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IMPORTANT

ALL AMENDMENTS HAVE BEEN INCORPORATED IN THE MAIN ACT AT APPROPRIATE PLACES.
TEXT OF THE AMENDING ACT IS REPRODUCED BELOW FOR REFERENCE

**THE NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES
(AMENDMENT) ACT, 2021¹**

(No. 48 of 2021)

[29th December, 2021]

An Act further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 1st day of May, 2014.

2. Amendment of section 27A.—In section 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), for the words, brackets, letters and figure "clause (viiiia) of section 2", the words, brackets, letters and figure "clause (viiiib) of section 2" shall be substituted.

3. Repeal and savings.—(1) The Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021 (Ord. 8 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

1. Published in the Gazette of India, Extra., Pt. II, Sec. 1, No. 66, dated 30th December, 2021.

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 was introduced in the Parliament.

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 repeat offences. Further, no minimum punishment is prescribed in the present laws, as a result of which drug traffickers have been some times let off by the courts with nominal punishment. 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

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 having been passed by both the Houses of Parliament received the assent of the President on 16th September, 1985. It came on the Statute Book as THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 (61 of 1985) (Came into force on 14-11-1985).

LIST OF AMENDING ACTS

1. The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988 (2 of 1989) (w.e.f. 29-5-1989).
2. The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 (9 of 2001) (w.e.f. 2-10-2001).
3. The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 (16 of 2014) (w.e.f. 1-5-2014).
4. The Finance Act, 2016 (28 of 2016) (w.e.f. 1-6-2016).
5. The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2021 (48 of 2021) (w.r.e.f. 1-5-2014).

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 I 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* S.O. 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 of 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*;

¹[(iva) "Central Government factories" means factories owned by the Central Government or factories owned by any company in which the Central Government holds at least fifty-one per cent. of the paid-up share capital;]

(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 per cent. of cocaine;

(vi) "coca leaf" means—

- (a) the leaf of the coca plant except 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*;

²[(viiia) "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;]

²[(viiib) "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;]

²[(viiic) "corresponding law" means any law corresponding to the provisions of this Act;]

³[(viid)] "controlled substance" means any substance which the Central Government may, having regard to the available information as to

1. Ins. by Act 16 of 2014, sec. 2(a) (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

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

3. Clause (viiia) relettered as clause (viid) by Act 9 of 2001, sec. 3 (w.e.f. 2-10-2001). Earlier clause (viiia) was inserted by Act 2 of 1989, sec. 3 (w.e.f. 29-5-1989).

its possible use in the production or manufacture of narcotic drugs or psychotropic substances or to the provisions of any International 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[(viiiia) "essential narcotic drug" means a narcotic drug notified by the Central Government for medical and scientific use;]

²[³[(viiiib)] "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 transshipment, 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, 1954 adopted by the United Nations Conference at New York in March, 1954;

(b) the protocol, amending the Convention mentioned in sub-clause (a), adopted by the United Nations Conference at Geneva in March, 1955;

(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;

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

(1) all processes other than production by which such drugs or substances may be obtained;

(2) refining of such drugs or substances;

1. Ins. by Act 16 of 2014, sec. 2(b) (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

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

3. Clause (viiiia) re-lettered as clause (viiiib) thereof by Act 16 of 2014, sec. 2(b) (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

- (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 nature or to a 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) "Narcotics Commissioner" means the Narcotics Commissioner appointed under section 5;
- (xiv) "narcotic drug" means coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured drugs;
- (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 obtained 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 diacetylmorphine 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 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 any one 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;
- (xxi) "prescribed" means prescribed by rules made under this Act;
- (xxii) "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 narcotic drugs and psychotropic substances, 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;
- (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;
- ²[(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 millilitre of substance, if liquid, is

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

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

contained in every one hundred millilitre 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 prescribe, 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 (viiiia) 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; *T.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.

Chemical analysis

Necessity of chemical analysis is only when opium is in a mixture so diluted that its essential characteristics are not easily visible or capable of being comprehended by the senses. In case opium is not mixed up with any other material, its chemical analysis is not required at all; *Harjit Singh v. State of Punjab*, (2011) 4 SCC 441: JT 2011 (4) SC 100: (2011) 4 SCALE 116: 2011 Cr LJ 2332.

Word "Coagulated" – Meaning Theory

The word "coagulated" occurring in section 2(xv)(a) means solidified, clotted, curdled-something which has commenced in curded/solid form; *Harjit Singh v. State of Punjab*, (2011) 4 SCC 441: JT 2011 (4) SC 100: (2011) 4 SCALE 116: 2011 Cr LJ 2332.

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 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.—(1) 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 ¹[and for ensuring their medical and scientific use].

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), 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;
- ²[(da) availability of narcotic drugs and psychotropic substances for medical and scientific use;]
- (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 of narcotic 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 with respect 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

1. Ins. by Act 16 of 2014, sec. 3(a) (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

2. Ins. by Act 16 of 2014, sec. 3(b) (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

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.—(1) 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.—(1) 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.—(1) 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.—(1) 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 VA;
- (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 measures taken for—

- (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 7A 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. Chapter IIA (containing sections 7A and 7B) 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 authorisation also in accordance with the terms and conditions of such licence, permit or authorisation:

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).

Possession of Contraband

To hold a person guilty, possession has to be conscious. Control over the goods is one of the tests to ascertain conscious possession, so also the title. Once an article is found in possession of an accused it could be presumed that he was in conscious possession; *Ram Singh v. Central Bureau of Narcotics*, AIR 2011 SC 2490: (2011) 11 SCC 347: (2011) 6 SCALE 243: 2011 Cr LJ 3579.

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;
- ¹[(iiiia) the possession, transport, import inter-State, export inter-State, warehousing, sale, purchase, consumption and use of poppy straw produced from plants from which no juice has been extracted through lancing;]
- (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;
- ²[(va) the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption and use of essential narcotic drugs:

Provided that where, in respect of an essential narcotic drug, the State Government has granted licence or permit under the provisions of section 10 prior to the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 (16 of 2014), such licence or permit shall continue to be valid till the date of its expiry or for a period of twelve months from such commencement, whichever is earlier;]

- (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 transshipment 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—

1. Ins. by Act 16 of 2014, sec. 4(a)(i) (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

2. Ins. by Act 16 of 2014, sec. 4(a)(ii) (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

- (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 authorised 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 authorised 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 authorised 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;
- ¹[(ha) 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 essential narcotic drugs, the authorities by which such licence or permit may be granted and the fees that 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 transhipped; the forms and conditions of certificates, authorisations or permits, as the case may be, for such import, export or transhipment; the authorities by which such

1. Ins. by Act 16 of 2014, sec. 4 (b) (w.e.f. 1-5-2014, *vide* S.O. 1183(E), dated 30th April, 2014).

certificates, authorisations 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 (1), 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.]

10. Power of State Government to permit, control and regulate.—(1) 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, purchase, consumption and use of poppy straw ²[except poppy straw produced from plants from which no juice has been extracted through lancing];
- (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 ³[manufactured drugs (other than prepared opium and essential narcotic drugs)] 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;

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

2. Ins. by Act 16 of 2014, sec. 5(a) (w.e.f. 1-5-2014, *vide* S.O. 1183(E), dated 30th April, 2014).

3. Subs. by Act 16 of 2014, sec. 5(b), for "manufactured drugs other than prepared opium" (w.e.f. 1-5-2014, *vide* S.O. 1183(E), dated 30th April, 2014).

(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 authorised 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 authorised 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 sub-section (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 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 ²[one year], 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.]

³[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.]

⁴[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 ⁵[one year], 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

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

2. Subs. by Act 16 of 2014, sec. 6, for "six months" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

3. Subs. by Act 9 of 2001, sec. 6, for section 16 (w.e.f. 2-10-2001).

4. Subs. by Act 9 of 2001, sec. 6, for section 17 (w.e.f. 2-10-2001).

5. Subs. by Act 16 of 2014, sec. 7, for "six months" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

- (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.]

¹[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 ²[one year], 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—

- ³[(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),—

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

2. Subs. by Act 16 of 2014, sec. 8, for "six months" (w.e.f. 1-5-2014, *vide* S.O. 1183(E), dated 30th April, 2014).

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

- (A) and involves small quantity, with rigorous imprisonment for a term which may extend to ¹[one year], 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 imprisonment for 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.]

COMMENT

Individual rights of accused are undoubtedly important but equally important was societal interest for bringing offender to book and for system to send right message to all in society be it law-abiding citizen or potential offender. Criminal justice delivery system, could not be allowed to veer exclusively to benefit of offender making it uni-directional exercise; *Varinder Kumar v. State of Himachal Pradesh*, LNIND 2019 SC 128.

²[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 ³[one year], 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.]

⁴[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 ⁵[one year], or with fine which may extend to ten thousand rupees or with both;

1. Subs. by Act 16 of 2014, sec. 9, for "six months" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

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

3. Subs. by Act 16 of 2014, sec. 10, for "six months" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

4. Subs. by Act 9 of 2001, sec. 8, for section 22 (w.e.f. 2-10-2001).

5. Subs. by Act 16 of 2014, sec. 11, for "six months" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

- (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.]

¹[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 authorisation 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 ²[one year], 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 authorisation of the Central Government or otherwise than in accordance with the conditions (if any) of such authorisation 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.

³[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

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

2. Subs. by Act 16 of 2014, sec. 12, for "six months" (w.e.f. 1-5-2014, *vide* S.O. 1183(E), dated 30th April, 2014).

3. Subs. by Act 9 of 2001, sec. 9, for section 25 (w.e.f. 2-10-2001).

punishable under any provision of this Act, shall be punishable with the punishment provided for that offence.]

¹[25A. **Punishment for contravention of orders made under section 9A.**—If any person contravenes an order made under section 9A, he shall be punishable 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 which a penalty is not prescribed 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.

²[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 clause (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.]

³[27A. **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 ⁴[clause (viii) of section 2] or harbours any

1. Ins. by Act 2 of 1989, sec. 7 (w.e.f. 29-5-1989).

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

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

4. Subs. by Act 48 of 2021, sec. 2, for "clause (viii) of section 2" (w.r.e.f. 1-5-2014).

person engaged in any of the aforementioned activities, 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:

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

¹[27B. **Punishment for contravention of section 8A.**—Whoever contravenes the provision of section 8A shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to ten years and shall also be liable to fine.]

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; *Abhaynand Mishra v. State of Bihar*, AIR 1961 SC 1698.

29. Punishment for abetment and criminal conspiracy.—(1) 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. Ins. by Act 16 of 2014, sec. 13 (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

¹[sections 19, 24 and 27A and for offences involving commercial quantity of any 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.

²**[31. Enhanced punishment for offences after previous conviction.—**(1) 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 ³[one and one-half times of the maximum term] of imprisonment and also be liable to fine which shall extend to ⁴[one and one-half times 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 ⁵[one and one-half times of the minimum term] of imprisonment and ⁶[one and one-half times 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.]

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

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

3. Subs. by Act 16 of 2014, sec. 14(a)(i), for "one-half of the maximum term" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

4. Subs. by Act 16 of 2014, sec. 14(a)(ii), for "one-half of the maximum amount" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

5. Subs. by Act 16 of 2014, sec. 14(b)(i), for "one-half of the minimum term" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

6. Subs. by Act 16 of 2014, sec. 14(b)(ii), for "one-half of the minimum amount" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

¹[31A. Death penalty for certain offences after previous conviction.—

(1) 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 ²[section 19, section 24, section 27A 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 transshipment, 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 neutral material of any of the above drugs	³ [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)	Methaqualone (2-Methyl-3-O-tolyl-4-(3h)-quinazolinone)	1,500 grams
(xiii)	Amphetamine (+)-2-amino-1-phenylpropane	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), ⁴[shall be punished with punishment which shall not be less than the punishment specified in section 31 or with death].

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

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

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

4. Subs. by Act 16 of 2014, sec. 15, for "shall be punished with death" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

(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 27A 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.]

COMMENTS

Notwithstanding the absolute bar imposed by section 32A disarming the judiciary from exercising power to suspend sentence passed against a convict under the Act except to the extent that section 32A read with section 33 permit, the courts have the power, under section 389 of the Code of Criminal Procedure, to suspend, in a given case, the sentence passed against a convict under the Narcotic Drugs and Psychotropic Substances Act; *Dinesh Goyenka v. State of Assam*, 2008 (64) AIC 799.

³[32B. 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

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).

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.

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 offence under this Act, the court 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.—In this 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.

COMMENTS

The presumption of culpable mental state of accused arises only after the evidence proved beyond reasonable doubt that accused of had the knowledge that vehicle owned by him was being used for transporting narcotics; *Bhola Singh v. State of Punjab*, (2011) 11 SCC 653: JT 2011 (3) SC 392: (2011) 3 SCALE 495: 2011 Cr LJ 2296.

[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.—In 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.—(1) 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 sub-section (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 offence 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 clause (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. Subs. by Act 9 of 2001, sec. 15 (w.e.f. 2-10-2001). Earlier section 36A was inserted by Act 2 of 1989, sec. 11 (w.e.f. 29-5-1989).

(4) In respect of persons accused of an offence punishable under section 19 or section 24 or section 27A 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.**—(1) 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 (1), 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. Subs. by Act 9 of 2001, sec. 16 (w.e.f. 2-10-2001). Earlier section 36D was inserted by Act 2 of 1989, sec. 11 (w.e.f. 29-5-1989).

1974) to transfer any case or class of cases taken cognizance by a Court of Session under sub-section (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 27A 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 company and it is proved that 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 or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the 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.**—(1) A Metropolitan Magistrate or a Magistrate of the first class or any Magistrate of the second class specially 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 VA 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 VA 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.]

²[42. **Power of entry, search, seizure and arrest without warrant or authorisation.**—(1) Any such officer (being an officer superior in rank to a peon, sepoy or constable) of the departments of central excise, narcotics, customs, revenue intelligence 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 section 41 (w.e.f. 2-10-2001).

2. Subs. by Act 9 of 2001, sec. 19, for section 42 (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 personal 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 VA 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 VA 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:

¹[Provided that in respect of holder of a licence for manufacture of manufactured drugs or psychotropic substances or controlled substances, granted under this Act or any rule or order made thereunder, such power shall be exercised by an officer not below the rank of sub-inspector:

Provided further 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.]

COMMENTS

When the search was conducted by a Gazetted Officer himself, compliance with section 42 is not necessary; *Union of India v. Satrohan*, 2008 (8) SCC 313; 2008 (10) SCR 888.

²[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

1. Subs. by Act 16 of 2014, sec. 16, for "Provided that" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

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

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 VA 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.—For the 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. Power of 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 seize 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.

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).

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 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 sub-section (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) A joint communication of the right available under section 50(1) of the Act to the accused would frustrate the very purpose of section 50. Communication of the said right to the person who is about to be searched is not an empty formality. It has a purpose. Most of the offences under the Act carry stringent punishment and, therefore, the prescribed procedure has to be meticulously followed. These are minimum safe-guards available to an accused against the possibility of false involvement. The communication of this right has to be clear unambiguous and individual. The accused must be made aware of the existence of such a right. The right would be of little significance if the beneficiary thereof is not able to exercise it for want of knowledge about its existence. A joint communication of the right may not be clear or unequivocal. It may create confusion. It may result in diluting the right. Therefore, accused must be individually informed that under section 50(1), he has a right to be searched before a nearest Gazetted Officer or before a nearest Magistrate; *State of Rajasthan v. Parmanand*, AIR 2014 SC 1384.

(ii) Provisions of section 50 of the Act do not apply to any search or seizure where the article was not being carried on the person of the accused; *State of Rajasthan v. Tara Singh*, (2011) 11 SCC 559: 2011 (9) SLT 638: 2011 (3) SCC (Cr) 407.

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) Section 50 can be invoked only in cases where the drug/narcotic/NDPS substance is recovered as a consequence of the body search of the accused. In case, the recovery of the narcotic is made from a container being carried by the individual, the provisions of section 50 would not be attracted; *Jarnail Singh v. State of Punjab*, AIR 2011 SC 964: (2011) 3 SCC 521: JT 2011 (2) SC 120: (2011) 2 SCALE 401: 2011 Cr LJ 1738.

(iv) Section 50 is applicable only where search of a person is involved and said section is not applicable nor attracted where no search of a person is involved. Thus search and recovery from a bag, brief case, container, etc., does not come within the ambit of section 50 of the Act; *Ajmer Singh v. State of Haryana*, (2010) 3 SCC 746: JT 2010 (2) SC 175: (2010) 2 SCALE 362.

(v) 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 SCC 229.

(vi) A contraband seized as a result of search and seizure made in 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.

[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.—(1) 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 sub-section (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.—²[(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraint of proper storage space or any other relevant consideration, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, 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 ³[narcotic drugs, psychotropic substances, controlled substances or conveyances] 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 ⁴[narcotic drugs, psychotropic substances, controlled substances or conveyances] containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the ⁴[narcotic drugs, psychotropic substances, controlled substances or conveyances] 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 ⁴[narcotic drugs, psychotropic substances, controlled substances or conveyances] 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 ⁵[such drugs, substances or conveyances] 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 ⁶[narcotic

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

2. Subs. by Act 16 of 2014, sec. 17(a), for sub-section (1) (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014). Sub-section (1), before substitution, stood as under:

"(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."

3. Subs. by Act 16 of 2014, sec. 17(b)(i), for "narcotic drug and psychotropic substance" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

4. Subs. by Act 16 of 2014, sec. 17(b)(i), for "narcotic drugs and psychotropic substances" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

5. Subs. by Act 16 of 2014, sec. 17(b)(ii), for "such drugs or substances" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

6. Subs. by Act 16 of 2014, sec. 17(c), for "narcotic drugs or psychotropic substances" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

drugs, psychotropic substances, controlled substances or conveyances] and any list of samples drawn under sub-section (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 ¹[or any other department of the Central Government including paramilitary 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 ²[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.

³[53A. Relevancy of statements under certain circumstances.—(1) 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.]

⁴[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

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

2. Ins. by Act 9 of 2001, sec. 24 (w.e.f. 2-10-2001).

3. Ins. by Act 2 of 1989, sec. 15 (w.e.f. 29-5-1989).

4. Subs. by Act 9 of 2001, sec. 25 for section 54 (w.e.f. 2-10-2001).

- (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 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.

¹[**57A. Report of seizure of property of the person arrested by the notified officer.**—Whenever any officer notified under section 53 makes an arrest or seizure under this Act, and the provisions of Chapter VA apply to any person involved in the case of such arrest or seizure, the officer shall make a report of the illegally acquired properties of such person to the jurisdictional competent authority within ninety days of the arrest or seizure.]

58. Punishment for vexatious entry, search, seizure or arrest.—(1) 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 to be confiscated under this Act, 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

1. Ins. by Act 16 of 2014, sec. 18 (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

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 provisions of this Act.—(1) 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—

(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.—For the 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.—²[(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 ³[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 ³[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 ³[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 ³[or controlled substance], or any article liable to confiscation under sub-section (1) or sub-section (2) shall be liable to confiscation,

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

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

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

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 ¹[narcotic drug, psychotropic substance or controlled substance] which is liable to confiscation under this Act shall also be liable to confiscation.

Explanation.—In this section “goods” does not include conveyance as a means of transport.

62. Confiscation of sale proceeds of illicit drugs or substances.—Where any ²[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, ³[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.

⁴[***]

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

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

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

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

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

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.

(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 Singh v. 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.

[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 recognised 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.]

65. Power to make rules regulating disposal of confiscated articles and rewards.—[Rep. by the *Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988* (2 of 1989), sec. 18 (w.e.f. 29-5-1989).]

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,

1. Subs. by Act 9 of 2001, sec. 30, for section 64A (w.e.f. 2-10-2001). Earlier section 64A was inserted by Act 2 of 1989, sec. 17 (w.e.f. 29-5-1989).

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.

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

²[FORFEITURE OR ILLEGALLY ACQUIRED PROPERTY]

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 ³[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. Chapter VA (containing sections 68A to 68Y) ins. by Act 2 of 1989, sec. 19 (w.e.f. 29-5-1989).
 2. Subs. by Act 16 of 2014, sec. 19, for the heading "FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN ILLICIT TRAFFIC" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).
 3. 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, any one 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 ²[referred to in] 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 is managing the affairs or keeping 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 of 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) 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

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

2. Subs. by Act 28 of 2016, sec. 227(a), for " for Forfeited Property constituted under" (w.e.f. 1-6-2016).

- 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;
- (vii) 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 ²[of this Act or the equivalent value of such property; 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 ³[such property or the equivalent value of such property; or],
 - ⁴[(iii) any property acquired by such person, whether before or after the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 (16 of 2014), wholly or partly out of or by means of any income, earnings or assets the source of which cannot be proved, or the equivalent value of 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;

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

2. Subs. by Act 16 of 2014, sec. 20(a)(i), for "of this Act; or" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

3. Subs. by Act 16 of 2014, sec. 20(a)(ii), for "such property," (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

4. Ins. by Act 16 of 2014, sec. 20(a)(iii) (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

- (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[(h) "property" means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, wherever located and includes deeds and instruments evidencing title to, or interest in, such property or assets;]
- (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:

²[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 ³[any Commissioner of Customs or Commissioner 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.

1. Subs. by Act 16 of 2014, sec. 20(b), for clause (h) (w.e.f. 1-5-2014, *vide* S.O. 1183(E), dated 30th April, 2014). Clause (h), before substitution, stood as under:

"(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;"

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

3. Subs. by Act 16 of 2014, sec. 21, for "any Collector of Customs or Collector of Central Excise" (w.e.f. 1-5-2014, *vide* S.O. 1183(E), dated 30th April, 2014).

68E. Identifying illegally acquired property.—¹[(1) Every officer empowered under section 53 and every officer-in-charge of a police station shall, on receipt of information is satisfied that any person to whom this Chapter applies holds any illegally acquired property, he may, after recording reasons for doing so, proceed to take all steps necessary for tracing and identifying such property.]

(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.—(1) 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.—For the 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.

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

(2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (1) of section 68F or under section 68-I 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.—(1) 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.]

²[*Explanation.*—For the removal of doubts, it is hereby declared that in a case where the provisions of section 68J are applicable, no notice under this section shall be invalid merely on the ground that it fails to mention the evidence relied upon or it fails to establish a direct nexus between the property sought to be forfeited and any activity in contravention of the provisions of this Act.]

68-I. Forfeiture of property in certain cases.—(1) 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

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

2. Ins. by Act 16 of 2014, sec. 22 (w.e.f. 1-5-2014, *vide* S.O. 1183(E), dated 30th April, 2014).

competent authority may proceed to record a finding under this sub-section *ex parte* on 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 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 sub-section (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 forfeited.]

(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-I 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-I 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

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

contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 68H and all the other provisions of this Chapter shall apply accordingly.

Explanation.—For the 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-I, then, the transfer of such property shall be deemed to be null and void.

¹[**68N. ²[Appellate Tribunal].**—The Appellate Tribunal constituted under sub-section (1) of section 12 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976) shall be the Appellate Tribunal for hearing appeals against the orders made under section 68F, section 68-I, sub-section (1) of section 68K or section 68L.]

68-O. Appeals.—(1) ³[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-I, sub-section (1) 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 Appellate Tribunal may entertain an appeal 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

1. Subs. by Act 28 of 2016, sec. 227(b), for section 68N (w.e.f. 1-6-2016). Section 68N, before substitution, stood as under:

“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-I, 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.”

2. Corrected *vide* Corrigenda published in the Gazette of India, Extra., Pt. II, Sec. 1, No. 41, dated 27th July, 2016.

3. 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).

after making such further inquiry as it deems fit, confirm or set aside the order appealed against.

(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:

¹[Provided further that if the office of the Chairman is vacant by reason of his death, resignation or otherwise, or if the Chairman is unable to discharge his duties owing to absence, illness or any other cause, the Central Government may, by order, nominate any member to act as the Chairman until a new Chairman is appointed and assumes charge or, as the case may be, resumes his duties.]

(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;

1. Ins. by Act 16 of 2014, sec. 23 (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

- (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;
- (j) 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 sub-section (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 sub-section (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.—(1) 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 preforming any 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.

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

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., of addicts and for supply of narcotic drugs and psychotropic substances.—

(1) ¹[The Government may establish, recognise or approve as many centres as it thinks fit for identification, treatment, management], education, after-care, rehabilitation, social re-integration 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.—(1) 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 amount of such sum from any money 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:—

1. Subs. by Act 16 of 2014, sec. 24, for "The Government may, in its discretion, establish, as many centres as it thinks fit for identification, treatment" (w.e.f. 1-5-2014, vide S.O. 1183(E), dated 30th April, 2014).

- (a) withholding, 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.—(1) 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.—(1) 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;

²[***]

- (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.—³[Every rule made under this Act by the Central Government and every notification or order issued under clause (viiia), clause (xi), clause (xxiiiia) of section 2, section 3, section 7A, 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. Clause (db) omitted by Act 28 of 2016, sec. 227(c) (w.e.f. 1-6-2016). Clause (db), before omission, stood as under:

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

3. 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 transshipment 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 SCHEDULE

[See clause (xxiii) of section 2]

LIST OF PSYCHOTROPIC SUBSTANCES

Sl. No.	International non-proprietary names	Other non-proprietary 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 (dlysergic acid diethylamide)
5.		meascaline	3,4,5-Trimethoxyphenethylamine
6.		parahexyl	3-Hexyl-1-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 Psilocine, psilotsin	1-(1-Phenylcyclohexyl) pyrrolidine 3-(2-Dimethylamineoethyl)-4- hydroxyindole
10.	PSILOCYBINE		3-(2-Dimethylaminoeth)-indol-4-yl dihye- drogen phosphate.
11.		STP, DOM	2-Amino-1-2., 5-dimethoxy-4-methyl) phenylpropane
12.	TENOCYCLIDINE	TCP	1-[1-(2)-Thienyl] cyclohexyl] piperidine
¹ [13.	TETRAHYDROCANNA BIONAL		7,8,9,10-tetrahydro-6, 6, 9-trimethyl-3- pentyl-6H-dibenzol [b,d] pyran-I-OI] (9R, 10aR)-8,9, 10, 10a-tetrahydro-6,6,9- trimethy-3-pentyl-6H-dibenzol [b,d] pyran-I-O]
			(6aR. 9R-10aR)-6a,9,10, 10a-tetthydro- 6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran I-Cl.
			(6aR, 10aR)-6a,7,10. 10a-tetrahydro-6,6, 9-trimethyl-3-pentyl-6H-dibenzo[b,d] pyran-I-OI
			(6aR, 10aR)-6a,7, 8, 10,10a-hexahydro 6,6 dimethyl-I-9-methylene-3-pentyl-6H- dibenzo [b,d] pyran-I-OI
14.		DOM	2,5,-dimethoxy-4-bromoamphetamine
15.		MDA	3,4,-methylenedioxy amphetamine
16.	AMPHETAMINE		(±)-2-Amino-I-Phenylpropane

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

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
17.	DEXAMPHETAMINE		(+)-2-Amino-1-phenylpropane
18.	MECLOQUALONE		3-(O-Chlorophenyl)-2-methyl-4(3H)-quinazolinone
19.	METHAMPHETAMINE		(+)-2-Methyeamino-1-phenylpropane
20.	METHAQUALONE		2-Methyl-3-O-tolyl-4(3H)-quinazolinone
21.	METHYLPHENIDATE		2-Phenyl-2(2-piperidyl) acetic acid, methyl ester
22.	PHENCYCLIDINE	PCP	1-(1-Phenylcyclohexyl) piperidine
23.	PHENMETRAZINE		3-Methyl-2-phenylmorpholine
24.	AMOBARBITAL		5-Ethyl-5(3-methylbutyl) barbituric acid
25.	CYCLOBARBITAL		5-(1-Cyclohexen-1-yl)-5-ethylbarbituric acid
26.	GLUTETHIMIDE		2-Ethyl-2-phenylglutarimide
27.	PENTAZOCINE		1,2,3,4,5,6-Hexahydro-6,II-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol
28.	PENTOBARBITAL		5-Ethyl-5-(1-methylbutyl) barbituric acid
29.	SECOBARBITAL		5-Allyl-5-(1-methylbutyl) barbituric acid
30.	ALPRAZOLAM		8-Chloro-1-methyl-6-phenyl-4H-s-triazolo [4,3-a] [1,4] benzodiazepine.
31.	AMFEPRAMONE		2-(Diethylamino) propiophenone
32.	BARBITAL		5, 5-Diethylbarbituric acid
33.	BENZPHETAMINE		N-Benzyl-N α -dimethylphenethylamine
34.	BROMAZEPAM		7-Bromo-1, 3-dihydro-5-(2-pyridyl)-2H-1, 4-benzodiazepin-2-one
35.	CAMAZEPAM		7-Chloro-1, 3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1, 4-benzodiazepin-2-one dimethylcarbamate (ester)
36.	CHLORDIAZEPOXIDE		7-Chloro-2-(Methylamino)-5-phenyl-3 H-1, 4-benzodiazepine-4-oxide
37.	CLOBAZAM		7-Chloro-1-methyl-5-phenyl-1H-1, 5-benzodiazepine-2, 4(3H, 5H)-dione.
38.	CLONAZEPAM		5-(O-Chlorophenyl)-1, 3-dihydro-7-nitro-2H-1, 4-benzodiazepin-2-one
39.	CLORAZEPATE		7-Chloro-2, 3-dihydro-2-oxo-5-phenyl-1H, 4-benzodiazepine-3-carboxylic acid
40.	CLOTIAZEPAM		5-(O-Chlorophenyl)-7-ethyl-1, 3-dihydro-1-methyl-2H-thieno [2, 3-e]-1, 4-diazepin-2-one
41.	CLOXAZOLAM		10-Chloro-11b-(O-chlorophenyl)-2, 3, 7, 11b-tetrahydrooxazolo-[3, 2-d] [1,4] benzodiazepin-6 (5H)-one)

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
42.	DELORAZEPAM		7-Chloro-5-(0-chlorophenyl)-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 [4,3-a][1,4] benzodiazepine
45.	ETHCHLORVYNOL		Ethyl-2-chlorovinylethynylcarbinol
46.	ETHINAMATE		1-Ethynylcyclohexanolcarbamate
47.	ETHYLLOFLAZEPATE		Ethyl 7-chloro-5-(0-fluorophenyl)-2,3-dihydro-2oxo-1H-1, 4-benzociazepine-3-carboxylate
48.	FLUDIAZEPAM		7-Chloro-5-(0-fluorophenyl)-1, 3-dihydro-1-methyl-2H-1, 4-benzodiazepin-2-one
49.	FLUNITRAZEPAM		5-(0-Fluorophenyl)-1, 3-dihydro-1-methyl-7-nitro-2H-1, 4-benzodiazepin-2-one
50.	FLURAZEPAM		7-Chloro-1-[2-(diethylamino) ethyl] -5-(0-fluorophenyl)-1, 3-dihydro-2H-1, 4-benzodiazepin-2-one
51.	HALAZEPAM		7-Chloro-1, 3-dihydro-5-phenyl-1-(2,2, 2-trifluoroethyl) 2H-1, 4-benzodiazepin-2-one
52.	HALOXAZOLAM		10-Bromo-11b-0-fluorophenyl)-2,3,7, 11b-tetrahydrooxazolo [3, 2-d][1, 4]-benzodiazepin-6 (5H)-one
53.	KETAZOLAM		11-chloro-8, 12b-dihydro-2, 8-dimethyl-12b-phenyl-4H-[1, 3]-oxazino-[3, 2-d][1,4] benzodiazepine-4, 7(6H)-dione
54.	LEFETAMINE	SPA	(-)-1-Dimethylamino-1, 2-diphenylethane
55.	LOPRAZOLAM		6-(0-Chlorophenyl)-2, 4-dihydro-2-[(4-methyl-1-piperazinyl) methylene]-8-nitro-1H-imidazo[1,2-a] [1,4] benzodiazepin-1-one
56.	LORAZEPAM		7-Chloro-5-(0-chlorophenyl)-1, 3-dihydro-3hydroxy-2H-1, 4-benzodiazepin-2-one
57.	LORMETAZEPAM		7-Chloro-5-(0-chlorophenyl)-1, 3-dihydro-3-hydroxy-1-methyl-2H-1 4-benzodiazepin-2-one
58.	MAZINDOL		5-(p-Chlorophenyl)-2,5-dihydro-3-H-imidazo [2,1-x] isoindol-5-ol
59.	MEDAZEPAM		7-Chloro-2, 3-dihydro-1-methyl-5phenyl-1H-1, 4-benzodiazepine
60.	MEPROBAMATE		2-Methyl-2-propyl-1, 3-propanediol dicarbamate
61.	METHYLPHENOBARBITAL		5-Ethyl-1-methyl-5-phenylbarbituric acid
62.	METHYPRYLON		3, 3-Diethyl-5-methyl-2, 4-piperidine-doine

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
63.	NIMETAZEPAM		1,3 Dihydro-1 methyl-7 nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
64.	NITRAZEPAM		1,3 Dihydro-1-methyl-7-nitro-5-phenyl-2H-1, 4-benzodiazepin-2-one
65.	NORDAZEPAM		7-Chloro-1, 3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one
66.	OXAZEPAM		7-Chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1, 4-benzodiazepin-2-one
67.	OXAZOLAM		10-Chloro-2, 3, 7, 11b-tetrahydro-2-methyl-11b-phenyloxazolo (3,2,-d) (1,4) benzodiazepin-6-(5H)-one
68.	PHENLIMETRAZINE		(+)-3, 4-Dimethyl-2-phenylmorpholine
69.	PHENOBARBITAL		5-Ethyl-5-phenylbarbituric acid
70.	PHENTERMINE		a,a,-Dimethylphenethylamine
71.	PINAZEPAM		7-Chloro-1, 3-dihydro-5-phenyl-1-(2-propynyl)-2H-1, 4-benzodiazepin-2-one
72.	PIPRADROL		1,1-Diphenyl-1-(2-piperidyl)-methanol
73.	PRAZEPAM		7-Chloro-1-(cyclopropylmethyl)-1, 3-dihydro-5-phenyl-2H-1, 4-benzodiazepin-2-one
74.	TEMAZEPAM		7-Chloro-1, 3-dihydro-3hydroxy-1-methyl-5-phenyl-2H 1, 4-benzodiazepin-2-one
75.	TETRAZEPAM		7-Chloro-5-(cyclohexen-1-yl) 1, 3-dihydro-1 methyl-2H-1, 4-benzodiazepin-2-one
76.	TRIAZOLAM		8-Chloro-6-(0-chlorophenyl)-1-methyl-4H-s-triazolo(4,3,-a (1,4) benzodiazepin.
77.	CATHIONE		(-)(s)-2-aminopropophenone
78.		DMA	(±)-2,5-dimethoxy-a-methylphenethylamine
79.		DOET	(±)-4 ethyl -2, 5-dimethoxy-a-phenethylamine
80.		MDMA	(±)-N, a-dimethyl-3. 4-(methylene-dioxy) phenethylamine
81.		4-methylaminorex	(±)-cis-2-amino-4-methyl-5-phenyl-2-oxazoline
82.		MMDA	2-methoxy-a-methyl-4-5, (methylene-dioxy) phenethylamine
83.		N-ethyl MDA	(±) N-ethyl-u-methyl-4, 4 (methylene-dioxy) phenethylamine
84.		N-hydroxy MDA	(±)-N(u-methyl 3,4-(methylenedioxy) phenethy hydroxylamine
85.		PMA	p-methoxy-a-methylphenethylamine
86.		TMA	(±)-3, 4, 5-trimethoxy-a-methylphenethylamine
87.	FENETYLINE		7-(2-(α-methylphenethyl) amino) ethyl-) theophylline
88.	LEVAMFETAMINE	levamphetamine	(-)-(R)-α-methylphenethylamine
89.		lovomethamphetamine	(-)-N-[α-methylphenethylamine
90.	METAMFETAMINE	methamphetamine	(±)-N-u-dimethylphenethylamine
		RACEMATE	meconate

1. Added by S.O. 785 (E), dated 26th October, 1992 and as corrected by S.O. 49 (E), dated 8th January. 1993.

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
91.		delta-9-***tetrahydrocannabinol 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-μ-[(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	(+)-norpseudoephedrine	(+)-(R)-μ-[(R)-I-aminoethyl] benzyl alcohol
95.	ALLOBARBITAL	MEFENOREX	5,5-diallylbarbituric acid
96.	ETILAMFETAMINE	N-ethylamphetamine	N-ethyl-μ-methylphenethylamine
97.	FENCAMEFAMIN		N-ethyl-3-phenyl-2-norbornanmine
98.	FENPROPOREX		(±)-3-[(μ-methylphenethyl) amino] propionitrile
99.	MEFENOREX		N(3 chloropropyl)-a-methylphenethylamine
100.	MIDAZOLAM		8-chloro-6-a-(o-fluorophenyl)-1-methyl-4H-imidazol [1, 5-a] [1,4] benzodiazepine
101.	PEMOLINE		2-amino-5-phenyl-2-oxazolin-4-one(-2-imino-5-phenyl-4-oxazolidinone)
102.	PYROVAERONE		4-methyl-2-(1-pyrrolidinyl) valerophenone
103.	SECBUTABARBITAL		5-sec-butyl-5-ethylbarbituric acid
104.	VINYLBITAL		5-(1-methylbutyl)-5vinylbarbituric acid
105.		rutobarbital	5-butyl-5-ethylbarbituric acid]
¹ [105A.	ETRYPTAMINE		(3-(2-aminobutyl) indole)
105B.	METHCATHINONE		(2-(methylamino)-1 phenylpropan-1-one)
105C.	ZIPEPROL		(a-(a-methoxybenzyl)-4 (b methoxyphenethyl)-1-(piperazineethanol)
105D.	AMINOREX		(2-amino-5-phenyl-2-oxazoline)
105E.	BROTIZOLAM		(2-bromo-4-)0-chlorophenyl)-9-methyl-6H-thieno (3,2-f)-s-triazolo [4,3,-a] [1,4] diazepine)
105F.	MESOCARB		(3-(μ-methylphenethyl-N-henylerbamoyl) Sydnone imine].
² [106.			2C-B (4-bromo-2, 5 dimethoxyphenethylamine)
107.			4-MTA (α Methyl-4-Methyl-thiophenethylamine)
108.			GHB (r-Hydroxybutyric Acid)
109.			Zolpidem (INN)]
³ [110.			amineptine (7-[(10, 11-dihydro-5H-dibenzo [a, d] cyclo hepten-5-yl) amino] heptanoic acid)]
⁴ [110A.	KETAMINE		2-(2-cholorphenyl)-2-(methyl amino) cyclohexanone]

1. Added by S.O. 39(E), dated 12th January, 1996.

2. Ins. by G.S.R. 475(E), dated 11th June, 2003 and as corrected by corrigendum G.S.R. 621(E), dated 1st August, 2003.

3. Ins. by G.S.R. 1(E), dated 2nd January, 2004.

4. Ins. by G.S.R. 311(E), dated 10th February, 2011.

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
¹ [110B]	MEPHEDRONE	4-methylmethcathinone (4-MMC) 4-methylephedrone	(RS-2-methylamino-1-(4-methylphenyl) propan-1-one]
² [110C]	25B-NBOMe	2C-B-NBOMe	2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine
110D	25C-NBOMe	2C-C-NBOMe	2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine
110E	25I-NBOMe	2C-I-NBOMe	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine
110F	N-BENZYLPIPERAZINE	Benzylpiperazine, BZP	1-benzylpiperazine
110G	JWH-018	AM-678	Naphthalene-1-yl(1-pentyl-1H-indol-3-yl) methanone
110H	AM-2201	JWH-2201	[1-(5-Fluoropentyl)-1H-indol-3-yl] (naphthalene-1-yl) methaneone
110I	MDPV	3, 4-Methylenedioxypropyvalerone	(R/S)-1-(Benzol[d] [1, 3] dioxol-5-yl)-2-(pyrrolidin-1-yl) pentan-1-one
110J	METHYLONE	Beta-keto-MDMA	(RS)-2-methylamino-1,3,4-methylenedioxyphenyl propan-1-one].
³ [110K]	-	para-Methoxymethylamphetamine, PMMA	1-(4-methoxyphenyl)-N-methylpropan-2-amine
110L	-	α -Pyrrolidinovalerophenone, α -PVP	1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one
110M	-	para-Methyl-4-ethylaminorex, 4,4'-DMAR	4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine
110N	-	Methoxetamine, MXE	2-(ethylamino)-2-(3-methoxyphenyl) cyclohexanone
110O	-	Phenazepam	7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one.]
⁴ [110P]	4-Methylethcathinone	4-MEC	-
110Q	Ethylone	-	-
110R	Pentedrone	-	-
110S	Ethylphenidate	-	-
110T	Methiopropamine	MPA	-
110U	MDMB-CHMICA	-	-
110V	5F-APINACA	5F-AKB-48	-
110W	XLR-11	-	-
110X	-	Catha Edulis (Dry Chatt or Mira leaves Dry Chat Edulis)	-]
⁵ [110Y]	Tramadol	-	-]
⁶ [110Z]	-	AB-CHMINACA	N-[(2S)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide
110ZA	-	5F-ADB (5F-MDMBPINACA)	Methyl(2S)-2-[1-(5-fluorophenyl)-1 H-indazole-3-carboxylamino]-3,3-dimethylbutanoate
110ZB	-	AB-PINACA	N-[(2S)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-pentylHindazole 3-carboxamide
110ZC	-	UR-144	(1-Pentyl-1 H-indol-3-yl) (2,2,3,3-tetramethylcyclopropyl) methanone

1. Ins. by S.O. 376(E), dated 5th February, 2015.

2. Ins. by S.O. 2374(E), dated 12th July, 2016.

3. Ins. by S.O. 1383(E), dated 2nd May, 2017.

4. Ins. by S.O. 821(E), dated 27th February, 2018.

5. Ins. by S.O. 1761(E), dated 26th April, 2018 and as corrected by S.O. 3448(E), dated 13th July, 2018.

6. Ins. by S.O. 1352(E), dated 13th March, 2019.

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical name
110ZD		5F-PB-22	Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate
110ZE 1110ZF	4-Fluoroamphetamine	4-FA AB-FUBINACA	1-(4-Fluorophenyl) propan-2-amine] N-[(2S)-1-amino-3-methyl-1-oxobutan-2-yl]-1-[(4-fluorophenyl) methyl] indazole-3-carboxamide
110ZG		5F-AMB-PINACA (5F-AMB, 5F-MMB-PINACA)	Methyl 2-([(1-(5-fluoropentyl)-1H-indazol-3-yl) carbonyl] amino)-3-methylbutanoate
110ZH		5F-MDMB-PICA (5F-MDMB-2201)	Methyl(S)-2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
110ZI		4F-MDMB-BINACA	Methyl(S)-2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
110ZJ	4-CMC (4-chloromethcathinone)	clephedrone	1-(4-chlorophenyl)-2-(methylamino)-1-propanone
110ZK		N-ethylhexedrone	2-(Ethylamino)-1-phenyl-1-hexanone
110ZL		alpha-PHP	(RS)-1-Phenyl-2-(pyrrolidine-1-yl)hexan-1-one
110ZM		flualprazolam	8-Chloro-6-(2-fluoro-phenyl)-1-methyl-4Hbenzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine
110ZN	Etizolam		4-(2-Chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine
110ZO		DOC	4-Chloro-2,5-dimethoxyamfetamine
110ZP		ADB-FUBINACA	N-[(2S)-1-amino-3,3-dimethyl-1-oxobutan-2-yl]-1-[(4-fluorophenyl)methyl]-1Hindazole-3-carboxamide
110ZQ		FUB-AMB, MMBFUBINACA, AMBFUBINACA	Methyl(2S)-2-([(1-[4-fluorophenyl]methyl-1Hindazole-3-carbonyl) amino]-3-methylbutanoate
110ZR		CUMYL-4CNBINACA	1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1Hindazole-3-carboxamide
110ZS		ADB-CHMINACA, MAB CHMINACA	N-[(2S)-1-amino-3,3-dimethyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide
110ZT		N-ethylnorpentylone	1-(2H-1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one.]
2110ZU		CUMYLEGACLONE	5-Pentyl-2-(2-phenylpropan-2-yl)-2,5-dihydro-1Hpyrido[4,3-b]indol-1-one
110ZV		MDMB-4en-PINACA	Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1Hindazole-3-carboxamido)butanoate
110ZW		3-Methoxyphencyclidine	1-(1-(3-Methoxyphenyl)cyclohexyl)piperidine
110ZX		Diphenidine	1-(1,2-Diphenylethyl)piperidine
110ZY		Clonazolam	6-(2-Chlorophenyl)-1-methyl-8-nitro-4Hbenzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine
110ZZ		Diclazepam	7-Chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2Hbenzo[e][1,4]diazepin-2-one
110ZZA		Flubromazolam	8-Bromo-6-(2-fluorophenyl)-1-methyl-4Hbenzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine
3110ZZB		Eutylone	1-(Benzo[d][1,3]dioxol-5-yl)-2-(ethylamino)butan-1-one
4110ZZC			1-(1,3-Benzodioxol-5-yl)-2-(ethylamino)butan-1-one] ADB-BUTINACA N - [1 - (aminocarbonyl)-2,2-dimethylpropyl]-1-butyl1Hindazole-3-carboxamide
110ZZD		Alpha-PiHP	4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one
110ZZE		3-Methylmethcathinone	2-(methylamino)-1-(3-methylphenyl)propan-1-one].
51111	Salts and preparations of above.		

1. Ins. by S.O. 1275(E), dated 23rd March, 2021.

2. Ins. by S.O. 4428(E), dated 22nd September, 2022.

3. Ins. by S.O. 5319(E), dated 16th November, 2022.

4. Ins. by S.O. 578(E), dated 8th February, 2024.

5. Serial No. 110 re-numbered as 111 by G.S.R. 1(E), dated 2nd January, 2004.

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES RULES, 1985¹

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:—

CHAPTER 1

PRELIMINARY

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

(2) They shall come into force on the date² of their publication in the Official Gazette.

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;
- ³[(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;
- ⁴[(da) “Controller of Drugs” means the officer appointed as the controlling authority by the State Government under rule 50 of the Drugs and Cosmetics Rules, 1945 made under the Drugs and Cosmetics Act, 1940 (23 of 1940);]
- (e) “crop year” means the period beginning on and from the 1st October of any year to the 30th September of the following year;
- ⁴[(ea) “Firm” means a company, body corporate, proprietorship firm, partnership firm, limited liability partnership firm, association of persons;]
- ⁴[[eb) “Form” means a Form appended to these Rules;]
- (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

1. Vide G.S.R. 837(E), dated 14th November, 1985, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 14th November, 1985.

2. Came into force on 14-11-1985.

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

4. Ins. by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

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;
- ¹[(ha) "Licenced chemist" means a person who has obtained a licence to possess, sell, exhibit or offer for sale or distribution by retail, essential narcotic drugs under these rules;]
- ¹[(hb) "Licenced dealer" means a person who has obtained a licence to possess, sell, exhibit or offer for sale or distribution by wholesale, essential narcotic drugs under these rules;]
- ¹[(hc) "medical institution" means a hospital, dispensary, clinic or an institution by whatever name called that offers services or facilities requiring diagnosis, treatment or care of illness, disease, injury, deformity or abnormality, established and administered or maintained by the Government or Municipal Corporation or Municipal Council or Zila Parishad or any person or body of persons;]
- ¹[(hd) "patent or proprietary medicine" shall have the same meaning as defined in the Drug and Cosmetics Act, 1940 (23 of 1940);]
- ¹[(he) "prescription" means a prescription given by a registered medical practitioner for the supply of any of the essential narcotic drugs to a patient for medical use in accordance with 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;
- ¹[(ia) "recognised medical institution" means a medical institution recognised as such under these rules;]
- ¹(ib) "registered medical practitioner" means any person registered as a medical practitioner under the Indian Medical Council Act, 1956 (102 of 1956) or under any law for the registration of medical practitioner for the time being in force, or registered as a dentist under the Dentists Act, 1948 (16 of 1948) or under any law for the registration of dentists for the time being in force and has undergone training in pain relief and palliative care for prescription of essential narcotic drugs for pain relief and palliative care or training in opioid substitution therapy for prescription of essential narcotic drugs for treatment of opioid dependence;]
- (j) "Schedule" means a Schedule annexed to these rules;
- (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).

1. Ins. by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

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 powers of 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 POPPY 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 ¹[rupees ²[one hundred]].

³[**7. Application for issue of licence for cultivation of opium poppy.**—(1) An application for issue of licence for cultivation of opium poppy for the production of opium extracting juice by lancing the opium poppy or poppy straw from opium poppy from which no juice is extracted through lancing shall be made in Form No. 1 to the District Opium Officer.]

⁴[**8. Issue of licence for cultivation of opium poppy.**—(1) On receipt of an application under rule 7 for cultivation of opium poppy for the production of opium extracting juice by lancing the opium poppy, subject to the general conditions relating to grant of licence notified by the Central Government,* the District Opium Officer may issue a licence in Form No. 2.

(2) On receipt of an application under rule 7 for cultivation of opium poppy for the production of poppy straw from opium poppy from which no juice has been extracted through lancing, subject to the general conditions relating to grant of licence notified by the Central Government, the District Opium Officer may issue a licence in Form No. 2A:

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

* The Central Government has notified the general conditions for grant of licence for cultivation of opium poppy on account of the Central Government during the Opium Crop Year commencing on the 1st day of October, 2016 and ending with the 30th day of September, 2017.

2. Subs. by G.S.R. 61(E), dated 20th January, 2017, for "twenty-five" (w.e.f. 20-1-2017).

3. Subs. by G.S.R. 61(E), dated 20th January, 2017, for rule 7 (w.e.f. 20-1-2017). Rule 7, before substitution, stood as under:

"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 Form No. 1 appended to these rules."

4. Subs. by G.S.R. 61(E), dated 20th January, 2017, for rule 8 (w.e.f. 20-1-2017). Rule 8, before substitution, stood as under:

"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."

Provided that a licence under sub-rule (2) shall not be issued if the applicant does not produce a letter of consent from a person who has been issued a licence under rule 36A to purchase his entire produce of poppy straw from opium poppy from which no juice has been extracted through lancing:

Provided further that a sum of rupees one thousand per hectare of area licensed for cultivation or part thereof shall be paid to the Central Government by the person who is issued a licence under sub-rule (2) within 30 days from issue of such licence failing which the licence is deemed to be revoked.]

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.

¹[10. Designating of Lambardar.—The District Opium Officer may designate one or more cultivators of opium poppy as Lambardar in each village, where licence has been issued for cultivation of opium poppy for the production of opium extracting juice by lancing the opium poppy, who shall perform such functions on the terms and conditions, as may be specified from time to time, by the Narcotics Commissioner.]

11. Withholding or cancellation of licence.—(1) 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.

1. Subs. by G.S.R. 1129(E), dated 19th November, 2018, for rule 10 (w.e.f. 19-11-2018). Earlier rule 10 was amended by G.S.R. 61(E), dated 20th January, 2017 (w.e.f. 20-1-2017). Rule 10, before substitution, stood as under:

"10. Designating of Lambardar.—The District Opium Officer may designate one of the cultivators of opium poppy as Lambardar in each village where licence has been issued for cultivation of opium poppy for the production of opium extracting juice by lancing the opium poppy, who shall perform such functions and on such terms and conditions as may be specified from time to time by the Narcotics Commissioner."

(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 per cent. 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.—(1) 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 found to be adulterated on examination 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

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

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 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 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.—(1) 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 wilful 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.

¹[CHAPTER IIIA

POSSESSION, TRANSPORT, IMPORT INTER-STATE, EXPORT INTER-STATE, WAREHOUSING, SALE, PURCHASE, CONSUMPTION AND USE OF POPPY STRAW PRODUCED FROM OPIUM POPPY FROM WHICH NO JUICE HAS BEEN EXTRACTED THROUGH LANCING

For the purpose of this chapter,—

- (i) "Licensee" shall mean the person licensed under rule 36A of these rules;

1. Chapter IIIA (containing rules 30A to 30J) ins. by G.S.R. 61(E), dated 20th January, 2017 (w.e.f. 20-1-2017).

- (ii) "Poppy straw" shall mean opium poppy straw from which no juice has been extracted through lancing.

30A. (a) Delivery of opium straw produced.—The cultivators licensed in Form No. 2A shall deliver and/or sell opium poppy straw only to the licensee and the licensee shall cause weighment of poppy straw so delivered and draw two representative samples of such poppy straw in presence of cultivator and official of Central Bureau of Narcotics and both the samples will be sealed by the Central Bureau of Narcotics with signatures of cultivator concerned and authorised representative of the licensee and the second representative sample shall be stored by the licensee on behalf of Central Bureau of Narcotics for a period of one year unless so directed by Narcotics Commissioner in any specific case and shall be produced to the officer designated by the Narcotics Commissioner, if so desired.

(b) The safety and security of the poppy straw after the weighment as mentioned in sub-clause (a) shall be the responsibility of the licensee and the signature of authorised representative in Form 2A certifying the weight of the poppy straw tendered/sold shall be the conclusive proof of date and quantity of poppy straw which has been tendered/sold by the cultivators to the licensee.

30B. Testing of samples of poppy straw.—One sample drawn under rule 30B shall be tested by the licensee and test result shall be shared both with Central Bureau of Narcotics and cultivator concerned and the Narcotics Commissioner, shall get second sample tested independently in accordance with guidelines framed by the Department of Revenue.

30C. Provision for dealing with adulterated or inferior poppy straw.—In case of testing by licensee, if any sample of poppy straw is found to be adulterated or inferior, then second sample shall be tested by designated laboratory as may be specified by the Narcotics Commissioner, with due notice to the cultivator concerned and the test results of second sample shall be considered as final.

30D. Possession of poppy straw.—(1) No person shall possess poppy straw produced from opium poppy without a licence under rule 8 or rule 36A.

30E. Storage of poppy straw.—(1) The licensee shall communicate in writing to the Narcotics Commissioner the details of the warehouse where poppy straw shall be stored and the security measures put in place for safe storage of such poppy straw.

(2) The Narcotics Commissioner or any other officer authorised by him may inspect the warehouse and may make such suggestions as are considered necessary for safe storage of poppy straw.

30F. Inter-State import and Inter-State export of poppy straw.—(1) A person who is permitted under these rules to possess poppy straw may inter-State import or inter-State export such poppy straw with at least five working days prior intimation to the office designated by the Narcotics Commissioner.

30G. Transport of poppy straw.—(1) No consignment of poppy straw shall be transported, imported inter-State or exported inter-State unless such consignment is accompanied by a consignment note in Form No. 2B and in the manner provided in this rule.

(2) The consignment note shall be prepared in triplicate and 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.

(3) In case of non-receipt of duplicate copy by the consignor, duly endorsed by the consignee acknowledging the receipt of the consignment referred to in sub-rule (1), the consignor shall report loss or disappearance of the consignment to the Narcotics Commissioner within ten days from the date of dispatch of the consignment.

(4) The consignment note shall be preserved for a minimum period of two years by the consignor and the consignee.

(5) No transporter shall carry any consignment referred to in sub-rule (1) without a consignment note.

(6) The transporter shall produce the consignment note when required by an officer empowered under section 42 of the Act.

(7) (a) Whenever poppy straw is transported by motorised tankers or container or otherwise by packages, all the inlets and outlets of such tankers or container or packages, as the case may be, shall be sealed with tamper-proof seals each of which shall have identifiable description and such seal shall be affixed at the premises of the consignor and removed at the premises of the consignee and the Narcotics Commissioner, if so desires, may also put tamper-proof seals on containers, carriages or packages as deemed necessary.

(b) The description of tamper-proof seal affixed on such tankers or container or packages shall be entered on the consignment note of each consignment.

(c) No person shall use or possess any tamper-proof seal which has identifiable description on it identical to another tamper-proof seal.

30H. Consumption and use of poppy straw.—Consumption and use of poppy straw is prohibited save in accordance with a licence issued under rule 36A.

30-I. Disposal of poppy straw.—The stocks of poppy straw as may be in the possession of a person who has been issued a licence under rule 8 or rule 36A, on the expiry or cancellation or surrender of such licence, shall be disposed of in such manner as may be specified by the Narcotics Commissioner.

30J. Destruction of poppy straw.—(1) A person who has been issued a licence under rule 8 or rule 36A intending to destroy such stocks of poppy straw as may be in his possession shall apply to the Narcotics Commissioner in such form and manner as may be specified by him in this regard.

(2) The Narcotics Commissioner shall, within a period of thirty days from the date of receipt of an application under sub-rule (1), appoint a committee comprising two Gazetted Officer in the office of the Narcotics Commissioner, and an authorised representative of the applicant for supervising the destruction of the poppy straw and such destruction shall be carried out within a period of thirty days from the appointment of the committee.

(3) The destruction of the poppy straw shall be carried out in accordance with the provision of the relevant laws for the time being in force.]

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.—¹[(1) The sale of opium to the State Governments or manufacturing chemists or the person or entity who has been granted licence under sub-section (2A) of rule 36, as the case may be, shall be only from the Government Opium Factories, located at Neemuch and Ghazipur;

(2) The sale of opium from the Government Opium Factory at Neemuch and Ghazipur to manufacturing chemists or the person or entity who has been granted licence under sub-rule (2A) of rule 36, as the case may be, shall be only under a permit granted by or under the orders of the State Government within whose jurisdiction the chemist or the person or entity resides or has his place of business in the forms 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 ²[Government Opium Factories at Neemuch and 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.

³[**33A. Sale of opium derivatives from the Government Opium Factories.**—

(1) The Government Opium Factories may sell the opium derivatives only if the buyer produces a valid quota allocation under rule 67E.

(2) Every buyer of a opium derivative under sub-rule (1), shall provide information to the Chief Controller of Factories regarding its utilization, or any other related matter in such form and within such time as may be indicated by the Chief Controller of Factories.]

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:

⁴[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

1. Subs. by G.S.R. 95 (E), dated 4th February, 2004, for sub-rules (1) and (2) (w.e.f. 4-2-2004).

2. Subs. by G.S.R. 95 (E), dated 4th February, 2004, for "Government Opium Factory, Ghazipur" (w.e.f. 4-2-2004).

3. Ins. by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010).

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

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.—(1) 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, dihydrocodeinone, dihydrocodeine, acetyldihydrocodeine, acetyldihydrocodeinone, dihydromorphine, dihydromorphinone, dihydrohydroxycodeinone, pholcodine and their respective salts is prohibited save by the Government Opium Factory.

¹[(2A) Notwithstanding anything contained in sub-rule (2), the Narcotics Commissioner or such other officer as may be authorized by the Central Government may, on and from the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Rules, 2004 grant a licence in Form 3 appended to these rules on such terms and conditions as may be specified in the licence to any person or entity for manufacture of morphine, codeine, dionine, thebaine, dihydrocodeinone, dihydrocodeine, acetyldihydrocodeine, acetyldihydrocodeinone, dihydromorphine, dihydromorphinone, dihydrohydroxycodeinone, pholcodine and their respective salts ²[³***], if the Central Government determines that such licence is necessary in public interest and is in consonance with India's obligations under International treaties, conventions or protocols];]

⁴[(2B) If, in the opinion of the Central Government, the licensee fails to fulfil the purpose for which he is issued a licence under sub-rule (2A) or the terms and conditions of the licence, the Central Government may, after giving the licensee a reasonable opportunity of being heard, cancel the licence.]

(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.

⁴[36A. Manufacture of natural manufactured drugs from poppy straw.—(1) Notwithstanding anything contained in rule 36, if the Central Government is of the opinion that it is in public interest to do so, the Narcotics Commissioner or any other officer authorised by the Central Government in this behalf may issue a licence in Form No. 3A on such terms and conditions as may be specified in the licence to manufacture poppy straw concentrate ⁵[from poppy straw produced from poppy cultivated under a licence issued under rule 8 of these rules].

1. Ins. by G.S.R. 95(E), dated 4th February, 2004 (w.e.f. 4-2-2004).

2. Added by G.S.R. 736(E), dated 22nd December, 2005 (w.e.f. 22-12-2005).

3. The words "from Indian opium" omitted by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010).

4. Ins. by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010).

5. Subs. by G.S.R. 359(E), dated 5th May, 2015, for "from poppy straw" (w.e.f. 5-5-2015).

(2) The licensee may also manufacture morphine, codeine, thebaine, dionine, dihydrocodeinone, dihydrocodone, acetyldihydrocodeine, acetyldihydrocodeinone, dihydromorphine, dihydromorphinone, dihydrohydroxycodone, pholcodeine and their respective salts from the poppy straw concentrate manufactured under sub-rule (1).

(3) If, in the opinion of the Central Government, the licensee fails to fulfil the purpose for which he is issued a licence under sub-rule (1), or the terms and conditions of the licence, the Central Government, may after giving the licensee a reasonable opportunity of being heard, cancel the licence.]

[37. Manufacture of synthetic manufactured drugs.]—Subject to the provisions of rule 36, the manufacture of manufactured drugs notified under sub-clause (b) of clause (xi) of section 2 of the Act including the essential narcotic drugs notified under clause (viii a) of section 2 of the Act (hereafter referred to as the drug) but not including preparation containing any manufactured drug from materials which the maker is lawfully entitled to possess is prohibited save under and in accordance with the conditions of a licence granted by the Narcotics Commissioner or such other officer as may be authorised by the Central Government in this behalf, in Form No. 3 appended to these rules.

Explanation.—For the removal of doubts it is hereby clarified that the licence to manufacture a preparation containing any manufactured drug and including the preparation notified as essential narcotic drugs under clause (viii a) of section 2 of the Act shall be regulated under the rules made by the State Government under section 10 of the Act.]

[38. Application for licence.]—(1) Every application for a licence or for renewal thereof under the proviso to rule 35 or rule 36 or rule 37 shall be in such form and manner as may be specified by the Narcotics Commissioner.

(2) A fee of rupees five thousand shall be payable to the Central Government for each licence issued under rule 37 or for renewal thereof.

1. Subs. by G.S.R. 359(E), dated 5th May, 2015, for rule 37 (w.e.f. 5-5-2015). Earlier rule 37 was amended by G.S.R. 95(E), dated 4th February, 2004 (w.e.f. 4-2-2004); by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010) and by G.S.R. 426(E), dated 1st July, 2014, (w.e.f. 1-7-2014). Rule 37, before substitution by G.S.R. 359(E) dated 5th May, 2015, stood as under:

"37. Manufacture of synthetic manufactured drugs.—(1) Subject to the provisions of rule 36, the manufacture of manufactured drugs notified under sub-clause (b) of clause (xi) of section 2 of the Act (hereafter referred to as the drug) but not including preparation containing any manufactured drug from materials which the maker is lawfully entitled to possess is prohibited save under and in accordance with the conditions of a licence granted by the Narcotics 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 five thousand shall be payable in advance to the Central Government for each licence issued under this rule for renewal thereof."

2. Subs. by G.S.R. 359(E), dated 5th May, 2015, for rule 38 (w.e.f. 5-5-2015). Earlier rule 38 was amended by G.S.R. 350(E), dated 25th June, 1997 (w.e.f. 27-6-1997) and by G.S.R. 95(E), dated 4th February, 2004 (w.e.f. 4-2-2004). Rule 38, before substitution by G.S.R. 359(E) dated 5th May, 2015, stood as under:

"38. Application for licence.—Every application for a licence or for renewal thereof under rule 36 or rule 37 or under the proviso to rule 35 shall be in such form as may be specified by the Narcotics Commissioner."

(3) On receipt of an application for issue or renewal of a licence under rule 37, the Narcotics Commissioner shall issue or renew the licence in Form No. 3 within thirty working days from the date of receipt of such application.

(4) In case the licence is not issued or renewed within the period specified in sub-rule (3), the Narcotics Commissioner or any other officer authorised by him in this regard shall inform the applicant the reasons thereof.]

¹[**39. Commencement of manufacture.**—(1) A person who has been issued a licence under rule 36 or rule 36A or rule 37 shall not commence manufacture without obtaining the licences required under the Drugs and Cosmetics Act, 1940 (23 of 1940) for the manufacture of the drug, and 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 drug.

(2) The licensee shall send copy of the licences specified in sub-rule (1) to the Narcotics Commissioner before commencement of manufacture of the drug.

(3) In the event of revocation of licence issued under the Drugs and Cosmetics Act, 1940 (23 of 1940) for the manufacture of the drug or 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 drug, the licence issued under rule 36 or rule 36A or rule 37, as the case may be, shall be deemed to be revoked.]

40. Manufacture only from materials lawfully possessed.—²[(1)] The licensee shall not manufacture the drug save from materials which he is lawfully entitled to possess.

³[(2) The licensee shall not manufacture the drug without allotment of quota for that drug under sub-rule (2) of rule 67E].

1. Subs. by G.S.R. 359(E), dated 5th May, 2015, for rule 39 (w.e.f. 5-5-2015). Earlier rule 39 was amended by S.O. 166(E), dated 12th July, 2010 (w.e.f. 13-7-2010). Rule 39, before substitution, stood as under:

"39. Conditions for issue of licences.—(1) No licence shall be issued under rule 37 for 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 carry on the business described in the application and is of good financial standing.

(2) Licence referred to in sub-rule (2A) of rule 36 and rule 36A shall be issued subject to the condition that before commencing of the manufacture, the licensee shall obtain the licences required as per the Drugs and Cosmetics Act, 1940 (23 of 1940) from the authority in-charge of drug control in the State and the licence issued by the State Government under section 10 of the Act, or any other licence required under any other law for the time being in force."

2. Rule 40 re-numbered as sub-rule (1) thereof by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).
3. Ins. by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

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 any one 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.

¹[**43. Advance notice for cessation and recommencement of manufacture.**—

(1) The licensee shall give at least one month's notice in writing to the issuing authority before he ceases to manufacture the drug for any reasons whatsoever:

²[Provided that the notice referred to in this sub-rule shall not apply in case the cessation of manufacture is on account of unforeseen circumstances beyond the control of the licensee.]

(2) The licensee shall give at least fifteen days notice in writing to the issuing authority prior to the date of recommencement of manufacture of the drug after cessation of manufacture of the drug as mentioned at sub-rule (1).]

¹[***]

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.

³[**45A. Destruction of drugs.**—(1) A licensee seeking to destroy the drug shall apply to the Narcotics Commissioner in such form and manner as may be specified by the Narcotics Commissioner.

(2) The Narcotics Commissioner shall, within a period of thirty days from the date of receipt of an application under sub-rule (1), appoint a committee comprising a Gazetted Officer in the office of the Narcotics Commissioner, or

1. Subs. by G.S.R. 359(E), dated 5th May, 2015, for rule 43 and rule 44 (w.e.f. 5-5-2015). Rule 43 and rule 44, before substitution, stood as under:

"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.

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."

2. Ins. by G.S.R. 500(E), dated 17th June, 2015 (w.e.f. 17-6-2015).

3. Ins. by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

Narcotics Control Bureau constituted *vide* notification number S.O. 96(E), dated the 17th March, 1986, Superintendent of Central Excise of the concerned range and an authorised representative of the applicant for supervising the destruction of the drug and such destruction shall be carried out within a period of thirty days from the appointment of the committee.

(3) The destruction of the drug shall be carried out in accordance with the provision of the relevant laws for the time being in force.]

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.—(1) 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.—(1) 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.—(1) 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 ¹[Secretary, Government of India, Ministry of Finance, Department of Revenue or any other officer, not below the rank of Additional Secretary to the Government of India, authorised by him in this behalf], 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 ¹[Central Government].

1. Subs. by S.O. 739(E), dated 11th April, 2011, for "Board" (w.e.f. 11-4-2011).

50. Procedure for appeal.—(1) 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 wilful 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.

¹[CHAPTER VA

POSSESSION, TRANSPORT, IMPORT INTER-STATE, EXPORT INTER-STATE, SALE, PURCHASE, CONSUMPTION AND USE OF ESSENTIAL NARCOTIC DRUGS

52A. Possession of essential narcotic drug.—(1) No person shall possess any essential narcotic drug otherwise than in accordance with the provisions of these rules.

(2) Any person may possess an essential narcotic drug in such quantity as has been at one time sold or dispensed for his use in accordance with the provisions of these rules.

(3) A registered medical practitioner may possess essential narcotic drug, for use in his practice but not for sale or distribution, not more than the quantity mentioned in the Table below, namely:—

1. Chapter VA (containing rule 52A to rule 52M) inserted by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

TABLE

Sl. No.	Name of the essential Narcotic Drug	Quantity
(1)	(2)	(3)
1.	Morphine and its salts and all preparations containing more than 0.2 per cent. of Morphine	500 Milligrammes
2.	Methyl morphine (commonly known as 'Codeine') and Ethyl morphine and their salts (including Dionine), all dilutions and preparations except those which are compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations and which have been established in therapeutic practice	2000 Milligrammes
3.	Dihydroxy Codeinone (commonly known as Oxy-codone and Dihydroxycodine), its salts (such as Eucodal Boncodal Dinarcon Hydrolaudin, Nucodan, Percodan, Scopchedal, Tebodal and the like), its esters and the salts of its ester and preparation, admixture, extracts or other substances containing any of these drugs	250 Milligrammes
4.	Dihydrocodeinone (commonly known as Hydrocodone), its salts (such as Dicodeide, Codinovo, Diconone, Hycodan, Multacodin, Nyodide, Ydroced and the like) and its esters and salts of its ester, and preparation, admixture, extracts or other substances containing any of these drugs	320 Milligrammes
5.	1-phenethyl-4-N - propionylanilino-piperidine (the international-non-proprietary name of which is Fentanyl) and its salts and preparations, admixture, extracts or other substances containing any of these drugs	Two transdermal patches one each of 12.5 microgram per hour and 25 microgram per hour:

Provided that the Controller of Drugs or any other officer authorised in this behalf by him may by special order authorise, in Form 3B, any such practitioner to possess the aforesaid drugs in quantity larger than as specified in the above Table:

Provided further that such authorisation may be granted or renewed, for a period not exceeding three years at a time.

Explanation.—The expression "for use in his practice" covers only the actual direct administration of the drugs to a patient under the care of the registered medical practitioner in accordance with established medical standards and practices.

(4) For renewal of the authorisation referred to in the second proviso to sub-rule (3), application shall be made to the Controller of Drugs at least thirty days before the expiry of the previous authorisation.

(5) (a) The Controller of Drugs may, by order, prohibit any registered medical practitioner from possessing for use in his practice under sub-rule (3) any essential narcotic drug, where such practitioner—

- (i) has violated any provision of these rules; or
- (ii) has been convicted of any offence under the Act; or
- (iii) has, in the opinion of the Controller of Drugs, abused such possession or otherwise been rendered unfit to possess such drug.

(b) When any order is passed under clause (a) of this sub-rule, the registered medical practitioner concerned shall forthwith deliver to the Controller of Drugs the essential narcotic drug then in his possession and the Controller of Drugs shall issue orders for the disposal of such drugs.

(6) The Controller of Drugs may, by a general or special order, authorise any person to possess essential narcotic drug as may be specified in that order.

(7) A recognised medical institution may possess essential narcotic drug in such quantity and in such manner as specified in these rules.

¹[(8) A manufacturer may possess essential narcotic drug in such quantity as may be specified in the licence issued under rule 36, rule 36A, or rule 37 of these rules or the licence issued for manufacturing the preparations of essential narcotic drugs under the rules made by the State Government under section 10 of the Act:

Provided that there shall be no limit to the possession of essential narcotic drug by the Government Opium Factories.]

(9) A licenced dealer or a licenced chemist may possess essential narcotic drug in such quantity, and in such manner as may be specified in the licence issued under these rules.

52B. Provisions regarding licenced dealer and licenced chemist.—(1) A licenced dealer or a licenced chemist shall apply for a licence to possess, sell, exhibit or offer for sale or distribution by retail or wholesale, essential narcotic drug, to the authority competent to issue licence to possess, sell, exhibit or offer for sale or distribution by retail or wholesale, manufactured drugs under the rules framed under section 10 of the Act by State Government of the State in which he has his place of business.

(2) Every application for issue of licence referred to in sub-rule (1) shall be in such form and manner as may be specified by the authority referred to in the said sub-rule.

(3) The licence to possess, sell, exhibit or offer for sale or distribution by retail or wholesale, essential narcotic drugs shall have the same conditions as are applicable to a licence to possess, sell, exhibit or offer for sale or distribution by retail or wholesale, manufactured drugs under the rules framed under section 10 of the Act by the State Government.

(4) The licence under this rule shall be obtained within a period of one hundred and eighty days from the date of commencement of these rules.

1. Subs. by G.S.R. 500(E), dated 17th June, 2015, for sub-rule (8) (w.e.f. 17-6-2015). Sub-rule (8), before substitution stood as under:

“(8) A manufacturer may possess essential narcotic drug in such quantity as may be specified in the licence issued under rule 37 of these rules.”.

52C. Import Inter-State and Export Inter-State of essential narcotic drugs.—

Any person who is permitted to possess essential narcotic drug under rule 52A may import inter-State or export inter-State such drug upto the quantity he is permitted to possess.

52D. Transport of essential narcotic drugs.—(1) Subject to the provisions of rule 52C, no consignment of essential narcotic drugs shall be transported, imported inter-State or exported inter-State unless such consignment is accompanied by a consignment note in Form No. 3C and in the manner as provided in sub-rules (2) and (3).

(2) The consignment note referred to 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 essential narcotic drugs 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 and consignee shall preserve such consignment note referred to in sub-rule (1) for a period of two years:

Provided that the said consignment note shall not apply in cases where the sale of the essential narcotic drug is accompanied by a sale bill or invoice or cash memo or any other document duly signed by the consignor or his authorised signatory, which shall include the following information about the consignment:—

- (a) name, address and licence number of the consignor and the consignee;
- (b) description, batch number and quantity;
- (c) mode and particulars of transport:

Provided further that such documents shall be preserved by the consignor and consignee for a period of two years.

Explanation.—Where the consignee is a person to whom the essential narcotic drug has been sold or dispensed for his personal use, research institution, registered medical practitioner, recognised medical institution, or hospital, the requirement of incorporating licence number of the consignee shall not be applicable.

52E. Transmission of essential narcotic drugs by post, courier, rail or road.—The transmission of essential narcotic drugs by inland post or courier or by rail or by road by a manufacturer, licensed dealer or licensed chemist is permitted, subject to the following conditions, namely:—

- (i) the parcel of the essential narcotic drugs when sent by post shall be sent by registered post;
- (ii) the parcel of essential narcotic drugs shall be accompanied by a declaration showing the names of consignor and consignee, the contents of the parcel in detail, the number of licence or authorisation or recognition held by the consignee;

- (iii) the consignee shall show distinctly in his account books, if he is a licensee, the name of the consignee and the consignor respectively, and the quantity of the essential narcotic drug imported inter-State, exported inter-State or transported by and to him, as the case may be, from time to time, by post or by courier or by road or by rail.

52F. Sale.—¹[(1) A manufacturer or licenced dealer shall sell essential narcotic drugs otherwise than on prescription to—

- (a) a manufacturer who has been issued a licence under rule 37 of these rules or a manufacture of preparations of essential narcotic drugs who has been issued a licence under the rules made by the State Government under section 10 of the Act;
- (b) a licenced dealer;
- (c) a licenced chemist;
- (d) a registered medical practitioner;
- (e) a person who has been authorised by the Controller of Drugs under these rules; or
- (f) a recognized medical institution.]

(2) A licenced chemist shall sell essential narcotic drug only on prescription and subject to the provisions of the Drug and Cosmetics Rules, 1945.

(3) A recognised medical institution shall dispense or sell essential narcotic drugs in such manner as specified in these rules.

52G. Registered medical practitioner and conditions relating to their prescriptions.—No prescription for the supply of essential narcotic drugs shall be given by a registered medical practitioner otherwise than in accordance with the following conditions, namely:—

- (i) the prescription shall be in writing, dated and signed by the practitioner with his full name, address and registration number and shall specify the name and address of the person to whom the prescription is given and the total quantity of the essential narcotic drug to be supplied alongwith daily dose and period of consumption:

Provided that where such drug to be supplied on the prescription is a patent or proprietary medicine, it shall be sufficient to state the quantity and strength of the medicine to be supplied;

1. Subs. by G.S.R. 500(E), dated 17th June, 2015, for sub-rule (1) (w.e.f. 17-6-2015). Sub-rule (1), before substitution stood as under:

“52F. Sale.—(1) A manufacturer or licenced dealer shall sell essential narcotic drugs otherwise than on prescription to—

- (a) a licenced dealer;
- (b) a licenced chemist;
- (c) a registered medical practitioner;
- (d) a person who has been authorised by the Controller of Drugs under these rules; or
- (e) a recognized medical institution.”.

- (ii) the prescription shall not be given for the use of the prescriber himself.

52H. Authorisation and accounts.—(1) The Controller of Drugs may by a general or special order authorise:

- (a) any person in-charge of an educational institution or engaged in scientific research to possess and use, for educational or scientific purposes only, essential narcotic drug, in such quantity and in such manner as may be specified in the said order;
- (b) a pilot of an aircraft or captain of a ship to possess and use, on the aircraft or ship, as the case may be, in any emergency, essential narcotic drug, in such quantity and in such manner as may be specified in the said order;
- (c) a person in-charge of an ambulance or a first-aid station or a first-aid box to possess and use, in an emergency, essential narcotic drug, in such quantity and in such manner as may be specified in the said order.

(2) Every registered medical practitioner, and a person authorised by general or special order under this rule shall maintain day to day accounts in respect of all transactions of essential narcotic drug in Form No. 3D and the records of the daily accounts shall be preserved for a minimum period of two years from the date of last entry.

(3) Every registered medical practitioner shall also maintain a separate record in Form No. 3E for each patient and such record shall be preserved for a minimum period of two years from the date of last entry.

52-I. Suspension and cancellation of authorisation.—(1) Without prejudice to any action that may be taken under the provisions of the Act, the Controller of Drugs may, for the reasons to be recorded in writing, cancel or suspend the authorisation under rules 52A or 52H,—

- (a) if the purpose for which the authorisation was granted ceases to exist; or
- (b) in the event of any breach, by the holder of such authorisation or by his servant or by any one acting with his express or implied permission on his behalf, of any of the terms and conditions of such authorisation or of any authorisation previously held by him.

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

52J. Appeal.—(1) Appeal against a decision or order made or passed under rule 52-I may be filed by the person against whom such decision or order has been made or passed, to the Secretary to the State Government responsible for implementation of the Drugs and Cosmetic Rules, 1945 in the State within a period of sixty days from the date of communication of such decision or order to him.

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

52K. Procedure for appeal.—(1) The Appellate Authority referred to in sub-rule (1) of rule 52J shall give an opportunity to the appellant to be heard in person, if he so desires.

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

(3) The aforesaid Appellate Authority may, after making such further inquiry as may be necessary, pass such order 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 of determination, the decision thereon and the reasons for the decision.

52L. Surrender of authorisation, etc.—An authorised person, if he so desires, surrender his authorisation by giving not less than fifteen days notice in writing to the issuing authority.

52M. Disposal of stocks of essential narcotic drugs on expiry, surrender, cancellation of authorisation, etc.—(1) Such stocks of essential narcotic drugs as may be in the possession of an authorised person, on the expiry or cancellation or surrender of his authorisation, shall be disposed of in such manner as may be specified by the Controller of Drugs in this behalf.

(2) The expired stock of essential narcotic drugs as may be in the possession of an authorised person or a registered medical practitioner shall be destroyed in such manner as may be specified by the Controller of Drugs.]

¹[CHAPTER VB

SPECIAL PROVISIONS RELATING TO RECOGNISED MEDICAL INSTITUTION

52N. Government, etc. hospital, dispensary to be deemed recognised medical institution.—Government or Municipal Corporation or Municipal Council or Zilla Parishad hospital, dispensary or medical institution, with at least one registered medical practitioner possessing a minimum qualification of a degree in medicine or dentistry and who has undergone training in pain relief and palliative care for prescription of essential narcotic drugs for pain relief and palliative care or training in opioid substitution therapy for prescription of essential narcotic drugs for treatment of opioid dependence, who shall prescribe and dispense essential narcotic drugs, shall be deemed to be a recognised medical institution under these rules for possessing, dispensing or selling of essential narcotic drugs for medical purpose.

Explanation.—For the removal of doubts it is hereby clarified that Government or Municipal Corporation or Municipal Council or Zilla Parishad hospital, dispensary and medical institution, shall be exempt only from making application to the Controller of Drugs for recognition as recognised medical

1. Chapter VB (containing rule 52N to rule 52Z and rule 52ZA) inserted by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

institution, but all other provisions of this Chapter shall be equally applicable to such deemed recognised medical institution as are applicable to other recognised medical institution.

52-O. Recognition of medical institutions.—(1) A medical institution seeking, to be a recognised medical institution or renewal of such recognition, under these rules for possessing, dispensing or selling essential narcotic drugs for medical purposes shall apply in Form No. 3F to the Controller of Drugs.

(2) The Controller of Drugs, on receipt of application referred to in sub-rule (1) may, subject to any inquiry which may be necessary, issue a Certificate of Recognition in Form No. 3G and such certificate shall be issued within sixty days from the date of receipt of such application.

(3) In case the Certificate of Recognition is not issued within the period mentioned in sub-rule (2), the Controller of Drugs or any other officer authorised by him in this regard shall inform the applicant the reasons thereof.

(4) The Certificate of Recognition shall be issued for a period not exceeding three years at a time.

(5) For renewal of the recognition referred to in sub-rule (1), application shall be made to the Controller of Drugs at least sixty days before the expiry of previous recognition.

(6) The Certificate of Recognition shall be obtained within a period of one hundred and eighty days from the date of commencement of these rules.

(7) In the event of a change in the constitution of a recognised medical institution, the current recognition shall be deemed to be valid for a maximum period of ninety days from the date on which the change takes place.

52P. Suspension and Cancellation of recognition.—(1) Without prejudice to any action that may be taken under the provisions of the Act, for the reasons to be recorded in writing, the Controller of Drugs may suspend or cancel the recognition referred to in rule 52-O,—

- (i) if the essential narcotic drugs obtained by a recognised medical institution were supplied for non-medical use; or
- (ii) in the event of any breach of the conditions of the recognition; or
- (iii) in the event of violation of any of the provisions of the Act or rules and orders made thereunder.

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

52Q. Designated medical practitioner.—(1) Every recognised medical institution shall designate one or more registered medical practitioner who has undergone training in pain relief and palliative care for prescription of essential narcotic drugs for pain relief and palliative care or training in opioid substitution therapy for prescription of essential narcotic drugs for treatment of opioid dependence, who shall prescribe and dispense essential narcotic drugs.

(2) When more than one registered medical practitioner is designated, one of them shall be designated as over-all in charge.

(3) The name of the designated medical practitioner or the over-all in charge, as the case may be, shall be endorsed on the Certificate of Recognition issued under rule 52-O by the Controller of Drugs.

(4) Whenever there is a change in the designated medical practitioner or the over-all in charge, as the case may be, the recognised medical institution shall inform the Controller of Drugs within seven days from date of such change for appropriate endorsement on the Certificate of Recognition.

52R. Duties of designated medical practitioner.—(1) The designated medical practitioner or the over-all in charge, as the case may be, shall,—

- (a) register the patients to whom essential narcotic drugs shall be dispensed or sold for medical use only;
- (b) maintain separate record in Form No. 3E for each patient, which shall be preserved for a minimum period of two years from the date of last entry;
- (c) maintain record of all receipts and disbursements of essential narcotic drugs in Form No. 3H, which shall be preserved for a minimum period of two years from the date of last entry; and
- (d) file return for a calendar year on or before the 31st of March of the subsequent year in Form No. 3-I to the Controller of Drugs.

(2) In the event of any change in the constitution of the recognised medical institution, the designated medical practitioner or the over-all in charge, as the case may be, shall inform the Controller of Drugs in writing within thirty days from the date of such change for issue of fresh Certificate of Recognition.

52S. Surrender of recognition.—(1) A recognised medical institution may surrender its recognition by giving not less than thirty days' notice in writing to the Controller of Drugs.

(2) On surrender of the recognition, the essential narcotic drugs as may be in the possession of the recognised medical institution shall be disposed of in such manner, including transfer to another recognised medical institution, as may be specified by the Controller of Drugs.

52T. Estimates of requirement.—(1) Every recognised medical institution shall submit an estimate of its annual requirement of essential narcotic drugs in Form No. 3J by the 30th November of the preceding calendar year to the Controller of Drugs.

(2) If the requirement of a recognised medical institution exceeds the annual estimate submitted to the Controller of Drugs, it shall submit a revised estimate by the 31st August of the calendar year to which the said annual estimate pertains, to the Controller of Drugs.

Explanation.—For the removal of doubts it is hereby clarified that a recognised medical institution may sell and disburse essential narcotic drugs over and above the quantity indicated in the estimate submitted to the Controller of Drugs as specified in this rule, but the designated medical practitioner or the over-all in charge, as the case may be, shall record a brief justification for such increase while filing return in Form No. 3-I.

52U. Possession of essential narcotic drug by recognised medical institution.—A recognised medical institution shall possess essential narcotic drugs in quantities not exceeding the quantities mentioned in the estimate or revised estimate, as the case may be, of the annual requirement of such drug submitted to the Controller of Drugs under rule 52T.

52V. Miscellaneous.—(1) The expired stock of essential narcotic drugs shall be destroyed by the recognised medical institution in the presence of an officer nominated by the Controller of Drugs.

(2) The unused essential narcotic drugs returned by the patients shall be considered as receipts by the recognised medical institution.

(3) Essential narcotic drugs shall not be transferred, loaned or sold by the recognised medical institution to other institutions without the prior approval of the Controller of Drugs.

52W. Home care treatment.—(1) Notwithstanding anything contained in these rules, where home care treatment is provided to a patient registered with a recognised medical institution by deputing qualified personnel of such recognised medical institution to the home or residence or place of stay, either permanent or temporary, of such patient, the designated medical practitioner or the over-all in charge, as the case may be, shall, authorise such personnel to carry such quantity of essential narcotic drugs as may be required for treatment of such patient:

Provided that home care treatment shall not be provided for treatment of opioid dependence.

(2) The designated medical practitioner or the over-all in charge shall maintain proper record of such issue and also of the unused essential narcotic drugs received from such personnel after completion of visit to the patient.

52X. Maintenance of records.—All records generated under this Chapter shall be kept for a period of two years from the date of last entry.

52Y. Inspection of stocks.—The stocks of essential narcotic drugs under the custody of a recognised medical institution shall be open for inspection by the Controller of Drugs or any other officer authorised by him in this regard.

52Z. Appeal.—(1) A recognised medical institution aggrieved by any decision or order passed by the Controller of Drugs under this Chapter may appeal to the Secretary to the State Government responsible for implementation of Drugs and Cosmetic Rules, 1945 within a period of sixty days from the date of communication to him of such decision or order.

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

52ZA. Procedure for appeal.—(1) The Appellate Authority referred to in sub-rule (1) of rule 52Z shall give an opportunity to the appellant to be heard in person, if he so desires.

(2) The Appellate Authority referred to in sub-rule (1) of rule 52Z may, at the hearing of an appeal allow the appellant to raise any other ground not specified in the appeal, if the Appellate Authority is satisfied that omission of that ground from the appeal was not willful or unreasonable.

(3) The Appellate Authority referred to in sub-rule (1) of rule 52Z may, after making such further inquiry as may be necessary, pass such order 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.]

CHAPTER VI

IMPORT, EXPORT AND TRANSHIPMENT OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

¹[53. **General prohibition.**—Import into and export out of India of the narcotic drugs and psychotropic substances is prohibited except with an import certificate or export authorization issued under the provision of this Chapter:

Provided that import into India or export out of India of the narcotic drugs and psychotropic substances specified in Schedule I of these rules shall be for the purpose mentioned in Chapter VIIA.]

²[***]

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:

³[Provided that nothing in this rule shall apply to import of morphine, codeine, thebaine and their salts by manufacturers notified by the Government,

1. Subs. by G.S.R. 224(E), dated 25th March, 2015, for rule 53 (w.e.f. 25-3-2015). Earlier rule 53 was amended by G.S.R. 350(E), dated 25th June, 1997 (w.e.f. 27-6-1997). Rule 53, before substitution, stood as under:

“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:

Provided that nothing in this rule shall apply in case the drug substance is imported into or exported out of India subject to an import certificate or export authorisation issued under the provision of this Chapter and for the purpose mentioned in Chapter VIIA.”

2. Rule 53A omitted by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015). Earlier rule 53A was inserted by S.O. 599(E), dated 10th August, 1993 (w.e.f. 10-8-1993) and amended by G.S.R. 556(E), dated 14th July, 1995 (w.e.f. 20-7-1995). Rule 53A, before omission, stood as under:

“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 [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.”

3. Ins. by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010).

for use in manufacture of products to be exported or to imports of small quantities of morphine, codeine and thebaine and their salts not exceeding a total of 1 kilogram ¹[during a calendar year for analytical purposes by an importer], after following the procedure under rule 55 and subject to such conditions as may be specified in the import certificate issued in Form No. 4A.]

55. Application for import certificate.—²[(1) Subject to rule 53, no narcotic drug, or psychotropic substance ³[***] shall be imported into India without an import certificate in respect of the consignment issued by the issuing authority, in Form No. 4 ⁴[or Form No. 4A, as the case may be] 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.

⁵[(3) Every application for an import certificate shall be in such form and manner and provide such details as may be specified by the Narcotic Commissioner.]

⁶[(4) A fee of rupees one thousand shall be paid to the Central Government alongwith the application under sub-rule (1) for issue of each import certificate under this rule.]

56. Issue of import certificate.—⁷[(1) The Narcotics Commissioner shall issue or deny the import certificate referred to in sub-rule (1) of rule 55 within a period of twenty one working days from the date of receipt of an application completed in all respects and in case the import certificate is not issued within the stipulated time period or denied, the Narcotics Commissioner or any other officer authorised by him in this regard shall inform the applicant the reasons thereof.]

⁸[(1A)] The issuing authority shall prepare seven copies of the import certificate ⁹[***] and deal with them in the manner hereunder provided, namely:—

1. Subs. by G.S.R. 470(E), dated 21st June, 2011, for "during a financial year for analytical purposes by any importer notified by the Government" (w.e.f. 21-6-2011).
2. Subs. by G.S.R. 556(E), dated 14th July, 1995 (w.e.f. 20-7-1995).
3. The words "specified in the Schedule of the Act" omitted by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015).
4. Ins. by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010).
5. Subs. by G.S.R. 224(E), dated 25th March, 2015, for sub-rule (3) (w.e.f. 25-3-2015). Sub-rule (3), before substitution stood as under:
 "(3) The application for the import certificate shall state such details as may be specified by the Narcotics Commissioner."
6. Subs. by G.S.R. 224(E), dated 25th March, 2015, for sub-rule (4) (w.e.f. 25-3-2015). Earlier sub-rule (4) was inserted by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010). Sub-rule (4), before substitution stood as under:
 "(4) No import certificate shall be issued unless a fee of rupees one thousand has been paid."
7. Ins. by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015).
8. Sub-rule (1) re-numbered as sub-rule (1A) thereof by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015).
9. The words "referred to in sub-rule (1) of rule 55" omitted by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015).

- (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 ¹[Commissioner 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 ¹[Commissioner of Customs] or Post Master and his own endorsement to the issuing authority—(1) 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 ¹[Commissioner 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.
- (d) quintuplicate copy should be supplied to the Government of the exporting country for comparison with the copy furnished to them by importer under sub-clause (a) or this sub-rule;
- (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.

1. Subs. by G.S.R. 224(E), dated 25th March, 2015, for "Collector of Customs" (w.e.f. 25-3-2015).

57. Transit.—Subject to the provisions of section 79 of the Act and rule 53, no consignment of any narcotic drug, or psychotropic substances ¹[***] 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 essential for treatment of, or medical aid to, any person on board the ship or aircraft.

58. Application for export authorisation.—²[(1) No narcotic drug or psychotropic substance shall be exported out of India without an export authorization issued by the issuing authority in respect of the consignment, 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

³[(b) the import certificate in original or in electronically generated format, issued by the Government of the importing country certifying the official approval of the concerned Government:

Provided that where the import certificate in electronically generated format issued by the Government of importing country, the export authorisation shall be issued, after verification of such electronic format through bar code or through official website or through email of the Government of importing country:

Provided further that in case the substance is not controlled in the importing country, the exporter shall submit a certificate or letter, in lieu of such import certificate, confirming, no objection to the import or that the substance is not controlled in importing country.]

⁴[(3) Every application for an export authorization shall be in such form and manner and provide such details as may be specified by the Narcotic Commissioner.]

⁴[(4) A fee of rupees one thousand shall be paid to the Central Government along with the application under sub-rule (1) for issue of each export authorization under this rule.]

59. Issue of export authorisation.—⁵[(1) The Narcotics Commissioner shall issue or deny the export authorization referred to in sub-rule (1) of rule 58 within

1. The words "specified in Schedule of the Act" omitted by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015). Earlier these words were amended by G.S.R. 556(E), dated 14th July, 1995 (w.e.f. 20-7-1995).

2. Subs. by G.S.R. 224(E), dated 25th March, 2015, for sub-rule (1) (w.e.f. 25-3-2015). Earlier sub-rule (1), was substituted by G.S.R. 556(E), dated 14th July, 1995 (w.e.f. 20-7-1995). Sub-rule (1), before substitution by G.S.R. 224(E), dated 25th March, 2015 stood as under:

"(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."

3. Subs. by G.S.R. 490(E), dated 16th July, 2021, for clause (b) (w.e.f. 16-7-2021). Clause (b) before substitution, stood as under:

"(b) the import certificate in original, issued by the Government of the importing country certifying the official approval of the concerned Government."

4. Subs. by G.S.R. 224(E), dated 25th March, 2015, for sub-rule (3) and (4) (w.e.f. 25-3-2015). Earlier Sub-rule (3) was omitted and sub-rule (4) renumbered as sub-rule (3) thereof by S.O. 556(E), dated 14th July, 1995 (w.e.f. 20-7-1995) and sub-rule (4) was inserted by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010). Sub-rule (3) and (4), before substitution by G.S.R. 224(E), dated 25th March, 2015 stood as under:

"(3) The application for the export authorisation shall state such details as may be specified by the Narcotics Commissioner.

(4) No export authorisation shall be issued unless a fee of rupees one thousand has been paid."

5. Ins. by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015).

a period of twenty one working days from the date of receipt of an application completed in all respects and in case the export authorization is not issued within the stipulated time period or denied, the Narcotics Commissioner or any other officer authorised by him in this regard shall inform the applicant the reasons thereof.]

¹[(1A)] The issuing authority shall prepare five copies of the export authorisation ²[***] and deal with them in the manner hereunder provided, namely:—

- (a) the original should be supplied to the consignor which shall accompany the consignment;
- (b) the duplicate copy should be forwarded to the ³[Commissioner 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. Transshipment.—Subject to the provisions of section 79 of the Act and rule 53, no consignment of narcotic drug, or psychotropic substance ⁴[***] shall be allowed to be transhipped at any port in India save with the permission of the ⁵[Commissioner of Customs].

61. Procedure for transshipment.—The ⁵[Commissioner of Customs] while allowing any consignment of narcotic drug, or psychotropic substances, ⁴[***] 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.—(1) The ⁵[Commissioner 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 ⁵[Commissioner of Customs] may permit diversion of such a consignment to a country other than that named in the accompanying copy of

1. Subs-rule (1) re-numbered as sub-rule (1A) thereof, by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015).

2. The words "referred to in sub-rule (1) of rule 58" omitted by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015).

3. Subs. by G.S.R. 224(E), dated 25th March, 2015, for "Collector of Customs" (w.e.f. 25-3-2015).

4. The words "specified in Schedule of the Act" omitted by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015). Earlier these words were amended by G.S.R. 556(E), dated 14th July, 1995 (w.e.f. 20-7-1995).

5. Subs. by G.S.R. 224(E), dated 25th March, 2015, for "Collector of Customs" (w.e.f. 25-3-2015).

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 ¹[Commissioner 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

²[**64. Manufacture of psychotropic substances.**—(1) No person shall manufacture any of the psychotropic substances except 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:

Provided that a licence to manufacture a psychotropic substance specified in Schedule I shall be issued only for the purposes mentioned in Chapter VIIA:

Provided further that the authority in charge of the drug control in a State shall consult the Narcotics Commissioner before issuing a licence to manufacture a psychotropic substance specified in Schedule I.

(2) The authority in charge of drugs control in a State (hereinafter referred to as the Licensing Authority) shall consult the Narcotics Commissioner with 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 a year shall be intimated by the Licencing Authority to the licensee at the time of issuing the licence.]

1. Subs. by G.S.R. 224(E), dated 25th March, 2015, for "Collector of Customs" (w.e.f. 25-3-2015).

2. Subs. by G.S.R. 224(E), dated 23rd March, 2015, for rule 64 (w.e.f. 23-3-2015). Rule 64, before substitution, stood as under:

"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[65. **Registration and submission of returns.**—(1) A person who has been issued licence to manufacture one or more psychotropic substances shall register with the Narcotics Commissioner for each of the substances in the form and manner as may be specified by the Narcotics Commissioner:

Provided that the requirement of registration under this sub-rule shall be complied within a period of one hundred and eighty days from the date of coming into force of these rules.

(2) A person who has registered with the Narcotics Commissioner under sub-rule (1) shall file quarterly return with the Narcotics Commissioner in such form and manner as may be specified by the Narcotics Commissioner.

(3) The return for a quarter shall be filed before the last day of the month following that quarter.

(4) If the return for a quarter is not filed before the due date by a person registered under sub-rule (1), the Narcotics Commissioner may issue notice to explain the reasons therefor and after considering the reasons submitted, if any, may pass orders for revoking the registration.

(5) The registration under sub-rule (1) shall be deemed to be revoked, if the quarterly return for three successive quarters is not filed.

1. Subs. by G.S.R. 224(E), dated 25th March, 2015, for rule 65 (w.e.f. 25-3-2015). Earlier rule 65 was amended by G.S.R. 350(E), 25th June, 1997 (w.e.f. 27-6-1997) and by G.S.R. 214(E), dated 19th March, 2002 (w.e.f. 19-3-2002). Rule 65, before substitution, stood as under:

"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:

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:

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 and Schedule III."

(6) An appeal against an order passed under sub-rule (4) may be made to the Secretary, Government of India, Ministry of Finance, Department of Revenue or any other officer, not below the rank of Additional Secretary to the Government of India, authorized by him in this behalf, within thirty days from the date of communication of such order.

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

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

Explanation.—For the purposes of this rule, the expression “quarter” shall be January to March, April to June, July to September and October to December of every year.]

¹[65A. **Sale, purchase, consumption or use of psychotropic substances.**—No person shall sell, purchase, consume or use any psychotropic substance except in accordance with the Drugs and Cosmetics Rules, 1945:]

²[Provided that sale, purchase, consumption or use of a psychotropic substance specified in Schedule I shall be only for the purposes mentioned in Chapter VIIA.]

66. Possession, etc., of psychotropic substances.—³[(1) No person shall possess any psychotropic substance for any of the purposes covered under 1945 rules, unless he is lawfully authorized to possess such substance for any of the said purposes under these rules:

Provided that possession of a psychotropic substance specified in Schedule I shall be only for the purposes mentioned in chapter VIIA.]

(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:

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:

1. Ins. by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010).

2. Ins. by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015).

3. Subs. by G.S.R. 224(E), dated 25th March, 2015, for sub-rule (1) (w.e.f. 25-3-2015). Sub-rule (1), before substitution, stood as under:

“(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.”

¹[Provided further that an individual may possess the quantity of exceeding one hundred dosage units at a time ²[but not exceeding three hundred dosage units at a time] for his personal long term medical use if specifically prescribed by a Registered Medical Practitioner.]

(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.—³[(1) 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 6 appended to these rules and in the manner as provided hereinafter:

Provided that a psychotropic substance specified in Schedule I shall be transported, imported inter-State or exported inter-State only for the purposes mentioned in Chapter VIIA:

Provided further that a psychotropic substance specified in Schedule I shall be transported for export out of India only after an export authorization is issued by the Narcotics Commissioner under rule 59.]

(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.

⁴[***]

(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.

⁵[Provided that consignment note in Form 6 shall not apply in cases where the sale of the psychotropics substance is accompanied by a sale bill or invoice or cash memo or any other document duly signed by the consignor or his authorised signatory, which shall include the following information about the consignment:—

1. Ins. by G.S.R. 639(E), dated 13th October, 2006 (w.e.f. 13-10-2006).

2. Ins. by G.S.R. 2(E), dated 1st January, 2008 (w.e.f. 1-1-2008).

3. Subs. by G.S.R. 224(E), dated 25th March, 2015, for sub-rule (1) (w.e.f. 25-3-2015). Earlier sub-rule (1), was amended by G.S.R. 104(E), dated 25th February, 2005 (w.e.f. 25-2-2005). Sub-rule (1), before substitution stood as under:

“(1) 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 6] appended to these Rules and in the manner as provided hereinafter.”

4. Sub-rule (3) omitted by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015). Sub-rule (3), before omission, stood as under:

“(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.”

5. Ins. by G.S.R. 104(E), dated 25th February, 2005 (w.e.f. 25-2-2005).

- (a) name, address and licence number of the consignor and the consignee;
- (b) description, batch number and quantity;
- (c) mode and particulars of transport:

Provided further that such document shall be preserved by consignor and consignee for a period of two years for inspection by the officers referred to in sub-rule (4) above.

Explanation.—Where the consignee is a research institution, registered medical practitioner, hospital or dispensary, the requirement of incorporating licence number of consignee shall not be applicable.]

¹[CHAPTER VIIA

SPECIAL PROVISIONS REGARDING MANUFACTURE, POSSESSION, TRANSPORT, IMPORT-EXPORT, PURCHASE AND CONSUMPTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES FOR ²[MEDICAL, SCIENTIFIC AND TRAINING 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.
³[or the authority exercising the powers under sub-clause (iv) of clause (a)]
 - ³[(iv) the purpose of restraining or immobilising wild animals by or under the authority of the Government and approved by that Government.]
- (b) persons performing medical or scientific functions ³[or the authority exercising the powers under sub-clause (iv) of clause (a)] 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*);
- (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.]

1. Chapter VIIA (containing section 67A) ins. by G.S.R. 350(E), dated 25th June, 1997 (w.e.f. 27-6-1997).

2. Subs. by G.S.R. 639(E), dated 13th October, 2006, for "MEDICAL AND SCIENTIFIC PURPOSES" (w.e.f. 13-10-2006).

3. Ins. by G.S.R. 905(E), dated 28th December, 2011 (w.e.f. 28-12-2011).

¹[67B. ²(1) Notwithstanding anything contained in these rules, the Government Opium and Alkaloid Works or Directorate for Forensic Science Services may procure, manufacture or import and supply narcotic drugs and psychotropic substances as may be required as samples by various drug law enforcement agencies, testing laboratories and training institutions of the Central and State Governments.

Explanation.—For removal of doubts it is hereby clarified that the Directorate for Forensic Science Services shall only deal with requirements of samples for the Central and State Government forensic science laboratories.]

(2) The Government Opium and Alkaloid Works may also supply samples to organisations other than those covered by sub-rule (1) with the prior approval of the Central Government.

³[(3) Any enforcement agency, laboratory, training institution or organisation requiring the samples shall apply to the Chief Controller of Factories or Directorate for Forensic Science Services, as the case may be in Form No.8.]

(4) The quantities of various narcotic drugs and psychotropic substances to be supplied as samples shall be determined by the Central Government from time to time. The organisation obtaining the samples shall designate an officer, at the time of sending the request for samples, in whose custody the samples shall be kept.

⁴[(5) The organisation requisitioning the samples shall maintain records and submit an annual report to the Chief Controller of Factories or Directorate for Forensic Science Services in Form No. 9.]

(6) When a sample is used for training, the organisation shall maintain a record of the quantity of drug taken out for training and the quantities actually used.]

¹[67C. Notwithstanding anything contained in these rules, the Narcotics Commissioner may permit import or export of narcotic drugs and psychotropic substances for the purpose of controlled deliveries, investigations, intelligence collection scientific analysis.]

⁵[CHAPTER VIIB

REPORTS, RETURNS AND ESTIMATES UNDER INTERNATIONAL CONVENTIONS

67D. Submission of reports and returns under international conventions.—

(1) All reports and returns which are required to be submitted under any

1. Ins. by G.S.R. 639(E), dated 13th October, 2006 (w.e.f. 13-10-2006).

2. Subs. by G.S.R. 525(E), dated 25th July, 2019, for sub-rule (1) (w.e.f. 25-7-2019). Sub-rule (1), before substitution, stood as under:

“(1) Notwithstanding anything contained in these rules, the government Opium and Alkaloid works may procure, manufacture or import and supply narcotic drugs and psychotropic substances as may be required as samples by various drug law enforcement agencies, testing laboratories and training institutions of the Central and State Governments.”

3. Subs. by G.S.R. 525(E), dated 25th July, 2019, for sub-rule (3) (w.e.f. 25-7-2019). Sub-rule (3), before substitution, stood as under:

“(3) Any enforcement agency, laboratory, training institution or organisation requiring the samples shall apply to the Chief Controller of Factories in Form No. 8.”

4. Subs. by G.S.R. 525(E), dated 25th July, 2019, for sub-rule (5) (w.e.f. 25-7-2019). Sub-rule (5), before substitution, stood as under:

“(5) The organisation requisitioning the samples shall maintain records and submit an annual report to the Chief Controller of Factories in Form No. 9.”

5. Chapter VIIB (containing sections 67D and 67E) ins. by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010).

international convention, shall be submitted to an international agency by such officer the Central Government may, by notification in the Official Gazette, appoint in this behalf from time-to-time.

(2) The officer appointed under sub-rule (1) may call for such inputs as may be necessary to submit the returns under sub-rule (1), from the Narcotics Commissioner, the Chief Controller of Factories or any other officer of the Central Government or any State Government indicating the format in which the information is required and the time by which it is required.

(3) The officer from whom inputs have been called for under sub-rule (2), shall provide all inputs which are sought and which are available with him in the format in which it has been called for and within the time indicated in sub-rule (2) and shall also indicate the information not maintained by him or not available.

67E. Estimates and quotas.—(1) If, estimates of requirement of any narcotic drug have to be submitted under any international convention, resolution or commitment, the same shall be submitted to an international agency by such officer the Central Government may, by notification in the Official Gazette, appoint in this behalf from time-to-time.

(2) The estimates for use and consumption of narcotic drugs approved by international agencies for India shall be allotted as quotas to users within the country by such officer as may be notified by the Central Government by notification in the Official Gazette from time-to-time.

(3) The users to whom such quota is allotted shall not exceed the quota allotted to him and shall submit to the officer appointed under sub-rule (2), such statistics of consumption and use of the narcotic drugs and within such time as may be indicated by the officer.]

CHAPTER VIII MISCELLANEOUS

68. Repeal and savings.—(1) The Central Opium Rules, 1934, the Dangerous Drugs (Import, Export and Transshipment) 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.

¹[SCHEDULE I

(See rules 53 and 64)

I. Narcotic drugs

1. Coca Leaf
2. Cannabis (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.

1. Subs. by G.S.R. 639(E), dated 13th October, 2006, for Schedule I (w.e.f. 13-10-2006).

II. Psychotropic substances

Sl. No.	International non-proprietary names	Other non-proprietary names	Chemical names
(1)	(2)	(3)	(4)
1.	Etryptamine		3-(2-aminobutyl) indole
2.	Methaqualone		2-methyl-3-o-tolyl-4(3H)-quinazolinone
3.		Methcathinone	2-(methylamino)-1 phenylpropan-1-one
¹ [4.	Mephedrone	4-methylmethcathinone (4-MMC) 4-methylephedrone	(RS)-2-methylamino-1-(4-methylphenyl) propan-1-one
² [5.	25B-NBOMe	2C-B-NBOMe	2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine
6.	25C-NBOMe	2C-C-NBOMe	2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine
7.	25I-NBOMe	2C-I-NBOMe	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine
8.	N-BENZYLPIPERAZINE	Benzylpiperazine, BZP	1-benzylpiperazine
9.	JWH-018	AM-678	Naphthalene-1-yl(1-pentyl-1H-indol-3-yl) methanone
10.	AM-2201	JWH-2201	[1-(5-Fluoropentyl)-1H-indol-3-yl] (naphthalene-1-yl) methanone
11.	MDPV	3, 4-Methylenedioxy:ovalerone	(R/S)-1-(Benzo[d] [1, 3] dioxol-5-yl)-2-(pyrrolidin-1-yl) pentan-1-one
12.	METHYLONE	Beta-keto-MDMA	(RS)-2-methylamino-1-(3, 4-methylenedioxyphenyl) propan-1-one
³ [13.	-	para-Methoxymethylamphetamine, PMMA	1-(4-methoxyphenyl)-N-methylpropan-2-amine
14.	-	α-Pyrrolidinovalerophenone, α-PVP	1-phenyl-2-(pyrrolidin-1-yl) pentan-1-one
15.	-	para-Methyl-4-methylaminorex, 4,4'-DMAR	4-methyl-5-(4-methylphenyl)-4, 5-dihydro- 1, 3-oxazol-2-amine
16.	-	Methoxetamine,	2-(ethylamino)-2-(3-methoxyphenyl) cyclohexanone
17.	-	Phenazepam	7-bromo-5-(2-chlorophenyl)-1, 3-dihydro-2H-1, 4-benzodiazepin-2-one
⁴ [18.	4-Methylethcathinone	4-MEC	-
19.	Ethylone		-
20.	Pentedrone		-
21.	Ethylphenidate		-
22.	Methiopropamine	MPA	-
23.	MDMB-CHMICA		-
24.	5F-APINACA	5F-AKB-48	-
25.	XLR-11		-
26.	-	Catha Edulis (Dry Chatt or Mira Leaves Dry Chat Edulis)	-
⁵ [27.		AB-CHMINACA	N-[(2S)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)-1Hindazole-3-carboxamide

1. Subs. by G.S.R. 74(E), dated 5th February, 2015, for item 4 and entries relating thereto.
2. Subs. by G.S.R. 685(E), dated 12th July, 2016, for item 5 and entries related thereto (w.e.f. 12-7-2016).
3. Subs. by G.S.R. 428(E), dated 2nd May, 2017 for entry 13 and their entries relating thereto (w.e.f. 2-5-2017).
4. Subs. by G.S.R. 187(E), dated 27th February, 2018, for Serial No. 18 and entries relating thereto (w.e.f. 27-2-2018).
5. Subs. by G.S.R. 215(E), dated 13th March, 2019, for serial no. 27 and entries relating thereto (w.e.f. 13-3-2019).

28.	5F-ADB (5F-MDMB -PINACA)	Methyl(2S)-2-[1-(5-fluorophenyl)-1H-indazole-3-carboxylamino]-3,3-dimethylbutanoate	
29.	AB-PINACA	N-[(2S)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-pentyl-1H-indazole-3-carboxamide	
30.	UR-144	(1-Pentyl-1 H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	
31.	5F-PB-22	Quinolin-8-yl 1-(5-fluorophenyl)-1H-indole-3-carboxylate	
32.	4-Fluoroamphetamine	4-FA	1-(4-Fluorophenyl) propan-2-amine
[33.	DOC	4-Chloro-2,5-dimethoxyamphetamine	
34.	Salts and preparation of above	-	-

2[***]

3[***]

4[FORM NO. 1

(See rule 7)

APPLICATION FOR GRANT OF LICENCE FOR CULTIVATION OF OPIUM POPPY FOR PRODUCTION OF OPIUM OR 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. Yes/No
If not, in whose name?.....
6. Whether the plot specified in column 4 has irrigation facilities (kind of irrigation facilities available, i.e., well, tube well, etc.)
7. Area required for opium poppy cultivation.....
8. Whether the applicant cultivated opium poppy in the past? Yes/No
If so, the latest year in which he cultivated opium poppy.....
9. Whether the applicant was ever proscribed from opium 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.....
10. If the application is for cultivation of opium poppy for the production of poppy straw from opium poppy from which no juice has been extracted through lancing, whether the letter of consent from a person who has been issued a licence under rule 36A to purchase entire produce of poppy straw is attached? Yes/No
11. I wish that in the event of my death during the current crop year, the licence may be transferred in the name of the following family members/blood relatives (in the order of preference):—

Sl. No.	Name	Relation with cultivator	Village	Tehsil	District
1.					
2.					

1. Subs. by G.S.R. 204(E), dated 23rd March, 2021, for entry 33 and their entries relating thereto (w.e.f. 23-3-2021). Entry 33 before substitution, stood as under:

"33. Salts and preparation of above -

-]

2. Schedule II omitted by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015). Earlier Schedule II was substituted by G.S.R. 639(E), dated 13th October, 2006 (w.e.f. 13-10-2006). Earlier to that Schedule II was omitted by G.S.R. 559(E), dated 10th August, 1993 (w.e.f. 10-8-1993) and Schedule IV which was inserted by G.S.R. 559(E), dated 10th August, 1993 (w.e.f. 10-8-1993) was renumbered as Schedule II by G.S.R. 556(E), dated 14th July, 1995 (w.e.f. 20-7-1995).
3. Schedule III omitted by G.S.R. 224(E), dated 25th March, 2015 (w.e.f. 25-3-2015). Earlier Schedule III was substituted by G.S.R. 639(E), dated 13th October, 2006, (w.e.f. 13-10-2006). Earlier to that Schedule III was omitted by G.S.R. 559(E), dated 10th August, 1993 (w.e.f. 10-8-1993) and was inserted by G.S.R. 214(E), dated 19th March, 2002 (w.e.f. 19-3-2002).
4. Subs. by G.S.R. 61(E), dated 20th January, 2017, for Form No. 1 (w.e.f. 20-1-2017).

Explanation.—Family members/blood relatives means-spouse, son, daughter, brother, sister, mother, father, step-son step-daughter.

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.

.....
Signature/thumb-impression of the applicant

Attestation (To be made by Lambardar if application is for cultivation of opium poppy for the production of opium extracting juice by lancing the opium poppy)

(To be completed by the Sub-Inspector In-charge)

A. For opium poppy juice

Performance of the cultivator during the preceding crop year.

Crop year..... Area licensed.....

Area measured..... Area harvested.....

Average yield at 70°C.....

B. For unlanced poppy straw

Performance of the cultivator during the preceding crop year.

Crop year..... Area licensed.....

Area measured..... Area harvested.....

Average yield.....

- C. Whether the cultivator has ever been proscribed on account of excess cultivation, violation of Departmental instructions, tendering inferior/adulterated opium or unlanced poppy straw etc.? if so the particulars thereof.

.....
Signature (Sub-Inspector In-charge)

The particulars above recorded by the Sub-Inspector have been verified by me. The cultivator is eligible/ineligible for grant of a licence.

.....
Signature (Inspector In-charge)

Area allotted by the District Opium Officer for cultivation of opium poppy.....

.....
Signature (District Opium Officer)]

1[FORM NO. 2

[See rule 8(1)]

GOVERNMENT OF INDIA

(CENTRAL BUREAU OF NARCOTICS)

**LICENCE TO CULTIVATE OPIUM POPPY FOR PRODUCTION OF
OPIUM EXTRACTING JUICE BY LANCING THE OPIUM POPPY**

DIVISION: VALID FOR THE PERIOD: TO.....

Name and parentage of the licensee	Village	Pargana/ District/ Tehsil	Licence number	Area licensed	Plot No. (s) as per revenue records

Nominee declared in Form No. I

Sl. No.	Name	Relation with cultivator	Village	Tehsil	District
1.					
2.					

1. Forms 2, 2A and 2B subs. by G.S.R. 61(E), dated 20th January, 2017, for Form No. 2 (w.e.f. 20-1-2017).

Date of issue.....

.....
Signature and seal of District Opium Officer

Area measured		Signature of Sub-Inspector
Area Test-measured		Signature of Inspector/District Opium Officer
Area harvested		Signature of Sub-Inspector

(Entries to be made at the time of weighments)

Class of opium as assigned by D.O.O.	Weight of opium (in kg.)	Assumed weight in kg at 70°C	Price payable on the basis of assumed weight at 70°C	Amount withheld pending final examination of opium at factor	Amount paid at weighments
(1)	(2)	(3)	(4)	(5)	(6)

(Entries to be made at the time of final payment)

Total weight in Kg. of opium at 70°C on the basis of factory's report	Average yield of the cultivator in Kg.	Total amount payable on the basis of factory report	Amount already paid at the time of weighments	Amount paid/ received at the time of final payments
(7)	(8)	(9)	(10)	(11)

.....
Signature and seal of District Opium Officer**Conditions of licence**

1. This licence shall not be transferable.
2. The licensee shall cultivate opium poppy only for production of opium extracting juice by lancing the opium poppy over the area of land and the plot(s) specified in the licence.
3. The land in which opium poppy will be cultivated by the licensee shall be free from litigation.
4. The licensee shall get his daily collections of opium obtained from the crop weighed by the Lambardar and affix his signature/thumb-impression 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 Central Bureau of Narcotics in the village during which he shall produce the entire quantity collected by him.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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 authorised 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.
11. 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.
12. The licensee shall comply with the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, the Rules framed thereunder and any order issued by the competent authorities under the said Act from time to time.
13. 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.]

¹[FORM NO. 2A

[See rule 8(2)]

GOVERNMENT OF INDIA

(CENTRAL BUREAU OF NARCOTICS)

**LICENCE TO CULTIVATE OPIUM POPPY FOR PRODUCTION OF POPPY
STRAW FROM OPIUM POPPY FROM WHICH NO JUICE HAS BEEN
EXTRACTED THROUGH LANCING**

DIVISION: _____ VALID FOR THE PERIOD: _____ TO _____

Name and parentage of the licensee	Village	Pargana/ District/ Tehsil	Licence number	Area licensed	Plot No.(s) as per revenue records

Name and address of the person holding a licence under rule 36A, who has given letter of consent to purchase entire produce of poppy straw under this licence.....

1. Forms 2, 2A and 2B subs. by G.S.R. 61(E), dated 20th January, 2017, for Form No. 2 (w.e.f. 20-1-2017).

Nominee declared in Form No. 1

Sl. No.	Name	Relation with cultivator	Village	Tehsil	District
1.					
2.					

Date of issue.....

.....
Signature and seal of District Opium Officer

(Details of amount paid as per the second proviso to sub-rule (2) of rule 8)

Amount due	Amount paid	Mode of payment	Date of payment

.....
Signature and name of the officer receiving the payment

Area measured		Signature of Sub-Inspector
Area Test-measured		Signature of Inspector/District Opium Officer
Area harvested		Signature of Inspector/District Opium Officer
Weight of poppy straw from opium poppy from which no juice has been extracted through lancing tendered/sold to the licensee under rule 36A		(a) Signature of authorised representative of licensee with Date (b) Signature of sub-Inspector/District Opium Officer with Date
Yield recorded after testing		Signature of District Opium Officer
Whether achieves Minimum Qualifying Yield (MQY)		Signature of District Opium Officer
Whether adjudged as having tendered inferior and/or adulterated poppy straw		Signature of District Opium Officer

Conditions of licence

1. This licence shall not be transferable.
2. The licensee shall cultivate opium poppy only for production of poppy straw from opium poppy from which no juice has been extracted through lancing over the area of land and the plot(s) specified in the licence.
3. The land in which opium poppy will be cultivated by the licensee shall be free from litigation.
4. If the licensee does not sell his entire produce of poppy straw from opium poppy from which no juice has been extracted through lancing opium to the person

holding a licence under rule 36A, who had given letter of consent to purchase entire produce of poppy straw under this licence, 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.

5. 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.
6. 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 under the said Act from time to time.
7. 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.]

¹[FORM NO. 2B

(See rule 30G)

CONSIGNMENT NOTE

(FOR TRANSPORT OF POPPY STRAW PRODUCED FROM
OPIUM POPPY FROM WHICH NO JUICE HAS BEEN
EXTRACTED THROUGH LANCING)

Date and time of dispatch of the consignment:

1.	Name and Licence Number of the person who has produced poppy straw from opium poppy from which no juice has been extracted through lancing			
2.	Name and complete postal address of the consignor transporting the consignment (Not applicable if the consignor is the same person at (1) above)			
3.	Name and complete postal address of the consignee where the consignment will reach finally			
4.	If the consignee is a holder of licence under rule 36A, mention Licence Number.			
5.	Description and quantity of the consignment.			
	Details of motorised tanker/container/packages containing poppy straw	Number of motorised tanker/container/packages	Quantity (in Kilogram)	
			Gross weight	Net weight

1. Forms 2, 2A and 2B subs. by G.S.R. 61(E), dated 20th January, 2017, for Form No. 2 (w.e.f. 20-1-2017).

6.	Mode of transport (particulars of the transporter, registration number of the vehicle, L.R./R.R., if the transport is by road/railways etc.)	
7.	The total number of temper-proof seals affixed on motorised tankers/other packages and each of their description.	

.....
Signature/thumb impression of
the Consignor with date

.....
(Name in capital letters)

7. Date and time of receipt by the consignee :
 8. Whether the consignment received in full as per : Yes/No (If 'no', details
 description and quantity mentioned at (5) above to be mentioned below.)

.....
Signature/thumb impression of
the Consignor with date

.....
(Name in capital letters)

- Note.**— (1) This consignment note shall be serially numbered on annual basis.
 (2) This consignment note shall be retained for a period of two years from the date of transaction.
 (3) The records referred to in this note shall be produced to the authorized officers whenever called upon during the course of their inspection/ investigation.]

FORM NO. 3

¹[See rules 36 and 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.....

1. Subs. by G.S.R. 95(E), dated 4th February, 2004, for "(See rule 37)" (w.e.f. 4-2-2004).

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).

Date.....

Signature.....

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 ¹[the person or the entity] operating under the licence. Where any change in the constitution of the ¹[the person or the entity] 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 ¹[the person or the entity] with the changed constitution.

²[FORM NO. 3A

(See rule 36A)

Licence No. Date of issue.....

M/s. is hereby licensed to manufacture concentrate of poppy straw and the following manufactured drugs on the premises situated at.....

Name of the drug

Quantity

(i)

(ii)

(iii)

2. The licence shall be in force from.....to.....

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).

Date.....

Signature.....

Designation.....

1. Subs. by G.S.R. 95(E), dated 4th February, 2004, for "firm" (w.e.f. 4-2-2004).

2. Ins. by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010).

Conditions of Licence

- (a) This licence shall not be transferable;
- (b) The licensee shall manufacture concentrate of poppy straw from the poppy straw produced in the fields licensed for the purpose,
- (c) 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 Licencing Authority;
- (d) The licensee shall ensure that the drugs that he manufactures are as per the specifications laid down by or under the Drugs and Cosmetics Act, 1940;
- (e) The licensee shall, if he desires, submit applications for renewal of his licence at least thirty days before the expiry of his licence.
- (f) The licensee shall inform the Licencing 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 normal expiry of the licence whichever is earlier unless in the meantime, a fresh licence has been taken from the Licencing Authority in the name of the firm with the changed constitution;
- (g) The licensee shall be fully responsible to ensure the security of the factory premises and ensure that no diversion takes place in them;
- (h) The licensee should provide security equipment such as surveillance cameras and other facilities as may be specified by the Narcotics Commissioner to ensure security on the fields;
- (i) The licensee should report to the Narcotics Commissioner if he finds any farmer lancing or diverting;
- (j) The licensee shall keep the Central Bureau of Narcotics informed of all matters relating to cultivation, production, transport, etc., of poppy straw and changes in agricultural practices;
- (k) The licensee shall defray the cost of the Central Bureau of Narcotics staff posted to supervise the cultivation of opium for production of poppy straw and production of concentrate of poppy straw at such rates as may be decided by the Government from time-to-time;
- (l) The licensee shall notify well before the sowing season, the price which they are willing to pay for the pods;
- (m) The licensee should identify and enter into agreements with the farmers who are willing to cultivate opium poppy for production of poppy straw for sale to the licensee;
- (n) The farmers with whom the licensee has entered into agreements will be licensed to grow opium poppy subject to such verifications as may be felt necessary by the Narcotics Commissioner,
- (o) Such other conditions as may be specified by the Narcotics Commissioner from time-to-time.]

¹[FORM NO. 3B

[See rule 52A(3)]

**SPECIAL AUTHORISATION FOR POSSESSION OF ESSENTIAL
NARCOTIC DRUGS BY REGISTERED MEDICAL PRACTITIONER**

Authorisation No.....Date of issue.....

.....is hereby authorised to possess the following essential narcotic drugs on the premises situated at.....for use in his practice.

Name of essential narcotic drug

Quantity

(1)

(2)

2. The authorisation shall be in force from.....to.....

3. The authorisation is subject to the conditions stated below and to such other conditions as may be specified under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) and the rules made thereunder.

Signature.....

Designation.....

Conditions of authorisation

1. This authorisation is not transferable.
2. This authorisation 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 issuing authority.]

¹[FORM NO. 3C

(See rule 52D)

CONSIGNMENT NOTE

Date and time of dispatch of the consignment:.....

1. Name and complete postal address of the consignor	:	
2. Whether Manufacturer or Licenced Dealer	:	
(Quote Licence Number and the Issuing Authority)	:	
3. Name and complete postal address of the consignee	:	
4. Description and quantity of the consignment	:	
Particulars of the essential narcotic drugs showing Trade Marks, Proprietary Names, Batch number, etc.	Number of packages	Quantity
		Gross Net
5. Mode of transport (particulars of the transporter, Registration number of the vehicle or Railway Receipt./Lorry Receipt, if the transport is by railways good transports)	:	
Full Name/Designation (if any)	Signature of the Consignor with date	

To be filled by the consignee

6.	Date and time of receipt by the consignee and his remarks	:	
7.	Whether the consignment received in full as per description and quantity mentioned at serial number 4 above	:	Yes / No (If 'no', details to be mentioned below.)

Full Name/Designation (if any)

Signature of the Consignee with date

Note:

- (1) This consignment note shall be serially numbered on annual basis.
- (2) The consignor shall record a certificate on the cover page of each book containing consignment note indicating the number of pages contained in the consignment note-book.
- (3) The consignor shall maintain a Register showing the details of the books of consignment note brought in use during a particular year.
- (4) This consignment note shall be retained for a period of two years from the date of transaction.
- (5) The records referred to in this note shall be produced before the concerned authorised officers whenever called upon during the course of their inspection/investigation.]

¹[FORM NO. 3D]

[See rule 52H(2)]

**DAILY ACCOUNTS OF ESSENTIAL NARCOTIC DRUGS
TO BE MAINTAINED BY REGISTERED MEDICAL PRACTITIONER
AND AUTHORISED PERSONS**

Name of the Essential Narcotic Drug	:	.....	Authorised limit	:	.....
Date	:	.....		
1.	Opening stock			:	
2.	Quantity received			:	
2(i)	Received from (give details)			:	
2(ii)	Consignment Note/Bill/Invoice/Cash Memo, Number etc.			:	
3.	Quantity dispensed			:	
4.	Name and address of the person to whom dispensed (include patient registration number maintained in Form No. 3E, where applicable)			:	
5.	Closing stock			:	

Full Name/Designation (if any)

Signature

Note:

- (1) This record shall be maintained on day to day basis and entries shall be made for each day.
- (2) Entries shall be completed for each day before the close of the day.
- (3) The pages of the register shall be serially numbered.

1. Ins. by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

- (4) Separate record shall be maintained for each essential narcotic drug.
- (5) This record shall be retained for two years from the date of last entry.
- (6) This record shall be produced before the concerned authorised officers whenever called upon during the course of their inspection/investigation.]

¹[FORM NO. 3E

[See rule 52H(3)]

DETAILS OF THE PATIENT

**TO WHOM ESSENTIAL NARCOTIC DRUGS DISPENSED
(TO BE MAINTAINED BY REGISTERED MEDICAL PRACTITIONER/
RECOGNISED MEDICAL INSTITUTION)**

Registration Number : Date :

1.	Name	:	
2.	Complete postal address (with contact number, if any)	:	
3.	Brief description of the illness	:	
4.	Whether registered with any other registered medical practitioner/recognised medical institution (If yes, details to be recoded)	:	
5.	Details of the essential narcotic drugs dispensed	:	

Date	Name of the essential narcotic drugs	Quantity	Signature/Thumb impression of the patient	Remarks, if any

Note:

- (1) This record shall be retained for two years from the date of last entry.
- (2) This record shall be produced before the concerned authorised officers whenever called upon during the course of their inspection/investigation.]

¹[FORM NO. 3F

[See rule 52-O(1)]

**APPLICATION FOR ISSUE/RENEWAL OF CERTIFICATE OF
RECOGNITION AS RECOGNISED MEDICAL INSTITUTION**

1.	Name and complete postal address of the institution with telephone number, facsimile number and e-mail ID (relevant supporting documents to be submitted)	:	
2.	Name of the Head/In-charge of the Institution	:	
3.	Number of persons employed	:	
	(i) Doctors		
	(ii) Nursing staff		
	(iii) Others		

1. Ins. by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

4.	Number of patients treated during the previous calendar year (i) in patients (ii) out patients (iii) home care	:	
5.	Name(s) of the qualified medical practitioner(s) who would prescribe essential narcotic drugs (give details of their training in pain relief and palliative care or opioid dependence treatment)	:	
6.	If there is more than one qualified medical practitioner who would prescribe essential narcotic drugs, indicate the name of the medical practitioner who shall be overall in charge	:	
7.	Number and date of the certificate of recognition issued earlier (attach copy)	:	
8.	Whether the recognition of the institution was withdrawn earlier (if the recognition was withdrawn earlier, the details are to be given)	:	

Date.....

Place.....

Seal:

Signature:.....

Full name:

Position:.....]

¹[FORM NO. 3G

[Sec rule 52-O(2)]

CERTIFICATE OF RECOGNITION

No.....

Date of issue.....

This is to certify that.....(Name of the institution)..... situated at.....is a Recognised Medical Institution to possess, dispense and sell essential narcotic drugs.

2. The institution is a Recognised Medical Institution since..... (mention date of the certificate issued for the first time).....

3. This certificate shall be in force from.....to.....

4. The certificate is subject to the conditions stated below and to such other conditions as may be specified under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) and the rules made thereunder.

Signature.....

Designation.....

Seal.....

Conditions of recognition

1. This certificate is non-transferable.
2. This certificate and any certificate of renewal in force shall be kept on the approved premises and shall be produced at the request of an officer authorised for the purpose by the issuing authority.]

1. Ins. by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

¹[FORM NO. 3H

[See rule 52R(1)(c)]

**DAILY ACCOUNTS OF ESSENTIAL NARCOTIC DRUGS TO BE MAINTAINED
BY RECOGNISED MEDICAL INSTITUTION**Name of the Essential : Date :
Narcotic Drug

1.	Opening stock	:	
2.	Quantity received	:	
2(i)	Received from (give details)	:	
2(ii)	Consignment Note/Bill/Invoice/Cash Memo, Number etc.	:	
3.	Quantity dispensed	:	
4.	Specify registration number of the patent(s) maintained in Form No. 3E and quantity dispensed to each)	:	
5.	Closing stock	:	

Full Name/Designation (if any)

Signature of the overall in charge

Note:

- (1) This record shall be maintained on day to day basis and entries shall be made for each day.
- (2) Entries shall be completed for each day before the close of the day.
- (3) The pages of the register shall be serially numbered.
- (4) Separate record shall be maintained for each essential narcotic drug.
- (5) This record shall be retained for two years from the date of last entry.
- (6) This record shall be produced before the concerned authorised officers whenever called upon during the course of their inspection/investigation.]

¹[FORM NO. 3-I

[See rule 52R(1)(d)]

**ANNUAL RETURN OF PROCUREMENT/DISBURSEMENT OF
ESSENTIAL NARCOTIC DRUGS (TO BE FILLED BY
RECOGNISED MEDICAL INSTITUTION)**

Return for the year	:	.....	Date of submitting return	:	.....	
1.	Number and date of the current certificate of recognition					:	
2.	Name of the Recognised Medical Institution					:	
Sl. No.	Name of essential narcotic drug	Quantity in original annual estimate	Quantity in revised annual estimate (if any)	Opening stock	Quantity procured during the year	Quality disbursed to patients during the year	Closing stock
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

1. Ins. by G.S.R. 359(E), dated 5th May, 2015 (w.e.f. 5-5-2015).

*The designated medical practitioner or the over-all in charge, as the case may be, shall record a brief justification where the actual disbursement is more than ten per cent of the estimate or revised estimate, as the case may be.

Full Name/Designation (if any)

Signature of the overall in charge.]

¹[FORM NO. 3]

[See rule 52T(1)]

ESTIMATE OF ANNUAL REQUIREMENT OF ESSENTIAL NARCOTIC DRUGS

Estimate for the year		:	.....	Date of submitting estimate	:	.....
1.	Number and date of the current certificate of recognition			:		
2.	Name of the Recognised Medical Institution			:		
3.	Details of the estimated annual requirement of essential narcotic drugs					
Sl. No.	Name of essential narcotic drug	Quantity disbursed during previous year	Estimated annual requirement	Revised estimated annual requirement*	Reason for revision	
(1)	(2)	(3)	(4)	(5)	(6)	

*Please attach copy of the original estimate

Full Name/Designation (if any)

Signature of the overall in charge.]

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.

¹[FORM NO. 4A

(See rules 54 and 55)

(Official seal of the Issuing authority)

S. No.

F. No.

MINISTRY OF FINANCE
(GOVERNMENT OF INDIA
(DEPARTMENT OF REVENUE)

**CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT
UNDER THE PROVISIO TO RULE 54**

(The Narcotic Drugs and Psychotropic Substances Rules, 1985)

....., (The Issuing Authority) being empowered to issue Import Certificate under the Narcotic Drugs and Psychotropic Substances Rules, 1985, hereby, approves the importation into India of the following consignments of narcotic drugs:—

(1)

(2)

(3)

By M/s.....from M/s.....to manufacture formulations for export/for analytical purposes (strike out whichever is not applicable) subject to the following conditions:—

Conditions of import certificate

(i) The consignment containing the drugs shall be imported before.....by.....to (airport/sea-port) in India.

(ii) If the import is for manufacture of formulations for export, the manufacturer shall,—

- (a) ensure that no part of the drug imported under this certificate shall be sold or used to manufacture formulations for domestic sale;
- (b) ensure that the formulations manufactured out of the drug imported against this certificate shall not be diverted for domestic sale;
- (c) furnish to the Narcotics Commissioner and the Drugs Controller General of India details of export of drugs on completion of export along with documentary evidence such as shipping bills, bills of lading and invoices;
- (d) obtain transport permit from their State Excise authority/State Food and Drugs Administration permitting transport of their consignment from port of entry to the factory premises;
- (e) maintain separate accounts of actual quantity of narcotic drug imported, formulations produced, consignments dispatched and the quantity lying in balance;

1. Ins. by S.O. 1661(E), dated 13th July, 2010 (w.e.f. 13-7-2010).

- (f) submit a monthly return of receipt/import, consumption and export of the narcotic drug to the Narcotics Commissioner;
- (g) follow the procedures prescribed in rules 42, 45, 46 and 47 for security arrangements, maintenance of accounts and submission of returns, possession, sale and distribution of formulations manufactured from the drugs imported under this certificate.

¹[(iii) If the import is for analytical purposes, the importer shall,—

- (a) ensure that no part of the drug imported under this certificate shall be used for any purpose other than for analytical purpose;
- (b) inform the Narcotics Commissioner about the complete utilisation of the Narcotic Drug imported; and
- (c) follow the procedures specified in rules 42, 45, 46 and 47.]

3. Any quantity of morphine, codeine, thebaine and their salts or finished formulations for export that have not been utilized shall be surrendered to the Government Opium and Alkaloids Works.

4. This document is for..... (The authority to whom and the purpose for which it is being sent to be indicated).

5. The certificate is not valid unless it bears the Official Seal of the Issuing Authority on the top right hand corner.]

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 Schedule(s) to the 1945 Rules, Trade Marks; Patent and Proprietary Names, etc.	No. of packages.	Quantity	
		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.

.....
Signature of the consignee with date

.....
Signature of the Consignor with date

.....
(Name in capital letters)

.....
(Name in capital letters)

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 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.

²[FORM NO. 7]

(See rules 35, 53, 64 and 67A)

³[1. Name of the laboratory/research institution/hospital/dispensary/person/authority]

2. Address

3. Name of the Drug

4. From whom the drug was obtained/purchased

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).

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

3. Subs. by G.S.R. 905(E), dated 28th December, 2011, for item 1 (w.e.f. 28-12-2011).

¹[5. Quantity obtained/purchased]

6. Date on which obtained/purchased

Details of Use:

Sl. 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.]

²[FORM NO. 8

(See rule 67B)

**APPLICATION/REQUISITION FOR STANDARD SAMPLES OF
NARCOTIC DRUGS OR PSYCHOTROPIC SUBSTANCES**

1. Name of the Organisation or Agency
2. Full postal address of the Organisation or Agency
3. Purpose for which sample of standard Narcotic drug or Psychotropic Substances is required
4. Name and quantity of standard sample required
5. Name and designation of officer under whose custody the samples shall be kept
6. Copy of Stock Register of narcotic samples maintained by the organisation duly verified by the controlling officer
7. Other relevant information (if any)

Signature.....

Designation.....

of Indenting Officer with Rubber Stamp]

²[FORM NO. 9

[See rule 67B(5)]

**ANNUAL REPORT TO THE CHIEF CONTROLLER OF FACTORIES ON RECEIPT,
CONSUMPTION AND BALANCE OF SAMPLES OF
NARCOTIC DRUGS OR PSYCHOTROPIC SUBSTANCES**

Sl. No.	Narcotic drug/ Psychotropic substance	Opening Balance	Receipt	Consumption	Closing Balance

Signature.....

Designation.....

of Indenting Officer with Rubber Stamp.]

1. Subs. by G.S.R. 905(E), dated 28th December, 2011, for item 5 (w.e.f. 28-12-2011).
2. Ins. by G.S.R. 639(E), dated 13th October, 2006 (w.e.f. 13-10-2006).

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.
(ii) They shall come into force on the date² of their publication in the Official Gazette.

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(ii), dated 13th February, 1993.
2. Came into force on 13-2-1993.

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 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 having been passed by both the Houses of Parliament received the assent the President on 6th September, 1988. It came on the Statute Book as THE PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1988 (46 of 1988) (*Came into force on 4-7-1988*).

LIST OF AMENDING ACTS

1. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1990 (26 of 1990) (w.r.e.f. 30-7-1990).
2. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1993 (53 of 1993) (w.e.f. 30-6-1993).
3. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1996 (16 of 1996) (w.e.f. 31-7-1996).
4. The Repealing and Amending Act, 2001 (30 of 2001) (w.e.f. 3-9-2001).

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.—(1) 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 made under section 3;

(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—

* This Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh by the Jammu and Kashmir Reorganisation (Removal of Difficulties) Order, 2019 vide Notification No. S.O. 3912(E), dated 30th October, 2019.

- (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 transshipment, 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 Narcotic 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.—(1) 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 made as soon as may be after the 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 (SC)

(iv) Since the detenu 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 (SC).

(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 (SC).

(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 sub-section (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 sub-section (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, Karnataka, Kerala, Maharashtra, Orissa, Tamil Nadu and West Bengal and the Union territories of Daman and Diu and ²[Puducherry];
- (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). Earlier the words "31st day of July, 1996" were substituted by Act 53 of 1993, sec. 2, for the words "31st day of July, 1993" (w.e.f. 30-6-1993); the words "31st day of July, 1993" were substituted by Act 26 of 1990, sec. 2, for the words "31st day of July, 1990 (w.r.e.f. 30-7-1990).

2. Subs. by G.S.R. 628(E), dated 26th September, 2006 for "Pondicherry" (w.r.e.f. 1-10-2006).

- (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 1*, “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.U. 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.—(1) 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 fulfil 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 sub-section (1), the following proviso shall be added, namely:—

* Repealed by the Repealing and Amending Act, 2001 (30 of 2001), sec. 4 and First Sch. (w.e.f. 3-9-2001).

"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) They shall come into force on the date² of their publication in the Official Gazette.

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 Form I appended to these rules.

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 Form II appended to these rules.

(2) When any person released for undergoing medical treatment for re-toxification 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 release under sub-section (2) of that section, the form of such bond shall be as in Form III appended to these rules.

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* S.O. 912 (E), dated 26th December, 1985, published in the Gazette of India, Extra., Pt. II, Sec. 3 (ii), dated 26th December, 1985.

2. Came into force on 26-12-1985.

(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 ourselves 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, 1988¹

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) They shall come into force on the date of their publication in the Official Gazette.

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 framed 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 (i), 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.—(1) 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. Sitzings 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.—(1) 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 de-addiction 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 non-official) 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.—(1) 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, make 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.—(1) 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.—(1) 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 non-official members, may do so after the new members are inducted into the same.

CHAPTER IV

REGULATION OF ALLOWANCE FOR MEETINGS

25. Regulation of travelling allowance and daily allowance for Members of Parliament.—(1) 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 utilising 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 travelled, 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 A.C.C. 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.—(1) 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 are satisfied 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.*—A non-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, 1989¹

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, namely:—

CHAPTER I PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Illegally Acquired Property (Receipt, Management and Disposal) Rules, 1989.

(2) They shall come into force on the date² of their publication in the Official Gazette.

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 annexed to these rules;
- (d) “Fund” means the National Fund for Control of Drug Abuse, constituted under sub-section (1) of section 7A 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.—(1) 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-I of the Act.

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. Came into force on 29-5-1989.

(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 godown 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.

6. Godown register.—The Administrator shall cause a register in Form I for recording entries in respect of property other than the properties referred to in rule 7 to be maintained.

7. Godown register for valuables.—The Administrator shall cause a register in Form II for recording entries in respect of property, namely, gold and gold jewellery, diamonds (including rough and uncut diamonds), precious and semi-precious 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-I 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 livestock, perishables, etc.—Subject to the sale proceeds being credited to the Fund under section 7A 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 7A 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.*—The valuables, 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 7A 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 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 shall 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 Sl. 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

Sl. 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, 1989¹

In exercise of the powers conferred by sub-section (5) of section 68-O of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Appellate Tribunal for Forfeited Property hereby makes the following rules, namely:—

1. Short title and commencement.—(1) 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 the person so notified or authorised;
- (e) "Bench" means a Bench of the Tribunal constituted under sub-section (3) or (4) of section 68-O;
- (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) "section" 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.—(1) 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.—(1) 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.—(1) Any person aggrieved by an order of the competent authority made under section 68F, section 68-I, sub-section (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.—In this 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 condonation 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 and defects only having been intimated 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.—(1) 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 adjourned, the appellant or his authorised 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.—(1) 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.—(1) 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.—(1) 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-O (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:

Competent 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.—(1) 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 it is signed by the authorised representative, 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-O of the Narcotic Drugs and Psychotropic Substances Act, 1985.

THE APPELLATE TRIBUNAL FOR FORFEITED PROPERTY (CONDITIONS OF SERVICE OF CHAIRMAN AND MEMBERS) RULES, 1989¹

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.—(1) These rules may be called the Appellate Tribunal for Forfeited Property (Conditions of Service of Chairman and Members) Rules, 1989.

2. They shall come into force from the date² of their publication in the Official Gazette.

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 subsection (1) of section 68N of the Act;

(d) "member" means a member of the Tribunal.

3. Remuneration, allowances, etc., of the Chairman.—(1) 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[(3) A person not being a serving Judge or a retired Judge of the Supreme Court or of a High Court appointed as Chairman shall receive a pay of Rs. 26,000 (fixed) per mensem and shall be entitled to draw such allowances as are admissible to the Central Government officers of equivalent pay:

1. *Vide* S.O. 386 (E), dated 29th May, 1989, published in the Gazette of India, Extra., Pt. II, Sec. 3 (ii), dated 29th May, 1989.

2. Came into force on 29-5-1989.

3. Subs. by S.O. 1255 (E), dated 24th December, 2001 (w.e.f. 24-12-2001).

Provided that if the pay scale of the officers of the Central Government of equivalent pay [*i.e.*, officers in the pay scale of Rs. 26,000 (fixed)] is revised, the person appointed as Chairman referred to in this sub-rule shall be entitled to the revised pay scale applicable to the said officers of the Central Government of equivalent pay:

Provided further that if such a person at the time of this appointment as Chairman is in receipt of a pension in respect of his previous service under the Government or any local body or 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.]

1[4. Remuneration, allowances, etc., of members.—A person appointed as member shall receive pay in the scale of Rs. 22,400-525-24,500 and shall be entitled to draw such allowances as are admissible to the Central Government officers of equivalent pay:

Provided that if the pay scale of the officers of the Central Government of equivalent pay [*i.e.*, officers in the pay scale of Rs. 22,400-525-24,500) is revised, the person appointed as member shall be entitled to the revised pay scale applicable to the said officers of the Central Government of equivalent pay:

Provided further that if such a person at the time of his appointment as member is in receipt of a pension in respect of his previous service under the Government or any local body or 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.]

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.—(1)(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.—(1) 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 Services (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.—(1) 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.—(1) 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.—(1)(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.—(1) (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.

11A. 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 under SAFEMFOPA.—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, 1989¹

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, namely:—

1. Short title and commencement.—(1) These rules may be called the Appellate Tribunal for Forfeited Property (Fees) Rules, 1989.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Scale of fees for inspection of records and registers of the Appellate Tribunal.—(1) 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.—(1) 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 2½ 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.O. 387 (E), dated 29th May, 1989, published in the Gazette of India, Extra., Pt. II, Sec. 3 (ii), dated 29th May, 1989.

2. Came into force on 29-5-1989.

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (NATIONAL FUND FOR CONTROL OF DRUG ABUSE) RULES, 2006¹

In exercise of the powers conferred by section 76 read with section 7A 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 (National Fund for Control of Drug Abuse) Rules, 2006.

(2) They shall come into force on the date² of their publication in the Official Gazette.

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) “Controlling Officer” means an officer who is entrusted, by the Central Government, with the responsibility of controlling the receipt of money in the Fund and incurring expenditure from the Fund;
- (c) “Governing Body” means the Governing Body constituted by the Central Government under sub-section (3) of section 7A of the Act;
- (d) “Form” means the Form appended to these rules;
- (e) “Fund” means the National Fund for Control of Drug Abuse constituted under section 7A of the Act;
- (f) all other words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

3. Procedure for remittance of grant to the Fund.—(1) Every grant made by any person or institution under clause (c) of sub-section (1) of section 7A of the Act shall be made by crossed cheque or demand draft in favour of the National Fund for Control of Drug Abuse and sent to the Joint Secretary (Revenue), Ministry of Finance, Department of Revenue, North Block, New Delhi-110001, who shall, on receipt of such cheque or demand draft issue a receipt to such person or institution making such grant.

(2) All grants made under sub-rule (1) shall be unconditional and irrevocable.

4. Receipt of money.—All moneys received under sub-section (1) of section 7A of the Act shall be credited to the Fund without delay by the Controlling Officer.

5. Procedure for grant of money from the Fund.—(1) Any Department of the Central Government or of State Government(s) or any organisation(s) (hereinafter called as the ‘Applicant’) desirous of obtaining money from the Fund shall submit an application in Form ‘A’ appended to these rules, together with a project report.

(2) Every application made under sub-rule (1) shall be sent to the Joint Secretary (Revenue), Ministry of Finance, Department of Revenue, North Block, New Delhi – 110001.

1. *Vide* G.S.R. 177 (E), dated 24th March, 2006, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 24th March, 2006 and subsequently amended *vide*:
G.S.R. 232(E), dated 2-4-2009; G.S.R. 581(E), dated 19-8-2009.

2. Came into force on 24-3-2006.

6. Grant of money from the Fund.—(1) The Central Government may require the Applicant to furnish further information or clarification regarding the activities and matters connected with the Applicant to enable it to consider payment out of the Fund.

(2) Subject to the conditions specified in sub-rule (3), the Governing Body may sanction money out of the Fund to an Applicant within the limits notified by the Central Government and the Central Government may, on the recommendation of the Governing Body sanction such amount of money to an Applicant, as it considers appropriate.

(3) Every Applicant who has been sanctioned money out of the Fund under sub-rule (2) shall,—

- (a) apply the money to meet the expenditure incurred in connection with the measures taken for combating illicit traffic in, or controlling abuse of, narcotic drugs and psychotropic substances or controlled substances for all or any of the purposes specified in sub-section (2) of section 7A of the Act;
- (b) submit an annual return ending on the last day of March of every year, within fifteen days of the end of the preceding year to the Central Government in Form 'B' appended to these rules;
- (c) maintain regular books of accounts, showing receipt and expenditure, which shall provide a true and fair view of the financial position of such Applicant; and
- (d) be bound by the terms and conditions stipulated in the letter of sanction of money issued by the Central Government.

(4) The money provided to the Applicant, and the assets acquired or created out of such money, shall be deemed to be entrusted to the Applicant for the purposes specified in sub-section (2) of section 7A of the Act.

(5) The Applicant shall retain, hold and use the money received by it from the Fund, and all assets acquired with such moneys, solely for the purposes specified in sub-section (2) of section 7A of the Act and for no other purpose.

(6) If the Central Government has reasons to believe that an Applicant,—

- (i) has failed to carry out the purposes specified in sub-section (2) of section 7A of the Act; or
- (ii) is likely to be wound up; or
- (iii) is unable to maintain and preserve the assets acquired or created out of the money received from the Fund; or
- (iv) is unable to perform or is likely to commit breach of its obligations under the grant of money,

the Central Government may, at any time, revoke the grant of money, and in such case the Applicant shall be disentitled to retain the moneys paid out of the Fund or the assets acquired or created thereby:

¹[Provided that no grant of money shall be revoked without giving the grantee a notice to show cause within thirty days from the date of the notice as to why the grant should not be revoked for the reasons indicated in the notice and if the grantee so requests, without giving him a reasonable opportunity of being heard in person:

Provided further that where the Central Government is of the opinion that the money that was granted is still with the grantee and that the grantee is likely to fritter away or squander the money, so that it is beyond the reach of the Central Government in case of revocation, it may revoke the grant and give notice to show cause to the grantee subsequent to the revocation and if the grantee so requests, give him a reasonable opportunity of being heard in person.]

7. Communication of sanctions.—All financial sanctions and orders issued by the Central Government under these rules shall be communicated to the Audit Officer or the Accounts Officer, as the case may be, in accordance with the procedure specified under the General Financial Rules, 2005.

8. Accounts and audit.—(1) The Central Government shall maintain proper accounts and other relevant records as per the Accounting Procedure as at Annexure I, appended to these rules, and prepare a statement of accounts giving therein the details of the amount credited to the Fund and expenditure incurred therefrom, in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Central Government under sub-rule (1) shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him.

(3) The Comptroller and Auditor General of India shall have the same rights and privileges and authority, in connection with the audit of the Fund and accounts of the Central Government maintained under sub-rule (1) and also in connection with the audit of the accounts of the Applicant, as he has in connection with the audit of General Accounts and, in particular, shall have the rights to demand production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Central Government or the Applicant.

9. Publication of annual report and statement of accounts.—The annual report giving an account of activities financed out of the Fund together with the statement of accounts referred to in section 7B of the Act shall be published in the Official Gazette as soon as possible after the end of each financial year and, in any case not later than 31st December of succeeding year.

10. Application of the provisions of General Financial Rules, 2005.—The provisions of the General Financial Rules, 2005 as amended from time to time shall, as far as may be, apply to the grant of money by the Central Government under these rules.

FORM A

[See rule 5(1)]

FORM FOR APPLICATION FOR GRANT FROM THE NATIONAL FUND FOR CONTROL OF DRUG ABUSE

1. Name of the Applicant
2. Name of the Government/Non-Government Organisation which established the Applicant
3. Address of the Applicant and their branches, including e-mail address
4. Financial status including balance sheet of the Applicant and their branches
5. Personnel working in the Applicant (indicate qualification, experience, specialised interest particularly in relation to the proposed work).
6. Name, address and phone number of the officer in-charge of the Applicant

7. Objectives of the proposed project for which grant is required.
8. Total expenditure likely to be incurred for the project.
9. Amount of expenditure to be met out of the National Fund for Control of Drug Abuse.
10. Details of grants obtained earlier from the National Fund for Control of Drug Abuse or any Other Fund or Organisation
11. Manner in which project is proposed to be implemented.
12. Duration of the project.
13. Name and designation of the officer who is authorised to sign the application.

Date.....

.....

Place.....

Signature

FORM B

[See rule 6(3)(b)]

**FORMAT FOR ANNUAL RETURNS TO BE SUBMITTED BY THE
APPLICANT RECEIVING PAYMENT OUT OF THE NATIONAL
FUND FOR CONTROL OF DRUG ABUSE**

1. Year in respect of which returns filed
2. Name of the Applicant
3. Name of the Government/Non-Government Organisation who established the Applicant
4. Address of the Applicant
5. Amount spent by the Applicant during the year
6. The amount out of item 5 spent from sources other than the Fund
7. Results achieved and extent to which targets have been achieved
8. Further action to be taken, giving specific recommendations for revision of the proposal in case the targets are not likely to be achieved.
9. Name, designation and telephone number of the officer who is authorised to sign the return.

Date.....

.....

Place.....

Signature

ANNEXURE I

ACCOUNTING PROCEDURE FOR THE "NATIONAL FUND
FOR CONTROL OF DRUG ABUSE"

1. Constitution of Fund.—The "National Fund for Control of Drug Abuse" has been constituted in the Public Account of India, wherein the amounts received from the following sources shall be credited in accordance with the provisions contained in section 7A of the Act, namely:—

- (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 VA of the Act;
- (c) Any grant 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 (*i.e.*, interest on the deposits in Public Account at a rate to be decided by Budget Division of Ministry of Finance, Department of Economic Affairs, New Delhi).

2. Utilisation of Fund.—The fund shall be utilized by the Governing Body for the purposes mentioned in sub-section (2) of section 7A of the Act.

3. Accounting Procedures.—(1) Receipts to the Fund:

- (a) An amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide shall be transferred to the Fund from the concerned grant as under the following Heads:

Major Head: (MH) - 2070 - Other Administrative Services.

Minor Head: (MnH) - 797 - Transfer to Reserve/Deposits Account Drug Abuse.

Sub-Head: (SH) - 01 - Transfer to the National Fund for Control of Drug Abuse.

Object Head: (OH) - 63 - Inter-Account transfer.

The classification for the Fund under the Public Account of India would be as under:

Major Head: (MH) - 8121 - General and Other Reserve Fund.

Minor Head: (MnH) - 118 - National Fund for Control of Drug Abuse.

New sub-head: - 01 - Receipts by transfer.

The amount sanctioned by the Government each year for transfer to the Fund shall be credited to this Head by contra debit to the Major Head 2070 - National Fund for Control of Drug Abuse in the accounts of the Central Government.

- (b) (i) The sale proceeds of any property forfeited under Chapter VA of the Act, to be initially credited to the Consolidated Fund of India as under:—

Major Head: (MH) 0070 - Other Administrative Services.

Sub-Major Head: (SMH) 60 - Other Services.

Minor Head: (MnH) 800 - Other Receipts.

New sub-head: 06 - Receipts from Sale Proceeds of Property forfeited under Chapter VA of the Act.

- (ii) Where any property under declaration stands forfeited under section 68K of the Act to the Central Government and the source of only a part of the illegally acquired property has not been proved to the satisfaction of the Competent Authority by the person affected, 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 and the same shall be credited under:

Major Head: (MH)	0070	- Other Administrative Services.
Sub-Major Head: (SMH)	60	- Other Services.
Minor Head: (MnH)	800	- Other Receipts.
New sub-head:	07	- Receipts from fines in lieu of forfeiture of property under section 68K of the Act.

These receipts shall subsequently be transferred to the Fund with due appropriation by debit to the Head:—

Major Head: (MH):	2070	- Other Administrative Services.
Minor Head: (MnH)	797	- Transfer to Reserve/Deposit Account.
Sub-head: (SH)	01	- Transfer to the National Fund for Control of Drug Abuse.
Object Head: (OH)	63	- Inter-Account transfer.

Contra credit will be afforded to the—

Major Head: (MH)	8121	- General and other Reserve Funds.
Minor Head: (MnH)	118	- National Fund for Control of Drug Abuse in the Public Account.
New sub-head:	01	- Receipts by transfer.

- (c) *Grant that may be made by any person or institution.*—Any grant that may be made by any person or institution shall be credited to the Fund Account as under:

Major Head: (MH)	8121	- General and other Reserve Funds.
Minor Head: (MnH)	118	- National Fund for Control of Drug Abuse.
New sub-head:	02	- Receipts from grants by any person or institution.

- (d) After due appropriation the account of transfer of interest to the Fund account would be as under:—

Debit

Major Head: (MH)	2049	- Interest Payments.
Sub-Major Head: (SMH)	05	- Interest on Reserve Funds.
Minor Head: (MnH)	105	- Interest on general and other Reserve fund.
Sub-Head: (SH)	..... 07	- Interest on the National Fund for Control of Drug Abuse.
Object Head (OH)	45	- Interest.

Credit

Major Head: (MH)	8121	- General and other Reserve Funds.
Minor Head: (MnH)	118	- Interest on the National Fund for Control of Drug Abuse.
New Sub-head:	03	- Receipts from interest payment by the Government of India.

(2) The Accounting Procedure for receipt into and disbursement from this Fund:

- (a) *Expenditure from the Fund.*—All expenditure shall be initially made from the concerned grant debited to the Consolidated Fund of India shall be recouped from the Fund, from time to time. The Department of Revenue may make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and would be properly reflected in the expenditure of the Government while the continuing balances in the Fund in the Public Account will ensure that funds are readily available.

Initially debit will be afforded to—

Major Head: (MH) 2070 - Other Administrative Services.

Minor Head: (MnH) 113 - Narcotics Control.

New sub-head: 04 - Expenditure on Control of Drug Abuse.

Finally, after recoupment, the entire expenditure shall stand debited to—

Major Head: (MH) 8121 - General and other Reserve Fund.

Minor Head: (MnH) 118 - National Fund for Control of Drug Abuse.

New sub-head: 04 - Expenditure on Control of Drug Abuse.

Subject to the approval of the Competent Authority, expenditure incurred for identification, treatment, education, after-care, rehabilitation, social re-integration of addicts and for such other provisions as may be provided in sub-section (2) of section 7A of the Act may also be met out of the allocations from the Fund.

The amount financed from expenditure head shall be shown as Deduct entry under the minor head "902-Deduct amount met from the National Fund for Control of Drug Abuse" below Major Head "2070-Other Administrative Services" by Contra Debit to the Reserve Fund as under:

Major Head: (MH) 2070 - Other Administrative Services.

Minor Head: (MnH) 902 - Deduct amount met from National Fund for Control of Drug Abuse.

4. Payment Procedure for disbursement from this Fund.—(1) Application of the Fund:

The amounts available in the Fund would be applied for the purposes mentioned in sub-section (2) of section 7A of the Act.

(2) Application for grant of money from the Fund:

The Applicant may apply to the Ministry of Finance, Department of Revenue for grant of money from the Fund provided that:—

- (i) the Applicant shall submit an application along with Form 'A' and a copy of the Project report in the format as decided by the Governing Body from time to time;
- (ii) every application for grant from the Fund shall be sent to the Joint Secretary (Revenue), Narcotics Control Division, Department of Revenue, North Block, New Delhi - 110 001.

(3) Procedure for sanction of grants from the Fund:

- (i) The Department shall scrutinize applications received from time to time and may obtain comments from other Ministries/Departments/State Government(s); or from such other authorities as it may deem fit or may inspect the office or the premises where the project is being run by the Applicant seeking money;

- (ii) The application received along with the comments of various authorities shall be circulated to the members of the Governing Body at least seven days before the meeting of the Body;
- (iii) The Central Government may require the Applicant seeking money to furnish further information or clarification regarding activities and matter connected with the Applicant to enable it to consider payment out of the Fund;
- (iv) The maximum grant of money from the Fund would not exceed seventy five per cent of the project cost:
¹[Provided that in case where the applicant is a Government Department or any agency of the Government, the maximum grant of money from the Fund would be hundred per cent of the project cost.]
- (v) The Governing Body for the purpose of deciding the grant of money to such an Applicant would meet at least twice a year;
- (vi) After considering the proposals, the Governing Body may sanction payment of such amount, which it considers appropriate, to an Applicant, upto the limit notified by the Central Government in the Official Gazette or ²[hundred per cent of the project cost in respect of Government Department or any agency of the Government or seventy-five per cent of the project cost in respect of others], whichever is less. For grant of money beyond the authority of the Governing Body, the Central Government may, on the recommendation of the Governing Body, sanction payment of such amount, as it considers appropriate, to an Applicant;
- (vii) The amount would be released either as lump sum grant or in such number of instalments as may be specified and subject to such conditions as may be imposed by the sanctioning authority;
- (viii) The applications would be processed as per provisions of Delegation of Financial Power Rules/General Financial Rules.
- (4) Meeting of the Governing Body:
 - (i) The meeting of the Governing Body shall be held at least twice a year and as often as the Chairman may call for. The meeting of the Governing Body shall be convened on such date and time as decided by the Chairman, and the quorum of such meeting would be one-third of the strength of the Governing body;
 - (ii) In the absence of a Chairman, Joint Secretary of the Department of Revenue, who deals with the matters relating to the Fund shall convene the meeting of the Governing Body and the members of the Governing Body shall elect a Chairman to preside over that meeting.
- (5) Obligations of Organisations receiving money from the Fund:
 - (a) Every Applicant, which has been sanctioned money out of the Fund shall—
 - (i) utilise the money to meet the expenditure incurred by it in connection with measures taken for controlling the abuse of narcotic drugs or psychotropic substances for all or any of the purposes specified in sub-section (2) of section 7A of the Act; may be specified in the sanction;
 - (ii) submit an annual return (Form 'B') ending on the last day of March of every year within fifteen days of the end of the preceding year and such annual return shall be furnished in format as may be specified by the Governing Body;
 - (iii) maintain books of account regularly showing receipts and expenditure which shall provide a true and fair view of the financial position of such Applicant; and
 - (iv) be bound by the terms and conditions of grant of money stipulated in the letter of sanction issued by the Central Government.
 - (b) The money provided to an Applicant and all assets acquired or created out of such money shall be deemed to be entrusted to the Applicant for the purpose for which it was sanctioned from the Fund;

1. Ins. by G.S.R. 581(E), dated 19th August, 2009 (w.e.f. 19-8-2009).

2. Subs. by G.S.R. 581(E), dated 19th August, 2009, for "seventy-five per cent of project cost" (w.e.f. 19-8-2009).

- (c) The Applicant shall retain, hold and use all moneys received by it from the Fund and all assets credited with such moneys solely for the purpose for which it was sanctioned from the Fund and for no other purpose.
- (6) Powers of the Central Government:
- (a) The Central Government may, at any time or from time to time, call for such reports, documents or any other information as it may deem fit from the recipient of the money to monitor its proper utilization.
- (b) If the Central Government has reasons to believe that the recipient of the money—
- (i) has failed to carry out the purposes for which money was provided; or
 - (ii) is unable to maintain and preserve the assets acquired or created out of money from the Fund; or
 - (iii) is unable to perform or is likely to commit breach of its obligations under the grant of money; or
 - (iv) the Applicant receiving the money from the Fund is likely to be wound up,
- then the Central Government may at any time ¹[after following the procedure specified in the provisos to sub-rule (6) of rule 6] revoke the grant of money in which case the Applicant shall be disentitled to retain the money paid out of the Fund or the assets created thereby.

(7) Sanctioning Power of different Authorities:—

The powers of various authorities to sanction amounts from the Fund would be as under:

Amount to be sanctioned	Authority competent to grant the sanction
Upto Rupees Ten lakh	Governing Body
Above Rupees Ten lakh	Finance Minister

(8) Communication of sanctions:

- (i) All financial sanctions and orders issued by the Central Government under these rules shall be communicated to the Audit Officer and Pay and Accounts Officer concerned in accordance with the procedure specified under the General Financial Rules, 2005 that is all sanctions for drawal from the account shall be endorsed with a copy to the concerned Pay and Accounts Office and accordingly bills for drawals shall be submitted to the concerned Pay and Accounts Office for issue of cheque and to debit the concerned head and Consolidated Fund of India, and recoup the same on the monthly basis from the same Fund for such drawals;
- The Accredited Bank shall send the scrolls to the concerned Pay and Accounts Office regularly;
- (ii) Subject to sanction by the Ministry, payments from the Fund may be released for purposes or activities as per provisions of section 7A of the Act;
- (iii) Pay and Accounts Office, Ministry of Finance, Department of Revenue, New Delhi shall be responsible for maintaining ledger and broadsheet of the Fund;
- (iv) Under rule 16 of the General Financial Rules, 2005 and rule 6 of the Receipts and Payments Rules, 1983 any amounts/subscriptions received by the department concerned shall without undue delay, that is, within two working days from the receipt of money; be deposited with the Accredited Bank for depositing in the Government account and it must be ensured that the amounts received by the Accredited Bank under these provisions shall be deposited into

1. Ins. by G.S.R. 232(E), dated 2nd April, 2009 (w.e.f. 2-4-2009).

the Government account within a period of five days and nine days (including Sunday and Holidays) in case of local branches and outside branches as the case may be. In case the remittance is delayed beyond the above time limit, an amount equal to the interest payable as per these provisions or an amount decided by the Central Government from time to time may be recovered from the respective branch where the delay occurs towards penal interest from the date of receipt of money into Bank up to the date of remittance. The date of remittance into Government account in Reserve Bank of India, Central Accounts Section, Nagpur may be excluded while calculating the delay. Further, an amount upto rupees one hundred for each item may also be ignored while calculating the penal interest in delayed remittances.

Revenue/Receipt and Payment scrolls will be sent to Pay and Accounts Office, by the local branch, of the Accredited Bank *viz.* Allahabad Bank, Parliament Street, New Delhi in case of Pay and Accounts Office, Department of Revenue, Ministry of Finance.

5. Accounts and Audit.—Receipts of amounts into the Fund and payments or expenditure out of the Fund would be in such manner and method as prescribed in these Accounting Procedure Rules.

The Central Government shall maintain proper accounts and other relevant records and prepare a statement of accounts giving therein details of the amount credited to the Fund and expenditure incurred therefrom in consultation with the Controller General of Accounts and Comptroller and Auditor General of India. The accounts of the Central Government under sub-rule (1) of rule 8 shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by them apart from annual Internal Audit conducted by Chief Controller of Accounts, Ministry of Finance, New Delhi.

The Comptroller and Auditor General of India, and Chief Controller of Accounts, Ministry of Finance shall have the same rights and privileges and authority in connection with the audit of the Fund, and accounts of the Central Government maintained under sub-rule (1) of rule 8 and also in connection with the audit of accounts of the Applicant seeking and having obtained grants under the Fund as they have in connection with the audit of General Accounts and in particular shall have the rights to demand production of books, accounts, connected vouchers and other related documents and papers and to inspect any of the offices of the Central Government or any organisation.

6. Annual Accounts to be published.—The annual report giving an account of activities financed out of the Fund together with the statement of Accounts, referred to in section 7B of the Act, shall be published in the Official Gazette as soon as possible after the end of each financial year and in any case not later than 31st December of the following financial year.

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (REGULATION OF CONTROLLED SUBSTANCES) ORDER, 2013¹

In exercise of the powers conferred by section 9A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following Order, namely:—

1. Short title and commencement.—(1) This Order may be called the Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substances) Order, 2013.

(2) It shall come into force on the date² of its publication in the Official Gazette.

2. Definitions.—(1) In this Order, unless the context otherwise requires,—

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

(b) "Appendix" means the Appendix appended to this Order;

(c) "Form" means a Form annexed to this Order;

(d) "Schedule" means the Schedules annexed to this Order.

(2) Words and expressions used herein and not defined, but defined in the Act shall have the same meaning as defined in the Act.

3. Power to include Controlled Substance in Schedules.—The Central Government may, by notification in the Official Gazette, include any controlled substance in one or more Schedules.

4. Prohibition of manufacture, trade and commerce, possession and consumption of controlled substance in 'Schedule A'.—³(1) No person shall manufacture, distribute, sell, purchase, possess, store, consume, offer for sale or distribution or mediate in the sale/purchase through website, social media or in any other manner of any controlled substance included in Schedule-A, without a unique registration number in Form-A, issued by the Zonal Director of the Narcotics Control Bureau:]

Provided that the requirement of registration under this clause shall be complied within a period of 180 days of the coming into force of this Order:

Provided further that the Government or autonomous institutions, Schools or Colleges or Universities recognised by the Government, registered Scientific Societies and Hospitals using any controlled substance in Schedule A for educational, scientific and analytical purposes are exempted from the registration.

(2) Every application for registration under sub-clause (1) shall be made in Form B to the Zonal Director of Narcotics Control Bureau having jurisdiction over the area ⁴[and in the manner as may be specified by the Director-General, Narcotics Control Bureau].

1. Vide G.S.R. 191(E), dated 26th March, 2013, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 155, dated 26th March, 2013.

2. Came into force on 26-3-2013.

3. Subs. by G.S.R. 779(E), dated 14th October, 2019, for "(1) No person shall manufacture, distribute, sell, purchase, possess, store, or consume any controlled substance included in Schedule A without a unique registration number in Form A issued by the Zonal Director of Narcotics Control Bureau" (w.e.f. 14-10-2019).

4. Ins. by G.S.R. 649(E), dated 23rd September, 2013 (w.e.f. 23-9-2013).

(3) The Zonal Director of Narcotics Control Bureau shall issue a unique registration number in Form A or deny the registration within thirty working days from the date of receipt of an application in Form B.

(4) In case the registration number is not issued within the stipulated time period or denied, the Zonal Director of Narcotics Control Bureau or any other officer authorised by him in this regard shall inform the applicant the reasons thereof.

(5) Every person who has been registered under sub-clause (1) shall maintain daily accounts in Form C or Form D, as the case may be and the records of the daily accounts shall be preserved for a minimum period of five years from the date of last entry:

¹[Provided that the requirement of maintenance of daily accounts is not applicable to persons who do not manufacture, distribute, sell, purchase, possess, store or consume controlled substances.]

²(6) Every person who has been registered under sub-clause (1) shall file quarterly return in Form-E, Form-F, or Form-L, as the case may be, to the concerned Zonal Director of the Narcotics Control Bureau having jurisdiction over the area.]

(7) The return of every quarter shall be filed before the last day of the month following that quarter.

(8) Every person who has been registered under sub-clause (1) shall immediately report regarding any loss or disappearance of the controlled substance in Schedule A to the concerned Zonal Director of Narcotics Control Bureau within whose area of jurisdiction such loss or disappearance occurred and a copy of the report shall also be endorsed to the Director-General, Narcotics Control Bureau, New Delhi.

Explanation. 1.—For the purpose of this clause, the area of jurisdiction of a Zonal Director of Narcotics Control Bureau shall be the area as specified in the Appendix.

Explanation. 2.—For the purpose of this clause, the expression “quarters” shall be January to March, April to June, July to September and October to December of every year.

5. Surrender of registration.—A holder of a registration number issued under sub-clause (1) of clause 4 may, if he so desires, surrender his registration by giving notice in writing to the issuing authority and obtaining acknowledgement therefor.

6. Disposal of stocks on surrender of registration.—The stocks of controlled substance in Schedule A as may be in the possession of a holder of a registration number issued under sub-clause (1) of clause 4, on the surrender of his registration, shall be disposed of in such manner as may be specified by the issuing authority in this behalf.

7. Transport of controlled substance in Schedule A.—(1) No consignment of controlled substance in Schedule A shall be moved from one place to another place, within India, except when it is accompanied by a consignment Note in Form G.

(2) The consignment Note shall be prepared in triplicate and 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. Ins. by G.S.R. 779(E), dated 14th October, 2019 (w.e.f. 14-10-2019).

2. Subs. by G.S.R. 779(E), dated 14th October, 2019, for sub-clause (6) (w.e.f. 14-10-2019). Sub-clause (6) before substitution stood as under:

“(6) Every person who has been registered under sub-clause (1) shall file quarterly return in Form E or Form F, as the case may be, to the concerned Zonal Director of the Narcotics Control Bureau having jurisdiction over the area.”.

¹[(3) In case of non-receipt of duplicate copy duly endorsed by the consignee acknowledging the receipt of the consignment of controlled substance, the consignor shall fallow up with the consignee to secure confirmation of the receipt of the consignment in full through a declaration from the consignee and in case of non-receipt or part-receipt of the consignment, the consignor shall report loss or disappearance of the consignment in the manner provided in sub-clause (8) of clause 4 within forty-five days from the date of dispatch of the consignment.]

(4) In the case of any consignment of controlled substance in Schedule A 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 minimum period of five years by the consignor and the consignee or importer, as the case may be.

(6) No transporter shall carry any consignment of controlled substance in Schedule A 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 empowered under section 42 of the Act.

(8) (a) Whenever controlled substance in Schedule A are transported by motorised tankers or otherwise by packages, all the inlets and outlets of such tankers or packages, as the case may be, shall be sealed with tamper-proof seals each of which shall have identifiable description and such seal shall be affixed at the premises of the consignor and removed at the premises of the consignee.

(b) The description of tamper-proof seal affixed on such tankers or packages shall be entered on the consignment Note or Bill of Entry of each consignment.

(c) No person shall use or possess any tamper-proof seal which has identifiable description on it identical to another tamper-proof seal.

(9) Whenever a consignment of controlled substance in Schedule A 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 Form H.

Explanation. 1.—For the purpose of this clause, the expression “Bill of Entry” shall have the same meaning as defined in the Customs Act, 1962 (52 of 1962).

Explanation. 2.—For the purpose of this clause, the jurisdiction of a Zonal Director of Narcotics Control Bureau shall be the area as specified in the Appendix.

1. Subs. By G.S.R. 649(E), dated 23rd September, 2013, for sub-clause (3) (w.e.f. 23-9-2013). Sub-clause (3), before substitution, stood as under:

“(3) In case of non-receipt of duplicate copy by the consignor, duly endorsed by the consignee acknowledging the receipt of the consignment of controlled substance, the consignor shall report loss or disappearance of the consignment in the manner provided in sub-clause (8) of clause 4 within forty-five days from the date of dispatch of the consignment.”.

8. Selling of controlled substance in Schedule A.—No person shall sell a controlled substance in Schedule A to a buyer who does not possess a valid registration number issued under sub-clause (1) of clause 4:

Provided that a controlled substance may be sold to a buyer specified in second proviso to sub-clause (1) of clause 4 without a registration number.

9. Destruction of controlled substance in Schedule A.—(1) Any person intending to destroy a controlled substance in Schedule A shall apply in Form-I to the concerned Zonal Director of the Narcotics Control Bureau having jurisdiction over the area.

(2) The Zonal Director of the Narcotics Control Bureau shall, within a period of thirty days of the receipt of an application in Form I, appoint a Committee comprising a Gazetted Officer of the Narcotics Control Bureau, Superintendent of Central Excise of the concerned range and an authorised representative of the applicant for supervising the destruction of controlled substance in Schedule A and any such destruction shall be carried out within a period of thirty days from the appointment of the Committee.

Explanation.—For the purpose of this clause, the jurisdiction of a Zonal Director of Narcotics Control Bureau shall be the area as specified in the Appendix.

10. Export of controlled substance in Schedule B.—(1) No person shall export any controlled substance in Schedule B except in accordance with the conditions of the No Objection Certificate issued by the Narcotics Commissioner.

(2) Anyone who intends to export a controlled substance in Schedule B shall apply to the Narcotics Commissioner in Form J for a No Objection Certificate.

(3) The Narcotics Commissioner shall issue or deny the No Objection Certificate within a period of twenty-one working days from the date of receipt of application and in case the No Objection Certificate is not issued within the stipulated time period or denied, the Narcotics Commissioner or any other officer authorised by him in this regard shall inform the applicant the reasons thereof.

(4) The No Objection Certificate for export issued by Narcotics Commissioner shall be valid for a single consignment only.

(5) Every exporter shall submit the details and documents relating to the export, such as ¹[customs attested invoice] and shipping documents relating to the export of the controlled substance in Schedule B which shall contain the details such as name of the controlled substance, quantity, name and address of the consignee, exporter and the importer, to the Narcotics Commissioner within a period of seven days of export.

11. Import of controlled substance in Schedule C.—(1) No person shall import any controlled substance in Schedule C except in accordance with the conditions of the No Objection Certificate issued by the Narcotics Commissioner.

(2) Anyone who intends to import a controlled substance included in Schedule C shall apply to the Narcotics Commissioner in Form K for a No Objection Certificate.

1. Subs. by G.S.R. 649(E), dated 23rd September, 2013, for "invoice, cargo manifests, customs, transport" (w.e.f. 23-9-2013).

(3) The Narcotics Commissioner shall issue or deny the No Objection Certificate within twenty-one working days from the date of receipt of application and in case the No Objection Certificate is not issued within the stipulated time period or denied, the Narcotics Commissioner or any other officer authorised by him in this regards shall inform the applicant the reasons thereof.

(4) The No Objection Certificate for import issued by the Narcotics Commissioner shall be valid for a single consignment only.

(5) Every importer shall submit the details and documents relating to the import, such as ¹[customs attested invoice] and shipping documents relating to the import of the controlled substance in Schedule C which shall contain the details such as name of the controlled substance, quantity and the name and address of the consignee, exporter and the importer, to the Narcotics Commissioner within a period of seven days of import.

12. Labelling of consignment for export or import.—(1) Every container or vessel containing a controlled substance in a consignment for export or in a consignment which is imported shall be labeled 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.

(2) 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 minimum period of five years.

13. Repeal and savings.—(1) The Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substances) Order, 1993 is hereby repealed.

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

SCHEDULE

[See clause 2(d)]

SCHEDULE A (Schedule A substances are those controlled substance whose manufacture, distribution, sale, purchase, possession, storage and consumption is subject to controls as specified in this Order.)

1. Acetic anhydride
2. N-Acetylanthranilic acid
3. Anthranilic acid
4. Ephedrine and its salts
5. Pseudoephedrine and its salts

²[6. 4-Anilino-N-phenethylpiperidine (ANPP)]

²[7. N-Phenethyl-4-piperidone (NPP)]

1. Subs. by G.S.R. 649(E), dated 23rd September, 2013, for "invoice, cargo manifests, customs, transport" (w.e.f. 23-9-2013).

2. Ins. by G.S.R. 536(E), dated 26th August, 2020 (w.e.f. 27-8-2020).

SCHEDULE B (Schedule B substances are those controlled substance whose export from India is subject to controls as specified in this Order.)

1. Acetic anhydride
2. N-Acetylanthranilic acid
3. Anthranilic acid
4. Ephedrine, its salts and preparations thereof
5. Ergometrine and its salts
6. Ergotamine and its salts
7. Isosafrole
8. Lysergic acid and its salts
9. 3, 4-methylenedioxyphenyl-2-propanone
10. Methyl ethyl ketone
11. Norephedrine (Phenylpropanolamine), its salts and preparations thereof
12. 1-phenyl-2-propanone
13. Phenylacetic acid and its salts
14. Piperonal
15. Potassium permanganate
16. Pseudoephedrine, its salts and preparations thereof
17. Safrole and any essential oil containing 4% or more safrole
- ¹[18. 4-Anilino-N-phenethylpiperidine (ANPP)]
- ¹[19. N-Phenethyl-4-piperidone (NPP)]
- ²[20. 3, 4-MDP-2-P methyl glycidate (PMK glycidate) (all stereoisomers)]
- ²[21. 3, 4-MDP-2-P methyl glycidic acid (PMK glycidic acid) (all stereoisomers)]
- ²[22. *alpha*-phenylacetoacetamide (APAA) (including its optical isomers)]
- ²[23. methyl *alpha*-phenylacetoacetate (MAPA) (including its optical isomers)]
- ³[24. 4-AP]
- ³[25. 1-boc-4-AP]
- ³[26. Norfentanyl]
- ³[27. Alpha-phenylacetoacetonitrile (APAAN)]

SCHEDULE C (Schedule C substances are those controlled substance whose import into India is subject to controls as specified in this Order.)

1. Acetic anhydride
2. N-Acetylanthranilic acid
3. Anthranilic acid
4. Ephedrine, its salts and preparations thereof
5. Ergometrine and its salts
6. Ergotamine and its salts
7. Isosafrole
8. Lysergic acid and its salts
9. 3, 4-Methylenedioxyphenyl-2-propanone
10. Methyl ethyl ketone
11. Norephedrine (Phenylpropanolamine), its salts and preparations thereof
12. 1-phenyl-2-propanone
13. Phenylacetic acid and its salts
14. Piperonal
15. Potassium permanganate
16. Pseudoephedrine, its salts and preparations thereof
17. Safrole and any essential oil containing 4% or more safrole
- ¹[18. 4-Anilino-N-phenethylpiperidine (ANPP)]
- ¹[19. N-Phenethyl-4-piperidone (NPP)]
- ²[20. 3, 4-MDP-2-P methyl glycidate (PMK glycidate) (all stereoisomers)]
- ²[21. 3, 4-MDP-2-P methyl glycidic acid (PMK glycidic acid) (all stereoisomers)]
- ²[22. *alpha*-phenylacetoacetamide (APAA) (including its optical isomers)]
- ²[23. methyl *alpha*-phenylacetoacetate (MAPA) (including its optical isomers)]
- ³[24. 4-AP]
- ³[25. 1-boc-4-AP]
- ³[26. Norfentanyl]
- ³[27. Alpha-phenylacetoacetonitrile (APAAN)]

1. Ins. by G.S.R. 186(E), dated 27th February, 2018 (w.e.f. 27-2-2018).

2. Ins. by G.S.R. 536(E), dated 26th August, 2020 (w.e.f. 27-8-2020).

3. Ins. by G.S.R. 792(E), dated 26th October, 2022 (w.e.f. 27-10-2022).

APPENDIX

**AREA OF JURISDICTION OF A ZONAL DIRECTOR OF
NARCOTICS CONTROL BUREAU**

Sl. No.	Area	Area Jurisdictional Zonal Director of Narcotics Control Bureau
¹ [1.	(A) National Capital Region comprising the whole of the Union territory of Delhi and the areas of Haryana, Rajasthan and Uttar Pradesh included therein. (B) State of Haryana. (C) Districts of Muzaffarnagar, Prabudhnagar and Saharanpur in the State of Uttar Pradesh. (D) State of Uttarakhand.	Zonal Director, Narcotics Control Bureau, Delhi Zonal Unit, West Block No. 1, Wing No. 7, 2nd Floor, R.K. Puram, New Delhi - 110066. Fax No. 011-26181449]
2.	State of Rajasthan (excluding the areas of the State included in National Capital Region)	Zonal Director, Narcotics Control Bureau, Jodhpur Zonal Unit, Sector-18E, Chaupasini Housing Board, Jodhpur, Rajasthan. Fax No. 0291-2510092
¹ [3.	State of Uttar Pradesh (excluding the areas of the State included in the National Capital Region and the Districts of Muzaffarnagar, Prabudhnagar and Saharanpur).	Zonal Director, Narcotics Control Bureau, B-912, Sector-A, CID Colony, Mahanagar Lucknow, Uttar Pradesh. Fax No. 0522-2339411]
4.	States of West Bengal, Odisha, Sikkim and Union territory of Andaman and Nicobar Islands.	Zonal Director, Narcotics Control Bureau, Eastern Zonal Unit, Kolkata, 4/2 Karaya Road, 3rd Floor, Kolkata, West Bengal-700017. Fax No. 033-22891957
5.	States of Maharashtra and Goa.	Zonal Director, Narcotics Control Bureau, Mumbai Zonal Unit, 3rd Floor, Exchange Building, Spratt Road, Ballard Estate, Mumbai, Maharashtra - 400001.
6.	States of Kerala, Tamil Nadu and the Union territories of Puducherry and Lakshadweep.	Zonal Director, Narcotics Control Bureau, Chennai Zonal Unit, C-3A, Rajaji Bhawan, Besant Nagar, Chennai, Tamil Nadu - 600090. Fax No. 044-24910937
7.	States of Punjab, Himachal Pradesh and the Union territory of Chandigarh.	Zonal Director, Narcotics Control Bureau, Chandigarh Zonal Unit, Electric Store Building, Near Chitkara Int. School, Sector-25 (Wes), Chandigarh. Fax No. 0172-2780108

1. Subs. by G.S.R. 649(E), dated 23rd September, 2012, for Serial No. 1 and 3.

Sl. No.	Area	Area Jurisdictional Zonal Director of Narcotics Control Bureau
8.	State of Jammu and Kashmir.	Zonal Director, Narcotics Control Bureau, Jammu Zonal Unit, Chandan Vihar, H. No. 1, Lane-1, Lower Roop Nagar, Muthi Camp, Jammu, Jammu and Kashmir - 180005. Fax No. 00191-2598029
9.	State of Gujarat and the Union territories of Daman and Diu and Dadra and Nagar Haveli.	Zonal Director, Narcotics Control Bureau, Ahmedabad Zonal Unit, 2nd & 3rd Floor, Screen Building, Drive-in-Cinema, Drive-in-Road, Thaltej, Ahmedabad, Gujarat - 380054. Fax No. 079-27497330
10.	States of Madhya Pradesh and Chhattisgarh.	Zonal Director, Narcotics Control Bureau, Indore Zonal Unit, 19/C/A/SLICE-5, Scheme No. 78, "Aranya", P.O.-Vijay Nagar, Indore, Madhya Pradesh - 452 010. Fax No. 0731-2557701.
11.	States of Bihar and Jharkhand.	Zonal Director, Narcotics Control Bureau, Patna Zonal Unit, 67, Kautilya Nagar, Near VB College Patna-14, Bihar. Fax No. 0612-2296159.
12.	States of Assam, Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Tripura and Manipur.	Zonal Director, Narcotics Control Bureau, Guwahati Zonal Unit, House No. 25, S.K. Baruah Road, 1st bye-lane, Dispur, Guwahati, Assam-781006. Fax No. 0361-2229375
13.	States of Karnataka and Andhra Pradesh.	Zonal Director, Narcotics Control Bureau, Bangalore Zonal Unit, 7/1 & 2, Priyanka Vilas, Ramanna Garden Kattigenahalli, Baglur Main Road, Post - Air Force Station Yelahanka, Bangalore, Karnataka - 560063. Fax No. 080-28478316

¹[FORM A

[See sub-clause (1) of clause 4]

**²[REGISTRATION FOR MANUFACTURE/DISTRIBUTION/SALE/PURCHASE/
POSSESSION/STORAGE/CONSUMPTION/OFFER FOR SALE OR DISTRIBUTION
OR MEDIATE IN SALE/PURCHASE THROUGH WEBSITE, SOCIAL MEDIA OR
IN ANY OTHER MANNER OF CONTROLLED SUBSTANCES IN SCHEDULE-A]**

Unique Registration No.

Date of issue:

.....(Name and Address)is hereby registered to engage in
activities in respect of controlled substance in Schedule A to the Narcotic Drugs and
Psychotropic Substances (Regulation of Controlled Substances) Order, 2013 from the
premises as specified below:

1. Subs. by G.S.R. 649(E), dated 23rd September, 2013, for Form A (w.e.f. 23-9-2013).

2. Subs. by G.S.R. 779(E), dated 14th October, 2019, for heading (w.e.f. 14-10-2019).

Address of the premises	Name(s) of the Controlled Substance	Nature of Activity*

* Please choose one or more from the following list of Activities:

(i) Manufacture	(iii) Sale	(v) Possession	(vii) Consume
(ii) Distribute	(iv) Purchase	(vi) Storage	(viii) Others (specify)

2. This registration is subject to the conditions stated below and to such other conditions as may be specified in the Order for the time being in force under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985).

Narcotics Control Bureau office address:

OFFICE SEAL NARCOTICS CONTROL BUREAU

Signature.....

Name.....

Designation.....

Zonal Director

..... Zonal Unit

CONDITIONS OF REGISTRATION

1. This registration is not transferable.
2. This registration shall be kept on the approved premises and shall be produced at the request of an officer designated/authorized by the authority issuing this registration.
3. No controlled substance in Schedule-A, other than the substance for which registration has been issued, shall be manufactured or dealt with in the respective premises mentioned therein.
4. The holder of this registration shall inform the issuing authority in writing, within fifteen days, of any change in the material details mentioned in the registration including the constitution of the person or the entity operating under the registration and in the event of a change in the constitution of the person or the entity operating under the registration, a fresh registration must be obtained from the issuing authority in the name of the person or the entity with the changed constitution within three months of such change.]

¹[FORM B

[See sub-clause (2) of clause 4]

²[APPLICATION FOR REGISTRATION FOR MANUFACTURE/DISTRIBUTION/SALE/PURCHASE/POSSESSION/STORAGE/CONSUMPTION/OFFER FOR SALE OR DISTRIBUTION OR MEDIATE IN SALE/PURCHASE THROUGH WEBSITE, SOCIAL MEDIA OR IN ANY OTHER MANNER OF CONTROLLED SUBSTANCES IN SCHEDULE-A]

For Official Use only

Registration Number		Date of Issue	
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PART I

- (A) Name of the Applicant (please mention the name of the firm/company/trust/society etc.):
- (B) Details of Premises, Name and Nature of Activity of the Controlled Substance sought to be registered:

1. Subs. by G.S.R. 649(E), dated 23rd September, 2013, for Form B (w.e.f. 23-9-2013).

2. Subs. by G.S.R. 779(E), dated 14th October, 2019, for heading (w.e.f. 14-10-2019).

(B) Information relating to consumption of controlled substance in Schedule-A by the applicant :

Name of controlled substance	Name, Nature and description of end product(s) after consumption	Name of other principal raw materials (by weight) used	Installed Consumption Capacity (Annual-in Kilogram)	Quantity consumed in last three (3) years in Kilogram

PART III

(A) Complete postal address with PIN Code/Telephone/Fax Number (with city code)/e-mail ID of the Applicant:

[illegible]

(B) Details of Permanent Account Number (PAN):

(1) PAN (If issued)

--	--	--	--	--	--	--	--	--

(2) Name of the applicant as appearing in PAN:

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(3) If PAN is not issued, whether applied for: Yes (Y)/No (N)

(Copy of proof to this effect shall be attached or uploaded)

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(C) Constitution of the business (Please put $\sqrt{}$ in appropriate box)

Proprietorship		Partnership	
Registered Company		Unregistered Company	
Trust		Society	
Others (Please specify)			

Note: In the case of a partnership firm, details of partnership; in the case of a registered or unregistered company, details of the Chairman/Managing Director/Director/Chief Executive Officer; in the case of Society or Trust, details of the Chairman or President and Members/Trustee and in case of others, details of the key personnel engaged in the management of the business are to be provided in a separate sheet. Details shall include name/complete postal address with PIN Code/Telephone/Fax Number (with city code)/e-mail ID/copy of photo identity card issued by a Government Organisation or the Election Commission.

(D) Name, designation and address of the person signing the Application Form and of the authorised persons:

(1) Person signing the Application Form:

(2)

Name	
Designation	
Address	
Contact numbers	
e-mail ID	
PAN (Permanent Account Number)	
Conviction/pending cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 (If yes, details should be given in a separate sheet).	Yes(Y)/No (N)
Specimen signature	
One copy of photo identity card issued by a Government Organisation or the Election Commission to be attached or uploaded	

Note.—(1) Above details in respect of all authorised persons shall be given in a separate sheet.

(2) Copy of the authorisation letter in respect of all persons shall be attached or uploaded.

PART IV

(A) Business transaction Numbers obtained from Government Agencies or Departments:

		Validity up to
Central excise registration number		
Central sales tax number		
State sales tax number		
Sales tax registration number		

Customs registration number		
Directorate-General of Foreign Trade's Import Export Code Number		
Registrar of Companies CIN Number		
Licence (s) issued under the Drugs and Cosmetics Act, 1940		
Others (please specify)		

PART V

- (A) Details of conviction and pending cases under the Narcotic Drugs and Psychotropic Substances Act, 1985, the Customs Act, 1962 and the Drugs and Cosmetics Act, 1940.
- (B) Details of order, if any, issued under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 and the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

Note: In this part, information may be provided (in separate sheet) in respect of the proprietor, all the partners in the case of a partnership firm, Chairman / Managing Director / all Directors / Chief Executive Officer in the case of a registered or unregistered Company, Chairman or President and Members / Trustee in the case of Society or Trust, and key personnel engaged in the management of the business in case of others.

DECLARATION

I,.....hereby declares that the information given in this Application Form is true, correct and complete in every respect.

That I am authorised to sign on behalf of the applicant (Strike down if not applicable).

Date.....

Place.....

.....
(Signature of the applicant/
authorised person with stamp)

List of enclosures:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)

Note.—A: Documents to be mandatorily attached or uploaded with the application:

1. Letter of authorization in favour of person making and signing the application.
2. PAN of person making and signing the application.
3. PAN of the Applicant.
4. Certificate of incorporation/Partnership Deed/any other instrument of registration issued by a Government authority.
5. Documentary proof of ownership/possession of the premises e.g., Title Deed, Lease Deed, Rent Agreement.
6. Drug Licence in case of an applicant dealing with pharmaceutical substances/preparations/Import Export Code in case of an importer/exporter.

Note-B:

- (1) Application Form should be signed on each page by the applicant/authorised person.
- (2) Any information not available at the time of submitting this Application Form shall be provided as and when available, even after the issue of registration.]

FORM C

[See sub-clause (5) of clause 4]

REGISTER OF MANUFACTURE OF CONTROLLED SUBSTANCES IN SCHEDULE A

Registration number issued under sub-clause (1) of clause 4.....

Month.....

Name of controlled substance

Date	Quantity in hand at the beginning of the day	Quantity of the substance manufactured	Details of quantity of controlled substance sent out of the factory		
			Serial No.	Quantity sent	To Whom sent (Registration number, name and address of the person and location of the premises to be given)
1	2	3	4	5	6

Total quantity sent out of the factory	Handling losses, if any	Quantity in hand at the close of the day	Initial of the authorised person
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 is any

transaction or not and entries shall be completed for each day before the close of the day and the person authorised to maintain the accounts shall put his initial after the entries. Each page of the register shall contain the running serial number.

- (3) If more than one controlled substance is dealt with, separate register shall be maintained for each of such substances.

FORM D

[See sub-clause (5) of clause 4]

**REGISTER OF CONSUMPTION, SALE, IMPORT OR EXPORT OF
CONTROLLED SUBSTANCE IN SCHEDULE A**

Registration number issued under sub-clause (1) of clause 4.....

Month.....

Name of controlled substance.....

Date	Quantity in hand at the beginning of the day	Details of quantity of the substance received/imported			
		Sl. No.	Quantity	From whom received (Registration number, name and address of the person to be given)	Consignment Note/Bill of Entry No.
1	2	3	4	5	6

Details of quantity of the substance distributed/sold/exported/consumed

Sl. No.	Quantity	To whom sold/sent (Registration number, name and address of the person and location of the premises to be given)	Consignment Note/Issue No. Slip	Consumed	Purpose for consumption
7	8	9	10	11	12

Handling loss, if any	Quantity in hand at the close of day	Initial of the authorised person
13	14	15

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 is any transaction or not and entries shall be completed for each day before the close of the day and the person authorised to maintain the accounts shall put his initial after the entries. Each page of the register shall contain the running serial number.
- (3) If more than one controlled substance is dealt with, separate register shall be maintained for each of such substances.
- (4) In case of import/export, in place of registration number, number and date of the No Objection Certificate issued by the Narcotics Commissioner shall be indicated.
- (5) Strike out whichever is not applicable.

FORM E

[See sub-clause (6) of classic 4]

**QUARTERLY RETURN OF MANUFACTURE OF CONTROLLED
SUBSTANCE IN SCHEDULE A**

Return for the quarter ending on.....

1. Registration number issued under sub-clause (1) of clause 4
2. Name of the manufacturer
3. Address
4. Name of the controlled substance
5. Opening balance of the controlled substance at the beginning of the quarter
6. Details of manufacture and sale

Manufacture		Sale			
Date	Quantity	Date	To whom sold (Registration Number, Name and address of the person and location of the premises)	Consignment Note No.	Quantity
Total				Total	

7. Closing balance at the end of the quarter
8. Whether the return is filed within the due date: Yes/No
9. If the return is not filed within the due date, specify details of the fine paid for delay in submission of the return

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 Zonal Director of the Narcotics Control Bureau.
- (4) In case of import/export, in place of registration number, number and date of the No Objection Certificate issued by the Narcotics Commissioner shall be indicated.

FORM F

[See sub-clause (6) of clause 4]

**QUARTERLY RETURN OF RECEIPT, IMPORT, SALE, CONSUMPTION
OR EXPORT OF CONTROLLED SUBSTANCE**

Return for the quarter ending on.....

1. Registration number issued under sub-clause (1) of clause 4
2. Name of the seller, distributor, exporter, importer or consumer

3. Address
4. Name of the controlled substance
5. Opening balance of the controlled substance at the beginning of the quarter
6. Details of quantity received and sold, consumed or exported

Receipt/Import

Date	Received/imported from whom (Name and address of the person)	Consignment Note No. /Bill of Entry No.	Quantity received/imported	Total

Sale, Consumption or export

Date	To whom sent (Name and address of the person)	Consignment Note No.	Quantity sold/consumed/exported	Total

7. Closing balance at the end of the quarter

8. Whether the return is filed within the due date: Yes/No

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) In case of import/export, number and date of the No Objection Certificate issued by the Narcotics Commissioner shall be indicated under the column imported from whom/to whom sent.
- (5) This return is to be sent to the concerned Zonal Director of the Narcotics Control Bureau.

FORM G

[See sub-clause (1) of clause 7]

CONSIGNMENT NOTE

(To accompany a consignment of controlled substance)

Sl. No.	Date and time of dispatch of the consignment
1.	Registration Number of the consignor issued under sub-clause (1) of clause 4:
2.	Name and address of the consignor :
3.	Name and address of the consignee :
4.	Registration number of the consignee issued under sub-clause (1) of clause 4:
5.	Description and quantity of the consignment:—

Particulars of Controlled Substance	No. of package	Quantity (in Kilogram)	
		Gross Weight	Net Weight

6. Mode of transport (Particulars of the transporter, registration number of the vehicle, R.R./L.R. if the Transport is by Railway or Goods Transport, if any).
7. The total number of temper-proof seals affixed on motorised tankers/other packages and each of their description

.....
Signature of the consignor with date

.....
(Name in capital letters)

8. Date and time of receipt by the consignee and his remarks

.....
Signature of the consignee

.....
(Name in capital letters)

Note:

- (1) The 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 authorised officer whenever called upon.

FORM H

[See sub-clause (9) of clause 7]

**QUARTERLY REPORT ON TRANSPORT OF CONTROLLED SUBSTANCE
TO A CONSIGNEE OUTSIDE THE ZONE OF A CONSIGNOR**

Return for the quarter ending on.....

1. Registration Number of the consignor issued under sub-clause (1) of clause 4:
2. Name of the consignor:
3. Address:
4. Name of the controlled substance:
5. 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 registration number issued under sub-clause (1) of clause 4, name and address)	Consignment Note No.	Mode of transport
---------	---------------------	----------	---	----------------------	-------------------

Signature.....

Name in block letter.....

Designation.....

Date.....

Note:

- (1) The quantity shall be indicated in kilograms.
- (2) For each controlled substance a separate return shall be sent.

FORM I

[See sub-clause (1) of clause 9]

**APPLICATION FOR DESTRUCTION OF CONTROLLED
SUBSTANCE IN SCHEDULE A**

1.	Registration Number issued under sub-clause (1) of clause 4	
2.	Name and address of the applicant	
3.	Name of the controlled substance	
4.	Quantity of controlled substance to be destroyed	
5.	Type of packing and number of packages	
6.	Place of storage of the controlled substance, if different from Sl. No. 2 above	
7.	Reasons why such destruction is required	
8.	Manner and place where the controlled substance is proposed to be destroyed.	
9.	Whether the quantity of controlled substance is appearing in Form 2 or 3 Register, if yes enclose copy of the relevant page of the register.	
10.	Whether the quantity of controlled substance is appearing in the returns filed, if yes enclose copy of the last return filed.	

Signature.....

Date.....

Name.....

Place.....

Designation.....

Note:

- (1) The quantity shall be indicated in kilograms.
- (2) For destruction of each controlled substance in Schedule A, separate application shall be sent.
- (3) This application is to be sent to the concerned Zonal Director of the Narcotics Control Bureau.

FORM J

[See sub-clause (2) of clause 10]

**APPLICATION FORM FOR EXPORT OF CONTROLLED
SUBSTANCE IN SCHEDULE B**

1. Exporter (name, address, telephone and fax number): Drug/Trade Licence number.	2. NOC Number: Date of issue: Place of issue *Valid upto (To be filled up by Central Bureau of Narcotics)
3. Central Excise registration number and issuing authority:	

4. Importer (name and address) Licence or registration number :		5. Issuing authority (name, address and tele-facsimile numbers): Narcotics Commissioner of India, Central Bureau of Narcotics, Ministry of Finance, 19, The Mall, Morar, Gwalior, Madhya Pradesh-474006, INDIA Tel. No.: 91-751-2368121 and 2368996/2368997 Fax No.: 91-751-2368111/2368577 Website: http://cbn.nic.in , https://cbnonline.gov.in E-mail: narcom@sancharnet.in , narcommr@cbn.nic.in			
6. Other operator/agent (name and address)		7a. Import Certificate/NOC No.: 7b. Issuing authority (name and address): Telephone No.: Fax number:			
8. Ultimate Consignee ¹ *** (name and address):		9. Point of exit from India:		10. Mode of transport:	
		11. Point of entry into importing country:		12. Route:	
13. Full name of substances to be exported:	Quantity	Weight/Volume per unit	14. HS number	15. CAS number	16. Net weight of controlled substance: (In Kilograms)
(1)					
Number of packets/cartons: Weight/Volume of each packet/carton Cost per unit/kg: In Rs In US \$ Total cost : In Rs In US \$				17. % mixture: 18. Invoice number :	

BACKGROUND INFORMATION TO BE SUBMITTED BY EXPORTERS

(The questions below are information about transaction and are intended to assist the Central Bureau of Narcotics to deal expeditiously with this application. Failure to provide full answers may lead to a delay in the issue of the NOC)

19. Is the export for the purpose of re-export? If so please provide details. 20. Has your company been authorised previously by the Central Bureau of Narcotics to export the chemical(s)? If so, please provide references and dates for last 3 exports. (1) (2) (3)	YES/NO YES/NO
--	------------------

1. The words and brackets "(in case of re-sale)" omitted by G.S.R. 649(E), dated 23rd September, 2013 (w.e.f. 23-9-2013).

<p>21. Is the consignee a new customer for this chemical. If so, what is nature of customer's business?</p> <p>.....</p> <p>To what use will the chemicals be put?</p> <p>.....</p>	YES/NO		
<p>22. Was the order made directly or through a broker? If through broker please provide name and address:</p> <p>.....</p> <p>.....</p>	YES/NO		
<p>23. (a) What is the means of payment for the transaction?</p> <p>(b) Name and address of payee.....</p> <p>(c) Name and address of banker who will remit the payment</p> <p>(d) Name and address of the bank in which the payment will be received</p>			
<p>24. Please give details of customer's instructions for packaging and labeling of consignment:</p> <p>.....</p> <p>.....</p>			
<p>25. Is the consignment destined for, or will it transit, a free trade zone, free port or bonded warehouse? If so please provide details:</p> <p>.....</p> <p>.....</p>	YES/NO		
<p>26. Has authorisation for the import been obtained from the competent authorities of the importing country?</p> <p>As evidence please attach original copies of import authorisation/NOC and any other relevant documentation.</p>	YES/NO		
<p>27. Are you a manufacturer exporter? If so, from where you procure the raw material/finished product? Name and address of supplier/manufacturer along with the quantity and price thereof. Copy of the drug licence of the supplier of the raw material, wherever applicable.</p>	YES/NO		
<p>28. Are you a trader exporter? If so, from where you procure the controlled substance(s)? Name and address of supplier/manufacturer along with the quantity and price thereof. Copy of the drug licence of the supplier/manufacturer of the controlled substance(s), wherever applicable.</p>			
<p>29. Declaration by applicant:</p> <p>I confirm that, to the best of my belief, all the information provided in this application is true.</p> <p>Signature: Position in company/firm:.....</p> <table border="1" data-bbox="67 1464 1014 1575"> <tr> <td data-bbox="67 1464 548 1575"> <p>Name: (Applicant)</p> <p>Representing:</p> <p>Date:</p> </td> <td data-bbox="548 1464 1014 1575"> <p>Stamp/Seal</p> </td> </tr> </table>		<p>Name: (Applicant)</p> <p>Representing:</p> <p>Date:</p>	<p>Stamp/Seal</p>
<p>Name: (Applicant)</p> <p>Representing:</p> <p>Date:</p>	<p>Stamp/Seal</p>		

List of documents to be submitted along with application form

- (i) Copy of the registration under sub-clause (1) of clause 4 of this order if the controlled substance is also in Schedule A;
- (ii) Purchase order placed by the buyer/agent for the proposed export;
- (iii) Original import certificate issued by the competent authority of the importing country (wherever applicable);
- (iv) In case the exporter is manufacturer, copy of valid drug manufacturing licence along with list of products as approved by the State Drug Control Authority, if the controlled substance intended to be exported falls under the category of drugs;
- (v) In case the exporter is trader, copy of valid licence to sell, stock or exhibit (or offer) for sale and distribution of drugs issued by State Drug Control Authority. Also a copy of the drug licence of the supplier/manufacturer of the controlled substance(s), wherever applicable;
- (vi) Intended end-use declaration from the importer/ultimate consignee.

List of additional documents to be submitted by first time exporter of controlled substances

- (a) Complete postal address and telephone, fax no. of various factories of the company manufacturing controlled substances including Jurisdictional Central Excise division and Central Excise Commissionerate and Zonal office of Narcotics Control Bureau in respect of factories.
- (b) List of controlled substances being manufactured by the company and details of controlled substances by the company in the last three calendar years (1st January to 31st December).
- (c) Details of export/import of controlled substances by the company during the last three calendar years (1st January to 31st December).
- (d) Name, address, telephone Nos. and Fax No. of the Chairman, Managing Director and other Directors, proprietor/partners, in charge of production and finance.
- (e) Sales Tax/VAT Registration No., Central Excise Registration No. and Company's PAN No., Import-Export code, Certificate of incorporation of company along with memorandum and article of association of company/partnership deed (Attested copies of these documents shall also be submitted).
- (f) Name of concerned Jurisdictional Commissionerate of Customs and Central Excise.
- (g) Financial statement of Company/firm for last three years.
- (h) Profile of the company.
- (i) Details of two authorised signatories of the company/firm along with their specimen signature of the authorised signatories duly authorised by the Board of Directors/Proprietor/Partner of the company/firm.

FORM K

[See sub-clause (2) of clause 11]

APPLICATION FORM FOR IMPORT OF CONTROLLED
SUBSTANCE IN SCHEDULE C

1. Importer (name, address, telephone and fax number): Drug/Trade Licence number: Central Excise registration number and issuing authority:		2. NOC Number: Date of issue: Place of issue: Valid upto: (To be filled up by Central Bureau of Narcotics)				3. Expected date of dispatch.
4. Exporter (name and address) Licence or registration number :		5. Issuing authority (name, address and telefacsimile numbers): Narcotics Commissioner of India, Central Bureau of Narcotics, Ministry of Finance, 19, The Mall, Morar, Gwalior, Madhya Pradesh-474 006 INDIA Tel No.: 91-751-2368121 and 22368996/2368997 Fax No. : 91-751-2368111/2368577 Website: http://cbn.nic.in , https://cbnonline.gov.in E-mail: narcom@sancharnet.in , narcommmr@cbn.nic.in				
6. Other operator/agent (name and address)		7a. Drug Controller's recommendation: 7b. Issuing authority (name and address): Telephone No. Fax number:				
8. Ultimate Consignee (in case of re-sale) (name and address):		9. Point of entry in India :			10. Mode of Transport:	
		11. Point of exit from exporting country			12. Route:	
13. Full name of substances to be imported:	Quantity	Weight/Volume per unit	14. HS number	15. CAS number	16. Net weight of controlled substance: (In Kilograms)	
(1)						
Number of packets/cartons: Weight/Volume of each packet/carton: Cost per unit/kg: In Rs In US \$ Total cost : In Rs In US \$				17. % of mixture :		
				18. Invoice number :		

BACKGROUND INFORMATION TO BE SUBMITTED BY IMPORTERS

(The questions below are information about transaction, and are intended to assist the Central Bureau of Narcotics to deal expeditiously with this application. Failure to provide full answers may lead to a delay in the issue of the authorisation)

19. Is the import for the purpose of export/resale in India? If so please provide details.	YES/NO
20. Has your company imported these chemical(s) previously? If so, please provide references, dates and cost of import consignment wise for last 3 years. (1) (2) (3)	YES/NO
21. Purpose of importation of the chemical. Are you a manufacturer or trader, please indicate. (a) If trader, to whom the consignment will ultimately go. Name and address of the ultimate user, sale price and purpose of purchase by him. (b) If manufacturer, how much finished product will be obtained from imported chemical (input-output ratio)? What is the selling price of finished product To what use will the chemicals be put?	
22. Was the order made directly or through a broker? If through broker please provide name and address and quantum of consideration paid to him:	YES/NO
23. What is the means of payment for the transaction?	
24. Whether you have procured this chemical from domestic market (within a year). If so details thereof including name and address of suppliers (quantity wise and purchase price).	YES/NO
25. Furnish the details of total quantity chemical procured and consumed/ resold/processing loss (if any) for the last three years	
26. Has specific licence for the proposed import been obtained from the Drug Controller Authorities of State/Country? As evidence please attach original copies of licence of Drug Controller and other relevant documentation.	YES/NO

27. Declaration by applicant:

I confirm that, to the best of my belief, all the information provided in this application is true.

Signature.....

Name.....

Representing.....

Date.....

(Applicant)

Position in company/firm.....

Stamp/Seal

List of documents to be submitted along with the application

- (i) Copy of the registration under sub-clause (1) of clause 4 of this order if the controlled substance is also in Schedule A.
- (ii) Copy of agreement/contract/purchase order confirmation with the overseas seller.
- (iii) Licence to import drugs for the purpose of examination, test or analysis (Form 11 of the Drugs and Cosmetic Rules, 1945) issued by Drug Controller General (India) if the import is meant for test and analysis.
- (iv) Licence to import drugs (Form 10 of Drug and Cosmetic Rules, 1945) issued by Drug Controller General (India) if the import is meant for trading or used for manufacturing formulation.
- (v) Disposal details in respect of controlled substances imported earlier.
- (vi) In case of manufacturer, copy of valid drug manufacturing licence along with list of products as approved by the State Drug Control Authority, wherever applicable.
- (vii) In case of trader, copy of valid licence to sell, stock or exhibit (or offer) for sale and distribution of drugs issued by State Drug Control Authority, wherever applicable.

**List of additional documents to be submitted by first time
importer of controlled substances**

- (a) Complete postal address and telephone, fax no. of various factories of the company manufacturing controlled substances including Jurisdictional Central Excise division and Central Excise Commissionerate and Zonal office of Narcotics Control Bureau in respect of factories.
- (b) List of controlled substances being manufactured by the company and details of controlled substances by the company in the last three calendar years (1st January to 31st December).
- (c) Details of export/import of controlled substances by the company during the last three calendar years (1st January to 31st December).
- (d) Name, address, telephone Nos. and Fax No. of the Chairman, Managing Director and other Directors, proprietor/partners, in charge of production and finance.
- (e) Sales Tax/VAT Registration No., Central Excise Registration No. and Company's PAN No., Import-Export code, Certificate of incorporation of company along with memorandum and article of association of company/partnership deed (Attested copies of these documents shall also be submitted).
- (f) Name of concerned Jurisdictional Commissionerate of Customs and Central Excise.
- (g) Financial statement of Company/firm for last 3 years.
- (h) Profile of the company.
- (i) Details of two authorised signatories of the company/firm along with their specimen signature of the authorised signatories duly authorised by the Board of Directors/Proprietor/Partner of the company/firm.

¹[FORM L

[See sub-clause (6) of clause 4]

**QUARTERLY RETURN FOR INQUIRES HOSTED/DEALT BY BROKER/B2B
PORTALS FOR CONTROLLED SUBSTANCES IN SCHEDULE-A**

Return for the quarter ending on

1. Registration number issued under sub-clause..... ofclause.....
2. Name of the Broker/Intermediary Portal.....
3. Address.....
.....
.....
4. Portal details.....
.....
.....
5. Total Enquiries hosted during the quarter.....
6. Details of the enquiries hosted by the Broker/B2B Platform for seller/supplier, distributor, exporter of consumer of controlled substances:—

Date of enquiry/ registration posting	Controlled substance and quantity, if any and rate quoted	Name, address, telephone no, email of intending buyer	URN No. issued by	IP address	Payment details	PAN/CIN/ GST No./IEC code drug license	Copy of the registration obtained

7. Details of the enquiries hosted by the Broker/B2B Platform for Importer, Buyers or users of controlled substances:—

Date of enquiry/ registration posting	Controlled substance and quantity, if any and rate quoted	Name, address, telephone no, email of intending buyer	URN No. issued by	IP address	Payment details	PAN/CIN/ GST No./IEC code drug license	Copy of the registration obtained

1. Ins. by G.S.R. 779(E), dated 14th October, 2019 (w.e.f. 14-10-2019).

Certified that the information given above is correct and the relevant records available with me/us.

Signature.....

Name.....

Designation.....

Date.....

Note : The details of the enquiries for domestic sale purchase of controlled substance other than Schedule-A need not be filed.]

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (SEIZURE, STORAGE, SAMPLING AND DISPOSAL) RULES, 2022¹

In exercise of the powers conferred by section 76; read with section 52A; 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 (Seizure, Storage, Sampling and Disposal) Rules, 2022.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires, -

- (a) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);
- (b) "container" means a portable receptacle in which narcotic drugs, psychotropic substances and controlled substances are placed for convenience of movement;
- (c) "Form" means the Forms appended to these rules;
- (d) "Magistrate" means the judicial magistrate;
- (e) "package" means the narcotic drugs, psychotropic substances and controlled substances covered in paper or in a box.

(2) Words and expressions used herein and not defined, but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

CHAPTER II SEIZURE AND STORAGE OF SEIZED MATERIAL

3. Classification of seized material.—(1) The narcotic drugs, psychotropic substances and controlled substances seized under the Act shall be classified based on physical properties and results of the drug detection kit, if any, and shall be weighed separately.

(2) If the narcotic drugs, psychotropic substances and controlled substances are found in packages or containers, such packages and containers shall be weighed separately and serially numbered for the purpose of identification.

1. *Vide* G.S.R. 899(E), dated 23rd December, 2022, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 802, dated 23rd December, 2022.
2. Came into force on 23-12-2022.

(3) All narcotic drugs, psychotropic substances and controlled substances found in loose form shall be packed in tamper proof bag or in container, which shall be serially numbered and weighed and the particular of drugs and the date of seizure shall also be mentioned on such bag or container:

Provided that bulk quantities of ganja, poppy straw may be packed in gunny bags and sealed in such way that it cannot be tempered with:

Provided further that seized concealing material such as trolley bags, backpack and other seized articles shall be sealed separately.

(4) The classification, weighing, packaging and numbering referred to in this sub-rule shall be done in the presence of search witnesses (Panchas) and the person from whose possession the drugs and substances was recovered and a mention to this effect shall invariably be made in the panchnama drawn on the spot of seizure.

(5) The detailed inventory of the packages, containers, conveyances and other seized articles shall be prepared and attached to the panchnama.

4. Designation of godowns.—(1) The godowns for storage of narcotic drugs, psychotropic substances, controlled substances, conveyance and other articles seized under the Act shall be designated by,—

- (a) the department and agencies of the Central Government whose officers have been delegated powers of an officer-in-charge of a police station under section 53 of the Act;
- (b) The State Police and the department and agencies of the State Government whose officers have been delegated powers of an officer-in-charge of a police station under section 53 of the Act.

(2) Godowns referred to in sub-rule (1) shall be identified taking into consideration the security aspect and juxtaposition to court of law and such godowns shall be placed under the over-all supervision and charge of an officer of Gazette rank of the department and agencies referred to in sub-rule (1).

5. Deposit in godowns.—(1) All seized materials referred to in sub-rule (1) of rule 3, after seizure under the Act shall be deposited by the seizing officer in the nearest godown designated under rule 4 within forty-eight hours from the time of seizure alongwith a forwarding memorandum in Form-1:

Provided that the said time period may be relaxed by further twenty-four hours after providing of reasonable justification by the officer to whom the seized material has been forwarded under sub-section (3) of Section 52 of the Act.

(2) The officer in-charge of a godown, before giving an acknowledgement of receipt in Form-2, shall satisfy himself that the seized materials are properly packed, sealed and in conformity with the details mentioned in Form-1.

(3) The officer, who had seized the material, shall hand over the acknowledgement of receipt of seized material in Form-2, alongwith all other documents relating to the seizure, to the Investigating Officer for further proceedings.

6. Storage of seized material in godown.—(1) After receipt of the seized material, the officer in-charge of the godown shall ensure that the seized material is properly arranged, case-wise, for quick retrieval.

(2) The officer in-charge of a godown shall maintain a register of material received in the godown in Form-3.

(3) All seized material, excluding the conveyances, shall be stored in safes and vaults with double lock.

7. Inspection of godown.—(1) The department and agencies referred to in rule 4 and the State Police shall designate an Inspecting Officer for each godown, who shall be higher in rank to that of the officer in-charge of the godown.

(2) The Inspecting Officer referred to in sub-rule (1) shall make periodical inspection of the godown, at least once in every quarter, and shall record his remarks in the godown register in Form-3 with respect to security, safety and early disposal of the seized material.

(3) The departments and agencies, referred to in rule 4 and the State Police shall maintain periodical reports and returns to monitor the safe receipt, deposit, storage, accounting and disposal of seized materials under the Act.

CHAPTER III

SAMPLING

8. Application to Magistrate.—After the seized material under the Act is forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53 of the Act or if it is seized by such an officer himself, he shall prepare an inventory of such material in Form-4 and apply to the Magistrate, at the earliest, under sub-section (2) of section 52A of the Act in Form-5.

9. Samples to be drawn in the presence of Magistrate.—After application to the Magistrate under sub-section (2) of section 52A of the Act is made, the Investigating Officer shall ensure that samples of the seized material are drawn in the presence of the Magistrate and the same is certified by the magistrate in accordance with the provisions of the said-sub-section.

10. Drawing the samples.—(1) One sample, in duplicate, shall be drawn from each package and container seized.

(2) When the packages and containers seized together are of identical size and weight bearing identical marking and the contents of each package give identical results on colour test by the drugs identification kit, conclusively indicating that the packages are identical in all respects, the packages and containers may carefully be bunched in lots of not more than ten packages or containers, and for each such lot of packages and containers, one sample, in duplicate, shall be drawn:

Provided that in the case of ganja, poppy straw and hashish (charas) it may be bunched in lots of not more than forty packages or containers.

(3) In case of drawing sample from a particular lot, it shall be ensured that representative sample in equal quantity is taken from each package or container of that lot and mixed together to make a composite whole from which the samples are drawn for that lot.

11. Quantity to be drawn for sampling.—(1) Except in cases of opium, ganja and charas (hashish), where a quantity of not less than twenty-four grams shall

be drawn for each sample, in all other cases not less than five grams shall be drawn for each sample and the same quantity shall be taken for the duplicate sample.

(2) The seized substances in the packages or containers shall be well mixed to make it homogeneous and representative before the sample, in duplicate, is drawn.

(3) In case where seized quantities is less than that required for sampling, the whole of the seized quantity may be sent.

12. Storage of samples.—(1) Each sample shall be kept in heat-sealed plastic bags or heat-resistant glass bottle or apparatus, which shall be kept in a paper envelope, sealed properly and marked as original or duplicate, as the case may be.

(2) The paper envelope shall also bear the respective serial number of the package or container from which the sample had been drawn.

(3) The envelope containing the duplicate sample shall also have reference of the test memo and shall be kept in another envelope, sealed and marked 'Secret-drug sample / Test memo', to be sent to the designated laboratory for chemical analysis.

13. Despatch of sample for testing.—(1) The samples after being certified by the Magistrate shall be sent directly to any one of the jurisdictional laboratories of Central Revenue Control Laboratory, Central Forensic Science Laboratory or State Forensic Science Laboratory, as the case may be, for chemical analysis without any delay.

(2) The samples of seized drugs or substances shall be despatched to the jurisdictional laboratories under the cover of the Test Memo, which shall be prepared in triplicate, in Form-6.

(3) The original and duplicate of the Test Memo shall be sent to the jurisdictional laboratory alongwith the samples and the triplicate shall be retained in the case file of the seizing officer.

14. Expeditious Test.—The chemical laboratory shall submit its report to the court of Magistrate with a copy to the investigating officer within fifteen days from the date of receipt of the sample:

Provided that where quantitative analysis requires longer time, the results of the qualitative test shall be dispatched to the court of Magistrate with a copy to investigating officer within the said time limit on the original copy of the Test Memo and in the next fifteen days the result of quantitative test shall also be indicated on the duplicate Test Memo and sent to the court of Magistrate with a copy to the investigating officer.

15. Duplicate Sample and Remnants of Samples.—(1) Remnants of samples shall be returned with reference to the Test Memo to the office from which they were received within three months after the analysis by the laboratory.

(2) Immediately after the acceptance of the test report by the court of Magistrate, the duplicate sample held by the Inquiry Officer shall be deposited in the godown referred to in rule 5 along with the remnants of the sample.

CHAPTER IV

DISPOSAL

16. Items that can be disposed of.—Having regard to the hazardous nature, vulnerability to theft, substitution and constraints of proper storage space, all narcotic drugs, psychotropic substances, controlled substances and conveyances, as soon as may be after their seizure, shall be disposed of in the manner determined under section 52A of the Act.

17. Officers who shall initiate action for disposal.—Any officer in-charge of a police station or any officer empowered under section 53 of the Act shall initiate action for disposal of narcotic drugs, psychotropic substances, controlled substances or conveyances under section 52A of the Act after the receipt of chemical analysis report.

18. Application to Magistrate.—(1) The officer empowered under section 53 of the Act or if the materials are seized by such an officer himself, he shall apply to the Magistrate under sub-section (2) of section 52A of the Act in Form-5 at the earliest to allow the application under sub-section (3) of section 52A of the Act.

(2) After the Magistrate allows the application under sub-section (3) of section 52A of the Act, the officer referred to in sub-rule (1) shall preserve the certified inventory, photographs and samples drawn in the presence of the Magistrate as primary evidence for the case and submit details of the seized materials to the Chairman of the Drug Disposal Committee for a decision by the Committee on the disposal, and the said officer shall also send a copy of the details along with the seized materials to the officer-in-charge of the godown.

19. Drug Disposal Committee.—The Head of the Department of each Central drug law enforcement agency and State drug law enforcement agency shall constitute one or more Drug Disposal Committees comprising of three Members each which shall be headed by an officer not below the rank of the Superintendent of Police or Joint Commissioner of Customs and Central Goods and Services Tax, Joint Director of Directorate of Revenue Intelligence or officers of equivalent rank and every such Committee shall be directly responsible to the Head of the Department.

20. Functions of the Drug Disposal Committee.—The functions of the Drug Disposal Committee shall be to,—

- (a) meet as frequently as possible and necessary;
- (b) conduct a detailed review of seized items pending disposal;
- (c) order disposal of seized items, and
- (d) advise the respective investigation officers or supervisory officers on the steps to be initiated for expeditious disposal.

21. Procedure to be followed by the Drug Disposal Committee with regard to disposal of seized materials.—(1) The officer-in-charge of the godown shall prepare a list of all the seized materials that have been certified under section 52A of the Act and submit it to the Chairman of the concerned Drug Disposal Committee.

(2) After examining the list referred to in sub-rule (1) and satisfying that the requirements of section 52A of the Act have been fully complied with, the Members of the concerned Drug Disposal Committee shall endorse necessary certificates to this effect and thereafter that Committee shall physically examine and verify the weight and other details of each of the seized materials with reference to the seizure report, report of chemical analysis and any other documents, and record its findings in each case.

(3) In case of conveyance, the committee shall verify the engine number, chassis number and other details mentioned in panchnama and certify the inventory thereof.

22. Power of Drug Disposal Committee for disposal of seized material.—The Drug Disposal Committee can order disposal of seized materials up to the quantity or value indicated in the following Table, namely:—

TABLE

Sl. No.	Name of item	Quantity per consignment
(1)	(2)	(3)
1.	Heroin	5 Kilogram
2.	Hashish (Charas)	100 Kilogram
3.	Hashish oil	20 Kilogram
4.	Ganja	1000 Kilogram
5.	Cocaine	2 Kilogram
6.	Mandrax	3000 Kilogram
7.	Poppy straw	Up to 10 Metric Tonne.
8.	Other narcotic drugs, psychotropic substances, or controlled substances	Upto a quantity of 500 Kilogram or 500 Litre
9.	Conveyances	Upto a value of Rs. 50 Lakhs:

Provided that if the consignments are larger in quantity or of higher value than those indicated in the Table, the Drug Disposal Committee shall send its recommendations to the Head of the Department who shall order their disposal by a high-level Drug Disposal Committee specially constituted in this regard.

23. Mode of disposal.—(1) Opium, morphine, codeine and thebaine shall be disposed of by transferring to the Government Opium and Alkaloid Works under the Chief Controller of Factories.

(2) In case of narcotic drugs and psychotropic substances other than those mentioned in sub-rule (1), the Chief Controller of Factories shall be intimated by the fastest means of communication available, the details of the seized materials that are ready for disposal.

(3) The Chief Controller of Factories shall indicate within fifteen days of the date of receipt of the communication under sub-rule (2), the quantities of narcotic drugs and psychotropic substances, if any, that are required by him

to supply as samples under rule 67B of the Narcotic Drugs and Psychotropic Substances Rules, 1985.

(4) The quantities of narcotic drugs and psychotropic substances, if any, as required by the Chief Controller of Factories under sub-rule (3) shall be transferred to him and the remaining quantities of narcotic drugs and psychotropic substances shall be disposed of in accordance with the provisions of sub-rules (5), (6) and (7).

(5) Narcotic drugs, psychotropic substances and controlled substances having legitimate medical or industrial use, and conveyances shall be disposed of in the following manner:

- (a) narcotic drugs, psychotropic substances and controlled substances which are in the form of formulations and labelled in accordance with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940) and rules made thereunder may be sold, by way of tender or auction or in such other manner as may be determined by the Drug Disposal Committee, after confirming the composition and formulation from the licensed manufacturer mentioned in the label, to a person fulfilling the requirements of the said Act and the rules and orders made thereunder:

Provided that a minimum of 60% of the shelf life of the seized formulation remains at the time of such sale;

- (b) narcotic drugs, psychotropic substance and controlled substances seized in the form of formulations and without proper labelling shall be destroyed;
- (c) narcotic drugs, psychotropic substances and controlled substances seized in bulk form may be sold by way of tender or auction or in such other manner as may be determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Drugs and Cosmetics Act, 1940 (23 of 1940) and the Act, and the rules and orders made thereunder, after confirming the standards and fitness of the seized substances for medical purposes from the appropriate authority under the said Drugs and Cosmetics Act, 1940 and the rules made thereunder;
- (d) controlled substances having legitimate industrial use may be sold, by way of tender or auction or in such other manner as may be determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Act and the rules and orders made thereunder;
- (e) seized conveyances shall be sold by way of tender or auction as may be determined by the Drug Disposal Committee.

(6) Narcotic drugs, psychotropic substances and controlled substances which have no legitimate medical or industrial use or such quantity of seized substance which is not found fit for such use or could not be sold shall be destroyed.

(7) The destruction referred to in clause (b) of sub-rule (5) and sub-rule (6) shall be by incineration in incinerators fitted with appropriate air pollution

control devices, which comply with emission standards and such incineration may only be done in places approved by the State Pollution Control Board or where adequate facilities and security arrangements exist and in the latter case, in order to ensure that such incineration may not be a health hazard or polluting, the consent of the State Pollution Control Board or Pollution Control Committee, as the case may be, shall be obtained, and the destruction shall be carried out in the presence of the Members of the Drug Disposal Committee.

24. Intimation to Head of Department on destruction.—The Drug Disposal Committee shall intimate the Head of the Department regarding the destruction referred in sub-rule (7) of rule 23, at least fifteen days in advance so that, in case he deems fit, he may either himself conduct surprise checks or depute an officer for conducting such surprise checks and after every destruction operation, the Drug Disposal Committee shall submit to the Head of the Department a report giving details of destruction.

25. Certificate of destruction.—(1) A certificate of destruction in Form-7 shall be prepared in triplicate and signed by the Chairman and Members of the Drug Disposal Committee.

(2) The original copy of the certificate of destruction shall be pasted in the godown register after making necessary entries to this effect, the duplicate to be retained in the seizure case file and the triplicate copy shall be kept by the Drug Disposal Committee.

26. Receipt by Government Opium and Alkaloid Works.—(1) As and when seized narcotic drug, psychotropic substance, or controlled substance is transferred to the Government Opium and Alkaloid Works, it shall issue a certificate in Form-8, acknowledging the receipt of such transfer, which shall be signed by an authority as may be decided by the Chief Controller of Factories.

(2) The Government Opium and Alkaloid Works shall maintain a register in Form-9 containing details of seized narcotic drug, psychotropic substance, and controlled substance transferred to it, which shall be signed by an authority as may be decided by the Chief Controller of Factories and which shall be preserved for a period of twenty-five years from the date of last entry.

27. Certificate of Disposal.—(1) As and when the seized narcotic drug, psychotropic substance, controlled substance or conveyance is transferred to the Government Opium and Alkaloid Works or sold by way of tender or auction or in any other manner determined by the Drug Disposal Committee, a certificate of disposal in Form-10 shall be prepared in triplicate and signed by the Chairman and Members of the Drug Disposal Committee.

(2) The original copy of the certificate of disposal shall be pasted in the godown register after making necessary entries to this effect, the duplicate copy shall be retained in the seizure case file and the triplicate copy shall be kept by the Drug Disposal Committee.

28. Communication to Narcotics Control Bureau.—(1) The Head of the Department of each Central drug law enforcement agency and State drug law

enforcement agency shall submit a quarterly report in Form-11 to the Narcotics Control Bureau giving details of action taken for disposal of narcotic drugs, psychotropic substances, controlled substances and conveyances under section 52A of the Act.

(2) The return for a quarter shall be submitted before the last day of the month following that quarter.

Explanation.—For the removal of doubts, it is hereby clarified that for the purpose of sub-rule (2) the expression “quarter” shall be January to March, April to June, July to September and October to December of every year.

CHAPTER V MISCELLANEOUS

29. Repeal and savings.—(1) The Standing Order No. 1/88, dated the 15th March, 1988, Standing Order No 2/88, dated the 11th April, 1988, issued by the Narcotics Control Bureau, Standing Order No. 1/89, dated the 13th June, 1989, issued by the Government of India, Ministry of Finance (Department of Revenue), the notification of the Government of India, Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide*, number G.S.R.339(E), dated the 10th May, 2007 and the notification of the Government of India, Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide*, number G.S.R.38(E), dated the 16th January, 2015 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 Standing Order or notification 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 provision of these rules.

FORM-1

[See rule 5(1)]

[To be prepared in duplicate]

FORWARDING MEMORANDUM TO GODOWN BY THE SEIZING OFFICER

1. NDPS Crime No. [as per crime and prosecution register under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985)]
2. Name and address of the accused
3. Place, Date and Time of Seizure
4. Description (physical properties) of items in each sealed package / container
5. Results of test done, if any, by drug detection kit
6. Quantity in each sealed package / container
7. No. of packages / containers, material wise, containing similar material
8. Total Number of Packages / Containers
9. Total Number of Conveyances

10. Description of each conveyance, such as type, make, manufacturer name, colour, etc., alongwith identification number associated with each conveyance, such as registration number, engine number, chasis number, etc.
11. Description of animal used as conveyance

Place: _____ Signature of the Seizing Officer with Full Name,
 Date: _____ Designation and official Seal
 Time: _____
 Endorsement by _____ Signature
 Officer-in-charge of the Godown: _____ with Full Name and Official Seal

FORM-2

[See rule 5(2)]

ACKNOWLEDGEMENT BY OFFICER-IN-CHARGE OF A GODOWN

Received ___ number of packages / containers and ___ number of conveyances, from _____, as per details in Form-1 duly signed by him and endorsed by the undersigned (Original copy of Form-1 retained and duplicate copy thereof is enclosed), and entered in godown register vide entry No. ____.

Place: _____ Signature of the Officer-in-charge of the Godown
 Date: _____ with Full Name, Designation and official Seal
 Time: _____

FORM-3

[See rule 6(2)]

REGISTER OF MATERIAL RECEIVED IN GODOWN

Godown Register No.____	Name of the Officer-in-charge of the Godown
Year_____	

1. Godown Entry Sl. No:
2. NDPS Crime No:
3. Name/designation/address of the seizing / depositing officer:
4. Facsimile of the seal put on the packages / containers by the seizing officer:
5. Name and address of the accused:
6. Place, Date and Time of Seizure:
7. Date and time of deposit in godown:
8. Description (physical properties) of items in each sealed package / container:
9. Gross Quantity in each sealed package / container:
10. Net quantity after taking sample in the presence of the Magistrate:
11. No. of packages / containers, material wise, containing similar material:
12. Total Number of Packages / Containers:
13. Total Number of Conveyances:

14. Description of each conveyance, such as type, make, manufacturer name, colour, etc., alongwith identification number associated with each conveyance, such as registration number, engine number, chassis number, etc:
15. Description of animal used as conveyance:
16. Particulars of exit and re-entry for exhibiting in court:
17. Whether Magistrate has allowed the application moved under Section 52A (mention details):
18. Date and time of removal for disposal:
19. Certificate of destruction / disposal, as the case may be :
20. Remarks of the Inspecting Officer:

FORM-4

[See rule 8]

INVENTORY OF SEIZED MATERIAL

[Under sub-section (2) of Section 52A of the Narcotic Drugs and Psychotropic Substances Act,1985]

Case No.-----

Seizing agency: -----

Seizing officer: -----

Date of seizure: -----

Place of seizure: -----

Name and designation of the officer preparing this inventory: -----

TABLE

Sl. No.	Description of the items seized	Quality	Quantity	Mode of packing	Mark and numbers	Other identifying Particulars of seized items or packing	Country of origin	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Signature, name and designation of the officer

**Certification by the Magistrate under sub-section (3) of section 52A of the
Narcotic Drugs and Psychotropic Substances Act, 1985**

Whereas the above officer applied to me under sub-section (2) section 52A of the Narcotic Drugs and Psychotropic Substances Act,1985 to certify the above inventory and sub-section (3) of that section requires any Magistrate to whom an application is made to allow the application as soon as may be, I, having been satisfied that the above inventory is as per the seizure documents and the consignments of seized materials related to the case presented before me, certify the correctness of the above inventory.

Signature, name and designation of the Magistrate

FORM-5

[See rule 8 and rule18(1)]

**APPLICATION FOR DISPOSAL OF SEIZED NARCOTIC DRUGS,
PSYCHOTROPIC SUBSTANCES, CONTROLLED SUBSTANCES AND
CONVEYANCES UNDER SUB-SECTION (2) OF SECTION 52A OF NARCOTIC
DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985**

[Application to be made by the officer in-charge of a police station or an officer empowered under section 53 of the Narcotic Drugs and Psychotropic Substances Act, 1985 who has custody of the material seized under the said Act]

To

Learned Magistrate,

Sir,

Sub: Application for certification of correctness of inventory, photographs and samples of seized narcotic drugs, psychotropic substances, controlled substances and conveyances

1. All narcotic drugs, psychotropic substances, controlled substances and conveyances have been identified by the Central Government under section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 as vulnerable to theft and substitution vide Notification No..... dated.....

2. As required under sub-section (2) of section 52 A of the Narcotic Drugs and Psychotropic Substances Act, 1985, I submit the enclosed inventory of seized material and request you to—

- (a) certify the correctness of the inventory;
- (b) permit taking, in your presence, photographs of the seized items in the inventory and certify such photographs as true; and
- (c) allow drawing of representative samples in your presence and certify the correctness of the list of samples so drawn.

3. I request you to allow this application under sub-section (3) of section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 so that the seized narcotic drugs, psychotropic substances, controlled substances or conveyances can thereafter be disposed of as per sub-section (1) of section 52A of the said Act retaining the certificate, photographs and samples as primary evidence as per sub-section (4) of section 52A.

Yours faithfully,

Signature, name and designation of the officer

Date:

**CERTIFICATE BY THE MAGISTRATE UNDER SUB-SECTION (3) OF
SECTION 52A OF THE NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ACT, 1985**

I allow the above application under sub-section (3) of section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 and hereby, certify the correctness of the enclosed inventory, the enclosed photographs taken and the list of samples drawn in my presence.

Signature, name and designation of the Magistrate

Date:

FORM - 6

[See rule 13(2)]

TEST MEMO

Name and address of the seizure organisation

Section -I (for use by the Seizing Officer)

1. Crime No.
2. Name and Address of the Officer(s) drawing sample:
3. Name and address of the accused(s):
4. Alleged description of drug and Weight of samples (net weight):
5. Date and time of seizure:
6. Place of Seizure:
7. Date of draw of sample:
8. No. of samples and marking on each of them for identification:
9. (a) Description of Seal:
(b) No. of seal put on samples:
10. Facsimile of the seal:

Name and signature of the forwarding Officer

SECTION-II FOR USE IN THE LABORATORY

1. Date of receipt in the laboratory:
2. Weight (Net Weight) as found in the laboratory:
3. Date of conducting result of: -
(a) Qualitative Test:
(b) Quantitative Test:
(c) General observation of the Chemist:

Name and signature of the Chemist

FORM-7

[See rule 25]

CERTIFICATE OF DESTRUCTION

This is to certify that the following narcotic drugs, psychotropic substances and controlled substances, were destroyed in our presence—

1. Case No.
2. Narcotic Drug / Psychotropic Substance / Controlled Substance:
3. Seizing agency:
4. Seizing officer:
5. Date of seizure:
6. Place of Seizure:
7. Godown entry number:
8. Gross weight of the drug seized:

9. Net weight of the narcotic drugs, psychotropic substances, controlled substances destroyed (after taking samples, etc.):

10. Where and how destroyed:

.....
Signature(s), name(s) and designation(s) of Chairman and Members of the Drug Disposal Committee

FORM-8

[See rule 26(1)]

CERTIFICATE BY GOVERNMENT OPIUM AND ALKALOID WORKS

Reference No. _____

Date _____

This is to certify that the following narcotic drugs / psychotropic substances / controlled substances were received in the Government Opium and Alkaloid Works:

1. Case No:
2. Seizing agency:
3. Seizing officer:
4. Date of seizure:
5. Place of Seizure:
6. Godown entry number:
7. Detail of the Narcotic Drug / Psychotropic Substance / Controlled Substance received in the Government Opium and Alkaloid Works:-
 - (a) Name of the Narcotic Drug / Psychotropic Substance / Controlled Substance
 - (b) Net weight of the Narcotic Drug / Psychotropic Substance / Controlled Substance received (if more than one drug and/or substance, net weight of the each to be specified)
8. Receipt of the aforesaid Narcotic Drug / Psychotropic Substance / Controlled Substance has been entered in the register at Sl No. _____.

.....
Signature, name, designation, office address of the officer authorised to sign this certificate as provided in rule 26

FORM-9

[See rule 26 (2)]

REGISTER OF RECEIPT OF NARCOTIC DRUG / PSYCHOTROPIC SUBSTANCE / CONTROLLED SUBSTANCE TO BE MAINTAINED BY GOVERNMENT OPIUM AND ALKALOID WORKS

1. Sl No:
2. Case No:
3. Seizing agency:
4. Seizing officer:
5. Date of seizure:
6. Place of Seizure:
7. Godown entry number:
8. Name of the Narcotic Drug / Psychotropic Substance / Controlled Substance:

9. Net weight of the Narcotic Drug / Psychotropic Substance / Controlled Substance received (if more than one drug or substance, net weight of the each to be specified with consecutive serial number):
10. Reference No. and Date of the Certificate issued for receipt of the aforesaid Narcotic Drug/Psychotropic Substance/Controlled Substance:

.....
Signature, name, and designation of the officer authorized to sign the certificate as provided in rule 26

FORM-10

[See rule 27]

CERTIFICATE OF DISPOSAL

This is to certify that the following narcotic drugs, psychotropic substances, controlled substances, and conveyances were disposed of:—

1. Case No:
2. Seizing agency:
3. Seizing officer:
4. Date of seizure:
5. Place of Seizure:
6. Godown entry number:
7. Detail of the Narcotic Drug / Psychotropic Substance / Controlled Substance:—
 - (a) Name of the drug / substance:
 - (b) Gross weight of the drug / substance seized (if more than one drug or substance, gross weight of the each to be specified):
 - (c) Net weight of the drug / substance after taking samples (if more than one drug and/or substance, net weight of the each to be specified):
 - (d) Quantity transferred to Government Opium and Alkaloid Works:
 - (e) Reference No. and Date of the Certificate issued by Government Opium and Alkaloid Works:
 - (f) Quantity sold:
 - (g) Sale proceeds realised (in Rupees):
 - (h) To whom sold:
8. Detail of the conveyance:—
 - (a) Registration Number of the conveyance:
 - (b) Description of the conveyance (manufacturer, model, colour, etc. to be specified):
 - (c) Identification numbers of the conveyance, such as engine number, chassis number, etc., to be specified:
 - (d) Sale proceeds realised (in Rupees):
 - (e) To whom sold:

.....
Signature(s), name(s) and designation(s) of Chairman and Members of the Drug Disposal Committee

FORM-11

[See rule 28]

**QUARTERLY REPORT TO BE SUBMITTED BY THE HEAD OF DEPARTMENT
OF CENTRAL DRUG LAW ENFORCEMENT AGENCY/ STATE DRUG LAW
ENFORCEMENT AGENCY TO THE NARCOTICS CONTROL BUREAU**

Report for the quarter ending _____ Date _____

Name and address of the law enforcement agency: _____

1. Number of cases at the beginning of the quarter
2. Number of new cases during the quarter
3. Total number of cases (1+2):
4. Out of the total number of cases at 3 above, number of cases where application has been moved under sub-section 2 of section 52A of the Act:
5. Number of cases where application moved under sub-section 2 of section 52A of the Act has been allowed under sub-section (3) of the said section 52A:
6. Out of the cases at 5 above, number of cases where seized material has been disposed of

.....
Signature, name, designation, office address of the officer authorised by the Head of
Department of Central Law Enforcement Agency/ State Law Enforcement Agency to
sign this certificate

NOTIFICATIONS

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 QUANTITY¹

In exercise of the powers conferred by clauses (viiia) 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 drugs or psychotropic substances 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]

Sl No.	Name of Narcotic Drug and Psychotropic Substance [International non-proprietary name (INN)]	Other non-proprietary name	Chemical Name	Small Quantity (in gm./kg.)	Commercial Quantity (in gm./kg.)
(1)	(2)	(3)	(4)	(5)	(6)
1.	Acetorphine		3-O-acetyl-tetrahydro-7-alpha-(1-hydroxy-1-methylbutyl)-6, 14-endoetheno-orphavine	2	50 gm.
2.	Acetyl-alpha-methylfentanyl		N-[1-(alpha-methylphenethyl)-4-piperidyl] acetanilide	0.005	0.1 gm.
3.	Acetyldihydrocodeine		Acetyldihydrocodeine	5	100 gm.
4.	Acetyl-methadol		3-acetoxy-6-dimethylamino-4, 4-diphenylheptane	2	50 gm.
5.	Alfentanil		N-[1-(2-(4-ethyl-4, 5-dihydro-5-oxo-1 H-tetrazol-1-yl) ethyl)-4-(methoxymethyl)-4-piperidyl]-N-phenylpropanamide	0.005	0.1 gm.
6.	Allyprodine		3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine	2	50 gm.
7.	Alphacetylmethadol		Alpha-3-acetoxy-6-dimethylamino-4, 4-diphenylheptane	5	100 gm.
8.	Alphameprodine		Alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine	2	50 gm.
9.	Alphamethadol		Alpha-6-dimethylamino-4, 4-diphenyl-3-heptanol	2	50 gm.
10.	Alpha-methylfentanyl		N-[1(alpha-methylphenethyl)-4-piperidyl]propionanilide	0.005	0.1 gm.
11.	Alpha-methylthiofentanyl		N-[1-[1-methyl-2-(2-thienyl) ethyl]-4-piperidyl] propionanilide	0.005	0.1 gm.
12.	Alphaprodine		Alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine	5	100 gm.

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.

(1)	(2)	(3)	(4)	(5)	(6)
13.	Anileridine		1-para-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester	2	50 gm.
14.	Benzethidine		1-(2-benzoyloxyethyl)-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-hydroxyfentanyl		N-[1-(beta-hydroxyphenethyl)-3-methyl-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-1-methyl-4-phenyl-4-propionoxypiperidine	5	100 gm.
20.	Betamethadol		Beta-6-dimethylamino-4, 4-diphenyl-3-heptanol	2	50 gm.
21.	Betaprodine		Beta-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine	5	100 gm.
22.	Bezitramide		1-(3-cyano-3, 3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolyl)-piperidine	5	100 gm.
23.	Cannabis and cannabis resin	CHARAS, HASHISH	EXTRACTS and TINCTURES OF CANNABIS	100	1 kg.
24.	Clonitazene		2-para-chlorobenzyl-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 benzoylcegonine	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	PERMONID, SCO-PERMID	Dihydrodeoxymorphine	2	50 gm.
32.	Dextromoramide		(+)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl)butyl]-morpholine	1	20 gm.

(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-1, 1-di-(2-thienyl)-1-butene	5	100 gm.
36.	Difenoxin	DIPHENOXYLIC ACID	1-(3-cyano-3, 3-diphenylpropyl)-4-phenylisonipicotinic acid	2	50 gm.
37.	Dihydrocodeine		Dihydro codeine	10	200 gm.
38.	Dihydromorphine	PARAMORFAN		5	100 gm.
39.			Dihydroxy Dihydro morphine	1	20 gm.
40.	Dimenoxdol		2-dimethylaminoethyl-1-ethoxy-1, 1-diphenylacetate	2	50 gm.
41.	Dimephtanol		6-dimethylamino-4, 4-diphenyl-3-heptanol	5	100 gm.
42.	Dimethylthiambutene		3-dimethylamino-1, 1-di-(2-thienyl)-1-butene	5	100 gm.
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-O-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-1-methylbutyl)-6,14-endotheno-orphavine	5	100 gm.
52.	Etoxidine		1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester	2	50 gm.
53.	Fentanyl		1-phenethyl-4-N-propionylanilinopiperidine	0.005	0.1 gm.
54.	Furthidine		1-(2-tetrahydrofurfuryloxyethyl)-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.	Hydromorhinol		14-hydroxydihydromorphine	2	50 gm.
59.	Hydromorphone	DILAUDIDE, DIMORPHID, NOVALAUDON	Dihydromorphinone	1	20 gm.
60.	Hydroxypethidine		4-meta-hydroxyphenyl-1-methylpiperidine-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-methylmorphinanone	2	50 gm.

(1)	(2)	(3)	(4)	(5)	(6)
64.	Levomoramide		(-)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl)-butyl]morpholine	2	50 gm.
65.	Levophenacetyl morphan		(1)-3-hydroxy-N-phenacetyl morphinan	2	50 gm.
66.	Levorphanol	LEVORPHAN	(-)-3-hydroxy-N-methyl morphinan	1	20 gm.
67.	Metazocine		2-hydroxy-2,5, 9-trimethyl-6, 7-benzomorphan	5	100 gm.
68.	Methadone		6-dimethylamino-4, 4-diphenyl-3-heptanone	2	50 gm.
69.	Methadone intermediate		4-cyano-2-dimethylamino-4, 4-diphenyl-Butane	2	50 gm.
70.	Methyl desorphine		6-methyl-delta-6-deoxymorphine	2	50 gm.
71.	Methyldihydromorphine		6-methyldihydromorphine	2	50 gm.
72.	3-methylfentanyl		N-(3-methyl-1-phenethyl-4-piperidyl) propionanilide	0.005	0.1 gm.
73.	3-methylthiofentanyl		N-(3-methyl-1-[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-1, 1-diphenylpropane carboxylic acid	5	100 gm.
76.	Morpheridine		1-(2-morpholinoethyl)-4-phenylpiperidine-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-OXY MORPHINE		2	50 gm.
80.	MPPP		1-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) 0 methyl-6-14-endoethanomorphine	5	100 gm.
83.	Nicocodeine		6-nicotinylcodeine	10	200 gm.
84.	Nicodicodine		6-nicotinyl-dihydrocodeine	5	100 gm.
85.	Nicomorphine		3, 6-dinicotinylmorphine	2	50 gm.
86.	Noracymethadol		(±)-alpha-3-acetoxy-6-methylamino-4, 4-diphenylphetane	2	50 gm.
87.	Norcodeine		N-demethylcodeine	5	100 gm.
88.	Norlevorphanol		(-)-3-hydroxymorphinan	2	50 gm.
89.	Normethadone		6-dimethylamino-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-(1-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-1-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-carboxylic acid	10	200 gm.
102.	Phenadoxone		6-morpholino-4, 4-diphenyl-3-heptanone	5	100 gm.
103.	Phenampromide		N-(1-methyl-2-piperidinoethyl)-propionanilide	5	100 gm.
104.	Phenazocine		2-hydroxy-5, 9-dimethyl-2-phenethyl-6, 7-benzomorphan	1	20 gm.
105.	Phenomorphan		3-hydroxy-N-phenethylmorphinan	5	100 gm.
106.	Phenoperidine		1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester	2	50 gm.
107.	Pholcodine	NOMOCODEINE, HYBERNIL	Morpholinylethylmorphine	5	100 gm.
108.	Piminodine		4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester	5	100 gm.
109.	Piritramide		1-(3-cyano-3, 3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide	2	50 gm.
110.	Poppy straw			1000	50 kg.

(1)	(2)	(3)	(4)	(5)	(6)
111.	Preparations made from the extract of tincture of Indian Hemp				
112.	Proheptazine		1, 3-dimethyl-4-phenyl-4-propionoxazacycloheptane	2	50 gm.
113.	Propertidine		1-methyl-4-phenylpiperidine-4-carboxylic acid Isopropylester	2	50 gm.
114.	Propiram		N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide	10	200 gm.
115.	Racemethorphan		(±)-3-methoxy-N-methylmorphinan	2	50 gm.
116.	Racemoramide		(±)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl)-butyl]morpholine	2	50 gm.
117.	Racemorphan		(±)-3-hydroxy-N-methylmorphinan	2	50 gm.
118.	Sufentamil		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.	Thiofentanyll		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-priopnopyperidine	10	200 gm.
124.	Brolamfetamine	DOB	(±)-4-bromo-2, 5-dimethoxy-α-methylphenethylamine	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 gm.
127.		DMA	(+)-2, 5-dimethoxy-alpha-methylphenethylamine	0.5	10 gm.
128.		DMHP	3-(1,2-dimethylheptyl)-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran-1-ol	2	50 gm.
129.		DMT	3-[2-(dimethylamino) ethyl]indole, N, N, Dimethyltryptamine	0.1	2 gm.
130.		DOET	(+)-4-ethyl-2, 5-dimethoxy-alpha-phenethylamine	0.5	10 gm.
131.	Eticyclidine	PCE	N-ethyl-1-phenylcyclohexylamine	2	50 gm.
132.	Etryptamine		3-(2-aminobutyl) indole	2	50 gm.
133.	(+) Lysergide	LSD, LSD-25	9, 10-didehydro-N, N-diethyl-6-methylergoline-8 Beta-carboxamide	0.002	0.1 gm.
134.		MDMA, Ecstasy	(+)-N, alpha-dimethyl-3,4-(methylene-dioxy)phenethylamine	0.5	10 gm.
135.		Mescaline	3,4,5-trimethoxyphenethylamine	5	100 gm.
136.	Methcathinone		2-(methylamino)-1-phenylpropan-1-one	2	50 gm.
137.			4-methylaminorex(+)-cis-2-amino-4-methyl-5-phenyl-2-oxazoline	0.5	10 gm.
138.		MMDA, Ecstasy	2-methoxy-alpha-methyl-4,5-(methylenedioxy) phenethylamine	0.5	10 gm.
139.		4-MTA	Alpha-Methyl-4-Methylthiophenethylamine	0.5	10 gm.
140.		N-ethyl MDA	(±)-N-ethyl-alpha-methyl-3,4-(methylenedioxy) phenethylamine	0.5	10 gm.
141.		N-hydroxy MDA	(±)-N-[alpha-methyl-3,4-(methylenedioxy) phenethyl] hydroxyamine	0.5	10 gm.
142.		Parahexyl	3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran-1-ol	2	50 gm
143.		PMA	p-methoxy-alpha-methylphenethylamine	0.5	10 gm
144.		Psilocine, psilotsin	3-[2-(dimethylamino)ethyl] indol-4-ol	2	50 gm.
145.	Psilocybine		3-[2-(dimethylamino)ethyl] indol-4-yl dihydrogen phosphate	2	50 gm.

(1)	(2)	(3)	(4)	(5)	(6)
164.	Phenmetrazine		3-methyl-2-phenylmorpholine	5	100 gm.
165.	Secobarbital		5-allyl-5-(1-methylbutyl)barbituric acid	20	500 gm
166.	Dronabinol	delta-9-tetrahydro-cannabinol and its stereochemical variants	(6a-R, 10aR)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-penty-6H-dibenzo [b,d] pyran-1-ol	2	50 gm.
167.	Zipeprol		alpha-(alpha-methoxybenzyl)-4 (beta-methoxyphenethyl)-1-piperazineethanol	5	100 gm.
168.	Amobarbital		5-ethyl-5-isopentylbarbituric acid	20	500 gm.
169.	Buprenorphine		21-cyclopropyl-7-alpha-[(S)-1-hydroxy-1,2,2-trimethylpropyl]-6, 14-endo-ethano-6,7,8,14-tetrahydroorpavine	1	20 gm
170.	Butalbital		5-allyl-5-isobutylbarbituric acid	20	500 gm.
171.	Cathine	(+)-norpseudoephedrine	(+)(-R)-alpha-[(R)-1-aminoethyl] benzyl alcohol	2	50 gm
172.	Cyclobarbitol		5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid	20	500 gm.
173.	Flunitrazepam		5-(0-fluorophenyl)-1,3-dihydro-1-methyl-7-Nitro-2H-1,4-benzodiazepin-2-one	5	100 gm.
174.	Glutethimide		2-ethyl-2-phenylglutarimide	20	500 gm.
175.	Pentazocine		(2R, 6R, 11R)-1,2,3,4,5,6 Hexahydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol	20	500 gm.
176.	Pentobarbital		5-ethyl-5-(1-methylbutyl)barbituric acid	20	500 gm.
177.	Allobarbitol		5,5-diallylbarbituric acid	20	500 gm.
178.	Alprazolam		8-chloro-1-methyl-6-phenyl-4H-s-triazolo [4,3-a] [1,4] benzodiazepine	5	100 gm.
179.	Amfepramone	diethylpropion	2-(diethylamino)propiophenone	10	250 gm.
180.	Aminorex		2-amino-5-phenyl-2-oxazoline	5	100 gm.
181.	Barbital		5,5-diethylbarbituric acid	20	500 gm.
182.	Benzfetamine	benzphetamine	N-benzyl-N, alpha-dimethylphenethylamine	20	500 gm.
183.	Bromazepam		7-bromo-1,3-dihydro-5-(2-pyridyl)-2H-1,4-benzodiazepin-2-one	20	500 gm.
184.		butobarbital	5-butyl-5-ethylbarbituric acid	20	500 gm.
185.	Brotizolam		(2-bromo-4-o-chlorophenyl-9-methyl-6H-thieno [3,2-f] s-triazolo [4,3-a] [1,4] diazepine	5	100 gm.

(1)	(2)	(3)	(4)	(5)	(6)
186.	Camazepam		7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)	20	500 gm.
187.	Chlordiazepoxide		7-chloro-2-(methylamino)-5-phenyl-3H-1,4-benzodiazepine-4-oxide	20	500 gm.
188.	Clobazam		7-chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepine-2,4(3H, 5H)-dione	10	250 gm.
189.	Clonazepam		5-(o-chlorophenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one	5	100 gm.
190.	Clorazepate		7-chloro-2,3-dihydro-2-oxo-5-phenyl-1H-1,4-benzodiazepine-3-carboxylic acid	10	250 gm.
191.	Clofazepam		5-(o-chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno[2,3-e]-1,4-diazepin-2-one	10	250 gm.
192.	Cloxazolam		10-chloro-11b-(o-chlorophenyl)-2,3,7,11b-tetrahydroazolo-[3,2-d] [1,4] benzodiazepin-6(5H)-one	5	100 gm.
193.	Delorazepam		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one	5	100 gm.
194.	Diazepam		7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one	20	500 gm.
195.	Estazolam		8-chloro-6-phenyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine	5	100 gm.
196.	Ethchlorvynol		1-chloro-3-ethyl-1-penten-4-yn-3-ol	20	500 gm
197.	Ethinamate		1-ethynylcyclohexanol carbamate	20	500 gm
198.	Ethyl Loflazepate		Enthyl-7-chloro-5-(o-fluorophenyl)-2,3-dihydro-2-oxo-1H-1,4-benzodiazepine-3-carboxylate	10	250 gm.
199.	Etilamfetamine	N-ethylamphetamine	N-ethyl-alpha-methylphenethylamine	2	50 gm.
200.	Fencamfamin		N-ethyl-3-phenyl-2-norboranamine	2	50 gm.
201.	Fenproporex		(±)-3-[(alpha-methylphenethyl)amino]propionitrile	2	50 gm.
202.	Fludiazepam		7-chloro-5-(o-fluorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one	5	100 gm.
203.	Flurazepam		7-chloro-1-[2-(diethylamino)ethyl]-5-(o-fluorophenyl)-1,3-dihydro-2H-1,1,4-benzodiazepin-2-one	5	100 gm.
204.		GHB	γ-Hydroxybutyric Acid	10	250 gm.
205.	Halazepam		7-chloro-1,3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl)-2H-1,4-benzodiazepin-2-one	20	500 gm.

(1)	(2)	(3)	(4)	(5)	(6)
206.	Haloxazolam		10-bromo-11b-(o-fluorophenyl)-2,3,7,11b-tetrahydroazolo[3,2-d][1,4]benzodiazepin-6(5H)-one	20	500 gm.
207.	Ketazolam		11-chloro-8,12b-dihydro-2,8-dimethyl-12b-phenyl-4H-[1,3]oxazino[3,2-d][1,4]benzodiazepine-4,7(6H)-dione	10	250 gm.
208.	Lefetamine	SPA	(x)-N,N-dimethyl-1,2-diphenylethylamine	10	250 gm.
209.	Loprazolam		6-(o-chlorophenyl)-2,4-dihydro-2-[(4-methyl-1-piperazinyl)methylene]-8-nitro-1H-imidazo[1,2-a][1,4]benzodiazepin-1-one	5	100 gm.
210.	Lorazepam		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-2H-1,4-benzodiazepin-2-one	10	250 gm.
211.	Lormetazepam		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one	10	250 gm.
212.	Mazindol		5-(p-chlorophenyl)-2,5-dihydro-3H-imidazo[2,1-a]isindol-5-ol	10	250 gm.
213.	Medazepam		7-chloro-2,3-dihydro-1-methyl-5-phenyl-1H-1,4-benzodiazepine	20	500 gm.
214.	Mefenorex		N-(3-chloropropyl)-alpha-methylphenethylamine	2	50 gm
215.	Meprobamate		2-methyl-2propyl 1-1,3-propanedio dicarbamate	20	500 gm
216.	Mesocarb		3-(alpha-methylphenethyl)-N-(phenylcarbamoyl)synone imine	5	100 gm
217.	Methylphenobarbital		5-ethyl-1-methyl-5-phenylbarbituric acid	20	500 gm
218.	Methpyrion		3,3-diethyl 1-5-methyl-2,4-piperidine-dione	20	500 gm
219.	Midazolam		8-chloro-6-(o-fluorophenyl)-1-methyl-4H-imidazo[1,5-a][1,4]benzodiazepine	20	500 gm
220.	Nimetazepam		1,3-dihydro-1-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one	10	250 gm
221.	Nitrazepam		1,3-dihydro-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one	20	500 gm
222.	Nordazepam		7-chloro-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one	20	500 gm
223.	Oxazepam		7-chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1,4-benzodiazepin-2-one	20	500 gm
224.	Oxazolam		10-chloro-2,3,7,11b-tetrahydro-2-methyl-11b-phenyloxazolo[3,2-d][1,4] benzodiazepin-6(5H)-one	20	500 gm

(1)	(2)	(3)	(4)	(5)	(6)
225.	Pemoline		2-amino-5-phenyl-2-oxazolin-4-one-(2-imino-5-phenyl-4-oxazolidinone)	2	50 gm
226.	Phendimetrazine		(+)-(2S,3S)-3,4-dimethyl-2-phenylmorpholine	20	500 gm
227.	Phenobarbital		5-ethyl-5-phenylbarbituric acid	20	500 gm
228.	Phentermine		Alpha, alpha-dimethylphenethylamine	20	500 gm
229.	Pinazepam		7-chloro-1,3-dihydro-5-phenyl-1-(2-propynyl)-2H-1,4-benzodiazepin-2-one	10	250 gm.
230.	Pipradrol		1,1-diphenyl-1-(2-piperidyl)-methanol	20	500 gm.
231.	Prazepam		7-chloro-1(cyclopropylmethyl)-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one	20	500 gm.
232.	Pyrovalerone		4-methyl-2-(1-pyrrolidinyl)valerophenone	2	50 gm.
233.	Secbutabarbital		5-sec-butyl-5-ethylbarbituric acid	20	500 gm.
234.	Temazepam		7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one	20	500 gm.
235.	Tetrazepam		7-chloro-5(1-cyclohexen-1-yl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one	20	500 gm.
236.	Triazolam		8-chloro-6(o-chlorophenyl)-1-methyl-4H-s-triazolo [4,3-a] [1,4] benzodiazepine	5	100 gm.
237.	Vinylbital		5-(1-methylbutyl)-5-vinylbarbituric acid	20	500 gm.
238.	Zolpidem		N,N,6-trimethyl-2-p-tolylimidazo[1,2-alpha]pyridine-3-acetamide	10	250 gm.
1)238A.	Dihydroetorphine		7,8-dihydro-7a-[1-(R)-hydroxy-1-methylbutyl]-6, 14-endo-ethanotetrahydro oripavine	0.01	0.5 gm.
238B.	Oripavine		1-(2-methoxy carbonyl-ethyl)-4-(phenylpropionylamino) piperidine-4-carboxylic acid methyl ester	2	100 gm.
238C.	Remifentanyl		(7-[10, 11-dihydro-5H-dibenzo [a, d] cyclohepten-5-yl] amino] heptanoic acid	0.004	0.2 gm.
238D.	Amineptine			20	1 kg.
238E.	Ketamine		2-(2-chlorophenyl)-2-(methylamino) cyclohexanone	10	500 gm.]

(1)	(2)	(3)	(4)	(5)	(6)
¹ [238F. Mephedrone	4-methylmethcathinone (4-MMC)	(RS)-2-methylamino-1-(4-methylphenyl) Propan-1-one		2	50 gm.]
² [238G. AH-7921	4-methylephedrone	3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl] benzamide		4 gm	200 gm
238H. 25B-NBOMe	2C-B-NBOMe	2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine		0.8 gm	40 gm
238I. 25C-NBOMe	2C-C-NBOMe	2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine		0.005 gm	0.25 gm
238J. 25I-NBOMe	2C-I-NBOMe	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine		0.05 gm	2.5 gm
238K. N-BENZYLPIPERAZINE	Benzylpiperazine, BZP	1-benzylpiperazine		5 gm	250 gm
238L. JWH-018	AM-678	Naphthalene-1-yl[(1-pentyl-1H-indol-3-yl) methanone		0.25 gm	12.5 gm
238M. AM-2201	JWH-2201	[1-(5-Fluoropentyl)-1H-indol-3-yl](naphthalene-1-yl) methanone		0.25 gm	12.5 gm
238N. MDPV	3,4-Methylenedioxypyrovalerone	(R/S)-1-(Benzo[d][1,3]dioxol-5-yl)-2-(pyrrolidin-1-yl) pentan-1-one		0.5 gm	25 gm
238-O. METHYLONE	Beta-keto-MDMA	(RS)-2-methylamino-1-(3,4-methylenedioxypheyl) propan-1-one		7.5 gm	375 gm]
³ [238P. -	Acetylftentanyl	N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] acetaninimide		1.0 gm	50 gm;
238Q. -	MT-45	1-cyclohexyl-4-(1,2-diphenylethyl) piperazine		2.0 gm	100 gm;
238R. -	para-Methoxymethyl- amphetamine, PMMA	1-(4-methoxyphenyl)-N-methylpropan-2-amine		1.0 gm	50 gm;
238S. -	α-Pyrrolidinovale- phenone, α-PVP	1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one		0.1 gm	5 gm;

1. Ins. by S.O. 375(E), dated 5th February, 2015.
2. Ins. by S.O. 2375(E), dated 12th July, 2016.
3. Ins. by S.O. 1384(E), dated 2nd May, 2017.

(1)	(2)	(3)	(4)	(5)	(6)
238T.	-	<i>para</i> -Methyl-4-methylaminorex, 4,4'-DMAR	4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine	1.0 gm	50 gm;
238U.	-	Methoxetamine, MXE	2-(ethylamino)-2-(3-methoxyphenyl) cyclohexanone	5.0 gm	250 gm;
238V.	-	Phenazepam	7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one	0.5 gm	25 gm.]
238W.	-	U-47700	3, 4-dichloro-N-(2-dimethylamino-cyclohexyl)-N-methyl-benzamide	1 gm	50 gm;
238X.	-	Butyrylfentanyl	N-phenyl-N-[1-(2-phenylethyl)-4-piperidin-nyl] butanamide	0.05 gm	2.5 gm;
238Y.	4-Methylethcathirone	4-MEC	-	0.5 gm	25 gm;
238Z.	Ethylone	-	-	20 gm	1000 gm;
238ZA.	Pentedrone	-	-	1 gm	50 gm;
238ZB.	Ethylphenidate	-	-	0.2 gm	10 gm;
238ZC.	Methiopropamine	MPA	-	0.5 gm	25 gm;
238ZD.	MDMB-CHMICA	-	-	0.01 gm	0.5 gm;
238ZE.	5F-APINACA	-	-	0.05 gm	2.5 gm;
238ZF.	XLR-11	-	-	1 gm	50 gm;
238ZG.	-	Catha Edulis (Dry Chatt or Mira Leaves Dry Chat Edulis)	-	5500 gm	275 Kg]
238ZH.	Tramadol	-	-	5 gm	250 gm]
238ZI.	Carfentanil	-	Methyl 1-(2-phenylethyl)-4-[phenyl(propionyl)amino]piperidine-4-carboxylate	0.00005 gm	0.001 gm;
238ZJ.	Ocfentanil	-	N-(2-Fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide	0.00217 gm	0.0434 gm;
238ZK.	Furanylfentanyl	-	N-Phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide	0.02 gm	1 gm;
238ZL.	Acryloylfentanyl	Acrylfentanyl-yl	N-Phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]prop-2-enamide	0.0025 gm	0.125 gm;
238ZM.	4-Fluoroisobutyrylfentanyl	4-FIBF, pFIBF	N-(4-Fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)piperidin-4-yl]propenamide;	0.03 gm	1.5 gm;

1. Ins. by S.O. 822(E), dated 27th February, 2018.

2. Ins. by S.O. 1762(E), dated 26th April, 2018.

3. Subs. by S.O. 1276(E), dated 23rd March, 2021, for serial no. 238 ZI, 238 ZJ, 238 ZK, 238 ZL, 238 ZM, 238 ZN, 238 ZO, 238 ZP, 238 ZQ, 238ZR, 238ZS and 238 ZT and their entries thereto. Earlier these entries were inserted by S.O. 1351(E), dated 13th March, 2019.

(1)	(2)	(3)	(4)	(5)	(6)
238ZN	Tetrahydrofurfurylfentanyl	THF	N-Phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]oxolane-2-carboxamide	0.005 gm	0.1 gm;
238ZO		ABCHMINACA	N-[(2S)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)-1Hindazole-3-carboxamide	0.05 gm	2.5 gm;
238ZP		5F-ADB (5FMDMBPINACA)	Methyl(2S)-2-[1-(5-fluorophenyl)-1H-indazole-3-carboxylamino]-3, 3-dimethylbutanoate	0.005 gm	0.25 gm;
238ZQ		AB-PINACA	N-[(2S)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-pentyl-1Hindazole-3-carboxamide	0.0178 gm	0.892 gm;
238ZR		UR-144	(1-Pentyl-1 H-indol-3- yl) (2,2,3,3-tetramethylcyclopropyl)met hanone	0.05 gm	2.5 gm;
238ZS		5F-PB-22	Quinolin-8-yl 1-(5-fluoropentyl)-1H-inodole-3-carboxylate	0.1 gm	5.0 gm;
238ZT	4-Fluoroamphetamine	4-FA	1-(4-Fluorophenyl) propan-2-amine	2 gm	50 gm;
238ZU		ABFUBINACA	N-[(2S)-1-amino-3-methyl-1-oxobutan-2-yl]-1- [(4-fluorophenyl)methyl] indazole-3- carboxamide	0.025 gm	1.25 gm;
238ZV		5F-AMBPINACA (5FAMB, 5FMMBPINACA)	Methyl 2-[(1-(5-fluorophenyl)-1Hindazol3yl) carbonyl] amino-3-methylbutanoate	0.0027 gm	0.135 gm;
238ZW		5F-MDMBPICA (5FMDMB-2201)	Methyl(S)-2-[1-(5-fluorophenyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate	0.0050 gm	0.25 gm;
238ZX		4F-MDMBBINACA	Methyl(S)-2-[1-(4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate	0.0050 gm	0.25 gm;
238ZY	4-CMC (4-chloromethcathinone)	clephedrone	1-(4-chlorophenyl)-2-(methylamino)-1-propanone	5.0 gm	250 gm;
238ZZ		Nethylhexedrone	2-(Ethylamino)-1-phenyl-1-hexanone	1.0 gm	50 gm;
238ZZA		alpha-PHP	(RS)-1-Phenyl-2-(pyrrolidine-1-yl)hexan-1-one	0.1 gm	5.0 gm;
238ZZB		flualprazolam	8-Chloro-6-(2-fluorophenyl)-1-methyl-4-benzofl[1,2,4]triazolo[4, 3-a][1,4]diazepine	0.0125 gm	0.625 gm;
238ZZC	Etizolam		4-(2-Chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]di azepine	0.05 gm	2.5 gm;
238ZZD		DOC	4-Chloro-2,5-dimethoxyamfetamine	0.15 gm	7.5 gm;
238ZZE		ADBUBINACA	N-[(2S)-1-amino-3,3-dimethyl-1-oxobutan-2- yl]-1-(4-fluorophenyl)methyl]-1Hindazole-3-carboxamide	0.01 gm	0.5 gm;
238ZZF		FUB-AMB, MMBUBINACA, AMBFUBINACA	Methyl(2S)-2-[(1-(4-fluorophenyl)methyl)-1Hindazole-3-carboxylamino]-3- methylbutanoate	0.01 gm	0.5 gm;
238ZZG		CUMYL-4CNBINACA	1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1Hindazole-3-carboxamide	0.01 gm	0.5 gm;
238ZZH		ADBCHMINACA, MABCHMINACA	N-[(2S)-1-amino-3,3-dimethyl-1-oxobutan-2- yl]-1-(cyclohexylmethyl)-1Hindazole-3- carboxamide	0.005 gm	0.25 gm;
238ZZI		Nethylnorpentylone	1-(2H-1,3-benzodioxol-5-yl)-2- (ethylamino)pentan-1-one	0.1 gm	5 gm;
238ZZJ	Crotonylfentanyl		(2E)-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]but-2-eramide	0.014 gm	0.28 gm;
238ZZK	Valeryl-fentanyl		N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]pentanamide	0.40 gm	8.0 gm;
238 ZZL	Parafluorobutyrylfentanyl		N-(4-fluorophenyl)-N-[1-(2-phenylethyl) piperidin-4-yl] butanamide	0.005 gm	0.1 gm;
238ZZM	Ortho-Fluorofentanyl		N-(2-fluorophenyl)-N-[1-(2-phenylethyl) piperidin-4-yl] propanamide	0.005 gm	0.1 gm;
238ZZN	Methoxyacetyl fentanyl		2-methoxy-N-phenyl-N-[1-(2-phenylethyl) piperidin-4-yl] acetamide	0.005 gm	0.1 gm;
238ZZO	Cyclopropylfentanyl		N-Phenyl-N-[1-(2-phenylethyl) piperidin-4-yl] cyclopropane carboxamide	0.005 gm	0.1 gm]

(1)	(2)	(3)	(4)	(5)	(6)
1238ZZP	Isotornitazene		N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzo[d]imidazol-1-yl)ethan-1-amine	0.01 gm	0.5 gm
238 ZZQ		CUMYL PEGACLONE	5-Pentyl-2-(2-phenylpropan-2-yl)-2,5-dihydro-1H-pyrido [4,3-b] indol-1-one	0.2gm	10.0gm
238 ZZR		MDMB-4en-PINACA	Methyl 3-(3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate	0.002gm	0.1gm
238 ZZS		3-Methoxyphenacyclidine	1-(1-(3-Methoxyphenyl)cyclohexyl)piperidine	0.1gm	5.0gm
238ZZT		Diphenidine	1-(1,2-Diphenylethyl)piperidine	2.0gm	100gm
238 ZZU		Clonazepam	6-(2-Chlorophenyl)-1-methyl-8-nitro-4H-benzof[1,2,4]triazolo[4,3-a][1,4]diazepine	0.02gm	1.0gm
238 ZZV		Diclazepam	7-Chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo [e][1,4] diazepin-2-one	0.2gm	10.0gm
238 ZZW		Flubromazepam	8-Bromo-6-(2-fluorophenyl)-1-methyl-4H-benzof[1,2,4]triazolo[4,3-a][1,4]diazepine	0.035gm	1.75gm
1238ZZX	Brorphine		1-[1-(4-Bromophenyl)ethyl]piperidin-4-yl]-1,3-dihydro-2H-imidazol-2-one	0.10 gm	5.00 gm
238 ZZY	Metonitazene		N,N-Diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzo[d]imidazole-1-yl)ethan-1-amine	0.50 gm	25.00 gm
238 ZZZ		Eutylone	1-(Benzof[d][1,3]dioxol-5-yl)-2-(ethylamino)butan-1-one 1-(1,3-Benzodioxol-5-yl)-2-(ethylamino)butan-1-one	3.50 gm	175.00 gm]
1238ZZZA	2-Methyl-AP-237		1-[2-Methyl-4-(2E)-3-phenylprop-2-en-1-yl]piperazin-1-yl]butan-1-one	1.5 gm	75.0 gm
238ZZZB	Etazene		2-[(4-Ethoxyphenyl)methyl]-N,N-dichyl-1H-benzimidazole-1-ethanamine	3.0 gm	150.0 gm
238ZZZC	Etionitazepine		2-[(4-Ethoxyphenyl) methyl]-5-nitro-1-(2-pyrrolidin-1-ylethyl)-1H-benzimidazole	0.0005 gm	0.025 gm
238 ZZZD	Protonitazene		N,N-Diethyl-5-nitro-2-[(4-propoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine	0.0017 gm	0.085 gm
238ZZZE		ADB-BUTINACA	N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-butyl-1H-indazole-3-carboxamide	0.1 gm	5.0 gm
238 ZZZF		Alpha-PHP	4-methyl-1-phenyl-2-(pyrrolidin-1-yl)propan-1-one	1 gm	50 gm
238ZZZG		3-Methylmethcathinone	2-(methylamino)-1-(3-methylphenyl)propan-1-one	7.5 gm	375 gm].
239.	Any mixture or preparation that of with or without a natural material, of any of the above drugs.	.....	.....	**

* Lesser of the small quantity between the quantities given against the respective narcotic drugs or psychotropic substances mentioned above forming part of the mixture.

** The small quantity and the commercial quantity between the quantities given against the respective narcotic drugs or psychotropic substances mentioned above forming part of the mixture. The small quantity and the commercial quantity given against the respective drugs listed above apply to isomers, within specific chemical designation, the esters, ethers and salts of these drugs, including salts of esters, ethers and isomers; wherever existence of such substances is possible.

2. The quantities shown against the respective drugs listed above also apply to the preparations of the drug and the preparations of substances of note 1 above.

3. "Small Quantity" and "Commercial Quantity" with respect to cultivation of opium poppy is not specified separately as the offence in this regard is covered under clause (c) of section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. The quantities shown in column 5 and column 6 of the Table relating to the respective drugs shown in column 2 shall apply to the entire mixture or any solution or any one or more narcotic drugs or psychotropic substances of that particular drug in dosage form or isomers, esters, ethers and salts of these drugs, including salts of esters, ethers and isomers, wherever existence of such substance is possible and not just its pure drug content.]

1. Ins. by S.O. 4429(E), dated 22nd September, 2022.

2. Ins. by S.O. 5320(E), dated 16th November, 2022.

3. Ins. by S.O. 579(E), dated 8th February, 2024.

4. Ins. by S.O. 2941(E), dated 18th November, 2009.

GENERAL CONDITIONS FOR GRANT OF LICENSE FOR CULTIVATION OF OPIUM POPPY FOR OBTAINING OPIUM GUM THROUGH LANCING FOR OPIUM CROP YEAR COMMENCING ON 1-10-2023 AND ENDING ON 30-9-2024¹

In pursuance of rule 8 of the Narcotic Drugs and Psychotropic Substances Rules, 1985, the Central Government hereby notifies the general conditions for grant of license specified below for cultivation of opium poppy for obtaining opium gum through lancing on account of the Central Government during the Opium Crop Year Commencing on the 1st day of October, 2023 and ending with the 30th day of September, 2024.

1. Place of Cultivation.—Opium poppy cultivation may be licensed in any tract as may be notified in this behalf by the Central Government.

2. Eligibility for Cultivation.—Subject to clauses 3 and 7 of this notification, the following shall be eligible for a license to cultivate opium poppy for obtaining opium gum through lancing :

- i. Cultivators who had cultivated opium poppy during the crop year 2022-23 and tendered an average yield of Morphine (MQY-M) **not less than 4.2 kg per hectare.**

Note.—Average qualifying yield of Morphine in opium tendered in kilograms per hectare will be termed as Minimum Qualifying Yield (MQY-M) in the notification hereinafter.

- ii. Cultivators who ploughed back their entire poppy crop cultivated during the crop year 2020-21, 2021-22 & 2022-23 under the supervision of the Central Bureau of Narcotics in accordance with the provisions in this regard, but had not similarly ploughed back their entire poppy crop during 2019-20.
- iii. Cultivators whose appeal against refusal of License has been allowed after the last date of settlement in the crop year 2022-23.
- iv. Cultivators who were eligible for a license for the crop year 2022-23, but did not obtained/issued license for any reason, or who after having obtained a license, did not actually cultivate opium poppy due to any reason.
- v. Cultivator who is nominated by deceased eligible cultivator in column No. 11 in Form No. 1 (see rule 7) for the crop year 2022-23.
- vi. One of legal heirs of deceased eligible cultivators as determined by the District Opium Officer after following the due process, in the

1. Vide G.S.R. 666(E), dated 13th September, 2023, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 525, dated 13th September, 2023.

cases where nomination in Form No.1 is not made for any reason or nomination of person not falling under definition of family members/blood relatives in Form No. 1 is made.

Note:—Cultivators include their legal heirs also

3. Conditions of License.—No cultivator shall be granted license unless he/she satisfies that:

- i. He/She did not, in the course of actual cultivation, exceed the area licensed for poppy cultivation during the crop year 2022-23 beyond the 5% 'Condonable Limit' allowed in the licensing policy.
- ii. He/she did not at any time resort to illicit cultivation of opium poppy and was not charged in any competent court for any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985, and the Rules made there under.
- iii. He/she did not during the crop year 2022-23 violate any departmental instructions issued by the Central Bureau of Narcotics/ Narcotics Commissioner to the cultivators.

4. Maximum Area.—

- i. All eligible tendered cultivators under clause 2 above will be issued license of **0.10 Hectare**:
- ii. Cultivators will be permitted to take on lease, land belonging to others, to make up the licensed area, if they so desire.

5. Forewarning.—

- i. A minimum qualifying yield (MQY-M) of **5.9 Kg Morphine/Hectare of Morphine** in opium tendered should be achieved during the crop year 2023-24 to become eligible for a license to cultivate opium poppy in the following year i.e. 2024-25.
- ii. Morphine content of opium tendered during 2023-24 may become the basis for payment for the crop year 2023-24, if the Government decides to do so in this regard.
- iii. Cultivators who had fully ploughed back their entire poppy during crop year 2020-21, 2021-22 and 2022-23 would not be entitled for license in the crop year 2024-25, if they also plough back their crop fully in the crop year 2023-24.

6. Condonable Limit.—If the area actually cultivated is up to 5% in excess of the licensed area, such excess cultivation may be condoned.

7. Miscellaneous.—

- i. Any cultivator who cultivates opium poppy during 2023-24 in his own land or in the land leased from others shall provide details of owner of the plot, survey number and any other details as may be directed by the Narcotics Commissioner.
- ii. These General Licensing conditions are without prejudice to the right of the Narcotics Commissioner/Deputy Narcotics Commissioner to

issue/ withhold a license whenever it is deemed proper so to do in accordance with the provisions of the Narcotic Drugs & Psychotropic Substances Act, 1985 and the Rules made thereunder.

- iii. The license will be subject to the condition that any field may be taken over for any research that may be conducted by the Government directly or in collaboration with any specialized Institution or Agency. The cultivator whose field is selected for research shall be considered for license for the next year, if he has tendered the stipulated MQY and is otherwise eligible. The area taken over for research will not be taken into account while calculating the yield.
- iv. The license shall be subject to the further condition that any field may be selected for obtaining poppy straw without extraction of opium. The cultivators whose fields are selected for such use shall be eligible for a license for the next crop year, if otherwise eligible.
- v. For the purpose of making payment of opium tendered by the cultivator, the quantity of opium tendered by a farmer will be calculated at 70° consistency, on the basis of analysis by the Government Opium and Alkaloid Works, Neemuch or Ghazipur.
- vi. In respect of cultivators having opium cultivation license in a particular village but are having residence in adjacent village, such cultivators may be allowed to store opium in their residence, provided that there is continuous human settlement between such villages.
- vii. If there is difference in any para of Hindi version of opium policy 2023-24 then English version of same shall be followed.

TRACTS IN THE STATES OF MADHYA PRADESH, RAJASTHAN, UTTAR PRADESH AND UTTARAKHAND WITHIN WHICH POPPY MAY BE CULTIVATED DURING THE OPIUM CROP YEAR COMMENCING ON 1-10-2023 AND ENDING ON 30-9-2024¹

In pursuance of rule 5 of the Narcotic Drugs & Psychotropic Substances Rules, 1985, the Central Government hereby notifies the tracts in the States of Madhya Pradesh, Rajasthan, Uttar Pradesh and Uttarakhand specified in the Table below as the tracts within which poppy may be cultivated on account of the Central Government during the opium crop year commencing on the 1st day of October, 2023 and ending on the 30th September, 2024.

TABLE

Name of the District	Extent (Tehsil/Pargana)
PART- I STATE OF MADHYA PRADESH	
Mandsaur	Mandsaur, Dalauda, Sitamau, Suwasara, Malhargarh, Shamgarh, Garoth, Bhanpura & KNK College of Horticulture, Mandsaur (Experimental).
Neemuch	Neemcuh, Jawad, Manasa, Jeeran, Singoli & Rampura.
Ratlam	Ratlam, Sailana, Jaora, Alot, Piploda & Tal.
Agar Malwa	Badod.
Ujjain	Mahidpur, Khachrod, Nagda.
Jhabua	Petlavad.
Rajgarh	Jeerapur.
Shajapur	Susner.
PART- II – STATE OF RAJASTHAN	
Kota	Ramganjmandi, Sangod, Ladpura & Kanwas.
Baran	Baran, Chhabra, Chhipabarod & Atru.
Jhalawar	Jhalarapatan, Khanpur, Aklera, Manoharthana, Pirawa, Pachpahar, Gangdhar, Asnawar, Sunel, Dag, Raipurand and Bakani.
Chittorgarh	Chittorgarh, Bhadesar, Dungla, Begun, Rawat Bhata, Nimbahera, Badi Sadari, Gangrar, Kapasan, Rashmi, Bhupal Sagar and Bassi.
Pratapgarh	Chhoti Sadari, Pratapgarh, Arnod, Dhariyabad, Pipalkhunt Dalot & Suhagpura.
Udaipur	Vallabhnagar, Bhinder, Kanod, Mavali, Lasadiya, Udaipur & Rajasthan College of Agriculture, Udaipur (Experimental)
Bhilwara	Mandalgarh, Kotari, Bijoliya, & Jahajpur
PART- III – STATE OF UTTAR PRADESH	
Barabanki	Nawabganj, Ramnagar, Fatehpur, Ram Sanehi Ghat, Haidergarh & Sirouli Gauspur.

1. Vide G.S.R. 665(E), dated 13th September, 2023, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 524, dated 13th September, 2023.

Name of the District	Extent (Tehsil/Pargana)
Lucknow	Mohanlalganj, National Botanical Research Institute (NBRI), Lucknow (Experimental) & Central Institute of Medicinal & Aromatic Plants (CIMAP) (Experimental).
Faizabad	Sohawal, Rudauli, Bikapur, Milkipur, Acharya Narendra Dev University of Agriculture and Technology (ANDUAT) Kumarganj, Tehsil - Milkipur (Experimental).
Shahjahanpur	Kant (Tehsil-Sadar), Jalalabad, Kalan and Tilhar
Budaun	Bisauli, Budaun, Dataganj and Bilsa
Bareilly	Bareilly, Meeraganj, Aonla and Faridpur
Ghazipur	Zamania and sevrail.
Mau	Ghosi and Madhuban
Rai Bareilly	Kumhravan and Maharajganj.
PART -IV STATE OF UTTARAKHAND	
Udham Singh Nagar	CSIR-CIMAP Pantnagar Tehsil-Kichha (Experimental)
Dehradun	Vikasnagar (Experimental)

**GENERAL CONDITIONS FOR GRANT OF
LICENSE FOR CULTIVATION OF OPIUM
POPPY FOR PRODUCTION OF POPPY STRAW
FROM WHICH NO JUICE IS EXTRACTED
THROUGH LANCING DURING THE OPIUM
CROP YEAR COMMENCING ON
1-10-2023 AND ENDING ON 30-9-2024¹**

In pursuance of rule 8 of the Narcotic Drugs and Psychotropic Substances Rules, 1985, the Central Government hereby notifies the general conditions for grant of license specified below for cultivation of opium poppy for production of Poppy Straw from which no juice is extracted through lancing on account of the Central Government during the Opium Crop Year Commencing on the 1st day of October, 2023 and ending with the 30th day of September, 2024.

1. Place of Cultivation.—Opium poppy cultivation may be licensed in any tract as may be notified in this behalf by the Central Government.

2. Eligibility for Cultivation.—Subject to clauses 3 and 7 of this notification, the following shall be eligible for a license to cultivate opium poppy for production of Poppy Straw from which no juice is extracted through lancing:

- i. Cultivators who had cultivated opium poppy for production of Poppy Straw from which no juice is extracted through lancing during the crop year 2022-23 on the basis of licenses issued to them for five years, and tendered poppy straw at weighment centre and have not been de barred from cultivation of opium poppy on any of the ground mentioned in Para 5(ii) of this opium policy.
- ii. Cultivators who have tendered an average yield of Morphine (MQY-M) 3.0 kg per hectare and above but less than 4.2 kg per hectare from the opium poppy cultivated for obtaining opium gum through lancing in crop year 2022-23.
- iii. Cultivators who are eligible for license under opium poppy cultivation for obtaining opium gum after lancing, if they opt voluntarily to cultivate opium poppy for production of Poppy Straw from which no juice is extracted through lancing.
- iv. Cultivators who ploughed back their entire poppy crop cultivated during the crop year 2021-22 and 2022-23 under the supervision of the Central Bureau of Narcotics in accordance with the provisions in this regard.
- v. Cultivators who were eligible for a license for the crop year 2022-23, but did not obtained/issued a license for any reason, or who after

1. *Vide G.S.R. 667(E)*, dated 13th September, 2023, published in the Gazette of India, Extra., Pt. II, sec. 3(i), No. 526, dated 13th September, 2023.

having obtained a license, did not actually cultivate opium poppy due to any reason.

- vi. Cultivators who were de-licensed during crop year 1999-2000 to 2022-23 on the grounds of tendering inferior opium but their morphine content was found more than 6% in the test results of the Government Opium Alkaloid Works at Neemuch or Ghazipur.
- vii. Cultivators whose appeal against refusal of License has been allowed after the last date of settlement in the crop year 2022-23.
- viii. One of the legal heirs of deceased cultivators, as determined by the District Opium Officer after following the due process, who were eligible for license since crop year 1999-2000 however could not obtain license due to dispute in deciding legal heir.
- ix. Cultivators who were de-licensed on the ground of charge/charges in any competent court for any offence under NDPS Act, 1985 and the Rules made there under provided that they have been acquitted by the competent court of Law in said case/ cases and such order/ orders of acquittal has become final as on 31st July 2023, subject to production of certified copy of judgment and declaration to this effect.
- x. Cultivator who is nominated by deceased eligible cultivator in column No. 11 in Form No. 1 (see rule 7) for the crop year 2022-23.
- xi. Cultivators who were de-licensed in the crop year since 1998-99 to crop year 2022-23 provided they have tendered average opium/ Morphine having total average equal/equivalent to or more than 100 percent the total of MQY (fixed for licensing in the next crop year) any of three highest yielding tendered years out of their last five tendering years including the last tendered year (immediately before year of de licensing). In case of transfer of license to legal heir, average tendering by deceased cultivators would be taken into account for computation of total of averages of opium tendered.
- xii. Cultivators who were eligible for cultivation of opium poppy in any crop year since 1998-1999 or found to be eligible as per relaxations announced after crop year, but did not voluntarily obtain a license for any reason, or who after having obtained a license, did not actually cultivate opium poppy due to any reason or became ineligible by default due to Opium licensing policy/Instructions of the following year/years.
- xiii. Cultivators who had cultivated opium poppy during 1998-99 to 2002-03 and tendered average yield of opium gum as indicated below:—

General conditions for grant of license for cultivation of opium poppy for production of Poppy Straw from which no juice is extracted through lancing during the Opium Crop Year Commencing on 1-10-2023 and ending on 30-9-2024

Crop year	Year of de-licensed on low MQY	For M.P. and Rajasthan	For U.P
1998-1999	1999-2000	More than or equal to 39 but less than 40	More than or equal to 39 but less than 40
1999-2000	2000-2001	More than or equal to 47 but less than 48	More than or equal to 39 but less than 40
2000-2001	2001-2002	More than or equal to 49 but less than 50	More than or equal to 41 but less than 42
2001-2002	2002-2003	More than or equal to 49 but less than 50	More than or equal to 42 but less than 43
2002-2003	2003-2004	More than or equal to 50 but less than 51	More than or equal to 44 but less than 45

Note:- Cultivators include their legal Heirs also

3. Conditions of License.—No cultivator shall be granted license unless he/she satisfies that:

- i. He/She did not, in the course of actual cultivation, exceed the area licensed for poppy cultivation during the crop year 2022-23 beyond the 5% 'Condonable Limit' allowed in the licensing policy.
- ii. He/she did not at any time resort to illicit cultivation of opium poppy and was not charged in any competent court for any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985, and the Rules made there under.
- iii. He/she did not during the crop year 2022-23 violate any departmental instructions issued by the Central Bureau of Narcotics/ Narcotics Commissioner to the cultivators.

4. Maximum Area.—

- i. All eligible cultivators will be issued license of 0.10 Hectares each.
- ii. Cultivators will be permitted to take on lease, land belonging to others, to make up the licensed area, if they so desire.

5. Period of license.—

- i. Except for the cultivators eligible under 2(i) of this policy License to cultivate opium poppy for production of Poppy Straw from which no juice is extracted through lancing will be issued for five crop years from the issuance i.e. license issued to cultivators for crop year 2023-24 will remain effective till crop year 2027-28.
- ii. License will remain in force until cultivator
 - a. is found involved in illicit activities,
 - b. is charge sheeted under NDPS act,
 - c. violate the departmental instructions related to opium poppy cultivation.

d. voluntarily surrender license before CBN

6. Forewarning.—

- i. Morphine content of Un-lanced Poppy Straw tendered during 2023-24 may become the basis for payment for the crop year 2023-24, if the Government decides to do so in this regard.
- ii. Cultivators who fully ploughed back their entire poppy crop for consecutive three crop years would not be entitled for license in the next crop year.
- iii. An average yield on 700 kg per hectare of un-lanced poppy capsule alongwith straw should be achieved during the crop year 2023-24 to become eligible for a license to cultivate opium poppy in the following year i.e. 2024-25.

7. Condonable Limit.—If the area actually cultivated is up to 5% in excess of the licensed area, such excess cultivation maybe condoned.

8. Miscellaneous.—

- i. Any cultivator who cultivates opium poppy during 2023-24 in his own land or in the land leased from others shall provide details of owner of the plot, survey number and any other details as may be directed by the Narcotics Commissioner.
- ii. These General Licensing conditions are without prejudice to the right of the Narcotics Commissioner/Deputy Narcotics Commissioner to issue/ withhold a license whenever it is deemed proper so to do in accordance with the provisions of the Narcotic Drugs & Psychotropic Substances Act, 1985 and the Rules made thereunder.
- iii. The license will be subject to the condition that any field may be taken over for any research or for obtaining poppy straw that may be conducted by the Government directly or in collaboration with any specialized Institution or Agency. The cultivator whose field is selected for research shall be considered for license for the next year if otherwise eligible. The area taken over for research will not be taken into account while calculating the yield.
- iv. Payment to the cultivators who have tendered their produced un-lanced poppy capsule alongwith straw to the government shall be made in accordance with the price per Kgs. of un-lanced poppy capsule alongwith straw as determined by the Government of India.
- v. In respect of cultivators having opium cultivation license in a particular village but are having residence in adjacent village, such cultivators may be allowed to store Un-lanced Poppy capsule along with straw in their residence, provided that there is continuous human settlement between such villages.
- vi. If there is difference in any para of Hindi version of opium policy 2023-24 then English version of same shall be followed.