



UNITED NATIONS

E/NL 1953/94-95
8 July 1953

LAWS AND REGULATIONS

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

INDIA

COMMUNICATED BY THE GOVERNMENT OF

INDIA

NOTE BY THE SECRETARY-GENERAL

In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative texts.

New York, 1953

Rules issued by Government under the Opium Act I of 1878.

Notification.

No. 1918 Com., dated the 21st May, 1921. - In exercise of the powers conferred by Sections 5 and 13 of the Opium Act, 1878 (I of 1878), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the Governor of Bihar and Orissa (Ministry of Education) are pleased to make the following rules.-

(These rules do not apply to Morphia drugs).

(1) These rules shall come into force on the 1st June, 1921.

(2) On and from that day the rules made under the said Act and published in the Calcutta Gazette of 23rd February, 1898, shall cease to have effect, except as regards anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced before that day.

Definitions.

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

(1). "India" means British India, together with any territories of any Native Prince or Chief under the suzerainty of His Majesty, exercised through the Government of India or any Government or Officer subordinate thereto, and includes the French and Portuguese settlements enclosed within British Indian territory, or bordering on the Arabian Sea (east of Karachi) or Bay of Bengal.

(2) "Bihar and Orissa" means the territories for the time being administered by the Governor of Bihar and Orissa.

(3) "Board" means the Board of Revenue for Bihar and Orissa.

(4) "Commissioner" means the Commissioner of Excise, Bihar and Orissa.

(5) "Collector" means the chief officer in charge of the Revenue administration of a district, and includes a Superintendent of Excise Revenue and any officer empowered by the Board by name or in virtue of his office, to perform all or any of the functions of a Collector under these rules.

(6) "Preventive officer" means an officer of a Department mentioned in Section 14 of the Opium Act, 1878.

(7) "Opium" means the inspissated juice of the poppy.

(8) "Intoxicating drugs" includes madak and chandu, and every preparation and admixture thereof, and kafa and every other intoxicating preparation of opium or of the poppy but does not include poppy heads, or morphia drugs.

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

(10) "Tola" means a weight of one hundred and eighty grains Troy.

(11) "Seer" means a weight of eighty tolas.

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

(13) "Licensed druggist" means a person to whom a permit for the sale by retail to the public of opium and poppy heads for medicinal purposes or manufacture and for the similar sale of intoxicating drugs used for purposes other than smoking has been granted by the Collector under these rules.

(14) A qualified medical practitioner means.-

(i) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the

- registration of medical practitioners for the time being in force in any part of British India, or
- (ii) any person registered as a dentist under the Dentists' Act, 1878, and any Act of Parliament amending the same, or
 - (iii) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist as the case may be under the Medical Act, 1858, the Dentists' Act, 1878, and any Act of Parliament amending the same Acts, or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India, and approved by the Collector for the purpose of these rules or of corresponding rules for the time being in force in any part of British India.
 - (iv) any other person engaged in medical, dental or veterinary practice and approved by the Excise Commissioner for the purpose of these rules or of corresponding rules for the time being in force in any part of British India.

Possession.

(4) (1) Any person may possess.-

(a) opium to the extent of one tola and poppy heads to the extent of ten tolas provided the said articles have been bought by retail from a licensed vendor or similarly purchased (for medicinal purposes) from a licensed druggist and are required by him for medicinal purposes;

(b) intoxicating drugs, not being preparations used for smoking to the extent of three tolas, if purchased from a licensed druggist for medicinal purposes, or if manufactured by the possessor for private consumption under the conditions of Rule 3 (2) (b), provided that any person may possess intoxicating drugs obtained for bona fide medicinal purposes on a prescription of a qualified medical practitioner up to the quantity specified in such prescription; and

(c) preparations or admixture of opium used for smoking, to the extent of half a tola, provided that such preparations have been manufactured by the possessor for private consumption and not for sale, under the conditions of Rule 3 (2) (b) above and provided also that when five or more persons are assembled for the purpose of smoking such preparations or admixture, the aggregate quantity of such preparations or admixture, possessed by all the members of the party shall not exceed two and a half tolas.

(2) Subject to the conditions of his license, a licensed vendor of opium may possess any quantity of opium if bought from the Government treasury, or taken over from another licensed vendor under Rule 22, or to the extent of one seer if bought from another licensed vendor under Rule 13.

(3) Subject to the conditions of his permit, a licensed druggist may possess.-

(a) opium to the extent of one seer and poppy heads to the extent of 10 seers which he has bought from a licensed vendor, or from another licensed druggist under Rule 13 or, in the case of opium from the Government treasury;

(b) intoxicating drugs, not being preparations used for smoking purposes, to the extent of one seer provided that he has manufactured the same from opium of which he is permitted by these rules to be in possession, or has purchased them from another licensed druggist.

Provided that when such drugs are obtained by purchase from a licensed druggist not in the vicinity, the consignment shall be subject to the same conditions as are prescribed in Rules 5 to 8 inclusive.

(4) Any person who has been a licensed vendor or licensed druggist may, with the sanction of the Collector possess any quantity of opium, poppy heads or intoxicating drugs as the case may be, of which at the time of the expiry of his

license or permit he is in lawful possession in accordance with the conditions of such license or permit and of these rules, till such time as he shall have disposed of or surrendered the same under these rules.

(5) A person to whom a pass has been granted for transport, import or export under these rules, or who has been authorized by a special order in writing of the Collector to possess opium or an intoxicating drug or poppy heads in quantities exceeding those specified in this rule, may possess the opium or intoxicating drug, or poppy heads covered by such pass or special order, as the case may be.

Transport.

5. A licensed vendor of opium or a licensed druggist may transport opium*or poppy heads, as the case may be, under a pass granted by a Collector in accordance with the following rules, but not otherwise.

6. (1) When a licensed vendor or a licensed druggist desires to transport opium or poppy heads, he must obtain a pass for each consignment from the Collector of the district from which transport is desired.

(2) The pass shall specify.-

(a) the time within which the transport must be effected,

(b) the place from which the consignment is to be transported,

(c) the name of the consignor,

(d) the name of the person in charge of the consignment,

(e) the name of the consignee,

(f) the number of packages, and the weight and contents of each, and

(g) the place to which the consignment is to be transported,

(3) Each package in the consignment shall be stamped in the presence of the Collector with his official seal.

7. (1) Save as provided in Rule 6 the bulk of a consignment may not be broken during transit;

(2) a Collector granting a pass for transport under Rule 6 may make it a condition of such grant that the bulk of the consignment for which the pass is granted shall not (save as provided in Rule 8) be broken until the Collector of the district to which transport is authorized or some officer authorized by such Collector in that behalf, has examined the consignment at the place specified in the pass as that to which the consignment is to be transported.

Provided that such examination shall be made within seven days from the date on which the Collector of the district to which transport is authorized, or an officer in charge of a subdivision of such district has had the pass delivered to him under Rule 6 (4).

(3) If after examination under the last foregoing clause, the examining officer is of opinion that the packages have not been opened or tampered with in transit (save as provided in Rule 8) if their number is complete; and if they are found to be not less or more than the full weight specified in the pass (a deduction being allowed for dryage in the case of opium to one quarter per cent, and an addition of a similar amount being allowed where the contents of the packages appear to have been moistened by exposure to rain or damp), the consignment shall be made over to the consignee specified in the pass, the pass being retained by the examining officer. Otherwise the consignment shall be detained pending the orders of the Collector.

8. Any preventive officer may at any time examine consignments of opium or poppy heads in transit. If after such examination the preventive officer is of opinion that the packages fulfil the conditions specified in Rule 7 (3), the consignment shall be allowed to pass. Otherwise the case shall be reported for the orders of the Collector of the district in which such examination takes place.

Import.

9. (1) Opium or poppy heads or intoxicating drugs not being preparations used for smoking, may be imported on account of Government. When the import is from a foreign country, a permit from the Commissioner will be necessary in such form as the Board may prescribe.

(2) The import of opium or intoxicating drugs from outside British India is permitted only by sea and by means other than the post, and only by persons who have been authorized by the Commissioner to import (or their authorized agents).

(3) Whenever any such person desires to import opium or any intoxicating drugs, he must obtain a permit in such form as may be prescribed by the Board before indenting for the same.

The permit will be issued without fee by the Commissioner and will cover each import and also transport of the drug to the place of business of the importer.

(4) The import by land of opium or intoxicating drugs or poppy heads from another part of India into Bihar and Orissa is permitted in the following cases.-

(i) by any person if obtained on a bona fide prescription of a qualified medical practitioner;

(ii) by a licensed druggist or a qualified medical practitioner in Bihar and Orissa under a permit granted by the Collector of the district into which the import is desired.

Export.

10. (1) The Government may export opium, poppy heads or intoxicating drugs, not being preparations used for smoking, on its own account.

(2) Opium or poppy heads may be exported to the Tributary and Political States under the control of the Government of Bihar and Orissa subject, while in transit through British territory, to the conditions of rules 5 to 8 both inclusive.

Opium can be issued to such States only from such Government treasuries as may be specified by the Commissioner.

(3) Intoxicating drugs or poppy heads may be exported by a licensed vendor or druggist.-

(i) On a bona fide prescription of a qualified medical practitioner; or

(ii) on the production,

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

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

Provided that in all cases of export under Clause (ii) of this rule, a pass must be obtained from the Collector of the district from which the opium, or intoxicating drugs or poppy heads are despatched. A copy of such pass shall be sent to the Collector of the district to which the import is desired or to the authority in the Native State or foreign territory by whom permission to import was given, as the case may be.

(4) A bona fide traveller leaving Bihar and Orissa may subject to such rules as may be in force at the places through which he passes and at his destination, take with him any opium, intoxicating drugs or poppy heads which he may lawfully possess under Rule 4.

Transmission by post.

11. (1) Except as provided in sub-rule (2) no person shall transmit opium, intoxicating drugs and poppy heads by post into, within, or out of, the province of Bihar and Orissa.

(2) Any chemist licensed to possess and sell intoxicating drugs and poppy heads shall be at liberty to transmit such drugs by post under the following conditions.-

- (i) In making such transmission, only the parcel post shall be used and the parcels shall be insured.
- (ii) The transmission shall be covered by a permit which shall, in the case of transmission to a district in Bihar and Orissa, be issued by the Collector or Superintendent of Excise of that district or by the Sub-Divisional Officer in charge of the sub-division to which the consignment is to be sent and in all other cases by the proper authorities in the province to which the parcel is addressed.
- (iii) The parcels shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcels in detail, the number and date of the permit covering the transmission, the number and date of the licenses held by the consignee and consignor and such other particular as may be required from time to time by the Excise Commissioner.
- (iv) The consignee shall show distinctly in his account books the name of the consignor and the quantity of drugs sent to him from time to time by post.

Sale. Wholesale.

12. Opium in quantities not less than one seer in weight or with the special sanction of the Board in smaller quantities shall be supplied from the Government treasury on pre-payment at such rates as the Local Government may, from time to time, prescribe by Notification in the Bihar and Orissa Gazette to a licensed vendor or licensed druggist only;

Provided that the quantity sold to a licensed druggist shall not exceed one seer.

13. (1) Subject to the conditions of his license, a licensed vendor of opium may sell wholesale to another licensed vendor of opium or to a licensed druggist, any quantity not exceeding one seer in weight, of opium bought from the Government treasury.

(2) Subject to the conditions of his license, a licensed vendor of poppy heads may sell wholesale to another licensed vendor of poppy heads or to a licensed druggist any quantity not exceeding ten seers in weight of poppy heads.

(3) Subject to the conditions of his license, a licensed druggist may sell wholesale to another licensed druggist any quantity, not exceeding one seer, of intoxicating drugs not being preparations or admixture used for smoking.

(4) A person who has been a licensed vendor or a licensed druggist may on the expiration of his license or permit, with the sanction of the Collector sell wholesale to another vendor or druggist, as the case may be, any opium, poppy heads or intoxicating drugs of which he has been lawfully in possession under these rules and the conditions of the license or permit.

(5) A licensed vendor of opium or of poppy heads may under special order in writing of the Collector, sell opium or poppy heads as the case may be, wholesale to any person and in any quantity specified in such order.

Retail.

14. (1) A person to whom a license has been granted by the Collector may sell opium by retail in accordance with the conditions specified in the license.

(2) A licensed druggist may sell by retail opium, poppy heads and intoxicating drugs not being preparations used for smoking, for medicinal purposes and in accordance with the conditions specified in his permit, but not otherwise.

(3) The licenses shall not sell to any one person at one time, opium in greater quantity than one tola or poppy heads in quantity greater than 10 tolas*.

(4) The licenses for the sale of opium and the holder of a druggists' permit selling poppy heads shall keep correct daily accounts of sales of opium or poppy heads as the case may be in such form as the Board of Revenue may from time to time prescribe.

15. Every person to whom a license is granted under Rule 14 for the sale of opium by retail, and every licensed druggist shall pay for his license or permit such fee as may from time to time, be fixed with the sanction of the Board or a fee regulated in such manner and in accordance with such rules as the Board may prescribe and the fee shall be specified in the license or permit, and shall be payable in such instalments and the instalments shall be payable at such times and places as the Board may direct.

16. No permit shall be required for the sale by qualified medical practitioners of medicinal preparations containing opium.

17. Unless the Board otherwise specially directs a license for retail sale (including a license resettled after cancellation in the course of a year), will expire on the 31st March next following the date from which the license takes effect.

18. (1) Such limited number of shops for the retail sale of opium as the Commissioner, with the approval of the Board, may from time to time determine, shall be allowed in each district, and the exclusive right of selling opium by retail, under a license to be granted by the Collector, at one of such shops or at more than one of them if the Commissioner with the approval of the Board so directs shall be sold by public auction, or in such other mode as the Commissioner with the approval of the Board, may from time to time prescribe by or under the orders of the Collector before the commencement of each official year. Such sale shall not be deemed to be complete until it has been confirmed by the Commissioner.

(2) The Collector may grant to any druggist a permit for the sale of poppy heads by retail.

(2 a) If a Licensing Board has been constituted under Section 7 of the Bihar and Orissa Excise Act, 1915, in any area for the determination of the number, selection of sites and settlement of shops for the retail sale of excisable articles, that Board shall exercise the same powers in respect of opium shops in that area.

(3) The Collector may grant to any person a license for the sale of opium by retail, and the manufacture and sale by retail of intoxicating drugs other than preparations or admixtures used in smoking for medicinal purposes only.

19. (1) The term of a license or permit for the sale of opium or of poppy heads will ordinarily commence on the 1st April of each year, and the licensee will be required to open his shop within fifteen days from the commencement of the term, failing which the license will be cancelled and the sum paid in advance forfeited, and the license fee for the month will be levied from the licensee, the Collector being at liberty to issue a fresh license at once. But in cases of hardship in which the delay may have arisen from causes beyond the licensee's control, the Collector may, in his discretion, extend the time within which the shop may be opened.

* With effect from the 1st April, 1951, no opium shall be sold in the State of Bihar by a licensed opium shop to any person other than a person who has obtained a pass from the Collector to purchase and possess opium and every such sale shall be subject to such conditions and restrictions as may be specified in the pass.

(Government of Bihar Notification Nos. 2562 and 2563, dated 12.3.51 - Correction Slip No. 805, dated 7.1.52). (File VII-16/50).

A license granted by the Collector under Rule 14 or a permit granted by him to a licensed druggist, may be cancelled by the Collector for any cause specified in the license or permit. When a license or permit is cancelled for any cause specified therein, the licensee shall not be entitled to the refund of any fee payable under the license or permit which he has paid in advance; and when the fee is payable monthly, he must pay the fee for the month in which the license is cancelled.

The Collector may accept from any person whose license or permit is liable to be cancelled under this rule, payment of a sum of money not exceeding Rs. 200 in lieu of such cancellation.

When the payment above referred to has been duly made no further proceedings shall be taken against such person in respect of the acts or omissions on account of which the license is then liable to cancellation without the special sanction of the Board.

(2) Whenever the Collector considers that any such license or permit should be cancelled for any cause not specified therein, 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 license or permit, or shall in addition to remitting the sum aforesaid, make such compensation of default of notice as the Commissioner directs. On the expiration of the notice or on the payment of the additional compensation, the Collector may cancel the license or permit.

20. (1) A licensed vendor or licensed druggist may surrender his license or permit on the expiration of one month's previous notice given by him in writing to the Collector of his intention to surrender the same, and on payment of such sum, not exceeding the amount of the fee for six months as the Collector may fix in this behalf.

(2) If the Collector is satisfied that there is sufficient reason for surrendering a license or permit, he may, with the sanction of the Commissioner, remit the sum so fixed.

Form of licenses, permits and other documents.

21. The Board may, from time to time, prescribe.-

- (a) The forms in which licenses, permits and passes shall be granted by the Collector,
- (b) any further restrictions or conditions consistent with the provisions of the Opium Act, 1878, and of these rules under or on which any license, permit or pass may be granted; and
- (c) a form for any other proceedings under these rules for which they consider that a form should be provided.

N.B. - Under this rule the Board can fix the retail prices of opium.

DISPOSAL OF ARTICLES REMAINING WITH A LICENSED VENDOR OR A LICENSED DRUGGIST AFTER EXPIRATION OF LICENSE OR PERMIT.

22. If a person who has been a licensed vendor or a licensed druggist has in his possession, after the expiration of his license or permit any opium or poppy heads which he is unable to dispose of under Rule 13, Clause (4), he shall on the requisition of the Collector surrender the same to such officer as the Collector may appoint in this behalf and the person to whom a new license or permit has been granted in the stead of the said licensed vendor, or a licensed druggist, or if no such new license or permit has been granted, then any licensed vendor of the article or licensed druggist within the district shall, on the requisition of the Collector,

be bound, under penalty, if the Collector sees fit, of forfeiting his license or permit to buy the opium or poppy heads as the case may be, at such price as the Collector may adjudge, and in any quantity not exceeding that which the Collector may determine to be ordinarily saleable by him in two months.

Provided that if such opium or poppy heads, or any part thereof, be declared by the Civil Surgeon or other principal Medical Officer of the district to be unfit for use, the Collector shall cause it, or them, or that part, to be destroyed without any compensation being claimable by the licensed vendor or licensed druggist.

DISPOSAL OF THINGS CONFISCATED.

23. (1) All things confiscated under the Opium Act, 1878, except opium intoxicating drugs, morphia drugs and poppy heads, shall be disposed of by the Collector by public auction.

(2) (a) Confiscated opium declared by the Excise Chemist, Bihar, to be unfit for use or for sale to the public, shall be sent to the Opium Factory at Ghazipur, in two lots of five seers or more each on the 1st June and 1st December each year, free of charge. If the total quantity of such opium is less than five seers, the despatch to the Ghazipur Opium Factory shall be made once a year only (i.e., on the 1st December).

Note.- The Government of India have agreed to bear the transport and packing charges and also to pay for such opium on the basis of the rate determined for inferior opium Class B, in the factory.

(b) Confiscated opium declared by the Excise Chemist to be fit for use shall be disposed of in such manner as the Board of Revenue may by general or special order direct.

(3) Intoxicating drugs other than kafa so confiscated shall immediately be destroyed. Kafa so confiscated shall be dealt with in such manner as the Board may from time to time prescribe.

(4) Poppy heads so confiscated shall be disposed of as the Collector may direct.

24. The preparations specified in the annexed schedule may be imported, transported, exported, possessed and sold without restriction, provided that their import from foreign countries is permitted only by means other than that of the post.

SCHEDULE.

1. A specific containing opium for cholera, diarrhoea and dysentery prepared by Bell Drug and Chemical Company, London, and labelled as such.

2. Brompton Consumption and Cough specific.

3. Enterouol or choleroi.

4. Lunctus Opiatus.

5. Lotio Plumbi C. Opi.

6. Mistura Peps Pepsnas Composita C. Bismtho.

7. Mistura Seillae Co.

8. Syrupus Camphorae Co.

9. Anti-periodica Tinctura.

10. Chamberlain's Colic and Diarrhoea remedy.

11. Codeina and its preparations and salts.

APPEAL AND REVISION.

25. (1) An appeal shall lie to the Commissioner from an order of a Collector under these rules, if presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days from the date of the order.

Provided that every memorandum of appeal relating to the cancellation, suspension or withdrawal of a license for the retail sale of any excisable article from any order of any officer subordinate to the Collector shall be submitted to the Collector through the subordinate officer against whose order the appeal is made within fifteen days from the date of communication to the appellant of the order appealed against. Such petition of appeal shall invariably be forwarded to the Collector by the subordinate authority within ten days of its presentation with the original records of the case, if any, and with any observations that the officer forwarding it may wish to make thereon.

Similarly an appeal to the Commissioner of Excise from any original order made by the Collector and from any order passed by the Collector on appeal shall be submitted within fifteen days from the date of the communication of the Collector's order to the appellant and the Collector shall invariably forward the petition of appeal to the Commissioner of Excise within ten days of its presentation with both original and appellate records of the case and with any observations he may wish to make thereon. The period for the presentation of appeal shall count in all cases from the date of communication of the orders appealed against and not from the date of rejection of any subsequent petition for reconsideration of previous orders.

(2) An appeal shall lie to the Board from an order of a Commissioner under these rules if presented to the Board within sixty days from the date of the order.

(3) The Board may in its discretion, receive an appeal direct from an order of a Collector under these rules.

26. The Board may revise an order passed by a Collector or a Commissioner under these rules.

27. A petition of appeal from, or for revision of, an order must be accompanied by the order in original, or by an authenticated copy thereof, or the omission to produce the order or copy must be explained.

E/NL. 1953/95

Notification.

No. 11480 F., dated the 16th August, 1918.- In exercise of the powers conferred by Sections 5 and 13 of the Opium Act, 1878 (I of 1878), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor in Council is pleased to make the following rules to regulate the manufacture, possession, import, export, transport and sale of morphia drugs to the Province of Bihar and Orissa.

RULES TO REGULATE THE MANUFACTURE, POSSESSION, IMPORT, TRANSPORT AND SALE OF MORPHIA DRUGS IN THE PROVINCE OF BIHAR AND ORISSA.

1. These rules may be cited as the Bihar and Orissa Morphia Rules, 1918, and will have effect from the 1st September, 1918. On and from that date the rules made under the Opium Act, 1878 (I of 1878), and published in the Calcutta Gazette of the 23rd February, 1908, as amended by subsequent notifications, in so far as they relate to morphia drugs, shall cease to have effect in the province of Bihar and Orissa except as regards anything done, or any offence committed; or any fine or penalty incurred or any proceeding commenced before that day.

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

(a) "The Act" means the Opium Act, 1878.

- (b) "Approved practitioner" means.-
- (i) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of British India, or
 - (ii) any person registered as a dentist under the Dentist's Act, 1878, and any Act of Parliament amending the same, or
 - (iii) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentist's Act 1878, and any Act of Parliament amending the same Acts, or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India, and approved by the Collector for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India.
 - (iv) any other person engaged in the medical or veterinary practice and approved by the Chief Excise Authority for the purpose of these rules or of corresponding rules for the time being in force in any part of British India.
- (c) "Chief Excise Authority" means the Board of Revenue.
- (d) "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 Chief Excise Authority to exercise throughout the province or in any specified area therein all or any of the powers of a Collector under these rules.
- (e) "Licensed dealer" means a person who has obtained a license under these rules for the manufacture, possession and sale otherwise than on prescription of morphia drugs.
- (f) "Licensed chemist" means a person who has obtained a license under these rules for the manufacture, possession and sale on prescription of morphia drugs.
- (g) "Local Government" means the Lieutenant Governor of Bihar and Orissa in Council.
- (h) "Morphia drug" includes all derivatives direct or indirect of alkaloids of opium and their salts and salts of such derivatives and preparations containing any of these articles, also medicinal opium, i.e., raw opium which has been heated to 60° centigrade and contains not less than 10 per cent of morphine whether or not it be powdered or granulated or mixed with indifferent materials.
- (i) "Prescription" means a prescription given by an approved practitioner for the supply of morphia drugs to a patient.
- (j) "Province" means the territories for the time being administered by the Lieutenant Governor of Bihar and Orissa in Council.

III. - POSSESSION.

5. Any person may possess such quantity of morphia drugs as has been at one time dispensed and sold for his use in accordance with the provisions of rules 4 and 20, or of corresponding rules for the time being in force in any part of British India.

6. An approved practitioner may possess, for his use in his practice but not for sale, in morphia drugs not exceeding in the aggregate 120 grains;

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

7. A person authorized in this behalf by the Collector by an order made under Rule 22 may possess such quantity of morphia drugs in such manner as may be specified in such order.

8. A licensed dealer or licensed chemist may possess such quantity of morphia drugs in such manner as may be specified in his license.

9. A person to whom a pass has been granted under these rules for the import, export or transport of morphia drugs may possess such quantity of morphia drugs in such manner as may be specified in his pass.

IV. - IMPORT, EXPORT AND TRANSPORT.

10. Any person may import, export and transport such morphia drugs as he may lawfully possess under Rule 5.

11. An approved practitioner may import, export and transport such morphia drugs as he may lawfully possess under Rule 6.

12. A person authorized in this behalf by the Collector by an order made under Rule 22 may import such quantity of morphia drugs in such manner as may be specified in such order, on an indent countersigned by a Chief Medical Officer or Civil Surgeon or Superintendent of the Civil Veterinary Department.

13. A person to whom a pass has been granted under these rules for the import of morphia drugs may import such quantity of morphia drugs in such manner as may be specified in his pass.

14. When a pass has been granted (a) under the rules for the time being in force in any part of British India outside the province, or (b) by the Resident or Political Agent in any Native State or Foreign Territory to bring morphia drugs from the province into such part, State or Territory, and when such pass has been countersigned by the Collector in accordance with these rules, a licensed dealer may, subject to the conditions of his license, export such quantity of morphia drugs in such manner within such period and by such route as may be specified in such pass. When the import is from a foreign country, a permit from the Commissioner will be necessary in such form as the Board may prescribe.

An indent for morphia drugs countersigned by a Chief Medical Officer or Civil Surgeon or Superintendent of the Civil Veterinary Department shall for the purposes of this rule be deemed to be a pass, and shall not require further countersignature.

15. A person authorized in this behalf by the Chief Excise Authority by a special order made under Rule 23 may export such quantity of morphia drugs in such manner as may be specified in such order.

16. A person to whom a pass has been granted under these rules for the transport of morphia drugs may transport such quantity of morphia drugs in such manner as may be specified in his pass.

17. Every person importing, exporting or transporting morphia shall comply with such general or special directions as may be given by the Chief Excise Authority.

18. Nothing in these rules shall be deemed to permit.-

(1) the import of morphia drugs.-

(a) from any part of British India outside the province, unless the rules for the time being in force in such part relating to the export of morphia drugs have been complied with;

(b) from any foreign territory, unless the duty leviable at the place of importation under the Indian Tariff Act, 1894, or any other enactment for the time being in force, has been paid, and the pass has been endorsed by the Customs Collector.

18. A.- (1) Except as provided in sub-rule (2) no person shall transmit morphia drugs and medicinal opium by post into, within, or out of, the province of Bihar and Orissa.

- (2) Any chemist licensed to possess and sell morphia drugs and medicinal opium shall be at liberty to transmit such drugs by post under the following conditions.-
- (i) In making such transmission only the parcel post shall be used and the parcels shall be insured.
 - (ii) The transmission shall be covered by a permit which shall, in the case of transmission to a district in Bihar and Orissa, be issued by the Collector or Superintendent of Excise of that district or by the Sub-Divisional Officer in charge of the sub-division to which the consignment is to be sent and in all cases by the proper authorities in the province to which the parcel is addressed.
 - (iii) The parcel shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcels in detail, the number and date of the permit covering the transmission, the number and data of the licenses held by the consignee and consignor and such other particulars as may be required from time to time by Excise Commissioner.
 - (iv) The consignee shall show distinctly in his account books the name of the consignor and the quantity of drugs sent to him from time to time by post.

19. A licensed dealer may, subject to the conditions of his license, sell otherwise than on prescription,

- (a) to a dealer or chemist licensed under these rules or under the rules, for the time being in force in any part of British India outside the province,
- (b) to an approved practitioner,
- (c) to a person authorized under Rule 22 of these rules or under any corresponding rule for the time being in force as aforesaid,

orphia drugs not exceeding the quantity which such dealer, chemist, practitioner or person may lawfully possess. He shall maintain a written record of every such sale in such a manner as the Chief Excise Authority may direct.

20. A licensed chemist may sell morphia drugs on prescription, subject to the following conditions, namely.-

- (a) He shall sell morphia drugs in such quantity and for the use of such person only as may be specified in the prescription.
- (b) If the prescription does not bear a superscription by an approved practitioner stating that it is to be repeated and at what interval of time it is to be repeated, and how many times it is to be repeated, he shall sell morphia drugs once only on such prescription, and shall retain the prescription; provided that he shall first warn the person presenting the prescription that unless it bears such a superscription as aforesaid it will be retained.
- (c) If the prescription bears a superscription as aforesaid he shall enter on the prescription the date of sale and shall sign or seal the prescription; provided that if it appears that morphia drugs have already been sold on the prescription six times, or such number of times as the prescription is required to be repeated or that the interval specified in the superscription has not elapsed since the prescription was last dispensed, he shall not sell morphia drugs on such prescription unless it is further superscribed in that behalf by an approved practitioner.
- (d) Any other conditions that may be contained in his license.

He shall maintain a written record of every such sale in such manner as the Chief Excise Authority may direct.

VI. - APPROVAL, AUTHORIZATION, LICENSES AND PASSES.

21. (1) The Chief Excise Authority, may approve, for the purposes of Rule 2 (b) of these rules, any person engaged in medical or veterinary practice.

(2) The Collector may in like manner approve any person possessed of the qualifications specified in Rule 2 (b) (iii).

22. The Collector may, with the sanction of the Chief Excise Authority by general or special order, authorize any approved practitioner in managing or supervising charge of a hospital or dispensary to possess, import and transport such quantity of morphia drugs in such manner as may be specified in such order.

23. The Chief Excise Authority may by special order authorize any person to export morphia drugs.

24. (1) An officer empowered in this behalf by the Chief Excise Authority may grant to any person a dealer's license, permitting him to manufacture, possess and subject to the provisions of Rule 19, to sell morphia drugs.

(2) An officer empowered in this behalf by the Chief Excise Authority may grant to any person a chemist's license permitting him to manufacture, possess and subject to the provisions of Rule 20, to sell morphia drugs; provided that such license shall not authorize such chemist to possess greater quantity than four ounces of morphia drugs.

25. The Chief Excise Authority, or such other officer as the Local Government may empower in this behalf, may grant to any licensed dealer or licensed chemist a pass for the import of morphia drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

26. (1) When a pass has been granted (a) under the rules for the time being in force in any part of British India outside the province, or (b) by the Resident or Political Agent in any Native State or Foreign Territory to any person to bring morphia drugs, from the province into such part, State or Territory, such person shall present such pass to the Collector who shall enter therein the period for which the pass is to remain in force and the route by which and the person (if any) in whose charge the consignment is to be conveyed and the number and description of the packages, and shall countersign the pass.

(2) When a pass has been granted to any person under these rules for the import of morphia drugs from foreign territories, such person shall present such pass to the Customs Collector at the place of import, who shall enter therein the particulars specified in sub-rule (1) and shall countersign the pass.

27. The Chief Excise Authority or such other officer as the Local Government may empower in this behalf may grant to any licensed dealer or licensed chemist a pass for the transport of morphia drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

28. Subject to the provisions of the Act and of these rules, every license or pass under these rules shall be in such form and shall contain such particulars, and shall be granted by such officer on payment of such fees, for such period and subject to such conditions as the Chief Excise Authority may direct.

29. (1) Subject to any directions that the Chief Excise Authority may give in this behalf, the officer who has granted a license to or has by order approved or authorized any person under these rules, may cancel or suspend such license or order.-

(i) If such person has,

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

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

(c) been convicted of any offence under the Act, or under the law for the time being in force relating to excise revenue, or of any

criminal offence;

(ii) if it is a condition of such license or order that it may be cancelled or suspended at the will of such officer;

(iii) in any other case, after giving to such person fifteen days' notice, and shall cancel such license or order within fifteen days on receiving from such person notice that he desires to surrender the same.

(2) When such license or order has been cancelled or suspended as foresaid, such person shall forthwith make over to the Collector all morphia drugs in his possession.

VII. - DISPOSAL OF MORPHIA DRUGS AND CONFISCATED ARTICLES.

30. The Collector shall cause all morphia drugs confiscated under the Act or delivered to him under Rule 29 to be examined by the Chemical Examiner or by such other officer as the Chief Authority may direct. If any such morphia drugs are certified by such officer to be fit for use the Collector may sell them to any dealer or chemist licensed under these rules or under any rules for the time being in force in any part of Britian India or to any person authorized by an order under Rule 22 or any corresponding rule in force as aforesaid. The Collector may require any licensed dealer or chemist to purchase at such price as the Collector may direct any quantity of such morphia drugs not exceeding such quantity as the Collector may determine to be ordinarily saleable by him in two months. If any such morphia drugs are certified as aforesaid to be unfit for use, the Collector shall cause them to be destroyed.

31. The Collector shall dispose of all other things confiscated in connection with any offence relating to morphia drugs in such manner as he may think fit.

VIII. - ISSUE OF SUBSIDIARY ORDERS.

32. Subject to the provisions of the act and of these rules the Chief Excise Authority may from time to time give such directions as it may think fit for the purpose of carrying out the provisions of these rules.

IX. - POWERS AND DUTIES OF OFFICERS, APPEALS AND REVISIONS AND REWARDS.

33. The provisions contained in the rules relating to opium issued by the Local Government under Sections 5 and 13 of the Act, shall, in so far as they refer to the powers and duties of officers, appeals, and revisions and rewards, apply to the case of morphia drugs also.

X. - EXEMPTIONS.

34. The preparations specified in the annexed schedule may be transported, imported, exported, possessed and sold without restriction, provided that their import by sea shall be permitted only by means other than that of the post.

Schedule.

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|--------------------------------------|-------------------------------------|
| (1) Anodynepine expectorant | 7. Mistura Apomorphinae et Terebeni |
| (2) Apocodeinae hydrochloridum | 8. Powells' Balsam of Aniseed |
| (3) Camphorodyne | 9. Syrupus Apomorphinae |
| (4) Cholorodyne | 10. Apomorphinae Hydrochloridum |
| (5) Haustus Apomorphine Co. | 11. Mono-ethyl Morphiae |
| (6) Linctus Apomorphinae C. Codeina. | Hydrochloridum Dionin. |

NOTIFICATION BY GOVERNMENT.

IV. In exercise of the powers conferred by Section 19 of the Opium Act, 1878 (I of 1878), the Lieutenant-Governor in Council is pleased to authorize the Superintendents of Excise in each of the districts named below to issue warrants of arrest and search warrants under the said section.

Notification, No. 5355 F., dated the 26th April, 1918.