

ASSAM OPIUM SMOKING BILL. 1925

THE ASSAM OPIUM SMOKING  
BILL 1925.

Whereas it is expedient to prohibit the smoking of opium, and whereas previous sanction of the Governor-General has been obtained be it hereby enacted as follows:-

1. This Act may be called the Assam Opium Smoking Act 1925.
2. It extends to the whole of Assam.
3. This Act shall come into force on the first day of January 1927.
4. In this Act unless there is anything repugnant in the subject or context:-
  - (a) " Opium " includes also poppy-heads, preparations or admixtures of opium and any preparation from the poppy.
  - (b) " Place " includes a building, house, shop, booth, tent, vessel, raft and vehicle and any part thereof.
5. It is unlawful for any person to smoke opium in any shape or form.
6. Any Magistrate may issue a warrant in the prescribed form for the search of any house or premises where he has reasonable grounds for suspecting that the smoking of opium is going on or is permitted; such warrant may be executed by any person to whom it may be directed and such person shall, if on search he finds any appliances for the smoking of opium, take them immediately before a Magistrate, who may pass order confiscating them.
7. If any person is found smoking or abetting the smoking of opium he shall on conviction before a Magistrate be punishable with imprisonment of either description for a term not exceeding 6 months or with fine which may extend to Rs 500/- or with both.
8. An assembly of two or more persons is designated an opium smoking assembly if the common object of the persons composing that assembly is to smoke opium or to prepare opium for smoking purposes.
 

Explanation.- An assembly which was not an opium smoking assembly when it assembled may subsequently become such an assembly.
9. Whoever being aware of facts which render an assembly an opium smoking assembly deliberately joins that assembly, or continues therein, is said to be a member of that assembly.

- 10. The presence of any opium and of any pipes or apparatus for the smoking of opium and of any apparatus used in the preparation of opium in any place where two or more persons are assembled shall be held sufficient to raise a presumption that such persons have assembled at such place for the purpose of smoking of opium or of preparing opium for smoking purposes
- 11. Whoever is a member of an opium smoking assembly shall be punished with simple imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees, or with both.
- 12. Whoever opens, keeps or uses any place or permits any place to be opened, kept or used for the purposes of an opium smoking assembly, or has the care or management of, or in any way assists in conducting the business of, any place used or kept for the purposes aforesaid shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.
- 13. Whoever having been previously convicted of an offence under sections 7, 11, or 12 is again convicted of an offence under this Act, shall be liable to twice the punishment which might be imposed on a first conviction under this Act.
- 14. If a Magistrate of the first class upon information received and after such inquiry (if any) as he considers necessary has reason to believe that any place is used for the purposes of an opium smoking assembly, he may issue a warrant to an officer of the Excise Department not below the rank of an Inspector, 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.
- 15. The provisions of the Code of Criminal Procedure 1898, as amended, shall apply to the execution of warrants issued and searches made under section 9.
- 16. Whenever any officer makes any arrest or seizure under this Act, he shall with the least possible delay and in any case within 72 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 thing seized shall be forwarded without delay to the officer by whom the warrant was issued, or to the nearest police station.
- 17. 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 <sup>own</sup> bond.

18. Every officer of the Police and Land Revenue departments, every village headman and every village choukidar shall be bound to give reasonable aid to any Excise officer in carrying out the provisions of this Act upon notice given and request made.

19. On the conviction of any person for an offence under this Act the Court may order that any opium or any instrument or apparatus in respect of, or by means of which such offence has been committed or any receptacle, package or covering in which such opium, instrument, or apparatus was found and any other contents of such receptacle, package or covering shall be confiscated or destroyed.

20. No magistrate other than a Magistrate of the first class shall try any offence punishable under this Act.

21. No suit shall lie in any civil court against the Secretary of State for India in Council or any Collector or officer of the Excise department for damages for any act in good faith done or ordered to be done in pursuance of this Act.

22. No civil court shall try any suit against the Secretary of State of India in Council or any Collector or officer of the Excise department in respect of anything done or alleged to have been done in pursuance of this Act and except with the previous sanction of the Local Government, 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.

23. (a) 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 accused a pardon on condition of his making a full and true disclosure of all facts connected with the offence.

(b) Such accused person will become a competent witness in the case and will not be liable to punishment so long as the pardon remains in force.

24. (1) The Local Government may make rules to carry out the objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may-

- (a) regulate the disposal of things confiscated under this Act;
- (b) prescribe and regulate the payment of rewards out of fines imposed under this Act;
- (c) prescribe and regulate the actions to be taken in case of females.

#### STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to prohibit the smoking of opium. There is a decidedly strong public opinion against opium smoking.

Member-in-charge