

## ***Rajasthan Opium Smoking Prohibition Act, 1950***

***(Act No. 7 of 1950)***

[Published in the Rajasthan Gazette (Raj-patra), No. 29, dated July 1, 1950]. (Made by his Highness the Rajpramukh on the 22nd day of May, 1950)

An Act to provide for the prohibition of opium smoking.

Whereas it is expedient to prohibit the smoking of opium and to prevent the assembling of persons for the purpose of opium smoking; It is hereby enacted as follows:-

**1. Short title, extent and commencement** - (1) This Act may be called the Rajasthan Opium Smoking Prohibition Act, 1950.

(2) <sup>1</sup>[It extends to the whole of the State of Rajasthan].

(3) It shall come into force at once.

**2. Definitions** - In this Act, unless there is anything repugnant in the subject or context,

(a) '*Opium*' includes chandu, madak, and every other preparation or admixture of opium which may be used for smoking;

(b) '*Place*' includes a building, house, shop, booth, chhapar, tent, vessel, raft and vehicle and any part thereof.

**3. Opium smoking assembly** - An Assembly of two or more persons is designated an opium smoking assembly is to smoke opium or to prepare opium for smoking purposes:

Provided that a man and his wife shall not be deemed to be an opium smoking assembly within the meaning of this section even if their common object be to smoke opium or to prepare opium for smoking purposes.

*Explanation*- An assembly which was not an opium smoking assembly when it assembled may subsequently become such an assembly.

**4. Member of opium smoking assembly** - Whoever, being aware of facts which render an assembly an opium smoking assembly, intentionally joins that assembly or continues therein, is said to be member of that assembly.

**5. Presumption raised by presence of opium or opium smoking appliance.** - The presence of any opium and of any pipes or apparatus for the smoking of opium or for the preparation of opium for smoking purposes in any place where two or more persons are assembled, shall be held sufficient to raise a presumption that such persons have assembled at such place for the purpose of smoking opium or of preparing opium for smoking purposes.

**6. Penalties for opium smoking etc.** - Whoever-

(a) smokes opium;

(b) gathers, keeps or possesses appliances, pipes, apparatus or instruments used for the purpose of smoking or opium or of preparing opium for smoking purposes, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

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1. Substituted by Rajasthan act no. 27 of 1957

**7. Penalty for being member of opium smoking assembly** - Whoever is a member of an opium smoking assembly shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

**8. Penalty for opening, keeping or having charge of place used for such assembly** - Whoever opens, keeps or uses any place or permits any place to be opened, kept or used, for the purposes of an opium smoking assembly or has the care or management of, or in any way assists in conducting the business of, any place used or kept for the purposes aforesaid shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**9. Penalty when owner fails to give notice of use of place for such assembly** - Whoever, being the owner of any place, and knowing or having reason to believe that such place whether in his actual occupation or otherwise, is being or is about to be used for the purposes of an opium smoking assembly fails, either himself or through his agent or manager, to give the earliest possible notice of such knowledge or belief to the Collector or the officer incharge of the nearest police station or to an Excise Officer shall be punished with a fine which may extend to five hundred rupees.

**10. Enhancement of punishment on second conviction** - Whoever having been previously convicted of an offence under this Act is again convicted of an offence under this Act shall be liable on such subsequent conviction to twice the punishment which might be imposed on a first conviction for such offence.

**11. Search warrants and powers to search** - If a District Magistrate, a Sub-Divisional Magistrate or a Magistrate of the First Class upon information received and after such enquiry (if any) as he considers necessary, has reason to believe that any place is being or is likely to be, used for the purposes of an opium smoking assembly he may issue a warrant to an officer of the Excise Department not below the rank of an Inspector, authorising him (a) to enter such place by day or night with any persons whose assistance such officer may consider necessary; (b) to search all parts of such place in which such officer has reason to believe that any opium or any appliances or apparatus for the preparation of opium or opium smoking are concealed and all or any persons whom he may find in such place; (c) to arrest all persons whom such officer may find in such place, whether they are actually engaged in smoking opium or not; (d) to seize all opium and apparatus, instruments and appliances for opium smoking or for the preparation of opium which may be found in such place.

**12. Application of the Code of Criminal Procedure, 1898 to warrants and searches** - The provisions of the Code of Criminal Procedure, 1898 of the Central Legislature <sup>1</sup>[X X X] shall apply to the execution of warrants and to searches made under section 11

**13. Bail and security** - When any person arrested under this Act is prepared to furnish bail he shall be released on bail or at the discretion of the officer making the arrest on his own bond.

**14. Aid to Excise Officers** - Every officer of the Police and Land Revenue Departments shall be bound to give reasonable aid to any Excise Officer in carrying out the provisions of this Act upon notice given and request made.

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1. Omitted by Rajasthan act no. 27 of 1957

**15. Report to be made in the case of arrest or seizure** - Whenever any officer makes any arrest or seizure under this Act he shall without delay and in any case within forty eight hours forward every person arrested and everything seized with a full report of all particulars of the arrest Or seizure to the Magistrate by whom the warrant was issued.

**16. Confiscation and destruction of opium and things seized** - On the conviction of any person for an offence under this Act the Court may order that any opium or any instrument, apparatus or appliance in respect of, or by means of which such offence has been committed, or any receptacle, package or covering in which such opium, instrument, apparatus or appliance was found, and any other contents of such receptacle, package or covering, shall be confiscated or destroyed.

**18. Bar of certain suits** - No suit shall lie in any Civil Court against the [State Government] or any Collector or Excise Officer for damages for any act in good faith done or ordered to be done in pursuance of this Act.

**19. Power to make Rules** - (1) The <sup>1</sup>[State Government] may make rules to carry out the objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may-

(a) regulate the disposal of things confiscated under this Act, and

(b) prescribe and regulate the payment of rewards out of fines imposed under this Act.

**20. Tender of pardon to accused persons turning approver** - (1) Whenever two or more person are prosecuted for any offence under this Act, the Magistrate may, if for reasons to be recorded by him, he thinks fit, tender to any accused a pardon on condition of his making a full and true disclosure of all facts connected with the offence.

(2) Such accused person shall, on accepting the tender, be a competent witness in the case and shall not be liable to punishment so long as the pardon remains in force.

**21.** <sup>2</sup>[X X X]

By Order of His Highness the Raj  
Pramukh.

Secretary to the Government of  
Rajasthan,  
Law Department,

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1. Substituted by Rajasthan act no. 27 of 1957

2. Omitted by Rajasthan act no. 27 of 1957