



UNITED NATIONS

E/NL. 1960/62-63
24 August 1960
ENGLISH ONLY

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.

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E/NL.1960/62

UTTAR PRADESH INTOXICANT PROHIBITION RULES, 1947

Notification No. 272-Sl.121/IX-130-C

In Excise Manual, Volume I, after Chapter XI, add the following as a new chapter, i.e.
Chapter XII:

"CHAPTER XII-U. P. PROHIBITION RULES

RULES RELATING TO PROHIBITION AREA

Excise Manual, Volume, 1, Chapter XII

SECTION A

PRELIMINARY

| | |
|---|---|
| 954. (1) These rules may be called the U.P. Intoxicant Prohibition Rules, 1947* | (i) Notification no. 546-E/XIII-402-46. dated March 31, 1947. |
| <u>Short title</u> | |
| <u>and extent.</u> | |

* (1) Declared to apply to the districts of Budaun, Etah, Mainpuri, Farrukhabad, Sultanpur. Jaunpur and Pratapgarh by notification no. 546E/XIII-402-1946, dated 31st March, 1947.

Also

(2) Declared to apply to the districts of Kanpur and Unnao by notification no. 971-E/XIII-424-47, dated 22nd March, 1948.

Also

(3) Declared to apply to the districts of Fatehpur, Rae Bareilly and in the towns (municipal areas) of Haridwar and Vrindaban by notification no.620(3)E/XIII, dated 22nd March, 1949.

Also

(4) Declared to apply to the towns of Rishikesh in the district of Dehra Dun by notification no. 2206-E/XIII-20-49, dated 31st August, 1949.

(ii) Notification no. 1627-E/XIII-311-1954, dated April 17, 1954.

(iii) G.O. no. 2237-E/XII-178/53, dated June 29, 1954.

(2) They apply to those areas in Uttar Pradesh in which Prohibition may be enforced (hereinafter referred to as Prohibition areas).

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

(1) "Prohibition" means a prohibition notified by the Provincial Government in accordance with the provisions of section 14 or sub-section (4) of section 20 or both of the U. P. Excise Act, 1910 (IV of 1910);

....^{1/}

SECTION B EXEMPTION AND PERMITS

956. The prohibition shall not apply to the import, export, transport and possession-
Exemption from the operation of these rules.

.....

(b) of lawfully manufactured or obtained liquor and intoxicating drugs up to the maximum quantities mentioned below by a bona fide traveller while passing through a prohibition area by air or rail:

Articles

Limits of possession
at a time

.....

(ix) Ganja^{2/} and preparations containing ganja

1 tola

(x) Bhang^{3/}

10 tolas

(c) of consignments of lawfully manufactured or obtained liquor by rail or by road and of lawfully manufactured or obtained intoxicating drugs by rail from and to outside the prohibition areas, provided the consignments are not tampered with or used during transit.

(d) of lawfully manufactured or obtained liquor or intoxicating drugs for the manufacture of medical preparations or by or on behalf of the persons or institutions mentioned in Appendix C of the U.P. Excise Manual, Volume II, provided that such import, export, transport or possession does not contravene the provisions of the Dangerous Drugs Act, 1930 (Act No. II of 1930), or any other Act for the time being in force;

.....

1/ Note by the Secretariat: The sections of these Rules which do not concern narcotic drugs have been omitted from this document.

2/ Note by the Secretariat: Ganja is the dried flowering tops of the female cannabis plant.

3/ Note by the Secretariat: Bhang is the dried mature leaves of the cannabis plant.

(h) of lawfully manufactured or obtained liquor (including denatured spirit exceeding two quart bottles) or intoxicating drugs for bona fide industrial scientific or medicinal purposes, obtained under permits granted by the Collector in accordance with rule 956-B.

.....

956-B. (1) Permit required under sub-rule (h):

(2) Applications for permits for use of intoxicants under sub-rule (h) of rule 956 shall be submitted to the Collector, bearing the requisite court-fee stamp and stating

(i) the name, address and profession of the applicant;

(ii) the purpose for which the intoxicant is required;

(iii) the quantity required and whether it is required periodically or at one time;

(iv) the name of the licensed shop or the distillery or bonded warehouse from which the purchase is to be made; and

(v) the place with sufficient details where the intoxicant would be kept for the proposed use.

(3) Where the Collector is satisfied of the bona fide needs of the applicant for the purpose mentioned in his application, he may, on payment in advance of a fee of Re.1 for the whole year or a part thereof, grant a permit in such form as may be prescribed by the Excise Commissioner for the purposes or purpose specified in the permit and for such quantities as he may deem fit. One copy of the permit shall be issued to the applicant and another copy shall be despatched to the licensed shop, or the distillery or bonded warehouse from which the purchase is to be made and a third copy shall be kept for record.

Where the permit authorizes the applicant to obtain the supply from a distillery, bonded warehouse or a licensed shop outside a prohibition district or a district other than the one where the application is submitted, a fourth copy of the permit shall be forwarded to the Collector of the district from which the supply is to be obtained.

(4) Such permit shall authorize the issue of the intoxicant for which the permit has been issued only for the purpose mentioned therein, and the permit-holder, unless exempted in writing by the Collector, shall maintain a correct daily account of the receipt and disposal of the intoxicant.

957. Subject to the provisions of the Dangerous Drugs Act, 1930 (Act No. II of 1930), or any other law for the time being in force, including rules framed thereunder, a permit granted under rule 956-B for the use of intoxicants-

(i) for scientific or industrial purposes shall authorize the permit-holder to sell, transport and export articles manufactured therefrom; and

(ii) shall authorize the permit-holder to transport and use the intoxicants covered by the permit for the medicinal purposes for which the permit was obtained, and also bona fide medicinal preparations manufactured therefrom and to export, dispense and sell the said preparations.

.....

Permit to addicts.

958. (1) The prohibition shall not apply to the use of ganja by addicts holding permits issued by the Collector in accordance with the provisions of the following sub-rules.

(2) A person addicted to the use of ganja may apply to the Collector for the grant of a permit to consume ganja and shall state the following particulars in the application-

(i) The name of the applicant and his age.

(ii) Father's name and caste.

(iii) The place where he resides (with the name of the mohalla, town, village or thana).

(iv) The number of years for which he has been using ganja.

(v) The shop from which the applicant has been obtaining his supply in the past.

(vi) The shop from which the supply is to be obtained in future.

(vii) The quantity of ganja required for weekly use.

(3) If the Collector, after such inquiry as he may deem necessary, is satisfied that the applicant requires the intoxicant for the sake of his health, he will register his name and will grant him a permit free of charge specifying a suitable weekly ration and the name of the shop from which the purchase shall be made.

(4) The permit shall be issued in triplicate; one copy will be given to the applicant, the second will be supplied to the licensee or the shop from which the purchase has been authorized and the third will be retained in the office of the Collector.

(5) The permit shall include the right to transport ganja up to the permitted quantity in the prohibition area from the specified shop to the premises in which the permit-holder resides. Any change in the permanent residence of the applicant should at once be communicated by him to the Collector.

(6) The permit shall be given in the first instance for one year or any part thereof, but may be renewed from time to time. It shall be issued free of charge in the first instance, but if it is renewed a charge of Re. 1 shall be made for each renewal.

(7) The Collector may, in his discretion, refuse to renew a permit or reduce the quantity of weekly ration, while renewing the permit.

(8) The ganja shall be purchased from a licensed shop specified in the permit by the permit-holder in person or through an agent holding a written authority from him to make such purchase on his behalf, and the quantity purchased shall be taken to the premises where the permit-holder resides, by a direct route without unnecessary delay and the consignment shall not be tempered with in transit.

(9) The licensed vendor shall record, under his signature on the back of the permit, the date and the quantity of the intoxicant supplied each time, and the supply shall be so made that the weekly ration fixed by the Collector is not exceeded.

NOTE - "Week" means a period of seven days from any day of the week.

(10) The permit-holder may carry with him the ganja supplied to him to any place within the prohibited area where he may take up temporary residence. The permit will be personal and shall not entitle the permit-holder to share his intoxicant with, or to transfer it to, others.

.....

SECTION C

EXCISE SHOPS IN PROHIBITION AREAS

960. Subject to the following conditions, the prohibition shall not apply to such shops as may be licensed by the Collector in accordance with the provisions of the U.P. Excise Act, 1910 (Act No. IV of 1910), for the sale of intoxicating drugs and liquor to persons holding permits granted by him or for the sale of denatured spirit to the public:

(1) The collector may grant licence for import, transport and sale of denatured spirit to meet the requirements of the public entitled to use and possess denatured spirit in accordance with the rules made under section 41(a) of the U.P. Excise Act, 1910 (IV of 1910). The maximum quantity permitted to sell in a month may be fixed by the Collector.

Exemption to the sale of liquor and intoxicating drugs by certain shops within prohibition area.

(2) Supplies to permit-holders shall be made strictly in accordance with the quantities specified in the permit and detailed accounts of such sales shall be accurately maintained by the licence holders in their sale register, and also entered on the back of the permit.

(3) The sales of these shops shall be allowed in accordance with the conditions of the licence prescribed by the Excise Commissioner.

SECTION D

MISCELLANEOUS

961. The collector may cancel or suspend any licence or permit granted by him-

Power to Collector to suspend or cancel licences. (a) if any fee payable by the holder thereof has not been duly paid; or

(b) in the event of any breach of condition of the licence or permit by the holder thereof or by his servant or by any one acting with his express or implied permission on his behalf; or

(c) if the holder thereof is convicted of any offences against these rules or of any cognizable and non-bailable offence;

(d) if the conditions of such licence or permit provide for the cancellation or suspension at will; or

(e) if the purpose for which the licence or permit is granted ceases to exist.

962. Any order passed by the Collector under these rules shall be subject to an appeal or revision as provided under rules 126 to 131 of the U.P. Excise Manual, Volume I.

(Correction slip no. 20, dated May 18, 1955)

E/NL.1960/63

UTTAR PRADESH OPIUM PROHIBITION RULES, 1947

Notification No. 273-Sl.122/IX-130-C

In Excise Manual, Volume III, after Chapter X, add the following as a new chapter i.e. Chapter XI:

CHAPTER XI-U. P. OPIUM PROHIBITION RULES

RULES RELATING TO PROHIBITION AREA

Excise Manual, Volume III, Chapter XI

A - PRELIMINARY

(1) Notification no.
546-E/XIII-402-46,
dated March 31, 1947.

164.
Short title
and extent.

(1) These rules may be called the U.P. Opium Prohibition Rules, 1947*.

(2) They apply to those areas in Uttar Pradesh in which prohibition may be enforced (hereinafter referred to as Prohibition areas).

(2) Notification no.
1628-E/XIII-311-1954,
dated April 17, 1954.

165.
Definition.

In these rules, "Prohibition" means a prohibition ordered by the state Government under section 4 of the Opium Act, 1878 (Act I of 1878).

B - EXEMPTION

(3) G.O. no. 2237/
XIII-178-53, dated
June 29, 1954.

166.
Exemption for
passengers.

The prohibition shall not apply to the transport or possession of opium, lawfully manufactured or obtained, in quantity not exceeding one tola by bona fide travellers by air or rail while passing through a prohibition area.

167.
Exemption for
consignments.

The prohibition shall not apply to consignments of opium, lawfully manufactured or obtained, booked by air or rail from the destinations outside the prohibition areas, provided that they are not tampered with or used within such areas.

* (1) Declared to apply to the districts of Budaun, Etah, Mainpuri, Farrukhabad, Sultanpur, Jaunpur and Pratapgarh by notification no. 546(3)-E/XIII - 402-46, dated March 31, 1947.

Also

(2) Declared to apply to the districts of Kanpur and Unnao by notification no. 971(i)-E/XIII - 424-47, dated March 22, 1948.

Also

(3) Declared to apply to the districts of Fatehpur, Rae Bareilly and in the towns (Municipal Areas) of Hardwar and Vrindaban by notification no. 620(4)E/XIII, dated March 22, 1949.

Also

(4) Declared to apply to the town of Rishikesh in the district of Dehra Dun by notification no. 2206(2)E/XIII - 20-1949, dated August 31, 1949.

168. The prohibition shall not apply to the import, export, transport or possession of opium, lawfully manufactured or obtained by or on behalf of the persons or institutions mentioned in Appendix C of the U. P. Excise Manual, Volume II.

Exemptions for hospitals, etc.

C - PERMITS

169. The prohibition shall not apply to the import, export, transport and possession of opium, lawfully manufactured or obtained, for bona fide industrial, scientific or medicinal purposes, obtained under permits granted by the Collector in accordance with rule 170.

Permits for scientific, industrial and medicinal purposes.

170. (1) Persons requiring opium for scientific, industrial or medicinal purposes may submit to the Collector an application bearing the necessary court-fee stamp and stating

Procedure for obtaining permits.

(i) name, caste, father's name, residence;

(ii) the purpose for which the opium is necessary;

(iii) the quantity required, and whether it is required periodically or at one time;

(iv) the name of the licensed shop or the treasury or sub-treasury from which the purchase is to be made; and

(v) the place where the opium will be kept for use with the name of town, mohalla, village and thana.

(2) If the Collector is satisfied as to the bona fides of the applicant he may grant a permit in the form prescribed by the Excise Commissioner to purchase and possess opium in such quantities as he may deem necessary having regard to the requirements and give a copy of the permit to the applicant.

(3) The fee for a permit will be one rupee for whole year or a part thereof and shall be payable in advance.

(4) Subject to the provisions of the Dangerous Drugs Act, 1930 (Act II of 1930), or any other law for the time being in force, including the rules framed thereunder, a permit granted under this rule for the use of opium -

(i) for scientific or industrial purposes shall authorize the permit-holder to sell, transport and export the articles manufactured therefrom; and

(ii) shall authorize the permit-holder to transport and use the opium covered by the permit for the medicinal purposes for which the permit was obtained and also bona fide medicinal preparations manufactured therefrom and to export, dispense and sell the said preparations.

(5) If a shop is licensed in a prohibition area for the supply of opium, the permit will cover the transport of opium from the shop to the place where it will be kept for use; and if there is no such licensed shop, or if permission is granted to obtain the supply from a treasury or a sub-treasury or a licensed shop outside the prohibition area, a duplicate copy of the permit shall be forwarded to the Collector of the district in which the licensed shop is situated, for the supply and transport of opium in accordance with the rules and prices in force in that area, as the case may be.

(6) Any infringement of the above rules or of the conditions of the permit shall render the permit liable to cancellation and the permit-holder to prosecution under the Opium Act, 1878 (I of 1878).

171. Subject to the following conditions the prohibition shall not
Permit for apply to addicts who in the opinion of the Collector
addicts. require the use of opium for the sake of their
health -

(a) any person addicted to the use of opium may submit to the Collector of the district an application by April 30 for the grant of a permit to consume opium stating the following particulars

- (i) the name of the applicant and age;
- (ii) father's name and caste;
- (iii) the place where he resides (with the name of the town, mohalla, village and thana);
- (iv) the number of years for which he has been using opium;
- (v) the shop from which the applicant has been obtaining his supplies in the past;
- (vi) the shop from which the supply is to be obtained in future; and
- (vii) the quantity of opium required weekly;

Provided that in special circumstances the Collector may in his discretion entertain applications at any time after the prescribed date.

(b) If the Collector, after such enquiry as he may deem necessary, is satisfied that the applicant requires opium for the sake of his health, he will register his name and will grant him a permit free of charge, specifying a suitable weekly ration, and the name of the shop from which the purchase shall be made.

(c) The permit shall be issued in triplicate, one copy will be given to the applicant, the second will be supplied to the licensee of the shop and the third will be retained in the office of the Collector.

(d) The permit shall cover the transport of the opium from the licensed shop to the premises in which the permit-holder resides. Any change in the permanent residence of the applicant shall at once be communicated by him to the Collector.

(e) The permit shall be given, in the first instance, for one year or any part thereof, but may be renewed from time to time. It shall be issued free of charge in the first instance, but if it is renewed a charge of one rupee shall be made for every renewal.

(f) The Collector may, in his discretion, refuse to renew a permit or reduce the quantity of weekly ration, while renewing the permit.

(g) The opium shall be purchased from the licensed shop specified in the permit granted under these rules by the permit-holder in person, or through an agent holding a written authority from him to make such purchase on his behalf, and the quantity purchased shall be taken to the premises where the permit-holder resides, by direct route, without unnecessary delay, and the consignment shall not be tampered with in transit.

(h) The licensed vendor shall record under his signature on the back of the permit the date and the quantity of opium supplied each time, and the supply shall be so made that the weekly ration fixed by the Collector is not exceeded.

NOTE: "Week" means a period of seven days from any day of the week.

(i) The permit-holder may carry with him the opium supplied to him to any place within the prohibition area where he may reside. The permit shall be personal and shall not entitle the permit-holder to share his opium with, or to transfer it to others.

172. Subject to the following conditions the prohibition shall

| | |
|------------------------------|---|
| <u>Exemption in the case</u> | not apply to such shops as may be |
| <u>of certain shops</u> | licensed by the Collector for the sale of |
| <u>licensed for the sale</u> | opium to persons holding permits granted by |
| <u>of opium in prohi-</u> | him or to other authorized persons or |
| <u>bition area.</u> | institutions - |

(1) Supplies to permit-holders shall be made strictly in accordance with the quantities specified in the permits granted by the Collector and the details of all sales shall accurately be maintained by the licence-holder in his register of rates and endorsed on the back of the permits.

(2) The sales at these shops shall be allowed in accordance with the conditions for licences prescribed by the Excise Commissioner.

CHAPTER V

MISCELLANEOUS

10. The Collector may cancel or suspend any licence or permit granted by him on the following grounds:

Power of Collector to
suspend or cancel
licences and permits.

- (a) If any fee payable by the holder thereof has not been paid; or
- (b) in the event of any breach of condition of the licence or permit, by the holder thereof or by his servants or by one acting with his express or implied permission on his behalf; or
- (c) if the holder thereof is convicted of any offence against these rules, or of any cognizable and non-bailable offence; or
- (d) if the conditions of such licence or permit provide for its cancellation or suspension at will; or
- (e) if the purpose for which the licence or permit is granted ceases to exist.

11. Any order passed by the Collector under these rules shall be subject to an appeal or revision as provided for under rules 13 and 14 of the U. P. Excise Manual, Volume III.

(List No. 20, dated May 18, 1955.)