OFFICE OF THE EXCISE COMMISSIONER, UTTAR PRADESH, PRAYAGRAJ Notification No. 4607/TWO-PRA.D-218/SHODH/BHANG/2018-19

Prayagraj, dated: November 16,2018

NOTIFICATION

In exercise of the powers under section 41 of the United Provinces Excise Act, 1910 (UP. Act no. 4 of 1910), the Excise Commissioner, with the previous sanction of the State Government, makes the following rules with a view to regulating the Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Bhang. (Cannabis/Hemp).

THE UTTAR PRADESH EXCISE (RESEARCH ORIENTED CULTIVATION OF HEMP TO DEVELOP MEDICINAL AND INDUSTRIAL GRADE PLANT OF HEMP) RULES, 2018.

1. Short title and commencement-(1) These rules may be called the Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop, Machinal and Industrial Grade Plant of Hemp) Rules, 2018 (2) They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions-In these Rules, unless there is anything repugnant in the subject or context- (a) "Act" means the United Provinces Excise Act, 1910 (U.P. Act no. 4 of 1910).

(b) "Collector" means the Collector of a Revenue District of the State of Uttar Pradesh

(c) "Cultivation" with its grammatical variations means the collection and possession of seed, raising of a plant from seed and includes the tending or protecting of a plant during its growth. The scientific procedures conducted on the seeds or plants for research purposes are also included under cultivation.

(d) "Excise Commissioner" means the Officer appointed by the State Government under clause (a) of sub-section (2) of section 10, of the Act.

(e) "Form" means a form appended to these rules.

(f) "Hemp" means the male or female plant of any variety of Hemp.

(g) "Research Institute" means the institute involved in the research activities in the field of Botany tun or recognised by the Council of Scientific and Industrial Research or Ministry of Science and Technology, Government of India or the State Government

3. **Grant of Licence-**Licence for the limited cultivation of hemp on designated plot including scientific procedures to be conducted on seeds or plants, by a research institution to develop medicinal and/or industrial grade hemp and to possess every part of the crop so obtained shall be granted or renewed in the

Form ID-14(C). The licence in form ID-14(C) shall be generally valid for the whole or part of three consecutive years for which it is granted or renewed. The licence holder research institution shall be duty bound to comply with the terms and conditions of the license and follow the orders and instructions issued from time to time by the Excise Commissioner in this behalf.

4. Procedure for Obtaining Licence-(1) The licence fee on licence granted or renewed under rule-3 shall be leviable at Rupees five thousand.

form ID-14 (C) shall be granted or renewed after due inquiry by the Excise Commissioner in favour of the research institution.

(3) No licence in Form ID-14(C)shall be granted or renewed in favour of a research institution which is not involved in research activities in the field of Botany and is not run or recognised by Council of Scientific and Industrial Research or Ministry of science and Technology, Government of India or the State Government.

5. Form of Application-Every application for grant or renewal of licence ID-14 (C) shall be sent in From ID-27 to the Excise Commissioner through District Excise Officer of the concerned district. On receipt of the application the Excise Commissioner may make such further enquiries as he/she may deem necessary. If the applicant is found suitable for the grant or renewal of licence, the Excise Commissioner shall grant or renew the licence.

6. Conditions of Licence (4)(a) There shall be a separate and safe room in the licensed premises for storage of seed and crop of hemp.

(b) The licensed institution must have undisputed piece of land in its ownership.

(c) The crop of industrial hemp will be used to extract seeds and fibre only. The licensed institution shall be fully responsible for the safety of the crop and other products.

(d) The hemp shall only be cultivated on designated piece of land and the whole crop excluding the part required for research, shall be disposed of in the manner as may be determined by the Excise Commissioner from time to time.

(e) The Institution shall develop the variety of hemp having Tetrahydro Cannabinol (THC) 0.3% or less than that. Licensee before harvesting the cultivated hemp crop, shall inform the District Excise Officer of the concerned District. If the Tetrahydro Cannabinol (THC) content in the harvested hemp exceeds 0.3%, the crop shall be destroyed as per the direction of the Excise Commissioner.

(f) The licensee shall maintain all the accounts of cultivation and crop in the manner as may be directed by the Excise Commissioner from time to time.

(g) The licensee shall not sell or transfer any part of crop.

(h) The Institution/Licensee shall comply with all the provisions especially section 8A of the Narcotic Drugs and Psychotropic Substances Act, 1985.

(i) In cultivation of hemp, the license holder shall not extract any intoxicant like "Chaars" and "Ganja" and shall not indulge in sale-purchase, store or use of any such intoxicant material.

7. Miscellaneous (1) Every breach of licence conditions shall be referred to the Excise Commissioner who shall take appropriate action against the licensee institution in accordance with the relevant provisions of the Act.

(2) The Excise Commissioner or Collector or any Officer of the Excise Department empowered under section 48 of the Act may enter premises at all reasonable times with or without notice to the manufacturer where cultivation of hemp is carried out or the crop is stored and inspect the stock, records and accounts. Such Officer may examine, measure or weigh any material stored in such place and may seize any quantity of such material which he has reason to believe to have been stored or kept against the provisions of the Act or rules made thereunder.

(3) The Excise Commissioner, on basis of report of District Excise Officer of the concerned district, may cancel the license at any time if it is established to his satisfaction that the licensee is indulging in using the hemp as an intoxicant.

(4) The Excise Commissioner may from time to time issue written instructions regarding online registration, renewal, and uploading of documents, and for all other supplementary matters arising out of these rules.

FORM ID-27

Application for grant/renewal of licence for the limited cultivation of hemp on designated piece of land including scientific procedures to be conducted on seeds or plants, by a research institution to develop medicinal and/or industrial grade hemp and to possess every part of the crop under the Uttar Pradesh Excise (Research Oriented Cultivation of hemp to Develop Medicinal and Industrial Grade Plant of hemp) Rules, 2018.

(SEE RULE 5)

To,

The Excise Commissioner,
Uttar Pradesh, Prayagraj.

Sir,

1.

I/We……
…….

R/o……

District……. am/are the authorised representative of (Name as of Research Institution) ……as defined under the Uttar Pradesh Excise (Research Oriented Cultivation of hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018.

So, you are requested to kindly grant licence/renew the licence enclosed herewith for the limited cultivation of hemp on designated piece of land including scientific procedures to be conducted on seeds or plants, to develop medicinal and/or industrial grade hemp and to possess every part of the crop in favour of my/our above institution for the financial year ending on 31 March 20…… 2. I/We hereby declare particulars of the institution where I/We carry out/propose to carry out the research-oriented cultivation of hemp and store/propose to store the crop so obtained in the table enclosed herewith.

3. I/We agree to abide by the provisions of aforementioned rules, terms and conditions of the above license and also by the orders and instructions issued from time to time by the Excise Commissioner under the said rules.

4. I/We have deposited Rupees Five Thousand vide treasury challan no…….

dated…… 5. I/We have enclosed the site plan of my/our research institution with all relevant records. I/We shall furnish all other information and records as and when demanded.

6. I/We hereby declare that no licence issued by the Uttar Pradesh Excise Department and previously held by me/us has ever been revoked or suspended or has been denied from being renewed owing to a breach of the Act and/or rules governing the grant of such license.

7. I/We declare that to the best of my/our knowledge and belief that the information furnished herein is true and complete.

Place.....

Date.....

Signature (s) of the applicant (s)

Particulars of the premises and the unit.

1. Name and address of the Applicant/Applicants (relevant documents to be enclosed).

2. (a) Name and address of the research institution and whether this institution is run or recognised by Council of Scientific and Industrial Research or Ministry of Science and Technology, Government of India or the State Government? (relevant documents to be enclosed).

(b) In which field of science (namely Physics, Chemistry, Zoology, Botany etc.) the institution carries out its activities?

3. A brief introductory note on the present activities of the Institution.

4. Relevant map of the Institution showing following details, must be enclosed:

(i) brief description (with boundaries) of the premises;

(ii) description of each main division or sub-division of the manufactory;

(iii) store room for the storage of crop of hemp.

5. (a) details of the land where cultivation of hemp is proposed. Whether this land is within the premises of the institution in its ownership or it is somewhere else?

(b) Area of the land on which cultivation of hemp is proposed (in Sq. Meters).

6. Names of the scientist/scientists including other employees involved in the research oriented cultivation of hemp.

7. The amount of crop of hemp produced (in Kgs.) during the period starting from the……to…….and the details of its disposal.

FORM ID-14(C)

Licence for the limited cultivation of hemp on designated piece of land including scientific procedures to be conducted on seeds or plants, by a research institution to develop medicinal and/or industrial grade hemp and to possess every part of the crop under The Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018.

(SEE RULE 3)

Shri/Sharvashri……
……

R/o……...having undertaken on behalf of the research institution..... to comply with the terms and conditions mentioned in The Uttar Pradesh Excise (Research Oriented Cultivation of hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018 and any orders issued thereunder, the research institution situated in District..... as mentioned in the application dated ……is hereby authorised for the limited cultivation of hemp on a piece of land situated at..... of area.....Sq.Meters including scientific procedures to be conducted on seeds or plants, to develop medicinal and/or industrial grade hemp and to possess every part of the crop till 31st March, 20……

2. This license may be revoked or suspended or its renewal may be refused if any declaration made or information given in the application is found false.

Terms and Conditions

1. The license institution shall arrange a separate and saferoom for the storage of the crop of hemp within the licensed premises.

2. The required piece of undisputed land for the cultivation of hemp must be available with the institution in its ownership.

3. The crop of industrial hemp shall be used to extract seeds and fibre only. All the responsibility of the safety of the crop and products shall lie on the licensee institution.

4. The cultivation of hemp shall only be carried out on the designated piece of land and excluding the part of the crop required for research, the whole crop shall be disposed of in the manner prescribed by the Excise Commissioner.

5. The licensee institution shall maintain all the accounts of cultivation and crop of hemp in the manner prescribed by the Excise Commissioner.

6. The licensee institution shall comply with the orders and instructions of the Excise Commissioner issued under The Uttar Pradesh Excise (Research Oriented Cultivation of hemp to Develop Medicinal and Industrial Grade Plant of hemp) Rules, 2018 as amended from time to time.

7. In cultivation of hemp the licensee institution shall not extract any intoxicant like "Charas" or "Ganja" and shall not indulge in sale purchase, store or use of any such intoxicant material.

8. The licensee shall comply with all the provisions especially section 8A of Narcotic Drugs and Psychotropic Substances Act, 1985.

Place……

Renewed for the period 1st April 20..... to 31st March 20.....

DHEERAJ SAHU
Excise Commissioner.
Uttar Pradesh.