



UNITED NATIONS

E/NL.1975/79-84  
4 February 1977  
ENGLISH ONLY

## LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF  
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS

### INDIA

Communicated by the Government of India

NOTE BY THE SECRETARY-GENERAL -- In accordance with the relevant Articles of the International Treaties on Narcotic Drugs, the Secretary-General has the honour to communicate the following legislative texts.

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Kerala Gazette No. 15 dated 12 April, 1960

E/NL.1975/79

PART I

Section iv

REVENUE (G) DEPARTMENT

#### NOTIFICATION No. I

G4.24401/59-1/RD.

Dated, Trivandrum, 21 March 1960.

In exercise of the powers conferred by Sections 5, 8 and 13 of the Opium Act, 1878 (Central Act I of 1878) the Government of Kerala hereby make the following Rules, namely:

1. SHORT TITLE, EXTENT AND COMMENCEMENT.

- (i) These Rules may be called the Kerala Opium Rules, 1960.
- (ii) They extend to the whole of the State of Kerala.
- (iii) They shall come into force at once.

2. DEFINITIONS. In these Rules, unless the context otherwise requires:

- (1) "The Act" means the Opium Act, 1878.
- (2) "Government" means the Government of Kerala.

(3) "Commissioner" means the Commissioner of Excise and Prohibition of the State of Kerala and includes an acting Commissioner or any person placed by the Government in temporary charge of the duties of the Commissioner of Excise and Prohibition.

(4) "Collector" means the Chief Officer in charge of the revenue administration of a District for the time being, and includes any officer specially authorized by the Government or the Commissioner to exercise throughout the State of Kerala or in any specified areas therein all or any of the powers of a Collector under these rules.

(5) "Assistant Excise Commissioner" means the officer in executive charge of an Excise Division subject to the control of the Commissioner.

(6) "Excise Inspector" means an officer of the Excise Department in charge of a Range.

(7) "Form L2" means Form L2 prescribed in the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956.

(8) "Form" means a Form appended to these Rules.

(9) "Range" means a local area from time to time constituted as such by the Government by notification in the Gazette.

(10) "Tahsildar" includes a Deputy Tahsildar in independent charge.

(11) "Taluk" includes any area of which a Deputy Tahsildar is in independent charge.

(12) "Opium Mixture" means any mixture with or without neutral materials of any of the forms of raw opium but does not include any preparation containing not more than 0.2 per cent of morphine or a manufactured drug as defined in Section 2 of the Dangerous Drugs Act, 1930.

(13) "Raw Opium" means:

(i) the capsules of the poppy (*Papaver Somniferum* L) whether in their original form or cut, crushed or powdered and whether or not juice has been extracted therefrom; and

(ii) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport.

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

(15) "Tola" means a weight of 180 grains troy.

3. POSSESSION. Any person specially licensed in this behalf by the Collector with the sanction of the Commissioner may have in his possession such quantity of raw opium or opium mixture as may be permitted by the terms of such licence.

4. Any person may possess under and in accordance with the terms of a permit granted by the Collector:

(a) such quantity of raw opium purchased from a Government Treasury as is allowed in the permit,

(b) opium mixture manufactured from raw opium so purchased and possessed in accordance with the rules framed under such section (2) of Section 5 of the Dangerous Drugs Act, 1930.

5. Any person may possess such quantity of opium mixture as has been at any one time sold for his use in accordance with the provision of Rule 21.
6. Any person specially authorized in this behalf by the Commissioner but not otherwise may have in his possession such quantity of raw opium or opium mixture as may be permitted by the special authority.
7. **TRANSPORT.** The holder of a licence may transport raw opium or opium mixture in accordance with and subject to the provisions of Rules 8 to 12.
8. Raw opium issued from any Government Treasury to the holder of a licence or permit shall be transferred under such licence or permit if duly endorsed by the Treasury Officer as to the date of issue and the quantity of opium issued.
9. Opium mixture transported by one licensee to another licensee shall be accompanied
  - (a) if the licensees are in the same District, by a permit granted by the Collector of that District, and
  - (b) if the licensees are in different Districts by permits granted by the Collectors of each of those Districts.
10. The officer granting a permit under Rule 9 shall send a copy of it to the Excise Inspector of the place to which the consignment is transported.
11. Every permit granted under rule 9 shall be preserved by the holder of the licence for one year after the period covered by the licence.
12. No packet containing opium or medicine containing opium shall be opened during its transport;

Provided that nothing contained in this Rule shall apply to persons holding a permit in Form O.P.II.

13. When opium or medicine containing opium is transported from one District to another the transporter (not being Railway administration) shall, on arrival of the packages at the destination present them together with the licence or permit covering the transport for examination to the officer duly authorized by the Commissioner in this behalf.
14. Subject to the provision 14 of the Act any Revenue officer not below the rank of Revenue Inspector, any officer of the Excise Department not below the rank of Preventive Officer or any police Officer not below the rank of Head Constable, may at any time examine any consignment of raw opium or opium mixture in transit. If on such examination, such officer finds that the quantity of raw opium or opium mixture in transit corresponds to the quantity specified in the permit, the consignment shall be allowed to proceed, otherwise the consignment shall be detained pending the orders of the Collector, who may on proof of misconduct cancel the licence of the person concerned.

The cancellation of the licence under the above clause shall not operate as a bar to the prosecution of the licensee for any offence which may have been committed against any of the provisions of the Act.

In the case of preparations and admixtures containing opium (which are not manufactured drugs under the Dangerous Drugs Act, 1930), the bottles, phials, packages or other containers of such preparations and admixtures or the labels affixed to them shall plainly exhibit:

- (i) the actual quantity of opium present in each such bottle, phial package or container, or,
- (ii) sufficient particulars thereof to admit of the ready calculation of such quantity.

15. No railway administration shall:

(a) receive or convey opium or medicines containing opium which is not covered and accompanied by transport permit from an officer duly empowered in this behalf, or,

(b) convey opium or medicine containing opium otherwise than

(i) in the custody of a railway official direct to the station at which the opium or medicine containing opium should leave the railway, and

(ii) according to the route prescribed in such permit.

16. IMPORT. The import of raw opium shall be permissible only by or on behalf of the Government.

Raw opium imported by the Government shall be stored in the Central Stores attached to the Board of Revenue, where from it shall be issued to District Treasuries on indents. The officers in charge of sub-treasuries shall get opium from the District Treasuries for issue to holders of licences or permits on realization of the issue price fixed by the Commissioner from time to time.

Correct accounts of receipts and issues shall be maintained in the Central Stores as well as in the District and Sub-Treasuries.

17. No person holding a licence in Form O.P.I. or 2 shall import medicines containing opium from any other State in India, except under a permit, to be issued by the Collector.

"17A. Notwithstanding anything contained in these rules, any person who is the holder of a valid permit for personal consumption of Opium on medical grounds issued by any other State in India may,

"(i) import into the State

(ii) Possess for personal consumption while in the State, and

(iii) export the balance, if any, left after consumption from the State to the State from where the permit was originally obtained, such quantity of opium as has been validly obtained under the said permit, subject to the following conditions:

(a) The quantity that may be imported into Kerala or possessed while in Kerala or exported out of Kerala shall not exceed the quantity allowed to be possessed at a time under the permit issued from the State from where he comes into Kerala.

(b) The permit holder shall bring with him his opium permit and also a certificate from the Excise or Police authority of the place from where he comes, evidencing the grant of such permit and the permit shall be countersigned by any Excise Officer not below the rank of an Inspector-in-charge of the first destination in Kerala.

(c) The opium shall be consumed in Kerala or taken back to the State which issued the permit, within one month from the date of counter-signature of the permit as laid down in sub-rule (b) above.

(d) If he prolongs his stay in Kerala beyond the period laid down in sub-rule (c) above, he shall obtain a permit in Form O.P.II under rule 24 of these rules on surrender of the permit issued from the State from which he comes to Kerala. He shall not however, be required to obtain and produce a fresh medical certificate.

17-B. Any holder of the permit in Form O.P.II may take with him, when visiting any other State, such quantity of Opium as is permitted to be possessed at a time under his permit".

18. EXPORT

(1) Any person desiring to export medicines containing opium shall make an application for a permit to the Collector in that behalf and shall along with the application forward an import permit or a non-objection certificate from the Chief Excise Authority of the place to which such medicines are to be exported.

(2) On receipt of an application under Sub-rule (1) the Collector shall make such enquiries, as he deems necessary and if he is satisfied that there is no objection to granting the permit applied for, he may grant the applicant an export permit.

(3) The Collector shall seal each package of medicine containing opium which is to be exported with his official seal.

19. Transmission of raw opium or opium mixtures by post is prohibited.

20. SALE. On payment of the issue price at the rate prescribed by the Commissioner from time to time by notification in the Gazette, raw opium will be supplied in such quantities as may be prescribed in the licence to holders of licences and permits or licensed chemist as defined in the Travancore-Cochin Dangerous Drugs Rules and the Madras Manufactured Drugs Rules, at any Treasury. Opium shall not be sold at any place except at the Treasuries.

21. A person holding a licence in Form O.P.I. or Form L2 may sell medicines containing opium on prescription duly signed by a Registered Medical Practitioner and subject to such conditions as may be imposed in the licence.

22. LICENCES. The Collector may with the orders of the Commissioner if any, grant

(i) A licence in Form O.P.I to a registered medical practitioner to possess and sell medicines containing opium on his own prescription, on payment of a fee of Ruppee one.

(ii) A permit in Form O.P.II free of charge to an opium addict for the possession and use of opium for personal consumption on production of a medical certificate issued by a medical officer duly authorized for this purpose and in accordance with the provisions of Rule 24.

(iii) A permit in Form O.P.III to an owner of cattle or any domestic animals to possess opium for administering it to his cattle or domestic animals on medical grounds on the recommendation of a Veterinary Surgeon. The sanction of the Commissioner shall be obtained in individual cases before the permit is issued.

(iv) A permit in Form O.P.VII to a person for the possession of Opium for the preparation of medicinal oils specially approved by the Commissioner for the personal use of the permit holder.

FORM O.P.VII

(See Rule 22)

Permit No.

PERMIT FOR POSSESSION OF OPIUM FOR THE PREPARATION OF  
MEDICINAL OIL FOR PERSONAL USE

1. Permit holder's Name.
2. Father/Husband's name.
3. Religion or caste.
4. Apparent age.
5. Address in full.
6. Occupation.

This permit is granted under and subject to the provisions of the Opium Act 1878, and the rules made thereunder to (hereinafter) referred to as "the permit holder" authorizing to possess and transport Opium for the preparation of medicinal oils specially approved by the Commissioner for the personal use of the permit holder subject to the following conditions:

CONDITIONS

1. This permit shall remain in force from to

2. The permit holder shall as soon as possible present this permit before the local Excise Range Inspector or any officer authorized by the Commissioner for this purpose for his counter-signature and in any case not later than one month from the receipt of this permit.

3. (i) The permit holder shall not obtain during any one month Opium exceeding ..... grams;

Provided that this quantity may be reduced during the currency of the permit according to the orders of the Excise Commissioner.

(ii) The permit holder shall not possess at any one time more than the monthly quota

4. (i) The permit holder shall not obtain his supplies of Opium from any place except from a Government Treasury.

(ii) The permit holder shall get the details of the purchase entered on the reverse of the permit by the officer-in-charge of the Treasury before removal from the Treasury of the Opium purchased by him.

(iii) No Opium other than Opium obtained under this permit shall be transported or possessed by the permit holder.

5. The Opium obtained under this permit shall neither be used by any person other than the permit holder nor shall it be used for any purpose other than the purpose for which this permit is granted.

6. The privilege of transport and possession of Opium granted under this permit shall extend only so far as they are incidental to its use in accordance with this permit.

7. The Opium shall be added to the Medicinal oil in the presence of the permit holder. When once the Opium is added, the medicinal oil shall be used only by the permit holder and shall not be sold or gifted.

8. The permit shall be non-transferable and may be suspended or cancelled, at any time by the officer granting it:

(a) for default or violation by the permit-holder of any of the conditions specified in the permit;

(b) if the holder thereof be convicted of any offence against any law relating to Opium or excise revenue or of any criminal offence;

(c) if the permit holder infringes any of the provisions of the Opium Act, 1878, or of the rules in force thereunder;

(d) if the purpose for which the permit was granted ceases to exist.

9. In case, the permit is surrendered, suspended or cancelled during currency or is not renewed on its expiry, the whole of the unused stock of Opium shall forthwith be surrendered to the officer granting the permit.

Granted this ..... day of. .... 19 .

Signature or left hand  
thumb impression of  
the permit holder

Signature and Designation of  
authority granting the permit.

Countersigned,

Excise Range Inspector or  
the authorized officer.

DETAILS OF PURCHASE OF OPIUM MADE BY THE PERMIT HOLDER FROM

TO

Date	Total quantity of Opium permitted to be purchased in the current month.	Quantity of Opium purchased	Running total of quantity of Opium purchased since the first of the current month	Difference between the quantity allowed in the current month and the running total [column (4)]	Signature of the officer in charge of the Treasury and the name of the Treasury
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By order of the Governor,  
R. GORALASWAY  
Revenue Secretary

23. (1) A Licence in Form O.P.I shall be given only to a registered medical practitioner and only if the Collector is satisfied that the applicant is not likely to misuse the privilege.

(2) (a) The holder of a licence in Form O.P.I. shall obtain his requirements of medicines containing opium from the holder of a licence in Form L2 or may import the same from any other part in India subject to the provisions of these Rules.

(b) He shall not sell any medicine containing opium except under a prescription issued by him and in the manner laid down in such prescription.

(c) The licensee shall maintain monthly accounts in respect of medicines containing opium purchased or imported by the licensee and dispensed to his patients from day to day in Form O.P.IV.

(3) (a) The holder of a licence in Form L2 shall not obtain opium except from a Government Treasury.

Provided that the licensee may obtain his requirements of medicines containing opium from the holder of a licence in Form L2 or may import the same from any other State in India subject to the provisions of these Rules.

- (b) The licensee shall not use or sell opium except as an ingredient of any medicine. He shall not sell medicines containing opium to any person other than a person holding a licence in Form L2 or O.P.I or on a prescription issued by a Registered Medical Practitioner.
- (c) The licensee shall maintain daily accounts of the quantities of opium received and used by him in Form O.P.V. Similar accounts in respect of medicines containing opium prepared, purchased or imported by the licensee shall also be maintained from day to day in Form O.P.VI.

24. (1) No permit in Form O.P.II shall be granted:

- (i) Except on the production of a certificate in Form M.C. issued by a medical officer not lower in rank than an Assistant Surgeon in active service, in accordance with the provisions of Rule 29.

For this purpose the Collector or any officer authorized by him in this behalf, shall direct the applicant to the Medical Officer with a requisition to examine him and to issue a certificate as to the nature of the ailment and the minimum quantity of opium required by him per month for consumption. Such addicts should also have registered their names with the Excise Range Inspector or any other officer authorized by the Commissioner before 1.7.1959.

Provided that in the case of such addicts who could not register their names before 1.7.1959 for valid reasons, the Commissioner may grant permits in Form O.P.II subject to the following conditions:

- (a) such permits will be restricted to the absolute minimum requirements;
  - (b) failure to apply for registration before 1.7.1959 shall be satisfactorily explained by the applicant;
  - (c) permits will be issued only after the production of a medical certificate that opium is essential for the life of the applicant.
- (ii) to a person under the age of 21 years.

(2) The quantity of opium to be issued to the individual addict under permit O.P.II shall be fixed by the Commission or the Collector on the basis of the Medical Certificate issued in his favour and on the quantity of opium he was purchasing for consumption prior to his application:

Provided that the aggregate quantity that may be bought in a month shall not exceed 5 tolas of opium and the quantity that may be possessed at any one time shall not exceed the monthly quota.

(3) The quantity of opium fixed under sub-rule (2) shall be progressively reduced either as indicated by the Medical Officer in the Medical Certificate granted under sub-rule (3) of Rule 29 or in such proportion as may be decided by the Government from time to time, until the quantity reaches the minimum prescribed dose of morphine. Any deviation from the reduction specified herein, in any individual case, shall be made only on the advice of the Special Medical Board referred to in sub-rule (8) of Rule 29.

25. Permit in Form O.P. III shall not be granted unless the administration of opium for the cattle or domestic animals is recommended by the Veterinary Surgeon and unless the Collector is satisfied about the bona fides of the application. The quantity of opium to be issued under this permit in each case shall be fixed by the Collector with due regard to the number of cattle or domestic animals, as the case may be and the dosage prescribed in the recommendation of the Veterinary Surgeon.



26. No licence or permit under the provisions hereinbefore contained shall be granted for any period beyond 31 March next following the date of the commencement of the licence or permit as the case may be.

27. The Commissioner or the Collector may cancel or suspend any licence or permit granted by him to any person under these rules, if such person has:

- (a) failed to pay any duty or fee payable by him or
- (b) by himself or by any servant or person acting on his behalf committed any breach of the conditions of such licence or permit or of these Rules or
- (c) been convicted of any offence against the Act or any law for the time being in force relating to Excise revenue or of any criminal offence.

28. (1) If any licensee has in his possession on the expiry or cancellation of his licence any raw opium or opium mixture which he is unable to dispose of to the satisfaction of the Collector he shall surrender the same to the Collector.

(2) (i) The Collector may thereupon require any licensee to purchase at such price as the Collector may fix any quantity of such raw opium or opium mixture not exceeding the quantity which in the opinion of the Collector may ordinarily be made use of by such licensee in two months, provided that the price fixed for raw opium shall not exceed that at which it may be obtained at the Treasury. The Collector may likewise require any licensee to purchase any raw opium made over or surrendered, to him by a Chemist or dealer licensed under the Travancore-Cochin Dangerous Drugs Rules or Madras Manufactured Drugs Rules, if such raw opium is certified to be fit for use by the Government. The sale proceeds of such opium or opium mixture less the expenditure incurred for conducting the sale shall be paid to the person whose licence has expired or been cancelled.

(ii) The Collector may cause any such raw opium or opium mixture to be examined by the Civil Surgeon or such other officer as the Commissioner may direct and if the said surgeon or officer certifies the raw opium or opium mixture to be unfit for use the Collector shall cause the same to be destroyed with the sanction of the Commissioner.

(3) (i) When a licence granted to any person under these Rules is suspended, such person shall forthwith make over to the Collector all raw opium or opium mixture then in his possession.

(ii) If the licence is subsequently restored the raw opium or opium mixture so made over, shall be returned to such person.

(iii) If the licence is subsequently cancelled the provisions of sub-rule (2) shall apply in respect of such raw opium or opium mixture.

29. **PROCEDURE FOR THE MEDICAL EXAMINATION.** The Medical Officer shall follow the following procedure for the examination of a person applying for a permit for the possession of opium for personal consumption (hereinafter called "the applicant") and for the issue of a certificate to him.

(1) The Medical Officer shall examine any applicant directed to him for examination by the Commissioner or the Collector or the authorized officer.

(2) The medical examination of the applicant shall, except as otherwise directed by the Commission or the Collector or the authorized officer, be made at the Government Hospital:

Provided that an applicant who is 70 years of age or above or who is physically incapable to present himself for medical examination at such place may, at his request and on production of a medical certificate issued by his personal medical adviser to that effect be examined by the Medical Officer at his residence.

(3) The Medical Officer shall, after examining the applicant and after taking into consideration the provisions of sub-rule (4) record his opinion as to whether the applicant is required to consume opium and if the applicant requires the consumption of opium issue a medical certificate in Form M.C. stating therein the quantity of opium which the applicant may be permitted to consume and the periodical reduction if any to be made in the quota.

(4) For the purpose of sub-rule (3) the Medical Officer shall take into consideration the age, weight, general health, medical history, illness, symptoms, disorder and period of habituation to taking the drug and any other matter as he deems fit and may make such clinical examination of the applicant and carry out such test, with his consent and at his expense as he deems proper. The Medical Officer shall also take into consideration for the abovesaid purposes any statement made by the applicant or any fact or observation recorded by the applicants' personal medical adviser in writing produced by him.

(5) The record of the medical examination of the applicant shall be kept by the Medical Officer in Form M.E. The document, if any, produced by the applicant shall form part of such record.

(6) The Medical Officer shall forward the Medical certificate in Form M.C. to the Commission or the Collector or the authorized Officer who directed the applicant for examination. If so required by the Commission or the Collector or the authorized officer the Medical Officer shall also forward the records referred to in sub-rule (5) for reference and return.

(7) No fee shall be charged for the medical examination.

Provided a fee of Rs. 10 shall be charged if the examination is held at the residence of the applicant at his request.

(8) (i) The Government may constitute a Special Medical Board in each District with the District Medical Officer as the Chairman and two Assistant Surgeons to be nominated by him as members to examine the complaints from opium addicts on the medical certificate issued by the Medical Officer. This Board shall function as an appellate Board.

(ii) Complaints from any applicant on the decision of the Medical Officer as to the quantity of opium certified for his use or any other matter relating to the Medical examination shall be entertained by the Board, if such complaints are referred to the Board by the Collector or the authorized Officer.

(iii) On receipt of such complaint, the Board shall re-examine the complainant and communicate its decision, which shall be final to the Collector or the authorized Officer. A fee of Rs. 5 shall be paid by the Complainant for such re-examination.

(iv) The special Medical Board shall also, in individual cases referred to the Board by the Commissioner or the Collector or the Authorized Officer, examine complaints against the quantity of Opium fixed by the Commissioner or the Collector under sub-rule (2) of Rule 24 or against any quantity of Opium periodically reduced by the Commissioner or the Collector under sub-rule (3) of Rule 24 and communicate its decision to the Commissioner or the Collector who shall revise the permit accordingly.

### 30. DISPOSAL OF THINGS CONFISCATED.

(1) Raw Opium confiscated under the Act shall be forwarded by the Magistrate ordering confiscation to the Collector of the District. The Collector shall keep in safe custody the raw opium so received from the Magistrate and transfer it once in a quarter to the Commissioner. All raw opium transferred to the Commissioner shall be sold to the Government of India Opium Factory Gazipur.

Provided that the Commissioner may transfer all such raw opium found fit for use to the Government Treasury for issue to licence holders.

Provided also that in all cases where the quantity of raw opium confiscated exceeds fifteen seers (that is 1200 tolas) the Magistrate ordering confiscation shall send the confiscated raw opium to the Commissioner direct:

Provided further that the Commissioner shall furnish samples of three pounds of raw opium confiscated in the types of cases mentioned in clauses (a) to (c) in the manner indicated, to the Chief Chemist, Central Revenue Control Laboratory, New Delhi.

(a) All seizures relating to illegal imports or exports which present any doubt or difficulty in determining their origin.

(b) All seizures suspected to relate to cases of international character.

(c) Comparatively large seizures even though the opium may be admitted of Indian origin.

PROCEDURE FOR FURNISHING SAMPLES TO THE CHIEF CHEMIST, CENTRAL  
REVENUES CONTROL LABORATORY, NEW DELHI

Before sending samples in cases of seizures falling under clauses (a) and (b) the confiscated raw opium shall be tested by the Chemical Examiner or by such other officer as the Commissioner may direct and then the samples shall be sent to the Chief Chemist with a full report of the test carried out and the conclusions drawn therefrom with a copy of the report to the Narcotics Commissioner, Simla. Samples shall be sent only if the quantity confiscated, exceeds 15 seers in the case of seizures falling under clauses (a) and (b) and if it exceeds one maund in the case of seizures falling under clause (c).

(2) Opium mixtures confiscated under the Act shall be forwarded to the Commissioner for examination. All such opium mixtures found fit for use shall be transferred to the Collector for disposal in the manner prescribed in clause (1) of sub-rule (2) of Rule 28. The sale proceeds of such opium mixture shall be credited to Government. All other confiscated opium mixture found unfit for use shall be destroyed.

(3) All confiscated articles other than opium shall unless otherwise directed by the Commissioner in any particular case, be put to auction and sold to the highest bidder.

31. Whenever any confiscated article has to be destroyed in conformity with these rules it shall be destroyed with the sanction of the Commissioner and under the supervision of such officer as authorized by the Commissioner.

32. The sale or other disposal of confiscated articles shall be deferred till the period of appeal against the order of confiscation has expired, or, if an appeal is made against such order, till the appeal be finally disposed of:

Provided that:

(a) in the case of any confiscated animal, the sale shall not be so deferred unless, the owner there of deposits with the Collector such sum as that officer deems to be sufficient for the keeping of such animal till the end of the period required for preferring an appeal or till the disposal of such appeal, as the case may be; or

(b) if the thing confiscated be liable to speedy and natural decay, or if the disposal thereof would be for the benefit of the owner it may be sold immediately.

33. If an order of confiscation of any opium or other things be reversed on appeal, such opium or thing, or the sale proceeds thereof and the balance of the amount if any, deposited for keeping for safe custody thereof, after deduction of the expenditure incurred in its maintenance, shall be returned to the owner thereof or his duly

authorized agent. If no one appears within two months from the date of order on appeal, to claim such opium thing or the sale proceeds thereof, the same shall be forfeited to the Government.

34. Opium in respect of which an offence has been committed under the Act and the offender is not known or cannot be found shall be dealt with under the rules for the disposal of confiscated articles.

35. REWARDS TO OFFICERS AND INFORMERS

(a) When any Magistrate convicts an offender under Section 9, or when any Magistrate or authorized officer orders the confiscation of raw opium or opium mixture under Section 12, the Commissioner may grant a reward in such proportion as he may think fit to any officer or officers or informer or informers who have contributed to the seizure of raw opium or opium mixture, on the conviction of the offender, provided the total reward so granted shall not exceed 50 per cent of the fine imposed or the value of the opium or opium mixture confiscated:

Provided further that the orders of the Government shall be taken before granting money rewards to Gazetted Officers.

(b) In case of detection of opium cases by Police Officers rewards may be granted by the Inspector-General of Police subject to the restrictions contained in sub-rule (a).

36. For the purpose of these rules the Collector shall be deemed to be subordinate to the Commissioner and all the Excise Officers below the rank of an Assistant Excise Commissioner subordinate to the Collector. Any order of the Collector under these rules shall be liable to be modified or cancelled by the Commissioner either on an appeal by the party aggrieved or otherwise. The Commissioner may also order stay of operation of any order of the Collector under these rules.

37. The Government shall have power to revise an order of the Collector or the Commissioner under these rules.

38. The Kerala Opium Rules 1958<sup>1/</sup> are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order of the Governor,  
K.K. RAMANKUTTY,  
Revenue Secretary.

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<sup>1/</sup> Note by the Secretariat: E/NL.1960/32

FORM O.P.I  
(See Rule 22)

LICENCE TO A REGISTERED MEDICAL PRACTITIONER FOR THE POSSESSION  
AND SALE (ON HIS OWN PRESCRIPTION) OF MEDICINES  
CONTAINING OPIUM

Licence is hereby granted under and subject to the provisions of the Opium Act, 1878, and the rules made thereunder to ..... of ..... (hereinafter called "the licensee") for the possession and sale on their own prescription of medicines containing opium at his premises situated at ..... in the taluk of ..... in the District of ..... subject to the following conditions, namely:

CONDITIONS

1. This license shall remain in force from ..... to .....
2. The licensee shall be bound by the provisions of the Opium Act, 1878 and the Kerala Opium Rules 1960 and any additional general or special Rules which may be made from time to time.
3. The licensee shall obtain his requirements of medicines containing opium from any licensee who is permitted to sell such medicines under the Kerala Opium Rules or the Medicinal and Toilet preparations (Excise Duties) Act 1955 and the rules thereunder or may import the same from any other part in India subject to the provisions of the said rules.
4. The licensee shall sell medicines containing opium only on their own prescription.
5. Correct accounts of receipts and sales of medicines containing opium shall be maintained by the licensee from day to day in Form O. P. IV appended to the Kerala Opium Rules 1960. Such accounts and prescriptions shall be preserved for a period of two years.
6. Stocks of medicines containing opium and all accounts and records of transaction under this licence shall be open to inspection by any officer of the Excise Department not below the rank of an Inspector or any officer of the Police Department not below the rank of a Sub Inspector.
7. An inspection note book with pages numbered consecutively shall be maintained for the use of the Inspecting Officers.
8. The licence is not transferable.
9. In case of breach of any of the conditions of the licence, the Collector may suspend or cancel the licence.
10. The cancellation or suspension of the licence under the foregoing conditions shall not operate as a bar to prosecution for any offence which may have been committed under the Opium Act, 1878, or any law relating to Excise Revenue, or of any criminal offence.
11. In case this licence is suspended or cancelled during the currency of the period for which it is granted or is not renewed on its expiry the licensee shall forthwith hand over the whole of the unused stock of medicines containing opium to the Collector. The

licensee shall also hand over to such authority all accounts, passes and prescriptions which he is required to keep and preserve under this licence.

12. A fee of Re. one per annum shall be paid for each licence. Granted this ..... day of ..... 19 .

Collector.

FORM O.P. II  
(See Rule 22)

Permit No. ....

Permit for the possession of Opium for personal consumption.

- 1. Permit holder's name
- 2. Father's/Husband's name
- 3. Religion or caste
- 4. Apparent age
- 5. Address in full
- 6. Occupation
- 7. Personal identification marks ) 1.  
of the permit-holder as veri- ) 2.  
fied by the Medical Officer. ) 3.

This permit is granted under and subject to the provisions of the Opium Act, 1878, and the rules made thereunder to of (hereinafter referred to as "the Permit-holder") authorizing him to possess and transport opium for personal consumption, subject to the following conditions:

CONDITIONS

1. This permit shall remain in force from ..... to

2. The permit-holder shall as soon as possible present this permit before the Local Excise Range Inspector or any Officer authorized by the Commission or the Collector for this purpose for his countersignature and in any case not later than one month from the receipt of this permit.

3. (i) the Permit-holder shall not obtain during any one month opium exceeding .....tolas:

Provided that this quantity may be reduced during the currency of the Permit according to the order of the Excise Commissioner.

(ii) The Permit-holder shall not possess at any one time more than the monthly quota.

4. (i) The permit-holder shall not obtain his supplies of opium from any place except from a Government Treasury.

(ii) The permit-holder shall get the details of the purchases entered on the reverse of the permit by the Officer-in-charge of the Treasury before he removes from the treasury the opium purchased by him.



Date	Total quantity of opium permitted to be purchased in the current month	Quantity of opium purchased	Running total of quantity of opium purchased since the first of the current month	Difference between the quantity allowed in the current month and the running total Column 4	Signature of the Officer-in-charge of the Treasury and the name of the Treasury
1	2	3	4	5	8

FORM O.P. III

(See Rule 22)

PERMIT FOR THE POSSESSION OF OPIUM TO BE USED FOR ADMINISTERING IT TO CATTLE OR DOMESTIC ANIMALS ON MEDICAL GROUNDS

Permit is hereby granted under and subject to the provisions of the Opium Act, 1878, and the rules made thereunder, to \_\_\_\_\_ of \_\_\_\_\_ (herein after referred to as "the Permit-holder", authorizing him to transport and possess opium for its administration to his cattle/domestic animals specified in the Schedule hereto annexed on medical grounds at his place situated at \_\_\_\_\_ in the Taluk of \_\_\_\_\_ in the District of \_\_\_\_\_ subject to the following conditions, namely:

CONDITIONS

1. This permit will remain in force from \_\_\_\_\_
2. The privileges of transport and possession of opium granted under this permit shall extend only so far as they are incidental to its use in accordance with the conditions of this permit.
3. The permit-holder shall not possess opium in excess of..... tolas at any one time. He shall not keep opium at any place other than the one specified above. The opium shall be kept in a box securely locked, the keys of which shall be kept in his custody.
4. The permit-holder shall not during the currency of this permit obtain opium exceeding \_\_\_\_\_ tolas  

Provided that this quantity may be reduced during the currency of the permit if the Officer granting the permit deems it necessary.
5. (i) The permit-holder shall not obtain his supplies of opium from any place except from a Government Treasury.



(ii) The permit-holder shall get the details of the purchases entered on the reverse of the permit by the Officer-in-charge of the Treasury before he removes from the Treasury the opium obtained by him.

(iii) No opium other than opium obtained under this permit shall be transported and possessed by the Permit-holder.

6. The opium obtained under this permit shall be used by the permit-holder solely for administering it to the cattle/domestic animals of the permit-holder in accordance with the recommendation of the Veterinary Surgeon or Assistant Veterinary Surgeon.

7. The Permit-holder shall immediately intimate to the Officer granting the permit the reduction, if any, in the number of his cattle/domestic animals requiring administration of opium and get the quota of opium in his permit reduced accordingly.

8. The permit-holder shall surrender the permit and the unused stock of opium to the licensing authority in case the cattle/domestic animals requiring the administration of opium no longer require it or ceased to exist, as the case may be.

9. The permit shall be non-transferable and may be suspended or cancelled at any time by the Officer granting it;

(a) for default or violation by the permit-holder of the conditions specified in the permit;

(b) if the holder thereof be convicted of any offence against any law relating to Opium or excise revenue or of any criminal offence;

(c) if the Permit-holder infringes any of the provisions of the Opium Act, 1878, or of the rules in force thereunder;

(d) if the purpose for which the permit was granted ceases to exist.

10. In case the permit is suspended or cancelled during its currency or is not renewed on its expiry, the whole of the unused stock of opium shall be forthwith surrendered to the licensing authority.

Granted this \_\_\_\_\_ day of \_\_\_\_\_ .....

SEAL

Signature and designation of  
authority granting the Permit,

SCHEDULE

(HERE SPECIFY CATTLE/DOMESTIC ANIMALS)

(REVERSE OF THE PERMIT IN FORM O. P. III)

Details of purchases of Opium made by  
the permit-holder from to  
from the Treasury at

Date	Total quantity of opium permitted to be purchased during the period of the permit	quantity of opium purchased	Running total of quantity of opium purchased since the grant of the permit	Difference between the quantity allowed during period of the permit and the running total (Column 4)	Signature of the Officer in charge of the Treasury
1	2	3	4	5	6

FORM M. C.

[See Rule 29(3)]

CERTIFICATE FROM A MEDICAL OFFICER RECOMMENDING THE GRANT  
TO AN APPLICATION OF A PERMIT TO POSSESS OPIUM  
FOR PERSONAL CONSUMPTION

This is to certify that the applicant Shri/Shrimathy/Kumari<sup>\*/</sup>  
 who is by his/her statement aged \_\_\_\_\_ years and is apparently  
 about \_\_\_\_\_ years of age, residing at<sup>\*\*/</sup> \_\_\_\_\_ has by his/her statement  
 and on examination been found to be habituated to consume opium. (Religion)

The applicant states that he/she is suffering from<sup>\*\*\*/</sup> \_\_\_\_\_ and, on examination is found to be suffering from<sup>\*\*\*/</sup> there is no trace of any incurable or painful disease. The Medical Officer is of the opinion that the said Shri/Shrimathi/Kumari requires opium for his/her personal consumption as a medical necessity and recommended that he/she may be permitted to consume opium in a quantity not exceeding ..... tolas per mensem for a period of. .... months subject to the conditions that a cut of ..... tola in the said quantity shall be effected every quarter.

<sup>\*/</sup> Full name of the applicant.  
<sup>\*\*/</sup> Address in full.  
<sup>\*\*\*/</sup> The diagnosis of the incurable or painful disease.

2. The personal identification marks of the above named Shri/Shrimathi/Kumari as verified are;

- (1)
- (2)
- (3)

Station (full address) (1) .....

(2) .....

Place:

Date:

Signature with designation of the Medical Officer.

Foot Note:

- 1. This certificate shall be given by an authorized Medical Officer appointed for the taluk or area in which the applicant is residing and desires to obtain the drug.
- 2. No certificate should be granted to a minor.

FORM M. E.

[See Rule 29(5)]

RECORD OF MEDICAL EXAMINATION

- 1. Name and address of the examinee.
- 2. Age.
- 3. Sex.
- 4. Weight.
- 5. Blood pressure.
- 6. (a) General physical examination.
  - (b) 1 Evidence, if any, to above that the examinee is habituated to consume opium.
  - 2 Evidence for loss of weight if any
  - 3 Condition of heart and blood vessels
  - 4 Presence of any disease for which examinee is required to use/consume opium (please state the name of the disease and also whether it is an incurable or painful disease)
- 7. Period for which the applicant is habituated to consume opium.
- 8. Quantity of Opium recommended by the examinee's personal medical adviser and the reasons given by him for such recommendation.
- 9. Quantity of opium recommended per mensem by the Medical Officer and also his reasons for recommending or refusing the use or consumption of opium by the examinee.
- 10. Any other remarks.

Place:

Date:

Signature with designation of the Medical Officer.

FORM NO. O.P. IV  
[See Rule 23 (2) (c)]

ACCOUNTS RELATING TO THE POSSESSION AND SALE (ON PRESCRIPTION)  
OF MEDICINES CONTAINING OPIUM BY A REGISTERED MEDICAL  
PRACTITIONER (HOLDER OF LICENCE O.P.I.)

NOTE: A separate page should be assigned for each medicine:

Name of Medicine:

Date	Quantity of medicine in stock	Quantity received	Receipt	Total of 2 & 3
			From whom received	
1	2	3	4	5

Sales:

Name of Patient	Address	Disease	Quantity sold	Particulars of prescription
6	7	8	9	10

Closing balance	Signature of the Medical Practitioner	Remarks
11	12	13

FORM No. OP. V

[See Rule 23 (3) (c)]

ACCOUNTS RELATING TO THE RECEIPT AND USE OF OPIUM BY THE  
HOLDER OF A LICENCE IN FORM L2

Quantity of opium sanctioned per month or quarter:

Date	Quantity of opium in stock	Quantity purchased from Treasury	Total of 2 & 3
(1)	(2)	(3)	(4)

Name of medicine	Manufacture	Quantity of opium used	Closing balance of opium
	Quantity manufactured		
(5)	(6)	(7)	(8)

Signature of licensee	Remarks
(9)	(10)

FORM No. OP. VI

[See Rule 23 (3) (c)]

ACCOUNTS RELATING TO MANUFACTURE, POSSESSION AND SALE OF  
MEDICINES CONTAINING OPIUM

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Date	Quantity of medicine in stock	Receipt			Total Receipts	Total of 2 & 6
		Manufactured	Purchased locality	Imported		
(1)	(2)	(3)	(4)	(5)	(6)	(7)

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To licensees		On prescription		Total sale	
Name and licence No.	Quantity sold	Name and address of the patient	Disease	Quantity sold	Particulars of prescriptions
(8)	(9)	(10)	(11)	(12)	(13) (14)

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Balance	Signature of licensee	Remarks
(15)	(16)	(17)

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GOVERNMENT OF KERALA

Revenue (G) Department

NOTIFICATION No. II

No. G4-24401/59-2/RD.

Dated, Trivandrum, 1960.

Under Rule 2(4) of the Kerala Opium Rules, 1960, the Government of Kerala hereby authorizes the Deputy Commissioner of Excise to exercise throughout the State and all the Assistant Excise Commissioners in charge of Excise Divisions to exercise within their respective jurisdiction all the powers of a Collector under the said rules.

By order of the Governor,

K. K. RAMANKUTTY,  
Revenue Secretary.

E/NL.1975/81

NOTIFICATION No. III

No. G4-24401/59-3/RD.

Dated, Trivandrum, 1960.

In exercise of the powers conferred by section 14 of the Opium Act, 1878 (Central Act I of 1878) the Government of Kerala hereby authorizes all officers of the Police Department of and above the rank of head-constable and officers of the Central Excise Department of and above the rank of Sub Inspector to exercise the powers provided for in the said section.

By order of the Governor,

K. K. RAMANKUTTY,  
Revenue Secretary.

Kerala Gazette No. 26 dated 25th June 1963.

E/NL.1975/82

PART I

GOVERNMENT OF KERALA

Revenue (G) Department

NOTIFICATION

G.O. Ms. No. 569/63/Rev.

Dated, Trivandrum, 17th June 1963.

S.R.O. No. 581/63. In exercise of the powers conferred by section 20A of the Opium Act, 1878 (Central Act 1 of 1878), as amended by the Opium (Kerala Amendment) Act, 1963 (Act 16 of 1963), the Government of Kerala hereby invests the officers of the Excise Department, not below the rank of an Excise Inspector, with the powers of an officer-in-charge of a police station for the investigation of offences under the said Act.

By order of the Governor,

K. M. PETER,  
Joint Secretary (Revenue).

Note by the Government on the salient features of  
the two legislative texts published hereafter

- (i) The Government of Kerala, Taxes (A) Department Notification No. G.O. Rt. 916/73/TD, dated 4.12.1973. (E/NL.1975/83)

Under this Notification, the Government of Kerala has made provision for the issue of permits for longer periods up to 3 years in the case of opium addicts as also enhanced the rewards to officers and informers in opium smuggling cases ended in conviction.

- (ii) The Government of Goa, Daman and Diu Notification No. Fin(Rev)/2-35/Part 3/73, dated 5.8.1974. (E/NL.1975/84)

Under this Notification, the Government of Goa, Daman and Diu has prohibited import, export, transport, possession or manufacture of narcotic drugs like opium, charas and ganja etc. under the Goa, Daman and Diu Excise Duty Act, 1964 (Act No. 5 of 1964).

E/NL.1975/83

Government of Kerala  
Taxes (A) Department

NOTIFICATION

G.O.Rt. 916/73/TD

Dated Trivandrum 4.12.73.

S.R.O. No. 757/73. In exercise of the powers conferred by sections 5, 8 and 13 of the Opium Act, 1878 (Central Act 1 of 1878) the Government of Kerala hereby make the following amendments to the Kerala Opium Rules, 1960,<sup>2/</sup> issued under notification No. G4-24401/59-1/RD dated the 21st March 1960 and published in Part I of the Kerala Gazette No. 15 dated the 12th April 1960, namely:

Amendments.

In the said Rules,

1. (i) rule 26 shall be renumbered as sub rule (1) of that rule and in sub rule (1) as so renumbered, after the words "No licence or permit", and before the words, "under the provisions", the words, letters and figures "other than a permit in Form O.P.II" shall be inserted.

(ii) after sub rule (1) as so renumbered, the following sub rule shall be inserted, namely:

"(2) Permits granted to opium addicts in Form O.P. II shall be valid for such period as may be recommended in the Medical Certificate or for a period of three years, whichever is less, from the date of commencement of the permit".

2. For rule 35 the following shall be substituted, namely:

"35. Rewards to Officers and Informers: (a) When any Magistrate convicts an offender under section 9 or when any Magistrate or authorized officer orders the confiscation of raw opium or opium mixture under section 12, the Commissioner of Excise may grant rewards not exceeding the aggregate amount of the value of the opium confiscated, in the case and the amount of the fine imposed and collected. The rewards shall be distributed in such proportion as the Commissioner may think fit, to any

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<sup>2/</sup> Note by the Secretariat: E/NL.1975/79.



gazetted or non gazetted officers) of the Excise department or of other department and/or informer or informers who have contributed to the seizure of raw opium or opium mixture on the conviction of the offender.

(b) Officers mentioned below shall also be competent to sanction, rewards up to the monetary limits noted against each in any one set of circumstances:

Deputy Commissioner of Excise - Rs. 200  
Assistant Excise Commissioner - Rs. 50

The maximum reward that can be sanctioned by the Deputy Commissioner of Excise to any subordinate officer shall be Rs. 50. The maximum reward that can be sanctioned by Assistant Excise Commissioner to any Excise Inspector shall not exceed Rs. 20 and that sanctioned to Preventive Officer or guard shall not exceed Rs. 10.

(c) In granting rewards the competent authority shall make sure that a substantial reward of not less than one third of the total is paid to the informer(s) who initially laid the information, if there is any, in the case.

(d) The orders of the Government shall be taken before granting money rewards to Gazetted Officers.

(e) In case of detection of opium cases by Police officers rewards may be granted by the Inspector General of Police subject to the restrictions contained in sub rules (a) and (d).

Sd/-

By order of the Governor

E/NL.1975/84

Government of Goa, Daman and Diu  
Finance Department  
Secretariat,  
Panaji.

NOTIFICATION

No. Fin(Rev)/2-35/part 3/73

5.8.1974

Whereas it appears to the Government of Goa, Daman and Diu that it is necessary so to do in the interest of public to prohibit the import, export, transport, possession or manufacture of any excisable article as mentioned below:

Now, therefore, in exercise of the powers conferred by section 10 of the Goa, Daman and Diu Excise Duty Act, 1964 (Act No. 5 of 1964), the Government of Goa, Daman and Diu hereby prohibits in the public interest the import, export, transport, possession or manufacture of the following excisable articles namely:

1. Intoxicating drugs such as:

- (i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant;
- (ii) bhang, siddi or ganja;
- (iii) charas, that is to say, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulation, other than those necessary for packing and transport; or

(iv) any mixture, with or without neutral materials, of any of the intoxicating drugs mentioned in subclauses (i), (ii) and (iii) above.

2. Opium such as:

- (i) the capsules of the poppy (*Papaver somniferum* L), whether in their original form or cut, crushed or powdered, and whether or not juice has been extracted therefrom;
- (ii) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport, or
- (iii) any mixture, with or without neutral materials, of any of the above forms of opium, and includes prepared opium.

By order and in the name of the  
Lieutenant Governor of Goa, Daman and Diu

Signed

(S.S. Sukhatankar)  
Under Secretary (Finance)