THE DELHI NARCOTIC DRUGS RULES, 1985

[No. F. 10 (76/85-Fin.(G), dt. 14-11-19851

In exerc4Ie of the powers conferred by section 10, read with sub-sections (1) and (2) of section 78eff the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) read with the Government of India, Ministry of Home Affairs Notification No. S.O. 818(E), dt. 8-11-1985, the Administrator of the Union Territory of Delhi is pleased to make the following rules, namely:-

1. Short title, extent and commencement

(1) These Rules may be called the Delhi Narcotic Drugs Rules, 1985.

(2) They shall extend to the whole of the Union Territory of Delhi.

(3) They shall come into force with immediate effect.'

CHAPTER I

PRELIMINARY

2. Definition

In these Rules, unless there is anything repugnant in the subject or context:—

(i) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(ii) "Administrator" means the Administrator of the Union Territory of Delhi appointed by the President under article 239 of the Constitution;

(iii) "Approved Practitioner" means—

(a) a medical practitioner registered under any medical Act for the time being in force in India,

(b) a medical officer of the Military, Naval or Air Force Services on the active lists, or

(c) any qualified veterinary surgeon, provided that the Excise Commissioner may declare any approved practitioner to be deprived of the privilege of an approved practitioner by reason of unprofessional conduct in respect of the import, export, transport, possession, use or prescription of the manufactured drugs other than prepared opium or by reason of conviction of an offence tinder any of the following Acts, na mely:-

1. The Punjab Excise Act, 1914 (Punjab Act 171) as extended to the Union Territory of Delhi.
2. The Opium Act, 1957 (13 of 1957).
3. The Dangerous Drugs Act, 1930.
4. The Opium Act, 1878.

(iv) "Chemical Examiner" means the Chemical Examiner, Delhi Administration and includes the Chemical Examiner of the Central Revenue Control

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I Enforceable w e.f. 14-11-1985.

Laboratory, or any Chemical Examiner of a local body in Delhi or any other Territory or State as may be approved by the Excise Commissioner for the purpose of these rules;

(v) "Collector" means the Collector of Excise, Delhi and includes any other officer specially empowered by the Administrator to perform all or any of the functions of the Collector under these Rules;

(vi) "Delhi" means the Union Territory of Delhi;

(vii) "Drug" means manufactured drug or any preparation containing, manufactured drug;

(viii) "Excise Commissioner" means the Excise Commissioner of Delhi and includes any other officer specifically empowered by the Administrator to perform all or any of the functions of the Excise Commissioner under these rules;

(ix) "Export" means to take out of Delhi to any other State or Union Territory in India;

(x) "Import" means to bring into Delhi from any other State or Union Territory in India;

(xi) "Licensed Chemist" means a person licensed under these Rules for the possession and sale, on prescription, of the manufactured drug or preparations containing the manufactured drug specified in his licence for medical purpose;

(xii) "Licensed Dealer" means a person who has obtained a licence under these

(a) for the manufacture of any preparation containing medicinal opium, Morphine, Codeine, the bain and their salts, cocaine and its salts any other manufactured drug notified under sub-clause (b) of clause (xi) of section 2 of the Act from the materials which he is lawfully entitled to possess under his licence; and/or

(b) for the possession and the sale, otherwise than on prescription, of such manufactured drugs-or preparations containing the manufactured drug as referred to in (a) above, for medical purposes;

(xiii) "'Manufactured drug" means a manufactured drug as defined in clause (ix) of section 2 of the Act;

(xiv) "Narcotic Drugs" means Narcotic Drugs as defined in clause (xiv) of section 2 of the Act;

(xv) "Preparation" in relation to Narcotic Drugs means anyone or more such drugs in dosage form, or any solution, or mixture in whatever physical state, containing one or more such drug;

(xvi) "Prescription" means a prescription given by an approved practitioner for supply of any narcotic drug to a patient for his medical use or to a person for the medical use of his animal.

.; 3. Prohibition

(1) No person shall manufacture, possess, sell, purchase, transport, warehouse, use, consume, import or export any Narcotic Drugs except for medical or scientific purposes land in the manner and to the extent provided by the provisions of these Rules:

PROVIDED that the Government Opium and Alkaloid Works, Ghazipur/ Neemuch may engage in the aforesaid operations in accordance with the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985.

(2) Notwithstanding anything contained in these Rules no person shall possess, transport, import, export, sell, purchase, use or consume coca leaf; or cannabis, that is, Ganja, Charas, Hashish Oil or liquid hashish or any mixture with or without any neutral material or drink prepared therefrom, or poppy straw concentrate; or medicinal cannabis, or Desornorphine; or ketobemidone and their salts and preparations, or diacetyl/morphine that is, the alkaloid of opium, also known as diamorphine or heroin and its salts and preparations except for the purposes of scientific, research and in the manner and to the extent provided by the provisions of these rules.

(3) No person shall cultivate any cannabis plant, or manufacture, or produce cannabis in Delhi.

(4) No addict, registered with the Delhi Administration, shall manufacture and possess prepared opium from opium lawfully possessed by him for personal consumption against the licence issued to him on medical advice.

CHARTER U

MANUFACTURE

4. Manufacture of Medicinal Opium etc.

Manufacture of medicinal opium from the material which the maker is lawfully entitled to possess or medicinal Hemp (Medicinal cannabis) is prohibited in Delhi.

5. Manufacture of preparation

A licensed dealer may, subject to the payment of such fees as may be prescribed under these Rules, manufacture preparations containing, any manufactured drug from the material which the maker is lawfully entitled to possess for medicinal purposes under the licence granted in accordance with the provisions of these rules.

CHAPTER III

POSSESSION AND SALE

6. (1)Any--

(a) approved practitioner desiring to possess manufactured drugs or preparations containing manufactured drugs, other than Medicinal opium and opium Alkaloid derivatives for the purpose of use in his practice shaft make an application to the Collector for the grant of the licence in Form D.D. 5;

(b) dealer desiring to possess manufactured drugs for the manufacture or preparations containing these manufactured drugs and to manufacture and sell the preparations so manufactured, shall make an application to the Excise Commissioner for the grant of licence in Form D.D. 9;

(c) dealer desiring to possess manufactured drugs or preparations containing manufactured drugs and such drugs or preparations, otherwise than *on* prescription, shall make an application to the Commissioner of Excise for the grant of licence in Form D.D. 10;

(d) chemist desiring to possess manufactured drugs or preparations containing manufactured drugs and sell such drugs or preparations on prescription, shall make an application to the Collector for the grant of licence in Form D.D. 11.

(2)On teceiptof suds, apprication, the licensing authority shall make such inquiries and/or demand the submission of such documents/recommendations as deemed necessary, and if he is satisfied that there is no objection to grant a licence applied for, he may grant the applicant a licence on payment of the fee prescribed in these rules for the grant of such licence.

7. No licensed chemist or approved practitioner shall dispense manufactured drugs or preparations containing manufactured drugs except ori prescription and in accordance with the conditions of his licence.

8. No person shall possess any manufactured drug or preparations containing these drugs except in such quantity as has been at one time, dispense or sold to him for his medical use in accordance with the provisions of rule 7 or of any corresponding rules, for the time being in force, in any part of India, the import wherefrom into or export whereto from Delhi is permitted.

9. (1) An approved practitioner may possess for the purpose "of use in his practice" and not for sales, the following manufactured drugs or preparations containing these drugs, not exceeding the quantities specified below against each without obtaining a licence in this behalf, namely:—

(i)	Medicinal opium ————	2.0 grams.
(ii)	Opium Alkaloid Derivatives (excluding prepared opium, diacetyl morphine). ————	0.2 grams of each variety:

PROVIDED that the Collector may, with the previous sanction of the Excise Commissioner by general or special order, authorise any 'approved practitioner to possess any large quantity.

(2) (a) An approved practitioner may be authorised by the Collector or any other officer duly authorised by the Excise Commissioner in this behalf, to possess, for the purpose of "use in his practice" and not for sales, the following manufactured drugs or preparations containing these manufactured drugs, not exceeding the quantities specified below against each—

(i) Morphine and Apropine		
	(a) Ampules ————	-2.5 grams.
	(b) Tablets ————	-5.0 grams.
(ii) Pethidine—		
	(a) Ampules ————	-2.5 grams.
	(b) Tablets ————	-5.0 grams.
(iii)	Any other drug declared to be manufactured drug under section 2 (xi)(b) of the Act.	Such quantity as may be recommended by the Drug Controller or the Director of Health Services:

PROVIDED that the Collector may, with the previous sanction of the Excise Commissioner by general or special order, authorise an \ approved practitioner to possess for "use in his practice" an‘ preparation containing not more than 0.3 grams of cocaine in aggregate.

(b) No approved practitioner shall possess any manufactured drug or any preparation containing any manufactured drug, except as provided in this rule.

(3) No approved practitioner shall for the purpose of sale possess any quantity of any manufactured drug or preparation containing any manufactured drug.

(4) An approved practitioner shall maintain a resister in Form D.D. 15, showing the receipt and disposal of each drug or preparation containing manufactured drug.

(5) A separate page of the register shall be assigned to each of the following classes of drugs or preparations containing such drugs:

(a) Medical opium and preparations containing medicinal opium;

(b) Morphine and preparations containing morphine;

(c) Dihydropydroxy codienone (that is derivative of morphine and commonly known as Ducodal) and its preparations;

(d) Dihydrocodirione (that is, derivative of morphine and commonly known as Disodide) and its preparations;

(e) Prethidine and its preparations; and

(f) Dihydromorphine (that is, derivatives of morphine commonly known as Dilaoddide and its preparations.

(6) Entries in the register shall be made on the day on which the manufactured drugs or preparation thereof, are received or disposed of. It is not necessary that the approved practitioner shall himself enter in the register the particulars of the drugs administered by him or under his supervisions but entries shall be verified by him on the date of entry. Where approved practitioner practices at more than one premises, a separate accounts of drugs kept at each premises shall be maintained.

Explanation : (1) Expression "use in his practice" in this rule means only the actual direct administration of the drugs by or in the presence of the approved practitioner. All other issue of the drugs by an approved practitioner shall amount to sale.

Explanation : (2) Quantity of manufactured drug in respect of preparations containing the manufactured drug means quantity of manufactured drug contained in: such preparations.

10. The Collector may, with the previous sanction of the Excise Commissioner, by, general or special order, authorise, on his application, showing annual requirements, duly recommended by the Drugs Controller or the Assistant Drugs Controller or the Director/Dy. Director, Health Services, Delhi.

(i) a Government Medical Officer-in-charge of a Government Medical(Institution, or of a Government grant-in-aided Medical Institution, to possessi; for use in such Institution, or

(ii) an approved practitioner in charge of a local board or Municipal Dispensa belonging to missions and other corporate bodies, to possess, for use in sue dispensary and hospital, or

(iii) a Government Medical Officer-in-charge of a hospital or dispensa belonging to Railways, to possess for use in such hospital or dispensary, possess such quantities of the manufactured drugs (other than prepare;' opium) or preparations containing manufactured drugs as may be specifi in the order/authorisation, and subject to such conditions and in such mann as may be specified therein.

PROVIDED that the recommendations of the said authority will not be necessa in case of Government hospital/dispensaries:

PROVIDED FURTHER that the Collector may dispense with the requirements of the recommendations of the said authority, if in his opinion, the applicant is a man of good repute.

11. A medical officer or an approved practitioner possessing manufactured drugs under rule 10 shall:—

(a) keep accounts of the manufactured drugs received, used and held in the stock by him, from time to time, in Form D.D. 6. The accounts shall be clearly and correctly written up daily in books, bound, paged and sealed with the seal of an Excise Officer, not below the rank of Sub-Inspector, and shall show in each case of purchase, the date of purchase and the name and address of the person or firm or corporate body from whom the purchase was made. A separate page of the register shall be assigned to each manufactured drug or preparation containing such drugs;

(b) preserve the accounts, for not less than two years, from the date of the last entry in the accounts book and shall produce them, together with any manufactured drugs or preparations containing manufactured drug, that may be in his possession at the time, for inspection on demand by an Excise Officer not below the rank of Sub-Inspector;

(c) furnish to the Collector or any other officer duly authorised by him in his behalf, a week after the end of each calendar year, information regarding the purchase and consumption of the manufactured drugs or preparations containing manufactured drugs during the preceding year, the stocks held by him on the last day of the year in Form D.D. 6-A.

12. Subject to the provisions of rule 8, no person unless he is authorised in this behalf by the Collector by an order, shall possess any manufactured drugs or any preparation containing any manufactured drug. The order shall specify the maximum quantity of such drugs that may be possessed and condition subject to which the same may be possessed.

13. (1) (a) No licensed dealer shall possess manufactured drugs or any preparation containing any manufactured drug except in such quantity and in such manner as may be specified in his licence.

(b) The licensing authority, shall not authorise any dealer requiring manufactured drugs for manufacture of medicinal preparation containing manufactured drugs, to possess any manufactured drug, not recommended by the Drugs Controller/Assistant Drugs Controller, Delhi Administration.

(c) The Drugs Controller/Assistant Drugs Controller, may, on the application of a dealer requiring these drugs for manufacturing of medicinal preparations, recommend the following manufactured drugs, if he is satisfied about the genuineness of the formulations of the medicinal preparations for the manufacture of which the manufactured drugs are required:—

(i) Medicinal opium;

(ii) Opium alkaloid derivatives—

(a) Morphine and its salts;

(b) Codeine and its salts;

(c) The baine and its salts;

(d) All preparations containing more than 0.2 per cent of morphine;

(iii) Pethidine and its salts.

(iv) Cocaine and itssalts

(v) Any other drug declared by the Government of India to be manufactured drug under section 2 (xi)(b) of the Act.

(2) (a) The licensing authority shall not authorise any dealer requiring the licence not for the manufacture of any medicinalpreparation:containing these drugs, but for possession and sale of the manufactured drugs or preparation containing any manufactured. drug, to possess any manufactured drug or preparation containing any manufactured drug unless it has been duly recommended by the Drugs Controller/Assistant Drugs.Controller, Delhi Administration.

(b) The Drugs Controller/Assistant Drugs Controller may recommend on the application of the dealer, to possess such manufactured drugs or preparation containing any manufactured drug as he may think to be genuinely required for medical purposes.

(c) The licensing authority may dispense with the requirement of the recommendations of the said authority if the dealer has applied for the grant of the licence for the possession and sale of morphine and Atrophine or Pethidine Ampules only and the applicant is, in his opinion, a man of good repute.

(3) (a) No licensed chemist shall possess manufactured drugs or preparation containing any manufactured drug except in such quantities and in such manner as may be specified in his licence.

(b) The licensing authority may authorise a licensed chemist to possess the following manufactured drugs or the preparation containing these manufactured drugs:—

(i) Medicinal opium (excluding the extract or Tincture of medicinal opium) or preparation containing Medicinal opium;

(ii) Opium Alkoid derivatives—

(a) Morphine and their salts or preparations thereof;

(b) Codeine and their salts or preparations thereof;

(c) Thebaine and their salts or preparation thereof;

(d) All preparations containing more than 0.2% of morphine.

(iii) Pethidine or any other drug declared under section 2 (xi)(b) of the Act and on the recommendations of the Drugs Controller:

PROVIDED that the Excise Commissioner may by special order, authorise a licensed chemist to possess, extracts or tincture of Medicinal opium or any preparation containing more than 0.1 per cent of cocaine:

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 125 grams of opium alkaloid derivatives, 125 grants of cocaine or 125 grams of pethidine, in aggregate.

14. (1) (a) A licensed dealer in manufactured drugs may sell, otherwise than on prescription, manufactured drugs or preparation thereof specified in his licence to:—

(i) an approved practitioner who is either known to the licensee or is introduced by someone known to him either signs the register in person or sends a written or signed order stating his name, address and name and quantity of drugs r:cutired. An entry of each sa'a sales shall be made by the licensee in the D.D. 5 licence of the approved practitioner:

PROVIDED that making of entry is not necessary in case of sale of Medicinal Opium Alkaloid Derivatives specified in rule 9(i) on the basis of the Registration Certificate in Form D.D. 8;

(ii) a chemist/dealer licensed under these rules;

(iii) an approved practitioner or a Government Medical Officer-in-charge of hospital/dispensary and holding authorisation/order under rule 10;

(iv) a person holding appropriate licence in any other State/ Union territory of India under the rules, for the time being in force, in that State/Union territory;

(v) an approved practitioner engaged in veterinary practice and holding licence in Form D.D. 5 or Registration Certificate in Form D.D. 8.

(b) Each such sale to the persons mentioned is sub-clauses (ii) and (iii) of clause (a) above, shall be made against the Transport Passes in Form D.D. 4, issued by the competent authority under these rules and duplicate copies of the Transport Passes shall be kept by the licensed dealer as a token of such sale having been made.

(c) Each such sale to the persons mentioned in sub-clause (iv) of clause (a) above, shall be made after obtaining an Export pass in Form D.D. 3, issued by the competent authority under these rules and original copy of the Export pass shall be kept by the licensed dealer as token of such sale having been made.

(2) The licensee shall maintain, in register in Form D.D. 13, a correct and written account/record of all transactions of manufactured drugs. Such account shall show:—

(a) In respect of receipts, the source of supply, the quantity of each individual drug received, the number and date of the Transport/Import Permit on the basis of which supplies have been received.

(b) In respect of the manufacture, the quantity of the manufactured drugs used in manufacturing medical preparations, the quantity of the finished preparations, the number of bottles, containers, or packages in which such finished preparations have been packed alongwith the quantity of drugs contained in such containers. bottles, packings.

(c) In respect of sale, the name and address of the persons to whom the preparations containing these drugs have been sold, the quantity of drugs in such preparations so sold; the number and date of the Transport Export pass.

(3) Such account/record shall be preserved for a period of not less than two years 'rom the date of the entry last therein.

(4) The licensee shall, on the first day of every quarter, submit a correct quarterly statement, showing the quantity of drugs received by him during the previous quarter, he quantity used in manufacturing of medicinal preparations, the quantity sold by him

and the quantity remaining in his possession, to the Collector and the Drugs Controller, Delhi:

PROVIDED that if the licensee has been authorised to possess Extracts or Tinctures, of Medicinal Opium, or any preparation containing Cocaine, such statement of receipt and disposal thereof shall be submitted by the seventh day of each month to the authorities mentioned in this rule.

(5) The bottles, phials, packages or other containers of the preparations containing manufactured drugs possessed by the licensee for sale, 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 submit of the ready calculation of such quantity.

(6) A preparation, admixture, extract or any other substance containing any manufactured drugs, shall be sold only in package or bottle plainly marked.

(a) in case of powders, solution or ointment, with the total quantity of the drugs in the packages or bottle and the percentage of the manufactured drugs in the powder or ointment, and

(b) in case of tablets or other similar forms of preparations, with the quantity of the manufactured drugs in each tablet or other similar form of preparation, and the number of tablets or other forms of preparations in the package or bottle.

15. (1) No licensed chemist shall sell manufactured drugs otherwise than on the prescription in Form D.D. 12 and subject to the conditions of his licence.

(b) He shall sell the manufactured drugs or preparations containing manufactured drugs, in such quantity and for the use of such person only as may be specified in the prescription.

(c) If the prescription does not bear a superscription by an approved practitioner stating that it is to be repeated and at what interval of time it is to be repeated, he shall sell the manufactured 4rugs or preparations containing manufactured drugs once only on such prescription and shall retain the prescription:

PROVIDED that he shall forewarn the person presenting the prescription that unless it bears such superscription as aforesaid, it shall be retained.

(d) If the prescription bears the superscription as aforesaid, he shall enter in the prescription the date of sale and shall sign and seal the prescription:

PROVIDED that if it appears that manufactured drugs or preparations containing manufactured drugs have already been sold on the prescription six times or for such 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 manufactured drugs or preparations containing manufactured drugs on such prescription unless it has further been superscribed by the approved practitioner.

(2) The licensee shall keep an account of the receipt and disposal of the manufactured drugs in the register in Form D.D. 14. Such account shall be kept by the licensee for a period of not less than two years from the date of the last entry entered it the register.

(3) The provisions of sub-rules (2), (3), (4), (5) and (6) of rule 14 shall apply in cas(of the licensed chemists also.

16. Notwithstanding anything contained in these rules, the holder of a licence shall, whenever required to do so, sell any manufactured drug or preparations containing manufactured drugs to any Government Officer who is duly authorised by the Administrator in this behalf to purchase and possess such drug on behalf of the Government:

PROVIDED that a receipt is obtained by the holder of the licence from such officer for the same and kept on his record.

17. No prescription for the supply of manufactured drugs (other than prepared opium) shall be given by an approved practitioner otherwise than in accordance with the following conditions:—

(a) the prescription sloll be in writing shall be dated and signed by the approved practitioner with his full name and address and qualifications and shall specify the name, address of the person to whom, and the nature of ailment for which the prescription is given, the directions for use and the total amount of the drug to be supplied on the prescription provided that where the medicine to be supplied on the prescription is a proprietary medicine, it shall be sufficient to state the amount of medicine to be supplied, when a dose in excess of the usual dosage of any such manufactured drug, is prescribed, the amount of the dose shall be emphasised by being underlined and the initials of the practitioner set in the margin opposite;

(b) the prescription shall not be given for the use of the prescriber himself;

(c) a registered dentist shall give a prescription only for the purpose of dental treatment and shall mark it "For dental treatment only".

(d) a registered veterinary surgeon shall give a prescription only for the purpose of treatment of animals and shall mark it "For animals treatment only"; and

(e) an approved practitioner of indigenous system of medicine may prescribe only those drugs which are included in that system.

CHAPTER IV

ACCOUNTS

18. Notwithstanding any other provisions relating to the maintenance of accounts contained in these rules, the Excise Commissioner may prescribe, from time to time, the maintenance of such records in such form and submission of such returns as he may consider necessary for the purpose of these rules.

CHAPTER V

APPROVAL, AUTHORISATION, LICENCES AND PERMITS

19. (1) The Excise Commissioner may, for the purpose of these rules, approve any person engaged in veterinary practice.

(2) The Collector or any other officer duly authorised by the Excise Commissioner in this behalf, may author' ·0. an approved practitioner to possess and transport manufactured drugs as specified in rule 9(2) for use in his practice by grant of a licence in Form D.D.S. A fee of rupee five only per annum in the form of court-fee stamp shall be levied on every such licence.

(3) An approved practitioner who desires to possess Medicinal Opium and Opium alkaloid derivatives, or preparations rritaining Medicinal Opium or Opium alkaloid derivatives, or desires to write nrescriptions, shall get himself registered with the Collector. Full particulars of suet. registration shall be maintained by the Collector in register in Form D.D. 7. No fee shah 0 charged for such registration. The Collector shall

mmediately after the registration of the approved practitioner, issue him a Registration Certificate in For D.D. 8 which shall be produced by him on dmand by an officer of the Excise and/orthe Drugs Control Department, not below thenank of Sub-Inspector, for inspection.

20. The Collector may, with the sanction of the Excise Commissioner, by special order, authorise—

(i) any approved p:actitioner, in managing or supervision charge of a hospital or dispensary, no, being o Government, local board or municipal hc3pital or dispensary, to possess, import or transport manufactured drugs or preparations containing manufacture° drugs in such manner as may be specified by him in that order /authorisation and fee of Rs. 50 (rupees fifty) only per annum shall be levied on ever! such licence.

(ii) any per son in charge of an Educational Institution or engaged in scientific research to possess, import or transport, for educational and scientific purposes only manufactured drugs in such quantity and in such manner as may bx, syecified by him in that order.

21. The Excisc Commissioner may, by special order, authorise any person to export manufactured drugs subject to such conditions, if any, as may be specified in that order.

22. (1) The Excise Commissioner may grant to any person a dealer's licence in Form D.D. 9, appended to these rules, permitting him to manufacture preparations con aining Medicinal Opium, Morphine, Codeine, thebaine and their salts, Cocaine and its salts and any other manufactured drugs notified under Section 2(xi)(b) of the Act and to possess and sell, otherwise than on -)rescription, such manufactured drugs referred to above, for medical purposes, subject , a the provisions of these rules and to the conditions of the licence:

PROVIDED that no such licence shall be granted unless the applicant is holding an appropriate manufacturing and sale licence under the Drugs and Cosmetics Rules, 1945 made under the.Drugs and Cosmetics Act, 1940, for manufacture and sale of the medici ial preparations approved by the Drugs Controller/Assistant Drugs Controller, Delhi Administration.

(2) The Excise Commissioner may grant to any person a dealer's licence in Form D.D. 10 appended to the rules, permitting him to possess and sell such manufactured drugs or preparations containing manufactured drugs as referred to in sub-rule (i) subject to the provisions of these rules and to the condition of the licence:

PROVIDED that no such licence shall be granted unless the applicant is holding an appropriate licence in Forms 20-B and 21-B under Drugs znd Cosmetics Rules, 1945 made under the Drugs and Cosmetics Act, 1940.

(3) The Collector may grant to any person a chemist licence in Form D.D. 11 appended to these rules permitting him to possess and sell manufactured drugs or preparations containing manufactured drugs subject to the provisions of these rules and to the conditions of the licence:

PROVIDED that no such licence shall be granted unless the applicant is holding an appropriate licence in Forms 20 and 21 under the Drugs and Cosmetics Rules, 194 made under the Drugs and Cosmetics Act, 1940.

(4) A fee of Rs. 300 (rupees three hundred), Rs. 200 (rupees two hundred), Rs. 100 (rupees one hundred) only per annum shall be levied on every licence granted under sub-rule (1) or sub-rule (2) or sub-rule (3), respectively.

23. The Excise Commissioner may grant to any licensed dealer or licensed chemist an authorisation in Form D.D. 2 for the import of manufactured drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

24. When an authorisation has been granted, under the rules for the time being in force in any part of India outside Delhi, to any person to import manufactured drugs or preparations containing manufactured drugs from Delhi into such part of India, such person shall present authorisation to the Excise Commissioner who shall enter therein, the period for which the authorisation is to remain in force and the route which and the person, (if any), in whose charge the consignment is to be conveyed and the number and description of the packages and shall countersign the authorisation.

25. The Collector may grant to any licensed dealer or licensed chemist, a permit in Form D.D. 4 appended to these rules, for the transport of manufactured drugs or preparations containing manufactured drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

26. (1) The officer who has granted a licence to, or has by order, approved or authorised any person under these rules, may after giving such person an opportunity to show cause why such an order should no(be passed, by an order in writing stating the reasons thereof, cancel such licence or order, or suspend it for such period as he thinks fit either wholly or in respect of some of the drugs to which it relates; if in his opinion such person has—

(a) failed to pay duty or fee payable by him; or

(b) by himself or by any servant or person acting on his behalf committed any breach of conditions of such licence or order or of these rules; or

(c) been convicted of any offence under the Act or under the law for the time being in force, relating to excise, revenue or prohibition or of any criminal offence; or any other case not falling under this clause.

(2) The officer who has granted a licence to or has by order approved or au thorised any person under these rules, shall cancel such licence or order within fifteen days of the receipt of a notice from such person that he desired to surrender the same.

(3) When such licence or order is cancelled or suspended, such person shall forthwith make over to the Collector all manufactured drugs or preparations containing manufactured drugs then in his possession and he shall not be entitled to any compensation in this behalf.

(4) When any manufactured drugs orpreparations containing manufactured drugs in possession of any person licensed or authorised under these rules is found by him or by the chemical examiner, to be unfit for use, such person shall forthwith deliver up such drug to the Collector.

CHAPTER VI

POPPY STRAW

27. Every cultivator licensed to cultivate opium poppy for the production of opium under the Narcotic Drugs and Psychotropic Substances Rules, 1985, after each harvesting of opium, dispose of subject to the provisions of rule 4, the poppy straw obtained from such cultivation in the following manner—

(i) he shall not keep with him st. di poppy straw in any year beyond the 31st July of the same year;

(ii) he may dispose of such poppy straw before the expiry of the aforesaid date by—

(a) warehousing the same for export or export out of India;
(b) exporting the same for warehousing;
(c) exporting the same out of India;
(d) using the same as manure in his field; or
(e) destroying the same.

28. (1) The Administrator may declare any place to be a warehouse wherein it shall be the duty of the owner to deposit all such poppy straw as is legally imported inter-State and is intended for export inter-State or export from India. The order declaring a place to be a warehouse shall specify the arrangement for safe custody of such poppy straw warehouse and the conditions for the removal of the same for export inter-State or export from India.

(2) The Administrator may prescribe the rate of fees to be levied for such warehousing and the manner in which and the period after which the poppy straw warehouse shall be disposed of in the default of payment of fees.

29. (1) Subject to the provisions of these rules, no person shall, purchase, sell, possess, transport, use, consume, warehouse, import or export poppy straw except under a licence or permit granted under these rules and subject to such conditions and payment of such fee as may be prescribed in these rules.

(2) The Excise Commissioner may grant to any person a licence in Form D.D. 9 permitting him to possess such quantity of poppy straw as may be specified in the licence for the manufacture of any preparation in the manufacture of which poppy straw is required to be used as an ingredient:

PROVIDED that no such licence shall be granted under this sub-rule unless the applicant is holding an appropriate licence granted by the Drugs Controller/Assistant Drugs Controller under the Drugs and Cosmetics Rules, 1945 for the manufacture of such preparation for which the poppy straw is required and the said authority has recommended the quantity required for such purpose.

(3) A fee of Rs. 200 /- (rupees two hundred) only per annum shall be levied on every licence granted under sub-rule (2).

(4) A person who has been granted a licence under sub-rule (2) may import, after obtaining Permit in Form D.D. 2, such quantities of poppy straw and in such manner as may be specified in the permit.

CHAPTER VII

IMPORT, EXPORT AND TRANSPORT

30. (1) No person shall import, export or transport any manufactured drugs except in such quantity, as he may lawfully possess under these rules.

(2) All applications for grant of permits to import and transport manufactured drugs shall be in From D.D. 2.

31. No approved practitioner shall import, export or transport any manufactured drug except such drugs and in such quantities as he may lawfully possess under these rules with or without a licence in this behalf.

32. Any person authorised in this behalf may import manufactured drugs in such quantity and in such manner as may be specified in import permit in From D.D. 2.

33. A licensed dealer may, subject to the conditions of his licence, export after obtaining expdrt pass in Form D.D. 3, manufactured drugs to any part of India, outside Delhi Territory, subject to the terms of import authorizations granted under the rules, for the time being in force, in such part of India and countersigned by the Excise Commissioner.

An indent of manufactured drugs countersigned by the Chief Medical Officer or. Civil Surgeon or Superintendent of the Civil Veterinary Department shall, for the purpose of this rule, be deemed to be an authorisation and shall not require further counter-signature.

34. A person authorised in this behalf by the Excise Commissioner, by a special order made under these rules, may export manufactured drugs, in such quantity and in such manner as may be specified in the exc art pass in Form D.D. 3.

35. A person to whom a pass authorisation has been granted under these rules for the transport of manufactured drugs may transport the drugs in such quantity and in such manner as may be specified in the pass or authorisation granted to him in Form D.D. 4.

36. Every person importing, exporting or transporting manufactured drugs shall comply with the general or special directions as may be given by the Excise Commissioner.

37. Nothing in these rules shall be deemed to permit import of manufactured drugs from any part of India outside Delhi, unless the rules, for the time being in force in such part of India, relating to the export of such drugs, have complied with.

38. Except as provided in these rules, no one shall import, export, or transport, by post manufactured drugs.

39. The transmission of manufactured drugs by inland post by licensed chemist and licensed dealers for medical purpose is permitted subject to the following conditions-

(i) only the parcel post shall be used;

(ii) the parcels shall be insured;

(iii) the parcels shall be covered by permits issued by the proper authorities in the State to which the parcels are addressed;

(iv) the parcels shall be accompanied by a declaration stating the names of the consignee and the consignor, the contents of the parcels in details, the number and date of the permit covering the transmission and the number of licence held by the licensee; and

(v) the consignee shall show distinctly in his account 'books the name of the consignor and the quantity of drugs sent to him, from time to time, by post.

Explanation : The expression" manufactured drugs" means manufactured drugs as defined in clause (xii) of rule 3 of these rules and includes any preparation containing manufactured drug for the purposes of this Chapter.

CHAPTER VIII

OPIUM

40. (1) Notwithstanding anything contained in rule 4, Opium may be purchased by the Excise Commissioner or any other authority specially authorised by the Administration in this behalf, from the Government Opium Factory, Ghazipur for use by the addicts registered with the Delhi Administration.

(2) The opium received in accordance with sub-rule (1) may be kept in District Treasury with proper security arrangement.

41. (1) The Collector or any other officer, specially authorised by the Excise Commissioner in this behalf, may grant any authorisation to an addict in Form OP for possession of opium supplied to such addict under these rules, for personal consumption and subject to such conditions as may be specified in the authorisation. A fee of Rs. 10/- (rupees ten only) per annum shall be levied on every such authorisation; provided that no such authorisation shall be granted to an addict not registered with

the Excise Department as an addict and holding a permit in Form OP-4 granted under the Delhi Opium Rules, 1959 made under the Opium Act, 1878, on the day immediately prior to the date on which these Rules come into force.

(2) The authorisation Form OP shall be granted in respect of such quantity of opium as may be fixed by the licensing authority but not exceeding the quantity which he was entitled to purchase in a month under his OP-4 permit immediately prior to the date on which these rules come into force:

PROVIDED that the aggregate quantity that can be purchased in a month by the addict shall not exceed 60 grams and the quantity that can be possessed at anyone time not exceeding 6 grams.

(3) The opium received in accordance with the provisions of sub-rule (I) of rule 40, shall be sold to the addicts from the Depots established by the Excise Commissioner for this purpose and at such price as may be fixed by him from time to time.

(4) An addict holding a permit or any authorisation granted by a competent authority of any other State/Union Territory in India and visiting Delhi, may import, without any permit of authorisation from the competent authority in Delhi, opium obtained and possessed under the said permit or authorisation for personal consumption upto the extent authorised in it.

(5) An addict holding authorisation under sub-rule (1), may export such quantity of opium as has been purchased and possessed by him under his authorisation to any other State or Union Territory, for his personal consumption only:

PROVIDED that the information of the same shall be given by the holder of authorisation to the Collector.

CHAPTER IX

RENEWAL AND CANCELLATION OF LICENCES

42. (1) Any authority empowered to grant any authorisation or a licence, permit or pass under any of these may, in his discretion, either grant such authorisation, licence, permit or pass, as the case may be, applied for or by an order, in writing, refuse to grant such authorisation, licence, permit or pass.

(2) A person whose application for any authorisation, licence, permit or pass has been refused, shall be entitled to be informed of the reasons upon which such refusal is based.

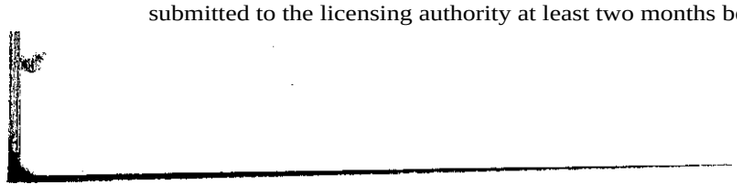
(3) (a) An authorisation or licence, except the licence in Form D.D. 5, shall remain in force from the date of issue till the 31st March next following on which date it shall expire unless renewed.

(b) The licence in Form D.D. 5 shall remain in force from the date (2 issue till the 31st March of the 3rd year following on which date, it shall expire unless renewed.

(c) The said licence may he renewed for a similar period on the application of the licence holder if the licensing authority is satisfied that the licensee has not violated any terms and conditions of the licence or any provision of Act or these rules.

(d) All applications of renewal of the said licence in Form D.D. 5 shall ht accompanied by a fee deposit receipt of Rs. 15/- (rupees fifteen only) or court fee stamp of Rs. 15/- (rupees fifteen only).

(4) Every application for the renewal of the authorisation or licence, shall b submitted to the licensing authority at least two months before the commencement of



the year of which renewal is required and shall be accompanied by a treasury challan showing payment of fee, if any, prescribed for the grant of the authorisation of the licence.

(5) The authority empowered to grant a licence or authorisation, may renew it or refuse to renew it, on sufficient grounds after giving him a reasonable opportunity of being heard.

(6) Every authorisation, licence, permit or pass granted under these rules, shall be held to have been granted personally to the person named therein.

(7) If any holder of authorisation, lice:Ice, permit or pass dies before or during the currency of his authorisation, licence, permit or pass, it shall determine forthwith.

CHAPTER X

APPEALS

43. (1) An appeal shall lie from an original or appellate order as follows—

(a) to the Excise Commissioner, when the order is made by the Collector;

(b) to the Administrator when the order is made by the Excise Commissioner:

PROVIDED that—

(i) when an original order is confirmed on first appe Al, a further appeal shall not lie;

(ii) when an original order is modified or reversed o i first appeal by the Excise Commissioner, the order on second appeal, f any, made by the Administrator shall be final.

(2) Every memorandum of appeals shall be presented within me month from the dale of the order appealed from.

(3) Every memorandum of appeal shall be accompanied by act order appealed from in original, or by a certified copy of such order unless the omission to produce such order or copy is explained to the satisfaction of the appellate authority.

(4) In computing the period of limitation prescribed under sub-rule (2), the time requisite for obtaining a certified copy of such order shall be excluded.

CHAPTER XI

EXEMPTIONS

44. Nothing in these rules shall apply to the possession, by a cultivator, licensed to cultivate opium poppy for the production of opium, under the Narcotic Drugs and Psychotropic Substances Rata, 1985 of opium produce, until such time as such produce is required l o be delivered by him to the officer of the Narcotics Department, authorised to receive sach opium on account of the Central Government.

45. Nothing in these rules shall apply to the transport of opium by a licensed opium poppy cultivator, of his opium produce from the field from which it is produced to his residence, to the opium weighment centre, set up by the Narcotics Department, for the collection of such opium.

46. Nothing in these rules shall apply to the transport of opium from the opium weighment centre to the Government Opium and Alkaloid Works at Ghazipur and Neemuch on account of the Central Government.

47. Nothing in these rules shall apply to the transport, export or import or opium or any manufactured drug from or to the Government Opium and Alkaloid Works, Ghazipur/Neemuch for or on behalf of the Government.

48. (1) The following rules made under the Opium Act, 1878 and the Dangerous Drugs Act, 1930, are hereby repealed—

(i) The Delhi Opium Rules, 1957;

(ii) The Delhi Opium (Restriction on Oral Consumption) Rules, 1958;

(iii) The Delhi Poppy Head Rules, 1961;

(iv) The Delhi Poppy Head Auction Rules, 1968; and

(v) The Delhi Manufactured Dugs Rules, 1962.

(2) Notwithstanding any such repeal, anything done or any action taken or purported to have been done or taken or any licence granted, under any of the rules repealed by sub-rule (1), shall, insofar as these are not inconsistent with these rules or the Narcotic Drugs and Psychotropic Substances Act, 1985, be deemed to have been done, taken or granted under the corresponding provisions of these rules.