

# The Orissa Opium Rules, 1965

ODISHA

India

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### Rule THE-ORISSA-OPIUM-RULES-1965 of 1965

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The Orissa Opium Rules, 1965 In exercise of the powers conferred by Sections 5 and 3 of the Opium Act, 1878 (Act 1 of 1878), read with Rule 5 of Central Opium Rules, 1934, the State Government do hereby make the following rules, namely: Chapter-I General

#### 1. Short title and commencement.

(1) These rules may be called the Orissa Opium Rules, 1965. (2) They shall come into force at once.

#### 2. Definitions.

- In these rules unless the context otherwise requires- (a) "Act" means the Opium Act, 1878 (I of 1878); (b) "Board" means the Board of Revenue, Orissa; (c) "Collector" means the Chief Officer-in-charge of the Revenue Administration of a District and includes a Superintendent of Excise and any other officer empowered by the Board to perform all or any of the functions of a Collector under these rules; (d) "Commissioner" means the Excise Commissioner, Orissa; (e) "Excise Officer" means Collector or any officer or other person appointed or invested with powers under Section 7 of the Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act 2 of 1915); (f) "Government" means the State Government of Orissa; (g) "Kilogram" means a weight of one thousand grams; (h) "Licensed Druggist" means a person to whom a permit, for the sale by retail to the public of any preparation containing opium or poppy heads for medicinal purposes but not for smoking, has been granted by the Collector under these rules; (i) "Manufacture" shall have the same meaning as assigned to it in Chapter II of the Dangerous Drugs Act, 1930 (Act 2 of 1930) and Rule 5 of the Central Opium Rules, 1934; (j) "Preventive Officer" means an officer authorised by the State Government under Section 14; (k) "Qualified Medical Practitioner" means- (i) any person registered as a medical practitioner or a dentist under any law for the time being in any part of India; or (ii) any person possessing qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under any law for the time being in force in any part of India and approved by the Collector for the purposes of these rules; or (iii) any other person engaged in

scientific, medical, dental or veterinary practice and approved by the Commissioner for purposes of these rules :Provided that the Commissioner may declare any "qualified medical practitioner" to be deprived of his privilege under these rules by reason of unprofessional conduct in respect of the import, export, transport, use or prescription of opium or by the reason of his being convicted under the Act, or the Bihar and Orissa Act, 1915 (Bihar and Orissa Act 2 of 1915), or the Orissa Opium Smoking Act, 1947 (Orissa Act 16 of 1947), or the Dangerous Drugs Act, 1930 (Act 2 of 1930), or for any non-bailable offence under any other law-(l)"section" means a section of the Act;(m)words and expressions used in these rules but not defined shall have the same meaning respectively assigned to them in the Act.

Chapter-II Manufacture of opium

### **3. Manufacture of opium.**

(1)Subject to the provisions of Rule 5 of the Central Opium Rules, 1934, opium purchased from the Opium and Alkaloid Works, Ghazipur may be re-manufactured on behalf of the Government in the form of pills or tablets in such manner and at such place as the Commissioner may from time to time direct, for sale as opium for medicinal purposes.(2)Any person may manufacture opium mixtures for his own consumption and not for sale from opium lawfully possessed by him in accordance with these rules.(3)Any person who is a licensed druggist may manufacture opium mixtures from opium lawfully possessed by him.

Chapter-III Possession

### **4. Restriction on possession.**

(1)Subject to such special or general directions as may be issued by Government any person may possess through a Departmental Sale Centre-(a)opium pills or tablets manufactured by Opium and Alkaloid Works, Ghazipur; or(b)opium pills or tablets as re-manufactured under Sub-rule (1) of Rule 3 :Provided that no such person shall possess opium exceeding ten grams in weight at any one time;(c)opium mixtures purchased from a licensed druggist or manufactured in accordance with the rules framed by the Central Government under Sub-section (1) of Section 5 of the Dangerous Drugs Act, 1930 (2 of 1930);Provided that the quantity of raw opium contained in the aforesaid opium mixture shall not, in the aggregate, exceed the limit of possession specified in the proviso to the foregoing clauses.(2)Subject to the conditions of a permit granted in this behalf by the Collector, a licensed druggist may possess-(a)opium to the extent of 933 grams and poppy-heads to the extent of 9 kilograms and 330 grams only if he has brought from another licensed druggist, or in the case of opium, from the opium and Alkaloid Works, Ghazipur; and(b)medicinal drugs containing opium not being preparations used for smoking purposes to the extent of 933 grams only if such drugs have been manufactured under the provisions of the Medicinal and Toilet Preparations Excise Duties' Act, 1955 (Act 16 of 1955) has been purchased from another licensed druggist :Provided that when such drugs are obtained by purchase from a licensed druggist not in the vicinity the consignment shall be subject to the same conditions as are prescribed in Rules 5, 6, 7 and 8.(3)Any person who has been a licensed druggist may, with the permission of the Collector, possess any quantity of opium, poppy heads or medicinal drugs containing opium, as the case may be, of which at the time of 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, till such time as he shall have disposed of or surrendered the same under these rules.(4)A person to whom a pass has been granted for transport,

import or export under these rules, or who has been authorised by the Collector by a special order in writing to possess opium or a medicinal drug containing opium or poppy-heads in quantities exceeding those specified in this rule, may possess the opium or such medicinal drug or poppy-heads covered by such pass or special order, as the case may be.(5)Any Government servant may, as such, possess opium and poppy-heads and deductions of poppy-heads which have come into his possession in the course of his official duties :Provided that he shall dispose of such opium and poppy-heads and decoctions of poppy-heads in such manner as may be directed by his superior officer or required by the orders made or instructions given by the State Government in that behalf.(6)A bona fide traveller passing through the State of Orissa may carry such opium with him personally as he may be entitled to possess under a medical permit granted by a competent authority in the State of his residence up to the extent of quantity authorised in such permit :Provided that a bona fide traveller shall also have in his possession the aforesaid medical permit :Provided further that the onus of proof that a person is a bona fide traveller shall rest on such person.(7)A visitor who is not a resident of the State of Orissa and visits the same may bring with him and possess such opium as obtained by him under a medical permit supported by a certificate from the Excise authority of the place of the visitor's residence in evidence of the grant of such medical permit :Provided that the permission granted in the certificate issued by, the Excise authority of the place of the residence of the visitor shall not be valid for a period exceeding one month from the date on which the certificate was issued unless the said certificate is countersigned by the Collector of the district in the State of Orissa where the visitor temporarily stays at the time :Provided further that if the visitor prolongs his stay in the State of Orissa for more than two months from the date of his arrival, he shall surrender his medical permit and certificate of the Collector of the district of his such stay and shall obtain a regular certificate-cum-permit from the Medical Officer in Orissa competent to issue the same-Chapter-IV Transport

## **5. Transport by a licensed druggist.**

- A licensed druggist may transport opium, medicinal drugs containing opium or poppy heads under a pass granted by a Collector in accordance with the provisions hereinafter contained but not otherwise.

## **6. Pass for transport.**

(1)When a licensed druggist desires to transport opium, medicinal drugs containing opium or poppy-heads, he must obtain a pass for each consignment from the Collector of the district from which transport is desired.(2)The pass referred to in Sub-rule (1) shall specify-(a)the time within which the transport must be effected;(b)the place from which the consignment is to be transported;(c)the name of the consignor;(d)the name of the person in charge of the consignment;(e)the name of the consignee;(f)the number of packages, and the weight and contents of each; and(g)the place to which the consignment is to be transported.(3)Each package in the consignment shall be stamped in the presence of the Collector with his official seal.

## **7. Examination of verification of opium transported.**

(1) Save as provided in Rule 8 the bulk of a consignment may not be broken during transit. (2) A Collector granting a pass for transport under Rule 6 may make it a condition of such grant that the bulk of the consignment for which the pass is granted shall not, save as provided in Rule 8, be broken until the Collector of the district to which transport is authorised or some officer authorised by such Collector in that behalf has examined the consignment at the place specified in the pass as that to which the consignment is to be transported : Provided that such examination shall be made within seven days from the date on which the Collector of the district to which transport is authorised or the Sub-divisional Officer of the concerned subdivision of such district has had the pass delivered to him. (3) If after examination provided in Sub-rule (2), the Examining Officer is satisfied that the packages and their contents have not been opened or tampered with in transit in any manner, save as provided in Rule 8, and if their full weight is found not to differ from the same specified in the pass, after a deduction being allowed for dryage in the case of opium to one quarter per cent or after addition of an equal percentage being allowed where the contents of the packages appear to have been moistened by exposure to rain or damp, the consignment seal be made over to the consignee specified in the pass and when the consignment is so made over the pass shall be retained by the Examining Officer. (4) If after such examination, the Examining Officer is not so satisfied he shall detain the consignment and shall report the fact for orders of the Collector of the district in which the examination is made.

## **8. Examination of consignment under transport by a preventive officer.**

(1) A preventive officer may at any time examine any consignment of opium or medicinal drug containing opium, or poppy heads in transit. (2) If after such examination the preventive officer is satisfied that the packages fulfil the consignment shall be allowed to pass and when the preventive officer is not so satisfied the consignment shall be detained by him and the matter reported for orders of the Collector of the district in which such examination takes place. Chapter-V Import

## **9. Import from another State.**

(1) Opium or poppy-heads or medicinal drugs containing opium not being preparations used for smoking may be imported on account of the State Government. (2) The import by land of opium or medicinal drugs containing opium or poppy-heads from another part of India into the State of Orissa by means other than the post is permitted in the following cases, namely: (i) by any person if obtained on a bona fide prescription of a qualified medical practitioner; (ii) by a licensed druggist or a qualified medical practitioner in the State of Orissa under a permit granted by the Collector of the district into which the import is desired : Provided that a bona fide traveller coming into the State of Orissa from any other State in India may personally bring with him opium by land into the State of Orissa up to the limit of quantity within which possession by him is allowed without a pass in the other State. Chapter-VI General

## **10. Export how permitted.**

(1)The State Government may export poppy-heads or medicinal drugs containing opium not being preparations used for smoking on their own account.(2)Medicinal drugs containing opium 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 of-(a)a permit from the Collector of the district in any other State into which the drugs are to be exported; or(b)the countersignature on the pass for import of the Civil Surgeon of the importing district or of an officer of the Indian Army Medical Service or of the Director of the Civil Veterinary Department in the importing State when the drugs are to be exported to a hospital or charitable dispensary in such district or State :Provided that in all cases export under Clause (ii), a pass must be obtained from the Collector of the district from which the opium or medicinal drugs containing opium or poppy heads are despatched and a copy of such pass shall be sent to the Collector of the district to which the import is desired.(3)A bona fide traveller leaving the State of Orissa may subject to such rules as may be in force at the place through which he passes and at his destination, take with him any opium, medicinal drugs containing opium or poppy-heads which he may lawfully possess under Rule 4.Chapter-VII Transmission by post

## **11. In which cases prohibited.**

(1)Except as provided in Sub-rule (2), no person shall transmit opium, medicinal drugs containing opium and poppy-heads by post into, within, or out of the State of Orissa.(2)Any licensed druggist permitted to possess and sell such medicinal drugs containing opium and poppy-heads shall have the privilege to transmit such drugs by post under the following conditions, namely :(i)in making such transmission, only the parcel post shall be used and the parcels shall be insured;(ii)the transmission shall be covered by a permit which shall, In the case of transmission to a district in the State of Orissa, be issued by the Collector of the district to which the consignment is to be sent and in the case of transmission to any other State, the same shall be carried by a permit issued by the proper authority in the other State to which the parcel is addressed;(iii)the parcels shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcels in detail, the number and date of the permit converting the transmission, the number and date of the licences hold by the consignee and consignor and such other particulars as may be required from time to time by the Commissioner;(iv)the consignee shall show distinctly in his account books the name of the consignor and the quantity of drugs sent to him from time to time by post.Chapter-VIII Sale

## **12. Sale in Departmental Sale Centres.**

(1)Opium pills or tablets manufactured by the Opium and the Alkaloid Works, Ghazipur or opium for medicinal purposes as specified in Rule 4 shall be sold only through the Departmental Sale Centres by Medical Officers-in-charge of hospitals or dispensaries or primary health centres or by Excise Officers duly authorised in this behalf by the Superintendent of Excise.(2)The limit of retail sale under Sub-rule (1) shall not exceed ten grams in weight at any one time.

### **13. Selling price of opium.**

- The selling price of opium throughout the State of Orissa shall be rupees one thousand per kilogram. Chapter-IX Form of licences, permits and other documents

### **14. Subjects on which Board may issue directions.**

- The Board may from time to time prescribe-(a)the forms in which licences, permits and passes shall be granted by the Collector;(b)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(c)a form for any other proceedings under these rules for which the Board consider that a form should be provided. Chapter-X Disposal of articles remaining with a licensed druggist after expiration of licence or permit

### **15. Disposal of opium, etc. on expiration or surrender of licence.**

(1)If a person who has been a licensed druggist has in his possession, after expiry of his permit, any opium, or poppy-heads, he shall report the same to the Collector and shall on requisition of the Collector surrender the same to such officer as the Collector may appoint in this behalf and any licensed druggist to whom a permit has been granted under these rules shall, when required by the Collector, buy the opium, medical drugs containing Opium of Poppy head at such price as the Collector may fix and in such quantity not exceeding that which the Collector may determine to be ordinarily saleable by such licensed druggist in two months ;Provided that if such opium, medicinal drugs containing opium or poppy-heads or any part thereof be declared by the Civil Surgeon to be unfit for use, the Collector shall cause the same to be destroyed, without any compensation being claimed by any person.(2)Where any licensed druggist having been required under Sub-rule (1) by the Collector to buy opium, medicinal drugs containing opium or poppy-heads fails to comply, his permit may be cancelled by the Collector.

## **Chapter XI**

### **Disposal of things confiscated and rewards**

#### **16. Procedure for disposal of things and opium, etc., on confiscation.**

(1)All things confiscated under the Act, except opium, medicinal drugs containing opium and poppy-heads shall be disposed of by the Collector by public auction.(2)All confiscated opium shall be sent free of charge by the Collector to the Opium and Alkaloid Works, Ghazipur and the freight shall be borne by the Excise Department when sent by railway, or by any other means :Provided that as soon as the opium is confiscated and before despatch to the Opium and Alkaloid Works, Ghazipur, samples of one kilogram and 250 grams shall be drawn by an Excise Officer in the Following cases;(a)all seizures of 14 kilograms and above relating to illegal imports or exports which present any doubt or difficulty in determining their origin;(b)all seizures of 14 kilograms and above

suspected to cases of international character;(c)all seizures of 35 kilograms or above relating to opium of any origin, Indian or otherwise,(3)The samples drawn under the proviso to Sub-rule (2) shall be dealt with in the following manner namely ;(i)a sample of one Kilogram shall be forthwith sent to the Chief Chemist, Central Revenues Laboratory, New Delhi; and(ii)a sample of 250 grams may be retained for chemical examination by the Chemical Examiner of the State or for being sent to the Opium and Alkaloid Works, Ghazipur, if no chemical examination is made.(4)All confiscated medicinal drugs containing opium shall be destroyed by the Collector soon after confiscation.(5)Kafa confiscated with opium or medicinal drugs containing opium shall be dealt with in such manner as the Board may direct from time to time.Explanation. - For the purposes of this Sub-rule, 'Kafa' means cloth or paper saturated or stained with opium.(6)Poppy-heads so confiscated shall be disposed of as the Collector may direct.

## **17. Rewards to informers and officers.**

(1)The Board may grant rewards to be paid to the officers and informants responsible for or instrumental in detection of any offence under the provisions of the Act and these rules.(2)The Commissioner or the Collector may also grant such rewards subject to the control of the Board and such conditions and restrictions as may be specified by the Board in this behalf.Chapter-XII  
Exemption

## **18. Unrestricted drugs.**

- The preparations and articles specified as unrestricted in the list of restricted and unrestricted drugs under the Hague Opium Convention, 1912, Dangerous Drugs Convention, Geneva 1931 and the drugs declared by the Central Government not to be manufactured drugs, may be imported, transported, exported, possessed and sold without restriction :Provided that the import of any such unrestricted drugs from foreign countries is permitted only by means other than that of the post.Chapter-XIII Appeal

## **19. Appeals.**

(1)An appeal shall lie to the Commissioner from any order of a Collector under these rules.(2)Every memorandum of appeal relating to cancellation, suspension or withdrawal of permit or pass shall be submitted within fifteen days from the date of the order appealed against to the Commissioner through the Collector against whose order the appeal is preferred.(3)The memorandum of appeal shall invariably be forwarded by the Collector to the Commissioner within ten days of its presentation with the original orders and with observations, if any, which the Collector forwarding it may wish to make thereon.

## **20. Appeals to the Board.**

(1)An appeal shall lie to the Board from any order passed by the Commissioner.(2)Every memorandum of appeal to the Board shall be presented within one month from the date of the order

appealed against.

## **21. Regulation of appeals.**

- The presentation of appeals to the Board and to the Commissioner and their disposal shall be regulated by the Board of Revenue, Orissa Regulations, 1963.

## **22. Repeals and savings.**

(1)The Orissa Opium Rules, 1937 and the rules made in the notification of the Government of Orissa in the Health and Local Self-Government Department No. 5922-Ex.-47/37 L.S.G., dated the 9th September, 1937, are hereby repealed ;Provided that any order made or action taken or things done under the rules so repealed shall be deemed to have been made, taken or done under these rules.(2)Notwithstanding any such repeal any appeal or any petition for revision pending before the Board under the rules so repealed on the date of commencement of these rules, shall be disposed of by the Board as if these rules had not been made.