# The M.P. Dangerous Drugs Rules, 1959

MADHYA PRADESH India

# The M.P. Dangerous Drugs Rules, 1959

## Rule THE-M-P-DANGEROUS-DRUGS-RULES-1959 of 1959

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The M.P. Dangerous Drugs Rules, 1959Published vide Notification No. 10/5-SR dated 16-1-1960, in M.P. Rajpatra, Part 4 (Ga), dated 12-2-1960 at pages 362-385No. 10/V-SR dated 16-1-1960. - In exercise of the powers conferred by sub-section (2) of section 8 and all other powers enabling in this behalf of the Dangerous Drugs Act, 1930 (II of 1930), and in supersession of all rules previously made on the subject, the State Government hereby makes the following Rules, the same having been previously published as required by subsection (1) of section 36 of the said Act. These Rules shall come into force from the 1st March 1960.I. Introductory

#### 1. Short title.

- These rules may be called the Madhya Pradesh Dangerous Drugs Rules, 1959.

#### 2. Definitions.

- In these rules unless there is anything repugnant in the subject or context-(a)"the act" means the Dangerous Drugs Act, 1930 (II of 1930);(b)"approved medical practitioner" means-(i)any graduate in medicine, surgery or dentistry of a recognised University in India, Europe, the British Dominion or America; or(ii)any person who holds a certificate not inferior to that of an Assistant Medical Officer from a recognised Medical Institution; or(iii)any person registered as a medical practitioner under any law for the registration of Medical practitioners for the time being in force in any part of the State; or(iv)any person who holds a certificate or diploma not inferior to that of a graduate of a recognised veterinary college;or(v)any other person engaged in medical or veterinary practice and approved by the Excise Commissioner;(c)"Collector" means the chief officer in charge of the revenue administration of a district and entrusted with the Excise Administration of the District for the time being, and includes any officer specially authorised by the State Government to exercise throughout Madhya Pradesh or any specified area therein all or any of the powers of a Collector under these rules;(d)"Excise Commissioner", means the Excise Commissioner, Madhya Pradesh, and includes any officer specially authorised by the State Government to exercise throughout the State or any

1

specified area therein, all or any of the power of the Excise Commissioner under these rules;(e)"Excise Officer" means an Excise Officer appointed or invested with powers under the Excise Act in force in the State and not below the rank of Excise Head Constable;(f)the expressions "import, "export" and "transport" have the meanings assigned to them respectively in clauses (j), (l) and (m) of section 2 of the the Act;(g)"manufacture" means the process of mixing one or more of the drugs known as medicinal opium, preparations containing morphine, diacetylmorphine or cocaine with or without neutral materials;(h)"licensed vendor" means a person holding a licence in Form D.D.R. 1 under these rules for the possession and sale of coca leal and manufactured drugs other than prepared opium otherwise then on the prescription of an approved medical practitioner; and(i)"licensed druggist" means a person holding a licence in Form D.D.R. 2 under these rules for the possession and sale of prescription of an approved medical practitioner of manufactured drugs and coca leaf other then prepared opium.II. Manufacture

#### 3. Manufacture.

- A Licensed vendor or licensed druggist may, subject the conditions of his licence, manufacture medicinal opium or any preparation containing morphine, diacetyl-morphine or cocaine from materials which he is lawfully entitled to possess.

# 4. Manufacture by approved medical practitioners and Government officers exempted.

- Approved medical practitioners in the exercise of their profession and officers of Government, who, in the course of their official duty or for the purposes of such duty, are required to manufacture medicinal opium or any preparation containing morphine, diacetyl-morphine or cocaine shall be exempt from the provisions contained in these rules regarding manufacture.III. Possession

## 5. Possession by private person.

- Any person may possess such quantity of manufactured drugs other than prepared opium as has been at one time dispensed and sold for his use on the prescription of an approved medical practitioner: Provided that the prescription is in writing, is dated, is signed by an approved medical practitioner with his full name and address, states the exact quantity of each manufactured drug, gives the full name and address of the person for whose use it is given, and is in the possession of such person or his guardian or a person duly authorised on his behalf.

# 6. Possession by approved medical practitioner.

- An approved medical practitioner may possess for his use, in the exercise of his profession, manufactured drugs other than prepared opium in quantities not exceeding in the aggregate those specified below :

Description of drugs

Quantity

The M.P. Dangerous Drugs Rules, 1959

	(1)	(2)
(i) [	Cocaine	[14,175] [Substituted by Notification No. 1031-1539-1-SR, dated 23-3-1963.]Mgs.
(ii)	Medical hemp	[283,500] [Substituted by Notification No. 1031-1539-1-SR, dated 23-3-1963.]Mgs.
(iii)	Medicinal opium	[283,500] [Substituted by Notification No. 1031-1539-1-SR, dated 23-3-1963.]Mgs
(iv)	Morphine, diacetyl morphine and admixtures of alkaloids ofthese drugs.	[7,700] [Substituted by Notification No. 1031-1539-1-SR, dated 23-3-1963.]Mgs. of pure drugs or [226,800] [Substituted by Notification No. 1031-1539-1-SR, dated 23-3-1963.]Mgs. of these drugs in all forms of admixture of alkaloids.
(v)	Pethidine Hydrochloride	[72,000] [Substituted by Notification No. 1031-1539-1-SR, dated 23-3-1963.]Mgs.
(vi) [ [Inserted by Notification No. 1226-372-SR, dated 23-4-1969.]	Metdadone]	1 Gram]

[Substituted by Notification No. 1031-1539-1-SR, dated 23-3-1963.] Provided that the Collector may, by special order, authorise any such practitioner to possess as aforesaid any larger quantity.

## 7. Possession by licensed vendor or licensed druggist.

- A licensed vendor or licensed druggist may possess such quantity of coca leaf and manufactured drugs other than prepared opium and in such manner as may be specified in his licence.

# 8. Exemptions.

- The following institutions shall be exempt from the provisions contained in these rules regarding the possession of coca leaf and manufactured drugs other than prepared opium :-(i)Hospitals, dispensaries and veterinary dispensaries working under Government supervision, subsidized dispensaries and railway hospitals and dispensaries;(ii)other medical institutions authorised by the Excise Commissioner in this behalf by a general or special order; subject to such conditions as may be specified in the order:Provided that such articles have been obtained under a duly granted import or transport licence.IV. Import

# 9. Import by private persons.

- Any person may import such manufactured drugs other than prepared opium as he may lawfully possess under rule 5.

### 10. Import by others.

(1)In the following cases coca leaf and manufactured drugs other than prepared opium may be imported into the State only under a licence to be obtained for each consignment separately from the following authorities:-

Cases in which licence may be granted

(1)

- (i) For supplies required for hospitals, dispensaries andveterinary dispensaries working under Government Supervision, subsidized dispensaries, and railway hospitals and dispensaries.
- (ii) Other medical institutions specially authorised by the Excise Commissioner.
- (iii) In all other cases.

Authority granting the licence

(2)

The indent shall be countersigned by the Director of HealthServices, Director of Veterinary Services, the District Surgeonor of the Railway Administration concerned as the case may be. This indent shall be regarded as a licence.

The indent shall be countersigned by the Civil Surgeon of the district and such indent shall be regarded as a licence.

The Collector of the district. The licence shall be in FormD.D.R. 3.

(2)The importer shall give intimation of the arrival of the consignment to the District Excise Officer and present the consignment to him or to an officer deputed by him for examination together with the import licence received by the importer.(3)The Collector shall send the copy of import licence received by him to the District Excise Officer who shall personally or through an officer subordinate to him check the consignment and see that it tallies with the import certificate granted.

## 11. Import subject to restrictions specified in the import licence.

- A person to whom a licence has been granted under these rules for the import of coca leaf and manufactured drugs other than prepared opium shall import only such quantity and in such manner as may be specified in his licence.V. Export

## 12. Export.

- Export of coca leaf and manufactured drugs other than prepared opium, may be permitted by the Excise Commissioner under a licence in Form D.D.R. 3. Such licence shall not be granted except on the production of an import licence, issued by an officer duly authorised in that behalf by the Government of the importing State.VI. Transit

#### 13. Transit.

- A licence in Form D.D.R. 3, for the transit of coca leaf and manufactured drugs other than prepared opium consigned to any other State through Madhya Pradesh may be granted by the

Excise Commissioner on application by the Chief Excise authority of that State. The articles shall be carried in sealed packages and shall not be opened en route.VII. Transport

### 14. Transport.

- A licence for the transport of coca leaf and manufactured drugs other than prepared opium within the limit of possession authorised may be granted by the following authorities:-

Cases in which licence may be granted

- (1)
- (i) For supplies required for hospitals, dispensaries andveterinary dispensaries working under Government Supervision, subsidized dispensaries, and railway hospitals and dispensaries and military hospitals and dispensaries.
- (ii) Other medical institutions specially authorised by the Excise Commissioner.
- (iii) In all other cases.

VIII. Transmission by post

Authority granting the licence

(2)

The indent shall be countersigned by the Inspector General of Civil Hospitals, Director of Veterinary Services, Chief Medical Officer in charge of Military Hospital or dispensaries, or the District Surgeon of the Railway company as the case may be. This indent shall be regarded as a licence.

The indent shall be countersigned by the Civil Surgeon of the district and such indent shall be regarded as a licence.

The Collector of the district. The licence shall be in FormD.D.R. 3.

## 15. Transmission by post.

- Import, export or transport of coca leaf and manufactured drugs other than prepared opium by in land post is prohibited, except by licensed druggists and licensed vendors and shall be subject to the following conditions:-(i)only the parcel post shall be used;(ii)the parcel shall be insured;(iii)the parcel shall be covered by licenses granted by officers duly authorised;(iv)the parcel shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcel in detail, the number and date of the licence covering the transmission and the number and date of the licence held by the consignee and consignor and such other particulars as may be required, from time to time, by the Excise Commissioner; and (v) the consignee shall show, distinctly in his account books the name of the consignor and the quantity of articles sent to him from time to time by post.IX. Sale

#### 16. Licence for sale..

(1) The sale of coca leaf or any manufactured drugs other than prepared opium is prohibited except by a licensed vendor or a licensed druggist to whom a licence in Form D.D.R. 1 or D.D.R. 2, respectively, for the sale of the same has been granted by the Collector:-

The M.P. Dangerous Drugs Rules, 1959

Licence for the sale of	Quantity allowed and licence fee payable for			
Druggist's licence	Vendor's licence			
Quantity	Rs.	Quantity	Rs.	
(1)	(2)	(3)	(4)	(5)
(i) [ Coca derivatives and coca leaf [Substituted by Notification No. 1031-1539-V-SR, dated 23-3-1963.]	28,350 Mgs.	10	56,700 Mgs.	5
(ii) Medical Hemp -(a) Extract of hemp(b) Tincture of hemp	425,250 Mgs.4,252,500 Mgs	22	567,000 Mgs.56,70,000 Mgs.	11
(ii) Medical opium or Tincture opium	425,250 Mgs.42,52,500 Mgs.	10	567.000 Mgs.56.70.000 Mgs.	5
(iv) Morphine, diacctyl morphine or official or non-officialpreparations containing more than 0.2 per cent of morphine or containing any diacetyl-morphine.	15,440 Mgs. of pure drugs or 2,26,000 Mgs. of these drugs inall forms of admixtures of alkaloids	10	15,440 Mgs. grains of pure drugs or 2,26,000 Mgs. of thesedrugs in all forms of admixtures of alkaloid	5
(v) Pethidine Hydrochloride	1,44,000 Mgs.	10	1,44,000 Mgs.	5]
(vi) [ Metdadone [Inserted by Notification No. 1226-372-SR, dated 23-4-1969.]	2 Grams.	10	2 Grams.	5]

Note. - In Special cases, the Collector may allow a larger quantity of any drug.(2)A separate licence shall be granted for each kind of drug. The licence shall be for a period not exceeding one year and shall cease to be in force on the expiry of the financial year in which it is granted.

# 17. Sale by a licensed vendor.

- A licensed vendor may, subject to the conditions of his licence, sell only to the following persons :-(a)A vendor or druggist licensed under these rules or under the rules for the time being in force in any part of India; or(b)an approved medical practitioner; or(c)a medical institution authorised and exempted under Rule 8; such coca leaf or manufactured drugs other than prepared opium and in such quantities as such vendor, druggist, practitioner or medical institution may law-fully possess. He shall maintain a written record of every such sale in such manner as the Excise Commissioner may direct.

# 18. Sale by a licensed druggist.

- A licensed druggist may, subject to the conditions of his licence, sell only on prescriptions of approved medical practitioners such coca leaf or manufactured drugs other than prepared opium as may have been allowed in his licence. He shall maintain a written record of every such sale as laid

down in his licence and as ordered by the Excise Commissioner from time to time.X. General

### 19. Exemptions.

(1) The medical institutions exempted under rule 8 or these rules shall also be exempt from the provisions regarding the sale of manufactured drugs other than prepared opium in so far as the sale consists in taking payment for medicines issued in accordance with the rules prescribed for the hospital or dispensary: Provided that such institutions shall maintain a true and correct account of the manufactured drugs, in Form D.D.R. 4.(2) Subject to the provisions of sub-rule (3) an approved medical practitioner usually dispensing medicines to his patients in the exercise of his profession shall be exempt from the provisions regarding the sale of manufactured drugs other than prepared opium in so far as the sale consists in taking payment for medicines issued or medical treatment given to bona fide patients: Provided that this exemption shall only apply to a dispensary owned by an approved medical practitioner where no prescriptions except his own are dispensed: Provided further that the approved medical practitioner shall-(i)get himself registered with the Collector or District Excise Officer; (ii) maintain a register in form D.D.R. 5 along with patients card in form D.D.R. 6 accounting for the manufactured drugs in stock, received and used;(iii)file and preserve, for not less than two years, all the prescriptions so dispensed at the dispensary; (iv) produce the prescriptions along with his stock and permits and invoices of supplies obtained on the demand of any officer not below the rank of Sub-Inspector of Excise; and(v)furnish such returns and information in regard to dealings in dangerous drugs as may be required by the Collector or the District Excise Officer.(3)The exemption under sub-rule (2) may be withdrawn by the Excise Commissioner if there is any breach of the conditions given in that sub-rule, or if he is satisfied, after such enquiry as he deems proper, that dangerous drugs are supplied otherwise than for bona fide medical treatment.

## 20. Additional accounts, returns to be maintained by others.

- The importer of manufactured drugs, the manufacturer of drugs and the Chemist and Druggist shall maintain the registers of accounts, returns, etc., in forms D.D.R. 7, D.D.R. 8 and D.D.R. 9 respectively.

## 21. The personal character of the privilege.

- Every licence granted under these rules shall be deemed to have been granted personally to the licensee named therein and shall, on the expiry thereof, be surrendered to the District Excise Officer. If any licence-holder dies during the currency of his licence such licence shall forthwith cease to be in force.

#### 22. Cancellation of licence or order.

- Subject to any directions that the Excise Commissioner may give in this behalf, the officer who has granted a licence to, or has by order approved or authorised, any person under these rules may

cancel or suspend such licence or order-(i)if such person-(a)has by himself or by any servant or person acting on his behalf committed any breach of the conditions of such licence or order or of these rules; or(b)has been convicted of any offence under the Act or under the law for the time being in force relating to excise or opium revenue or of any criminal offence;(ii)if it is a condition of such licence or order that it may be cancelled or suspended at the will of such officer;(iii)in any other case, after giving to such licence or order within fifteen days on receiving from such person notice that he desires to surrender the same.

# 23. Stock of drugs to be made over to Collector on expiration, cancellation or suspension of a licence or order.

- On the expiration, cancellation or suspension of any licence granted or any order passed under these rules, the holder thereof shall forthwith make over to the Collector all manufactured drugs and coca leaf in his possession and shall, with the prior sanction of the Collector, dispose of these drugs to any other person authorised to possess them under these rules or under rules for the time being in force in any part of India within two calendar months from the date of such expiration, cancellation or suspension of the licence or order. If the Collector so directs, the drugs made over to him as aforesaid shall be sealed by an officer appointed by him in that behalf and shall be kept in the custody of the holder until they are disposed of.

### 24. Disposal of drugs deposited on cancellation of licence.

(1)The Collector shall, if necessary, cause all coca leaf and manufactured drugs other than prepared opium delivered to him under rule 23, to be examined by the chemical examiner or by such other officer as the Excise Commissioner may direct.(2)If any of the articles are certified by such officer to be fit for use the Collector may allow them to be sold to any person authorised to possess them under these rules or under any rules tor the time being in force in any part of India. The Collector may require any licensed vendor or druggist to purchase at such price as the Collector may direct any quantity of such articles not exceeding such quantity as the Collector may determine to be ordinarily saleable in two months.(3)If the articles are certified to be unfit for use the whole of the stock, or if the quantity is unreasonably large, the excess may be destroyed under the orders of the Collector. The person delivering the articles shall not be entitled to any compensation for any loss suffered in consequence of action taken under this rule.

#### 25.

The provisions of these rules shall not apply to the importation, exportation, transport, possession or sale of codeine, dionin and their respective salts, unless the quantity involved in any transaction or possessed at any one time exceeds [450 grammes] [Substituted by Notification No. 3236-1436-V-SR, dated 25-10-1963.].

### 26. Supplementary directions by the Excise Commissioner.

- Subject to the provisions of the Act and these Rules, the Excise Commissioner may, from time to time, give such directions and prescribe such forms, returns and registers as he may think fit, for the purpose of carrying out the provisions of the Rules.XI. Appeal and Revision

# 27. An appeal shall lie from an original or appellate order of an excise officer as follows, namely.

(a)To the Collector when the order is made by an excise officer below the rank of Collector;(b)To the Excise Commissioner, when the order is made by the Collector;(c)To the State Government, when the order is made by the Excise Commissioner:Provided that-(i)when an original order is confirmed on first appeal, a second appeal shall not lie;(ii)when any such order is modified or reversed by the Collector on appeal, the order made by the Excise Commissioner on second appeal, if any, shall be final.

#### 28.

(1)Every memorandum of appeal shall be presented within one month from the date of the order appealed against.(2)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.(3)The memorandum may be submitted by post or may be presented to the officer concerned or to such other officer as he may appoint in this behalf by the party concerned or by a recognised agent or legal practitioner.

#### 29.

Any order passed by an excise officer may be revised by the State Government, the Excise Commissioner or the Collector to whom such officer is subordinate under these rules either on its or his own motion, or on the application of any person or party interested, and, in the latter case such application shall be presented in the same manner as a memorandum of appeal.

#### 30.

1. You shall not transfer this licence to any other person.

2. You shall not have in your possession more than [milligrams] [Substituted by Notification No. 1031-1539-V-SR, dated 23-3-1963.] of [] [Here enter the kind of the drugs that may be sold, e.g., (1) coca derivatives and coca leaf, (2) medicinal hemp, (3) medicinal opium, or (4) morphine diacetyl-morphine or official or non-official preparations containing more than 0.2 per cent of morphine or containing any diacetyl-morphine, as the case may be.] and other allied drugs taken together.							
3. You shall not so	ell e	except on the pr	emises foi	r which	this	licence is granted.	
4. You shall not sell [] [Here enter the kind of the drugs that may be sold, e.g., (1) coca derivatives and coca leaf, (2) medicinal hemp, (3) medicinal opium, or (4) morphine diacetyl-morphine or official or non-official preparations containing more than 0.2 per cent of morphine or containing any diacetyl-morphine, as the case maybe.] except to the following persons in quantity not exceeding what they may respectively lawfully possess-							
(a)a vendor druggist lic other part of India;(b)a exempted under rule 8 corresponding rules for	an ap of th	proved medical prac ne Madhya Pradesh I	ctitioner;(c)a Dangerous D	medical rugs Rul	institues, 195	ution authorized and	
5. You shall maintain a correct account of transactions in the following form a separate page being set aside for each different preparation of the drug.							
Date Opening Balar (1) (2)	nce	Quantity received treceived (3)	this day and w	vhence		Total quantity to be accounted for (4)	
Quantity sold this day	Full	name of nurchaser	Full address	Ralance	- Rem	arks	
(5)	(6)	name of purchaser	(7)	(8)	(9)	arks	
6. You shall file al	l im	port passes pro	operly.				

- 7. You shall produce your licence, file of passes and account book and your stock for inspection immediately on demand of any officer specially or generally authorized by the Collector or any officer not below the rank of Sub-Inspector of Excise or Police or of Naib-tahsildar. In support of the receipt you shall produce the permits and invoices of supplies obtained.
- 8. This licence may be cancelled by the Collector if any breach of any of the provisions of the Dangerous Drugs Act, 1930 (II of 1930), or of the rules made there under or of the above mentioned conditions is committed by you or by any person employed by you on the premises for which this licence granted.

Dated20CollectorDistrictForm D.D.R. 2.Licence for the Sale of Coca Leaf and
Manufactured Drugs Other Than Prepared Opium by a DruggistUnder rule 16 of the Madhya
Pradesh Dangerous Drugs Rules, 1959, and in consideration of the payment of a fee of Rs the
receipt of which is hereby acknowledged licence is hereby granted to you druggist to sell
[] [Here enter them kind of the drugs that may be sold, e.g., (1) coca derivatives and coca leaf,
(2) medicinal hemp, (3) medicinal opium, or (4) morphine diacetyl-morphine or official or
non-official preparations containing more than 0.2 percent of morphine or containing any
diacetyl-morphine, as the case may be.] bona fide as medicine from your premises instreet, in
the town of in the district of during the year ending the 31st March 19 subject to
the following conditions, namely:-Conditions

- 1. You shall not transfer this licence to any other person.
- 2. You shall not have in your possession at any one time more than........... [milligrams] [Substituted by Notification No. 1031-1539-V, dated 23-2-1963.] of.............
- 3. You shall not sell except on the premises for which this licence is granted.
- 4. You shall obtain the drugs to be sold under this licence from a licensed vendor thereof in India and you shall not receive or have in your possession any such drugs obtained otherwise.
- 5. You shall not sell to any person other than a person producing the prescription of an approved medical practitioner and not exceeding such quantity as may be entered in such prescription.

6. You shall not sell coca leaf or the manufactured drugs specified above unless the prescription is in writing, is dated, is signed, by an approved medical practitioner with his full name and address and give the full name and address of the person for whose use it is given. You shall not sell more than once on the authority of a prescription unless it contains a superscription by an approved medical practitioner stating that it is to be repealed, the intervals at which it is to be repeated, and the number of limes it is to be repealed.

# 7. You shall retain every prescription on the authority of which you sold the drug;

Provided that you shall first warn the person presenting the prescription that unless it bears a superscription as aforesaid it will be retained and not repealed.

#### 8.

(1)If the prescription bears a superscription as aforesaid you shall enter on the prescription the date of sale and shall sign or seal the prescription and retain it on the premises for inspection:Provided that if it appears that drugs have already been sold on the prescription six times or such number of times as the prescription is required to be repeated or that the interval specified in the superscription has not elapsed since the prescription was last dispensed you shall not sell any more drugs on such prescription unless it is further superscribed in that behalf by an approved medical practitioner.(2)You shall plainly mark every package or bottle containing the manufactured drugs sold with the amount of the drug, or in the case of a preparation containing any such drug, with the name, amount and percentage of the drug in the article.

- 9. You shall not store any manufactured drug or coca leaf to be sold under this licence in any premises other than those named herein.
- 10. You shall keep a correct account in the following form to be balanced at the close of each day a separate set of pages being set aside for each different preparation of the drug stocked by you:-

Date Opening balance (1) (2)	Quantity whence re	received this day and eceived	Total quantity to be accounted for (4)	Quantity sold this day (5)
Full name of purchaser	Full addresses	Date of prescription medicalpractitioners	and name of approved who issued it	Balance Remarks

(6) (7) (8) (9) (10)

(b) You shall not cancel obliterate or alter any entry in the account or make therein any entry which is untrue in any particular. Any mistake in an entry may be corrected by marginal note or foot-note giving the correct particulars and date.

11. (a) You shall produce your licence, the accounts of sale of coca leaf or the manufactured drugs specified in this licence the file of prescriptions and your stock for inspection immediately on the demand of any officer specially or generally authorized by the Collector or any officer not below the rank of Sub-Inspector of excise or police or of Naib-Tahsildar. In support of the receipts you shall produce the permits and invoices of supplies obtained and in support of the issues, the prescriptions on which the drugs were sold.

(b)You shall preserve all prescriptions, the sale account and records, etc., for not less than two years from the date on which the period of your licence expires.

12. This licence may be cancelled by the Collector if any breach of the Dangerous Drugs Act, 1930 (II of 1930), or of the rules made thereunder or of the above mentioned conditions is committed by you or your partner or agent or any other person employed by you on the premises for which this licence is granted.

Dated......District