

Narcotic Drugs and Psychotropic Substances(NDPS) act~ 1985

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Introduction

- ▶ Coca, Hemp, Opium and other related substances are excellent drugs.
- ▶ Though they are excellent drugs but they are habit forming substances.
- ▶ These drugs are also called as “dangerous drugs”, because they are misused for euphoria and addiction.
- ▶ Due to degenerative effects of these drugs, government of different countries restricts their use.
- ▶ Certain restrictions on cultivation, manufacture and trade of dangerous drugs were implemented by this act.

Objectives

- To amend and consolidate the existing law related to narcotic drugs.
- To provide a healthy and social life.
- To Control and regulate the operation related to Narcotic drugs and psychotropic substances.
- Prevention of illicit trafficking of these dangerous drugs.
- Prevention of people becoming addict to the drugs.

Legal Definitions

1. Addict:

A person who is enthusiastic or dependent to a regular use of any narcotic drugs or psychotropic substances.

2. Psychotropic substance:

It is a natural or synthetic or salt or preparation of the list of psychotropic substances included in the schedule.

3. Narcotic drug:

It consists of coca leaf, hemp, opium and all related manufactured drugs.

4. Cannabis

- a. **Charas** - It is a resin either in crude or purified form obtained from cannabis plant which consists of conc. preparations and a resin called “liquid hashish”.
- b. **Ganja** - It consists of cannabis plant flowering or fruiting tops.
- c. **Any mixture**- It is a mixture consists of with or without any neutral material of charas or ganja or other drinks prepared from cannabis.

Legal Definitions

5. Coca derivatives:

- It is an extract of coca leaf that is used for the manufacture of coca leaf either directly or indirectly.
- Ecgonine and all derivatives of it.
- **Cocaine**-It is a methyl ester of benzoyl ecgonine and salts of it.
- All preparations consists of more than 0.1% cocaine

6. Coca plant:

- It is the species of Erythroxyton plant

7. Coca leaf:

- It is the leaves and young twigs of Erythroxyton plant.

Legal Definitions

8. Opium- It is the opium poppy coagulated juice and mixture of with or without any opium poppy coagulated juice.

9. Opium poppy- It is obtained from the plant of papaver somniferum or the plant of any species of papaver.

10. Opium derivatives-

- Prepared Opium-The Opium is processed for smoking.
- Medicinal Opium-The Opium is manipulated for medicinal purposes.
- Phenanthrene alkaloids like codeine, morphine, thebaine etc.
- Diamorphine and its salts.
- All preparations consists of more than 0.2% morphine or amount of diamorphine.

General Study

Narcotic Control Bureau(NCB):

- ▶ It is the nodal drug law enforcement and intelligence agency of India responsible for fighting drug trafficking and the abuse of illegal substances.
- ▶ The Director general of NCB is an officer of the Indian Revenue Service or Indian Police Service.
- ▶ **Headquarters** : New Delhi
- ▶ **Founded** : 1986
- ▶ Primary governing body : Government of India
- ▶ Agency executives : Rakesh Asthana IPS,
Director General; R N Srivastava IRS,
Deputy Director General (Ops)
- ▶ Minister responsible : Amit Shah, Minister of Home Affairs

Evolution of Law

- ▶ In 1878, The Opium act of 1857 was first revised.
- ▶ The Opium act of 1878 was revised as Opium and Revenue Laws act in 1950.
- ▶ The above mentioned acts were repealed on 16th September 1985 and Act 61 of NDPSA 1985 was enforced.

1989 Amendment to NDPS act:

The 1989 amendment seek to provide for the following :-

- ▶ To constitute a national fund for control of drug abuse to meet the expenditure incurred in connection with the measures for reducing illicit traffic and preventing drug abuse.
- ▶ Providing free-trial disposal of seized drugs.
- ▶ To provide that no sentence awarded under the Act shall be cancelled, suspended, remitted.
- ▶ Providing that offences shall be non-bail able and cognizable.
- ▶ To bring certain controlled substances used for preparation of narcotic drugs and psychotropic substances under the scope of this Act.
- ▶ Providing death penalty on second opinion in respect to specified offences involving specified quantities of drugs.
- ▶ To provide for a loss of property and a detailed procedure relating to the same.

Constitutions and Functions of Narcotic and psychotropic Consultative committee

- 1) The central government may appoint Narcotic commissioner to take measures for preventing and reducing abuse and illicit traffic of Narcotic drugs and psychotropic substances.
- 2) The Narcotic commissioner shall exercise all powers and perform all functions related to the cultivation of the opium poppy and production of opium either by himself or through subordinate officers.
- 3) He shall also perform other functions which may be assigned to him by central government, All the appointed officers are under the control of central government.

4) This act also used to appoint such officers by the state government with such designations as it thinks fit for this purpose.

5) Other Provisions of this act

(a) The constitution of an advisory committee appointed by the central government to be called The Narcotic Drugs and Psychotropic Substances Consultative Committee.

(b) Establishment of the National Fund for control of Drug Abuse. It meets the expenditure incurred in concentration with the then for reducing illicit traffic in or regulating abuse of narcotic drugs and psychotropic substances.

National fund for controlling the drug abuse

(1) According to the notification in official gazette, the central government constitutes a fund called as national fund for control of drug abuse.

(a) After due appropriation made by the parliament by law by this behalf will provide an amount by central government

(b) Under chapter 5, the sale proceeds of any property forfeited.

(c) Any permissions that may be made by any institution or person.

(d) Under a foreside provisions, any income from the investment of amounts credited to the fund.

(2) To meet the expenditure incurred with connections, the government shall apply the funds-

(a) Prevention of drug abuse

(b) To control the misuse of narcotic drugs and psychotropic substances

(c) Reducing illicit traffic in psychotropic substances or controlled substances and narcotic drugs.

(d) Identification Treatment and rehabilitation for addicts.

(e) Providing drugs to addicts in case of medical necessity purposes

(f) Educating people against drug abuse.

(3) According to the official gazette, The governing body implemented by the central government because it thinks fit to advise that government to sanction money out of the said fund subject to the limit.

(4) The Central government may appoint a chairman and other such not more than 6 members for the governing body.

(5) The governing body shall have the power to control its own procedure.

Prohibition

- Sale, manufacture, purchase, transport, import, export related to all these dangerous drugs prohibited by the government.
- The government grants permission for medical and scientific purposes.

Operations totally prohibited

- Cannabis plant cultivation.
- Opium poppy cultivation.
- Coca plant cultivation.
- Gathering any portion of coca plant.

Control and Regulation

Two types

1. Operations controlled and regulated by the central government:

- Cultivation of coca plant, opium poppy and cannabis plant.
- Production and manufacture of opium and poppy straw.
- Manufacture of manufactured drugs.
- Import and export of narcotic drugs and psychotropic substances.

2. Operations controlled and regulated by the state government:

- Medicinal opium manufacturing
- Cannabis plant cultivation
- Sale, transport, inner-state important inner -state export and use of cannabis, opium and poppy straw.
- Manufacture of related substances

Schedules to Act

- In this act, the schedule provides the list of psychotropic substances.
- At present, there are 76 substances.
- There are 4 schedules and 7 forms in the rule.
- In October 1992, the rule was amended.

- There are 4 schedules in this act
- The 4 schedules are:
 - 1) Schedule - I
 - 2) Schedule - II
 - 3) Schedule - III
 - 4) Schedule - IV

Schedule - I

- ❖ Under this schedule, It provides the list of prohibited import and export of these dangerous drugs in India.
- ❖ Total, 41 drugs are listed in this schedule.
- ❖ Narcotic drugs like Cannabis, Coca leaf, Atropine.
- ❖ Psychotropic substances like Camazepam, Tetrazepam and Bromazepam.

Schedule - III

- ❖ In this schedule, It provides the list of drugs, that requires special compliance for export after obtaining the permission.
- ❖ This schedule is used to prevent misuse of drugs that takes place during transport.
- ❖ Drugs like butalbital, Buprenorphine and cathine are present.

Schedule - II

- ❖ Under this schedule, It provides the list of psychotropic substances can be import into and export from India.
- ❖ Total, 45 drugs are listed in this schedule.
- ❖ psychotropic substances like lysergine, cyclobarbitol, Ethylidene, Dexamphetamine.

Schedule - IV

- ❖ In this schedule, It provide the list of prohibited 22 narcotic drugs and psychotropic substances for export to other countries.

Conclusion

- ▶ This act provides strict provisions related to Narcotic drugs and psychotropic substances.
- ▶ Because of this act, no person can possess, consume and transport of these drugs.
- ▶ This will protect the public health by preventing the drug abuse.

References

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