

India Papers > Medicine - Drugs > Report of the Indian Hemp Drugs Commission, 1894-1895 > Volume I


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[Volume 1]: Report.

From: (359) Page 325

To: (379) Page 344

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provinces are, no doubt, affected by the proximity of Native States, they are nevertheless sufficiently successful for practical purposes.

- (2) That there is nothing to prevent the Government from entering into negotiations with the States (as has been done in the case of the Central Provinces, apparently with marked success) for mutual co-operation in the interests of the excise revenue, and the Commission (*vide* Chapter XVII) are prepared to recommend that this should be done.

667. It will be desirable to analyse the evidence on this point in both presidencies. Several witnesses in Madras speak of the needlessness of controlling cultivation, but on this point it cannot be expected that they should take a sufficiently wide view, as the interests at stake are larger than those of individual districts. The only witnesses who consider the measure impossible are—Mr. Sewell, Collector; Mr. Mounsey, Collector; Mr. Willock, Collector (as regards the Agency tracts); and Mr. Taylor, Manager, Jeypore Estate (as regards the Agency tracts); two Deputy Collectors; and a Missionary.

On the other hand, there is a much larger consensus of opinion that control is feasible. The Hon'ble Mr. Crole, Member of the Board of Revenue, in charge of Excise, says: "If you were to order the stoppage of cultivation of hemp or even rice, it would be done. There would be no difficulty in having the order carried out. The people would stop the cultivation: they are quite amenable. It would be stopped without the necessity of espionage and interference, but there would always be the risk of false charges." Mr. Merriman, Deputy Commissioner of Salt and Abkari, says: "There is a good deal of backyard cultivation which is untaxed. It would be desirable to stop the sporadic cultivation if feasible. I think we could do this. I think it would be far simpler to issue an order stopping cultivation, and that would be far easier than attempting to tax it. I believe this cultivation could be stamped out by the mere issue of the order; and, supposing that there were reasonable facilities for consumers obtaining the drugs, the dissatisfaction would not be great." Mr. Benson, Deputy Director of Agriculture, says that "prohibition of cultivation would not harass the people, as those affected would be so few; and it would, I think, within a short time accomplish its object." Mr. Levy, Acting Deputy Commissioner, Salt and Abkari, thinks "the cultivation of the hemp plant, and the manufacture and possession of the drugs therefrom, should be brought under thorough control." Mr. Bradley, Collector, thinks that, except in the Wynaad, prohibition of cultivation would be possible in Malabar, and could "be generally carried out without much interference with the people, but would be hardly possible in the jungly parts." He thinks that for ordinary tracts the present abkari staff might be sufficient to secure compliance with the order, though he does not guarantee this.

Other advocates for the control of cultivation are—Five Deputy Collectors, one of whom, Mr. Azizuddeen Sahib Bati, in North Arcot, says that a prohibitive order would have the effect of stopping cultivation without any great interference; two Deputy Conservators of Forests, three Tahsildars or Acting Tahsildars,

the Hon'ble Rai Bahadur Sabapathy Mudeliar, Raja K. C. Manavedan, three pleaders, five missionaries, and four others, *viz.*, a municipal chairman, a zamindari manager, a cashier, and a sarishtadar.

668. In Bombay, though several witnesses say that further control is unnecessary, three of whom are under the impression that licenses are already required for cultivation, there is no opinion adverse to its restriction on other grounds. The following officers see no serious objection to restriction of cultivation :—Mr. Vidal, Chief Secretary to Government ; Mr. Reid, Commissioner ; Mr. Campbell, C.I.E. ; Collector ; and Mr. Ebdon, Collector of Ahmednagar.

Mr. Monteath, Collector, though he thinks there is no need for controlling cultivation, is of opinion that the time has come for putting the drugs on the same footing as alcohol and opium. Three Deputy Collectors are in favour of control ; also two mamlatdars, an inamdar, a forest officer, and a drug farmer.

From this analysis of the evidence it seems clear that no great difficulty need be anticipated in bringing the cultivation of ganja generally under control. There are tracts, no doubt, where measures would have to be taken by degrees and with caution ; but the inclusion of these at the outset in a system of control is not essential.

669. The Commission are further of opinion that control and limitation of cultivation must be accompanied with such supervision of the manufacture and storage of the crop as is necessary to the imposition of a fixed duty on ganja in addition to the fees for licensed vend which are at present levied. In regard to both these matters, the experience of Bengal and the Central Provinces is available, though the systems differ at present as to storage.

670. That there is room for the imposition of a duty on ganja in both presidencies can hardly be doubted. In Madras, though there are several officers of standing who are satisfied with the present arrangement, there is no protest against increasing the duty, while a few witnesses are in favour of increasing the price of the drugs. Mr. Willock, Collector, says : " I am not opposed to an increase of the price of the drug where practicable." Mr. Bradley, Collector, says : " At present I do not think hemp drugs are sufficiently taxed with reference to alcohol." Other advocates of increased taxation are : a District Surgeon, a District Forest Officer, a Deputy Tahsildar, two medical practitioners, a jagirdar, a pleader, a merchant, a newspaper editor, bank cashier, and three missionaries. In Bombay there is also a good deal of evidence as to the needlessness of further interference on taxation ; but there is at the same time weighty evidence in favour of increased taxation. Mr. Mackenzie says : " I think the taxation of the hemp drugs in this Presidency might be raised ; but the question would require details and careful examination. The ganja of this Presidency is roughly' manufactured, though the cultivation is careful enough. A direct tax would necessitate the adoption of a system of distinct wholesale vend. I see no objections to that, as the tax does not fall on the cultivator. The variations in the retail price shown in paragraph 8 of my memorandum are, no doubt, excessive, and seem to

indicate that there is room for taxation to regulate the wholesale rates of the drug." Mr. Vidal says: "In view of the higher taxation in other provinces, I see no reason why there should not be a higher direct tax in this province. The disproportion between the taxation of liquor and of hemp drugs, and the relative dearness of liquor which results from this, also points to the propriety of increasing taxation on hemp drugs." Mr. Monteath, Collector, says: "I think the present system of excise administration in respect of hemp drugs has worked fairly well, but that the time has come for putting these drugs on the same footing as alcoholic stimulants and opium. Hitherto the consumption of preparations of hemp has not been extensive, and so long as it was very small, the farm of the right to sell, as dispensing with the need of any preventive establishment, was perhaps more suitable. But it seems that not only in this district (Bijapur), but throughout the Presidency, the amounts bid for the right to sell have been increasing, and it may fairly be inferred that the habit of consuming these drugs is spreading. It cannot, indeed, be said yet to be prevalent; still the total consumption is, I think, sufficient to make it worth while to impose an excise duty; it is already in this district much in excess of the consumption of opium, though insignificant as compared with the consumption of alcoholic stimulants, particularly toddy. It is, I believe, generally admitted that the system of deriving a revenue by farming the right to sell is suitable only in the earliest stage, and that the levy of an excise duty is the fairest and most satisfactory method of taxing an article produced in the country. Now the levy of an excise duty on preparations of hemp will present no difficulties in this Presidency. The existing abkari establishments would probably suffice for the levy of the duty, or at least would require strengthening to but a small extent. The levy of an excise duty would not, I think, excite any opposition. An alteration in the form of duty could not reasonably be objected to." Mr. Ebdon, Collector, says: "The hemp drugs are very much cheaper than liquor now. For a pice a man can get enough ganja to last him for a week if he is a moderate consumer. There is, therefore, considerable margin for heavier taxation of the drug without driving the people to liquor or other intoxicants. I consider there is a considerable margin for taxation, though the drug is consumed by the very poor. I have no sympathy with the excessive consumer, and the moderate consumer would not feel a moderate increase." Mr. Sinclair, Collector, says: "I consider there is a margin for increasing taxation, having regard to the price of other intoxicants, the fact that the drugs are mainly used by the poor, and the danger of smuggling." Mr. Almon, Assistant Collector, Bombay, says: "My impression is that the tax on the drugs is too low. I think that the ordinary liquor consumer pays twice as much for what he wants as the ordinary ganja consumer would, or three times as much as the ordinary bhang drinker. I think the rates should be equalized." Other advocates of increased taxation are three Deputy Collectors, the Administrator of the Jath State, an Assistant to the Commissioner, an inamdar, a mamlatdar, a pleader, and a drug farmer.

671. In view of these opinions, as well as of the general considerations which have been explained above, the Commission have no hesitation in advocating the gradual assimilation of the Madras and Bombay systems to that in force in Bengal. The process of arriving at adequate taxation must necessarily be gradual, but a commencement should be made without any further delay.

Recommendations regarding
taxation of ganja in Madras and
Bombay.

The present is the time for this measure, while consumption of ganja is still believed by the authorities to be very limited. It cannot but be the case that the enormous difference between the taxation of liquor and ganja is an incentive to the increase in the drug habit, and such an inconsistency between the arrangements of different provinces and the administration of the excise on different kinds of intoxicants cannot, in their opinion, be any longer maintained.

672. In Berar the foundation has already been laid for the introduction of a
Berar.
system of control in respect of ganja similar to that advocated by the Commission. Cultivation is already restricted and an acreage duty imposed on its growth. The Commission are not aware of the conditions under which this has been found possible. The law of the province stands on a special footing, as previously explained. The Commission believe that there will be no difficulty, and there certainly will be some advantage in assimilating the system to that which exists in the Central Provinces, and which may ultimately be adopted in Bombay. Ganja is inadequately taxed, and it is unlikely that the pitch of taxation necessary to restrict the consumption can be reached otherwise than by a direct duty, or that a much heavier acreage duty will effect the desired object.

673. Not much need be said of the other minor administrations. Progress
Ajmere, Coorg, and Quetta-Peshin.
in Ajmere must depend upon co-operation with the British system in surrounding States. Ultimately it is probable that the system can be assimilated to that in force in the rest of British India. In Coorg the price of ganja is very low owing to the facility of obtaining a supply from the Madras Presidency. When the system of the latter is revised, care should be taken that similar restrictions in Coorg are not wanting. Quetta-Peshin hardly requires special notice. The consumption of ganja must be very small, if it exists at all, as the sources of supply are very distant. The retail price stated to prevail is higher than anywhere else in India except Bengal and Assam.

674. As the only province which receives large imports of charas, the Pun-
Taxation of charas.
jab is primarily concerned with the administration of this drug. Hitherto there has been no taxation of charas in the Punjab beyond the levy of license fees for its vend. It is not used in Assam, Madras, Berar, and Coorg, and but little in Bengal, the Central Provinces, and Bombay. It is used in the Punjab, the North-Western Provinces, Sind, and Quetta-Peshin. Bengal levies a duty of Rs. 8 per sér on the small amount imported, and the Central Provinces Rs. 10 per maund. In Bengal, Mr. Gupta says that it will be necessary ere long to raise the duty. The import duty in Bombay is 8 annas per maund. In the other provinces the only tax is, as in the Punjab, that which is represented by the license fees for vend. Bengal is, therefore, the only province where the taxation is adequate. In the North-Western Provinces it is proposed to levy a duty of Rs. 80 to Rs. 100 per maund on all charas imported. In the Punjab, in pursuance of the provisions of Act X of 1893, a duty of Rs. 20 per maund has been proposed. This appears very small. The conditions under which the trade in charas from Yarkand is carried on operate to some extent against more severe taxation. But if provision is made to prevent the tax from being demanded from the actual importers, the Commission are of opinion that there is ample room for taxation without the trade

being seriously affected. There is a large amount of responsible evidence for taxing the drug in the Punjab and the North-Western Provinces, where the consumption is far greater than elsewhere, and the Commission think that Rs. 80 per maund is not too high to begin with. Ultimately, regard being had to the consideration above noted, the taxation might be raised considerably.

675. As the supply of charas is so completely within the control of Government, it is not necessary to say much regarding its disposal. The establishment of bonded warehouses, to which the drug can be taken on arrival, and from which it shall be issued only on payment of duty by the licensed vendors, has already been decided upon in the Punjab. This measure will relieve the importers from having to pay the tax in anticipation of sales, and consignments from these warehouses will be sent under pass to the different centres of consumption. The Commission do not think it necessary that the whole duty leviable under provincial arrangement should be demanded when these consignments are removed. The bonded warehouse system may be again resorted to by Local Governments which desire to impose further taxation locally. But as from time to time the Punjab Government will, no doubt, find it possible, with reference to political considerations, to enhance the duty, it will be desirable that there should from the first be an understanding as to the relative claims of the importing province and the consuming province to the duty realized. A similar question has arisen regarding the Rajshahi ganja exported to other provinces, and the procedure has not been uniform. This is one of the cases in which the intervention of the Supreme Government is needed for the settlement of inter-provincial arrangements and of arrangements between British provinces and Native States. It may be necessary to amend the Act in order to carry out the above suggestions. For although section 23-A of the Act provides for the imposition of duty on the imported drug without specifying where it should be paid, section 36 (d) lays down that the bringing of it into British India without payment of the prescribed duty is an offence. The matter is under the consideration of the Local Government. It is essential that arrangements should be made for taxing charas not at the frontier, but at the bonded warehouses.

676. The difficulty of controlling bhang in Bengal, Assam, the North-Western Provinces, and the Punjab arises from the fact that there is large spontaneous growth in the mountainous and submontane tracts of these provinces. There is undoubtedly a belt of growth which precludes strict control. But in parts of these provinces away from the hills there is little or no spontaneous growth, and in these parts as well as in the other provinces control is possible. There is a little cultivation in the Punjab and the North-Western Provinces, and considerably more in proportion in Sind. None of this cultivation is in the Himalayan region, where the wild growth exists. With the exception of Bengal and the Central Provinces, the only taxation is that realised by auction vend of the monopoly of sale. In Bengal a duty of 8 annas a sér is levied on all bhang brought to the storehouses under Government supervision, which represents but a small fraction of what is illicitly consumed. Without controlling the spontaneous growth of the plant, it has been found impossible to raise the duty, though the subject was fully considered in 1889-90. In the Central Provinces a duty of Rs. 2 per sér is levied on foreign

bhang, which operates to prevent the imports from passing a very limited figure. The taxation of this bhang is excessive, and its sale is affected by the fact that only the wholesale dealers are allowed to sell it by retail.

677. The Commission are in favour of taking such measures as are possible for controlling and taxing bhang. For the present they consider that in the belt of growth above referred to nothing more can be done than to auction the monopoly of retail vend. In other parts they are of opinion that cultivation should be prohibited, except under licenses, and arrangements made for the transfer of the whole crop produced from licensed cultivation to the authorised vendors. In these tracts they are of opinion that some attempt may be made to extirpate the spontaneous growth by rendering the occupiers of land responsible that it shall not be found on their lands. Legislation may be necessary for the purpose. They would like to see Mr. Westmacott's circular which was cancelled by the Bengal Government revived, and they would suggest a modification of the Assam circular permitting the use of green or dry hemp for the use of cattle. Now that the habitat of the spontaneous growth has been clearly defined, Local Governments will have no difficulty in deciding where, for the present at least, the existing system must be allowed to continue. The Commission think that it may be impossible to treat the bhang which is produced in ganja-growing tracts in a different manner from ganja. To do so would probably be to imperil the ganja administration. But if this opinion is found to be mistaken, they would be glad to see this bhang more leniently treated than ganja. The Commission find that in the Central Provinces bhang is only permitted to be sold by the wholesale vendors, and the duty is the same as in the case of ganja. The reason for this is not apparent. As judged by the standard of other provinces, the incidence of taxation is high compared to ganja.

678. As regards the distribution of the drugs to retail vendors, the Commission think that when adequate arrangements have been made for their taxation, not much interference is required. The evidence contains various suggestions on this subject. Some witnesses point to the large profits reaped by wholesale vendors, and suggest that these middlemen should be abolished, and that the functions discharged by them should be assumed by the Government in order that these profits may be secured for the public revenues. The Commission are not in favour of this proposal. It is open to some of the objections against a Government monopoly which have been previously stated. If the profits reaped by the wholesale vendors are found to be excessive, this fact would point to a rise in the duty. If the latter is sufficient, the Government need not concern itself with the dealers' profits. Private enterprise is, moreover, better suited for the distribution of the taxed drugs than Government agency. The aim of Government should be to dissociate itself, as far as possible, consistently with efficient control and adequate taxation from the supply of the drugs. This general policy may admit of special exceptions. The Bengal Government has made provision for such exceptions, while affirming the general principle, in the following rule* :—"Except in districts where minimum prices have been prescribed by the Board, no attempt should be made to regulate the price at which spirits, liquor,

* Bengal Excise Manual, page 105, Rule 14.

or drugs are supplied by the producer or wholesale dealer to the retail vendor, or by the retail vendor to the consumer." In the Central Provinces the price at which the wholesale vendor is to supply the drugs to the retail vendor has been fixed for all districts, and the subject has been already considered. This is not done elsewhere in British territory, and any deviation from the above-stated principle seems to the Commission to require special justification. The privilege of wholesale vend should not be too restricted. This will result in great variations of the prices paid by consumers owing to the absence of competition. In Assam the "effect of farming the monopoly of a whole district to a single person has been found to result in very high prices even where smuggling is known to exist," and this should be obviated if possible by freer competition in regard to the supply. If this fails, special arrangements may be required for keeping the price at a reasonable figure.

679. In some provinces import, export, and transport duties are levied; and Import, export, and transport duties. this practice is not uncommon in Native States. This practice arises from the want of uniformity which exists in the systems of administration. It is attended with considerable difficulties, and serves no useful purpose in itself. If all the drugs were adequately taxed at the sources of supply, subject to such additional taxation as local circumstances demand, the amount of which is best determined by auctioning the licenses for vend, there would be no need for such duties at all. As a supplementary means of taxation, where these requirements are not fulfilled, it may be necessary in special cases to maintain them. This must be the case, at all events for some time to come, if drugs are imported from Native States into British territory. But, if possible, such imports should be entirely prohibited, unless the State concerned has assimilated its system to that in force in British territory. Transport duties from one place to another in British territory should be entirely abolished as soon as adequate taxation of the drugs at the source of supply has been provided for. A system of free passes to licensed persons is all that is needed. Partial measures of this kind tend to obscure the real issue, *viz.*, how far consumption needs to be checked by a rise in duty.

680. The system of retail vend differs largely in the different provinces. Retail vend. In some places the licenses for retail vend of the (a) Separation of licenses for different kinds of drugs. drugs are held by the same persons and under the same contract as licenses for the sale of opium without any attempt to discriminate the amount of fees due to each. More frequently the licenses cover the sale of all kinds of hemp drugs, and the relative demand for the different kinds is not ascertainable. Where the demand is small there may be reasons for maintaining the latter system, but the hemp drug licenses should, in the opinion of the Commission, be distinct from all others, and in most cases it is desirable that the licenses for the different kinds of hemp drugs should also be distinct; for it is not the desire of Government that a demand for any of the drugs should be created. Shop licenses should only be given where the demand exists, and there may be a demand for one kind and not for another. The demand for a bhang license, for instance, should not be responded to by licensing the sale of ganja or charas in addition, which may not be necessary. As a rule the licenses should be sold separately. As Mr. Stoker says: "This would enable us to provide for the sale of the more harmless

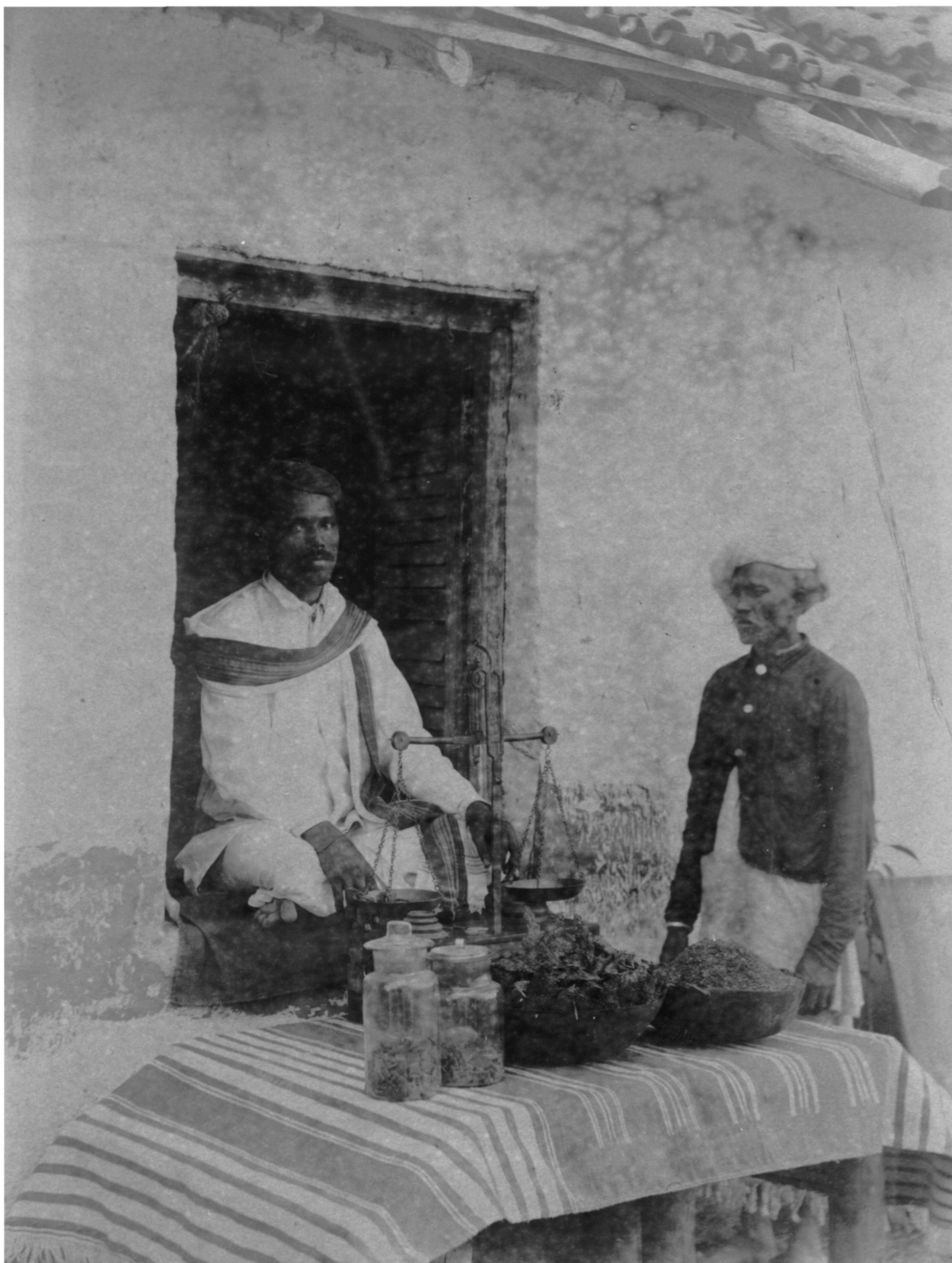
forms of the drugs without the others, and to meet the demand for one form without allowing the sale of the other forms of the drug."

681. As to the question whether the licenses for different shops should be sold separately or collectively for any given tract, the Commission are not prepared to generalize. The latter system affords a better guarantee for the respectability of the licensee, and has the merit of simplicity. But where auction bids are affected by combinations, the separate system may be desirable. The matter is one that must be left to the discretion of Local Governments and Administrations.

682. The Commission are averse, as a rule, to the grant of retail licenses to wholesale vendors, and there is a good deal of evidence against the practice. It is not desirable to insist on the wholesale vendors becoming also the retail vendors, and diversity of practice tends to produce complications. If both functions reside in the same person, he has too extensive a monopoly, and will command the market to an undesirable extent. It cannot be too strongly insisted upon that uniformity and simplicity of system are essential to providing the means for ascertaining whether the drugs are sufficiently taxed; and when some of the shops are held by the wholesale vendors, and others by separate retail vendors, it is more difficult to gauge accurately the effect of the system. At the same time the Commission are aware that the practice of allowing wholesale vendors to hold retail licenses is very general, and they are unable to recommend that it should be authoritatively put a stop to. The subject is one which they would commend to the notice of Local Governments with reference to the above remarks.

683. A separate license should be granted for each shop. This is ordinarily the practice, but there are exceptions. None should be permitted. The District Officer should watch the auction bids and refuse to renew licenses if they only amount to a nominal figure. The principle should be to supply a real demand, not to create one; and if the demand only exists to a very limited extent, the danger of stimulating it must prevail against the convenience of the very limited number of consumers. The number of the population per retail license in the different provinces in 1892-93 was as follows:—

						Souls.
Bengal	...	...	...	...	...	23,560
Assam	...	...	...	...	...	19,975
North-Western Provinces			...	...	...	12,012
Punjab	...	...	...	...	...	12,869
Central Provinces	...	...	...	...	...	9,109
Madras	...	...	...	...	...	144,781
Bombay	...	...	...	...	...	43,528
Sind	...	...	...	...	...	4,478
Berar	...	...	...	...	...	6,061
Ajmere	...	...	...	...	...	30,130
Coorg	...	...	...	...	...	28,842



Survey of India Offices, Calcutta, August 1894.

A HEMP DRUG SHOP, BHANG, GANJA, & MAJUM DISPLAYED, KHANDESH.

The number of shops in Madras is only 246, and the allegation of some of the witnesses that there is no need for shops because the consumers of ganja can get ganja when they require it from the cultivators receives confirmation from these statistics. In Bombay the number of shops is stated to be nearly double the number of retail licenses, and the difference is not explained. The number of souls per shop is only 24,681. No doubt density of population is an element in the consideration, and thinly populated tracts will require more shops proportionally than where population is dense; but the number of shops in the North-Western Provinces, Punjab, Central Provinces, Sind, and Berar seem to require attention with reference to these remarks. A considerable reduction of shops has been under consideration in the North-Western Provinces which was to come into force in 1893-94.

684. The hemp drug shops in British India are rarely used as smoking resorts. They are not unfrequently shops where other articles are also sold. If not, they are generally small and incapable of affording accommodation for a number of persons. Ganja smokers who smoke in company generally congregate in places of public resort or in their own houses. And the evils which result from consumption of liquor on the licensed premises in England may be said to be unknown in connection with ganja shops. There are a few witnesses who in answer to the Commission's question on the subject say that such shops are undesirable; but these remarks are mainly founded on theoretical objections, not on practical experience. In the Central Provinces consumption on the premises has been prohibited since 1891, but there is no information as to the origin of the prohibition. It seems probable, however, that when the prohibition was issued as regards madak and chandu, the clause was made to include the hemp drugs without special inquiry. In the City of Bombay there are two classes of shops—those in which consumption on the premises is permitted, and those in which it is prohibited. With reference to the former, Mr. Campbell, Collector, says: "I think it is a good thing to have some shops in Bombay City where the drugs are consumed on the premises. It keeps the consumers under notice. The shops are bound to close at a certain hour and the consumers to behave in an orderly manner. This tends to regulate the practice and control the habits of consumers. The closing of the chandu and madak shops is said to have really increased the number from 14 shops to about 150 clubs. The latter are not open to inspection or visit by the authorities. As a matter of fact, too, consumption of ganja within licensed shops is really small and shows no serious evil." Places for sale and consumption of ganja are contemplated by the old Bengal Acts II of 1866 and IV of 1866 relating to Calcutta. The Excise law is generally silent on the subject. The Commission have no recommendation to make on the subject which may be left to the discretion of Local Governments. In the course of their inquiries in the North-Western Provinces, it came to the notice of the Commission that in Lucknow shops were kept by females (called Sakins) for the sale of hemp drugs. The witness who mentioned the fact described the "Sakins" as "worse than prostitutes." The practice was brought to the notice of the Local Government, and stringent orders prohibiting the grant of licenses to "Sakins" have been issued. It has been brought to the notice of the Commission that in Assam, where indulgence in liquor sometimes is so rife among the coolies that the garden work is entirely stopped, some planters have taken the shops themselves, and kept them

under control to prevent drunkenness. The plan is one which might be tried as regards ganja in cases where its use has any tendency to a similar result. In the Punjab and in Quetta-Pishin the licenses for retail vend have a provision binding the vendor not to sell the drugs to children or insane persons. The sale to children has been noticed by a few witnesses in other provinces, and the Commission recommend the adoption of a similar provision in all such licenses everywhere.

685. The provision made in the law or rules of the Excise Department for consulting local public opinion in regard to the opening of shops is very limited. The Bengal Act contains a provision for assigning to any municipality with its consent the functions of the Local Government relating to the grant of licenses, and after such assignment no conditions or rules may be imposed by the Local Government without the consent of the Municipality. It is not clear whether any municipality in Bengal has been invested with these powers. But in every case of licensing shops in a municipality the Collector is ordered by rule to notify to the Municipal Commissioners the sites selected for shops within municipal limits; and should they object to any of them, he is instructed carefully to consider their objections, and, if he does not agree with them, refer the matter to the Commissioner of Excise for decision, pending which he must not allow any shop to be opened on a site objected to. In no other province is there any special provision of the law for ascertaining the wishes of the people in regard to the opening of shops for the sale of hemp drugs.

686. The subject of local option was put to the witnesses, who were asked whether the wishes of the people are consulted or considered in any way before a shop is opened in any locality, what measures are taken for this purpose, and whether local public opinion ought to be thus considered. The number of witnesses who have replied in the affirmative to the latter question is considerable—228 in all, of whom 31 are superior civil officers, 79 subordinate civil officers, and 104 non-officials. But very few of these witnesses express any opinion as to the method by which local opinion should be consulted. The existing practice is not to consult local opinion definitely. The opinions of local subordinate officers are received, but seldom those of the residents of the locality, though any objections which may be made are considered. With this procedure the highest authorities generally are satisfied. In Bengal, Mr. Lyall says: "No attempt at a plebiscite or anything of that kind is made. The number of shops has been greatly reduced of late years, as statistics will show. Further reduction would cause great discomfort to consumers, and I think they have a right to be considered. I am not prepared to say whether an appeal to public opinion would result in the closing of many more shops." Mr. Westmacott says: "I think it is rubbish consulting local public opinion. It generally means consulting a number of babus who are out of all sympathy with other classes, and utterly ignorant and careless of their requirements. By babus I mean those known in Bengal as the *bhadralok*, comprising pleaders and schoolmasters in great part. My remarks do not apply to zamindars, who would not come forward and give an opinion in the matter of local option, but I should undoubtedly go to them if anxious to find out what the local public opinion was. There would be no difficulty in getting public opinion in the villages, for it would be ascertained from the *pradhans* or principal raiyats; but in towns the division

between classes is such that there is no homogeneous public opinion, if I may use the phrase." Mr. Gupta says local "opinion is not formally consulted, but attention is paid to any reasonable objection raised against particular sites, though most of the sites being old ones, it is seldom that they are objected to. Moreover, shops for the sale of hemp drugs are not considered a nuisance, and are often accommodated in the same room where other business is carried on." In the North-Western Provinces, Mr. Cadell says: "I have never heard of any objections to drug shops. I have heard such objection regarding spirit shops. The wishes of the community should be consulted. Hitherto the objection to drug shops has always come from above, *viz.*, from the Board, the Commissioner, or the Collector." Mr. Stoker's evidence is to a similar effect. In the Punjab, Mr. Gordon Walker says: "There is nothing in the nature of 'local option.' In practice the shop sites remain as they have been established for a long time, and the necessity for a change in the way of adding new shops or closing existing ones seldom arises." It may, however, be noted that there is special provision in the Punjab for inviting the opinion of the residents of a locality regarding the opening of a new liquor shop and holding a local inquiry if necessary. Similarly in the Central Provinces, there is a modified system of local option as regards liquor shops, which are more than six times as numerous as ganja shops, but not in regard to the latter. Mr. Drake-Brockman says that the administration has all along shaped its policy on the assumption that the drug is extremely deleterious, and it is a standing order that no more should be licensed than are necessary to meet the demands of consumers, who, if a licit supply were not available, would probably supply themselves illicitly. Mr. Laurie says: "In an agricultural province like this, the people are not given to formulating their views in speech or writing; and 'public opinion' can only be arrived at by laborious research." In Madras "it has been directed that in cases of alterations in the number or sites of shops in municipalities, a list of the proposed shops with their sites should be forwarded to the Council in sufficient time to admit of its remarks being received and considered; and though in the rural tracts the location of shops is at the discretion of Revenue officers, representations from District or Taluk Boards or Taluk Unions would invariably be received with attention." In Bombay, Mr. Mackenzie says: "There is no fixed rule as to local option. In some districts it is attended to carefully; in others the Collector uses his discretion according to the information he possesses as to the demand; but in all any representation by the inhabitants for or against the establishment of a shop would have full consideration. Such representations, however, have seldom been made." The same is the case in Sind. Mr. James, the Commissioner, says: "No concession of local option in the matter of hemp drug shops has been made, nor is it necessary. Where there is sufficient demand, the farmer applies for a shop, and retailers are all grocers, and the drug forms an addition to their ordinary stock of groceries..... A farmer does not, like a publican at home, stimulate sales by accessories calculated to make his shops attractive. He simply depends on the demand. The Collector and District Magistrate, after consulting the local officials, is able to judge whether a shop should be opened or not, and local residents other than the consumers of the drug take no more interest in the matter than a tailor in an English country town in the question whether a particular grocer down the street should have a license to sell claret or not. The subordinate officials whom the Collector would consult before

deciding.....no doubt ask the local zamindars or Hindu mukhi their opinion upon this as upon most matters affecting the peace and comfort of the village. But the matter is too insignificant for any formal rule to be made or to be necessary."

687. It is perhaps doubtful what might be the effect of an attempt to canvass public opinion more completely than is at present done. A missionary in Bengal and another in Assam think that local public opinion would close every ganja shop. But Mr. Cockburn, an officer of long standing in the Opium Department, North-Western Provinces, says: "If the wishes of the people were consulted, the number of liquor shops would be at once doubled, and ganja and bhang obtained at every bania's." Mr. Thorburn, Commissioner in the Punjab, takes the same view. A missionary in Madras, who is an advocate of prohibition, says: "I do not see the use of consulting local opinion on such a question. Though public opinion is decidedly against the use of hemp drugs, it is doubtful if the majority of the people would take the trouble to express any opinion on the subject, while consumers of the drug would certainly try to show that opinion was in favour of opening such shops." One witness in the Central Provinces sees serious objections to referring the question to public opinion on the ground that, "whenever public opinion is taken, it has led to many difficulties and mal-administration." There are three opinions, two in Bengal and one in Madras, for consulting district and local boards as well as municipalities regarding the opening and shutting of shops; and one witness in Bengal would ascertain local opinion through the panchayats which exist under the Chaukidari Act; but none of these witnesses seem to have much confidence in the plan they propose.

688. The Commission feel that except in municipalities where the responsibility of regulating the number of the shops might with advantage be shared by the District and Municipal authorities, there is not much need or opportunity for soliciting public opinion in regard to the matter; but that the leading rural notables, zamindars, or headmen should be consulted by the subordinate officer who reports the case when new shops are proposed, and that objections, if presented, should continue to receive the most careful attention. But the district officer must be wholly responsible for not allowing shops to exist where there is not a demand for them.

689. The object of limiting the amount of the drug which may be legally possessed by any one person is to place a check upon smuggling and to restrict consumption. The imposition of this limit is specially required where the proximity of Native States affords facilities for the former; and recommendations for lowering the maximum are made by several witnesses in this connection. Consumption is also thereby checked, for not only is excess fostered by the possession of a large store, but means are afforded for more extensive distribution of the drug. The maximum of legal possession is very different in different parts of India. The limit as fixed by Act XXII of 1881, which is in force in the North-Western Provinces,

the Punjab, the Central Provinces, Ajmere, Coorg, and Quetta-Pishin, is as follows :—

Ganja or charas, or any preparation or admixture thereof	... 5 tolas.
Bhang, or any preparation or admixture thereof	... $\frac{1}{4}$ sér.

This amount is held to be reasonable by the Excise Commissioner, North-Western Provinces, and there are no opinions of any weight in favour of its alteration.

In Bengal the limit fixed by Bengal Act VII of 1878 is as follows :—

Ganja or bhang, or any preparation or admixture of the same	... $\frac{1}{4}$ sér.
Charas, or any preparation or admixture of the same	... 5 tolas.

There are several witnesses who recommend the reduction of the maximum for ganja to 5 tolas ; and, though the subject has not been noticed by any very high authority, the majority of these witnesses are men of special experience in excise matters. As regards ganja imported from the Orissa Tributary Mahals, the Bengal Government has authority under the Act to fix a lower maximum, and it has accordingly fixed 5 tolas.

In Madras the Act (I of 1886) provides that the Government may fix a limit. No such limit has been prescribed, and the Commission are of opinion that this should be done.

In Bombay and Sind the Act (V of 1878) prescribes the limit fixed by the Government for retail sale as the limit of possession. This limit has been fixed by notification for the whole Presidency at 40 tolas or half an Indian sér for all intoxicating drugs. There is a considerable amount of evidence in Bombay that this limit is too high. Mr. Mackenzie says that it might be very considerably reduced, and four Collectors, Messrs. Campbell, Monteath, Woodward, and Lely, recommend the adoption of 5 tolas as the limit for ganja. Eleven other witnesses in this province advocate reduction of the maximum. In Sind there are fewer opinions on the subject, but there also the reduction of the limit is recommended by three witnesses.

In Berar no limit of possession is prescribed ; the limit for retail sale is—ganja and bhang, 20 tolas ; charas, 5 tolas. Three witnesses recommend reduction of the limit, two of whom are excise officers.

690. As regards ganja and charas, and any preparation or admixture of the same, the Commission are of opinion that there should be one limit for the whole of India, and that this limit should be 5 tolas. It is only in Bengal that this measure would require an alteration of the law, and the opportunity should be taken when the Excise Act is amended to make the necessary provision. It is understood that the subject has already been under discussion, and that this amendment of the law has been recommended by the Excise Commissioner. As regards bhang, the limit is nowhere less than $\frac{1}{4}$ sér. This limit is probably low enough where the hemp plant grows wild, *viz.*, in the Bengal Presidency. For other provinces, where bhang is merely the refuse of the ganja plant, the question arises whether the limit ought

to be higher than in the case of ganja. But upon the whole the Commission think that the two products, ganja and bhang, are sufficiently distinct, and that no great objection exists to allowing a higher maximum. They would therefore recommend that 5 tolas for ganja or charas and 20 tolas or $\frac{1}{4}$ sér for bhang be regarded as the proper maxima for all provinces, and that as opportunity offers all Native States be advised to accept these limits. There is certainly some advantage, considering how British territory is interlaced with Native State territory, in having one standard in this respect for the whole of India.

691. In the case of the excise of spirits, the duty is levied on the alcoholic content of the liquid as determined by the percentage of proof spirit present, and, in view of the varying amount of resin extraction present in different qualities of hemp drugs (on which the narcotic value depends), it might be argued that the equitable mode of levying duty would be by the adoption of a sliding scale, the duty varying with the percentage of resin extraction present. But there are at present practical difficulties against the adoption of such a system. The physiological value of the resin extraction present in all samples is not similar; and, though two specimens may contain precisely the same percentage of resin extraction, it does not follow that the narcotic power of the drugs would be equal, and also that the percentage of extraction in the drugs may vary from year to year. The Commission, therefore, make no recommendation regarding the taxation of hemp drugs according to their strength.

692. The province of Burma stands on a different footing from that of any other province, inasmuch as the hemp drugs are entirely prohibited. This prohibition was put into force in the year 1873 and embodied in the Excise Act, 1881. The Chief Commissioner has power to grant special licenses for cultivation, sale, and possession of the drugs; but the power has not been used. The prohibition arose out of the inquiry made by the Government of India in 1871. Sir Ashley Eden, then Chief Commissioner, recorded the following remarks regarding ganja in his review of the Excise Report for 1870-71: "The sale of this article is prohibited at Ramree, Sandoway, Tavoy, and Mergui, and the Chief Commissioner considers that no further addition should be made to the number of places for the sale of this pernicious drug, which is smoked only by the natives of India. Indeed, he would be glad to have the opinion of the Commissioners as to the possibility of withdrawing all licenses for the sale of ganja throughout the province. Its use is at present happily little known to the people of the country; at the same time there is every reason to fear that a taste for it may be spread among them by the people of India as in the case of opium. It certainly seems to the Chief Commissioner that it is very desirable to at once sacrifice the small revenue derived from this source and stop the consumption absolutely before the evil comes upon the country. The only sufferers from the cessation of the supply will be a few of the Indian labourers who come to work here during the rice season. They must learn to take the want of ganja as one of the discomforts of a sojourn in a foreign land, for which they are amply compensated by the large earnings they obtain. The Chief Commissioner observes that the percentage of persons admitted to

the Dacca Lunatic Asylum in Bengal who had lost their intellect from the effects of ganja was from—

				Per cent.
1860 to 1867	...	...	...	45.4
1868 to 1870	...	...	...	34.7

It has been said that some ganja has been grown lately in this province. The cultivation should be at once checked." A copy of these remarks, together with the opinions of local officers, civil and medical, was sent to the Government of India in reply to the enquiry. There is very little in the opinions which goes to establish the injuriousness of the drugs, and it may therefore be taken that Sir Ashley Eden's strong expression of opinion embodies the reasons for which the Government of India concurred in absolute prohibition which was enforced from the beginning of the year 1873-74. Apparently Sir Ashley Eden relied largely upon the statistics of the Dacca Lunatic Asylum for his opinion. The arguments to be derived from these statistics have been considerably modified by the Commission's investigations. In 1878 the Government of India addressed the Chief Commissioner of Burma in the following terms: "In 1873 the sale and cultivation of ganja in British Burma were prohibited. In September 1874 the import of the drug by sea was also prohibited. These arrangements received the approval of the Government of India on the understanding that it would be possible by this means to prevent the use of ganja altogether in British Burma. Your present proposals show that it has not as yet been found possible, and tend to throw some doubt upon the policy of 1873 and 1874. I am therefore directed to request that you will be good enough to examine the result of the repressive measures already adopted, and favour the Government of India with your opinion as to whether it would be advisable to persevere in the attempt to prohibit absolutely the use of ganja in British Burma, or whether it would not be preferable to revert to a system of licensed sale of the drug upon payment of heavy duties." The Chief Commissioner, however, considered that "a return to the license system would be a retrograde step, and that the possession of ganja in British Burma should be altogether prohibited by law. The grounds for this opinion are that ganja is admittedly more baneful than opium; that as yet the drug is unknown to the Burmese, or at any rate is not used by them to such an extent as to become a luxury the sudden withdrawal of which would be felt; that in the Arakan Hill Tracts the total prohibition of ganja has worked well; and that the people of Burma at present addicted to its use are solely, it is believed, immigrant natives of India" (Excise Report for 1877-78). These views were accepted by the Government of India, and the provisions relating to Burma in Act XXII of 1881 were the result. From that date the subject was not mentioned in the Excise Reports for the next 8 years. In the report for 1890-91 the only notice is that one Burman was prosecuted for cultivation of ganja. In the report for 1891-92, 31 breaches of the Excise law in respect of ganja are mentioned, in which 27 convictions, involving 236 tolas of ganja, were secured. This was in the Arakan Division. There is a special statement for Upper Burma showing 12 tolas of ganja confiscated in Yew and 13 viss and 1 tola in Lower Chindwin. The same statement for 1892-93 shows 2,000 tolas of ganja as confiscated in Yew and 532 (or 352) in Upper Chindwin. There is still no mention of the subject in the reports.