

संयुक्त प्रान्त अफीम धूम्रपान अधिनियम 1934

{संयुक्त प्रान्त अधिनियम सं० 3, 1934}

THE UNITED PROVINCES OPIUM SMOKING ACT, 1934

[U.P. ACT NO. III OF 1934]

संयुक्त प्रान्त अफीम धूम्रपान अधिनियम, 1934¹

{संयुक्त प्रान्त अधिनियम संख्या 3, 1934}

उत्तर प्रदेश अधिनियम संख्या 25, 1953²

उत्तर प्रदेश अधिनियम संख्या 23, 1961

}kjk la''kksf/kr

XkouZesUV vkQ bafM;k ¼,MsIVs''ku vkQ bafM;u ykt½
vkMZj] 1937 }kjk vuqdwfyr rFkk ifj'd`rA

,MsIVs''ku vkQ ykt vkMZj] 1950 }Kjk vuqdwfyr rFkk ifj'd`rA

¿XkouZj us 17 ekpZ] 1934 rFkk xouZj tuju us 19 vizSy] 1934
dks Lohd`fr iznku dh rFkk xouZesUV vkQ bafM;k ,sDV dh /kkjk 81
ds v/khu 5 ebZ] 1934 dks izdkf''kr gqvka

mRrj izns''k fo/kku lHkk us fnukad 7 vxLr] 1953 rFkk mRrj
izns''k fo/kku ifj'kn~ us fnukad 29 vxLr] 1953 dh cSBd esa Lohd`r
fd;kA

^Hkkjr dk lafo/kku* vuqPNsn 201 ds vUrxZr jk'V^aifr egksn;
us 6 vDrwe] 1953 dks Lohd`fr iznku dh rFkk mRrj izns''k ljdkh
vlk/kkj.k xtV esa fnukad 9 vDrwe] 1953 dks izdkf''kr gqvkaA

Lka;qDr izkUr esa vQhe ds /kweziku ls lEcfU/kr fof/k dks la''kksf/kr djus ds fy,

अधिनियम

;g b'Vdj gS fd la;qDr izkUr esa vQhe dk /kweziku djus okys
O;fDr;ksa ds jftLV^ahdj.k dh O;oLFkk djus rFkk vQhe ds /kweziku
dks vUrr% izfrf'k) djus dh n`f'V ls la;qDr izkUr esa vQhe ds
/kweziku ls lEcfU/kr fof/k dks la''kksf/kr fd;k tk; (

और इस अधिनियम को पारित करने के लिए गवर्नमेंट आफ इंडिया
ऐक्ट की धारा 80 &, dh mi/kkj ¼3½ ds v/khu xouZj tuju dh iwoZ
Lohd`fr izkUr dh tk pqdh gSA

अतः एतद्वारा निम्नलिखित अधिनियम बनाया जाता है:

v;/k; 1

izkjfEHkd

1-- (1) यह अधिनियम संयुक्त प्रान्त अफीम धूम्रपान अधिनियम, 1934
कहलायेगा। ¼2½ bldk foLrkj lEiw.kZ ¿mRrj izns''kA⁴ esa gksxkA

¼3½ ;g ,sls fnukad dks izo`Rr gksxk] ftls ¿jkT; ljdkjA⁶ गजट में

अधिसचना द्वारा rnFkZ firr dis vkSi ml fnukads ls oh `wukhVsM izkfoalst
fujflr gks tk;sxkA

Lkaf{kIr uke] foLrkj
rFkk izkjEHk

;w-ih- ,sDV la[;k 2
1925

- 1 mn~ns";ksa vkSj dkj.kksa ds fooj.k ds fy, xtV] 1938] Hkkx 8] Ik'B 188 nsf[k,A
- mn~ns";ksa vkSj dkj.kksa ds fooj.k ds fy, vlk/kkj.k xtV] fnukad 6 tqykbZ] 1953
2 nsf[k,A
- xtV 1934] Hkkx 7] Ik'B 30&33 nsf[k,A
ckjg &95] fnukad 11 tqykbZ] 1935 nsf[k,A
6- ,MsIVs"ku vkQ ykt vkMZj] 1950 }kjk ¼izkfufU"ky; xouZesUV½ ds fy,
izfrLFkkfir] tks ,MsIVs"ku vkQ ykt vkMZj] 1937 }kjk ¼yksdy xouZesUV½
ds fy, izfrLFkkfir fd;k x;k FkkA

{संयुक्त प्रान्त अफीम धूम्रपान अधिनियम, 1934}

;/kkjk

2&3À

2-- जब तक विषय या प्रसंग में कोई बात प्रतिकूल न हो, इस अधिनियम¹ esa& IkfjHkk'kk;sa
¼41½ ^^vQhe** dk ogh vFkZ gS tks fd vksfi;e ,sDV] 1878 esa mldk gS(vQhe 1878 dk
1
¼42½ ^^fufeZr vQhe** dk rkRi;Z vQhe ds ,sIs mRikn Is gS tks vQhe dks] /kweziku
fufeZr vQhe

djus ds fy;s mi;qDr lRo ds :Ik esa :ikUrfjr djus ds fy;s dh x;h fdlh izfØ;k ;k
izfØ;kvksa dh J'a[kyk ds ifj.kkeLo:Ik izkIr gks vkSj bls vUrxZr paMw] end rFkk dhV ;k
,slk vof'k'V inkFkZ] tks vQhe dk /kweziku djus ds mijUr cpk jgrk gS] Hkh gS(
¼43½ ^^LFkku** ds vUrxZr dksbZ Hkou x'g] nqdku] cwFk] rEcw] ty;ku] csM+k
rFkk ;ku LFkku

vkSj mldk dksbZ Hkkx Hkh gS(

(4) "कलेक्टर" का तात्पर्य किसी जिले के राजस्व प्रशासन के मुख्य प्रभारी अधिकारी^{dySDVj}
Is gS vkSj bls vUrxZr dksbZ fMIVh dfe"uj rFkk nsgiknwu dk v/kh{kd Hkh gS(

(5) "मजिस्ट्रेट" का तात्पर्य प्रथम वर्ग मजिस्ट्रेट या इस अधिनियम के अधीन^{EkftLVs^V}
के अधीन^{ds eftLV^sV Is gS(}

¼46½ ^^vkcdkjh vk;qDr** dk rkRi;Z la;qDr izkUr ,sDlkbT ,sDV] 1910 dh
/kkjk 10 (2) (क) के अधीन राज्य सरकार द्वारा नियुक्त अधिकारी से है;

(7) "आबकारी विभाग का अधिकारी" का तात्पर्य आबकारी आयुक्त या^{vkcdkjh foHkkx dk}
संयुक्त प्रान्तएक्साइज ऐक्ट, 1910 की धारा (2) (घ) के अधीन नियुक्त किसी^{अधिकारी यू.पी.ऐक्ट}
अधिकारी से है और इसके अन्तर्गत उस ऐक्ट की धारा 10 (2) (ङ) के अधीन^{संख्या 4 1910}
सशक्त कोई अधिकारी या व्यक्ति भी है;^{notification}
jftLV^hd' r /kwezikudrkZ

धूम्रपानकर्ता के रूप में इस अधिनियम के अधीन रजिस्ट्रीकृत हो।

v;/k; 2

izfr'ks/k rFkk fu;a=.k

3&& ¼41½ jkT; ljdkjÀ1] ,sIs O;fDr;ksa dk ,d jftLVj rS;kj dj;sxh] ftudh
vk;q iPphl o'kZ Is de u gks vkSj ftuesa fufeZr vQhe ds /kweziku djus dh
vknr gksA /kweziku
drkZvksa dk
jftLVj

1. यह अधिनियम इस तालिका के स्तम्भ 4 में उल्लिखित तिथि से तथा स्तम्भ 3 में उल्लिखित विज्ञप्ति (यदि कोई है) के अन्तर्गत स्तम्भ 2 में उल्लिखित अधिनियमों अथवा आदेशों के अन्तर्गत उन क्षेत्रों में प्रसारित किया
x;k gS ftudk mYys[k LrEHk 1 esa fd;k x;k gSA

{ks=	अधिनियम अथवा आदेश ftuds vUrxZr izlkfir fd;s x;s	foKfIr] :fn dksbZ gS ftuds vUrxZr fd x;k	frfFk] fills izHkkoh x;k
1	2	3	4

1&ftyk jkeiqj---	-----	-----	-----
2& ftyk cukjl	Ckukjl ¼,Iyhds”ku vkQ ykt½ vkMZj] 1949	fo- la- 1892@17] 27 twu] 1950	fnukad l tqykbZ] rnsO
3& ftyk Vsgih&x<+oky	Vsgih&x<+oky vkQ ykt vkMZj] 1949½	fo-l- 1826@17] 27 twu] 1950	rnsO

2- ,MsIVs”ku vkQ ykt vkMZj] 1950 }kjk ¼aizkfoU”k;y xouZesUV½ ds fy;s izfrLFkkfir th ,MsIVs”ku vkQ ykt vkMZj] 1937 }kjk ¼ayksdy xouZesUV½ ds fy;s izfrLFkkfir fd;k x;k FkkA

{संयुक्त प्रान्त अफीम धूम्रपान अधिनियम, 1934} 4/8A

¼2½ ,slk jftLVj ,sls izkf/kdkjh }kjk vkSj ,slh jhfr ls rS;kj fd;k tk;sxx] tks ¼jkT; ljdkjA। इस अधिनियम के अधीन बनाये गये नियमों द्वारा विहित करे और उसमें ऐसीविश्टियां होंगी तथा वह ऐसे प्रपत्र में होगा, जो आबकारी आयुक्त अधिसूचना द्वारा विहित करें।

¼3½ ,slk jftLVj ,sls fnukad dks cUn dj fn;k tk;xx] tks ¼jkT; ljdkjA। }kjk नियत किया जाय तथा सरकारी गजट में अधिसूचित किया जाय, और ऐसे अपवादों के अधीनjgrs gq;s ftUgsa ¼jkT; ljdkjA। अधिसूचना द्वारा विहित करे, उसमें उस दिनांक के पश्चात् कोईu;h izfofV ugha dh tk;xhA

¼4½ ,sls lHkh O;fDr] tks fufeZr vQhe ds /kwezikudrkZ ds :Ik esa] jftLVj esa प्रविष्टियों के बन्द होने के दिनांक तक, इस अधिनियम के अधीन रजिस्ट्रीकृत होने के पात्र हों,jftLV^hd`r /kwezikudrkZ le>s tk;saxs pkgs muds uke jftLVj esa okLro esa izfofV fd, x, gksa ;k ughaA

4&& ¼4½ dksbZ Hkh O;fDr] tks jftLV^hd`r /kwezikudrkZ u gks] fufeZr vQhe dk fdlh Hkh ek=k esa] pkgs og fdruh Hkh gks] u rks /kweziku djsxx] u mls fofufeZr djsxx] u mls vius dCts esa j[ksxkA

fufeZr vQhe dk
vjftLV^hd`r
/kwezikudrkZvksa
}kjk ?kweziku fd;k
tkuk
jftLV^hd`r

¼2½ dksbZ Hkh jftLV^hd`r /kwezikudrkZ] rkSy esa vk/kk rksyk ls .k vis{kkd`r de sls vU; ifiek k ls tks :ikT; lidkiA। इस अधिनियम के अधीन djsxx%

IkzfreU/k ;g gS fd fdlh Hkh n”kk esa dksbZ jftLV^hd`r /kwezikudrkZ dksbZ fufeZr 1878 dk 1

vQhe fdlh ,sls vQhe ls fofufeZr ugha djsxx] tks vksfi;e ,sDV] 1878 dh /kkjk 5 ds अधीन बनाए गए नियमों के अनुसार प्राप्त करने से अन्यथा प्राप्त की गई हो और न कोईjftLV^hd`r /kwezikudrkZ fufeZr vQhe] fls bl izdkj fofufeZr fd;k x;k gks] fdlh Hkh ifjek.k esa vius dCts esa j[ksxkA

¼3½ dksbZ O;fDr fufeZr vQhe ds fofuekZ.k esa fdlh vU; O;fDr dh] pkgs og jftLV^hd`r /kwezikudrkZ gks ;k ugha] lgk;rk u djsxxA

fufeZr vQhe ds
fofuekZ.k esa lgk;rk
dfri; ekeyksa esa
fufeZr vQhe ds
/kweziku ds ckjs esa
mi/l;ki bl

5&& ;fn fdlh O;fDr ds] tks jftLV^hd`r /kwezikudrkZ u gks] dCts esa fufeZr vQhe ikbZ tk; ;k fufeZr vQhe ds /kweziku ;k fofuekZ.k ds fy, mi-ksy esa vk tkus okyk dksbZ lkf/k= ik.k tk; rksl to rd fd rRizfrdwv lkfer tk;sxx fd ,slk O;fDr fufeZr vQhe dk /kweziku djrk gSA

6&& dksbZ O;fDr fufeZr vQhe dk u rks foØ; djsxx] u mls foØ; ds fy, foØ;

fufeZr vQhe dk

vfHknf”kZr ;k izLFkkfir djsxx vkSj u mldk foØ; djus dk iz;Ru djsxxA

7-- दो या दो से अधिक व्यक्ितियों का, चाहे वे रजिस्ट्रीकृत धूम्रपानकर्ता हों या न हों, जो fufeZr vQhe dk /kweziku djuk ;k fofuekZ.k djuk gksA

vQhe ds /kweziku
dRrkZvksa dk tkeo

Li'Vhdj.k&& dksbZ teko] tks bDV~Bk gksrs le;
/kwezikudrkZvksa dk teko ugha Fkk] ckn dks ,slk teko gks ldsxkA

8&& Tkks dksbZ mu rF;ksa ls ifjpr gksrs gq, tks fdllh teko dks
vQhe ds /kwezikudrkZvksa dk teko cksrs oSa] ml teko esa lfFefvr okark
og ml teko dk lnL; gS] ;g dgk tkrk gSA

1- ,MsIVs"ku vkQ ykt vkMZj] 1950 }kjk ¼izkfufU"ky xouZesUV½ ds fy;s
izfrLFkkfir tks ,MsIVs"ku vkQ ykt vkMZj] 1937 }kjk ¼yksdy xouZesUV½
ds izfrLFkkfir fd;k x;k FkkA

{संयुक्त प्रान्त अफीम धूम्रपान अधिनियम, 1934}

9-- किसी ऐसे स्थान में जहां दो या दो से अधिक व्यक्ति, चाहे वे
रजिस्ट्रीकृत/kwezikudrkZ gksa ;k u gksa] tek gksa] fufeZr vQhe dh ;k
fufeZr vQhe ds /kweziku ds fy, fdUgha ufydvkksa ;k lkf/k= dh ;k fufeZr
vQhe ds fofuekZ k esa mi'ksx esa vk tkus okys fdllh lkf/k= dh mifl Fkfr o
,sls LFkkku ij] fufeZr vQhe dk /kweziku djus ;k mldk fofuekZ.k djus
ds lkekU; mn~ns"; ls tek gq, gSaA

10&& ¼1½ jkT; ljdkjA, इस अधिनियम के उपबन्धों को कार्यान्वित करने के लिए,

नियम बनाने की

शक्ति

अधिसूचना द्वारा, नियम बना सकेगी।

¼2½ fof"Vr% vkSj mi/kkj ¼1½ }kjk iznÜk "kfDr dh
O;kidrk ij izfrdwy izHkko डाले बिना, ऐसे नियम -

¼d½ og izkf/kdkjh] ftlds }kjk rFkk og jhfr] ftls /kkjk 3
esa fufnZ'V jftLVj rS;kj fd;k tk;xk rFkk j[kk tk;xk] fofgr dj
ldsaxs(

¼k½ mu "krksZa rFkk fucZU/kuksa dks] ftuds v/khu
dksbZ jftLV"hd'r /kwezikudrkZ fufeZr vQhe dk fofuekZ.k dj
ldsaxk] mls dCts esa j[k ldsxk ;k /kweziku dj ldsaxk] fofu;fer dj
ldsaxs(

¼x½ os "krZas] ftuds v/khu rFkk og izkf/kdkjh] ftlds
}kjk fdllh jftLV"hd'r /kwezikudrkZ dk uke jftLVj ls gVk;k tk
ldsaxk] fofgr dj ldsaxs(

(घ) इस अधिनियम के अधीन अधिकृत वस्तुओं के व्ययन का
विनियमन करldsaxs(rFkk

(ङ) इस अधिनियम के अधीन अधिरोपित जुमानों में से
इनमों के भुगतान को fofgr rFkk fofu;fer dj ldsaxsA

(3) नियमों को बनाने के लिए इस धारा द्वारा प्रदत्त शक्ति इस शर्त
के अधीन है कि नियम पूर्व प्रकाशन के पश्चात् बनाए जायें:

प्रतिबन्ध यह है कि ऐसे कोई भी नियम पूर्व प्रकाशन के बिना उस
दशा में बनाए जा ldsaxs] tc jkT; ljdkjA dk fopkj gks fd mUgsa rqjUr
izo'Ük fd;k tkuk pkfg,A

11 -- कोई रजिस्ट्रीकृत धूम्रपानकर्ता, जो इस अधिनियम के अधीन बनाए
गए नियमों}kjk fofgr "krksZa dk vuqiky vkSj fucZU/kuksa dk ikyu u
djsxk] og ,rn~i"pkr~ fofgr "kkfLr;ksa ds vfrfjDr] viuk uke

vQhe ds
/kwezikudrkZvksa ds

¼kkjk 9&13A

vQhe vkSj vQhe dk
/kweziku djus ds
lkf/k= dh mifLFkfr ls
dh tkus okyh
mi/kkj.kk

/kwezikudrkZvksa ds
ift Vi le viuk nka
dk jftLV"hd'r&/kw
drkZ dk nkf;Ro

v/;
k;
&
3
“k
kf
Lr;
k;

12&& tks dksbZ jftLV^{ahd}r /kwezikudrkZ u gksrs gq,] fufeZr vQhe dk /kweziku djsxk] og dkjkokl ls] ftldh vof/k rhu ekl rd dh gks ldsxh ;k tqekZus ls] tks ikap lkS :Ik, rd dk gks ldsxk] ;k nksuksa ls nafMr fd;k tk; xkA

vjftLV^{ahd}r&/kwe
ziku drkZvksa
}kjk /kweziku ds

13&& tks dksbZ /kkjk 4 dk mYya?ku djs] fufeZr vQhe dk fofuekZ.k djsxk ;k mls vius dCts eas j[ksxk ;k fufeZr vQhe ds fofuekZ.k eas fdllh vU; O;fDr dh lgk;rk djsxk] og dkjkokl ls] ftldh vof/k ,d o'kZ rd

fufeZr vQhe dk
vizkf/kd'r :Ik ls
fofuekZ.k djs ;k
dCtk j[kus ds fy,

1- „MsIVs”ku vkQ ykt vkMZj] 1950 }kjk ¼izkfufU”k;y xouZesUV½ ds fy;s
izfrLFkkfir tks „MsIVs”ku vkQ ykt vkMZj] 1937 }kjk ¼yksdy xouZesUV½ ds
izfrLFkkfir fd;k x;k Fkka

{संयुक्त प्रान्त अफीम धूम्रपान अधिनियम, 1934}

/kkjk 14&19À

14&& tks dksbZ /kwezikudrkZvksa ds teko dk lnL; gksxk] og dkjkokl ls] ftldh vof/k rhu ekl rd dh gks ldsxh ;k tqekZus ls] tks ikap lkS :Ik, rd dk gks ldsxk] ;k nksuksa ls] nafMr fd;k tk; xkA

vQhe ds
/kwezikudrkZvksa ds
tko dk lnL; gksus ds
fy,

15&& tks dksbZ vQhe ds /kwezikudrkZvksa ds teko ds iz;ktu ds fy, fdllh LFkku dks [kksysxk] j[ksxk ;k mls mi;ksx eas yk,xk ;k fdllh ,sls LFkku ds [kksys tkus] j[ks tkus ;k mi;ksx eas yk, tkus dh vuqKk nsxk ;k iwoksZDr iz;ktuksa ds fy, mi;ksx eas yk, tkus okys ;k j[ks tkus okys fdllh LFkku dh ns[k&js[k djsxk ;k mldk izcU/k djsxk ;k mlds dkjckj ds lapkyu o'kZ rd dh gks ldsxh] ;k tqekZus ls] tks ,d gtjk :Ik, rd dk gks ldsxk] ;k nksuksa ls] nafMr fd;k tk; xkA

fufeZr vQhe ds
/kweziku ds fy,
mi;ksx easy k, tkus
okys LFkku dks j[kus
;k mldk izHkkjh
gksus ds fy,

16&& tks dksbZ fufeZr vQhe dk foØ; djsxk ;k mlds foØ; ds fy, vfHknf'kZr k izl Fkkfir djsxk k mldk foØ; dñs dk iz-Ru djsxk ,d o'kZ rd dh gks ldsxh] ;k tqekZus ls] tks ,d gtjk :Ik, rd dk gks ldsxk] ;k nksuksa ls] nafMr fd;k tk; xkA

fufeZr vQhe dk foØ;
djs ds fy,

17-- जो कोई इस अधिनियम के अधीन दण्डनीय किसी अपराध का दुष्प्रेरण
n.M lafgrk dh /kkjk 116 eas fdllh ckr ds gksrs gq, Hkh] ,sls vijk/k ds
fy, micfU/kr n.M ls nafMr fd;k tk; xkA

vijk/kksa ds
nq'izsj.k ds fy,

18-- जो कोई इस अधिनियम के अधीन किसी अपराध के लिए तत्पूर्व
og ,sls Ik"pkr~orhZ vijk/k ds fy, ml n.M ls nqxqus n.M dk Hkkxh
gksxk] tks izFke दोषसिद्धि पर अधिरोपित किया जा सकता था:
izfrcU/k ;g gS fd r`rh; ;k Ik"pkr~orhZ nks'kflf) dh n"kk eas vijk/kh
dks] tqekZus ds lfgr ;k fcuk] dkjkokl dk n.M fn;k tk; xkA

iwoZ nks'kflf) ds
Ik"pkr~ of/kZr n.M

v/;
k;

&

4

iz

fØ

;k

19&& ;fn fdlh eftLV^asV dks tkudkj izkIr gksus ij vkSj ,sls tkap ds ¼;fn dksbZ gks½ ftls og vko”:d le>s| Ik”pkr~ ;g fo”okl dius dk dkj.k gks अधिनियम के अधीन किसी अपराध के लिए उपयोग में लाया जाता है, तो वह आबकारी विभागके किसी ऐसे अधिकारी को जो ऐसे पंक्ति से नीचे का न हो जिसे {राज्य सरकार}₁ fofgr djsa] ;g izkf/kd`r djus okyk okjUV tkjh dj ldsxk fd og &

Rkyk”kh okjUV rFkk ryk”kh ysus dh “kfDr

¼d½ ,sls LFkku esa jkr ;k fnu esa fdUgha ,sls

O;fDr;ksa ds lkFk ftudh सहायता वह अधिकारी आवश्यक, समझे, प्रवेश करे ;

(ख) ऐसे स्थान के सभी या ऐसे भागों की जिनके बारे में ऐसे अधिकारी को;g fo”okl djus dk dkj.k gks fd ogka fdlh fufeZr vQhe dks] ;k fufeZr vQhe ds fofuekZ.k ds ;k fufeZr vQhe ds /kweziku ds fdlh lkf/k= dks fNik;k x;k gS rFkk ,sls lHkh ;k fdUgha O;fDr;ksa dh] ftUgsa og ,sls LFkku esa ik,] ryk”kh ysa(

1- ,MsIVs”ku vkO vkt vkMZj| 1950 {kjk ¼izkfU”k;y xouZesUV½ ds fy, vkQ ykt vkMZj| 1937 {kjk ¼yksdy xouZesaV½ ds fy, izfrLFkkfir fd;k x;k FkkA

{संयुक्त प्रान्त अफीम धूम्रपान अधिनियम, 1934}

¼/kkj

19d&23À

¼x½ ,sls LFkku esa ik, x, fdlh ,sls O;fDr dks] filds ckjs esa mls ;g विश्वास करने का कारण हो कि वह इस अधिनियम के अधीन किसी अपराध का दोषीgS] fxj”rkj djsa(vkSj

¼?k½ lEiw.kZ fufeZr vQhe dks] fufeZr vQhe ds /kweziku ds ;k fufeZr vQhe के विनिर्माण के साधित्र को और इस अधिनियम के अधीन किसी अपराध को करने केfy, mi;ksx esa ykbZ tkus okyh fdlh vU; oLrq dks vfHkx`ghr djsA

{19-क -- जब कभी कलेक्टर को या आबकारी विभाग के किसी ऐसे अधिकारी को Rkyk”kh ysus dh “kfDr

जो राज्य सरकार द्वारा तदर्थ प्राधिकृत किया गया हो या किसी ऐसे पुलिस अधिकारी को जोपंक्ति में पुलिस थाने के प्रभारी अधिकारी से नीचे का न हो, यह विश्वास करने के युक्ित्युक्तआधार हों कि किसी स्थान में इस अधिनियम के अधीन दण्डनीय कोई अपराध किया गया है;k fd;k tk jgk gS rFkk vijk/k ds vUos`k.k ds iz;kstu ds fy, dksbZ oLrq mldh {ks=h; अधिकारिता की सीमाओं के भीतर पाई जा सकती है और उसकी राय में ऐसी वस्तु अनुचितfoyEc fd, fcuk vU;Fkk izkIr ugha dh tk ldrh rks og vius fo”okl ds vk/kkj ys[kc) djus ds Ik”pkr~ fdlh ,sls LFkku dh ryk”kh ys ldsxk ;k fyok ldsxkAA₁

20½ n.M izfØ;k lafgrk] 1898 ds micU/k ftlds vUrxZr mldh /kkjk 102 और 103 में अन्तर्विष्ट तलाशी सम्बन्धी उपबन्ध भी हैं, जहां तक कि वे इस अधिनियम के उपबन्धों से असंगत न हों, इस अधिनियम के अधीन गिरफ्तारी

OkkjUV vkSj ryk"kh ds fo'k; esa n.M izfØ;k lafgrk] 1898 dk ykxw होना 1889

½ tc /kkjk 19&d ds v/khu ryk"kh yh tk; rks ml /kkjk ds v/khu rS;kj fd, fdlh vfHkys[k dh izfr;ka] vijk/k dk laKku djus ds fy, l"kdR fudVre eftLVªsV dks rR{k.k Hkst nh tk;saxh vkSj ryk"kh ds LFkku ds Lokeh ;k v;/klh dks mldh izfr] vkosnu fn, tkus ij] eftLVªsV }kjk nh tk,xhA

lkzfrU/k ;g gS fd tc rd eftLVªsV fo"ks'k dkj.k ls mls fu%”kqYd nsuk mfpr u le>s] og mlds fy, Hkqxrku djsxkAA2

21-- जब कभी कोई अधिकारी इस अधिनियम के अधीन कोई गिरफ्तारी या अभिग्रहणdjs rks og ,slh fxj¶rkjh ;k vfHkxzg.k ds Bhd lk"pkr~ ds किया गया प्रत्येक व्यक्ति तथा अभिगृहीत समस्त वस्तुयें अविलम्ब उस अधिकारी को जिसनेokjaV tkjh fd;k gks ;k fudVre iqfyl Fkkus dks Hksth tk;sxhA

fxj¶rkjh ;k vfHkxzg.k dh n"kk esa fjiksVZ dk fd;k tkuk

22-- जब इस अधिनियम के अधीन गिरफ्तार किया गया कोई व्यक्ति जमानत देने Tkekur vkSj izfrHkwfr

को तैयार हो तो वह जमानत पर, या गिरफ्तारी करने वाले अधिकारी के विवेकानुसार उसकेeqpyds ij NksM+ fn;k tk;xkA

23-- पुलिस तथा भू-राजस्व विभाग का प्रत्येक अधिकारी {गांव सभा का किये जाने पर, इस अधिनियम के उपबन्धों को कार्यान्वित करने में आबकारी विभाग के किसी भी अधिकारी को युक्ितयुक्त सहायता देने के लिये बाध्य होगा।

vkcdkjh foHkx ds अधिकारियों को

1-
2-
~

{संयुक्त प्रान्त अफीम धूम्रपान अधिनियम, 1934}

उ0 प्र0 अधिनियम सं. 25, 193 गयीlmi;qZDr dh /kkjk 3 }k

;/kkjk 24&29A

24-- इस अधिनियम के अधीन किसी अपराध के लिये किसी व्यक्ति को दोषसद्धि gksus ij] U;k;ky; ;g vkns"k ns ldsxk fd fdlh fufeZr vQhe dks ;k fdlh midj.k ;k lkf/k= dks ftlds laca/k esa ;k ftlds }kjk ,slk vijk/k fd;k x;k ;k fdlh ik=1 os'Ru ;k vkoid dksl fitesa ,slh fufeZr vQhel midi k ;k पात्र, वेष्टन या आवरक की अन्य अन्तर्वस्तुओं को अधिहत या नष्ट किया जाय।

fufeZr vQhe rFkk vfHkx`ghr oLrqvksa dk अधिहरण तथा विनाशfd;k tkuk

25-- कोई भी मजिस्ट्रेट इस अधिनियम के अधीन दंडनीय किसी अपराध का संज्ञान dk laKku vijk/kksa

कलेक्टर के या आबकारी विभाग के किसी ऐसे अधिकारी के, जो पंक्ित में आबकारी निरीक्षकls uhps dk u gks] ifjokn ;k fjiksVZ ij djus ds flok; ugha djsxkA

v;/k; 5

izdh.kZ

26-- इस अधिनियम के अनुसरण में सद्भावपूर्वक किये गये या किये जाने के

dfri; oknksa dk otZu

कलेक्टर या {आबकारी पुलिस या भूराजस्व विभाग के किसी अधिकारी, गांव सभा के प्रधान या lsOsVjh ;k xkao ds pkSdhnkjÀ2 ds fo#) dksbZ okn ugha gksxkA

27-- कोई भी सिविल न्यायालय इस अधिनियम के अनुसरण में की गई किसी बात ds laca/k esa ;ljdkjÀ1 ;k dysDVj ;k ;vkcdkjh iqfyl ;k HkwjktLo foHkxx ds fdllh अधिकारी, गांव सभा के प्रधान या सेक्रेटरी या गांव के चौकीदार}2 v/khu fdllh O;fDr ds fo#) yxk;s x;s fdllh vkjksi dk laKku] rc rd u djsxk tc rd fd ifjokfnr dk;Z ds fnukad ds lk”pkr~ N% ekl ds Hkhrj okn ;k vfHk;kstu laLFkr u dj fn;k tk;A

Okkn vkSj vfHk;kstu dh ifjlhek

28-- (1) जब कभी इस अधिनियम के अधीन किसी अपराध के लिये दो या दो से अधिक जुर्माने का अतिरिक्त निम्न प्रायश्चित्त से अधिक जुर्माना लगाया जाय तो ऐसे जुर्माने पर अधिकारियों को अधिकार होगा कि वे ऐसे जुर्माने को जमा कर सकें।
vfHkyf[kr djsxk] mfpr le>s] fdllh ,sls O;fDr dks bl “krZ ij {kekknku dj ldsxk fd og ml vijk/k ls lEc) lHkh rF;ksa dks iw.kZ:lk ls vkSj lPpkbZ ls izdV djsaA

Ekq[kfcj cu tkus ij vfHk;qDr dks

$\frac{1}{2}$,slk O;fDr ml ekeys esa l{ke lk{kh gks tk;xk vkSj ,sls vijk/k ds fy;s rc rd n.M dk Hkkxh u gksxk tc rd {kekknku cuk jgsA

29-- इस अधिनियम या इस अधिनियम के अधीन बनाये गये नियमों की कोई बात डेंजरस ड्रग्स ऐक्ट, 1930 की या उसके अधीन बनाये गये किसी नियम की जो निर्मित अफीम ds ;***À4 भारत में उपयोग या दुर्व्यापार पर कोई ऐसा करता है जो इस अधिनियम द्वारा या उसके अधीन अधिरोपित तत्स्थानी निर्बन्धन से मात्रा में अधिक हो, वैधता पर कोई प्रभाव न डालेगी।

Msatjl M*XI ,sDV] 1930 ds laca/k esa O;ko`fRr 1930 dk 2

- 1- „MsIVs”ku vkOl vkt vkMZj] 1950 {kik $\frac{1}{4}$ Økmu $\frac{1}{2}$ ds fy;s izfrLFkkfir tks „MsIVs”ku 1937 {kjk $\frac{1}{4}$ lsdsVjh vkQ LVsV Qkj bafM;k bu dkmfUly $\frac{1}{2}$ ds fy;s izfrLFkkfir gqv k FkkA
- 2- उत्तर प्रदेश अधिनियम संख्या 23, 1961 की धारा 2 द्वारा प्रतिस्थापित।
- 3- „MsIVs”ku vkQ ykt vkMZj] 1950 {kjk $\frac{1}{4}$ izkfofU”k;y xouZesUV $\frac{1}{2}$ ds fy;s izfrLFkkfir tks „MsIVs”ku vkQ ykt vkMZj] 1937 {kjk $\frac{1}{4}$ yksdy xouZesUV $\frac{1}{2}$ ds fy;s izfrLFkkfir fd;k x;k FkkA
- 4- „MsIVs”ku vkQ ykt vkMZj] 1950 {kjk “kCn $\frac{1}{4}$ fQfV”k $\frac{1}{2}$ fudkyk x;kA

THE UNITED PROVINCES OPIUM SMOKING ACT, 1934

[U. P. ACT No. III OF 1934]

Amended by the

U. P. Act No. XXV of 1953

U. P. ACT No. XXIII OF 1961

Adapted and modified by the Government of India (Adaptation of Indian Laws) Order, 1937

Adapted and modified by the Adaptation of Laws Order, 1950

[Received the assent of the Governor on March 17, 1934, and of the Governor General on April 19, 1934, and was published under section 81 of the Government of India Act on May 5, 1934.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on August 7, 1953, and by the Uttar Pradesh Legislative Council on August 29, 1953.

Received the assent of the President on October 6, 1953, under Article 201 of ‘the Constitution of India’ and was published in the Uttar Pradesh Gazette Extraordinary,

dated October 9, 1953.]

AN

ACT

to amend the Law relating to opium smoking in the United Provinces.

WHEREAS it is expedient to amend the law relating to opium smoking in the United Provinces with a view to make provision for the registration of persons who are opium smokers and to secure the ultimate prohibition of opium smoking in the United Provinces;

AND WHEREAS the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80-A of the Government of India Act to the passing of this Act.

It is hereby enacted as follows : --

CHAPTER I

PRELIMINARY

- Short title, extent and Commencement U. P. Act No. II of 1925
1. (1) This Act may be called the United Provinces Opium Smoking Act, 1934.
 - (2) It extends to the whole of [Uttar Pradesh]⁴.
 - (3) It shall come into force on such dates as the [State Government]⁶ may, by notification, appoint on this behalf; and on and from that date the United Provinces Opium Smoking Act, 1925, shall be repealed.

2-For S. O. R. see Gar. Extra. dated July 6, 1953.

3-See Gaz., 1934, Pt. VII, pp. 30-33.

4-Subs. by the A. O. 1950 for (the United Provinces).

5-The Act came into force on August 1, 1935, see notification no. 337/XII-95, dated July 11, 1935, in Gaz. 1935, Pt. I, p. 932.

6-Subs. by the A. O. 1950, for (Provincial Government) which had been substituted by the A. O. 1937 for (L. G.).

[The United Provinces Opium Smoking Act, 1934]
2-3]

[Section

- Definitions Opium Act I 1878
2. In this Act¹, unless there is anything repugnant in the subject or context:-
 - (1) "opium" has the same meaning as in the Opium Act, 1878;

Prepared opium (2) "prepared Opium" means any product of opium obtained by any operation or series of operations designed to transform opium into an extract suitable for smoking, and includes chandu, madak, and the dross, or other residue remaining after opium is smoked;

Place (3) "place" includes a building, house, shop, booth, tent, vessel, raft and vehicle and any part thereof;

Collector (4) "Collector" means the chief officer in charge of the revenue administration of a district, and includes a Deputy Commissioner and the Superintendent, Dehradun;

Magistrate (5) "Magistrate" means a magistrate of the first class or a Magistrate of the 2nd class specially empowered by the [State Government]² to try cases under this Act;

Exercise commissioner U.P. Act 4 of Excise Department (6) "Excise Commissioner" means the officer appointed by State Government under section 10 (2) (a) of United Provinces Excise Act, 1910;

(7) "officer of the Excise Department" means the Excise commissioner or an officer appointed under section 10 (2) (d) of the United Provinces Excise (Act 1910). and includes an officer or person empowered under section 10 (2) (e)

of that Act;

Notification
Registered
smoker

- (8) "Notification" means a notification published in the official Gazette; and
(9) "registered smoker" means a person registered under the provisions of this Act as a smoker of prepared opium.

CHAPTER II

PROHIBITION AND CONTROL

Register of
smokers

3. (1) The [State Government]² shall cause a register to be prepared of persons who are not under the age of twenty five years and who are in the habit of smoking prepared opium.

1-This Act has been extended to the areas mentioned in column 1 of this table under the Act or order mentioned in column 2 and enforced in such areas under notification, any, mentioned in column 3 with effect from the date mentioned in column 4 against each such area;

Area	Act or Order under which extended	Notification, if any, under which enforced	Date from which enforced
1	2	3	4
1. Rampur district	...	--	...
2. Banaras District	Banaras (application of Laws) Order, 1949	No. 1892/XVII, dated June 27, 1950	July 1, 1950
3. Tehri-Garhwal district	Tehri Garhwal (Application of laws) Order, 1949	No. 1826/XVII, dated June 27, 1950	Ditto

- 2- Subs. by the A.O. 1950 for (Provincial Government) which had been substituted by the A.O. 1937 for (Local Govt.).

[The United Provinces Opium Smoking Act, 1934]
8]

[Section 4-

- (2) Such register shall be prepared by such authority and in such manner as the [State Government]¹ may, by rules made under this act, prescribe, and shall contain such particulars and shall be in such form as the Excise Commissioner may be notification prescribe.
- (3) Such register shall be closed on a date to be fixed and notified in the official Gazette by the [State Government]¹ and, subject to such exception as the [State Government]¹ may by notification prescribe, no such entry shall be made there in after such date.
- (4) All persons who are eligible for being registered under this Act as smoker of prepared opium shall, up to the date fixed for closing the entries in the register be considered as registered smokers, whether their names are actually entered in the register or not.

Smoking
prepared opium
by unregistered
smoker

4. (1) No person, not being a registered smoker, shall Smoke or manufacture or possess prepared opium in any quantity what soever.
- (2) No registered smoker shall have in his possession, or shall manufacture, at any one time, prepared opium in excess of half a tola in weight or such other lesser quantity as the State Government]¹ may by rule made under this Act, proscribe:

Manufacture and
possession by
registered
smoker

Provided that in no case shall a registered smoker manufacture any prepared opium from opium obtained otherwise than in accordance with rules made under section 5 of the Opium Act, 1878 and no registered smoker shall have in his possession any quantity of prepared opium so manufactured.

Act I of 1878

Assistance in the
manufacture of
prepared opium

- (3) No person shall assist another, whether a registered opium smoker or not, in the manufacture of prepared opium.

Presumption of

5. If any person not being a registered smoker, is found in possession of prepared

smoking prepared opium in certain cases		opium or any apparatus used for the smoking of, or the manufacture of, prepared opium, it shall be presumed, until the contrary is proved, that such person smokes prepared opium.
Sale of prepared opium	6.	No person shall sell, expose or offer for sale or attempt to sell, prepared opium.
Opium smoking assembly	7.	An assembly of two or more persons, whether registered smokers or not, is designated an opium smoking assembly if the common object of such persons is to smoke or manufacture prepared opium.
		Explanation--- An assembly which was not as opium smoking assembly when it assembled may subsequently become such an assembly.
Member of opium smoking assembly	8.	Whoever being aware of facts which render an assembly an opium smoking assembly, joins that assembly or continues therein, is said to be a member of that assembly.

1- Subs. by the A. O. 1950 for (Provincial Government) which had been subs. by the A. O. 1931 for (L.G.).

[The United Provinces Opium Smoking Act, 1934]
13]

[Section 9-

Presumption by presence of and apparatus	9.	The presence of any prepared opium for or any pipes or apparatus for the raised smoking of prepared opium for of any apparatus used in the manufacture of prepared opium in any place where two or more persons, whether registered opium smokers or not, are assembled shall be held sufficient to raise a presumption smoking that shall persons have assembled at such place with the common object of smoking or of manufacturing prepared opium.
Powers to 10. make rules	10.	(1) The [State Government] ¹ may, by notification, make rules for the purpose of carrying out the provisions of t his Act. (2) In particular awl without prejudice to the generality of the power conferred by sub-section (1), such rules may- (a) prescribe the authority by whom and the manner in which, the register reformed to in section 3 shall be prepared and maintained ; (b) regulate the conditions and restrictions subject to which a registered smoker may manufacture, possess or smoke prepared opium; (c) prescribe the conditions under which and the authority by whom the name of a registered smoker may be removed from the register; (d) regulate the disposal of things confiscated under this act, and (e) prescribe and regulate the payment of rewards out of fines imposed under this Act, (3) The power conferred by this section for making rules is subject to the condition that the rules be made after previous publication : Provided that any such rules may be made without previous publication if the [State Government] ¹ considers that they should be brought into force at once.
Liability of a registered smoker to the removal of his name from the register of smokers	11.	Any registered smoker who does not comply with the conditions and observe the restrictions prescribed by rules made under this Act, shall, in addition to the penalties hereinafter prescribed, be liable to have his name removed from the register of smokers.

CHAPTER III

For smoking by un- Registered smoker	12.	Whoever, not being a registered smoker, smokes prepared opium shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.
For unautho- rised manu- facture or possession of prepared opium	13.	Whoever, in contravention of section 4, manufactures or has in his possession prepared opium or assists any other person in the manufacture of prepared opium, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both.

1- Subs. by A. O. 1950 for (Provincial Govt.) which had been subs by A.O- 1937 for (L. G.).

[The United Provinces Opium Smoking Act, 1934]

[Section 14-19]

For being an opium smoking assembly 14. Whoever is a member of an opium smoking assembly shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

For keeping or charge used smoking 15. Whoever opens, keeps or uses any place or permits any place to be opened, having kept or used for the purposes of an opium smoking assembly or has the care of place or management of, or in any way assists in conducting the business of, any for place used or kept for the purposes aforesaid, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

For stilling opium 16. Whoever sells, or exposes or offers for sale, or attempts to sell, prepared prepared opium shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

For abetment of offences 17. Whoever abets an offence punishable under this Act shall, whether such offence be or be not committed in consequence of such abetment, and notwithstanding anything contained in section 116 of the Indian Penal Code to be punished with the punishment provided for such offence.

Enhanced punishment after previous conviction 18. Whoever, having been previously convicted of an offence under this Act, is again convicted of an offence under this Act, shall be liable for such subsequent offence to twice the punishment which might be imposed on a first conviction :

Provided that in the case of a third or subsequent conviction the offender shall be sentenced to imprisonment with, or Without fine.

CHAPTER IV

PROCEDURE

Search warrant and power to search 19. If a Magistrate, upon information received and after such enquiry (if any) as he considers necessary, has reason to believe that any place is used for the commission of an offence under this Act he may issue a warrant to an officer of the Excise Department not below such rank as the [State Government]¹ may prescribe authorizing him--

(a) to enter such place by day or by night with any person whose assistance such officer may consider necessary ;

(b) to search all or parts of such place in which such officer has reason to believe that any prepared opium or any apparatus for the manufacture of prepared opium or for smoking prepared opium is concealed and all or any poisons which he may find in such place ;

1- Subs. by A. O. 1950 for (Provincial Government) which had been subs . by. A.O 1937 for (Local Government).

[The United Provinces Opium Smoking Act, 1934]
19A-23]

[Section

(c) to arrest any person found in such place whom he has reason to believe to be guilty of all offence under this Act; and

(d) to seize all prepared opium, apparatus for smoking prepared opium or for the manufacture of prepared opium and any other article used for the commission of an offence under this Act, which may be found in such place.

[Power to
search

19-A

Whenever the Collector or any officer of the Excise Department authorized in that behalf by the State Government, or a police officer not below the rank of an officer in charge of a police station has reasonable grounds for believing that an offence punishable under this Act has been or is being committed in any place and anything necessary for purposes of investigation into the offence may be found in any place within the limits of his territorial jurisdiction and that such a thing cannot, in his opinion be otherwise obtained without undue delay, he may after recording in writing the grounds of his belief search or cause to be made of any such place.]¹

[Applicability
of the code of
Criminal
Procedure,
1898 to warrant
and search

20.

(1) The provision of the Code of Criminal Procedure, 1898, including provision as to the searches contained in sections 102 and 103 thereof, shall in so far as not inconsistent with the provisions of this Act, apply to the execution of warrants for arrest and to a search made under this Act.

(2) Where a search is made under section 19-A, copies of any record made under that section shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence and the owner or occupier of the place of search shall on application be furnished with a copy of the same by the Magistrate :

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.]²

Report to be
made in case
of arrest or
seizure

21.

Whenever any officer makes any arrest or seizure under this Act, he shall within twenty-four hours next after such arrest or seizure, make a full report of all particulars thereof to his immediate official superior; and every person arrested and every article seized shall be forwarded without delay to the officer by whom the warrant was issued to the nearest police station.

Bail and
Security

22.

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 personal bond.

Aid to officers
of Excise
Department

23.

Every officer of the police and land Revenue Departments, every [Pradhan and Secretary of a Gaon Sabha]³ and every village chaukidar shall, upon notice given or request made to him be bound to give reasonable aid to any officer of the Excise Department in carrying out the provisions of this Act.

1.Add. by section 2 of U. P. Act XXV of 1953.

2.Subs. by section 3 ibid.

3.Subs. by section 2 of U, P. Act No. XXIII of 1961.

[The United Provinces Opium Smoking Act, 1934]
24-29]

[Section

Confiscation

24. On the conviction of any person for an offence under this Act, the court may and order that any prepared opium or any instrument or apparatus in respect of or

destruction of and things seized by means of which, such offence has been committed or any receptacle, prepared package or covering in which such prepared opium instrument, or apparatus opium was found and any other contents of such receptacle, package or covering shall be confiscated or destroyed.

Cognizance of offences 25. 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 an Excise Inspector.

CHAPTER V MISCELLANEOUS

Bat of certain suit 26. No suit shall lie in any Civil Court against the [Government]¹ or a Collector or [any Officer of the Excise, Police or Land Revenue Departments, Pradhan or Secretary of a Gaon Sabha or village Chaukidar]² for damages for any act in good faith done or ordered to be done in pursuance of this Act.

Limitation of suit and prosecution 27. No Civil Court, shall try any suit against the [Government]¹ or a Collector or [any Officer of the Excise, Police or Land Revenue Departments, Pradhan or Secretary of a Gaon Sabha or Village Chaukidar]² in respect of anything done in pursuance of this Act and except with the previous sanction of the [State Government]³ no Magistrate shall take cognizance of any charge made against any person under this Act, unless the suit or prosecution is instituted within six months after the date of the act complained of.

Tender of pardon to accused person turning approver 28. (1) Whenever two or more persons are prosecuted for any offence under this Act, the Magistrate may, if, for reasons to be recorded by him, he thinks fit, tender to any such person a Pardon on condition of his making full and true disclosures of all facts connected with the offence.
(2) Such person shall become a competent witness in the case and will not be liable to punishment for such offence so long as such pardon remains.

Saving of the Dangerous Drugs Act, 1930
Act II of 1930 29. Nothing in this Act or in the rules made under this Act shall affect the validity of the Dangerous Drugs Act, 1930 or of any rule made thereunder which imposes any restriction not imposed by or under this Act or imposes a restriction greater in degree than a corresponding restriction imposed by, or under, this Act, on the consumption of, or traffic in, prepared opium with in [***]⁴ India.

1. Subs. by the A. O. 1950 for (Crown) which had been subs. by the A. O. 1937 for (Secretary of State for India in Council).

2. Subs. by s. 2 of U. P. Act No. XXIII of 1961.

3. Subs. by the A. O. 1950 for (Provl. Govt.) which had been subs. by the A. O. 1937 for (L. G.). 4. The word (British) omit. by the A. O. 1950.