

ASSAM ACT 1 OF 1933

THE ASSAM OPIUM (AMENDMENT)
ACT, 1933*(Published in the *Assam Gazette* of the 7th June 1933)*An Act to amend the Opium Act, 1878*

Act 1 of 1878. Whereas it is expedient to amend the Opium Act 1878, in its application to Assam for the purpose, hereinafter appearing :

It is hereby enacted as follows:—

1. This Act may be called the Assam Opium Short title (Amendment) Act, 1933.

Act 1 of 1878. 2. In section 9 of the Opium Act, 1878 (hereinafter referred as the principal Act)—

Amendment of section 9 of Act I of 1878.

(i) for the words "on conviction before a Magistrate" and "the convicting Magistrate" the words "on conviction" and "the convicting Court" respectively, shall be substituted.

(ii) for the words "for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both" there shall be substituted the words "which may extend to two years, or with fine or with both"

and
(iii) for the words "six months" the words "one year" shall be substituted.

3. After section 9 of the principal Act, the following new section shall be inserted, namely:—

9A. Whoever having been convicted of an offence punishable under section 9 is again guilty of an offence under that section shall be subject for every such subsequent offence to imprisonment which may extend to four years or to fine.

Insertion of new sections 9A, 9B, 9C, 9D, 9E, and 9F. Enhanced punishment after previous conviction.

9B. (I) Whenever any person is convicted of an offence punishable under section 9 and the Court convicting him is of opinion that it is necessary to require such Person to execute a bond for abstaining from commission of such offence, the Court may, at the time of passing sentence on such person, order him to execute a bond for sum proportionate to his means, with or without sureties for abstaining from the commission of such offences during such period, not exceeding three years, as it thinks fit to fix.

Security for abstaining from commission of certain offences.

*For Statements of objects and Reasons. see *Assam Gazette* 1932, Part V, page 59, for Report of Select Committee see *Assam Gazette*, 1932. Part V, pages 73—76, for Proceedings in Council. see *Assam Gazette* 1932, Part VI pages 808-825-836, 1122, see *Assam Gazette* 1933, Part VI, page 84.

2. The bond shall be in the form contained in the schedule and the provisions of the Code of Criminal Procedure, 1898, shall, in so far as they are applicable, apply to all matters connected with such bond and the non-execution thereof as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

Act V of 1898.

(3) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(4) An order under this section may also be made by an Appellate Court, or by the High Court when exercising its powers of revision.

Punishment for allowing premises to be used for the commission of an offence.

9C. Whoever, being the owner or occupier or having the use of any house, room, enclosure, space vessel, vehicle or place, knowingly permits it to be used for the commission by any other person of an offence punishable under section 9 shall be liable to the punishment provided in that section

Import, export, transport, manufacture, sale or possession by one person on account of another.

9D. (1) When any opium has been imported, exported, transported or sold or is possessed by any person on account of any other person, and such other person knows or has reasons to believe that such import, export, transport or sale was, or that such possession is on his account, that opium shall, for the purpose of this Act, be deemed to have been imported, exported, transported or sold by, or to be in possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person who imports, exports, transports, sells or has possession opium on account of another person from liability to any punishment under this Act for unlawful import, export, transports, sale or possession of opium.

Abetments

9E. Whoever attempt to commit an offence and in such attempt does any act towards the commission of the offence punishable under section 9 or section 9C shall be liable to punishment provided for the offence.

9F. Whoever abets an offence punishable under this Act shall, whether such offence be or be not committed in consequence of such abetment, and notwithstanding anything contained in section 116 of the Indian Penal Code, be punished with the punishment provided for the offence.

Act XLV of 1868.

Amendment of section 14 of Act I of 1873.

4. In section 14 of the principal Act,—

(i) for the words "between sunrise and sunset" there shall be substituted the word "whether by day or by night", and

(ii) in clause (c) after the word "opium" where it occurs for the second time the following words shall be added, namely:—

Eastern Bengal and Assam Act 1910. Act II of 1930.

"and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act or under the Eastern Bengal and Assam Excise Act, 1910 or under the Dangerous Drugs Act, 1930".

5. In section 15 of the principal Act--

Amendment of section 15 of Act I of 1887.

(i) after the word "opium" at the end of clause (a) there shall be added the following words, namely:—

Eastern Bengal and Assam Act I 1910. Act II of 1930.

"and any document or other article which he has reason to believe may furnish evidence of the commission an offence punishable under this Act, or under the Eastern Bengal and Assam Excise Act, 1910, or under the Dangerous Drugs Act, 1930;" and

(ii) in cluse (d) for the words "if such person has opium in his possession" the words "if the search confirms such belief" shall be substituted.

6. After section 20 of the principle Act the following new section shall be inserted, namely:—

Insertion of new section.

"20A. (1) The [State Government]¹ may invest any officer of the Excise Department, not below the rank of Sub-Inspector or any class of such officer, with the powers of an officer in-charge of a police station for the investigation of offences under this Act.

Power to invest Excise officer with powers of an officer in-charge of a police station.

(2) Any confession made to or whilst in the custody of any officer invested under sub-section (1) with the power of an officer in-charge of a police station shall be deemed to be a confession made to on whilst in the custody of police officer".

7. At the end of the principal Act the following schedule shall be inserted, namely:—

¹ Substituted by the A. O. 1950 for Provincial Government which was substituted by the A. O. 1937 for "L.G".

