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THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

INTRODUCTION

The statutory control over narcotic drugs was being exercised under The Opium Act, 1857, The Opium Act, 1878 and The Dangerous Drugs Act, 1930. The provisions of these enactments were found to be inadequate because of the passage of time and developments in the field of illicit drug traffic and drug abuse "at national and international level. To consolidate and to amend the existing laws relating to narcotic drugs a comprehensive legislation was considered to be necessary. Accordingly the Narcotic Drugs and Psychotropic Substances Bill, 1985 was introduced in the Lok Sabha on 23rd August, 1985.

STATEMENT OF OBJECTS AND REASONS

The statutory control over narcotic drugs is exercised in India through a number of Central and State enactments. The principal Central Acts, namely, the Opium Act, 1857, the Opium Act, 1878 and the Dangerous Drugs Act 1930 were enacted a long time ago. With the passage of time and the developments in the field of illicit drug traffic and drug abuse at national and international level, many deficiencies in the existing laws have come to notice, some of which are indicated below:

(i) The scheme of penalties under the present Acts is not sufficiently deterrent to meet the challenge of well-organized gangs of smugglers. The Dangerous Drugs Act, 1930 provides for a maximum term of imprisonment of 3 years with or without fine and 4 years imprisonment with or without fine for repeats offences. Further, no minimum punishment is prescribed in the present laws, as a result of which the courts with nominal punishment have some times let off drug traffickers. The country has for the last few years been increasingly facing the problem of transit traffic of drugs coming mainly from some of our neighboring countries and destined mainly to Western countries.

(ii) The existing Central laws do not provide for investing the officers of a number of important" Central enforcement agencies like Narcotics, Customs, Central Excise, etc., with the power 'of investigation of offences under the said laws.

(iii) Since the enactment of the aforesaid three Central Acts a vast body of international law in the field of narcotics control has evolved through various international treaties and protocols. The Government of India has been a party to these treaties and conventions , which entail several obligations which are not covered or are only partly covered by the present Acts.

(iv) During recent years new drugs of addiction which have come to be known as psychotropic substances have appeared on the scene and posed serious problems to national governments. There is no

1

2 *The Narcotic Drugs and Psychotropic Substances Act,* 1985

comprehensive law to enable exercise of control over psychotropic substances in India in the manner as envisaged in the Convention on Psychotropic Substances, 1971 to which India has also acceded.

2. In view of what has been stated above, there is an urgent need for the enactment of a comprehensive legislation on narcotic drugs and psychotropic substances which, *inter alia,* should consolidate and amend the existing laws relating to narcotic drugs, strengthen the existing controls over drug abuse, considerably enhance the penalties particularly for trafficking offences, make provisions for exercising effective control over psychotropic substances and make provisions for the implementation of international conventions relating to narcotic drugs and psychotropic substances to which India has become a party. 3. The Bill seeks to achieve the above objects.

ACT 61 OF 1985

The Narcotic Drugs and Psychotropic Substances Bill, 1985 was passed by both the Houses of Parliament and it was assented by the President on 16th September, 1985. It came into force on 14th November , 1985 as THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 (61 of 1985).

AMENDING ACT

1. The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988 (2 of 1989).
2. The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 (9 of 2001).

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

(61 of 1985)

[16th September, 1985]

An Act to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances 1[, *to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances, to implement the provisions of the International Convention on Narcotic Drugs and Psychotropic Substances] and for matters connected therewith.*

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:

CHAPTER 1

PRELIMINARY

1. Short title, extent and commencement.-(1) This Act may be called the Narcotic Drugs and Psychotropic Substances Act, 1985.

(2) It extends to the whole of India 2[and it applies also-

(a) to all citizens of India outside India;

(b) to all persons on ships and aircrafts registered in India.

Wherever they may be.]

(3) It shall come into force on such date3 as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States and any reference in any such provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

COMMENTS

This is a special Act, while adopting the liberal construction of the Act, it is found that the Act has been enacted with a view to make stringent provisions for the control and regulation of operations relating to the narcotic drugs and psychotropic substances; *Gulam Mohiuddin* v. *State of Jammu and Kashmir,* (1994) 1 Crimes 204 (J & K).

2. **Definitions**.-In this Act, unless the context otherwise requires,--

4[(i) "addict" means a person who has dependence on any narcotic drug or psychotropic substances;]

(ii) "Board" means the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963 (54 of 1963);

1. Ins. by Act 2 of 1989, sec. 2 (w.e.f. 29-5-1989).

2. Ins. by Act 9 of 2001, sec. 2 (w.e.f. 2-10-2001).

3. Came into force on 14-11-1985, *vide* 5.0. 821 (E), dated 14th November, 1985.

4. Subs. by Act 9 of 2001, sec. 3, for clause (i) (w.e.f. 2-10-2001).

(iii) "cannabis (hemp)" means-

(a) *charas,* that is, the separated resin, in whatever form, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish;

(b) *ganja,* that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; and

(c) any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared therefrom;

(iv) "cannabis plant" means any plant of the genus cannabis; (v) "coca derivative' means

(a) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;

(b) ecgonine and all the derivatives of ecgonine from which it can be recovered;

(c) cocaine, that is, methyl ester of benzoyl-ecgonine and its salts; and

(d) all preparations containing more than 0.1 percent of cocaine;

(vi) "coca leaf" means

(a) the leaf of the coca plant except of a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed;

(b) any mixture thereof with or without any neutral material; but does not include any preparation containing not more than 0.1 per cent. of cocaine;

(vii) "coca plant" means the plant of any species of the genus Erythroxylon;

1[(viia) "commercial quantity", in relation to narcotic drugs and psychotropic substances, means any quantity greater than the quantity specified by the Central Government by notification in the Official Gazette;

(viib) "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 under section 50A with a view to identifying the persons involved in the commission of an offence under this Act;

(viic) "corresponding law" means any law corresponding to the provisions of this Act;

2[(viid) "controlled substance" means any substance which the Central Government may, having regard to the available information as to its

1. Ins. by Act 9 of 2001, see. 3 (w.e.f. 2-10-2001).

2. Clause (viia) ins. by Act 2 of 1989, sec. 3 (w.e.f. 29-5-1989) and relettered as clause (viid) by Act 9 of 2001, sec. 3 (w.e.f. 2-10-2001).

possible use in the production or manufacture of narcotic drugs or psychotropic substances or to the

Convention, by notification in the Official Gazette, declare to be a controlled substance;]

(viii) "conveyance" means a conveyance of any description whatsoever and includes any aircraft, vehicle or vessel;

1[(viiia) "illicit traffic", in relation to narcotic drugs and psychotropic substances, means

(i) cultivating any coca plant or gathering any portion of coca plant;

(ii) cultivating the opium poppy or any cannabis plant;

(iii) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import inter-State, export inter-State, import into India, export from India or transhipment, of narcotic drugs or psychotropic substances;

(iv) dealing in any activities in narcotic drugs or psychotropic substances other than those referred to in sub-clauses (i) to (iii); or

(v) handling or letting out any premises for the carrying on of any of the activities referred to in sub-clauses (i) to (iv);

other than those permitted under this Act, or any rule or order made, or any condition of any licence, term or authorisation issued, thereunder, and includes

(1) financing, directly or indirectly, any of the aforementioned activities;

(2) abetting or conspiring in the furtherance of or in support of doing any of the aforementioned activities; and

(3) harbouring persons engaged in any of the aforementioned activities;]

(ix)"International Convention" means

(a) the Single Convention on Narcotic Drugs, 1961 adopted by the United Nations Conference at New York in March, 1961;

(b) the protocol, amending the Convention mentioned in sub-clause (a), adopted by the United Nations Conference at Geneva in March, 1972; (c) the Convention on Psychotropic Substances, 1971 adopted by the United Nations Conference at Vienna in February, 1971; and

(d) any other international convention, or protocol or other instrument amending an international convention, relating to narcotic drugs or psychotropic substances which may be ratified or acceded to by India after the commencement of this Act;

1. Ins. by Act 2 of 1989, sec. 3 (w.e.f. 29-5-1989).

(x) "manufacture", in relation to narcotic drugs or psychotropic substances, includes

(1) all processes other than production by which such drugs or substances may J

(2) be obtained;

(2) refining of such drugs or substances;

(3) transformation of such drugs or substances; and

(4) making of preparation (otherwise than in a pharmacy on prescription) with or containing such drugs or substances;

(xi) "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 may, having regard to the available information as to its n

decision, if any, under any International Convention, by notification in the Official Gazette, declare to be a manufactured drug;

but does not include any narcotic substance or preparation which the Central Government may, 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 not to be a manufactured drug;

(xii) "medicinal cannabis", that is, medicinal hemp, means any extract or tincture of cannabis (hemp);

(xiii) "Narcotic Commissioner" means the Narcotics Commissioner appointed under section 5;

(xiv) "narcotic drug" means coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured goods;

(xv) "opium" means

(a) the coagulated juice of the opium poppy; and

(b) any mixture, with or without any neutral material, of the coagulated juice of the opium poppy,

but does not include any preparation containing not more than 0.2 per cent of morphine:

(xvi) "opium derivative" means

(a) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the Indian Pharmacopoeia or any other pharmacopoeia notified in this behalf by the Central Government, whether in powder form or granulated or otherwise or mixed with neutral materials;

(b) prepared opium, that is, any product of opium by any series of operations designed to transform opium into an extract suitable for smoking and

the dross or other residue remaining after opium is smoked;

(c) phenanthrene alkaloids, namely, morphine, codeine, thebaine and their salts;

(d) diacetylmorphine, that is, the alkaloid also known as dia morphine or heroin and its salts; and

(e) all preparations containing more than 0.2 per cent. of morphine or containing any diacetylmorphine;

(xvii) "opium poppy" means

(a) the plant of the species *Papaver* somniferum L.; and

(b) the plant of any other species of *Papaver* from which opium or any phenanthrene alkaloid can be extracted and which the Central Government may, by notification in the Official Gazette, declare to be opium poppy for the purposes of this Act;

(xviii) "poppy straw" means all parts (except the seeds) of the opium poppy after

(xix) harvesting whether in their original form or cut, crushed or powdered and whether or not juice has been extracted therefrom;

(xix) "poppy straw concentrate" means the material arising when poppy straw has entered into a process for the concentration of its alkaloids;

(xx) "preparation", in relation to a narcotic drug or psychotropic substance, means anyone or more such drugs or substances in dosage form or any solution or mixture, in whatever physical state, containing one or more such drugs or substances;

(xx) "prescribed" means prescribed by rules made under this Act;

(xxi) "production" means the separation of opium, poppy straw, coca leaves or cannabis from the plants from which they are obtained:

(xxiii) "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;

1[(xxiiia) "small quantity", in relation to na ubstances,

means any quantity lesser than the quantity specified by the Central Government by notification in the Official Gazette.]

(xxiv) 'to import inter-State" means to bring into a State or Union territory in India from another State or Union territory in India;

(xxv) "to import into India", with its grammatical variations and cognate expressions, means to bring into India from a place outside India and includes the bringing into any port or airport or place in India of a narcotic drug or a psychotropic substance intended to be taken out of India without being removed from the vessel, aircraft, vehicle or any other conveyance in which it is being carried.

Explanation.-For the purposes of this clause and clause (xxvi), "India" includes the territorial waters of India;

(xxvi) "to export from India", with its grammatical variations and cognate expressions, means to take out of India to a place outside India;

1 Ins. by Act 9 of 2001, sec. 3 (w.e.f. 2-10-2001).

(xxvii) "to export inter-State" means to take out of a State or Union territory in India to another State or Union territory in India;

(xxviii) "to transport" means to take from one place to another within the same State or Union territory;

1[(xxviiia) "use", in relation to narcotic drugs and psychotropic substances, means any kind of use except personal consumption;]

(xxix) words and expressions used herein and not defined but defined in the Code of Criminal Procedure, 1973 (2 of 1974) have the meanings respectively assigned to them in that Code.

Explanation.-For the purposes of clauses (v), (vi), (xv) and (xvi) the percentages in the case of liquid preparations shall be calculated on the basis that a preparation containing one per cent of a substance means a preparation in which one gram of substance, if solid, or one milliliter of substance, if liquid, is contained in everyone hundred milliliter of the preparation and so on in proportion for any greater or less percentage:

Provided that the Central Government may, having regard to the developments in the field of methods of calculating percentages in liquid preparations prescribed, by rules, any other basis, which it may deem appropriate for such calculation.

COMMENTS

(i) A person, who assists a narcotics trafficker in concealing the narcotics in his apartment so that the trafficker may avoid detection, is involved in illicit traffic; *R.* v. *Jackson,* (1977) 35 CCC (2d) 331.

(ii) It may be noted that clause (iv) of section 2 (viiia) is independent of other clauses and is in the nature of a residuary provision. It would include an activity of distribution; *R. Parkash* v. *State of Karnataka,* (1980) Cr LJ 165.

(iii) The definition of the term 'manufacture' as contained in section. 2(x) is .an inclusive one. Where the definition is an inclusive definition, the word not only bears its ordinary, popular and natural sense whenever that would be applicable but it also bears its extended statutory meaning; S. *K. Gupta* v. *K.P. Jain,* AIR 1979 SC 734.

(iv) Heroin being an opium is manufactured drug; *I.Paul Kuki* v. *State of West Bengal,* (1993) 3 Crimes 660 (Cal) (DB).

(v) It is true that opium is substance, which once seen and smelt can never be forgotten because opium possesses a characteristic appearance and a very strong and characteristic scent. It is possible for people to identify opium without having to subject the product to a chemical analysis. It is only when opium is in a mixture so diluted that its essential characteristics are not easily visible or capable of being apprehended by the senses that a chemical analysis may be necessary; *Baidyanath Mishra* v. *State of Orissa,* (1967) SCD 1165: 34 Cut LT 1.

3. Power to add to or omit from the list of psychotropic substances.- The Central Government may, if satisfied that it is necessary or expedient so to do on the basis of (a) the information

and evidence which has become available to it with respect to the nature and effects of, and the abuse or the scope for

1. Ins. by Act 2 of 1989, sec. 3 (w.e.f. 29-5-1989).

abuse of, any substance (natural or synthetic) or natural material or any salt or preparation of such substance or material; and

(b) the modifications or provisions (if any) which have been made to, or in any International Convention with respect to such substance, natural material or salt or preparation of such substance or material.

by notification in the Official Gazette, add to, or, as the case may be, omit from, the list of psychotropic substances specified in the Schedule such substance or natural material or salt or preparation of such substance or material.

CHAPTER II

AUTHORITIES AND OFFICERS

4. **Central Government to take measures for preventing and combating abuse of and illicit traffic in narcotic drugs,etc**.-(l) Subject to the provisions of the Act, the Central Government shall take all such measures as it deems necessary or expedient for the purpose of preventing and combating abuse of narcotic drugs and psychotropic substances and the illicit traffic therein.

(2) In particular and without prejudice to the generality of the provisions of sub-section (I), the measures which the Central Government may take under the sub-section include measures with respect to all or any of the following matters, namely:

(a) coordination of actions by various officers, State Governments and other authorities

(i) under this Act, or

(ii) under any other law for the time being in force in connection with the enforcement of the provisions of this Act;

(b) obligations under the International Conventions;

(c) assistance to the concerned authorities in foreign countries and concerned international organisations with a view to facilitating coordination and universal action for prevention and suppression of illicit traffic in narcotic drugs and psychotropic substances;

(d) identification, treatment, education, after care, rehabilitation and social re-integration of addicts;

(e) such other matters as, the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act and preventing and combating the abuse ofnarcotic drugs and psychotropic substances and illicit traffic therein.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or a hierarchy of authorities by such name or names as may be specified in the order for the purpose of exercising such of the powers and functions of the Central Government under this Act and for taking measures withrespect to such of the matters referred to in sub-section (2) as may be mentioned in the order, and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers and take the measures so mentioned in.

the order as if such

authority or authorities had been empowered by this Act to exercise those powers and take such measures.

COMMENTS

Section 4(1) of the Act does not create the Narcotics Control Bureau. It only authorizes the Central Government to take all such measures as it deems necessary or expedient for the purpose of preventing and combating abuse of narcotic drugs and psychotropic substances and the illicit traffic therein; *State v. Kulwant Singh,* AIR 2003 SC 1599.

5. **Officers of Central Government**.-(l) Without prejudice to the provisions of sub-section (3) of section 4, the Central Government shall appoint a Narcotics Commissioner and may also appoint such other officers with such designations as it thinks fit for the purposes of this Act.

(2) The Narcotics Commissioner shall, either by himself or through officers subordinate to him, exercise all powers and perform all functions relating to the superintendence of the cultivation of the opium poppy and production of opium and shall also exercise and perform such other powers and functions as may be entrusted to him by the Central Government.

(3) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government, or, if so directed by that Government, also of the Board or any other authority or officer.

6. The Narcotic Drugs and Psychotropic Substances Consultative Committee.-(l) The Central Government may constitute, by notification in the Official Gazette, an advisory committee to be called "The Narcotic Drugs and Psychotropic Substances Consultative Committee" (hereafter in this section referred to as the Committee) to advise the Central Government on such matters relating to the administration of this Act as are referred to it by that Government from time to time.

(2) The Committee shall consist of a Chairman and such other members, not exceeding twenty, as may be appointed by the Central Government.

(3) The Committee shall meet when required to do so by the Central Government and shall have power to regulate its own procedure.

(4) The Committee may, if it deems it necessary so to do for the efficient discharge of any of its functions constitute one or more sub-committees and may appoint to any such sub-committee, whether generally or for the consideration of any particular matter any person (including a non-official) who is not a member of the Committee.

(5) The term of office of, the manner of filling casual vacancies in the offices of and the allowances, if any, payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint a person who is not a member of the Committee as a member of any of its sub-committees, shall be such as may be prescribed by rules made by the Central Government.

7. **Officers of State Government**.-(l) The State Government may appoint such officers with such designations as it thinks fit for the purposes of this Act.

(2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the State Government, or, if so directed by that Government also of any other authority or officer.

[1][CHAPTER IIA

NATIONAL FUND FOR CONTROL OF DRUG ABUSE

7A. National Fund for Control of Drug Abuse. -(l) 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-

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide;

(b) the sale proceeds of any property forfeited under Chapter V A;

(c) any grants that may be made by any person or institution;

(d) any income from investment of the amounts credited to the Fund under the aforesaid provisions.

[2][(2) The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the

(a) Combating illicit traffic in narcotic drugs, psychotropic substances or controlled substances;

(b) Controlling the abuse of narcotic drugs and psychotropic substances;

(c) identifying, treating, rehabilitating addicts;

(d) Preventing drug abuse;

(e) Educating public against drug abuse;

(f) supplying drugs to addicts where such supply is a medical necessity.

(3) The Central Government may constitute a Governing Body as it thinks fit to advise that Government and to sanction money out of the said Fund subject to the limit notified by the Central Government in the Official Gazette.]

(4) 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.

(5) The Governing Body shall have the power to regulate its own procedure.

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 section 7-A during the financial year, together with a statement of accounts.]

CHAPTER III

PROHIBITION, CONTROL AND REGULATION

8. Prohibition of certain operations. -No person shall

(a) cultivate any coca plant or gather any portion of coca plant; or

(b) cultivate the opium poppy or any cannabis plant; or

1. Ins. by Act 2 of 1989, sec. 4 (w.e.f. 29-5-1989).

2. Subs. by Act 9 of 2001, sec. 4, for sub-sections (2) and (3) (w.e.f. 2-10-2001).

(c) produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import inter-State, export inter-State, import into India, export from India or tranship 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 licence, permit or authorization also in accordance with the terms and conditions of such licence, permit or authorization:

Provided that, and subject to the other provisions of this Act and the rules made thereunder, the prohibition against the cultivation of the cannabis plant for the production of *ganja* or the production, possession, use, consumption, purchase, sale, transport, warehousing, import inter-State and export inter-State of *ganja* for any purpose other than medical and scientific purpose shall take effect only from the date which the Central Government may, by notification in the Official Gazette, specify in this behalf:

[1][Provided further that nothing in this section shall apply to the export of poppy straw for decorative purposes.]

COMMENTS

(i) There need be no physical connection between the goods and the person charged. A man may be miles and miles away from the goods and yet if proof is available that he had an interest in or was concerned in illegal importation of goods he would be guilty of the offence; *Addl. Collector of Customs* v. *Sitaram Agarwalla,* AIR 1962 Cal 242 approved in *Radha Kishan* v. *Union of India,* AIR 1965 SC 1072.

(ii) If the person possessing the drugs or substances does not carry himself but entrusts the same to some other person for carriage in a car, then that person (driver of the car) would be the person who transports the said drugs and the person who directs him to do so would be the abettor of the offence of transporting; *Narvir Chand* v. *State,* (1952) Cr LJ 246.

(iii) All manufactured drugs are also narcotic drugs, possession of which is prohibited under this section; *T. Paul Kuki* v. *State of West Bengal,* (1993) 3 Crimes 660 (Cal) (DB).

2[8A. Prohibition of certain activities relating to property derived from offence.-No person shall

(a) convert or transfer any property knowing that such property is derived from an offence committed under this Act or under any other corresponding law of any other country or from an act of participation in such offence, for the purpose of concealing or disguising the illicit origin of the property or to assist any person in the commission of an offence or to evade the legal consequences; or

(b) conceal or disguise the true nature, source, location, disposition of any property knowing that such property is derived from an offence committed under this Act or under any other corresponding law of any other country; or

1. Ins. by Act 2 of 1989, sec. 5 (w.e.f 29-5-1989).
2. Ins. by Act 9 of 2001, sec. 5 (w.e.f 2-10-2001).

(c) knowingly acquire, possess or use any property which was derived from an offence committed under this Act or under any other corresponding law of any other country.]

9. Power of Central Government to permit, control and regulate. -(1) Subject to the provisions of section 8, the Central Government may, by rules-

(a) permit and regulate-

(i) 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;

(ii) the cultivation (such cultivation being only on account of Central Government) of the opium poppy;

(iii) the production and manufacture of opium and production of poppy straw;

(iv) 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;

(v) 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;

(vi) the manufacture, possession, transport import inter-State, export inter-State, sale, purchase, consumption or use of psychotropic substances; (vii) the import into India and export from India and transhipment of narcotic drugs and psychotropic substances;

(b) prescribe any other matter requisite to render effective the control of the Central Government over any of the matters specified in clause (a).

(2) In particular and without prejudice to the generality of the foregoing power , such rules may

(a) empower the Central Government to fix from time to time the limits within which licences may be given for the cultivation of the opium poppy;

(b) 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;

(c) prescribe the forms and conditions of licences 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 licences may be granted, withheld, refused or cancelled and the authorities before which appeals

against the orders of withholding, refusal or cancellation of licences shall lie;

(d) 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;

(e) empower the Central Government to fix from time to time the price to be paid to the cultivators for the opium delivered;

(f) 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;

(g) 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;

(h) prescribe the forms and conditions of licences for the manufacture of manufactured drugs, the authorities by which such licences may be granted and the fees may be charged therefor;

(i) prescribe the forms and conditions of licences 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 licences or permits may be granted and the fees that may be charged therefor;

(j) 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 certificates, authorizations or permits may be granted and the fees that may be charged therefor.

[1][9A. **Power to control and regulate controlled** substances.-(1) 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.

(2) Without prejudice to the generality of the power conferred by sub-section (I), an order made thereunder may provide for regulating by licences, 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.]

1. Ins. by Act 2 of 1989, sec. 6 (w.e.f. 29-5-1989).

10. Power of State Government to permit, control and regulate.-(l) Subject to the provisions of section 8, the State Government may, by rules

(a) permit and regulate-

(i) the possession, transport, import inter-State, export inter-State, warehousing, sale, pur poppy

straw;

(ii) the possession, transport, import inter-State, export inter-State, sale, purchase, consumption and use of opium;

(iii) 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);*

(iv) the manufacture of medicinal opium or any preparation containing any manufactured drug from materials which the maker is lawfully entitled to possess;

(v) 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;

(vi) 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 sub-clauses (iv) and (v), 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;

(b) prescribe any other matter requisite to render effective the control of the State Government over any of the matters specified in clause (a).

(2) In particular and without prejudice to the generality of the foregoing power, such rules may-

(a) empower the State Government to declare any place to be 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;

(b) provide that the limits within which licences 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;

(c) 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;

(d) 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;

(e) empower the State Government to fix from time to time, the price to be paid to the cultivators for the cannabis delivered;

(f) prescribe the forms and conditions of licences or permits for the purposes specified in sub-clauses (i) to (vi) of clause (a) of subsection (1) and the authorities by which such licences or permits may be granted and the fees that may be charged therefor.

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 distrained or attached by any person for the recovery of any money under any order or decree of any court or authority or otherwise.

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 authorisation of the Central Government and subject to such conditions as may be imposed by that Government in this behalf.

13. Special provisions relating to coca plant and coca leaves for use in the preparation of flavouring 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 flavouring agent which shall not contain any alkaloid and to the extent necessary for such use.

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 fibre or seed or for horticultural purposes.

CHAPTER IV

OFFENCES AND PENALTIES

1[15. Punishment for contravention in relation to poppy straw. -Whoever, in contravention of any provisions of this Act or any rule or order made or

1. Subs. by Act 9 of 2001, sec. 6, for sections 15 to 18 (w.e.f. 2-10-2001).

condition of a licence granted thereunder, produces, possesses, transports, imports inter-State, exports inter-State, sells, purchases, uses or omits to warehouse poppy straw or removes or does any act in respect of warehoused poppy straw shall be punishable, (a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both;

(b) where the contravention involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to one lakh rupees;

(c) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees.

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

16. Punishment for contravention in relation to coca plant and coca leaves.-Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder, cultivates any coca plant or gathers any portion of a coca plant or produces, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses coca leaves shall be punishable with rigorous imprisonment for a term which may extend to ten years or with fine which may extend to one lakh rupees.

17. Punishment for contravention in relation to prepared opium Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses prepared opium shall be punishable,

(a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both; or

(b) where the contravention involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to one lakh rupees; or

(c) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

18. Punishment for contravention in relation to opium poppy and opium. -Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder, cultivates the opium poppy or produces, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses opium shall be punishable,

(a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both;

(b) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees;

(c) in any other case, with rigorous imprisonment which may extend to ten years and with fine which may extend to one lakh rupees.]

19. Punishment for embezzlement of opium by cultivator. -Any cultivator licensed to cultivate the opium poppy on account of the Central Government who embezzles or otherwise illegally disposes of the opium produced or any part thereof, shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

20. Punishment for contravention in relation to cannabis plant and cannabis.-Whoever, in contravention of any provisions of this Act or any rule or order made or condition of licence granted thereunder,

(a) cultivates any cannabis plant; or

(b) produces, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses cannabis, shall be punishable

[1][(i) where such contravention relates to clause (a) with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine which may extend to one lakh rupees; and

(ii) where such contravention relates to sub-clause (b),

(A) and involves small quantity, with rigorous imprisonment for a term which may extend to six months, or with fine, which may extend to ten thousand rupees, or with both;

(B) and involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonme

1. Subs. by Act 9 of 2001, sec. 7, for sub-clauses (i) and (ii) (w.e.f. 2-10-2001).

a term which may extend to ten years and with fine which may extend to one lakh rupees;

(C) and involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.]

1[21. Punishment for contravention in relation to manufactured drugs and preparations.-Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any manufactured drug or any preparation containing any manufactured drug shall be punishable,

(a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both;

(b) where the contravention involves quantity, lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to two years and with fine which may extend to one lakh rupees;

(c) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

22. Punishment for contravention in relation to psychotropic substances. Whoever , in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any psychotropic substance shall be punishable, (a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both;

(b) where the contravention involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to one lakh rupees; (c) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable

1. Subs. by Act 9 of 2001, sec. 8, for sections 21 to 23 (w.e.f. 2-10-2001).

to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

23. Punishment for illegal import in to India, export from India or transhipment of narcotic drugs and psychotropic substances.-Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence or permit granted or certificate or authorization issued thereunder, imports into India or exports from India or tranships any narcotic drug or psychotropic substance shall be punishable,-

(a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to six months, or with fine, which may extend to ten thousand rupees or with both;

(b) where the contravention involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonment- for a term which may extend to ten years, and with fine; which may extend to one lakh rupees;

(c) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.]

24. Punishment for external dealings in narcotic drugs and psychotropic substances in contravention of section 12.-Whoever engages in or controls any trade whereby a narcotic drug or a psychotropic substance is obtained outside India and supplied to any person outside India without the previous authorization of the Central Government or otherwise than in accordance with the conditions (if any) of such authorization granted under section 12, shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

[1][25. Punishment for allowing premises, etc., to be used for commission of an offence.-Whoever, being the owner or occupier or having the control or use of any house, room, enclosure, space, place, animal or conveyance, knowingly permits it to be used for the commission by any other person of an offence punishable under any provision of this Act, shall be punishable with the punishment provided for that offence.]

[2][25A. Punishment for contravention of orders made under section 9A. –If any person contravenes an order made under section 9A, he shall be punishable

1. Subs. by Act 9 of 2001, sec. 9, for section 25 (w.e.f. 2-10-2001).
2. Ins. by Act 2 of 1989, sec. 7 (w.e.f. 29-5-1989).

with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine which may extend to one lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding one lakh rupees.]

26. **Punishment for certain acts by licensee or his servants**.-If the holder of any licence, permit or authorisation granted under this Act or any rule or order made thereunder or any person in his employ and acting on his behalf

(a) omits, without any reasonable cause, to maintain accounts or to submit any return in accordance with the provisions of this Act, or any rule made thereunder;

(b) fails to produce without any reasonable cause such licence, permit or authorisation on demand of any officer authorised by the Central Government or State Government in this behalf;

(c) keeps any accounts or makes any statement which is false or which he knows or has reasons to believe to be incorrect; or

(d) wilfully and knowingly does any act in breach of any of the conditions of licence, permit or authorisation for bed

elsewhere in this Act,
he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

COMMENTS

It is well settled that a licensee is responsible for the act of his employee done within the scope of his authority although contrary to the instructions of the licensee; *Allen* v. *Whitehead,* (1930) 1 KB 211.

[1][27. **Punishment for consumption of any narcotic drug or psychotropic substance**.-Whoever, consumes any narcotic drug or psychotropic substance shall be punishable,-

(a) where the narcotic drug or psychotropic substance consumed is cocaine, morphine, diacetyl-morphine or any other narcotic drug or any psychotropic substance as may be specified in this behalf by the Central Government by notification in the Official Gazette, with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to twenty thousand rupees; or with both; and

(b) where the narcotic drug or psychotropic substance consumed is other than those specified in or under cluase (a), with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both.]

[2][27 A. **Punishment for financing illicit traffic and harbouring offenders**.-Whoever indulges in financing, directly or indirectly, any of the activities specified in sub-clauses (i) to (v) of clause (viiia) of section 2 or harbours any person engaged in any of the aforementioned activities, shall be punishable with

1. Subs. by Act 9 of 2001, sec. 10, for section 27 (w.e.f. 2-10-2001).

2. Ins. by Act 2 of 1989, sec. 8 (w.e.f. 29-5-1989).

rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:
Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees].

28. **Punishment for attempts to commit offences**.-Whoever attempts to commit any offence punishable under this Chapter or to cause such offence to be committed and in such attempt does any act towards the commission of the offence shall be punishable with the punishment provided for the offence.

COMMENTS

There is a thin line between the preparation for and an attempt to commit an offence. Undoubtedly a culprit first intends to commit the offence, then makes preparation for committing it and thereafter attempts to commit the offence. If the attempt succeeds, he has committed the offence; if it fails, he is said to have attempted to commit the offence. Attempt to commit an offence, therefore, can be said to begin when the preparations are complete and the culprit commences to do something with the intention of committing the offence and which is a step towards the commission of the offence. The moment he commences to do an act with the necessary intention, he commences his attempt to commit the offence; *Abhayanand Mishra* v. *State of Bihar,* AIR 1961 SC 1698.

29. Punishment for abetment and criminal conspiracy.-(l) Whoever abets, or is a party to a criminal conspiracy to commit an offence punishable under this Chapter, shall, whether such offence be or be not committed in consequence of such abetment or in pursuance of such criminal conspiracy, and notwithstanding anything contained in section 116 of the Indian Penal Code (45 of 1860), be punishable with the punishment provided for the offence.

(2) A person abets, or is a party to a criminal conspiracy to commit, an offence, within the meaning of this section, who, in India abets or is a party to the criminal conspiracy to the commission of any act in a place without and beyond India which (a) would constitute an offence if committed within India; or

(b) under the laws of such place, is an offence relating to narcotic drugs or psychotropic substances having all the legal conditions required to constitute it such an offence the same as or analogous to the legal conditions required to constitute it an offence punishable under this Chapter, if committed within India.

COMMENTS

Where a person possessing illicit drug does not carry it himself but entrusts it to some other person for carriage in a car and that person carries it knowingly, then the driver of the car would be the person who transports the drug, and the person who directs him to do so would be the abettor of the offence of transporting; *Narvirchand* v. *The State,* (1952) Cr LJ 246.

30. Preparation.-If any person makes preparation to do or omits to do anything which constitutes an offence punishable under any of the provisions of [1][sections 19,24 and 27 A and for offences involving commercial quantity of any

1. Subs. by Act 9 of 2001, sec. 11, for certain words (w.e.f. 2-10-2001).

narcotic drug or psychotropic substance and from the circumstances of the case] it may be reasonably inferred that he was determined to carry out his intention to commit the offence but had been prevented by circumstances independent of his will, he shall be punishable with rigorous imprisonment for a term which shall not be less than one-half of the minimum term (if any), but which may extend to one-half of the maximum term, of imprisonment with which he would have been punishable in the event of his having committed such offence, and also with fine which shall not be less than one-half of the minimum amount (if any), of fine with which he would have been punishable, but which may extend to one-half of the maximum amount of fine with which he would have ordinarily (that is to say in the absence of special reasons) been punishable, in the event aforesaid:

Provided that the court may, for reasons to be recorded in the judgment, impose a higher fine.

COMMENTS

For making out a case under this section against any person, it is not enough for the prosecution to make out a case of mere preparation to commit an offence stated therein. It has further to make out a case that a reasonable inference can be drawn from the circumstances that if not prevented by circumstances independent of his will, that person was determined to carry out his intention to commit the offence; *D.N. Anerao* v. *Mahesh Kumar,*(1986) 9 ECC 76.

[1][31**. Enhanced punishment for offences after previous conviction**.-(l) If any person who has been convicted of the commission of, or attempt to commit, or abetment of, or criminal conspiracy to commit, any of the offences punishable under this Act is subsequently convicted of the commission of, or attempt to commit, or abetment of, or criminal conspiracy to commit, an offence punishable under this Act with the same amount of punishment shall be punished for the second and every subsequent offence with rigorous imprisonment for a term which may extend to one-half of the maximum term of imprisonment and also be liable to fine which shall extend to one-half of the maximum amount of fine.

(2) Where the person referred to in sub-section (1) is liable to be punished with a minimum term of imprisonment and to a minimum amount of fine, the minimum punishment for such person shall be one-half of the minimum term of imprisonment and one-half of the minimum amount of fine:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding the fine for which a person is liable.

(3) Where any person is convicted by a competent court of criminal jurisdiction outside India under any corresponding law, such person, in respect of such conviction, shall be dealt with for the purposes of sub-sections (1) and (2) as if he had been convicted by a court in India.]

2[31A. Death penalty for certain offences after previous conviction.-(l) Notwithstanding anything contained in section 31, if any person who has been convicted of the commission of, or attempt to commit, or abetment of, or criminal conspiracy to commit, any of the offences punishable under 3[section 19,

1. Subs. by Act 9 of 2001, sec. 12, for section 31 (w.e.f. 2-10-2001).

2. Ins. by Act 2 of 1989, sec. 9 (w.e.f. 29-5-1989).

3. Subs. by Act 9 of 2001, sec. 13, for certain words (w.e.f. 2-10-2001).

section 24, section 27 A and for offences involving commercial quantity of any narcotic drug or psychotropic substance] is subsequently convicted of the commission of, or attempt to commit, or abetment of, or criminal conspiracy to commit, an offence relating to-

(a) engaging in the production, manufacture, possession, transportation, import into India, export from India or transhipment, of the narcotic drugs or psychotropic substances specified under column (1) of the Table below and involving the quantity which is equal to or more than the quantity indicated against each such drug or substance, as specified in column (2) of the said Table:

TABLE

Particulars of narcotic drugs/psychotropic substances		Quantity
	(1)	(2)
(i)	Opium	10Kgs.
(ii)	Morphine	1 Kg.
(iii)	Heroin	1 Kg.
(iv)	Codeine	1 Kg.
(v)	Thebaine	1 Kg.
(vi)	Cocaine	500 grams.
(vii)	Hashish	20 Kgs.
(viii)	Any mixture with or without any nautral material of any of the above drugs	1 [lesser of the quantity between the quantities given against the respective narcotic drugs or psychotropic substances mentioned above forming part of the mixture.]
(ix)	LSD, LSD-25(+)-N, N Diethyllysergamide (d-lysergic acid diethylamide)	500 grams
(x)	THC (Tetrahydrocannabinols, the following Isomers: 6a (10a), 6a (7) 7, 8, 9, 10, 9 (11) and their stereochemical variants)	500 grams
(xi)	Methamphetamine (+)-2-Methylamine-1- Phenylpropane	1,500 grams
(xii)	Metha qualone (2- Meth y 1-3-0-tol y 1-4-(3h)-quinazolinone)	1,500 grams
(xiii)	Amphetamine (+)-2-amino-1-phenylporpane	1,500 grams
(xiv)	Salts and preparations of the psychotropic substances mentioned in (ix) to (xii)	1,500 grams;

(b) financing, directly or indirectly, any of the activities specified in clause (a), shall b

1. Subs. by Act 9 of 2001, sec. 13, for "1,500 grams" (w.e.f. 2-10-2001).

(2) where any person is convicted by a competent court of criminal jurisdiction outside India under any law corresponding to the provisions of [1][section 19, section 24 or section 27 A and for offences involving commercial quantity of any narcotic drug or psychotropic substance], such person, in respect of such conviction, shall be dealt with for the purposes of sub-section (1) as if he had been convicted by a court in India.]

32. Punishment for offence for which no punishment is provided.-Whoever contravenes any provision of this Act or any rule or order made, or any condition of any licence, permit or authorisation issued thereunder for which no punishment is separately provided in this Chapter, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

[2][**32A. No suspension, remission or commutation in any sentence awarded under this Act.-**Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force but subject to the provisions of section 33, no sentence awarded under this Act (other than section 27) shall be suspended or remitted or commuted.]

[3][328. Factors to be taken into account for imposing higher than the minimum punishment.-Where a minimum term of imprisonment or amount of fine is prescribed for any offence committed under this Act, the court may, in addition to such factors as it may deem fit, take into account the following factors for imposing a punishment higher than the minimum term of imprisonment or amount of fine, namely:

(a) the use or threat of use of violence or arms by the offender;

(b) the fact that the offender holds a public office and that he has taken advantage of that office in committing the offence;

(c) the fact that the minors are affected by the offence or the minors are used for the commission of an offence;

(d) the fact that the offence is committed in an educational institution or social service facility or in the immediate vicinity of such institution or faculty or in other place to which school children and students resort for educational, sports and social activities.;

(e) the fact that the offender belongs to organised international or any other criminal group which is involved in the commission of the offences; and

(f) the fact that the offender is involved in other illegal activities facilitated by commission of the offence.]

33. Application of section 360 of the Code of Criminal Procedure, 1973 and of the Probation of Offenders Act,1958.-Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) or in the Probation of Offenders Act, 1958 (20 of 1958) shall apply to a person convicted of an offence under this Act unless such person is under eighteen years of age or that the offence for which such person is convicted is punishable under section 26 or section 27.

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1. Subs. by Act 9 of 2001, sec. 13, for certain words (w.e.f. 2-10-2001).
2. Ins. by Act 2 of 1989, sec. 10 (w.e.f. 29-5-1989).
3. Ins. by Act 9 of 2001, sec. 14 (w.e.f. 2-10-2001).

COMMENTS

The question of age of the person is relevant not for the purpose of determining his guilt but only for the purpose of punishment which he should suffer for the offence of which he has been found on the evidence guilty; *Ramji Missar* v. *State of Bihar,* 1963 (2) Cr LJ 173.

34. Security for abstaining from commission of offence.-(1) Whenever any person is convicted of an offence punishable under any provision of Chapter IV and the court convicting him is of opinion that it is necessary to require such person to execute a bond for abstaining from the commission of any urt may, at the

time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from commission of any offence under Chapter IV during such period not exceeding three years as it thinks fit to fix.

(2) The bond shall be in such form as may be prescribed by the Central Government and the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

(3) If the conviction is set-aside on appeal or otherwise, the bond so executed shall become void.

(4) An order under this section may also be made by an appellate court or by the High Court or Sessions Judge when exercising the powers of revision.

35. Presumption of culpable mental state.-(1) In any prosecution for an offence under this Act which requires a culpable mental state of the accused, the Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation.-Inthis section "culpable mental state" includes intention,motive knowledge of a fact and belief in, or reason to believe, a fact.

(2) For the purpose of this section, a fact is said to be proved only when the court believes it to exist beyond a reasonable doubt and not merely when its existence is established by a preponderance of probability.

1[**36. Constitution of Special Courts**.-(1) The Government may, for the purpose of providing speedy trial of the offences under this Act, by notification in the Official Gazette, constitute as many Special Courts as may be necessary for such area or areas as may be specified in the notification.

(2) A Special Court shall consist of a single Judge who shall be appointed by the Government with the concurrence of the Chief Justice of the High Court.

Explanation.-1n this sub-section, "High Court" means the High Court of the State in which the Sessions Judge or the Additional Sessions Judge of a Special Court was working immediately before his appointment as such Judge.

(3) A person shall not be qualified for appointment as a Judge of a Special Court unless he is, immediately before such appointment, a Sessions Judge or an Additional Sessions Judge.]

1. Subs. by Act 2 of 1989, sec. 11, for section 36 (w.e.f. 29-5-1989).

1[**36A. Offences triable by Special Courts.-**(l) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),

(a) all offences under this Act which are punishable with imprisonment for a term of more than three years shall be triable only by the Special Court constituted for the area in which the offence has been committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the Government;

(b) where a person accused of or suspected of the commission of an offence under this Act is forwarded to a Magistrate under subsection (2) or sub-section (2A) of section 167 of the Code of Criminal Procedure, 1973 (2 of 1974), such Magistrate may authorise the detention of such person in such custody as he thinks fit for a period not exceeding fifteen days in the whole where such Magistrate is a Judicial Magistrate and seven days in the whole where such Magistrate is an Executive Magistrate:

Provided that in cases which are triable by the Special Court where such Magistrate considers

(i) when such person is forwarded to him as aforesaid; or

(ii) upon or at any time before the expiry of the period of detention authorised by him, that the detention of such person is unnecessary, he shall order such person to be forwarded to the Special Court having jurisdiction; (c) the Special Court may exercise, in relation to the person forwarded to it under clause (b), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the Code of Criminal Procedure, 1973 (2 of 1974), in relation to an accused person in such case who has been forwarded to him under that section;

(d) a Special Court may, upon perusal of police report of the facts constituting an offenc under this Act or upon complaint made by an officer of the Central Government or a State Government authorised in his behalf, take cognizance of that offence without the accused being committed to it for trial.

(2) When trying an offence under this Act, a Special Court may also try an offence other than an offence under this Act with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.

(3) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code of Criminal Procedure, 1973 (2 of 1974), and the High Court may exercise such powers including the power under cluase (b) of sub-section (1) of that section as if the reference to "Magistrate" in that section included also a reference to a "Special Court" constituted under section 36.

1. Section36A ins. by Act 2 of 1989, sec. 11 (w.e.f. 29-5-1989) and subs. by Act 9 of 2001, sec. 15 (w.e.f. 2-10-2001).

(4) In respect of persons accused of an offence punishable under section 19or section 24 or section 27 A or for offences involving commercial quantity the references in sub-section (2) of section 167 of the Code of Criminal Procedure, 1973 (2 of 1974), thereof to "ninety days", where they occur, shall be construed as reference to "one hundred and eighty days":

Provided that, if it is not possible to complete the investigation within the said period of one hundred and eighty days, the Special Court may extend the said period up to one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offences punishable under this Act with imprisonment for a term of not more than three years may be tried summarily.]

COMMENTS

Section 36A(1)(d) authorizes the Special Courts to take cognizance of offences under the Act on the basis of a police report or upon the complaint made by an officer of the Central Government; *State* v. *Kulwant Singh,* AIR 2003 SC 1599.

1[**36B. Appeal and revision**.-The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 (2 of 1974), on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court.

1[**36C. Application of Code to proceedings before a Special Court**.-Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.]

[2][36D. Transitional provisions.-](l) Any offence committed under this Act on or after the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988 (2 of 1989), which is triable by a Special Court shall, until a Special Court is constituted under section 36, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), be tried by a Court of Session.

(2) Where any proceedings in relation to any offence committed under this Act on or after the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988 (2 of 1989), are pending before a Court of Session, then, notwithstanding anything contained in sub-section (I), such proceeding shall be heard and disposed of by the Court of Session:

Provided that nothing contained in this sub-section shall affect the power of the High Court under section 407 of the Code of Criminal Procedure, 1973 (2 of

1. Ins. by Act 2 of 1989, sec. 11 (w.e.f. 29-5-1989).

2. Section 36D ins. by Act 2 of 1989, sec. 11 (w.e.f. 29-5-1989) and subs. by Act 9 of 2001, sec. 16 (w.e.f. 2-10-2001).

1974) to transfer any case or class of cases taken cognizance by a Court of Session under sub-section (1).]

[1][37. Offences to be cognizable and non-bailable.-](1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974)

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 2[offences under section 19 or section 24 or section 27 A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, on granting of bail.]

COMMENTS

(i) It has been repeatedly stressed that NDPS cases should be tried as early as possible because in such cases normally accused are not released on bail; *A.N. Patel* v. *State of Gujarat,* AIR 2003 SC 2172.

(ii) It is plain from the language of section 37(1) (b) that the court must adopt a negative attitude towards bail but turn positive firstly if it is satisfied that there are reasonable grounds for believing that the accused is not guilty of offence under the Act and secondly that he is not likely to commit any offence while on bail. Both these tests must be satisfied before bail can be granted; *Sukhdev Singh* v. *Union Territory of Chandigarh,* (1986) Cr LJ 1757 (P & H).

38. Offences by companies.-(1) Where an offence under Chapter IV has been committed by a company, every person, who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under Chapter IV has been committed by a the offence

has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of

1. Subs. by Act 2 of 1989, sec. 12, for section 37 (w.e.f. 29-5-1989).

2. Subs. by Act 9 of 2001, sec. 17, for "a term of imprisonment of five years or more under this Act" (w.e.f. 2-10-2001).

the company, such director, manager, secretary of other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation-Forthe purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

39. Power of court to release certain offenders on probation.-(1) When any addict is found guilty of an offence punishable under section 27 [1][or for offences relating to small quantity of any narcotic drug or psychotropic substance] and if the court by which he is found guilty is of the opinion, regard being had to the age, character, antecedents or physical or mental condition of the offender, that it is expedient so to do, then, notwithstanding anything contained in this Act or any other law for the time being in force, the court may, instead of sentencing him at once to any imprisonment, with his consent, direct that he be released for undergoing medical treatment for de-toxification or de-addiction from a hospital or an institution maintained or recognised by Government and on his entering into a bond in the form prescribed by the Central Government, with or without sureties, to appear and furnish before the court within a period not exceeding one year, a report regarding the result of his medical treatment and, in the meantime, to abstain from the commission of any offence under Chapter IV.

(2) If it appears to the court, having regard to the report regarding the result of the medical treatment furnished under sub-section (1), that it is expedient so to do, the court may direct the release of the offender after due admonition on his entering into a bond in the form prescribed by the Central Government, with or without sureties, for abstaining from the commission of any offence under Chapter IV during such period not exceeding three years as the court may deem fit to specify or on his failure so to abstain, to appear before the court and receive sentence when called upon during such period.

40. Power of court to publish names, place of business, etc., of certain offenders.-(1) Where any person is convicted of any of the offences punishable under section 15 to section 25 (both inclusive), section 28, section 29 or section 30, it shall be competent for the court convicting the person to cause the name and place of business or residence of such person, nature of the contravention, the fact that the person has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of such person in such newspapers or in such manner as the court may direct.

(2) No publication under sub-section (1) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such appeal, having been preferred, has been disposed of.

(3) The expenses of any publication under sub-section (1) shall be recoverable from the convicted person as if it were a fine imposed by the court.

1. Ins. by Act 9 of 2001, sec. 18 (w.e.f. 2-10-2001).

CHAPTER V

PROCEDURE

[1][41. Power to issue warrant and authorisation.-(l) A Metropolitan Magistrate or a Magistrate of the first class or any Magi ally

empowered by the State Government in this behalf, may issue a warrant for the arrest of any person whom he has reason to believe to have committed any offence punishable under this Act, or for the search, whether by day or by night, of any building, conveyance or place in which he has reason to believe any narcotic drug or psychotropic substance or controlled substance in respect of which an offence punishable under this Act has been committed or any document or other article which may furnish evidence of the commission of such offence or any illegally acquired property or any document or other article which may furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter V A of this Act is kept or concealed:

(2) Any such officer of gazetted rank of the departments of central excise, narcotics, customs, revenue intelligence or any other department of the Central Government including the para-military forces or the armed forces as is empowered in this behalf by general or special order by the Central Government, or any such officer of the revenue, drugs control, excise, police or any other department of a State Government as is empowered in this behalf by general or special order of the State Government if he has reason to believe from personal knowledge or information given by any person and taken in writing that any person has committed an offence punishable under this Act or that any narcotic drug or psychotropic substance or controlled substance in respect of which any offence under this Act has been committed or any document or other article which may furnish evidence of the commission of such offence or any illegally acquired property or any document or other article which may furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter V A of this Act is kept or concealed in any building, conveyance or place, may authorise any officer subordinate to him but superior in rank to a peon, sepoy or a constable to arrest such a person or search a building, conveyance or place whether by day or by night or himself arrest such a person or search a building, conveyance or place.

(3) The officer to whom a warrant under sub-section (1) is addressed and the officer who authorised the arrest or search or the officer who is so authorised under sub-section (2) shall have all the powers of an officer acting under section 42.

42. Power of entry, search, seizure and arrest without warrant or authorisation.-(l) Any such officer (being an officer superior in rank to a peon, sepoy or constable) of the departments of central excise, narcotics, customs, revenue intellegence or any other department of the Central Government including para-military forces or armed forces as is empowered in this behalf by general or special order by the Central Government, or any such officer (being an officer superior in rank to a peon, sepoy or constable) of the revenue, drugs

1. Subs. by Act 9 of 2001, sec. 19, for sections 41 to 43 (w.e.f. 2-10-2001).

control, excise, police or any other department of a State Government as is empowered in this behalf by general or special order of the State Government, if he has reason to believe from persons knowledge or information given by any person and taken down in writing that any narcotic drug, or psychotropic substance, or controlled substance in respect of which an offence punishable under this Act has been committed or any document or other article which may furnish evidence of the commission of such offence or any illegally acquired property or any document or other article which may furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter V A of this Act is kept or concealed in any building, conveyance or enclosed place, may between sunrise and sunset,

(a) enter into and search any such building, conveyance or place;

(b) in case of resistance, break open any door and remove any obstacle to such entry;

(c) seize such drug or substance and all materials used in the manufacture thereof

and any other article and any animal or conveyance which he has reason to believe to be liable to confiscation under this Act and any document or other article which he has reason to believe may furnish evidence of the commission of any offence punishable under this Act or furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter V A of this Act; and

(d) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed any offence punishable under this Act: Provided that if such officer has reason to believe that a search warrant or authorisation cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may enter and search such building, conveyance or enclosed place at any time between sunset and sunrise after recording the grounds of his belief.

(2) Where an officer takes down any information in writing under subsection (1) or records grounds for his belief under the proviso thereto, he shall within seventy-two hours send a copy thereof to his immediate official superior.

43. Power of seizure and arrest in public place.-Any officer of any of the departments mentioned in section 42 may

(a) seize in any public place or in transit, any narcotic drug or psychotropic substance or controlled substance in respect of which he has reason to believe an offence punishable under this Act has been committed, and, along with such drug or substance, any animal or conveyance or article liable to confiscation under this Act, any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act or any document or other article which may furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter V A of this Act;

(b) detain and search any person whom he has reason to believe to have committed an offence punishable under this Act, and if such person has any narcotic drug or psychotropic substance or controlled substance in his possession and such possession appears to him to be unlawful, arrest him and any other person in his company.

Explanation.-Forthe purposes of this section, the expression "public place" includes any public conveyance, hotel, shop, or other place intended for use by, or accessible to, the public.]

44. Powerof entry, search, seizure and arrest in offences relating to coca plant, **opium poppy and cannabis plant**.-The provisions of sections 41, 42 and 43, shall so far as may be, apply in relation to the offences punishable under Chapter IV and relating to coca plant, the opium poppy or cannabis plant and for this purpose references in those sections to narcotic drugs, or psychotropic substance, [1][or controlled substance], shall be construed as including references to coca plant, the opium poppy and cannabis plant.

45. Procedure where seizure of goods liable to confiscation not practicable.-Where it is not practicable to size any goods (including standing crop) which are liable to confiscation under this Act, any officer duly authorised under section 42 may serve on the owner or person in possession of the goods, an order that he shall not remove, part with or otherwise deal with the goods except with the previous permission of such officer.

46. Duty of land holder to give information of illegal cultivation.-Every holder of land shall give immediate information to any officer of the police or of any of the departments mentioned in section 42 of all the opium poppy, cannabis plant or coca plant which may be illegally cultivated within his land and every such holder of land who knowingly neglects to give such information, shall be liable to punishment.

47. Duty of certain officers to give information of illegal cultivation.-Every officer of the Government and every panch, sarpanch and other village officer of whatever description shall give immediate information to any officer of the Police or of any of the departments mentioned in section 42 when it may come to his knowledge that any land has been illegally cultivated with the opium poppy, cannabis plant or coca plant, and every such officer of the Government, panch, sarpanch and other village officer who neglects to give such information, shall be liable to punishment.

48. Power of attachment of crop illegally cultivated.-Any Metropolitan Magistrate, Judicial Magistrate of the first class or any Magistrate specially empowered in this behalf by the State Government 2[or any officer of a gazetted rank empowered under section 42] may order attachment of any opium poppy, cannabis plant or coca plant which he has reason to believe to have been illegally cultivated and while doing so may pass such order (including an order to destroy the crop) as he thinks fit.

49. Power to stop and search conveyance.-Any officer authorised under section 42, may, if he has reason to suspect that any animal or conveyance is, or

1. Ins. by Act 9 of 2001, sec. 20 (w.e.f. 2-10-2001).

2. Ins. by Act 2 of 1989, sec. 13 (w.e.f. 29-5-1989).

is about to be, used for the transport of any narcotic drug or psychotropic substance 1[or controlled substance], in respect of which he suspects that any provision of this Act has been, or is being, or is about to be, contravened at any time, stop such animal or conveyance, or, in the case of an aircraft, compel it to land and-

(a) rummage and search the conveyance or part thereof;

(b) examine and search any goods on the animal or in the conveyance;

(c) if it becomes necessary to stop the animal or the conveyance, he may use all lawful means for stopping it, and where such means fail, the animal or the conveyance may be fired upon.

50. Conditions under which search of persons shall be conducted.-(1) When any officer duly authorised under section 42 is about to search any person under the provisions of section 41, section 42 or section 43, he shall, if such person so requires, take such person without unnecessary delay to the nearest Gazetted Officer of any of the departments mentioned in section 42 or to the nearest Magistrate.

(2) If such requisition is made, the officer may detain the person until he can bring him before the Gazetted Officer or the Magistrate referred to in subsection (1).

(3) The Gazetted Officer or the Magistrate before whom any such person is brought shall, if he sees no reasonable ground for search, forthwith discharge the person but otherwise shall direct that search be made.

(4) No female shall be searched by anyone excepting a female.

2[(5) When an officer duly authorised under section 42 has reason to believe that it is not possible to take the person to be searched to the nearest Gazetted Officer or Magistrate without the possibility of the person to be searched parting with possession of any narcotic drug or psychotropic substance, or controlled substance or article or document, he may, instead of taking such person to the nearest Gazetted Officer or Magistrate, proceed to search the person as provided under section 100 of the Code of Criminal Procedure, 1973 (2 of 1974).

(6) After a search is conducted under sub-section (5), the officer shall record the reasons for such belief which necessitated such search and within seventy two hours send a copy thereof to his immediate official superior.]

COMMENTS

(i) The accused person on seeing the patrolling police party started running, which created a suspicion in the mind of the concerned officer, who thereafter intercepted him and then in the presence of Panchas effected the with the

safeguards as prescribed under section 50 of the Act would not arise; *Bharatbhai Bhagwanjibhai* v. *State of Gujarat,* AIR 2003 SC 7.

(ii) The safeguards mentioned in section 50 are intended to serve a dual purpose to protect the person against false accusation and frivolous charges as also to lend credibility to the search and seizure conducted by the empowered officer; *Beckodan Abdul Rahiman* v. *State of Kerala;* (2002) 4 see 229.

1. Ins. by Act 9 of 2001, sec. 21 (w.e.f. 2-10-2001).
2. Ins. by Act 9 of 2001, sec. 22 (w.e.f. 2-10-2001).

(iii) A contraband seized as a result of search and seizure made is contravention of section 50 cannot be used to fasten the liability of unlawful possession of the contraband on the person from whom the contraband had allegedly been seized in a illegal manner." Unlawful possession" of the contraband is the *sine quo non* for conviction under the Act and that fact has to be established by the prosecution beyond a reasonable doubt; *Ali Mustafa Abdul Rehman Moosa* v. *State of Kerala,* AIR 1995 SC 244.

(iv) An arrest and search by an officer not authorised by sections 41(2), 42 and 43 of the Act, is illegal and liable to be quashed; *Karam Singh* v. *State of Punjab,* (1987) 2 CLR 240.

(v) Any illegality in the method, manner or initiation of a search would not vitiate the evidence collected during such search; *Dr. Pratap Singh* v. *Director of Enforcement,* AIR 1985 SC 989.

[1][**50A. Power to under take controlled delivery**.- The Director General of Narcotics Control Bureau constituted under sub-section (3) of section 4 or any other officer authorised by him in this behalf, may, notwithstanding anything contained in this Act, undertake controlled delivery of any consignment to

(a) any destination in India;

(b) a foreign country, in consultation with the competent authority of such foreign country to which such consignment is destined, in such manner as may be prescribed.]

51. Provisions of the Code of Criminal Procedure, 1973 to apply to warrants, arrests, searches and seizures.- The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply, in so far as they are not inconsistent with the provisions of this Act, to all warrants issued and arrests, searches and seizures made under this Act.

52. Disposal of persons arrested and articles seized.-(l) Any officer arresting a person under section 41, section 42 section 43 or section 44 shall, as soon as may be, inform him of the grounds for such arrest.

(2) Every person arrested and article seized under warrant issued under subsection (1) of section 41 shall be forwarded without unnecessary delay to the Magistrate by whom the warrant was issued.

(3) Every person arrested and article seized under sub-section (2) of section 41, section 42, section 43 or section 44 shall be forwarded without unnecessary delay to

(a) the officer-in-charge of the nearest police station, or

(b) the officer empowered under section 53.

(4) The authority or officer to whom any person or article is forwarded under sub-section (2) or sub-section (3) shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or article.

COMMENTS

If a person is not informed of the grounds of his arrest, his further detention may become invalid or unlawful, but it cannot be said that his initial arrest itself becomes illegal; *Sunil Chainani* v. *Inspector of Police,* 1989 (1) FAC 44.

1. Ins. by Act 9 of 2001, sec. 23 (w.e.f. 2-10-2001).

[1]**[52A. Disposal of seized narcotic drugs and psychotropic substances**.(1) The Central Government may, having regard to the hazardous nature of any narcotic drugs or psychotropic substances, their vulnerability to theft, substitution, constraints of proper storage space or any other relevant considerations, by notification published in the Official Gazette, specify such narcotic drugs or psychotropic substances or class of narcotic drugs or class of psychotropic substances which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may from time to time, determine after following the procedure hereinafter specified.

(2) Where any narcotic drug or psychotropic substance has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53, the officer referred to in sub-section (1) shall prepare an inventory of such narcotic drugs or psychotropic substances containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs or psychotropic substances or the packing in which they are packed, country of origin and other particulars as the officer referred to in sub-section (1) may consider relevant to the identity of the narcotic drugs or psychotropic substances in any proceedings under this Act and make an application, to any Magistrate for the purpose of-

(a) certifying the correctness of the inventory so prepared; or

(b) taking, in the presence of such Magistrate, photographs of such drugs or substances and certifying such photographs as true; or

(c) allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate and certifying the correctness of any list of samples so drawn.

(3) Where an application is made under sub-section (2), the Magistrate shall, as soon as may be, allow the application.

(4) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or the Code of Criminal Procedure, 1973 (2 of 1974), every court trying an offence under this Act, shall treat the inventory, the photographs of narcotic drugs or psychotropic substances and any list of samples drawn under subsection (2) and certified by the Magistrate, as primary evidence in respect of such offence].

53. Power to invest officers of certain departments with powers of an officer-in-charge of a police station.-(1) The Central Government, after consultation with the State Government, may, by notification published in the Official Gazette, invest any officer of the department of central excise, narcotics, customs, revenue intelligence [2][or any other department of the Central Government including para-military forces or armed forces] or any class of such officers with the powers of an officer-in-charge of a police station for the investigation of the offences under this Act.

(2) The State Government may, by notification published in the Official Gazette, invest any officer of the department of drugs control, revenue or excise

1. Ins. by Act 2 of 1989, sec. 14 (w.e.f. 29-5-1989).

2. Subs. by Act 9 of 2001, sec. 24, for "or Border Security Force" (w.e.f. 2-10-2001).

[1][or any other department] or any class of such officers with the powers of an officer-in-charge of a police station for the investigation of offences under this Act.

[2]**[53A. Relevancy of statements under certain circumstances**.-(l) A statement made and signed by a person before any officer empowered under section 53 for the investigation of offences, during the course of any inquiry or proceedings by such officer, shall be relevant for the purpose of proving, in any prosecution for an offence under this Act, the truth of the facts which it contains,-

(a) when the person who made the statement is dead or cannot be found or is incapable of giving evidence, or is kept out of the way by the adverse party, or whose presence cannot be obtained without an amount of delay or

expense which, under the circumstances of the case, the court considers unreasonable; or

(b) when the person who made the statement is examined as a witness in the case before the court and the court is of the opinion that having regard to the circumstances of the case, the statement should be admitted in evidence in the interest of justice.

(2) The provisions of sub-section (1) shall, so far as may be, apply in relation to any proceedings under this Act or the rules or orders made thereunder, other than a proceeding before a court, as they apply in relation to a proceeding before a court.]

[3][**54. Presumption from possession of illicit articles**.-In trials under this Act, it may be presumed, unless and until the contrary is proved, that the accused has committed an offence under this Act in respect of

(a) any narcotic drug or psychotropic substance or controlled substance;

(b any opium poppy, cannabis plant or coca plant growing on any land which he has cultivated;

(c) any apparatus specially designed or any group of utensils specially adopted for the manufacture of any narcotic drug or psychotropic substance or controlled substance; or

(d) any materials which have undergone any process towards the manufacture of a narcotic drug or psychotropic substance or controlled substance, or any residue left of the materials from which any narcotic drug or psychotropic substance or controlled substance has been manufactured, for the possession of which he fails to account satisfactorily.]

55. Police to take charge of articles seized and delivered.-An officer-in-charge of a police station shall take charge of and keep in safe custody, pending the orders of the Magistrate, all articles seized under this Act within the local area of that police station and which may be delivered to him, and shall allow

1. Ins. by Act 9 of 2001, sec. 24 (w.e.f. 2-10-2001).
2. Ins. by Act 2 of 1989, sec. 15 (w.e.f. 29-5-1989).
3. Subs. by Act 9 of 2001, sec. 25 for section 54 (w.e.f. 2-10-2001).

any officer who may accompany such articles to the police station or who may be deputed for the purpose, to affix his seal to such articles or to take samples of and from them and all samples so taken shall also be sealed with a seal of the officer-in-charge of the police station.

COMMENTS

(i) Provisions of section 55 are merely directory in nature; *T.Paul Kuki* v. *State of West Bengal,* (1993) 3 Crimes 660 (Cal) (DB).

(ii) The searching officer has an option of depositing the seized article(s) in the local police station; *T. Paul Kuki* v. *State of West Bengal,* (1993) 3 Crimes 600 (Cal) (DB).

56. Obligation of officers to assist each other.-All officers of the several departments mentioned in section 42 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.

57. Report of arrest and seizure.-Whenever any person makes any arrest or seizure, under this Act, he shall, within forty-eight hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate official superior.

58. Punishment for vexatious entry, search, seizure or arrest.-(l) Any person empowered under section 42 or section 43 or section 44 who

(a) without reasonable ground of suspicion enters or searches, or causes to be entered or searched, any building, conveyance or place;

(b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any narcotic drug or psychotropic substance or other article liable t , or of seizing

any document or other article liable to be seized under section 42, section 43 or section 44; or

(c) vexatiously and unnecessarily detains, searches or arrests any person, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

(2) Any person wilfully and maliciously giving false information and so causing an arrest or a search being made under this Act shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

59. Failure of officer in duty or his connivance at the contravention of the provisionsof this Act.-(l) Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

1[(2) Any officer on whom any duty has been imposed by or under this Act or any person who has been given the custody of-

1. Subs. by Act 2 of 1989, sec. 16 (w.e.f. 29-5-1989).

(a) any addict; or

(b) any other person who has been charged with an offence under this Act,

and who wilfully aids in, or connives at, the contravention of any provision of this Act or any rule or order made thereunder, shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years, and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees.

Explanation.-Forthe purposes of this sub-section, the expression "officer" includes any person employed in a hospital or institution maintained or recognised by the Government or a local authority under section 64A for providing de-addiction treatment.] (3) No court shall take cognizance of any offence under sub-section (1) or sub-section (2) except on a complaint in writing made with the previous sanction of the Central Government, or as the case may be, the State Government.

60. Liability of illicit drugs, substances, plants, articles and conveyances to confiscation.-1[(1) Whenever any offence punishable under this Act has been committed, the narcotic drug, psychotropic substance, controlled substance, opium poppy, coca plant, cannabis plant, materials, apparatus and utensils in respect of which or by means of which such offence has been committed, shall be liable to confiscation.]

(2) Any narcotic drug or psychotropic substance 2[or controlled substances] lawfully produced, imported inter-State, exported inter-State, imported into India, transported, manufactured, possessed, used, purchased or sold along with, or in addition to, any narcotic drug or psychotropic substance 2[or controlled substances] which is liable to confiscation under sub-section (1) and there receptacles, packages and coverings in which any narcotic drug or psychotropic substance 2[or controlled substances], materials, apparatus or utensils liable to confiscation under sub-section (1) is found, and the other contents, if any, of such receptacles or packages shall likewise be liable to confiscation.

(3) Any animal or conveyance used in carrying any narcotic drug or psychotropic substance 2[or controlled substance], or any article liable to confiscation under sub-section (1) or sub-section (2) shall be liable to confiscation, unless the owner of the animal or conveyance proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any, and the person-in-charge of the animal or conveyance and that each of them had taken all reasonable precautions against such use.

61. Confiscation of goods used for concealing illicit drugs or substances.-Any goods used for concealing any 3[narcotic drug, psychotropic substance or controlled substance] which is liable to confiscation under this Act shall also be liable to confiscation.

1. Subs. by Act 9 of 2001, sec. 26, for sub-section (1) (w.e.f. 2-10-2001).

2. Ins. by Act 9 of 2001, sec. 26 (w.e.f. 2-10-2001

3. Subs. by Act 9 of 2001, sec. 27, for "narcotic drug or psychotropic substance" (w.e.f. 2-10-2001).

Explanation.-Inthis section" goods" does not include conveyance as a means of transport.

62. Confiscation of sale proceeds of illicit drugs or substances.-Where any l[narcotic drug, psychotropic substance or controlled substance] is sold by a person having knowledge or reason to believe that the drug or substance is liable to confiscation under this Act the sale proceeds thereof shall also be liable to confiscation.

63. Procedure in making confiscations.-(1) In the trial of offences under this Act, whether the accused is convicted or acquitted or discharged, the court shall decide whether any article or thing seized under this Act is liable to confiscation under section 60 or section 61 or section 62 and, if it decides that the article is so liable, it may order confiscation accordingly.

(2) Where any article or thing seized under this Act appears to be liable to confiscation under section 60 or section 61 or section 62, but the person who committed the offence in connection therewith is not known or cannot be found, the court may inquire into and decide such liability, and may order confiscation accordingly:

Provided that no order of confiscation of an article or thing shall be made until the expiry of one month from the date of seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of his claim: Provided further that if any such article or thing, other than a narcotic drug, psychotropic substance, 2[controlled substance,] the opium poppy, coca plant or cannabis plant is liable to speedy and natural decay, or if the court is of opinion that its sale would be for the benefit of its owner, it may at any time direct it to be sold; and the provisions of this sub-section shall, as nearly as may be practicable, apply to the net proceeds of the sale.

3[***]

64. Power to tender immunity from prosecution.-(1) The Central Government or the State Government may, if it is of opinion (the reasons for such opinion being recorded in writing) that with a view to obtaining the evidence of any person appearing to have been directly or indirectly concerned in or privy to the contravention of any of the provisions of this Act or of any rule or order made thereunder it is necessary or expedient so to do, tender to such person immunity from prosecution for any offence under this Act or under the Indian Penal Code (45 of 1860) or under any other Central Act or State Act, as the case may be, for the time being in force, on condition of his making a full and true disclosure of the whole circumstances relating to such contravention.

(2) A tender of immunity made to, and accepted by, the person concerned, shall, to the extent to which the immunity extends, render him immune from prosecution for any offence in respect of which the tender was made.

1. Subs. by Act 9 of 2001, sec. 28, for "narcotic drug or psychotropic substance" (w.e.f. 2-10-2001).

2.Ins. by Act.9 of 2001, sec. 26 (w.e.f. 2-10-2001).

3. Sub-section (3) omitted by Act 9 of 2001, sec. 29 (w.e.f. 2-10-2001).

(3) If it appears to the Central Government or, as the case may be, the State Government, that any person to whom immunity has been tendered under this section has not complied with the conditions on which the tender was made or is wilfully concealing anything or is giving false evidence, the Central Government or, as the case may be, the State Government, may record a finding to that effect and thereupon the immunity shall be deemed to have been withdrawn and such person may be tried for the offence in respect of which the tender of immunity was made or for any other offence of which he appears to have been guilty in connection with the same matter.

COMMENTS

(i) The grant of immunity under section 64 of the Act to an accused who was facing trial before the court would amount to vesting the power of judicial authority in the Government; Jasbir Singhv. V.K. Jaggi, (2001) 8 SCC 289.

(ii) A pardon is an act of grace proceeding from the power entrusted with the execution of the laws, which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime he has committed; *United States* v. *Wilson,* 7 Pet. 150; *A.L. Mehra* v. *The State,* AIR 1958 Punj 72.

[1][**64A. Immunity from prosecution to addicts volunteering for treatment:-** Any addict, who is charged with an offence punishable under section 27 or with offences involving small quantity of narcotic drugs or psychotropic substances, who voluntarily seeks to undergo medical treatment for de-addiction from a hospital or an institution maintained or recognized by the Government or a local authority and undergoes such treatment shall not be liable to prosecution under section 27 or under any other section for offences involving small quantity of narcotic drugs or psychotropic substances:

Provided that the said immunity from prosecution may be withdrawn if the addict does not undergo the complete treatment for de-addiction.]

[2][***]

66. Presumption as to documents in certain cases:-Where any document-

(i) is produced or furnished by any person or has been seized from the custody or control of any person, in either case, under this Act or under any other law, or

(ii) has been received from any place outside India (duly authenticated by such authority or person and in such manner as may be prescribed by the Central Government) in the course of investigation of any offence under this Act alleged to have been committed by a person,

and such document is tendered in any prosecution under this Act in evidence against him,or against him and any other person who is tried jointly with him, the court shall-

(a) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting; and in the case of a document executed or attested, that it was executed or attested by the person by whom it purports to have been so executed or attested;

(b) admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence;

(c) in a case falling under clause (i), also presume, unless the contrary is proved, the truth of the contents of such document.

1. Ins. by Act 2 of 1989, sec. 17 (w.e.f 29-5-1989) and subs. by Act 9 of 2001, sec. 30 (w.e.f. 2 -10-2001). 2. Section 65 omitted by Act 2 of 1989, sec. 18 (w.e.f. 29-5-1989).

67. Power to call for information, etc.-Any officer referred to in section 42 who is authorised in this behalf by the Central Government or a State Government may, during the course of any enquiry in connection with the contravention of any provisions of this Act-

(a) Call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or any rule or order made thereunder;

(b) require any person to produce or deliver any document or thing useful or relevant to the enquiry;

(c) examine any person acquainted with the facts and circumstances of the case.

68. Information as to commission of offences:-No officer acting in exercise of powers vested in him under any provision of this Act or any rule or order made thereunder shall be compelled to say whence he got any information as to the commission of any offence.

[1][CHAPTER VA

FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN ILLICIT TRAFFIC

68A. Application:-(1) The provisions of this Chapter shall apply only to persons specified in sub-section (2).

(2) The persons referred to in sub-section (1) are the following, namely:-

(a) every person who has been convicted of an offence punishable under this Act with imprisonment for a term of [2][ten] years or more;

(b) every person who has been convicted of a similar offence by a competent court of criminal jurisdiction outside India;

(c) every person in respect of whom an order of detention has been made under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (46 of 1988), or under the Jammu and Kashmir Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (J & K Act XXIII of 1988):

Provided that such order of detention has not been revoked on the report of the Advisory Board constituted under the said Acts or such

1. Ins. by Act 2 of 1989, sec. 19 (w.e.f. 29-5-1989).

2. Subs. by Act 9 of 2001, sec. 31, for "five" (w.e.f. 2-10-2001).

order of detention has not been set aside by a court of competent jurisdiction; [1][(cc) every person who has been arrested or against whom a warrant or authorisation of arrest has been issued for the commission of an offence punishable under this Act with imprisonment for a term of ten years or more, and every person who has been arrested or against whom a warrant or authorisation of arrest has been issued for the commission of a similar offence under any corresponding law of any other country.]

(d) every person who is a relative of a person referred to in clause (a) or clause (b) or clause (c) [1][or clause (cc)];

(e) every associate of a person referred to in clause (a) or clause (b) or clause (c) [1][or clause (cc)];

(f) any holder (hereafter in this clause referred to as the "present holder") of any property which was at any time previously held by a person referred to in clause (a) or clause (b) or clause (c) [1][or clause (cc)]; unless the present holder or, as the case may be, anyone who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

68B. Definitions:-In this Chapter, unless the context otherwise requires,-

(a) "Appellate Tribunal" means the Appellate Tribunal for Forfeited Property constituted under section 68N;

(b) "associate" in relation to a person whose property is liable to be forfeited under this Chapter, means-

(i) any individual who had been or is residing in the residential premises (including out-houses) of such person;

(ii) any individual who had been or eping the

accounts of such person;

(iii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act, 1956 (1 of 1956), of which such person had been or is a member, partner or director;

(iv) any individual who had been or is a member, partner or director of an association or persons, body of individuals, partnership firm or private company referred to in sub-clause (III) at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;

(v) any person, who had been or is managing the affairs, or keeping the accounts, of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause (iii);

(vi) the trustee of any trust, where,-

1. Ins. by Act 9 of 2001, sec. 31 (w.e.f. 2-10-2001).

(1) the trust has been created by such person; or

(2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts on the date on which contribution is made, to not less than twenty per cent of the value of the assets of the trust on that date;

(viii) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person;

(c) "competent authority" means an officer of the Central Government authorised by it under section 68D;

(d) "concealment" means the concealment or disguise of the nature, source, disposition, movement or ownership of property and includes the movement or conversion of such property by electronic transmission or by any other means;

(e) "freezing" means temporarily prohibiting the transfer, conversion, disposition or movement of property by an order issued under section 68F;

(f) "identifying" includes establishment of proof that the property was derived from, or used in, the illicit traffic;

(g) "illegally acquired property", in relation to any person to whom this Chapter applies, means,-

(i) any property acquired by such person, whether before or after the commencement of this Chapter, wholly or partly out of or by means of any income, earnings or assets derived or obtained from or attributable to 1[the contravention of any provisions of this Act]; or

(ii) any property acquired by such person, whether before or after the commencement of this Chapter, for a consideration, or by any means wholly or partly traceable to any property referred to in sub-clause (i) or the income or earning from such property,

and includes-

(A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous

holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration;

(B) any property acquired by such person, whether before or after the commencement of this Chapter, for a consideration, or by any means, wholly or partly traceable to any property falling under item (A), or the income or earnings therefrom;

1. Subs. by Act 9 of 2001, sec. 32, for "illicit traffic" (w.e.f. 2-10-2001).

(h) "property" means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from, or used in the illicit traffic;

(i) "relative" means

(1) spouse of the person;

(2) brother or sister of the person;

(3) brother or sister of the spouse of the person;

(4) any lineal ascendant or descendant of the person;

(5) any lineal ascendant or descendant of the spouse of the person;

(6) spouse of a person referred to in sub-clause (2), sub-clause (3), sub-clause (4), or sub-clause (5);

(7) any lineal descendant of a person referred to in sub-clause (2) or sub-clause (3);

(j) "tracing" means determining the nature, source, disposition, movement, title or ownership of property;

(k) "trust" includes any other legal obligation.

68C. Prohibition of holding illegally acquired property:-(1) As from the commencement of this Chapter, it shall not be lawful for any person to whom this Chapter applies to hold any illegally acquired property either by himself or through any other person on his behalf.

(2) Where any person holds any illegally acquired property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the Central Government in accordance with the provisions of this Chapter:

1[Provided that no property shall be forfeited under this Chapter if such property was acquired, by a person to whom this Act applies, before a period of six years from the date he was arrested or against whom a warrant or authorisation of arrest has been issued for the commission of an offence punishable under this Act or from the date the order or detention was issued, as the case may be.]

68D. Competent authority:-(1) The Central Government may, by order published in the Official Gazette, authorise any Collector of Customs or Collector of Central Excise or Commissioner of Income-tax or any other officer of the Central Government of equivalent rank to perform the functions of the competent authority under this Chapter.

(2) The competent authorities shall perform their functions in respect of such persons or classes of persons as the Central Government may, by order, direct.

68E. Identifying illegally acquired property:-2[(1) Every offence empowered under section 53 and every officer-in-charge of a police station shall, or receipt of information is satisfied that any person to whom this Chapter

1. Subs. by Act 9 of 2001, sec. 33, for proviso (w.e.f, 2-10-2001).

2. Subs. by Act 9 of 2001, sec. 34, for sub-section (1) (w.e.f, 2-10-2001).

applies holds any illegally acquired property, he may, after recording reasons for doing so, proceed to take all steps necessary for tra erty.]

(2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account -in any bank or public financial institution or any other relevant matters.

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with such directions or guidelines as the competent authority may make or issue in this behalf.

68F. Seizure or freezing of illegally acquired property:-(l) Where any officer conducting an inquiry or investigation under section 68E has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which will result in frustrating any proceeding relating to forfeiture of such property under this Chapter, he may make an order for seizing such property and where it is not practicable to seize such property, he may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned:

Provided that the competent authority shall be duly informed of any order made under this sub-section and a copy of such an order shall be sent to the competent authority within forty-eight hours of its being made.

(2) Any order made under sub-section (1) shall have no effect unless the said order is confirmed by an order of the competent authority within a period of thirty days of its being made.

Explanation:-Forthe purposes of this section, "transfer of property" means any disposition, conveyance, assignment, settlement, delivery, payment or other alienation of property and, without limiting the generality of the foregoing, includes-

(a) the creation of a trust in property:

(b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;

(c) the exercise of a power of appointment of property vested in any person, not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and

(d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.

68G. Management of properties seized or forfeited under this Chapter:- (1) The Central Government may, by order published in the Official Gazette, appoint as many of its officers (not below the rank of a Joint Secretary to the Government) as it thinks fit, to perform the functions of an Administrator.

(2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under subsection (1) of section 68F or under section 68-1 in such manner and subject to such conditions as may be prescribed.

(3) The Administrator shall also take such measures, as the Central Government may direct, to dispose of the property which is forfeited to the Central Government.

68H. Notice of forfeiture of property:-(l) If, having regard to the value of the properties held by any person to whom this Chapter applies, either by himself or through any other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of a report from any officer making an investigation under section 68E or otherwise, the competent authority has reason to believe (the reasons for such belief to be recorded in writing) that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him

within a period of thirty days specified in the notice to indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars, and to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the Central Government under this Chapter.

(2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person:

[1][Provided that no notice for forfeiture shall be served upon any person referred to in clause (cc) of sub-section (2) of section 68A or relative of a person referred to in that clause or associate of a person referred to in that clause or holder of any property which was at any time previously held by a person referred to in that clause.]

68-1. Forfeiture of property in certain cases:-(l) The competent authority may, after considering the explanation, if any, to the show cause notice issued under section 68H, and the materials available before it and after giving to the person affected (and in a case where the person affected holds any property specified in the notice through any other person, to such other person also) a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties in question are illegally acquired properties:

Provided that if the person affected (and in a case where the person affected holds any property specified in the notice through any other person such other person also) does not appear before the competent authority or represent his case before it within a period of thirty days specified in the show cause notice, the competent authority may proceed to record a finding under this sub-section ex parteon the basis of evidence available before it.

(2) Where the competent authority is satisfied that some of the properties referred to in the show cause notice are illegally acquired properties but is not

1. Ins. by Act 9 of 2001, sec. 35 (w.e.f. 2-10-2001).

able to identify specifically such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgment, are illegally acquired properties and record a finding accordingly under subsection (1).

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Chapter stand forfeited to the Central Government free from all encumbrances:

[1][Provided that no illegally acquired property of any person who is referred to in clause (cc) of sub-section (2) of section 68A or relative of a person referred to in that clause or associate of a person referred to in that clause or holder of any property which was at any time previously held by a person referred to in that clause shall stand forefeited.]

(4) Where any shares in a company stand forfeited to the Central Government under this Chapter, then, the company shall, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956) or the article of association of the company, forthwith register the Central Government as the transferee of such shares.

68J. Burden of proof:-In any proceedings under this Chapter, the burden of proving that any property specified in the notice served under section 68H is not illegally acquired property shall be on the person affected.

68K. Fine in lieu of forfeiture:-(1) Where the competent authority makes a declaration that any property stands forfeited to the Central Government under section 68-1 and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order

giving an option to the person affected to pay, in lieu of forfeiture, a fine equal to the market value of such part.

(2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order revoke the declaration of forfeiture under section 68-1 and thereupon such property shall stand released.

68L. Procedure in relation to certain trust properties:-In the case of any person referred to in sub-clause (vi) of clause (b) of section 68B, if the competent authority, on the basis of the information and materials available to it, has reason to believe (the reasons for such belief to be recorded in writing) that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other assets out of or by means of which such property was acquired or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereupon such notice

1. Ins. by Act 9 of 2001, sec. 36 (w.e.f. 2-10-2001).

shall be deemed to be a notice served under section 68H and all the other provisions of this Chapter shall apply accordingly.

Explanation:-Forthe purposes of this section "illegally acquired property", in relation to any property held in trust, includes

(i) any property which if it had continued to be held by the author of the trust or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor;

(ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired such property out of such contributions.

68M. Certain transfers to be null and void:-Where after the making of an order under sub-section (1) of section 68F or the issue of a notice under section 68H or under section 68L, any property referred to in the said order or notice is transferred by any mode whatsoever such transfer shall, for the purposes of the proceedings under the Chapter, be ignored and if such property is subsequently forfeited to the Central Government under section 68-1, then, the transfer of such property shall be deemed to be null and void.

68N. Constitution of Appellate Tribunal:-(1) The Central Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman and such number of other members (being officers of the Central Government not below the rank of a Joint Secretary to the Government) as the Central Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 68F, section 68-1, sub-section (1) of section 68K or section 68L.

(2) The Chairman of the Appellate Tribunal shall be a person who is or has been or is qualified to be a Judge of the Supreme Court or of a High Court.

(3) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

68-O. Appeals:-(l) [1][Any officer referred to in sub-section (1) of section 68E or any person aggrieved by an order of the competent authority] made under section 68F, section 68-1, sub-section (I) of section 68K or section 68L, may, within forty-five days from the date on which the order is served on him, prefer an appeal to the Appellate Tribunal: Provided that the Appellat peal after the

said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving an opportunity to the appellant to be heard, if he so desires, and after making such further inquiry as it deems fit, confirm or set aside the order appealed against.

1. Subs. by Act 9 of 2001, sec. 37, for "Any person aggrieved by an order of the competent authority" (w.e.f. 2-10-2001).

(3) The powers and functions of the Appellate Tribunal may be exercised and discharged by Benches consisting of three members and constituted by the Chairman of the Appellate Tribunal.

(4) Notwithstanding anything contained in sub-section (3), where the Chairman considers it necessary so to do for the expeditious disposal of appeals under this section, he may constitute a Bench of two members and a Bench so constituted may exercise and discharge the powers and functions of the Appellate Tribunal:

Provided that if the members of a Bench so constituted differ on any point or points, they shall state the point or points on which they differ and refer the same to a third member (to be specified by the Chairman) for hearing of such point or points and such point or points shall be decided according to the opinion of that member.

(5) The Appellate Tribunal may regulate its own procedure.

(6) On application to the Appellate Tribunal and on payment of the prescribed fee, the Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the Tribunal and obtain a certified copy of any part thereof.

68P. Notice or order not to be invalid for error in description:-No notice issued or served, no declaration made, and no order passed under this Chapter shall be deemed to be invalid by reason of any error in the description of the property or person mentioned therein if such property or person is identifiable from the description so mentioned.

68Q. Bar of jurisdiction:-No order passed or declaration made under this Chapter shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this Chapter to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter.

68R. Competent Authority and Appellate Tribunal to have powers of civil court:- The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for examination of witnesses or documents;

(f) any other matter which may be prescribed.

68S. Information to competent authority:-(1) Notwithstanding anything contained in any other law, the competent authority shall have power to require any officer or authority of the Central Government or a State Government or a local

authority to furnish information in relation to such persons, points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Chapter.

(2) Every officer referred to in section 68T may furnish *suo motu* any information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Chapter.

68T. Certain officers to assist Administrator, competent authority and Appellate Tribunal:-For the purposes of any proceedings under this Chapter, the following officers are hereby empowered and required to assist the Administrator appointed under section 68G, competent authority and the Appellate Tribunal, namely:-

(a) officers of the Narcotics Control Bureau;
(b) officers of the Customs Department;
(c) officers of the Central Excise Department;
(d) officers of the Income-tax Department;
(e) officers of Enforcement appointed under the Foreign Exchange Regulation Act, 1973 (46 of 1973);
(f) officers of Police;
(g) officers of the Narcotics Department;
(h) officers of the Central Economic Intelligence Bureau;
(i) officers of the Directorate of Revenue Intelligence;
G) such other officers of the Central or State Government as are specified by the Central Government in this behalf by notification in the Official Gazette.

68U. Power to take possession:-(1) Where any property has been declared to be forfeited to the Central Government under this Chapter, or where the person affected has failed to pay the fine due under sub-section (1) of section 68K within the time allowed therefor under sub-section (3) of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the Administrator appointed under section 68G or to any person duly authorised by him in this behalf within thirty days of the service of the order.

(2) If any person refuses or fails to comply with an order made under subsection (1), the Administrator may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the Administrator may, for the purpose of taking possession of any property referred to in subsection (1) requisition the service of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

68V.Rectification of mistakes:-With a view to rectifying any mistakes apparent from record, the competent authority or the Appellate Tribunal, as the case may be, may amend any order made by it within a period of one year from the date of the order: Provided that if any such amendment is likely to affect any person prejudicially, it shall not be made without giving to such person a reasonable opportunity of being heard.

68W. Findings under other laws not conclusive for proceedings under this Chapter:-No finding of any officer or authority under any other law shall be conclusive for the purposes of any proceedings under this Chapter. .

68X. Service of notices and orders:-Any notice or order issued or made under this Chapter shall be served

(a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;
(b) if the notice or order cannot be served in the manner provided in clause (a), by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made or on some conspicuous part of the premises

in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

68Y. Punishment for acquiring property in relation to which proceedings have been taken, under this Chapter:-Any person who knowingly acquired, by any mode whatsoever, any property in relation to which proceedings are pending under this Chapter shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to fifty thousand rupees.]

1**[68Z. Release of property in certain cases**:-(l) Where the detention order of a detenu is set aside or withdrawn, properties seized or frozen under this Chapter shall stand released.

(2) Where any person referred to in clause (a) or clause (b) or clause (cc) of sub-section (2) of section 68A has been acquitted or discharged from the charges under this Act or any other corresponding law of any other country and the acquittal was not appealed against or when appealed against, the appeal was disposed of as a consequence of which such property could not be forfeited or warrant of arrest or authorisation of arrest issued against such person has been withdrawn, then, property seized or frozen under this Chapter shall stand released.]

CHAPTER VI
MISCELLANEOUS

69. Protection of action taken in good faith:-No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government or any officer of the Central Government or of the State Government or any other person exercising any powers or discharging any functions or performing any

1. Ins. by Act 9 of 2001, sec. 38 (w.e.f. 2-10-2001).

duties under this Act, for anything in good faith done or intended to be done under this Act or any rule or order made thereunder.

70. Central Government and State Government to have regard to international conventions while making rules:-Wherever under this Act the Central Government or the State Government has been empowered to make rules, the Central Government or the State Government, as the case may be, subject to other provisions of this Act, may while making the rules have regard to the provisions of the Single Convention on Narcotic Drugs, 1961, the Protocol of 1972 amending the said Convention and of the Convention on Psychotropic Substances, 1971 to which India is a party and to the provisions of any other international convention relating to narcotic drugs or psychotropic substances to which India may become a party.

71. Power of Government to establish centres for identification, treatment, etc., ofaddicts and for supply of narcotic drugs and psychotropic substances:-(1) The Government may, in its discretion, establish as many centres as it thinks fit for identification, treatment, education, after-care, rehabilitation, social reintegration of addicts and for supply, subject to such conditions and in such manner as may be prescribed, by the concerned Government of any narcotic drugs and psychotropic substances to the addicts registered with the Government and to others where such supply is a medical necessity.

(2) The Government may make rules consistent with this Act providing for the establishment, appointment, maintenance, management and superintendence of, and for supply of narcotic drugs and psychotropic substances from, the centres referred to in sub-section (1) and for the appointment, training, powers, duties and persons employed in such centres.

72. Recovery of sums due to Government:-(l) In respect of any licence fee or other sum of any kind payable to the Central Government or to the State Government under any of the provisions of this Act or of any rule or order made thereunder, the officer of the Central Government or the State Government, as the case may be, who is empowered to require the payment of such sum, may deduct the amo ney owing to the

person from whom such sum may be recoverable or due or may recover such amount or sum by attachment and sale of the goods belonging to such persons and if the amount of the same is not so recovered, the same may be recovered from the person or from his surety (if any) as if it were an arrear of land revenue.

(2) When any person, in compliance with any rule made under this Act, gives a bond (other than a bond under section 34 and section 39) for the performance of any act, or for his abstention from any act, such performance or abstention shall be deemed to be public duty within the meaning of section 74 of the Indian Contract Act, 1872 (9 of 1872); and upon breach of the conditions of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him or from his surety (if any) as if it were an arrear of land revenue.

73. Bar of jurisdiction:-No civil court shall entertain any suit or proceeding against any decision made or order passed by any officer or authority under this Act or under any rule made thereunder on any of the following matters, namely:-

(a) with holding, refusal or cancellation of any licence for the cultivation of the opium poppy;

(b) weighment, examination and classification according to the quality and consistence of opium and any deductions from, or addition to, the standard price made in accordance with such examination;

(c) confiscation of opium found to be adulterated with any foreign substance.

74. Transitional provisions:-Every officer or other employee of the Government exercising or performing immediately before the commencement of this Act, any powers or duties with respect to any matters provided for in this Act, shall, on such commencement, be deemed to have been appointed under the relevant provisions of this Act to the same post and with the same designation as he was holding immediately before such commencement.

1[**74A. Power of Central Government to give directions**:- The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of the provisions of this Act, and the State Government shall comply with such directions.]

75. Power to delegate:-(l) The Central Government may, by notification in the Official Gazette, delegate subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act (except the power to make rules) as it may deem necessary or expedient, to the Board or any other authority or the Narcotics Commissioner.

(2) The State Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act (except the power to make rules) as it may deem necessary or expedient, to any authority or officer of that Government.

76. Power of Central Government to make rules:-(l) Subject to the other provisions of this Act, the Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the method by which percentages in the case of liquid preparations shall be calculated for the purposes of clauses (v), (vi), (xiv) and (xv) of section 2;

(b) the form of bond to keep the peace to be executed under section 34;

(c) the form of bond to be executed for release of an addict convict for medical treatment under sub-section (1) of section 39 and the bond to be executed by such convict before his release after due admonition under sub-section (2) of that section;

2[(ca) the manner in which "controlled delivery" under section 50A is to be undertaken;]

(d) the authority or the person by whom and the manner in which a document

received from any place outside India shall be authenticated under clause (ii) of section 66;

1.Ins. by Act 2 of 1989, sec. 20 (w.e.f. 29-5-1989).

2. Ins. by Act 9 of 2001, sec. 39 (w.e.f. 2-10-2001).

[1][(da) the manner in which and the conditions subject to which properties shall be managed by the Administrator under sub-section (2) of section 68G;

(db) the terms and conditions of service of the Chairman and other members of the Appellate Tribunal under sub-section (3) of section 68N;

(dc) the fees which shall be paid for the inspection of the records and registers of the Appellate Tribunal or for obtaining the certified copy of any part thereof under sub-section (6) of section 68-O;

(dd) the powers of a civil court that may be exercised by the competent authority and the Appellate Tribunal under clause (f) of section 68R;

(de) the disposal of all articles or things confiscated under this Act;

(df) the drawing of samples and testing and analysis of such samples;

(dg) the rewards to be paid to the officer, informers and other persons;]

(e) the conditions and the manner in which narcotic drugs and psychotropic substances may be supplied for medical necessity to the addicts registered with the Central Government and to others under sub-section (1) of section 71; (f) the establishment, appointment, maintenance, management and superintendence of centres established by the Central Government under sub-section (1) of section 71 and appointment, training, powers and duties of persons employed in such centres;

(g) the term of office of, the manner of filling casual vacancies of, and the allowance payable to, the Chairman and members of the Narcotic Drugs and Psychotropic Substances Consultative Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of section 6;

(h) any other matter which is to be, or may be, prescribed.

77. Rules and notifications to be laid before Parliament:-[2][Every rule made under this Act by the Central Government and every notification or order issued under clause (viia), clause (xi), clause (xxiiia) of section 2, section 3, section 7 A, section 9A and clause (a) of section 27 shall be laid, as soon as may be, after it is made or issued], before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to validity of anything previously done under that rule or notification.

78. Power of State Government to make rules:-(1) Subject to the other provisions of this Act, the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

1. Ins. by Act 2 of 1989, sec. 21 (w.e.f. 29-5-1989).

2. Subs. by Act 9 of 2001, sec. 40, for certain words (w.e.f. 2-10-2001).

(a) the conditions and the manner in which narcotic drugs and psychotropic substances shall be supplied for medical necessity to the addicts registered with the State Government and others under sub-section (1) of section 71; (b) the establishment, appointment, maintenance, management, superintendence of centres established under sub-section (1) of section 71 and appointment, training, powers and duties of persons employed in such centres;

(c) any other matter which is to be, or may be, prescribed.

(3) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the Legislature of that State.

79. Application of the Customs Act, 1962:-All prohibitions and restrictions imposed by or under this Act on the import into India, the export from India and transhipment of narcotic drugs and psychotropic substances shall be deemed to be prohibitions and restrictions imposed by or under the Customs Act, 1962 (52 of 1962) and the provisions of that Act shall apply accordingly:

Provided that, where the doing of anything is an offence punishable under that Act and under this Act, nothing in that Act or in this section shall prevent the offender from being punished under this Act.

80. Application of the Drugs and Cosmetics Act, 1940 not barred:-The provisions of this Act or the rules made thereunder shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 (23 of 1940) or the rules made thereunder.

81. Saving of State and special laws:-Nothing in this Act or in the rules made thereunder shall affect the validity of any Provincial Act or an Act of any State Legislature for the time being in force, or of any rule made thereunder which imposes any restriction or provides for a punishment not imposed by or provided for under this Act or imposes a restriction or provides for a punishment greater in degree than a corresponding restriction imposed by or a corresponding punishment provided for by or under this Act for the cultivation of cannabis plant or consumption of, or traffic in, any narcotic drug or psychotropic substance within India.

82. Repeal and savings:-(1) The Opium Act, 1857 (13 of 1857), the Opium Act, 1878 (1 of 1878) and the Dangerous Drugs Act, 1930 (2 of 1930) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under any of the enactments repealed by sub-section (1) shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

83. Power to remove difficulties:-(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the Houses of Parliament.

THE SCHECULE

[See clause (xxiii) of section 2]

LIST OF PSYCHOTROPIC SUBSTANCES

Sl. No.	International non-proprietary names	Other non-pro prietary names	Chemical name
1.		DET	N, N-Diethyltry ptamine
2.		DMHP	3-(1,2-Dimethylthpty)-I-hydroxy-7,8,9,10,tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran
3.		DMT	N, N-Dimethyltry ptamine
4.	(+)-LYSERGIDE	LSD, LSD-25	(+) N, N-diethyllysergamide (dJysergic acid

diethylamide)

5. meascaline 3,4,5- Trimethoxyphenethyla 3-Hexyl-1-
6. parahexyl hydroxy-7,8,9, 10-tetrahydro-6,6, 9-trimethyl-6H-dibenzo [b, d] pyran
7. ETICYCLIDINE PCE N-Ethyl-i-phencly clohexy lamine
8. ROLICYCLIDINE PHP, PCPY 1-(1-Phenylcyclohexy1) pyrrolidine
10. PSILOCYBINE Psilocine,psilotsin 3-(2- Dimethylamineothyl-4hydroxyindole 3-(2-Dimethylaminoeth)-indol-4-yl dihyedrogen phosphate.
11. STP, DOM
12.TENOCYCLIDINE TCP [1][13. TETRAHYDROCANNA BINAL
14. DOM 15. MDA 16.AMPHETAMINE
17.DEXAMPHETAMINE
18.MECLOQUALONE

2-Amino-1-2., 5-dimethoxy-4-methyl) phenylpropane
1-[1-(2)-Thieriyl) cyclohexyl] piperidine
7,8,9,10-tetrahydro-6, 6, 9-trimethyl-3pentyl-6H-dibenzol [b,d] pyran-I-OI] (9R, 10aR)-8,9, 10, 10a-tetrahydro-6,6,9trimethy-3-pentyl-6H-dibenzol [b,d] pyran-I-O]
(6aR. 9R-10aR)-6a,9,10, lOa-tetrhydro6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran I-CI.
(6aR, 10aR)-6a, 7,10.10a-etrahydro-6,6,9-trimethy 1-3-pen ty 1-6 H –dibenzol[b.d] pyran-I-OI
(6aR, l0aR)-6a,7, 8, 10,l0a-hexahydro 6,6 d-imethyl-I -9-meth y lene-3-pen ty 1-6Hdibenzo [b,d] pyran-I-OI
2,5,-dimethoxy -4-bromeamphetamine
3,4,-methylenedioxy amphetamine
(±)-2- Amino-I - Phenylpropane
(+)-2-Amino-I-phenylpropane
3-(O-C hlorophen y 1)-2-m ethy 1-4 (3H)-quinazolinone

1. Subs. by S.O. 785 (E), dated 26th October, 1992.

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
19.	METHAMPHETAMINE		(+)-2- Methyeamino-I-phenylpropane
20.	METHAQUALONE		2- Methy1-3-0-tolyl-4(3H)-quinazolinone
21.	METHYLPHENIDATE		2-Phenyl-2(2-piperidyl) acetic acid, methyl ester
22.	PHENCYCLIDINE	PCP	I-(I-Phenylcyclohexyl) piperidine
23.	PHENMETRAZINE		3- Methl-2-phenylmorpholine
24.	AMOBARBITAL		5-Ethyl-5(3-methylbutyl) barbituric acid
25.	CYCLOBARBIT AL		5-(I-Cyclohexen-I-y1)-5-ethylbarbituric acid
26.	GLUTETHIMIDE		2- E thyl-2-phenylutatimide
27.	PENTAZOCINE		1,2,3,4,5,6-Hexahydro-6,II-dimethy 1-3-(3-methyl-2-butenyl)-2,6-methano3-benzazocin-8-ol
28.	PENTOBARBITAL		5-Ethyl-5-(I-methylbutyl) barbituric acid
29.	SECOBARBITAL		5-Ally-5-(I-methylbutyl) barbituric acid
30.	ALPRAZOLAM		8-Chloro-I-methyl-6-phenyl-4H-s-triazolo [4,3,-a] [I 4] benzodiazepine.
31.	AMFEPRAMONE		2-(Diethylamino) propiophenone.
32.	BARBITAL		5, 5-Diethylbarbituric acid
33.	BENZPHET AMINE		N-Benzyl-N ∝-dimethylphenethyamine
34.	BROMAZEP AM		7-Bromo-I, 3-dihydro-5-(2-pyridyl)-2H-1, 4-benzodiazepin-2-one
35.	CAMAZEP AM		oxy-I-methyl-5-

		phenyl-2H-I, 4-benzodiazepin-2one dimethylcarbamate (ester)
36.	CHLORDIAZEPOXIDE	7-Chloro-2-(Methylamino)-5-phenyl-3 H I, 4-benzodiazepine-4-oxide
37.	CLOBAZAM	7 -Chloro-I-methyl-5-phenyl-IH-1, 5-benzo diazepine-2, 4(3H, 5H)-dione.
38	CLONAZEPAM	5-(0-Chlorophenyl)-1, 3-dihydro-7-nitro2H-I, 4-benzodiazepin-2-one
39.	CLORAZEP A TE	7-Chloro-2, 3-dihydro-2-oxo-5-phenyl-IH, 4-benzodiazepine-3-carboxylic acid
40.	CLOTIAZEP AM	5-(0-Chlorophenyl)-7 -ethyl-1, 3-dihydro-1-methyl-2H-thieno [2, 3-e]-1, 4-diazepin2-one
41.	CLOXAZOLAM	10-Chloro-11b-(0-chlorophenyl)-2, 3, 7, 11b-tetrahydrooxazolo-[3, 2-d] [1,4] benzodiazepin-6 (5H)-one)
42.	DELORAZEP AM	7-Chloro-5-(0-chloropheny 1)-1 ,3-dihydro 2H-1, 4-benzodiazepin-2-one
43.	DIAZEPAM	7-Chloro-1, 3-dihydro-1-methyl-5-phenyl-2H-1 4-benzondiazepin-2-one
44.	ESTAZOLAM	8-Chloro-6-phenyl-4H-s-triazolo [4,3a][1,4] benzodiazepine

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
—	45. ETHCHLORVYNOL		Ethyl-2-chlorovinylethynylcarbinol
	46. ETHINAMATE		l-Ethynylcyclohexanolcarbamate
	47. ETHYLLOFLAZEPATE		Ethyl 7-chloro-5-(0-fluorophenyl)-2,3dihydro-2oxo-lH-l, 4-benzociazepine-3carboxylate
	48. FLUDIAZEP AM		7-Chloro-5-(0-fluoropheny)-1, 3-dihydrol-methyl-2H-l, 4-benzodiazepin-2-one
	49. FLUNITRAZEP AM		5-(0-Fluoropheny)-1, 3-dihydro-l-methyl7-nitro-2H-l, 4-benzodiazepin-2-one
	50. FLURAZEPAM		7-Chloro-l-[2-(diethylamino) ethyl] -5-(0-fluorophenyl)-l, 3-dihydro-2H-l, 4benzodiazepin-2-one
	51. HALAZEP AM		7-Chloro-l, 3-dihydro-5-phenyl-l-(2,2,2 trifluoroethyl) 2H-l, 4-benzodiazepin2-one
	52. HALOXAZOLAM		10-Bromo-11 b-0-fluorophenyl)-2,3,7, 11b-tetrahydrooxazolo [3, 2-d][l, 4]benzodiazepin-6 (5H)-one
	53. KET AZOLAM		11-chloro-8, l2b-dihydro-2, 8-dimethy112b-pheny14H-[1, 3]-oxazino-[3, 2-d] [1,4] benzodiazepine-4, 7(6H)-dione
	54. LEFE-T AMINE	SPA	(-)-l-Dimethylamino-l, 2-diphenylethane
	55. LOPRAZOLAM		6-(0-Chlorophenyl)-2, 4-dihydro-2-[(4methyl-l-piperazinyl) methylene]-8-nitrolH-imidazo[1,2-a] [1,4] benzodiazepin-lone
	56. LORAZEP AM		7-Chloro-5-(0-chlorophenyl)-1, 3-dihydro-3hydroxy-2H-l,4-benzodiazepin-2-one
	57. LORMETAZEPAM		7 -Chloro-5-(0-chloropheny 1)-1, 3-dihydro 3,-hydroxy-l-methyl-2H-l 4-benzodiazepin-2-one
	58. MAZINDOL		5-(p-Chloropheny1)-2,5 -d ih yd ro-3- Himidazo [2,1-x] isoindol-5-ol
	59. MEDAZEPAM		7-Chloro-2,3-dihydro-l-methyl-5phenylIH-l, 4-benzodiazepine
	60. MEPROBAMATE		2-Methyl-2-propyl-l, dicarbamate
	61. METHYLPHENOBARBIT AL		5-Ethy1-1-methy1-5-phenylbarbituric acid
	62. METHYPRYLON		3, 3-Diethy1-5-methy1-2, 4-piperidinedoine
	63. NIMET AZEP AM		1,3 Dihydro-1 methy1-7 nitro-5-phenyl-2H-1,4-e

65.	NORDAZEPAM	1,3 Dihydro-1-methy1-7-nitro-5-pheny1-2H-1, 4-benzodiazepin-2-one 7-Chloro-1, 3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one

S1. No.	International non-proprietary names	Other non-proprietary names	Chemical name
66	OXAZEPAM		7 -Chloro-l,3-dihydro-3-hydroxy-5-phenyl-2H-l, 4-benzodiazepin-2-one
67	OXAZOLAM		10-Chloro-2, 3, 7, 11b-tetrahydro-2methyl-11b-phenyloxazolo (3,2,-d) (1,4) benzod iazepin -6-(5H)-one
68.	PHENDIMETRAZINE		(+)-3, 4-Dimethyl-2-phenylmorpholine 5-Ethyl-5-phenylbarbitllric acid
69.	PHENOBARBITAL		
70.	PHENTERMINE		a,a,- Dimethylphenethylamine
71.	PINAZEPAM		7-Chloro-l, 3-dihydro-5-pheny-l-(2propynyl)-2H-l, 4-benzodiazepin-2-one
72.	PIPRADROL		1, l-Diphenyl-l-(2-piperidyl)-methanol
73.	PRAZEP AM		7-Chloro-l-(cyclopropylmethyl)-1, 3-dihydro-5-phenyl-2H-l, 4-benzodiazepin2-one
74.	TEMAZEP AM		7-Chloro-1, 3-dihydro-3hydroxy-l-methyl-5-phenyl-2H 1, 4-benzodiazepin-2-one
75.	TETRAZEP AM		7-Chloro-5-(cycloexen-l-1y) 1, 3-dihydro1 methyl-2H-l, 4-benzodiazepin-2-one
76.	TRIAZOLAM		8-Chloro-6-(0-chlorphenyl)-l-methyl-4H s-triazolo(4,3,-a (1,4) benzodiazepin.
1[77.	CATHIONE		(-)-(s)-2-aminopropophenone
78.		DMA	(±)-2,5-dimethoxy-a-methlyphenethylamine
79.		DOET 80.	MDMA
81.		4-methylaminorex 82.	MMDA
83.		N-ethyl MDA	
84.		N-hydroxy MDA	
85.		PMA 8 6.	TMA 87. FENETYLINE
88.	LEVAMFETAMINE	levamphetamine	lovemethamphetamine

(±)-4 ethyl- 2, 5-dimethoxy-aphenethylamine (±)-N, a-dimethyl-3. 4-(methylene-dioxy) phenethylamine
(±)-cis-2-amino-4-meth y 1-5-phenyl-2-oxazoline 2-methoxy-a-methyl-4-5, (methylenedioxy) phenethylamine
(±)N-ethy1-u-methyl-4, 4 (methylenedioxy)
p
henethylamine (±)-N(u-methyl 3,4-(methylenedioxy)
phenethy hydroxylamine
p-methoxy-a-methylphenethyamine
(±)-3, 4, 5-trimethoxy-a-methylphenethylamine 7-(2-(∝-methylphenethyl) amino) rthyl-) theophyline
(-)-(R)-∝-methylphenethylamine
(-)-N-[∝-methylphenethylamine

1. Entries 77 to 105 added by S.O.785 (E), dated 26th October, 1992 as corrected by S.O. 49 (E), dated 8th January. 1993.

S1. No.	International non-proprietary names	Other non-proprietary names	Chemical name
90.	METAMFETAMINE RACEMATE	methamphetamine mecnate	(±)- N -∝-dimethylphenethylamine
91.		delta-9-***tetrahy-drocannabinol and stereochemical variants	(6a-R, 10aR)-6a, 7, 8, 10a-tetrahydro-6, 6, 9-trimethyl-3-penty 611-dibenzo [b-d] pyran-OI

92.	BUPRENORPHINE		21, cyclopropyl-7-∝-[(S)-I-hydroxy-1-2, 2-trimethyl-propyl]6, 14-endo-ethano-6-7,8, 14-tetra-hydrooripavine
93.	BUTALBITAL		5-allyl-5-isobutylbarbituric acid
94	CATHINE	(+)-norpseudo-ephedrine	(+)-(R)-∝-[(R)-I-aminoethyl] benzyl alcohol
95.	ALLOBARBITAL	MEFENOREX	5,5-diallybarbituric acid
96.	ETILAMFETAMINE	N-ethylamphetamine	N -ethyl-∝- methylpheneth y lamine
97.	FENCAMEFAMIN		N -ethy 1-3-phenly-2-norbornanmine
98.	FENPROPOREX		(±)-3-[(∝-methyphenethy) amino] propioxitrile
99.	MEFENOREX		N(3 chloropropyl)-a-methylphenethylamine
100.	MIDAZOLAM		8-chloro-6-a -(o-fluorophenyl)-l-methyl 4H-imidazol [1, 5-a] [1,4] benzodiazepine 2-amino-5-pheny 1-2-oxazolin-4-one
101.	PEMOLINE		(2- imino-5- pheny1-4-oxazolidinone) 4-methyl-2-(1-pyrrolidinyl) valerophenone 5-sec-butyl-5-ethylbarbituric acid 5-(1-methylbutyl)-5vinylbarbituric acid 5-butyl- 5-ethylbarbituric acid] (3-(2-aminobutyl) indole)
102.	PYROV AERONE		(2-(methylamino)-1 phenylpropan-l-one)
103.	SECBUT ABARBIT AL		(α-(α-methoxybenzyl)-4 (β methoxyphenethyl)-l-(piperazineethanul)
104.	VINYLBITAL		(2 -amino-5-phen yl- 2 -oxazoline)
105.		rutobarbital	(2-bromo-4-) 0-chlorop heny1) – 9-methy1 6H-thieno (3,2-f)-s-triazolo [4,3,-a} 14} diazepine)
[1][105A. ETRYPTAMINE			(3-(∝- me thy Iphenethyl-N-(phenylerbamoy 1) Sydnone imine].
105B. METHCATHINONE			
105C. ZIPEPROL			
105D. AMINOREX			
105E. BROTIZOLAM			
105F. MESOCARB			
[2][106.			
107.			
108.			
109.			
[3][110. Salts and preparations of above.]			
2C-B (4-bromo-2, 5 dimethoxyphenethylamine)			
4-MTA (α* Methyl-4-Mthyl thiophenethylamine)			
GHB (r-Hydroxybutyric Acid)			
Zolpidem (INN)]			

1. Entries 105A to 105F added by 5.0. 39(E), dated 12th January, 1996.
2. Ins. by G.S.R. No. 475 JE), dated 11th June, 2003, published in the Gazette of India, Extra, Pt. II, Sec. 3(i), dated 11th June, 2003.
3. Entry 77 re-numbered as Entry 106 by 5.0. 785 (E), dated 26th October, 1992.

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES RULES, 1985[1]

In exercise of the powers conferred by section 9, *read with section* 76 *of the Narcotic Drugs and Psychotropic Substances Act,* 1985 (61 *of* 1985), *the Central Government hereby makes the following rules, namely:-*

CHAPTER1
PRELIMINARY

1. Short title and commencement:-(1) These rules may be called the Narcotic Drugs and Psychotropic Substances Rules, 1985.

2. Definitions:-In these rules, unless the context otherwise requires,-

(a) "the Act," means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(b) "Appellate Authority" means any authority to whom an appeal may lie under any provision of these rules;

[2][(c) "Chemical Examiner" means the Chemical Examiner or Deputy Chief Chemist or Shift Chemist or Assistant Chemical Examiner, Government Opium

and

Alkaloid Works, Neemuch or, as the case may be, Ghazipur;]

(d) "Chief Controller of Factories" means the Chief Controller of Government Opium and Alkaloid Factories;

(e) "crop year" means the period beginning on and from the 1st October of any year to the 30th September of the following year;

(f) "General Manager" means the General Manager, Government Opium and

Alkaloid Works, Neemuch or, as the case may be, Ghazipur;

(g) "Issuing authority" means the Narcotic Commissioner or any other officer who

may be authorised in this behalf by the Central Government for issuing a licence under Chapter V of these rules or issuing an import certificate or export authorisation under Chapter VI of these rules in respect of narcotic drugs or psychotropic substances;

(h) "licence" means a licence issued under these rules;

(i) "Proper Officer", in relation to any function to be performed under these rules,

means the officer of Narcotics Department who is assigned those functions by the Narcotics Commissioner;

(g) 'Schedule" means a Schedule annexed to these rules;

14th November, 1985.

2. Subs. G.S.R. 82, dated 14th February, 1995 (w.e.f. 25-2-1995).

(k) words and expressions used herein and not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

COMMENTS

Article(s) seized in connection with an offence may be sent for chemical analysis to any laboratory in the country, which is permitted to do such analysis, *Ram Dayal v. Central Narcotics Bureau,* (1993) 3 Crimes 818 (MP) (FB).

CHAPTER II

POWERS OF OFFICERS

3. Delegation of powers:-Subject to such directions as may be given by the Central Government, the Narcotics Commissioner appointed by the Central Government under sub-section (1) of section 5 of the Act, may authorise any officer subordinate to him, to exercise all or any of his powers under these rules.

4. Narcotics Commissioner and other officers to exercise the powersof their subordinates:- The Narcotics Commissioner and such other officer as may be appointed by the Central Government under sub-section (1) of section 5 of the Act may perform all or any of the functions, or exercise any of the powers, assigned under these rules to the officers subordinate to them.

CHAPTER III

OPIUM POOPY CULTIVATION AND PRODUCTION OF OPIUM AND POPPY STRAW

5. Opium poppy cultivation and production of opium or poppy straw:- The opium poppy for production of opium or poppy straw shall not be cultivated save on account of the Central Government and in the tracts notified by it from time to time and in accordance with the conditions of a licence issued by the District Opium Officer under rule 8.

6. Fee for grant of licence:-The licence of cultivation of opium poppy may be granted by the District Opium Officer on payment of a fee of ı[rupees twenty-five].

7. Form of licence for cultivation of the opium poppy:- The licence for cultivation of opium poppy for the production of opium or poppy straw shall be issued in

8. Issue of licence:-Subject to the general conditions relating to grant of licence notified by the Central Government, the District Opium Officer may issue licence to any person for a crop year for cultivation of the opium poppy for production of opium or poppy straw on receipt of an application made by that person in

Form No.2 appended to these rules.

9. Licence to specify the area, etc:-The licence for cultivation of opium poppy issued under rule 8 shall specify the area and designate the plots to be cultivated with opium poppy.

10. Designating of Lambardar:- The District Opium Officer may designate one of the cultivators of opium poppy as Lambardar in each village where opium

1. Subs. by G.S.R. 543, dated 24th October, 1994 (w.e.f. 5-11-1994).

poppy cultivation is permitted, who shall perform such functions and on such terms and conditions as may be specified from time to time by the Narcotics Commissioner.

11. Withholding or cancellation of licence:-(I) An officer higher in rank than the District Opium Officer may, for sufficient reasons to be recorded in writing, withhold or cancel a licence already issued.

(2) No order shall be passed under sub-rule (1) unless the cultivator has been given a reasonable opportunity of showing cause against the said order or is heard in person, if he so desires.

(3) Where opium poppy has been cultivated under a licence which is subsequently withheld, or cancelled, the standing crop, if any, shall be destroyed under the supervision of the proper officer in such manner as may be specified by the Narcotics Commissioner.

12. Procedure with regard to measurement of land cultivated with opium poppy:-(1) All plots of land cultivated with opium poppy in accordance with the licence issued under these rules, shall be measured in metres by the proper officer in the presence of the cultivator concerned and the Lambardar of the village and the concerned cultivator and the Lambardar of the village shall attest the entries made in the records to be maintained by the Lambardar, as may be specified by the Narcotics Commissioner in this behalf, under their signature/ thumb-impression with date, in token of having satisfied themselves regarding the correctness of the measurement.

(2) The measurement conducted by the proper officer shall be subject to such further checks by such officers as may be specified by the Narcotics Commissioner in this behalf.

13. Procedure with regard to preliminary weighment:-(1) The cultivator shall, during the course of harvesting, produce daily before the Lambardar, each day's collection of opium from his crop for weighment.

(2) The Lambardar shall make arrangements to weigh such opium and make necessary entries in the records to be maintained by him as may be specified by the Narcotics Commissioner in this behalf.

(3) The cultivator and the Lambardar shall attest the entries made in such records under their signature/thumb-impression with date, showing the quantity of opium weighed on a particular day.

(4) The proper officer shall conduct check weighment of the opium collected by the cultivators with reference to the entries in the Lambardar's record and indicate his finding therein which shall be attested by him and the Lambardar under their signature with date.

(5) The variations between the quantity of opium produced by the cultivator indicated in the Lambardar's record and as found by the proper officer during his check, shall be inquired into by the proper officer in order to ascertain the liability of the cultivator for punishment under section 19 of the Act.

14. Delivery of opium produced:-All opium, the produce of land cultivated with opium poppy, shall be delivered by the cultivators to the District Opium Officer or any other officer duly authorised in this behalf, by the Narcotics Commissioner at a place as may be specified by such officer.

15. Opium to be weighed, examined and classified:-All opium delivered by the cultivators to the District Opium Officer or any other officer authorised as aforesaid, shall, in the presence of the concerned cultivator or any person authorised by him and the Lambardar of the village, be weighed, examined and classified according to its quality and consistence and forwarded by the District Opium Officer to the Government Opium Factory in such manner as may be specified by the Narcotics Commissioner.

16. Procedure where cultivator is dissatisfied with classification of opium:- Any cultivator who may be dissatisfied with the classification of his opium done by the officer referred to in rule 15 may have it forwarded by such officer to the Government Opium Factory separately, after having it properly sealed in his presence and in the presence of the concerned Lambardar.

17. Procedure for sending opium suspected to be adulterated:- When opium delivered by a cultivator to the District Opium Officer or any other officer authorised in this behalf, is suspected of being adulterated with any foreign substance, it shall be forwarded to the Government Opium Factory separately, after it is properly sealed in the presence of the cultivator and the concerned Lambardar.

18. Drawing of samples from opium sent to Government Opium Factory under rule 16 or rule 17:-The sealed opium received separately in accordance with rule 16 or rule 17, shall be opened and sample drawn thereof in the presence of the cultivator, if he so desires, to whom, a notice intimating the date and time in this behalf, shall be sent well in advance.

19. Fixation of price of opium:-(1) The Central Government shall, from time to time, fix the price of opium, to be paid to the cultivators, in such manner as it may deem fit.

(2) Such price shall be fixed per kilogram of opium of a standard consistence. **20. Provisional payment of price:-**(1) The District Opium Officer shall, having regard to the weight and consistence of opium delivered by individual cultivators, work out the weight of such opium at the standard consistence and determine provisionally the total price payable to such cultivators.

(2) The said officer, shall, pay to the cultivators, ninety percent of the price so determined which shall be subject to adjustment against the final price payable to the cultivators to be determined as provided hereinafter.

21. Weighment and examination of the opium at the Government Opium Factory:- The opium forwarded by the District Opium Officer shall be received, weighed, examined, and classified in the Government Opium Factory under the supervision of the General Manager in such manner as may be specified by the Narcotics Commissioner.

22. Confiscation of adulterated opium:-All such opium received separately under rule 17, if found to be adulterated on examination by the Chemical Examiner in the Government Opium Factory may be liable to confiscation by the General Manager.

23. Adjudication of confiscation of adulterated opium:-No such confiscation shall be ordered by the General Manager unless the concerned cultivator is given a reasonable opportunity of showing cause against the proposed order and is heard in person, if he so desires.

24. Determination of final price of opium:-(I) Subject to rule 21, the final price of opium payable to the cultivator shall, having regard to the price fixed by the Central Government under rule 19, be determined by the General Manager on the basis of analysis report of the Chemical Examiner 1[***] and communicated to the concerned District Opium Officer.

(2) The price payable in respect of any opium which is delivered to the District Opium Officer or any other officer authorised in this behalf under rule 14 and is not initially suspected to be adulterated but fo ination in the

Government Opium Factory, shall be subject to reduction at such rates as may be specified by the Central Government.

25. Adjustment of cultivators' account and recovery of dues from the cultivators:- The accounts of the cultivators for a particular crop year shall be adjusted by the District Opium Officer at the time of issuing of licences for the subsequent crop year and any balance that may remain due from the cultivators shall be recovered and any amount due to them be paid.

26. Weights and scales:-The weights and scales to be used for weighing the opium at the weighment centres and the Government Opium Factory shall be caused to be examined at the appropriate time by the Deputy Narcotics Commissioner or the General Manager, as the case may be.

27. Cultivation of opium poppy for exclusive production of poppy straw:-The Central Government may, if it considers it expedient so to do, permit cultivation of the opium poppy for the exclusive production of poppy straw in accordance with a licence issued under rule 8 in such tracts and subject to such conditions as may be specified by it, by notification in the Official Gazette in this behalf:

Provided that the poppy straw produced by the cultivators or a result of the cultivation of opium poppy for production of opium, shall be deemed to have been produced under a valid licence issued under rule 8.

28. Appeals to the Deputy Narcotics Commissioner and Narcotics Commissioner:-(1)(a) Any person aggrieved by any decision or order made or passed under these rules relating to refusal, withholding or cancellation of a licence for opium poppy cultivation by an officer of the Narcotics Department, lower in rank than the Deputy Narcotics Commissioner, may appeal to the Deputy Narcotics Commissioner within thirty days from the date of the communication to him of such decision or order.

(b) Notwithstanding anything contained in clause (a), if the decision or order regarding withholding or cancellation of licence for opium poppy cultivation is passed by the Deputy Narcotics Commissioner, such appeal shall lie to the Narcotics Commissioner:

Provided that the Deputy Narcotics Commissioner or, as the case may be, the Narcotics Commissioner may, if he is satisfied that the appellant was prevented from submitting his appeal within the time limit specified in clause (a) due to reasons beyond his control, allow such appeal to be presented within a further a period of thirty days.

1. Omitted by G.S.R. 82, dated 14th February, 1995 (w.e.f. 25-2-1995).

(2)Every appeal under this rule shall be accompanied by a copy of the decision or order appealed against and shall be in such form and in such a manner as may be specified by the Narcotics Commissioner in this behalf.

29. Appeals to the Chief Controller of Factories:-(1) Any person aggrieved by any decision or order made or passed under rule 21 or rule 23 by the General Manager may appeal to the Chief Controller of Factories within thirty days from the date of the communication to him of such decision or order:

Provided that the Chief Controller of Factories may, if he is satisfied that the appellant was prevented from submitting his appeal within the said time limit due to reasons beyond his control, allow such appeal to be presented within a further period of thirty days.

(2) Every appeal under this rule shall be accompanied by a copy of the decision or order appealed against and shall be in such form and in such manner as may be specified by the Narcotics Commissioner.

30. Procedure for appeal:-(l) The Appellate Authority shall give an opportunity to appellant to be heard, if he so desires.

(2) The Appellate Authority may, at the hearing of an appeal, allow the appellant to go into any ground of appeal not specified in the grounds of appeal, if the Appellate Authority is satisfied that omission of that ground from the grounds of appeal was not willful or unreasonable.

(3) The Appellate Authority may, after making such further inquiry as may be necessary, pass such orders as he thinks fit confirming, modifying or annulling the decision or order appealed against:

Provided that any order relating to the quantum of adulterated opium to be confiscated in addition to the opium already confiscated under rule 23 shall not be passed unless the appellant has been given a reasonable opportunity of showing cause against the proposed order.

(4) The order of the Appellate Authority disposing of the appeal under this rule shall be in writing and shall state the points for determination, the decision thereon and the reasons for the decision.

(5) On the disposal of the appeal, the Appellate Authority shall communicate the order passed by him to the appellant and the officer who passed the order or made the decision appealed against.

(6) No further appeal or revision shall lie against the order passed by the Appellate Authority under this rule.

CHAPTER IV

MANUFACTURE, SALE AND EXPORT OF OPIUM

31**. Manufacture of opium:-**Opium shall not be manufactured save by the Central Government Opium Factories at Ghazipur and Neemuch:

Provided that opium mixtures may be manufactured from opium lawfully possessed by a person authorised under the rules made by the State Government for the said purpose.

32. Export of opium:-The export of opium is prohibited save when the export is on behalf of the Central Government.

33. Sale to State Governments or manufacturing chemists:-(l) The sale of opium to State Governments or, as the case may be, manufacturing chemists shall be only from the Government Opium Factory, Ghazipur.

(2) The sale of opium from the Government Opium Factory at Ghazipur to manufacturing chemists shall be only under a permit granted by or under the orders of the State Government within whose jurisdiction the chemist resides or has his place of business in the form prescribed by that Government.

(3) The permit referred to in sub-rule (2) shall be issued, in quadruplicate and,

(a) the quadruplicate copy shall be retained by the issuing authority and the remaining copies forwarded to the Government Opium Factory, Ghazipur;

(b) the said factory shall retain the duplicate copy for record, send the original copy with the consignment of opium and return the triplicate copy to the issuing authority after endorsing thereon the quantity actually supplied and the date of despatch.

34. Fixation of sales price of opium:- The price to be charged for opium sold under this Chapter shall be fixed, from time to time, by the Central Government in such manner as it may deem fit.

CHAPTER V

MANUFACTURED DRUGS

35. General prohibition:- The manufacture of crude cocaine, ecgonine and its salts and of diacetyl morphine and its salts is prohibited.

1[Provided that nothing contained in this rule shall apply in case the drugs are manufactured by Government opium factory or by chemical staff employed under the Central Board of Excise and *Customs* or any person authorised by the Narcotics Commissioner by a special licence for purposes mentioned in Chapter VIIA:

Provided further that the Narcotics Commissioner shall consult the Drugs Controller-General of India before issuing a licence under this Chapter.]

36. Manufacture of natural manufactured drugs:-(l) The manufacture of cocaine and its salts is prohibited save the manufacture of cocaine hydrochloride by the chemical staff employed under the Central Board of Excise and Customs from confiscated cocaine.

(2) The manufacture of morphine, codeine, dionine, thebaine, dihyrocodeinone, dihydrocodeine, acetyldihydrocodeine, acetyldihydrocodeinone, dihydromorphine, dihydromorphinone, dihydrohydroxycodeinone, pholocodine and their respective salts is prohibited save by the Government Opium Factory.

(3) The manufacture of medicinal hemp shall be under a licence granted by the State Government on payment of such fees and in accordance with such conditions as may be prescribed by that Government in this behalf.

37. Manufacture of synthetic manufactured drugs:-(l) The manufacture of manufactured drugs notified under sub-clause (b) of clause (xi) of section 2 of the

1. Ins. by G.S.R. *350(E),* dated 25th June, 1997 (w.e.f. 27-6-1997).

Act (hereafter referred to as the drug) is prohibited save under and in accordance with the conditions of a licence granted by the Narcotices Commissioner or such other officer as may be authorised by the Central Government in this behalf, in

Form No.3 appended to these rules.

(2) A fee of rupees fifty shall be payable in advance to the Central Government for each licence issued under this rule for renewal thereof.

38. Application for licence:-Every application for a licence or for renewal thereof under rule 37 l[or under the proviso to rule 35] shall be in such form as may be specified by the Narcotics Commissioner.

39. Conditions for issue of licences:-No licence shall be issued under rule 37 l[or under the proviso to rule 35] unless the applicant therefore has-

(i) produced to the issuing authority licences granted to him under (a) the Drugs and Cosmetics Act, 1940 (23 of 1940) for the manufacture of the drug, and (b) the rules framed under section 10 of the Act by State Government of the State in which he has his place of business, for the possession, sale and distribution of the drugs; and

(ii) made a deposit of Rs. 5,000.00 as security in the manner specified by the issuing authority for the due observance of the conditions of the licence and has furnished proof to the satisfaction of the issuing authority that he is equipped as to the land, building and other paraphernalia to properly carryon the business described in the application and is of good financial standing.

40. Manufacture only from materials lawfully possessed:- The licensee shall not manufacture the drug save from materials which he is lawfully entitled to possess.

41. Limits of manufacture:- The issuing authority, while issuing the licence, shall take into account all relevant factors for permitting the quantity of the drug to be manufactured by a licensee including the following:

(a) quantity allotted by the State Government for processing into any preparation in licensee's own manufacture;

(b) quantity required for supply to other firms within or outside the country;

(c) quantity required for reasonable inventory:

Provided that the total quantity of the drug manufactured during anyone year does not exceed the estimated requirements of this country for the relevant year as furnished to the International Narcotics Control Board.

42. Security arrangements:- The licensee shall ensure all necessary security arrangements in the manufacturing premises as may be specified by the issuing authority.

43. Advance notice for commencement and cessation of manufacture:- The licensee shall give at least 15 days' notice in writing to the issuing authority of the date on which he proposes to commence manufacture of the drug and at least one month's notice before he ceases to manufacture the same.

1. Ins. by G.S.R. 350 (E), dated 25th June, 1997 (w.e.f. 27-6-1949).

44. Cessation of manufacture:-Where the licensee ceases manufacturing operations for any reasons whatsoever, he shall forthwith inform the issuing authority in this behalf indicating the date on which he proposes to recommence manufacture:

Provided that the issuing authority may prohibit all further manufacture in case the period of cessation of manufacture exceeds 30 days.

45. Possession, sale and distribution:- The licensee shall not possess or sell or distribute the drug otherwise than in accordance with the rules made by the State Government under the Act.

46. Maintenance of accounts and submission of returns:- The licensee shall maintain true accounts of all transactions including the accounts of materials used for the manufacture of the drug, the quantities manufactured, sold or otherwise disposed of and furnish returns in such forms and in such manner as may be speCified by the Narcotics Commissioner.

47. Inspection of stocks, etc:-(l) The stocks of the drug and the materials used for its manufacture and all accounts and records of transactions relating thereto, shall be open to inspection by any officer authorised by the issuing authority.

(2) A serially numbered Inspection Book shall be maintained by the licensee in good condition for the use of such officer.

48. Suspension and revocation of licence:-(l) Without prejudice to any action that may be taken under the provisions of the Act, the issuing authority may suspend or cancel a licence-

(i) if the licence is transferred or sublet without the prior approval of the issuing authority; or

(ii) in the event of any breach of any conditions of the licence; or

(iii) if the licensee is convicted for any offence under the Act or under any other law relating to the narcotic drugs for the time being in force in any State.

(2) No order shall be passed under sub-rule (1) unless the licensee has been given a reasonable opportunity showing cause against the said order or is heard in person, if he so desires.

49. Appeal:-(l) The licensee may file an appeal against the decision or order made or passed under rule 48 to-

(i) the Narcotics Commissioner where such decision or order was made or passed by any officer subordinate to him; and

(ii) the Board, in any other case, within 30 days from the date of communication to him to such decision or order.

(2) Every memorandum of appeal shall be accompanied by a copy of the decision or order appealed against.

(3) Every appeal under this rule shall be filed in such form and in such manner as may be specified by the Board.

50. Procedure for appeal:-(l) The Appellate Authority shall give an opportunity to the appellant to be heard in person, if he so desires.

(2) The Appellate Authority may, at the hearing of an appeal allow the appellant to go into any ground of appeal not specified in the grounds of appeal, if the Appellate Authority is satisfied that omission of that ground from the grounds of appeal was not willful or unreasonable.

(3) The Appellate Authority may, after making such further inquiry as may be necessary, pass such orders as it thinks fit, confirming, modifying or annulling the decision or order appealed against.

(4) The order of the Appellate Authority disposing of the appeal under this rule shall be in writing and shall state the points for determination, the decision thereon and the reasons for the decision.

51. Surrender of licence:-A licensee may, if he so desires, surrender his licence, by giving not less than 15 days notice in writing to the issuing authority.

52. Disposal of stocks of drugs on cancellation of licence, etc:-Such stocks or drugs as may be in the possession of a licensee, on the expiry or cancellation or surrender of his licence, shall be disposed of in such manner as may be specified by the Narcotics Commissioner in this behalf.

CHAPTER VI

IMPORT, EXPORT AND TRANSHIPMENT OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

53. General prohibition:-Subject to the other provisions of this Chapter, the import into and export out of India of the narcotic drugs and psychotropic substances specified in Schedule I is prohibited:

[1][Provided that nothing in this rule shall apply in case the drug substance is imported into or exported out of India subject to an im risation issued

under the provision of this Chapter and for the purpose mentioned in Chapter VIIA]

[2][**53A.** (1) Subject to the provisions of sub-rule (2), no person shall export any of the narcotic drug or psychotropic substance or preparation containing any of such narcotic drug or psychotropic substance specified in 3[Schedule II] to the countries or to the region of such country specified therein.

(2) Notwithstanding anything contained in sub-rule (1) above, the Narcotics Commissioner may authorise export of specified quantities of such narcotic drug or psychotropic substance or preparation containing such narcotic drug or psychotropic substance on the basis of special import licence issued by the Competent Authority of the country mentioned in Schedule II which intends such import by way of issuance of special import licence. The shipment of the consignment so allowed shall be accompanied by a copy of such special import licence duly endorsed by the Narcotics Commissioner.] **54. Import of opium, etc:**-The import of:-

(i) opium, concentrate of poppy straw, and

(ii) morphine, codeine, thebaine, and their salts is prohibited save by the Government Opium Factory.

1. Ins. by G.S.R. 350 (E), dated 25th June, 1997 (w.e.f. 27-6-1997).
2. Ins. by S.O. 599 (E), dated 10th August, 1993 (w.e.f. 10-8-1993).
3. Subs. by G.S.R. 556 (E), dated 14th July, 1995 (w.e.f. 20-7-1995).

55. Application for import certificate:-[(3) Subject to rule 53, no narcotic drug, or psychotropic substance specified in the Schedule of the Act shall be imported into India without an import certificate in respect of the consignment issued by the issuing authority, in

Form No.4 appended to these rules.]

(2) The importer applying for an import certificate under sub-rule (1) in relation to narcotic drug shall submit along with his application the original or certified copy of the excise permit issued by the concerned State Government.

(3) The application for the import certificate shall state such details as may be specified by the Narcotics Commissioner.

56. Issue of import certificate:-(l) The issuing authority shall prepare seven copies of the import certificate referred to in sub-rule (1) of rule 55 and deal with them in the manner hereunder provided, namely:

(a) (i) original and duplicate copies should be supplied to the importer who should transmit the original copy to the exporting country and shall produce the duplicate copy at the Customs House, Land Customs Station or Airport where the consignment arrives or, in the case of imports by parcel post, at the post office of delivery, in order to obtain delivery of the consignment of narcotic drugs or psychotropic substances;

(ii) the Collector of Customs or Post Master shall state on the copy presented by the importer that the narcotic drugs or the psychotropic substances have actually been imported and return the document to the importer who shall indicate on it that he has received the goods;

(iii) the importer shall return the duplicate copy of the import certificate incorporating the endorsement from the Collector of Customs or Post Master and his own endorsement to the issuing authority-(l) where the import certificate relates to narcotic drug, through the excise authorities of the State from which excise permit for purposes of sub-rule (2) of rule 55 was produced; (2) where the import certificate relates to psychotropic substance, through the Drugs Controller of the concerned State;

(b) triplicate copy should be supplied to the Collector of Customs concerned who shall return it to the issuing authority along with the copy of the export authorisation to be received at the time of receipt of the consignment from the Government of the exporting country, with an endorsement as to actual quantity of narcotic drugs or psychotropic substances cleared;

(c) quadruplicate copy of the import certificate in relation to narcotic drug should be supplied to the excise authorities of the State into which the narcotic drug is to be imported, and the said copy of the certificate in relation to psychotropic substance should be supplied to the Drugs Controller of the concerned State for comparison with the copy produced before them, by the importer under sub-clause (a) of this sub-rule.

1. Subs. by G.S.R. 556 (E), dated 14th July, 1995 (w.e.f. 20-7-1995).

(d) qunituplicate copy should be supplied to the Government of the exporting country for comparison with the cop

(e) sextuplicate copy should be retained to the Drugs Controller, Government of India;

(f) septuplicate copy should be retained by the issuing authority in his office.

(2) An import certificate issued under sub-rule (1) of rule 55 may allow the importation of the quantity of the concerned drug or the substance in more than one consignment.

57. **Transit:**-Subject to the provisions of section 79 of the Act and rule 53, no consignment of any narcotic drug, or psychotropic substances specified in l[Schedule of the Act], shall be allowed to be transited through India unless such consignment is accompanied by a valid export authorisation in this behalf, issued by the Government of the exporting country:

Provided that the provisions *of* this rule shall not apply to the carriage by any ship or

aircraft, of small quantities of such narcotic drugs and psychotropic substances which are

58. Application for export authorization:-(1) [1][Subject to rules 53 and 53A, no narcotic drugs, or psychotropic substances specified in the Schedule of the Act, shall be exported out of India without an export authorisation in respect of the consignment issued by the issuing authority in

Form No.5 appended to these rules].

(2) The exporter applying for an export authorisation under sub-rule (1) shall submit,

(a) where the export authorisation relates to narcotic drug, along with his application the original or an authenticated copy of the excise permit issued by the concerned State Government; and

(b) the import certificate in original, issued by the Government of the importing country certifying the official approval of the concerned Government.

2[**]

3[(3) The application for the export authorisation shall state such details as may be specified by the Narcotics Commissioner.

59. Issue of export authorization:-(1) The issuing authority shall prepare five copies of the export authorisation referred to in sub-rule (1) of rule 58 and deal with them in the manner hereunder provided, namely:-

(a) the original should be supplied to the consignor which shall accompany the consignment;

1. Subs. by G.S.R. 556 (E), dated 14th July, 1995 (w.e.f 20-6-1995).

2. Sub-rule (3) omitted by G.S.R. 556 (E), dated 14th July, 1995 (w.e.f. 20-7-1995).

3. Sub-rule (4) renumbered as sub-rule (3) by G.S.R. 556 (E), dated 14th July, 1995 (w.e.f. 20-7-1995).

(b) the duplicate copy should be forwarded to/the Collector of Customs of the port who will return it to the issuing authority indicating on it the date of export and the quantity exported;

(c) the triplicate copy should be forwarded to the Government of the importing country;

(d) the quadruplicate copy should be forwarded to the excise authority of the State in which the exporter has his place of business;

(e) quintuplicate copy should be retained by the issuing authority in his office; (2) Where the consignment of narcotic drug or psychotropic substance is to be transhipped or transited through one or more countries, such additional number of copies of export authorisation as may be required shall be prepared and sent to the concerned country or, as the case may be, countries.

60. Transhipment:-Subject to the provisions of section 79 of the Act and rule 53, no consignment of narcotic drug, or psychotropic substance specified in l[Schedule of the Act], shall be allowed to be transhipped at any port in India save with the permission of the Collector of Customs.

61. Procedure for transshipment:- The Collector of Customs while allowing any consignment of narcotic drug, or psychotropic substances, specified in l[Schedule of the Act,] to be transhipped shall, inter alia, satisfy himself that the consignment is accompanied by a valid export authorisation issued by the exporting country.

62. Diversion of consignment:-(l) The Collector of Customs shall take all due measures to prevent the diversion of such consignment to a destination other than that named in the aforesaid export authorisation.

(2)(a) The Collector of Customs may permit diversion of such a consignment to a country other than that named in the accompanying copy of the export authorisation subject to the production of export authorisation issued by the issuing authority as provided under rule 58, as if the diversion were an export from India to the country, or territory of new destination.

(b) The Collector of Customs shall inform the issuing authority regarding the actual quantity of the narcotic drug or psychotropic substance, the diversion of the consignment of which was allowed under clause (a), whereupon the issuing authority shall, inform the country from which the export of the consignment originated.

63. Prohibition of import and export of consignments through a post office box, etc:-The import or export of consignments of any narcotic drug or psychotropic substance through a post office box or through a bank is prohibited.

CHAPTER VII

PSYCHOTROPIC SUBSTANCES

64. General prohibition:-No person shall manufacture, possess, transport, import inter-State, export inter-State, sell, purchase, consume or use any of the psychotropic substances specified in Schedule I.

1. Subs. by G.S.R. 556 (E); dated 14th July, 1995 (w.e.f. 20-7-1995).

65. Manufacture of psychotropic substances:-(1) Subject to the provisions of sub-rule (2), the manufacture of any of the psychotropic substances other than those specified in Schedule I shall be in accordance with the conditions of a licence granted under the Drugs and Cosmetics Rules, 1945 (hereinafter referred to as the 1945 Rules) framed under the Drugs and Cosmetics Act, 1940 (23 of 1940), by an authority in charge of Drugs Control in a State appointed by the State Government in this behalf:

1[Provided that the authority in charge of drug control in a State referred to above may issue a licence to manufacture a psychotropic substance specified in Schedule III for the purpose of export only;]

(2) The authority in charge of drugs control in a State (hereinafter referred to as the Licensing Authority) shall consult the Drugs Controller (India) in regard to the assessed annual requirements of each of the psychotropic substances in bulk form referred to in sub-rule (1) in the country and taking into account the requirement of such psychotropic substances in the State, the quantity of such substance required for supply to other manufacturers outside the State and the quantity of such substance required for reasonable inventory to be held by a manufacturer, shall specify, by order, the limit of the quantity of such substance which may be manufactured by the manufacturer in the State.

(3) The quantity of the said psychotropic substance which may be manufactured by a licensee in an year shall be intimated by the Licencing Authority to the licensee at the time of issuing the licence.

2[Provided that nothing contained in this rule shall apply in case the psychotropic substances specified in Schedule I are manufactured, possessed, transported, imported inter-State, exported inter-State, sold, purchased, consumed or used subject to other provisions of this Chapter which applies to psychotropic substances which are not included in Schedule I and for the purposes mentioned in Chapter VIIA:

Provided further that the authority in charge of the drug control in a State referred to in sub-rule (2) of rule 65 shall consult the Narcotics Commissioner before issuing a licence under rule 65 in respect of psychotropic substances included in Schedule I l[and Schedule III].]

66. Possession, etc., of psychotropic substances:-(1) No person shall possess any psychotropic substance for any of the purposes covered by the 1945 Rules, unless he is lawfully authorised to possess such substance for any of the said purposes under these Rules.

(2) Notwithstanding anything contained in sub-rule (1), any research institution or a hospital or dispensary maintained or supported by Government or local body or by charity or voluntary subscription, which is not authorised to possess any psychotropic substance under the 1945 Rules, or any person who is not so authorised under the 1945 Rules, may possess a reasonable quantity of such substance as may be necessary for their genuine scientific requirements or genuine medical requirements, or both for such period as is deemed necessary by the said research institution or, as the case may be, the said hospital or dispensary or person:

1. Ins. by G.S.R. 214 (E), dated 19th March, 2002 (w.e.f. 19-3-2002).

2. Ins. by G.S.R. 350 (E), dated 25th June, 1997 (w.e.f.

Provided that where such psychotropic substance is in possession of an individual for his personal medical use the quantity thereof shall not exceed one hundred dosage units at a time.

(3) The research institution, hospital and dispensary referred to in sub-rule (2) shall maintain proper accounts and records in relation to the purchase and consumption of the psychotropic substance in their possession.

67. Transport of psychotropic substance:-(l) Subject to the provisions of rule 64, no consignment of psychotropic substance shall be transported, imported inter-State or exported inter-State unless such consignment is accompanied by a consignment note in

Form 7 appended to these Rules and in the manner as provided hereinafter.

(2) The consignment note referred in sub-rule (1) shall be prepared in triplicate, and the original and duplicate copies of the said note shall be sent along with the consignment of psychotropic substances to the consignee who shall return the duplicate copy of the note to the consignor for his use after endorsing on the original and duplicate copies the particulars of the receipt of the quantity consigned.

(3) The consignor shall make necessary entries on the triplicate copy of the said note with reference to the receipt of quantity of the psychotropic substances indicated on that duplicate copy of the note.

(4) The consignor and consignee shall keep such consignment note for a period of two years and the said note may be inspected at any time by an officer authorised in this behalf by the Central Government.

[1][CHAPTER VIIA

SPECIAL PROVISIONS REGARDING MANUFACTURE, POSSESSION, TRANSPORT, IMPORT-EXPORT, PURCHASE AND CONSUMPTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES FOR MEDICAL AND SCIENTIFIC PURPOSES

67A. Notwithstanding anything contained in the foregoing provisions of these rules

(a) a narcotic drug and psychotropic substance may be used for-

(i) scientific requirement including analytical requirements of any Government laboratory or any research institution in India or abroad;

(ii) very limited medical requirements of a foreigner by a duly authorised person of a hospital or any other establishment of the Government especially approved by that Government;

(iii) the purpose of de-addiction of drug addicts by Government or local body or by an approved charity or voluntary organisation or by such other institution as may be approved by the Central Government.

(b) persons performing medical or scientific functions shall keep records concerning the acquisition of the substance and the details of their use in

Form 7 of these rules and such records are to be preserved for at least two years after their *(sic);*

1. Ins. by G.S.R. 350 (E), dated 25th June, 1997 (w.e.f. 27-6-1997).

L

(c) a narcotic drug and psychotropic substance may be supplied or dispensed for use to a foreigner pursuant to medical prescription only from the authorised licensed pharmacists or other authorised retail distributors designated by authorities responsible for public health.]

CHAPTER VIII

MISCELLANEOUS

68. Repeal and savings.-(l) The Central Opium Rules, 1934, the Dangerous Drugs (Import, Export and Transhipment) Rules, 1957, and the Central Manufactured Drugs Rules, 1962 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under any of the rules repealed by sub rule (1) shall, in so far as it is not inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

SCHEDULE I

(*See* rules 53 and 64)

I. Narcotic drgus

1. Coca Leaf
2. Canabis (Hemp)
3. (a) Acetorphine
   (b) Diacetylmorphine (Heroin)
   (c) Dihydrodesoxymorphine (Desmorphine)
   (d) Etorphine
   (e) Ketobemidone

and their salts, preparations, admixtures, extracts and other substances containing any of these drugs.

II. Psychotropic substances

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
[1][2[1]]	METHAQUALONE		2- Methyl-3-o- tolyl-4(3H)-quinazolinone.
[1][2[2]]	AMFEPRAMONE		2-(Diethylamino) propiophenone
[1][2[3]]	BENZPHETAMINE		N -Benzyl-N -dimethyl-phenethylamine.
[1][2[3[***]]]			
[1][2[5]]	CAMAZEPAM		7-Chloro-l, 3-dihydro-3-hydroxy-l-l methyl-5-phenyl 2-H-l, 4-benzodiazepin 2-one dimethyl carbamat (ester).
[1][2[4[***]]]			
[1][2[5[***]]]			

1. Entries 1 to 16 and 18 omitted by S.O. 786 (E), dated 26th October, 1992 (w.e.f. 26-10-1992).
2. Entries 17 and 19 to 33 re-numbered as entries 1 to 16 by S.O. 786 (E), dated 26th October, 1992 (w.e.f. 26-10-1992).
3. Entry 4 omitted by G.S.R. 763 (E), dated 14th November, 2002 (w.e.f. 14-11-2002).
4. Entry 6 omitted by G.S.R. 509 (E), dated 4th November, 1996 (w.e.f. 4-11-1996).
5. Entry 7 omitted by G.S.R. 748 (E), dated 14th December, 1993 (w.e.f. 14-12-1993).

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
[1][2[3[***]]]			
[1][2[9]].	CLOTIAZEP AM		5-(O-Choropheyl)-7 ethyl-1, 3-dihydro-1 methyl-2H-theno [2, 3-e], 4-diazepin-2 one
[1][2[10]].	CLOXAZOLAM		10-chloro-1 Ib-(o-chloropheny-2, 3, 7, IIb-tetrahydro oxazole-[3, 3-d] (1, 4,] benzodiazepin-6 (5H)-one.
[1][2[11]].	DELORAZEP AM		7-Chloro-5-(0-chloro-phenyl)-1, 3-dihydro-2H-1,4-benzodiazepin-2-one
[1] [2[12]].	EST AZOLAM		8-Chloro-6-phenyl-4-II-s, triazole-[4, 3- a] [1, 4] benzodiazepine
[1][2[13]].	ETHINAMA TE		1-Ethynylcyclo-hexanol carbamateyl
[1][2[14]].	ETHYLLOFLAZEPATE		Ethy 7-chloro-5 (o-fluorophenyl)-2, 3, dihydro-1-2oxo-1H-1, zociazepine *3-car* boxylate,
[2][4[15]].	FLUDIAZEP AM		7-Chloro-5(o-fluorophenyl)-1, 3-dihydro 1-methyl=2H-1-4 benzoldiazepin-2-one
[2][4[16]].	FLUNITRAZEPAM		5-(o-flurophenyl)-1, 3-dihydro-l-methyl-7 nitro-2H-1-4, benzodiazepin-2-one
[2][4[17]].	HALOXAZOLAM		10-Bromo-11 b-z(o-fluoropheny)-2,3 ,7, 11b-tetrahydro oxazole [3, 2-d] [1, 4] benzodiazepin-6 (5H)-one
[2][4[18]].	KET AZOLAM		11-Chloro-8, 12-b-dihydro-2, 8-dimethyl 12b-phenyl-4H [1,3]-oxazino [3,2-d][1,4] e.
[2][4[19]].	LEFET AMINE	SPA	

[2][4][20]].	LOPRAZOLAM	(-)l-Dimethylamino, 2-diphenylethane. 6-(0-Chlorophenyl)-2, 4-dihydro-2-[(4 methyl-1-piperazynyl) methylene]-8-nitro Ih-imidazo [1,2-a] [1, 4-benzodiazepin-1 one.
[2][4][21]].	LORMETAZEPAM	7-Chloroa-5-o Chlorophenyl)-l, 3-dihydro-3hydroxy-1-methy-yl-2H-1, 4-benzodiazepin-2-one.
[2][4][22]].	MAZINOOL	5-(p-Chlorophen yl)-3 ,5-dihydro 3H-imidazo [2,1-0] isoindol-5-01.
[2][4][23]].	MEDAZEPAM	7-Chloro-2, 3-dihydro-1-methyl-5 phenyl IH-1, 4-benzodiaze pine.
[2][4][24]].	METHYPRYLON	3,3 Diethy-5-methyl-2,4-piperidine dione
[2][4][25]].	NIMET AZEP AM	1,3- Dihydro-1-meth yl-7 -nitro-5-pheny 12H-1, 4-benzodin zepin 2-one

1. Entries 1 to 16 and 18 omitted by S.0. 786 (E), dated 26th October, 1992 (w.e.f 26-10-1992).

2. Entries 17 and 19 to 33 re-numbered as entries 1 to 16 by S.0. 786 (E), dated 26th October, 1992 (w.e.f 26-10-1992).

3. Entry 8 omitted by G.S.R. 214 (E), dated 19th March, 2002 (w.e.f. 19-3-2002).

4. Entries 35 to 51 re-numbered as entries 17 to 33 by S.0. 786 (E), dated 26th October, 1992 (w.ef. *26-10-1992)*

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
[2][26]].	OXAZOLAM		19-Chloro-2,3, 7, 7, IIb-tetra-hydro-2 -methyl-IIb-phenyl oxazole [3,2-d] [1,4] benzodiazepin-6 (5H)-one.
[2][27]].	PHENDIMETRAZINE		(+)3, 4-Dimethyl-2-phenyl-morpholine.
[3][***]			
[2][29].	PINAZEPAM		dihydro-5-phenyl-1-(2-propynyl) 2H-1, 4-benzodiazepin-2-one
[2][30].	PIPRADROL		1, 1-Diphenyl-(2-piperidyl)-methanol.
[2][31].	FRAZEPAM		7-Chloro-1-(cyclo-propylmethyl-1)-1, -3 dihydro-5-phenyl-2H-1, 4-benzodiazepin 2-one
[2][32].	TEMAZEP AM		7-Chloro-1 3, dihydro-3-hydroxy-1 methyl-5-phenyl-2H-1,4 benzodiazepin-2 one.
[2][33].	TETRAZEP AM		7-Chloro-5 (cyclohexen-1-yl) 1, 3 dihydro-1-methyl-2H-1, 4 benzodiazepin 2-one.
[4][33A.	ETRYPTAMINE		(3-(2-aminobutyl) indole)
33B.	METHCATHINONE		(2-(methylamino)-lphenylpropan-l-one)
33C.	ZIPEPROL		(a-(a-methoxybenzyl)-4 (b methoxyphenethyl)-l-piperazineehthanal)
33D.	AMINOREX		(2 -amino-5-phenyl- 2 -oxozoline)
33E.	BROTIZOLAM		(2 -bromo-4)-(o-chlorophen y 1)-9-methyl 6H-thieno (3,2-f)-triazolo [4,3-a][l,4] diazepine)
33F.	MESOCARB		(3-(l(a-meth y lpheneth y l)-N -(phenylearb-amoyl) 5ydnone imine)].

5[34]. Salts and preparations of above

1. Entries 17 and 19 to 33 re-numbered as entries 1 to 16 by S.0. 786 (E), dated 26th October, 1992 (w.e.f. 26-10-1992).

2. Entries 35 to 51-re-numbered as entries 17 to 33 by S.0. 786 (E), dated 26th October, 1992 (w.e.f. 26-10-1992).

3. Entry 28 omitted by G.S.R. 115 (E), dated 21st February, 2003 (w.e.f. 21-2-2003).

4. Entries 33A to 33F added by G.S.R. 25 (E), dated 12th Janurary, 1996 (w.e.f. 12-1-1996).

5. Entry 53 re-numbered as 34 and entry 52 omitted by 5.0. 786 (E), dated 26th October, 1992 (w.e.f. 26-10-1992).

1[SCHEDULE II]

(See rule 53A)

Psychotropic Substances

S1. No.	International non-proprietary names	Other non-proprietary names	Chemical name	Country or region to which export is prohibited
1	2	3	4	5
2[***]				
2.	Amphetamine		(=)-2-amino-l-phenylpropane	BELIZE JAPAN NIGERIA PAKISTAN SENEGAL THAILAND TURKEY YEMEN VENEZUELA
3.	Barbital		5,5-diethylbarbituric acid	PAKISTAN
4.	Cyclobarbital		5-(1-cylophexen-l-yl)-5 ethylbarbituric acid	PAKISTAN
5.	Dexamphetamine		(+)-2-amino-l-phenylpropane	BELIZE JAPAN NIGERIA PAKISTAN SENEGAL THAILAND TURKEY YEMEN VENEZUELA
6.	Ethchlorvynol		Ethyl- 2 -chlorovinylethynyl-carbinol	PAKISTAN
7.	Fenetylline		7[2-[(a-methylphenethyl) amino] ethyl] theophylline	BELIZE SAUDI ARABIA THAILAND
8.	Flurazepam		7-chloro-l-[2-(diethylamino) ethyl]-5-(o-fluorophenyl)-1, 3-dihydro-2H-l, 4-benzodiaz	PAKISTAN

1. Sch. II and Sch. III deleted and Schedule IV which was ins. by G.S.R. 559(E), dated 10th August, 1993 (w.e.f 10-8-1993) renumbered as Sch. II by G.S.R. 556(E), dated 14th July 1995 (w.e.f. 20-7-1995). 2. Entry 1 omitted by G.S.R. 129 (E), dated 26th February, 2003 (w.e.f. 26-2-2003).

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name	Country or region to which export is prohibited
1	2	3	4	5
9.	Glutethimide		2-ethyl-2-phenylglutarimide	CHILE PAKISTAN
10.	Halazepam		7 -chloro-l,3-dihydro-5-phenyl-l-)2,2,2-trifluoroethyl)-2H-l,4-benzodiazepin-one	PAKISTAN
11.	Levamfetamine	Levamphe-tamine	(-)-(R)-a-methylp henethyl-amine	BELIZE JAPAN THAILAND VENEZUELA
12.		Levomethamphe-tamine	(-)-N, a-dimethylpheneth-ylamine	BELIZE JAPAN THAILAND VENEZUELA
13.	Mecloqualone		3-(O-chlorophenyl)- 2-meth yl-4-(3H)-quinazolinone	ARGENTINA BELIZE CHILE PAKISTAN SENEGAL
14.	Methamphetamine		(+)-2-methylamino-l-phenyl-propane	BELIZE JAPAN NIGERIA PAKISTAN SENEGAL THAILAND TURKEY YEMEN VENEZUELA
15.	Metamfetamine Racemate	methamph-etamine recemate	(±) N a-dimethylphenethy-lamine	BELIZE JAPAN VENEZUELA
16.	Methylphenidate		2-phenyl-2(2-piperidlyl) acetic acid, methyl ester	BELIZE NIGERIA SENEGAL THAILAND TURKEY YEMEN
17.	Methylphenobarbital		5-ethy-l-methyl-5-phen ylbar-bituric acid	PAKISTAN SENEGAL YEMEN

Sl.	International non	Other non-pro-	untry or region to

No.	proprietary names	prietary names		which export is prohibited
1	2	3	4	5
18.	Nordazepam		7-chloro-1, 3-dihydro-5 phenyl- (2H)-1, 4-benzo diazepin-2-one	PAKISTAN
19.	Pemoline		2 -a mino-5- pheny1- 2 -oxazolin-4 -one (= 2-amino 5-phenyl-4-oxazolidinone)	NIGERIA THAILAND
20.	Phencyclidine	PCP	l-(l-phenylcyclohexyl) piperidine	BELIZE CHILE ICELAND NIGERIA PAKISTAN SENEGAL YEMEN BELIZE CHILE
21.	Phenmetrazine		3-methyl- 2 -phenylmorpholine	NIGERIA PAKISTAN SENEGAL THAILAND YEMEN VENEZUELA BELIZE NIGERIA
22.	Secobarbital		5-allyl-5(l-methylbutyl) barbituric acid	PAKISTAN.]

[1][SCHEDULE III

[See rule 65(1) proviso]

Grant of Licence for Manufacture of Psychotropic Substances for Export Only

SI. No.	International non-proprietary names	Other non-pro-prietary names	Chemical name
1	2	3	4
1.	Clorazepate		7 -Chloro- 2,3-dehydro- 2 -oxo-5 phenyl :-2-IH, 4-benzodiazepine 3 carboxylic acid]
[2][2.	Bromazepam		7-Bromo-1,3-dihydro-5-(2 pyridyl) 2H-1. 4-benzodiazepin-2-one.]
[3][3.	Phentermine		££-Dimethylphen-ethylamine}

1. Ins. by G.S.R. 214 (E), dated 19th March, 2002 (w.e.f 19-3-2002).
2. Ins. by G.S.R. 763 (E), dated 14th November, 2002 (w.e.f 14-11-2002).
3. Ins. by G.S.R. 115 (E), dated 21st February, 2003 (w.e.f. 21-2-2003).

The Narcotic Drugs and Psychotropic Substances Rules, 1985

FORM NO.1

(See rule 7)

GOVERNMENT OF INDIA

CENTRAL BUREAU OF NARCOTICS

Licence to Grow Opium Poppy for Production of Opium or Poppy Straw

Name and Parentage of Village the licensee	Pargana/District Tehsil	Licence Number	Area Licensed	Plot No.(s) as per revenue records
	Hectares	Area	Signature	
Area measured			(S.I.)	
Area test-measured			(Inspector /D.O.O.)	
Area harvested				
	(S.I.)			

Signature & Seal District Opium Officer.

(Entries to be made at the time of weighments) (Entries to be made at the time of final payment.

Class of opium as assigned by D.O.O.	Weight of opitun (Kg.)	Assumed weight at 70⁰C(Kg.)	Price payable on the basis of assumed weight 70⁰C	Amount withheld pending final examination of opium at factory	Amount paid at weighments	Total weight of opium at 70⁰C on the basis of factory's report	Average yield of the cultiva-tor	Total amount payable on the basis of factory report	Amount already paid at the time of weigh-ments	Amount paid/ received at the time of final payments
1	2	3	4	5	6	7	8	9	10	11

Signature & seal (D.O.O.)

FORM NO.2

(See rule 8)

Application for Grant of Licence for Opium Poppy Cultivation for

Production of Opium of Poppy Straw

Crop year.....

1.Name of the Cultivator.....…….

2.Father's Name:.....……

3.Village.....Tehsil ..... District…….....

4.Khasra No. of the plot of land in which poppy is to be cultivated.....

5.Whether the plot is in the name of the applicant as per revenue records. If not, in whose name? .....

6. Whether the plot specified in column 4 has irrigation facilities (kind of irrigation facilities available, *i.e.,* well, tubewell, etc., ...

7. Area required for opium poppy cultivation.....

8. Whether the applicant cultivated the poppy in .....
the past, if so, the latest year in which he.....
cultivated poppy.

9. Whether the applicant was ever proscribed from poppy cultivation or was de-licensed for tendering adulterated opium, excess cultivation, violations of Departmental instructions. If so, the year and the reasons for proscription.....

I hereby certify that the particulars shown above are correct and the land in which opium poppy is to be cultivated is free from litigation.

Attestation
(to be made by Lambardar)

Signature /Thumb-impression
of cultivator

(To be completed by the Sub-Inspector Incharge)

A. Performance of the cultivator during the preceding crop year.

Crop year.....Area licensed.....

Area measured.....Area harvested.....

Average yield at 70°C..... B. Whether the cultivator has ever been proscribed on account of excess cultivation and violation of Departmental instructions, etc., if so the particulars thereof.

Signature.....
(Sub-Inspector Incharge).

The particulars above recorded by the Sub-Inspector have been verified by me. The cultivator is eligible/ineligible for grant of a licence.

Signature(Sub-Inspector Incharge)

Area allotted by the District Opium Officer.

Signature of
District Opium Officer.

The Narcotic Drugs and Psychotropic Substances Rules, 1985 85

Conditions of licence

1. The licensee shall not transfer this licence and cultivate poppy only for production of opium or poppy straw over the area of land and the plot(s) specified in the licence.

2. The land in which poppy will be cultivated by the cultivator shall be free from litigation.

(3) The licensee shall get his daily collections of opium obtained from the crop weighed by the Lambardar and affix his signature/thumb-impressions against each entry made by the Lambardar in token of correctness of such entry made by the Lambardar and shall submit to preliminary weighments carried out by the staff of the Narcotics Department in the village during which he shall produce the entire quantity collected by him.

4. The licensee shall bring to, and deliver at the place fixed and notified for weighments all opium collected by him from the crop and shall accept for opium so brought by him the price fixed by the Central Government for that crop year.

5. The licensee shall deliver the opium either himself or through any person authorised by him at the time of its weighment and his opium shall be weighed under the supervision of the District Opium Officer or any other officer authorised in this behalf by the Narcotics Commissioner in accordance with rule 14 of the Narcotic Drugs and Psychotropic Substances Rules, 1985.

6. If the licensee does not surrender his entire produce of opium to Government or retains, embezzles or otherwise illegally disposes of any part of the same he shall be liable to be prosecuted as per the provisions of the Narcotics Drugs and Psychotropic Substances Act, 1985.

7. The licensee shall extract as much opium as is reasonably possible from all implements, pots and cloth used by him in collecting opium and impregnated with opium in consequence of such use.

8. The final payment for opium delivered by the licensee shall be made to him at appropriate time fixed by the District Opium Officer or any other officer authorised in this behalf.

9. If on the final adjustment of accounts any sum is found due from the licensee, he shall pay it to the District Opium Officer or any other officer i:uthorised in this behalf in the manner specified. If the licensee fails to pay the sum due from him it may be recovered from him in the manner prescribed by section 72 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

10. The licence may be withheld or cancelled at any time if any fact is revealed against the licensee which makes him ineligible for grant of the licence.

11. The licensee shall comply with the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985, the Rules framed thereunder and any order issued by the competent authorities of the Narcotics Department from time to time.

12. The licensee shall be punishable under the relevant provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 for any breach of the conditions of the licence.

FORM NO.3

(See rule 37)

Licence for Manufacture of Manufactured Drugs

Licence No.....Date of issue.....

..... is hereby licensed to manufacture the following manufactured drugs on the premises situated at.....

Name of drug Quantity

(1)

(2)

2. The licence shall be in force from.....to.....

3. The licence is subject to the conditions stated below and to such other conditions as may be specified in the rules for the time being in force under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985).

Signature.....

Date..... Designation.....

Conditions of licence

1. This licence is not transferable.

2. This licence and any certificate of renewal in force shall be kept on the approved premises and shall be produced at the request of an officer detailed for the purpose by the Licensing Authority.

3. The licensee shall not manufacture or keep the drug or the materials used for the manufacture of the drug at any other place except his place of business.

4. The licensee shall ensure manufacture of the drug to the standard and specifications laid down by or under the Drugs and Cosmetics Act, 1940 (23 of 1940).

5. The licensee, if he desires the renewal of his licence, shall apply to the Licensing Authority in the form specified for such renewal, at least thirty days before the expiry of his licence.

6. The licensee shall inform the Licensing Authority in writing in the event of any change in the constitution of the firm operating under the licence. Where any change in the constitution of the firm takes place, the current licence shall be deemed to be valid for a maximum period of three months from the date on which the change takes place or the normal expiry of the licence whichever is earlier unless in the meantime, a fresh licence has been taken from the Licensing Authority in the name of the firm with the changed constitution.

FORM NO.4

(See rule 55)

Official Seal of the Issuing Authority

S. No.....

F. No.....

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(Department of Revenue)

Certificate of official approval of import

(The Narcotic Drugs and Psychotropic Substances Rules, 1985)

.....(The Issuing Authority) being the authority empowered to issue Import Certificate under the Narcotic Drugs and Psychotropic Substances Rules, 1985 hereby approves the importation into India of the consignments containing narcotic drugs or psychotropic substances as specified in the Schedule below by;

M/s.....

From M/s ..... subject to the condition that the consignment containing such drugs or substances shall be imported before……by……to (airport/sea port) in India.

In approving the importation of the consignment containing the said drugs or . substances specified.....(Issuing Authority) is satisfied that it is required solely for medical and scientific purposes.

Address of the Issuing Authority Designation of the Issuing Authority

Schedule specifying the narcotic drugs or psychotropic substances contained in the consignment to be imported.

1. This document is for .....(The authority to whom and the purpose for which it is being sent to be indicated).

2. The certificate is not valid unless it bears the Official Seal of the Issuing Authority on the top right hand corner.

Official Seal of Issuing Authority

S.No. .....

F.No. ……

FORM NO.5

(See rule 58)

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(Department of Revenue)

Authorisation for Official Approval of Export

(The Narcotic Drugs and Psychotropic Substances Rules, 1985)

.....(The Issuing Authority) being the authority empowered to issue export authorisation under the Narcotic Drugs and Psychotropic Substances Rules, 1985 hereby authorises and permits the following exportation of Narcotic Drugs or Psychotropic Substances from India:

Exporter:.....

Consigned:.....

Port of export…….Port of entry.....

Narcotic Drugs or Psychotropic Substances to be exported:

…….

Item No.	Number of packages	Name of the drug substance / preparations	Basic drug substance content

The exportation to be made in one consignment from the designated port of export on or before the..... day of.....(Month), 20

The importation of these drugs into the country of destination has been authorised by official import certificate No…….dated……issued by .....(Authority of the importing country).

Date of Issue:

Place of Issue Designation of the Issuing Authority

1. This document is for.....(the authority to whom and the purpose for which it is being sent is to be indicated).

2. This authorisation is not valid unless it bears the official seal of the Issuing Authority on the top right hand corner.

[1][FORM NO.6]

(See rule 67)

Date and time of despatch of the consignment.

1. Name and address of consignor (manufacturer / dealer / distributor and his Licence No. etc. (Issued under the Drugs and Cosmetics Rules, 1945).

2. Name and address of the consignee (manufacturer/dealer/distributor) and his Licence No. (Issued under the Drugs and Cosmetics Rules, 1945).

3. Description and quantity of the consignment.

(a)	(b)	(c)
Particulars of the drugs with reference to the	No. of packages.	Quantity

Schedule(s) to the 1945 Rules, Trade Marks; Patent and Proprietary Names, etc.	Gross	Net

4. Mode of transport (Particulars of the transporter, Registration Number of the vehicle, R.R. if the Transport is by Railway, etc.,)

5. Date and time of receipt by the consignee and his remarks.

NOTE

Signature of the consignee with date (Name in capital letters) *Signature of the Consignor with date* (Name in capital letters) (1) This Consignment Note should be serially numbered on annual basis.

(2) The Consignor should record a Certificate on the cover page of each book containing consignment note indicating the number of pages contained in such consignment note-book.

(3) The Consignor should maintain a Register showing the details of the books of consignment notes brought in use during a particular year.

(4) The books containing consignment not used or currently under use and the register as referred to at item (3) have to shall be produced to the officers whenever called upon during the course of their inspections.

1. Form No.6 deleted and Form No.7 re-numbered as Form 6 by G.S.R. 556 (E), dated 14th July, 1995 (w.e.f. 20-7-1995).

[1][FORM NO.7

(See rules 35, 53, 64 and 67 A)

1. Name of the laboratory/research institution/person/hospital/dispensary: 2. Address
3. Name of the Drug
4. From whom the drug was obtained/purchased
5. Quantity (in grams) obtained/purchased
6. Date on which obtained/purchased

Details of Use:

S1. No.	Date	Quantity consumed	Purpose	Signature of the user

Note: (1) This form shall be kept for 2 years from the last date of consumption.

(2) This shall be produced for verification by any of the officers empowered under section 41 or 42 of the Narcotic Drugs and Psychotropic Substances Act or any officer-in-charge of a police station.]

1. Ins. by G.S.R. 350 (E), dated 25th June, 1997 (w.e.f 27-6-1997).

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AUTHENTICATION OF DOCUMENTS) RULES, 19921

In exercise of the powers conferred under clause (ii) of section 66 *and section* 76 *of the Narcotic Drugs and Psychotropic Substances Act,* 1985 (61 *of* 1985), *the Central Government hereby makes the following rules, namely:*

1. **Short title and commencement**.-(i) These rules may be called the Narcotic Drugs and Psychotropic Substances (Authentication of Documents) Rules, 1992.

2. **Authority for authentication and the manner of authentication of documents**.-Any document, received from any place outside India in the course of investigation of any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), purporting to have affixed, impressed or subscribe thereon or thereto the seal and signature of any person who is authorised by section 3 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), to do any notional act shall be deemed to be duly authenticated for the purposes of clause (ii) of section 66 of the first mentioned Act.

1. *Vide* G.S.R. 90, dated 25th January, 1993, published in the Gazette of India, Pt. II. Sec. 3 (i), dated 13th February, 1993.

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (REGULATION OF CONTROLLED SUBSTANCES) ORDER, 1931[1]

The Central Government being of the opinion that having regard to the use of the controlled substance in the production or manufacture of the narcotic drug or psychotropic substance, it is necessary and expedient so to do in the pubic interest, in exercise of the powers conferred by section 9A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) hereby makes the following order:-

1. Short title and commencement. -(l) This order may be called the Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substances) Order, 1993. (2) It shall come into force on the 15th day of April, 1993.

2. Definitions.-(l) In this Order, unless the context otherwise requires,

(a) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(b) "Form" means a form appended with this Order;

(c) "Controlled Substances" means any substance declared by the Central Government under clause (viia) of section 2 of the Act;

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them.

3. Manufacture, distribution, sale, imports, exports and consumption of controlled substance.-(l) Every person who manufactures or distributes or sells or imports or exports or consumes any controlled substance shall maintain daily accounts of his activities in Form 1 or Form 2, as the case may be. The records of his activity shall be preserved for a period of two years from the date of last entry in the register.

[2][(2) He shall report to the Director General, Narcotics Control Bureau, Wing No.5, West Block-I, R.K.Puram, New Delhi-110066 immediately regarding any loss or disappearance of the controlled substances under his control. A copy of the report shall also be endorsed to the Zonal Director of the Narcotics Central Bureau within whose area of jurisdiction such loss or disappearance Occurred.

4. **Transport of controlled substance**. -(1) A consignment of controlled substance shall be moved from one place to another place only, when it is accompanied by a Consignment Note in Form 3.

(2) The Consignment Note shall be prepared in triplicate. The original and duplicate copies of the Consignment Note shall be sent along with the consignment to the consignee, who shall return the duplicate copy to the consignor for retention after endorsing on the original and duplicate copies the particulars of quantity received by him.

1. *Vide* G.S.R. 295(E), dated 24th March, 1993, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), No. 107, dated 24th March, 1993.

2. Subs. by G.S.R. 26(E), dated 12th Janurary, 1996 (w.e.f. 12-1-1996).

(3) The consignor shall make necessary entries on the triplicate copy of the Consignment Note with reference to the receipt of the controlled substance indicated on the duplicate copy of the Consignment Note.

(4) In the case of any consignment of the controlled substance, which is imported into India, such consignment from the port of entry to any warehouse or factory or business establishment or premises of the importer or consumer, as the case may be, shall be accompanied by a Bill of Entry.

(5) The Consignment Note or the Bill of Entry, as the case may be, shall be preserved for a period of two years by the consignor and the consignee or importer, as the case may be.

(6) No transporter shall carry a consignment of controlled substance without a Consignment Note or Bill of Entry.

(7) The transporter shall produce the consignment Note or Bill of Entry, as the case may be, when required by an officer (being an officer superior in rank to a peon, sepoy or constable) of the department of central excise, narcotics, customs, revenue, intelligence or any other department of the Central Government or of Border Security Force as is empowered in this behalf by general or special order by the Central Government, or any officer (being an officer superior in rank to a peon, sepoy or constable) of the revenue, drug control, excise, police or any other department of a State Government including Union Territory Administration as is empowered in this behalf by general or special order of the State Government including Union Territory Administration authorized under this clause.

[1][(8) Whenever controlled substances are transported by motorised tankers, all the inlets and outlets of the tankers shall be sealed with tamper-proof seals each of which shall have identifiable description. Such seal shall be affixed at the premises of the Consignor and removed at the premises of the consignee. The description of tamper-proof seal affixed on the tanker shall be entered on the Consignment Note/Bill of Entry with each consignment. No person shall use or possess any tamper-proof seal, which has indentifiable description on it identical to another tamper-proof seal.

(9) Whenever a consignment of controlled substance is transported from the area which comes within the jurisdiction of a Zonal Director of the Narcotics Control Bureau to an area which comes within the jurisdiction of another Zonal Director of the Narcotics Control Bureau, the consignor shall send a quarterly report to the latter Zonal Director in

Explanation.- For the purpose of quarterly report under this clause, the area of jurisdiction of the Zonal Directors are the areas as specified in

Form 4 of this order.] [2][5. **Selling of controlled substance**.-Every person who sells a controlled substance to a buyer in any transaction shall sell so only after the buyer establishes his identity by production of a document like industrial licence or any registration certificate under any law or any other similar documents which

1. Ins. by G.S.R. 26 (E), dated 12th January, 1996 (w.e.f. 12-6-1986).
2. Subs. by G.S.R. 372 (E) dated 1st May, 1995 (w.e.f. 1-5-1995).

establishes his identity and upon a declaration being made of the purpose for which the controlled substance is being purchased.]

6. **Labelling of consignments for export or import**.-Every container or vessel containing a controlled substance in a consignment for export or in a consignment which is imported shall be labelled prominently giving details of the name and quantity of the controlled substance, name and address of the exporter and importer and the consignee if any. The documents relating to the import or export of the controlled substance such as invoice, cargo manifests, customs, transport and shipping documents shall contain the details such as name of the controlled substance, quantity and the name and address of the consignee, exporter and the importer and the documents shall be preserved for a period of two years.

7. **Filing of returns**. -(l) Every person mentioned in clause 3 of this Order shall send quarterly return by registered post in Form 4 or Form 5, as the case may be, to the concerned l[Zonal Director], Narcotics Control Bureau, whose address is given in the Form. The quarters of this purpose shall be january to March, April to June, July to September and October to December. The return shall be despatched before the last day of the month following the quarter.

(2) Schools, Colleges, Universities, Government or autonomous institutions, Registered Scientific Societies and Hospitals using the controlled substance for educational scientific and analytical purposes are only exempted from maintaining records as prescribed under clause 3 and sending returns as prescribed under this clause. But they shall comply with other provisions of this Order.

(3) The persons who are to send quarterly returns under this clause shall intimate in

Form No.4 or Form No.5, as the case may be, to the concerned [1][Zonal Director], Narcotics Control Bureau, whose address is given in the Form upto the 15th day of May, 1993 regarding the opening balance of stock of the controlled substance possessed by him as on the 15th day of April, 1993. The first regular returns shall be sent for the period from 15th April, 1993 to 30th June, 1993.

FORM I

REGISTER OF MANUFACTURE OF CONTROLLED SUBSTANCES

(See clause 3)

Date:		Name of the Controlled Substance:		
Quantity in hand at the beginning of the day	Quantity of substance manufactured	Details of quantity of the controlled substance sent out of the factory		
		SI No.	Quantity sent	To whom sent (Name and Address of the person and Location of the premises to be given)
1	2	3	4	5

1. Subs. by G.S.R. 372 (E), dated 1st May, 1995 (w.e.f. 1-5-1995).

Total quantity sent out of the factory	Quantity in hand at the close of the day	Handling losses, if any
6	7	8

Note: 1. The quantity shall be indicated in kilograms.

2. This record shall be maintained on day-to-day basis and entries shall be made for each day the establishment opens for work irrespective of whether there are any transactions or not and entries shall be completed for each day before the close of the day and incharge of the factory shall initial after the entries. The pages of the register shall contain running number.

3. If more than controlled substance is dealt with, separate register shall be maintained for each of such substances.

FORM 2

REGISTER OF CONSUMPTION, SALE, IMPORT OR EXPORT OF CONTROLLED SUBSTANCE

(See clause 3)

Date Name of the controlled substance:

Quantity in hand at the beginning of the day	Details of quantity of the substance received		
	S1. No. Quantity	From whom received (Name and address of the person to be given)	Consignment Note/Bill of Entry No.
1	2	3	4 5

Details of quantity of the substance Distributed/sold/ exported / imported/ consumed				
Quantity in hand at the close of day				
S1. No. Quantity		To whom sold/sent consumed (Name and address of the person and location of the premises to be given)	Consignment Note or Issue Slip No.	
6	7	8	9	10

Note: 1. The quantity shall be indicated in kilograms.

2. This record shall be maintained on day-to-day basis and entries shall be made for each day the establishment opens for work irrespective of whether there are any transaction or not and entries shall be completed for each day before the close of the day and incharge shall initial after the entries. The pages of the register shall contain running number.

3. If more than one controlled substance is dealt with separate register shall be maintained for each such substance.

4. Strike out whatever is inapplicable.

FORM 3

CONSIGNMENT NOTE

(To accompany a consignment of controlled substance)

(See clause 4)

Serial No. Date and time of despatch of the consignment:-

1. Name and address of the consignor:
(Manufacturer, dealer, distributor or importer)
2. Name and address of the consignee;
(Manufacturer, dealer, distributor or exporter)
3. Central Excise Registration No. or Sales Tax Registration
No. or Personal Account No. (Income-Tax or Registration No. Under the Shops and Commercial Establishments Act or Registration No. given by the Department of Industry, if any, of the consignee.
4. Description and quantity of the consignment:

Particulars of controlled substance	No. of package	Quantity Gross Weight	Net Weight

5. Mode of transport (Particulars of the transporter, Registration number of the vehicle, R.R. if the Transport is by Railway or Goods Transport, if any).

[1][5A. The total number of tamper-proof seals affixed on motorised tankers and each of their description.]

consignor Signature of the with date (Name in capital letters)

6. Date and time of receipt by the consignee and his remarks

Signature of the consignee and his remarks

Note: (1) This Consignment Note should be serially numbered on annual basis.

(2) The consignor should record a certificate on the cover page of each book containing Consignment Notes indicating the number of pages contained in the consignment Note-Book.

(3) The books containing Consignment Notes used or currently under use shall be produced to the authorized officer whenever called upon.

1. Ins. by G.S.R. 26 (E), dated 12th January, 1996 (w.e.f. 12-1-1996).

FORM 4

QUARTERLY RETURN OF MANUFACTURE OF CONTROLLED SUBSTANCE

(See clause 7)

Return for the quarter ending on.....

1. Name of the manufacturer
2. Address
3. Name of the controlled substance
4. Opening balance of the controlled substance at the beginning of the quarter: 5. Details of manufacture and sale

Manufacture		Sale		
Date	Quantity	Date	To whom sold (Name and address of the person and location of the premises)	Consignment Note No.	Quantity
Total:				Total:

6. Closing balance at the end of the quarter.

Certified that the information given below is correct and the relevant records are available with me/us.

Signature: Name: Designation: Date.....

Note: 1. The quantity should be indicated in kilograms.

2. For each controlled substance, separate return shall be sent.

3. This return is to be sent to the concerned 1[Zonal Director], Narcotics Control Bureau whose address is given below:

SI	Area within which the officer or establishment of the manufacturer, seller, distributor, importer or exporter falls	To whom quarterly Return is to be sent
1	2	3
1.	2[States of Haryana , and the National Capital Territory of Delhi]	1[Zonal Director], Narcotics Control Bureau, Delhi Zonal Unit, Wing No.7, Second Floor, West Block-1 RK. Puram, New Delru-ll0066.
2.	3[State of Rajasthan and Madhya Pradesh]	1[Zonal Director], Narcotics Control Bureau, Jodhpur Zonal Unit, C-20, Shastri Nagar, Jodhpur (Rajasthan).
3.	States of Uttar Pradesh and Bihar	1[Zonal Director], Narcotics Control Bureau, Varanasi Zonal Unit, 56, Prashantpuri (DIC Colony), Varanasi-221002.

1. Subs. by G.S.R. 372 (E), dated 1st May, 1995 (w.e.f 1-5-1995).
2.Subs. by G.S.R. 32 (E), dated 11th January, 2000 (w.e.f. 11-1-2000).
3. Subs. by G.S.R. 372 (E), dated 1st May, 1995 (w.e.f. 1-5-1995).

1	2	3
4. 5. 6. 4[7.	States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, Tripura and West Bengal and the Union Territory of the Andaman and Nicobar Islands	l[Zonal Director], Narcotics Control Bureau, Eastern Zonal Unit, 4/2 Karaya Road, 3rd Floor, Calcutta-7000l2.
8. 9.	2[States of Goa, Maharashtra, and 3[***]]	l[Zonal Director], Narcotics Control Bureau, Bombay Zonal Unit, Exchange Bldg, 3rd Floor, Sprott Road, Ballard Estate, Bombay400038.
	States of Andhra Pradesh, Karnataka, Kerala and Tamilnadu and the Union	l[Zonal Director], Narcotics Control Bureau, opala Krishna

Territories of Lakshadweep and Pondicherry.	Iyer Road, T. Nagar, Madras-600017.
State of Punjab, Himachal Pradesh & Union Territory of Chandigarh	Zonal Director, NCB, Chandigarh, House No. 90, Sector 2, Olandigarh - 160011.
State of Jammu & Kashmir	Zonal Director, Jammu Zonal Unit, NCB, 33BIB, II Extension, Gandhi Nagar, Palaura Jammu.
State of Gujarat & Union Territory of Daman & Diu, Dadara & Nagar Haveli.	Zonal Director, NCB, Ahmedabad, 6th Floor, Screen Building, Drive-in-Cinema. Thaltej Road, Ahmedabad-380054.]

FORM 5

QUARTERLY RETURN OF RECEIPT, IMPORT, SALE, CONSUMPTION OR EXPORT OF CONTROLLED SUBSTANCE

(See clause 7)

Return for the quarter ending on.....

1. Name of the seller, distributor, exporter, importer or consumer*

2. Address:

3. Name of the Controlled substance:

4. Opening balance of the Controlled substance at the beginning of the quarter: 5. Details of quantity received and sold, consumed or exported* :

Receipt

Date	Received from whom (Name and address of the person)	Consignment Note No.1 Bill of Entry No.	Quantity received
	Total		

1. Subs. by G.S.R. 372 (E), dated 1st May, 1995 (w.e.f. 1-5-1995).
2. Subs. by G.S.R. 32 (E), dated l1th January, 2000 (w.e.f. 11-1-2000).
3.Omitted by G.S.R. 372 (E), dated 1st May, 1995 (w.e.f. 1-5-1995).
4. Ins. by G.S.R. 32 (E), dated 11th January, 2000 (w.e.f. 11-1-2000).

Sale, consumption or export

Date received	To whom sent (Name and address of the person and location of the premises)	Consignment Note *No./BilI* of Entry No.	Quantity sent consumed
	Total:		

6. Closing balance at the end of the quarter.

Certified that the information given above is correct and the relevant records are available with me/us.

Signature:
Name:
Designation: Date.....

Note: 1. The quantity should be indicated in kilograms.

2. For each controlled substance, separate return shall be sent.

3. *Strike out whichever is not applicable.

4. This return is to be sent to the concerned [1][Zonal Director], Narcotics Control Bureau whose address is given below:

S1. No.	Area within which the officer or establishment of the manufacturer, seller, distributor, importer or exporter falls	To whom quarterly Return is to be sent
1	2	3
1.	[2][States of Haryana and the National Capital Territory of Delhi]	[1][Zonal Director], Narcotics Control Bureau, Delhi Zonal Unit, Wing No.7 Second Floor, West Block-I, RK. Puram, New Delhi-llOO66.
2.	[3][State of Rajasthan and Madhya 'Pradesh	[2][Zonal Director], Narcotics Control Bureau'., Jodhpur Zonal Unit, C-20, Shastri Nag1.r, Jodhpur (Rajasthan)
3.	S tates ofUttar Pradesh and Bihar	[2][Zonal Director], Narcotics Control Bureau, Varanasi Zonal Unit, 56-Prashanlpuri, (DIG Colony) Varanasi-221002.

	Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, Tripura, West Bengal and the Union Territory of the Andaman and Nicobar Islands	2[Zonal Director], Narcotics Control Bureau, Eastern Zonal Unit, 4/2,Karaya Road, 3rd Floor, Calcutta-700017.

1. Subs. by G.S.R. 372 (E), dated 1st May, 1995 (w.e.f 1-5-1995).
2. Subs. by G.S.R. 32 (E), dated 11th January, 2000 (w.e.f. 11-1-2000).
3. Subs. by G.S.R. 372 (E), dated 1st May, 1995 (w.e.f. 1-5-1995).

1	2	3
5.	1[States of Goa, Gujarat, Maharashtra, and 3[***]]	2[Zonal Director], Narcotics Control Bureau, Bombay Zonal Unit, Exchange Bldg., 3rd Floor, Sprott Road, Ballard Estate, Bombay-400038.
6.	States of Andhra Pradesh, Karnataka, Kerala and Tamilnadu and the Union Territories of Lakshadweep and Pondicherry	2[Zonal Director], Narcotics Control Bureau, Southern Zonal Unit, 21 & 22 Gopala Krishna Iyer Road, T. Nagar, Madras-600017.
4[7.	States of Punjab, Himachal Pradesh & Union Territory of Chandigarh.	Zonal Director, NCB, Chandigarh, House No. 90, Sector 2.
8.	State of Jammu and Kashmir	Zonal Director, Jammu Zonal Unit, NCB, 33 B/B, II Extension, Gandhi Nagar, Jammu.
9.	States of Gujarat and Union Territory of Daman and Diu, Dadara and Nagar Haveli.	Zonal Director, NCB, Ahmedabad, 6th Floor, Screen Building, Drive-in-Cinema. Thaltej Road. Ahmedabad-380054].

5[FORM 6

QUARTERLY REPORT ON TRANSPORT OF CONTROLLED SUBSTANCE TO A CONSIGNEE OUTSIDE THE ZONE OF A CONSIGNOR

[See sub-clause (9) of clause 3]

Report for the quarter ending on.....

1. Name of the Consignor
2. Address
3. Name of the Controlled Substance
4. Details of the consignments sent to the area of jurisdiction of the Zonal Director, Narcotics Control Bureau to whom the report is sent.

Sl. No.	Dated on which sent	Quantity	To whom sent (indicate name and address)	Consignment Note No.	Mode of transportation

Signature
:
Name:
Designation:

Note: 1. The Quantity should be indicated in Kilograms.

2. For each controlled substance a separate return shall be sent.]

1. Subs. by G.S.R. 32 (E), dated 11th January, 2000 (w.e.f. 11-1-2000).
2. Subs. by G.S.R. 372 (E), dated 1st May, 1995 (w.e.f. 1-5-1995).
3. Omitted by G.S.R. 372 (E), dated 1st May, 1995 (w.e.f. 1-5-1995).
4. Ins. by G.S.R. 32 (E), dated 11th January, 2000 (w.e.f. 11-1-2000).
5. Added by G.S.R. 26 (E), dated 12th January, 1996 (w.e.f. 12-1-1996).

THE PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1988

INTRODUCTION

In India transit traffic in illicit drugs has been on the increase which caused problems of abuse and addiction. It created an illicit demand for drugs within the country and resulted in the illicit cultivation and manufacture of drugs. The deterrent penal provisions in the Narcotic Drugs and Psychotropic Substances Act, 1985 and other legislative, administrative and preventive measures were found inadequate to control the illicit transit traffic in drugs. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 provides for preventive detention in relation to smuggling of drugs and psychotropic substances, but it cannot be invoked to deal with persons engaged in the traffic of drugs and psychotropic substances within the country. It was, therefore, felt that a preventive detention law should be enacted with a view to effectively immobilise the persons engaged in any kind of illicit traffic in narcotic drugs and psychotropic substances. To achieve this objective the President promulgated the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988 on 4th July, 1988. To replace this Ordinance the Narcotic Drugs and Psychotropic Substances Bill, 1988 was introduced in the Parliament.

STATEMENT OF OBJECTS AND REASONS

In recent years, India has been facing a problem of transit traffic in illicit drugs. The spillover from such traffic has caused problems of abuse and addiction. This trend has created an illicit demand for drugs within the country which may result in the increase of illicit cultivation and manufacture of drugs. Although a number of legislative, administrative and other preventive measures, including the deterrent penal provisions in the Narcotic Drugs and Psychotropic Substances, Act, 1985, have been taken by the Government, the transit traffic in illicit drugs had not been completely eliminated. It was, therefore, felt that a preventive detention law should be enacted with a view to effectively immobilising the traffickers. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 provides for preventive detention in relation to smuggling of drugs and psychotropic substances, but it cannot be invoked to deal with persons engaged in illicit traffic of drugs and psychotropic substances within the country. It was, therefore, felt that a separate legislation should be enacted for preventive detention of persons engaged in any kind of illicit traffic in narcotic drugs and psychotropic substances. Accordingly, the President promulgated the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988 on 4th July, 1988. The Ordinance provided for the following among other things, namely:

(i) The Central Government and the State Governments have been empowered to make orders of detention with respect to any person (including a foreigner) if they are of opinion that it is necessary so to

do with a view to prevent him from committing illicit traffic in narcotic drugs and psychotropic substances. The expression "illicit traffic" has been defined to include cultivation of any coca plant or gathering any portion of coca plants, cultivating the opium poppy or any cannabis plant, or engaging in the production, manufacture, possession, *etc.,* of narcotic or psychotropic substances.

(ii) Any person in respect of whom an order of detention is made under the Ordinance at any time before the 31st July, 1990 may be detained without obtaining the opinion of an Advisory Board for a period not exceeding one year from the date of his detention if the detaining authority is satisfied that such person is engaged, or is likely to engage, in illicit traffic in narcotic drugs and psychotropic substances in any area highly vulnerable to such illicit traffic. The Ordinance also defined the expression "area highly vulnerable to such illicit traffic".

(iii) The Ordinance also specifically provided that an order of detention under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 cannot be issued on any ground on which an order of detention could be made under the Ordinance.

2. The Bill seeks to replace the aforesaid Ordinance.

ACT 46 OF 1988

The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988 was passed by both the Houses of Parliament and was assented by the President on 6th September, 1988. It was deemed to have come into force on the 4th day of July, 1988 as THE PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1988 (46 of 1988).

LIST OF AMENDING ACTS

1. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1990. (26 of 1990).
2. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1993. (53 of 1993)
3. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1996 (16 of 1996).

THE PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1988

(46 of 1988)

[6th September, 1988]

An Act to provide for detention in certain cases for the purpose of preventing illicit traffic in narcotic drugs and psychotropic substances and for matters connected therewith.

WHEREAS illicit traffic in narcotic drugs and psychotropic substances poses a serious threat to the health and welfare of the people and the activities of persons engaged in such illicit traffic have a deleterious effect on the national economy;

AND WHEREAS having regard to the persons by whom and the manner in which such activities are organised and carried on, and having regard to the fact that in certain areas which are highly vulnerable to the illicit traffic in narcotic drugs and psychotropic substances, such activities of a considerable magnitude are clandestinely organised and carried on, it is necessary for the effective prevention of such activities to provide for detention of persons concerned in any manner therewith.

BE it enacted by Parliament, in the Thirty-ninth Year of the Republic of India as follows:

1. **Short title, extent and commencement**.-(l) This Act may be called the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on 4th day of July, 1988.

2. Definitions.-In this Act, unless the context otherwise requires,

(a) "appropriate Government" means, as respects a detention order made by the Central Government or by an officer of the Central Government, or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer of a State Government, or a person detained under such order, the State Government;

(b) "customs airport" means any airport appointed under clause (a) of section 7 of the Customs Act, 1962 (52 of 1962) to be a customs airport;

(c) "detention order" means an order ma

(d) "foreigner" has the same meaning as in the Foreigners Act, 1946 (31 of 1946).;

(e) "illicit traffic", in relation to narcotic drugs and psychotropic substances, means

(i) cultivating any coca plant or gathering any portion of coca plant; (ii) cultivating the opium poppy or any cannabis plant;

(iii) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import inter-State, export inter-State, import into India, export from India or transhipment, of narcotic drugs or psychotropic substances;

(iv) dealing in any activities in narcotic drugs or psychotropic substances other than those provided in sub-clauses (i) to (iii); or

(v) handling or letting any premises for the carrying on of any of the activities referred to in sub-clauses (i) to (iv),

other than those permitted under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) or any rule or order made, or any condition of any licence, term or authorisation issued, thereunder and includes

(1) financing, directly or indirectly, any of the aforementioned activities;

(2) abetting or conspiring in the furtherance of or in support of doing any of the aforementioned activities; and

(3) harbouring persons engaged in any of the aforementioned activities;

(f) "Indian customs waters" has the same meaning as in clause (28) of section 2 of the Customs Act, 1962 (52 of 1962);

(g) "State Government", in relation to a Union territory, means the Administrator thereof;

(h) words and expressions used herein but not defined, and defined in the Nacotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), have the meanings respectively assigned to them in that Act.

COMMENTS

The detaining authority has to satisfy himself that illicit traffic in relation to narcotic drugs and psychotropic substances was other than those permitted under the Narcotic Drugs and Psychotropic Substances Act, 1985 or any rule or order made or any condition of licence, term or authorization issued, irrespective of specific facts more so when the facts disclose direct seizure from the person of the detenu, who had no explanation to offer about the lawful possession of such drug; *Mahar* v. *Secretary to Government of Tamil Nadu,* 1994 Cr LJ 1407 (Mad).

3. Power to make orders detaining certain persons.-(l) The Central Government or a State Government, or any officer of the Central Government, not below the rank of a Joint Secretary to that Government, specially empowered for the purposes of this section by that Government, or any officer of a State Government, not below the rank of a Secretary to that Government, specially empowered for the purposes of this section by that Government, may, if satisfied, with respect to any person (including a foreigner) that, with a view to preventing him from engaging in illicit traffic in narcotic drugs and psychotropic substances, it is necessary so to do, make an order directing that such person be detained.

(2) When any order of detention is made by a State Government or by an officer empowered by a State Government, the State Government shall, within ten days, forward to the Central Government a report in respect of the order.

(3) For the purposes of clause (5) of Article 22 of the Constitution, the communication to a person detained in pursuance of a detention order of the grounds on which the order has been made shall be ma detention, but

ordinarily not later than five days, and in exceptional circumstances and for reasons to be recorded in writing, not later than fifteen days, from the date of detention.

COMMENTS

(i) It is wrong to suggest that any person in age group of 17 or so cannot be a courier engaged in illicit traffic of Narcotic Drugs and Psychotropic Substances; *Parvez Quadar Khan* v. *Union of India,* 1990 Cr LJ 2072 (All).

(ii) The order of detention is illegal when it is passed on the basis of a solitary activity of the detenu; *Parvez Quadar Khan* v. *Union of India,* 1990 Cr LJ 2072 (All).

(iii) The question of prejudice does not arise for non-supply of the documents to detenu where bail application and order thereon was not considered by detaining authority in coming to his subjective satisfaction and impugned order; *Syed Farooq Mohammad* v.

Union of India, 1990 Cr LJ 1622 (sq

(iv) Since the detenue intentionally absconded and evading arrest it cannot be held that delay was not explained and link between grounds of detention had been snapped; *Syed Farooq Mohammad* v. *Union of India,* 1990 Cr LJ 1622 (sq.

(v) The detention is valid when detaining authority is conscious of rejection of bail application of detenu and antecedents showing that detenu amassed huge wealth by drug trafficking within short span; *Smt. Azra Fatima* v. *Union of India,* 1990 Cr LJ 1731 (sq.

(vi) It is settled law that prejudice due to non-supply of documents not referred to or relied upon will have to be established, and if it is not done, it does not in any manner prejudice the detenu for making a representation; *Mahar* v. *Secretary to Government of Tamil Nadu,* 1994 Cr LJ 1407

4. Execution of detention orders.-A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973 (2 of 1974)

5. Power to regulate place and conditions of detention.-Every person in respect of whom a detention order has been made shall be liable

(a) to be detained in such place and under such conditions including conditions as to maintenance, interviews of communication with others, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order specify; and

(b) to be removed from one place of detention to another place of detention, whether within the same State or in another State by order of the appropriate Government:

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

6. Grounds of detention severable.-Where a person has been detained in pursuance of an order of detention under sub-section (1) of section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly

(a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are

(i) vague,

(ii) non-existent,

(iii) not relevant,

(iv) not connected or not proximately connected with such person, or

(v) invalid for any other reason whatsoever,

and it is not therefore possible to hold that the Government or officer making such order would have been satisfied as provided in subsection (1) of section 3 with reference to the remaining ground or grounds and made the order of detention;

(b) the Government or officer making the order of detention shall be deemed to have made the order of detention under the said subsection (1) after being satisfied as provided in that sub-section with reference to the remaining ground or grounds.

7. Detention orders not to be invalid or inoperative on certain grounds.-No detention order shall be invalid or inoperative merely by reason

(a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or the officer making the order of detention; or

(b) that the place of detention of such person is outside the said limits.

8. Powers in relation to absconding persons.-(1) If the appropriate Government has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government may

(a) make a report in writing of the fact to a Metropolitan Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction, he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under clause (b) of sub-section (1) shall be cognizable

9. Advisory Boards.-For the purposes of sub-clause (a) of clause (4) and sub-clause (c) of clause (7) of article 22 of the Constitution, (a) the Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards each of which shall consist of a Chairman and two other persons possessing the qualifications specified in sub-clause (a) of clause (4) of article 22 of the Constitution; (b) save as otherwise provided in section 10, the appropriate Government shall, within five weeks from the date of detention of a person under a detention order, make a reference in respect thereof to the Advisory Board constituted under clause (a) to enable the Advisory Board to make the report under sub-clause (a) of clause (4) of article 22 of the Constitution; (c) the Advisory Board to which a reference is made under clause (b) shall after considering the reference and the materials placed before it and after calling for such further information as it may deem necessary from the appropriate Government or from any person, called for the purpose through the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or if the person concerned desires to be heard in person, after hearing him in person, prepare its report specifying in a separate paragraph thereof its opinion as to whether or not there is sufficient cause for the detention of the person concerned and submit the same within eleven weeks from the date of detention of the person concerned; (d) when there is a difference of opinion among the members

forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board; (e) a person against whom an order of detention has been made under this Act shall not be entitled to appear by any legal practitioner in any matter connected with the reference to the Advisory Board and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential; (f) in every case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit and in every case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith.

COMMENTS

Dual obligation of consideration of the detenu's representation by the Advisory Board and independently by the detaining authority arises irrespective of fact whether representation is addressed to detaining authority or to advisory Board or to both; *Gracy* v. *State of Kerala,* AIR 1991 SC 1090.

10. Cases in which and circumstances under which persons may be detained for periods longer than three months without obtaining, the opinion of Advisory Board.-(1) Notwithstanding anything contained in this Act, any person (including a foreigner) in respect of whom an order of detention is made under this Act at any time before the [1][31st day of July, 1999], may be detained without obtaining, in accordance with the provisions of sub-clause (a) of clause (4) of article 22 of the Constitution, the opinion of an Advisory Board for a period longer than three months but not exceeding six months from the date of his detention, where the order of detention has been made against such person with a view to preventing him from engaging in traffic in narcotic drugs and psychotropic substances, and the Central Government or any officer of the Central Government, not below the rank of an Additional Secretary to that Government, specially empowered for the purposes of this section by that Government, is satisfied that such person engages or is likely to engage in illicit traffic in narcotic drugs and psychotropic substances into, out of, through or within any area highly vulnerable to such illicit traffic and makes a declaration to that effect within five weeks of the detention of such person.

Explanation 1.- In this sub-section, "area highly vulnerable to such illicit traffic" means

(i) the Indian customs waters;

(ii) the customs airports;

(iii) the metropolitan cities of Bombay, Calcutta, Delhi, Madras and the city of Varanasi;

(iv) the inland area one hundred kilometres in width from the coast of India falling within the territories of the States of Andhra Pradesh, Goa, Gujarat, Kamataka, Kerala, Maharashtra, Orissa, Tamil Nadu and West Bengal and the Union territories of Daman and Diu and Pondicherry;

(v) the inland area one hundred kilometres in width from

(a) the India-Pakistan border in the States of Gujarat, Punjab and Rajasthan;

(b) the India-Nepal border in the States of Bihar, Sikkim, Uttar Pradesh and West Bengal;

(c) the India-Burma border in the States of Arunachal Pradesh, Manipur, Mizoram and Nagaland;

(d) the India-Bangladesh border in the States of Assam, Meghalaya, Tripura and West Bengal;

1. Subs. by Act 16 of 1996, sec. 2, for "31st day of July, 1996" (w.e.f. 31-7-1996), which was earlier substituted by Act 53 of 1993, sec. 2, for "31st day of July, 1993" (w.e.f. 30-6

(e) the India-Bhutan border in the States of Arunachal Pradesh, Assam, Sikkim and West Bengal,

(vi) such other area or customs station, as the Central Government may, having regard to the vulnerability of such area or customs station, as the case may be, to illicit traffic, by notification in the Official Gazette, specify in this behalf.

Explanation 2 -For the purposes of *Explanation* I, "customs station" has the same meaning as in clause (13) of section 2 of the Customs Act, 1962 (52 of 1962).

(2) In the case of any person detained under a detention order to which the provisions of sub-section (1) apply, section 9 shall have effect subject to the following modifications, namely:

(i) in clause (b), for the words "shall, within five weeks", the words "shall, within four months and two weeks" shall be substituted;

(ii) in clause (c),

(a) for the words "the detention of the person concerned", the words "the continued detention of the person concerned" shall be substituted; (b) for the words" eleven weeks", the words" five months and three weeks" shall be substituted;

(iii) in clause (f), for the words "for the detention", at both the places where they occur, the words "for the continued detention" shall be substituted.

COMMENTS

(i) The principles of five days and fifteen days as provided in section 3(3) relating to communication of grounds of detention cannot be applied in respect of declaration issued under section 10(1) of the Act; *Azra Fatima* v. *Union of India,* 1990 Cr LJ 1731 (SC).

(ii) Detention is illegal if documents relating to order of rejection of bail and subsequent grant of bail are not supplied to detenu; *P.LI. Abdul Rahiman* v. *Union of India,* AIR 1991 SC 336.

11. Maximum period of detention.-The maximum period for which any person may be detained in pursuance of any detention order to which the provisions of section 10 do not apply and which has been confirmed under clause (f) of section 9 shall be one year from the date of detention, and the maximum period for which any person may be detained in pursuance of any detention order to which the provisions of section 10 apply and which has been confirmed under clause (f) of section 9, read with sub-section (2) of section 10, shall be two years from the date of detention:

Provided that nothing contained in this section shall affect the power of appropriate Government in either case to revoke or modify the detention order at any earlier time.

12. Revocation of detention orders.-(1) Without prejudice to the provisions of section 21 of the General Clauses Act, 1897 (10 of 1897), a detention order may, at any time, be revoked or modified

(a) notwithstanding that the order has been made by an officer of a State Government, by that State Government or by the Central Government; (b) notwithstanding that the order has been made by an officer of the Central Government or by a State Government, by the Central Government.

(2) The revocation of a detention order shall not bar the making of another detention order under section 3 against the same person.

13. Temporary release of persons detained. -(l) The Central Government may, at any time, direct that any person detained in pursuance of a detention order made by

that Government or by an officer subordinate to that Government or by a State Government or by an officer subordinate to a State Government, may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) A State Government may, at any time, direct that any person detained in pursuance of a detention order made by that Government or by an officer subordinate to that Government may be released for any specified period either without conditions or upon such conditions specified in the direction as the person accepts, and may, at any time, cancel his release.

(3) In directing the release of any person under sub-section (1) or sub-section (2), the Government directing the release may require him to enter into a bond with sureties for the due observance of the conditions specified in the direction.

(4) Any person released under sub-section (1) or sub-section (2) shall surrender himself at the time and place, and to the authority, specified in the order directing his release, or cancelling his release, as the case may be.

(5) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (4), he shall be punishable with imprisonment for a term, which may extend to two years, or with fine, or with both.

(6) If any person released under sub-section (1) or sub-section (2) fails to fulfill any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

(7) Notwithstanding anything contained in any other law and save as otherwise provided in this section, no person against whom a detention order made under this Act is in force shall be released whether on bail or bail bond or otherwise.

14. Protection of action taken in good faith.-No suit or other legal proceeding shall lie against the Central Government or a State Government and no suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

15. Amendment of Act 52 of 1974.-In section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, to subsection (I), the following proviso shall be added, namely:

"Provided that no order of detention shall be made on any of the grounds specified in this sub-section on which an order of detention may be made under section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 or under section 3 of the Jammu and Kashmir Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988 J. & K. Ordinance 1 of 1988)."

16. **Repeal and saving.-(**1) The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988 (Ord. 7 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (EXECUTION OF BOND BY CONVICTS OR ADDICTS) RULES, 19851

In exercise of the powers conferred by section 76, *read with sections* 34 *and* 39 *of the Narcotic Drugs and Psychotropic Substances Act,* 1985 (61 *of* 1985), *the Central Government hereby makes the following rules, namely:-*

1. Short title and commencement.-(1) These rules may be called the Narcotic

Drugs and Psychotropic Substances (Execution of Bond by Convicts or Addicts) Rules, 1985.

2. Form of bond to be executed under section 34.-Whenever any person is convicted of an offence punishable under any provision of Chapter IV of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the Act), the form of bond which a court may require him to execute under section 34 of the Act, shall be as in

3. Forms of bonds to be executed under section 39.-(1) When any person addicted to any narcotic drug or psychotropic substance is found guilty of an offence punishable under section 27 of the Act and the court directs that such person be released for undergoing medical treatment on his entering into a bond, the form of such bond shall be as in

(2) When any person released for undergoing medical treatment for retoxification or de-addiction under sub-section (1) of section 39 of the Act is required by the court to enter into a bond before his relase under sub-section (2) of that section, the form of such bond shall be as in

FORM I

(See rule 2)

BOND TO ABSTAIN FROM COMMISSION OF ANY OFFENCE UNDER CHAPTER IV OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

Whereas I, ...(name), son/daughter/wife of .....……, inhabitant of..... (place), have been called upon to enter into a bond to abstain from the commission of any offence under Chapter IV of the Act, for the term of..... I hereby bind myself not .to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to the Government the sum of rupees..... Dated this .....day of ..... 20.....

(Signature)

1. *Vide* 5.0. 912 (E), dated 26th December, 1985, published in the Gazette of India, Extra., Pt. II, Sec. 3 (ii), dated 26th December 1985.

(Where a bond with sureties is required to be executed add)

We do hereby declare ourselves sureties for the above named….....that he/she will abstain from the commission of offences under Chapter IV of the Narcotic Drugs and Psychotropic Substances Act, 1985 during the said term; and in case of his/ her making default therein, we bind ourselves, jointly and severally, to forfeit to the Government the sum of rupees.....

Dated this.....day of ..... 20.....

(Signatures)

FORM **II**

[See rule 3(1)*]*

BOND TO APPEAR BEFORE THE COURT AFTER MEDICAL TREATMENT FOR DE-TOXIFICATION/DE-ADDICTION AND TO ABSTAIN FROM COMMISSION OF ANY OFFENCE UNDER CHAPTER IV OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, ACT, 1985

Whereas I,.....(name), son/daughter/wife of..... , inhabitant of ..... (place), have consented to undergo medical treatment for de-toxification/ de-addiction and have been called upon to enter into a bond to appear before the court before and furnish a report regarding the result of my medical treatment, and in the meantime to abstain from the commission, of any offence under Chapter IV of the Act, I hereby bind myself to do so and, in case of my making default therein, I hereby bind myself to forfeit to the Government the sum of rupees.....

Dated this.....day of ..... 20.....

(Signature)

(Where a bond with sureties is required to be executed, add)

We do hereby declare overselves sureties for the above named..... that he/ she will appear before the court before .....and furnish a report regarding the result of his/her medical treatment and in meantime he/she will abstain from the commission of any offence under Chapter IV of the Narcotic Drugs and Psychotropic Substances Act, 1985 during the said term; and in case of his/her making default therein, we bind ourselves, jointly and severally, to forfeit to the Government the sum of rupees.....

Dated this.....day of ..... 20.....

(Signature)

FORM **III**

[See rule 3(2)]

BOND TO ABSTAIN FROM THE COMMISSION OF ANY OFFENCE UNDER CHAPTER IV OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 FOR A PERIOD TO BE SPECIFIED BY THE COURT AND ON FAILURE SO TO ABSTAIN, TO APPEAR BEFORE THE COURT AND RECEIVE SENTENCE WHEN CALLED UPON DURING SUCH PERIOD

Whereas I, ...(name), son/daughter/wife of ..... , inhabitant of..... (place), have been called upon to enter into a bond to abstain from the commission of any offence under Chapter IV of the Narcotic Drugs and Psychotropic Substances Act, for the term of , and I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby

bind myself to appear before the court and receive sentence when called upon during the said term. In case of my making default therein, I hereby bind myself to forfeit to the Government the sum of rupees.....

Dated this.....day of .....20.....

(Signature)

(Where a bond with sureties is to be executed add)

We do hereby declare ourselves sureties for the above named that he/she will abstain from the commission of offence under Chapter IV of the Narcotic Drugs and Psychotropic Substances Act, 1985, during the said term and on his/her failure so to abstain, he/she will appear before the court and receive sentence when called upon during the said term and in case of his/her making default therein, we bind ourselves jointly and severally to forfeit to the Government the sum of rupees.....

Dated this.....day of .....20.....

(Signature)

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES CONSULTATIVE COMMITTEE RULES, 1988[1]

In exercise of the powers conferred by sub-sections (3) *and* (5) *of section* 6 *of the Narcotic Drugs and Psychotropic Substances Act,* 1985 (61 *of* 1985), *the Central Government hereby makes the following rules, namely:*

CHAPTER I

PRELIMINARY

1. Short title and commencement.-(1) These rules may be called the Narcotic Drugs and Psychotropic Substances Consultative Committee Rules, 1988.

2. Definitions.-In - these rules, unless the context otherwise requires,

(i) "Committee" means the Narcotic Drugs and Psychotropic Substances Consultative Committee;

(ii) "the rules" means the rules fraJ11ed under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(iii) "the Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(iv) "official members" mean members, who are appointed to the Committee by virtue of their official positions under the Central Government;

(v) "non-official members" mean the members other than official members;

(vi) words and expressions used herein and not defined but defined in the Act

and the rules framed thereunder shall have the meanings respectively assigned to them in the Act.

CHAPTER II

GENERAL RULES

3. Appointment of Committee.-(1) The members of the Committee shall be appointed by the Central Government.

(2) No member shall be appointed to the Committee unless he or she is willing to serve on it.

(3) Casual vacancies in the Committee, caused due to resignation or otherwise of non-official members, shall be filled from amongst persons of

1. *Vide* G.S.R. 1151 (E), dated 7th December 1988, published in the Gazette of India, Extra, Pt. II, Sec. 3 (ii), dated 7th December 1988.

eminence possessing expertise and background in the field of drug abuse prevention; but shall, as far as possible, be sponsored by the Ministries concerned of the Government of India.

4. Term of Office of Committee.-(l) The term of official members of the Committee shall be *ex officio.*

(2) The term of non-official members of the Committee shall, unless extended or otherwise, be for a period of three years. The period of extension shall not be for more than a year at a time, subject, however, to a maximum of 2 years.

5. Resignation from Committee.-A member may resign his seat from the Committee by writing under his hand, addressed to the Chairman of the Committee.

6. Chairman of the Committee.-(1) The Minister for Finance or Minister of State in the Ministry of Finance (in-charge of Department of Revenue) shall be the Chairman of the Committee.

(2) If the Chairman is, for any reason, unable to act, the Committee shall choose any other member to act as Chairman for that sitting.

7. Quorum in the Committee.-(1) The quorum to constitute a sitting of the Committee shall be, as near as may be, one-third of the total number of members of the Committee.

(2) If at any time fixed for any sitting of the Committee, or if at any time during any such sitting, there is no quorum, the Chairman of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

8. Sittings of the Committee.-The sittings of the Committee shall be held on such days and at such hour as the Chairman of the Committee may fix.

9. Venue of sittings.-The meeting of the Committee may be held in New Delhi or anywhere in India, as may be decided by the Chairman of the Committee. Unless the Central Government decides to the contrary, the meetings of the Committee shall be held once a year.

10. Discharge of members absent from sittings of Committee.-If a member is absent from two or more consecutive sittings of the Committee, without the permission of the Chairman, a motion may be moved in the Committee for the discharge of such member from the Committee:

Provided that where the members of the Committee are nominated by the Chairman, such member shall be discharged by the Chairman.

11. Filling of vacancies in the Committee.-In the case of any vacancy caused in the Committee due to the absence of any member, being away from India for a long period or permanent settlement therein or in the event of insanity of any member, a motion, as contemplated under rule 10, may be moved by the Committee for the discharge of such member from the Committee. Thereafter, the matter shall be reported to the Central Government, who will take necessary action for the appointment of members to fill such vacancies.

12. Decisions in the Committee.-All questions at any sitting of the Committee shall be determined by a majority of votes of the members present and voting.

13. Casting vote of Chairman.-In the case of an equality of votes on any matter, the Chairman, or the person acting as such, shall have a second or casting vote.

CHAPTER III

RULE OF PROCEDURE AND CONDUCT OF BUSINESS

14. Power to appoint Sub-Committee.-(l) The Committee may appoint Sub-Committees-whether generally or for consideration of any particular matter.

(2) The Sub-Committees, to be appointed for the purpose, shall be as follows:

(a) a Sub-Committee, to be headed by Secretary in the Department of Revenue for looking into the various aspects of enforcement, and (b) a Sub-Committee, to be headed by Secretary in the Ministry of Health and Family Welfare for looking into the various aspects of deaddiction treatment, rehabilitation, social reintegration of drug addicts and other connected matters.

(3) The Sub-Committees mentioned at sub-rule (2) above shall be assisted by the Director-General, Narcotic Control Bureau and the Medical Superintendent Safdarjung Hospital, New Delhi, who shall act as Member-Secretaries of the respective Committees.

(4) The Committee may, if it deems necessary so to do for the efficient discharge of any of its functions, constitute more sub-committees for the purpose, and may appoint to any such sub-committee, any person (including a nonofficial) who is not a member of the Committee.

15. Strangers to withdraw when Committee deliberates.-All persons other than members of the Committee and officers of the Government of India shall withdraw whenever the Committee is deliberating.

16. Adoption of the Agenda and consideration of representations.-(l) The Committee shall consider the Agenda, as may be referred to it, by the Central Government.

(2) It may from time to time consider representations received by it and make appropriate recommendation thereon to the Central Government.

17. Preparation of Agenda.-The Committee may consider and advise the Central Government on the following matters relating to the administration of the Act, namely:

(i) Formulation of a national policy on cultivation of opium poppy, cannabis plant, production of opium and cannabis (hemp) and other narcotic drugs and psychotropic substances;

(ii) Implementation of the International Treaties and Conventions on Narcotic Drugs and Psychotropic Substances including implementation of international strategies and policies which could be finally decided for implemental action by the Central Government in pursuance of the recommendations made by the International Conference on Drug Abuse and Illicit Trafficking held in June, 1987, at the ministerial level, in Vienna;

(iii) formulating a Master Plan on supply reduction and demand reduction strategies including

(a) drug abuse control by social and educational action;

(b) treatment, rehabilitation, etc., of addicts;

(iv) periodic review of the working of the Narcotic Drugs and Psychotropic Substances Act, 1985 and the rules framed thereunder by the Central Government; (v) such other matters relating to administration of the said Act as may be referred to the said Committee by the Central Government from time to time.

18. Record of decisions.-A record of the decisions of the Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman.

19. Report of Sub-Committee.- The order of reference to a Sub-Committee shall clearly state the point or points for investigation. The report of the Sub-Committee shall be considered by the whole Committee.

20. Special Report.- The Committee may, if it thinks fit, makes a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Chairman, notwithstanding that such matter is not directly connected with, or does not fall within or is not incidental to, its terms of reference.

21. Report.-(l) The report of the Committee shall be presented within one month of the date on which reference to the Committee has been made.

(2) Reports may be either preliminary or final.

(3) The report of the Committee shall be signed by the Chairman on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.

(4) The Committee may, if it thinks fit, make available to Government any completed part of its report.

22. Power to make suggestions on procedure.- The Committee shall have power to pass resolution on matters of procedure relating to that Committee.

23. Power of Chairman to give direction.-(l) The Chairman may, from time to time, issue such directions as he may consider necessary for regulation of its procedure and the organisation of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the points to the Committee, whose majority decision shall be final.

24. Unfinished work of Committee.-The Committee, which is unable to complete its work before the stipulated period fixed for its presentation, either due to non-filling of vacancies caused by the resignation or otherwise of nonofficial members, may do so after the new members are inducted into the same.

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CHAPTERIV

REGULATION OF ALLOWANCE FOR MEETINGS

25. Regulation of travelling allowance and daily allowance for Members of Parliament.-(l) In the case of Members of Parliament borne on the Committee, in respect of journeys performed by rail road, air and steamer in connection with the work of the Committee, they will be entitled to travelling allowance on the same scale as is admissible to them under section 4 of the Salaries and Allowances of Members of Parliament Act, 1954.

(2) A Member of Parliament will ordinarily travel by rail utilizing the free first class rail pass issued to him. He may also travel by air at his discretion. Air travel should not, however, be resorted to as a matter of course and in exercising his discretion, the Member should take into account factors like urgency of work, distance to be traveled, time at his disposal, etc.

(3) *For non-official members.-In* the case of other non-official members, normally, a member should travel by first class by rail. In respect of such journeys, he will be treated at par with Government officers of the First Grade and will be entitled to first class rail-fare.

(4) Where, however, the Administrative Ministry considers that a non-official member should travel by ACC they may, at their discretion, allow A.C.C. travel, where this concession is, in their opinion, justified by fulfillment of one or more the following conditions:

(a) When a person is required to travel in air-conditioned accommodation on grounds of health or because of very advanced age and/or infirmity.

(b) Where a person is or was entitled to travel in air-conditioned coach under the rules of the organisation to which he belongs or might have belonged before retirement.

(c) Where the Administrative Ministry is satisfied that A.C.C. travel by rail is the customary mode of travel by the non-official concerned in respect of journeys unconnected with the performance of Government duty.

(5) In respect of journeys by air, air travel should not be permitted as a matter of course. Each case will be examined on merits by the Ministry concerned, and permission for air-travel granted only if it can be certified that air-travel is urgent and necessary in the public interest.

(6) A non-official member, when authorised to travel by air, shall be entitled to travel by Economy (Tourist) class when two classes of accommodation, *i.e.,* First and Economy (Tourist) Class accommodation, are available on the airlines.

(7) In cases where air-travel is authorised, a non-official member will be entitled to one standard air-fare.

(8) Every member is required to purchase return ticket, wherever it is available, when it is expected that the return journey can be performed before the expiry of the period for which the return ticket is available. The mileage allowance for the forward and return journeys when such return ticket is available will, however, be the actual cost of the return ticket.

(9) If in any individual case, a non-official member asks for general permission to travel by air in connection with his duties as a member of particular Committee, the Administrative Ministry may examine the case on merits and grant general permission to the individual concerned to travel by air at his discretion, if they are satisfied that the non-official concerned habitually travels by air on journeys unconnected with the performance of official duty.

(10) In the case of retired Government officers, who at the time of their retirement were drawing a pay of Rs. 5,100 and above and salaried employees of Universities, institutions and autonomous bodies, who draw a pay of Rs. 5,100 and above may be permitted to travel by air by Ministries/Departments in connection with the work of the Committee:

Provided that in the case of those who were/are drawing a pay of Rs. 4,100 to 5,100 may also be permitted to travel by air at their discretion if the journey cannot be performed overnight by train and the distance involved is not less than 500 kms.

26. Payment of daily allowance to Members of Parliament.-(l) When the Parliament or Parliamentary Committee on which a Member is serving is in session, the Members will not be entitled to draw any daily allowance in connection with his assignment on the official Committee as he will be drawing his daily allowance under section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954, from the Parliament Secretariat concerned. However, if he certifies that he was prevented from attending the Session of the House or the Parliamentary Committee, because of his work connected with the Committee and did not draw any daily allowance from the Parliament, he would be entitled to draw daily allowance as indicated above.

(2) When a Member of Parliament appointed to the Committee is allowed free boarding and lodging at the expense of the Central Government or State Government, etc., in which Government funds have been invested or in which Government have any other interest, the payment of Daily Allowance will be regulated under Members of Parliament Travelling Allowance and Daily Allowance Rules, 1957.

(3) A Member of Parliament will also be entitled to daily allowance for two days preceding and two days following the meeting if the Member of Parliament actually stays at the place of the meeting.

(4) Daily allowance to non-official members.-*A* non-official member will be entitled to daily allowance at the highest rate applicable to Central Government employees of the First Grade. The daily allowance shall be calculated in the same manner as applicable to Central Government employees, the entire absence in their cases being reckoned from and to their ordinary place of residence.

(5) In exceptional cases, where the Administrative Ministries concerned aresatisfied that the work on the Committee is of such continuous or responsible nature as to necessitate the non-official devoting far greater time and energy to it than he can be ordinarily expected to spare, the rate of daily allowance for stay at the place of meeting may be increased upto a maximum of Rs. 100 per day. The enhanced rate of daily allowance will be admissible only for actual days of meeting and also the day preceding and / or the day following the meeting if the non-official actually stays at that place on these days.

(6) Daily allowance will be subject to the usual conditions laid down in S.R. 73, as amended from time to time. The Administrative Ministries would, however, be competent to relax the rule in cases where the conditions prescribed in clauses (a) and (b) thereof are satisfied.

(7) When a non-official member, appointed to the Committee, is allowed free boarding and lodging at the expenses of the Central or State Government, etc., in which Government funds have been invested or in which the Government have any other interest, he shall be entitled to one-fourth of daily allowance admissible to him under these rules. If only boarding is allowed free, daily allowance shall be admissible at one-half of the admissible rate. If any lodging is allowed free, daily allowance shall be admissible at three-fourth of the admissible rate.

(8) Conveyance allowance.-Anon-official member, resident at a place where the meeting of the Committee is held, will not be entitled to travelling allowance or daily allowance on the scales indicated above, but will be allowed only the actual cost of conveyance hire, subject to a maximum of Rs. 75 per day. Before the claim is actually paid, the Controlling Officer should verify the claim and satisfy himself, after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed. In cases he is not satisfied with the details, he may, at his discretion, limit the conveyance allowance to road mileage.

(9) If such a member uses his own car, he will be granted mileage allowance at the rates admissible to officials of the First Grade, subject to a maximum of Rs. 75 per day.

THE ILLEGALLY ACQUIRED PROPERTY (RECEIPT, MANAGEMENT AND DISPOSAL) RULES, 1989[1]

In exercise of the powers conferred by section 76of the Narcotic Drugs and Psychotropic Substances Act, *1985* (*61of 1985*), *the Central Government hereby makes the following rules, namely:-*

CHAPTER I

PRELIMINARY

1. Short title and commencement.-(l) These rules may be called the Illegally Acquired Property (Receipt, Management and Disposal) Rules, 1989.

2. Definitions.-In these rules, unless the context otherwise requires,-

(a) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(b) "Administrator" means any officer appointed by the Central Government under sub-section (1) of section 68G of the Act;

(c) "Form" means form a

(d) "Fund" means the National Fund for Control of Drug Abuse, constituted under sub-section (1) of section 7 A of the Act;

(e) "godown" means a godown for storage of property received under sub-section (2) of section 68G of the Act.

CHAPTER II

ASSISTANCE TO THE ADMINISTRATORS

3. Assistance to the Administrators.- The Central Government may provide from time to time such members of staff and other persons as it thinks fit to assist the Administrator in exercise of his powers and performance of duties under these rules.

CHAPTER III

DESIGNATION OF GODOWNS, RECEIPT AND MANAGEMENT OF PROPERTY

4. Designation of godowns.-(l) The Administrator shall designate as many godowns

as may be necessary for the storage of property mentioned in the orders made under sub-section (1) of section 68F or sub-section (3) of section 68-1 of the Act.

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1. *Vide* S.O. 384 (E), dated 29th May, 1989, published in the Gazette of India, Extra, Pt. II, Sec. 3 (ii), dated 29th May, 1989.

(2) The Administrator shall select godowns referred to in sub-rule (1), keeping in view the security of the premises, storage capacity, nature of property and other relevant factors.

(3) Each designated god own shall have a godown keeper and a godown-in-charge to assist the Administrator.

5. Proper accounting of properties.-The Administrator shall, at the time of receiving the properties, ensure proper identification of such property with reference to its particulars mentioned in the order made under sub-section (1) of section 68F or sub-section (3) of section 68-I of the Act, as the case may be.

Form I for recording entries in respect of property other than the properties referred to in rule 7 to be maintained.

Form II for recording entries in respect of property, namely, gold and gold jewellery, diamonds (including rough and uncut diamonds), precious and semiprecious stones other than diamond and wrist watches (hereinafter called 'valuables') to be maintained.

8. Storage of property.-(1) The Administrator shall ensure that the packages containing valuables are kept in the godown in an iron safe and vault, under double lock system, one key remaining with the godown-keeper and the other to be retained by the godown-in-charge.

(2) Where, for any valid reasons, it is found that the packages containing valuables may not be kept in godown, such packages shall be kept in lockers obtained exclusively for this purpose, either with any branch of the Reserve Bank of India or of any nationalized bank.

(4) The packages referred to in sub-rules (1) and (2) shall be stored systematically casewise, serialwise, yearwise and with proper identification marks to facilitate re-check and inspection.

9. Management of land and building.- The Administrator may authorise any officer referred to in section 68T of the Act to take possession of vacant land or building in respect of which

(i) an order of seizure of freezing of such land or building has been made under sub-section (1) of section 68F of the Act; or

(ii) an order for forfeiture of such land or building has been made under sub-section (1) of section 80-1 of the Act.

10. Occupation of land or building.-(1) Where any property in the nature of land or building is in possession of a lessee or a tenant and against such property and order under sub-section (1) of section 68F of the Act has been made, the Administrator may allow the lease or tenant to continue in occupation of such land or building in accordance with such terms and conditions which existed on the date of passing an order under sub-section (1) of section 68F of the Act.

(2) The income derived from such property shall be kept with the Administrator until such time the competent authority declares the property forfeited under sub-section (3) of section 68-I.

(3) Where any property is declared not liable to be forfeited under the Act, the Administrator shall, within reasonable time, return to the person such property and the income derived therefrom after deducting such expenses if any, which were incurred on the maintenance and management of the property.

11. Record of land or building.- The Administrator shall maintain a record of land or building in

Form III.

12. Storage of property other than valuables.-(1) Movable property other than valuables shall be stored in almirahs and racks.

(2) Each almirah and rack shall have a stock-card indicating the case number and full description of the property.

13. Placement of stock-cards.-The godown-in-charge shall ensure that the racks or almirahs or any other thing used for storage of property, display stock-cards indicating the case number and full description of the property stored.

14. Opening and re-sealing of the packages.-(1) Where any package is to be opened for any reason, the same shall be opened in the presence of the owner and the concerned godown-in-charge after obtaining the order of the Administrator.

(2) The packages shall be re-sealed immediately after the purpose, for which such packages were opened, is fulfilled in the presence of the owner and the concerned godown-in-charge.

(3) At the time of re-sealing, the owner, and the concerned godown-in-charge, shall affix their seals.

15. Maintenance of seized/confiscated conveyances.-Conveyances, such as aircrafts, vessels, motor vehicles and any other mode of conveyance shall be properly maintained by the godown-in-charge.

CHAPTER IV

DISPOSAL OF PROPERTY

16. Disposal of livestocks, perishables, etc.-Subject to the sale proceeds being credited to the Fund under section 7 A of the Act, the Administrator shall dispose of the livestock and property which is perishable in nature or prone to decay in the manner as he deems fit.

17. Disposal of valuables.-Subject to the sale proceeds being credited to the Fund under section 7 A of the Act, the Administrator shall dispose of the valuables mentioned below in the following manners, namely:

(1) ***Gold, gold jewellery, silver and silver jewellery***.-Thevaluables, namely, gold, gold jewellery, silver and silver jewellery shall be deposited in the Government of India Mints which shall credit the value of such property to the Central Government.

(2) ***Diamonds***.-Rough and uncut diamonds shall be' sold either by auction or tender to import licence holders against debit of their licences. Cut and polished diamonds shall be sold by auction or tender with the specific condition that such diamonds shall be exported.

(3) *Precious and semi-precious stones other than diamonds*.-(i)Rough and uncut precious and semi-precious stones other than diamonds shall be sold by auction or tender to holders of import licences against debit of their licences in the internal market.

(ii) Cut and polished precious and semi-precious stones, other than diamonds, shall be sold internally, by auction or by tender.

18. Disposal of currency.-(1) Indian and Foreign currency shall be deposited with the Reserve Bank of India or any Nationalised Bank.

(2) The amount so deposited shall be credited to the Fund constituted under this Act.

19. Disposal of the property.-Property other than those mentioned in rules 16 to 18 shall be disposed of by public auction.

20. Disposal of land or building.-Subject to the relevant provisions of any law relating to the acquisition or disposal of immovable property and also subject to the sale proceeds being credited to the Fund under section 7 A of the Act, land or building shall be disposed of by tender or by public auction.

21. Disposal of conveyances.-Conveyances, such as aircrafts, vessels, vehicles and other mode conveyance shall be sold by public auction of or by tender.

22. Furnishing Reports and Returns.- The Administrator shall furnish a quarterly statement to the Narcotics Control Bureau indicating the value of the property received and disposed of and the closing balance of all properties kept in the godowns and banks.

CHAPTER V

MISCELLANEOUS

23. Periodical Reports.- The godown-in-charge shall submit, every month, a report to the Administrator of the property received or disposed of during the period.

24. Periodical inspection.- The Administrator with a view to ensuring safety, security, proper accounting and management of all properties in the godowns, conduct physical inspection and verification with the help of such officers as he thinks fit.

25. Record of receipt and disposal.- The Administrator shal1 maintain a record of receipt and disposal of all properties received and disposed of under these rules. He shall also maintain an account of all income received and expenditure incurred on receipt, management and disposal of such property.

FORM I

(See rule 6)

GODOWN

REGISTER

1. Godown entry S1. No.

2. Narcotic Drugs and Psychotropic Substances Crime No.

3. Description of property in the sealed packages/containers.

4. No. of packages/containers.

5. Quantity (package/containerwise).

6. Name(s) and address(es) of accused.

7. Name with official designation and address of seizing/depositing officer.

8. Facsimile of the seal put on the packages/containers by the seizing officer/ depositing officer.

9. Date and time of deposit.

10. Particulars of exit and re-entry for exhibiting to competent authority /Tribunal. 11. Date and time of removal for disposal.

12. Disposal particulars.

13.Certificate of disposal including price payment particulars and credit to the Fund. 14. Remarks of the Inspecting Officer(s).

FORM II

(See rule 7)

GODOWN REGISTER FOR

VALUABLE*

1. Godown entry Sl. No.
2. Narcotic Drugs and Psychotropic Substances Crime No.
3. Description of the valuables in packages/containers.
4. No of packages/containers (itemwise).
5. Condition of seal at the time of entry.
6. Quantity (package/containerwise).
7. Name(s) and address(es) of accused.
8. Name with official designation and address of seizing/ depositing officer.
9. Facsimile of the seal put on the packages/containers by the seizing/depositing officer.
10. Date and time of deposit.
11. Particulars of exit and re-entry for exhibiting to competent authority/Tribunal.
12. Date and time of removal for disposal.
13. Disposal particulars.
14. Certificate of disposal including price payment particulars and credit to the National Fund for Control of Drug Abuse.
15. Remarks of the Inspecting Officer(s).

*Valuables will include: (1) Precious and semi- precious stones; (2) Gold and articles of gold; (3) Jewellery; (4) Silver and articles of silver; and (5) Watches.

FORM III

(See rule 11) RECORD FOR LAND AND BUILDING

SI. No.	Crime No.	Particulars of the last owner(s)	Location	Description as per Municipal revenue records	Area (in case of land)	Value	Annual income	Remarks
1	2	3	4	5	6	7	8	9

THE APPELLATE TRIBUNAL FOR FORFEITED PROPERTY (PROCEDURE) RULES, 1989[1]

In exercise of the powers conferred by sub-section (5)of section 68-0of the Narcotic Drugs and Psychotropic Substances Act, 1985(61of 1985), *the Appellate Tribunal for Forfeited Property hereby makes the following rules, namely:-*

1. Short title and commencement.-(l) These rules may be called the Appellate Tribunal for Forfeited Property (Procedure) Rules, 1989.

(2) They shall come into force at once.

2. Definitions.-In these rules, unless the context otherwise requires,

(a) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(b) "appeal" means an appeal filed under sub-section (1) of section 68 O;

(c) "appellant" means a person who, being aggrieved by an order made by the competent authority, prefers an appeal to the Tribunal and includes the authorised representative of the appellant;

(d) "authorised representative" means-

(i) in relation to an appellant,-

(A) any person being a relative of the appellant and authorised in writing by the appellant to attend before the Tribunal; or

(B) a legal practitioner entitled to practice in any civil court in India, who is authorised in writing by the appellant to attend before the Tribunal; or

(C) an accountant, being a member of the Institute of Chartered Accountants of India constituted under section 3 of the Chartered Accountants Act, 1949 (38 of 1949) or the Institute of Cost and Works Accountants of India constituted under section 3 of the Cost and Works Accountants Act, 1959 (23 of 1959), who is authorised in writing by the appellant to attend before the Tribunal; or

(ii) in relation to a competent authority who is a party to any proceedings before the Tribunal,

(A) a Law Officer of the Central Government;

(B) a Government Pleader or Standing Counsel to the Central Government by whatever name called;

(C) any officer of the Central Government notified in this behalf by the Central Government by notification in the Official Gazette;

1. *Vide* S.O. 70 (E), dated 22nd January, 1990, published in the Gazette of India, Extra, Pt. II, Sec. 3 (ii), dated 22nd January, 1990.

(D) any legal practitioner or officer of the Central Government authorised in this behalf by the Central Government or the competent authority;

(E) any other legal practitioner or officer of the Central Government acting on behalf of th ed;

(e) "Bench" means a Bench of the Tribunal constituted under sub- section (3) or (4) of section 68-0;

(f) "Chairman" means the Chairman of the Tribunal; (g) "competent authority" means a competent authority as defined in sub-section (1) of section 68D; (h) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person treated by the Tribunal as representing the deceased person in the proceedings pending before the Tribunal;

(i) "member" means member of the Tribunal and includes the Chairman;

(j) "party" in relation to an appeal means an appellant or the respondent, and the expression "parties" shall be construed to mean the appellant and the respondent;

(k) "Registrar" means the Registrar of the Tribunal and includes such other officer who is authorised by the Chairman to perform the functions of the Registrar; (l) "ection" means a section of the Act;

(m) "Tribunal" means the Appellate Tribunal for Forfeited Property, constituted by the Central Government under sub-section (1) of section 68N.

3. Language of the Tribunal.-(l) The pleadings before the Tribunal may, at the option of the respective parties, be in English or in Hindi.

(2) All orders and other proceedings of the Tribunal may, at the option of the Tribunal, be in English or in Hindi.

4. Headquarters of the Tribunal, etc.-(l) The Headquarters of the Tribunal shall be at New Delhi.

(2) Appeals and petitions may be heard at the Headquarters or at the discretion of the Chairman, at Bombay, Madras, Calcutta, Allahabad or any other place.

(3) The office of the Tribunal shall observe such public and other holidays as are observed by the offices of the Central Government.

5. Procedure for filing appeals and petitions.-(l) Any person aggrieved by an order of the competent authority made under section 68F, section 68-1, subsection (1) of section *68K* or section 68L may prefer an appeal to the Tribunal; and every memorandum of appeal shall be in the form annexed to these rules.

(2) A memorandum of appeal shall be in English or in Hindi and shall set forth concisely and under distinct heads the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively.

(3) Every memorandum of appeal or petition shall be in quadruplicate; and in the case of a memorandum of appeal it shall be accompanied by four copies of the order appealed against, one of which shall be either a certified copy of such order or the order served on the appellant.

(4) The address given at serial number 5 of the form appended to these rules as referred to in sub-rule (1) shall be called the "registered address" of the appellant and shall until duly changed by an application to the Tribunal be deemed to be the address of the appellant for the purpose of the service of all notices, processes and other communications in the appeal and other connected proceedings till the final determination of the appeal and a period of three months thereafter.

(5) In every appeal, the competent authority, which passed the order appealed against, shall be impleaded as one of the respondents.

(6) A memorandum of appeal shall be presented by the appellant in person, or when there are more appellants than one by any of them, or by his authorised representative, to the registrar or such other officer as may be authorised in this behalf by the Chairman, or may be sent by registered post addressed to the Registrar.

Explanation.-Inthis sub-rule, the expression "authorised representative" shall include any person in the employment or a legal practitioner or an accountant who is authorised to appear on behalf of the appellant.

(7) When a memorandum of appeal is sent by registered post, the date of receipt of the said memorandum at the office of the Tribunal shall be the date of filing of the appeal and the Registrar shall on every memorandum of appeal, endorse the date on which it is presented or received at the office of the Tribunal and shall sign the endorsement.

(8) When an appeal is presented after the expiry of forty-five days of the receipt of the order served upon the appellant but not after sixty days, it shall be accompanied by an application, supported by an affidavit, setting forth the facts on which the appellant relies to satisfy the Tribunal that he had sufficient cause for not preferring the appeal within forty-five days.

(9) Every petition presented to the Tribunal, including a petition for stay, other than petitions of a formal or routine character, shall be accompanied by an affidavit as also four copies of such documents as are relied upon in support of the petition.

6. Procedure for registration of appeals.-(1) Every memorandum of appeal filed within forty-five days of service of the order of the competent authority, being in the form annexed to these rules and otherwise in order, shall be registered in a book kept for the purpose called the Register of Appeals and the Registrar shall intimate the appellant or his authorised representative accordingly.

(2) If a memorandum of appeal filed under sub-rule (1) is defective, but the defects are minor or technical in character, the Registrar may register the appeal provisionally and call upon the appellant to remove the defects within such time as may be specified and upon the defects being removed within such specified

time, the registration shall cease to be provisional and the appeal shall be deemed to have been regularly registered under sub-rule (1).

(3) When a memorandum of appeal is presented after the expiry of forty-five days but within a period of sixty days after the date of service of the order of the competent authority, and is otherwise in order, and is accompanied by a petition for condition of delay, it shall be numbered and registered provisionally subject to the delay being condoned by the Tribunal. Notice of the application for condonation of delay may be given to the respondent, and after hearing the parties; the Tribunal may condone the delay on being satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. The registration of the appeal shall then cease to be provisional and the appeal dealt with as though it has been registered under sub-rule (1).

(4) When the memorandum of appeal is presented after the expiry of forty-five days but within a period of sixty days after the date of service of the order of the competent authority, and is not accompanied by a petition for condonation of delay, the Registrar may register the appeal provisionally and call upon the appellant to file a petition for condonation of delay within such time, as may be specified, and in the event of such a petition being received, it shall be treated as having been received along with the memorandum of appeal and the appeal dealt within the manner prescribed in sub-rule (3).

(5) When the defects are not removed or a petition for condonation of delay is not filed within the time specified in that behalf, the matter shall be placed before the Tribunal for its orders.

(6) Where a memorandum of appeal is defective in material particulars, the Registrar may return the memorandum of appeal specifying the defects to the appellant, or may intimate in writing those defects. On receipt of the memorandum of appeal from the Registrar the appellant may within thirty days of its receipt re-submit the memorandum of appeal with defects duly removed or in case of the memorandum of appeal having not been returned to him a timated may

appear himself or through Counsel before the Registrar and remove those defects within thirty days. The memorandum of appeal submitted thereafter if found in order may be registered.

(7) When a memorandum of appeal on the face of it appears to have been filed more than sixty days after the date of service of the order of the competent authority on the appellant, the appeal shall not be registered but the appellant shall be called upon by the Registrar to show cause why the appeal should not be dismissed as being out of time.

(8) Every petition for condonation of delay and every memorandum of appeal filed out of time shall be placed before the Chairman who may direct the petition/ appeal to be posted before the Tribunal for its orders.

7. Procedure after registration of appeal.-(l) After an appeal is registered one copy of the memorandum of appeal and annexures thereto shall be served, as soon as possible, on the competent authority either by registered post acknowledgement due, or through a messenger and the parties shall be called upon to file their paper-books within a period of thirty days from the date of receipt of the notice or such further time as may be allowed.

(2) Each party shall file four copies of his paper-book which shall-

(i) be legibly typed or otherwise reproduced by mechanical means;

(ii) contain all documents upon which the party proposes to rely during the course of hearing;

(iii) contain only such documents and material as have been referred, produced or relied upon, before the competent authority;

(iv) have pages number serially; and

(v) contain a full index or table of contents.

(3) If the paper-book referred to in sub-rule (2) contain any document in a language other than English or Hindi a true translation thereof in English or Hindi shall be added.

(4) The parties shall be informed of the date and place of hearing of the appeal either by registered post acknowledgement due or by notice served on them through messenger:

Provided that where the parties or their authorised representatives are present before the Tribunal, it may inform them orally of the date and place of hearing of the appeal.

(5) Any petition for summoning witnesses or documents filed by a party may be heard, if necessary, after giving notice to the other party.

(6) Every requisition, direction, letter, authorisation or written notice to be issued by the Tribunal shall be signed by the Registrar and shall be sent by registered post acknowledgement due or through a messenger.

8. Joint hearing and disposal of appeals.- The Tribunal may, whenever it considers necessary or expedient to do so, hear one or more appeals together and dispose of them by a common order.

9. Grounds which may be taken in appeal.- The appellant shall not, except with the leave of the Tribunal, urge or be heard in support of, any ground not set forth in the memorandum of appeal but the Tribunal, in deciding the appeal shall not be confined to the grounds set forth in the memorandum of appeal or taken with the leave of the Tribunal under this rule:

Provided that the Tribunal shall not rest its decision on any ground other than the grounds set forth in the memorandum of appeal unless the party which may be affected thereby has had a reasonable opportunity of being heard on that ground.

10. Adjournment.- The Tribunal may adjourn the hearing of any case to any other date and inform the parties or their authorised representatives appearing on their behalf of the next date and place of hearing of the case.

11. Dismissal of appeal for appellant's default.-Where on the day fixed for hearing or on any other day to which the hearing may be a uthorised

representative does not appear when the appeal is called on for hearing, the Tribunal may either dismiss the appeal for default or proceed *ex parte:*
Provided that where the appeal has been dismissed for default or proceeded with *ex parte* and the appellant appears thereafter and satisfies the Tribunal that

there was sufficient cause for his non-appearance when the appeal was called on for hearing, the Tribunal shall, after giving notice to the respondent, make an order setting aside the dismissal order or the *ex parte* proceedings and restoring the appeal to its original number.

12. Effect of death, insolvency, etc., on appeal.-(l) An appeal shall not abate by reason only of the death of an appellant or on his adjudication as an insolvent.

(2) The Tribunal may on an application made in this behalf by a legal representative of a deceased appellant make him a party and proceed with the appeal.

(3) When no application is made within ninety days of the death of an appellant or within such further time as the Tribunal may allow for bringing his legal representative on record, the appeal shall abate.

(4) On the insolvency of an appellant, the appeal may be continued by the assignee or the receiver for the benefit of creditors and if the assignee or the receiver fails to continue the appeal, the Tribunal may on its own motion or on an application by the respondent, dismiss the appeal.

13. Remand of case by the Tribunal.-(l) The Tribunal may, whenever it considers it necessary, set aside an order of the competent authority and remand the case to the competent authority for fresh determination in the light of such directions as it may give.

(2) The Tribunal may if it considers necessary at any stage of the proceedings call for a report or finding from the competent authority on such matters as it may specify.

(3) A copy of any such report or finding referred to under sub-rule (2) shall be furnished to the parties and they shall be heard thereon before the Tribunal pronounces final orders.

14. Production of additional evidence before the Tribunal.-(1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, before the Tribunal, where-

(a) the competent authority from whose order the appeal is preferred has refused to admit evidence which ought to have been admitted,

or

(b) the party seeking to produce additional evidence, establishes that notwithstanding the exercise of due diligence, such evidence was not within his knowledge or could not, after the exercise of due diligence, be produced by him at the time when the order appealed against was passed,

or

(c) the Tribunal requires any document to be produced or any witnesses to be examined to enable it to pronounce orders, or for any other substantial cause,

or

(d) the Tribunal is satisfied that the competent authority has decided the case without giving a reasonable opportunity to the appellant to adduce evidence on any point,

it may allow such evidence or document to be produced, or witness to be examined.

(2) Wherever additional evidence is allowed to be produced by the Tribunal, it shall record the reason for its admission.

15. Hearing of appeals.- The place in which the Tribunal sits for the purpose of hearing appeals shall be deemed to be an open court, to which the public generally may have access so far as the same can conveniently contain them:

Provided that the Tribunal may, if it thinks fit, order at any stage of the hearing of an appeal, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Tribunal.

16. Pronouncement of order.-After the hearing is over, the Tribunal may pronounce its order forthwith, or it may reserve its order and if the orders are reserved, the Tribunal may at any time before final orders are pronounced either on its own motion or on the application of a party order that the appeal or petition be re-heard.

17. Order to be communicated to parties.-Every order of the Tribunal shall be in writing and a copy of every final order of the Tribunal certified as a true copy by the Registrar shall be supplied free of cost to the parties as early as possible.

18. Signing of orders.-(l) Where the decision of the Tribunal is unanimous, a common order shall be signed by all the Members of the Tribunal.

(2) A Member who does not concur with the decision of the majority may deliver a dissenting order.

(3) Where there is a difference of opinion, the decision shall be in accordance with the decision of the majority of Members of the Tribunal.

(4) The decision of the majority shall be reduced to writing and signed by all the members including the dissenting member.

19. Publication of orders.-Such of the orders of the Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Tribunal may lay down.

20. Orders and directions in certain cases.-Notwithstanding anything contained in these rules, the Tribunal may make such orders or gives such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

FORM

(See rules 5 and 6)

BEFORE THE APPELLATE TRIBUNAL FOR FORFEITED PROPERTY, NEW DELHI

MEMORANDUM OF APPEAL

Section 68-0 (1) of the Narcotic Drugs and Psychotropic Substances Act, 1985

(61 of 1985)

F.P.A. No./M.P. No.....of..... 20.....
To be filled up by the office of the Appellate Tribunal.

IN THE MATTER OF

Shri/Smt

.....,Appellant;

Vs.

(i) The Competent Authority, New Delhi/*Bombay /Calcutta/Madras/ Allahabad

Respondent (ii) Other respondents, if any.....

1. Authority passing the order appealed against:

Comptent Authority, New Delhi/Bombay /Calcutta/Madras/ Allahabad*.

2. Date of the order.

3. Date of service of the order.

4. Specify whether a hearing in person or through an authorised representative is desired.

5. Registered address of the appellant (including telephone No., if any, for the service of all notices, processes and communications).

6. Address of the Respondent:

(i) The Competent Authority, New Delhi/Bombay /Calcutta/Madras/ Allahabad.

(ii) Other respondents, if any.

7. Section or sub-section of the section of Narcotic Drugs and Psychotropic Substances Act, 1985 under which the Competent Authority passed the order and which is appealed against: 8. Relief claimed:

(i) Specify whether the entire order is disputed:

(ii) If only certain items of properties are disputed, enumerate them in an annexure:

9. Ground of appeal (Annex a separate sheet if space is not sufficient).

.....

(Signature of Appellant)

.....

Signature of Authorised Representative, if any.

Verification

I, ... ,the appellant/authorised representative of the appellant, do hereby declare that what is stated above is true to the best of my knowledge, information and belief.

Verified today the..... day of.....,20.....

Place.....

Date.....

.....

(Signature of the appellant or his authorised representative) *Strike out whatever is inapplicable.

Notes.-(l) The memorandum of appeal should be filed in quadruplicate accompanied by four copies of orders appealed against (one of which shall be a certified copy of the order appealed against or the original copy of it served on the appellant). Any enclosure will also be in quadruplicate.

(2) The memorandum of appeal should be written in English or in Hindi and should set forth concisely and under distinct heads the grounds of appeal and should be without any argument or narrative and such grounds should be numbered consecutively.

(3) It is enough if the memorandum of appeal is signed either by the appellant or the authorised representative. Where the authorised representative signs it, it should be accompanied by an authorisation of the appellant in his favour.

(4) For further details *see* the Appellate Tribunal for Forfeited Property (Procedure) Rules, 1989 notified under sub-section (5) of section 68-0 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

THE APPELLATE TRIBUNAL FOR FORFEITED PROPERTY (CONDITIONS OF SERVICE OF CHAIRMAN AND MEMBERS) RULES, 1989[1]

In exercise of the powers conferred by section 76 *of the Narcotic Drugs and Psychotropic Substances Act,* 1985 (61 *of 1985*),*the Central Government hereby makes the following rules to provide for terms and conditions of service of the Chairman and other Members of the Appellate Tribunal for Forfeited Property constituted under section 68N of the Act, namely:*

1. Short title and commencement.-(l) These rules may be called the Appellate Tribunal for Forfeited Property (Conditions of Service of Chairman and Members) Rules, 1989.

2. Definitions.-In these rules, unless the context otherwise requires,-

(a) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), as amended by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988 (2 of 1989);

(b) "Chairman" means the Chairman of the Tribunal;

(c) "Tribunal" means the Appellate Tribunal constituted under sub section (1) of section 68N of the Act;

(d) "member" means a member of the Tribunal.

3. Remuneration, allowances, etc., of the Chairman.-(l) A Judge of the Supreme Court or of High Court appointed as Chairman shall be entitled to a monthly salary at the same rate as is admissible to him as a Judge of the Supreme Court or of a High Court, as the case may be. He shall be entitled to such allowances and other benefits as are admissible to a Judge of the Supreme Court or of a High Court, as the case may be.

(2) Where the Chairman retires from services as Judge of the Supreme Court or of a High Court during the term of office of such Chairman or a retired Judge of the Supreme Court or of a High Court is appointed as such, he shall be paid for the period he serves as Chairman, such salary, which, together with his pension and pension equivalent of any other form of retirement benefits shall not exceed the last pay drawn by him before retirement. He shall be entitled to such allowances and other benefits as are admissible to a serving Judge of the Supreme Court or High Court, as the case may be.

(3) A person not being serving Judge or a retired Judge of the Supreme Court or of a High Court appointed as Chairman shall be paid a salary of Rs. 8,000 per mensem and shall be entitled to draw such allowances as are admissible to a Government officer of equivalent pay:

1. *Vide S*.O. 387 (E), dated 29th May, 1989, published in the Gazette of India, Extra. Pt. II, Sec. 3 (ii), dated 29th May, 1989.

Provided that if such a person at the time of his appointment as Chairman is in receipt of a pension in respect of his previous service under the Government or any local body / authority owned or controlled by the Government, such salary shall be reduced by the amount of pension and pension equivalent of any other form of retirement benefits.

4. Remuneration, allowances, etc., of members.-A person appointed as member shall be paid a salary of Rs. 7,600 per mensem and shall be entitled to draw such allowances, admissible to a Government officer of equivalent pay:

Provided that if such a person, at the time of his appointment as member is in receipt of a pension in respect of any previous service under the Government or any local body/authority owned or controlled by Government, such salary shall be reduced by the amount of pension and pension equivalent of any other form of retirement benefits.

5. Retirement during the term of member.-Where a member retired from service under the Government or any local body/authority owned or controlled by the Government during the term of office as such member, his salary for the period he serves as members after such retirement shall be reduced by the amount of pension and pension equivalent of any other form of retirement benefits.

6. Travelling allowances.-(l)(i) If the Chairman is a serving Judge of the Supreme Court or of a High Court he shall be entitled to draw travelling allowance at the rates as are admissible to a Judge of the Supreme Court or of a High Court under the Supreme Court Judges (Travelling Allowances) Rules, 1959 or, as the case may be, the High Court Judges (Travelling Allowances) Rules, 1956 in respect of journeys performed by him in connection with the work of the Tribunal.

(ii) If the Chairman is a retired Judge of the Supreme Court or of a High Court, he shall be entitled to draw travelling allowance or daily allowance according to his entitlement at the rates in force at the time of his re-employment in respect of journeys performed by him in connection with the work of the

Tribunal:

Provided that the retired Judge of the Supreme Court or of a High Court shall not be entitled to the benefit of higher daily allowance admissible to a serving Judge of the Supreme Court or of a High Court, as the case may be, for performing functions outside his normal duties in localities away from his headquarters:

(2) The Chairman, not being a Judge or a retired Judge of the Supreme Court or of a High Court, or any member, shall be entitled to draw travelling allowance in respect of journey performed by him in connection with the work of the Tribunal at the same rates as are admissible to a Central Government officer of equivalent pay.

7. Leave.-(l) Where the Chairman is a serving Judge of the Supreme Court or of a High Court, he shall be entitled to such leave as may be admissible to him under the Supreme Court Judges (Conditions of Service) Act, 1958, or as the case may be, the High Court Judges (Conditions of Service) Act, 1954. The serving Judge of the Supreme Court or of a High Court retiring during the tenure of

appointment as Chairman, he would be governed by Central Civil Services (Leave) Rules, 1972, with effect from his date of retirement from service.

(2) Where the Chairman is a retired Judge of the Supreme Court or of a High Court, he shall be entitled to such leave as is admissible to an officer of the Government under the Central Civil Services (Leave) Rules, 1972.

(3) A person appointed as a member shall be entitled to such leave as is admissible to an officer of the Government under the Central Civil Service (Leave) Rules, 1972:

Provided that where a person to whom the Central Civil Services (Leave) Rules, 1972 are not applicable, is appointed as the Chairman or a Member, he shall be eligible for the grant of leave under the rules applicable to him before such appointment.

8. Vacation.-(l) Where the Chairman is a serving Judge, he shall be entitled to vacation in accordance with the Supreme Court Judges (Conditions of Service) Act, 1958 or as the case may be, the High Court Judges (Conditions of Service)Act, 1954.

(2) The Chairman, who is not a serving Judge of the Supreme Court or of a High Court and a member shall not be entitled to vacation.

9. Accommodation.-(l) A serving Judge or a retired Judge of the Supreme Court or of a High Court, who is appointed as Chairman, shall be entitled without payment of rent, to the use of an official residence in accordance with the Supreme Court Judges (Conditions of Service) Act, 1958, or as the case may be, the High Court Judges (Conditions of Service) Act, 1954:

Provided that where a retired Judge of the Supreme Court or of a High Court, is not provided residence in accordance with this sub-rule, house rent allowance at the rate of 12.5% of pay shall be payable to such retired Judge of the Supreme Court or of a High Court.

(2) The Chairman, who is not a serving Judge or a retired Judge of the Supreme Court or of a High Court, and a Member shall be entitled to Government accommodation on payment of prescribed rent as admissible to a
Central Government officer of equivalent pay.

10. Medical attendance.-(l)(i) A serving Judge of the Supreme Court or of a High Court shall be entitled to medical attendance in accordance with the Supreme Court Judges (Conditions of Service) Act, 1958, or as the case may be, the High Court Judges (Conditions of Service) Act, 1954.

(ii) A retired Judge of the Supreme Court or of a High Court appointed as Chairman shall be entitled to medical facilities as available under the Central Government Health Scheme or where the Central Government Health Scheme is not available, he shall be entitled to medical facilities as available to Cabinet Ministers.

(2) The Chairman, who is not a serving Judge of the Supreme Court or of a High Court and a Member of the Tribunal shall be entitled to medical facilities admissible to a Central Government officer of equivalent pay.

11. Tenure.-(l) (a) Where a serving Judge of the Supreme Court or of a High Court is appointed as Chairman, he shall hold office as Chairman for a

period of three years or till he attains the age of sixty-five years or sixty-two years, as the case may be, whichever happens earlier:

Provided that where a retired Judge of the Supreme Court or of a High Court is appointed or re-appointed as Chairman, beyond the age of sixty-five or sixty-two years, as the case may be, he shall hold office as Chairman for such period not exceeding three years, as may be determined by the Central Government at the time of appointment or re-appointment.

(b) Where a person not falling under clause (a) is appointed as Chairman, he shall hold office for a period of three years, or till he attains the age of sixty-five years, whichever happens earlier and shall not be eligible for re-appointment.

(c) Notwithstanding anything contained in clause (b) where a person appointed as Chairman is due to retire on attaining the age of superannuation under the relevant rules applicable to him within a period of one year after completion of the period of three years referred to in that clause, such person shall continue to hold office as Chairman till the date of his superannuation under the said rules.

(2) A person appointed as member shall hold office till he attains the age of 60 years.

llA. Contributions of General Provident Fund and Contributory Provident Fund.-(a) The Chairman and members shall be entitled to make contributions towards General Provident Fund Account under the General Provident Fund (Central Services) Rules, 1960 in the same manner as any other Central Government servant.

(b) Such of the Chairman and members, as are re-employed after retirement from Government service, shall be entitled to contribute towards the Contributory Provident Fund Account under the Contributory Provident Fund Rules (India), 1962 subject to such conditions as are applicable to re-employed Central Government servants.

12. Oath of office.-Every person appointed as the Chairman or as a member, not already in Government service shall, before entering upon office, make and subscribe to an oath of office before an officer of the Central Government not below the rank of Additional Secretary in the form appended to these rules.

13. Terms and conditions of service of Chairman and members who are Chairman and member of the Appellate Tribunal for Forfeited Property constituted underSAFEMFOPA.-The Chairman or a member of the Tribunal shall not be entitled for any salary, remuneration, allowance or any other benefits to which the Chairman or member is entitled under these rules, if the Chairman or member is a sitting Chairman or member, as the case may be, of the Appellate Tribunal for Forfeited Property constituted under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (hereinafter referred to as ″SAFEMFOPA")and the terms of office of such Chairman or member shall be co-terminus with the terms of office of the Chairman or member, as the case may be, of the Appellate Tribunal for Forfeited Property constituted under SAFEMFOPA.

14. Saving.-In respect of any matter not covered by these rules, the Chairman and a member shall be governed by such rules or orders, as may be applicable to a Central Government officer of equivalent pay.

15. Interpretation.-If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government, who shall decide the same.

FORM

(See rule 12)

OATH OF OFFICE

I .....,do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India, as by law established, that I will uphold the sovereignty and integrity of India and that I will carry out duties of my office loyally, honestly and with impartiality. So help me God.

Signature;
Chairman/Member
Appellate Tribunal for Forfeited
Property
Officer before whom the oath was
taken.

THE APPELLATE TRIBUNAL FOR FORFEITED PROPERTY (FEES) RULES, 1989[1]

In exerciseof the powers conferred by section 76 *of the Narcotic Drugs and Psychotropic Substances Act,* 1985 (61 *of* 1985) *the Central Government hereby makes the following rules, namely:*

1. Short title and commencement.-(l) These rules may be called the Appellate Tribunal for Forfeited Property (Fees) Rules, 1989.

2. Scale of fees for inspection of records and registers of the Appellate Tribunal.- *(*l) The fees which shall be paid for the inspection of the records and registers of the Appellate Tribunal shall be the following, namely:-

	(a) for the first hour of inspection or part thereof:	1
Rupee _	(b) for every additional hour of inspection or part thereof:	50
Paise		

(2) Fees for the said inspection shall be paid in cash.

3. Scale of fees for obtaining certified copies of records and registers of the Appellate Tribunal.-(l) Copying fees for supply of copies shall be rupees two per page or part thereof.

(2) Copying fees for supply of photostat copies shall, however, be the actual expenses incurred by the Appellate Tribunal for such copies.

(3) A fee of two rupees shall be levied for authenticating a copy to be a true copy.

(4) Copying fees shall be recovered in advance in cash.

(5) Where a party applies for immediate delivery of a copy of evidence taken down by a Stenographer, the fee chargeable shall be 2 1/2 times of those specified by sub-rule (1), in such case, fifty per cent of the fees specified by sub-rule (1) shall be paid to the Stenographer.

(6) When a copy is sent by post, the applicant shall also be charged with the actual postal charges which shall be recovered in advance in cash.

4. Saving.-Nothing in these rules shall enable any person to inspect or to obtain a copy of any register or document to which he is not otherwise entitled by or under any law or order of the Appellate Tribunal.

1. *Vide S*.0. 387 (E), dated 29th May, 1989, published in the Gazette of India, Extra., Pt. II, Sec. 3 (ii), dated 29th May, 1989.

NOTIFICATION APPOINTING DATE OF ENFORCEMENT OF ACT 9 OF 2001[1]

In exercise of the powers conferred by sub-section (2) of section 1 of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 (9 of 2001), the Central Government hereby appoints the 2nd day of October, 2001 as the date on which the said Act shall come into force in the whole of India.

Application of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 to the Pending Cases

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ACT, 2001

(9 of 2001)

(Relevant Extracts)

41. Application of this Act to pending cases.-(1) Notwithstanding anything contained in sub-section (2) of section 1, all cases pending before the courts or under investigation at the commencement of this Act shall be disposed of in accordance with the provisions of the principal Act as amended by this Act and accordingly, any person found guilty of any offence punishable under the principal Act, as it stood immediately before such commencement, shall be liable for a punishment which is lesser than the punishment for which he is otherwise liable at the date of the commission of such offence:

Provided that nothing in this section shall apply to cases pending in appeal.

(2) For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence, which would not have been so punishable if this Act has not come into force.

1. *Vide* S.O. 957(E), dated 27th September 2001, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 27th September, 2001.

NOTIFICATION SPECIFYING SMALL QUANTITY AND COMMERCIAL QUANTITY

142 *In exercise of the powers conferred* by *clauses (viia) and (xxiiia) of section* 2 *of the Narcotic Drugs and Psychotropic Substances Act,* 1985 (61 *of* 1985) *and* in *supersession of Ministry of Finance, Department of Revenue Notification S.O.* 527 (E) *dated 16th July,* 1996, *except as respects things done* or *omitted to* be *done before such supersession, the Central Government hereby specifies the quantity mentioned* in *columns* 5 *and* 6 *of the Table below,* in *relation to the narcotic drug* or *psychotropic substance mentioned* in *the corresponding entry* in *columns* 2 *to* 4 *of the said Table, as the small quantity and commercial quantity respectively for* the *purposes of the said clauses of* that *section.*

TABLE

[See sub-clause vii (a) and xxiii (a) *of* section 2 *of* the Act]

SI No.	Name *of* Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	Other non-proprietary name	Chemical Name	Small Quanti-ity (in gm.)	Commercial Quantity (in gm./kg.)
1.	2.	3	4	5	6
1.	Acetorphine		3-O-acetyltetrahydro- 7 -alpha-(l- hydroxy -1-	2	*50* gm.
2.	Acetyl-alpha- methylfentanyl		methylbutyl)-6, 14-endoetheno-oripavine	0.005	0.1 gm.
3.	Acetyldihydrocodeine		N - [1-(alpha-methyl phenethyl)-4- piperidyl] acetanilide	5	*100* gm.
4.	Acetylmethadol		Acetyldihydrocodeine	2	50 gm.
5.	Alfentanil		3-acetoxy -6-dimethy lamino-4, 4-diphenylheptane	0.005	0.1 gm.
			N-[l-[2-(4-ethyl-4, 5-dihydro-5-oxo-l H-tetrazol-1-yl) ethyl]-4-(methoxymethyl)-4- piperidinyl] –N-		
6.	Allyprodine		phenylpropanamide	2	*50* gm.
7.	Alphacetylmethadol		3-allyl-Imethyl-4- phenyl-4- propionoxypiperidine	5	*100* gm.
8.	Alphameprodine		Alpha - 3-acetoxy -6-dimethylamin0-4, 4-diphenylheptane	2	*50* gm.
9.	Alphamethadol Alpha-		Alpha - 3-ethyl-I- methyl-4- phenyl-4-propionoxypiperidine	2	50 gm.
10.	methylfentanyl		methylamino-4, 4-diphenyl-3-heptanol	0.005	0.1 gm.

11.	Alpha-methylthiofentanyl		N - [1 (alpha- methylphenethyl)-4- pieridyl]propionanilide	0.005	0.1 gm.
12.	Alphaprodine		N-[l-[l-methyl-2-(2-thienyl) ethyl]-4-piperidyl] propionanilide	5	*100* gm.
			Alpha-I, 3-dimethyl-4-phenyl-4-propionoxypiperidine		

1. *Vide* S.O. 1055 (E) dated 19th October, *2001* published in the Gazette of India, Extra., Pt. II, Sec. 3(ii) dated 19th October *2001.*

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1	2	3	4	5	6
13.	Anileridine		1-para- aminophenethyl-4- phenyl piperidine-4-carboxylic Acid ethyl ester	2	50 gm.
14.	Benzethidine		1-(2 -benzyloxyethyl)-4-phenylpiperidine-4- Carboxylic acid ethyl ester	5	100 gm.
15.	Benzylmorphine		3-0-benzylmorphine	2	50 gm.
16.	Betacetylmethadol		Beta -3-acetoxy -6-dimethylamino-4, 4-diphenylheptane	2	50 gm.
17.	Beta-hydroxfentanyl		N-[1-(beta-hydroxyphenethyl)-4-piperidyl) propionanilide	0.005	0.1 gm.
18.	Beta-hydroxy-3-methyl fentanyl		N-[1-(beta-hydroxyphenethyl)-3-methyl-4-piperidyl) Propionanilide	0.005	0.1 gm.
19.	Betameprodine		Beta-3-ethyl-l-methyl-4- phenyl-4- propionoxypiperidine	5	100 gm.
20.	Betamethadol		Beta-6-dimethylamin0-4, 4-diphenyl-3-heptanol	2	50 gm.
21.	Betaprodine		Beta-I, 3-dimethyl-4-phenyl-4-propionoxy-piperidine	5	100 gm.
22.	Bezitramide		1-(3-cyano-3, 3-diphenylpropyl)-4-(2-oxo-3-propionyl-1- benzimidazolinyl)- piperidine	5	100 gm.
23.	Cannabis and cannabis resin	CHARAS, HASHISH	EXTRACTS and TINCTURES OF CANNABIS	100	1 kg
24.	Clonitazene		2 -para-chlorbenzyl-1-diethylaminoethyl-5- nitrobenzimidazole	2	50 gm.
25.	Coca derivatives		(excluding cocaine) and its salts	2	50 gm.
26.	Coca leaf			100	2 kg.
27.	Cocaine		Methyl ester of benzoylecgonine	2	100 gm.
28.	Codeine		3-0-methylmorphine	10	1 kg.
29.	Codoxime		Dihydrocodienone-6- carboxymethyloxime	5	100 gm.
30.	Concentrate of poppy straw		The material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade	20	500 gm.
31.	Desomorphine	PERMONlD, SCO-PERMID	Dihydrodeoxymorphine	2	50 gm.
32.	Dextromoramide		(+)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl) butyl]-morpoline	1	20 gm.

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1	2	3	4	5	6
33.	Dextropropoxyphene		Alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl- 2-butanol propionate	"" 20	500 gm.
34.	Diampromide		N-[2-(methylphenethylamino)-propyl] propionanilide	2	50 gm.
35.	Diethylthiambutene	THEMALON	3-diethylamino-l, 1-di-(2-thienyl)-1-butene	5	100 gm.
36.	Difenoxin	Diphenoxylic acid	1-(3-cyano-3, 3-diphenylpropyl)-4-phenylisonipecotic acid	2	50 gm.
37.	Dihydrocodeine		Dihydro codeine	10	200 gm.
38.	Dihydromorphine	PARAMORFAN		5	100 gm.
39.			Dihydroxy Dihydro morphinone	1	20 gm.
40.	Dimenoxadol		2-dimethylaminoethyl-1-ethoxy-1, 1-diphenylacetate	2	50 gm.
41.	Dimepheptanol		6-dimethylamino-4, 4-diphenyl-3-heptanol	5	100 gm.
42.	Dimethylthiambutene		3-dimethylamino-1, 1-di-(2-thienyl)-1-butene	5	100 gm.

-
II)

43.	Dioxaphetyl butyrate		Ethyl-4-morpholino-2, 2-diphenylbutyrate	2	50 gm.
44.	Diphenoxylate		1-(3-cyano-3, 3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester	2	50 gm.
45.	Dipipanone		4, 4-diphenyl-6-piperidine-3-heptanone	5	100 gm.
46.	Drotebanol		3, 4-dimethoxy-17 -methylmorphinan-6-beta-14-diol	1	20 gm.
47.	Ecgonine		Its esters and derivatives which are convertible to ecgonine and cocaine	2	50 gm.
48.	Ethylmethylthiambutene		3-ethylmethylamino-1, 1-di-(2-thienyl)-1-butene	2	50 gm.
49.	Ethylmorphine	DIONINE	3-0-ethylmorphine	10	200 gm.
50.	Etonitazene		1-diethylaminoethyl- 2 -para -ethoxybenzyl-5-nitrobenzimidazole	2	50 gm.

1	2	3	4	5	6
51.	Etorphine		Tetrahydro-7 -alpha-(1-hydroxy-l-methylbutyl)-6, 14-endoetheno-ori pa vine	5	100 gm.
52.	Etoxeridine		1- [2-(2 -hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester	2	50 gm.
53.	Fentanyl		1- phenethyl-4- N -propionylanilinopi peridine	0.005	0.1 gm.
54.	Furethidine		1-(2 -tetrahydofurfuryloxyethyl)-4- phenylpiperidine-4-carboxylic acid ethyl ester	1	20 gm.
55.	Ganja			1000	20 kg.
56.	Heroin		Diacetylmorphine	5	250 gm.
57.	Hydrocodone	DICODIDE, CODINOVO, DICONONE, HYCODAN, MULTACODIN, NYCODIDE	Dihydrocodeinone	1	20 gm.
58.	Hydromorphinol		14- hydroxydihydromorphine	2	50 gm.
59.	Hydromorphone	DILAUDIDE, DIMORPHID, NOVALAUDON	Dihydromorphinone	1	20 gm.
60.	Hydroxypethidine		4- meta - hydroxyphenyl-1-methyl piperidine-4-carboxylic acid ethyl ester	5	100 gm.
61.	Isomethadone		6-dimethylamino- 5- methyl-4, 4-diphenyl- 3- hexanone	2	50 gm.
62.	Ketobemidone		4-meta. hydroxyphenyl-1-methyl-4-propionylpiperidine	2	50 gm.
63.	Levomethorphan		(-)-3-methoxy-N-methylmorphinane	2	50 gm.

1	2	3	4	5	
64.	Levomoramide		(-)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(l-pyrrolidinyl) butyl]morpholine	2	50
65.	Levophenacylmorphan		(1)- 3-hydroxy - N - phenacylmorphinan	2	50 gm.
66.	Levorphanol	LEVORPHAN	(-)-3-hydroxy-N-methylmorphinan	1	20 gm.
67.	Metazocine		2-hydroxy-2,5, 9-trimethyl-6, 7-benzomorphan	5	100 gm.
68.	Methadone		6-dimethylamin0-4, 4-diphenyl-3-heptanone	2	50 gm.

69.	Methadone intermediate	4-cyano-2-dimethylamin0-4, 4-diphenyl-Butane	2	50 gm.
70.	Methyldesorphine	6- methyl-delta -6-deoxymorphine	2	50 gm.
71.	Methyldihydromorphine	6-methyldihydromorphine	2	50 gm.
72.	3-methylfentanyl	N-(3-methyl-l-phenethyl-4-piperidyl) propionanilide	0.005	0.1 gm.
73.	3-methylthiofentanyl	N-(3-methyl-l-[2-(2-thienyl) ethyl]-4-piperidyl] Propionanilide	0.005	0.1 gm.
74.	Metopon	5- methyldihydromorphinone	2	50 gm.
75.	Moramide intermediate	2-methyl-3-morpholino-l, 1-diphenylpropane carboxylic acid	5	100 gm.
76.	Morpheridine	1-(2- morpholinoethyl)-4- phenyl piperidine-4-carboxylic acid ethyl ester	2	50 gm.
77.	Morphine	Morphine	5	250 gm.
78.	Morphine methobromide	And other pentavalent nitrogen morphine derivatives, including in particular the morphine-N-oxide derivatives, one of which is codeine-N-oxide	2	50 gm.

1	2	3	4	5	6
79.	Morphine-N-oxide	GENOMORPHINE N-OXYMORPHINE		2	50 gm.
80.	MPPP		l-methyl-4-phenyl-4-piperidinol propionate (ester)	2	50 gm.
81.	Myrophine		Myristylbenzylmorphine	5	100 gm.
82.			N-cyclopropyl methyl-7, 8-dihydro-7-(1-hydroxy-1 methyl-ethyl) O methyl-6-14-endoethanonormorphine	5	100 gm.
83.	Nicocodine		6-nicotinylcodeine	10	200 gm.
84.	Nicodicodine		6- nicotinyldihydrocodeine	5	100 gm.
85.	Nicomorphine		3, 6-dinicotinylmorphine	2	50 gm.
86.	Noracymethadol		(+-)-alpha-3-acetoxy-6-methylamin0-4, 4-diphenylheptane	2	50 gm.
87.	Norcodeine		N-demethylcodeine	5	100 gm.
88.	Norlevorphanol		(-)-3-hydroxymorphinan	2	50 gm.
89.	Normethadone		6-dimethylamin0-4, 4-diphenyl-3-hexanone	5	100 gm.
90.	Normorphine		Demethylmorphine or N-demethylated morphine	2	50 gm.
91.	Norpipanone		4, 4-diphenyl-6-piperidino-3-hexanone	5	100 gm.
92.	Opium		And any preparation containing opium	25	2.5 kg.
93.	Opium Derivatives		[other than diacetyl morphine (heroin), morphine and those listed here in.]	5	250 gm.
94.	Oxycodone	DIHYDROXY CODEINONE	14- hydroxydihydrocodeinone	2	50 gm.

1	2	3	4	5	6
95.	Oxymorphone		14- hydroxydihydromorphinone	2	50 gm.

96.	Para-fluorofentanyl		4-fluoro-N -(I-phenethyl-4-piperidyl) propionanilide	0.005	0.1 gm.
97.	PEPAP		1-phenethyl-4-phenyl-4-piperidinol acetate (ester)	2	50 gm.
98.	Pethidine		1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester	10	200 gm.
99.	Pethidine intermediate A		4-cyano-l- methyl-4-phenylpiperidine	10	200 gm.
100.	Pethidine intermediate B		4-phenylpiperidine-4-carboxylic acid ethyl ester	10	200 gm.
101.	Pethidine intermediate C		1-methyl-4-phenylpiperidine-4-caboxylic acid	10	200 gm.
102.	Phenadoxone		6-morpholino-4, 4-diphenyl-3-heptanone	5	100 gm.
103.	Phenarnpromide		N - (I-methyl- 2 - piperidinoethy 1)- propionanilide	5	100 gm.
104.	Phenazocine		2-hydroxy-5, 9-dimethyl-2-phenethyl-6, 7-benzomorphan	1	20 gm.
105.	Phenomorphan		3- hydroxy - N - P henethylmorphinan	5	100 gm.
106.	Phenoperidine		1- (3- hydroxy - 3- Phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester	2	50 gm.
107.	Pho1codine	NOMOCODEINE, HYBERNIL	Morpholinylethylmorphine	5	100 gm.
108.	Piminodine		4-phenyl-l-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester	5	100 gm.
109.	Piritramide		1-(3-cyano-3, 3-diphenylpropyl)-4-(I-piperidino)-piperidine-4-carboxylic acid amide	2	50 gm.
110.	Poppy straw			1000	

1	2	3	4	5	6
111.	Preparation made from the extract of tincture of Indian Hemp			5	100 gm.
112.	Proheptazie		1, 3-dimethyl-4- phenyl-4- propionoxyazacycloheptane	2	50 gm.
113.	Properidine		1-methyl-4-phenylpiperidine-4-carboxylic acid Isopropylester	2	50 gm.
114.	Propiram		N-(l- methyl- 2 -piperidinoethyl)- N - 2 -pyridylpropionarnide	10	200 gm.
115.	Racemethorphan		(+-)-3-methoxy-N-methylmorphinan	2	50 gm.
116.	Racemoramide		(+-)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(l-pyrrolidinyl)-butyl]-morpholine	2	50 gm.
117.	Racemorphan		(+-)-3-hydroxy-N-methylmorphinan	2	50 gm.
118.	Sufentanil		N-[4-(methoxymethyl)-1-[2-(2-thienyl)-ethyl]-4-piperidyl]propionanilide	0.005	0.1 gm.
119.	Thebacon		Acetyldihydrocodeinone	2	50 gm.
120.	Thebaine		3, 6-Dimethoxy-4, 5-epoxy-9a-methyl morphine-6, 8-diene	2	100 gm.
121.	Thiofentanyl		N-[1-[2-(2-thienyl) ethyl]-4-piperidyl]propionanilide	0.005	0.1 gm.
122.	Tilidine		(+-)-ethyl-trans-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate	10	200 gm.
123.	Trimeperidine		1, 2, 5-trimethyl-4-phenyl-4-propionoxypiperidine	10	200 gm.
124.	BROLAMFETAMINE	DOB	(+-4)-4-bromo-2, 5-dimethoxy-alpha-methylphenethylarnine	0.5	10 gm.
125.	CATHINONE		(x)-(s)- 2 -aminopropiophenone	2	50 gm.

1	2	3	4	5	6
126.		DET	3-[2-(diethylamino) ethyl]indole, N,N,Diethyltry ptamine	0.1	2 gIn.
127.		DMA	(+)-2, 5-dimethoxy-alpha-methylphenethylamine	0.5	10 gIn.
128.		DMH	lheptyl)-7, 8, 9, lo-tetrahydro-6, 6,	2	50 gIn.

			9-trimethyl-6H-dibenzo[b, d]pyran-l-o1		
129.		DMT	3-[2-(dimethylamino) ethyl]indole, N, N, Dimethyltryptamine	0.1	2 gIn.
130.		DOET	(+)-4-ethyl-2, 5-dimethoxy-alpha-phenethylamine	0.5	10 gIn.
131.	ETICYCUDINE	PCE	N -ethy 1-1- phenylcydohexylamine	2	50 gIn.
132.	ETRYPTAMINE		3-(2-aminobutyl)indole	2	50 gIn.
133.	(+) LYSERGIDE	LSD, LS0-25	9, l0-didehydro-N, N-diethyl-6-methylergoline-8 Beta-caboxamide	0.002	0.1 gIn.
134.		MDMA, Ecstacy	(+)-N, alpha-dimethyl-3,4-(methylene-dioxy)phenethylamine	0.5	10 gIn.
135.		mescaline	3,4,5,- trimethoxyphenethylamine	5	100 gIn.
136.	METHCATHINONE		2-(methylamino)-l-phenylpropan-l-one	2	50 gIn.
137.		4-methylaminorex	(+)-cis-2-amino-4-methyl-5-phenyl- 2-oxazoline	0.5	10 gIn.
138.		MMDA, ECSTACY	2- methoxy -alpha - methyl-4,5-(methylenedioxy) Phenethylamine	0.5	10 gIn.
139.		4-MTA	AI pha- Methyl-4- Methylthiophenethylamine	0.5	10 gIn.
140.		N-ethyl MDA	(+-)-N-ethyl-alpha-methyl-3,4-(methylenedioxy) Phenethylamine	0.5	10 gIn.
141.		N-hydroxy MDA	(+-)-N-[alpha-methyl-3,4-(methylenedioxy) phenethyl]hydroxylamine	0.5	10 gIn.
142.		Parahexyl	3-hexyl-7,8,9,l0-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-l-0l	2	5Ogm
143.		PMA	p- methoxy -alpha - methyl phenethylamine	0.5	IOgm
144.		Psilocine, psilotsin	3-[2-(dimethyl amino)ethyl]indol-4-o1	2	50 gIn.
145.	PSILOCYBINE .		3-[2-(dimethylamino)ethyl]indol-4-yldihydrogen phosphate	2	50 gIn.

1	2	3	4	5	6
146.	ROLICYCLIDINE	PHP,PCPY	1-(1-phenylcycolhexyl)pyrrolidine	2	50
147.		STP, DOM	2 ,5-dimethoxy -alpha ,4-dimethyip hen eth y la mine	0.5	10 g
148.	TENAMFETAMINE	MDA	Alpha-methyl-3,4-(methylenedioxy) phenethylamine	0.5	10 g
149.	TENOCYCLIDINE	TCP	1-[1-(2-thienyl)cyclohexyl]piperidine	2	50 g
150.		Tetrahydrocannabinol	The following isomers and their stereochemical variants: 7,8,9,1 O-tetrahydro-6 ,6 ,9- trimethyl- 3- pentyl-6H -dibenzo [b,d]pyran-1-ol (9R, l0aR)-8,9,10,l0a-tetrahydro-6,6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyranl-ol (6aR, 9R, l0aR)-6a,9,10,l0a-tetrahydro-6,6,9-trimethyl- 3-pentyl-6H-dibenzo[b,d]pyran-I-ol (6aR, 10aR)-6a,7,10, 10a - tetrahydro-6 ,6 ,9- trimethyl- 3- pentyl-6H -dibenzo [b ,d] pyran-1-ol 6a,7 ,8, 9-tetrah ydr0-6 ,6,9-trimethyl- 3- pentyl- 6H-dibenzo[b,d]pyran-I-ol (6aR, l0aR)-6a,7,8,9,1O, 10a – hexahydro-6 ,6-dimethyl- 9- methylene 3-pentyl-6H -dibenzo[b ,d]pyran-I-ol	2	50 g
151.		TMA	(+)-3,4,5-trimethoxy-alpha-methylphenethylamine	0.5	10 gm.
152.	AMFET AMINE	Amphetamine	*(:t)* -alpha - methyl phenethylamine	2	50 gm.
153.		2 C-B	4- bromo- 2 ,5-dimethoxyphenethylamine	0.5	10 gm.
154.	DEXAMFET AMINE	Dexamphetamine	(+)-alpha-methylphenethylamine	2	50 gm.
155.	FENETYLLINE	fenethylline	7-[2-[(alpha- methylphenethyl)amino [ethyl [theophylline	0.5	10 grn.
156.	LEV AMFET AMINE	levamtetamine	(x)-(R) -alpha - methylphenethylamine	2	50 gm.
157.		levomethamphetamine	(x)- N ,alpha-dimethylphenethylamine	2	50 gm.
158.	MECLOQU ALONE		3-(o-chlorophenyl)- 2 - methyl-4(3 H)-quinazo linone	20	500 gm.
159.	MET AMFET AMINE	Methamphetamine	*(;t)-(* 5) - N ,alpha -dimethyl phenethylamine, (+)2methylamino-l-Phenylpropane	2	50 gm.
160.	MET AMFET AMINE RACEMATE	methamphetamine racemate	(:t)-N, alpha-dimethylphenethylamine	2	5
161.	METHAQUALONE		-0- to I yl-4(3 H)-quinazolinone	20	5

162.	METHYLPHENIDATE		Methyl alpha-phenyl-2-piperidineacetate	2	5
163.	PHENCYCLIDINE	P.C.P.	1-(1- phenylcyclohexyl)piperidine	2	5
1	2	3	4	5	
164.	PHENMETRAZINE		3- methyl- 2 -phenylmorpholine	5	1
165.	SECOBARBITAL		5-aliyl-5-(1-methylbutyl)barbituric acid	20	5
166.	DRONABINOL	Deita-9-tetrahydro-cannabinol and its stereochemical variants	(6aR, 10aR)-6a,7,8, 10a- tetrahydro-6,6,9-trimethyl-3-pentyl-6H -dibenzo[b ,d]pyran-I-ol	2	5
167.	ZIPEPROL		Alpha-(alpha -methoxybenzyl)-4-(Betamethoxyphenethyl)-l-piperazineethanol	5	100 gm.
168.	AMOBARBITAL		5-ethyl-5-isopentylbarbituric acid	20	500 gm.
169.	BUPRENORPHINE		21-cyciopropyl-7-alpha-[(S)-I-hydroxy-l,2,2,-trimethylpropyl]-6, 14, endo-ethano-6,7,8,14-Tetrahydrooripavine	1	20 gm
170.	BUTALBITAL		5-aliyl-5-isobutylbarbituric acid	20	500 gm.
171.	CATHINE	(+)-norpseudoephedrine	(+)-(R)-alpha-[(R)-I-aminoethyl]benzyl alcohol	2	50 gm
172.	CYLOBARBIT AL		5-(1-cyciohexen-I-yl)-5-ethylbarbituric acid	20	500 gm.
173.	FLUNITRAZEP AM		5-(0-fluorophenyl)-1,3-dihydro-l-methyl-7-Nitro-2H-l,4-benzodiazepin-2-one	5	*100* gm.
174.	GLUTETHIMIDE		2-ethyl- 2-phenylglutarioide	20	500 gm.
175.	PENTAZOCINE		(2R, 6R, 11 R)-l ,2,3A,5,6,-HEXAHYDRO-6,11-dimethyl- 3-(3- methyl- 2 -butenyl)- 2,6, -m ethano- 3-benzazocin-8-o1	20	500 gm.
176.	PENTOBARBITAL		5-ethyl-5-(1-methylbutyl)barbituric acid	20	*500* gm.
177.	ALLOBARBITAL		5,5-dialiylbarbituric acid	20	500 gm.
178.	ALPRAZOLAM		8-chloro-I-methyl-6-phenyl-4H -s-triazolo [4,3-a] [lA]benzodiazepine	5	100 gm.
179.	AMFERAMONE	diethylpropion	2-(diethylamine)propiophenone	10	250 gm.
180.	AMINOREX		2 -amino-5- p henyl- 2 -oxazoline	5	100 gm.
181.	BARBL		5,5-diathylbarbituric acid	20	500 gm.
182.	BENZ AMINE	benzphetamine	N-benzyl-N, alpha-dimethyl pheneth ylamine	20	500gm.
183.	BROMAZEP AM		7 -bromo-l,3-dihydro-5-(2-pyridyl)-2H-l,4-benodiazepin-2-one	20	500 gm.
184.		butobarbital	5-butyl-5-ethylbarbituric acid	20	*500* gm.
185.	BROTIZOLAM		2 -brom0-4-(o-chlorophenyl)-9-methyl-6H-thieno[3 ,2- f]-s-triazolo[4,3-a] [1 A]c4azepine 152	5	*100* gm.
1	2	3	4	5	6
186.	CAMAZEP AM		7 -chloro-l ,3-dihydro-3- hydroxy -1- meth y 1- 5- phenyl-2H-l,4-benzodiazepin-2-one dimethylcarbamate (ester)	20	500 gm.
187.	CHLORDIAZEPOXIDE		7 -chloro- 2-(methylamino)-5-phenyl-3H-l, 4- benzodiaz ep in e-4-oxide	20	500 gm.
188.	CLOBAZAM		7-chloro-I-methyl-5-phenyl-l H-l,5-benzodiazepine-2,4(3H, 5H)-dione	10	250 gm.
189.	CLONAZEPAM		5-(o-chlorophenyl)-I,3-dihydro- 7 -nitr0-2H-l, 4-benzodiazepin-2-one	5	100 gm.
190.	CLORAZEPATE		7 -chlor0-2,3,-dihydr0-2-oxo-5-phenyl-lH-l, 4-benzodiazepine-3-carboxylic acid	10	250 gm.
191.	CLOTIAZEPAM		5-(o-chlorophenyl)-7-ethyl-l,3-dihydro-l-methyl-2H-thieno[2,3-e I-I ,4-diazepin- 2 -one	10	250 gm.
192.	CLOXAZOLAM		1 0-chloro-l1b-(o-chlorophenyl)- 2,3 ,7,11 b-tetrahydroxazo 10- [3,2 -d] [1 ,4]benzodiazepin -6(5H)-one	5	100 gm.
193.	DELORAZEPAM		7 -chloro-5-(o-chlorophenyl)-1 ,3-dihydro- 2H-l, 4-benzodiazepin- 2 -one	5	100 gm.

194.	DIAZEPAM		7-chIoro-l,3-dihydro-l-methyl-5-phenyl-2H-l,	20	500 gm
195.	EST AZOLAM		8-chlor0-6- phenyl-4H-s-triazolo[4,3-a I [1,4 Ibenzodiazepine	5	100 gm.
196.	ETHCHLORVYNOL		l-chlor0-3-ethyl-l-penten-4-yn-3-o1	20	500 gm
197.	ETHINAMATE		l-ethynylcyclohexanol carbamate	20	500gm
198.	ETHYL LOFLAZEPATE		Enthyl- 7 -chi oro-5-(0- fluorophenyl)- 2, 3-dihydro- 2 -oxo-l H-l,4-benzodiazepine-3-carboxylate	10	250 gm.
199.	ETILAMFET AMINE	N-ethylamphetamine	N -eth y I-alpha-methyl p heneth y lamine	2	50 gm.
200.	FENCAMFAMIN		N -eth y 1- 3- Phenyl- 2 - norborananamine	2	50 gm.
201.	FENPROPOREX		(+-)- 3-[(alpha-methylphenethyl)amino] propionitrile	2	50 gm.
202.	FLUDIAZEPAM		7 -chloro-5-(0- flurophenyl)-I,3-dihydro-l-methyJ - 2H-l,4-benzodiazepin-2-one	5	100 gm.
203.	FLU RAZEPAM		7 -chloro-l-[2-(diethylamino)ethyll-5-(o-flurophenyl)-1,3-dihydr0-2H-l-l, 4-benzodiazepin-2-one	5	100 gm.
204.		GHB	y-Hydroxybutyric Acid		

1		2	3		4
205.	HALAZEPAM		7-chloro-1,3-dihydro-5-phenyl-1-1(2-2-trifluroethyl)- 2H-1,4-benzodiazepin- 2-one		
206.	HALOXAZOLAM		1O-bromo-llb-(o-flurophenyl)-2,3,7,11b-tetrahydrooazolo[3,2 -d] [1,4]benzodiazepin-6(5H)- one	20	500 gm.
207.	KET AZOLAM		ll-chloro-8, 12b-dihydro- 2,B-dimethyl-12b-phenyl-4H-[I,3]oxazino[3,2-d] [1,4]Benzodiazepine-4,7(6H)-dione	10	250 gm.
208.	LEFET AMINE	SPA	(x)- N ,N-dimethyl-1,2,-diphenylethylamine	10	250 gm.
209.	LOPRAZOLAM		6-(o-chlorophenyl)- 2,4-dihydro-2-[(4-methyl-l-piperazinyl)methylene]-B-nirtro-l H-imidazo [I,2-a][I,4]benzodiazepin-l-one	5	100 gm.
210.	LORAZERAM		7 -chloro-5-(o-chlorophenyl)-I,3-dihydro-3-hydroxy-2H-l,4-benzodiazepin-2-one	10	250 gm.
211.	LORMETAZEPAM		7 -chloro-5-(o-chlorophenyl)-l,3-dihydro-3-hydroxy-1- methyl- 2H-1,4-benzodiazepin- 2-one	10	250 gm.
212.	MAZINDOL		5- (p-chl orophenyl)- 2,5-dihydro- 3H - imidazo [2,I-a]isindol-5-o1	10	250 gm.
213.	MEDAZEPAM		7 -chloro- 2,3-dihydro-l-methyl-5-phenyl-l H-1, 4-benzodiazepine	20	500 gm.
214.	MEFENOREX		N-(3-chloropropy I)-al p ha- methyl phenethylamine)	2	50 gm
215.	MEPROBAMATE		2-methyl-2propyll-l,3-propanedio dicarbamate	20	5OOgm
216.	MESOCARB		3- (alpha-methyl phenethyyl)- N-(p henylcarbamoy I) sydnone imine	5	100 gm
217.	METHYLPHENOBARBIT AL		5-ethyl-1-methyl-5-phenylbarbituric acid	20	500 gm
218.	METHYPRYLON		3,3-diethyl 1-5-methyl-2,4-piperidinedione	20	500gm
219.	MIDAZOLAM		8-chlor0-6-(o-fluorophenyl)-l-methyl-4H-imidazo[I ,5-a][l,4]benzodiazepine	20	500gm
220.	NIMETAZEPAM		1 ,3-dihydro-l-methyl- 7 -nitro-5-phenyl- 2H-l, 4-benzodiazepin-2-one	10	250 gm
221.	NITRAZEPAM		1 ,3-dihydro- 7- ni tro- 5- phenyl- 2H -l,4-benzodiazepin- 2 -one	20	500gm
222.	NORDAZEPAM		7 -chloro-l ,3-dihydro-5- phenyl- 2H-l ,4-benzodiazepin- 2-one	20	500 gm
223.	OXAZEPAM		7-chloro-l,3-dihydro-3-hydroxy-5-phenyl-2H-l, 4-benzodiazerin- 2 -one	20	500gm

LIST OF LATEST UNIVERSAL'S BARE ACTS & RULES CIVIL, CRIMINAL AND COMMERCIAL

- - Advocates' Welfare Fund Act, 2001 40.00

25.00 - Aircraft Act, 1934 along with allied Rules - Ai r Force Act, 1950 alongwith Rules,1969 150.00

- Air (Prevention and Control of Pollution) 120.00
Act,1981 along with Rules, 1982 45.00

- Arbitration and Conciliation Act, 1996 along with Scheme, 1996
- Arms Act, 1959 along with Rules, 1962 30.00
- Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 20.00
- Banking Regulation Act, 1949 25.00
- Benami Transactions (Prohibition) Act, 1988 20.00
- Biological Diversity Act, 2002 50.00
- Border Security Force Act, 1968 70.00
- Bureau of Indian Standards Act, 1986 70.00
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- Central Reserve Police Force Act, 1949 along with Rules, 1955 50.00
- Central Sales Tax Act, 1956 along with Rules, 1957 50.00
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- Easements Act, 1882
- Electricity Act, 2003
- Electricity (Supply) Act, 1948
- Electricity Regulatory Commissions Act, 1998 along with Rules and Regulations 55.00
- Electricity Rules (Indian), 1956 90.00
- Emblems and Names (Prevention of Improper use) Act, 1950 along with Rules 20.00
- Emigration Act, 1983 along with Rules, 1983 25.00 40.00
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- Energy Conservation Act, 2001 (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 25.00
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- Information Technology (Certifying Authorities) Rules, 2000 95.00
- Information Technology (Certifying Authority to issue Electronic Signature Certificates) Rules, 2000 95.00
- Information Technology (Cyber Regulations Appellate Tribunal) Rules, 2000 95.00
- Information Technology (Other Powers of Civil Court vested in Cyber Appellate Tribunal) Rules, 2003 95.00
- Information Technology (Security Procedure) Rules, 2004 95.00
- Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003 95.00
- Information Technology (Regulation of Certifying Authorities) Regulations, 2001 95.00
- Information Technology (Certifying Authority) Regulations, 2000 95.00
- Information Technology (Recognition of Foreign Certifying Authorities) Regulations, 2002 95.00
- Information Technology (Certifying Authority's Office, Their Employees and Maintenance of Records) Regulations, 2001 95.00
- Information Technology (Security Procedure) Rules, 2004 95.00
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