

Assam Ganja and Bhang Prohibition Rules, 1960

ASSAM

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Rule ASSAM-GANJA-AND-BHANG-PROHIBITION-RULES-1960 of 1960

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Assam Ganja and Bhang Prohibition Rules, 1960Published vide Notification No Ex. 100/57/225, dated the 17th February, 1961Last Updated 12th February, 2020Notification No Ex. 100/57/225, dated the 17th February, 1961. - In exercise of the powers conferred by Section 23 of the Assam Ganja and Bhang Prohibition Act, 1958 (Assam Act 21 of 1959), the Governor of Assam is pleased to make the following rules for carrying out the purposes of the said Act after previous publication.

1. Short title.

- These rules may be called the Assam Ganja and Bhang Prohibition Rules, 1960.

2.

In these rules unless there is anything repugnant in the subject or context-(1)'Act' means the Assam Ganja and Bhang Prohibition Act, 1958.(2)'Section' means a section of the Act.(3)'Form' means a form appended to these rules.(4)"Chief Executive Officer" means an officer of the State Excise Department whose services may be placed, either wholly or partly at the disposal of the State Prohibition Council on such terms and conditions and on such salary and allowances as may be determined by the State Government for carrying out such duties and functions as may be prescribed by the State Prohibition Council.(5)"Secretary" to the Prohibition Committee of the district or any part thereof means an officer of the State Excise Department not below the rank of Inspector of Excise whose service may be placed, either wholly or partly, at the disposal of such Prohibition Committee on such terms and conditions and on such salary and allowances as may be determined by the State Government for carrying out the duties and functions as may be prescribed by the State Prohibition Council.

3. Duties of Prohibition Committees.

- The duties to be performed by a Prohibition Committee constituted under Section 18 of the Act shall, amongst others to-(i)mobilise public opinion against addiction of ganja and bhang;(ii)make a survey of ganja addicts and wean them away from the pernicious habit; and(iii)keep information about, and watch the movements of trafficker in illicit ganja and bhang and consumers thereof and to pass on, from time to time, such information to any officer referred to in Section 11 of the Act for necessary action.

4. Jurisdiction of a Prohibition Committee.

- A Prohibition Committee shall exercise jurisdiction over the area of which it is constituted. Where there are more than one Committee, the Committee or Committees constituted for any part of an area shall be subordinate to the one constituted for the area as whole and all such Committees shall co-operate with one another in the discharge of their duties.

5. Control over the Prohibition Committee.

- The Prohibition Committees shall be under the Superintendence, direction and control of the Commissioner and they shall comply with such direction and order as may be issued by the Commissioner from time to time.

6. Grant of permit.

(a)Permits for Bhang only for the purposes enumerated in Section 21 of the Act shall be granted by the Deputy Commissioner/Sub-divisional Officer or any other officer authorised by the Deputy commissioner/Sub-divisional Officer in Form A on receipt of application in Form B subject to the conditions laid down in the permit.The permit shall be granted for one year or part thereof ending the 31st March, every year at a time. Permits are renewable year to year.(b)The application form may be obtained from the office of the Deputy Commissioner/Sub-divisional Officer or any other officer authorised in that behalf.(c)The fee for a permit for possession of duty paid bhang for the manufacture of bona fide medicinal preparations; for possession and sale of bona fide medicinal preparation of bhang to his own patients by a medical practitioner, chemist, druggist, Kaviraj or Hakim and for possession and use for social and religious purposes, shall be Rs. 3.00 n.p.

7. Issue of licences.

- Licences may be issued to such persons as may be approved by Government to stock bhang for the purpose of supplying the requirements of permit holders under Rule 6 in Form C on Payment of a licence fee of Rs. 10 and subject to the terms and conditions laid down in sub-rules (1) to (6):(1)The Licence shall be granted for one year from the 1st April to the 31st March and be renewed, if necessary, on application made by the licensee.(2)Bhang may be imported from a wholesale licensed vendor of either of the State of Bengal, Bihar, Orissa, Uttar Pradesh or from many other places as

may be selected from time to time by the Excise Commissioner on payment of duty.(3)Such an import may be made only after the licensed-vendor has-(a)produced a challan showing payment of the prescribed duty thereon ;(b)and has agreed to obey all the rules made by the Authorities of the State from which the import is to be made.(4)(a)A licensed vendor desiring to import bhang must apply for a pass to the Collector who, if he is satisfied that there is necessity for such import and that the duty has been paid, shall grant him a pass in Form D.(b)Two copies of the said pass shall be sent to the Collector, or such other officer, as the State Government concerned may direct, of the district from which the import is to be made.(5)Such import shall not be made unless the importer has obtained from the proper authority in the exporting district a pass containing the following particulars :(a)the gross weight of the package and the net weight of bhang therein ;(b)the number of bags of bhang covered by the pass ;(c)the distinguishing marks by which such bags may be identified;(d)the names and addresses of the persons to whom the delivery is to be given ; and(e)the route by which the bhang is to be transported.(6)A pass specified in sub-rule (4) shall have validity for not more than two months from the date on which it is granted but the competent authority shall have power to extend the validity, if necessary.

8. Quota under permit.

- Permit holders shall obtain their quota of Bhang from the licensed dealers only as mentioned in Rule 7 above. The name of the licensed dealer from whom the permit holder will obtain his/her quota shall be mentioned in the permit.

9. Form of bond for execution.

- The bond to be executed under Section 7 of the Act shall be in the following form :Bond[See Section 7]Bond to abstain from the commission of offences under the Assam Ganja and Bhang Prohibition Act, 1958Whereas I..... son of..... inhabitant of..... have been called upon to enter into a bond to abstain from the commission of offences under Section 3 and Section 4 of the Assam Ganja and Bhang Prohibition Act, 1958, from the term of..... I hereby bind myself not to commit any such offence during the said term and in case of my making default therein, I hereby bind myself to forfeit to the Governor of Assam the sum of Rs.....Dated this day of.....20.....SignatureA bond with suretiesWe.....son of.....of.....do hereby declare ourselves sureties for the above named that he will abstain from the commission of offences under Section 3 and Section 4 of the Assam Ganja and Bhang Prohibition Act, 1958, during the said term, and in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to the Governor of Assam the sum of Rupees.....dated.....this..... day of..... 20.Signature

10. Penalties.

- Whoever contravenes any of the terms and conditions of any permit or licence, granted under these rules shall, in addition to the cancellation of the permit or licence, be liable to pay a fine not exceeding Rs. 500 for such contravention.Form APermit for the purposes enumerated in Section 21 of the Assam Ganja and Bhang Prohibition Act, 1958[Vide Rule 6]Permit is hereby granted under the provisions of the Assam Ganja and Bhang Prohibition Act, 1958 to Shri/Shrimati.....

of.....(hereinafter referred to as the permit holder) for (quantity)..... on payment of fee of Rs..... authorising him/her to sell, import, transport, manufacture, possess or use Indian hemp plant, viz., Bhang (Cannabis Sativa L.) for social, religious, medicinal, and scientific purposes. This permit is valid from.....to.....The permit holder shall obtain his/her requirement of the quantity of bhang authorised by this permit from.....Conditions

- 1. The permit holder shall not keep in his/her possession any quantity of bhang exceeding..... at any time.**
- 2. The Permit holder shall have no claim whatsoever to the renewal of this permit after the expiry of the period for which it is granted.**
- 3. The permit is liable to be cancelled for breach of any of the conditions of the permit.**
- 4. In case this permit is cancelled or is not renewed on its expiry the permit holder shall forthwith surrender the whole stock of unused bhang in his/her possession to the Authority who granted the permit.**

Deputy Commissioner of.....Sub-divisional Officer of.....Seal of the office.....Date.....Form BApplication for a permit for possession and use of bhang for the purposes enumerated in Section 21 of the Assam Ganja and Bhang Prohibition Act, 1958[Vide Rule 6]ToThe.....Sir,I/We residing at.....P.O. and P.S..... District..... request that I/We may be granted a permit to purchase..... tolas of bhang for manufacture of bona fide medicinal preparations...../for sale of medicinal preparations of bhang to my/our own parties..... for social/religious and scientific purposes (state the purpose here), for the year ending the 31st March, 20.I/We shall abide by the terms and conditions embodied in the permit which may be granted.I/We hereby declare that no such permit previously held by me/us has been revoked or suspended or has failed to be renewed owing to a breach of the Act/Rules or conditions of the permit.I declare that to the best of my knowledge and belief the information furnished herein is true.(Signature of the applicant)Hemp Drug-Form CLicence to sell, by retail, bhang to permit holdersNote. - Counterfoil of the licence is to be-----

Hemp Drug-Form C
Licence to sell by retail, Bhang.
Name of vendor.....
Locality of shop.....
District.....No. of licence in
theregister....Name of vendor.....Locality
ofshop.....Current from..... to.....

District.....
No. of licence in the register.....

Be it known that.....resident of.....is
herebyauthorised by the undersigned Collector
of..... to open a shopfor the sale by retail of bhang
to the permit holders at.....in.....from.....to

the..... 31st March, 20.

It is required of the holder of this licence, as the condition of this licence remaining in force, that he duly and faithfully performs and abides by the following conditions and by the provisions of the Ganja and Bhang Prohibition Act, 1958 (Assam Act 21 of 1959) as subsequently amended from time to time and by all Notifications and Rules which have been or which may from time to time be published or made thereunder so far as they are applicable to this licence.

I. That he pays to Government in advance a licence fee of Rupees-----in the following manner :

That he pays the same into the Treasury/Sub-treasury at.....

II. That he pays to Government duty at the rate of..... per seer on all quantities purchased by him.

III. That he does not effect sales of bhang in any other place than in the shop for which this licence is granted nor establish a second shop without a separate licence and that he does not sell any bhang except that purchases from a wholesale dealer and delivered to him from a licensed warehouse under the pass of a duly authorised officer which must accompany drug during transit.

IV. That he does not procure any bhang from any other district except with the general or special sanction of the Collector authorising him to procure the same from a particular warehouse.

V. That he does not sell more than the quantity specified in the permit to a permit holder.

VI. That he does not sell bhang on credit or receive any pledge for the payment of the price thereof or anything but money in exchange therefor.

VII. That he does not sell any bhang to anybody other than the permit holder.

VIII. That he does not allow any portion of the bhang to be consumed on the premises.

IX. That he has constantly fixed up, at the entrance of his shop, a signboard bearing the following

inscription, in vernacular language of the district:

Name of Vendor.....

Licensed vendor of bhang for 20.....

Retail rate.....

Received this licence and agreed to its conditions

X. That he keeps a regular and accurate account to be balanced at the close of each day in account book to be purchased at the Collector's office.

XI. That he keeps on the premises in good condition accurate scales and accurate weights to weigh one sixteenth of a tola, one-eighth of a tola, a quarter tola, half tola and one tola (180 grains of English troy weight) and that he weighs all bhang in the presence of and in view of the purchaser.

XII. That the licensee himself works in the shop and manages it himself and do not absent himself therefrom during the hours of sale, unless exempted from doing so under the special orders of the Collector.

XIII. That he does not sublet his shop or transfer his licence to any other party without the previous sanction of the Collector or allow any person to sell bhang under this licence, whose name has not been previously registered in the Collector's office and endorsed on his licence.

XIV. This licence, if any, be cancelled "at will" under Section 29 of the Excise Act.

N. B. - Infraction of any of the above conditions or violations of any provision of Ganja and Bhang Prohibition Rules, 1960 will subject the holders of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or rule.

District..... District

The.....20. The.....20. Collector

List of authorised agents or salesmen	List of authorised agents or salesmen
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				Native:					Native:
Name	Father's name	Age	Residence	village, thana and district	Name	Father's name	Age	Residence	village, thana and district

Form D Pass for the import of bhang on which duty has been paid from a warehouse or licensed premises District..... Original (To be retained)

- 1. Serial No. of pass with date of issue.....**
- 2. No. and date of import permit (if any).....**
- 3. Name of article.....**
- 4. Warehouse/Licensed premises.....**
- 5. Name of person to whom given.....**
- 6. Identification mark of the bag(s).....**

Quantity Seers Rate of duty

Pass the articles above described for import to the..... at..... in the district of.....(the full duty/pass fee amounting to Rs..... and cost price amounting to Rs.....having been paid at..... Treasury/Post Office by Challan/Money Order No.....dated.....) by the following routes.The pass is current for..... days and must be returned within the period of currency to the Officer granting it.The.....20.Signature of the Officer granting the passDuplicatePass for the import of bhang on which duty has been paid from a warehouse or a licensed premisesDistrict.....(To be handed over to the person to whom the pass in granted to accompany the consignment).

- 1. Serial No of pass with date of issue.....**
- 2. No and date of import permit (if any).....**
- 3. Name of article.....**
- 4. Warehouse/Licensed premises.....**
- 5. Name of person to whom given.....**
- 6. Identification mark of the bag(s).....**

Quantity Seers Rate of duty

Pass the articles above described for import to the..... at..... in the district of.....(the full duty/pass having been paid at.....Treasury/Post Office by Challan/Money Order No.....dated.....) by the following routes.The pass is current for..... days and must be returned within the period of currency to the Officer granting it.The.....20.Signature of the Officer granting the passTriplicatePass for the import of bhang on which duty has been paid from a

warehouse or a licensed premises District.....(To be sent to the Collector of the place of destination).

- 1. Serial No. of pass with date of issue.....**
- 2. No. and date of import permit (if any).....**
- 3. Name of article.....**
- 4. Warehouse/Licensed premises.....**
- 5. Name of person to whom given.....**
- 6. Identification mark of the bag(s).....**

Quantity Seers Rate of duty

Pass the articles above described for import to the..... at.....the district of..... (the full duty/pass fee amounting to Rs.....and cost price amounting to Rs.....having been paid.....at.....Treasury/Post Office by Challan/Money Order No..... dated.....) by the following routes.This pass is current for.....days and must be returned within the period of currency to the Officer granting it.Signature of the Officer granting the passThe.....20.