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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	2035	Press
B.P. No.		Mis. ✓
Dated	28.8.1876	496

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Bills—Legislative.

No. 55. *Read the following letter from W. STOKES, Esq., Secretary to the Government of India, Legislative Department, to the Honorable W. HUDLESTON, Chief Secretary to Government, Fort Saint George, dated Simla, 21st July 1876, No. 491:—*

I am directed to forward, herewith, three copies of the Bill and Report noted on the margin, and to request that His Excellency the Governor in Council will favor the Government of India in this

Department, at an early date, with an expression of his opinion on the provisions of the Bill in its second stage.

2. I am also to request that the Bill and Report be published in the *Fort St. George Gazette* in English and such other languages as His Excellency in Council may think fit, and that the dates of such publication may be communicated in your reply.

LEGISLATIVE DEPARTMENT.

We, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Opium was referred, have the honor to report that we have considered the Bill and the papers noted in the margin.

2. We think that the proposed Act should come into force throughout British India on 1st January 1877.

3. Act No. VII of 1836 declared that the legality of acts done under the two Bombay Regulations which the Bill proposes to repeal should not be questioned in any Court of law. That Act was repealed by Act VIII of 1868, but not so as to restore the jurisdiction thus withdrawn. We have endeavoured to maintain the present state of affairs by declaring that the reference made in Act No. VII of 1836 to those Regulations shall be read as if made to the corresponding provisions of the Bill.

4. We have defined "opium" so as to include poppy-heads and all intoxicating drugs prepared from the poppy, and "Magistrate" so as to confine criminal jurisdiction under the proposed Act to Presidency Magistrates and (in the Mofussil) Magistrates of the first class.

5. We have repealed and consolidated all extant enactments relating to opium, except the local and departmental rules contained in Sections 3 to 31 of Act XIII of 1857. The Bill, accordingly, now not merely authorizes the Local Government to make rules as to poppy-cultivation and the possession, transport and sale of opium, it also provides rules as to the import, export, and warehousing of opium; and it empowers the Local Government, with the previous sanction of the Governor-General in Council, to prohibit or permit poppy-cultivation and the manufacture,

*Note by the Hon. Sir W. Muir, dated 2nd Sept. 1875.
Despatch from Secretary of State, No. 43, dated 31st August 1875.
From Chief Commissioner, Oudh, No. 3478, dated 27th September 1875.
" Secretary to Government, North-Western Provinces, No. 152-A, dated 4th October 1875.
" Chief Commissioner, Assam, No. 3464, dated 28th September 1875.
" Officiating Secretary to Chief Commissioner, Central Provinces, No. 3787-165, dated 21st October 1875, and enclosure.
" Secretary to Government, Panjáb, No. 2186, dated 29th October 1875.
" Bengal, No. 2643, dated 10th November 1875.
" Chief Commissioner, British Burma, No. 1933-400, dated 14th November 1875.
Endorsement, Financial Department, No. 2974, dated 14th December 1875, forwarding despatch from Secretary of State, No. 46, dated 21st October 1875.
From Officiating Secretary to Chief Commissioner, Mysore, No. 7586-6J, dated 18th January 1876.
" Govt. of Madras, No. 6, dated 24th January 1876.
" Bombay, No. 1498, dated 8th March 1876, and enclosures.
Suggestions by J. R. Naylor, Esq.
Demi-official from Collector of Salt Revenue, Bombay, dated 27th March 1876.
From Acting Commissioner of Customs, Bombay, No. 1540, dated 30th July 1874, and enclosures.
Extract from the Proceedings of the Government of Bombay, No. 5448, dated 14th October 1874.
Extract from the Proceedings of the Government of Bombay, No. 119, dated 9th January 1875.
From Acting Chief Secretary to the Government of Bombay, No. 3330, dated 6th June 1875.*

*Proceedings of the Madras Government, Judicial Department,
7th August 1876. No. 1615.*

possession, transport, import, export, or sale of opium, to make rules as to the manufacture, import, or export of opium, as to its safe custody and removal when warehoused, as to the disposal of things confiscated under the proposed Act, and as to rewards to officers and informers.

6. The penalties incurred for contravening the proposed Act, or any rule made thereunder, are a year's imprisonment, fine for Rupees 1,000, or both; and where a fine is imposed, we have required (in accordance with Bombay Regulation XXI of 1827, Section 7) the convicting Magistrate to direct the offender to be imprisoned in default of payment for a term which may extend to six months.

7. We have extended the power of confiscation to the whole of the opium which an offender against the rules as to transport, import or export, is transporting, importing or exporting, as the case may be; and, when the offence is against the rules as to sale, to the whole of the opium in the offender's possession.

8. We have declared that, in prosecutions under the proposed Act, all opium for which the accused is unable satisfactorily to account shall be presumed to be opium in respect of which an offence has been committed.

9. When an offender against the Act is not known, or cannot be found, or when poppies or opium not in the possession of any person cannot be satisfactorily accounted for, we have provided for an inquiry and confiscation by the Collector of the district, or other proper officer.

10. We have empowered any duly authorized officer of any of the departments of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a Peon or Constable, on receiving written information that opium is unlawfully kept in an enclosed place, to enter, seize, and arrest; and we have empowered any officer of any of those departments to seize opium carried in an open place, which he has reason to believe liable to confiscation, and to arrest the person carrying it. We have required these officers to assist each other.

11. We have provided for the issue of warrants for arrest or search, and for the disposal of persons arrested and things seized.

12. We have provided a penalty for vexatious searches, seizures, and arrests under the proposed Act, and we think that every officer making an arrest or seizure should within forty-eight hours report the particulars to his official superior.

13. We have also provided, in places where Act XIII of 1857 is not in force, for the attachment of a poppy-crop alleged to be illegally cultivated.

14. Lastly, we have declared that arrears of taxes, &c., due under the proposed Act or rules, and arrears due from farmers of opium-revenue, may be recovered as if they were arrears of land-revenue.

15. The publication ordered by the Council has taken place; but the Bill has been so much altered that we think that it should be republished, with this report, in the *Gazette of India* and in the local Gazettes.

SIMLA,
26th June 1876.

W. MUIR.
R. H. DAVIES.
A. HOBHOUSE.
JOHN INGLIS.
T. C. HOPE.
F. R. COCKERELL.

No. 56.

ORDER THEREON, 7th August 1876, No. 1615.

Ordered that the Bill to amend the law relating to opium (in its second stage) and the Report of the Select Committee thereon, received with the foregoing letter, be referred to the Revenue Department, in view to the opinion of the Revenue Board, and of such officers as they deem fit to consult, being invited and reported, at as early a date as practicable, on the provisions of the proposed enactment.

*Proceedings of the Madras Government, Judicial Department,
7th August 1876. No. 1615.*

2. Copy of the Bill and of the Report of the Select Committee will be furnished to the Advocate-General, with the request that he will submit, at an early date, any remarks he may have to offer through the Revenue Department.

3. The Bill and the Report will also be published in three issues of the *Fort St. George Gazette* in English and in the different Vernaculars; and the dates of publication will be reported to the Government of India in replying to this reference.

(True Extract.)

W. M. Wright
Chief Secretary

To the Revenue Department.
„ the Advocate-General.
„ the Superintendent of the Gazette Press.
„ all Translators to Government.

Ed. J. Wright.

208 delivered at Madras Office

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14. To the O'Connell & Co. on 29 August

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JUDICIAL.

THE REVENUE DEPARTMENT.

Dated August 7th.

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Recd. 25th

G.O. 7th August 1876, No. 1015.

AUGUST.
Nos. 55-56.

Bill—Legislative.—The Bill to amend the law relating to opium (in its second stage) and the Report of the Select Committee thereon, referred for the opinion of the Board of Revenue, &c., and the Bill, and the Report ordered to be published in the Fort St. George Gazette.

Communicated to the Hon. Secy of Govt. of Madras, 20th August 1876.

20 August 1876

DEPARTMENT

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

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