

ANDAMAN AND NICOBAR ISLANDS OPIUM SMOKING PROHIBITION REGULATION 1955

OFFICE OF THE CHIEF COMMISSIONER, ANDAMAN AND NICOBAR ISLANDS. NOTIFICATION. Port Blair, the 4th September 1955. No. 90/55.—The following Regulation promulgated -by the President under clause (2) of article 243 of the Constitution, which was published in the Gazette of India, Extraordinary, Part 11, Section I, dated the 29th March 1955, is hereby republished for general information. THE ANDAMAN AND NICOBAR ISLANDS OPIUM SMOKING (PROHIBITION) REGULATION, 1955. No. 3 OF 1955 Promulgated by the President in the Sixth Year of the Republic of India A Regulation to amend and consolidate the law relating to the prohibition of opium smoking in the Andaman and Nicobar Islands. hi exercise of the powers conferred by clause (i) of article 243 of the Constitution, the President is pleased to promulgate the following Regulation made by him 1. Regulation may be called the Andaman and Nicobar Short title, extent (2) It extends to the whole of the territory of the Andaman and Nicobar Islands. (3) It shall come into force at once

2. In this Regulation, unless the context otherwise requires,—Definitions. (a "Chief Commissioner " means the Chief Commis- sioner the Andaman and Nicobar Islands ; (b) Collector means the Collector of hnd revenue in the Islands includes any other apented by the to exercise all or any of the powers of the Collector under this Regulation in relation to any local area; (c) ' 'Excise-offcer" means any perMN1 who may be appointed by the Chief Commissioner to all or any of the furrtions or to exerciæ all or any of the, powers of an Excise-ofrer under this Regulation in relation toan local area; d) Islands" means the Andaman and Islands • e) nodfication means a notification published in tie Official Gazette ; opium smoker means a person who smokes opium ; (g) " place includes a building, house, shop, booth, tent, vessel, raft, vehicle arui enclosure, and any part thereof; (h) opium means chatdu, naak or an of opium obtained by any series of operations d to transform o um into an extract suitable for smoking includes the Res or other residue remaining after opium is smoked ; azyl " in relation to any person mans registered (i) " r*ered op before day of September. 1953. as a smoker LV05 certain acts pared •m oking ed in certain eases. Man uiiture, possession or sab 0Bum. uazsrrz, BEYNSMBE'N, 5, 3. All ap and which have been done and Eken to regiÆration o opium smokers in the Islands on or with thirtieth day of September, 1953, by the Chief missioner or by any person acting under the of Chief Commisioner or otherwise in pursuance of any order or notification made or issued by the Chief Commissioner before the commence- me-rt of this Regulation, shall be valid and operative, as if such acts had ben and taken in with law ; and all persons in pursuance any order or notification or by the Chief shall be deemed have registered this Reguhtm as if this tion was in force on date of such order or notification n of opium smokers in the Islands on authorised the of September, 1953, in accordance with or before the r or notification. the provisions of 4. %oev not being smokes prepared opium shall be punished the first offence with impriscmmnt which may extend to six months, or with fine which may to five hundred rupees, or With both, and for every such subsequent offence with imprisonment- which may extend to one year, or with fine which may extend thousand rupees, or with 5. If any per.on., not being registered, is found in possession of opium or of any apparatus usd for the of, or manufacture of, prepared opium, it shall be presumed, until in the contrary is proved, that such person smokes prepared opium

6. Whoever manufactures, possesses, barter, sells, keeps or for sale or to sell any prepared opium, or assists any other person whet}rr registered or not, in the manufacture of prepared opium, shall be punished imprisonment which may extend to two years, or with fine which may extend to two thousand rupees, or with both. or possession for his own use, by a r%istered opium smoker of prepared opium, not exceeding one tola in or such mher lesser quantity as the Chief Commissioner may, by notification, direct, shall not be an offence under this section. Keeping or having 7. Whoever opens, keeps or uses an y place , or permits any charge place used f« crewnred opium. Sm oking pared in Assembly two Presum Etion from crese•ce etc.. in certain puces. Security •bstaining from pbceto be used, for the purpose of enabling two or more persons, whet}rr registered or not, to meet together to smoke prepared opium, or has care of manageÜEnt of or in any way assists in conducting the business of, any place used or for the said purpose, shall be punishd with imprisonment which may extend to two years or with fine which may extend to two thousand rupees, or with both

8. If two or more persons, whether registered or not, assemble in any place for the purpose of smoking prepared opium, each such person shall be liable to imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both. 9. If any prepared opium or any apparatus used for smoking or in the manufacture of, prepared opium, is found in any place where two or more persons, whether registered or not, are it shall be presumed, until the contrary is proved, that the place is and that the persons are present in such place, for the purpose of smoking prepared opium. 10. (1) Whenever any person is convicted of an offence punishable under this Regulation, the Magistrate may, in addition to any sentence which may be passed by him, order such person to furnish a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of an offence under this Regulation during such period, not exceeding three years, as he thinks fit to fix. (2) The bond shall be in the



form contained in the Schedule annexed to this Regulation and the provisions of the Code of Criminal Procedure, 1898. V of 1898. 11. (1) If the Collector or a Magistrate of the first class or second class, upon information received and after investigation, if any, as he considers necessary, has reason to believe that any place is used for the commission of an offence under this Regulation, he may, after recording the substance of the information,— (a) enter such place by day or with such assistance as he may consider necessary; (b) search all parts of such place in which he has reason to believe that any prepared opium apparatus for the smoking of such Opium or the structure thereof, is concealed and all or any of the persons whom he may find in such place; (c) arrest any person found in such place, whom he has reason to believe to be guilty of an offence under this Regulation; and (d) seize or the manufacture thereof, may be found in such or (e) issue a warrant to any or any Police (not below the rank of a Sub-Inspector) (d) of this sub-section. (2) Whenever any Excise-officer or any Police Officer (not below the rank of a Sub-Inspector) has reason to believe that any place is used for the commission of an offence under this Regulation and that a search warrant cannot be obtained without affording an opportunity of escape or of concealing evidence the offence, such officer may, after recording the grounds of his belief, do any of the acts specified in clauses (a), (b), (c) and (d) of sub-section (1). 12. (1) The provisions of the Code of Criminal Procedure, 1898 shall apply to the execution of warrants and to searches made under section 1. (2) For the purpose of the said provisions of the said Code, Collector shall be deemed to be a Court. 13. (1) Whenever any officer makes an arrest or seizure under this Regulation he shall without delay, and in any case within twenty-four hours, forward every person arrested and everything seized with full particulars of the arrest or seizure to the arrest or to the Magistrate, as the case may be, by whom the warrant was issued, or to the nearest police-station, if the arrest or seizure was made by such officer while exercising his powers under sub-section (2) of section 11. (2) In the case of arrest or seizure made under the authority of a warrant issued by the Collector, the said officer shall, unless the provisions under section 14, within the aforesaid period of twenty-four hours, forward the person and things produced before the Collector to a Magistrate having jurisdiction to try the case together with full particulars of the arrest or seizure. 14. (1) The Collector may, without the order of a Magistrate, investigate any offence punishable under this Regulation which a Court having jurisdiction over the local area within the limits of the Collector's jurisdiction would have power to try. (2) The Collector may, after recording in writing his reason for suspecting the commission of an offence which he is empowered to investigate, exercise of the powers conferred upon a Police Officer making an investigation, or upon an officer in charge of a Police Station to enter and any place and to seize and to arrest in such place. A provision of Code of Criminal Procedure, 1898 to the effect that "the Collector may, without the order of a Magistrate, investigate any offence punishable under this Regulation which a Court having jurisdiction over the local area within the limits of the Collector's jurisdiction would have power to try." is hereby repealed. Powers of Collector to investigate police-station by sections 160 to 171 of the Code of Criminal Procedure, 1898. (3) Collector may, without reference to a Magistrate and for reasons to be recorded by him in writing, stop further proceedings against any person concerned. or to be concerned in any offence which he has (4) As soon as an investigation by the Collector has been completed, if it appears to him that there is sufficient evidence to justify the forwarding of the accused to a Magistrate, the Collector shall submit a report [which shall, for the purposes of sections 190 and 191, be deemed to be a charge-sheet]. (5) The powers conferred on the Collector by this section may, subject to the control of the Collector, be exercised by Excise officer, duly empowered by the Chief Commissioner in this behalf.

15. Whenever any person arrested under this Regulation is prepared to furnish bail to the satisfaction of the officer making the arrest, shall be released on bail, or at the discretion of the officer making the arrest on his own bond.

16. Every officer of the Police, Forest or Land Revenue shall be bound to give reasonable aid to the Excise-officers in carrying out the provisions of this Regulation upon a request made by such officer.

17. On trial for an offence under this Regulation, the Magistrate may order that any or Optance in respect of, or committed, or appears to have been committed, or any package or covering in which such prepared opium instrument or appliance was found and any other contents of such receptacle, package or covering shall be confiscated or destroyed

18. No one other than a Magistrate of the first class or a Magistrate of the second class specially empowered Commissioner in this behalf, shall try any offence under this Regulation. The Chief Commissioner under 19. No Magistrate shall take cognizance of an offence punishable under this Regulation except on the complaint or report of the or an Excise-officer or a Police Officer (not below the rank of a Sub-Inspector)

20. No suit, or other legal proceeding shall lie any person in respect of anything which is in fact done or intended to be done under this Regulation. The Chief may, by notification, make rules for the purpose of giving effect to the provisions of this Regulation. Provided that no such rule shall authorise the issue of licences to smokers after the commencement of this Regulation. Provided further that in making such rules, the Chief Commissioner may cancel, rescind, vary or otherwise amend any order or notification made or issued by him before the commencement of this Regulation.

22. The Andaman Islands Opium Smoking Regulation, 1940 is hereby repealed. THE SCHEDULE. BOND TO RAJENDRA PRASAD, THE CHIEF COMMISSIONER OF THE ANDAMAN AND NICOBAR ISLANDS OPIUM SMOKING (PROHIBITION) REGULATION, 1955. (See section 10) Whereas I, (name) (father's name) (husband's name) inhabitant (place).... have been called upon to enter into a bond to abstain from the commission of offences under the Andaman and Nicobar Islands Opium Smoking (Prohibition) Regulation, 1955 I hereby bind myself not to commit any offence (period) as said and in case of my default therein, to bind myself to forfeit to the Government, the sum of rupees. Dated this . day of 19. Signature. (Where a bond with is to be) We do hereby certify that he will abstain from the commission of offences under the Andaman Nicobar Islands Opium Regulation, 1955 during term, in case of his making default therein, we bind ourselves, jointly and severally to forfeit to the Central Government the sum of rupees Dated this day of 19. Signature. RAJENDRA PRASAD President. K. Y. BHANDARKAR, Secy. to the Govt. of India. BUAGWAN SINGH, Secretary to the Chief Commissioner, Andaman and Nicobar Islands.

