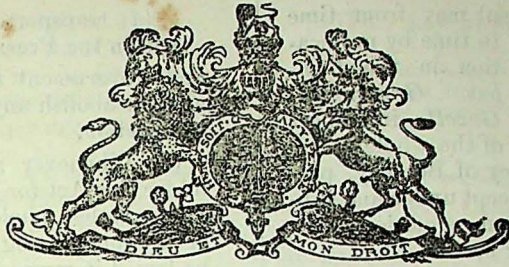


THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 16TH MAY 1901.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 19th March 1901, and the assent of His Excellency the Viceroy and Governor General on the 25th April 1901, and is published for general information:—

Bombay Act No. V of 1901.

An Act to amend the Bombay A'bkári Act, 1878.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 16th May 1901.)

Bo. V of 1878. Whereas it is expedient further to amend the Bombay A'bkári Act, 1878, in manner hereinafter appearing; It is enacted as follows:—

1. This Act may be cited as "The Bombay A'bkári Act Amendment Act, 1901."

Short Title. Amendment Act,

Bo. V of 1978. 2. In the Bombay A'bkári Act, 1878, hereinafter called the said Act, for the heading to Part IV thereof, there shall be substituted the following, viz.:—

"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

IV.—31

"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".

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

New section after section 14.

“14A. Government may from time

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. :—

Amendment of section 27.

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

Temporary licensing of village warehouses.

(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

Payment of warehouse-dues.

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 notice of such surplus (if any) as aforesaid shall be given to the owner of the drugs immediately after such sale, and that the application for the surplus shall be made within one year from the date of the issue of the notice, unless 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

Power to remove intoxicating drugs from one warehouse to another.

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—

Power of Government to make rules.

(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. :—

Amendment of section 31.

“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. :—

Amendment of section 35.

“(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.”

Amendment of section 36.

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. :—

" 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. :—

" 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 A'bkári 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."

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

A. S. A. WESTROPP,

Secretary to the Council of the Governor of Bombay

for making Laws and Regulations.

Bombay Castle, 15th May 1901,