



The Opium (Uttar Pradesh Amendment) Act, 1963  
Act 13 of 1963

**Keyword(s):**  
Opium Act, 1878, Excise on Opium, Poppy Head

**Amendment appended: 28 of 1982**

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**THE OPIUM (UTTAR PRADESH AMENDMENT)  
ACT, 1963\***

(U. P. Act No. XIII of 1963)

(*Authoritative English text† of the Opium (Uttar Pradesh  
Sanshodhan) Adhiniyam, 1963.*)

AN  
ACT

*to amend the Opium Act, 1878 in its application to Uttar Pradesh*

Act no. I of 1878

It is hereby enacted in the Fourteenth Year of the Republic of India as follows :

1. (1) This Act may be called the Opium (Uttar Pradesh Amendment) Act, 1963.

Short title and extent.

(2) It extends to the whole of Uttar Pradesh.

2. In the Opium Act, 1878, *after* section 21, the following shall be *added* as section 21-A :—

Addition of section 21-A in Act no. I of 1878.

“21-A. Any officer of the Excise Department of the State Government, not below such rank as that Government may by notification in the *Gazette* specify, may investigate into any offence punishable under this Act if committed within the area of his jurisdiction, and shall, in respect of such investigation, have all the powers exercisable by an officer in charge of a police station in this behalf under Chapter XIV of the Code of Criminal Procedure, 1898.”

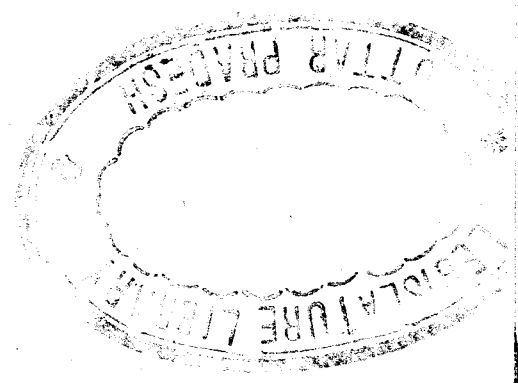
Power of certain officers of the Excise Department to investigate into offences punishable under this Act.

\*For Statement of Objects and Reasons, please see *U. P. Gazette Extraordinary*, dated February 6, 1963.

Passed in Hindi by the Uttar Pradesh Legislative Council on February 8, 1963 and by the Uttar Pradesh Legislative Assembly on February 15, 1963.

Received the Assent of the President on April 23, 1963, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated April 29, 1963.

†Published in the *Uttar Pradesh Gazette Extraordinary*, dated April 29, 1963.



No. 3250 (2) /XVII-V-1-89-1980

Dated Lucknow, November 4, 1982

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Aphim (Uttar Pradesh Sanshodhan) Adhiniyam, 1982 (Uttar Pradesh Adhiniyam Sankhya 28 of 1982) as passed by the Uttar Pradesh Legislature and assented to by the President on October 22, 1982 :

**THE OPIUM (UTTAR PRADESH AMENDMENT) ACT, 1982**

[U. P. ACT NO. 28 OF 1982]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

*further to amend the Opium Act, 1878 as applicable to Uttar Pradesh and to provide for levy of duty of excise on Opium*

IT IS HEREBY enacted in the Thirty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Opium (Uttar Pradesh Amendment) Act, 1982.

Short title, extent and commencement.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on July 1, 1969.

2. After section 5 of the Opium Act, 1878 as amended in its application to Uttar Pradesh, hereinafter referred to as the principal Act, the following sections shall be inserted, namely:—

Insertion of sections 5-A to 5-C in Act no. 1 of 1878.

“5-A. (1) There shall be levied and paid a duty of excise on opium produced in Uttar Pradesh at such rates not exceeding Excise Duty on two rupees per kilogram as the State Government may notify from time to time, and different rates may be notified in respect of different forms of opium.

(2) Until a notification is issued under sub-section (1), the duty of excise on poppy heads produced in Uttar Pradesh shall be levied and paid at the following rates, namely:—

(a) On poppy heads exported outside Uttar Pradesh Twenty-five paise per Kilogram.

(b) On poppy heads other than those mentioned in clause (a) Fifty paise per Kilogram.

5-B. (1) There shall be levied and paid countervailing duty on opium produced outside but imported into Uttar Pradesh at such rates as the State Government may from time to time notify, and different rates may be notified in respect of different forms of such opium:

Provided that the rate of duty notified under this sub-section shall not exceed the rate fixed for similar forms of opium produced in Uttar Pradesh.

(2) Until a notification is issued under sub-section (1), the countervailing duty on poppy heads produced outside but imported into Uttar Pradesh shall be levied and paid at the rate of fifty paise per kilogram.

5-C. The State Government may, by notification, make rules to carry out the purposes of sections 5-A and 5-B.”

## Validation.

3. (1) Notwithstanding any judgment, decree or order of any court to the contrary, the Uttar Pradesh Poppy Head (Amendment) Rules, 1969, shall be deemed to have been made under the principal Act as amended by this Act and shall be deemed to be as valid and lawful as if the provisions of this Act were in force at all material times.

(2) Without prejudice to the generality of the provisions contained in subsection (1), all duties levied or collected under the rules referred to in that subsection shall be deemed to have been validly levied and collected, and accordingly—

(a) no suit or other proceedings shall be maintained or continued in any court for the refund of such duty; and

(b) no court or authority shall enforce a decree or order directing refund of any such duty.

By order,  
G. B. Singh,  
Sachiv