



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR
LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS
AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

INDIA

Communicated by the Government of India

NOTE BY THE SECRETARY-GENERAL -- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the
Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-
General has the honour to communicate the following legislative texts.

E/NL.1953/168

The 29th December 1951

No. TAD/Ex./31/51/42. - The following Regulation made by the Governor of Assam under clause (b) of sub-paragraph (1) of paragraph 19 of the Sixth Schedule to the Constitution of India, and assented to by the President of India, is published for general information:--

REGULATION XVI OF 1951

[THE ASSAM AUTONOMOUS DISTRICTS (OPIUM PROHIBITION) REGULATION, 1951]

Preamble,

WHEREAS the Assam Opium Prohibition Act, 1947 (Act No. XXIII of 1947), is not in force in the areas of the autonomous districts comprising the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution of India;

Act XXIII
of 1947

AND WHEREAS it is expedient to bring the said Act into force in the said areas and to provide for matters connected therewith;

AND WHEREAS by the provisions made in clause (b) of sub-paragraph (1) of paragraph 19 of the Sixth Schedule to the Constitution of India, the Governor is empowered to make regulations for the peace and good government of the areas within the autonomous districts:

NOW, THEREFORE, the Governor of Assam, in exercise of the said powers and of all other powers enabling him in that behalf, is pleased to make the following regulation for the said areas which have been declared autonomous districts by the Constitution of India:--

Short title,
extent and
commence-
ment.

1. (1) This Regulation may be called the Assam Autonomous Districts (Opium Prohibition) Regulation, 1951.

(2) It extends to all the tribal areas of the State of Assam specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution of India, hereinafter referred to as "the said areas".

(3) It shall come into force on such dates and in such of the said areas specified in sub-section (2) of this section, as the Governor may from time to time, by notification in the Official Gazette, appoint.

Application
of the Act
XXIII of
1947.

2. All the provisions of the Assam Opium Prohibition Act, 1947 (Act XXIII of 1947), hereinafter referred to as "the said Act" and all rules and orders made thereunder subject to any amendments to which they are for the time being subject in the rest of Assam, shall be applied to, and be deemed to have come into force in the said areas or parts thereof, as the case may be, on such dates as may be appointed by the Governor under sub-section (3) of section 1.

Modifica-
tion.

3. Notwithstanding anything in the said Act, wherever references have been made to the provisions of the Code of Criminal Procedure, 1898, only the spirit and not the letter of the Code shall be followed as far as practicable.

Act V of
1898.

I have made this regulation under clause (b) of sub-paragraph (1) of paragraph 19 of the Sixth Schedule to the Constitution of India.

SHILLONG:
The 13th November 1951.

JAIRAMDAS DOULATRAM,
Governor of Assam.

I assent to this Regulation

NEW DELHI:
The 18th December 1951.

RAJENDRA PRASAD,
President of India.

S. DAS,
for Secretary to the Government of Assam,
Tribal Areas & Development Deptts.

E/NL.1953/169

GOVERNMENT OF VINDHYA PRADESH
Excise & Sales Tax Department

NOTIFICATION
Dated 24-7-52

No. 9 XIII.--In exercise of the powers conferred by sub-sections (1) and (3) of section 10 of the U.P. Opium Smoking Act 1934 (Act III of 1934) as extended to Vindhya Pradesh vide Government of India Ministry of States Notification No. 11-J dated 12th January 1952 read with their Notification No. S.R.O. 284 dated the 29th February 1952, the following rules are hereby made:-

(1) These rules shall be called the Vindhya Pradesh Opium Smoking Rules 1952, and shall come into force forth-with.

(2) In these rules unless there is anything repugnant in the subject or context:

(a) The "Act" means the United Provinces Opium Smoking Act, 1934 (Act III of 1934) as extended to Vindhya Pradesh.

(b) An "authorised agent" means a person who has been authorised in writing to represent an "Opium Smoker".

(c) "Tola" means a weight of 180 grains.

(3) (a) An application for the registration of an Opium Smoker shall be made either by the Opium smoker himself or by his authorised agent.

Provided that where an application is submitted by an authorised agent the Officer receiving the application must be satisfied as to the identity of the applicant and the genuineness of his signature or thumb impression or identification mark.

(b) An application or registration shall be submitted in form appended to these rules and shall contain all the particulars provided in the form: Forms may be obtained free of cost from the Commissioner's Office.

(c) An application for registration shall be submitted to such Gazetted Officer as the Commissioner may determine.

(4) (a) A register of opium smokers in form B appended to these rules shall be prepared and maintained in accordance with the directions of Commissioner,

(b) Every entry and every correction of an entry in the register shall be signed by such gazetted

officer as the Commissioner may authorize in this behalf.

(c) Relevant extracts from the register will be sent to the Excise Inspectors of the Circles in which registered smokers concerned reside.

(5) The register mentioned in Section 3 (3) of the Act shall be closed on 31st March 1953 and no fresh entry shall be made therein after such date without the previous sanction of the Excise Commissioner.

No registered smoker shall manufacture or possess prepared opium at any one time in excess of 1/2 a tola in weight.

(6) The Commissioner shall supply each registered opium smoker with a permit in form C appended to these rules free of charge.

For subsequent copies of such permit a fee of Re.1/- shall be charged for each copy.

(a) If a registered opium smoker intends to change his place of residence permanently, he shall before leaving the district report the change to the District Sales Tax & Excise Officer of the District in which he is registered stating the date from which and the District in which he intends to take up his residence.

(b) If a registered opium smoker changes his residence permanently, he shall within 30 days of the date of the report of such change under rules 6 (a) produce his permit before the District Sales Tax & Excise Officer of District in which he has taken up his residence.

(c) If any registered opium smoker fails to comply with any of the conditions set forth in these rules, his permit will, in the absence of a satisfactory explanation be liable to cancellation by the Commissioner and/or the suspension for such period as he may decide.

(d) Any prepared opium or any instrument or apparatus in respect of, or by means of, which an offence under the Act has been committed or any receptacle, package or covering in which such prepared opium, instrument or apparatus was found and any other contents or receptacle, package or covering shall on confiscation under section 24 of the Act, be destroyed by the Court after the period of appeal has expired or if any appeal has been made, until the appeal has been decided.

Provided that if the thing be of a perishable nature it may be disposed of immediately.

All other articles so confiscated shall be disposed of by the Commissioner by public auction and the sale-proceeds shall be credited to departmental fines and forfeitures.

(e) The magistrate trying the case may direct the whole or part of any fine which is recovered on a conviction under the Act to be paid as reward to any person or persons who have contributed in any way to the conviction. The balance if any of the fine recovered shall be credited to "Law and justice" (or local name of the Head").

(f) If on a conviction under the Act a fine has not been imposed or the fine imposed is not recovered the Asst. Commissioner may grant a reward not exceeding Rs.100/- from the funds placed at his disposal for rewards in opium cases. If the Asst. Commissioner considers that in any particular case this sum is insufficient he may, with previous sanction of the Excise Commissioner grant a larger reward not exceeding Rs.500/- in amount.

(g) The Excise Commissioner may grant any sum not exceeding Rs.500/- in any individual case as a reward of his own accord from the funds placed at his disposal for reward in opium case.

(7) The powers of the Excise Commissioner under these rules may be delegated by him to any gazetted officer subordinate to him.

By order of the
Lieutenant Governor

AUTAR KISHAN
Joint Secretary
(Rev. Deptt.-Excise & Sales Tax)
to the Govt. of Vindhya Pradesh)

EXCISE MANUAL
FORM A.
(See Rule 3 (b))

Application for Registration under the United Provinces Opium Smoking Act of 1934.

1. Name in full, religion, nationality, occupation.
2. Age on the date of application.
3. Evidence of age, if any.
4. Identification marks or photograph of the applicant.
5. Father's name, also husband's name in case of female.
6. Permanent address.

In towns X

The number of the holding and the name of street or lanes of the locality.

In rural areas.

1. Name of the village, pargana and tahsil.
2. Police station.
3. Post Office.
- * 7. Name, occupation and address of the authorized agent, if any.
- * 8. Signature of the authorized agent.

- * 9. Signature of person identifying the applicant and the genuineness of his signature or thumb-impression.
10. Date of application.

Note:- Items 7, 8, 9 marked with asterisk (*) are to be filled only when the application is made by an authorized agent but not otherwise. In such cases the agent's written authority should be attached to the application together with the Commissioner's order permitting the Agent to submit the application.

Signature of the applicant
or his thumb impression.

PREPARED OPIUM
FORM B
(See Rule 4 (a))

District.

Register of Opium Smokers.

1. Serial No.
2. Name in full, caste or community, occupation and religion.
3. Age.
4. Father's name
Husband's name
5. Permanent Address. } Police Station
Village
Post Office
Mohalla or tola
6. Identification marks, or thumb-impression or photograph.

Signature of Commissioner.

Statement of changes of residence.

District	Address.	New serial number in the district, if any.	Initials of Commissioner.
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- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Result of verification of addresses.
Date of inspection.

Name of Inspecting Officer.

EXCISE MANUAL
FORM C.
(See Rule 6)
PERMIT.

1. Serial number in the registers of smokers.
2. Name of the registered smoker, his religion, nationality and Occupation.
3. Age.
4. Father's name, in case of woman, also husband's name.

5. Permanent address.
6. Identification marks or photographs.

COMMISSIONER

GPR--28-7-52--450

Subsequent changes of address.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Subject to the orders of the Excise Commissioner, this permit shall remain in force so long as the holder of this permit performs and abides by the following conditions:

CONDITIONS

- (1) The holder shall manufacture "prepared opium" only from Excise opium lawfully possessed.
- (2) The holder shall not manufacture or possess more than 1/2 a tola of prepared opium at any one time.
- (3) The holder shall not sell or attempt to sell prepared opium or assist any person, whether any registered smoker or not, in the manufacture of prepared opium.
- (4) The holder shall not open, keep or use any place or permit any place to be used for the pur-

pose of enabling two or more persons whether registered or not, to meet together to smoke prepared opium or shall not remain in charge of manage or in any way assist in conducting the business of any place used or kept for the said purpose.

(5) The holder shall not assemble in any place with any other person whether registered or not, for the purpose of smoking prepared opium.

(6) If the holder intends to change his place of residence permanently, he shall, before leaving the district, report the change to the District Excise & Sales Tax Officer of the District in which he is registered stating the date from which and the district in which he intends to take up his residence.

(7) If the holder has changed his residence permanently he shall produce his permit before the Dist. Excise & Sales Tax Officer of the District in which he has taken up his new residence, within 30 days of such change.

(8) The holder shall produce his permit for inspection by any Excise Officer not below the rank of an Excise Inspector.

N.B.-- Infraction of any of the above conditions by the holder of this permit will subject the holder of the permit to forfeiture of the permit and to all or any of the penalties prescribed by law.

COMMISSIONER