

The Punjab Opium Orders, 1956

HARYANA

India

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Rule THE-PUNJAB-OPIUM-ORDERS-1956 of 1956

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The Punjab Opium Orders, 1956 Published vide Punjab Government Notification No. 990E&T-56/724 Dated 19th March 1956A - Definitions[1. These Orders may be called the Punjab Opium Orders, 1956.] [Existing order 1 renumbered as 1-A and new order 1 substituted by Haryana Government Notification No. SO80/CA1/1878/s.5/Amd(1)/76 dated 30th April 1976.]

1A.

In these order unless there is anything repugnant in the subject or context : (a) the expression "pure opium" means the spontaneously co-agulated juice of capsules of the poppy plant, which has not been submitted to any manipulation other than that necessary for packing and transport; (b) the expression "excise opium" means the opium manufactured at the Government Opium Factories at Gazipur, in Uttar Pradesh and Neemuch in Madhya Pradesh and imported in accordance with rules prescribed by the Central Government; (c) the expression "boiled opium" means opium lawfully purchased and subsequently boiled for personal consumption; (d) the expression "poppy heads" means the capsules of the poppy (*Papaver somniferum* L.) whether in their original form or cut, crushed or powered, and whether or not juice has been extracted therefrom. (e) (f) (g) deleted. (h) The expression 'Deputy Excise and Taxation Commissioner' means the officer incharge of the excise administration of a division in [Haryana] [Substituted for 'Punjab' vide Haryana Notification No. GSR54/CA1/1878/S.5/Amd/71 dated 4.6.1971.]; (i) the expression 'Excise Officer means and includes every Officer invested with the power of an Excise Officer under the Punjab Excise Act, 1914; (j) the expression 'Excise and Taxation Officer' means the Officer holding charge of excise administration of the district and includes Assistant Excise and Taxation Officer of the district; (k) the expression - 'Excise Commissioner' means the officer, who is the head of the combined Excise and Taxation Department and Excise Administration in [Haryana] [Substituted for 'Punjab' vide Haryana Notification No. GSR54/CA1/1878/S.5/Amd/71 dated 4.6.1971.]; (l) * * * (m) * * * (n) the expression 'import' means to import inter State as defined in clause (j) of section 2 of the Dangerous Drugs Act, 1930; (o) the expression 'export' means to export inter State as defined in clause (1) of Section 2 of the Dangerous Drugs Act, 1930;

2.

All transactions in [pure opium, excise opium or poppy heads] [Substituted for 'pure and excise opium and poppy-heads' vide Haryana Government Notification No. 80/CA1/1878/s.5/Amd./76 dated 30th April 1976.] on account of Government may be carried on without restrictions :Provided that in case of transit by post :-(a)Only the parcel post may be used;(b)the parcel shall be accompanied by declaration stating the name or designation of the consignee and consignor, the contents of the parcel in detail and the indent number and date covering the transaction;(c)the consignee shall show distinctly in his account books, the name or designation of consignor and the quantity of the drugs sent to him from time to time by post.

3.

Save as provided in order 2 above the import, export or transport of excise opium and poppy heads, into from or within [Haryana] [Substituted for 'Punjab' vide Haryana Notification No. GSR54/CA1/1878/S.5/Amd/71 dated 4.6.1971.] is permitted only by means other than that of the post.B - Possession of Opium

4.

Any officer of Government may, as such, possess [pure opium, excise opium or poppy heads] [Substituted for 'pure and excise opium and poppy-heads' vide Haryana Government Notification No. 80/CA1/1878/s.5/Amd./76 dated 30th April 1976.] which has come into his possession in the course of his official duties:Provided that he shall dispose of such pure opium and poppy-heads and decoctions of poppy-heads in such manner as may be directed by his superior officer or required by the order made or instructions given by Government in that behalf.

5.

The possession of opium (including poppy-heads) in any quantity by any person except under and in accordance with conditions of a permit granted under the Punjab Opium Prohibition Rules, 1958, or under an appropriate licence or permit granted under the Opium Act, 1878, or the Dangerous Drugs Act, 1930 or the Medicinal and Toilet Preparations (Excise Duties) Act, 1932 prohibited.

6. to 10

Deleted.C - Transport of Opium within Punjab

11.

[Pure opium, excise opium or poppy heads] [Substituted for 'pure and excise opium and poppy-heads' vide Haryana Government Notification No. 80/CA1/1878/s.5/Amd./76 dated 30th April 1976.] may be transported by any Government Officer acting in regard to such transport in the

performance of his official duties.

12. to 19.

Deleted.

20.

The Excise and Taxation Officer of any district through which a consignment of poppy-heads may be passing under cover of a transport pass, may on due cause being shown by the consignor, consignee or person incharge of the consignment, extend the period for which such transport pass to remain in force. Every extension of time so granted shall be endorsed upon the pass by the Excise and Taxation Officer granting it, and every such endorsement shall be dated and signed by him.

21.

The poppy-heads transported under cover of a transport pass shall, on arrival within the limits of a tehsil or district in which its place of destination is situated, be taken for examination and weighment direct to the office designated in the transport pass in that behalf.

22.

On arrival at such office the consignee or person incharge of the consignment shall deliver up his copy of the transport pass and all poppy-heads in his possession-(a)If the office be at the headquarters of a district to the Excise and Taxation Officer or other Excise Officer deputed by him to examine and weigh such consignment under transport;(b)if the office be at the headquarters of a tehsil to the Excise Inspector or Excise Sub-Inspector concerned and if there is no Excise Inspector or Excise Sub-Inspector then to the Tehsildar or any other officer deputed by him to examine and weigh such consignment.D - Import of Opium

23.

Deleted.

24.

The import of [pure opium, excise opium or poppy heads] [Substituted for 'pure and excise opium and poppy-heads' vide Haryana Government Notification No. 80/CA1/1878/s.5/Amd./76 dated 30th April 1976.] is permitted by a Government servant acting in regard to such import in the performance of his official duties.

25.

The import of excise opium from the Government Opium Factory at Gazipur and Neemuch shall be regulated by the Central Opium Rules, made by the Central Government under section 5 of the Dangerous Drugs Act (II of 1930).E - Export of Opium

26.

[Pure opium, excise opium or poppy heads] [Substituted for 'pure and excise opium and poppy-heads' vide Haryana Government Notification No. 80/CA1/1878/s.5/Amd./76 dated 30th April 1976.] may be exported by any officer of Government under the orders of Government.

27. to 29.

Deleted.F - Further General Provisions Regulating Transport, Import and Export of Poppy-Heads.

30.

Every consignment of poppy-heads to be transported, imported or exported under these orders shall be properly packed, and firmly secured and sealed so that it cannot be opened and its contents tampered with or extracted without breakage of or damage to the seals or pack in material.

31.

Every Deputy Excise and Taxation Commissioner and every Excise Officer of the first or second class is authorised to detain, so long as may be necessary for the inspection of the same and to inspect any consignment of poppy-heads in transit through his jurisdiction and to call for the production of the pass under which such poppy-heads are being transported, imported or exported.

32.

If upon any inspection made under the powers conferred by order 31 above any excess or deficiency between the quantity of poppy-heads specified in the pass and the actual quantity contained in any parcel or package to which the pass relates is found to exist, and the consignor, consignee or person incharge thereof cannot satisfactorily account for such excess or deficiency, the fact shall forthwith be reported to the Deputy Excise and Taxation Commissioner of the Division in which such inspection is made, and pending the orders of such Deputy Excise and Taxation Commissioner the parcel or package in question shall be detained by the inspecting officer.

33.

If when any poppy-heads shall be weighed under the provision of order 28 or in the course of inspection made under the provisions of orders 31 and 32, a deficiency between the quantity

specified in the pass and the actual quantity contained in any parcel or package to which the pass relates is found to exist, such allowance on account of dryage shall be made in reduction of that deficiency as may from time to time be prescribed by the Excise Commissioner in that behalf.

34.

Deleted.

35.

Any consignment of poppy-heads which in the course of transit by rail but which is not covered by a pass issued under the Punjab Opium Prohibition Rules, 1959 or is not being transported in accordance with any other rules or law, relating to opium, for the time being in force may be seized and detained by any railway police or excise officer. G - Sale of Opium

36.

Excise opium or poppy-heads may be sold by any Government Officer on behalf of Government in accordance with such directions as the Excise Commissioner may, from time to time, issue on behalf.

37. to 42.

Deleted. H - General Orders as to Licences for Sale of Opium

43. to 47.

Deleted. I - General Provision Applicable to all Licensees, etc. under these Orders.

48. to 68.

Deleted. J - Appeal and Revision

69.

An appeal shall lie from an original or appellate order of an Excise Officer as follows, namely :-(a) to the Deputy Excise and Taxation Commissioner when the Order is made by an Excise Officer below the rank of Deputy Excise and Taxation Commissioner. (b) to the Excise Commissioner when the order is made by a Deputy Excise and Taxation Commissioner - Provided that -(i) when an original order is confirmed on first appeal, a further appeal, shall not be; (ii) when any such order is modified or reversed by the Deputy Excise and Taxation Commissioner on appeal, the order made by the Excise Commissioner on further appeal, if any, shall be final.

70.

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

71.

Every memorandum of appeal shall be accompanied by the order appealed against, in original, or by an authenticated copy of such order unless the omission to produce such order or copy is explained to the satisfaction of the appellate authority. The time spent in obtaining an authenticated copy of such order, shall be excluded from the period of limitation prescribed under Order 70 above.

72.

(1)The Excise Commissioner or a Deputy Excise and Taxation Commissioner may review and on so reviewing modify, reverse or confirm any order passed by himself or any of his predecessors in office under these rules, provided that;(a)an application for review of an order shall not be entertained unless it is made within thirty days from the passing of the order, or unless the applicant satisfies the officer that he had sufficient cause for not making the application within that period;(b)an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order;(c)an order against which an appeal has been preferred shall not be reviewed.Provided also that no licence, pass, or permit shall be cancelled by way of review of the order granting it.(2)An appeal shall not lie from an order refusing to review or confirming on review of a previous order.

73.

The Excise Commissioner or a Deputy Excise and Taxation Commissioner may call for the record of any case under these orders pending before or disposed of by any officer subordinate to him and pass such order in conformity with these orders as he thinks fit. An order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and to be heard in support of the order.