Narcotic Drugs and Psychotropic Substances Act, 1985 and Rules

Objectives of Narcotic Drugs and Psychotropic substances Act-1985 and Rules

- The NDPS Act, 1985 is a central legislation enacted by the Parliament of India to curb the menace of drug abuse and illicit trafficking in narcotic drugs and psychotropic substances.
- Prior to its enactment, India did not have a uniform or comprehensive legislation on narcotic drugs, and individual states enforced their own laws.
- The need for uniformity and stricter control arose from the country's international obligations under various United Nations Conventions:
    - The Single Convention on Narcotic Drugs, 1961
    - The Convention on Psychotropic Substances, 1971
    - The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

Key Objectives:

1. **Consolidation of Laws**: To consolidate and amend laws related to narcotic drugs and psychotropic substances.
2. **Control and Regulation**: To regulate the operations of manufacture, possession, sale, transport, import inter-State, export inter-State, import into India, export from India, and use of these substances.
3. **Prohibition**: To prohibit the cultivation, production, manufacture, possession, sale, purchase, transport, warehousing, use, consumption, import, inter-State movement, and export of narcotic drugs and psychotropic substances except for medical or scientific purposes.
4. **Prevent Illicit Trafficking**: To provide for stringent punishments for drug traffickers and criminal networks.
5. **International Compliance**: To fulfill India's obligations under international treaties on drug control.
6. **Rehabilitation & Treatment**: Though primarily a penal statute, it also provides for treatment and rehabilitation of drug addicts.

Definitions Under Narcotic Drugs and Psychotropic substances Act-1985 and Rules

Key Terms as Defined under the NDPS Act, 1985

A. Narcotic Drugs

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- Substances like opium, morphine, heroin, and other opiates, as well as synthetic narcotics.

B. Psychotropic Substances

- Substances that affect mental processes, such as LSD, MDMA, and certain prescription medications.

C. Drug Trafficking

- The cultivation, production, sale, transport, or distribution of narcotic or psychotropic substances.

D. Cultivation

- Growing plants that contain narcotic substances, such as opium poppy.

E. Manufacture

- The production or processing of narcotic or psychotropic substances.

F. Possession

- Having control or custody of narcotic or psychotropic substances, regardless of ownership.

G. Psychiatric Patient

- An individual diagnosed with a mental disorder as per recognized medical standards.

H. Prescription

- A written order from a licensed medical practitioner authorizing the use of specific narcotic or psychotropic substances.

I. Illicit Traffic (Section 2(viii-a))

- Refers to activities involving cultivation, production, manufacture, possession, sale, purchase, transportation, use, import, or export of drugs in contravention of the Act.

J. Addict (Section 2(a))

- Refers to a person who has dependence on narcotic drugs or psychotropic substances.

K. Controlled Substance

- Chemicals which, while not themselves narcotic or psychotropic, are used in the manufacture of such substances. They are regulated to prevent misuse.

L. Manufactured Drug (Section 2(xi))

- Includes all narcotic substances other than coca leaf, opium, and cannabis.

General Study of the NDPS Act

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The NDPS Act is divided into several Chapters, which lay down the framework for prohibition, control, enforcement, adjudication, forfeiture, and rehabilitation.

Important Provisions:

A. Chapter II – Authorities and Officers:

- Establishes central authorities like the **Narcotics Control Bureau (NCB)** and empowers officers for enforcement.

B. Chapter IV – Offences and Penalties:

- Punishments vary depending on **quantity** (small, intermediate, commercial).
- For **small quantity**: Imprisonment up to 1 year or fine or both.
- For **commercial quantity**: Rigorous imprisonment **10 to 20 years** and a fine up to ₹2,00,000 (can be extended).
- **Repeat offenders** may face **death penalty**.

C. Chapter VA – Forfeiture of Property:

- Provisions for **seizure and forfeiture** of properties derived from drug trafficking.

D. Chapter VI – Miscellaneous:

- Covers procedural aspects, powers of officers, protection of informants, etc.

Salient Features:

- **Stringent Punishment**: The Act imposes severe penalties, including **non-bailable** offences and **minimum sentencing**.
- **Presumption of Culpable Mental State**: The burden of proof often lies on the accused.
- **Plea Bargaining & Immunity**: In limited circumstances, the Act allows the court to reduce sentences.

Narcotic and Psychotropic Consultative Committee (NPCC)

Authorities and Officers Under the Narcotic Drugs and Psychotropic Substances Act, 1985

1. Central Government

Role:

- Oversees the national implementation and enforcement of the NDPS Act.

Functions:

- Formulates national drug control policies.
- Coordinates with state governments and international bodies.
- Approves the establishment of drug-related agencies and their jurisdictions.

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2. State Government

Role:

- Responsible for enforcing the NDPS Act within their states.

Functions:

- Appoints officers for drug control enforcement.
- Implements state-specific policies and regulations.
- Collaborates with local law enforcement agencies.

3. Enforcement Agencies

1. Central Bureau of Narcotics (CBN):

Role:

- National agency for drug trafficking control and NDPS Act enforcement.

Functions:

- Investigates large-scale drug trafficking operations.
- Coordinates with international agencies for cross-border drug control.
- Conducts intelligence operations to disrupt drug supply chains.

2. State Narcotic Drug Control Bureau (NDTCB):

Role:

- State-level agencies for implementing and enforcing the NDPS Act.

Functions:

- Conducts raids and drug seizures.
- Monitors and regulates controlled substance sales and prescriptions.
- Undertakes preventive measures against drug abuse.

3. Customs and Border Security Forces:

Role:

- Prevents smuggling of narcotic substances across borders.

Functions:

- Inspects shipments and luggage at ports, airports, and land borders.
- Collaborates with international customs agencies for intelligence sharing.

4. Police Forces:

Role:

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- Local law enforcement responsible for maintaining public order and enforcing the NDPS Act.

Functions:

- Investigates drug-related offences.
- Arrests and detains individuals involved in drug trafficking and abuse.
- Supports preventive campaigns against drug use.

Constitution & Functions of Narcotic & Psychotropic Consultative Committee

The **Narcotic & Psychotropic Consultative Committee (NPCC)** plays a pivotal role in the comprehensive enforcement and strategic planning against drug abuse and trafficking.

Below is a detailed look at its constitution and functions.

Constitution

Formation:

- Established under the NDPS Act as a consultative body to coordinate and oversee drug control measures.

Composition:

- **Chairperson**: Senior government official (e.g., Secretary of the Ministry of Home Affairs or Health).
- **Members**:
  - Representatives from the Ministry of Health and Family Welfare.
  - Central Bureau of Narcotics officials.
  - State Drug Control Bureau officials.
  - Medical and psychiatric professionals.
  - Representatives from rehabilitation centers and NGOs.
  - Legal experts and policymakers.
  - Academic experts in pharmacology, addiction studies, and public health.

Term:

- Members typically serve for 3 to 5 years, with possible extensions based on performance and need.

Functions:

1. **Strategic Planning:** Develop strategies to combat drug abuse and trafficking.

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