



UNITED NATIONS

## 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

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## 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 text.

*New York, 1953*

INDIA

OFFICE OF THE CHIEF COMMISSIONER BILASPUR (SIMLA HILLS)

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NOTIFICATION

*Bilaspur, the 11th November 1952*

No. Exc-2/147/52.—Whereas the Draft Rules entitled Bilaspur Manufactured Drugs Rules framed under Section 36(1) of the Dangerous Drugs Act, 1930 have already been published in Part III, Section 3 of the Gazette of India, dated the 4th October 1952, and whereas neither any objections nor any suggestions in regard to these Draft Rules have so far been received from any person.

Now, therefore, with a view to finalize these Rules and for carrying out the provisions of the said Act, the Chief Commissioner, in exercise of powers under Section 8(2) of the said Dangerous Drugs Act read with Government of India, Ministry of States Notification No. 104J, dated the 24th August, 1950 is hereby pleased to issue and apply the following Bilaspur Manufactured Drugs Rules.

By order,

*Secretary*  
to the Chief Commissioner.

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BILASPUR MANUFACTURED DRUGS RULES

These rules may be called the Bilaspur Manufactured Drugs Rules.

They shall come into force at once.

(a) *Definitions*

1. In these rules unless there is anything repugnant in the subject or context—

(1) The expression "Bilaspur" means the territories for the time being administered by the Chief Commissioner of Bilaspur.

(2) The expression "Licensed Druggist" means a person licensed to dispense or to keep a shop for the sale of medicinal hemp or medicinal opium intended for use as medicine and for the manufacture of medicinal opium.

(3) The expression "Licensed Chemist" means a person who has obtained a license for the possession, compounding and sale of Coca derivatives and opium alkaloidal derivatives.

(4) The expression "Opium Alkaloidal derivatives" means—

- (i) morphine, that is, the principal alkaloid of opium having the chemical formula  $C_{17} H_{19} O_3$  and its salts.
  - (ii) diacetyl morphine, that is, the alkaloid, also known as diamorphine or heroin, having the chemical formula  $C_{21} H_{23} NO_5$  and its salts.
  - (iii) all preparations, official and non-official, containing more than 0.2 per cent. of morphine or containing any diacetyl morphine.
- (5) The expression "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 India, or
  - (ii) any person registered as a dentist under the Dentists Act, 1878, and any Act of Parliament amending the same, or who holds a license to practise dentistry granted by a State Board in the United States of America, 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, or under any law for the registration of medical practitioners or dentists for the time being in force in any part of India and approved by the Collector for the purposes of these rules or of corresponding rules for the time being in force in any part of India.
  - (iv) any other person engaged in scientific, medical or veterinary practice and approved by the Financial Commissioner for the purpose of these rules or of corresponding rules for the time being in force in any part of India:

Provided that the Financial Commissioner may declare any "Medical Practitioner" to be deprived of the privilege of a medical practitioner by reason of an professional conduct, in respect of the import, export, transport, use or prescription of the manufactured drugs other than prepared opium or by reason of conviction of an offence under the Excise or Opium Acts or the Dangerous Drugs Act, 1930.

(6) The expression "prescription" means a prescription given by a "Medical practitioner" for the supply of Coca derivatives or Opium alkaloidal derivatives to a patient.

(7) The expression "to import" means to import inter-provincially as defined in sub-section (j) of section 2 of the Dangerous Drugs Act, 1930.

(8) The expression "to export" means to export inter-provincially as defined in sub-section (l) of section 2 of the Dangerous Drugs Act, 1930.

(9) The expression "Civil Surgeon" means the Chief Medical Officer or other principal medical officer of the State of Bilaspur.

(10) The expression "Collector" means the Collector of Bilaspur State and includes any officer specially authorised by the State Government to exercise throughout the State or in any specified area therein all or any of the powers of a Collector under these rules.

(11) The expression "Excise Officer" means and includes every officer invested with the powers of an Excise Officer under the Punjab Excise Act, 1914.

(12) The expression "District Excise Officer" means an officer appointed by name by the Collector to exercise certain of the functions of the Collector under the Punjab Excise Act, 1914.

(13) The expression "Excise Commissioner" means the Excise Commissioner appointed under Section 9 of the Punjab Excise Act, 1914.

(14) The expression "Provincial Government" means the Government of Bilaspur.

(15) The expression "Province" means the territories for the time being administered by the Chief Commissioner of Bilaspur.

(16) The expression "The Act" means the Dangerous Drugs Act, 1930.

(b) *Manufacture*

2. (1) Medicinal opium and preparations of morphine, diacetyl morphine and Cocaine may be manufactured by a medical practitioner from material which he is lawfully entitled to possess and which is required for use in the exercise of his profession.

(2) A licensed druggist may, subject to the conditions of his licence, manufacture medicinal opium from material which he is lawfully entitled to possess.

(3) A licensed chemist may, subject to the conditions of his licence, manufacture preparations of morphine, diacetyl morphine and cocaine from material which he is lawfully entitled to possess.

(c) *Possession*

3. Any person may possess such quantity of medicinal hemp or medicinal opium which may be sold to him by a licensed druggist for medicinal purposes. He may possess such quantities of opium alkaloidal derivatives or of Coca derivatives as has been at one time dispensed and sold for his use in accordance with the provisions of rule 19 or of corresponding rules for the time being in force in any part of India.

4. (1) A medical practitioner may possess the following quantities of manufactured drugs other than prepared opium for use in his practice and not for sale—

(a) Medicinal hemp — 10 ounces.

(b) Medicinal opium — 10 ounces.

(c) Opium alkaloidal derivative (excluding prepared opium) — 240 grains.

(d) Coca derivatives — 240 grains.

Provided that the Collector may by special order authorise any such practitioner

to possess as aforesaid any larger quantity.

*Explanatory Note.*—(a) The term "use in his practice" covers only the actual direct administration of the drugs in injections, surgical operations or other emergent cases by or in the presence of medical practitioner.

(b) All other issues of the drugs by a medical practitioner from his dispensary will amount to sale.

(2) (i) A medical practitioner who is permitted to possess manufactured drugs without a license under sub-rule (1), shall obtain his supplies from a licensed chemist or druggist only and shall maintain a register showing receipts as well as disposals of each drug. The register shall be in the form D.D. 26.

(ii) A separate register or a separate part of the register shall be assigned to each of the following classes of drugs and preparations:--

- (1) Cocaine and ecgonine and preparations containing cocaine or ecgonine,
- (2) morphine, and preparations containing morphine,
- (3) diacetyl morphine and containing its preparations,
- (4) medicinal opium,
- (5) dihydrohydroxycodeinone (commonly known as encodal) and preparations containing dihydrohydroxycodeinone,
- (6) dihydrocodeinone (commonly known as dicodide) and its preparations,
- (7) extracts or tinctures of Indian hemp,
- (8) dihydromorphine (commonly known as dilandide) and preparations containing dihydromorphinone.

(iii) Entries in the register must be made on the day on which the drug is received or dispensed. It is not necessary that the medical practitioner should himself enter in the register the particulars of drugs administered by him or under his supervision but entries must be verified by him on the date of entry or on the following date. Where a medical practitioner practises at more than one premises a separate account of manufactured drugs kept at each premises shall be maintained.

(iv) Every entry required to be made and every correction of such an entry must be made in ink and no cancellation, obliteration or alteration shall be made of any entry in the register and any correction of any entry must be made by way of a marginal note or foot note, which must specify the date on which the correction is made.

(v) The stock of drugs in the possession of a medical practitioner and the accounts relating thereto shall be open for inspection by any officer of the Medical or Public Health Department not below the rank of Assistant Surgeon or District Medical Officer of Health or an Excise Officer not below the rank of Sub-Inspector, 2nd grade. The medical practitioner shall, if required to do so, by the Collector of the district, submit such information relating to the transactions in drugs as may be demanded from him.

(vi) If a messenger is sent by the medical practitioner to take delivery of the drug, the messenger must be given an authority in writing signed by him and specifying the messenger by name, to receive the drugs on his behalf. A licensed chemist and druggist is forbidden to deliver drugs to a messenger not so authorised. In emergencies when the medical practitioner is unable to send a signed order the licensee may act on the oral message of a medical practitioner known to him, provided that on delivery of the drug he receives a signed order from the medical practitioner or an undertaking that the signed order will be furnished within 23 hours.

(vii) The medical practitioner shall keep the drugs under lock and key.

(viii) While carrying drugs to the house of a patient, the medical

practitioner shall take full precautions for the safe custody of drugs. Thefts and losses of dangerous drugs should be forthwith reported to the nearest excise or police official.

(ix) All records including registers and day-books must be kept for not less than two years from the date of the last entry therein.

5. A medical practitioner in managing or supervising charge of a hospital or dispensary authorised in this behalf by the Collector by an order made under rule 21 may possess any such quantity of manufactured drugs other than prepared opium as may be specified in such order.

6. A licensed druggist may possess such quantity of medicinal hemp and medicinal opium as may be specified in his licence. He may also possess such quantity of pure opium as is specified in the licence for the manufacture of medicinal opium.

7. A licensed chemist may possess such quantity of opium alkaloidal derivatives (excluding prepared opium) and Coca derivatives as may be specified in his licence.

8. A person to whom a pass has been granted under these rules for the import, export or transport of manufactured drugs other than prepared opium may possess such quantity thereof in such manner as may be specified in the pass.

(d) *Import, Export and Transport*

9. The import, export, transport, possession and sale of Coca beans is prohibited in the Bilaspur.

10. Any person may import and transport such quantities of manufactured drugs, other than prepared opium, as he may lawfully possess under rule 3.

11. A medical practitioner may import and transport such quantities of manufactured drugs, other than prepared opium, as he may lawfully possess under rule 4 save that no medical practitioner may import Coca derivatives from outside the Province.

12. A medical practitioner in managing or supervising charge of a hospital or dispensary, as authorised in this behalf by the Collector by an order made under rule 21, may import and transport such quantities of manufactured drugs other than prepared opium in such manner as may be specified in the said order on an indent countersigned by the Civil Surgeon.

An indent so countersigned shall be deemed to be a permit and shall not require further countersignature.

13. A person to whom a pass has been granted under these rules for the import, export or transport of manufactured drugs, other than prepared opium, may import, export or transport such quantities of drugs in such manner as may be specified in pass.

14. (a) Subject to the provisions of rule 25 a licensed druggist may import, export or transport medicinal hemp or medicinal opium.

(b) Subject to the provisions of rules 26, 27 and 28, a licensed chemist may import, export or transport opium alkaloidal derivatives (excluding prepared opium) or Coca derivatives, provided that in the case of export, a permit has been granted to him under the rules for the time being in force in any part of India outside the Bilaspur by the Collector or other authority duly appointed in this behalf.

*Explanation*—An indent for opium alkaloidal derivatives or Coca derivatives countersigned by the Civil Surgeon shall for the purpose of the rule be deemed to be a permit and shall not require further countersignature.

15. A person authorised in this behalf by the Financial Commissioner by a special order made under rule 23 may export such a quantity of manufactured drugs, other than prepared opium, in such manner as may be specified in that order.

16. Every person importing, exporting or transporting manufactured drugs other than prepared opium, shall comply with such general or special directions as may be given by the Financial Commissioner.

17. Nothing in these rules shall be deemed to permit—

- (1) the import of manufactured drugs other than prepared opium—
  - (a) from any part of India outside the Province unless the rules for the time being in force in such part relating to the export of such drugs have been complied with, and
  - (b) unless the duty leviable at the place of importation under the Indian Traffic Act or any other enactment for the time being in force has been paid and a valid pass has been obtained from the customs or Excise authorities there.
- (2) The import, export or transport of manufactured drugs, by means of post.

(e) *Sale*

18. (a) A licensed druggist may, subject to the conditions of his licence, sell medicinal hemp or medicinal opium for medical purposes only.

(b) The Collector shall in respect of each licence fix and shall record in the licence, the maximum quantity of medicinal hemp or medical opium which the licensee may possess at any one time for the purpose of vend or the manufacture of medicinal opium:

Provided that he shall not fix less than the following quantities:—

- (a) Medicinal hemp—16 ozs.
- (b) Tincture of opium—1 Imperial pint.
- (c) Extract of opium—2 ozs.
- (d) Wine of opium—Imperial pint.
- (e) Liquid extract of opium— $\frac{1}{4}$  Imperial pint.
- (f) Liniment of opium—3 Imperial pint.
- (g) Confection of opium—1 oz.
- (h) Compounded opium powder—4 ozs.

*Note*—A medical practitioner who desires to distribute and sell medicinal hemp, medicinal opium (see explanatory notes (a) and (b) to rule 4) must take out a licence under this rule.

19. (a) A licensed Chemist may, subject to the conditions of his licence, sell opium alkaloidal derivatives or Coca derivatives to—

- (i) a medical practitioner, who
  - (a) must either be known to the licensed druggist or chemist,  
or
  - (b) be introduced by some one known to the licensee, must either sign the register in person or send a written or signed order, stating his name, address and the name and quantity of the article required. In the latter case the licensee must satisfy himself as to the genuineness of the signature and qualification of the medical practitioner

and if the drugs are sent by post, must send them by registered post. In case of real emergency the licensee may act on an oral message and send the drug; provided that the licensee is satisfied with the genuineness of the order and on the delivery he receives from the medical practitioner the signed order or an undertaking that the signed order will be furnished within 24 hours. If such signed order be not received within 24 hours the licensee shall forthwith report full details of the transaction to an Excise Officer not below the rank of an Excise Sub-Inspector, 2nd grade.

- (ii) a licensed chemist, licensed under these rules or under the rules for the time being in force in any part of India outside the Province.
- (iii) any person authorised under the rule 21 of these rules or any other corresponding rule for the time being in force as aforesaid,
- (iv) any person on a prescription subject to the following conditions, namely:--

- (i) he shall sell the opium alkaloidal derivatives or Coca derivatives in such quantity and for the use of such person only as may be specified in the prescription,
- (ii) if the prescription does not bear a superscription by a medical 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 the opium alkaloidal derivatives or Coca derivatives once only on such a 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 shall be retained,
- (iii) if the prescription bears a superscription as aforesaid he shall enter in the prescription the date of sale and shall sign or seal the prescription; provided that if it appears that opium alkaloidal derivatives or Coca derivatives have already been sold on the prescription 6 times or such a number of times as the prescription is required to be repeated, or that the interval specified in the prescription has not elapsed since the prescription was last dispensed, he shall not sell the morphine drugs or Coca derivatives on such prescription unless it has further been superscribed by the medical practitioner,
- (iv) any other condition that may be prescribed in his licence,
- (v) the licensee shall maintain a written record of every such sale in such manner as the Financial Commissioner may direct.

(b) The Collector shall in respect of each such licence fix and record in the licence the maximum quantity of opium alkaloidal derivatives or Coca derivatives which the licensee may possess at any one time for the purpose or vend as well as for the manufacture or preparation of morphine, diacetyl morphine and Cocaine.

*Note*--A medical practitioner who desires to distribute and sell opium alkaloidal derivatives or Coca derivatives (see explanatory notes (a) and (b) to rule 4) must take out a licence under this rule.

(f) *Approval, Authorisation, Licences, Passes and Permits*

20. (a) The Financial Commissioner may approve for the purpose of rule 1(5)(iv)



of the rules, any person engaged in scientific or medical or veterinary practice.

(b) The Collector may in the like manner approve any person possessed of qualifications specified in rule 1(5)(vii).

21. The Collector may with the previous sanction of the Financial Commissioner by general or special order authorise a medical practitioner in managing or supervising charge of a hospital or dispensary to possess import and transport such quantities of manufactured drugs, other than prepared opium, in such manner as may be specified in that order.

22. The Collector or District Excise Officer empowered in this behalf by the Collector may grant to a medical practitioner a permit in Form D.D. 2 for the import of medicinal hemp and medicinal opium. The Financial Commissioner, or such other officer as the Provincial Government may empower in this behalf, may grant to a medical practitioner or permit in Form D.D. 2 for the import of opium alkaloidal derivatives.

23. The Financial Commissioner may by special order authorise any person to export any quantity of manufactured drugs other than prepared opium.

24. (a) An officer empowered in this behalf by the Financial Commissioner may grant to any person a druggist's licence in Form D.D. 5 permitting him to manufacture medicinal opium from material which he is lawfully entitled to possess, and, subject to the provisions of rule 18 to sell medicinal hemp and medicinal opium.

(b) An officer empowered in this behalf by the Financial Commissioner may grant to any person a Chemist's licence in the Form D.D. 6 permitting him to manufacture preparations of morphine, diacetylmorphine and cocaine from material which he is lawfully entitled to possess and subject to the provisions of rule 19 to sell opium alkaloidal derivatives or Coca derivatives:

Provided that except with the special sanction of the Financial Commissioner such a licence shall not authorise such a chemist to possess a greater quantity than 4 ounces of opium alkaloidal derivatives or 4 ounces of Coca derivatives.

25. The Collector or the District Excise Officer empowered in this behalf by the Collector may grant to a licensed druggist a permit in the Form D.D. 2 for the import of medicinal hemp and medicinal opium and a pass in the Form D.D. 3 or the Form D.D. 4 for the export and transport respectively of medicinal hemp and medicinal opium, not exceeding the quantity which such a licensed druggist is entitled to possess:

Provided that export passes shall not be granted except on the production of a permit signed by the Collector of the district of destination.

26. The Financial Commissioner, or such other officer as the Provincial Government may empower in this behalf, may grant to any licensed chemist a permit in the Form D.D. 2 for the import of opium alkaloidal derivatives or Coca derivatives, not exceeding the quantity which such a licensed chemist is entitled to possess.

27. The Financial Commissioner, or such other officer as the Provincial Government may empower in this behalf, may grant to a licensed chemist a pass in the Form D.D. 3 for the export of opium alkaloidal derivatives or Coca derivatives, provided that a permit has been granted to him under the rules for the time being in force in any part of India outside the Bilaspur, by the Collector or other authority duly appointed in this behalf.

*Explanation*—An indent for opium alkaloidal derivatives or Coca derivatives

countersigned by the Civil Surgeon shall for the purpose of this rule be deemed to be a permit, and shall not require further counter-signature.

28. The Collector of the district of issue may grant to a licensed chemist a pass in the Form D.D. 4 for the transport of opium alkaloidal derivatives or Coca derivatives not exceeding the quantity which such chemist may lawfully possess.

29. Subject to the provisions of the Dangerous Drugs Act and of these rules, every license, permit or pass issued under these rules shall be in such a form, contain such particulars, and shall be granted by such an officer on payment of such a fee, for such a period and subject to such conditions as the Financial Commissioner may direct.

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

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

31. (1) Every licence granted under these rules shall be held to have been granted personally to the licensee named therein, and shall not be transferable.

(2) If any licence holder dies before or during the currency of his licence, his licence 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.

32. (1) Subject to any directions that the Financial Commissioner may give in this behalf, the officer who has granted a licence, permit or pass, or has by order approved or authorised any person under these rules, may cancel or suspend such licence, permit or pass or such order--

(i) if such a person has--

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

(b) by himself or by his servant or any person acting on his behalf committed any breach of the conditions of such licence, permit or pass or of the orders issued under these rules,

(c) been convicted of any offence under the Dangerous Drugs Act or the Opium Act or under the law for the time being in force relating to exercise revenue, or of any offence under the Indian Penal Code,

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

(iii) in any other case, after giving to such a person 15 days' notice, and shall cancel licence, permit or pass or order within 15 days on receiving such person notice that he desires to surrender the same.

(2) When such a licence, permit or pass has been cancelled or suspended as aforesaid, such a person shall forthwith make over to the Collector all the manufactured drugs in his possession.

*(g) Issue of Subsidiary Order*

33. Subject to the provisions of the Act and of these rules, the Financial Commissioner may from time to time give such directions as he may think fit for

the purpose of carrying out the provisions of these rules:

(h) *Appeal and Revision*

34. 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 Financial Commissioner, when the order is made by a Collector.

35. Every memorandum of appeal must be presented within one month from the date of the order appealed against.

Every memorandum of appeal shall be accompanied by the order appealed against in original, or by an authenticated copy of such an order, unless the omission to produce such an 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 above.

36. The Financial Commissioner or a Collector may revise any order passed by an Excise Officer subordinate to him under these rules.

(i) *Exemption*

37. The import, export and transport of manufactured drugs, other than prepared opium by or on behalf of Government may be carried out without restriction provided that in the case of transit by post the import, export or transport shall be subject to the following restrictions:—

- (a) only 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 the drugs sent to him from time to time by post.

38. All preparations containing not more than 0.2 per cent. of morphine or 0.1 per cent. of cocaine and any preparation which the Central Government may, by notification in the Official Gazette, made in pursuance of a finding under article 8 of the Geneva Convention or in pursuance of any international convention supplementing the Geneva Convention, declare not to be manufactured drugs, may be imported, exported, transported, possessed, or sold without restriction.

39. The provisions of these rules shall not apply to the importation, exportation, transport, possession, or sale of codeine, dionion, and their respective salts, unless the quantity involved in any transaction, or possessed at any one time exceeds one pound.

By order,

*Secretary,*  
to the Chief Commissioner.