



# **Narcotic Drugs and Psychotropic Substances Act and Rules 1985**

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# History



- The statutory control over narcotic drugs was being exercised under The Opium Act, 1857, The Opium Act, 1878 and The Dangerous Drugs Act, 1930.
- India had no legislation regarding narcotics until 1985. Cannabis smoking in India has been known since at least 2000 BC and is first mentioned in the Atharvaveda, which dates back a few hundred years BC

# INTRODUCTION



- Since the history of civilization, the drugs obtained from plants have much more value than the other naturally obtained drugs. Drugs like coca, hemp, and opium are valuable and addictive and the user undergoes degenerating effect.
- In 1857, Opium Act was introduced with the main objective of protecting the public by maintaining good health and removing disagreeable changes in the behavior of the user, resulting mainly from random intake of drug.
- Various drugs, e.g., **LSD, heroin, brown sugar, smack**, etc. are included in the list of addictive drugs.
- Act bill issued by President Giani Zail Singh on 16 September 1985, and came into force on 14 November 1985.

# OBJECTIVES



- To consolidate and amend the existing law relating to Narcotic Drug.
- To make stringent provision for control and regulation of operations relating to Narcotic Drugs and psychotropic substances.
- The provisions of the International Convention of Narcotic Drugs and Psychotropic Substances and matters related to them are also put into effect by the Narcotic Drugs and Psychotropic Substances Act and Rules, 1985
- To considerably enhance penalties particularly for trafficking offences.

On 14 November 1985 , this Act came into force, covering all the regions of India. This Act is applicable for:

**1) All Indian citizens living outside India, and**

**2) All registered Indians, either on ships or airplanes.**

- The Opium Act, 1857, the Opium Act, 1878 and the Dangerous Drugs Act, 1930 have been abolished by the Narcotic Drugs and Psychotropic Substances Act and Rules. The Central Opium Rules, 1934, the Dangerous Drugs Rules, 1957 and the Central Manufactured Drugs Rules, 1962 have been abolished by the rules of this Act.
- The provisions made under this Act shall be included in the provisions made under the Drugs and Cosmetics Act 1940 and Rules.

# Def Under the Act



## 1) *Cannabis (hemp):*

- **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 know as hashish oil or liquid hashish.
- **Ganja**, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be know or designated; and
- **Any Mixture** (with or without a neutral material) of any of the above-mentioned forms of cannabis plant, or any drink prepared from them

# Def Under the Act



## 2) *Coca derivatives*

**crude cocaine**, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;

(a) Cocaine, that is, methyl ester of benzoyl-ecgonine and its salts; and

(b) All preparations containing more than 0.1% of cocaine.

(C) **Coca Plant** is the plant of any species of the genus *Erythroxylon*.

**3. Poppy Straw** is all the harvested parts of the opium poppy (except the seeds), present either in their original form, or cut, or crushed, or powdered, and whether or not juice has been extracted from them.

**4. Narcotic Drug** is coca leaf, cannabis (hemp), opium, and poppy straw and includes all manufactured drugs.

**5. *Opium means:***

i) The viscous juice obtained from opium poppy, and

ii) Any mixture (with or without any neutral material) of the coagulated juice of opium poppy, without including any preparations that contain 0.2% of morphine.



# Illicit Traffic/Prevention of Illicit Traffic in Narcotic Drugs And Psychotropic Substances.



- (i) cultivating any coca plant or gathering any portion of coca plant;
- (ii) cultivating the opium poppy or any cannabis plant;
- (iii) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import interstate, export inter-State, import into India, export from India or transshipment, of narcotic drugs or psychotropic substances;
- (iv) Dealing in any activities in narcotic drugs or psychotropic substances other than those referred to in sub-clauses (i) to (iii)

# Authorities and Officers



The officers under this Act are as follows:

- 1) Measures by central government for preventing abuse of and illicit traffic in narcotic drugs, etc.,**
- 2) Officers of central government,**
- 3) Constitution and functions of narcotic and psychotropic consultative committee,**
- 4) National fund for controlling the drug abuse, and**
- 5) Officers of state government.**

# Central Government for Preventing Abuse of and Illicit Traffic in Narcotic Drugs



- To prevent, as well as to conflict against the use of narcotic and psychotropic substances and the illegal traffic, the Central Government can take measures in the following matters.
  - 1) Task management by various officers, State Government and other authorities under this Act or any other law which are involved in the enforcement of the provisions of this Act,
  - 2) Requirements as per the International Conventions,
  - 3) Helping the concerned authorities in foreign countries and international organizations, enabling coordination and universal action for preventing and suppressing illicit traffic in narcotic drugs and psychotropic substances.

# Officers of Central Government



- a Narcotics Commissioner and such other officers should also be appointed by the Central Government to carry out the functions of this Act.
- The duty of such persons is to exercise all powers and perform all functions associated with the supervision of opium poppy cultivation and production.
- Also, the Narcotics Commissioner should perform other functions, assigned to him by the Central Government.

# Power of Central Government to permit, control and regulate



- (i) The cultivation, or gathering of any portion (such cultivation or gathering being only on account of the Central Government) of coca plant, or the production, possession, sale, purchase, transport, import inter-State, export inter-State, use or consumption of coca leaves;
- (ii) The cultivation (such cultivation being only on account of Central Government) of the opium poppy;
- (iii) The production and manufacture of opium and production of poppy straw;
- (iv) 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;

# Power of State Government to permit, control and regulate.



- (i) The possession, transport, import inter-State, export inter-State, warehousing, sale, purchase, consumption and use of poppy straw.
- (ii) The possession, transport, import inter-State, export inter-State, sale, purchase, consumption and use of opium;
- (iii) The cultivation of any cannabis plant, production, manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of cannabis (excluding charas).
- (iv) The manufacture of medicinal opium or any preparation containing any manufactured drug from materials which the maker is lawfully entitled to possess;

# Constitution and Functions of Narcotic and Psychotropic Consultative Committee



- The Central Government appoints the members of this Committee, consisting of a Chairman and few other members. The number of members in this Committee should not be more than 20.

**The rules made by the Central Government guide the following:**

- 1) The term of the office,
- 2) The method of recruitment in the office,
- 3) The allowances to be paid to the Chairman and other members of the Committee, and
- 4) The conditions and restrictions, according to which the Committee appoints a non-member as a member of its sub-committee.

# National Fund for Controlling the Drug Abuse



- The National Fund for control of drugs abuse is constituted by the **Central Government** (only after notifying the Official Gazette).
- A Governing Body, for advising the Government regarding the fund applications, is constituted by the Central Government. The Governing Body should have the power to regulate its own procedure.
- After the end of each financial year, the Central Government should submit a report in the Official Gazette (as soon as possible), giving the details of all the activities funded during the financial year, along with a statement of accounts.



# Opium Poppy Cultivation and Production of Poppy Straw



- The cultivation of opium poppy required for the production of opium or poppy straw is done on behalf of the Central Government in **M.P., U.P., and Rajasthan.**
- The cultivation should be done as per the conditions of the license issued by the **District Opium Officer.**
- This license is granted on filing an application in **Form II** along with fee of **Rs. 5** and the license is issued in **Form I.**

The **application** should contain the following **information**:

- 1) Crop year,
- 2) Cultivator's name, father's name, and address,
- 3) Number of the plot of land over which poppy is to be cultivated,
- 6) Required area for opium poppy cultivation,
- 8) Details about the prescription of the applicant (if any) from the poppy cultivation, etc., and
- 9) Cultivator's signature and attestation by the Magistrate Executive.

- Given below are the **provisions** for cultivation, weighing, adulteration, price, supervision, and license cancellation of opium production.

### 1. Cultivation:

- For the cultivation of opium poppy, the area used must be mentioned in the license. The District Opium officer should appoint a Lambardar (one of the cultivator of opium poppy) for villages where poppy is cultivated.
- The Lambardar should perform his duties and should follow the terms and conditions laid by the Narcotics Commissioner.
- The complete opium poppy cultivation is inspected by an appointed officer in the presence of the cultivator and the Lambardar.



## **2) Weighing:**

- The daily cultivation of opium poppy should be brought to the Lambardar by the cultivator for weighing. The record maintained by the Lambardar should have the required entries made on the daily basis.
- These entries are attested by both the cultivator and the Lambardar. An authorized officer should weigh the amount of opium poppy collected and make entries in the Lambardar's register.

## **3) Adulteration:**

- If it is suspected that the opium delivered by the cultivator is adulterated, it should be sealed in the presence of the cultivator and the Lambardar and send to the Government Opium Factory.
- The seal is opened in the presence of the cultivator and a sample is withdrawn for evaluation. If the opium is found to be contaminated, the General Manager should seize the entire opium and take the required steps.

#### **4) Cancellation of License:**

- The license can be cancelled by an officer superior to the District Opium Officer anytime if the provisions under this Act are not properly followed; however, an opportunity of explanation is given to the licensee.
- In case if the licensee wants to withdraw his license, his standing crop (if any) should be destroyed as specified by the Narcotics Commissioner, under the supervision of an authorized officer.

# Sale and Export of Opium



- The Government Opium Factory (at Ghazipur) should only sell opium to State Governments or manufacturing chemists.
- The price of opium, to be paid to the cultivators, should be adjusted from time to time by the Central Government, in a manner they believe to be appropriate.
- The price should be fixed per kilogram of opium of a standard texture.
- Opium can be exported only on behalf of the Central Government, otherwise it is prohibited. Without an export authorization issued by the Issuing Authority, narcotic drugs or psychotropic substances (specified in Schedule II) should not be exported out of India.

When applying for an export authorization, the exporter should submit:

- 1) The original or a valid copy of the excise permit (issued by the State Government), along with the application, when the export authorization is related to narcotic drugs, and
- 2) The import certificate in original (issued by the government of the importing country), verifying the official permission of the concerned Government.

### **Declaration Form**



**Original and Duplicate copies** (filed by the exporter with the Narcotics Commissioner.)



**Original and Duplicate copies** (filed by the exporter with the Narcotics Commissioner.)



**Triplicate copy** (declaration should be sent to the importing country)



**Quadruplicate copy** should be retained by the exporter.

The **five copies** of the **export authorization** prepared by the Issuing Authority are as follows:

- 1) The **original copy**, along with the consignment should be delivered to the consignor,
- 2) The **duplicate copy**, indicated with date of export and the quantity exported, should be forwarded to the Collector of Customs of the port who will return it to the Issuing Authority,
- 3) The **triplicate copy** should be dispatched to the Government of the importing country,
- 4) The **quadruplicate copy** should be forwarded to the Excise Authority of the State in which the exporter has his place of business, and
- 5) The **quintuplicate copy** should remain with the Issuing Authority.

# The table below lists the current definition of a small quantity and a commercial quantity for some popular drugs

Drug	Small Quantity	Commercial Quantity
Amphetamine	2 gram (0.071 oz)	50 grams (1.8oz)
Charas	100 grams (3.5 oz)	1 Kg (2.2lb)
Cocaine	2 grams (0.071 oz)	100 grams (3.5 oz)
Heroin	5 grams (0.18 oz)	250 grams (8.8 oz)



# Offences and Penalties



Offences	Penalties
1) i) Contraventions of provisions in the Act or Rules there under in respect of poppy straw, opium poppy, coca plant and coca leaves, prepared opium, manufactured drugs and psychotropic substances. ii) Illegal import or export or external dealings in narcotic drugs or psychotropic substances. iii) Allowing use of premises, vehicles, etc., for commission of an offence under the Act. iv) Embezzlement of opium by licensed cultivators. v) Contravention in respect of cannabis plant and cannabis other than ganja.	Rigorous imprisonment for 10-20 years  Fine between ₹1 to 2 lacs or more.
2) Contravention in respect of cannabis plant and cannabis related to ganja.	Rigorous imprisonment for up to 5 years and fine of up to ₹50,000.
3) i) Failure to keep accounts or submit returns as required by law or keeping of false accounts or making of false statements. ii) Failure to produce licences, permits, authorisations, etc., on demand by authorised persons. iii) Wilful and deliberate indulgence in breach of any provision of the Act or conditions of licence, etc., for which no penalty is otherwise imposed by the Act.	Rigorous imprisonment for up to 5 years or fine or both.  Rigorous imprisonment for up to 3 years or fine or both

5) i) Illegal possession for personal consumption or consumption of substances other than those mentioned under point 4. ii) Offences for which no punishment is separately provided.	Rigorous imprisonment for up to 6 months or fine.
6) Abetment/attempt of above	Same punishment as for the main offence.