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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue

DEPARTMENT

G.O. No.
B.P. No.

277

Press
Mis.

Dated

2.2.1896

190

Not to be folded or roughly handled

*Proceedings of the Madras Government, Legislative Department,
24th January 1876.*

Indian Opium Bill.

Read again letter from the Government of India in the Financial Department, dated 18th August 1875, No. 2777, in G.O., Legislative Department, 17th November 1875, No. 56.

Read also the following papers:—

No. 9. From W. STOKES, Esq., Secretary to the Government of India, Legislative Department, to the Hon. D. F. CARMICHAEL, Officiating Chief Secretary to Government, Fort St. George, dated Fort William, 19th November 1875, No. 653.

I am directed to invite your attention to my letter, No. 493, dated the 13th September last, and to request that the opinion therein called for, on the provisions of the Bill marginally noted, may be communicated to the Government of India in this Department without delay.

No. 10. Proceedings of the Board of Revenue, dated 30th November 1875, No. 3258.

Read the following Proceedings of the Madras Government, dated 17th November 1875, No. 56, Legislative Department:—

ABSTRACT.—*Indian Opium Bill.*—The translation of this Bill with Statement of Objects and Reasons ordered to be published in the *Fort Saint George Gazette*, and the Board of Revenue requested to submit their opinions on the Bill.

THE Bill of the Government of India provides fully for restricting the trade and transport of opium, and, until rules are framed under it, the Act will be absolutely repressive. It, however, says nothing as to other intoxicating drugs and preparations, of which all descriptions were affected by the Madras Bill.

2. A local Act for the regulation of traffic in such drugs will therefore still be necessary, unless the Government of India can be induced to enlarge the scope of their Bill, and to give a general power to local Governments to frame rules for the purpose similar to that proposed to be given as regards opium. The Board think that they should be requested to do this, but are not aware how far it would affect laws on the subject already in force in other provinces.

3. Nearly all the matters provided for in the Madras Bill would properly form the subject of rules to be framed under the Government of India Act. Such are those connected with licenses (Sections 1, 3—11, 15); with cultivation and exceptions from the operation of the Act (Sections 18—20); with contravention of licenses and adulteration (Sections 12—16, 21); with the disposal of confiscated goods, fines and penalties, and rewards; with appeals and farming the duties levied (Sections 22—31). But the Board are of opinion that the provisions of the Madras Bill which give special powers to officers of different classes in view to the detection and prosecution of offenders under the Act (Sections 22—31), and impose penalties on persons guilty of abuse of power (Sections 32—36), ought to find place in the Act itself. They are very necessary provisions, but relate to matters which should

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not be left to the discretion of the executive Government. No such regulations could be issued under the powers conferred by the Government of India Bill in its present shape, and they should either be embodied in the Act or express powers taken to issue them, or similar rules.

(True Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 11. ORDER THEREON, 24th January 1876, No. 5.

It is observed that the Imperial Bill to amend the law relating to Opium does not supersede so much of the Bill before the local Legislature on the subject of intoxicating drugs as affects Hemp and its preparations.

2. Adverting to the correspondence noted in the margin, it still appears desirable that power should be taken by legislation for regulating the traffic in this Presidency in Ganja, Bhang, and other preparations of hemp. There are three ways of affecting this object, viz. :—

I.—By enlarging the scope of the Imperial Bill to amend the law relating to Opium, and extending its provisions to hemp and other intoxicating drugs.

II.—By carrying forward the Madras Bill for regulating the manufacture and sale of intoxicating drugs, expunging therefrom all provisions affecting opium.

III.—By amalgamating the provisions of this Bill with a revised Abkari Act for this Presidency, which is now under consideration.

3. In their Proceedings of the 9th June 1875, No. 1561, paragraph 15, the Board of Revenue advised the third course. In their present Proceedings, dated 30th November 1875, the Board advise the first course.

4. A letter will now be addressed to the Government of India, in the Legislative Department, approving the principle of the Imperial Opium Bill, and suggesting, with reference to the necessity to provide by legislation for the restraint of trade in hemp and intoxicating drugs other than opium, that this Government be left at liberty to carry forward their Bill in the manner proposed, or to amalgamate its provisions with a revised Abkari Act, as may seem to them the most suitable to the circumstances of this Presidency; and a copy of the letter will be forwarded to the Financial Department in reply to the letter from the Government, dated 18th August 1875, No. 2777.

(True Extract.)

To the Board of Revenue.
„ Revenue Department.

Exd. T. O'Connor.

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Revenue Department
No 361

Govt. of 1876
LEGISLATIVE

THE BOARD OF REVENUE

40

Dated January, 24th.

Jan. 27

Recd. 28

AC. 3

G.O. 24th January 1876, No 5

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JANUARY.
Nos. 9-12.

Indian Opium Bill.—The observations of the
Madras Government on this Bill directed to be
submitted to the Government of India.

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Lodged

23rd Feb 76