

# Narcotics & Psychotropic Substance Act

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Unit 6<sup>th</sup>  
(Pharmaceutical jurisprudence)

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# INTRODUCTION<sup>1</sup>

- The Central Acts like Opium Act, 1857, the Opium Act, 1878 and the Dangerous Drugs Act, 1930 were enacted a long time ago. With the changing circumstances and the developments in the field of illicit drug traffic and drug abuse at national and international level, many drawbacks have come to notice in the said Acts.
- The Government of India has repealed these old Acts and passed “The Narcotic Drugs and Psychotropic Substances Act, 1985”.
- These Acts were established on 14 November 1985.

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- It also provides the licensing system for both Central and State Government .

## OBJECTIVE <sup>1</sup>

- The main objective of this Acts is to consolidate and amend the law relating to narcotic drugs, to make stringent provision for control and regulate the operation relating to narcotic drugs and psychotropic substance and matter connected there with.



# DEFINATION<sup>1,2</sup>

- (1) **Addict** : A person habitual to regular use of any narcotic drug or psychotropic substance.
- (2) **Cannabis** :
  - (a) **charas**, that is, the separated resin, in whatever form, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish.
  - (b) **ganja**, that is, the flowering or fruiting tops of the cannabis plant .
- (3) **Medicinal Cannabis** : It is any extract or tincture of cannabis.

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- **Coca Derivative** : It include :
- (I) Crude cocaine which can be used directly or indirectly for manufacture of cocaine .
- Cocaine is methyl ester of benzoyl-ecogonine and it`s salts.
- (4) **Opium** : it means the coagulated juice of the opium poppy and it`s mixture with or without neutral material.
- (5) **Opium Poppy** : It includes the plant of Papaver somniferum L and other species of papaver from which opium and phenanthrene alkaloid can be extacted.
- (6) **Psychotropic Substance** :It means any substance natural or synthetic or any salt or preparation of such substance or material ,which is included in list of psychotropic substance specified in the schedul .eg.DET, Clonazepam,Amphetamine, Pentobarbital,Pentazocine

# Narcotic Control Bureau (NCB)<sup>I</sup>

- NCB was established on 17<sup>th</sup> March 1986 to enable the full implementation of the NDPS Act 1985.
- Headquarter at Delhi.
- It is the chief law enforcement and intelligence agency of India.
- Director general.

# AUTHORITIES AND OFFICERS<sup>1</sup>

- **[A] Central Government to take measure for Preventing and Combating abuse of narcotic drugs and illicit traffic therein :**
- Co-ordination of action by various officers, state government and other authorities under this Act. or under any other law for the enforcement of the provision of this Act.
- Obligations under the International Conventions.
- Assistance to concerned authorities for prevention and suppression of illicit traffic in NDPS
- Treatment, education ,aftercare ,rehabilitation and social re-interaction of addicts.



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- **[B] Officers of Central Government :**

They appoint Narcotic Commissioner and other officers as it think .

Function : a) the supervision of cultivation of opium poppy;

b) production of opium ;

- **[C] NDPS Consultative committee**

- This committee consists of chairman and other members not exceeding 20.

- Committee shall advice the central government on the matters relating to the administration of this Act.

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## ● (D) Prohibition, Control and Regulation

1. Prohibition of certain operation As per Sec.8 : No person shall ;

- Cultivate any coca plant or gather any portion of coca plant; or
- Cultivate the opium poppy or any cannabis plant ;or
- Produce, manufacture, possess, sale, purchase, transport, ware-house, use, consume, import inter-state, export inter-state, import into India ,export from India any narcotic drug or psychotropic substance except for medical and scientific purpose.

## Power of Central Government to Permit, Control, and Regulate:

- The cultivation ,or gathering of any portion of coca plant (only on account of the Central Government ),or the production ,sale ,purchase ,transport ,import inter-state ,export inter- state, use or consumption of coca leaves.
- The cultivation of the opium poppy (only on account of the Central Government ).
- The production and manufacture of opium and production of poppy straw;
- The sale of opium and opium derivative from the Central Government factories for export from India or sale to State Government or to manufacturing chemists;

- The import into India and export from India transshipment of NDPS ;
- The manufacture, possession, transport ,import inter-state ,export inter- state, sale ,purchase , consumption or use of psychotropic substance;
- (c) Central government control on certain operation : According to the rules :
  - Govt. shall fix the limit of licences for cultivation.
  - The product cultivated by cultivator shall delivered to the authorised officer.
  - Govt. shall fix the price to be paid to the cultivator for the opium deliverd



- The rules may prescribe that Opium shall be weighed, examine, and classify according to its quality and consistence by the officers authorised in this behalf by the central govt. in the presence of cultivator at the time of delivery by the cultivator.
- The rules may provide for the weighed, examine, and classify according to its quality and consistence of the opium received at the factory and the deduction from or addition to the standard price to be made in accordance with the result of such examination.

- The form and condition of licence for manufacture of manufacture drugs ,the authorities by which such licence may be granted and fees may be charged.
- The opium delivery by the cultivator, if found as a result of examination in the central govt. factory to be adulterate, may be confiscated by the officer authorised in this behalf.

# Offence and Penalties<sup>1</sup>



- ❖ Punishment for contravention in relation to ;
  - Poppy straw .
  - Coca plant and leaves.
  - Prepared opium.
  - Opium poppy and opium.
  - Manufacture drug and preparation.
  - Psychotropic substances.
  - Cannabis plant and cannabis.
- ❖ Punishment for illegal import into India , export from India or transshipment of NDPS.
- ❖ Punishment for external dealing in NDPS in contravention of the provision of this act.

# Conclusion

- This act provide stringent provisions relating to narcotic drugs and psychotropic substances due to this no person can possesses,consume ,import and export of this drugs, it ultimetly protects public health by preventing drug abuse.



**Just Say**



**NO!**