



UNITED NATIONS

E/NL. 1959/34-36

14 July 1959

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

PAKISTAN

Communicated by the Government of Pakistan

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.

E/NL.1959/34

WEST PAKISTAN OPIUM RULES

The 23rd November 1956

No. E&T-2/7 - 56

In exercise of the powers conferred by sections 5 and 13 of the Opium Act, 1878, and in supersession of all previous notifications issued under the said sections and in force in any area in the Province of West Pakistan, the Governor of West Pakistan is pleased to make the following rules :

A - GENERAL

1. (i) These rules may be called the West Pakistan Opium Rules, 1956;
- (ii) They shall extend to the whole of West Pakistan except the district of Khairpur; and
- (iii) They shall come into force with effect from the date of issue of this notification.
2. Unless there is anything repugnant in the subject or context :
 - (a) "Pure opium" means the spontaneously coagulated juice of capsules of the poppy plant which has not been submitted to any manipulation other than that necessary for packing and transport;
 - (b) "Excise opium" means the opium manufactured in an opium factory approved by the Provincial Government or the opium imported from outside the province by or on behalf of the Government, or the opium approved by the Provincial Government to be excise opium;
 - (c) "Poppy heads" means the capsules of the poppy plant whether the juice from them has been extracted or not;
 - (d) "Retail sale" means the sale at any one transaction of excise opium in any quantity not exceeding two tolas, and of poppy heads in any quantity not exceeding one seer;
 - (e) "Wholesale" means the sale at any one transaction of opium or poppy heads in any quantity exceeding the quantity fixed as retail sale;

(f) "Commissioner" means the officer appointed by the Provincial Government as Director, Excise and Taxation, West Pakistan, or Additional Director, Excise and Taxation, or any other officer authorized by the Provincial Government to perform throughout the province or any specified area therein all or any of the functions of a Commissioner under these rules;

(g) "Collector" means the Deputy Director, Excise and Taxation, having jurisdiction in the area concerned;

(h) "Excise Officer" means an officer of the Excise Department not below the rank of a Sub-Inspector;

(i) "District Excise Officer" means an Excise and Taxation Officer or Assistant Excise and Taxation Officer-in-charge of the district concerned for the time being;

(j) "Tola" means a weight of 180 grains Troy;

(k) "Seer" means a weight of 80 tolas;

(l) "Import" means to import inter-provincially as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930;

(m) "Export" means to export inter-provincially as defined in clause (k) of section 2 of the Dangerous Drugs Act, 1930;

(n) "Transport" means to take from one place to another in the province;

(o) "Province" means the province of West Pakistan;

(p) "Treasury" includes sub-treasury and any other place which may be declared by the Commissioner to be treasury for the purposes of these rules.

3. All transactions in pure and excise opium and poppy heads on account of Government may be carried on without restrictions :

Provided that in the case of transit by post :

(a) only the parcel post may be used;

(b) the parcel shall be accompanied by a declaration stating the name or designation of the consignee and consignor, the contents of the parcel in detail and the indent number and date covering the transaction;

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

4. Save as provided in rule 3 above, the import, export, or transport of excise opium and poppy heads into, from or within the province is permitted only by means other than that of the post.

B - POSSESSION OF OPIUM

5. Any officer of Government may, as such, possess pure and excise opium and poppy heads and decoctions of poppy heads which have come into his possession in the course of his official duties:

Provided that he shall dispose of such opium and poppy heads and decoctions of poppy heads in such manner as may be directed by his superior officer or required by the orders made or instructions given by Government in that behalf.

6. Any person may without a licence at any one time have in his possession :

(a) poppy heads in any quantity not exceeding one seer;

(b) the decoction of poppy heads known as "post" in any quantity not exceeding half a seer;

(c) excise opium in any quantity not exceeding two tolas. Possession of any kind of opium other than excise opium in any quantity is prohibited under section 4 of the Opium Act, 1878, unless otherwise specifically provided under these rules.

7. The Collector may, for special reasons to be recorded by him, grant to any person a special permit authorizing him, for a specified period, to have in his possession a specified quantity of excise opium or poppy heads in excess of the quantity shown in rule 6.

8. A licensed druggist may possess such quantities of excise opium and poppy heads for the manufacture of medicinal opium as are specified in his licence under the Dangerous Drugs Act.

9. Subject to the conditions of his licence a person licensed to cultivate poppy may possess only poppy heads which are the produce of his cultivation.

10. (i) Subject to the conditions of his licence a person licensed to sell poppy heads wholesale may possess on his licensed premises any quantity of poppy heads which has been either :

(a) purchased by him or under his authority from a person licensed to sell poppy heads by wholesale in the province; or

(b) purchased by him or under his authority from Government or Government Opium Alkaloid Factory, Lahore, or, with the consent of the Collector, from any other person;

(ii) Subject to the conditions of his licence, a person licensed to sell opium by retail may possess any quantity of excise opium and poppy heads on the licensed premises, or on the way to the licensed premises from the treasury or other place of purchase as specified in these rules, provided that the opium purchased reaches the licensed premises within twenty-four hours of its purchase or within such other time as may be fixed and specified by the Collector or District Excise Officer concerned, and that the poppy heads are :

(a) purchased by the retail licensee or under his authority from a person licensed to sell poppy heads wholesale in the province; or

(b) purchased by the retail licensee or under his authority from Government, or Government Opium Alkaloid Factory, Lahore, or, with the consent of the Collector, from any other person.

11. A person who has, in the manner hereinafter provided, obtained a pass for the import, export, or transport of excise opium and poppy heads, may, subject to the conditions of such pass, possess excise opium and poppy heads in quantity not exceeding that specified in the pass.

C - TRANSPORT OF OPIUM

12. Pure and excise opium and poppy heads may be transported by any Government officer acting in regard to such transport in the performance of his official duties.

13. Any person may transport excise opium or poppy heads which he may possess without a licence under rule 6.

14. A permit-holder or a druggist licensed under the Dangerous Drugs Act may transport excise opium and poppy heads in quantity which he is permitted to possess under rules 7 and 8 respectively.

15. No package containing opium shall be opened during its transport.

16. Any person licensed to sell poppy heads wholesale and licensed to sell opium by retail may, subject to the conditions of his licence, transport poppy heads from any place in the province in such quantity as he may require for the purpose of such licence or the business carried on thereunder :

Provided that such poppy heads shall not be transported from any place within the limits of one district to any place within the limits of another district, otherwise than under a pass obtained in the manner hereinafter provided and subject to the terms and conditions of such pass.

17. The transport pass required by rule 16 above may be granted by the Collector or the District Excise Officer of the district from which the transport is to be made, or the Manager, Opium Alkaloid Factory, Lahore, or by any other Excise Officer who has been specially empowered by the Collector to grant such passes; provided that the applicant for the pass shall produce a permit from the Collector or the District Excise Officer of the district into which such transport is to be made, authorizing the grant of a pass for the purpose.

18. Every transport pass and permit, granted under these rules, shall be in such form and shall contain such particulars as the Commissioner may from time to time prescribe.

19. Every transport pass granted under these rules shall be prepared in triplicate. One copy shall be delivered to the applicant, another copy shall be sent to the office to which the consignment is to be taken for examination and weighing on arrival at the district or tahsil of destination, and the remaining copy shall be placed on record in the office of issue.

20. Every permit authorizing an application for a transport pass shall be prepared in duplicate. One copy shall be delivered to the applicant and the other copy shall be placed on record in the office of issue.

21. The Collector or the District Excise Officer of any district through which a consignment of poppy heads may be passing under cover of a transport pass may, on due cause being shown by the consignor, consignee or person in charge of the consignment, extend the period for which such transport pass is to remain in force. Every extension of time so granted shall be endorsed upon the pass by the Collector or the District Excise Officer granting it, and every such endorsement shall be dated and signed by him.

22. The poppy heads transported under cover of a transport pass shall, on arrival within the limits of a tahsil or district in which its place of destination is situated, be taken for examination and weighing direct to the office designated in the transport pass in that behalf.

23. On arrival at such office, the consignee or person in charge of the consignment shall deliver up his copy of the transport pass and all poppy heads in his possession to the Collector or District Excise Officer or any other Excise Officer authorized by either of them to examine and weigh the consignment.

D - IMPORT OF OPIUM

24. Any person may import in his personal possession the quantity of excise opium or poppy heads he is permitted to possess without a licence under rule 6.

25. The import of pure and excise opium and poppy heads is permitted by a Government servant acting in regard to such import in the performance of his official duties.

26. The import of opium by or on behalf of Government shall be regulated by such instructions as may be issued by it from time to time.

E - EXPORT OF OPIUM

27. The export of opium from the province is prohibited except under the provisions of rules 28 and 29.

28. Opium may be exported by Government or on behalf of Government or by any Government officer acting in regard to such export in the performance of his official duties.

29. Opium may be exported under an import authorization granted in accordance with the rules in force in the province of import and countersigned by the Commissioner.

30. Poppy heads may be exported by or on behalf of Government. A person licensed to sell poppy heads by wholesale may also be permitted to export poppy heads under an import authorization granted in accordance with the rules in force in the province of import and countersigned by the Commissioner.

F - FURTHER GENERAL PROVISIONS REGULATING TRANSPORT,
IMPORT AND EXPORT OF POPPY HEADS

31. Every consignment of poppy heads to be transported, imported or exported under these rules shall be properly packed and firmly secured and sealed so that it cannot be opened and its contents tampered with or extracted without breakage of, or damage to, the seals or packing material.

32. Every Collector and every Excise Officer is authorized to detain, so long as may be necessary for the inspection of the same, and to inspect any consignment of poppy heads in transit through his jurisdiction and to call for the production of the pass under which such poppy heads are being transferred, imported or exported.

33. If, upon any inspection made under the powers conferred by rule 31 above, any excess or deficiency between the quantity of poppy heads specified in the pass and the actual quantity contained in any parcel or package to which the pass relates is found to exist, and the consignee or person in charge thereof cannot satisfactorily account for such excess or deficiency, the fact shall forthwith be reported to the Collector or District Excise Officer of the district in which such inspection is made and, pending the orders of such Collector or District Excise Officer, the parcel or package in question shall be detained by the inspecting officer.

34. If, when any poppy heads shall be weighed under the provisions of rule 23 or in the course of inspection made under the provisions of rules 32 and 33, a deficiency between the quantity specified in the pass and that contained in any parcel or package to which the pass relates is found to exist, such allowance on account of dryage shall be made in reduction of that deficiency as may from time to time be prescribed by the Commissioner in that behalf.

35. Save when otherwise ordered by a Collector in the case of any particular consignment or consignments, the transport, import or export of poppy heads, exceeding two seers in weight, by railway is permitted only in accordance with the following regulations :

(a) The consignment shall be covered by a transport, import or export pass (as the case may be) issued in accordance with the provisions of these rules and under such subsidiary instructions as the Commissioner may from time to time prescribe.

(b) Each package thereof shall, whether any person responsible therefor is travelling by rail along with the consignment or not, be handed over to the custody of the railway officials and by them be booked through from the railway station at which it is brought on to the railway to the railway station at which it is to be taken off the railway.

36. Any consignment of poppy heads which is in course of transit by rail but which is not covered by a pass or has not been booked through as provided by rule 35 may be seized and detained by any railway, police or excise officer.

G - SALE OF OPIUM

37. Excise opium or poppy heads may be sold by any Government officer on behalf of Government in accordance with such directions as the Commissioner may from time to time issue in that behalf.

38. Poppy heads may be sold by a licensed cultivator in accordance with the conditions of his licence.

39. (a) Poppy heads may be sold by a person holding a licence granted in accordance with these rules either for the wholesale vend of poppy heads or for the retail vend of opium; and

(b) excise opium may be sold by a person holding a licence granted in accordance with these rules for the retail vend of opium.

40. Every licence for the sale of poppy heads by wholesale (hereinafter called a wholesale licence) shall be granted subject to the provisions of rules 42, 44, 45, 46, 47, 48, and 51 to 69, and shall be in such form and shall be subject, in addition to the conditions hereinafter prescribed, to such conditions, not inconsistent with the provisions of the Opium Act, 1878, and of these rules, as the Commissioner may from time to time prescribe :

(a) The licence-holder shall sell poppy heads only. He shall neither keep any stock of, nor sell, either mixed with poppy heads, which he is authorized to sell, or separately, any chloral hydrate, butyl-chloral-hydrate or para-alde-hyde.

(b) The licence-holder shall not sell poppy heads other than such as he has himself purchased in the province from some person duly authorized under these rules to sell the same to him.

(c) The licence-holder shall not sell at one time poppy heads in less quantity than five seers.

(d) The licence-holder shall not sell poppy heads to any person other than a person licensed to sell poppy heads wholesale or retail in the province or a person holding a permit under these rules :

Provided that the licensee shall sell poppy heads at such rate as may from time to time be fixed by the Commissioner and endorsed on the licence.

(e) The licence-holder shall not, in an area not included in the province, hold directly or indirectly through an agent any licence for the vend of spirit, fermented liquor or intoxicating drug as defined in the Excise Act for the time being in force in the province, or of opium as defined in the Opium Act, 1878, for the time being in force in the province, nor shall he act as the agent of any person holding such a licence.

(f) The licensee shall keep correct daily account of sales of poppy heads in such form as the Commissioner may from time to time prescribe, and shall at the end of each month prepare and submit to the District Excise Officer a monthly abstract of his receipts and sales.

(g) The licensee shall keep the stock of poppy heads which he is entitled to possess under his licence at the vend premises mentioned in his licence and not elsewhere.

(h) The licence-holder shall at all times comply with each and all the provisions and requirements of the rules for the time being in force made under the Opium Act, 1878.

(i) The licensee shall, on demand by any authorized Excise Officer, produce his licence and his sale accounts for inspection by such officer.

(j) The licensee shall have constantly fixed up at the entrance of his licensed premises a signboard bearing the following inscription in legible characters in vernacular :

- (1) Name of the licensee.
- (2) Licence for sale of poppy heads by wholesale.
- (3) The wholesale rate of poppy heads as fixed by the Commissioner.

(k) The licensee shall not allow any person to conduct sales in his behalf unless the name of such person has been approved by the District Excise Officer and endorsed on the licence.

(1) On the termination of the period for which the licence is granted or on the licence being cancelled by the Collector, the licensee shall forthwith surrender the licence to the District Excise Officer.

41. Every licence for the sale of opium by retail (hereinafter called a retail licence) shall be granted subject to the provisions of rules 43, 44, 45, 46, 47, 48, and 51 to 69 and shall be in such form and shall be subject, in addition to the conditions hereinafter following, to such conditions, not inconsistent with the provisions of the Opium Act, 1878, and of these rules, as the Commissioner may from time to time prescribe :

(a) The licence-holder shall sell excise opium and poppy heads only. He shall neither keep any stock of, nor sell, either mixed with excise opium or poppy heads, which he is authorized to sell, or separately, chloral-hydrate, butyl-chloral-hydrate or para-alde-hyde.

(b) The licence-holder shall not sell excise opium or poppy heads other than such as he has himself purchased in the province from some person duly authorized under these rules to sell the same to him.

(c) The licence-holder shall not sell to any one person at one time excise opium in greater quantity than two tolas or poppy heads in greater quantity than one seer at a time.

(d) The licence-holder shall not boil before sale for any purpose whatever any excise opium which he is permitted to sell under his licence, and such excise opium must be sold in an unboiled state.

(e) The licence-holder shall not, in an area not included in the province, hold directly or indirectly through an agent any licence for the vend of spirit, fermented liquors or intoxicating drugs as defined in the Excise Act for the time being in force in the province, or of opium as defined in the Opium Act for the time being in force in the province, nor shall he act as the agent of any person holding such licence.

(f) The licence-holder shall keep correct daily accounts of sales of excise opium and poppy heads in such form as the Commissioner may from time to time prescribe, and shall at the end of each month prepare and submit to the District Excise Officer a monthly abstract of his receipts and sales.

(g) The licence-holder shall not sell any poppy heads or excise opium to any person not legally entitled to possess the same.

(h) The licensee shall for the purpose of selling excise opium and poppy heads under the licence maintain a shop at the place stated in his licence, and nowhere else; nor shall he sell excise opium and poppy heads under his licence elsewhere than at such shop.

(i) The licensee shall keep the stock of excise opium or poppy heads or both, which he is entitled to possess under the licence at the vend premises above described and not elsewhere and as long as he holds the licence he shall keep at the shop above-mentioned a supply of excise opium and poppy heads for sale to the public. Subject to the above conditions of the licence he shall sell excise opium and poppy heads to any one offering to pay ready money for the same.

(j) The licensee shall sell excise opium and poppy heads at such rate as may from time to time be fixed by the Commissioner and endorsed on the licence.

(k) The licensee shall not open his shop for purposes of sale before such hour, nor shall he keep it open after such hour in the day as the Commissioner may fix from time to time.

(l) The licensee shall not permit any excise opium or decoctions of poppy heads to be consumed on the premises of his shop.

(m) The licensee shall not sell excise opium or poppy heads :

(a) to any person who is a member of the armed forces of Pakistan when in uniform, or when not in uniform, if the licensee knows, or has reason to believe, that he is a member of any such forces; or

(b) to any person whom the licensee knows, or has reason to believe to be a follower of the forces mentioned in sub-rule (a); or

(c) to any person whom he knows, or has reason to believe to be a policeman, excise officer, or railway servant on duty; or

(d) to any person in the custody or under the escort of police; or

(e) to any insane person or minor :

Provided that the restrictions laid down in sub-rules (a) and (b) of the rule shall not apply to the sale made to such a member or a follower when he is absent on leave from his regiment.

(n) The licensee shall not receive any wearing apparel or other goods in barter for excise opium or poppy heads.

(o) The licensee shall not permit the resort to his shop of persons who, there is reason to believe, are habitual criminals; he shall prevent gaming and disorderly conduct therein, and he shall give information to the nearest magistrate or police officer of the resort to his shop of any person suspected of having committed an offence or of habitually committing offences for which, under the Criminal Procedure Code, warrants would ordinarily issue.

(p) The licensee shall have constantly fixed at the entrance of his shop a signboard bearing the following inscription in legible characters in vernacular :

(1) Name of vendor.

(2) Licensed to retail excise opium and poppy heads, and the retail rate of excise opium and poppy heads to be charged by the licensee as set forth in the licence.

(q) The licensee shall, on demand by any Excise Officer, produce the licence and his sale accounts, for inspection by such officer.

(r) An inspection note book, with pages numbered consecutively, shall be kept by the licensee. He shall hand it over to any Excise Officer on a receipt being given therefor. Any punishment or warning incurred by the licensee without forfeiture or cancellation of his licence may be recorded in this book.

(s) The licensee shall comply with any rules made under the Opium Act, 1878, for the regulation of the transport, import or sale of excise opium and poppy heads.

(t) The licensee shall not allow any person to conduct sales on his behalf unless the name of such person has been approved by the District Excise Officer and endorsed on the licence.

(u) On the termination of the period for which the licence is granted, or on the licence being cancelled by the Collector, the licensee shall forthwith surrender the licence to the District Excise Officer.

42. (1) Licences to sell poppy heads wholesale in the province may be granted by the Collector of the area in which the business under such licence is to be carried on.

(2) Wholesale licences may be granted for a period of one year only, and every such licence shall determine on the expiry of the financial year in which it was granted.

(3) The fee for a wholesale licence shall be as the Commissioner may from time to time prescribe and shall be payable before the licence is granted.

43. (1) Licences to sell opium by retail in the province may be granted by the Collector of the area in which the business under such licence is to be carried on.

(2) Subject to the general or special orders of the Commissioner, retail licences may be granted in respect of such places in each district as the Collector shall determine.

(3) Retail licences may be granted for a period of one year or such shorter period as may be fixed by the Commissioner from time to time, and every such licence shall cease to operate and determine on the expiry of the period for which it was granted, provided that any such licence shall not continue beyond the expiry of the financial year in which it was granted.

(4) For the purpose of fixing the fee payable for any retail licence, or for all or any of such licences to be held within the limits of any one district, or part of a district, the Collector may, according as he thinks fit, either direct that such retail licence or licences be disposed of on the basis of opium determined to be admissible for each vend or be put up for sale by public auction or call for tenders for such licence or licences or grant such licence or licences in the manner prescribed by the Commissioner.

(5) The Commissioner may from time to time prescribe the conditions subject to which the disposal of any licence, by fixing the fee on the basis of supplies of opium determined to be admissible, shall be made, or sale by auction or tender or grant in any other manner of any retail licence shall be conducted, and the instalments in which and the time and place at which the fee for any such licence shall be paid.

(6) The Commissioner may from time to time prescribe conditions not inconsistent with these rules or the Opium Act, 1878, to regulate the following :

- (a) Persons to whom the licences may not be granted;
- (b) persons to whom the excise opium or poppy heads may not be sold;
- (c) persons who may not be employed by a licensee for assistance in his business; and
- (d) stock, storage and issue of excise opium and poppy heads.

H - GENERAL ORDERS AS TO LICENCES FOR THE SALE OF
OPIUM.

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

45. The payment of compensation under rule 44 shall not operate as a bar to, or otherwise affect, any other proceedings which may lawfully be taken against the licensee in respect of the infringement of the conditions of his licence.

46. If any person who has held a licence to sell excise opium and poppy heads shall have in his possession, on the expiration or determination for any other cause of his licence, any excise opium or poppy heads which he is authorized under the conditions of this licence to sell, but is unable forthwith to dispose of by private sale in accordance with the provisions of these orders to other persons holding licences to sell excise opium and poppy heads, he shall at once surrender the same to the Collector. The Collector shall make over such excise opium and poppy heads in any quantity not exceeding that which the transferee is likely to sell within two months to the incoming licensed vendor who is taking the place of the licensed vendor who surrendered the excise opium and poppy heads to the Collector or otherwise to any licensed vendor within the district :

Provided that if any such excise opium or poppy heads or any part thereof be declared by the District Health Officer or other duly qualified officer to be unfit for use, the Collector shall cause the same to be destroyed.

47. The licensee on first taking up business under his licence shall be bound to take over in such quantity, not exceeding that which he is likely to sell in two months and at such rates of purchase as the Collector may direct, any surplus stock remaining unsold with any licensed vendor whose licence has expired or has been withdrawn. In the event of the said licensed vendor refusing or failing to pay such price, the Collector may forthwith cancel his licence.

48. The Collector shall tender the price so paid to the outgoing licensed vendor by whom the excise opium or poppy heads were surrendered and such licensed vendor shall not be entitled to any price, payment or compensation whatsoever in respect of excise opium or poppy heads surrendered under rule 46 other than the sum so tendered.

I - GENERAL PROVISIONS APPLICABLE TO ALL LICENCES, ETC.,
UNDER THESE RULES

49. Any officer empowered under any of these rules to grant a licence, pass or permit thereunder may, in his discretion, either grant the licence, pass or permit (as the case may be) applied for, or, by order in writing, refuse to grant such licence, pass or permit.

50. A person whose application for any licence, pass, or permit has been refused shall not be entitled to be informed of the reasons upon which such refusal is based.

51. Every licence shall be granted to a certain licensee in respect of certain premises.

52. A licence may only be granted to :

- (a) an individual;
- (b) a body incorporated under the Pakistan Companies Act, 1913;
- (c) A society registered under the Co-operative Societies Act, II of 1912;
- (d) a partnership or firm.

53. A licence may be transferred by the authority competent to grant it for the remainder of its currency to a new licensee.

54. When a licence is granted to a company or society referred to above, it must show the name of an individual as agent acting on behalf of the licensee who is amenable in full to the criminal courts in Pakistan. On the application of the company or society, the representative licensee may be changed by the authority competent to grant the licence.

55. When a licence is granted to a partnership or firm not incorporated under any Act, all the individuals comprising the partnership or firm should be specified on the licence.

56. On the application in writing of all the partners, a partner may at any time be added by the authority competent to grant the licence, provided that he is otherwise eligible, in which case he shall be responsible for all obligations incurred or to be incurred under the licence during the period of its currency as if it had originally been granted in his name.

57. On the application in writing of all the partners a partner may, at any time, be removed by the authority competent to grant the licence.

58. A licence granted to a partnership is determined by the dissolution of the partnership, subject to the liability of the partners, jointly and severally, for any loss caused to Government thereby and for the performance of all obligations to Government incurred by the partnership.

59. If any of the several holders of any licence, pass or permit dies before or during the period of the currency of his licence, such licence shall pass to the survivors, and if there be but one licensee, it shall forthwith determine, provided that the Collector may in his discretion continue any such licence in force in favour of the legal representative of the deceased licence-holder.

60. Any licence, permit or pass granted under these rules may at any time be forthwith revoked, cancelled or suspended by the Collector :

(a) if it is transferred or sublet by the holder thereof without the permission of the Collector; or

(b) if any duty or fee or instalment of duty or fee payable by the holder thereof be not duly paid; or

(c) in the event of a breach by the holder thereof or by his servants or any one acting with his express or implied permission of any of the terms or conditions of his licence, pass or permit or any rule from time to time in force under, or any provisions of, the Opium Act, 1878; or

(d) if the holder thereof is convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue or of any cognizable and non-bailable offence or any offence punishable under the Dangerous Drugs Act or under the Merchandise Marks Act, 1889, or of any offence punishable under sections 482 to 489 (both inclusive) of the Pakistan Penal Code; or

(e) if the holder thereof is punished for any offence referred to in clause (8) of section 167 of the Sea Customs Act, 1878; or

(f) if the licence-holder becomes physically or mentally or otherwise incapable for any period exceeding one month of personally carrying on his business under his licence; or

(g) if the licence-holder be declared insolvent; or

(h) if any other licence held under these rules in the province is cancelled for any of the reasons above-mentioned, or if any licence held by him in the province under the Excise Act is cancelled; or

(i) if the licensee fails to fulfil the requirements of rule 47 of these rules; or

(j) if the holder thereof is reasonably suspected of committing or conniving at the commission of an offence under the Excise Act, 1914, the Prohibition of Opium Smoking Act, 1952, or the Dangerous Drugs Act, 1930; or

(k) if an employee or agent of the holder thereof has, within the scope of his employment or agency, been guilty of the commission or connivance at the commission of an offence under the Excise Act, 1914, the Prohibition of Opium Smoking Act, 1952, the Dangerous Drugs Act, 1930, or the Opium Act, 1878, and the said holder of licence, permit or pass has failed to have taken reasonable precautions to prevent such commission of or connivance at the offence.

61. When any licence has been cancelled under rule 60 the Collector may renew it for the remainder of the period on the tender of such additional licence fee as he may see fit to accept.

62. In the case of cancellation or suspension of a licence, pass or permit under rule 60 the fee payable for the balance of the period for which any licence would have been current but for such cancellation or suspension shall remain recoverable from the ex-licensee.

63. If the holder of a licence, pass, or permit under these rules makes default in complying with any conditions imposed upon him by such licence, the Collector may take the grant under management at the risk of the person who has so defaulted or may resell it and any deficiency in price and all expenses of such re-sale shall be recoverable from the ex-licensee.

64. In the case of cancellation or suspension of a licence, pass, or permit under rule 60 the licensee shall not be entitled to demand, receive, or recover any payment or compensation whatsoever or any refund of deposit, duty, or fee or instalment of duty or fee, already paid by him or any remission of any sum due from him to Government, in respect of the cancellation or suspension of such licence.

65. The Collector may withdraw a licence, pass, or permit for any cause not given in rule 60 provided that he shall remit a sum equal to the amount of the fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the licence, or shall, in addition to remitting the sum aforesaid, make such compensation for default of notice as the Commissioner may direct. When a licence, permit, or pass is withdrawn under this rule, any fee paid in advance or deposit made by the licensee in respect thereof shall be refunded to him after deducting the amount (if any) due to Government.

66. The cancellation, suspension or other determination of any licence, pass or permit granted to any person under any power conferred by these rules shall not operate as a bar to, or otherwise in any way affect, any proceedings which may lawfully be taken against such person in respect of anything done under, or arising out of or connected with anything done under such licence, pass or permit, nor shall such revocation, cancellation, or other determination relieve such person of any liability or penalty incurred by him under any provision of the Opium Act, 1878, or other law for the time being in force regulating the possession, transport, import and export of opium or any of these matters or the rules made under that Act or such law.

67. (1) No licence, permit, or pass granted under the Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the licence or in any proceedings taken prior to the grant thereof.

(2) The decision of the Commissioner as to what is a technical defect, irregularity or omission shall be final.

68. No person to whom a licence, permit or pass may have been granted shall be entitled to claim any renewal thereof, and no claim shall lie for damages or otherwise in consequence of any refusal to renew a licence, permit or pass on the expiry of the period for which it remains in force.

69. In any case in which a licence held by more than one person may be cancelled under these rules, the Collector may instead of cancelling the licence remove the name of any one of the licensees.

J - APPEAL AND REVISION

70. An appeal shall lie from an original or appellate order of an Excise Officer as follows, namely :

(a) to the Collector when the order is made by an Excise Officer below the rank of Collector;

(b) to the Commissioner when the order is made by a Collector :

Provided that :

(1) when an original order is confirmed on first appeal, a further appeal shall not lie;

(2) when any such order is modified or reversed by the Collector on appeal, the order made by the Commissioner on further appeal, if any, shall be final.

71. Every memorandum of appeal must be presented within thirty days (one month) from the date of the order appealed against.

72. Every memorandum of appeal shall be accompanied by the order appealed against, in original, or by an authenticated copy of such order unless the omission to produce such order or copy is explained to the satisfaction of the appellate authority. The time spent in obtaining an authenticated copy of such order shall be excluded from the period of limitation prescribed under rule 71 above.

73. (1) A Commissioner or a Collector may review and on so reviewing modify, reverse, or confirm any order passed by himself or any of his predecessors in office under these rules, provided that :

(a) an application for review of an order shall not be entertained unless it is made within thirty days from the passing of the order, or unless the applicant satisfies the officer that he had sufficient cause for not making the application within that period;

(b) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order;

(c) an order against which an appeal has been preferred shall not be reviewed :

Provided also that no licence, pass, or permit shall be cancelled by way of review of the order granting it.

(2) An appeal shall not lie from an order refusing to review, or confirming on review, a previous order.

74. A Commissioner or a Collector may call for the record of any case under these rules pending before, or disposed of by, any officer subordinate to him and pass such order in conformity with these rules as he thinks fit. An order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and to be heard in support of the order.

K - DISPOSAL OF THINGS CONFISCATED

75. The opium ordered to be confiscated by the magistrates under the Opium Act, 1878, or by an officer authorized under paragraph 3 of section 12 of the said Act, shall be deposited in the local Malkhana under the District Magistrate. The District Excise Officer concerned shall arrange to collect it and forward it to the Government Opium Factory in accordance with the instructions issued by the Commissioner from time to time.

76. All property other than opium which is confiscated under the Opium Act shall be sold under the orders of the Collector.

L - REWARDS

77. (1) Subject to the provisions of these rules, the following authorities may grant rewards up to the limit shown against each :

- (i) Collector .. Up to Rs. 400 in any one case under the Opium Act, 1878.
- (ii) Commissioner .. Any amount exceeding Rs. 400 in any one case under the Opium Act, 1878.

(2) Any reward payable to an informer may be disbursed with the approval of the granting authority without requiring the attendance of the actual payee or a receipt from him.

(3) Subject to the orders of Government, if any, the Commissioner may give directions to specify the procedure of the grant, disbursement, accounts, and verification of the rewards and issue other instructions necessary for regulating the grant of rewards and guiding the granting authorities.

M - MISCELLANEOUS

78. Subject to the provisions of the Opium Act of 1878, and of these rules, the Commissioner shall be competent to prescribe the form of every licence, permit, pass, register or document under these rules and may direct as to what particulars any of them shall contain, by whom it shall be granted, what fee shall be paid for it and for what period and subject to what conditions it shall be issued.

M. MASUD

Secretary to Government, West Pakistan,
Revenue Department

E/NL.1959/35

Extraordinary issue, registered No.L.864
The Gazette of West Pakistan, published by authority
Lahore, Thursday, February 28, 1957

Law Department Notification

The 28th February, 1957

No. Leg. 1(26) 56

The following Act, having received the assent of Government of West Pakistan on the 23rd February, 1957, is hereby published for general information :

THE KHAIRPUR ABKARI (WEST PAKISTAN AMENDMENT) ACT, 1957

WEST PAKISTAN ACT No.II OF 1957

(First published after having received the assent of the Governor of West Pakistan, in the Gazette of West Pakistan on the 28th February, 1957)

An Act to amend the Abkari Act No.I of 1895

Preamble.

WHEREAS it is expedient to amend the Abkari Act No.I of 1895, for the purposes hereinafter appearing;

It is hereby enacted as follows :

Short title and commencement.

1. (1) This Act may be called the Khairpur Abkari (West Pakistan Amendment) Act, 1957.

(2) It shall come into force at once.

Amendment of Preamble and section 2 of Khairpur Act I of 1895.

2. In the preamble and the Explanation to section 2 of the Abkari Act, 1895 (hereinafter called the said Act), the word "Opium" and the comma following it shall be omitted.

Amendment of section 5 of Khairpur Act I of 1895.

3. In section 5 of the said Act, the words and comma "Opium in quantity exceeding 10 tolas in Nara-Juba Taluka and not exceeding 3 tolas elsewhere, " shall be omitted.

Omission of section 7 of Khairpur Act I of 1895.

4. Section 7 of the said Act shall be omitted.

Amendment of section 9A of Khairpur Act I of 1895.

5. In the marginal heading of section 9-A of the said Act, for the word "opium" the words "hemp and other intoxicants" shall be substituted.

Amendment of section 13 of Khairpur Act I of 1895.

6. In section 13 of the said Act, the figure and comma "7," shall be omitted.

Repeal of West Pakistan Ordinance. XXXIII of 1956.

7. The Khairpur Abkari Act (West Pakistan Amendment) Ordinance, 1956, is hereby repealed.

MASUD AHMAD

Secretary to Government of West Pakistan,
Law Department

E/NL.1959/36

Extraordinary issue, registered No.L.864
The Gazette of West Pakistan, published by authority
Lahore, Thursday, February 28, 1957

Law Department Civil Secretariat Notification
The 28th February 1957

No. Leg. 1(29) 56

The following Act, having received the assent of the Governor of West Pakistan on the 26th February, 1957, is hereby published for general information :

THE OPIUM (WEST PAKISTAN AMENDMENT) ACT, 1957
WEST PAKISTAN ACT NO. XIII OF 1957

An Act to amend the Opium Act, 1878

Preamble.

WHEREAS it is expedient to amend the Opium Act, 1878, in its application to the Province of West Pakistan, in the manner herein-after appearing;

It is hereby enacted as follows :

Short title,
extent and
commencement.

1. (1) This Act may be called the Opium (West Pakistan Amendment) Act, 1957.
- (2) It extends to the whole of West Pakistan, except the Federal Capital and special areas.
- (3) It shall come into force at once.

Amendment of
section 1 of
Act 1 of 1878.

2. For paragraphs 2 and 3 of section 1 of the Opium Act 1878 (hereinafter called the said Act), the following shall be substituted, namely :

"It extends to the whole of West Pakistan, except the Federal Capital and special areas. It shall come into force at once".

Amendment of
section 20 of
Act 1 of 1878.

3. For section 20 of the said Act, the following shall be deemed to have been substituted, namely :

Powers of
certain
officers of
Excise
Department
with regard
to offences.
V of 1898.

"20. Any Officer of the Department of Excise who may be authorized in this behalf by the Provincial Government by name or by virtue of his office shall, within such area as may be specified in the order of his appointment, exercise such powers with regard to offences under this Act as are exercisable by an officer-in-charge of a police station under the Code of Criminal Procedure, 1898".

Insertion of sections 20-A to 20-C in Act I of 1878.

Disposal of persons arrested and things seized in certain cases.

Disposal of person arrested by officer of Department mentioned in section 20.

Articles seized by such officer.

4. After section 20 of the said Act, the following new sections shall be added, namely :

"20-A. Any person arrested and anything seized under section 14, 15 or 19 shall, unless the arrest or seizure has been made by an officer authorized under section 20, be forwarded without delay to the nearest such officer or if there be no such officers within a reasonable distance, to the officer-in-charge of the nearest police station.

20-B. When any person has been arrested under section 14, 15 or 19 by an officer authorized under section 20 or has been forwarded to him under section 20-A, the said officer may detain such person and shall proceed to inquire into the charge against him, and

(a) if he is of opinion that there is sufficient evidence or reasonable grounds of suspicion against him, he shall forward him to the nearest Magistrate having power to take cognizance of the offence,

(b) if he is of opinion that there is not sufficient evidence or reasonable grounds as aforesaid, or that the person arrested may be discharged with a warning, he shall release him on his executing a bond with or without sureties, to appear, if and when so required, before a Magistrate having power as aforesaid, and make a full report of all the particulars of the case to his official superior and be guided by the order which he shall receive upon such report.

20-C. When anything has been seized by an officer authorized under section 20, or has been sent to him under section 20-A, such officer, after such inquiry as may be necessary, shall

(a) if it appears that such thing is required as evidence in the case of any person arrested, forward it to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken,

(b) if it appears that it is liable to confiscation but is not required as evidence as aforesaid, send it with a full report of the particulars of the seizure to the Collector or the Deputy Commissioner of the District or any other officer appointed by the Provincial Government in this behalf,

(c) if no offence appears to have been committed, return it to the person from whose possession it was seized".

5. The following enactments are hereby repealed, namely :

Sind II of 1923
West Pakistan
Ordinance
XXXIV of 1956.

(i) The Opium (Amendment) Act 1923.

(ii) The Opium Act (West Pakistan Amendment)
Ordinance, 1956.

MASUD AHMAD
Secretary to Government, West Pakistan,
Law Department