

THE



Bombay Government Gazette.

Published by Authority.

FRIDAY, 29TH JANUARY 1892.

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." The dates of publication to be reported.)

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 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. 1 of 1892.

A Bill to amend the Bombay Abkári Act (Bombay Act V of 1878).

WHEREAS it is expedient to amend the Bombay Abkári Act, 1878; It is enacted :

1. This Act may be cited as the "Bombay Abkári Act Amendment Act, 1892", and shall be construed as part of the Bombay Abkári Act, 1878, hereinafter referred to as the said Act.

2. Between sections 18 and 19 of the said Act the following section shall be inserted as section 18-A, namely :—

"V-A.—Special provisions as to Mhowra Flowers."
"18-A. The Governor in Council may from time to time by Notification in the Bombay Government Gazette :

(a) make rules regulating or prohibiting the import into, the export from,

and the collection, transport, carriage, transfer, sale and possession, of mhowra flowers within, the districts of Thána and Kolába and the issue, with or without conditions, and the recall or cancellation of licenses, permits and passes in respect thereof, and

(b) vary or rescind any rule so made :

Provided that no rule under this section shall render any person liable to any punishment under this Act, in respect of any mhowra flowers growing on any tree, or lying on the ground under any tree from which they have fallen."

3. After section 43 of the said Act the following paragraph shall be added, namely :—

"(2) Whoever in contravention of this Act, or of any rule for the time

being in force under this Act, or otherwise than under the authority, and in accordance with the terms of a license, permit or pass obtained under this Act or under any rule made thereunder, collects, imports, exports, transports, carries, transfers, sells or possesses mhowra flowers shall be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both."

4. In the first paragraph of section 45 of the said Act after the words "pass granted under this Act" there shall be inserted the following—

"or any rule for the time being in force thereunder."

5. (1) In paragraph 1 of section 53 of the said Act, after the words "or intoxicating drugs" and before the words "or any such materials" there shall be inserted the following words:—

"or mhowra flowers".

(2) In the second paragraph of section 53 of the said Act after the words "or

pass under this Act" and before the words "shall be responsible" there shall be inserted the following:—

"or under any rule made thereunder."

6. (1) In section 54 of the said Act the words "mhowra flowers" shall be inserted in the following places:—

(a) In paragraph 1 after the words "all liquor" and before the words "or intoxicating drugs";

(b) In paragraph 3 after the words "in addition to any liquor" and before the words "or intoxicating drugs"; and

(c) In the paragraph beginning "the vessels, packages," after the word "liquor" and before the words "intoxicating drugs".

(2) In the same section, paragraph 1, after the words "or of any license, permit, or pass obtained under this Act" there shall be inserted the following:—

"or under any rule made thereunder".

(3) In paragraph 3 after the words "all liquor if any" and before the words "and all intoxicating drugs if any" there shall be inserted the words "all mhowra flowers if any".

STATEMENT OF OBJECTS AND REASONS.

The object of the present Bill is to enable the Governor in Council to prohibit or regulate the traffic and possession of mhowra flowers in the districts of Thána and Kolába. Legislation of this nature was recommended by some of the most experienced officers when the Bombay Abkári Act* was under consideration. It was hoped, however, that no necessity would arise for the restrictions now contemplated. The hope has not been generally realised. Illicit distillation from mhowra flowers continued, especially in the districts of Thána and Kolába. Attempts to check it in those districts were resisted with a violence that led to bloodshed and loss of life. In 1882 and 1884 the matter forced itself on the consideration of Government as calling for legislation. Recently there has been a very serious increase of illicit distillation from mhowra flowers in the Thána and Kolába districts; and the conclusion is forced upon Government that this cannot be effectively checked without bringing the collection, sale and possession of mhowra flowers under control.

2. No interference with legitimate trade or the use of mhowra flowers as a medicine or condiment is contemplated. It is intended that licenses, permits and passes should be granted without payment of fees. It is therefore anticipated that the price of the flowers and the spirit distilled from them will be unaffected by the present Bill.

18th January 1892.

(Signed) C. B. PRITCHARD.

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

C. H. A. HILL,
Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

Bombay Castle, 29th January 1892.