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- (17) Batuk Bhargya, Superintendent, Kalahandi State.
- (66) Rev. Israel Jacob, Missionary.
- (68) Rev. Oscar Lohr, Missionary.
- (22) Vinayak Balkrishna Khare, Excise Daroga.
- (59) Lall Noorpraj Singh, Zamindar.
- (47) Mir Imdad Ali, Honorary Magistrate.

(3) *Prohibition might lead to use of dhatura or other intoxicants worse than ganja.*

- (1) Mr. Neill, Judicial Commissioner.
- (9) Mr. Drake-Brockman, Officiating Excise Commissioner.
- (39) Dr. Prentie, Civil Surgeon.
- (64) Rao Sahib Balwantrao Govindrao Bhuskute, Jagirdar.

580. The Madras witnesses in favour of prohibition are a Civil Surgeon, Madras, a subordinate civil officer, a medical practitioner, Opinions in favour of the prohibition of ganja. a Hindu priest, and six missionaries.

Dr. King (85) says: "The restriction of the sale of ganja under conditions similar to those required for poisonous drugs in Great Britain would be an unqualified blessing to the country, thus contrasting with the action taken against opium, which agitation I believe to be unnecessary and mischievous. I consider special measures should be taken to restrain the use of ganja by sepoys, and especially to prevent the young sepoy from acquiring the habit." In oral examination, however, *Dr. King* stated as follows: "My opinion of the effect of the moderate use in impairing the moral sense and inducing laziness, etc., is a general impression and not based on actual observation. My impression is based on the fact that persons alleged to have been ganja smokers have presented these characteristics. They were pointed out as notorious ganja smokers. I did not discriminate in these cases between the moderate and excessive use."

Syad Mahmud (122) says: "It is an unquestionable fact that ganja, bhang, and charas are poisons, and this fact is admitted by all. In my opinion their suppression would be an act of virtue deserving of future reward, but it is not advisable to suppress their use at once. Its suppression should be regulated under certain rules without any loss to the State. To the best of my knowledge and researches, alcohol cannot be safely used as a substitute for ganja, charas, and bhang."

Rev. Mr. Laflamme (153), speaking on behalf of the Baptist Missionary Conferences of the Presidency, advocates prohibition in these terms: "Owing to the scarcity of shops in these parts, practical prohibition exists. Much that is consumed is consumed illicitly. The introduction of the license system seems to have had no appreciable effect on the use of the drugs. The ganja is nearly all grown by the consumers in their own yards." "The drugs should all be so safeguarded as to prevent or minimize any possible harm resulting from their abuse." "The general sense of the people is opposed to the use of the drugs." So far as the witness can gather, the members of the Mission are united in the belief that in these parts hemp drugs are far less injurious than opium and alcohol;

thus far that the latter are not only much more extensively used, but much more baleful in their effects. Two other missionaries, though neutral in opinion, are worth quoting. *Rev. Mr. Pittendrigh, Missionary (160)*, says that he would have ultimate prohibition in view if possible, but there is not much ground for special interference in anything that he has seen. Another Missionary, the *Rev. Mr. Goffin (145)*, cannot undertake to criticise the present or any system of excise administration. His impression is that Government would be wise to adopt a strictly "let-alone" policy, leaving it to the spread of education and enlightenment among the people to prevent and lessen all its effects. The province of Government should be carefully to watch such effects, and wherever and whenever necessary interfere with prohibitive legislation. Such necessity, however, in his opinion would not often occur.

Opinions against prohibition.

581. Among those who are opposed to prohibition, the evidence of the following witnesses may be quoted:—

(1) Prohibition impossible or unnecessary, or could not be enforced without a large preventive establishment.

- (1) Hon'ble C. S. Crole, Member, Board of Revenue.
- (8) Mr. Willock, Collector.
- (14) Mr. Bradley, Collector.
- (19) Raja K. C. Manevedan, Collector.
- (23) Mr. Campbell, Sub-Collector.
- (30) Mr. Levy, Acting Deputy Collector, Salt and Abkari.

(2) Prohibition would be strongly resented by religious mendicants, or would be regarded as an interference with religion, or would be likely to become a political danger.

- (8) Mr. Willock, Collector.
- (10) Mr. Stokes, Collector.
- (6) Mr. Sewell, Collector.
- (30) Mr. Levy, Acting Deputy Collector, Salt and Abkari.
- (94) Dr. Walker, Civil Surgeon.
- (95) Dr. Sarkies, Civil Surgeon.
- (38) Buddhavarapu Narayana Murthi Pantalugaru, Assistant Collector.
- (23) Mr. Campbell, Sub-Collector.
- (121) H. S. A. M. Manju Miyyah Sahib, Medical Practitioner.

(3) Prohibition might lead to use of dhatura or other intoxicants worse than ganja.

- (23) Mr. Campbell, Sub-Collector.

582. For the prohibition of ganja or charas in Bombay and Sind, we have the following advocates: in Bombay two mamlatdars, a hospital assistant, and a medical practitioner; and in Sind a health officer, two hospital assistants, and a banker. There is not much that need be quoted from the evidence of these witnesses. It may be noted that the Hon'ble T. D. Mackenzie, Commissioner of Abkari, etc. (1), holds that the policy of Government in

Opinions in favour of prohibition of ganja.

Bombay.

relation to the hemp drugs should be one of restriction, as far as restriction is possible, and that, if absolute prohibition were possible, he thinks it would be a good thing. Owing, however, to the fact that the territories of the Bombay Presidency interlace so extensively with foreign territory, and to the feeling which would be aroused among the consumers and those who sympathize with them, it would in his opinion be impossible or undesirable. The Secretary to the Arya Samaj in Bombay (109) states that while fully sympathising with the objects of the Commission, which are apparently understood to be the restriction or prohibition of the drugs, the Arya Samaj "is of opinion that any Governmental action in the direction of further restricting the preparation and sale of the drug will be productive of very little good. The Samaj believes that education of the masses is the only proper and effective remedy for correcting such baneful habits, and fears that any compulsion in this matter is likely to drive the consumers of these comparatively innocuous drugs to the use of more injurious intoxicants that are plentifully supplied to the people like the various preparations containing alcohol." The Samaj prays that the Government will devise measures for the restriction of the sale of European liquor in India, and leave the hemp drugs to themselves. The only thorough advocate of prohibition whose opinion is worth specifying is Rao Sahib Shesho Krisna Madkavi (41), who considers such prohibition very necessary, and holds that, although there would be temporary discontent among the consumers, such discontent would not amount to a political danger, "the people in this part of the country being loyal and of mild nature, and the proportion of the persons using bhang and ganja to the general population being too small to be taken into consideration."

583. On the other hand, the opinions against prohibition are weighty. The following may be specially quoted :—

(1) *Prohibition impossible or unnecessary, or could not be enforced without a large preventive establishment.*

Bombay.

- (1) Hon'ble T. D. Mackenzie, Commissioner of Abkari, etc.
- (3) Mr. Vidal, Chief Secretary to Government.
- (10) Mr. Monteath, Collector.
- (12) Mr. Cuminc, Acting Collector.
- (53) Mr. Vincent, C.I.E., Officiating Commissioner of Police.
- (110) Rai Bahadur Vishvanath Keshava Joglekar, Merchant.
- (108) Daji Abaji Khare, Honorary Secretary, East Indian Association.

Sind.

- (1) Mr. James, Commissioner in Sind.
- (26) Seth Vishindas Nihalchand, Zamindar and Merchant.

(2) *Prohibition would be strongly resented by religious mendicants, or would be regarded as an interference with religion, or would be likely to become a political danger.*

Bombay.

- (1) Hon'ble T. D. Mackenzie, Commissioner of Abkari, etc.
- (2) Mr. Reid, Commissioner.

- (10) Mr. Monteath, Collector.
- (8) Mr. Lely, Collector.
- (59) Mr. Foard, Superintendent of Police.
- (57) Mr. Austin, District Superintendent of Police.
- (54) Mr. Kennedy, District Superintendent of Police.
- (26) Khan Bahadur Dadabhai Dinshaji, Deputy Collector.
- (38) Mr. Almon, Assistant Collector of Abkari.
- (49) Yashvantrao Nilkanth, Superintendent, Office of Survey Commissioner.
- (104) Desaibhai Kalidas, Pleader.
- (46) Balkrishna Narayan Vaidija, State Karbhari.
- (39) Rai Sahib Ganesh Pandurang Thakur, Mamlatdar.
- (110) Rai Bahadur Vishvanath Keshava Joglekar, Merchant.
- (100) Parbhuram Jeewanram, Vaidya.
- (115) Nanu Mian B. Shekh, Municipal Secretary, Surat.

Sind.

- (1) Mr. James, Commissioner in Sind.
- (4) Khan Bahadur Kadirdad Khan, Gul Khan, C.I.E., Deputy Collector.
- (5) S. Sadik Ali, Deputy Collector.
- (26) Seth Vishindas Nihalchand, Zamindar and Merchant.

(3) *Prohibition might lead to use of dhatura or other intoxicants worse than ganja.*

Bombay.

- (1) Hon'ble T. D. Mackenzie, Commissioner of Abkari, etc.
- (6) Mr. Sinclair, Collector.
- (53) Mr. Vincent, C.I.E., Officiating Commissioner of Police.
- (49) Yashvantrao Nilkanth, Superintendent, Office of Survey Commissioner.
- (62) Rao Sahib Pranshankar, Inspector of Police.
- (102) Ramchandra Krishna Kothavale, Inamdar.
- (109) Secretary, Arya Samaj, Bombay.

584. From the minor administrations in Berar, Ajmere, Coorg, and Quetta-Peshin, there are no opinions requiring special notice. The statistical detail has been given in the table in paragraph 569.

585. A general review of the evidence relating to the question of prohibition of ganja and charas brings the Commission to the same conclusion as that which they have framed upon a consideration of the evidence on the ascertained effects alone. The weight of the evidence above abstracted is almost entirely against prohibition. Not only is such a measure unnecessary with reference to the effects, but it is abundantly proved that it is considered unnecessary or impossible by those most competent to form an opinion on general grounds of experience; that it would be strongly resented by religious mendicants, or would be regarded as an interference with religion, or would be likely to become a political danger; and that it might lead to the use of dhatura or other intoxicants worse than

General conclusions in regard to total prohibition of ganja, charas, and bhang.

ganja. Apart from all this, there is another consideration which has been urged in some quarters with a manifestation of strong feeling, and to which the Commission are disposed to attach some importance, *viz.*, that to repress the hemp drugs in India and to leave alcohol alone would be misunderstood by a large number of persons who believe, and apparently not without reason, that more harm is done in this country by the latter than by the former. The conclusion of the Commission regarding bhang has been given in paragraph 564; under all the circumstances they now unhesitatingly give their verdict against such a violent measure as total prohibition in respect of any of the hemp drugs.

586. Failing prohibition, the question arises, what should be the policy of the Government in regard to the hemp drugs? On this point some important evidence has been recorded, and the Commission deem it to be within the scope of their duty to state in general terms their own conclusions. In the first place, then, they are of opinion that in view of the harmful effects produced by the excessive use, and in exceptional cases even by the moderate use, of the drugs, the action of the Government should be directed towards restraining the former and avoiding all encouragement to the latter. The object should be to prevent the consumers, as far as may be possible, from doing harm to themselves and to lessen the inducements to the formation of the habit which might lead to such harm. In aiming at this object, however, other considerations need to be kept in view. There is in the first place the question of illicit consumption. If the restriction imposed by Government is counterbalanced by a corresponding increase in smuggling, no advantage is gained, but, on the contrary, a moral wrong is done to the community apart from the annoyance necessitated by such restrictions. Then, if there is a legitimate use of the drugs, restrictions should not be such as to make the exercise of this use impossible. The Commission have formed the opinion that there is a legitimate use of the hemp drugs, and that it exists generally among the poorest of the population. Again, if the restrictions lead to the use of more deleterious substances, or even drive the people from a habit the evil of which is known to another of which the evil may be greater, they are no longer justifiable. The policy of Government must be tempered by all these considerations, and the neglect of any one of them may lead to serious error.

587. In this connection an objection to the present system, which has been raised by some few of the witnesses, deserves a brief notice. They have laid down the maxim that the Government should not derive revenue from the vices of the people, and starting from this theory they condemn the taxation of the hemp drugs. Now, if the habit of using the hemp drugs were so disastrous as to call for suppression, and such suppression were possible, the conclusion would be just. But this is not the Commission's view, and the policy which the Government has generally adopted of restricting the use by taxation is in their opinion the right one. Taxation by itself does not imply encouragement, though the methods by which it is raised may, if not guarded, tend to encouragement. And this is perhaps the tendency which the witnesses above alluded to mean to criticise. As regards the taxing of intoxicants generally, the Commission cannot do better than quote from a standard work on political economy by Professor Henry Sidgwick (Chapter VIII, paragraph 7): "Generally speaking, it is desirable to select

589. The Commission have considered the question of adopting in respect of ganja, and possibly also of charas, a system of Government monopoly similar to the opium excise system. The Bengal Government considered this question both in 1877 and in 1887, and declined to entertain the proposal. In this province there are now several advocates of the system, *viz.* :—

- (1) Hon'ble D. R. Lyall, C.S.I., Member, Board of Revenue,
- (17) Mr. K. G. Gupta, Excise Commissioner,
- (13) Mr. H. C. Williams, Collector,
- (12) Mr. A. C. Tute, Collector,
- (11) Mr. F. H. B. Skrine, Collector,
- (33) Mr. R. H. Renny, Deputy Commissioner,
- (30) Mr. A. E. Harward, Officiating Collector,

and seven other official and non-official witnesses. And Mr. Nolan, Commissioner, (7), though he is averse to the idea of a Government monopoly, advocates the establishment of a single centre for the whole of India from which the supply of ganja should be issued, its production being prohibited in all other places; and adds that the wants of all India could be supplied from Naogaon. It is almost needless to say that if such a proposal were entertained, the monopoly of supply must rest with the Government, and the Commission are by no means inclined to think that the arrangement would be a good one. The arguments for a Government monopoly are that the control of supply, quality, and price of the drug would be more complete; that Government would secure the profits now enjoyed by wholesale vendors or other middlemen; that consumption would be limited to the minimum demand; and that the cultivators of the plant would be in a better position in having to deal direct with Government. The Commission have given full consideration to these arguments, and have arrived at the conclusion that the objections to the system on the whole outweigh its recommendations, while the objects above enumerated can be sufficiently attained without its adoption. There is in the first place the sentimental objection to Government identifying itself more closely with the traffic—an objection to which, having regard to the best interests of the people, the Commission are not disposed to attach much weight, while, on the other hand, it is most probable, if the measure were adopted, that the motive would be misunderstood and the policy severely criticised by those who are not acquainted with the facts. But the practical objections are more serious. The Government would be undertaking an enormous risk in purchasing the whole of the produce and storing and distributing it to the different provinces. For ganja or charas is a perishable commodity to a greater degree than opium, and the demand for the whole of India and for most of the provinces is very little known. Again, the establishment of such a system would require an amount of attention and detailed administration not only involving large expenditure in the appointment of a separate department, but also much of the time and energies of superior servants of Government which could not be spared from the ever increasing demands of the general administration. Further, the administration of the excise on hemp drugs is in most provinces in a backward state, and the arrangements are by no means ripe for the assumption by Government of operations at present conducted by private enterprise under conditions but imperfectly ascertained. And, finally, such a system would involve complete and

final arrangements with the Native States, which, even if ultimately practicable, would take an indefinite time to elaborate, and would probably be regarded by them with disfavour. All, therefore, that the Commission are prepared to say in favour of a Government monopoly is that after full consideration they are unable to discover any well founded objection to it on the ground of public morality, and that in their opinion the Government need not be deterred from adopting it on this ground if the practical objections which have been mentioned above are in regard to any part of British India either at the present or at any future time deemed to be of less weight than the Commission have attached to them.

590. But while opposed to this amount of interference, the Commission feel
 Supervision by Government of India necessary. strongly that a regulating influence is necessary, and should in future be exercised by the Government of India over the various systems of administration of the excise on hemp drugs which prevail in the different provinces and in the Native States. A standard of administration and taxation is essential to the proper treatment of the whole subject. Existing differences are so great that it will take time to bring about any measure of uniformity, but the Commission, as will be shown hereafter, have found no reason for maintaining the present inequalities, and no serious obstacle to the gradual harmonizing of the different systems.

CHAPTER XV.

EXISTING SYSTEMS DESCRIBED.

591. The various systems of excise administration obtaining in the different provinces have been described in the memoranda which are published in Vol. III Appendices. A brief notice of these systems will be reproduced here, and the question how far they fulfil the conditions of the policy above noted will then be discussed.

592. The law in force in Bengal is contained chiefly in the Bengal Excise Act, VII of 1878, and rules passed thereunder. The principal provisions are as follows :—

Without a license from the Collector, the manufacture of ganja, charas, and bhang, and every preparation and admixture of the same, and the cultivation of plants from which they are produced, are prohibited (section 5).

No person is allowed to sell any of the above drugs or preparations or admixtures of them without a license from the Collector (section 11).

Fees for licenses for retail sale of the above drugs may be fixed by the Board of Revenue, and will be payable accordingly (section 13).

No license fees are leviable for the privilege of wholesale vend. The limit for retail sale is as follows : Ganja or bhang, or any preparation or admixture of the same, one quarter of a sér ; charas, or any preparation or admixture of the same, 5 tolas weight. No licensed wholesale vendor is allowed to sell by retail and no licensed retail vendor is allowed to sell by wholesale, but the same person may hold a license for wholesale and retail vend. The Board may fix a larger quantity as the limit for retail sale (sections 15 and 60).

No cultivator of the plants producing ganja or bhang may sell such plants, or any ganja or bhang produced therefrom, to any one other than a person duly authorized to purchase the same by pass or license from the Collector (section 16).

No person, not being a licensed manufacturer or vendor or a person duly authorized to supply licensed vendors, may have in his possession a greater quantity of ganja, charas, and bhang, or any preparation or admixture of the same, than that specified above as the limit for retail sale (section 17).

The penalty attached to the breach of this provision does not apply to authorized cultivators (section 62).

The Board may, with the sanction of the Local Government, declare that the possession of any foreign ganja, charas, or bhang, or any preparation or admixture of the same, is absolutely prohibited in any specified tract, or that such possession shall be limited to specified quantities, unless a license has been granted for the possession of a larger quantity of such article. The Board may fix the fee or duty payable for such license (section 17-A). Under this section the limit of legal possession of Garhjat ganja has been fixed at 5 tolas.

The Board, with the sanction of the Local Government, may frame rules for prescribing the conditions under which ganja, charas, or bhang, or any preparation

or admixture of the same, manufactured in any part of British India beyond the territory to which the Act extends may be imported, and, where no duty has previously been paid on such articles, the conditions under which they may be imported and bonded within such limits (section 19-A).

The Collector may, with the sanction of the Board, let in farm the duties leviable on the abovementioned drugs, or any of them, in any district or division of a district (section 20).

The Board may prescribe rules for the invitation and acceptance of tenders for such farms, for the requisition of security for the due fulfilment of the engagements entered into by the farmers, and as to the form and conditions of the lease. The Board may regulate the form and conditions of all licenses granted under the Act (section 28).

The Board may frame rules for the grant of licenses or passes to persons purchasing, transporting, or storing ganja, charas, or bhang for the supply of the licensed vendors of those drugs, and may place the cultivation, preparation, and store of such drugs under such supervision as may be deemed necessary to secure the duty leviable thereon (section 35).

593. With reference to the above provisions, the Commission observe that there is no definition in the Act of "manufacture," and that, apart from the provision relating to possession, the collection of bhang from the hemp plant, which hardly comes under the designation of "manufacture," does not appear to be prohibited or controlled.

594. The system which has been elaborated under these provisions of the law will now be briefly described. Though the hemp plant grows spontaneously in many districts of Bengal, this fact does not seem to affect the ganja administration to any great extent, as ganja, except of a very inferior sort, cannot be manufactured from the wild plants. Cultivation of the hemp plant for the production of ganja is only allowed in an area of about 64 square miles in the Rajshahi Division. Every cultivator has to take out a license for which no fee is charged. Within the area above mentioned, which, for the purposes of ganja administration, is placed under the jurisdiction of the Collector of Rajshahi, though it lies in the three districts of Rajshahi, Dinajpur, and Bogra, applications for licenses are granted, unless there be any valid objection, and remain in force for one working year. The average area of ganja cultivation is 2,220 bighas, equal to 740 acres. What follows is in the words of the Hon'ble D. R. Lyall, C.S.I., Member, Board of Revenue: "The cultivation is inspected by supervisors throughout the period of growth, the areas cultivated being compared with the licenses. The cultivator cuts his crop not necessarily under the supervisor's eye, nor does he require to get permission, but he gives 3 days' notice of his intention to cut. The manufacture is done by the raiyat at his own option as to time and place. The supervisors move about and supervise the manufacture as far as they can. Practically the bulk of the manufacture is not completed under the supervisor's eye. When the manufacture is complete, the raiyat carries his produce to his own store under the latter part of rule 11 of section xx of the Excise Manual, page 155, there being no public godown large enough to

receive the whole crop. A license is given to the raiyat describing the quantity and kind of ganja he is allowed to store, and authorizing him to keep it until he disposes of it to a licensed purchaser. The amount is arrived at by the supervisors by inspection of the crop after manufacture and the number of bundles into which it is manufactured. The crop is made up by the raiyat into 2-sér bundles, and by long practice the measurement is wonderfully exact, though it is done by guess. The raiyats' store is generally situated close to his manufacturing ground. The wholesale dealer comes to the *mahal* armed with a license from the Collector of his own district giving the amount he is authorized to export. He makes his own arrangements with the raiyats, visiting any store he likes, and, as far as I know, unaccompanied by a supervisor or any excise officer. Having made his bargain, the dealer brings the ganja to the Government gola, where it is weighed, and the sale recorded on the back of the raiyat's license as well as in the Government books. No pass is required for the removal of the ganja from the raiyats' store to the Government gola. The dealer's consignment is sealed at the Government gola, and then carried by the wholesale dealer under pass to his gola at the head-quarters or sub-division of the place of import. There it is placed under double lock, one being in the possession of the dealer, and the other in the possession of the Excise Deputy Collector. The wholesale dealer sells to the retail vendor at his own price, and the retail vendor sells to the public at his own price, except in one district, where a maximum limit is imposed under the terms of the arrangement with the monopolist. This district is Cuttack. The right of retail vend is sold by auction."

595. The above procedure differs in one important respect from that prescribed in the rules issued by the Board, inasmuch as these rules contemplate the storing of the ganja in a public gola, and there is an exceptional provision permitting storage in a private gola, when a cultivator can satisfy the supervisor that he has a secure private place of his own. He is then allowed to store his ganja there subject to periodical inspection by the supervisor or his assistants. There is no public gola for the storage of the crop, hence the exception has become the rule.

596. Ganja is not ordinarily imported from any other British province into Bengal, but ganja grown in the Orissa Tributary Mahals (Garhjat) is imported under passes in small quantities into the districts of the Orissa Division. The rules as to storage and levy of duty on Rajshahi ganja apply *mutatis mutandis* to Garhjat ganja. Any vendor licensed to retail Rajshahi ganja may sell Garhjat ganja under the same license. The Excise Commissioner states that Garhjat ganja is largely smuggled into Orissa. This subject will be again mentioned further on. With this exception, the growth and trade in ganja in Bengal is fairly under control. The cases of illicit cultivation are few. They are all of a petty description, such as the growing of a few plants (very often only a single plant) in the courtyards of houses more for the purpose of using the leaves as bhang than for manufacturing ganja. Cases of unlicensed sale of ganja, though comparatively numerous, generally represent sales of the excised drug by petty dealers who have obtained their supplies from licensed vendors, and often occur from the licensed shops being too few to supply the local demand. The system in force in the Ganja

Mahal in the Rajshahi Division gives some opportunity for illicit disposal of the ganja, partly owing to the inadequacy of the supervising staff, and partly to the storage arrangements above mentioned; but the principal authorities are of opinion that very little smuggling actually occurs. Mr. Lyall, while admitting that the facility afforded for smuggling constitutes the weak part of the Bengal system, gives the following reasons for his belief that it does not exist to any extent: "One at least is that I have never come across a case of smuggled ganja, though cases of opium smuggling are not uncommon. The safeguards against illicit practices are the concentration of the area of growth and the crop estimate made by the supervisors when the crop is on the ground. The bulkiness of ganja is an additional safeguard as compared with opium. We have never within my knowledge discovered a cultivator disposing of his crop illegally. Of course, if there were collusion between the protective establishment and the cultivators, this safeguard would be of little use; but, as a fact, I believe the establishment is trustworthy."

597. Charas is not made in Bengal. A very small amount is imported from Upper India under passes, and after paying duty is sold by licensed vendors.
- Charas.

598. There is no licensed cultivation of the hemp plant for production of bhang in Bengal. Bhang is either imported from the North-Western Provinces or collected for the market from the spontaneous growth which abounds in Bhagalpur and in districts north of the Ganges, especially Monghyr and Purnea. It has been observed above that this collection of the leaves hardly comes within the term "manufacture," and no license is, therefore, legally necessary for the process. But legal possession of bhang, except by licensed persons, is limited to $\frac{1}{4}$ sér, hence all transactions of any importance require a license. On the other hand, there is no restriction on the use of the hemp plant in its green state. It is only when prepared to be used, stored, or sold as a narcotic or stimulant that it comes under Excise rules. Passes are required for the purchase or obtaining of bhang for export to another district, or for sale, which must be accompanied by a license from the Collector of the district into which the bhang is to be conveyed, or in which it is to be stored. The rules for storage are similar to those for ganja, and a small duty is levied when the bhang is removed from the warehouse to be taken to the shop for retail sale. The extensive growth of the plant in the districts above mentioned renders control of transactions in bhang very difficult, and it is certain that the amount brought to record and dealt with under Excise rules does not by any means represent all the bhang consumed in Bengal. "The use of untaxed bhang," says the Excise Commissioner, "is general." In January 1893 orders were issued by the Excise Commissioner with the object of extirpating the spontaneous growth of the plant, and thus bringing bhang under more efficient excise control; but the orders were cancelled by the Bengal Government in the following June on the ground that the attempt was impracticable, and likely to have no result except petty oppression. There is therefore practically little control over the production and use of bhang in Bengal; and although the revenue from excise bhang has increased considerably, this is mainly owing to the fact that the duty is very low and not worth evading on the part of the licensed vendors.

Bhang.

599. The Act is almost silent on the subject of wholesale vendors.

Wholesale vend.

The agency by which the retail vendors are supplied has grown up from the exigencies of the case. Every wholesale vendor must rent one of the warehouses provided by Government for storing ganja, or must provide one to the satisfaction of the Collector who grants the license. Where warehouses are provided by Government, the Commissioner determines the number of private warehouses, if any, to be licensed. The number of wholesale dealers in any place must not exceed the number of Government and licensed warehouses. Where the number of applicants exceeds the number of Government warehouses, the leases of the latter are put up to auction. These middlemen reap large profits, and to a large extent control the market. They very often combine the functions of retail vendor with those of wholesale vendor. Mr. Price, Collector of Rajshahi, says of them that they superintend the manufacture of the ganja to suit their own tastes, and practically become the owners of the ganja without assuming the responsibilities that devolve on them. He says that their absence from the ganja tract would itself cause the decline of the cultivation. Out of this state of things another class has arisen in the ganja brokers. These men negotiate for the sale of the standing or manufactured crop to wholesale vendors. Forms of licenses to ganja brokers and wholesale vendors have been issued by the Board.

600. For the retail vend of ganja, charas, and bhang separate licenses are

Retail vend.

issued. There is no restriction as to the price at which the drugs are to be sold to the public. The number of shops is fixed by the Collector according to the demand for the drug. The licenses are sold by public auction for one year. Notwithstanding occasional fluctuations, the number of ganja shops has been reduced in the last 20 years from 4,398 to 2,672. The number of charas shops decreased largely down to 1889-90, since when there has been an increase, but not nearly to the former figure. The number of bhang shops has been more stationary. Consumption on the premises is not prohibited. There is no restriction as to the persons to whom the drugs may be sold. Local opinion is not ordinarily consulted regarding the establishment of shops, but attention is paid to any reasonable objection raised against any particular site.

601. The revenue from hemp drugs in Bengal is realized in the form of direct

Taxation.

duty and license fees for the right of retail vend at a fixed shop only. The duties per sér levied on the drugs warehoused are as follows:—

| | | For the province generally. | For the Orissa Division. |
|-------------------|-----|--------------------------------|-----------------------------|
| | | Rs. A. P. | Rs. A. P. |
| Ganja : | | | |
| Chur | ... | 9 0 0 | 7 8 0 |
| Round | ... | 7 8 0 | 6 4 0 |
| Flat, small twigs | | 7 4 0 } | 4 8 0 |
| „ large „ | | 6 0 0 } | |
| Charas | ... | 8 0 0 | 8 0 0 |
| Bhang | ... | 0 8 0 | 0 8 0 |

The duty is levied before the drugs are removed from the wholesale dealer's warehouse. The duty is calculated on the actual weight of the drug issued,

except in the case of charas, half the duty on which is levied at the time of taking out the pass for the importation of the drug.

The importance of the ganja traffic in Bengal may be gathered from the fact that in the year 1892-93 1,510 maunds were exported to other provinces and 5,451 maunds paid duty, amounting to Rs. 12,80,631. The license fees for retail sale of ganja amounted to Rs. 11,05,435 in addition. The total revenue from charas, of which only 11 maunds 26 sérs paid duty, was Rs. 9,097, and from bhang, of which 1,033 maunds paid duty, Rs. 53,558.

602. The law in force in Assam is the same as in Bengal, and the Bengal
Assam. Excise Manual is followed.
Law in force.

603. There is no licensed cultivation of hemp for the production of
Supply of the drugs. the drugs. Excise ganja is supplied from Bengal under pass, and pays duty in the province. The vend of charas and bhang is practically forbidden, as no licenses for their sale have been taken out. Wild hemp grows spontaneously in many parts of the province, and especially in the hill tracts. The officiating Excise Commissioner says: "There is nothing to show that the trade in the wild plant is sufficiently large to compete seriously with excise ganja, unless possibly in the Khasi Hills, where the continuous decrease in the consumption of the Rajshahi drug can, I think, only be attributed to the cheapness of wild hemp and the great facilities for its use. The excise administration of the district is attended by abnormal difficulties owing to the fact that the Khasi Hills are parcelled out into the territories of many semi-independent chiefs. The wild plant is used by habitual consumers only as a *pis aller*, and when their supply of the excise ganja runs short." This view is not shared by the Excise Commissioner, Mr. Driberg, who says: "I think this so-called wild hemp affects our revenue very considerably. It is used by certain consumers, and is also mixed by vendors with excise ganja and sold." Mr. Driberg states that he does not think there is any such thing as wild ganja. As a rule the plant is found in lands occupied by the owner's homestead. From this he infers that the growth is very ordinarily surreptitious. He thinks that the practice of Deputy Commissioners in treating this growth as unlicensed cultivation differs considerably. A circular issued by the Chief Commissioner in October 1882 contains a ruling which appears to be the cause of this diversity of practice. The concluding portion runs as follows: "You will observe that in rule 2, section 17, of Chapter XV, of the Board's Rules it is said that 'no restriction is imposed on the use of the hemp plant in its green state for medical or other purposes, or on its manipulation for the manufacture of fibre. But any preparation of the plant to be used, stored, and sold as a narcotic or stimulant is prohibited except under the rules framed by the administration.' This rule mentions the medicinal use of the plant only 'in its green state;' but if, as appears to be the case, the wild hemp is also used for medicine for cattle when dried, the Chief Commissioner desires that the rule may be liberally interpreted, and no penalty imposed when it is probable that the cultivation or the drying and storing of it was only for this purpose. Whether this is so or not is a question of fact." Mr. Driberg, whose experience of Assam is unique, does not believe that the plant is used to any

extent for cattle. He thinks that it is a mere excuse made by those who really want to use it. He thinks the circular was unnecessary, and issued on insufficient information. The subject is discussed in Chapter X.

604. The system of vend is the same as in Bengal. The amount of ganja which paid duty in 1892-93 was 620 maunds, representing duty to the sum of Rs. 1,39,545. License fees amounted to Rs. 1,64,088.

System of vend and taxation.

605. The excise on hemp drugs in the North-Western Provinces is administered under Act XXII of 1881 and rules thereunder.

North-Western Provinces. *Law in force.*

The principal provisions of the law are as follows:—

The chief revenue authority may from time to time make such rules to restrict and regulate the cultivation of hemp and the preparation of intoxicating drugs therefrom as it may deem necessary to secure the duty leviable in respect of those drugs (section 11).

No intoxicating drug may be sold except under and in accordance with the terms of a license granted under the provisions of the Act. But any cultivator of the hemp plant may sell any intoxicating drug prepared from his plant to any person licensed under the Act to sell the same, or to any person authorized to purchase the same, by the Collector's order in writing (section 12).

Subject to the rules made by the chief revenue authority under the power conferred by the Act, the Collector may grant licenses for the retail sale of intoxicating drugs within his district, or any part thereof, or at any place therein. Licenses for the sale of intoxicating drugs wholesale may be granted only by such officer as the Local Government from time to time appoints (section 13).

The Collector may, with the sanction of the chief revenue authority, let in farm the fees leviable in any district or part of a district on licenses for the retail sale of intoxicating drugs (section 16).

No person may have in his possession any larger quantity of the drugs than that specified as the limit of retail sale unless he is permitted to manufacture or sell the same. This amount is—

Ganja or charas, or any preparation or admixture thereof, 5 tolas.

Bhang, or any preparation or admixture thereof, one quarter of a sér (section 22).

The chief controlling revenue authority may from time to time make rules consistent with the Act as to the fee payable for each license or farm and as to the form of any license or farming lease (section 55).

The Act contains no provision relating to manufacture, import, export, or transport.

606. Under the rules now in force the cultivation of the hemp plant is free to all parties. There is no check therefore on the production of hemp drugs, and the possession of the drug without limit of amount is permitted to all cultivators, to owners of land in which the plant grows spontaneously, to licensed vendors, or to persons duly authorized to supply licensed vendors. This permission is also considered to

Supply of the drugs.

apply to the sale of their bhang by owners of spontaneous produce. Restriction, therefore, only operates when the cultivator sells his produce, and there is practically little, if any, check on the supply of the drugs produced in the province. The Excise Commissioner states that ganja of fair or good quality can be made, and is made locally. Charas is produced to some extent in Kumaon; and as the hemp plant grows abundantly in all the montane and submontane districts, bhang can be produced to any extent.

607. The ganja consumed in the province is mainly derived from Bengal, the Central Provinces, Gwalior, Bundelkhand, and, in small quantities, from Nepal and Indore, possibly also from Rewah. Where the production of this ganja is under excise management, these imports are of course subject to such management. The importers of ganja and bhang are said to be all contractors holding licenses for the sale of the drugs. Charas is brought by Punjabi traders, who sell to the contractors. These traders take out no licenses, and the Excise Commissioner states that the legality of the arrangement is questionable. Some of these traders themselves hold district contracts. Nearly the whole of the bhang consumed is grown in the province. A certain amount is imported from the Punjab, and goes chiefly to the western districts.

Notwithstanding the silence of the Act regarding import of the drugs, a rule has been passed that no ganja, charas, or bhang shall be imported into the province except under a pass. No import duty is levied. Transport and export are also made subject to a free pass.

608. The Excise Commissioner is of opinion that the amount of smuggling from outside the province is quite inconsiderable, and this is confirmed by the Hon'ble A. Cadell, the Member of the Board in charge of Excise, and there is no very definite evidence to the contrary.

609. The weak point in the North-Western Provinces system of supply is that the ganja which comes from the different provinces and States abovementioned is taxed before it reaches the frontier at widely different rates, and there is no equalization of this taxation after it has reached the province. Bengal ganja pays from Rs. 6 to Rs. 9 per sér, the Khandwa ganja pays no duty but small fees which may amount to Rs. 2 per maund, Gwalior ganja less than Rs. 5 per maund, and Bundelkhand ganja possibly as much as Rs. 2 per maund. And these different kinds of ganja are freely available under existing regulations to the licensed vendor, who has it in his power to play them off on the consumer in such a way as will best repay him without damaging his credit. In addition to this, the cultivation and manufacture of ganja locally is under no legal control. It is unnecessary to say more on this subject, as the Excise authorities have recorded their opinion that the present system needs reform, and proposals have been made which will be considered further on.

610. The right of selling the drugs is farmed to contractors, who are at liberty to procure the drugs wherever they like, and sell them at any price they choose. No distinction is drawn between the different kinds of drugs all are included in

the same license, and are stored by the farmer on his own premises. The contracts are usually for an entire district ; in some cases for tahsils or parganas. There is nothing to prevent a contractor having separate contracts for several districts. The ordinary period is for one year, but contracts are now often given for two or three years, and the longer periods always fetch proportionally higher sums. The number and locality of the retail shops is fixed by the Collector subject to the orders of the Board, and is revised from time to time. The contractor either sub-lets the shops or works them through his servants. As a rule he holds the best shops in the large towns in direct management and sub-lets the rest. The contracts are sold by auction. The number of capitalists engaged in the trade is not very large, and nothing is commoner among them than combinations to keep down the price. The above account is taken from the Excise Commissioner's memorandum, who adds : " It is a defect in the system that it leaves the whole of the revenue collected here to be determined by the competition of the auctions. The advantages of the system are that a large revenue is very easily and cheaply collected, and that smuggling and other evasive illegal acts are minimized. The contractor has no reason to commit them himself, and it is his interest to detect any one attempting them. This is no small advantage from an administrative point of view. Retail prices are under the existing system kept at the highest possible point."

Consumption of drugs on the premises is not prohibited in the shop licenses, nor is there any restriction as to the persons to whom the drugs may be sold. Local opinion is not ordinarily consulted. Mr. Cadell says : " Hitherto the objection to shops has always come from above, *viz.*, from the Board, the Commissioner, or the Collector."

611. The statistics of import and export are very defective. The Excise Commissioner estimates the average imports of ganja and charas as follows :—

| | | | | | |
|-------------|-----|-----|-----|-----|------------------------|
| Statistics. | | | | | |
| Ganja | ... | ... | ... | ... | 4,000 to 4,500 maunds. |
| Charas | ... | ... | ... | ... | 1,100 to 1,200 „ |

The license fees realized from the auction of the monopoly of vend amounted to Rs. 7,04,788, and this represents the whole of the taxation levied in the province.

612. The excise administration is based upon Act XXII of 1881 (see Punjab. North-Western Provinces) and rules thereunder.

Law in force. Ganja is practically unknown in the Punjab.

Supply of the drugs. Charas is imported from Yarkand *via* Kashmir and

Ladak and from Bokhara, and perhaps other Central Asian countries *via* Afghanistan. No charas is produced in the province except to a trifling extent in the hills for private consumption.

Bhang is collected from the wild plant which grows plentifully in the Sub-Himalayan districts. It is also cultivated to a small extent in Multan and in the Derajat Division, but the total area of cultivation is probably less than 100 acres. Cultivation is not controlled, and a cultivator cannot be prosecuted for the possession of bhang, though he is only allowed to sell his produce to a licensed vendor.

613. The traders who bring charas from Yarkand are not licensed, but they have to obtain a pass from the Joint Commissioner at Leh or from the Deputy Commissioner of the

Import and transport.

district where they enter the Punjab, and take it for countersignature to the Deputy Commissioner or Collector of every district in the Punjab or the North-Western Provinces which they may enter with the charas. The consignment may be opened at any head-quarters station or tahsil while on its way to its destination, and a portion of its contents may be sold to the farmer of excise for drugs, the fact being recorded on the pass and the package resealed. When a consignment is conveyed by rail, the provision requiring it to be taken to the Deputy Commissioner or Collector of every district through which it passes is dispensed with. The transport of bhang from the districts of growth to those of consumption is regulated by passes, no duty or fee of any sort being charged.

614. Hitherto the excise income from intoxicating drugs in the Punjab has been derived solely from the monopoly of sale within tahsils or other sub-divisions of districts. **Excise system.** In some districts the monopoly of opium and other drugs prepared from the poppy is farmed separately from that of the hemp drugs, while in others the same farm includes both. Ordinarily the farm or license is held for the year, the fee payable being determined by auction. The present rules make no provision for the issue of wholesale licenses, but the new rules are to provide for such licenses. As a matter of account the fees paid in each district in respect of the combined opium and hemp drug licenses, where these are held together, are distributed between the two heads of receipt in a proportion which is supposed to represent the actual value of each set of licenses. This proportion varies from district to district. As a result of the practice described above, the number and locality of the shops are fixed beforehand from year to year, and as a matter of fact they are seldom altered.

The Punjab system of excise administration in regard to hemp drugs was described by the Excise Commissioner in his report for 1892 as "going very near to reversing the principle of a maximum of revenue with a minimum of consumption." In the report for 1893 the Excise Commissioner says: "Taking Rs. 1,70,854 to be approximately the real value of the licenses for the sale of hemp drugs, it represents the total taxation now levied on a consumption of upwards of 1,000 maunds of charas and of nearly 4,000 maunds of bhang." This is "the weakest part of our excise system in the Punjab. It is hoped that we are now within measurable distance of arrangements which will give us complete control over the import trade in charas, and enable us to impose a duty which can be gradually raised. Owing to the fact that the plant grows wild in so many districts, and is to be had for the gathering, while charas comes in by a few well recognised routes and can scarcely escape us, it is much more difficult to deal with the trade in bhang efficiently. But I am in hopes that the Government will agree before very long to the introduction of some measures for the direct taxation of bhang too."

In the form of license for retail vend of the drugs, there is no provision against consumption on the premises. There is a provision prohibiting the supply of the drugs to any insane person or to children. It may be noted, though the matter is of no practical moment in the Punjab, that the limit of retail sale for ganja is fixed in this form at $\frac{1}{4}$ of a sér as for bhang, whereas under the Act it must not exceed 5 tolas. It seems to be the practice to consult the wishes of the people before new shops are opened.

615. The question of imposing a duty on charas and bhang, to which reference is made above, has been very fully discussed, and an Act (X of 1893) has been passed in which power has been taken to impose on any intoxicating drug brought by land from beyond the limits of India into any territory to which Act XXII of 1881 extends, or into any specified part thereof, such duty as the Governor-General in Council thinks fit. In pursuance of the provisions of this enactment, it has been proposed to establish golas to which all charas should be taken on entering the province, and which it should be allowed to leave only under a license or pass, for which a fee should be levied at the rate of 8 annas a sér. The revision of the Excise rules so as to give effect to this proposal is under consideration. The taxation of bhang is a more difficult matter owing to the prevalence of the growth of the plant, and the consideration of proposals relating thereto made by the Excise Commissioner has been postponed until the tax on charas has been introduced. The opinion of the Punjab Government on this question is that "in regard to matters of this sort, which involve an interference with ancient and firmly rooted habits of large masses of the people, it is desirable to proceed cautiously, doing one thing at a time."

Central Provinces.

Law in force.

616. In the Central Provinces Act XXII of 1881 is in force (see North-Western Provinces).

617. In this province, however, advantage has been taken of the provisions of the law to prohibit the cultivation of the hemp plant

Supply of the drugs.

except under license, and licenses are now only given in the Khandwa tahsil of the Nimar district. The plant does not grow wild, and illicit cultivation has for the most part been suppressed. Charas is hardly known. If imported, it pays a duty of Rs. 10 per maund. No bhang properly speaking is produced, but the refuse ganja is used as bhang.

The supply of ganja is amply sufficient for the provincial consumption. Import of ganja from other provinces or Native States is not permitted. There is a certain amount of illicit import from Hyderabad, Berar, Indore, the Bombay Presidency, Gwalior, and the Tributary States of Orissa, and this constitutes the principal difficulty of the ganja administration in this province. A little bhang is imported from the North-Western Provinces under passes.

618. The harvesting of the crop in the Khandwa tahsil is supervised by a special establishment, and the cultivators are bound

Khandwa ganja.

to bring the whole of their produce to a Government storehouse at Khandwa. The drug is purchased at the storehouse by the wholesale vendors of the province, the terms of the purchase being arranged between the cultivators and the wholesale vendors without interference on the part of Government. Wholesale vendors of other parts of British India and foreign dealers are also freely permitted to buy. No direct tax is imposed on cultivation, but the following fees are payable at the storehouse:—

- (1) A storage fee of 6 pies per maund per mensem payable by cultivators or purchasers of ganja kept in the storehouse. Cultivators and wholesale vendors of ganja in the Central Provinces are exempted from payment of this fee for 30 days.

(2) Permit fees at Re. 1 per maund payable by all purchasers of ganja, other than Government licensed vendors, on account of all ganja for which permission to purchase is granted.

(3) Registration fees at Re. 1 per maund payable by all purchasers of ganja, other than Central Provinces licensed vendors, on account of all ganja of which the transfer by sale is registered.

619. The sole monopoly of wholesale vend in the province is granted by
Wholesale vend.
licenses to wholesale vendors approved by the Excise Commissioner. The licenses are given either for a district or for each tahsil. Tenders are invited annually for the licenses for whole-sale vend, and the tenders must state what fee per sér, in addition to a direct duty of Rs. 2 per sér (except in Sambalpur and the south-east part of the Raipur district, where it is Re. 1 per sér), the applicants are prepared to pay for the privilege. The wholesale vendor is required to supply the retail vendors with ganja at Rs. 3 per sér (Rs. 2 in Sambalpur and the south-east part of the Raipur district). The ganja purchased by the wholesale vendor is conveyed under a transport pass or import license to a storehouse belonging to the licensee at the district or tahsil head-quarters, one key of which is kept by the Tahsildar, by whom it is issued according to the requirements of the wholesale vendor. Duty is only charged on cleaned ganja, the refuse being destroyed both at the Government storehouse at Khandwa and at the district or tahsil storehouse.

620. The monopoly of retail vend is usually auctioned separately for each
Retail vend.
shop, except in large towns, where the shops are generally sold to one person. The localities of all shops are fixed by the Deputy Commissioner subject to the control of the Excise Commissioner. All retail vendors are entitled to be supplied with ganja by the wholesale vendor at Rs. 3 per sér, and may charge their own retail price to consumers. The number of shops is regulated by the demand for the drug. In those districts which are specially exposed to smuggling from foreign States, shops are licensed more freely.

Every wholesale vendor of ganja is given a license for the retail vend of bhang free of charge. Licenses for retail vend of bhang are not granted to other persons, and no wholesale vendor may import without a written permit from the Deputy Commissioner. A duty of Rs. 2 per sér is levied on all foreign bhang sold, and the rate of sale to the public must not exceed Rs. 3 per sér. Stocks of bhang are kept under control in the same way as ganja.

Consumption on the premises is prohibited by a clause in the retail licenses. There is no restriction as to the persons to whom ganja or bhang may be sold. Local opinion as to the opening of shops is not ordinarily taken, but objections, if raised, are considered.

621. The average area of ganja cultivation at Khandwa during the past five
Statistics.
years has been 785 acres; the average outturn about 8,000 maunds, of which about 5,000 have been exported and 1,000 consumed in the province, the remainder having been destroyed as unfit for sale. The revenue derived from this source has been Rs. 2,18,000, of which Rs. 1,36,500 has been from license fees, and

the rest from fixed duty. There is no revenue from charas, and from bhang only about Rs. 1,000.

622. The Madras Abkari Act (I of 1886) contains extensive provisions for
 Madras. the control of the cultivation of hemp, and the
 Law in force. manufacture, sale, and possession of hemp drugs.
 But as it has only been brought into force in the Presidency in so far as it relates to the sale of intoxicating drugs, there is no need in describing the system at present in force to refer to any of the other provisions.

The principal provisions in force are as follows :—

No intoxicating drug may be sold without a license from the Collector, provided that a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a license those portions of the plant from which the intoxicating drug is manufactured or produced to any person licensed under the Act to sell, manufacture, or export intoxicating drugs (section 15).

The Governor in Council may grant to any person or persons on such conditions and for such period as may seem fit the exclusive or other privilege—

- (1) of manufacturing by wholesale, or
- (2) of selling by retail, or
- (3) of manufacturing or supplying by wholesale and selling by retail,

any intoxicating drugs within any local area. A license from the Collector is necessary for the exercise of such privilege (section 16). It may be noted here that there is no definition in the Act of wholesale and retail, and that no such definition exists in any notification under the Act.

A duty shall, if the Governor in Council so direct, be levied on all intoxicating drugs sold in any part of the Presidency of such amount as the Governor in Council may from time to time prescribe (section 17).

Such duty may be levied by fees on licenses for manufacture or sale (section 18).

Every license or permit granted under the Act shall be granted—

- (a) on payment of such fees, if any,
- (b) for such period,
- (c) subject to such restrictions and on such condition, and
- (d) shall be in such form and contain such particulars,

as the Governor in Council may direct either generally or in any particular instance in this behalf (section 24).

The Governor in Council may from time to time frame rules for the warehousing of intoxicating drugs, and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or export; and for placing the storage of intoxicating drugs under such supervision and control as may be deemed necessary for the purposes