

The Orissa Opium Smoking Rules, 1947

ODISHA

India

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Rule THE-ORISSA-OPIUM-SMOKING-RULES-1947 of 1947

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The Orissa Opium Smoking Rules, 1947In exercise of the powers conferred by Section 25 of the Orissa Opium Smoking Act, 1947 (Orissa Act 16 of 1947) the Government of Orissa is pleased to make the following rules :

1.

These rules may be called the Orissa Opium Smoking Rules, 1947.

2. Order of confiscation or destruction, by whom to be made.

- The order of confiscation or destruction under Section 19 of the Act shall be passed by the Collector of the district in which the article is liable to confiscation or is seized.

3. Disposal of confiscated article.

- If the thing confiscated by opium, or a pipe or an apparatus for the smoking or for the preparation of opium, such thing or things shall be destroyed under the orders of the Collector or the Court ordering confiscation. Any other article confiscated shall be similarly destroyed under the orders of the authorities specified above unless the estimated value thereof exceeds ten rupees in which case it shall be destroyed or sold as the Collector may direct.

4.

The sale or disposal by other means of anything confiscated under the Act shall be deferred until the period of appeal has expired, or if an appeal is preferred until the appeal has been disposed of :Provided that if the thing be of a perishable nature it may be disposed of immediately.

5. Request for aid to other department.

- An Excise Officer requiring the aid of a Police Officer or Revenue Officer in carrying out the provisions of the Act shall, when practicable, make a written request for such aid to an officer of the department not being below the rank of an Officer-in-charge of a police station or a Revenue Inspector or a Chakla Kanungo, as the case may be. When he is unable for any sufficient reason to adopt this course, or when he requires the aid of a village headman for a village watchman he shall make a written request for such aid to the officer or person direct. Every officer or person to whom such a request is made shall be bound to give all reasonable aid himself or to depute one or more of his subordinates for the purpose. All cases in which such a request is made and not complied with shall be reported by the Excise Officer concerned either to the District Magistrate or to the Sub-divisional Magistrate having jurisdiction to take cognizance of such complaint and such Magistrate shall, after making necessary inquiries, prosecute the offender under Section 187 of the Indian Penal Code if satisfied that the refusal to give aid was without sufficient cause.

6. Rewards to informers.

- If a case under the Act ends in conviction in the Court of a Magistrate and fine is imposed on the offender, the Collector may, on the expiry of the period of appeal, grant a reward or rewards to an informer or informers of an amount not exceeding one hundred rupees in all, or the total amount of the fine imposed, whichever is less :Provided that the Collector may, with the sanction of the Excise Commissioner, grant reward or rewards of a amount not exceeding five hundred rupees in all, or the total amount of fine or fines imposed whichever is less.

7. Rewards to higher officials.

- If the Collector proposes to grant a reward to an officer of a status higher than that of a Sub-Inspector of Police or Excise or a Chakla Kanungo or Revenue Inspector he shall first obtain the sanction of the Excise Commissioner.