

## PART C.—THE INDIAN OPIUM ACT, 1878

1. Charges of offences under section 9 of the Indian Opium Act should specify not merely section 9 which prescribes the penalty for the breach of various rules under the Act, but also the particular rule which the accused is alleged to have broken and so rendered himself liable for punishment under section 9 (c.f. 10 P. R. 1888: 19 P. R. 1891).

Rule broken should be specified.

2. There is no authority conferred by the Opium Act upon a Magistrate to distribute fines amongst person who may have helped in the detection of an offence under the Act. (*see* 13 P.R. 1894).

Distribution of fines among informants and helpers.

3. Section 9 of the Opium Act does not specify the kind of imprisonment that may be awarded on a conviction under the Act. In view of clause (27) of Section 3 of the General Clauses Act, 1897, imprisonment can be of either description defined in the Indian Penal Code.

Imprisonment may be of either description.

4. The court should try to decide cases of Opium smuggling speedily. The seizures of dangerous drugs have to be reported by the Government of India to the United Nations who have also to be kept informed of the final outcome of each case. The question is also included every year on the agenda of the United Nations Narcotics Commission. The delay in the prosecution of these cases leads to unfavourable criticism by the members of this international body. The courts should, therefore dispose of these cases as expeditiously as possible. [Punjab Government letter No. 4437-J(C) 56 /48654, dated the 11th/23rd June, 1956].

Opium cases should be decided expeditiously.