

Haryana Narcotic Drugs and Psychotropic Substances Rules, 1985
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No. GSR85/C.A./85/Sections 10, 65, 71 and 78/85. - In exercise of the powers conferred by Sections 10, 65, 71 and 78 of the Narcotic Drugs and Psychotropic Substances Act, 1985 the Government of Haryana hereby makes the following rules, namely :-

CHAPTER I

Preliminary

1. Short title. - These rules may be called the Haryana Narcotic Drugs and Psychotropic Substances Rules, 1985.

2. Definitions. - In these rules, unless the context otherwise requires -

- (i) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985.
- (ii) "Boiled Opium" means opium lawfully purchased and subsequently boiled for personal consumption;
- (iii) "Chief Medical Officer" means Chief or Principal Medical Officer of a district or such other officer, as is authorised by the Government to perform the duties of Chief Medical Officer;
- (iv) "Deputy Excise and Taxation Commissioner" means the Officer-in-charge of the Excise Administration at the head office :
- (v) "Excise Commissioner" means the Excise and Taxation Commissioner, Haryana;
- (vi) "Excise Officer" means every Officer invested with the power of an Excise Officer under the Punjab Excise Act, 1914 (1 of 1914);

- (vii) "Excise and Taxation Officer" means the Officer holding charge of the Excise administration and includes Assistant Excise and Taxation Officer;
- (viii) "export" means to take out of the State of Haryana to another State or Union Territory in India;
- (ix) "Form" means a form appended to these rules;
- (x) "Government" means the Government of the State of Haryana in the Administrative Department;
- (xi) "import" means to bring into the State of Haryana from another State or Union Territory of India;
- (xii) "Chemist" means a person who has obtained a licence for manufacturing the manufactured drugs;
- (xiii) "druggist" means a person licensed to dispose or to keep a shop for the sale of medicinal cannabis or medicinal opium intended for use as medicine and for the manufacture of medicinal opium;
- (xiv) "Medical Board" or "Medical Officer" means the Medical Board constituted or Medical Officer appointed by the Chief Medical Officer concerned for recommending the grant of permits for oral consumption of opium on medical grounds;
- (xv) "pass" means a pass granted under these rules;
- (xvi) "permit" means a permit granted under these rules;
- (xvii) "Prescription" means prescription given by a medical practitioner for the supply of medicinal opium or coca derivatives or opium derivatives to a patient;
- (xviii) "Medical Practitioner" means a person holding a qualification granted by an authority specified or notified under Section 3 of the Indian Medical Degree Act, 1916 (VII of 1916) or the Patiala Medical Degrees Act, 1999 (BK) or specified in the schedules to the Indian Medical Council Act, 1956 (Parliament Act No. 102 of 1956) and the Dentists Act, 1948 (XVI of 1948), or a person registered or eligible for registration in a medical register

of the State meant for registration of persons practising Allopathic or Unani or Ayurvedic System of Medicine; and

[(xviii-a) "morphine" includes any preparation of morphine;

(xviii-b) "recognised medical institution" means a hospital or medical institution recognised for the purpose of chapter VIII. It is the responsibility of the institution so recognised to ensure that morphine obtained by them is used for medical purposes only.]

(xix) The words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

CHAPTER II

Cultivation of Cannabis Plants Production and Manufacture, etc. Excluding Charas

3. Regulation of cultivation of cannabis plant - Section 10(1)(a). - The cannabis plants shall not be cultivated save on account of the Central Government or State Government and in the tracts notified by the State from time to time and in accordance with the conditions of licence issued by the officers empowered in this behalf under these rules.

4. Fee for grant of licence - Section 10(1)(a). - The licence for cultivation of cannabis plant may be granted by the officers empowered in this behalf on payment of such fee as may be specified by the State Government from time to time.

5. Forms of application and licence - Section 10(1)(a). - The licence for cultivation of cannabis plant shall be issued in form No. 2 by the Deputy Excise and Taxation Commissioner, Haryana on receipt of application in form No. 1.

6. Appointment of Lambardar - Section 10(1)(a). - The Deputy Excise and Taxation Commissioner, Haryana may appoint a Lambardar in each village where cannabis plants cultivation is permitted, on such terms and conditions as may be specified from time to time by the Excise Commissioner.

7. Revocation of licence - Section 10(1)(a). - An Officer higher in rank than the officer empowered to issue licence for cannabis plant cultivation may, for sufficient reasons to be recorded in writing, revoke a licence.

(2) No order shall be passed under sub-rule (1) unless the cultivator has been given reasonable opportunity of showing cause against the said order or is heard in person, if he so desires.

(3) Where cannabis plants have been cultivated on a licence which is subsequently revoked, the standing crop, if any, shall be destroyed under the supervision of the officer in such manner as may be specified by the Excise Commissioner.

8. Procedure with regard to measurement of land cultivation with cannabis plants - Section 10(1)(a). -

(1) All plots of land cultivated with cannabis plants in accordance with the licence issued under these rules, shall be measured by the officer in the presence of the cultivator concerned and the Lambardar of the village. All measurements shall be carried out in metric units. The concerned cultivator and the Lambardar of the village shall attest the record entries in Form No. 3 under their signatures with date, in token of having satisfied themselves regarding the correctness of the measurement.

(2) The measurement conducted by the officer shall be subject to such checks by such officers as may be specified by the Excise Commissioner in this behalf.

9. Procedure with regard to preliminary weighment - Section 10(1)(a). -

(1) The cultivator shall, at the proper time produce daily, before the Lambardar, each day's collection of cannabis plants from his crop for weighment.

(2) The Lambardar shall make arrangement to weigh such cannabis plants and make necessary record entries in Form No. 4.

(3) The cultivator and the Lambardar shall attest the entries made in such records showing the quantity of cannabis weighed on a particular day.

(4) The officer shall conduct check weighment of the cannabis collected by the cultivators with reference to the entries in the record and indicate his finding therein which shall be attested by him and the Lambardar.

(5) The variations between the quantity of cannabis of the cultivators indicated in the records and as found by the proper officer during his check, shall be enquired into to ascertain the liability of the cultivators for punishment under Section 20 of the Act.

10. Delivery of cannabis produced - Section 10(1)(a). -

All cannabis, the produce of land cultivated with cannabis plants shall be delivered by the cultivators to the Deputy

Excise and Taxation Commissioner or any other officer duly authorised in this behalf, at a place and in such manner as may be specified by such officer.

11. Cannabis to be weighed, examined and classified - Section 10(1)(a). - All cannabis delivered by the cultivators to the Deputy Excise and Taxation Commissioner or any other officer authorised as aforesaid, shall, in the presence of the concerned cultivator and the Lambardar be weighed, examined and classified according to its quality and consistence and forwarded by the Deputy Excise and Taxation Commissioner to the Government State Factory.

12. Procedure where cultivator is dissatisfied with classification of cannabis - Section 10(1)(a). - Any cultivator who may be dissatisfied with the classification of his cannabis done by the officer as mentioned in Rule 11 may have it forwarded to the Government State Factory separately, by such officer after having it properly sealed in his presence.

13. Procedure for sending cannabis suspected to be adulterated - Section 10(1)(a). - When cannabis delivered by a cultivator to the Deputy Excise and Taxation Commissioner or any other officer authorised in this behalf, is suspected of being adulterated with any foreign substance, it shall be forwarded to the Governments State Factory separately, after it is properly sealed in the presence of the cultivator and the concerned Lambardar.

14. Opening of sample - Section 10(1)(a). - The sealed cannabis received separately in accordance with Rule 12 and Rule 13 shall be opened and sample drawn thereof in the presence of the cultivator, if he so desires, to whom a notice intimating the date and time in this behalf, shall be sent well in advance.

15. Fixation of price of cannabis - Section 10(1)(a). -
(1) The Government shall from time to time having regard to the various relevant factors, fix the price of cannabis in such manner as it may deem fit.

(2) Such price shall be fixed per kilogram of cannabis of a standard consistence.

16. Provisional payment of price - Section 10(1)(a). - The Deputy Excise and Taxation Commissioner shall having regard to the weight and consistence of cannabis work out the weight of such cannabis at the standard consistence and determine provisionally the total price payable to such cultivators. The said officer, shall pay to the cultivators 90%

of the payment so determined which shall be subject to adjustment against the final price payable to the cultivators to be determined as provided hereinafter.

17. Weighment and examination of the cannabis - Section 10(1)(a). - The cannabis forwarded by the Deputy Excise and Taxation Commissioner shall be received, weighed, examined and classified in the Government State Factory.

18. Confiscation of adulterated cannabis - Section 10(1)(a). - (1) All such cannabis received separately under Rule 12 if found to be adulterated on examination by the Chemical Examiner of the Government may be liable to confiscation by the General Manager of the Government State Factory.

(2) No such confiscation shall be ordered by the General Manager of Government State Factory unless the concerned cultivator is given a reasonable opportunity of showing cause against the proposed order and is heard in person, if he so desires.

19. Determination of final price of cannabis - Section 10(1)(a). - Subject to the provisions contained in Rule 18 the final price of cannabis payable to the cultivator shall, having regard to the price fixed by the Government under Rule 16 be determined by the General Manager of Government State Factory or such other officers as may be authorised in this behalf and communicated to the Deputy Excise and Taxation Commissioner.

(2) The price payable in respect of any cannabis which is not initially suspected to be adulterated by the Deputy Excise and Taxation Commissioner (Hqrs.) or any other Officer authorised in this behalf, but found to be adulterated on examination in the Government State Factory shall be subject to such reduction as may be specified by the State Government.

20. Adjustment of cultivators account and recovery of dues from the cultivators - Section 10(1)(a). - The accounts of the cultivators for a particular crop year shall be adjusted by the Deputy Excise and Taxation Commissioner at the time of issuing of licenses for the subsequent crop cultivation and if any amount due from them shall be recovered and any amount due to them shall be paid.

21. Weights and scales - Section 10(1)(a). - The weights and scales to be used for weighing the cannabis at the weighment centres and the Government State Factory shall

be caused to be examined at the appropriate time by the General Manager.

22. Export of cannabis - Section 10(1)(a). - No cannabis shall be exported or transported except under a pass issued in accordance with these rules for such export or transport.

23. Import of cannabis - Section 10(1)(a). - Import of cannabis is prohibited except under a pass granted in this behalf by the Excise Commissioner.

24. Conditions for export of cannabis - Section 10(1)(a). - Cannabis may be exported subject to the following conditions, namely :-

- (a) The exporter must obtain a permit from an authorised Excise Officer of the Union Territory or State of destination authorising him to remove cannabis from Haryana into such Union Territory or State.
- (b) The exporter must obtain a pass to cover the export.
- (c) The exporter must have paid such duty as may from time to time be imposed on the export of cannabis under the Punjab Excise Act, 1914 unless the cannabis is exported in bond.
- (d) The exporter must produce the cannabis to be exported at the office of the Excise and Taxation Officer or any other officer authorised for the purpose of weighment and calculation of duty.
- (e) The cannabis must be exported in quantities of not less than thirty-seven kilogram at a time.

25. Conditions for Transport of cannabis - Section 10(1)(a). - Any person holding a license for the wholesale or retail vend of cannabis in Haryana may transport cannabis from one place in Haryana to another place in which he holds a license subject to the following conditions, namely :-

- (a) The transporter must obtain from the Deputy Excise and Taxation Commissioner a permit to transport cannabis to the place in which he is licensed to sell cannabis.
- (b) The transporter must obtain from the Deputy Excise and Taxation Commissioner a pass authorising the transport of cannabis described therein, by a specified

route, to the vend premises of a specified person licensed to sell cannabis in wholesale or retail.

- (c) The transporter must produce the cannabis to be transported at the office of the Excise and Taxation Officer or any other authorised officer from which the cannabis is to be transported for the purpose of weighment and calculation of duty.
- (d) The transporter must have paid such duty as may from time to time be imposed on the transport of cannabis under the Punjab Excise Act, 1914.
- (e) The cannabis must be transported in quantities of not less than forty kilograms at a time.

26. Transportation of cannabis by licensee - Section 10(1)(a). - Cannabis may be transported by a person licensed to sell cannabis in wholesale or retail in Haryana from one place to another in the same district in quantities greater than two hundred and fifty grams subject to the conditions of the transporters license without a transport pass and without payment of transport duty.

27. Transportation of cannabis on account of Government - Section 10(1)(a). - The import, export or transport of cannabis on account of the Government may be carried out without restriction provided that in the case of transit by post the import, export or transport shall be subject to the following restrictions, namely :-

- (a) Only the parcel post may be used.
- (b) The parcel shall be accompanied by a declaration stating the names and designation of the consignee and consignor, the contents of the parcel in detail and the indent number and date covering the transaction.
- (c) The consignee shall show distinctly in his account books the name and designation of the consignor and the quantity sent to him by post.

28. Means of transportation - Section 10(1)(a). - Save as provided in Rule 27 the import, export or transport of cannabis into, from or within Haryana is permitted only by means other than by post.

29. Possession of cannabis - Section 10(1)(a). - Only a person licensed to sell cannabis in wholesale or retail in Haryana may possess the same.

30. Export of cannabis - Section 10(1)(a). - Any person licensed to sell cannabis in wholesale in Haryana wishing to export cannabis to any person licensed to sell cannabis in any other State or Union Territory shall apply in Form No. 5 to the Deputy Excise and Taxation Commissioner concerned for an export in-bond pass on the basis of a permit from the competent authority of the State or Union Territory of destination.

(2) The Deputy Excise and Taxation Commissioner may in his discretion by order in writing either refuse or grant an export pass in Form No. 6.

31. Transport of Cannabis - Section 10(1)(a). - Any licensed vendor of cannabis in Haryana wishing to transport cannabis to any other place in Haryana may apply in Form No. 7 to the Deputy Excise and Taxation Commissioner for a transport pass and the Bond authority may after levying the duty payable if any, grant a transport pass in form No. 8. The application shall be accompanied by permit in Form No. 9.

32. Route of Consignment covered by pass - Section 10(1)(a). - Every export and transport under Rule 22 shall specify the route to be followed by the consignment covered by the pass and shall be issued subject to the following conditions:-

- (a) The packages of cannabis covered by the pass shall not be opened during the transit.
- (b) The packages of cannabis shall be taken direct to the office of designation named in the pass and shall there be handed over, along with the copy of the pass to the officer-in-charge of such office.
- (e) In case of export in-bond the licensed vendor exporting cannabis to any other State or Union Territory shall produce to the Deputy Excise and Taxation Commissioner or any other authorised officer, issuing the passes within a reasonable time a certificate from the authorised officer of the State of destination, who issued the permit, that the packages of cannabis covered by the export pass have reached the destination in full. Vendor

in Haryana shall be charged duty on this quantity of cannabis thus exported by him.

CHAPTER III

Possession, Transport, Import Inter-State, Warehousing, Inter-State, Sale, Export Purchase, Consumption and Use of poppy straw

33. Prohibition of possession of poppy straw - Section 10(1)(a). - The possession, transport, import inter-State, export inter-State, warehousing sale, purchase, consumption and use of poppy straw, is prohibited in the Haryana except under a license and permit granted under these rules.

34. Prohibition of possession of poppy straw - Section 10(1)(a). - The possession of poppy straw in any quantity by any person except under and in accordance with the conditions of a permit granted under these rules or under an appropriate licence or permit granted under the Medical Toilet Preparations (Excise Duties) Act, 1955 is prohibited.

35. Grant of permit for poppy straw - Section 10(1)(a). - Any person desiring to possess poppy straw for the purpose of consumption on medical grounds only shall make an application for a permit to the Chief Medical Officer.

(2) On receipt of the application under sub-rule (1) the Chief Medical Officer shall make such enquiries as he deems necessary and if he is satisfied that there is no objection to the grant of the permit applied for he may, subject to the orders of the Excise Commissioner, if any, grant the applicant a permit in Form No. 10 on payment of a free of one rupee.

36. Permit for possession of poppy straw - Section 10(1)(a). - Notwithstanding anything contained in Rule 35, a poppy straw addict may import into Haryana and possess poppy straw obtained by him on the authority of a permit issued in his favour by another State in India, up to the extent of the quantity authorised in the permit provided that :-

- (i) the poppy straw permit holder of another State, when visiting the State of Haryana brings with him poppy straw permit and also a certificate from the Excise authority of the place from where he comes, in evidence of the grant of such permit, which shall be got

countersigned from the Excise Officer of the first destination of the visitor;

(ii) such poppy straw permit holder shall not have in his possession poppy straw in excess of the quantity authorized in the permit;

(iii) such permission shall be valid for a period not exceeding one month from the date of issue of the certificate referred to in clause (i), and if the poppy straw permit-holder prolongs his stay in the State he shall obtain a regular permit from the Chief Medical Officer of the district concerned on surrender of the permit issued in the State from which he migrates or returns.

37. Quantity for which permit will be issued - Section 10(1)(a). - A permit in Form No. 10 shall be granted in respect of such quantity of poppy straw, as may be fixed by the Medical Board or the Medical Officer, as the case may be, in accordance with the orders and directions issued by the Excise Commissioner, from time to time:

Provided that the aggregate quantity of poppy straw purchased by a permit-holder in a month shall not exceed 500 grams and the quantity possessed at any one time shall not exceed 50 grams or as prescribed from time to time by the Excise Commissioner.

38. Duration of permit - Section 10(1)(a). - No permit shall be granted under the above provisions for any period beyond the 31st March, next following the date of the commencement of the permit.

39. Depots for sale of poppy straw - Section 10(1)(a). - (1) Depots for the sale of poppy straw shall be established at such places as the Excise Commissioner may from time to time direct and such depots shall normally be located in Government owned hospitals or dispensaries under the direct control of Chief Medical Officer.

40. Supply of poppy straw to depots - Section 10(1)(a). - Poppy straw required for sale at the depots shall be obtained from the Government Store specified for the purpose by the Excise Commissioner on payment of price fixed by the Excise Commissioner. The Government Store shall obtain poppy straw from the Government Opium and Alkaloid Works, Ghazipur (Uttar Pradesh) or from such other sources as the Government may direct.

41. Sales at places other than depots prohibited - Section 10(1)(a). - Poppy straw shall not be sold at any place except at a depot established under Rule 29 and a detailed day to day account of sales shall be maintained in the register in Form No. 11. The Chief Medical Officer shall forward to the Excise and Taxation Officer, concerned a monthly statement in form No. 12 showing receipt, issues and balance of poppy straw.

42. Transport of poppy straw - Section 10(1)(a). - (1) Any person desirous of transporting poppy straw which he is authorised to possess shall apply for the grant of a pass to the Excise and Taxation Officer concerned.

(2) For being stored at the depots, poppy straw shall be transported from the stores from time to time according to the requirements intimated by the Chief Medical Officer to the Excise and Taxation Officer concerned, who shall issue a transport pass in Form No. 13 for the purpose.

(3) Transport passes in cases not covered by sub-rules (1) and (2) shall be granted in Form No. 14.

43. Opening of packets during its transport - Section 10(1)(a). - No packet containing poppy straw shall be opened during its transport :

Provided that nothing contained in this rule shall apply to persons holding a permit in Form No. 10.

44. Restriction on transport - Section 10(1)(a). - No railway administration shall -

(a) receive or convey poppy straw which is not covered and accompanied by a transport pass issued by an Excise Officer, duly empowered in this behalf; or

(b) convey poppy straw otherwise than by the route prescribed in such pass and in the custody of a railway official upto the station at which poppy straw is to be transported by the railway.

45. Transport of poppy straw on behalf of infirm and invalid persons - Section 10(1)(a). - Any person may without any permit purchase, possess and transport on behalf of an infirm or invalid person, who is physically unfit to possess and transport poppy straw provided that :-

(a) the infirm or invalid person holds a permit in Form No. 10.

(b) the person purchasing, possessing and transporting poppy straw on behalf of the infirm or invalid person possess a written authority in Form No 15 from the infirm or invalid person to do so on his behalf, and the Chief Medical Officer has given his prior approval to such authorisation.

46. Depots and required to obtain license or permit - Section 10(1)(a). - Notwithstanding anything contained in the foregoing rules no license or permit shall be necessary for the purchase, possession and sale of poppy straw by or on behalf of depots established under Rule 39.

47. Transportation etc. of poppy straw by Government - Section 10(1)(a). - (a) Poppy straw may be imported, exported or transported by the Government Officers acting in regard to such transport in the performance of his official duties.

48. Extension of transportation time - Section 10(1)(a). - The Excise and Taxation Officer of any district through which a consignment of poppy straw may be passing under cover of a transport pass, may on due cause being shown by the consignor, consignee or person in charge of the consignment, extend the period for which transport pass is to remain in force. Every extension of time so granted shall be endorsed upon the pass by the Excise and Taxation Officer granting it, and every such endorsement shall be dated and signed by him.

49. Weightment of poppy straw - Section 10(1)(a). - The poppy straw transported under a pass shall, on arrival within the limits of a tehsil or district in which its place of destination is situated, be taken for examination and weightment direct to the officer designated in the transport pass in that behalf.

50. Packing of consignment - Section 10(1)(a). - Every consignment of poppy straw to be transported, imported or exported under these rules, orders shall be properly packed and firmly secured and sealed so that it cannot be opened and its contents tampered with or extracted without breakage of or damage to the seals of packing material.

51. Inspection of consignment - Section 10(1)(a). - (1) The Deputy Excise and Taxation Commissioner and the Excise Officer is authorised to detain, so long as may be necessary for the inspection of the same and to inspect any consignment of poppy straw in transit through his jurisdiction

and to call for the production of the pass under which such poppy straw is being transported, imported or exported.

(2) If upon inspection any excess or deficiency between the quantity of poppy straw specified in the pass and the actual quantity contained in any parcel or package to which the pass relates is found to exist, and the consignor, consignee or the person in charge thereof cannot satisfactorily account for such excess or deficiency, the fact shall forthwith be reported to the Deputy Excise and Taxation Commissioner and pending his orders, the parcel or package in question shall be detained by the inspecting officer. Due allowance on account of drayage shall be given during weighment.

52. Seizure of poppy straw - Section 10(1)(a). - Any consignment of poppy straw which in the course of transit but which is not covered by a pass issued under these rules may be seized and detained by any Excise Officer.

CHAPTER IV

Possession, Transport, Import Inter-State, Export Inter-State, Sale, Purchase, Consumption and Use of Opium

53. Transaction in opium on account of Government - Section 10(1)(a). - All transactions in opium on account of Government may be carried on without restriction :
Provided that in the case of transit by post :-

- (a) only the parcel post may be used;
- (b) the parcel shall be accompanied by a declaration stating the name and designation of the consignee and the consignor, the contents of the parcel in detail and the indent number and date covering the transactions;
- (c) the consignee shall show distinctly in his account books, the name and designation of consignor and the quantity sent to him.

54. Import etc. of opium by other means - Section 10(1)(a). - Save as provided in Rule 53 above, the import, export or transport of poppy straw into, from or within State of Haryana is permitted only by means other than by post.

55. Transportation by Government Officers - Section 10(1)(a). - Opium may be imported, exported or

transported by any Government Officer acting in the performance of his official duties.

56. Extension of transportation time - Section 10(1)(a). - The Excise and Taxation Officer of any district through which a consignment of opium may be passing under cover of a transport pass in Form No. 16, may on due cause being shown by the consignor, consignee or person in charge of the consignment, extend the period for which such transport pass is to remain in force. Every extension of time so granted shall be endorsed upon the pass by the Excise and Taxation Officer granting it, and every such endorsement shall be dated and signed by him.

57. Weighment etc. of opium - Section 10(1)(a). - Opium transported under cover of a transport pass shall, on arrival within the limits of a tehsil or district in which its place of destination is situated, be taken for examination and weighment direct to the office designated in the transport pass in that behalf.

58. Packing of consignment - Section 10(1)(a). - Every consignment of opium to be transported, imported or exported shall be properly packed and firmly secured and sealed so that it cannot be opened and its contents tampered with or extracted without breakage of or damage to the seals or packing material.

59. Inspection of consignment - Section 10(1)(a). - The Deputy Excise and Taxation Commissioner and the Excise Officer is authorised to detain, so long as may be necessary for the inspection of the same and to inspect any consignment of opium in transit through his jurisdiction and to call for the production of the pass.

(2) If upon any inspection any excess or deficiency between the quantity of opium specified in the pass and the actual quantity contained in any parcel or package to which the pass relates is found to exist and the consignor, consignee or person in charge thereof cannot satisfactorily account for such excess or deficiency, the fact shall forthwith be reported to the Deputy Excise and Taxation Commissioner and pending his orders the parcel or package in question shall be detained by the inspecting officer. Due allowance on account of dryage shall be given during weighment.

60. Seizure of opium - Section 10(1)(a). - Any consignment of opium in the course of transit which is not covered by a pass may be seized and detained by any Excise Officer.

61. Possession, etc. of opium by addicts - Section 10(1)(a). - The possession and consumption of opium by addicts shall be governed in the same manner as prescribed in the case of poppy straw :

Provided that the aggregate quantity of opium purchased by a permit-holder in a month shall not exceed 25 grams and the quantity possessed at any one time shall not exceed 5 grams or as may be prescribed from time to time by the Excise Commissioner.

CHAPTER V

Possession, Transport, Purchase Sale, Use, Consumption etc. of Manufactured Drugs

62. Possession of manufactured drugs - Section 10(1)(a). - (1) Subject to the provisions of these rules any person may import and transport such quantities of manufactured drugs as he may lawfully possess under these rules.

(2) Notwithstanding anything contained in sub-rule (1), no person shall import or transport prepared opium in any quantity whatsoever.

63. Export, etc. of manufactured drugs - Section 10(1)(a). - A person authorised in this behalf by the Excise Commissioner by order, may export, import or transport such quantity of manufactured drugs, other than prepared opium, and in such manner as may be specified in that order.

64. Prohibition of import, etc. by post - Section 10(1)(a). - Save as otherwise provided, nothing in these rules shall be deemed to permit the import, export or transport of manufactured drugs by means of posts.

65. Form of application - Section 10(1)(a). - All applications for permits to import or transport manufactured drugs other than prepared opium shall be in Form No. 17.

66. Transport by Government - Section 10(1)(a). - The import, export or transport of manufactured drugs other than prepared opium by or on behalf of the State Government may be carried out without restriction :

Provided that in the case of transit by post, the import, export or transport shall be subject to the following restriction :-

- (a) only parcel post may be used;

(b) the parcel shall be accompanied by a declaration stating the name or designation of the consignee and consignor, the content of the parcel in detail and the indent number and date covering the transaction;

(c) the consignee shall show distinctly in his account books the name or designation of the consignor, and the quantity of the drugs sent to him.

67. Certain preparations not to be manufactured drugs - Section 10(1)(a). - All preparations containing not more than 0.2 per cent of morphine or containing any diacetyl morphine or 0.1 per cent of cocaine and any preparation which the Central Government may by notification in the official Gazette, make in pursuance of any international convention declare not to be manufactured drugs, may be imported, exported, transported, possessed or sold without restriction.

68. Possession etc. of certain salts - Section 10(1)(a). - The provisions of these rules shall not apply to the import, export, transport, possession or sale of codeine, dionion and its salts by a licensed chemist having the requisite facilities for processing narcotic drugs into various preparations unless the quantity involved in any transaction, or possessed at any one time exceeds 500 grams.

69. Grant of permits or import and transport - Section 10(1)(a)(2). - The Deputy Excise and Taxation Commissioner or such other authorised officer may grant to a licensed druggist or licensed chemist permits in Form No. 18 for the import and transport of manufactured drugs, other than the prepared opium, not exceeding the quantity to which such a licensed druggist or chemist is entitled to possess.

70. Grant of passes for export and transport - Section 10(1)(a)(2). - The Deputy Excise and Taxation Commissioner or such other authorised officer may grant to a licensed druggist or licensed chemist passes in form No. 19 and form No. 20 for the export and transport of manufactured drugs, other than the prepared opium, respectively not exceeding the quantity to which such a licensed druggist or chemist is entitled to possess :
Provided that export and transport passes shall not be granted except on the production of a permit signed by the competent authority of the district of destination.

Explanation. - An indent for opium derivatives or coca derivatives countersigned by the Chief Medical Officer shall for the purpose of this rule be deemed to be a permit, and shall not require further countersignature.

71. Possession of drugs by medical practitioner -

Section 10(1)(a). - A medical practitioner may possess the following quantities of manufactured drugs other than prepared opium for use in his practice and not for sale :

- (i) Morphine (In all forms) ... 6 Gms.
- (ii) Codeine (In all forms) ... 10 Gms.
)
- (iii) Cocaine (In all forms) ... 2 Gms.
)
- (iv) Medicinal Opium ... 30 Gms.
)

Provided that a medical practitioner of the indigenous systems of medicines may possess only those manufactured drugs which are included in the indigenous system of medicine :

Provided further that Deputy Excise and Taxation Commissioner may, with the prior approval of the Excise Commissioner authorise any such practitioner to possess as aforesaid any larger quantity.

Explanation. - The term "use in his practice" covers only the actual direct administration of the drugs in injections, surgical operations or other emergent cases by or in the presence of medical practitioner.

(2)(i) A medical practitioner who is permitted to possess manufactured drugs without a license under sub-rule (1) shall obtain his supplies from a licensed chemist or druggist only and shall maintain a register showing receipts as well as disposals of each drug. The register shall be in Form No. 21.

(ii) A separate register or a separate part of the register shall be assigned to each of the drugs and preparations.

(iii) entries in the register must be made on the day on which the manufactured drug is received or dispensed. It is not necessary that the medical practitioner should himself enter in the register the particulars of manufactured drugs administered by him or under his supervision but entries must be verified by him on the date of entry or on the following date. Where a medical

practitioner practises at more than one premises a separate account of manufactured drugs kept at each premises shall be maintained.

- (iv) Every entry required to be made and every correction of such an entry must be in ink and no cancellation, obliteration or alteration shall be made of any entry in the register and any correction of any entry must be made by way of marginal note or footnote, which must specify the date on which the correction is made.
- (v) The stock of manufactured drugs in the possession of a Medical Practitioner and the accounts relating thereto shall be open for inspection by any officer of the Health Department not below the rank of Chief Medical Officer of Health or an Excise Officer not below the rank of Inspector. The Medical Practitioner shall, if required to do so by the Deputy Excise and Taxation Commissioner, submit such information relating to the transaction in manufactured drugs as may be demanded from him.
- (vi) If a messenger is sent by the Medical Practitioner to take delivery of the manufactured drugs, the messenger must be given an authority in writing signed by him and specifying the messenger by name, to receive the drugs on his behalf. A licensed chemist and druggist is forbidden to deliver drugs to messenger not so authorised. In emergencies, when the medical practitioner is unable to send a signed order the licensee may act on the oral message of a medical practitioner known to him provided that on delivery of the drugs he receives a signed order from the medical practitioner or an undertaking that the signed order will be furnished within twenty-four hours.
- (vii) The medical practitioner shall keep the drugs under lock and key.
- (viii) While carrying drugs to the house of a patient the medical practitioner shall take full precautions for the safe custody of manufactured drugs. Thefts and losses of

manufactured drugs should be forthwith reported to the nearest excise or police official.

(ix) All records including registers and day book must be kept for not less than two years from the date of the last entry therein.

(3) A medical practitioner who wishes to possess or dispense the manufactured drugs other than prepared opium for use in his practice and not for sale, shall get himself registered on application with the Excise and Taxation Officer of the district concerned. The full particulars of such registration shall be maintained in a register in Form No. 22. No fee shall be charged for such registration. The Excise and Taxation Officer shall, immediately after the registration of the medical practitioner, issue him a 'Registration Certificate' in Form No. 23 which shall be produced by him, on demand by any Excise Officer, for inspection.

72. Mixing of manufactured drugs - Section 10(1)(b). -

(1) Medical practitioner may mix for use in his medical practice manufactured drugs which he is lawfully entitled to possess and which are required for use in the exercise of his profession.

(2) A medical practitioner who desires to distribute and sell any manufactured drugs must take out a license under these Rules.

(3) A Medical Practitioner of the indigenous system of medicines may prescribe only those manufactured drugs which are included in the indigenous system of medicines.

73. Importation of drugs - Section 10(1)(a). -

A medical practitioner may import such quantities of manufactured drugs, other than prepared opium, as he may lawfully possess, save that no medical practitioner shall import coca derivatives. The importation of manufactured drugs by post is absolutely prohibited.

(2) The Deputy Excise and Taxation Commissioner, may with the previous sanction of the Excise Commissioner by general or special order authorise a medical practitioner in managing or supervising charge of a hospital or dispensary, to possess, import such quantities of manufactured drugs, other than prepared opium and in such manner as may be specified in that order.

(3) The medical practitioner, shall send an application showing his annual requirements of manufactured drugs, other than prepared opium in the case of Civil hospitals or

dispensaries to the Director of Health Services, in the case of Military Hospitals to the Senior Medical Officer-in-charge of Military Hospitals, and in the case of veterinary hospitals to the Director of Animal Husbandry who shall forward it to the Deputy Excise and Taxation Commissioner with his recommendation.

(4) The Deputy Excise and Taxation Commissioner shall then refer the case to the Excise Commissioner who will issue the necessary sanction authorising the Practitioner to possess specified quantities of manufactured drugs, other than prepared opium during the year.

(5) On receipt of sanction the medical practitioner may obtain his requirements from time to time, within the limits of the quantities of manufactured drugs, other than prepared opium, specified therein, but if at any time, his requirements are likely to exceed the specified quantities, he shall apply for additional quantities in like manner. The annual indent shall be obtained from the same firm, from which the first requirement is obtained and each receipt and issue shall be noted in the register in Form No. 21.

74. Grant of license to druggist - Section 10(2)(f). - (1) The Excise Commissioner or any other authorised officer may on the recommendation of the State Drug Controller, Haryana, grant to any person a druggist's license in Form No. 24 on payment of a fee of one hundred rupees and subject to the following conditions; provided that no license shall be granted to a person who does not hold the requisite licenses under the Drugs Rules, 1945, made under the Drugs Act, 1940 (XXIII of 1940) :-

- (1) The licensee shall be bound by the provisions of the Act and these rules and any other rules which may, from time to time, be made under the Act.
- (2) The licensee shall be responsible for the acts and omissions of every person employed by him in carrying on his business and of all his servants, as if the said acts and omissions were his own.
- (3) The licensee shall not permit any manufactured drug, which he is authorised to sell, to be dispensed or handled by any person other than medical practitioner or a dispenser registered under the Pharmacy Act, 1948 (Act No. VIII of 1948).

- (4) The licensee shall be authorised to sell the following drugs for medicinal purposes only :-
- (i) medicinal cannabis;
 - (ii) medicinal opium;
 - (iii) preparations containing medicinal cannabis or medicinal opium.
- (5) The licensee shall not have in his possession any medicinal cannabis, medicinal opium or preparations containing medicinal cannabis or medicinal opium in quantities in excess of those stated in his license, and shall not keep the same in any place except the premises described in the license. He may also possess such quantity of opium as is specified in the license for the manufacture of medicinal opium.
- (6) The licensee shall procure his supplies either from a licensed vendor in Haryana, or by importation from a licensed vendor in some other State, after obtaining from the Deputy Excise and Taxation Commissioner, a permit in Form No. 18. The importation of his supplies by post is absolutely prohibited.
- (7) the licensee is authorised to manufacture medicinal opium and to compound any preparation containing medicinal cannabis or medicinal opium from the materials which he is lawfully entitled to possess.
- (8) The licensee shall maintain correct accounts of all transactions. Such accounts shall show, in respect of each receipt, the source of supply and the quantity received, and in respect of issues, the quantity issued each day, the original prescriptions on which they have been issued and in the case of issues made otherwise than on a prescription, receipts from the persons to whom the issues were made. Such accounts shall be preserved for not less than two years from the date of the last entry in the accounts, and should be signed by any excise officer who inspects the licensed premises.

- (9) Any package or bottle containing drugs shall before sale be marked with the quantity of the drugs in the package or bottle.
- (10) A preparation, admixture, extract or other substance containing drugs shall be sold only in a package or bottle plainly marked -
- (i) in the case of a powder, solution or ointment with the total quantity thereof in the package or bottle and the percentage of the drugs in the powder, solution or ointment; and
 - (ii) in the case of tablets or other articles, with the quantity of the drugs in each article, and the number of articles in the package or bottle.
- (11) All stocks of opium, medicinal cannabis and medicinal opium and all accounts and records of transactions under the license shall be open to inspection by any officer of the Excise Department not below the rank of an Inspector, and any officer of the Drugs Control Department not below the rank of a Drugs Inspector.
- (12) The licensee shall on requisition by the Excise Commissioner or any authorised officer deliver up his licence for amendment or for the issue of a fresh licence.
- (13) The licensee shall on the first day of every quarter submit a correct quarterly statement showing the quantity of opium and medicinal cannabis and medicinal opium received by him during the quarter, the quantity sold by him and the quantity remaining in his possession, to the Excise and Taxation Officer concerned and the Drugs Inspector of the Drugs Control Department.
- (14) If on the expiry or cancellation of the licence, any stocks of opium, medicinal cannabis or medicinal opium remain in the possession of the licensee, he shall at once surrender these stocks to the Deputy Excise and Taxation Commissioner. If any portion of these stocks is declared by the Chief Medical Officer to be unfit for human consumption the Deputy Excise and Taxation Commissioner shall forthwith cause that portion to be

destroyed, and the licensee shall not be entitled to claim any compensation for loss resulting from the destruction of such a portion of the drugs.

(15) If any portion of the drugs is fit for human consumption the Deputy Excise and Taxation Commissioner shall make over such opium, medicinal cannabis or medicinal opium in any quantity not exceeding that which the transferee is likely to sell within two months to the incoming licensee, who is taking the place of the previous licensee if the latter has surrendered these to the Deputy Excise and Taxation Commissioner or to any other licensee of the district.

(16) The licensee shall be bound to accept from the Deputy Excise and Taxation Commissioner any portion of opium, medicinal cannabis and medicinal opium, which in the opinion of the Deputy Excise and Taxation Commissioner does not amount to more than two months' supply, at such a price as shall be determined by the Deputy Excise and Taxation Commissioner. The price shall be paid to the previous licensee, if he has surrendered the drugs in question to the Deputy Excise and Taxation Commissioner.

(17) A druggist may import, export or transport such quantity of medicinal cannabis, opium and medicinal opium as may be specified in his licence.

(b)(1) The Excise Commissioner shall in respect of each licensee fix and shall record in the licence the maximum quantity of medicinal cannabis or medicinal opium which the licensee may possess at any one time and opium for the purpose of manufacture of medicinal opium.

(2) A licensed druggist may, subject to the conditions of his licence, sell medicinal cannabis or medicinal opium for medicinal purposes only and to the undermentioned persons :-

(i) a medical practitioner, who (a) is either known to the licensed druggist, or (b) is introduced by some one known to the licensee and either signs the register in person or sends a written or

signed order stating his name, address and the name and quantity of the article required. In the latter case the licensee must satisfy himself as to the genuineness of the signature and qualification of the medical practitioner. If the drugs are transported by post these shall be sent by registered post. In case of real emergency the licensee may act on an oral message and send the drug; provided that the licensee is satisfied with the genuineness of the order and on the delivery he receives from the medical practitioner the signed order or an undertaking that the signed order will be furnished within twenty-four hours, if such signed order is not received within 24 hours the licensee shall forthwith report full details of the transaction to an Excise Officer not below the rank of an Inspector;

(ii) a druggist licensed under these rules or under any rules for the time being in force in any other State;

(iii) any other person authorised under these rules;

(3) All prescriptions for dispensing of such drugs shall be written out in Form 26 and the licensee shall be responsible that the prescriptions on authority of which such drugs are to be sold, are made on in that form.

75. Grant of license to Chemist - Section 10(2)(a). -

The Excise Commissioner or any authorised officer may, on the recommendation of the State Drug Controller, grant to any person Chemists' licence in Form No. 25 on payment of a fee of one hundred rupees and subject to the following conditions :

Provided that no licence in Form No. 25 shall be granted to a person who does not hold the requisite licences under the Drugs Rules, 1945, made under the Drugs Act, 1940 (XXIII of 1940) :

Provided further, that except with the special sanction of the Excise Commissioner such a licence shall not authorise the chemist to possess a greater quantity than 120 grams of opium derivatives other than prepared opium or 120 grams of coca derivatives :-

- (1) The licensee shall be bound by the provisions of the Act and these rules and any other rules which may, from time to time, be made under the Act.
- (2) The licensee shall be responsible for the acts and omissions of every person employed by him in carrying on his business and of all his servants, as if the said acts and omissions were his own.
- (3) The licensee shall not permit any manufactured drug, which he is authorised to sell, to be dispensed or handled by any person other than a medical practitioner or a dispenser registered under the Pharmacy Act, 1948 (Act No. VII of 1948).
- (4) The licensee is authorised to see the following drugs :-
 - (i) coca derivatives;
 - (ii) morphine;
 - (iii) diacetyl morphine; and
 - (iv) all preparations containing more than 0.2 per cent of morphine or containing any diacetylmorphine.
- (5) The licensee shall not sell or keep the drugs in greater quantities than specified in his licence and except in the premises described in the licence.
- (6) The licensee shall procure his supplies either from a licensed vendor in Haryana or by importation from a licensed vendor in some State, after obtaining from the Deputy Excise and Taxation Commissioner concerned a permit in Form No. 18. The importation of these drugs by post is absolutely prohibited.
- (7) The licensee is authorised to compound any preparation containing morphine, diacetylmorphine, or cocaine from the materials which he is lawfully entitled to possess. He shall also enter in the prescription the name of a person, firm or body corporate dispensing the prescription, the address of the premises at which and the date on which it is dispensed.
- (8) In the case of every sale, otherwise than on a prescription, the licensee shall obtain a pass in Form No.

19 or Form No. 20 to cover the export or the transport of the consignment to its destination.

(9) The licensee shall maintain correct accounts of all transactions. Such accounts shall show in respect of each receipt, the source of supply and the quantity received, and, in respect of each issue the quantity issued, and the name and address of the person to whom it is issued. He shall file in support of his accounts of receipts, the export or transport passes, and in respect of his account of issues, the original prescription of which they have been issued and in the case of issues made otherwise than on a prescription, receipts from the person to whom the issues were made. Such accounts and documents shall be preserved for not less than two years from the date of the last entry in the accounts.

(10)(i) In the case of preparations containing cocaine, morphine or diacetyl morphine, the bottles, phials, packages, or other containers of these preparations or the labels affixed to them shall either plainly show the actual quantity of the drugs present in each container, or give sufficient particulars to admit of the ready calculation of such quantity.

(ii) a package or a bottle containing the drugs shall before sale be marked with the quantity of the drugs in the package or the bottle;

(iii) A preparation, admixture, extract or any other substance containing any of these drugs shall be sold only in a package or bottle plainly marked -

(a) in the case of a powder, solution or ointment, with the total quantity thereof in the package or bottle, and the percentage of the drugs in the powder, solution or ointment;

(b) in the case of tabloids or other similar forms of preparations with the quantity of the drugs in each tabloid or other similar forms of preparation, and the number of tabloids or other similar forms of preparation in the package or bottle.

- (11) All stocks of cocaine, morphine, or diacetylmorphine and preparations thereof and all accounts and records of transactions under the licence shall be open to inspection by any officer of the Excise Department not below the rank of an Inspector, and any officer of the Drugs Control Department not below the rank of a Drugs Inspector.
- (12) the licensee shall on requisition by the Excise Commissioner or by any authorised officer deliver up his licence for amendment or for the issue of a fresh licence.
- (13) The licensee shall on the first day of every quarter submit a correct quarterly statement, showing the quantity of the drugs received by him during the previous quarter, the quantity sold by him and the quantity remaining in his possession, to the Excise and Taxation Officer concerned, and the Drugs Inspector of the Drugs Control Department, Haryana.
- (14) If on the expiry or cancellation of the licence, any stocks of the drugs remain in the possession of the licensee he shall at once surrender these stocks to the Deputy Excise and Taxation Commissioner. If any portion of these stocks is declared by the Chief Medical Officer to be unfit for human consumption, the Deputy Excise and Taxation Commissioner shall forthwith cause that portion to be destroyed and the licensee shall not be entitled to claim any compensation for loss resulting from the destruction of such a portion of the drugs.
- (15) If any portion of the drugs is fit for human consumption, the Deputy Excise and Taxation Commissioner shall make over such portion of the drugs, in any quantity not exceeding that which the transferee is likely to sell within two months, to the incoming licensee who is taking the place of the previous licensee; if the latter has surrendered the drugs in question to the Deputy Excise and Taxation Commissioner, or to any other licensee.

(16) the licensee shall be bound to accept from the Deputy Excise and Taxation Commissioner any portion of the drugs, which in the opinion of the Deputy Excise and Taxation Commissioner, does not amount to more than two months supply at such a price as may be determined by the Deputy Excise and Taxation Commissioner. This price shall be paid to the licensee, who has surrendered the drugs in question to the Deputy Excise and Taxation Commissioner.

(17) A licensed chemist may import, export or transport such quantity of opium derivatives (excluding prepared opium) and coca derivatives as may be specified in his licence.

(b)(i) The Excise Commissioner shall in respect of each such licence fix and record in the licence the maximum quantity of opium derivatives or coca derivatives which the licensee may possess at any one time for the purpose of vends as well as for the manufacture or preparations of morphine, diacetylmorphine and cocaine.

(ii) A chemist may, subject to the conditions of his licence, sell the derugs to :-

(1) a medical practitioner, who (a) is either known to the licensed chemist, or (b) is introduced by someone known to the licensee and either signs the register in person or sends a written or signed order stating his name, address and the name and quantity of the article required. In the latter case, the licensee must satisfy himself as to the genuineness of the signature and qualification of the medical practitioner. If the drugs are transported by post these shall be sent by registered post. In case of real emergency the licensee may act on an oral message and send the drugs, provided that the licensee is satisfied with the genuineness of the order and on the delivery he receives from the medical practitioner the signed order or an undertaking that the signed order will be furnished within 24 hours. If such signed order is not received within 24 hours the licensee shall

forthwith report full details of the transaction to an Excise Officer not below the rank of an Inspector;

(2) a chemist licensed under these rules or under the rules for the time being in force in any other State;

(3) any other person authorised under these rules;

(4) any person, holding a prescription in Form No. 26 subject to the following conditions, namely :-

(i) he shall sell the drugs in such quantity and for the use of such person only as may be specified in the prescription.

(ii) if the prescription does not bear a superscription by a medical practitioner stating that it is to be repeated and at what interval of time it is to be repeated, and how many times it is to be repeated, he shall sell the drugs once only on such a prescription and shall retain the prescription :

Provided that he shall first warn the person presenting the prescription that unless it bears such a superscription, as aforesaid, it shall be retained;

(iii) if the prescription bears a superscription as aforesaid he shall enter in the prescription the date of sale and shall sign or seal the prescription :

Provided that if it appears that drugs have already been sold on the prescription, 6 times or such a number of times as the prescription is required to be repeated, or that the interval specified in the prescription has not elapsed since the prescription was last dispensed, he shall not sell the drugs on such prescription unless it has further been superscribed by the medical practitioner;

(iv) any other condition that may be prescribed in his licence.

76. Grant of licence etc. - Section 10(1)(b). - (1) Any officer empowered to grant a licence, permit or pass under any of these rules may in his discretion either grant the licence, permit or pass as the case may be applied for or by an order in writing refuse to grant such a license, permit or pass.

(2) A person whose application for any licence, permit or pass has been refused shall not be entitled to be informed of the reasons upon which such refusal is based.

(3) A licence shall remain in force from the date of issue till the 31st March next following on which date it shall expire unless renewed.

(4) Every application for renewal of licence shall be submitted to the Excise and Taxation Officer of the district concerned at least two months before the commencement of the year for which it is required and shall be accompanied by a treasury challan showing payment of fee prescribed for the grant of such licence.

(5) The officer empowered to grant a licence, may renew the licence or on sufficient cause shown refuse to renew it after giving him a reasonable opportunity of being heard.

(6) Any licence or permit granted under these rules may be revoked or suspended by the licensing authority if the holder or any person in his employ is found to have committed a breach of the conditions thereof or any of the provisions of these rules, or has been convicted of an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 or under any law for the time being in force relating the excise, revenue or of any offence under the Indian Penal Code:

Provided that such revocation or suspension shall not be made until the holder of the licence or permit has been given a reasonable opportunity of showing cause against the action proposed to be taken.

(7) Every such order shall be in writing and shall specify the reasons for the suspension or revocation and shall be communicated to the licensee.

(8) Every licence or permit granted under these rules shall be held to have been granted personally to the person named therein, and shall not be transferable.

(9) If any licensee or permit-holder dies before or during the currency of his licence or permit his licence or permit shall forthwith stand determined :

Provided that the Excise Commissioner may in his discretion continue any such licence or permit in force in favour of the

legal representative of the deceased licensee or permit-holder.

77. Power to give direction etc. - Section 10(1)(b). - Subject to the provisions of the Act and these rules, the Excise Commissioner, may, from time to time, give such directions as he may think fit, for the purpose of carrying out the provisions of these rules.

CHAPTER VI

Warehouse for Poppy Straw

78. Facilities for warehousing of poppy straw - Section 10(1)(a). - For the purposes of warehouse facilities for poppy straw the Punjab Excise Bonded Warehouse Rules, 1956, shall apply *mutatis mutandis*.

CHAPTER VII

Confiscation and Rewards

79. Confiscation - Section 65. - (1) All things in regard to which an order is passed under the provisions of the Narcotic Drugs & Psychotropic Substances Act, 1985, or the rules framed thereunder that are confiscated shall be delivered to the Deputy Commissioner of the District in which such order is passed.

(2) Confiscated opium straw shall be sent to Government Opium Factory, Ghazipur by goods train, freight to pay, in two lots on the 1st June and the 1st December each year provided that the minimum quantity to be sent shall, as far as possible, be not smaller than 4,670 kilograms and where only a smaller quantity is available the opium need be despatched only once a year.

(3) The bill for packing charges may be presented separately to the General Manager, Government Opium Factory, Ghazipur, who will reimburse the Government of Haryana in due course through book transfer, along with the value of the contraband opium poppy calculated at the rate applicable to "inferior opium class B" or the opium poppy.

(4) In case of smuggling of opium and opium poppy wherein the opium seized:-

- (a) relates to illegal, imports or exports which present any doubt in determining their origin; or

(b) is suspected to relate to cases of international character and the quantity of opium thus seized is fifteen kilograms or more; or

(c) though admittedly of Indian origin the quantity of opium thus seized is fifty kilograms or more, a sample of two kilograms of opium or opium poppy in each case shall be drawn at the time the opium/opium poppy is confiscated and shall be sent to the Chemical Examiner to Government, Haryana.

(5) Confiscated capsules of the poppy (*papaver somniferum* L), whether or not in their original form, crushed or powdered and whether or not juice has been extracted therefrom, if not required by the Ayurvedic, Unani and Tabi Medical Practitioner licensed in the Haryana to be possessed for the preparation of the medicines included in their respective systems of medicines after rescuing the poppy-seeds (khash khash) therefrom, shall after obtaining the orders of the Deputy Commissioner, in this regard be sent to General Manager, Government Opium Factory, Ghazipur, in the manner prescribed in sub-rules (2) to (4).

(6) The poppy-seeds (khash khash) thus rescued shall be disposed of in accordance with the orders of the Excise and Taxation Commissioner, Haryana.

80. Rewards - Section 65. - (1) Rewards in relation to offences under the Narcotic Drugs and Psychotropic Substance Act, 1985 or the rules thereunder may be granted to the following persons :-

(i) to an informer after a successful raid or after result of the trial or appeal where the Deputy Commissioner is satisfied that the case was genuine and its detection took place on the information supplied by him. A statement of the informer shall, however, be recorded by the Officer receiving information before the raid is conducted and it shall be kept in the custody of the Excise and Taxation Officer who shall verify it at the time of the disbursement of the rewards;

(ii) to the Government Officers or officials other than of Excise Department who render active assistance to the Excise Department in the detection and conviction of a case. Before paying a reward to a Government official,

the Deputy Commissioner of the district shall ascertain from the head of the Department to which the Government Official belongs if he has any objection to the payment of such reward.

(iii) to the Excise Officers or Officials for conduct displaying extraordinary address, acuteness, industry, fidelity or courage in a case.

(2) Rewards may be granted subject to the following provisions :-

(i) The Deputy Commissioner of the district may grant on his own authority rewards not exceeding two hundred rupees in any one case;

(ii) The Excise Commissioner, may sanction rewards not exceeding one thousand rupees in any one case.

(iii) If a reward exceeding one thousand rupees in any one case are proposed, the sanction of the State Government must be obtained through the Excise Commissioner.

(iv) If a reward is proposed for any official of the status higher than a Naib-Tehsildar or Sub-Inspector of Police or Excise Inspector, the previous sanction of the Excise Commissioner shall be obtained and no reward for a Government servant exceeding in any one case, one thousand rupees shall be granted, except after consultation with the Finance Department.

(3) Any award payable to any informer whose statement is in the custody of the Excise and Taxation Officer may be disbursed upon the receipt of the Deputy Commissioner, of the district without requiring attendance of the actual payee or a receipt from him.

[CHAPTER VII-A]

Special provision relating to use of Morphine by recognised medical institutions.

80A. Recognition of medical institution - Sections 10, 71, & 78. - (1) Every medical institution which intends to be recognised for the purposes of this chapter, shall apply in the format at Annexure I to the Drug Controller appointed by the

Government, who shall convey his decision within three months of the receipt of the application.

(2) If it comes to the notice of the Drug Controller that morphine obtained by recognised medical institution was supplied for non-medical use or that any of the rules under this Chapter is not complied with, for reasons to be recorded in writing, the Drug Controller may revoke the recognition recorded under these rules.

80B. Duties of recognised medical institution - Sections 10, 71 and 78. - (1) Every recognised medical institution shall designate one or more qualified medical practitioner who may prescribe morphine for medical purposes. When more than one qualified medical practitioner have been designated, one of them shall be designated as overall incharge.

(2) The designated medical practitioner or the overall incharge, as the case may be, shall (a) endeavour to ensure that the stock of morphine is adequate for patient needs; (b) maintain adequate security over stock of morphine; (c) maintain a record of all receipts and disbursements of morphine in format as Annexure II; and (d) ensure that estimates, and other relevant information required to be sent by the recognised medical institution under this chapter are sent to the authorities concerned.

80C. Sending of estimates of requirement of morphine by the recognised medical institution - Sections 10, 71 and 78. - Every recognised medical institution shall send their annual requirement of morphine in the format at Annexure III by 30th November of the preceding year along with the name and address of the supplier from whom they intend to buy it to the Drug Controller.

80D. Approval of estimates by the Drug Controller - Sections 10, 71 and 78. - The Drug Controller who receives the annual requirement shall consider it, and may if necessary call for necessary clarification. A reply on approved estimates, or not accepting the estimate, shall be sent before 21st of December of the preceding year. A copy of the communication shall be sent each to the supplier whose name has been given in the estimate. If the supplier is located in another State, the Drug Controller of that State, the Drug Controller General of India and the Narcotics Commissioner of India.

80E. Supplementary estimates, - Sections 10, 71 and 78. - If the requirement of the recognised medical institution

exceeds the annual estimate approved by the Drug Controller, the recognised medical institution exceeds the annual estimate approved by the Drug Controller, the recognised medical institution may send a supplementary estimates at any time to the Drug Controller which shall be considered and dealt with by the Drug Controller in the same manner as the annual estimates.

80F. Application of rules to other chapters - Sections 10, 71 and 78. - The provisions of these rules in other chapters in respect of possession, transport, purchase, sale, import inter-State, export inter-State or use of manufactured drugs, shall not apply to possessions, transport, purchase, sale, import inter-State, export inter-State or use of morphine in respect of a recognised medical institution, possession, transport, purchase, sale, import inter-State, export inter-State or use of morphine in respect of a recognised medical institution shall be in accordance with the following provisions:-

- (a) The recognised medical institution shall place orders for purchase to manufacturer/supplier in the format at Annexure IV along with a photocopy of the communication of the drug controller, - vide which the approved estimates were conveyed. A copy of the order for purchase shall be sent to the Drug Controller and the Narcotics Commissioner of India.
- (b) Any manufacturer/supplier shall send morphine to the recognised medical institution under this chapter only on the basis of an order for purchase received in the format at Annexure IV along with copies of recognition granted by the Drug Controller and the approved Estimates communicated by the Drug Controller. The manufacturer/supplier shall despatch the morphine consignment along with a consignment note in quintuplicate in the format given in Annexure V. Copies of the consignment note shall be sent by the manufacturer/supplier to the Drug Controller of the State in which the manufacturer/supplier is located, the Drug Controller of the State in which the recognised medical institution is located and the Narcotics Commissioner of

India. He shall also keep a copy of the consignment notice.

- (c) On receipt of the consignment, the recognised medical institution shall enter the quantity received with date in all the copies of the consignment note, retain the original consignment note, send the duplicate to the supplier, triplicate to the Drug Controller, the quadruplicate to the Drug Controller of the State (in cases in which the consignment originated outside the State) in which the supplier is located and the quintuplicate to the Narcotics Commissioner of India.

80G. Maintenance of Records - Sections 10, 71 and 78. - All records generated under this chapter shall be kept for a period of two years from the date of transaction which shall be open for inspection by the officers empowered by the Government under Sections 41 and 42 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Act 61 of 1985).

80H. Inspection, search and seizure of stocks of morphine - Sections 41, 42, 10, 71 and 78. - The stocks of morphine under the custody of a recognised medical institution shall be open for inspection, search and seizure by the Drug Controller or any other officer subordinate to him or the officers of other Departments of the Government empowered under Sections 41 and 42 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Act 61 of 1985)."

CHAPTER VIII

Appeal, Revision and Review

81. Appeal - Section 78(2)(c). - (1) An appeal shall lie from an original or appellate order of an Excise Officer to -

- (a) the Deputy Excise and Taxation Commissioner when the order is made by an Excise Officer below the rank of Deputy Excise and Taxation Commissioner;
- (b) the Excise Commissioner when the order is made by the Deputy Excise and Taxation Commissioner; and
- (c) the Financial Commissioner when the original order is made by the Excise Commissioner.

(2) Every memorandum of appeal shall be presented within one month from the date of the communication of the order appealed against.

(3) Every memorandum of appeal shall be accompanied by the certified copy of an order appealed against unless the omission to produce such a copy is explained to the satisfaction of the appellate authority. The time requisite for obtaining certified copy of such order shall be excluded in computing the period of limitation.

(4) The appellate authority shall give an opportunity to the parties and shall pass such order as he thinks fit confirming, modifying or annulling the decision or order appealed against. The order of appellate authority disposing of the appeal shall be communicated to the appellant and the officer who had passed the order appealed against.

82. Revision - Section 78(2)(c). - (1) The Excise Commissioner may, *sumo moto*, at any time, or on an application made to him, call for the record of any proceedings which are pending before, or have been disposed of by an officer subordinate to him for the purpose of satisfying as to the legality or propriety of such proceedings or of any order made therein and may pass such order in relation thereto as he may deem fit :

Provided that the application shall be made within a period of 90 days of the date of taking of the proceeding or passing the order, as the case may be.

(2) The Financial Commissioner may, *suo moto* at any time or on an application made to him within a period of ninety days call for the record of any case decided under the preceding sub-section and if in his opinion the final order contains an erroneous decision on any question of law he may pass such order on the case as he may deem fit :

Provided that an opportunity shall be afforded to both the parties before passing such an order.

83. Correction of mistakes - Section 78(2)(c). - Every officer, appellate authority, revisional authority may in his orders make correction of clerical mistakes.

[**84. Appeal.** - Any institution aggrieved by any decision or order passed by the Drug Controller relating to recognition, revocation of recognition of the Secretary to Government, Haryana, Health Department, within ninety days from the date of communication of such decision or order.]

5. In the said rules, after Form 25, the following annexures shall be added at the end, namely :-

Annexure I

[See Rule 80-A(1)]

1 Name of the _____
. Institution and _____
Address _____

2 Name of the _____
. Head/Incharge _____
of the institution _____

3 No. of persons
. employed -,
(i) Doctors _____

(ii) Nursing _____
Staff _____
(iii) Others _____

4 No. of patients
. treated during
the previous
calendar year -,
(i) in-patient _____

(ii) out-patient _____

5 Whether the Yes/No
. hospital has
facilities to treat
cancer patients

6 No. of cancer
. patients treated
during previous
calendar year -,
(i) in-patient _____

(ii) out-patient _____

7 Name of the _____
. qualified _____
medical _____
practitioner who _____
would prescribe _____

							whom disbur sed	prescrib ed	

Signature

1. This record is to be maintained on day to day basis and entries shall be made for each day the institution functions. Entries shall be completed for each day before the close of the day. The authorised medical practitioner/incharge or any person authorised by shall initial after entry of each day with date. The pages of the register shall contain serial number.
2. This record shall be retained for two years from the date of last entry.
3. This record shall be produced to the authorised officers whenever called upon during the course of their inspection.

Annexure III

(See Rule 8-C)

Estimate of annual requirement

1.	Name and Address of the recognised medical institution	_____
2.	Period for which the estimate is submitted	_____
3.	Quantity disbursed during the previous year	_____
4.	Quantity estimated to be disbursed during the year for which estimate is submitted	_____
5.	Supplier who would supply the quantity -	_____

Sr No	Name and address of the supplier	Quantity
6	If this is a supplementary requirement, give details of annual requirement sent earlier and the reasons for giving a supplementary requirement.	

Station : _____

Date : _____

(Signature of the authorised practitioner/incharge with name.)
_____ the medical

Annexure IV

[See Rule 80 F(b)]

Orders for purchase

To

(Name and address of the supplier)

1	Name and address of the recognised medical institution which places the order	_____ _____
2	Description of the quantity for which order is placed	_____ _____
3	Whether the institution has been recognised by the Drug Controller (A photocopy of the recognition is to accompany each order of purchase)	_____ _____

4	Whether this order is covered by the estimate approved by the Drug Controller (A photocopy of the approved estimate is to accompany each order of purchase)	
5	Details of other orders for purchase made during the year :-	
Sr No	Quantity	To whom order was placed

Station : _____

Date : _____

(Signature of the authorised medical practitioner/incharge with name.)

Note :

1. A copy of the order shall be kept by the recognised medical institution which places the order.
2. This shall be retained for two years from the date of transaction.

Annexure V

[See Rule 80F(b)]

Consignment Note

To

(Name and address of recognised Medical Institution)

1. Number and date of orders of purchase
2. Name and address of the manufacturer/supplier
3. Description of the quantity of the consignment despatched

4. Mode of Transport of consignment

Station : _____

Date : _____

Signature

with date and Stamp of the
manufacturers/suppliers.

Receipt :

1. Date of Receipt.
2. Description of the quantity received.

Signature of authorised person of the
recognised Medical Institution with
name and designation, if any.

Note :

A. The manufacturer/supplier should send the consignment note to :-

1. The Recognised Medical Institution in quintuplicate.
2. One copy of this consignment note should be sent to the Drug Controller of the State in which manufacturers/suppliers is located.
3. Once copy of the consignment note shall be sent to the Drug Controller in the State where Authorised Medical Institution is located.
4. Shall retain one copy with him.

B. On receipt of the consignment, the Recognised Medical Institution shall :-

1. Retain the original consignment note with him.
2. Send the duplicate copy to supplier/manufacturer.
3. Send the triplicate copy to the Drug Controller of his State.
4. Send the quadruplicate copy to the Drug Controller of the State in which supplier/manufacturer is located.
5. The quintuplicate copy to Narcotic Commissioner of India.

C. Both the suppliers and consignee will retain this consignment note for 2 years from the date of transaction.