

# Assam Opium Rules

ASSAM

India

## Assam Opium Rules

### Rule ASSAM-OPIUM-RULES of 1954

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Assam Opium RulesPublished vide Notification No. MEX 63/45/4, dated 11th April, 1954Last Updated 12th February, 2020Notification No. MEX 63/45/4, dated 11th April, 1954. - In exercise of the powers conferred by Sections 5 and 13 of the Opium Act, 1878 (1 of 1878) as amended from time to time, and in supersession of all previous notifications on the subject, the Governor of Assam is pleased to make the following Rules :These Rules may be called the Assam Opium Rules and shall come into force with effect from the 1st day of June, 1945.These rules shall not in any way affect anything done or any offence committed or any proceedings commenced before that day based on the rules then in force.

## Part I

### Definitions

#### 1. Definitions.

- In these rules, unless there is something repugnant in the subject or context-(1)"the Act" means the Opium Act, 1878, as amended from time to time.(2)"Assam" means the territories for the time being administered by the Governor of Assam.(3)"Commissioner" means the Commissioner of Excise, Assam.(4)"Consumer's pass" or "pass" means a ticket or pass given to an opium consumer, in virtue of which he will be entitled to be supplied with excise opium, on payment, from a retail shop.(5)"Deputy Commissioner" includes the Political Officer and in any provision of these rules includes also any officer empowered by the Government of Assam by name or in virtue of his office to perform the functions of a Deputy Commissioner for the purposes of that provision.(6)"Excise opium" means opium issued from a Government treasury in Assam.(7)"Kafa" means a piece of cloth saturated or stained with opium.(8)"Licensed vendor" means a person to whom a licence for the sale by retail of excise opium has been granted by the Deputy Commissioner under these rules.(9)"Licensed druggist" means a person to whom a licence for the sale by retail to the public of opium and poppy-heads for medicinal purposes, or for the manufacture and sale for similar

purposes of medicinal drugs has been granted by the Deputy Commissioner under these rules.(10)"Medicinal Drugs" means any mixture with or without neutral materials of any of the forms of opium as defined under Section 3, clauses, (i) and (ii) of the Act but does not include (1) any preparation containing not more than 0.2 per cent of morphine or (2) opium derivative as defined under Section 2 of the Dangerous Drugs Act, 1930.(11)"Monthly ration" or "ration" when used with reference to a shop for the retail sale of excise opium means the maximum amount of excise opium which has been fixed for the shop under Rule 20, and when used with reference to a consumer means the maximum amount which any consumer may purchase in any one month on his pass.(12)"Opium" - See definition under Section of the Act.(13)"Permit holder" means any person other than a pass-holder, to whom a permit has been given to purchase and possess excise opium for medicinal purposes. The term includes the holder of a special permit.(14)"Poppy-heads" means unlaced capsules of the poppy plant and does not include dry capsules from which opium has been extracted.(15)"Preventive officer" means an officer of a department mentioned in Section 14 of the Act.(16)"Qualified medical practitioner" or "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 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 medical practitioner or dentist, as the case may be, under 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 who is approved by order of the Deputy Commissioner for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India,(iv)any person practising veterinary medicine and surgery who has obtained the diploma of a recognised veterinary institution,(v)any other person engaged in medical, dental or veterinary practice and approved by order of Commissioner for the purpose of these rules :Provided that the Commissioner may declare any "Medical Practitioner" to be deprived of the privilege of a "Medical Practitioner" under these rules by reason of unprofessional conduct in respect of the import, export, transport, use or prescription of opium or by reason of conviction under the Excise or Opium Act or the Dangerous Drugs Act.(17)"Seer" means a weight of 80 tolas.(18)Expressions relating to "sale" include any transfer otherwise than by way of gift.(19)"Tola" means an weight of 180 grains-English Troy.(20)"The Government Treasury" means the Government treasury which the Deputy Commissioner has, by general or special order, assigned for the storage and supply of excise opium, and the "Treasury Officer" means the Officer-in-charge of such treasury.(21)"Vend-fee" means the fee per seer of excise opium which a licensed vendor pays for the privilege of selling the drug by retail in the case of those shops which are settled on the vend- fee system.(22)"Veterinary Officer" means an officer of the Civil Veterinary Department not below the rank of a Veterinary Assistant Surgeon.

## Part II

### General Restrictions

## **1. Possession**

## **2. Possession, transport, etc., prohibited except in accordance with these rules.**

- No person shall possess, transport, export, import, or sell opium or poppy-heads, except in accordance with the provisions of these rules.

## **3. By any person.**

(1) Any person who holds a pass may possess Excise opium to the extent to three totals in the Naga Hills and the administered areas of Myllem State in Shillong and two and half totals in the North Cachar Hills sub-division in the district of Cachar, the Lakhimpur Frontier Tract, the Sadiya Frontier Tract, the Balipara Frontier Tract, and the Tirap Frontier Tract; Provided that all the following conditions have been fulfilled : (i) that the opium has been purchased from a licensed vendor; (ii) that the amount of opium possessed by the pass- holder at any one time does not exceed the monthly ration entered in his pass ; and (iii) that when the full ration of opium allowed to a pass-holder in any particular month has already been purchased and consumed, no further opium may be possessed by the pass- holder during that month. In these areas, opium to the above extent (that is to say three tolas in the Naga Hills and the administered areas of Myllem State in Shillong and two and half tolas in the North Cachar Hills Sub-division, the Lakhimpur Frontier Tract, the Sadiya Frontier Tract, the Balipara Frontier Tract and the Tirap Frontier Tract) may also be possessed at any one time by any person who has obtained it for bona fide medicinal or veterinary purposes from his medical attendant who must be a qualified medical practitioner or permit holder or the veterinary officer, as the case may be. (2) By licensed vendor. - Subject to the conditions mentioned in Rule 31 (1) and the other conditions of his licence, a licensed vendor of opium in these areas may possess any quantity of Excise opium if bought from the Government treasury or taken over from a person who has been a licensed vendor, a licensed druggist or a permit-holder under Rule 13 : Provided that he shall at no time possess more than one month's ration. (3) By licensed druggist and others. - Subject to the conditions of his licence, a licensed druggist in these areas may possess Excise opium to the extent of one seer if bought from the Government treasury, and a qualified medical practitioner, veterinary officer or a permit-holder may possess Excise opium to the extent of 10 tolas if bought from a licensed druggist, or where there is no licensed druggist, from licensed vendor specially authorised by the Deputy Commissioner : Provided that the Deputy Commissioner may fix a limit to the amount to be possessed in a year by the druggist, medical practitioner, veterinary officer or permit-holder to meet their lawful requirements. (4) On expiry of licence or permit. - Any person who has been a licensed vendor, a licensed druggist or a permit-holder in these areas may, with the sanction of the Deputy Commissioner, possess for a period not exceeding 4 days from the date of expiration of his licence or permit, any quantity of Excise opium, of which at the time of the expiry of his licence or permit he is in lawful possession in accordance with the conditions of such licence or permit and the provisions of these rules.

#### **4. Possession prohibited in certain areas.**

- In other areas of the Province namely-Cachar (excluding the North Cachar Hills sub-division), Sylhet, included and partially excluded areas of Khasi and Jaintia Hills district, Goalpara, Kamrup, Darrang, Nowgong and Sibsagar (including the Mikir Hills tracts), Lakhimpur (excluding Lakhimpur Frontier Tract) and the Garo Hills, no person except those who are specially authorised by the Provincial Government to hold pass or permit shall possess opium. Such special pass or permit-holders shall not possess at a time more than the quantity of opium allowed in his pass or permit and that such opium shall not be taken from any other source than that mentioned in it.

#### **5. Issue of opium on medical grounds.**

(1)The special pass and permit-holders referred to in Rule 4 above shall obtain their opium rations from the hospitals as may be selected by the Provincial Government from time to time.(2)The special passes will be granted only on medical grounds. The applicant for a special pass shall have to furnish a medical certificate in support of his prayer for a special pass in the prescribed form. In the headquarters stations of the included areas the Civil Surgeons concerned should alone grant certificates. In other areas of the included and partially excluded areas the certificates may be granted by the medical officers in-charge of Government or Local Board dispensaries or treatment centres when opened specially for the treatment of the addicts.

#### **2. Transport**

#### **6. Transport by licensed vendor or licensed druggist.**

- Save in the areas of the Province mentioned in Rule 4 above, a licensed vendor or a licensed druggist may transport excise opium (either personally or through such agent as may be named in his licence) from the Government treasury, or in the case of a licensed vendor, from the premises of a person from whom he has purchased it under Rule 13 to his own licensed premises. The transport will be covered by the endorsement on the duplicate copy of the licence prescribed in Rule 7 below. The duplicate copy must be produced on the requisition of a preventive officer, who may at any time examine such consignments.

#### **7. Sales from treasury to be endorsed on duplicate copy of licence.**

- Each licensed vendor of excise opium and each licensed druggist will be furnished with a duplicate copy of his licence to enable him or his agent as named in the licence to transport opium from the Government treasury to the place of sale. On each occasion the duplicate copy of the licence, endorsed by the Treasury Officer, must accompany the person transporting opium, and on the requisition of a preventive officer it must be produced for examination.

## **8. Transport by other persons.**

- Any other person may transport excise opium, of which he is lawfully in possession from a place where he has purchased it to a place where he may lawfully use or consume it.

## **9. Transport by post restricted.**

- Transmission of opium by post is prohibited except in the case of poppy- heads as provided in Rule 53.

## **3. Export**

## **10. Export to Manipur.**

- Excise opium may be exported to the State of Manipur and the Khasi States from such Government treasuries as may be specified by the Commissioner :Provided that the consignment is covered by a pass from the Political Agent of Manipur or the Political Officer of the Khasi States, as the case may be. The pass must be produced on the requisition of a preventive officer, who may at any time examine such consignment.

## **4. Sale**

## **11. Supply from Government treasury.**

- Excise opium in quantities of not less than one seer in weight, or, with the special sanction of the Commissioner in smaller quantities, shall be supplied from the Government treasury, on pre-payment at such rates as the Provincial Government or the Governor of Assam, as the case may be, may from time to time prescribe by notification in the official Gazette, to a licensed vendor or a licensed druggists:Sale by official vendors or medical officers. - Provided that when the Provincial Government or the Governor of Assam, as the case may be, have directed under Rule 38 below, that opium shall be sold in any particular shop by an official vendor, the Deputy Commissioner may draw from the treasury on a simple receipt any opium required for that shop in such quantities and at such times as may be convenient without prepayment of treasury price or vend fee. The vend fee in such cases shall be fixed from time to time by the Deputy Commissioner so as to cover the whole difference between the treasury price and the sale proceeds, which proceeds shall be credited into the treasury from time to time under appropriate heads when the opium has been sold. An account shall be maintained in the Excise office of withdrawals of opium and deposits of sale proceeds and it shall be the duty of the Deputy Commissioner to see that receipts are credited without undue delay and that fresh supplies of opium are not issued until cash has been deposited to cover the greater part of the opium previously issued. The above proviso will also apply in the case of Medical Officer in-charge of civil hospitals when they are declared and appointed by the Provincial Government or the Governor of Assam, as the case may be, to be official vendors of opium for the supply of opium to the pass- holders and permit-holders. The petty contingent expenditure, if any, incurred by the

Medical Officer, may be deducted from the sale proceeds, but these should be eventually brought to account by following the procedure laid down in Subsidiary Order 17. The Medical Officer will maintain an account in the form prescribed by the Commissioner and will follow instructions issued to them by the Deputy Commissioner of the districts, the Sub-divisional Officers and the Commissioner from time to time in this respect. The cash and opium will be kept in the custody of the Medical Officers-in-charge of the hospitals.

## **12. Advance issue of opium in certain cases.**

- For special reasons such as a change of lessees, the intervention of holidays, or the inaccessibility of any particular shop, the Deputy Commissioner or Sub-divisional Officer may authorise the advance issue of a reasonable amount of opium to a lessee or a prospective lessee or his agent a few days before the beginning of the month for which the ration is issuable or before the new lessee's licence becomes valid as the case may be. No advance issue of opium may be retailed by the purchaser till after the beginning of the month for which the issue is made. The cost price, duty and vend fee will be calculated at the rate which will be valid in the month during which the opium will be retailed.

## **13. Sale by persons whose licence or permit has expired.**

(1) If a person who has been a licensed vendor, or a licensed druggist or a permit-holder has in his possession, after the expiration of his licence or permit, any excise opium which he is unable to dispose of, he shall within four days from the date of expiration of his licence or permit surrender the same to such officer or licensed vendor or vendors as the Deputy Commissioner may appoint, in this behalf, and any licensed vendor or vendors of the article within the district shall, on the requisition of the Deputy Commissioner, be bound under penalty, if the Deputy Commissioner sees fit, of forfeiting their licences to buy opium at such price as the Deputy Commissioner may determine : Provided that-(a) the Deputy Commissioner shall not require any licensed vendor to purchase any such opium in excess of the quantity which with the quantity (if any) already taken by the licensed vendor from the treasury will make up the full monthly ration, and (b) if such excise opium or any part thereof be declared by the Civil Surgeon or Sub-Divisional Medical Officer of the district or sub-division to be unfit for use, the Deputy Commissioner shall cause it or that part, to be destroyed without any compensation being claimable by the Former licensed vendor, licensed druggist or permit-holder. (2) All sales under this rule shall be endorsed on the duplicate copy of the purchaser's licence.

## **5. Sale by Licensed Vendor and by Licensed Druggist**

### **14.**

A licensed vendor may sell by retail excise opium in accordance with the conditions specified in his licence.

## **15.**

A licensed druggist may sell excise opium in accordance with the conditions specified in his licence to permit holders in quantities not exceeding those specified in the permits, and to qualified medical practitioners in quantities not exceeding ten tolas.

## **16.**

Except as provided in Rules 11 to 15 supra the sale of excise opium is prohibited :Use by certain persons in course of practice. - Provided that a qualified medical practitioner or, subject to the conditions of his permit, a permit holder may use excise opium in the course of his practice, or may compound or dispense the same for the use of his own patients for bona fide medicinal purposes.

## **17. Permit fee.**

- A fee of Rs. 3 per annum, payable in advance, shall be charged for each of the permits granted under Rules 15 and 16 above.

## **6. Rules and Restrictions Relating to Sale by Licensed Vendors**

### **18. Sale and storage allowed on licensed premises only.**

- No licensed vendor shall sell or store excise opium to be sold under his license at any place other than on the licensed premises specified in that behalf in his license, except with the previous written sanction of the Deputy Commissioner.

### **19. Prohibition of storage of sale of adulterated opium.**

- No licensed vendor shall adulterate or add anything to any excise opium sold or kept for sale by him, He shall not sell any excise opium which he knows to have been adulterated or to have had anything added to it and shall not store such excise opium or permit such excise opium to be stored on his premises.

### **20. Signboards.**

- There shall be fixed in a prominent position at the entrance of all premises licensed for the sale of excise opium a signboard showing in large characters the name of the vendor, the period of the currency of the licence, the current retail prices and the fact that the premises have been licensed for the sale of excise opium.

## **7. Employment of Persons by Licensed Vendors for Conduct of Sale or for Other Purposes**

### **21. Appointment of salesmen and agents.**

(a) No licensed vendor shall allow any person to conduct sales in his licensed premises or to carry any opium on his behalf unless the name of such person shall have been previously submitted to the Deputy Commissioner, the Sub-divisional Officer or to the Superintendent of Excise for approval and endorsed by him on the licence. Females not to be employed. - No licences for sale of opium shall be issued to females nor shall they be appointed as saleswomen in shops for the retail sale of opium. (b) Salesman responsible for observance of the rules and conditions of licence. - No person shall conduct sales or shall carry any opium on behalf of a licensed vendor unless his name has been endorsed by the Deputy Commissioner, the Sub-divisional Officer or the Superintendent of Excise on the licence. Any salesman or agent whose name has been so endorsed shall, along with the vendor, be responsible for the observance of these rules and the conditions of the licence; the responsibility of such salesman or agent shall be in addition to and not in derogation of the responsibility of the licensed vendor.

### **22. Persons disqualified for being employed as salesmen or agents.**

- The following persons are disqualified for being appointed as salesmen or agents : (i) persons below 18 years ; (ii) persons convicted of offences under the Excise, Opium, Opium Smoking or Dangerous Drugs Acts or of any non-bailable offence ; (iii) persons whose licences have been cancelled under the Excise, Opium or Dangerous Drugs Acts, or who have been held guilty of committing any serious shop malpractice ; (iv) persons of notoriously bad character or whose conduct is found otherwise undesirable ; (v) persons suffering from any infectious or contagious disease ; (vi) persons other than licensee, who have any pecuniary interest in the sales at the shop ; (vii) persons who have been declared by a Deputy Commissioner to be debarred from holding settlement of Excise or opium shops or from serving as a salesman in an Excise or opium shop : Provided that in the case of persons falling under (ii), (iv) and (vii) above, the disqualification may at any time be removed by a written order of the Deputy Commissioner alone.

## **8. Prohibition of Sale of Opium to Certain Persons**

### **23. Sale of opium to a person under 18 years of age.**

- No licensed vendor shall sell or deliver any Excise opium to any person who is under the age of 18 years, whether for consumption by such person or by any other persons.

## **9. Prohibition of Sales Except for Cash**



## **24. Prohibition of sales except for cash.**

- No licensed vendor shall sell excise opium on credit or receive any pledge for payment of the price thereof or anything but money in exchange thereof. He is also prohibited from making free gifts of excise opium. Sale proceeds how to be kept. - He shall keep the sale- proceeds of opium in tact in a cash box maintained in the shop for the purpose and shall not remove the cash until each day's sales are closed.

## **25. Consumption on licensed premises prohibited.**

- No licensed vendor shall permit any excise opium to be consumed on his licensed premises.

## **26. Fixed retail sale price of opium.**

- The holder of a licence for the retail sale of opium shall not sell the drug at a price higher or lower than that fixed by the Provincial Government or the Governor of Assam, as the case may be, from time to time.

## **10. Hours During Which Licensed Premises may be Kept Open, and Weights and Scales**

### **27. Hours of sale.**

- Unless otherwise ordered by the Provincial Government or the Governor of Assam, as the case may be, premises licensed for the sale of excise opium shall be opened and closed at the following hours :

	Opening hours	Closing hours
(a) From 16th March to 15th October.....	6 a.m.	7 p.m.
(b) From 16th October to 15th March.....	7 a.m.	6 p.m.

## **28. Opening of licensed premises.**

- Every licensed vendor will be required to open his shop on the day his term of licence commences, or on such subsequent date as the Deputy Commissioner may order. Time will be allowed only in case of hardship when the delay may have arisen from causes beyond the licensed vendor's control. He shall keep his licensed premises open during the prescribed hours throughout the currency of his licence, unless their temporary or permanent closure is authorised by the Deputy Commissioner.

## **29. Prescribed minimum stock to be maintained.**

- Every licensed vendor shall always maintain in his shop such minimum stock of excise opium as may be prescribed by the Deputy Commissioner, the Sub-divisional Officer or the Superintendent of Excise.

### **30. Weights and scales.**

- Every licensed vendor shall supply himself with accurate scales, of a pattern approved by the Commissioner, and accurate weights of 1/16 of a tola, 1/8 of a tola, 1/4 of a tola, 1/2 of a tola and one tola (of 180 grains English Troy weight), and shall keep the same in good condition. He shall also be bound to weigh, with these weights and scales, any excise opium sold in the presence and in view of the purchaser at the time of the sale and shall give correct weight of opium. He shall also provide himself with accurate weights of 2, 3, 5, 10, 20, 40 and 80 tolas for weighing the stock of opium.

### **11. Accounts to be Maintained by Licensees and Permit Holders**

#### **31. Accounts to be maintained by licensees.**

(1) All persons holding licences for the sale of excise opium shall maintain, in such form as may, from time to time, be prescribed by the Commissioner, a regular and accurate account of all sales, which must be balanced daily as soon as the shop closes, showing the daily opening balance, the quantities received and sold, and the daily closing balance. They shall check their balance of opium in hand by actual weightment after each day's sales and note in their shop account any difference between the result so ascertained and the balance as calculated in their accounts. Any surplus so found will be at the disposal of the Deputy Commissioner, and the licensees shall not be entitled to any payment, refund or remission therefor. In addition to this account they shall maintain in the forms prescribed by the Commissioner, and accurate record of all sales to consumers showing the name and address of each purchaser, and the amount and date of each sale and such other particulars as may be required from time to time. (2) Veterinary officers or permit holders to keep accounts. - A veterinary officer or a permit-holder shall keep such accounts as may be prescribed by the Commissioner. (3) Inspection of accounts. - Accounts of veterinary officers and permit holders shall be liable to inspection in such manner as may be prescribed by the Commissioner.

#### **32. Stock in hand to be reported.**

- Every licensed vendor shall report to the Deputy Commissioner, the Sub-divisional Officer or the Superintendent of Excise on the 1st of each month the stock he has in hand.

#### **33. Sale of opium allowed only to permit-holders or their authorised agents.**

(1) Subject to the provisions of sub-rule (3) of this rule, a licensed vendor shall not sell opium by retail to any person except a pass holder holding a pass valid for his shop or a veterinary officer or a person holding a permit for purchase granted by the Deputy Commissioner under Rule 3 (3) and no pass holder shall purchase opium at any shop other than that for which his pass is valid. (2) Use of any other person prohibited. - No person shall, unless specially authorised in writing by the Deputy Commissioner or an officer deputed by him under the general or special order of the Commissioner use or attempt to use for the purchase of opium any pass a standing in any other name than his own. (3) In cases in which a person is authorised by an order under sub-rule (2) of this rule, to act as

an agent for other pass holders he may purchase opium on behalf of such other pass holders at the shop for which such passes are valid.(4)Except when authorised to act as an agent for other pass holders under sub-rule (2) of this rule, no person shall have in his possession more than one pass which must stand in his own name.(5)Production of pass or permit at the time of purchase. - In the case of every sale, pass or permit shall be produced, and the licensed vendor or his salesman shall enter on it the amount of the sale and date of the sale and shall sign or initial the entry. The licensed vendor shall not in any one month sell to a pass holder, or to any one duly authorised on his behalf, more than the pass holder's monthly ration as shown in the pass.In cases in which a person is authorised under sub-rule (2) of this rule to act as an agent the licensed vendor shall enter the name of the agent at each sale to him in the sale register.(6)Duplicate copy of pass or permit. - If a registered pass holder loses his pass he may obtain a duplicate pass from the Deputy Commissioner or Superintendent of Excise or in a sub- division from the Sub-divisional Officer on an application stamped with a court fee of Re. 1. The duplicate copy must be stamped 'Duplicate' with a rubber stamp on each page before issue, and the order cancelling the original pass must be communicated to the Circle Excise Officer and the lessee of the shop at which the pass is valid. If the pass is transferred to another shop the order must similarly be communicated to the Circle Excise Officer and the lessee of that shop, where the pass was originally valid.(7)Sale prohibited on pass cancelled. - No licensed vendor shall sell opium on a pass which within his knowledge has been cancelled or ordered to be cancelled. If such a pass is produced at his shop or if a pass is produced in respect of which he has been informed that a duplicate has been issued or which he has reason to believe stands in the name of a person who is dead or has given up the habit or has left the district, he shall seize the pass, and make it over at the earliest opportunity to an officer of the Excise Department.(8)Excise Officer and vendor to be informed when a pass is cancelled. - When a pass is cancelled for any reason or an order is issued directing that a pass should be cancelled, the Circle Excise Officer and the licensed vendor of the shop for which the pass was valid shall be informed immediately.(9)Responsibility of licensees for the enforcement of rules. - All licensed vendors shall assist Excise Officers by all means in their power in the proper maintenance of the records and in the enforcement of the rules regarding the registration and rationing of opium consumers. Failure in this respect will render their licences liable to cancellation.(10)Passes of persons in certain areas cancelled. - All passes of persons resident in the areas of the Province mentioned in Rule 4 shall be deemed to be cancelled except those special passes or permit which have been issued under the orders of the Provincial Government or the Governor of Assam, as the case may be.

### **34. Production of licence, accounts, etc.**

- A licensed vendor shall at once produce his license and accounts and all excise opium on his licensed premises on the demand of any officer empowered under Section 14 of the Opium Act, 1878, and shall not prevent any such officer from entering his licensed premises at any hour of the day or night.

## **12. Licences**

### **35. Authority to grant licences for sale-Period of licence.**

- Licences for the sale of Excise opium shall be granted by the Deputy Commissioner in the prescribed form, and shall be for a period of one year, from the 1st April to the 31st March, or if specially directed by the Commissioner for any shorter period within that year.

### **13. Settlements**

### **36. Method of settlement.**

- Subject to any special or general orders of the Governor of Assam such number of shops for the sale of excise opium as the Commissioner may from time to time determine in consultation with the District Collectors shall be allowed in the North Cachar Hills Sub-division in the district of Cachar, the Naga Hills district, the administered areas of Myllem State in Shillong, the Lakhimpur Frontier Tract, the Sadiya Frontier Tract, the Balipara Frontier Tract and the Tirap Frontier Tract and the exclusive right of selling excise opium at one or more of such shops as the Commissioner may direct shall be sold in these areas by public auction, or such shop shall be settled in such other mode as the Commissioner may from time to time prescribe, by or under the orders of the Deputy Commissioner before the commencement of each official year:Ascertainment of local opinion. - Provided that the Rules 191 to 199 of the Assam Excise Rules, 1945, prescribing measures for ascertaining local public opinion as to the number and location of shops in any local area shall ordinarily apply, mutatis mutandis, to shops of the sale of Excise opium.

### **37. Rules for settlement.**

- The Rules 202-218 of the Assam Excise Rules, 1945, prescribing the procedure of the settlement and resettlement of certain excise shops shall also ordinarily apply, mutatis mutandis, to the settlement and resettlement of shops for the sale of excise opium.

### **38. Settlement of shops in any other method.**

- Notwithstanding any thing contained in these rules, the settlement of all or any opium shops may be made in conformity with such procedure or on such term or for such period, as the Provincial Government or the Governor of Assam, as the case may be, may from time to time, direct.

### **39. Licences not to be issued to females.**

- As stated in Rule 21 supra, no licence for the sale of opium shall be issued to females.

### **40. Monthly ration for shops.**

- The monthly ration of a shop is the amount of excise opium required to supply the pass holders registered in respect of the shop plus any quantity of opium which the Deputy Commissioner with

the approval of the Commissioner may consider necessary to supply the requirements of temporary pass holders and permit holders. The monthly ration for each shop shall be fixed by the Deputy Commissioner and shall be announced before the sale or the settlement. The Deputy Commissioner during the currency of a licence may vary the monthly ration of a shop to meet local requirements. All such variations shall be reported to the Commissioner. No licensee whose monthly ration has been altered under this rule shall have any claim for compensation.

#### **41. Fees for licences.**

- The fees for licences mentioned in Rule 35 shall be paid as follows :Manner of realising. - The vend- fee for opium will be paid in along with the duty and cost price at the time of issue of excise opium from the Government treasury. Each licensed vendor will be required to deposit as security at the time of settlement not less than one month's and not more than two months' vend-fees on the full ration of the shop. The security which will be required for each shop shall be decided by the Deputy Commissioner with the sanction of the Commissioner and shall be announced before the sale. If not forfeited under the provisions of Rule 45 it will be refunded to the licensed vendor towards the end of the year, or transferred to another shop at his request.

#### **42. Fees to be paid without intervention of Excise Officer.**

- All payments of licence fees, etc., shall be made by the licensees into the local treasuries, either by direct payment or by postal money-order, without the intervention of Excise Officers.

#### **43. Transfer or sub-lease.**

- No transfer or sub-lease (whether entire or partial) of a licence shall be made, except with the previous permission of the Deputy Commissioner. The Deputy Commissioner shall not allow such transfer or sub-lease, unless good and sufficient reason be shown to his satisfaction, and unless the transferee or sub-lessee is, in his opinion, fit, and qualified to hold such licence. In cases in which there is reason to suspect a benami settlement, the application for transfer or sub-lease shall ordinarily be refused. The Transfer or sub-lease, when sanctioned, shall be reported to the Commissioner.

#### **44. Transfer of licence on death of licensee.**

- On the death of a licensee the Deputy Commissioner may, subject to the provision of Rule 39 above, renew the licence for the remainder of the lease on the same terms in favour of a representative of the deceased, if he be satisfied that such representative is fit to hold it, and on the condition that any arrears due from the deceased licensee are recovered before the licence is so renewed. In such case no fresh deposit in addition to the deposit required by Rule. 41 need be called for.

## 45. Cancellation or suspension.

(1)The Deputy Commissioner may cancel or suspend any licence or the sale of excise opium-(a)if any duty or fee payable by the holder thereof be not duly and punctually paid, or(b)in the event of any breach by the holder thereof or by any of his servants or by any one acting on his behalf with his express or implied permission, of any of the terms or conditions thereof, or any of the provisions of the Opium Act, 1878, or of the Eastern Bengal and Assam Excise Act, 1910 or of any rules issued under either of these Acts, or(c)if the holder thereof is convicted of any cognizable and non-bailable offence, or(d)if there is reason to believe that the licence is issued as a cloak for smuggling, or for illicit sales, including sales to opium smugglers, or(e)at will, if the conditions of the licence provide for each cancellation or suspension.(2)When a licence is cancelled or suspended under sub-rule (1), clause, (a), (b), (c) or (d), the Deputy Commissioner, may cancel any other licence, permit or pass granted to such person under the Act.(3)Compensation, etc., not allowed on cancellation. - When a licence is cancelled or suspended under sub-rule (1), clause (a), (b), (c) or (d), the licensee shall not be entitled to any compensation for its cancellation or suspension or to the refund of the security deposited in advance at the time of settlement. The licensee must, if so required, also pay vend-fees on the full ration calculated on the average sales of the preceding three months for the remainder of the month in which the licence is cancelled or suspended :Provided that if the licensee is subsequently reinstated, it shall be open to the Deputy Commissioner to refund the vend-fees realised for that portion of the ration for the month in which the licence is suspended which has not actually been purchased by the licensee.(4)Cancellation with or without notice. - When a licence is cancelled under clause, (e) of sub-rule (1), this shall be done either-(a)on the expiration of 15 days' notice in writing of the Deputy Commissioner's intention to do so,(b)forthwith without notice.In the latter case the Deputy Commissioner shall pay to the licensee such sum (if any) by way of compensation, not exceeding one-sixth of the vend-fees paid by the lessee during the previous three months, as he may consider reasonable.(5)When a licence is cancelled under clause (e) of sub-rule (1), any security deposit made by the lessee in respect thereof shall be refunded to him after deducting the amount (if any) due to Government.(6)Resettlement after cancellation.-As soon as a licence is cancelled under this rule or surrendered under Rule 47 the Deputy Commissioner will be at liberty to resettle the licence at once in such manner as seems to him suitable :Provided that when a licence is suspended the re-settlement shall be effected provisionally and shall not be confirmed pending the result of the enquiry or prosecution in consequence of which the order of suspension was passed.(7)cancellation, etc., to be reported to Excise Commissioner. - All cancellations, suspensions and resettlements shall be reported to the Commissioner.

## 46. Composition.

(1)The Deputy Commissioner may accept from any person whose licence is liable to be cancelled under Rule 45 (1), Clause, (a), (b), (c) or (d), payment of a sum of money not exceeding Rs. 500 in lieu of such cancellation.(2)When the payment referred to in sub-rule (1) 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 licence is then liable to cancellation.

## 47. Surrender.

(1)A licensed vendor may surrender his licence at any time, giving one month's previous notice to the Deputy Commissioner of his intention to surrender the same, and on payment of such sum not exceeding the amount of vend-fees on the full monthly ration for four months calculated on the actual sales of the three months preceding the surrender, as the Deputy Commissioner may fix in this behalf.(2)If the Deputy Commissioner is satisfied that there is sufficient reason for surrendering a licence or permit, he may with the sanction of the Commissioner, remit the whole or any portion of the sum so fixed and may refund the whole or any portion of the security deposit.Explanation. - (a) The words ""licensed" vendor", as used in this rule, include a person whose application, tender or bid for a licence has been accepted by the Deputy Commissioner, although he may not actually have received the licence.(b)The four months' vend-fees referred to above will include the security deposit.

## Part III

### Rules Relating to Medicinal Drugs Containing Opium and Poppy-Heads

## 1. Manufacture

## 48. Manufacture of medicinal drugs.

(1)A licensed druggist or a permit-holder or a qualified medical practitioner may manufacture medicinal drugs for medicinal purposes to the extent to which he is entitled to possess the same from excise opium of which he is permitted by these rules to be in possession :Provided-(a) that he shall keep a record of the amount of opium used by him in manufacture of such medicinal drugs in a form ordered by the Commissioner,(b)that he shall keep a record of the disposal of such medicinal drugs in a form ordered by the Commissioner,(c)that these records shall be produced on demand to the Deputy Commissioner or any person authorised by the Deputy Commissioner by general or special order to inspect the same,(d)that these records shall not be destroyed without permission of the Deputy Commissioner, and(e)every bottle or package containing medicinal drugs shall be marked with the percentage or proportion or amount of opium contained in medicinal drugs.(2)Any person may manufacture medicinal drugs to the extent to which he is entitled to possess the same ; provided that such manufacture is for the private consumption and not for sale and is from excise opium of which he is permitted by these rules to be in possession.

## 49. Possession of medicinal drugs by any person.

(1)Any person may possess medicinal drugs of any kind amounting in the aggregate to three tolas in the Naga Hills and the administered areas of the Myllem State in Shillong and two and half tolas in the North Cachar Hills sub-division in the district of Cachar, the Lakhimpur Frontier Tract, the Sadiya Frontier Tract, the Balipara Frontier Tract and the Tirap Frontier Tract-(i)if manufactured by himself for private consumption under the conditions of Rule 48 (2);(ii)if bought by retail from a

licensed druggist for bona fide medicinal purposes;(iii)if obtained for bona fide medicinal purposes from his medical attendant ; Provided that the latter is either a qualified medical practitioner or a permit-holder ;(iv)if he has imported them in accordance with the provisions of Rule 54 below :Provided that any person may possess medicinal drugs obtained for bona fide medicinal purposes on a prescription of a qualified medical practitioner up to the quantity specified in such prescription.(2)By licensed druggist. - Subject to the conditions of his licence, a licensed druggist may possess medicinal drugs (not exceeding one seer of any kind or kinds), and poppy-heads (not exceeding ten seers) ; provided that he has manufactured the former from excise opium of which he is permitted by these rules to be in possession or has purchased them from a licensed druggist or under Rule 59 from a person who has been a licensed druggist or a permit-holder, or has imported them under Rule 51 or 54.(3)By qualified medical practitioner or permit-holder. - A qualified medical practitioner or, subject to the conditions of his permit, a permit-holder, may possess medicinal drugs to the extent of 10 tolas of any kind or kinds or such large quantity as the Commissioner may allow in the case of a medical officer-in-charge of a hospital or charitable dispensary not under Government supervision ; provided that he has manufactured the same from excise opium of which he is permitted by these rules to be in possession or has purchased them from a licensed druggist or where there is no licensed druggist from a licensed vendor specially authorised by the Deputy Commissioner or has imported them under Rule 54 : and provided further that the Deputy Commissioner may fix the limit to be possessed in any one year to meet the lawful requirements of the practitioner or permit-holder.(4)On expiration of licence or permit. - Any person who has been a licensed druggist or a permit-holder may for a period of four days from the date of expiration of his licence or permit, and with the sanction of the Deputy Commissioner, possess any quantity of medicinal drugs or poppy-heads of which at the time of the expiration of his licence or permit he is in lawful possession in accordance with the conditions of such licence or permit and the provisions of these rules.

## **2. Transport**

### **50. Transport of medicinal drugs.**

- Any person may transport medicinal drugs which he is lawfully in possession from a place where he has purchased to a place where he is licensed or authorised by these rules to manufacture or sell the said articles or where he may lawfully use or consume them.

## **3. Import**

Poppy-heads

### **51. Import of poppy-heads.**

(a)The Commissioner may grant passes for the import of poppy-heads to any person engaged in medical or veterinary practice of ruse in such practice. Such passes will be in such form as the Commissioner may order.(b)A fee of Rs. 3 shall be charged for every such pass.(c)A pass-holder for



the import of poppy-heads shall observe the terms of his pass and shall keep an accurate account of their use in his practice.

## **52. Import prohibited under certain circumstances.**

- Save as provided under Rules 51, 53 and 54 the import of poppy-heads is prohibited.

## **53. Import by post.**

- A person may import poppy-heads by post: Provided-(a) he has obtained the necessary pass under Rule 51 ;(b) only the parcel post is used and the parcel is insured ;(c) a declaration is furnished with the parcel stating the names of consignor and consignee, the contents of the parcel in detail, the number and date of the pass and such other particulars as may be prescribed from time to time by the Commissioner.

## **54. Import by land from another part of India.**

- The import by land of medicinal drugs or poppy-heads from another part of India into Assam is permitted in the following cases : (i) by any person, if obtained a bona fide prescription of a qualified medical practitioner under a permit granted by the Deputy Commissioner of the importing district; (ii) by a licensed druggist, qualified medical practitioner or permit-holder in Assam under a permit granted by the Commissioner.

## **4. Export**

## **55. Export of poppy-heads to Manipur, etc.**

- Poppy-heads may be exported to the State of Manipur and the Khasi States, but must, while in transit through British territory, be covered by a pass issued by the Political Agent of Manipur or the Political Officer of the Khasi States, as the case may be. The pass must be produced on the requisition of a preventive officer, who may at any time examine such consignments.

## **56. Export by licensed druggist.**

- Medicinal drugs or poppy-heads may be exported by a licensed 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 foreign territory in India, or 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 Deputy Commissioner of the district from which the medicinal drugs or poppy-heads are despatched. A copy of such pass shall be sent to the Collector of

the importing district or to the authority in the Native State or foreign territory by whom permission to import was given, as the case may be.

## **5. Sale**

### **57. Sale by licensed druggist.**

- Subject to the conditions of his licence a licensed druggist may sell medicinal drugs or poppy-heads up to such quantity as the purchaser is authorized by these rules to possess-(a)to another licensed druggist or permit holder on production of his licence or permit;(b)to a qualified medical practitioner on being satisfied that the purchaser is a qualified medical practitioner ;(c)to any other person for bona fide medical purposes :Provided that a licensed druggist shall not comply with a prescription given by a qualified medical practitioner-(a)if such compliance involves export from Assam ;(b)if the prescription provides for the supply of medicinal drugs in excess of the quantity which the purchaser may ordinarily possess, unless the name of such qualified medical practitioner is signed in full and his qualification is appended to the signature.

### **58. Use by certain persons in course of practice.**

- A qualified medical practitioner, or, subject to the conditions of his permit, a permit holder, may use medicinal drugs or poppy- heads in the course of his practice, or may compound or dispense the same for the use of his own patients for bona fide medicinal purposes.

### **59. Disposal on expiration of licence.**

- Any person who has been a licensed druggist or a permit-holder may, within four days from the date of expiration of his licence or permit and with the sanction of the Deputy Commissioner, sell any quantity of medicinal drugs or poppy-heads of which at the time of the expiration of his licence or permit he is in lawful possession in accordance with the conditions of such licence or permit and the privations of these rules to a licensed druggist to the extent to which the purchaser is authorized by Rule 49 to possess the same.

## **6. Restrictions On Sale**

### **60. Sale allowed on licensed premises only.**

- NO licensed druggist shall sell medicinal drugs or poppy-heads at any place other than on the premises specified in that behalf in his licence.

### **61. Prohibition of storage except on licensed premises.**

- No licensee or permit-holder shall store any medicinal drugs or poppy-heads at any place other than that specified in that behalf in his licence or permit except with the previous written sanction of

the Deputy Commissioner.

## **62. Prohibition of sale or delivery to young person.**

- No licensed druggist shall sell or deliver any medicinal drugs or poppy-heads to any person under the age of 18 years, whether for consumption by such person or by any other person.

## **63. Accounts to be maintained by licensee to assist in stock taking.**

- Regular and accurate accounts shall be maintained by every licensee and permit-holder, and, if a form has been prescribed by the Commissioner, shall be kept in such form, Such accounts shall be totalled and balanced as soon as the transactions for each day have been closed. The licensee or permit-holder shall when required by an Excise Officer of or above the rank of Sub-Inspector, assist him by a sufficient number of servants in taking account of his stock.

## **64. Production of licence, accounts, etc.**

- Every licensee or permit-holder shall at once produce his licence or permit and correct accounts on the demand of any officer empowered under Section, 14 of the Act, and shall not prevent any such officer from entering and inspecting the premises in which he is authorized to store medicinal drugs or poppy-heads at any hour of the day or night.

## **7. Licences And Permits**

### **65. Fees for licencees and permits.**

(1)Every licensed druggist and every permit-holder shall pay for his licence or permit the fee prescribed in Rule 17 supra and it shall be specified in the licence or permit, and shall be payable at such times and places as the Commissioner may direct.(2)Period of licence or permit. - Such licences and permits shall be granted by the Deputy Commissioner at his discretion for a period of one year at a time ; provided that every licence and permit shall expire on 31st March next following the date on which such licence or permit was granted.

### **66. Cancellation.**

(1)A licence or permit may be cancelled by the Deputy Commissioner for any cause specified by him. The licensee or permit holder shall not in such case be entitled to the refund of any fee payable under the licence or permit which he has paid in advance.(2)Responsibility of licensee for act of servant. - If any person in the employ and acting on behalf of the holder of a licence or permit wilfully does any act in breach of any of the conditions of the licence or permit or the provisions of these rules, the holder of the licence or permit shall himself be deemed to have committed such breach, unless he establishes that all due and reasonable precautions were taken by him to prevent it.

## **67. Composition.**

(1)The Deputy Commissioner may accept from any person whose licence or permit is liable to be cancelled under Rule 66 payment of a sum of money not exceeding Rs. 500 in lieu of such cancellation.(2)When the payment referred to in sub-rule (1) 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 licence is then liable to cancellation.

## **68. Withdrawal.**

- Whenever the Deputy Commissioner considers that a licence or permit should be withdrawn, he shall remit a sum equal to the fee for such part of the period for which the licence has been issued as is unexpired on the date of his order, and may withdraw the licence either-(a)on the expiration of 15 days' notice in writing of his intention to do so, or(b)forthwith without notice.In the latter case the Deputy Commissioner shall, in addition to remitting the sum aforesaid, pay to the licensee or permit-holder such further sum (if any) by way of compensation as the Commissioner may direct.

## **69. Surrender.**

- A licensed druggist or a permit-holder may surrender his licence or permit at any time by one month's previous notice in writing given by him to the Deputy Commissioner on payment of any fees for which he may be liable.

# **Part IV**

## **General Provisions**

### **1. General**

## **70. Possession under permit or pass.**

- A person to whom permit or pass has been granted for transport, import or export under these rules may possess the excise opium, medicinal drugs or poppy-heads covered by the permit or pass in accordance with the conditions of such permit or pass.

## **71. Observance of conditions of licence, permit or pass.**

- The holder of a licence, permit or pass shall be bound by the conditions thereof, and on the expiry of a licence, permit or pass the holder thereof shall return the same to the officer who granted it, or,if the conditions thereof provide for its disposal in some other manner, shall dispose of it in accordance with such conditions.

## **72. Bar of claim to compensation.**

- The holder of a licence or permit shall have no legal claim against the Provincial Government or the Governor of Assam, as the case may be, for compensation for any loss alleged to be due to a change during the currency of his licence or permit in the conditions thereof or in any other matter connected with the administration of the Act.

## **73. Prohibition of certain transactions with Excise Officers.**

- Any transaction of the nature of gift or loan between the holder of a licence, permit or pass and an officer of the Excise Department is absolutely prohibited.

## **2. Forms of Licences, Permits and Other Documents**

### **74. Forms and conditions of licences, permits, etc.**

- The Provincial Government or the Governor of Assam, as the case may be, may from time to time, prescribe-(a)the forms in which licences, permits and passes shall be granted by the Deputy Commissioner;(b)the conditions in such licences or permits relating to the persons or classes of persons to whom a licensee may or may not sell excise opium, medicinal drugs or poppy-heads or limiting the amount of excise opium, medicinal drugs or poppy-heads which may be sold to any person or class or persons ;(c)any further restrictions or conditions consistent with the provisions of the Act, and of these rules under or on which any licence, permit or pass may be granted; and(d)a form for any other proceeding under these rules for which they consider that a form should be provided.

## **3. Disposal of Things Confiscated**

### **75. Disposal of things confiscated.**

(1)All things confiscated under the Act, except excise opium, morphia and its allied compounds, smoking preparations, medicinal drugs, kafa and poppy-heads, shall be disposed by the Deputy Commissioner by public auction.(2)Confiscated excise opium which was originally issued from the treasury in Assam shall be taken in stock at the treasury only when such opium is in cakes of unbroken seers and is in perfect conditions and fit for use.Otherwise confiscated opium, whether excise or contraband, shall be sent to the Opium Factory at Ghazipur in conformity with such procedure and on such terms, as the Provincial Government or the Governor of Assam, as the case may be, may from time to time, direct.(3)Morphia and its alleged compounds, when confiscated, may be disposed of in accordance with Rule 27 of the Assam Dangerous Drugs Rules published in Notification No 992-L. S. G., dated 11th March, 1939.(4)Smoking preparations, when confiscated, shall be disposed of in accordance with the rules under the Assam Opium Smoking Act, published in Notification, No. 1432-E, dated 18th May, 1928.(5)Medicinal drugs so confiscated shall immediately be destroyed, under the orders of the Deputy Commissioner.(6)Kafa i.e., cloth saturated or stained

with opium, so confiscated, should be destroyed by fire under the Deputy Commissioner's order.(7)Poppy-heads so confiscated shall be disposed of as the Deputy Commissioner may direct.

## **4. Appeals and Revision**

### **76. Appeal to the Deputy Commissioner.**

(a)An appeal shall lie to the Deputy Commissioner from any order of any officer subordinate to him and discharging functions under the Act, or under any rule or order under the Act.(b)Appeal to Excise Commissioner and Commissioners of Divisions. - An appeal shall lie to the Commissioner from any original order made by the Deputy Commissioner (but not from any original order made by an officer discharging functions of the Deputy Commissioner) and from any order made by the Deputy Commissioner on appeal but an appeal against the order of the Political Officer, Khasi States including the Shillong Administered Areas, shall lie to the Commissioner of Divisions.(c)Appeal to the Governor and Revenue Tribunal. - An appeal shall lie to the Governor in respect of cases from the excluded areas and to the Revenue Tribunal constituted under Section 296 (2) of the Government of India Act, 1935 in respect of other areas of the Province, from any order made in a revenue case arising under the provisions of the Opium Act, 1878, whether on appeal or otherwise, by the Commissioner; provided that an appeal against the order of the Commissioner of Divisions in respect of Khasi States including the Shillong Administered Areas shall lie to the Governor as Agent of the Crown Representative.

### **77. Appeal barred against order of composition.**

- No Appeal shall lie against an order of composition passed under Rule 46 or 67 supra.

### **78. Limitation.**

- Every memorandum of appeal shall be presented within one month from the date of the order appealed against; provided that the time required for obtaining a copy of the order shall be excluded from the calculation of the period one month.

### **79. A certified copy of order to accompany an appeal petition.**

(1)Every memorandum of appeal shall be accompanied by a certified copy of the order appealed against, unless the omission to produce the same is explained to the satisfaction of the appellate authority.(2)Court fee stamps on appeal petitions. - Every petition of appeal shall bear a court fee stamp of eight annas if presented to the Deputy Commissioner, rupee one if presented to the Commissioner or the Commissioner of Divisions and of two rupees if presented to the Governor or the Revenue Tribunal.

## **80. Revision.**

- The Governor in respect of cases from the excluded areas and the Revenue Tribunal in respect of other areas or the Commissioner, or the Commissioner of Divisions in respect of cases from Khasi State including the Shillong Administered areas, the case may be, may call for proceedings held by any officer subordinate to it or him and pass such orders thereon as it or he may think fit.

## **5. Rewards**

### **81. Grant of rewards.**

- Rewards may be granted by the Deputy Commissioner or the Commissioner to persons contributing to the prevention of offences under the Opium Act, 1878, or to the detection or conviction of offenders against that Act, subject to such instructions as may be issued by the Provincial Government or the Governor of Assam, as the case may be, from time to time.