

ASSAM OPIUM SMOKING ACT, 1927

m of 1927.] THE Assxx OPIUM SMOKING ACT ASSAM Acr 111 OF 1927* 261 19 Is THE ASSAM OPIUM SMOKING ACT, 1927 Published in the Assam Gazetti of the 9th November 1927, An Act to provide for the prohibition of opium smoking WHEREAS it is expedient to prohibit the smoking of opium ; And whereas the previous sanction of the Governor General to the passing of this Act, as required by sub-section (3) of section ' • 80A of the Government of India Act, has been obtained ; It is hereby enacted as follows :— I. (1) This Act may be called the Assam Opium Smoking Act, 1927. (2)' It extends to the whole of Assam, excluding the territor- ies declared to be tracts under section 52A of the -r Government of India Act : Provided that the may by notifi- cation extend the Act to the aforesaid territories or ary parts thereof with effect from such date or dates as may be specified in the notification. t 2. In this Act, unless there is anything repugnant in the subject or context,— (a) Opium " includes prepared opium which means]2 chandu, madzk, opium dross or the scrapings from the opium pipe and every other preparation or admixture of opium which may be used for smoking ; (b) Place includes a building, house, enclosure, shop, booth, tent, vessel, raft and vehicle, and any part thereof ; (c) Collector means the Chief officer in charge Of the revenue administration of a district, and includes any officer whom the I may, by notification, declare or appoint to be a llector for the purposes of this Å_t. Short title and extent. Definitions

3. It shall be unlawful for any person to smoke opium. Any Penalty for p•erson smoking opium shall be punishable, in the case of a first smoking opium. coaviction, with fine which may extend to fifty rupees and, in the case Ofa second or subsequent conviction, shall be liable to imp. nnament of either description for a term which may extend to month, in addition to fine which may extend to fifty rupees

4. If two or more persons smoke opium in company, each of Penalty Sem shall, irrespective of their common object, be punishable smoking opium m eth imprisonment of either description for a term which may company.a: end to one mcYlth or with fine which may extend to fifty rupees with both. •For Statement of Objects and see Assam Gazette : Part V, 1927, frR Report Of the Select Committee see ibid pp. 19 to 20 ; for proceedings z Co•axil, Gazette Part VI, 1927, pp. 328, 334, 811, 99. to 993. 'It has been to that portion of the Khasi and Jaintia Hills ezict which has been declared to a backwa:d tract under section 52A of & Government o India Act. , Notification . 2897E., dated 17th Orto, 1928. in the Manual of Local Rules and Gaers, Vol. Ill. I by the A. O. for 'L. G"

2. Inserted by Assam Act 11 of 1934.262 THE ASSAM OPIUM SMOKING ACT [Assam Explanation.—A man and his wife smoking opium togeth shall not be deemed to be smoking in company within the mea ing of this section. Opium smok- 5. An assembly of two or more persons is designated a anembly. opium-smoking assembly if the common object of the persa composing that assembly is to smoke opium or to prepare opiu: for smoking purposes. Explanation I.—An assembly which was not an opium-smoi ing assembly when it assembled may subsequently becomes an assembly Explanation 2 —A man and his wife shall not be deemed to b an opium-smoking assembly within the meaning of this sectioc even if their common object be to smoke opium or to prepa.' opium for smoking purposes. Member of 6. Whoever being aware of facts which render an asembk opium-smok- an opium-smoking assembly intentionally joins that assembly fa ing the of smoking opium, or of preparing opium for ing or continues therein for that purpose shall be deemed to be member of that assembly. Presumption 7. The presence of any opium and of any pipes or apparau for the smoking of opium or for the preparation of opium ia opium and smoking purposes in any place where two or more pa•sons a." opium-smok- assembled shall be held suffcient to raise a presumption that sue ing appara- persons have assembled at such place for the purpose of smoking tug. opium or of preparing opium for smoking purposes. Penalty for 8. Whoever is a membea• of an opium-smoking assembly shaz being mem- be punished with imprisonment of either description for a taz ber of opium smoking which may extend to one month, or with fine which may extend to fifty rupees, or with both. agembl y. Pmalty for 9. Whoever opens, keeps or uses any place or permits azy place to be opened, kept or used for the purposes of an opium- keeping or having smoking assembly, or has the care or management of, or in ant ge of place way assists in conducting the business of, any place used or kept used for such for the purposes aforesaid shall be punished with imprisonment assembly• either description for a term which may extend to six months, with fine which may extend to one thousand

rupees, or with fine for 10. [Whoever possesses or deals in prepared opium shall be dealing in opium drug, punishable with imprisonment which may extend to two years or with fine or with both.] 11. Whoever having been previously convicted of an offence under section 8, 9 or 10 is again convicted of an offence under any one of these sections, shall be liable to twice the punishment which might be imposed on a first conviction. Search warrant

12. If a magistrate of the first class upon information receives warrants and power to search. and after such enquiry (if any) as he considers necessary has reason to believe that the smoking of opium is going on or is permitted in any place or that any place is used for the purpose of an opium smoking assembly, he may after recording his reasons issue a warrant under section 10 of the Magistrate's Act of 1927.] THE ASSAM OPIUM SMOKING ACT 1927 issue a warrant to an officer of the Excise Department not below the rank of [a Sub-Inspector] or of the Police Department not below the rank of a Sub-Inspector or officer in charge of a police station authorising him (a) to enter such place by day or night with any persons whose assistance such officer may consider necessary ; (b) to search all parts of such place in which such officer has reason to believe that any opium or any apparatus for the preparation of opium or for opium-smoking is concealed and all or any persons whom he may find in such place ; (c) to arrest any person found in such place whom he has reason to believe to be guilty of an offence under this Act; (d) to seize all opium and apparatus for opium-smoking or for the preparation of opium which may be found in such place.) 13. The provisions of the Code of Criminal Procedure, 1898, Application as amended, shall apply to the execution of warrants issued and all criminal searches made under section 12. 1898 to warrants and 14. Whenever any officer makes any arrest or seizure under this Act, he shall, within forty-eight hours next after such arrest or of arrest or seizure, make a full report of all particulars thereof to his immediate official superior ; and every person arrested and thing seized shall be forwarded without unnecessary delay and subject to the provisions herein contained as to bail to the officer by whom the warrant was issued, or to the nearest police station. Bail and 15. When any person arrested under this Act is prepared to furnish bail he 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 and Land Revenue Department, Aid to Excise men, every village headman or gaonbura and every village chaukidars shall be bound to give reasonable aid to any Excise or Police officer in carrying out the provisions of this Act upon notice given and request made

17. On the conviction of any person for an offence under this Act the Court may order that any opium or any instrument or and destruction of opium apparatus in respect of, or by means of which such offence has been committed or any receptacle, package or covering in which seized. If opium, instrument, or apparatus was found and any other contents of such receptacle, package or covering shall be confiscated or destroyed. (18. No magistrate shall take cognizance of an offence punishable under this Act except on the complaint or report of the Collector or an officer of the Excise Department not below the rank of a Sub-Inspector] or of the Police Department not below the rank of a Sub-Inspector or of a mauzadar 264 THE ASSAM SMOKING ACT [Assam Act No. 19 of 1927] 19. No suit shall lie in any civil court against the [Crown or any officer of the Excise or Police Department] 20. No civil suit shall lie against the [Crown or any Collector or officer of the Excise or Police Department or mauzadar] in respect of any act done or to be done in pursuance of this Act and, except with the previous sanction of the Government, no magistrate shall take cognizance of a charge against any person under this Act unless the suit or prosecution is within one year in case of a suit and six months in the case of a prosecution after the date of the act complained of

21. Whenever two or more persons are prosecuted for a particular offence this Act, the magistrate may, if, for reasons to be recorded by him, he thinks fit, to any accused a pardon on condition of his making full and true disclosure of all facts appertaining to the offence. (b) Such accused shall, on accepting the tender, be competent witness in the case and shall not be liable to punishment as the remains in force. 22 (1) The Government may make rules for the purpose of carrying out the objects of this Act. (2) In particular and without prejudice to the generality, the foregoing power shall extend to (a) the disposal of things confiscated under this Act and, (b) the payment of rewards (to and from the Government). 23. Substituted by the O. S. O. for 3. 1928 4. Substituted by the O. S. O. for