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3/9/58

MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.	2086	Press
~~B.P. No.~~		~~Mts.~~
Dated	25.8.	880 1958

Not to be folded or roughly handled

Further!

Goods 1745 Home of 19. 639
1, 2308 Home of 12. 839

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

25th August 1880, No. 2086.

Opium Act—Police.

Read the following paper:—

No. 126. From Colonel C. S. HEARN, C.I.E., Inspector-General of Police, to the Chief Secretary to Government, dated Ootacamund, 18th August 1880, C. No. 103.

I have the honor to submit, for the orders of Government, the accompanying letter from the Superintendent of Police, Kistna District, regarding the powers of the Police under Section 14 of the Opium Act No. I of 1878. The existing rules appear to convey no specific powers to Police officers.

ENCLOSURE No. 1.

From Major W. H. HOSKINS, Superintendent of Police, Kistna District, to the Inspector-General of Police, Madras, dated Masulipatam, 4th August 1880, No. 243.

I have the honor to submit copy of correspondence with the Acting District Magistrate relating to the powers of the Police under the Opium Act No. I of 1878.

2. It appeared to me that by the wording of Section 14 the Police could not arrest or search without warrant unless specially authorized, and that the Government in their Notification, dated 22nd June 1880, had only authorized the Police to detain consignments of opium not covered by a pass.

3. In the forms of the different licenses it is stated that any Police officer above a Constable may enter a house and the license must be shown to him. This did not seem to me, in the absence of a special order of Government, to be sufficient authority for the Police to arrest and search without warrant.

4. I, therefore, suggested that the Police could only lay information to the Magistrate, and not seize the illicit opium or arrest the person possessing it without warrant.

5. The District Magistrate says that under Section 14 the Police have power to seize opium and to arrest without warrant.

6. I request orders whether the Police are to be instructed accordingly.

ENCLOSURE No. 2.

From Major W. H. HOSKINS, Superintendent of Police, Kistna District, to the District Magistrate, Kistna, dated Masulipatam, 3rd July 1880, No. 106.

Under Section 14 of the Opium Act, which came into force in this Presidency on 1st instant, the Police may, on being duly authorized by Government, search houses for opium liable to be confiscated and arrest any person guilty of an offence relating to such opium, but in paragraph 13 of the rules framed by Government under Sections 5 and 13 of the Opium Act the only authority given to Police officers above the rank of Constable is to examine and detain consignments of opium in transit, I have the honor, therefore, to request that you will be good enough to inform me whether you are of opinion that I may instruct Inspectors and Head Constables accordingly and warn them not to interfere with the sale or possession of opium not in transit.

2. However in the forms for the different licenses it is stated they shall be open to the inspection of the Police.

3. It seems, therefore, that certain Police officers may enter opium shops at any hour of the day without a Magistrate's warrant merely to inspect licenses. If no licenses are forthcoming, I suppose the Police must not seize any opium found there nor arrest any one, but only lay information, under Section 9, to the Division First-class Magistrate. The offences enumerated therein, being punishable with one year's imprisonment (simple or rigorous not specified), are not cognizable by the Taluk or Second-class Magistrate.

4. Large quantities of opium are imported from Indore through Nizam's Territory to Jaggiabpet and distributed from there in several coast taluks. The Police, therefore, should know clearly what duties are expected of them in regard to the transit, possession, and sale of such opium and intoxicating drugs.

ENCLOSURE No. 3.

From J. KELSALL, Esq., District Magistrate of Kistna, to the Superintendent of Police, Kistna District, dated Guntur, 29th July 1880, No. 453.

Your letter, No. 106, of the 3rd instant. I do not see any difficulty. You observe, "if no licenses are forthcoming, I suppose the Police must not seize any opium nor arrest any one, but only lay information."

2. Section 14 of the Act gives Policemen not inferior in grade to Head Constable power both to seize opium and to arrest if unlawfully kept.

No. 127. ORDER THEREON, 25th August 1880, No. 2086.

The rules framed by Government under "The Opium Act, 1878," have been framed under Sections 5 and 13 only. No authorization has as yet been given under Section 14. It is given now under the terms of that section to all officers of the departments named superior in rank to a Peon or Constable.

2. By Section 15 it is observed that any officer of the departments specified has already, without any authorization of the Government, power to seize opium in open places, and to detain and search offenders against the Act, and if such persons have opium in their possession, then to arrest such persons.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Inspector-General of Police.
" the Commissioner of Police.
" all District Magistrates.
" the Revenue Department.

Ed. J. W. Fischer.

Govt. of 1880 Madras.
JUDICIAL.

To
THE INSPECTOR-GENERAL OF
POLICE,
&c., &c., &c.

Dated August, 25th.

Issued

Recd.

Encl.

G.O., 25th August 1880, No. 2086.

AUGUST.
Nos. 126-127.

B
Opium Act—Police.—Orders passed on letter from the Inspector-General of Police submitting one from the Superintendent of Police, Kistna District, regarding the powers of the Police under Section 14 of the Opium Act No. I of 1878.

No. 103

Office of the Inspector General of Police,
Ootacamund 18 August 1880.

From

The Inspector General of Police,

To

The Chief Secretary
to Government
Ootacamund

Sir,

Enclosures.

I have the honor to submit for the orders of Government the accompanying letter from the Superintendent of Police, Kistna District regarding the powers of the Police under section 14 of the Opium Act No. I of 1878. The existing rules appear to convey no specific powers to Police Officers.

I have the honor to be
Your most obedst Serv^t,
C. I. I.
Inspector General of Police.

District Police Office Bikaner
Mandialkaur, 14th August 1880.

Page 243

From The District Superintendent of Police,
Bikaner.

To The Inspector General of Police,
Madras.

Sir,

I have the honor to submit copy of correspondence with the Acting District Magistrate relating to the powers of the Police under the Opium Act No. 1 of 1878.

1. It appeared to me that by the wording of Section 14 the Police could not arrest or search without warrant, unless specially authorized, and that the Government in their Notification dated 2nd June 1880 had only authorized the Police to detain consignments of opium not covered by a pass.

2. In the forms of ^{the} different licenses it is stated any Police Officer above a Constable may enter a house and the license must be shown to him. This did not seem to me in the absence of a special order of the Government to be sufficient authority for the Police to arrest and search without warrant.

4. I therefore suggested that the Police could only lay information to the Magistrate and not seize the illicit opium or arrest the person possessing it without warrant.

5. The District Magistrate says that under Sec. 14 the Police have power to seize opium and to arrest without warrant.

6. I request orders whether the Police are to be instructed accordingly.

I have the honor to be Sir
Your most obedient servant

W. H. Hastings
District Superintendent of Police

W. H.

R. D. 1880
19 AUG 80
From
The Inspector General
of Police,
Madras.

The Chief Secretary
to Government
Colonial

18 Aug 80
10/11/80

Submitted for orders
Letter from S. P. to Police
Magistrate regarding
the powers of the Police
under Section 14 of the
Opium Act No. 1 of 1878
P. G. 25 Aug 80: 2087

126

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No 103 27/19/80

1880 25 Aug 1880

Encl No 1 b3.
Letter from the Chief
of Police dated 18
Aug 1880 No 103.

1880 Dph

For Saint
George Ga.
letter dated
June 22
1880.

No 106.
Kistna Dist Police Office
Masulipatam
3 July 1880

From
The Superintendent of Police
Kistna District.
To
The District Magistrate
Kistna

Sir,
Under Section 14 of the Opium
Act, which came into force in this
Presidency on 1st Instant, the Police
may, on being duly authorized by
Government, search houses for opium
liable to be confiscated and arrest
any person guilty of an offence relating
to such opium. In para 13 of the Rules
framed by Government under Sections
5 & 13 of the Opium Act the only authority
given to Police Officers above the rank
of Constables is to examine & detain
consignments of opium in transit, &
have the honor therefore to request
that you will be good enough to in-
form me whether you are of opinion
that I may instruct Inspectors and
Head Constables accordingly & warn
them not to interfere with the sale or

possession of opium not in transit.

2. However in the forms for the different licenses it is stated they shall be open to the inspection of the Police.

3. It seems therefore that certain Police Officers may enter opium shops at any hour of the day without a Magistrate's warrant merely to inspect licenses. If no licenses are forthcoming, I suppose, the Police must not seize any opium found there nor arrest any one but only lay information under Section 9 to the Division 1st Class Magistrate. The Officers enumerated therein being

prison-
ment (Simple or rigorous not specified) are not cognizable by the Taluk or 2^d Class Magistrate.

4. Large quantities of opium are imported from Indore through Digan's Territory to Jagjialpet and distributed from there in several Coast Taluqs.

The Police therefore should know clearly what duties are expected of them in regard to the transit, possession, & sale of such opium and

intoxicating

intoxicating drugs.

I have &c

/s/ W. H. Hoskins Major

Supt. Police

[True Copy]

W. H. Hoskins Major

Superintendent Police

12

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25 Aug 1890: 2016

paid.

No 4592

District Magistrate's Office
Camp Quarter, 29 July 1890.

From the District Magistrate, District.

To the Superintendent of Police, District.

Sir, your letter to me of the 23rd inst.

I do not see any difficulty. "You observe" if no licenses are forth-coming, I suppose the District must not issue any licenses, nor must anyone but only information."

2. Section 14 of the Act gives Police men, not inferior in grade to Head Constable power both to seize opium and to arrest if unlawfully kept.

I have the honor to be Sir
your most obedient servant

/Signed/ John Belkall
District Magistrate.

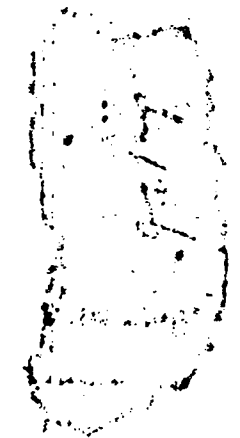
/True Copy/

W. H. ... Major
District Superintendent of Police

12

13

14



15

Judicial DEPARTMENT.

No. 2789

From the Superintendent of Police.

of 18th August 1880. C. N. 103.

Submitting for orders letters from Superintendent of Police Rangoon District regarding the provisions of the Police Order Section 14 of the Police Act 1870.

FOR ORDERS.

25 Aug 80
2086

The Rules framed by Govt. under the Opium Act 1870 have been framed under S. 5 and 13 only - No authorisation has as yet been given under S. 14 - It is given now under the terms of that Act to all Officers of the Dept. engaged in supervision in rank to a person or Constable.

2. As S. 15, this is reserved for

19/8/80

11/11/80

12
already,

Any Officer of the Dept.
specified has pursuant to any
authorization of the Govt,
power to seize opium in
open places, & to detain &
seize ~~such~~ offenders
under the Act, and if
such persons have opium
in their possession, then to
arrest such persons.

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J. 11/8/0.

To the Inspector General of Police &
Chief of Police

All District Magistrates &
The Prov. & Pl. C.

11-170.

FOR ORDERS.

22/8

R23/8

22/2/15
5.7.5211 ✓

Transferred
Govt. of (1880) Madras.

will
✓ *for E (good)*

G.O., 25th Sept 1880, No 2086

Nos. 126-127

Opium Act. Police.

Orders passed on letter
from the D. G. of Police
in reply one from the D. G. of
Police K. K. K. & Co. of
the powers of the Police
under Section 14 of the
Opium Act 221 of 78.