**National Fund For Control Of Drug Abuse**[[edit](https://en.wikipedia.org/w/index.php?title=Narcotic_Drugs_and_Psychotropic_Substances_Act,_1985&action=edit&section=5" \o "Edit section: Chapter IIA:National Fund For Control Of Drug Abuse)]

**7A. National Fund for Control of Drug Abuse**

The Central Government may, by notification in the Official Gazette, constitute a Fund to be called the National Fund for Control of Drug Abuse (hereafter in this Chapter referred to as the Fund) and there shall be credited thereto:

* an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide.
* the sale proceeds of any property forfeited under Chapter VA.
* any grants that may be made by any person or institution.
* any income from investment of the amounts credited to the Fund under the aforesaid provisions.

The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the measures taken for combating illicit traffic in, or controlling abuse of, narcotic drugs and psychotropic substances for all or any of the purposes specified in sub-section (1) of section 71 of the Act. The Central Government may constitute a Governing Body as it thinks fit to advise that Government in regard to the application of the Fund. The Governing Body shall consist of a Chairman (not below the rank of an Additional Secretary to the Central Government) and such other members not exceeding six as the Central Government may appoint. The Governing Body shall have the power to regulate its own procedure.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

**7B. Annual report of activities financed under the Fund**

The Central Government shall, as soon as may be, after the end of each financial year, cause to be published in the Official Gazette, a report giving an account of the activities financed under the previous section during the financial year, together with a statement of accounts.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

**Chapter III:Prohibition, Control And Regulation**[[edit](https://en.wikipedia.org/w/index.php?title=Narcotic_Drugs_and_Psychotropic_Substances_Act,_1985&action=edit&section=6)]

**8. Prohibition of certain operations**

This section prohibits any person from cultivating any coca plant or gathering any portion of coca plant; or cultivating the opium poppy or any cannabis plant; or producing, manufacturing, possessing, selling, purchasing, transporting, ware-housing, using, consuming, import inter-State export inter-State import into India, exporting from India or transshipment of any narcotic drug or psychotropic substance, except for medical or scientific purposes and in the manner and to the extent provided by the provisions of this Act or the rules or orders made thereunder and in a case where any such provision, imposes any requirement by way of license, permit or authorization also in accordance with the terms and conditions of such license, permit or authorization.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

Nothing in this section applies to the export of poppy straw for decorative purposes.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

**9. Power of Central Government to permit, control and regulate.**

Subject to the provisions of section 8, the Central Government may, by rules, permit, regulate and prescribe any other matter requisite to render effective the control of the Central Government over any of the matters specified below:

* 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
* the cultivation (such cultivation being only on account of Central Government) of the opium poppy
* the production and manufacture of opium and production of poppy straw
* 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
* the manufacture of manufactured drugs (other than prepared opium) but not including manufacture of medicinal opium or any preparation containing any manufactured drug from materials which the maker is lawfully entitled to possess
* the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of psychotropic substances;
* the import into India and export from India and transhipment of narcotic drugs and psychotropic substances.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

In particular and without prejudice to the generality of the foregoing power, such rules may:

* empower the Central Government to fix from time to time the limits within which licenses may be given for the cultivation of the opium poppy;
* require that all opium, the produce of land cultivated with the opium poppy, shall be delivered by the cultivators to the officers. authorized in. this behalf by the Central Government;
* prescribe the forms and conditions of licenses for cultivation of the opium poppy and for production and manufacture of opium; the fees that may be charged therefor; the authorities by which such licenses may be granted, withheld, refused or cancelled and the authorities before which appeals against the order of withholding, refusal or cancellation of licenses shall lie;
* prescribe that opium shall be weighed, examined and classified according to its quality and consistence by the officers authorized in this behalf by the Central Government in the presence of the cultivator at the time of delivery by the cultivator;
* empower the Central Government to fix from time to time the price to be paid to the cultivators for the opium delivered;
* provide for the weighment, examination and classification, according to the quality and consistence, of the opium received at the factory and the deductions from or additions (if any) to the standard price to be made in accordance with the result of such examination; and the authorities by which the decisions with regard to the weighment, examination, classification, deductions or additions shall be made and the authorities before which appeals against such decisions shall lie;
* require that opium delivered by a cultivator, if found as a result of examination in the Central Government factory to be adulterated, may be confiscated by the officers authorized in this behalf
* prescribe the forms and conditions of licenses for the manufacture of manufactured drugs, the authorities by which such licenses may be granted and the fees that may be charged therefor
* prescribe the forms and conditions of licenses or permits for the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of psychotropic substances, the authorities by which such licenses or permits may be granted and the fees that may be charged therefor
* prescribe the ports and other places at which any kind of narcotic drugs or psychotropic substances may be imported into India or exported from India or transshipped; the forms and conditions of certificates, authorizations or permits, as the case may be, for such import, export or transhipment; the authorities by which such certificate, authorizations or permits may be granted and the fees that may be charged therefor.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

**9A. Power to control and regulate controlled substances**

If the Central Government is of the opinion that, having regard to the use of any controlled substance in the production or manufacture of any narcotic drug or psychotropic substance, it is necessary or expedient so to do in the public interest, it may, by order, provide for regulating or prohibiting the production, manufacture, supply and distribution thereof and trade and commerce therein. An order made thereunder may provide for regulating by licenses, permits or otherwise, the production, manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption, use, storage, distribution, disposal or acquisition of any controlled substance.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

10. Power of State Government to permit, control and regulate Subject to the provisions of section 8, the State Government may, by rules, permit, regulate, and prescribe any other matter requisite to render effective the control of the State Government over any of the matters specified below:

1. the possession, transport, import inter-State, export inter-State, warehousing, sale, purchase, consumption and use of poppy straw.
2. the possession, transport, import inter-State, export inter-State, sale, purchase, consumption and use of opium;
3. 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);
4. the manufacture of medicinal opium or any preparation containing any manufactured drug from materials which the maker is lawfully entitled to possess;
5. the possession, transport, purchase, sale, import inter-State, export inter-State, use or consumption of manufactured drugs other than prepared opium and of coca leaf and any preparation containing any manufactured drug;
6. the manufacture and possession of prepared opium from opium lawfully possessed by an addict registered with the State Government on medical advice for his personal consumption

Provided that save in so far as may be expressly provided in the rules made under points 4 and 5, nothing in section 8 shall apply to the import inter-State, export inter-State, transport, possession, purchase, sale, use or consumption of manufactured drugs which are the property and in the possession of the Government, provided further that such drugs as are referred to in the preceding proviso shall not be sold or otherwise delivered to any person who, under the rules made by the State Government under the aforesaid sub-clauses, is not entitled to their possession.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

In particular and without prejudice to the generality of the foregoing power, such rules may:

* empower the State Government to declare any place to be a warehouse wherein it shall be the duty of the owners to deposit all such poppy straw as is legally imported inter-State and is intended for export inter-State or export from India; to regulate the safe custody of such poppy straw warehoused and the removal of' such poppy straw for sale or export inter-State or export from India; to levy fees for such warehousing and to prescribe the manner in which and the period after which the poppy straw warehoused shall be disposed of in default of payment of fees
* provide that the limits within which licenses may be given for the cultivation of any cannabis plant shall be fixed from time to time by or under the orders of the State Government;
* provide that only the cultivators licensed by the prescribed authority of the State Government shall be authorized to engage in cultivation of any cannabis plant;
* require that all cannabis, the produce of land cultivated with. cannabis plant,: shall be delivered by the cultivators to the officers of the State Government authorized in this behalf;
* empower the State Government to fix from time to time, the price to be paid to the cultivators for the cannabis delivered;
* prescribe the forms and conditions of licenses or permits for the purposes specified in points 1 to 4 of the previous list in this section, and the authorities by which such licenses or permits may be granted and the fees that may be charged therefor.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

**11. Narcotic drugs and psychotropic substances, etc., not liable to distress or attachment**

Notwithstanding anything to the contrary contained in any law or contract, no narcotic drug, psychotropic substance, coca plant, the opium poppy or cannabis plant shall be liable to be detained or attached by any person for the recovery of any money under any order or decree of any court or authority or otherwise.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

**12. Restrictions over external dealings in narcotic drugs and psychotropic substances**

No person shall engage in or control any trade whereby a narcotic drug or psychotropic substance is obtained outside India and supplied to any person outside India save with the previous authorization of the Central Government and subject to such conditions as may be imposed by that Government in this behalf.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

**13. Special provisions relating to coca plant and coca leaves for use in the preparation of flavoring agent**

Notwithstanding anything contained in section 8, the Central Government may permit, with or without conditions, and on behalf of Government, the cultivation of any coca plant or gathering of any portion thereof or the production, possession, sale, purchase, transport, import inter-State, export inter-State or import into India of coca leaves for use in the preparation of any flavoring agent which shall not contain any alkaloid and to the extent necessary for such use.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)

**14. Special provision relating to cannabis**

Notwithstanding anything contained in section 8, Government may, by general or special order and subject to such conditions as may be specified in such order, allow cultivation of any cannabis plant for industrial purposes only of obtaining fiber or seed or for horticultural purposes.[[7]](https://en.wikipedia.org/wiki/Narcotic_Drugs_and_Psychotropic_Substances_Act%2C_1985#cite_note-NDPS_Act,_1985-7)