of the Deputy Commissioner) and from any order made by the Deputy Commissioner on appeal. |
| Appeal barred against order of composition. | 72. No appeal shall lie against an order of composition passed under rule 42 and 62 supra. |
| Limitation. | 73. Every memorandum of appeal shall be presented within one month from the date of the order appealed against, provided that the time required for obtaining a copy of the order shall be excluded from the calculation of the period of one month. |
| A certified copy of order to accompany an appeal petition. | 74. (1) Every memorandum of appeal shall be accompanied by a certified copy of the order appealed against unless the omission to produce the same is explained to the satisfaction of the appellate authority. |
| Court fee stamp on appeal petition. | (2) Every petition of appeal shall bear a court fees stamp of eight annas if presented to the Deputy Commissioner, Rupee one if presented to the Chief Commissioner. |

NOTE - The above rules regarding appeals do not apply to appeals by departmental officers. Appeals by them governed by the rules applicable to other Government servants.

5 - REWARDS

Grant of reward. 75. Rewards may be granted by the Deputy Commissioner or the Chief Commissioner to persons contributing to the prevention of offences under the Opium Act, 1878, or to the detection or conviction of offenders against that Act.

P.C. Deb,
SECRETARY TO THE GOVERNMENT OF MANIPUR.

E/NL.1953/147

GOVERNMENT OF TRIPURA

PROCLAMATION

Prohibiting Opium Smoking.

.....

WHEREAS it is expedient to prohibit opium smoking in Tripura State; Therefore, in exercise of powers inherent in His Highness as well as under Section 44(a) of the Tripura Government Act of 1351 T.E.

His Highness the Maharaja Manikya Bahadur, Ruler of Tripura, is graciously pleased to make the following Proclamation:-

1. Henceforward no one in Tripura State shall smoke opium in any form whether raw or prepared opium as defined in the Opium and Intoxicating Drugs Act 1332 T.E.

2. This prohibition shall extend to any admixture of opium too as defined in the Act referred to in Clause 1.

3. EXCEPTION:-

(a) This prohibition shall not apply to those who are at present addicted to opium smoking provided they produce medical certificate to the satisfaction of the Minister in charge of the Abkari Department recommending such smoking to be necessary for their health.

(b) In such case a licence for opium smoking shall be given by the Minister free of charge.

4. Any person violating the Proclamation shall on conviction be punished for each such offence with imprisonment, rigorous or simple, which may extend to one year, or with fine which may extend to one thousand rupees, or both.

5. Section 27 of the Opium and Intoxicating Drugs Act 1332 T.E. shall be regarded as a part of this Proclamation.

.....

(GERA)

13.3.53.

E/NL.1953/148

REVENUE DEPARTMENT
NOTIFICATION
The 7th March, 1949.

No. 933-E&T- In exercise of the powers conferred by section 18 of the East Punjab Opium Smoking Act, XXV of 1948, the Governor of East Punjab is pleased to make the following rules, namely:

RULES

1. (1) These rules may be called "The East Punjab Opium Smoking Rules, 1949".
(2) They shall come into force at once.

2. In these rules -

- (i) The Act means the East Punjab Opium Smoking Act, 1948.
- (ii) The words and expressions other than those defined in the act shall have the meanings assigned to it or them in the Punjab Excise Act or rule made thereunder.

3. The Excise and Taxation Officer/Assistant Excise and Taxation Officer within his jurisdiction shall prepare and maintain a register in form OS-1 to be called the East Punjab Opium Smokers' Register and shall keep the same in his custody.

4. Any person addicted to opium-smoking may apply in form OS-2 to the Excise and Taxation Officer/Assistant Excise and Taxation. Officer-in-charge of the district for registration of his name as an habitual opium smoker. Such application shall require a court-fee stamp of two annas and must be accompanied by a medical certificate in form OS-3 from a registered medical practitioner residing and practising in the district in which the applicant resides or carries on business.

5. After satisfying himself about the bonafides of the applicant including his age and the genuineness of the medical certificate, the Excise and Taxation

Officer/Assistant Excise and Taxation Officer-in-charge of the district, shall cause the particulars of the applicant to be entered in the Register and will issue a permit in form OS-4 valid up to the 31st March following.

6. If the permit is lost or destroyed, the permit-holder may be issued a duplicate by the Excise and Taxation Officer/Assistant Excise and Taxation Officer-in-charge of the district.

7. No registered smoker shall -

- (a) Possess at one time excise opium exceeding two tolas including the quantity of prepared opium allowed to him under section 6 of the East Punjab Opium Smoking Act, XXV of 1948, and the total quantity of opium purchased by him in a calendar month shall not exceed the limit fixed under his permit;
- (b) purchase opium from any source other than that specified in his permit;
- (c) Sell or otherwise deal in opium
- (d) allow or induce any other person other than a registered smoker to smoke opium in his company or otherwise; and
- (e) Permit his premises to be used (in contravention of the provisions of section 8).

8. Any infringement of the East Punjab Opium Smoking Act, XXV of 1948, the Punjab Excise Act, I of 1914 or any other law pertaining to dangerous drugs and the rules made thereunder shall render the permit liable to cancellation in addition to any other penalty, which may be imposed under the law contravened.

9. Anything confiscated under the provisions of the East Punjab Opium Smoking Act, XXV of 1948, shall be delivered to the Collector of the district, under and in accordance with the order of confiscation passed by the Court.

10. If the article confiscated be prepared opium, it may be destroyed under the orders of the Collector.

11. If the article confiscated be not prepared opium, it shall be sold and the proceeds credited to Government in the Government Treasury, provided that if the article be of a value estimated to be less than one rupee, it shall be destroyed under the orders of the Collector.

Provided further that -

- (a) any pipes or instruments used for the smoking of opium or any apparatus or appliance used in the preparation of prepared opium shall be destroyed under the order of the Collector irrespective of their value, and
 - (b) such articles or drugs, as are governed by other Acts or laws, shall be disposed of in accordance with the rules applicable to them.
12. (a) A Criminal Court may, when passing judgment, order the whole or any part of the fines recovered to be paid to the Collector of the district for payment as rewards.
- (b) No such payment shall be made, before the period allowed for presenting the appeal has elapsed, or, if any appeal is lodged, before the final decision of the case.
 - (c) In each case the rewards will be sanctioned by the Collector up to the limit of the amount of fine allotted by the Court under sub-rule (a) above. The Excise and Taxation Officer or Assistant Excise and Taxation Officer-in-charge of a district will be responsible for the disbursement of such rewards in accordance with the procedure laid down for rewards under the Excise and Opium Acts.

SANT RAM VARMA,
Deputy Secretary to Govt. of Punjab,
Revenue Departments.