

# Nagaland Opium Rules, 1977

NAGALAND

India

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### Rule NAGALAND-OPIUM-RULES-1977 of 1977

- Published on 9 May 1977
- Commenced on 9 May 1977
- [This is the version of this document from 9 May 1977.]
- [Note: The original publication document is not available and this content could not be verified.]

Nagaland Opium Rules, 1977Published vide Notification No. Ex/12/6/77, dated the 9th May, 1977Last Updated 18th February, 2020Notification No. Ex/12/6/77, dated the 9th May, 1977. - In exercise of the powers conferred by Sections 5 and 13 of the Opium Act, 1878 (1 of 1878), the Governor of Nagaland is pleased to make the following rules, namely :

#### 1. Short title, extent and commencement.

(1)These rules may be called the Nagaland Opium Rules, 1977.(2)They extend to the whole of Nagaland.(3)They shall come into force with effect from the Ninth day of May, 1977.

#### 2. Definitions.

(1)In these rules, unless there is anything repugnant in the subject or context-(a)"Act" means the Opium Act, 1878 (1 of 1878), and its application in Nagaland;(b)"Approved Medical Authority" means any person registered as a medical practitioner under the Indian Medical Council Act, 1956 (102 of 1956) whether in Government employ or otherwise;(c)"Card-holder" means a person in whose favour a ration card has been issued and the ration card so issued had not ceased to be valid under these rules;(d)"Collector" means the Collector as defined in clause (4) of Section 2 of the Nagaland Excise Act, 1967, and includes the Additional Deputy Commissioner of the district wherever appointed and any other officer empowered by the State Government by name or by virtue of his office to perform all or any of the functions of the Collector under these rules;(e)"Commissioner" means the Excise Commissioner, Nagaland;(f)"Depot" means a depot established under the rules for the sale of treasury opium;(g)"Licensed Kabiraj" or "Hakim" means a kabiraj or Hakim who, for the time being, holds a licence in Form VII granted under these rules;(h)"Manager-in-charge" means an Excise Officer who has been placed in charge of a depot or a person who has been appointed by the Collector to be Manager of a depot in accordance with these rules;(i)"Ration-card" means a permit granted under these rules authorising the holder thereof to purchase treasury opium for personal consumption on medical grounds every week ending with

Sunday from a depot fixed for registration of the holder of the permit in a quantity specified in the permit as the weekly quota;(j)"Sale" includes transfer;(k)"Treasury Opium" means opium or medicinal preparation of opium supplied by or on behalf of the Central Government.(2)Expressions not defined in these rules shall have the same meaning as in the Opium Act, 1878 (1 of 1878) except that-(i)The expression 'Opium' shall not include the capsules of the poppy (*Papaver Somniferum*, L) which have been lanced and dried and from which juice has been extracted whether they are in their original form or are in cut, crushed or powdered form; and(ii)the expression "Capsules" shall mean only those capsules of the poppy (*Papaver Somniferum*, L), which have been lanced and dried and from which juice has been extracted whether they are in their original form or are in cut, crushed or powdered form.

### 3. Possession.

- Subject to the provisions of Rules 17, 21 and 25 the possession of opium within Nagaland in any quantity by any person is prohibited except under and subject to the terms and conditions of-(i)a ration card granted under these rules or any rules previously in force;(ii)a licence or permit granted under the Dangerous Drugs Act, 1930 (2 of 1930) or the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955) :Provided that medicinal preparations containing mixture of opium may be possessed up to the extent of fifty grams at a time by any person if such preparation-(i)has been manufactured by him from treasury opium lawfully possessed by him for personal consumption and not for sale; or(ii)has been purchased for bona fide medicinal purposes from a licensed Kabiraj or Hakim.

### 4.

(1)Any person ordinarily residing within Nagaland and who holds a valid ration card issued under these rules or any rules previously in force and desires to contain a ration card under these rules for any period between the 1st April and the 31st March following may make an application together with a medical certificate in Form I appended to these rules between the 1st and last day of February preceding and shall deposit such application on or before the last day of February with the manager in-charge of the depot where he desires to have his ration card registered or where his ration card is already registered under these rules:Provided that a person who comes to or visits Nagaland may within one month from the date of his arrival within Nagaland, make such application before the Superintendent of Excise of the district in which such person takes up or intends to take up his residence.(2)Notwithstanding anything contained in sub-rule (1) the Superintendent of Excise may, in exceptional circumstances and on sufficient grounds, accept from a person as aforesaid, an application with a medical certificate in Form I submitted otherwise than in accordance with the provisions of the said sub-rule.(3)The manager-in-charge of a depot shall receive applications which are tendered under sub-rule (1) after detaching and furnishing to the applicant's counterfoils of the applications duly signed, as a token of receipt, and shall forward the applications to the Superintendent of Excise of the district in accordance with his instructions issued from time to time in this behalf.(4)No person shall make more than one application for a ration card at a time.

## 5.

(1)The Superintendent of Excise of the district shall consider all applications made under Rule 4 and, in respect of the applicants whose applications he decides to allow, shall, subject to other, provisions of these rules, either issue ration cards in Form II appended to these rules or pass orders renewing the ration cards previously issued under these rules or any rule previously in force in favour of the applicants, whereupon such ration card shall be deemed to have duly issued under these rules :Provided that the Superintendent of Excise shall not issue or renew a ration card in favour of a person who is unable to produce to the satisfaction of the Superintendent of Excise, evidence that he was addicted to taking of opium on medical grounds prior to his applications, as aforesaid.(2)The Superintendent of Excise of the district shall, at the time of issuing or renewing a ration card, specify-(i)the period for which the ration card is issued or renewed;(ii)the depot where the ration card is to be registered; and(iii)the weekly quota of treasury opium that may be purchased on the authority of the ration card so issued or renewed :Provided that the Superintendent of Excise may specify as weekly quota-(i)such quantity of treasury opium as has been recommended in the medical certificate; or(ii)the quantity of treasury opium which was authorised on the ration card, if any, previously issued under these rules or any rules previously in force; or(iii)twelve grams of treasury opium, whichever is less.(3)Notwithstanding anything contained in the foregoing sub-rule, the Superintendent of Excise of the district shall abide by the instructions, if any, issued from time to time by the Commissioner in respect of-(i)the class of persons whose applications for ration cards may or may not be allowed;(ii)the maximum quantity of treasury opium that may be specified as weekly quota on a ration card; and(iii)the circumstances in which an applicant shall be required to appear before a Civil Surgeon or such other medical authority as may be specified by the State Government for further examination and certification as to the quantity of treasury opium that may be required by the applicant, as a medical necessity.(4)A ration card issued or renewed as aforesaid shall cease to be valid on the 31st March,unless it is further renewed in the manner hereinbefore provided:Provided that the quantity of treasury opium purchased on the authority of a ration card which has ceased to be valid on the 31st March, may be lawfully possessed till the following Sunday.(5)Every card-holder shall be bound to comply with the instructions of the Superintendent of Excise of the district in connection with the issue and registration of ration cards.

## 6.

(1)The Superintendent of Excise of the district may, without previous notice, increase or reduce the weekly quota of any ration card and send an intimation of such increase or reduction to the manager-in-charge of the depot in which the ration card stands registered.(2)The holder of the ration card, the weekly quota of which has been increased or reduced by the Superintendent of Excise, shall, within four weeks of such increase or reduction, get the increase or reduced quota entered in his ration card by or under the authority of the Superintendent of Excise, failing which the ration card shall cease to be valid.

## 7.

(1) No card holder shall have for his use more than one ration card at a time. (2) Any person to whom a ration card has been issued shall immediately, on receipt thereof, put down his signature or thumb impression both on the ration card and its counterfoil at the places indicated therein and shall, within two weeks of the date of issue of the ration card get the same registered with the depot specified in the ration card, failing which the ration card shall cease to be valid. (3) If any card holder does not draw his weekly quota of opiums consecutively for four weeks, his ration card shall cease to be valid.

## 8.

(1) If a ration card is lost, the holder thereof shall forthwith report the loss to the Superintendent of Excise of the district and may make an application to the Superintendent of Excise for the issue of a new ration card. When such a card is in any way mutilated, torn or illegible owing to mishandling or otherwise, the holder thereof may also make an application, accompanied by the said ration card, to the Superintendent of Excise for issue of a new ration card. (2) Whenever the Superintendent of Excise receives an application about the loss of any ration card before or after registration thereof, he shall forthwith inform the manager-in-charge of the depot in which such ration was fixed for registration, or was registered.

## 9.

If the holder of a ration card desires to change, within the same district, the depot where his ration card is registered or fixed for registration, he may make an application in this behalf to the Superintendent of Excise of the district but no change of depot shall be allowable except for reasons explained to the satisfaction of the Superintendent of Excise. The Superintendent of Excise may, by an order in writing, require the registration of any ration card afresh in any depot other than the one in which it was previously registered.

## 10.

(1) If any card holder leaves the district in which his ration card is for the time being registered for a period of four weeks or more, or does not require further supplies of opium for any reason, he shall surrender his ration card to the District Excise Office and obtain therefrom a receipt in Form III appended to these rules. Such card holder may, when he returns to the district or requires further supplies of opium, submit an application to the Superintendent of Excise of the district, accompanied by the receipt referred to above for issue of the ration card. (2) If a card-holder on account of change of residence from one district to another, desires registration of his card in the district of his new residence, he shall deposit his ration card with the District Excise Office of the district in which the card is already registered or is fixed for registration with a petition stating the reasons for depositing the card and obtain a receipt in Form III appended to these rules for the ration card so deposited and shall thereafter submit an application to the Superintendent of Excise of the

district in which he wants to draw his ration quota of opium, accompanied by the receipt referred to above, for issue of ration card in his name.(3)The Superintendent of Excise to whom an application is made under sub-rule (1) or sub-rule (2) shall, after such enquiry, as he may deem necessary and if there is no objection, issue ordinarily within a week from the date of receipt of such application a new ration card or the applicant's old ration card previously surrendered duly revalidated, for registration or re- registration, as the case may be, in a depot specified in the ration card.

## **11.**

(1)Any person whose ration card has ceased to be valid, may make an application to the Superintendent of Excise of the district for revalidation of the ration card which shall be sent along with the application. Such revalidation, if allowed, shall be made by entering the word "revalidated" on the ration card and on its counterfoil under the signature (which shall be dated) of the Superintendent of Excise and the validation shall take effect from the date of such signature. Whenever ration card is revalidated an intimation thereof shall be sent to the manager-in-charge of the depot in which the card is fixed for registration or is registered.(2)When any ration card is revalidated, the manger-in-charge concerned shall if the ration card is not already registered, register the same when tendered for such registration.(3)Supply of the weekly quota of treasury opium against any revalidated ration card shall be allowable from the week of revalidation or registration whichever is later.

## **12.**

No card holder shall have in his possession any treasury opium which has not been supplied to him in accordance with these rules from the depot in which his ration card is registered or at a time in any quantity exceeding the quota, if any, that he has purchased in the week and the balance of unconsumed stock, if any, from the quota that he had purchased last.

## **13.**

Any ration card issued under these rules shall be regarded as the property of Government and shall not be transferable. Such a ration card shall not be used or allowed to be used in taking any supply of treasury opium except-(a)from the depot in which the ration card is fixed for registration and is registered; or(b)by the person on whose application and to whom the ration card was issued; or(c)by an agent authorised by the card holder in writing in this behalf.

## **14.**

If any depot in which ration cards are, for the time being, registered or fixed for registration cease to function or is not in a position to meet the legitimate demand of the card- holders already registered or to be registered in the depot the Superintendent of Excise of the district may notwithstanding anything contained in these rules :(a)cause the unregistered ration cards fixed for registration in such depot to be registered in any other depot;(b)require the registered ration cards to be registered

in any other depot; and (c) take such other step or steps for supply of the weekly quota of treasury opium to the card holders as the Superintendent of Excise may deem necessary.

## **15.**

If any card holder contravenes any provision of the Act or the Dangerous Drugs Act, 1930 (2 of 1930) or any rule or order made thereunder or makes any default in complying with any condition upon which the ration card has been issued, his ration card shall be liable to cancellation, suspension or withdrawal by the Superintendent of Excise in his discretion. Any such order of cancellation, suspension or withdrawal shall be communicated to the manager-in-charge of the depot in which the ration card is fixed for registration or is registered and also to the holder thereof by post or in such other manner as the Superintendent of Excise may think fit.

## **16.**

No supply of opium shall be given or taken against any ration card which has ceased to be valid or has been suspended, withdrawn or cancelled and such card shall be surrendered to the nearest Excise Officer.

## **17. Import.**

- No opium other than treasury opium shall be imported into Nagaland and no treasury opium shall be imported unless its import has been authorised by the Commissioner : Provided that a person who comes to or visit Nagaland, may import in person such quantity of opium, as he may lawfully possess for his personal consumption and not for sale under a valid ration card or permit, in his custody, which has been granted to him under any law for the time being in force in the State or the Union Territory from which he comes, subject to the condition that, on the expiry of one month from the date of his arrival in Nagaland the quantity of opium in his possession shall stand confiscated and shall be surrendered by him to the Superintendent of Excise of the district concerned, unless he has in the meanwhile applied for and obtained a ration card under these rules : Provided further that a person, who comes to or visits Nagaland, may import in person such quantity of medicinal preparation containing mixture of opium not exceeding fifty grams, as he may lawfully possess for his personal consumption and not for the time being in force in the State or the Union Territory from which he comes.

## **18. Export.**

- No opium other than treasury opium shall be exported : Provided that a person who leaves Nagaland may export in person the quantity of opium or medicinal preparation containing mixture of opium which he lawfully possesses in Nagaland, to such extent as he may possess under any law for the time being in force at the place of export.

## **19. Transport.**

No opium shall be transported within Nagaland except when-(i)it is transported to a treasury, sub-treasury, or a place appointed by the Commissioner under Rule 25; or(ii)it is transported from a treasury, sub-treasury or a place referred to in clause, (i) to a depot or from one depot to another or to such custody as the Superintendent of Excise may direct under sub-rule (1) of Rule 41 under cover of a pass granted by a Superintendent of Excise or an Excise Officer authorised in this behalf by the Superintendent of Excise or a Treasury or Sub-Treasury Officer; or(iii)it is transported by card holder or his authorised agent up to the quantity that the card holder may lawfully possess under these rules or is transported by a person up to the quantity that he has imported to Nagaland and lawfully possesses under proviso to Rule 17 :Provided that medicinal preparation containing mixture of opium may be transported by a person who is entitled to possess under these rules.

## **20. Transport by post.**

- Save as otherwise provided in these rules, treasury opium or medicinal preparation containing opium, may be imported, transported and exported and exported only by means other than of the post.SaleA. Treasury Opium

## **21.**

Treasury opium shall be sold only from depots established under these rules and opium to be so sold shall not be stored at any place other than depots except with the previous sanction of the Commissioner nor shall such opium be adulterated or allowed to deteriorate in any way.

## **22.**

Depots for the sale of treasury opium shall be established at such places, as the Commissioner may decide and may be discontinued at any time in his discretion, by the Commissioner.

## **23.**

Depots established under these rules shall be under the charge of Excise Officers not below the rank of Asstt. Inspector of Excise so placed in charge by the Commissioner and such persons as are appointed by the Commissioner in this behalf to be managers of the depots for the period from the 1st April to the 31st March following or for any shorter period and are granted letters of appointment in Form IV appended to these rules.

## **24.**

Depots shall be opened for sale during such days and hours as may be fixed by the Commissioner. These shall be fixed in a prominent position at each depot, a signboard showing in large characters that the premises are or contain a depot for the sale of treasury opium, the name of the

manager-in-charge and the days and hours during which the depot shall remain opened for such sale.

**25.**

Treasury Opium required for sale from a depot shall be obtained from the Central Government and stored at such treasuries, sub-treasuries and other places in Nagaland, as the Commissioner may appoint from time to time.

**26.**

(1)Treasury opium obtained from the Central Government under Rule 25 shall be supplied to the depots established under these rules in such quantities, as may be prescribed by the Commissioner from time to time, on prepayment by a Manager-in- charge, who is not an Excise Officer; or the price of treasury opium notified at such rates as the State Government may, from time to time, prescribe by notification in the "Nagaland Gazette".(2)Such opium shall be sold from depots at such prices as the State Government may prescribe from time to time by notification in the "Nagaland Gazette", and no opium shall be sold except on payment in cash of the price thereof.

**27.**

Treasury opium shall be sold from a depot only to-(i)a holder of a ration card which is fixed for registration and has been registered in the depot in accordance with the provisions of these rules;(ii)a holder of a licence or permit granted under the Dangerous Drugs Act, 1930 (2 of 1930), or the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955), subject to the terms and conditions of the said licence or permit Provided that the sale of treasury opium to a holder of a permit or licence referred to in clause, (ii) shall also be subject to such instructions and restrictions, as may be issued and prescribed by the Commissioner from time to time.

**28.**

The sale proceeds of opium shall be accounted for from day to day at each Depot in a cash book and after they have been so accounted for shall be deposited in a treasury or sub- treasury by the manager-in-charge, who is not Excise Officer in such manner, as may be prescribed by the State Government in this behalf and shall be retained by a Manager-in-charge who is not an Excise Officer as his remuneration for the expenditure incurred and the duties performed by him at and in connection with the depot.

**29.**

Regular and accurate account shall be maintained of all treasury opium received at and sold from a depot in such form, as may be specified by the Commissioner, from time to time, and shall be written up as soon as transactions for each day are closed and shall be attested by the



Manager-in-charge.

### 30.

The Manager-in-charge shall register in a register to be maintained at the depot in Form V opened to these rules, called the Register of Card Holders, any ration card which is fixed for registration such depot and is duly tendered for such registration. Thereafter, if and when a ration card is renewed, the Manager-in-charge shall make necessary entries in the Register of Card- Holders immediately on receipt of the orders of the Superintendent of Excise of the district in that behalf.

### 31.

(1) The Manager-in-charge shall after the registration of a ration card, separate the counterfoil from the ration card, return the ration card to the holder thereof or to his authorised agent and deposit the counterfoil on proper receipt in the District Excise Office. (2) The counterfoil of a ration card shall not be separated from the ration card except by the Manager-in-charge registering such ration card in accordance with these rules.

### 32.

(1) No Manager-in-charge shall sell or supply treasury opium to any card-holder in any week more than once or in any quantity below one week's quota or in excess of four week's quota specified in the ration card : Provided that treasury opium shall not be sold or supplied for any week ending beyond the Sunday following the 31st day of March. (2) When treasury opium is sold or supplied in a quantity in excess of one week's quota under this rule such quantity shall be in multiples of the weekly quota. (3) The sale or supply under this rule shall relate to the week or weeks for which the sale is made, the subsequent week or weeks, if any, immediately following,

### 33.

(1) No Manager-in-charge shall sell or supply treasury opium to a card-holder except on the production of the ration card already registered in the depot and whenever any such opium is sold to a card holder, the space on the ration card for the week or weeks for which the sale is made, shall be scored out by the Manager-in-charge. (2) As soon as the sale or supply is made, the Manager-in-charge shall record-(i) the name of card-holder; (ii) the number of ration card; (iii) the quantity of treasury opium sold or supplied; and (iv) the price charged for the opium so sold or supplied in a manuscript register to be maintained by him from day to day. (3) At the end of transactions on each day, the Manager-in-charge shall register all sales or supplies of opium made as aforesaid in a register to be maintained by him in Form VI appended to these rules, called the Off- take Register. (4) At the end of each calendar month, the Manager-in-charge shall submit to the Superintendent of Excise of the district a statement in duplicate recording-(i) the number of ration cards registered in his depot on the 1st day of the month; (ii) the total quantity of weekly quota of the ration cards so registered; and (iii) the total quantity of treasury opium sold in the month and the

progressive total of the quantity of treasury opium sold, from the 1st April to the end of the month.

**34.**

(1) No Manager-in-charge shall sell or supply treasury opium against a ration card which is in any way mutilated or is illegible due to mishandling or is torn or has ceased to be valid or has been suspended, cancelled or withdrawn or when the space on the ration card for the week or weeks for which the sale or supply is asked for, has already been scored out. (2) No treasury opium shall be sold from any depot against a ration card for any week after the expiry of that week.

**35.**

Whenever a Manager-in-charge refuses to sell or to supply treasury opium against a ration card on account of its being mutilated or being illegible due to mishandling or being torn, he shall note the fact in the Register of Card-Holders against the entry relating to such card and also on the ration card against which sale or supply is refused.

**36.**

When a Manager-in-charge receives any report or intimation about—(i) the loss of any ration card registered in his depot; (ii) the issue of a new ration card in place of an old ration card or renewal of ration card registered in his depot; (iii) the suspension, withdrawal or cancellation of a ration card registered in his depot; (iv) the increase or reduction of the weekly quota of a ration card registered in his depot, he shall forthwith make necessary alteration or entries, as the case may be, in regard to the card in the Register of Card-Holder and the off-take Register.

**37.**

(1) Each Manager-in-charge shall maintain such supply of treasury opium as the Superintendent of Excise of the district may consider sufficient to meet local requirements therefor and shall not refuse to sell treasury opium except in accordance with or as required under these rules. (2) At each depot a sufficient number of packets of opium of such weights, as may be necessary for sale to the card holders, shall be prepared from day to day and accounted for in a register prescribed by the Commissioner: Provided that whenever opium is supplied to a depot otherwise than in lump, such opium shall be accounted for and sold in such manner as may be directed by the Commissioner.

**38.**

(1) Each Manager-in-charge shall provide himself with accurate scale and such weights as the Commissioner may require from time to time, and shall keep them in good condition. He shall also purchase, as and when necessary such forms as are prescribed by or under these rules and are available for sale in the District Excise Office. (2) All sales of treasury opium shall, when not conducted personally by the Manager in-charge be conducted by such persons, not below the age of

21 years, whose names and particulars have been submitted previously to the Superintendent of Excise of the district for approval and who have been so approved.

**39.**

Depots for the sale of treasury opium shall be liable to be inspected from time to time by Excise Officers not below the rank of Assistant Inspector of Excise at any hour of the day or night in accordance with such instructions, if any, as may be issued by the Commissioner in this behalf and during any such inspection, the Manager-in-charge shall produce his letter of appointment (if any), the accounts required to be maintained at the depot, the sale proceeds of opium, if any, and the stock of opium at the depot and shall assist the inspecting officer in examining the accounts, the sale proceeds and the stock of opium and also otherwise.

**40.**

The Commissioner may allow-(a)a Manager-in-charge other than an Excise Officer to relinquish his appointment, as such, on a notice to be given in writing by the said Manager-in-charge, for such period not exceeding two months as the Commissioner may require; and(b)termination, in his discretion, the appointment of a Manager-in-charge other than an Excise Officer without notice either on the discontinuance of a depot or otherwise :Provided that, in the event of any breach of any provision, made by or under these rules, by a Manager-in-charge or by any one acting on his behalf with his express or implied permission, the Commissioner may, instead of terminating the appointment of the Manager-in-charge accept from him payment of a sum of money not exceeding all account maintained at the depot.

**41.**

(1)On discontinuance of a depot or on the date of relinquishment or termination of appointment of a Manager-in-charge other than an Excise Officer, the treasury opium at the depot together with all accounts maintained at the depot shall be surrendered to such custody as the Commissioner may direct.(2)The Commissioner may require the Manager-in-charge of one or more depots to purchase the opium, as aforesaid, in such quantity as he may specify not exceeding the quantity that is ordinarily saleable from the depot in two months, on payment of the price at which the opium was originally purchased, to the person whose appointment as the Manager-in-charge has been terminated or died to the heir or legal representative of the Manager-in-charge :Provided that, if such opium or any part thereof declared by the Chemical Examiner appointed by the State Government to be unfit for oral consumption, the Collector may cause it to be destroyed without any compensation being claimable by or on behalf of the Manager-in-charge.(3)Such treasury opium as cannot be disposed off in the manner hereinbefore prescribed, shall be disposed off in such other manner as the State Government may direct.

## **42.**

No Manager-in-charge shall be entitled to any compensation for any loss suffered or alleged to have been suffered except to the extent permissible under the foregoing rules. B. Medicinal preparation containing mixture of opium

## **43.**

The sale of medicinal preparations containing mixture of opium is prohibited in Nagaland save under and in accordance with the conditions of a licence granted by the Collector/Superintendent of Excise in Form VII appended to these rules.

## **44.**

(1) A licence in Form VII appended to these rules may be granted by the Collector/Superintendent of Excise only to a licensed Kaviraj or Hikim on payment in advance of a fee of Rs. 50 per annum and may be suspended or cancelled by the Collector/Superintendent of Excise—(a) in the event of any breach, by the holder thereof or by any person in his employ and action on his behalf, of any of the conditions thereof or of any provision of the Opium Act, 1878, or of any rule or order made thereunder; or (b) in the event of suspension or revocation of any licence held by the holder under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955); or (c) if the holder thereof is convicted of any offence punishable under the Act or the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955), or the Nagaland Excise Act, 1967 (Act 7 of 1967) or any cognizable and non-bailable offence: Provided that the Collector or the Superintendent of Excise of a district may accept, from any person whose licence is liable to suspension or cancellation under clause, (a), payment of a sum of money not exceeding Rs. 50 in lieu of such suspension or cancellation. (2) The holder of a licence shall not be entitled to any compensation for its suspension or cancellation or to the refund of any fee paid.

## **45. Capsules of the poppy.**

(1) No capsule of the poppy shall be possessed for the purposes of sale, or shall be sold in Nagaland save under and in accordance with the conditions of a licence in Form VII appended to these rules. (2) A licence in Form VIII appended to these rules may be granted in his discretion by the Superintendent of Excise of a district for the period from the 1st April to the 31st March following or for any shorter period on payment, in advance, of a fee of Rs. 50 per quintal or a portion thereof of capsules authorised for possession under the licence. (3) The licence, as aforesaid, may be suspended or cancelled by the Superintendent of Excise—(a) in the event of any breach by the holder thereof or by any person in his employ and acting on his behalf, of any of the conditions thereof or any provision of the Act or any rule or order made thereunder; or (b) if the holder thereof is convicted of any offence punishable under the Act or the Nagaland Excise Act, 1967, (Act 7 of 1967) or any cognizable and non-bailable offence: Provided that the Superintendent of Excise may accept, from any person whose licence is liable to suspension or cancellation under clause, (a) payment of a sum

of money not exceeding Rs. 500 in lieu of such suspension or cancellation.(4)The holder of a licence shall not be entitled to any compensation for its suspension or cancellation or the refund of any fee paid.

#### **46.**

(1)No capsule shall be imported to Nagaland except by a person who holds a licence in Form VIII appended to these rules and otherwise than in accordance with a pass granted in that behalf by the Superintendent of Excise of a district in Form IX appended to these rules on payment in advance, of a fee at the rate of Re. 1 per kilogram or a portion thereof of capsules intended to be imported :Provided that a person who comes to or visits Nagaland may import in person a quantity of capsules not exceeding a kilogram without a pass.(2)No capsule shall be exported from Nagaland otherwise than under an import pass or a no-objection certificate granted or issued by a competent authority in importing in the Union territory in India and an export pass granted by the Superintendent of Excise of the exporting district on payment in advance of a fee of fifty paise per kilogram or a portion thereof of capsules intended to be exported :Provided that a person who leaves Nagaland may export in person such quantity of capsules, as he may possess under any law, for the time being, in force at the place of export.(3)No portion of the fee, as aforesaid paid in advance, shall be refundable under any circumstances.

#### **47. Disposal of things confiscated.**

(1)All articles confiscated under the Act, except opium and capsules of the poppy, shall be disposed off by public auction by the Superintendent of Excise or any person authorised in this behalf by the Commissioner of Excise :Provided that any such articles may be retained for departmental use with the sanction of the Commissioner who may, in special cases, refer the matter to the State Government for orders.(2)Confiscated opium may, in such quantity as the Commissioner may determine in this behalf, be sent to-(i)the Chemical Examiner appointed by the State Government for such examination and report as may be specified in this behalf even if such opium has already been examined by him in connection with the case in which it was confiscated; and(ii)the Chief Chemist, Central Revenue Control Laboratory, New Delhi or such other Officer or authority, as the Commissioner may direct.(3)The confiscated opium shall thereupon be either retained for use in accordance with such instructions, as the State Government may issue from time to time, or sent for final disposal to an opium Factory of the Government of India at such time and in such manner as the Commissioner may determine from time to time :Provided that when the quantity confiscated at any time does not exceed 250 grams the opium shall be destroyed unless the Commissioner directs otherwise.(4)Confiscated capsules of the poppy shall be destroyed, unless the State Government directs otherwise.

#### **48. Appeal and revision.**

- The Collector/Superintendent of Excise shall in all proceedings under these rules, be subject to the control of the Commissioner.

**49.**

An appeal shall lie from an original or appellate order-(a)to the Collector/Superintendent of Excise when the order is made by an Officer subordinate to him;(b)to the State Government when an order is made by the Commissioner:Provided that-(i)when an original order is confirmed on first appeal, a second shall not lie. and(ii)when any such order is modified or reversed by the Collector/Superintendent of Excise on appeal, the order made by the Commissioner, if any, shall be final.

**50.**

(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 or by a certified copy of such order.

**51.**

The State Government may revise any order passed by any officer or authority under these rules.Form IApplication-cum-medical certificate for ration card[See Rule 4](Note :-No application is complete and can be accepted unless it is accompanied by a medical certificate in the form appended hereto from an Approved Medical Authority, namely a person registered as a medical practitioner under the Indian Medical Councils Act, 1950, whether in Government employ or otherwise).ToThe Superintendent of Excise.....District

**1. Name of applicant (with aliases, if any).....**

**2. Father's or husband's name.....**

**3. Permanent home address in full.....**

**4. Temporary address in full, if any.....**

**5. Age on 1st February-**

(a)How long the applicant is addicted to opium.....(b)Reason for addiction to opium.....

**6. (a) Number of ration card held by the applicant.....**

(b)Address of depot where the ration card is registered on the date of application  
.....(c)Weekly quota allowed on the ration card (gram/milligram).....

**7. (To be filled up by an applicant who has come to or visited Nagaland)-**

(a)Permanent address outside Nagaland.....(b)Period of intended stay in Nagaland.....(c)Evidence in support of change of residence and addiction to opium.....  
.....(d)Requirement of treasury opium, for personal consumption per week (gram\milligram).....(e)Address of depot where the applicant wants to purchase treasury opium against ration card.....

**8. Period for which a ration card is required.....**

Date.....Signature or thumb impression of applicantCounterfoilReceived an application of which this is the counterfoil from Shri/Shrimati/Kumari.....Son/daughter/wife of.....Date.....(i)Signature of the Manager-in-charge of depot.(ii)Signature of the Superintendent of Excise.(N. B. - This receipt should be surrendered as and when ration card is issued or renewed).Medical certificate(This certificate may be issued only by an approved Medical Authority namely a person registered as a medical practitioner under the Indian Medical Council Act, 1956, whether in Government employ or otherwise).This is to certify that the applicant Shri/Shrimati/Kumari.....(religion).....who is, by his/her statement, aged.....years and is apparently about..... years of age residing at..... has by his/her statement and on examination been found to be habituated to consume opium.

**2. The applicant states that he/she is suffering from..... and on examination is found to be suffering from...../does not appear to suffer from any incurable or painful disease.**

**3. I am of the opinion that the said Shri/Shrimati/Kumari requires opium for his/her personal consumption as medical necessity and recommend that he/she be permitted to consume opium in a quantity not exceeding..... per week for a period.....**

**4. The personal identification marks of the above mentioned Shri/Shrimati/Kumari are-**

(i).....(ii).....(iii).....

Place..... Signature (in full).....

Date..... Address (in full).....

Registration No.....

Form II

Not transferable.....

State

Serial.....

Ration CardN. B. - Unless renewed the card will expire on 31st March, 20

|   |   |                |
|---|---|----------------|
| District.....   | District                                    |                |
|   | Serial.....                                 |                |
| Excise Circle.....  | Area  |                |
|   | Serial.....                                 |                |
| Name<br>ofholder.....   |   |                |
| Address.....  |   |                |
| Name of father<br>orhusband.....                                  |   |                |
| Name and address of depot fixed<br>forregistration.....           |   |                |
| Weekly quota :  | Gram.....                                   | Milligram..... |
| Signature or thumb impression of card holder                      | Signature of<br>Superintendent of<br>Excise |                |
| Date.....   | Date.....                                   |                |
| Registered against Serial No..... in the register of cardholders. |   |                |
| Signature of the Manager-in-charge of depot                       |   |                |
|   | Date.....                                   |                |
| Counterfoil.....  | State                                       |                |
|   | Serial.....                                 |                |
| District.....   | District                                    |                |
|   | Serial.....                                 |                |
| Excise circle.....  | Area  |                |
|   | circle.....                                 |                |
| Name and address of depot for registration.....                   |   |                |
| Weekly quota supplied during the week ending Sundayon.....        |   |                |
| Conditions  |   |                |

**1. This ration card shall be liable to cancellation, suspension or withdrawal in the event of breach of any of the provisions of the Opium Act, 1878 or of the Dangerous Drugs Act, 1930, or of any rule or order made thereunder or any of these conditions.**

**2. This ration card shall not be used by any one except the holder of his/her authorised agent.**



**3. Supply of treasury opium against this ration card shall be allowable not more than once in a week and no supply for a week can be drawn after the expiry of the week.**

**4. If no opium is drawn for four weeks consecutively this ration card shall cease to be valid and no further supply can be given or taken unless the ration card is revalidated by the Superintendent of Excise.**

**5. Loss of the ration card must be reported forthwith to the District Superintendent of Excise.**

**6. The ration card shall be surrendered to the District Excise Officer on the event of the holder leaving the district or on his not requiring further supplies of opium for any reason. In the event of death of the card-holder, the ration card shall similarly be surrendered by any one in possession of the ration card.**

**7. A new ration card may, after proper enquiry, be issued in place of a ration card which is lost or is torn or mutilated or is illegible due to mishandling.**

Name of card

holder.....Address.....Register  
under serial No.....in the Register of card holders

Signature or thumb impression of card holder  
Date.....

Signature of the Manager-in-charge of the depot  
Date.....

Form III[See Rule 10]Form of receipt for ration card surrendered or deposited under Rule  
10Received on deposit an opium ration card with the following particulars :

District.....

Excise Circle.....

State Serial.....

District Serial.....

Area serial.....

Weekly quota.....

Name of the cardholder.....

Name and address of depot.....

Week up to which weekly quota has  
beendrawn.....

Reasons given by the card-holder for depositing  
thecard.....

Signature.....

Date.....

Designation.....

Form IV[See Rule 23]Letter of Appointment of Manager-in-chargeSerial No.....

Depot.....(The premises to be described)The undersigned, Commissioner of Excise, Nagaland, is pleased to (i) establish a depot for the sale of treasury opium at the premises described above within the village/ward No..... of the..... Municipality/within the police station and (ii) appoint Shri/Smt..... resident of..... to be the Manager-in-charge of the said depot for the period from..... till the 31st March, 20 on the following conditions : (1) That the aforesaid depot may be discontinued at any time and on such discontinuance or otherwise the appointment as Manager-in-charge may be terminated without notice by the undersigned in his discretion; (2) That the Manager-in-charge shall duly and faithfully observe and abide by the provisions of the Opium Act, 1878, and rules and orders that have been made or may hereafter be made thereunder; and (3) That the breach of any provisions of the Opium Act, 1878, or any rule or order made thereunder will subject the holder of this letter of appointment to all or any of the penalties prescribed by the law for the time being in force.

Date..... Commissioner of Excise

Counterpart AgreementI.....son/daughter of..... inhabitant of.....at present resident at.....hereby agree and bind myself and my legal representatives to observe and abide by all the conditions written and expressed in this letter of appointment.

Date.....Witness..... Signature.....

Form V[See Rule 30]Register of Card-holdersTo be maintained at the depot.....at.....district.....

| Serial No. of registration | Ration Card No. | State serial | District serial | Area serial | Name of card-holder | Address | Weekly quota | Period of validity of ration card | Date up to which the ration card has been renewed (quota No. and date or order in this behalf) |
|----------------------------|-----------------|--------------|-----------------|-------------|---------------------|---------|--------------|-----------------------------------|--|
|----------------------------|-----------------|--------------|-----------------|-------------|---------------------|---------|--------------|-----------------------------------|--|

Form VI[See Rule 33 (3)]Off-take RegisterTo be maintained at the depot

.....at.....district.....

| Serial No. of registration | Name of card holder | State Sl. No. | District Sl. No. | Area Sl. No. | Weekly quota supplied in week ending on Sunday | Remarks |
|----------------------------|---------------------|---------------|------------------|--------------|--|---------|
|----------------------------|---------------------|---------------|------------------|--------------|--|---------|

Form VII[See Rule 43]

Licence to a Kabiraj or Hakim for the sale of Medicinal preparations containing mixture of opium to his own patients for bona fide medicinal purpose.

Licence to a Kabiraj or Hakim for the sale of Medicinal preparations containing mixture of opium to his own patients for bona fide medicinal purpose.

Note. - The counterfoil of this licence is to be signed by the Kabiraj or Hakim and filled in the District Excise Office.

Counterfoil

Name of the District..... District.....  
 District.....  
 No. of licence in Register..... No. of licence in Register No.....  
 No.....  
 Name of Kabiraj or Shri.....  
 Hakim.....  
 Locality..... son/daughter of.....  
 Current residing at.....  
 from.....to.....  
 and being, by profession a Kabiraj/Hakim, having paid  
 in advance, a fee of Rupees..... by challan  
 No.....dated..... at the Treasury /  
 Sub-Treasury.....at..... is hereby authorised by the  
 undersigned to sell medicinal preparations containing mixture  
 of opium to his own patients for bona fide medicinal purpose  
 at.....from..... to the 31st March, 20.....  
 Amount of fee, paid in advance of  
 Rs.....  
 by challan No.....  
 dated.....  
 Received the licence of which this is  
 the counterfoil.  
 Signature of the licensee Kabiraj or  
 Hakim.

It is required of the holder of this licence, as a condition of its remaining in force, that he duly and faithfully performs and abides by the following conditions, namely : (I) that he/she does not transfer this licence to any other person; (II) that he/she sells only such medicinal preparations containing mixture of opium as he/she has manufactured under an appropriate licence granted to and held by him/her under the provision of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, or has purchased, with the permission in writing of the undersigned, those preparations from a person whose licence for the sale thereof has been expired either by non-renewal, cancellation or otherwise; (III) that he/she does not sell to one of his/her patients at one time more than fifty grams of medicinal preparations containing mixture of opium; (IV) that on the expiration of his/her licence, he sells the closing stock of the preparations containing mixture of opium to another licensed vendor thereof, with the permission in writing of the undersigned, within a period of one month from the expiration of the licence or such longer period as the undersigned may, in his discretion, allow on his application. In case he is unable to dispose off the stock within the period, as aforesaid, the stock shall be destroyed by him at his expense in the presence of an Excise Officer deputed for the purpose; (V) that he keeps regular and accurate account of all medicinal preparations containing mixture of opium, such account being written up and attested as soon as the transactions for each day have been closed and that he, at all times, affords every facility for the inspection of such account and of his stock of the said preparations by any Excise Officer of or above the rank of

Assistant Inspector;(VI)that breach of any of the aforesaid conditions or of the provisions of the Opium Act, 1878, or any rule or order thereunder by him or by any person in his employ and acting on his behalf as well as the cancellation of the licence granted to and held by him under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, authorising him to manufacture preparations containing mixture of opium will subject him to forfeiture of this licence and all or any of the penalties prescribed by any law this licences and all or any of the penalties prescribed by any law for the time being in force.

Date..... Licensing Authority

Form VIII[See Rule 45]

Licence for the possession and sale of capsules of the poppy(Papayer Somniferum L.) which have been lanced and dried and fromwhich juice has been extracted. Licence for the possession and sale of capsules of the poppy(papayer Somniferum L.) which have been lanced and dried and fromwhich juice has been extracted.

CounterfoilNote. - The counterfoil of this licence is to be signed by the person to whom the licence is granted and filled.District.....No. of licensee in Register

No.....Name of licensee.....Father's name .....Address.....No. of licence in the District Excise OfficeRegister No.....Locality of vend.....Date of licence.....Current

from.....to.....Amount of fee paid in advance vide challan No dated.....Shri/Smt.....son/daughter of..... residing at..... having paid in advance..... a fee of Rs.....by challan No..... dated..... at the Treasury/Sub Treasury at..... is hereby authorised by the undersigned to possess for the purpose of sale and to sell capsules of the poppy (Papayer Somniferum L) which have been licenced and dried and from which juice has been extracted at..... from..... till the 31st March, 20.Received the licence of which this is the counterfoil.Signature of the licenseeDated.....

## **2. It is required of the holder of this licence, as a condition of its remaining in force, that he duly and faithfully performs and abides by the following conditions :**

Conditions(I)that he does not possess more than of capsules, under this licence, during the entire period of its currency;(II)that he does not receive, store or have in his possession any quantity of capsules which has not been purchased from a licensed vendor thereof in Nagaland under a Memorandum issued by him or from the person whose licence to possess and sell capsules has expired, under a written authority in that behalf from the Superintendent of Excise or which has not been imported into Nagaland by the Superintendent of Excise;(III)that he maintains day by day a regular and accurate account of capsules received and sold under the licence in the following form namely:

| Date | Opening balance of capsule | Quantity of capsules | Whence received- and date of pass/Memoauthority | No. | Total to be accounted for | Quantity sold | Closing balance | Remark (if any and dated, |
|------|----------------------------|----------------------|---|-----|---------------------------|---------------|-----------------|---------------------------|
|------|----------------------------|----------------------|---|-----|---------------------------|---------------|-----------------|---------------------------|

|   |   |          |   |   |   |   |   |
|---|---|----------|---|---|---|---|---|
|   |   | received |   |   |   |   | signature of<br>the licensee or<br>his agent) |
| 1 | 2 | 3        | 4 | 5 | 6 | 7 | 8   |

(IV)that he produces his licence, accounts and stock of capsules for inspection on demand by an Excise Officer of and above the rank of Assistant Inspector and assist him in taking account of the stock of capsules.....(V)that, on the expiration of his licence, he sells the closing stock of capsules to another licensed vendor thereof with the permission in writing of the Superintendent of Excise within a period of one month from the expiration of the licence or such longer period as the Superintendent of Excise may in his discretion allow on his application. In case he is unable to dispose of the capsules within the period as aforesaid, the capsules shall be destroyed by him at his expense in the presence of an Excise Officer deputed for the purpose by the Superintendent of Excise without any compensation being claimed;(VI)that breach of any of the aforesaid conditions or to the provisions of the Opium Act, 1878, or any rule or order made thereunder by the holder of the licence or by any person in his employ and acting on his behalf will subject the holder of the licence to forfeiture of the licence and to all or any of the penalties prescribed by law for the time being in force.Date.....Licensing AuthorityDistrict Excise Officer at.....Form IX[Issued vide Rule 46. of the Nagaland Opium Rules, 1977 pass for the import/export of capsules of the poppy (Papayer Somniferum L.) which have been lanced and dried and from which juice has been extracted.Serial No.....Date.....Shri..... of.....holder of licence of the possession and sale of capsules of the poppy which have been lanced and dried and from which juice has been extracted, having applied for a pass for the import/export of the capsules of the poppy as aforesaid and having paid a fee amounting to Rupees..... by challan No.....dated.....into the Treasury/Sub-Treasury.....is hereby permitted to import from/export to (state here the full name and address).....from his licensed premises at.....capsules of the poppy not exceeding (state here the quantity.... which have been lanced and dried and from which juice has been extracted.District Excise Officer/Superintendent of Excise.....at.....Instructions(1)The pass will be drawn up in quadruplicate.(2)The original and the duplicate copy of the pass will be made over to the applicant for the pass who will return, immediately on the expiry of its currency, the duplicate copy of the pass to the Superintendent of Excise stating, by an endorsement on the reverse, how and when and what quantity of capsules, covered by the pass is received at the licensed premises or is despatched therefrom or such other action as has been taken on it.(3)The competent authority to whom the triplicate copy of the pass is sent is required to be sent to the Superintendent of Excise issuing the pass, a copy of the pass that he (the competent authority) may issue on the strength of this pass, or if no pass is issued, intimate what action is taken on in respect of the pass. An extract of Sections 5 and 13 of the Opium Act, 1878 (1 of 1878) are reproduced below : "Section 5. Power to make rules to permit such matters. - The State Government may, from time to time by notification in the official Gazette, make rules consistent with this Act, to permit absolutely, or subject to the payment of duty or to any other conditions, and to regulate, within the whole or any specified part of the territories administered by such Government, all or any of the following matters : (a)the possession of opium;(b)the transport of opium;(c)the importation or exportation of opium; and(d)the sale of opium and the form of duties leviable in the sale of opium by retail:Provided that no duty shall be levied under any such rule on any opium imported and on which a duty is imposed

by or under the law relating to sea customs for the time being in force or under the Dangerous Drugs Act, 1930 (2 of 1930).Section 13. Power to make rules regarding disposal of things confiscated and rewards. - The State Government may, from time to time by notification in the official Gazette, make rules consistent with this Act to regulate-(a)the disposal of all things confiscated under this Act, and(b)the rewards to be paid to officers and informers."