

# NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 AND RULES

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# OBJECTIVE

- Prohibit, control and regulate the operation relating to narcotic drug and psychotropic substances.
- It also provide licensing system for both central and state government to regulate manufacture, cultivation, import, export, interstate traffic transportation and sale of narcotic and psychotropic substances

## Important Points:

- Central government have empowered to amend list of psychotropic substance.
- Power of central government and state government to permit, control, and regulate rules and regulation related to the opium.
- Govt. opium factory located in Ghazipur and Neemuch.

# DEFINITION(SECTION 4)

- The definitions and important terms of the narcotic Drugs and psychotropic Substances Act, 1985 and Rules, are as follows:

1. “**Addict**” means a person who has dependence on any narcotic drug or psychotropic substances.
2. “**Board**” means the Central Board of Excise and customs constituted under the Central Board of Revenue Act, 1963 (54 of 1963)

3. **Coca plant:** It means the plant any species of the genus Erythroxylon.

Extract of Coca leaf

All preparation containing not more than 0.1% of cocaine.

4. **Cannabis:**

**Bhang:** Leaves of Plant cannabis sativa.

**Ganja:** Flowering or fruiting tops of the cannabis plant (exclude seed or leaves)

**Charas:** separated resin and resin known as hashish oil or liquid hashish.

### 3. Opium:

Coagulated juice of the opium poppy but does not include any preparation containing not more than 0.2% of morphine.

### 4. “Opium poppy” means –

The plant of the species *papaver somniferum* L

The plant of any other species of *Papaver* from which opium or any phenanthrene alkaloid can be extracted.

# PSYCHOTROPIC SUBSTANCE

It means any substance natural or synthetic or any sale or preparation of such substance or material which is included in the list of psychotropic substances specified in the schedule:

Example:

<b>Lysergic acid derivatives (LSD)</b>	<b>Benzodiazepam</b>	<b>Diazepam</b>
Alprazolam	Estrazolam	Ketamine
Amphetamine	Muscaline	Psilocybin
Amobarbital	Midazolam	Pentazocine
Glutathimide	Mazindol	Pentobarbital

# AUTHORITIES AND OFFICER:

1. Measures by central Government
2. Officer of central government
3. Narcotics drugs and psychotropic substances consultative committee
4. National Fund for control of drug abuse
5. Officer of state government

# AUTHORITIES AND OFFICER:

## 1. Measure by Central Government

- Central government to take measures for preventing and combating abuse of and illicit traffic in narcotic drugs, etc. Central government take measures with respect to the following matter:
- Coordination of actions by various officers, state government, and other authorities.
- Assistance to the concerned authorities in foreign countries and concerned international organizations with a view to facilitating coordination and universal action for prevention and suppression of illicit traffic in narcotic drugs and psychotropic substances.
- Identification, treatment, education, after care, rehabilitation and social re-integration of addicts.

## 2. Officers of Central government

Narcotics commissioner:

- Under the provision of this act, the central government may appoint narcotic commissioner and such other officer as it thinks fit.
- Narcotic commissioner himself or with the help of other officers shall perform the functions relating to:
  1. The supervision of the cultivation of the opium poppy.
  2. Production of opium and
  3. Other functions as may be entrusted to him by the central government.
  4. The state Government may appoint such officers as deemed fit for the purposes of this Act.



### 3. Narcotics Drugs and psychotropic substances consultative committee

- Constituted for efficient administration of this act by the central government as an advisory committee
- Consists of chairman and not more than 20 members.
- Function: Advices the central government on the matters relating to administration of this act.

#### 4. National fund for control of drug abuse

- The central government may, by notification in the official gazette, constitute a fund to be called the National fund for control of drug abuse and there shall be credited.
- The fund shall be applied by the central government to meet the expenditure incurred in connection with the measures taken for:
  - Combating illicit traffic in narcotic drugs, psychotropic substances or Controlled substances
  - Controlling the abuse of narcotic drugs and psychotropic substances
  - Identifying, treating , rehabilitating addicts
  - Preventing drug abuse
  - Educating public against drug abuse

## 5. Officers of state government

- The state government may appoint such officers with such designations as it thinks fit for the purposes of this act.
- The officers appointed under sub-section shall be subject to the general control and directions of the state government, or, if so directed by that government also of any other authority or officer.

# PROHIBITION, CONTROL AND REGULATIONS

- Prohibition of certain operations
  - 1) Cultivate any coca plant or gather any portion of coca plant: or
  - 2) Cultivate the opium poppy or any cannabis plant
  - 3) Produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import inter-state, export inter-state, import into india, export from india or transship any narcotic drug or psychotropic substances.

# **POWER OF CENTRAL GOVERNMENT TO PERMIT, CONTROL AND REGULATE**

The Central Government may Permit and regulate:

- 1) The cultivation and collection of a portion of coca plant, or the production, possession, sale, purchase, transport, inter-state import and export, use, or consumption of coca leaves,
- 2) The cultivation of opium poppy,
- 3) The production and manufacture of opium and production of poppy straw,
- 4) The sale of opium and opium derivatives from the Central Government factories for export from India or sale to State Government or to manufacturing chemists,

- 5) The manufacture of manufactured drugs (other than prepared opium) or their preparation from materials which the maker is legally allowed to possess, and
- 6) The manufacture, possession, transport, inter-state import and export, sale, purchase, consumption, or use of psychotropic substances

# **POWER TO CONTROL AND REGULATE CONTROLLED SUBSTANCES**

1. If the Central Government has an opinion that using any controlled substances in the production or manufacture of narcotic drugs or psychotropic substances, it is required to do so in the public interest, it can provide for regulating or prohibiting the production, manufacture, supply, and distribution, and trade and commerce within.
2. Without bias to the generalization of the power discussed above and order made thereunder can regulate with licenses or permits the production, manufacture, possession, transport, inter-state import and export, sale, purchase, consumption, use, storage, distribution, disposal, or attainment of any controlled substance.

# **POWER OF STATE GOVERNMENT TO PERMIT, CONTROL AND REGULATE**

- The State Government may Permit and regulate:
  - 1) The possession, transport, inter-state import and export, warehousing, sale, purchase, consumption, and use of poppy straw,
  - 2) The possession, transport, inter-state import and export, sale, purchase, consumption and use of opium,
  - 3) The cultivation of cannabis plant, production, manufacture, possession, transport, inter-state import and export, sale, purchase, consumption, or use of cannabis (excluding charas),
  - 4) The manufacture of medicinal opium or preparations containing manufactured drug from materials which the maker possesses legally,



- 5) The possession, transport, purchase, sale, inter-state import and export, use, or consumption of manufactured drugs (other than prepared opium) and their preparations, and coca leaf, and
- 6) The manufacture and possession of prepared opium using opium legally possessed by an addict registered with the State Government on medical advice for his personal consumption

# OFFENCES AND PENALTIES

This Act has enhanced the punishments for offences related to narcotic drugs and psychotropic substances. The violations and penalties are given in the table

OFFENCES	PENALTIES
1) i) Contraventions of provisions in the Act or F Rules there under in respect of poppy straw, y opium poppy, coca plant and coca leaves, prepared opium, manufactured drugs and psychotropic substances.	Rigorous imprisonment for 10-20 years
ii) Illegal import or export or external dealings in F narcotic drugs or psychotropic substances	Fine between Rs. 1 to 2 lacs or more.
iii) Allowing use of premises, vehicles, etc., for the commission of an offense under the Act.	
iv) Embezzlement of opium by licensed cultivators.	

OFFENCES	PENALTIES
Contravention in respect of cannabis plant and cannabis related to Ganja.	Rigorous imprisonment for up to 5 years and fine of up to rs. 50000.
Failure to produce licences, permits, authorisations, etc., on demand by authorised persons.	Rigorous imprisonment for up to 5 years or a fine or both.
Illegal possession for personal consumption or consumption of cocaine, morphine, diacetylmorphine or any other narcotic drug or psychotropic substance specified in this behalf.	Rigorous imprisonment for up to 1 years or fine or both.
Abetment/ attempt of above	Same punishment as for the main offense.