



# LAWS AND REGULATIONS

## PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.*

### INDIA

Communicated by the Government of India

#### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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E/NL.1981/15

Official Gazette  
Government of Goa, Daman and Diu  
Panaji, 4 September 1981

GOVERNMENT OF GOA, DAMAN AND DIU  
Law Department (Legal Advice)

NOTIFICATION LD/5/6/81-D

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 29th day of July, 1981 and assented to by the Administrator on 24 August 1981, is hereby published for the general information of the public.

B.S. Subbanna, Under Secretary, Drafting  
Panaji, 31 August 1981

**THE GOA, DAMAN AND DIU EXCISE, AMENDMENT ACT, 1981 AN ACT  
TO FURTHER AMEND THE GOA, DAMAN AND DIU EXCISE DUTY ACT, 1964**

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows:

**1. Short title and commencement:**

- (1) This Act may be called the Goa, Daman and Diu Excise Duty, Amendment Act, 1981.
- (2) It shall come into force at once

**2. Amendment of section 2. In section 2 of the Goa, Daman and Diu Excise Duty Act, 1964, 5 of 1964, hereinafter referred to as the "principal Act", for clause (kkk), the following shall be substituted, namely:**

"(kkk) 'intoxicating drug' means:

- (i) the leaves, small stalks and flowering on fruiting top, of the Indian hemp plant;
- (ii) bhang, siddi or ganja;
- (iii) charas, that is to say, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulation, other than those necessary for packing and transport; or
- (iv) coca leaf, that is to say, the leaf of coca plant, which means the plant of any species of the genus *erthroxyton*, except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed;
- (v) coca derivative, that is to say,
  - (a) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;
  - (b) ecgonine, having the chemical formula  $C_9 H_{15} NO_3$  and all the derivatives of ecgonine from which it can be recovered;
  - (c) cocaine, that is, methylester of benzoyl ecgonine having the chemical formula  $C_{12} H_{21} NO_4$  and its salts; and
  - (d) all preparations containing more than 0.1 percent cocaine;
- (vi) any mixture, with or without neutral materials, of any of the intoxicating drugs mentioned in above sub-clauses;"

**3. Amendment of section 23. In section 23 of the principal Act,**

- (i) the existing section 23 shall be re-numbered as sub-section (1) thereof;
- (ii) after sub-section (1), as so re-numbered, the following sub-section shall be inserted namely:

"(2) Any Police Officer, not below such rank as may be prescribed, may also exercise the powers conferred on the Commissioner of an Excise Officer under sub-section (1) in respect of intoxicating drug or opium".

4. Amendment of section 24. In section 24 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:

"Provided that any Police Officer, not below such rank as may be prescribed, may also investigate into an offence, relating to intoxicating drug or opium committed within the limits of the area in which such Police Officer exercises jurisdiction".

5. Amendment of section 27. In section 27 of the principal Act,

- (i) in the marginal heading, the words "excise officer" shall be omitted;
- (ii) in proviso to sub-section (1), after the words "no search" and before the word "shall", the words "except in case of an offence relating to intoxicating drug or opium", shall be inserted;
- (iii) proviso to sub-section (2) shall be omitted;
- (iv) after sub-section (2), the following sub-sections shall be inserted, namely:

"(3) Any Police Officer, not below such rank as may be prescribed, may also exercise the powers conferred on an officer of the Excise Department under sub-sections (1) and (2), if he has reason to believe that an offence relating to intoxicating drug or opium has been, is being, or is likely to be committed in any place and that a search warrant cannot be obtained without affording the offender an opportunity of concealing evidence of the offence.

(4) Every person arrested under this section for an offence which is bailable shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance before a Magistrate or an Excise Officer".

6. Amendment of section 30. In section 30 of the Principal Act, in item (i) clause (f)

- (i) before the word "imprisonment", add the word "rigorous";
- ii) for the word "three" the word "seven" shall be substituted.

7. Amendment of section 33. In section 33 of the principal Act, after the word "shall" and the comma, and before the words "on conviction", the words "without prejudice to the provisions of section 30", shall be inserted.

8. Amendment of section 34. In section 34 of the principal Act, in sub-section (1), for the words "Any Excise Officer", the words "Any Excise Officer or Police Officer" shall be substituted.

9. Amendment of section 36A. In section 36A of the principal Act,

(i) in sub-section (1), at the end, the following words shall be added namely:

"or by any Police Officer of such rank as may be prescribed where the offence relates to intoxicating drug or opium";

(ii) in sub-section (4), at the end, the words "except that an offence relating to intoxicating drug or opium shall be non-bailable" shall be added.

U.D. SHARMA  
Secretary to the Government  
of Goa, Daman and Diu  
Law Department  
(Legal Advice)

Secretariat

Panaji

Dated: 31 August 1981

E/NL.1981/16

Official Gazette  
Government of Goa, Daman and Diu  
Panaji, 22 October 1981

GOVERNMENT OF GOA, DAMAN AND DIU  
Finance Department, (Revenue and Control)

NOTIFICATION 1/2/81-FIN, RC

In exercise of the powers conferred by sub-section (1) of section 22 of the Goa, Daman and Diu Excise Duty Act, 1964, 5 of 1964, and all other powers enabling it in this behalf, the Government of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Excise Duty Rules, 1964 namely:

1. Short title and commencement:

- (1) These rules may be called the Goa, Daman and Diu Excise Duty, Fifth Amendment Rules, 1981.
- (2) They shall come into force at once.

2. Amendment of rule 116. In rule 116 of the Goa, Daman and Diu Excise Duty Rules, 1964.

- (i) in sub-rule (3), for the words "All Police Officers not below the rank of Police Sub-Inspector and all" the word "All" shall be substituted, namely:

"(4) All Police Officers not below the rank of Assistant Sub-Inspector may exercise the powers conferred by sub-section (2) of Section 23, proviso to sub-section (1) of Section 24, sub-section (1) of Section 25, sub-section (3) of Section 27 and sub-section (1) of Section 36A:

Provided that all Police Officers, not below the rank of Head Constables may also exercise the powers conferred by Sections 25 and 17".

By order and in the name of the Administrator of Goa, Daman and Diu  
Subhash V. Elekar, Under Secretary (Finance)  
Panaji, 22 October 1981