



# NDPS ACT

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# Narcotic Drugs & psychotropic substance Act

- ◇ NDPS Act was enacted in India and subsequently amended in 1988, to implement the provisions of the Convention on Psychotropic Substances (1971), and the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), both held in Vienna.
- ◇ This Act renders obsolete three previous Acts—the Opium Act (1857), the Opium Act (1878), and the Dangerous Drugs Act (1930).

❖ Narcotic drug:

Legally, a narcotic drug could be an opiate (a true narcotic), cannabis (a non-narcotic), or cocaine (the very antithesis of a narcotic, since it is a stimulant).

❖ psychotropic substance:

psychotropic substance are the mind-altering drugs such as LSD, phencyclidine, amphetamines, barbiturates, methaqualone, benzodiazepines, mescaline, psilocybine, and designer drugs (MDMA, DMT, etc.).

- ◆ The NDPS Act imposes complete prohibition on the cultivation of coca, poppy, and cannabis plants, and the manufacture, sale, purchase, use, or transport of any narcotic drug or psychotropic substance except for medical or scientific purposes.
- ◆ it does not impose a total ban. Restricted cultivation of these plants is allowed under strict control for scientific or medical use. Prior sanction in the form of license is necessary from the Central Government for this purpose.



- ◆ A new Chapter, Chapter V-A, was introduced into the Act in May 1989 to provide for the investigation, freezing, seizure and forfeiture of property derived from illicit trafficking in narcotic drugs and psychotropic substances.
- ◆ This Chapter prohibits any person from holding any property derived from drugs trafficking and authorises officers empowered under the Act to investigate, identify and seize such property. The Chapter also sets out a quasi-judicial procedure for the forfeiture of such property consequent to which it shall vest in the Central Government.
- ◆ In addition to persons directly involved in trafficking narcotic drugs and psychotropic substances, any person who finances trafficking, or harbours a person involved in trafficking, or abets, or is a party to a criminal conspiracy, including a criminal conspiracy to commit an offence outside India is also liable to the same scale of punishments.

# Punishment

- ◆ The minimum punishment for any offence committed under the Act is 10 years rigorous imprisonment and fine of Rs.1 lakh, while the maximum punishment is 20 years rigorous imprisonment and fine of Rs.2 lakhs.
- ◆ There is also sufficient scope under the NDPS Act for enhanced punishment for repeat offences especially after previous convictions, which includes the imposition of even the death penalty.

**Table 4.1:** Minimum quantity of seizure (in repeat offence)  
for imposition of death penalty

| <i>Narcotic drug / Psychotropic substance</i>        | <i>Quantity<br/>(Kg)</i> |
|------------------------------------------------------|--------------------------|
| 1. Opium                                             | 10                       |
| 2. Morphine                                          | 1                        |
| 3. Heroin                                            | 1                        |
| 4. Codeine                                           | 1                        |
| 5. Thebaine                                          | 1                        |
| 6. Cocaine                                           | 0.5                      |
| 7. Hashish                                           | 20                       |
| 8. Any mixture of the above drugs                    | 1.5                      |
| 9. LSD (Lysergic acid diethylamide)                  | 0.5                      |
| 10. THC (Tetrahydrocannabinol)                       | 0.5                      |
| 11. Amphetamines                                     | 1.5                      |
| 12. Methaqualone                                     | 1.5                      |
| 13. Salts and preparations of above <b>(9 to 12)</b> | 1.5                      |



- ❖ Section 64-A of the NDPS Act states that any addict who is not charged with any offence punishable under Sections 15 to 25, or Section 27-A, and who voluntarily seeks to undergo medical treatment for detoxification or de-addiction from a hospital or an institution maintained or recognised by the government or a local authority, and undergoes such treatment shall not be liable to prosecution under Section 27 of the Act (once in his lifetime). Such immunity granted may be withdrawn if the addict does not undergo the complete treatment, and in such circumstances the accused shall be prosecuted for the said offence.



◆ Further, the Act makes a distinction between possession for personal consumption and trafficking, the punishment for the former being limited to between six months and one year only. The application of this provision is subject to the following two qualifications:

1. The quantity of the drug involved in the offence should be a small quantity as specified by the Central Government.

2. The onus is on the accused to establish that the drug in question was meant for personal consumption and not for sale, distribution, etc.

# NCB

- ◈ Narcotics Control Bureau(India)
- ◈ NCB (1986) is the chief law enforcement and intelligence agency of india responsible for fighting drug trafficking & the abuse of illegal substances.

*Thank you*