CHAPTER-III
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LEGISLATION : NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCE ACT, 1985

Some Important Sections

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 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.

2. Definitions

In this Act, unless the context otherwise requires-

(1) “addict” means a person who has dependence on any narcotic drug or Psychotropic substances;

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 provision (if any) which have been made to, or in, any International Covention 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 material salt or preparation of such substance or material.

4. 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.

5. 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 by appointed by the Central Government.

6. 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.

6A. National Fund for Control of Drug Abuse

(1) The Central Government may, by notifications 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) 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; and
(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.

6B. 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 account.

7. 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

(c) produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import inter-State, export inter-State, import into India, export from India, or transship 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 there under and in a case where any such provision, imposes any requirement by way of licence, permit or authorization also in accordance with the terms and conditions of such licence, permit or authorization:

Provided that, and subject to the other provisions of this Act and the rules made there under, 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:
[Provided further that nothing in section shall apply to the export of poppy straw for decorative purposes.]

7A. 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

(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.

8. Power of Central Government to permit, control and regulate

(1) Subject to the provisions of section 8, the Central Government may, by rules-

(a) permit and regulate-

(i) the cultivation, or gathering of any portion (such cultivation or gathering being only on account of the Central Government) of coca plant, or the production, possession, sale, purchase,
transport, import inter-State, export inter-State, use or consumption of coca leaves;

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

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

(iv) the sale of opium and opium derivatives from the Central Government factories for export from India or sale to State Government or to manufacturing chemists;

(v) the manufacture of manufactured drugs (other than prepared opium) but not including manufacture of medicinal opium or any preparation containing any manufactured drug from materials which the maker is lawfully entitled to possess;

(vi) the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of psychotropic substances;

(vii) the import into India and export from India and 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).

8A. 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 there under 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.

9. 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;

(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);

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

(v) the possession, transport, purchase, sale, import inter-State, export inter-State, use or consumption of manufactured drugs other than prepared opium and of coca leaf and any preparation containing any manufactured drug;

(vi) the manufacture and possession of prepared opium from opium law fully possessed by an addict registered with the State Government on medical advice for his personal consumption:

10. 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.

11. 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 authorization of the Central Government and subject to such conditions as may be imposed by that Government in this behalf.
12. **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 the extent necessary for such use.

13. **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 for obtaining fibre or seed or for horticultural purposes.

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

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

(c) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years, and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees: PROVIDED that the court may, for reasons to be recorded in the judgment, imposes a fine exceeding two lakh rupees.

15. 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 there under, 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, and with fine which may extend to one lakh rupees.
16. **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 there under, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses prepared opium shall be punishable-

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

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

(c) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years, and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees: PROVIDED that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

17. **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 there under, cultivates the opium poppy or produces, manufactures, possesses,
sells, purchases, transports, imports inter-State, exports inter-State or uses opium shall be punishable-

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

(b) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years, and shall also be liable to fine which shall not be less than one lakh rupees which may extend to two lakh rupees: PROVIDED that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees;

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

18. Punishment for embezzlement of opium by cultivator

Any cultivator licenced 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 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.
19. 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 there under-

(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-

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

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

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

(B) and involves quantity lesser than commercial quantity but greater than small quantity, with rigorous 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:
20. 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 there under, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any manufactured drug or any preparation containing any manufactured drug shall be punishable—

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

(b) where the contravention involves quantity, lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to 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 court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.
21. Punishment for contravention in relation to psychotropic substances

Whoever, in contravention of provision of this Act or any rule or order made or condition of licence granted there under, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any psychotropic substance shall be punishable—

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

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

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

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

22. Punishment for illegal import into India, export from India or transshipment of narcotic drugs and psychotropic substances

Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence or permit granted or certificate or authorization issued there under, imports into India or
exports from India or transships any narcotic drug or psychotropic substance shall be punishable—

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

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

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

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

23. Punishment for external dealings in narcotic drugs and psychotropic substances in contravention of section 12

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

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

24. **Punishment for allowing premises, etc., to be used for commission of an offence**

Whoever, being the owner or occupier or having the control or use of any house, room, enclosure, space, place, animal or conveyance, knowingly permits it to be used for the commission by any other person of an offence punishable under any provision of this act, shall be punishable with the punishment provided for that offence.

24A. **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.

25. **Punishment for certain acts by licensee or his servants**

If the holder of any licence, permit or authorization granted under this Act or any rule or order made there under 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 authorization on demand of any officer authorized 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) willfully and knowingly does any act in breach of any of the
conditions of licence, permit or authorization 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.

26. 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.

26A. Punishment for financing illicit traffic and harboring offenders

Whoever indulges in financing, directly or indirectly, any of the activities specified in sub-clauses (i) to (v) of clause (viiiia) of section 2 or harbours any 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.

27. 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.

28. 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 under this chapter, if committed within India.

29. Preparation

If any person makes preparation to do or omits to do anything which constitutes an offence punishable under any of the provisions of 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 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.

30. 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 subse­
quent offence with rigorous imprisonment for a term which may
extend to one-half of the maximum term of imprisonment, and also
be liable to fine which shall extend to one-half of the maximum
amount of fine.

(2) Where the person referred to in sub-section(l) is liable to be
punished with a minimum term of imprisonment and to a
minimum amount of fine, the minimum punishment for such
person shall be one-half of the minimum term of imprisonment and
one-half of the minimum amount of fine:
PROVIDED that the court may, for reasons to be recorded in the judgment, impose a fine exceeding the fine for which a person is liable. (3) Where any person is convicted by a competent court of criminal jurisdiction outside India under any corresponding law, such person, in respect of such conviction, shall be dealt with for the purposes of subsections (1) and (2) as if he had been convicted by a court in India.

30A. 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 section 19, section 24 and 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-3.1

<table>
<thead>
<tr>
<th>Particulars of narcotic drugs</th>
<th>Qty</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>psychotropic substances</em></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td>(i) Opium</td>
<td>10 kgs.</td>
</tr>
<tr>
<td>(ii) Morphine</td>
<td>1 kg.</td>
</tr>
<tr>
<td>(iii) Heroin</td>
<td>1 kg.</td>
</tr>
<tr>
<td>(iv) Codeine</td>
<td>1 kg.</td>
</tr>
<tr>
<td>(v) Thebaine</td>
<td>1 kg.</td>
</tr>
<tr>
<td>(vi) Cocaine</td>
<td>500 grams.</td>
</tr>
<tr>
<td>(vii) Hashish</td>
<td>20 kgs.</td>
</tr>
<tr>
<td>(viii) Any mixture with or without any natural material of any of the above drugs</td>
<td>Lesser of quantity between quantities given against the respective narcotic drugs or psychotropic substances mentioned above forming part of the mixture.</td>
</tr>
<tr>
<td>(ix) LSD.LSD-25 (+)-N, N-Diethyllysergamide (d-lysergic acid diethylamide)</td>
<td>500 grams.</td>
</tr>
<tr>
<td>(x) THC (Tetrahydrocannabinols, the following Isomers: 6a (10a), 6a (7), 7, 8, 9, 10, 9(11) and their stereo-chemical variants)</td>
<td>500 grams.</td>
</tr>
<tr>
<td>(xi) Methamphetamine (+)-2-Methylamine-1-Phenyl-Propane</td>
<td>1,500 grams.</td>
</tr>
<tr>
<td>(xii) Methaqualone (2-Methyl-3-otolyl-4- (3h)-quinazolinone)</td>
<td>1,500 grams.</td>
</tr>
<tr>
<td>(xiii) Amphetamine (+) -2-amino-l-phenylpropane</td>
<td>1,500 grams.</td>
</tr>
<tr>
<td>(xiv) Salts and preparations of the psychotropic substances mentioned in (ix) to (xiii)</td>
<td>1,500 grams.</td>
</tr>
</tbody>
</table>

(b) financing, directly or indirectly, any of the activities specified in clause (a), shall be punishable with death.
(2) Where any person is convicted by a competent court of criminal jurisdiction outside India under any law corresponding to the provisions of section (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

31. 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 authorization, issued there under 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.

31A. 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.

31B. 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 organized international or any other criminal group which is involved in the commission of the offence; and

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


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

34. 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.

35. 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 session 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.
35A. Offences triable by Special Courts

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973-

(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.

(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, 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 reference to a “Special Court” constituted under section 36.

(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.

35B. 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.

35C. 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.

35D. Transitional Provisions

(1) Any offence committed under this Act on or after the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988 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, 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 Psycho-tropic Substances (Amendment) Act, 1988 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 to transfer any case or class of cases taken cognizance by a Court of Session under sub-section (1).

36. 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 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.

37. 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 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.

38. Power of court to release certain offenders on probation

(1) When any addict is found guilty of an offence punishable under section 27 (or for offences relative 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 psychical or mental condition of the offender, that it is expedient so to do, then, notwithstanding anything confined 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 detoxification or de-addiction from a hospital or an institution maintained or recognized by government and on his entering into a bond in the form prescribed
by the Central Government, with or without sureties, to appear and finish 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 no 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.

39. 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.

40. Power to Issue Warrant and Authorization

(1) A Metropolitan 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 gazette rank of the departments of central excise, narcotics, customs, revenue intelligence or any other department of the central Government including the paramilitary 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 authorize 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 whether by day or by night or himself arrest such a person or search building, conveyance or place.
(3) The officer to whom a warrant under sub-section (1) is addressed and the officer who authorized the arrest or search or the officer who is so authorized under sub-section (2) shall have all the powers of an officer acting under section 42.

41. **Power of entry, search, seizure and arrest without warrant or authorization**

(1) Any such officer (being an officer superior in rank to a peon, sepoy or constable) to the departments of central excise, narcotics, customs, revenue intelligence or any other department of the Central Government including paramilitary 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 control, excise, police or any other department of a 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 of 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 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 (b) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed any offence punishable under this Act:

PROVIDED that if such officer has reason to believe that a search warrant or authorization 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 thereeto, he shall within seventy-two hours send a copy thereof to his immediate official superior.
42. 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 Psycho-tropic Substance or controlled substance in respect of which he has reason to believe an offence punishable under this Act has been committed, and, along with such drug or substance, any animal or conveyance or article liable to confiscation under this Act, any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act or any document or other article which may furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter 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.
43. 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 37[or controlled substance], shall be construed as including references to coca plant, the opium poppy and cannabis plant.

44. 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 authorized 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.

45. 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.
46. 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.

47. 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 [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.

48. Power to stop and search conveyance

Any officer authorized 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 (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.

49. **Conditions under which search of persons shall be conducted**

(1) When any officer duly authorized 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 Gazette 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 Gazette Officer or the Magistrate
referred to in sub-section (1).

(3) The Gazette 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.

(5) When an officer duly authorized under section 42 has reason to
believe that it is not possible to take the person to be searched to
the nearest Gazette 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 Gazette Officer or Magistrate, proceed to search the person as provided under section 100 of the Code of Criminal Procedure, 1973.

(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.

49A. Power to undertake controlled delivery

The Director General of Narcotics Control Bureau constituted under subsection (3) of section 4 or any other officer authorized 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.

50. 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, insofar as they are not inconsistent with the provisions of this Act, to all warrants issued and arrests, searches and seizures under this Act.
51. 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 de-patch, take such measures as may be necessary for the disposal according to law of such person or article.

51A. Disposal of seized narcotic drugs and psychotropic substances

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

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

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

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

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

(3) Where an application is made under sub-section (2) the Magistrate shall, as soon as may be, allow the application.
Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or the Code of Criminal Procedure, 1973 (2 of 1974), every court trying an offence under this Act, shall treat the inventory, the photographs of narcotic drugs or psychotropic substances and any list of samples drawn under sub-section (2) and certified by the Magistrate, as primary evidence in respect of such offence.

52. 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 (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 (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.

52A. 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 there under, other than a proceeding before a court, as they apply in relation to a proceeding before a court.

53. Presumption from possession of illicit articles

In trials under this Act, it may be presumed, unless and until the contrary is proved, that the accused has committed an offence under this Act in respect of—

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

(b) any opium poppy, cannabis plant or coca plant growing on any land which he has cultivated;
(c) any apparatus specially designed or any group of utensils specially adopted for the manufacture of any Narcotic Drug or Psychotropic Substance or controlled substance; or

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

54. 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 land from them and all samples so taken shall also be sealed with a seal of the officer-in-charge of the police station.

55. 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 provision of this Act.

56. 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 superior official.

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

58. 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.

(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 willfully aids in, or connives at, the contravention of any provision of this Act or any rule or order made there under, 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.

(c) Explanation: For the purposes of this sub-section the expression “officer” includes any person employed in a hospital or institution maintained or recognized 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.
59. Liability of illicit drugs, substances, plants, articles and conveyances to confiscation

(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 or controlled substance 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 or controlled substance which is liable to confiscation under sub-section (1) and the receptacles, packages and coverings in which any narcotic drug or psychotropic substance or controlled substance, 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 or controlled substance), or any article liable to confiscation under sub-section (1) or sub-section (2) shall be liable to confiscation, unless the owner of the animal or conveyance proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any, and the person-in-charge of the animal or conveyance and that each of them had taken all reasonable precautions against such use.
60. Confiscation of goods used for concealing illicit drugs or substances

Any goods used for concealing any narcotic drug or 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.

61. Confiscation of sale proceeds of illicit drugs or substances

Where any narcotic drug or 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.

62. Procedure in making confiscation

(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 [48]or 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 any time direct it to be sold; and the provisions of this subsection shall, as nearly as may be practicable, apply to the net proceeds of the sale.

63. 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 there under it is necessary or expedient so to do, tender to such person immunity from prosecution for any offence under this Act or under the Indian Penal Code (45 of 1860) or under any other Central Act or State Act, as the case may me, 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 extend 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 willfully 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.

63A. Immunity from prosecution to addicts volunteering for treatment

Any addict, who is charged with an offence punishable under section 27 or with offences involving small quantity of Narcotic Drugs or Psychotropic Substances, who voluntarily seeks to undergo medical treatment for de-addiction from a hospital or an institution maintained or recognized by the Government or a local authority and undergoes such treatment shall not be liable to prosecution under section 27 or under any other section for offences involving small quantity of Narcotic Drugs or Psychotropic Substances:

Provided that the said immunity from prosecution may be withdrawn if the addict does not undergo the complete treatment for de-addiction.
65. Presumption as to documents in certain cases

Where any document—

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

(ii) has been received from any place outside India (duly authenticated by such authority or person and in such manner as may be prescribed by the Central Government) in the course of investigation of any offence under this Act alleged to have been committed by a person, and such document is tendered in any prosecution under this Act in evidence against him, or against him and any other person who is tried jointly with him, the court shall—

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

66. Power to call for information, etc.

Any officer referred to in section 42 who is authorized 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 provision 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 there under;
(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.

67. Information as to commission of offences

No officer acting in exercise of powers vested to him under any provision of this Act or any rule or order made there under shall be compelled to say when he got any information as to the commission of any offence.

FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN, ILLICIT TRAFFIC

67A. Application

(1) The provisions of this Chapter shall apply only to the person 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 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):

67B. 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:

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 authorization 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.

67C. Competent authority

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

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

67D. Identifying illegally acquired property

(1) Every officer empowered under section 53 and every officer-in-charge of a police station shall, or receipt of information is satisfied that any person to whom this Chapter 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 of 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.

67E. **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 of 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:

67F. **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 Administration

(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 68-1 in such manner and subject to such conditions as may be prescribed.
(3) The Administrator shall also take such measures, as the Central Government may direct to dispose of the property which is forfeited to the Central Government.

67G. 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 illegally acquired properties and forfeited to the Central Government under this Chapter.

67H. 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:

(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 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:

(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 articles of association of the company, forthwith register the Central Government as the transferee of such shares.

671. 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.
67J. **Fine in lieu of forfeiture**

(1) Where the competent authority makes a declaration that any property stands forfeited to the Central Government under section 68-1 and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order giving an option to the person affected to pay, in lieu of forfeiture, a fine equal to the market value of such part.

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

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

67K. **Procedure in relation to certain trust properties**

In the case of any person referred to in sub-cause (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, 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 for other assets which were 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 contribution 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 contribution.

67L. Certain transfers to be null and void

Where after the making of an order under sub-section (1) of
section 68F of 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 this Chapter, be ignored and if
such property is subsequently forfeited to the Central Government
under section 68-1 then, the transfer of such property shall be
deemed to be null and void.
67M. Constitution of Appellate tribunal

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

67N. Appeals

(1) Any officer referred to in sub-section (1) of section 68E or any person aggrieved by an order of the competent authority made under section 68F, section 68-1, sub-section (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:

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

(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 authorized 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.

67O. 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.

67P. Bar of jurisdiction

No order passed or declaration made under this Chapter shall be appeasable 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.
67Q. 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 of office;
(e) issuing commission for examination of witnesses of documents;
(f) any other matter which may be prescribed.

67R. 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.
67S. **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.

67T. **Power to take possession**

(1) Where any property has been declared to be forfeited or 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 therefore 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 authorized by
him in this behalf within thirty days of the service of the order.

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

(3) Notwithstanding anything contained in sub-section (2), the
Administrator may, for the purpose of taking possession of any
property referred to in 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.

67U. Rectification of mistakes

With a view to rectifying any mistakes is 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.

67V. 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.
67W. 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.

67X. 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.

67Y. 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) or 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 appeals against, the appeal was disposed of as a consequence of which such property could not be forfeited or warrant of arrest or authorization of arrest issued against such person has been withdrawn, then, property seized or frozen under this Chapter shall stand released.

MISCELLANEOUS

68. Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against the Central Government or a State Government or any officer of the Central Government or of the State Government or any other person exercising any powers or discharging any functions or performing any duties under this Act, for anything in good faith done or intended to be done under this act or any rule or order made there under.

69. 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.
70. **Power of government to establish centres for identification, treatment, etc., of addicts and for supply of narcotic drugs and psychotropic substances**

(1) The government may, in its discretion, establish as many centres as it thinks fit for identification, treatment, education, after-care, rehabilitation, social 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 subsection (1) and for the appointment, training, powers, duties and persons employed in such centres.

71. **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 there under 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 a 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.

72. **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 there under on any of the following matters, namely:-

(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 deduction 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.
73. Transitional provisions

Every officer or other employee of the government exercising or performing, immediately before the commencement of 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.

73A. 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.

74. 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.
75. **Power of Central Government to make rules**

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.

76. **Rules and notifications to be laid before Parliament**

Every rule made under this Act by the Central Government and every notification or order issued under clause (viia), 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 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 the validity of anything previously done under that rule or notification.

77. **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:-

(a) the conditions and the manner in which narcotic drugs and psycho-tropic 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 the State.

78. 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.
79. Application of the Drugs and Cosmetics Act, 1940 not barred

The provisions of this Act or the rules made there under shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 (23 of 1940) or the rules made there under.

80. Saving of State and special laws

Nothing in this Act or in the rules made there under 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 there under 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.

81. Repeal and saving

(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, insofar 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.
82. 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.