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TRAVANCORE OPIUM RULES.

THE TRAVANCORE OPIUM RULES.

NOTIFICATION.

R. Dis. 1842/22/Development.

The Government of His Highness the Maha Rajah are pleased to make the following rules under Sections 6 and 35 of the Opium Regulation IV of 1090. These Rules supersede all existing rules relating to opium, as amended by notifications.

R. Dis. 2033/23/Devpt. dated 10-11-1923.
R. Dis. No. 2184/25/Devpt. dated 11-12-25.
R. Dis. No. 1220/2/27/Devpt. dated 19-2-27.
R. O. C. No. 3054/27/Devpt. dated 14-12-27.
R. Dis. No. 1886/28/Devpt. dated 8-10-28.

Huzur Cutcherry,
Trivandrum, 16th August 1922.

T. RAGHAVIAH,
Deewan.

OPIUM RULES.

Interpretation.

1. In these rules, unless there be something repugnant in the subject or context.—

(1) 'Approved practitioner' means,

(a) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of British Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of British India or in Travancore, or

(b) any person registered as a dentist under Dentists' Act, 1878, and any Act of British Parliament amending the same, or

(c) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentists' Act, 1878, and any Act of British Parliament amending the same Acts or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India or in Travancore and approved by the Government for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India or in Travancore.

(d) any other person engaged in medical or veterinary practice and approved by the Government for purpose of these rules or of corresponding rules for the time being in force in any part of British India or in Travancore.

(2) 'Excise Commissioner' means the Chief Executive Officer in charge of the Separate Revenue Department comprising Salt, Abkari, Tobacco, Opium, Land and Sea Customs.

(3) 'Assistant Excise Commissioner' means the Officer in executive charge of a Separate Revenue Division subject to the control of the Excise Commissioner.

(4) 'Range' means a local area from time to time constituted as such by Government by notification in the Gazette.

(5) 'Excise Inspector' means an officer of the Excise Department in charge of a range.

(6) 'Intoxicating drugs' mean any intoxicating or narcotic preparation of opium and of the poppy, except

(i) poppy-heads as hereinafter defined and

(ii) morphia or morphia drugs as defined in the Travancore Morphia Rules.

(7) 'Licensed Chemist' means a person who has obtained from the Excise Commissioner or Assistant Excise Commissioner a license for the retail sale of opium and intoxicating drugs other than those used for smoking or medicinal purposes.

(8) 'Licensed vendor' means a person who has obtained from the Excise Commissioner or Assistant Excise Commissioner a license for the retail vend only of opium or of intoxicating drugs other than those used for smoking.

(9) 'Opium' means the inspissated juice of the poppy and includes poppy-heads which have not been lanced and dried or from which the juice has not been extracted.

(10) 'Poppy-heads' means the heads or capsules of the poppy plant which have been lanced and dried or from which the juice has been extracted.

(11) "Seer" means a weight of 80 tolas.

(12) "Tola" means a weight of 180 grains troy.

(13) "Wholesale" means the sale of any quantity of opium exceeding one tola or of intoxicating drugs, other than those used for smoking not exceeding three tolas.

(14) "Retail sale" means the sale of any quantity of opium not exceeding one tola or of intoxicating drugs other than those used for smoking, not exceeding three tolas.

Manufacture.

II. The manufacture of intoxicating drugs is permitted:

(a) by any person for his private consumption and not for sale, in such quantities and from such opium as he may be entitled to possess under rule III or rule VI *infra*;

(b) by any licensed vendor or licensed chemist in accordance with the terms of his license;

For the purpose of clause (a), the words 'intoxicating drugs' shall be deemed to include intoxicating and narcotic preparations of opium and of the poppy which are used for smoking.

Possession.

III. Any person may have in his possession:

(1) (a) any quantity of opium not exceeding one tola or intoxicating drugs other than those used for smoking not exceeding three tolas.

(b) any quantity not exceeding half a tola of intoxicating drugs used for smoking;

Provided that the said articles not being intoxicating drugs used for smoking shall have been obtained by purchase from a licensed vendor or licensed chemists lawfully imported or being intoxicating drugs whether used for smoking or other purposes, shall have been manufactured for private consumption from opium so obtained.

(2) Any approved practitioner may have in his possession for use in the exercise of his profession, but not for sale, such quantities of opium and preparations thereof as may be declared by the Darbar Physician to be equivalent to 120 grains of morphia.

IV. Any licensed vendor may have in his possession any quantity permitted by the terms of his license, of opium or intoxicating drugs other than those used for smoking.

V. Any licensed chemist may have in his possession for purposes of retail sale, any quantity of opium not exceeding one seer or intoxicating drugs, other than those used for smoking, not exceeding three tolae.

V. A. Every package or bottle containing intoxicating drugs shall be marked with the percentage or proportion or amount of opium contained in the intoxicating drugs.

VI. Any person who is specially authorised by the Excise Commissioner but not otherwise, may have in his possession such quantity of opium or intoxicating drugs as his special authority may cover.

Transport.

VII. The transport of opium or intoxicating drugs other than those used for smoking by licensed vendors and licensed chemists is permitted under the following rules VIII to XII.

VIII. Opium transported from any Government Treasury or Taluk office shall be covered by a pass granted by the Officer in charge of the treasury or taluk office.

IX. A copy of every pass granted under rule VIII shall be sent to the Excise Inspector of the Range to which the consignment is to be transported.

X. Transport from one shop to another of opium or intoxicating drugs other than those used for smoking may be permitted under the special orders of the Assistant Excise Commissioner of the Division in which both the shops are situated.

XI. Every pass issued under rule VIII and X shall be retained in the shop of the licensed vendor or licensed chemist to which the consignment is made.

XII. Any Revenue Officer not inferior in rank to a Deputy Tahsildar, any Salt, Abkari and Customs officer not inferior in rank to a petty officer or any Police officer not inferior in rank to a Head Constable may at any time examine any consignment of opium or intoxicating drugs in transit. If, after such examination, the officer finds that the quantity of opium or intoxicating drugs transported corresponds with the quantity specified in the pass the consignment shall be allowed to proceed. Otherwise the consignment shall be retained pending the orders of the Excise Commissioner who may charge, in respect of any excess or deficiency, double the rates payable under Rule XVIII for opium supplied from the treasury or taluk office and may also on proof of malpractice withdraw the licensed vendor's or chemist's license and otherwise deal with him as provided in the Opium Regulation, IV of 1090.

XII. A. Any person may transport opium and intoxicating drugs lawfully in his possession under rules III and VI.

Import.

XIII. (a) No opium shall be imported into Travancore except on behalf of Government and except what may be carried for immediate personal consumption by a *bona fide* adult traveller which is limited to one tola.

(b) Import of intoxicating drugs used for smoking is prohibited.

XIV. Approved practitioners and licensed chemists may with the permission of the Excise Commissioner or Assistant Excise Commissioner import intoxicating drugs other than those used for smoking.

XV. No intoxicating drugs shall be imported into Travancore except through the Customs house mentioned in the license or permit authorising the import and no person importing any intoxicating drug shall effect its removal from the custody of the customs officer unless and until it has been verified by the customs officer in the presence of the importer or his authorised agent.

Export.

XVI. Export of opium or intoxicating drugs other than these used for smoking is not permitted except under a permit issued by the Excise Commissioner and on production by the intending exporter of the import permit granted by the authority appointed for the purpose of the place to which the opium or intoxicating drug is to be exported.

XVII. Rules VII to XVI regarding transport, import and export shall not be understood to permit the transmission of opium and intoxicating drugs by post or anchal.

Sale.

XVIII. Opium will be supplied on prepayment of the issue price at such rates as the Government may, from time to time, prescribe by notification in the Gazette, at any Treasury or Taluk Cutcherry at which the Government may authorise the keeping of the drug for sale in quantities of half a seer of opium and multiples thereof to any licensed vendor or to any licensed chemist.

XIX. Opium or intoxicating drugs other than those used for smoking may be retailed under license from the Excise Commissioner or Assistant Excise Commissioner and in accordance with the conditions specified in the license.

XX. A licensed vendor may sell by retail at one time to any person any quantity of opium not exceeding one tola or intoxicating drugs, other than those used for smoking not exceeding three tolas.

XXI. The Excise Commissioner may, from time to time, fix the prices or fix the maximum and minimum prices at which opium or intoxicating drugs other than those used for smoking may be retailed in any particular locality.

License.

XXII. Licenses may be granted by the Excise Commissioner or Assistant Excise Commissioner:—

(1) for the retail vend of opium or for the manufacture and retail vend of intoxicating drugs other than those used for smoking either jointly or severally;

(2) for the retail vend of opium or for the manufacture and retail vend of intoxicating drugs other than those used for smoking by licensed chemists for medicinal purposes only.

The monopoly of vend at shops of the retail vend of opium or intoxicating drugs other than those used for smoking or both shall be put up to auction by the Excise Commissioner or Assistant Excise Commissioners every year or once every two years and may in special cases be granted on tender or for fixed fees as the Government may order. The sales shall be subject to confirmation by the Excise Commissioner.

XXIII. The Excise Commissioner may cancel or suspend a license or pass granted under the Opium Regulation or under these rules.

(a) if any fee or duty payable by the holder thereof be not duly paid; or

(b) in the event of any breach by the holder of such license or pass or by his servant or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such license or pass; or

(c) if the holder thereof is convicted of any offence against the Opium Regulation or any other law for the time being in force relating to the Excise revenue or of a breach of the peace or of any other criminal offence; or

(d) if the conditions of the license or pass provide for such cancellation or suspension at the will of the Excise Commissioner.

XXIV. (1) If any licensed vendor has in his possession, on the expiry, cancellation or forfeiture of his license, any opium or intoxicating drugs other than those used for smoking which he is unable to dispose of to the satisfaction of the Assistant Excise Commissioner by private sale to other licensed vendors, he shall surrender the same to the Assistant Excise Commissioner and the incoming licensed vendor or if the expired or cancelled or forfeited license is not renewed any licensed vendor within the Division when required by the Assistant Excise Commissioner shall be bound to purchase the articles aforesaid to the extent of two months' supply at such price and in such quantities as the Assistant Excise Commissioner shall adjudge; provided that the price of opium thus adjudged shall in no case exceed the rate at which it can be procured from the Government; provided also that if such articles be declared by the senior medical officer of the Division or the Excise Commissioner to be unfit for use, the Assistant Excise Commissioner shall cause them to be destroyed.

(2) In cases in which a license is suspended, the licensee shall surrender the stock in his possession to the Assistant Excise Commissioner to be returned to him or disposed of as provided in the case of expired or cancelled licenses, according as the suspended license, is afterwards restored or cancelled.

Disposal of things confiscated.

XXV. (1) Opium confiscated under the Regulations shall be examined by the Excise Commissioner or Assistant Excise Commissioner who may send it to the Chemical Examiner in case he is unable to decide whether it is fit for use or not. The Chemical Examiner shall after examination return the article with his opinion thereon.

(2) The Excise Commissioner or Assistant Excise Commissioner shall if the article be declared fit for use, forward to the nearest local depot to be taken into stock. If the confiscated article is declared unfit for use it shall be immediately destroyed in the presence of the Excise Commissioner or Assistant Excise Commissioner or any other officer deputed for the purpose.

(3) Intoxicating drugs confiscated under the opium Regulation shall be immediately destroyed.

Rewards to be paid to officers and informers.

XXVI. When any Magistrate convicts an offender under Section 30 of the Opium Regulation IV of 1090 or when any Magistrate or other authorised officer orders the confiscation of opium or intoxicating drugs under Section 33, the Government may grant a reward not exceeding the value of the opium or intoxicating drugs confiscated in the case, plus the amount of any fine imposed in such proportions as they may think fit, to any person or persons who have contributed to the seizure of the opium or intoxicating drugs or the conviction of the offender. If in any case, the reward which may be granted under this rule is inadequate, or if no fine is imposed or confiscation ordered, or if the fine or forfeiture is not realised, the Government may grant such reasonable rewards as may seem to them fair.

Poppy heads.

XXVII. Poppy-heads may be possessed, transported, sold, imported and exported by any person without restriction.

Miscellaneous.

XXVIII. The Government may, consistently with the provisions of the Opium Regulation and of these rules, determine from time to time as they see fit, in cases of licenses and passes granted.

(a) the fees to be charged for such licenses or passes and the period for which they shall be issued ;

(b) the restrictions and conditions under which and the forms in which such licenses and passes shall be granted ; and

(c) the particulars which such licenses and passes shall contain.

All forms prescribed and subsidiary rules made by the Government under the above rules shall be published in the Gazette.

XXIX. The following preparations are exempted from the operation of the Opium Regulation and may therefore, be possessed, transported, sold, imported and exported without restriction :—

1. Brompton Consumption and Cough Specific.
2. Mistura Pepsinae Composita C. Bis.
3. Linctus Oplatus.
4. Lotio Plum C, Opio.
5. Mistura Scillae C.
6. Syrupus Camporae Co.
7. Tinctura Anti Periodica
8. Pulv. Ipecac Co. or Dover's Powder.
9. Ung. Gallae C. Opio.

10. Enteronol Chlorol.
11. A specific containing opium for cholera, diarrhoea and dysentery prepared by Bell Drug and Chemical Company, London, and labelled as such.
12. Cotarnina.
13. Codeina and its preparations and salts.
(As amended by notification R. Dis. No. 230/2/27/Devpt. dated 19th February 1927).

(R. Dis. No. 1875/2/28/Devpt dated 8th October 1928).

In exercise of the powers conferred by Rule XXVIII of the Opium-Rules dated the 16th August 1929, the Government of Her Highness the Māha Rani Regent direct—

1. that Licenses for the sale of medicines and medical preparations containing opium shall be in the annexed form ;
2. that the licenses will be issued on payment of a fee of Rupees five per annum ;
3. that permits for the import of medicines containing opium will be issued on payment of a fee of Rupee one for each such permit ; and
4. that the Excise Commissioner and the Assistant Excise Commissioner shall be competent to issue the licenses and permits referred to in paragraphs 1, 2 and 3 above.

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FORM OF LICENSE.

No.

License issued under section XXII of the Opium Rules dated 16th August 1932.

Mr.

is hereby authorised to have in his possession and to sell during the year 110.....medicines and preparations containing opium on the following conditions : --

1. That he shall not use such preparations for any other than medical purposes.
2. That the license shall be cancelled if it is used to cover trade in opium.

Excise Commissioners' Office,
Trivandrum, 110