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**Diploma in Pharmacy 2nd Year
Pharmacy Law & Ethics**

**Chapter 4 : Narcotic Drugs and Psychotropic Substances Act 1985
and Rules**

Topics	Page No
Narcotic Drugs and Psychotropic Substances Act 1985 and Rules Objectives, Definitions, Authorities and Officers, Prohibition, Control and Regulation, Offences and Penalties	3

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Chapter 4

Narcotic Drugs and Psychotropic Substances Act 1985 and Rules

- The central acts like Opium Act 1857, the opium Act, 1878 & the Dangerous Drugs Act, 1930 were enacted a long time ago.
- With the changing circumstances and the developments in the field illicit drugs traffic and drugs 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- The government of India has repealed these old Acts passed the:
- These Acts established in 14 November 1985.
- It also provides the licensing system for both central & state government.

Objectives

- To amend and consolidate the law related to narcotics drugs.
- To control , prohibit and regulate the operations related to NDPS.
- To make stringent provisions to control and regulate the operations/ activities related to narcotic drugs and psychotropic substances.
- To provide licensing system to regulate cultivation ,manufacturing, import, export , sale , transportation of narcotic drugs and psychotropic substances.
- To provide a mechanism for the implementation of the Provisions of the International Conventions on NDPS.

Definitions

- 1) **Edict** : means a person has addiction of narcotic drugs and psychotropic substance or a person is habitual to regular use of any narcotic drug and psychotropic substances
- 2) **Cannabis** : means ;
 - a) **Charas** : that is the separated Resin in whatever form ,(whether crude or purified) obtained from cannabis plant.
 - b) **Ganja** : that is the flowering or floating tops of the cannabis plant (excluding seeds and leaves)
 - c) Any mixture with or without any natural material of any of the above forms of cannabis.
- 3) **Coca plant** Means the plant of any species of Erythroxylon Coca
- 4) **Opium** : Means
 - a) The coagulated juice of the opium poppy
 - b) Any mixture with or without any natural material of the coagulated juice of the opium poppy. But does not include any preparation containing no to more than 0.2% of the morphine.

- 5) **Opium poppy** : Means
 - a) The plant of the Species papaver Somniferum L.
 - b) The plant of other species of Papaver from which the opium is obtained.
- 6) **Opium Derivatives** : Means medicinal opium which has undergone the process necessary for medicinal use . Some derivatives are : Morphine , Codeine , Thebaine , Di-Morphine.
- 7) **Narcotic drugs** : Means coca leaf , cannabis , opium , poppy straw and includes all manufactured drugs.
- 8) **Essential narcotic drugs** : Means a narcotic drug notified by the central government for medical and scientific use.
- 9) **Commercial quantity** : In relation to narcotic drugs and psychotropic substance means any quantity greater than the quantity specified by the central government by notification in the Official Gazette.

Authorities and Officers

A) Measures Taken by the Central Government for preventing abuse of NDPS and illicit traffic .(to buy or sell illegally)

- It helps Various officers , state Government and other authorities under this act .
- It carries out obligations under International Convention (agreement)
- It coordinates authorities are related to NDPS in other countries .
- It pays attention on treatment , education and rehabilitation of addicts .

B) Officers of Central Government

- It appoints Narcotic Commissioner and other Officers as needs .

Function of Commissioner and other Officers :

- The supervision of cultivation of opium poppy .
- production of opium according to needs

C) NDPS Consultative Committee

- The Central Government Constitutes (make) this committee.
- this committee consists of a chairman and other members not exceeding 20

Functions

- The committee shall advice the Central Government on the matters relating to the administration of the Act
- The Committee will meet when required and have power to regulate its own procedure.
- The committee can constitute one or more sub-committees to perform their functions.

Prohibition , Control and Regulation of NDPS

Prohibition of Certain Operations

- Cultivation of any Coca plant or gathering of any portion of Coca.
- Cultivation of opium Poppy or any Cannabis plant.

- Production , Manufacture , Possess , sell , Purchase , transport , store , use , Import Inter-state , export inter-state , import into India , Export from India any narcotic drug or psychotropic substances.
- And activities related to these things.

Control And Regulation

- The Central and State Government provides permit , license and regulate :
- The cultivation and collection of Coca and opium plant and possession , sale ,purchase Import , export manufacture etc

Offences and Penalties

Offences	Penalties
a. Contravention of Act and rules related to NDPS	Rigorous Imprisonment for 10-20 years .
a.) illegal import or export into or out of India or dealings in NDPS . b.) Allowing use of premises , vehicles etc. For doing offences under the act . c.) Embezzlement of opium by licensed Cultivators . d.) Contravention relating to cannabis plant and cannabis other than ganja .	1-2 lacs Rs. or more
Contravention relating to cannabis plant and cannabis related to ganja	Rigorous Imprisonment for up to 5 years and fine up to 50, 000 rupees
Failure to keep accounts submit returns as required or keeping false accounts or making false statements	Rigorous Imprisonment for up to 5 years and fine up to 50, 000 rupees
a) failure to produce license , permits etc . on demand by authorities . b) willful breaking of any provision of Act , for which no penalty is mentioned	Rigorous Imprisonment for up to 3 years or fine or both
Illegal possession for personal use or consumption of NDPS	Rigorous Imprisonment for up to 1 year or fine or both
Offences for which no punishment is separately provided .	Rigorous Imprisonment for up to 6 months or fine
Attempt of above offenses	Rigorous Imprisonment for up to 6 months or fine

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