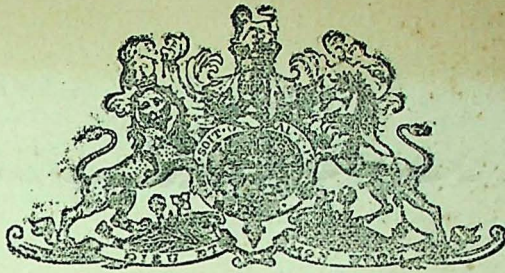


THE



# Bombay Government Gazette.

Published by Authority.

FRIDAY, 16TH DECEMBER 1898.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Maráthi, Gujaráti and Kánarese, and the translations to be published in the "Bombay Government Gazette." To be translated also into Sindhi, and the translation to be published in the "Sindh Official Gazette." The dates of publications to be reported.)

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 22 of the Rules for the conduct of business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

#### Bill No. VI of 1898.

*A Bill to amend the Bombay Abkári Act, 1878.*

No. V of 1878. Whereas it is expedient further to amend The Bombay Abkári Act, 1878, in manner hereinafter appearing; It is enacted as follows:—

1. This Act may be cited as "The Bombay Abkári Act Amendment Act, 1899."  
Short Title.

No. V of 1878. Amendment of heading to Part IV. 2. In the Bombay Abkári Act, 1878, hereinafter called the said Act, for the heading to Part IV thereof there shall be substituted the following, viz.:—

v.—111

#### "IV.—Cultivation and Manufacture."

3. In clause (9) of section 3 of the said Act after the word "bháng," there shall be inserted the word "charas" and after the figure "1878", there shall be inserted the following, viz.:—

"and

"hemp" means any variety of the hemp plant from which intoxicating drugs can be produced."

4. In sections 9, 10, 11, 13, 37 and 40 of the said Act after the word "liquor" wherever it occurs there shall be inserted the word "hemp."  
Amendment of sections 9, 10, 11, 13, 37, and 40.

5. In line 1 of section 12 of the said Act after the word "liquor" there shall be inserted the word "hemp."

Amendment of section 12.

6. In section 14 of the said Act for the first word thereof there shall be substituted the following, viz. :—

Amendment of section 14.

"No one shall cultivate hemp and no".

New section after section 14.

7. After section 14 there shall be inserted the following section, viz. :—

"14A. Government may from time

Power of Government to prohibit, &c., cultivation of hemp and preparation of intoxicating drugs.

to time by notification in the *Bombay Government Gazette*, in respect of the whole or any

part of the Presidency of Bombay, prohibit absolutely or except under and subject to the terms and conditions of a license granted under section 14,

(a) the cultivation of hemp,

(b) the production or preparation of intoxicating drugs from hemp so cultivated;

and may, in like manner, cancel or vary any such notification."

8. In section 16 of the said Act after the words "no liquor" there shall be inserted the following, viz. :—

Amendment of section 16.

"No hemp";

and for the second proviso to the same section there shall be substituted the following, viz. :—

"Provided, further, that no such license shall be necessary for the sale—

(1) by a person holding a license under this Act for the possession or cultivation of hemp and making such sale in accordance with the terms of such license, or

(2) by a cultivator or owner of any plant *other than hemp* from which any intoxicating drug is produced, of those portions of the plant from which such intoxicating drug is manufactured or produced, to a person holding a license under this section for the sale of intoxicating drugs, or to a person

duly licensed under this Act to manufacture or to export intoxicating drugs."

9. For section 27 of the said Act there shall be substituted the following, viz. :—

"27. (1) A duty shall, if Government so direct by notification in the *Bombay Government Gazette*, be levied, at such rates and subject to such rules as Government may from time to time prescribe on intoxicating drugs—

(a) produced or manufactured within, or

(b) imported into, or

(c) exported from, or

(d) transported from place to place within the Presidency of Bombay;

and Government may, in like manner, alter or abolish any duty imposed under this section.

(2) Whenever a license is granted under this Act for the manufacture or sale, whether wholesale or retail or both, of any intoxicating drug, such duty shall be levied in consideration of the privilege granted as the Collector acting under the general or special orders of Government thinks fit."

10. After section 27 of the said Act as herein amended there shall be inserted the following sections, viz. :—

New sections after section 27.

Establishment and licensing of bonded and other warehouses and levy of duty on intoxicating drugs on issue therefrom.

"27A. The Governor in Council may from time to time by notification in the *Bombay Government Gazette*,

(a) establish or license bonded or other central warehouses for the storage of intoxicating drugs, and

(b) direct that, subject to such conditions (if any) as he may from time to time impose, the levy of the duty (if any) payable under section 27 on intoxicating drugs in transit to or from or stored in, such warehouses, shall be postponed until such time as may by rule be fixed in this behalf.

Provided that the Collector may, with the previous sanction of Government, temporarily license suitable buildings as village warehouses

Temporary licensing of village warehouses.

for the storage of intoxicating drugs, pending the establishment and licensing of central warehouses in the manner hereinbefore stated, and subject—

(i) to the general or special orders of Government regarding the postponement of the levy of the duty (if any) payable under section 27 on intoxicating drugs in transit to or from or stored in such warehouses, and

(ii) to such rules as may be made in this behalf by the Commissioner under clause (f) of section 35.

“27B. (1) If intoxicating drugs be lodged in a warehouse established under the last foregoing section, the owner shall pay monthly, on receiving a bill or written demand for the same from the Collector or other officer deputed by the Collector in this behalf, warehouse-dues at such rates as the Commissioner may fix.

(2) If any bill for warehouse-dues presented under this section is not discharged within ten days from the date of presentation, the Collector may in discharge of such demand (any transfer or assignment of the drugs notwithstanding), cause to be sold, in such manner as he may think fit, such sufficient portion of the drugs as he may select.

(3) Out of the proceeds of such sale the Collector shall satisfy, first, the duty payable in respect of the drugs sold and, next, the demand in respect of which the drugs were sold, and shall then pay the surplus (if any) to the owner of the drugs on his application :

Provided that, if the drugs fail to produce a sum sufficient to satisfy the said duty and demand, the same shall not be sold, but shall be destroyed by, or by order of, the Collector :

Provided also that the application for such surplus (if any) as aforesaid be made within one year from the date of the sale of the drugs, or that sufficient cause be shown for not making it within such period.

“27C. Any intoxicating drugs warehoused under this Act may be left in the warehouse in which they are deposited, or in any warehouse to which they may in manner hereinafter provided be removed, till the expiry of two years from the date on which they were so

deposited. The owner of any drugs remaining in a warehouse on the expiry of such period shall forthwith clear the same :

Provided that, when the license for a warehouse licensed under this Act is cancelled and the Collector gives notice of such cancellation to the owner of any drugs deposited in such warehouse, such owner shall, within seven days from the date on which such notice is given, remove such drugs to another warehouse or clear them.

“27D. Any owner of intoxicating drugs warehoused under this Act may, at any time within two years from the date on which the drugs were so warehoused, with the permission of the Collector and on such conditions and after giving such security (if any) as the Collector may direct, remove the drugs from one warehouse to another, whether established or licensed by the same or another Local Government and whether under this Act or under any other enactment for the time being in force.

“27E. The Governor in Council may from time to time by notification in the *Bombay Government Gazette* make rules consistent with this Act—

(a) to regulate the time, place and manner of payment of the duties (if any) imposed under section 27 ;

(b) to carry into effect the provisions of section 14, and

(c) generally to carry into effect the provisions of this Part.”

11. After section 31 of the said Act there shall be inserted the following, viz. :—

“And every person taking out a license to cultivate hemp under this Act shall, if called upon by the Collector so to do, give such security for the observance of the conditions of such license as the Collector may require.”

12. For clause (f) of section 35 of the said Act there shall be inserted the following, viz. :—

“(f) for placing the cultivation of hemp, the preparation of intoxicating drugs, and the storage, import, export, transport or removal of liquor, hemp or intoxicating drugs under such supervision as may be deemed necessary for the purposes of this Act, and for carrying into effect the provisions of section 27A or any part thereof.”

13. In clause (a) of section 36 of the said Act after the words “by night, any,” there shall be inserted the word “warehouse,” and after the word “liquor” wherever it occurs there shall be added the word “hemp.”

In clause (b) of the same section after the words “believe that liquor” there shall be inserted the word “hemp.”

In clause (d) of the same section after the word “liquor” there shall be inserted the word “hemp.”

14. In clauses (a) and (b) and (g) of section 43 of the said Act after the word “liquor” there shall be inserted the word “hemp,” and after clause (g) of the same section there shall be inserted the following, viz.:—

“or

(h) cultivates hemp.”

15. In section 53 of the said Act after the words “any liquor” there shall be inserted the following, viz.:—

“or hemp.”

16. For section 54 of the said Act there shall be substituted the following, viz.:—

Amendment of section 54.

“54. All liquor, hemp, mhowra flowers, or intoxicating drugs imported, exported, transported, removed, manufactured, sold, or had in possession, and all hemp cultivated, in contravention of this Act or of any rule or order made under this Act, or of any license, permit or pass obtained under this Act, and

all toddy drawn from any tree in contravention of this Act, or of any such

rule, order, license, permit or pass as aforesaid, and

all liquor, if any, all hemp, if any, all mhowra flowers, if any, and all intoxicating drugs, if any, lawfully imported, exported, transported, removed, manufactured, sold, or had in possession, and all toddy, if any, lawfully drawn, along with or in addition to, any liquor, hemp, mhowra flowers, or intoxicating drugs, imported, exported, transported, removed, manufactured, sold, or had in possession, or along with or in addition to any toddy drawn as aforesaid, and

all stills, utensils, implements or apparatus whatsoever for the manufacture of liquor or of any intoxicating drug used, kept or had in possession in contravention of this Act, or of any rule or order made under this Act, or of any license obtained under this Act, and

all materials collected, or had in possession for the purpose of unlawfully manufacturing liquor or any intoxicating drug, and

the vessels, packages and coverings, in which any liquor, hemp, mhowra flowers, intoxicating drug, still, utensil, implement, apparatus or material aforesaid, is found, and the other contents, if any, of the vessel or package, in which the same is found, and the animals, carts, vessels, or other conveyances used in carrying the same,

shall be liable to confiscation.”

17. After section 58 of the said Act there shall be inserted the following section, viz.:—

New section after section 58.

“58A. In the case of alleged illegal cultivation of hemp, the crop shall not be removed, but shall, pending the disposal of the case, be attached by an Abkiri officer duly empowered in this behalf, and such officer shall require the cultivator to give bail in a reasonable amount (to be fixed by such officer) for his appearance before the Magistrate by whom the case is to be disposed of, and such cultivator shall not be arrested, unless within a reasonable time he fails to give such bail.”

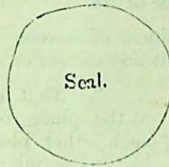
## FORM A.

*Form of License to cultivate Hemp.*

(Name of cultivator and caste) is hereby authorised to cultivate hemp within an area not exceeding acres  $\bullet$  gunthas during the season of 18 , that is until the day of 18 , in Survey No. Pôt No. , of village (Peta, if any) of Tâluka in the district of , subject to the following conditions—

- (a) that he shall not cut the crop before it has been measured by such officer as the Collector may appoint in this behalf;
- (b) that he shall not remove or suffer the crop to be removed except under the provisions of a permit to be granted by the Collector or such officer as he may appoint in this behalf;
- (c) that he shall not sell the crop except to a person holding a license to manufacture under Section 14;
- (d) that before removal, the crop shall be weighed in such manner as the Collector shall appoint.

Dated this day of 189 .



Collector.

*N.B.*— In measuring the above area an excess of 5 per cent. will be allowed for error.

## FORM B.

*Form of License to manufacture, store and sell Intoxicating Drugs by Wholesale.*

of is hereby authorised by the Collector to manufacture, store and sell gánja (or bháng, &c., as the case may be) by wholesale at his warehouse situated at in the village or town of táluka, Collectorate, during the term of one year commencing on the 1st August 189 , and ending on the 31st July 189 , both days inclusive, subject to the conditions hereinafter mentioned, that is to say—

1. That he shall have paid such fee of Rs. as the Collector may prescribe.
2. That he shall not sell the said drug (or drugs) to any person other than a licensed wholesale or retail vendor or a licensed exporter thereof, and shall not permit the same to be transported or removed from the place of sale except under a permit duly obtained after payment of duty under the Bombay Abkâri Act, 1878.
- 3.\* That he shall not sell the said drug (or drugs) in smaller quantities than
4. That this license may be recalled by the Collector in the event of the infringement by the licensee, or by any of his servants or agents, of any of the conditions hereof, or of any provision of the law relating to Abkâri revenue, or of any rule or order framed under any such law for the time being in force.

Dated this day of 189 .



(Signed)

Collector.

\* To be inserted only when the license is granted to a merchant or dealer for wholesale vend.





security for the performance of the counterpart agreement executed in conformity with the tenor of this license as required by the said section, license is hereby granted to the said <sup>of</sup> under and subject to the provisions of the Bombay A'bkári Act, 1878, conferring upon him the sole privilege of selling by retail gánja (or bháng, &c., as the case may be) and of manufacturing and selling such preparation of the same as may be specially allowed by the Collector, namely in the district (or táluka, mahál, &c.) of during the term of one year commencing on the 1st August 189 , and ending on the 31st July 189 , both days inclusive, subject to the conditions hereinafter mentioned, that is to say—

1. That he shall pay monthly in advance on the 1st day of each month, commencing on the 1st August 189 , on account of duty a sum of Rs. into the Government Treasury at
2. That all risks of loss from failure of seasons or from any other cause whatsoever shall be borne by him, and he shall make all payments of duty as aforesaid from time to time as they fall due, without any excuse or claim for compensation whatever.
3. That he shall keep a shop only at the place noted in the margin, and that he shall keep his shop open daily during authorized hours.
4. That he shall, subject to the Collector's approval, make his own arrangement for obtaining supplies of the intoxicating drugs which he is hereby licensed to sell; provided always that he shall not purchase the same from any person in the Presidency of Bombay who does not hold a license for the wholesale vend thereof; and that if he wishes to import or to transport or remove any intoxicating drugs, he shall be subject in doing so to all the provisions of the Bombay A'bkári Act, 1878, and of the rules and orders in force thereunder.
5. That he shall forthwith destroy or dispose of in any manner open to him otherwise than by retail sale in his shop any intoxicating drugs in his possession which, in the opinion of the Collector, may be of bad quality and likely to be obnoxious to the health of the consumers; and that he shall dispose of refuse and stalks in such manner as the Collector shall direct.
6. That any stock of intoxicating drugs which he is hereby licensed to sell which may remain unsold in his hands on the expiration of this license on 31st July 189 , or if it should be in the meantime recalled on its being so recalled shall, unless in the former case the licensee obtains a fresh license for the retail vend of gánja (bháng, &c., as the case may be) during the year then next ensuing, be the property of Government, and may be taken possession of by the Collector on 1st August 189 , or immediately upon the recall of the license, as the case may be.
7. That he shall sell intoxicating drugs in virtue of this license only at the shop hereinbefore specified and, unless with the previous written sanction of the Collector, will keep such drugs only at the said shop.
8. That he shall from time to time submit to the Collector, for his approval, the name, age, and address of any person whom he proposes to employ at his shop, and shall forthwith supply each person with a nokarnáma or certificate of appointment which shall be countersigned by the Collector, and shall have annexed to it a copy signed by the Collector of the several clauses of this license relating to the keeping of shops, and shall forthwith dismiss from his service any person so employed on being required so to do by the Collector; that he shall not employ any female to sell intoxicating drugs.
9. That he shall not sell to one and the same person on any one day any intoxicating drugs exceeding in the aggregate five tolas in the case of gánja and charas and one-fourth Indian seer or twenty tolas in the case of bháng, unless under the authority and in accordance with the terms of a special order duly made in this behalf under Section 17 of the Bombay A'bkári Act; that he shall not sell any intoxicating drugs to children or to any insane person.
10. That he shall not receive grain, goods, ornaments, wearing apparel or other property in barter or pawn for intoxicating drugs, or sell them on credit.
11. That he shall not open his shop or make sales therein before sunrise; that he shall not keep his shop open or make sales therein after sunset or o'clock p.m., and that he shall not harbour any person therein during the night.
12. That he shall not permit persons of notoriously bad character to resort to his shop; that he shall prevent gaming and disorderly conduct therein, and that he shall give information to the nearest Magistrate or Police Officer of any suspected person who may resort to his shop.





3. Section 10 will insert a number of new provisions (sections 27A to 27E) in the Act so as to establish bonded or other warehouses for the storage of intoxicating drugs, postponing until such time as may be fixed by rule the levy of the duty (if any) payable on them when so stored. Provision is further made for the framing of rules by Government to regulate the time and place of payment of duty and, generally, to carry into effect the provisions of section 14 of the Act (cultivation of hemp and manufacture of intoxicating drugs under license). By section 12 power is also given to Commissioners to make rules (under clause (f) of section 35 of the Act) regarding the storage, import, &c., of hems and the provisions of new section 27.

4. Section 11 of the Bill provides that every person taking out a license to cultivate hemp shall, if called upon, give such security for the observance of the conditions of his license as the Collector may require. Section 17 lays down the procedure to be followed in the case of alleged illegal cultivation of hemp.

5. Since several alterations have been made in section 54 of the Act it has been held advisable to redraft the whole section, which appears, in its new form, in clause 16 of the Bill.

6. The remaining sections purport to make consequential amendments, such as the insertion of the word "hemp" in several of the sections of the Act which dealt only with "liquor" and "intoxicating drugs."

7. Appropriate forms of license are appended to the Bill, *e. g.*, Form A for the cultivation of hemp and Forms B, C and D for the manufacture, storage and sale (both wholesale and retail) of intoxicating drugs. In Forms C and D, it is provided *inter alia* that no female is to be employed to sell such drugs (wholesale or retail) and in Form D that no such drug shall be sold to children or to any insane person.

6th December 1898.

(Signed) H. E. M. JAMES.

*By order of His Excellency the Right Honourable the Governor in Council,*

C. G. H. FAWCETT,

Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

*Bombay Castle, 15th December 1898.*