

The Punjab Opium Prohibition Rules, 1959

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1. Short title, extent and commencement. - (1) These rules may be called the Punjab Opium Prohibition Rules, 1959.

(2) They shall extend to the whole of the State of Punjab and shall come into force on the 1st April, 1959.

2. Definitions. - (1) In these rules, unless there is anything repugnant in the subject or context -

- (a) 'Act' means the Opium Act, 1878 (1 of 1878) ;
- (b) 'Chief Medical Officer' means the Chief Medical Officer or other Principal Medical Officer of the district, or any] other officer authorised by him in this behalf;
- (c) The expression 'Excise Officer' means and includes every officer invested with the power of an Excise Officer under the Punjab Excise Act, 1914 (1 of 1914);
- (d) The expression 'Excise and Taxation Officer' means the officer holding charge of the excise administration of the district and includes an Assistant Excise and Taxation Officer serving their in;
- (e) The expression 'Excise Commissioner' means the Excise and Taxation Commissioner, Punjab or the Joint Excise and Taxation Commissioner, Punjab.
- (f) 'Form' means a form appended to these rules ;
- (g) 'Government' means the Government of the State of Punjab;
- (h) The expression '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 ;
- (i) 'pass' means a pass granted under these rules ; and
- (j) 'permit' means a permit granted under these rules.

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

3. Possession without permit prohibited. - The possession of opium in any quantity by any person except under and in accordance with the conditions of his permit granted under these rules or under an appropriate licence or permit as the case may be granted under the Opium Act, 1878 (1 of 1878) or the Dangerous Drugs Act, 1930 (II of 1930), or the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, is prohibited.

4. Possession on medical grounds. - (1) Any person desiring to possess opium for purposes of personal oral consumption on medical grounds only shall make an application for a permit to the Chief Medical Officer.

(2) On receipt of an 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 O.P. 1. on payment of a fee of one rupee:

Provided that no such permit shall be granted -

- (i) except on the recommendation of the Medical Board or the Medical Officer, as the case may be, appointed on that behalf ;
- (ii) to a person who was not registered as an opium addict under the Punjab Opium (Restriction on Oral Consumption) Rules 1956 and if registered was not receiving supplies of opium regularly.

(3) Notwithstanding anything contained in sub-rule (2), the Excise Commissioner or the Officer empowered by him in this behalf may authorise the Chief Medical Officer concerned to permit, in form O.P.1. on payment of a fee of one rupee for the possession on medical grounds of such minimum quantity of opium as he may think proper in each case, to such opium addicts who could not get themselves registered under the Punjab Opium (Restriction on Oral Consumption) Rules, 1956 and regarding whom the Chief Medical Officer certifies the opium is essential for their life :

Provided that no such permit shall be granted to a person who does not explain the reason for not getting himself registered under the said rules to the satisfaction of Chief Medical Officer.

4A. Notwithstanding anything contained in rule 3 an opium addict may import into Punjab and possess opium obtained by him on the authority of a permit issued in his favour by another State in India, upto the extent of the quantity authorised in the permit provided that;

- (i) the opium permit holder of another State, when visiting the State of Punjab brings with him opium 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 opium permit holder shall not have in his possession opium 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 opium 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.

5. Quantity for which permit will be issued. - A permit in form O.P.1. shall be granted in respect of such quantity of opium as may be prescribed 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 opium purchased by a permit holder in a month shall not exceed 24 grams and the quantity possessed at any one time shall not exceed 3 grams or as prescribed from time to time by the Excise Commissioner.

6. Duration of permit. - No permit shall be granted under the above provisions for and period beyond the 31st March, next following the date of the commencement of the permit.

7. Depots for sale of opium. - Depots for sale of opium shall be established at such place 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.

8. Supply of opium of depots. - Opium required for sale at the depots shall be obtained from the Government treasuries, specified for the purpose by the Excise Commissioner, on payment of ex-treasury issue price fixed by Government. Government treasuries shall obtain opium from the Government of India Opium and Al-kaloid Works, Ghazipur (Uttar Pradesh) or from such other sources as Government may direct.

9. Sale at places other than depots prohibited. - Opium shall not be sold at any place except at a depot established under rule 7 and a detailed day to day account of sales shall be maintained in the register in form O.P. 2. The Chief Medical Officer shall forward to the Excise and Taxation Officer concerned a monthly statement in Form O.P. 3 showing receipts, issues and balances of opium.

10. Transport of opium. - Any person desirous of transporting opium which he is authorised to possess shall apply for the grant of a pass to the Excise and Taxation Officer concerned:

Provided that no such pass shall be necessary where transport of opium is permitted under the permit O.P. 1 granted under these rules.

(2) For being stored at the depots, opium shall be transported from the treasuries 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 O.P. 4 for the purpose.

(3) Transport passes in cases not covered by sub-rules (1) and (2) shall be granted in Form O.P. 5.

11. Opening of packets during transport. - No packet containing opium shall be opened during its transport :

Provided that nothing contained in this rule shall apply to persons holding a permit in form O.P.1.

12. Restrictions on transport. - No railway administration shall -

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

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

13. Transport of Opium on behalf of infirm and invalid persons. - Any person may, without any permit, purchase, possess and transport opium on behalf of an infirm or invalid person, who is physically unfit to purchase, possess and transport opium, provided that -

(a) the infirm, or invalid person holds a permit in form O.P.1;

(b) the person purchasing, possessing and transporting opium on behalf of the infirm or invalid person possesses a written authority in Form O.P. 6 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.

14. Depots not required to obtain Licence or permit. - Notwithstanding anything contained in the foregoing rules, no licence or permit shall be necessary for the purchase, possession and sale of opium by or on behalf of depots established under rule 7.

Form O.P.1
[See rule 4(2)]

Permit No.

Permit for the possession of opium for personal consumption in the State of Punjab.

A - Particulars of permit holder -

- (1) Permit holder _____
- (2) Father's/Husband's name _____
- [* * *]
- (3) Apparent age _____
- (4) Address in full _____
- (5) Occupation _____

B- Reference to medical certificate, if any

- (1) Name and address of the Medical Board or the Medical Officer which granted the certificate.
- (2) Date of Certificate.
- (3) Quantity of opium recommended per month.
- (4) Personal identification marks

(1) of the permit holder as 2
verified by the [Medical
Board or the Medical 3
Officer].

This permit is granted under and subject to the provisions of the Punjab Opium Prohibition Rules, 1959, to Shri son of resident of tehsil district (thereafter referred to as 'the permit holder'), on payment of fee of Rs. authorising him to purchase, possess, transport and consume opium subject to the following conditions :

Conditions

- 1. This permit shall remain in force from to (both days inclusive)
- 2. (1) The permit holder shall not purchase during any one month opium exceeding [grams] :
Provided that this quantity may be reduced during the currency of the permit.
- (2) The permit holder shall not possess at any one time more than (3 grams) of opium.
- 3. (1) The permit-holder shall not obtain his supplies of opium from any place except from a depot established under rule 7 of the Punjab Opium Prohibition Rules, 1959.
- (2) The permit-holder shall get the details of the purchase entered on the reverse of the permit by the Chief Medical Officer before he removes from the depot the opium purchased by him.
- (3) No opium other than that obtained under this permit shall be transported, possessed, consumed by the permit-holder.
- 4. The opium purchased under this permit shall neither be used by any person other than a permit-holder, nor shall it be used by the permit-holder for any purpose other than that where for this permit is granted.
- 5. The privileges of purchase, transport and possession of opium granted under this permit shall extend only so far as they are incidental to its consumption by the permit-holder.
- 6. The permit shall be non-transferable and may be suspended or cancelled due to the breach of any its conditions or on any other ground to be stated in writing by the Excise Commissioner.

Form O.P. 3

Monthly statement showing and sales of opium at the Government managed depot situated at _____ (place) _____ Tehsil _____ District to be sent to the Excise and Taxation Officer, _____ (District)

Opening balance		stock received		Total		opium issued from the depot during the month to permit-holders in Form O.P.I	Closing balance		Signature of the Officer-in-charge	Remarks
K.gm	Gms	K.gm	Gms	K.gm	Gms		K.gm	Gms		
1		2		3		4	5		6	7

Form O.P. 4

[See Rule 10(2)]

Pass for the Transport of opium from Government treasuries to the Government managed depots

1. Pass number.
2. Date.
3. Name and designation of the person authorised to transport opium.
4. Quantity of opium to be transported.
5. Name and location of the treasury from which transported.
6. Name and location of the depot to which transported.
7. Period of the validity of the pass.
8. Remarks.

_____ (place).

Excise and Taxation Officer _____ District

Note :- The Consignment shall not be broken in transit.

Form O.P. 5

[See Rule 10(3)]

Pass for the transport of opium.

1. Pass number.
2. Date.
3. Name and address of the person authorised to transport opium.
4. Number of packages, quantity and description of opium to be transported.
5. Place from which the opium is to be transported.
6. Place to which the opium is to be transported.
7. Name of consignee and his full address
8. Route by which the opium is to be conveyed.
9. Period for which the pass is to remain in force.
10. Remarks.

Date _____ (place) _____

Excise and Taxation Officer, _____ (District)

Note :- The consignment shall not be broken in transit.

Form O.P. 6
[See Rule 13(b)]
Form of Authority

I, hereby appoint _____ to duty, possess and transport opium on my behalf on my permit No _____

Identification marks of the Agent,

Signature or thumb-impression of the agent.

Signature or thumb-impression of the person giving the authority.

Signature or thumb-impression of the agent taken in the presence of the Chief Medical Officer concerned or the Officer authorised to grant the permit.

Approval

Signature of the Chief Medical Officer or the Officer authorised to grant the permit.

Place _____ Date _____