

THE WEST PAKISTAN DANGEROUS DRUGS RULES, 1958

No. Exp. V/1/1-58, dated 21st March, 1959 (Gazette, 17th April, 1959): With reference to West Pakistan Government Notification No. Ex. V/1/1958, dated the 20th November, 1958, published in the West Pakistan Gazette, dated the 12th December, 1958, the Governor of West Pakistan, in exercise of the powers conferred on him by sub-section (2) of Section 8 of the Dangerous Drugs Act, 1930, is pleased to make the following rules:---

1. **Short title and commencement:** (1) These rules may be called the West Pakistan Dangerous Drugs Rules, 1958.

(2) They shall come into force.

2. **Definitions:** In these rules, unless the context otherwise requires the following words and expressions shall have the meanings hereby respectively assigned to them, that is to say---

- (a) "Act" means the Dangerous Drugs Act, 1930 (II of 1930);
- (b) "Civil Surgeon" includes the principal medical officer of the principal Government hospital at the headquarters of a district;
- (c) "Collector" means any person appointed by the Government to discharge in any specified area the functions of a Collector under any law relating to excise revenue for the time being in force;
- (d) "Commissioner" means an officer appointed by Government to be Commissioner for any specified area under any law relating to excise revenue for the time being in force;
- (e) "Excise Officer" means an officer of the Excise Department not below the rank of Sub-inspector and includes Commissioner and Collector;
- (f) "Government" means the Government of West Pakistan;
- (g) "Licensed Chemist" means a person who has obtained a licence under these rules for the possession, compounding and sale of coca derivatives and opium alkaloidal derivatives;
- (h) "Licensed Druggist" means a person licensed under these rules to dispense or to keep a shop for the sale of medicinal hemp or medicinal opium intended for use as medicine and for the manufacture of medicinal opium;
- (i) "Medical Practitioner" means any person registered as a medical practitioner or as a dentist under any law for the registration of medical practitioners or dentists;

and includes any other person engaged in scientific, medical or veterinary practice approved by the Commissioner for the purposes of these rules;

- (j) "Opium Alkaloidal Derivatives" means--
 - (i) morphine, that is, the principal, alkaloid of opium having the chemical formula $C_{17}H_{19}O_3$ and its salts;
 - (ii) diacetylmorphine that is, the alkaloid, also known as diamorphine or heroin, having the chemical formula $C_{21}H_{23}NO_5$ and its salts.
 - (iii) all preparations, official and non-official; containing more than 0.2 per cent of morphine or containing any diacetylmorphine;
- (k) "prescription" means a prescription given by a medical practitioner for the supply of coca derivatives, or opium alkaloidal derivatives.

3. Grant of licence to druggists: (1) The Collector may grant to any person a druggist's licence in the prescribed form for the manufacture of medicinal opium from material which he is lawfully entitled to possess and to sell medicinal hemp and; medicinal opium.

- (2) The licence shall be subject to such conditions-
 - (a) as may be determined by the Commissioner' and
 - (b) as may be specially recorded on the licence by the Collector.

4. No licensed druggist shall sell medicinal hemp or medicinal opium for a purpose other than medicinal.

5. No licensed druggist shall possess medicinal hemp, medicinal opium or pure opium in excess of the quantity specified in his licence.

6. The Collector or an excise officer empowered in this behalf by the Collector may grant to a licensed druggist—

- (a) a permit in the prescribed form for the import of medicinal hemp and medicinal opium; or
- (b) a pass in the prescribed form for the export and transport of medicinal hemp and medicinal opium:

Provided that a permit or a pass exceeding such quantity as a licensed druggist is entitled to possess shall not be granted:

Provided further that export passes shall not be granted except on the production of a permit signed by the Collector of the district of destination.

7. (1) The Collector may grant to any person a chemist's licence in the prescribed form for the manufacture of the preparations of morphine diacetylmorphine and cocaine from material which he is lawfully entitled to possess and to sell opium alkaloidal derivatives or coca derivatives:

Provided that without the special sanction of the Commissioner such a licence shall not authorise the possession of opium alkaloidal derivatives in a quantity greater than four ounces or of coca derivatives in a quantity greater than four ounces.

- (2) The licence shall be subject to such conditions--
 - (a) as may be determine by the Commissioner and (b) as may be specially recorded on the licence by the Collector.
- 8.** A licensed chemist may sell opium aikatoidal derivatives or coca derivatives to--
 - (a) a medical practitioner known to him or introduced to him by a person known to him subject to the following conditions, namely:--
 - (i) the medical practitioner should sign the register in person or send a written or signed order, stating his name, address and the name and quantity of the article required;
 - (ii) if the drugs are to be sent by post, they shall be sent by registered post;
 - (iii) the licensee shall satisfy himself as to the genuineness of the signatures and qualifications of the medical practitioner;
 - (iv) in case of real emergency the drugs may be supplied on oral message, provided the licensee is satisfied about the genuineness of the order and the medical practitioner furnishes the written or signed order, or assures him that such order with be furnished within 24 hours;
 - (b) a chemist licensed under these rules or under the rules for the time being in force in any part of Pakistan;
 - (c) any person authorised under rule 17 of these rules or any other corresponding rule for the time being in force as aforesaid;
 - (d) any person on a prescription subject to the following conditions, namely:--
 - (i) the opium alkaloidal derivatives or coca derivatives shall be sold 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, the opium alkaloidal derivatives or coca derivatives shall be sold once only on such a prescription and the prescription shall be retained, 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 the licensed chemist shall enter in the prescription the date of sale and shall sign or seal the prescription; provided that if it appears that opium alkaloidal derivatives or coca derivatives have already been sold on the prescription at 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 morphine drugs or coca derivatives on such prescription unless it has further been superscribed by the medical practitioner;
- (iv) the licensee shall maintain a written record of every such sale in such manner as the Commissioner may direct.

9. The Commissioner, or such other officer as the Commissioner may empower in this behalf, may grant to any licensed chemist a permit in the prescribed form for the import of opium alkaloidal derivatives or coca derivatives, not exceeding the quantity which such a licensed chemist is entitled to possess.

10. The Commissioner, or such the officer as the Commissioner may empower in this behalf, may grant to a licensed chemist a pass in the prescribed form for the export of opium alkaloidal-derivatives or coca derivatives, provided that a permit has been granted to him under the rule for the time being in force in any part of Pakistan outside West Pakistan by the Collector or other authority duly appointed in this behalf.

Explanation: An indent for opium alkaloidal-derivatives the coca derivatives countersigned by the Director, Health Services, West Pakistan or a Deputy Director, Health Services, or a Civil Surgeon or a Deputy Director of the Animal Husbandry Department shall for the purpose of this rule be deemed to be a permit and shall not require further counter signature.

11. The Collector of the district of issue may grant to a licensed chemist a pass in the prescribed form for the transport of opium alkaloidal derivatives or coca derivatives not exceeding the quantity which such chemist may lawfully possess.

12. Medical opium and preparations of morphine, diacetylmorphine and cocaine may be manufactured by a medical practitioner from materials which he is lawfully entitled to possess and which is required for use in the exercise of his profession.

13. A medical practitioner may possess the following quantities of manufactured drugs other than prepared opium for use in his practice and not for sale:--

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|-----|--|-----|---------------|
| (1) | Medicinal hemp | ... | Three ounces. |
| (2) | Medicinal opium | ... | Three ounces. |
| (3) | Opium alkaloidal derivatives
(excluding prepared opium) | ... | 60 grains. |
| (4) | Coca derivatives | ... | 60 grains. |

Provided that the Collector may by special order authorise any such practitioner to possess any larger quantity.

Explanation I: 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 the medical practitioner; and all other issues of the drugs by a medical practitioner from his dispensary will amount to sale.

Explanation II: A medical practitioner who desires to distribute and sell opium alkaloidal derivatives or coca derivatives must take a chemist's licence.

14. (1) A medical practitioner may import and transport such quantities of manufactured drugs other than prepared opium as he may lawfully possess under the last preceding rule; but no medical practitioner shall import coca derivatives from outside the Province.

(2) A medical practitioner who is permitted to possess manufactured drugs without a licence under the last proceeding sub-rule, shall obtain his supplies from a licensed chemist or druggist only and shall maintain a register in the prescribed form and a separate register or a separate part of the register shall be assigned to each of the following classes of drugs and preparations:--

- (a) cocaine and cogonine and preparations containing cocaine or cogonine;
- (b) morphine and preparation containing morphine;
- (c) diacetylmorphine and its preparations;
- (d) medicinal opium;
- (e) dihydrohydroxy codeinone (commonly known as eucodal) and preparations containing dihydrohydroxy codeinone;

- (f) drhydrocodeinone (commonly known as dicodide) and its preparations;
 - (g) extracts or tinctures of Indian hemp;
 - (h) dihydromorphinone (commonly known as dilaudide and its preparations.
- (3) Entries in a register shall be made on the day on which a drug is received or dispensed.

Explanation: It is not necessary that the medical practitioners should himself enter in the register the particulars of 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:

(4) Where a medical practitioner practice at more than one premises a separate account of manufactured drugs kept at each premises shall be maintained.

(5) Every entry required to be made and every correction of such an entry shall be made in ink and no cancellation, obliteration or alteration shall be made of any entry in the register and if any correction of an entry is made it shall be made by way of a marginal note or foot-note, and the entry shall specify the date on which the correction is made.

(6) The stock of drugs in the possession of a medical practitioner and the accounts relating thereto shall be open for inspection by any officer of the Medical or Public Health Department not below the rank of Assistant Surgeon or District Medical Officer of Health or an Excise officer not below the rank of Sub-Inspector, 2nd grade.

(7) The medical practitioner shall, if required to do so, by the Collector of the district, submit such information relating to the transactions in drugs as may be demanded from him.

(8) if a messenger is sent by a medical practitioner to take the delivery of aforesaid drugs, the messenger must be given a signed authority in writing specifying the name of the messenger.

(9) A medical practitioner shall keep the drugs under lock and key.

(10) While carrying drugs to the house of a patient, the medical practitioner shall take full precautions for the safe custody of the drugs and shall forthwith report thefts and losses of dangerous drugs if any to the nearest excise or police official.

(11) All records including registers and day-books shall be retained for not less than two years from the date of the last entry therein.

15. The Collector or the excise officer empowered in this behalf by the Collector may grant to a medical practitioner a permit in the prescribed form for the import of medicinal hemp

and medicinal opium; and the Commissioner or such other officer as the Commissioner may empower in this behalf may grant to a medical practitioner a similar permit for the import of opium alkaloidal derivatives.

16. A medical practitioner in managing or supervising charge of a hospital or dispensary, authorised in this behalf by the Collector by an order made under rule 17 may import and transport such quantities of manufactured drugs other than prepared opium in such manner as may be specified in the said order on an indent countersigned by:---

- (i) the Civil Surgeon or in the case of Civil Hospitals and dispensaries; in the moffusil;
- (ii) the Medical Superintendents in the case of Civil Hospitals at the Headquarters of a district;
- (iii) the Senior Medical Officer-incharge of the military Hospitals.

Explanation: An indent countersigned by any of the aforesaid Medical Officers shall be deemed to be a permit and shall not require further counter-signature.

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

18. Any person may possess such quantity of medical hemp or medicinal opium which may be sold to him by a licensed druggist for medicinal purposes; and he may possess such quantities of opium alkaloidal derivatives or coca derivatives as has been at one time dispensed and sold for his use in accordance with the provisions of rule 8 or of corresponding rule for the time being in force in any part of Pakistan.

19. A person, to whom a pass has been granted under these rules for the import, export or transport of manufactured drugs other than prepared opium may possess such quantity thereof in such manner as may be specified in the pass.

20. Any person may import and transport such quantities of manufactured drugs other than prepared opium as he may lawfully possess under rule 19.

21. A person to whom a pass has been granted under these rules for the import, export or transport of manufactured drugs other than prepared opium, may import, export or transport such quantities of the drugs in such manner as may be specified in the pass.

22. A person authorised in this behalf by the Commissioner by a special order made under rule 23 may export such a quantity of manufactured drugs, other than prepared opium in such manner as may be specified in that order.

23. The Commissioner may by special order authorise any person to export, any quantity of manufactured drugs other than prepared opium.

24. The import, export, transport, possession and sale of coca leaves is prohibited in the Province of West Pakistan.

25. Every person importing, exporting or transporting manufactured drugs other than prepared opium shall comply with such general or special directions as may be given by the Commissioner.

26. (1) Nothing in these rules shall be deemed to permit the import of manufactured drugs other than prepared opium—

- (a) from any part of Pakistan outside the Province unless the rules for the time being in force in such part relating to the export of such drugs have been complied with; and
- (b) unless the duty leviable at the place of importation under the Pakistan Tariff Act or any other enactment for the time being in force has been paid and a valid pass has been obtained from the Customs or Excise authorities there.

(2) Except as provided in sub-rule (3) no person shall import, export or transport manufactured drugs other than prepared opium by post, into, not of, or within the Province.

(3) Import, export or transport of manufactured drugs other than prepared opium shall be allowed by inland post, subject to the following conditions, namely--

- (a) only the parcel post shall be used and the parcel shall be insured;
- (b) the parcel shall be covered by a permit issued in this behalf by the competent authority at the place to which parcel is addressed;
- (c) the parcel shall be accompanied by a declaration showing the names of the consignor and the consignee the contents of the parcel in detail, the number and date of the permit covering the import, export or transport, as the case may be, and the number of licence, if any, held by the consignor or the consignee;
- (d) the consignor or consignee, if they are licensees, shall, show distinctly in their account books, the names of the consignee and the consignor, respectively, and the qualities of the drugs imported, exported or transported by and to them, as the case may be, from time to time by post.

27. Subject to the provisions of the Dangerous Drugs Act and of these rules, every licence, permit or pass issued under these rules shall be in such a form as may be prescribed by the Commissioner, contain such particulars, and shall be granted by such an officer on payment of such a fee, for such a period and subject to such conditions as the Commissioner may direct.

28. (1) Any officer empowered under any of these rules to grant a licence, permit or pass 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 licence, 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.

29. (1) Every licence granted under these rules shall be held to have been granted personally to the licensee named therein and shall not be transferable.

(2) If any licence-holder dies before or during the currency of his licence shall forthwith determine:

Provided that the Collector may in his discretion continue any such licence in force in favour of one of the legal representatives of the deceased licence-holder.

30. (1) Subject to any directions that the Commissioner may give in this behalf, the officer who has granted a licence, permit or pass, or has by order authorised any person to do any act under these rules, may cancel or suspend such licence, permit or pass or such order:--

(a) if such a person has--

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

(ii) by himself or by his servant or any person acting on his behalf committed any breach of the conditions of such licence, permit or pass or of the orders issued under these rules;

(iii) been convicted of any offence under the Dangerous Drugs Act or the Opium Act or under any law for the time being in force relating to excise revenue or of any offence under the Pakistan Penal Code;

(b) if it is a condition of such licence or order that it may be cancelled or suspended, at the will of such an officer;

(c) in any other case, after giving to such a person 15 days' notice.

(2) When such a licence, permit or pass has been cancelled or suspended as aforesaid, such a person shall forthwith make over to the Collector all the manufactured drugs in his possession.

31. Subject to the provisions of the Act and of these rules, the 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.

32. An appeal shall lie from an original or appellate order of Excise Officer as follows, namely:--

- (a) to the Collector, when the order is made by an excise officer below the rank of Collector,
- (b) to the Commissioner, when, the order is made by a Collector:

Provided that-

- (i) when an original order is confirmed on first appeal, a further appeal shall not lie;
- (ii) when any such order is modified or reversed by the Collector on appeal, the order made by the Commissioner on further appeal, if any, shall be final.

33. (1) Every memorandum of appeal must be presented within thirty days from the date of the order appealed against.

Explanation: The time spent in obtaining an authenticated copy of such order shall be excluded from the period of limitation prescribed above.

(2) Every memorandum of appeal shall be accompanied by the order appealed against in original, or by an authenticated copy of such an order, unless the omission to produce such an order or copy is explained to the satisfaction of the appellate authority.

34. The Commissioner or a Collector may revise any order passed by an excise officer subordinate to in under these rules.

35. (4) Wherever any article is ordered to be confiscated under Section 34 of the Act, for an offence committed in contravention of these rules, the Magistrate, who orders confiscation, shall make over these articles to the Collector for disposal.

(2) The Collector, shall cause—

(a) all confiscated cocaine whether manufactured by known makers or otherwise and whether contained in original packings or in the loose condition to be forwarded to the Chemical Examiners to Government, West Pakistan for examination; and cocaine which is passed as fit for use by the Chemical Examiner, shall be made over in sealed phials to the Medical Stores Depot, Lahore/Karachi, once in every three months while cocaine not found fit for use shall be destroyed in the presence of the Collector who shall record a certificate to this effect, and

- (b) all other dangerous drugs on confiscation to be forwarded to the Medical Stores Depot, Lahore/Karachi.

36. The import, export and transport of manufactured drugs other than prepared opium by or on behalf 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:-

- (a) only parcel post shall be used,
- (b) the parcel shall be accompanied by a declaration stating the name or designation, of the consignee and the 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 or designation of the consignor, and the quantity of the drugs sent to him from time to time by post.

37. All preparations containing not more than 0.2 per cent of morphine or 0.1 per cent cocaine and any preparation which the Federal Government may, by notification in the Gazette made in pursuance of a finding under article 8 of the Geneva Convention or in pursuance of any international convention supplementing the Geneva Convention declare not to be manufactured drugs may be imported, exported, transported, possessed or sold without restriction.
