

Chapter-4

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES



ACT 1985 AND RULES

(NDPS) Act

INTRODUCTION

The Narcotic drugs and Psychotropic substances Act 1985, commonly referred to as the NDPS Act, is an Act of the Parliament to India that prohibits a person the Production/ Manufacturing / cultivation / possession, sale, ~~UNITED SECULAR SOCIETY~~ transport, storage, and or consumption of any narcotic drugs or psychotropic substances.

OBJECTIVE

- To Prohibit or control or to regulate the operation relating to narcotic drugs and psychotropic substances.
- It provides licence system for whole central and state Govt.
- It prescribe the procedure for preventing illicit traffic & abuse of narcotic drugs and psychotropic substance.
- also provide penalties

DEFINITIONS

1. Narcotic Drugs → It means
Coca leaves, opium,
hemp, poppy straw & including all
manufacture drugs.

2. Psychotropic substances →

- (i) Any substances natural or synthetic
or any salt
- (ii) Preparation of such substances which
are included in a list of
psychotropic substances in the
schedule to the ~~UNITED SECULAR SOCIETY~~ Act 1985.
e.g → N-N Dimethyltryptamin
LSD (Lysergic acid diethylamide)
Alprazolam

3. Coca leaf → Leaves of any plant
of genus Erythroxylon
coca, excluding leaves from
which cocaine, ecgonin and other
egonine alkaloids is removed.
Any mixture there of with or
without any neutral material except
any preparation containing less
than 0.1% of cocaine.



(2) ~~Coca~~

(4) opium → Coagulated juice of opium poppy (*Papaver Somniferum*) or any other species of *Papaver* from which opium or any phenanthrene alkaloids can be extracted & It may be declared to be opium poppy by notification of central government

Any mixture of coagulated juice of opium with or without Neutral material containing more than 0.2% of morphine,

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(5) Hemp.

(a) Charas → It is the resin in crude or purified state obtained from cannabis plant and It include concentrated preparation of resin, known as "Hashish Oil" or "Liquid Hashish"

(b) Ganja → It is flowering & fruiting top of cannabis plant (Excluding seed & leaves).

(6) Manufacture Drugs : Derivative
of coca
opium or hemp such as medicinal hemp
coca derivative medicinal cocaine
opium derivative prepared opium
poppy straw concentrate. etc.

(7) Coca Derivatives + Crude cocaine
Any extract of coca leaves which
can be directly or indirectly
use for manufacture of cocaine,
Ecgonine, cocaine.

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(8) Opium Derivative + Medicinal
opium Opium
manipulated to render it suitable
for smoking
e.g. → Morphine, heroin, thibaine.



9) ILLICIT TRAFFIC →

(As defined NPS Ordinance 1988)

1. Cultivation of coca plant & gathering any portion of coca plant.

2. Cultivating opium poppy or any cannabis plant.

3. Engaging in the manufacturing, possession, sale, purchase, transporting, warehousing, concealment, use of consumption, inter-state import, inter-state export

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4. Dealing in narcotic drug and psychotropic substances.

5. Handling or letting any premises for use for any purpose referred above.

6. Financing any activity by himself or through any other person in the further or in.

7. Support of doing any of the above said acts.



Examples of Psychotropic Substances

Antidepressants

Amitriptyline

Amoxapine

Sertraline

Doxepin

Antipsychotics

Aripiprazole

Aasenapine

Chlorpromazine

haloperidol.

PROHIBITION, CONTROL AND REGULATION

Prohibition of certain operation As per
sec 8 No person shall

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Cultivate any coca plant or gather
any portion of coca plant, or,

Cultivate the opium poppy or any
cannabis plant or.

Produced, manufactured, possess, sale,
purchase, transport, warehouse, use,
consume, interstate export and
import into India, export from
India or transshipment any
narcotic drugs or psychotropic
substances.

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(B) Power of Central Government to permits, control and regulate

Central government may, by rule permits and regulates.

1. The cultivation or gathering, of any portion of coca plant or the production of, sale, purchase, transport

2. The cultivation of the opium (only an account of central government)

3. **UNITED SECULAR SOCIETY**
The production and manufacture of opium and production of poppy straw

(4). The sale of opium derivative from the central government factories for export from India or sale of state Government or to manufacture chemist.

(5) Manufacture of manufacture drug other than opium but not including manufacture of medicinal opium or any preparation containing any manufacture drug from material which the maker is lawfully entitled to possess.



6. The manufacture, possession, transport, import, inter-state, export inter-state, sale, purchase, consumption, or use of psychotropic substances.

7. The import into India and export from India and transshipment of narcotics drugs and psychotropic substance.

Control of certain operation by state government.

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According to the rules.

1. The time limits within which cultivator may be given for the cultivation of any cannabis plant.

2. Authorization: only the cultivator licensed by the prescribe authority

3. The price to be paid to the cultivator for cannabis delivered

4. Prescribe the form and condition of licensed or permits licenses or permit for some or all of

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Central Government to ~~take~~ take measures for preventing and combating abuse of and illicite traffic in

1. Subject to the provisions of this Act. the Central Government shall take all such measures narcotic drugs, etc as it deems necessary or expedient for the purpose of preventing and combating abuse of narcotic drug and psychotropic substances and the illicit ~~UNITED SECULAR SOCIETY~~ and for ensuring their medical scientific use.

2. Central Government may take under the sub-section include measures with respect to all or any of the following matters, namely

(a) Coordination of actions by various officers, State Government and other authorities, under this act, or

(ii) under any other law for the time being in force in connection with the enforcement of the provisions of this Act.

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obligations under the International Conventions

Assistance to the concerned authorities in foreign countries and concerned international organization with a view to facilitating coordination and universal action for prevention and suppression of illicit traffic in narcotic drugs and psychotropic substances.

OFFICERS OF CENTRAL GOVERNMENT

Without ^{UNITED SECULAR SOCIETY} prejudice to the provisions of sub-section (3) of section 4, the Central Government shall appoint a Narcotics Commissioner and may also appoint such other officers.

The officers appointed under sub-section 1) shall be subject to general control and direction of the Central Government or if so directed by that Government also of Board or any other authority or officers.

OFFICER OF STATE GOVERNMENT

- ① The state Government may appoint such officer with such designation as it thinks fit for the purpose of this Act.
- ② The officers appointed under sub-section (1) shall be subjected to general control and direction of State Government or if so directed by that Government, also of any other authority or officer.

The Narcotic Drugs And Psychotropic Substances Consultative Committee

The Central Government may constitute by notification in the Official Gazette, an advisory committee be called

The Narcotic, Drugs and Psychotropic Substances Consultative Committee" to advise the central Government

on such matters relating to the administration of this Act as are referred to it by that Government from time to time.



The Committee shall consist of a chairman and such other members not exceeding twenty, as may be appointed by the Central Government.

The Committee shall meet when required to do so. by the Central Government and shall have power to regulate its own procedure.

The Committee may if it deems it necessary so to do for the efficient discharge of any of its functions, constitute one or more sub-committees.

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PENALTIES & OFFENCES

Clause - I -

The contravention of provision in respect of poppy, poppy straw, opium, coca plant, coca leaves, prepared opium, prepared drugs and psychotropic substances illegal import or export or external dealing and trans-shipment of narcotic drugs and psychotropic substances allowing use of premises or vehicle commission of an offence under the act. Embezzlement of opium by licensee cultivator (contravention in respect of cannabis plant other than ganja)

Penalties - 1. Imprisonment not less than 10 years with a fine of rupees 1 Lakh.
This may be extended to imprisonment upto 20 years and fine upto 2 Lakh.

Clause - 2.

Contravention in respect of
cannabis plant related to
ganja

Penalty → The punishment is
rigorous imprisonment upto
5 years and fine up to Rs 50,000

Clause - 3

failure to keep a
record or account or failure
to submit the returned or
required by law or keeping
false records and making false
statement is an offense.

Failure to produce licenses when
demanded by authority is an
offense.

Penalty → Rigorous imprisonment
upto 5 years or
fine or both

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Clause - 4 - 1 Illegal possession for personal consumption of cocaine, morphine diacetyl and psychotropic substances.

Penalty - 1 Rigorous imprisonment for term which may be extended to one year or fine which may be extended to Rs 20,000 or both.

The Narcotic drugs and psychotropic substances consumed is other than those specified in over under clause 4 with imprisonment term which may extended to six months or fine which may extend to Rs 10,000/ or both.

Clause - 5

Financing illicit traffic and harboring offender or directly and indirectly financing any of the activity specified in sub-clause 1 to 4

Panalty - Rigorous Imprisonment
for a term which shall
not be less than 10 years
but which may be extend up to
20 years and fine which shall
not be less than Rs 1 Lakh
which may be exceeding Rs
2 Lakh.

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