

The U.P. Opium Smoking Rules, 1935

UTTAR PRADESH

India

The U.P. Opium Smoking Rules, 1935

Rule THE-U-P-OPIUM-SMOKING-RULES-1935 of 1935

- Published on 1 April 1935
- Commenced on 1 April 1935
- [This is the version of this document from 1 April 1935.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Opium Smoking Rules, 1935Published vide Notification No. 337-3/13-95, dated 1st April, 1935In continuation of Notification No. 488/XIII-95, dated the 14th March, 1935, it is hereby notified that, in exercise of the powers conferred by Section 10 (1) of the Uttar Pradesh Opium Smoking Act, 1934 (Act III of 1934), the Governor, acting with his Ministers, is pleased to make the following Rules :

1.

These rules shall be called the Uttar Pradesh Opium Smoking Rules, 1935, and shall come into force from 1st August, 1935.

2.

In these rules, unless there is anything repugnant in the subject or context,-(a)"the Act" means the Uttar Pradesh Opium Smoking Act, 1934 (Act III of 1934);(b)"an authorised agent" means a person who has been authorised in writing to represent an "opium smoker";(c)"tola" means a weight of 180 grains.

3.

(a)An application for the registration of an opium smoker shall be made either by the opium smoker himself or by his authorised agent :Provided that where an application is submitted by an authorized agent, the officer receiving the application must be satisfied as to the identity of the applicant and the genuineness of his signature or thumb-impression or identification mark.(b)An application for registration shall be submitted in Form A appended these rules and shall contain all the particulars provided in the form; forms may be obtained free of cost from the Collector's office.(c)An application for registration shall be submitted to such gazetted officer as the Collector may determine.

4.

(a) A register of opium smokers in Form B appended to these rules shall be prepared and maintained in accordance with the directions of the Collector. (b) Every entry and every correction of an entry in the register shall be signed by such gazetted officer as the Collector may authorize in this behalf. (c) Relevant extracts from the register will be sent to the Excise Inspectors of the circles in which registered smokers concerned reside.

5.

The register mentioned in Section 3 (3) of the Act shall be closed on 31st December, 1936, and no fresh entry shall be made therein after such date without the previous sanction of the Excise Commissioner.

6.

No registered smoker shall manufacture or possess prepared opium at any one time in excess of $\frac{1}{2}$ a tola in weight.

7.

The Collector shall supply each registered opium smoker with a permit in Form C appended to these rules free of charge. For subsequent copies of such permit a fee of Re. 1 shall be charged for each.

8.

If a registered opium smoker intends to change his place of residence permanently, he shall, before leaving the district, report the change to the Collector of the district in which he is registered, stating the date from which and the district in which he intends to take up his residence.

9.

If a registered opium smoker changes his residence permanently, he shall, within 30 days of the date of the report of such change under Rule 8, produce his permit before the Collector of the district in which he has taken up his residence.

10.

If a registered opium smoker fails to comply with any of the conditions set forth in these rules, his permit will, in the absence of a satisfactory explanation, be liable for cancellation by the Collector and/or to suspension for such period as he may decide.

11.

Any prepared opium or any instrument or apparatus in respect of, or by means of which an offence under the Act has been committed or any receptacle, package, or covering in which such prepared opium, instrument or apparatus was found and any other contents or receptacle, package, or covering shall, on confiscation under Section 24 of the Act, be destroyed by the Court after the period of appeal has expired or, if any appeal has been made, until the appeal has been decided :Provided that if the thing be of a perishable nature it may be disposed of immediately. All other articles so confiscated shall be disposed of by the Collector by public auction and the sale proceeds shall be credited to departmental fines and forfeitures.

12.

The Magistrate trying the case may direct the whole or part of any fine which is recovered on a conviction under the Act to be paid as a reward to any person or persons who have contributed in any way to the conviction. The balance, if any, of the fine recovered shall be credited to "Law and Justice".

13.

If on conviction under the Act a fine has not been imposed or the fine imposed is not recovered, the Collector may grant a reward not exceeding Rs. 100, from the fund placed at his disposal for rewards in opium cases. If the Collector considers that in any particular case this sum is sufficient, he may, with the previous sanction of the Excise Commissioner, grant a larger reward not exceeding Rs. 100 in amount.

14.

The Excise Commissioner may grant any sum as a reward of his own accord from the funds placed before it at his disposal for rewards in opium cases.

15.

In Kumaun Division, Kanungos shall exercise the powers and perform the duties vested in officers of the Excise Department not below the rank of an Inspector.

16.

The powers of the Collector under these rules may be delegated by him to any gazetted officer of the district with the previous sanction of the Excise Commissioner. Form A[See Rule 3 (b)]Application for registration under the Uttar Pradesh Opium Smoking Act. 1934

- 1. Name in full, religion, nationality, occupation.**
- 2. Age on the date of application.**
- 3. Evidence of age, if any.**
- 4. Identification marks, photograph of the applicant.**
- 5. Father's name, also husband's name in case of female.**
- 6. Permanent address.**

In towns The number of the holding, and the name of street or lane or of the locality. In rural areas

- 1. Name of the village, pargana and tahsil.**
- 2. Police station.**
- 3. Post office.**

*7. Name, occupation and address of the authorised agent, if any.*8. Signature of the authorised agent.*9. Signature of persons identifying the applicant and the genuineness of his signature or thumb-impression.

10. Date of application.

Signature of the applicant or his thumb-impression. Note.-Items 7, 8, 9 marked with asterisk (*) are to be filled only when the application is made by an authorised agent but not otherwise. In such case the agent's written authority should be attached to the application, together with the Collector's order permitting the agent to submit the application. Form B[See Rule 4 (a)] District.....Register of Opium Smokers

- 1. Serial No.**
- 2. Name in full, caste or community, occupation and religion.**
- 3. Age.**

Father's Name Husband's Name

4. Permanent address.

{ Police Station.
Village.
Mohalla or tola.

5. Identification marks, or thumb-impression or photograph.

Signature of Collector.

District Statement of change of residence Initials of Collector

Address New serial Number in the district if any

1.2.3.4.5.

Result of verification addresses. Date of Inspection. Name of Inspector/Officer. Form C [See Rule 7] Permit

1. Serial number in the registers of smokers.

2. Name of the registered smoker, his religion, nationality and occupation.

3. Age.

4. Father's name, in case of women, also husband's name.

5. Permanent address.

6. Identification marks or photograph.

Collector. Subsequent change of address

1.2.3.4.5.6.

Subject to the orders of the Collector, this permit shall remain in force so long as the holder of this permit performs and abides by the following conditions : Conditions (1) The holder shall manufacture "prepared opium" only from excise opium lawfully possessed. (2) The holder shall not manufacture or possess more than $\frac{1}{2}$ a tola of prepared opium at one time. (3) The holder shall not sell or attempt to sell prepared opium or assist any person, whether any registered smoker or not, in the manufacture of prepared opium. (4) The holder shall not open, keep or use any place or permit any place to be used for the purpose of enabling two or more persons, whether registered or not, to meet together to smoke prepared opium or shall not remain in charge or manager or in any way assist in conducting the business of any place used or kept for the said purpose. (5) The holder shall not assemble in any place with any other person whether registered or not, for the purpose of smoking prepared opium. (6) If the holder intends to change his place of residence permanently, he shall,

before leaving the district, report the change to the Collector of the district in which he is registered, stating the date from which and the district in which he intends to take up his residence.(7)If the holder has changed his residence permanently, he shall produce his permit before the Collector of the district in which he has taken up his new residence, within 30 days of such change.(8)The holder shall produce his permit for inspection by an excise officer not below the rank of an Excise Inspector.N. B.-Infraction of any of the above conditions by the holder of this permit will subject to the holder of the permit to forfeiture of the permit and to all or any of the penalties prescribed by law.