

Executive Instructions Relating to Opium

ASSAM

India

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Rule EXECUTIVE-INSTRUCTIONS-RELATING-TO-OPIUM of 1800

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Executive Instructions Relating to Opium Last Updated 12th February, 2020 I. - Licences and permits

1. Period of licences and permits.

- Licences and permits are to be issued in the prescribed opium forms as and, unless otherwise specially permitted by the Excise Commissioner, are to be for a period not exceeding one year, terminating in all cases on the 31st March.

2. Register of licences.

- A register in Excise Form No. 5, Schedule XXXI (S.V. Miscellaneous) is to be kept by every officer who is authorised to grant licences and permits.

3. Issue of duplicate copy in the event of loss of original licence or permit.

- In the event of a licence or permit being lost or destroyed, a fresh copy thereof may, on proof of the loss, be issued on payment of a fee of one rupee in the case of a druggist's permit and of two rupees in that of a licence for the sale of opium, unless for special reasons the Deputy Commissioner considers that the fee should be permitted. The licence amount should be credited under the head "Miscellaneous-Excise Revenue".

4. Return of time expired, cancelled or abandoned licence or permit.

- All licences and permits are to be called in at the end of the year on the expiration of their term, or on their cancellation or surrender, and are to be posted to their counterfoils. No new licence or permit is to be granted to a previous holder until he has returned his time-expired, cancelled or abandoned licence or permit, as the case may be, to the Sub-divisional Officer or the Superintendent

of Excise or satisfied them that he is unable to do so.II. - Supply and storage of opium

5. Issue of opium.

- Opium will be issued to a licensed vendor thereof or to a licensed druggist only from the Government treasury or treasuries entered in his licence or permit.

6. Production of duplicate licence or permit on purchase of opium from treasury.

- Each licensed vendor of opium and licensed druggist will be furnished with a duplicate copy of his licence or permit which he will produce on each occasion he purchases opium from the Government treasury. On the back of this duplicate will be entered the date of purchase and the quantity of opium purchased, and this endorsement will cover the transport of the opium so purchased in lieu of a pass.

7. Procedure for the passing of challan and issue of opium from treasury.

- When a licensed vendor or a licensed druggist presents himself at the Government treasury with the price (including the vend fee) of the opium he requires and the usual challan, he should be referred in the first instance to the clerk in charge of Excise, who will check the challan and be responsible that the purchaser is properly identified and is entitled to receive the drug. This clerk will then enter the quantity of opium passed for issue and other necessary particulars in the register prescribed for the purpose and will also note the date and quantity of opium on the back of the duplicate copy of the licence or permit. He will then sign the challan and return it to the purchaser, who will thereupon follow the usual procedure for the payment of money at Government treasuries. When the treasurer receives the money, he will issue the quantity of opium required to the purchaser in the presence of the Excise clerk, who will identify the recipient.

8. Issue of opium to licensee or permit holder or their authorised agents.

- Opium is to be issued from the Government treasury to the licensee or permit-holder himself or to his duly authorised agent, and to no other person.

9. Indent for opium.

- Deputy Commissioners are required to submit indents in Opium Form 3 of Schedule XXXII (I-Opium) to the Excise Commissioner on or before the 15th December each year for the amount of opium required for consumption in their district for the ensuing financial year. The Political Agent in Manipur and the Political Officers in the Sadiya, Balipara and Tirap Frontier Tracts and the Political Officer, Khasi States, will also similarly report their requirements on or before the 15th December. The Excise Commissioner will thereupon prepare a consolidated indent for the whole Province including the requirement for the Manipur State and transmit it to the Opium Agent,

Ghazipur, in the United Provinces, a copy being sent to the Secretary concerned to the Provincial Government and also to the Secretary to the Governor of Assam. Opium will be supplied in accordance with such arrangements as may be made with the Opium Agent, but will ordinarily be supplied from the factory in one installment. As a rule, opium is supplied in one seer or half a seer of cakes.

10. Sub-divisional requirements how to be shown.

- The indents of Deputy Commissioners are to show separately the requirements of sub-divisions, and it should be stated whether the whole supply is to be forwarded to headquarters or whether part is to be forwarded direct to sub-divisions. In the latter case, the quantity to be sent, the mode of marking the chests and the route should be distinctly indicated in the columns 9 to 12 of the indent.

11. Indents how to be regulated.

- Indents are to be regulated so as to leave in hand on the 31st March of each year a stock equal to three months' consumption. Emergent indents may be sent in if the stock in hand at any time is reduced below the probable consumption for two months.

12. Chests to be examined on arrival.

- When opium is supplied to district or Sub-divisional treasuries, the authority despatching it will send the consignee an advice of the despatch, specifying the number of chests supplied, the net quantity of opium in them and the gross weight of each chest. Each chest, immediately on its arrival, must be examined by the Deputy Commissioner or the Superintendent of Excise or any other Gazetted Officer or the Treasury Officer and weighed in his presence. In the case of sub-divisions, this duty will be performed by the Sub-divisional Officer or any other Gazetted Officer deputed him for the purpose.

13. Certificate of examining officer.

- An officer examining an opium chest under the preceding rule will certify to the condition of its outer coverings, and its gross weight, as ascertained by weighment, will be recorded under his signature. Should the covering to the chest appear not to be intact and bear the appearance of having been tampered with, or should the gross weight ascertained by actual weighment differ materially from that given in the invoice, the certifying officer shall at once cause the chest to be opened and examined, and he will incur personal responsibility if he passes a doubtful case. If any deficiency or substitution or adulterated cakes is discovered, enquiry must immediately be made and the fact must at the same time be reported to the authority by whom the opium was supplied, as well as to the Excise Commissioner. If the coverings are passed as intact and the gross weight is found to agree with the weight given in the invoice, a receipt in the prescribed form should be submitted without delay to the authority by whom the opium was supplied, intimation of the receipt of the opium being sent at the same time to the Excise Commissioner. When the chest is subsequently

opened, the name of the officer who is present at the opening must be recorded in the office of the Deputy Commissioner or of the Sub-divisional Officer, as the case may be, as well as-(a)the number of cakes in the chest, and(b)the contents of each paper cover.

14. Weighment on change of charge in transit.

- Whenever a despatch of opium in transit is handed over from one official's charge to that of another, its gross weight is to be ascertained by actual weighment and recorded.

15. Custody of opium and its issue in cakes of one seer or half seer.

- Ordinarily, opium will be kept in the treasury under double locks and be given out on indent in one-seer or half-seer cakes to the treasurer by the Treasury Officer. The opium thus issued will remain under the single lock of the treasurer in whose custody it will stay during the interval between issue from double lock and delivery to vendors, but ordinarily an indent should only be made when a vendor is present. The treasurer in person will make over the opium to vendors in cakes of one seer or half-seer, or, with the special sanction of the Excise Commissioner, but only to a licensed vendor or licensed druggist, in smaller quantities. If there is no room in the treasury, the opium is to be kept in some other safe place which must be secured and guarded in the same manner as a treasury. Payment on extra quantity of opium on cakes. - The opium cakes should be actually weighed on issue to vendors or permit-holders from the treasuries and sub-treasuries and the weights noted on the back of the duplicate copy of the licence or permit after making an allowance for the strings and paper wrappers. The vendors or permit-holders should pay the treasury price and vend fee at the prescribed rates on each extra quantity of opium, if any, found in each cake after actual weighment.

16. Opium to issue according to date of receipt.

- Opium should be issued according to the date of its receipt, and the contents of chests opened for verification should be sold before other chests of the same stock which have not been so opened.

17. Examination of chests to guard against white ants.

- The Deputy Commissioner will cause the chests containing opium kept in the sadar and Sub-divisional treasuries to be frequently examined, and, if necessary, in those treasuries in which white-ants have gained a lodgment, moved.

18. Report of damage by white-ants or of theft.

- A full report is to be submitted to the Excise Commissioner by the Deputy Commissioner immediately any damage to opium caused by damp or white-ants, or any theft or disappearance of opium comes to his notice.

19. Complaints regarding adulterated opium.

- When complaints are made regarding the issue of adulterated opium from any treasury, the Deputy Commissioner concerned should ascertain and report to the opium Agent, Ghazipur-(1)the number and distinguishing marks on the chest from which the opium was taken out;(2)the invoice number and date of consignment of the chest.A copy of the report should be sent to the Excise Deputy Commissioner.Any foreign substance found in the cake, together with its wrapper, should also be forwarded. Enquiry by the Board of Revenue, United Provinces, in connection with complaints as to the quality of opium is often impossible, unless the number and marks on the chest in which it was found are reported. It is, therefore, necessary that the numbers and marks on all chests, as they are opened from time to time, should be recorded in the prescribed form and the tickets attached to the chests should be preserved until sometime after the opium has been disposed of.

20. Accounts of daily transactions of opium.

- Accounts of the daily transactions in opium are to be carefully kept in treasuries from which opium is issued, in opium Form No. 4 of Schedule XXXII (1-Opium). These accounts are to be balanced at the close of each day.

21. Office register of issue of opium to each shop.

- A register in the prescribed form showing the quantity of opium issued to each shop, is to be kept in every sadar and Sub- divisional Excise office.III. - Opium cases, reports, etc.

22. Contraband opium to remain in custody of court police.

- Under the rules issued by the Inspector-General of Police, Court Inspectors or Sub-Inspectors receive into their custody all contraband opium sent up in cases of opium smuggling and the weight of the opium received in each case is entered in the Malkhana register kept by the them. All opium thus received by the court police should remain in their custody until despatched from the Magistrate's Court or otherwise disposed of under the rules.

23. Communication of details of opium-smuggling cases to Inspector-General of Police and Excise Commissioner-Co-operation between Officers of Police and Excise Departments.

- Full details regarding all opium-smuggling cases which may have been instituted during the previous month and the result of such cases, if disposed of, should be communicated by the Deputy Commissioner in the first week of each month to the Inspector-General of Police, a copy of this report being foreworded to the Excise Commissioner, in Form No. 6 of Schedule XXXII (1-Opium). All important opium-smuggling cases in which the quantity of opium seized exceeds 40 lbs. or 20 seers and all cases relating to the illicit cultivation of the poppy should, however, be reported to the

Excise Commissioner as soon after their occurrence as possible. It is the desire of the Governor of Assam that there should be cordial co-operation between the officers of the Police and Excise Departments, in the prevention and detection and of cases against the opium laws.

24. Inclusion of resumes of cases in Excise administration report.

- All cases of opium-smuggling should be briefly described by the Deputy Commissioner in their Excise administration reports. The Excise Commissioner should include a brief resume of such cases in his annual administration report.

25. Report in individual important cases.

- The Deputy Commissioners are also required to submit to the Excise Commissioner special reports in triplicate in the same form as referred to in Instruction 23 above regarding individual cases in which new methods of smuggling are brought to light, whether the smuggling be local or from another Province or a foreign State, and whether they result in conviction or not. The Excise Commissioner will submit these reports in duplicate to the Provincial Government or the Governor of Assam, as the case may be.

26. Report to Government of India about important cases of smuggling into or out of India.

- The Provincial Government or the Governor of Assam, as the case may be, have to report to the Government of India, Finance Department (Central Revenues) full particulars in respect of all seizures of drugs attempted to be smuggled into or out of India from or to countries outside India, effected by the Excise or Police authorities, also full information in regard to the proceedings and movements of persons engaged in carrying on illicit international traffic in drugs. Routine cases, i. cases of ordinary seizures of import drugs which are purely of local interest and which do to reveal any useful information regarding movements and methods of traffickers need not be reported to the Government of India. Immediate action is necessary in the following two classes of cases : (i) When information (e.g., as to the movements or proceedings of traffickers) might be useful for the purpose of stopping some contraband transaction which is in the course of being carried out; and (ii) When a seizure is made and there is anything to show that a person or firm in a foreign country is implicated, but it is not considered possible to stop the transaction by passing the information on to the other country. In cases failing under these two categories Deputy Commissioners should communicate at once full particulars to be Provincial Government sending another copy of the report to the Excise Commissioner who will forward it to the Provincial Government or the Governor of Assam, as the case may be, with his remarks. In cases where immediate action is not necessary, the Deputy Commissioners should submit their reports to the Excise Commissioner who will forward them to the Provincial Government or the Governor of Assam, as the case may be. All such reports should be as full as possible and should include quantities seized, a description of the packages and the marks on the packages, the names and addresses of the consignor and consignee, the names and addresses of any agents through whom the goods have passed, the place from which

the goods were despatched, the date on which they were despatched, the name of the ship (or description of the route) by which they were despatched, and any other information throwing light on the manner of conducting illicit traffic. Two specimens of the labels or of the containers themselves or any particulars of evidence as to the origin of the seizures made should be forwarded with all the reports. If, however, it is not possible to send specimens of labels or containers or even copies of the labels, the reasons why they could not be sent should be stated in the reports. When reporting seizures of other drugs believed to originate from a particular country, the reasons for believing the drugs to be of that particular origin should be stated, if possible. Reports submitted by the Deputy Commissioner should be in the form prescribed by the Government of India. Six copies of these forms are required to be furnished in each case to the Government of India.

27. Furnishing copy of report of opium cases to Opium Agent, Ghazipur.

- When persons convicted of opium-smuggling are believed or professed to have come from any of the districts of the United Provinces a copy of the final report in the prescribed form is to be forwarded to the Opium Agent, Ghazipur, for his information, together with copies of the accused's statements and of such part of the evidence as may be likely to throw light upon the question of the identity of the prisoners, or of the source from which the illicit supply was obtained. At the same time, the officer-in-charge of the jail in which the convicted persons are confined should invariably be requested by the Deputy Commissioner to cause their transfer to jails of the districts to which they belong in order that they may be inspected and examined by the officers of the Opium Department.

28. Sample of opium seized to be sent to Ghazipur Opium Agent.

- Whenever an opium-smuggler is transferred under the preceding rule, a sample of the opium seized should forthwith be forwarded to the Opium Agent Ghazipur in order to assist him in enquiring into the source of the illicit supply.

29. Confiscated opium how to disposed of.

(a) The Deputy Commissioner, Kamrup, will collect all contraband opium of the Province and send to the Opium Factory, Ghazipur, in one lot on 1st June and 1st December each year. Contraband opium thus collected should be reweighed in presence of the Superintendent of Excise and a Magistrate whom the Deputy Commissioner may depute before despatch to Ghazipur. All consignments should be despatched by goods train as far as possible and not by passenger train. Consignment should be sent 'freight to pay.' In respect of these consignments, the Government of India will, in addition to railway freight, bear also other transport and packing charges and will also pay for such opium on the basis of the morphine content to be determined in the manner indicated below : All the contraband opium received in the factory from the different Provinces would be made into alkaloids and from the quantity of alkaloids obtained, the factory would determine the morphine strength of the total amount of contraband opium received from all the Provinces. The factory would then determine on the basis of the morphine content the amount that should be paid for the contraband opium. The amount so determined would then be distributed pro-rata on the

weight of the contraband opium supplied by each Province and the credit for the amount determined as payable to Assam shall be passed on through the Provincial Excise Account.(b)All Deputy Commissioners (except Deputy Commissioner, Kamrup) and the Political Officers of Nadiya, Balipara and Tirap Frontier Tracts should send all contraband opium of their respective districts to the Deputy Commissioner, Kamrup, in one lot on the 1st April and the 1st October each year. The Sub-divisional Officers should send the confiscated opium of their respective sub-divisions direct to the Deputy Commissioner, Kamrup, in the same manner, a report being sent to the Deputy Commissioner concerned. The entries of the quantity of contraband opium in the court Malkhana should be verified with those in the Excise office. Contraband opium should be re-weighed in the presence of a Magistrate whom the Deputy Commissioner or the Sub-divisional Officer or the Political Officer may depute before despatch to the Deputy Commissioner, Kamrup. All consignments should be sent by registered parcel to the Deputy Commissioner, Kamrup. Should the quantity be too large for tire parcel post, any other method of transmission which appears proper to the Deputy Commissioner or the Sub-Divisional Officer or the Political Officer, may be adopted.IV. - Miscellaneous

30. Rewards.

- Provisions regarding rewards in opium cases will be found in the Executive Instructions Nos. 150-160 under the Excise Act.

31. Indent for forms to be made to Government.

- The Deputy Commissioner is required to indent for forms of licences, permits, account-books for vendors and other miscellaneous forms on the Forms Branch of the Secretariat. Account books are to be sold to vendors by Deputy Commissioners or the Sub-Divisional officers at cost price.No standardized form should be printed locally without the previous sanction of the Provincial Government.

32. Changes in Opium and Excise Policy to be reported to Government of India.

- In order to secure harmonious working of the Opium and Excise administration as a whole, the Government of India desire that every Province should keep in close and constant touch with fresh developments in other Provinces, so that each may know where it stands. The most convenient way of securing this object is for a Province embarking on any new policy to furnish full information in regard to its intentions to the Central Government, who will in turn pass it on to other Provinces. To enable other Provincial Government to adjust their arrangements, if necessary, timely information should ordinarily be given, before the changes are actually introduced. Where for any reason this course is not practicable, there should be no delay in reporting the introduction of any important change.

33. Possession of opium by travellers and pilgrims.

- As total prohibition of opium was introduced in all the included areas and also in the partially excluded areas of the Province, the following instructions are laid down for the guidance of all concerned and of travellers and pilgrims who may be opium consumers and who may be coming to Assam from outside the Province : (1) They should obey the opium Rules 3 and 4. (2) If any such person is found in possession of any quantity of opium on arrival in Assam, he will be liable to prosecution under the Opium Act unless he has previously obtained a pass from the Deputy Commissioner or the Political Officer of the district or the area where he would be coming. (3) Application for such a pass should be accompanied by a certificate from the Collector of the district or from the Sub-divisional Officer of the sub-division where he may be residing before coming to Assam to the effect that the applicant is a habitual opium eater. (4) In no case the limit of possession will be allowed to exceed the quantity mentioned in opium Rule 3.

34. Procedure regarding sale of opium through official vendors.

- With a view to exercise a broad check over the sales of opium through the official vendors, the following procedure should be observed : (1) The Medical Officers-in-charge of the hospital should forward to the Comptroller, Assam, in the form of a plus and minus memo, a monthly statement showing the opening balance, receipt and issue of opium in their possession together with a certificate in the following form : "I certify that the balance of opium in store on.....(the blank being the last day of the month to which the plus and minus memo relates) is..... maunds..... seers..... tolas." (2) The quantity of opium issued to the Medical Officers from the treasuries should be shown as separate items in the treasury plus and minus memos, supported by the receipts of the Medical Officers, in order that the corresponding receipts may be traced in the plus and minus memos, to be submitted by the latter. (3) The sale proceeds of opium credited into the treasuries by each Medical Officer should be shown by the Treasury Officers as a separate item in the Receipt Schedule.

35. Certain instructions under Act to apply to opium administration.

- The Executive Instructions under Chapter IV (Prosecutions and fines), Chapter IX (Powers and duties of officers) and Chapter X (Registers, returns and reports and records) under the Excise Act shall also ordinarily apply mutatis mutandis to the administration of the Opium Act together with Instructions 230 and 231 under the Excise Act.