

The East Punjab Opium Smoking Rules, 1949

HARYANA

India

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Rule THE-EAST-PUNJAB-OPIUM-SMOKING-RULES-1949 of 1949

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The East Punjab Opium Smoking Rules, 1949Published vide Punjab Government Notification No. 33-E&T, dated 7.3.1949

1.

(1)These rules may be called the East Punjab Opium Smoking Rules, 1949.(2)They shall come into force at once.

2.

In these rules -(i)"the Act" means the East Punjab Opium Smoking Act, 1948;(ii)The words and expressions other than those defined in the Act shall have the meanings assigned to it or them in the Punjab Excise Act or rules made thereunder.

3.

The Excise and Taxation Officer/Assistant Excise and Taxation Officer within his jurisdiction shall prepare and maintain register in Form O.S. 1 to be called the East Punjab Opium Smokers' Register and shall keep the same in his custody.

4.

Any person addicted to opium smoking shall apply in Form OS-2 to the Excise and Taxation Officer/Assistant Excise and Taxation Officer incharge of the district for registration of his name as an habitual opium smoker. Such application shall require a court fee stamp of two annas and must be accompanied by a medical certificate in Form OS-3 from a registered medical practitioner residing and practising in the district in which the applicant resides or carries on business.

5.

After satisfying himself about the bona fide of the applicant including his age and the genuineness of the medical certificate, the Excise and Taxation Officer-Assistant Excise and Taxation Officer of the district shall cause the particulars of the applicant to be entered in the Register and will issue a permit in Form OS-4 valid upto the 31st March following.

6.

If the permit is lost or destroyed, the permit holder may be issued a duplicate by the Excise and Taxation Officer/Assistant Excise and Taxation Officer in charge of the district.

7.

No registered smoker shall -(a)possess at one time opium exceeding two tolas including the quantity of prepared opium allowed to him under section 6 of the East Punjab Opium Smoking Act XXV of 1948, and the total quantity of opium purchased by him in a calendar month shall not exceed the limit fixed under this permit;(b)purchase opium from any source other than that specified in his permit;(c)sell or otherwise deal in opium;(d)allow or induce any other person other than a registered smoker to smoke opium in his company or otherwise; and(e)permit his premises to be used in contravention of the provisions of section 8.

8.

Any infringement of the East Punjab Opium Smoking Act XXV of 1948, the Punjab Excise Act 1 of 1914, or any other law pertaining to dangerous drugs and the rules made thereunder shall render the permit liable to cancellation in addition to any other penalty which may be imposed under the law contravened.

9.

Anything confiscated under the provisions of the East Punjab Opium smoking Act XXV of 1948, shall be delivered to the Collector of the district, under and in accordance with the order of confiscation passed by the Court.

10.

If the article confiscated be prepared opium, it may be destroyed under the orders of the Collector.

11.

If the article confiscated be not prepared opium, it shall be sold and the proceeds credited to Government in the Government treasury, provided that if the article be of a value estimated to be

less than one rupee, it shall be destroyed under the orders of the Collector :Provided further that - (a) any pipes or instruments used for the smoking of opium shall be destroyed under the orders of the Collector irrespective of their value; and (b) such articles or drugs as are governed by other Acts or laws shall be disposed of in accordance with the rules applicable to them.

12.

(a) A Criminal Court may, when passing judgment, order the whole or any part of the fines recovered to be paid to the Collector of the district for payment as rewards. (b) No such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal is lodged, before the final decision of the case. (c) In each case the rewards shall be sanctioned by the Collector upto the limit of the amount of fine allotted by the Court under sub-rule (a) above. The Excise and Taxation Officer or Assistant Excise and Taxation Officer in charge of a district will be responsible for the disbursement of such rewards in accordance with the procedure laid down for rewards under the Excise and Opium Acts. form OS-1 the East Punjab Opium Smoking Register

Serial No.	Date of registration	Name of the addict	Percentage	Caste and Religion	Age
1	2	3	4	5	6
Mark of identification	Occupation and address in full	Full particulars of the medical practitioner (with his registered number) issuing the certificate			Date of medical certificate
7	8	9			10
Quantity of the opium per month recommended by the medical practitioner	Quantity of opium allowed by the District Excise and Taxation Officer	Particular of the licensed opium shop from which the opium is to be purchased	Date of the treasury receipt, amount and challan number		
11	12	13	14		
Signature or thumb impression of the addict		Signature of the Excise and Taxation Officer		Remarks	
15	16	17			
Form OS-2I _____, daughter/son, wife/widow of _____ religion _____ caste _____, resident of house No. _____ in Mohalla/Street _____ of _____ situated in the police station _____ of _____ district, have been addicted to opium smoking for the last _____ years and require _____ tolas of opium per mensem for the sake of my health. The required medical certificate from Dr. _____ (registered No. _____) residing and practising at _____ in the jurisdiction of police station _____ of _____ district is enclosed.					

2. The necessary permit from the possession of opium from the opium retail vend situated at _____ police station _____ in in the district of _____, may kindly be issued in my favour.

Signature of the applicant Dated _____ To The Excise and Taxation Officer, _____ District. (This application shall bear two-anna court fee stamp). Form OS-3 Certificate from a registered medical practitioner recommending grant of a permit to an addict to possess opium for manufacturing prepared opium for personal consumption. This is certify that _____ son/daughter/wife/widow of _____ religion _____, caste _____, resident of house No. _____, Mohalla/Street _____ of _____ in the Police Station _____ in _____ district, apparent age about _____ years, has no examination been found to be an addict to opium smoking. I am of opinion that the said _____ requires for his/her use the said drug as a medical necessity for the sake of his/her health. I hereby recommend _____ tolas of opium for manufacture of prepared opium for his/her personal use for each month. The personal identification marks of the above named _____, as verified by me, are as under

:- _____
attested the signature/thumb-impression of the above named _____ which has been affixed in my presence. Signature of thumb-impression of the addict. Station (full address) _____ Signature and designation (with diplomas and degrees and registration number) of the Medical Officer. Dated _____ Note. :- No certificate shall be granted to a person apparently below the age of twenty-five years. Form OS-4 Not Transferable Permit for possession of excise opium and prepared opium for personal consumption Medical certificate Registered number of the addict _____ District _____ (1) Permit holder's name _____ (2) Father's or Husband's name _____ (3) Religion and caste _____ (4) Apparent age _____ (5) Address in full _____ (6) Occupation _____ (7) Quantity of opium sanctioned per mensem _____ (8) Period of permit _____ This permit is granted subject

to the following conditions :- (a) The permit holder shall present this permit before the Excise Sub-Inspector of the Circle for his counter-signature within two days of its receipt. (b) The privilege granted under this permit extends only to the possession of six mashas of prepared opium at a time for personal consumption and the total quantity of opium including prepared opium shall not exceed two tolas at a time. (c) The quantity of opium permitted to be purchased may be reduced at any time during the currency of the permit. (d) The supplies of the opium shall not be obtained except from the licensed retail vend of opium at _____. Every purchase of opium shall be entered on the reverse of this permit by the opium licensee showing the date, quantity purchased, running total and signature of the licensee or his approved salesman. (e) The drug shall be used solely for the personal consumption of the permit holder and it shall not be sold or given to any other person whatsoever. (f) This permit is not transferable. (g) The permit holder shall abide by the conditions of the permit and provisions of the East Punjab Opium Smoking Act, XXV of 1948, the Opium Act I of 1878, the Punjab Excise Act I of 1914 and the Dangerous Drugs Act II of 1930 and the

rules made thereunder.(h)In the event of breach of any of the above conditions the permit shall be cancelled and the whole of the unconsumed stock of the drug shall forthwith be taken into possession by the Excise and Taxation Officer of the District for disposal according to law.