

An Introduction To the regulations  
related to

THE NARCOTIC DRUGS

&

PSYCHOTROPIC

SUBSTANCES

# RELATED STATUTES

- *THE NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES ACT 1985*
- THE NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES RULES 1985
- THE *A.P.* NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES RULES 1986
- THE NARCOTIC DRUGS and PSYCHOTROPIC SUBSTANCES (Regulation of Controlled Substances) Order, 1993.

THE NARCOTIC DRUGS &  
PSYCHOTROPIC SUBSTANCES  
ACT 1985  
*as amended by ACT 2001*  
REPEALS

THE OPIUM ACT 1857  
THE OPIUM ACT 1878  
THE OPIUM ACT 1957  
THE DANGEROUS DRUGS ACT 1930

# AIMS & OBJECTIVES

- TO CONSOLIDATE and AMEND THE LAW RELATING TO **NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES**
- TO MAKE STRINGENT PROVISIONS FOR CONTROL, FORFEITURE OF PROPERTY, DERIVED FROM or USED IN ILLICIT TRAFFIC
- TO IMPLEMENT THE PROVISIONS OF THE INTERNATIONAL CONVENTIONS NDs&PSs.
- ALL THE MATTERS RELATED THERE TO.

# SCHEME OF THE ACT.

## Eight CHAPTERS & Three Schedules.

CHAPTER – I ( Sections 1 to 3)

Short title, extent and commencement. **Definitions**  
( i to xxv – 36 in number)

Power to add to or omit from the list of psychotropic substances

1. **NARCOTIC DRUG** means Coca leaf, Cannabis ( Hemp ), Opium, Poppy straw and **includes all Manufactured Drugs**

# MANUFACTURED DRUG

## *means*

- a) all coca derivatives, medicinal cannabis, opium derivatives and poppy straw concentrate;
- b) any other narcotic substance or preparation which the central government, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notification in the Official Gazette, **declare to be** a Manufactured Drug.

# Psychotropic Substance *means*

- any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material included in the list of psychotropic substances specified in the schedule

# CONTROLLED SUBSTANCE

## means

- any substance which the Central Govt may, having regard to the available information as to its possible use in the production or manufacture of narcotic drugs or psychotropic substances or to the provisions of any international convention, by notification in the official gazette, declare to be a controlled substance.

# Manufacture *includes*

- All processes **other than production** by which such drugs or substances may be obtained;
- Refining of such drugs or substances;
- Transformation of such drugs or substances; and
- Making of preparation (otherwise than in a pharmacy on prescription) with or containing such drugs or substances.

# Controlled delivery means

- The **technique of** allowing illicit or suspect consignments of narcotic drugs, psychotropic substances, controlled substances or substances substituted for them to pass out of, or through or into the territory of India with the knowledge and under the supervision of an officer empowered in this behalf or duly authorised u.s.50-A with a view to **identifying** the persons involved in the commission of an offence under the Act.
- USE – in relation to narcotic drugs and psychotropic substances, means any kind of use **except personal consumption**

# Commercial quantity means

- Any quantity greater than the quantity specified by the Central Govt., by notification in the official Gazette
- **Small quantity** means any quantity lesser than the quantity specified by the Central Govt., by notification in the official Gazette
- **To transport** means to take from one place to another within the same State or Union Territory.

# CHAPTER – II ( Sections 4 to 7)

Authorities and Officers, (Central Govt & State Government)

Officers of Central Govt.,

The ND&PS Consultative Committee,  
NARCOTIC COMMISSIONER and

the ZONAL officers,

- DRUGS CONTROLLER GENERAL INDIA ( DCGI ) and  
the REGIONAL officers

- Officers of Customs

# Officers of the State Government.

- Director, Drugs Control Administration  
and other officers authorised by him;
- Inspectors appointed under section 21 of  
D&C Act 1940
- District Collectors and other officers  
authorised by him;
- Commissioner of Excise;
- Excise Superintendent;
- Chemical Examiner of Excise Department;
- Director, Forensic science Laboratory;

## SCHEME, contd.,

- Chapter III (sec 8 to 14) (PROHIBITION, CONTROL AND REGULATION)

Prohibition of certain operations/ Prohibition of certain activities relating to property derived from offence/ Power of Central Govt., to permit, control and regulate/ Power to control and regulate Controlled Substances/ Power of State Govt., to permit, control and regulate Narcotic drugs and psychotropic substances, etc., not liable to distress of attachment/ Restrictions over external dealings in narcotic drugs & psychotropic substances / Special provisions relating to coca plant and coca leaves for use in the preparations of flavouring agents/ Special provisions relating to Cannabis

## SCHEME, contd.,

### CHAPTER – IV

#### Offences & Penalties (Sections 15 to 40)

Punishment for contravention in relation to poppy straw/ Punishment for contravention in relation to coca plant and coca leaves/ Punishment for contravention in relation to prepared opium/ Punishment for contravention in relation to opium poppy and opium/ Punishment for contravention in relation to cannabis plant and cannabis

contd.,

## SCHEME, contd.,

Punishment for contravention in relation to **manufactured drugs & preparations/** Punishment for contravention in relation to **psychotropic substances/** Punishment for **illegal import** into India, **export** from India or **transshipment** of narcotic drugs and psychotropic substances /Punishment for **external dealings in** narcotic drugs and psychotropic substances in contravention of Sec 12 /

contd.,

# Offences & penalties

	Violation	Penalty & fine	Penal Section
1.	Cultivation of opium, cannabis or coca plants without licence	Rigorous imprisonment- up to 10 years + fine up to Rs.1 lakh	Opium - 18(c) Cannabis - 20 Coca-16
2.	Embezzlement of opium by licenced farmer	Rigorous imprisonment -10 to 20 years + fine Rs. 1 to 2 lakhs (regardless of the quantity)	19

# Offences & penalties

	Violation	Penalty & fine	Penal Section
3	<b>Production, manufacture, possession, sale, purchase, transport, import inter- state, export inter-state or use of narcotic drugs and psychotropic substances</b>	Small quantity - Rigorous imprisonment up to 6 months or fine up to Rs. 10,000 or both More than small quantity but less than commercial quantity - Rigorous imprisonment. up to 10 years + fine up to Rs. 1 Lakh Commercial quantity - Rigorous imprisonment 10 to 20 years + fine Rs. 1 to 2 Lakhs	Opium – 18 Prepared opium-17 Cannabis - 20 Manufactured drugs or their preparations-21 Psychotropic substances -22
4	<b>Import, export or transshipment of narcotic drugs and psychotropic substances</b>	Same as above	23

# Offences & penalties

	Violation	Penalty & fine	Penal Section
5	External dealings in NDPS-i.e., engaging in or controlling trade whereby drugs are obtained from outside India and supplied to a person outside India	Rigorous imprisonment 10 to 20 years + fine of Rs. 1 to 2 lakhs (Regardless of the quantity)	24
6	Knowingly allowing one's premises to be used for committing an offence	Same as for the offence	25

# Offences & penalties

	Violation	Penalty & fine	Penal Section
7	Violations pertaining to controlled substances (precursors)	Rigorous imprisonment up to 10 years + fine Rs. 1 to 2 lakhs	25A
8	Financing traffic and harbouring offenders	R.I. 10 to 20 years + fine Rs. 1 to 2 lakhs	27A

# Offences & penalties

	Violation	Penalty & fine	Penal Section
9	Attempts, abetment and criminal conspiracy	Same as for the offence	Attempts-28 Abetment and criminal conspiracy - 29
10	Preparation to commit an offence	Half the punishment for the offence	30

# Offences & penalties

	Violation	Penalty & fine	Penal Section
11	Repeat offence	One and half times the punishment for the offence. Death penalty in some cases	31 Death - 31A
12	Consumption of drugs	Cocaine, morphine, heroin - R.I. up to 1 year or fine up to Rs. 20,000 or both Other drugs- Imprisonment up to 6 months or fine up to Rs. 10,000 or both Addicts volunteering for treatment enjoy immunity from prosecution	27 Immunity - 64A

# Offences & penalties

	Violation	Penalty & fine	Penal Section
13	Punishment for violations not specified elsewhere	Imprisonment up to six months or fine or both	32