



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

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- (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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*/ Note by the Secretariat: The present document is a direct reproduction of the texts received by the Secretariat.

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

(ACT No. 61 of 1985)

...

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THE SCHEDULE

**THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
ACT, 1985**

No. 61 OF 1985

[15th September, 1985.]

An Act to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and for matters connected therewith.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Narcotic Drugs and Psychotropic Substances Act, 1985.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates

Short
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may be appointed for different provisions of this Act and for different States and any reference in any such provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

Defin-
tions.

2. In this Act, unless the context otherwise requires,—

(i) "addict" means a person addicted to any narcotic drug or psychotropic substance;

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

54 of 1963.

(iii) "cannabis (hemp)" means—

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

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

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

(iv) "cannabis plant" means any plant of the genus *cannabis*;

(v) "coca derivative" means—

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

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

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

(d) all preparations containing more than 0.1 per cent. of cocaine;

(vi) "coca leaf" means—

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

(b) any mixture thereof with or without any neutral material,

but does not include any preparation containing not more than 0.1 per cent. of cocaine;

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

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

(ix) "International Convention" means—

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

(b) the Protocol, amending the Convention mentioned in sub-clause (a), adopted by the United Nations Conference at Geneva in March, 1972;

(c) the Convention on Psychotropic Substances, 1971 adopted by the United Nations Conference at Vienna in February, 1971; and

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

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

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

(2) refining of such drugs or substances;

(3) transformation of such drugs or substances; and

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

(xi) "manufactured drug" means—

(a) all coca derivatives, medicinal cannabis, opium derivatives and poppy straw concentrate;

(b) any other narcotic substance or preparation which the Central Government may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notification in the Official Gazette, declare to be a manufactured drug,

but does not include any narcotic substance or preparation which the Central Government may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notification in the Official Gazette, declare not to be a manufactured drug;

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

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

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

(xv) "opium" means—

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

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

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

(xvi) "opium derivative" means—

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

(b) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking and the dross or other residue remaining after opium is smoked;

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

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

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

(xvii) "opium poppy" means—

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

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

(xviii) "poppy straw" means all parts (except the seeds) of the opium poppy after harvesting whether in their original form or cut, crushed or powdered and whether or not juice has been extracted therefrom;

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

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

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

(xxii) "product" means the separation of opium, poppy straw, coca leaves or cannabis from the plants from which they are obtained;

(xxiii) "psychotropic substance" means any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material included in the list of psychotropic substances specified in the Schedule.

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

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

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

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

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

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

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

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

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

3. The Central Government may, if satisfied that it is necessary or expedient so to do on the basis of—

(a) the information and evidence which has become available to it with respect to the nature and effects of, and the abuse or the scope for abuse of any substance (natural or synthetic) or natural material or any salt or preparation of such substance or material; and

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

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

Power to
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CHAPTER II

AUTHORITIES AND OFFICERS

Central Government to take measures for preventing and combating abuse of and illicit traffic in narcotic drugs, etc.

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

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the measures which the Central Government may take under that sub-section include measures with respect to all or any of the following matters, namely:—

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

(i) under this Act, or

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

(b) obligations under the International Conventions;

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

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

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

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

Officers of Central Government.

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

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

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

6. (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.

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

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

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

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

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

Officers
of State
Govern-
ment.

(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.

CHAPTER III

PROHIBITION, CONTROL AND REGULATION

8. 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

Prohibi-
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into India, export from India or tranship any narcotic drug or psychotropic substance,

except for medical or scientific purposes and in the manner and to the extent provided by the provisions of this Act or the rules or orders made thereunder and in a case where any such provision, imposes any requirement by way of licence, permit or authorisation also in accordance with the terms and conditions of such licence, permit or authorisation:

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

Power of
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9. (1) Subject to the provisions of section 8, the Central Government may, by rules—

(a) permit and regulate—

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

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

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

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

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

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

(vii) the import into India and export from India and transhipment of narcotic drugs and psychotropic substances;

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

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

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

(b) require that all opium, the produce of land cultivated with the opium poppy, shall be delivered by the cultivators to the officers authorised in this behalf by the Central Government;

(c) prescribe the forms and conditions of licences for cultivation of the opium poppy and for production and manufacture of opium; the fees that may be charged therefor; the authorities by which such licences may be granted, withheld, refused or cancelled and the authorities before which appeals against the orders of withholding, refusal or cancellation of licences shall lie;

(d) prescribe that opium shall be weighed, examined and classified according to its quality and consistence by the officers authorised in this behalf by the Central Government in the presence of the cultivator at the time of delivery by the cultivator;

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

(f) provide for the weighment, examination and classification, according to the quality and consistence, of the opium received at the factory and the deductions from or additions (if any) to the standard price to be made in accordance with the result of such examination; and the authorities by which the decisions with regard to the weighment, examination, classification, deductions or additions shall be made and the authorities before which appeals against such decisions shall lie;

(g) require that opium delivered by a cultivator, if found as a result of examination in the Central Government factory to be adulterated, may be confiscated by the officers authorised in this behalf;

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

(i) prescribe the forms and conditions of licences or permits for the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of psychotropic substances, the authorities by which such licences or permits may be granted and the fees that may be charged therefor;

(j) prescribe the ports and other places at which any kind of narcotic drugs or psychotropic substances may be imported into India or exported from India or transhipped; the forms and conditions of certificates, authorisations or permits, as the case may be, for such import, export or transhipment; the authorities by which such certificates, authorisations or permits may be granted and the fees that may be charged therefor.

10. (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.

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

(iii) the cultivation of any cannabis plant, production, manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of cannabis (excluding *charas*);

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

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

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

Provided that save in so far as may be expressly provided in the rules made under sub-clauses (iv) and (v), nothing in section 8 shall apply to the import inter-State, export inter-State, transport, possession, purchase, sale, use or consumption of manufactured drugs which are the property and in the possession of the Government:

Provided further that such drugs as are referred to in the preceding proviso shall not be sold or otherwise delivered to any person who, under the rules made by the State Government under the aforesaid sub-clauses, is not entitled to their possession:

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

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

(a) empower the State Government to declare any place to be a warehouse wherein it shall be the duty of the owners to deposit all such poppy straw as is legally imported inter-State and is intended for export inter-State or export from India; to regulate the safe custody of such poppy straw warehoused and the removal of such poppy straw for sale or export inter-State or export from India; to levy fees for such warehousing and to prescribe the manner in which and the period after which the poppy straw warehoused shall be disposed of in default of payment of fees;

(b) provide that the limits within which licences may be given for the cultivation of any cannabis plant shall be fixed from time to time by or under the orders of the State Government;

(c) provide that only the cultivators licenced by the prescribed authority of the State Government shall be authorised to engage in cultivation of any cannabis plant:

(d) require that all cannabis, the produce of land cultivated with cannabis plant, shall be delivered by the cultivators to the officers of the State Government authorised in this behalf;

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

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

11. 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.

Narcotic drugs and psychotropic substances, etc., not liable to distress or attachment.

12. No person shall engage in or control any trade whereby a narcotic drug or psychotropic substance is obtained outside India and supplied to any person outside India save with the previous authorisation of the Central Government and subject to such conditions as may be imposed by that Government in this behalf.

Restrictions over external dealings in narcotic drugs and psychotropic substances.

13. Notwithstanding anything contained in section 8, the Central Government may permit, with or without conditions, and on behalf of Government, the cultivation of any coca plant or gathering of any portion thereof or the production, possession, sale, purchase, transport, import inter-State, export inter-State or import into India of coca leaves for use in the preparation of any flavouring agent which shall not contain any alkaloid and to the extent necessary for such use.

Special provisions relating to coca plant and coca leaves for use in the preparation of flavouring agent.

14. Notwithstanding anything contained in section 8, Government may, by general or special order and subject to such conditions as may be specified in such order, allow cultivation of any cannabis plant for industrial purposes only of obtaining fibre or seed or for horticultural purposes.

Special provision relating to cannabis.

CHAPTER IV

OFFENCES AND PENALTIES

Punish-
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poppy
straw.

15. Whoever, in contravention of any provision of this Act or any rule or order made or condition of a licence granted thereunder, produces, possesses, transports, imports inter-State, exports inter-State, sells, purchases, uses or omits to warehouse poppy straw or removes or does any act in respect of warehoused poppy straw, shall be punishable 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.

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coca
leaves.

16. Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder, cultivates any coca plant or gathers any portion of a coca plant or produces, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses coca leaves, shall be punishable with rigorous imprisonment for a term which 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.

Punish-
ment for
contra-
vention
in relation
to pre-
pared
opium.

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

Punish-
ment for
contra-
vention
in rela-
tion to
opium
poppy
and
opium.

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

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

Punishment for embezzlement of opium by cultivator.

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

20. Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder,—

Punishment for contravention in relation to cannabis plant and cannabis.

(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 *ganja* or the cultivation of cannabis plant, with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine which may extend to fifty thousand rupees;

(ii) where such contravention relates to cannabis other than *ganja*, 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 and 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.

21. Whoever, in contravention of any provision of this Act, or any rule or order made or condition of licence granted thereunder manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any manufactured drug or any preparation containing any manufactured drug shall be punishable 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:

Punishment for contravention in relation to manufactured drugs and preparations.

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

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

Punishment for contravention in relation to psychotropic substances.

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

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

23. Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence or permit granted or certificate or authorisation issued thereunder, imports into India or exports from India or tranships any narcotic drug or psychotropic substance shall be punishable 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.

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

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

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

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

25. 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 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.

Punishment for certain acts by licensee or his servants:

26. If the holder of any licence, permit or authorisation granted under this Act or any rule or order made thereunder or any person in his employ and acting on his behalf—

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

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

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

(d) wilfully and knowingly does any act in breach of any of the conditions of licence, permit or authorisation for which a penalty is not prescribed elsewhere in this Act,

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

27. Whoever, in contravention of any provision of this Act, or any rule or order made or permit issued thereunder, possesses in a small quantity, any narcotic drug or psychotropic substance, which is proved to have been intended for his personal consumption and not for sale or distribution, or consumes any narcotic drug or psychotropic substance, shall, notwithstanding anything contained in this Chapter, be punishable,—

Punishment for illegal possession in small quantity for personal consumption of any narcotic drug or psychotropic substance or consumption of such drug or substance.

(a) where the narcotic drug or psychotropic substance possessed or 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 imprisonment for a term which may extend to one year or with fine or with both; and

(b) where the narcotic drug or psychotropic substance possessed or 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 or with both.

Explanation.—(1) For the purposes of this section “small quantity” means such quantity as may be specified by the Central Government by notification in the Official Gazette.

(2) Where a person is shown to have been in possession of a small quantity of a narcotic drug or psychotropic substance, the burden of proving that it was intended for the personal consumption of such person and not for sale or distribution, shall lie on such person.

28. 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.

Punishment for attempts to commit offences.

29. (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, be punishable with the punishment provided for the offence.

Punishment for abetment and criminal conspiracy.

45 of 1860.

(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 substance having all the legal conditions required to constitute it such an offence the same as or analogous to the legal conditions required to constitute it an offence punishable under this Chapter, if committed within India.

Prepara-
tion.

30. If any person makes preparation to do or omits to do anything which constitutes an offence punishable under any of the provisions of section 15 to section 25 (both inclusive) 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, or imprisonment with which he would have been punishable in the event of his having committed such offence, and also with fine which shall not be less than one-half of the minimum amount (if any) of fine with which he would have been punishable, but which may extend to one-half of the maximum amount of fine with which he would have ordinarily (that is to say in the absence of special reasons) been punishable, in the event aforesaid:

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

Enhanc-
ed pun-
ishment
for cer-
tain of-
fences
after
previous
convic-
tion.

31. (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 section 15 to section 25 (both inclusive) is subsequently convicted of the commission of, or attempt to commit, or abetment of, or criminal conspiracy to commit, an offence punishable under—

(a) section 15 to section 19, clause (ii) of section 20 and section 21 to section 25, he shall be punished for the second and every subsequent offence with rigorous imprisonment for a term which shall not be less than fifteen years but which may extend to thirty years and shall also be liable to fine which shall not be less than one lakh fifty thousand rupees but which may extend to three lakh rupees;

(b) clause (i) of section 20, he shall be punished for the second and every subsequent offence 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,—

(i) in a case falling under clause (a), a fine exceeding three lakh rupees; and

(ii) in a case falling under clause (b), a fine exceeding one lakh rupees.

(2) Where any person is convicted by a competent court of criminal jurisdiction outside India under any law corresponding to the provisions of section 15 to section 25 (both inclusive) section 28 and section 29, such person, in respect of such conviction, shall be dealt with for the purposes of sub-section (1) as if he had been convicted by a court in India.

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

Punishment for offence for which no punishment is provided.

2 of 1974.
20 of 1958.

33. Nothing contained in section 360 of the Code of Criminal Procedure, 1973 or in the Probation of Offenders Act, 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.

Application of section 360 of the Code of Criminal Procedure, 1973 and of the Probation of Offenders Act, 1958.

34. (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.

Security for abstaining from commission of offence.

2 of 1974.

(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, shall, in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

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

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

35. (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.

Presumption of culpable mental state.

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.

Offences to be tried summarily.

36. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under sections 26, 27 and 32 of this Act may be tried summarily by a Magistrate of the first class.

2 of 1974.

Offences to be cognizable.

37. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable.

2 of 1974.

Offences by companies.

38. (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 purpose 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.

Power of court to release certain offenders on probation.

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

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

40. (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.

Power of court to publish names, place of business, etc., of certain offenders.

(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.

CHAPTER V

PROCEDURE

41. (1) A Metropolitan Magistrate or a Magistrate of the first class or any Magistrate of the second class specially empowered by the State Government in this behalf, may issue a warrant for the arrest of any person whom he has reason to believe to have committed any offence punishable under Chapter IV, 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 in respect of which an offence punishable under Chapter IV has been committed or any document or other article which may furnish evidence of the commission of such offence is kept or concealed.

Power to issue warrant and authorisation.

(2) Any such officer of gazetted rank of the departments of central excise, narcotics, customs, revenue intelligence or any other department of the Central Government or of the Border Security Force 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 Chapter IV or that any narcotic drug, or psychotropic substance in respect of which any offence punishable under Chapter IV has been committed or any document or other article which may furnish evidence of the commission of such offence has been kept or concealed in any building, conveyance or place, may authorise any officer subordinate to him but superior in rank to a peon, sepoy, or a constable, to arrest such a person or search a building, conveyance or place whether by day

or by night or himself arrest a person or search a building, conveyance or place.

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

Power of entry, search, seizure and arrest without warrant or authorisation.

42. (1) Any such officer (being an officer superior in rank to a peon, sepoy or constable) of the departments of central excise, narcotics, customs, revenue intelligence or any other department of the Central Government or of the Border Security Force 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 as is empowered in this behalf by general or special order of the State Government, if he has reason to believe from personal knowledge or information given by any person and taken down in writing, that any narcotic drug, or psychotropic substance, in respect of which an offence punishable under Chapter IV has been committed or any document or other article which may furnish evidence of the commission of such offence 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 Chapter IV relating to such drug or substance; and

(d) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed any offence punishable under Chapter IV relating to such drug or substance:

Provided that if such officer has reason to believe that a search warrant or authorisation cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may enter and search such building, conveyance or enclosed place at any time between sun set and sun rise after recording the grounds of his belief.

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

Power of seizure and arrest in public places.

43. Any officer of any of the departments mentioned in section 42 may—

(a) seize, in any public place or in transit, any narcotic drug or psychotropic substance in respect of which he has reason to believe an offence punishable under Chapter IV has been committed, and, along with such drug or substance, any animal or conveyance or article 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 an offence punishable under Chapter IV relating to such drug or substance;

(b) detain and search any person whom he has reason to believe to have committed an offence punishable under Chapter IV, and, if such person has any narcotic drug or psychotropic 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.

41. 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, shall be construed as including references to coca plant, the opium poppy and cannabis plant.

Power of entry, search, seizure and arrest in offences relating to coca plant, opium poppy and cannabis plant.

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

Procedure where seizure of goods liable to confiscation not practicable.

46. 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.

Duty of land holder to give information of illegal cultivation.

47. 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.

Duty of certain officers to give information of illegal cultivation.

Power of attachment of crop illegally cultivated.

48. Any Metropolitan Magistrate, Judicial Magistrate of the first class or any Magistrate specially empowered in this behalf by the State Government 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.

Power to stop and search conveyance.

49. Any officer authorised under section 42, may, if he has reason to suspect that any animal or conveyance is, or is about to be, used for the transport of any narcotic drug or psychotropic substance, 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.

Conditions under which search of persons shall be conducted.

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

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

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

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

Provisions of the Code of Criminal Procedure, 1973 to apply to warrants, arrests, searches and seizures.

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

2 of 1974.

Disposal of persons arrested and articles seized.

52. (1) Any officer arresting a person under section 41, section 42, section 43 or section 44 shall, as soon as may be, inform him of the grounds for such arrest.

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

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

- (a) the officer-in-charge of the nearest police station, or
- (b) the officer empowered under section 53.

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

53. (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 Border Security Force 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.

Power to invest officers of certain departments with powers of an officer-in-charge of a police station.

(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 class of such officers with the powers of an officer-in-charge of a police station for the investigation of offences under this Act.

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

Presumption from possession of illicit articles.

(a) any narcotic drug or psychotropic 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

(d) any materials which have undergone any process towards the manufacture of a narcotic drug or psychotropic substance, or any residue left of the materials from which any narcotic drug or psychotropic substance has been manufactured,

for the possession of which he fails to account satisfactorily.

55. An officer-in-charge of a police station shall take charge of and keep in safe custody, pending the orders of the Magistrate, all articles seized under this Act within the local area of that police station and which may be delivered to him, and shall allow any officer who may accompany such articles to the police station or who may be deputed for the purpose, to affix his seal to such articles or to take samples of and from them and all samples so taken shall also be sealed with a seal of the officer-in-charge of the police station.

Police to take charge of articles seized and delivered.

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

Obligation of officers to assist each other.

Report of
arrest
and
seizure.

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

Punish-
ment for
vexatious
entry,
search,
seizure or
arrest.

58. (1) Any person empowered under section 42 or section 43 or section 44 who—

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

(b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any narcotic drug or psychotropic substance or other article liable to be confiscated under this Act, or of seizing any document or other article liable to be seized under section 42, section 43 or section 44; or

(c) vexatiously and unnecessarily detains, searches or arrests any person,

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

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

Failure of
officer in
duty or
his con-
nivance
at
the con-
travention
of the
provisions
of this
Act.

59. (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 and who wilfully aids in, or connives at, the contravention of any provision of this Act or any rule or order made thereunder, shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

(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.

Liability of
illicit
drugs,
substances,
plants,
articles
and con-
veyances to
confisca-
tion.

60. (1) Whenever any offence punishable under Chapter IV has been committed, the narcotic drug, psychotropic substance, the 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 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 which is

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

61. Any goods used for concealing any narcotic drug or psychotropic substance which is liable to confiscation under this Act shall also be liable to confiscation.

Confiscation of goods used for concealing illicit drugs or substances.

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

62. Where any narcotic drug or psychotropic 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.

Confiscation of sale proceeds of illicit drugs or substances.

63. (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.

Procedure in making confiscations.

(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, the opium poppy, coca plant or cannabis plant is liable to speedy and natural decay, or if the court is of opinion that its sale would be for the benefit of its owner, it may at any time direct it to be sold; and the provisions of this sub-section shall, as nearly as may be practicable, apply to the net proceeds of the sale.

(3) Any person not convicted who claims any right to property which has been confiscated under this section may appeal to the Court of Session against the order of confiscation.

Power to
tender
immunity
from
prosecu-
tion.

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

45 of 1860.

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

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

Power to
make
rules
regulat-
ing dis-
posal of
confiscated
articles
and
rewards.

65. In connection with offences against rules which under this Act fall to be made by the State Government, the State Government and in connection with other offences, the Central Government, may make rules to regulate—

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

(b) the rewards to be paid to the officers, informers and other persons out of the proceeds of fines and confiscations under this Act.

Presump-
tion as to
documents
in cer-
tain cases.

66. 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 reason-

ably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting; and in the case of a document executed or attested, that it was executed or attested by the person by whom it purports to have been so executed or attested;

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

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

67. Any officer referred to in section 42 who is authorised in this behalf by the Central Government or a State Government may, during the course of any enquiry, in connection with the contravention of any provision of this Act,—

Power to call for information, etc.

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

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

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

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

Information as to commission of offences.

CHAPTER VI

MISCELLANEOUS

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

Protection of action taken in good faith.

70. 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, 1953, the Protocol of 1955 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.

Central Government and State Governments to have regard to international conventions while making rules.

Power of Government to establish centres for identification, treatment, etc., of addicts and for supply of narcotic drugs and psychotropic substances.

71. (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 sub-section (1) and for the appointment, training, powers, duties and persons employed in such centres.

Recovery of sums due to Government.

72. (1) In respect of any licence fee or other sum of any kind payable to the Central Government or to the State Government under any of the provisions of this Act or of any rule or order made thereunder, the officer of the Central Government or the State Government, as the case may be, who is empowered to require the payment of such sum, may deduct the amount of such sum from any money owing to the person from whom such sum may be recoverable or due or may recover such amount or sum by attachment and sale of the goods belonging to such persons and if the amount of the same is not so recovered, the same may be recovered from the person or from his surety (if any) as if it were an arrear of land revenue.

(2) When any person, in compliance with any rule made under this Act, gives a bond (other than a bond under section 34 and section 39) for the performance of any act, or for his abstention from any act, such performance or abstention shall be deemed to be a public duty within the meaning of section 74 of the Indian Contract Act, 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.

9 of 1872.

Bar of jurisdiction.

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

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

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

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

Transitional provisions.

74. Every officer or other employee of the Government exercising or performing, immediately before the commencement of this Act, any powers or duties with respect to any matters provided for in this Act, shall, on such commencement, be deemed to have been appointed under

the relevant provisions of this Act to the same post and with the same designation as he was holding immediately before such commencement.

75. (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.

Power
to dele-
gate.

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

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

Power
of
Central
Govern-
ment to
make
rules.

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

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

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

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

(d) the authority or the person by whom and the manner in which a document received from any place outside India shall be authenticated under clause (ii) of section 66;

(e) the conditions and the manner in which narcotic drugs and psychotropic substances may be supplied for medical necessity to the addicts registered with the Central Government and to others under sub-section (1) of section 71;

(f) the establishment, appointment, maintenance, management and superintendence of centres established by the Central Government under sub-section (1) of section 71 and appointment, training, powers and duties of persons employed in such centres;

(g) the term of office of, the manner of filling casual vacancies of, and the allowances payable to, the Chairman and members of the Narcotic Drugs and Psychotropic Substances Consultative Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of section 8;

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

Rules and notifications to be laid before Parliament.

77. Every rule made under this Act by the Central Government and every notification issued under clause (xi) of section 2, section 3 and clause (a) of, and *Explanation (1)* to, section 27 shall be laid, as soon as may be, after it is made or issued, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Power of State Government to make rules.

78. (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 psychotropic substances shall be supplied for medical necessity to the addicts registered with the State Government and others under sub-section (1) of section 71;

(b) the establishment, appointment, maintenance, management, superintendence of centres established under sub-section (1) of section 71 and appointment, training, powers and duties of persons employed in such centres;

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

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

Application of the Customs Act, 1962.

79. 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 and the provisions of that Act shall apply accordingly:

52 of 1962.

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.

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

80. The provisions of this Act or the rules made thereunder shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 or the rules made thereunder.

22 of 1940.

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

Saving of
State
and
special
laws.

13 of 1857.
1 of 1878.
2 of 1930.

82. (1) The Opium Act, 1857, the Opium Act, 1878 and the Dangerous Drugs Act, 1930 are hereby repealed. 1/

Repeal
and
savings.

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

83. (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:

Power to
remove
difficul-
ties.

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

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

THE SCHEDULE

[See clause (xxiii) of section 2]

LIST OF PSYCHOTROPIC SUBSTANCES

International Non-proprietary.

Sl. No.	Names	Other nonproprietary names	Chemical name
1		DET	N, N-Diethyltryptamine
2		DMIIP	3-(1,2-Dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran
3		DMT	N, N-Dimethyltryptamine
4	(+)-LYSERGIDE	LSD, LSD-25	(+)-N,N-Diethyllysergamide (di-lysergic acid diethylamide)
5		nesciline	3,4,5-Trimethoxyphenethylamine
6		paraloxyl	3-Isopropyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b, d] pyran
7	ETICYCLIDINE	PCP	N-Ethyl-1-phenylcyclohexylamine
8	ROLICYCLIDINE	PHP, PCPY	1-(1-Phenylcyclohexyl) pyrrolidine
9		pilocine, pilosin	3-(2-Dimethylaminoethyl)-4-hydroxyindole
10	PSILOCYBINE		3-(2-Dimethylaminoethyl)-indolze-4-yl dihydrogen phosphate
11		STP, DOM	2-Amino-1-(2,5-dimethoxy-4-methyl) phenylpropane
12	TENOCYCLIDINE	TCP	1-[1-(2-Thienyl) cyclohexyl] piperidine
13		THC	Tetrahydrocannabinols, the following isomers: Δ^6a (10a), Δ^6a (7), Δ^7 , Δ^8 , Δ^9 , Δ^{10} , $\Delta^9(11)$ and their stereochemical variants
14		DOB	2, 5-dimethoxy-4-bromoamphetamine
15		MDA	3, 4-methylenedioxyamphetamine
16	AMPHETAMINE		(\pm)-2-Amino-1-phenylpropane
17	DEXAMPHETAMINE		(+)-2-Amino-1-phenylpropane
18	MEGLOQUALONE		3-(o-Chlorophenyl)-2-methyl-4-(3H)quinazolinone
19	METHAMPHETAMINE		(+)-2-Methylamino-1-phenylpropane
20	METHAQUALONE		2-Methyl-3-o-tolyl-4(3H)-quinazolinone
21	METHYLPHENIDATE		2-Phenyl-2 (2-piperidyl) acetic acid, methyl ester
22	PHENCYCLIDINE	PCP	1-(1-Phenylcyclohexyl) piperidine
23	PHENMETRAZINE		3-Methyl-2-phenylmorpholine.
24	AMOBARBITAL		5-Ethyl-5-(3-methylbutyl)-barbituric acid
25	CYCLOBARBITAL		5-(1-Cyclohexen-1-yl)-5-ethylbarbituric acid
26	GLUTETHIMIDE		2-Ethyl-2-phenylglutarimide
27	PENTAZOCINE ¹		1,2,3,4,5,6-Hexahydro-6, 11-dimethyl 3-(3-methyl-2-butenyl)-2, 6-methano-3-benzazocin-8-ol
28	PENTOBARBITAL		5-Ethyl-5-(1-methylbutyl) barbituric acid
29	SECOBARBITAL		5-Allyl-5-(1-methylbutyl) barbituric acid

International non-proprietary names		
Sl. No.	Other non-proprietary names	Chemical name
30	ALPRAZOLAM	8-Chloro-1-methyl-6-phenyl-4H-1,2,4-triazolo [4,3-a] [1,4] benzodiazepine
31	AMPEPRAMONE	2-(Diethylamino) propiophenone
32	BARBITAL	5,5-Diethylbarbituric acid
33	BENZPIETAMINE	N-Benzyl-N, N'-dimethylphenethylamine
34	BROMAZEPAM	7-Bromo-1, 3-dihydro-5-(2-pyridyl)-2H-1, 4-benzodiazepin-2-one
35	GAMAZEPAM	7-Chloro-1, 3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1, 4-benzodiazepin-2-one dimethylcarbamate (ester)
36	CHLORDIAZEPOXIDE	7-Chloro-2-(methylamino)-5-phenyl-3H-1, 4-benzodiazepine-4-oxide
37	GLOBAZAM	7-Chloro-1-methyl-5-phenyl-1H-1, 5-benzodiazepine-2, 4(3H, 5H)-dione
38	CLONAZEPAM	5-(o-Chlorophenyl)-1, 3-dihydro-7-nitro-2H-1, 4-benzodiazepin-2-one
39	CLORAZEPATE	7-Chloro-2, 3-dihydro-2-oxo-5-phenyl-1H, 4-benzodiazepine-3-carboxylic acid
40	CLOTIAZEPAM	5-(p-Chlorophenyl)-7-ethyl-1, 3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
41	GLOXAZOLAM	10-Chloro-11b-(o-chlorophenyl)-2,3,7,11b-tetrahydro-oxazolo-[3,2-d] [1,4] benzodiazepin-6 (5H)-one
42	DELORAZEPAM	7-Chloro-5-(o-chlorophenyl)-1, 3-dihydro-2H-1, 4-benzodiazepin-2-one
43	DIAZEPAM	7-Chloro-1, 3-dihydro-1-methyl-5-phenyl-2H-1, 4-benzodiazepin-2-one
44	ESTAZOLAM	8-Chloro-6-phenyl-4-H-1,2,4-triazolo [4,3-a] [1,4] benzodiazepine
45	ETHCHLORVYNOL	Ethyl-2-chlorovinylethynylcarbinol
46	ETHINAMATE	1-Ethynylcyclohexanolcarbamate
47	ETHYLLOFLAZEPATE	Ethyl 7-chloro-5-(o-fluorophenyl)-2,3-dihydro-2-oxo-1H-1, 4-benzodiazepine-3-carboxylate
48	FLUDIAZEPAM	7-Chloro-5-(o-fluorophenyl)-1, 3-dihydro-1-methyl-2H-1, 4-benzodiazepin-2-one
49	FLUNITRAZEPAM	5-(o-Fluorophenyl)-1, 3-dihydro-1-methyl-7-nitro-2H-1, 4-benzodiazepin-2-one
50	FLURAZEPAM	7-Chloro-1-[2-(diethylamino) ethyl]-5-(o-fluorophenyl)-1, 3-dihydro-2H-1, 4-benzodiazepin-2-one
51	HALAZEPAM	7-Chloro-1, 3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl) 2 H-1, 4-benzodiazepin-2-one
52	HALOXAZOLAM	10-Bromo-11b-(o-fluorophenyl)-2,3,7,11b-tetrahydro-oxazolo [3,2-d] [1,4]-benzodiazepin-6 (5H)-one
53	KETAZOLAM	11-Chloro-8, 12b-dihydro-2, 8-dimethyl-12b-phenyl-4H-[1,3]-oxazino-[3,2-d] [1,4] benzodiazepine-4,7(6H)-dione
54	LEFETAMINE	SPA (-)-1-Dimethylamino-1, 2-diphenylethane
55	LOPRAZOLAM	6-(o-Chlorophenyl)-2, 4-dihydro-2-[(4-methyl-1-piperazinyl) methylene]-8-nitro-1H-imidazo [1,2-a] [1,4] benzodiazepin-1-one
56	LORAZEPAM	7-Chloro-5-(o-chlorophenyl)-1, 3-dihydro-3-hydroxy-2H-1, 4-benzodiazepin-2-one

International non-proprietary names

SI. No.	Other non-proprietary names	Chemical name
57	LORMETAZEPAM	7-Chloro-5-(o-chlorophenyl)-1, 3-dihydro-3-hydroxy-1-methyl-2H-1, 4-benzodiazepin-2-one
58	MAZINDOL	5-(p-Chlorophenyl)-2, 5-dihydro-3H-imidazo [2, 1-o] isoindol-5-ol
59	METAZEPAM	7-Chloro-2, 3-dihydro-1-methyl-5-phenyl-1H-1, 4-benzodiazepine
60	MEPROBAMATE	2-Methyl-2-propyl-1, 3-propanediol dicarbamate
61	METHYLPHENOBARBITAL	5-Ethyl-1-methyl-5-phenylbarbituric acid
62	METHYPRYLON	3, 3-Diethyl-5-methyl-2, 4-piperidine-dione
63	NIMETAZEPAM	1, 3-Dihydro-1-methyl-7-nitro-5-phenyl-2H-1, 4-benzodiazepin-2-one
64	NITRAZEPAM	1, 3-Dihydro-7-nitro-5-phenyl-2 H-1, 4-benzodiazepin-2-one
65	NORDAZEPAM	7-Chloro-1, 3-dihydro-5-phenyl-1 (2H)-1, 4-benzodiazepin-2-one
66	OXAZEPAM	7-Chloro-1, 3-dihydro-3-hydroxy-5-phenyl-2H-1, 4-benzodiazepin-2-one
67	OXAZOLAM	10-Chloro-2, 3,7, 11b-tetrahydro-2-methyl-11b-phenyl-oxazolo [3, 2-d] [14] benzodiazepin-6 (5H)-one
68	PHENDIMETRAZINE	(+) 3, 4-Dimethyl-2 phenylmorpholine
69	PHENOBARBITAL	5-Ethyl 5-phenylbarbituric acid
70	PHENTERMINE	« « -Dimethylphenethylamine
71	PINAZEPAM	7-Chloro-1, 3-dihydro-5-phenyl-1-(2-propynyl)-2H-1, 4-benzodiazepin-2-one
72	PIPRADROL	1,1-Diphenyl-1-(2-piperidyl)-methanol
73	PRAZEPAM	7-Chloro-1(cyclopropylmethyl)-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one.
73	TEMAZEPAM	7-Chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
75	TETRAZEPAM	7-Chloro-5-(cyclohexen-1-yl) 1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
76	TRIAZOLAM	8 Chloro-6-(o-chlorophenyl)-methyl-4H-5-triazolo (4,3-a) (1,4) benzodiazepine.
77	Salts and Preparations of above.	

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES RULES, 1985

ARRANGEMENT OF RULES

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**THE NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES RULES, 1985.**

G.S.R. 837(E) In exercise of the powers conferred by section 9, read with section 76, of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following rules, namely :-

CHAPTER I

PRELIMINARY

1. **Short title, and commencement** (1) These Rules may be called the Narcotic Drugs and Psychotropic Substances Rules, 1985.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions** - In these rules, unless the context otherwise requires, -
 - (a) "the Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);
 - (b) "Appellate Authority" means any authority to whom an appeal may lie under any provision of these rules;
 - (c) "Chemical Examiner" means the Chemical Examiner, Government Opium and Alkaloid Works, Neemuch or, as the case may be, Ghazipur;
 - (d) "Chief Controller of Factories" means the Chief Controller of Government Opium and Alkaloid Factories;
 - (e) "crop year" means the period beginning on and from the 1st October of any year to the 30th September of the following year;
 - (f) "General Manager" means the General Manager, Government Opium and Alkaloid Works, Neemuch or, as the case may be, Ghazipur;

- (g) "Issuing authority" means the Narcotics Commissioner or any other officer who may be authorised in this behalf by the Central Government for issuing a licence under Chapter V of these rules or issuing an import certificate or export authorisation under Chapter VI of these rules in respect of narcotic drugs or psychotropic substances;
- (h) "licence" means a licence issued under these rules;
- (i) "Proper Officer", in relation to any function to be performed under these rules, means the officer of Narcotics Department who is assigned those functions by the Narcotics Commissioner;
- (j) "Schedule" means a Schedule annexed to these rules;
- (k) words and expressions used herein and not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

POWERS OF OFFICERS

DELEGATION OF POWER

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

NARCOTICS COMMISSIONER AND OTHER OFFICERS TO EXERCISE THE POWERS OF THEIR SUBORDINATES

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

CHAPTER III

OPIUM POPPY CULTIVATION AND PRODUCTION
OF OPIUM AND POPPY STRAW

- OPIUM POPPY CULTIVATION AND PRODUCTION OF OPIUM OR POPPY STRAW
5. The opium poppy for production of opium or poppy straw shall not be cultivated save on account of the Central Government and in the traets notified by it from time to time and in accordance with the conditions of a licence issued by the District Opium Officer under rule 8.
- FEE FOR GRANT OF LICENCE
6. The licence for cultivation of opium poppy may be granted by the District Opium Officer on payment of a fee of rupees five.
- FORM OF LICENCE FOR CULTIVATION OF THE OPIUM POPPY
7. The licence for cultivation of opium poppy for the production of opium or poppy straw shall be issued in Form No. 1 appended to these rules.
- ISSUE OF LICENCE
8. Subject to the general conditions relating to grant of licences notified by the Central Government, the District Opium Officer may issue licence to any person for a crop year for cultivation of the opium poppy for production of opium or poppy straw on receipt of an application made by that person in Form No. 2 appended to these rules.
- LICENCE TO SPECIFY THE AREA, ETC.
9. The licence for cultivation of opium poppy issued under rule 8 shall specify the area and designate the plots to be cultivated with opium poppy.
- DESIGNATING OF LAMBARDAR
10. The District Opium Officer may designate one of the cultivators of opium poppy as Lambardar in each village where opium poppy cultivation is permitted, who shall perform such functions and on such terms and conditions as may be specified from time to time by the Narcotics Commissioner.
- WITHHOLDING OR CANCELLATION OF LICENCE
11. (1) An officer higher in rank than the District Opium Officer may, for sufficient reasons to be recorded in writing, withhold or cancel a licence already issued.
- (2) No order shall be passed under sub-rule (1) unless the cultivator has been given a reasonable opportunity of showing cause against the said order or is heard in person, if he so desires.
- (3) Where opium poppy has been cultivated under a licence which is subsequently withheld or cancelled, the standing crop, if any, shall be destroyed under the supervision of the proper officer in such manner as may be specified by the Narcotics Commissioner.

**PROCEDURE
WITH REGARD
TO MEASUREMENT
OF LAND
CULTIVATED WITH
OPIUM POPPY**

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

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

**PROCEDURE
WITH REGARD
TO PRELIMINARY
WEIGHMENT**

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

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

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

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

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

**DELIVERY OF
OPIUM PRODUCED**

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

**OPIUM TO BE
WEIGHED,
EXAMINED AND
CLASSIFIED**

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

**PROCEDURE
WHERE CULTI-
VATOR IS
DISSATISFIED
WITH CLASSI-
FICATION OF
OPIUM**

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

**PROCEDURE FOR
SENDING OPIUM
SUSPECTED TO
BE ADULTERATED**

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

**DRAWING OF
SAMPLES FROM
OPIUM SENT TO
GOVERNMENT
OPIUM FACTORY
UNDER RULE 16
OR RULE 17**

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

**FIXATION OF
PRICE OF
OPIUM**

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

(2) Such price shall be fixed per Kilogram of opium of a standard consistence.

**PROVISIONAL
PAYMENT OF
PRICE**

20. (1) The District Opium Officer shall, having regard to the weight and consistence of opium delivered by individual cultivators, work out the weight of such opium at the standard consistence and determine provisionally the total price payable to such cultivators.

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

**WEIGHMENT AND
EXAMINATION OF
THE OPIUM AT
THE GOVERNMENT
OPIUM FACTORY**

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

**CONFISCATION
OF ADULTERATED
OPIUM**

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

**ADJUDICATION
OF CONFISCATION
OF ADULTERATED
OPIUM**

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

**DETERMINATION
OF FINAL PRICE
OF OPIUM**

24. (1) Subject to rule 21, the final price of opium payable to the cultivator shall, having regard to the price fixed by the Central Government under rule 19, be determined by the General Manager on their basis of analysis report of the Chemical Examiner or such other officers as may be authorised in this behalf by the Chief Controller of Factories and communicated to the concerned District Opium Officer.

(2) The price payable in respect of any opium which is delivered to the District Opium Officer or any other officer authorised in this behalf under rule 14 and is not initially suspected to be adulterated but found to be adulterated on examination in the Government Opium Factory, shall be subject to reduction at such rates as may be specified by the Central Government.

**ADJUSTMENT OF
CULTIVATORS
ACCOUNT AND
RECOVERY OF
DUES FROM THE
CULTIVATORS**

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

**WEIGHTS
AND SCALES**

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

**CULTIVATION OF
OPIUM POPPY FOR
EXCLUSIVE
PRODUCTION OF
POPPY STRAW**

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

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

**APPEALS TO
THE DEPUTY
NARCOTICS
COMMISSIONER
AND NARCOTICS
COMMISSIONER**

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

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

Provided that the Deputy Narcotics Commissioner or, as the case may be, the Narcotics Commissioner may, if he is satisfied that the appellant was prevented from submitting his appeal within

the time limit specified in clause (a) due to reasons beyond his control, allow such appeal to be presented within a further period of thirty days.

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

APPEALS TO
THE CHIEF
CONTROLLER OF
FACTORIES

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

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

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

PROCEDURE
FOR APPEAL

30. (1) The Appellate Authority shall give an opportunity to the appellant to be heard, if he so desires.

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

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

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

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

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

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

CHAPTER IV

MANUFACTURE, SALE AND EXPORT OF OPIUM

**MANUFACTURE
OF OPIUM**

31. Opium shall not be manufactured save by the Central Government Opium Factories at Ghazipur and Neemuch:

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

**EXPORT OF
OPIUM**

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

**SALE TO STATE
GOVERNMENTS OR
MANUFACTURING
CHEMISTS**

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

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

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

- (a) the quadruplicate copy shall be retained by the issuing authority and the remaining copies forwarded to the Government Opium Factory, Ghazipur;
- (b) the said Factory shall retain the duplicate copy for record, send the original copy with the of opium and return the triplicate copy to the issuing authority after endorsing the thereon the quantity actually supplied and the date of despatch.

**FIXATION OF
SALES PRICE
OF OPIUM**

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

CHAPTER V

MANUFACTURED DRUGS

**GENERAL
PROHIBITION**

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

**MANUFACTURE
OF NATURAL
MANUFACTURED
DRUGS**

36. (1) The manufacture of cocaine and its salts is prohibited save the manufacture of cocaine hydrochloride by the chemical staff employed under the Central Board of Excise and Customs from confiscated cocaine.

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

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

**MANUFACTURE
OF SYNTHETIC
MANUFACTURED
DRUGS**

37. (1) The manufacture of manufactured drugs notified under sub-clause (b) of clause (xi) of section 2 of the Act (hereafter referred to as the drug) is prohibited save under and in accordance with the conditions of a licence granted by the Narcotics Commissioner or such other officer as may be authorised by the Central Government in this behalf, if Form No. 3 appended to these rules.

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

**APPLICATION
FOR LICENCE**

38. Every application for a licence or for renewed thereof under rule 37 shall be in such form as may be specified by the Narcotics Commissioner.

**CONDITIONS
FOR ISSUE OF
LICENCES**

39. No licence shall be issued under rule 37 unless the applicant therefor has -

- (i) produced to the issuing authority licences granted to him under (a) the Drugs and Cosmetics Act, 1940 (23 of 1940) for the manufacture of the drug, and (b) the rules framed under section 10 of the Act by the State Government of the State in which he has his place of business, for the possession, sale and distribution of the drugs; and
- (ii) made a deposit of Rs. 5000/- as security in the manner specified by the issuing authority for the due observance of the conditions of the licence and has furnished proof to the satisfaction of the issuing authority that he is equipped as to the land, building and other paraphernalia to properly carry on the business described in the application and is of good financial standing.

**MANUFACTURE
ONLY FROM
MATERIALS
LAWFULLY
POSSESSED**

40. The licensee shall not manufacture the drug save from materials which he is lawfully entitled to possess.

**LIMIT OF
MANUFACTURE**

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

- (a) quantity allotted by the State Government for processing into any preparation in the licensee's own manufactory;
- (b) quantity required for supply to other firms within or outside the country;
- (c) quantity required for reasonable inventory:

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

**SECURITY
ARRANGE-
MENT**

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

**ADVANCE NOTICE
FOR COMMENCE-
MENT AND
CESSATION OF
MANUFACTURE**

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

**CESSATION OF
MANUFACTURE**

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

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

**POSSESSION,
SALE AND
DISTRIBUTION**

45. The licensee shall not possess or sell or distribute the drug otherwise than in accordance with the rules made by the State Government under the Act.

**MAINTENANCE
OF ACCOUNTS
AND SUBMISSION
OF RETURNS**

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

**INSPECTION OF
STOCKS, ETC.**

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

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

**SUSPENSION AND
REVOCATION
OF LICENCE**

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

- (i) if the licence is transferred or sublet without the prior approval of the issuing authority; or
- (ii) in the event of any breach of any condition of the licence; or
- (iii) if the licensee is convicted for any offence under the Act or under any other law relating to the narcotic drugs for the time being in force in any State.

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

APPEAL

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

- (i) the Narcotics Commissioner where such decision or order was made or passed by any officer subordinate to him; and
- (ii) the Board, in any other case; within 30 days from the date of communication to him of such decision or order.

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

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

PROCEDURE FOR APPEAL

50. (1) The Appellate Authority shall give an opportunity to the appellant to be heard in person, if he so desires.

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

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

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

SURRENDER OF LICENCE

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

DISPOSAL OF STOCKS OF DRUGS IN CANCELLATION OF LICENCE ETC.

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

CHAPTER VI

IMPORT, EXPORT AND TRANSHIPMENT OF
NARCOTICS DRUGS AND PSYCHOTROPIC SUBSTANCES

GENERAL
PROHIBITION

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

IMPORT OF
OPIUM, ETC.

54. The import of -

(i) Opium, concentrate of poppy straw, and

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

APPLICATION
FOR IMPORT
CERTIFICATE

55. (1) No narcotic drug, or psychotropic substances specified in Schedule II, shall be imported into India without an import certificate in respect of the consignment issued by the issuing authority, in Form No. 4 appended to these rules.

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

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

ISSUE OF
IMPORT
CERTIFICATE

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

(a) (i) original and duplicate copies should be supplied to the importer who should transmit the original copy to the exporting country and shall produce the duplicate copy at the Customs House, Land Customs Station or Airport where the consignment arrives or, in the case of imports by parcel post, at the post office of delivery, in order to obtain delivery of the consignment of narcotic drugs or psychotropic substances.

(ii) The Collector of Customs or post Master shall state on the copy presented by the importer that the narcotic drugs or the psychotropic substances have actually been imported and return the document to the importer who shall indicate on it that he has received the goods.

(iii) The importer shall return the duplicate copy of the import certificate incorporating the endorsement from the Collector of Customs or Post Master and his own endorsement to the issuing authority, - (1) where the import certificate relates to narcotic drug, through the excise authorities of the State from which the excise permit for purposes of sub-rule (2) of rule 55 was produced; (2) where the import certificate relates to psychotropic substance, through the Drugs Controller of the concerned State.

(b) Triplicate copy should be supplied to the Collector of Customs concerned who shall return it to the issuing authority alongwith the copy of the export authorisation to be received at the time of receipt of the consignment from the Government of the exporting country, with an endorsement as to the actual quantity of narcotic drug or psychotropic substance cleared.

(c) Quadruplicate copy of the import certificate in relation to narcotic drug should be supplied to the excise authorities of the State into which the narcotic drug is to be imported, and the said copy of the certificate in relation to psychotropic substance should be supplied to Drugs Controller of the concerned State for comparison with the copy produced before them, by the importer under sub-clause (a) of this sub-rule.

(d) Quintuplicate copy should be supplied to the Government of the exporting country for comparison with the copy furnished to them by the importer under sub-clause (a) of this sub-rule.

(e) Sextuplicate copy should be supplied to the Drugs Controller, Government of India.

(f) Septuplicate copy should be retained by the issuing authority in his office.

(2) An import certificate issued under sub-rule (1) of rule 55 may allow the importation of the quantity of the concerned drug or the substance in more than one consignment.

TRANSIT

57. Subject to the provisions of section 79 of the Act and rule 53, no consignment of any narcotic drug, or psychotropic substances specified in Schedule II, shall be allowed to be transited through India unless such consignment is accompanied by a valid export authorisation in this behalf, issued by the Government of the exporting country:

Provided that the provisions of this rule shall not apply to the carriage, by any ship or aircraft, of small quantities of such narcotic drugs and psychotropic substances which are essential for treatment of or medical aid to, any person on board the ship or aircraft.

**APPLICATION
FOR EXPORT
AUTHORISATION**

58. (1) No narcotic drug, or psychotropic substances specified in Schedule II, shall be exported out of India without an export authorisation in respect of the consignment issued by the issuing authority in Form No. 5 appended to these rules.

(2) The exporter applying for an export authorisation under sub-rule (1) shall submit, -

(a) where the export authorisation relates to narcotic drug, alongwith his application the original or an authenticate copy of the excise permit issued by the concerned State Government; and

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

(3) Notwithstanding anything contained in sub-rules (1) and (2) the psychotropic substances specified in Schedule III may be exported out of India after the exporter files the original and duplicate copies of the declaration in Form No. 6 with the Narcotics Commissioner who shall transmit the duplicate copy of the declaration to the concerned authority of the importing country requesting that authority to certify on the duplicate copy of the declaration that the actual quantity of psychotropic substance has been duly imported and return the said copy; the triplicate copy of the declaration should be sent, alongwith the consignment of said substances by the exporter to the importing country and the quadruplicate copy thereof may be retained by him.

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

**ISSUE OF
EXPORT
AUTHORISATION**

(1) The issuing authority shall prepare five copies of the export authorisation referred to in sub-rule (1) of rule 58 and deal with them in the manner hereunder provided, namely:-

- (a) The original should be supplied to the consigner which shall accompany the consignment.
- (b) The duplicate copy should be forwarded to the Collector of Customs of the port who will return it to the issuing authority indicating on it the date of export and the quantity exported.
- (c) The triplicate copy should be forwarded to the Government of the importing country.
- (d) The quadruplicate copy should be forwarded to the excise authority of the State in which the exporter has his place of business.
- (e) Quintuplicate copy should be retained by the issuing authority in his office.

(2) Where the consignment of narcotic drug or psychotropic substance is to be transhipped or transited through one or more countries, such additional number of copies of export authorisation as may be required shall be prepared and sent to the concerned country or, as the case may be, countries.

TRANSHIPMENT 60. Subject to the provisions of section 79 of the Act and rule 53, no consignment of narcotic drug, or psychotropic substance specified in Schedule II, shall be allowed to be transhipped at any port in India save with the permission of the Collector of Customs.

PROCEDURE FOR TRANSHIPMENT 61. The Collector of Customs while allowing any consignment of narcotic drug, or psychotropic substances, specified in Schedule II, to be transhipped shall, inter-alia, satisfy himself that the consignment is accompanied by a valid export authorisation issued by the exporting country.

DIVERSION OF CONSIGNMENT 62. (1) The Collector of Customs shall take all due measures to prevent the diversion of such consignment to a destination other than that named in the aforesaid export authorisation.

(2)(a) The Collector of Customs may permit diversion of such a consignment to a country other than that named in the accompanying copy of the export authorisation subject to the production of export authorisation issued by the issuing authority as provided under rule 58, as if the diversion were an export from India to the country, or territory of new destination.

(b) The Collector of Customs shall inform the issuing authority regarding the actual quantity of the narcotic drug or psychotropic substance, the diversion of the consignment of which was allowed under clause (a), where upon the issuing authority shall, inform the country from which the export of the consignment originated.

PROHIBITION OF IMPORT AND EXPORT OF CONSIGNMENTS THROUGH A POST OFFICE BOX ETC. 63. The import or export of consignments of any narcotic drug or psychotropic substance through a post office box or through a bank is prohibited.

CHAPTER VII

PSYCHOTROPIC SUBSTANCES

GENERAL PROHIBITION 64. No person shall manufacture, possess, transport, import Inter-State, export inter-State, sell, purchase, consume or use any of the psychotropic substances specified in Schedule I.

MANUFACTURE OF PSYCHOTROPIC SUBSTANCES 65. (1) Subject to the provisions of sub-rule (2), the manufacture of any of the psychotropic substances other than those specified in Schedule I shall be in accordance with the conditions of a licence granted under the Drugs and Cosmetics Rules, 1945 (hereinafter referred to as the 1945 Rules) framed under the Drugs and Cosmetics Act, 1940 (23 of 1940), by an authority in charge of Drugs Control in a State appointed by the State Government in this behalf.

(2) The authority in charge of Drugs Control in a State (hereinafter referred to as the Licensing Authority) shall consult the Drugs Controller (India) in regard to the assessed annual requirements of each of the psychotropic substances in bulk form referred to in sub-rule (i) in the country and taking into account the requirement of such psychotropic substances in the State, the quantity of such substance required for supply to other manufacturers outside the State and the quantity of such substance required for reasonable inventory to be held by a manufacturer, shall specify, by order, the limit of the quantity of such substance which may be manufactured by the manufacturer in the State.

(3) The quantity of the said psychotropic substance which may be manufactured by a licensee in a year shall be intimated by the Licensing Authority to the licensee at the time of issuing the licence.

POSSESSION, ECT. OF PSYCHOTROPIC SUBSTANCES. 66. (1) No person shall possess any psychotropic substance for any of the purpose covered by the 1945 Rules, unless he is lawfully authorised to possess such substance for any of the said purposes under those Rules.

(2) Notwithstanding anything contained in sub-rule (1), any research institution, or a hospital or dispensary maintained or supported by Government or local body or by charity or voluntary subscription, which is not authorised to possess any psychotropic substance under the 1945 Rules, or any person who is not so authorised under the 1945 Rules, may possess a reasonable quantity of such substance as may be necessary for their genuine scientific requirements or genuine medical requirements, or both for such period as is deemed necessary by the said research institution or, as the case may be, the said hospital or dispensary or person:

Provided that where such psychotropic substance is in possession of an individual for his personal medical use the quantity thereof shall not exceed one hundred dosage units at a time.

(3) The research institution, hospital and dispensary referred to in sub-rule (2) shall maintain proper accounts and records in relation to the purchase and consumption of the psychotropic substance in their possession.

TRANSPORT OF PSYCHOTROPIC SUBSTANCES

67. (1) Subject to the provisions of rule 64, no consignment of psychotropic substance shall be transported, imported inter-State or exported inter-State unless such consignment is accompanied by a consignment note in Form 7 appended to these Rules and in the manner as provided hereinafter.

(2) The consignment note referred in sub-rule shall be prepared in triplicate, and the original and duplicate copies of the said note shall be sent along with the consignment of psychotropic substances to the consignee who shall return the duplicate copy of the note to the consignor for his use after endorsing on the original and duplicate copies the particulars of the receipt of the quantity consigned.

(3) The consignor shall make necessary entries on the triplicate copy of the said note with reference to the receipt of quantity of the psychotropic substances indicated on the duplicate copy of that note.

(4) The consignor and consignee shall keep such consignment note for a period of two years and the said note may be inspected at any time by an officer authorised in this behalf by the Central Government.

CHAPTER VIII

MISCELLANEOUS

**REPEAL
AND SAVINGS**

68. (1) The Central Opium Rules, 1934, the Dangerous Drugs (Import, Export and Transhipment) Rules, 1957, and the Central Manufactured Drugs Rules, 1962 are hereby repealed.

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

SCHEDULE I

(See Rules 53 and 4)

I. Narcotic Drugs

1. Coca Leaf
2. Cannabis (Hemp)
3. (a) Acetorphine
(b) Diacetylmorphine (Heroin)
(c) Dihydrodesoxymorphine (Desomorphine)
(d) Etorphine
(e) Ketobemidone

and their salts, preparations, admixtures, extracts and other substances containing any of these drugs.

II. PSYCHOTROPIC SUBSTANCES

Sl. No.	International non-proprietary names	Other non-proprietary Names	Chemical Name
1.		DET	N, N-Diethyltryptamine
2.		DMHP	3-(1,2-Dimethylheptyl) -1-hydroxy-7,8,9,10- tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran
3.		DMT	N,N-Dimethyltryptamine
4.	(+)-LYSERGIDE	LSD, LSD-25	(+)-N,N-diethyllysergamide (d-lysergic acid diethylamide)
5.		mescaline	3,4,5-Trimethoxy-phenethylamine
6.		parahexyl	3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran
7.	ETICYCLIDINE	PCE	n-Ethyl-1-phenyl-cyclohexylamine
8.	ROLICYCLIDINE	PHP, PCPY	1-(1-Phenylcyclohexyl) pyrrolidine
9.		Psilocine, psilocin	3-(2-Dimethylamino-ethyl)-4-hydroxyindole
10.	PSILOCYBINE		3-(2-Dimethylamino-ethyl)-4-indol-4-yl dihydrogen phosphate

Sl. No.	International non-proprietary names	Other non-proprietary Names	Chemical Name
11.		STP,DOM	2-Amino-1-(2,5- dimethoxy-4-methyl) phenylpropane
12.	TENOCYCLIDINE	TCP	1-[1-(2-Thienyl) cyclohexyl] piperidine
13.		THC	Tetrahydrocannabinols, the following isomers: 6a(10a), 6a(7), 7, 8, 9, 1d, 9(11) and their stereochemical variants
14.		DOB	2,5-dimethoxy-4-bromoamphetamine
15.		MDA	3,4-methylenedioxy amphetamine
16.	MECLOQUALONE		3-(o-Chlorophenyl) -2 methyl-4- (3H) quinazo-linone
17.	METHAQUALONE		2-Methyl-3-o-tolyl-4 (3H) quinazolinone
18.	ALPRAZOLAM		8-Chloro-1-methyl-6-phenyl-4H-s-triazolo [4,3-a] 6[1,4] benzodiazepine
19.	AMFEPRAMONE		2-(Diethylamino) propiophenone
20.	BENZPHETAMINE		N-Benzyl-N- α -dimethyl-phenethylamine
21.	BROMAZEPAM		7-Bromo-1,3-dihydro-5-(2-pyridyl) -2H-1,4-benzodiazepin-2-one
22.	CAMAZEPAM		7-Chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one-dimethylcarbamate (ester)
23.	CLOBAZAM		7-Chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepine-2, 4 (3H, 5H) - dione
24.	CLONAZEPAM		5-(o-Chlorophenyl) -1, 3-dihydro-7-nitro-2H-1, 4-benzodiazepin-2-one
25.	CLORAZEPATE		7-Chloro-2,3-dihydro-2-oxo-5-phenyl-1H,4-benzodiazepine-3-carboxylic acid

Sl. No.	International non-proprietary names	Other non-proprietary Names	Chemical Name
26.	CLOTIAZEPAM		5-(<i>o</i> -Chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-theno [2,3,6]-1,4-diazepin-2-one
27.	CLOXAZOLAM		10-Chloro-11b-(<i>o</i> -chloropheny)-2,3,7, 11b-tetrahydrooxazolo [3,2-d] [1,4] benzo-diazepin-6(5H)-one
28.	DELORAZEPAM		7-Chloro-5-(<i>o</i> -chloro-phenyl)-1,3-dihydro-2H-1, 4-benzodiazepin-2-one
29.	ESTAZOLAM		8-Chloro-6-phenyl-4-H-s-triazolo [4,3-a] [1,4] benzodiazepine
30.	ETHINAMATE		1-Ethynylcyclo-hexanolcarbamate
31.	ETHYLLOFLAZEPATE		Ethyl-7-Chloro-5-(<i>o</i> -fluorophenyl)-2,3-dihydro-2-oxo-1H-1,4-benzociazepine-3-carboxylate
32.	FLUDIAZEPAM		7-Chloro-5-(<i>o</i> -fluozo-phenyl -1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
33.	FLUNITRAZEPAM		5-(<i>o</i> -fluorophenyl)-1, 3-dihydro-1-methyl-7-nitro-2H-1,4-benzodia-zopin-2-one
34.	HALAZEPAM		7-Chloro-1,3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl) 2H-1,4-benzodiazepin-2-one
35.	HALOXAZOLAM		10-Bromo-11b-(<i>o</i> -fluorophenyl)-2,3,7, 11B-tetrahydrooxazolo [3,2-d] [1,4] benzodiazepin-6(5H)-one
36.	KETAZOLAM		11-Chloro-8, 12b-dihydro-2,8-dimethyl-12b-phenyl-4H-[1,3] oxazino-[3,2-d] [1,4] benzodiazepine-4, 7(6H) dione
37.	LEFETAMINE	SPA	(-)-1-Dimethylamino-1,2-diphenylethane

Sl. No.	International non-proprietary names	Other non-proprietary Names	Chemical Name
38.	LOPRAZOLAM		6-(o-Chlorophenyl)-2, 4-dihydro-2-[(4-methyl-1-piperazinyl) methylene]-8-nitro-1H-imidazo [1,2,-a][1,4] benzodiazepin-1-one
39.	LORMETAZEPAM		7-Chloro-5-(o-Chloro-phenyl)-1,3-dihydro-3-hydroxy-1 methyl-2H-1,4,-benzodiazepin-2-one
40.	MAZINDOL		5-(p-Chlorophenyl)-2, 5-dihydro-3H-imidazo [2,1-o] isoindol-5-ol
41.	MEDAZEPAM		7-Chloro-2,3 dihydro-1-methyl-5-phenyl-1H-1, 4-benzodiazepine
42.	METHYPRYLON		3,3-Diethyl-5-methyl-2,4-piperidine-dione
43.	NIMETAZEPAM		1,3-Dihydro-1-methyl-7-nitro-5-phenyl-2H-1, 4-benzodiazepin-2-one
44.	OXAZOLAM		10-Chloro-2,3,7, 11b-tetrahydro-2-methyl-11b phenyloxazolo [3,2-d] [14] benzo-diazepin-6(5H)-one
45.	PHENDIMETRAZINE		(+) 3,4-Dimethyl-2 phenylmorpholine
46.	PHENTERMINE		α α -Dimethylphen-ethylamine
47.	PINAZEPAM		7-Chloro-1,3-dihydro-5-phenyl-1-(2-propynyl) -2H-1,4-benzodiazepin-2-one
48.	PIPRADROL		1,1-Diphenyl-1(2-piperidyl)-methanol
49.	PRAZEPAM		7-Chloro-1(cyclo-propylmethyl)-1,3-dihydro-5-phenyl-2H-1, 4-benzodiazepin-2-one
50.	TEMAZEPAM		7-Chloro-1,3-dihydro-3 hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
51.	TEMRAZEPAM		7-Chloro-5(cyclohexen-1-yl)1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one

Sl. No.	International non-proprietary names	Other non-proprietary Names	Chemical Name
52.	TRIAZOLAM		8-Chloro-6-(o-chlorophenyl)-methyl-4H-s-triazolo (4,3-a) (1,4) benzodiazepine
53.	Salts and Preparations of above.		

SCHEDULE II
[See Rule 55(1)/57 and 58(1)]

PSYCHOTROPIC SUBSTANCES:

Sl. No.	International non-proprietary names	Other non-proprietary Names	Chemical Name
1.		DET	N,N-Diethyltryptamine
2.		DMHP	3-(1,2-Diamethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran
3.		DMT	N,N-Dimethyltryptamine
4.	(+)-LYSERGIDE	LSD, LSD-25	(+)-N,N-Diethyllysergamide (d-lysergic acid diethylamide)
5.		Mescaline	6,4,5-Trimethoxyphenethylamine
6.		paraheptyl	3-Hexyl-1-hydroxy-7,8,9,10, tetrahydro-8,6,9-trimethyl-6H-dibenzo [b,d] pyran.
7.	ETICYCLIDINE	PCE	N-Ethyl-1-phenylcyclohexylamine
8.	ROLICYCLIDINE	PHP, PCPY	1-(1-Phenylcyclohexyl)-pyrrolidine
9.		psilocine, psilocin	3-(2-Dimethylaminoethyl) 4-Hydroxyindole
10.	PSILOCYBINE		3-(2-Dimethylaminoethyl) - indol-4-yl dihydrogen Phosphate
11.		STP, DOM	2-Amino-1-(2,5-dimethoxy-4-methyl) phenyl-propane
12.	TENOCYCLINDINE	TCP	1-(1-(2-Thienyl) cyclohexyl)piperidine
13.		THC	Tetrahydrocannabinols the following isomers:
14.		DOB	Δ^8 Sa(10A), Δ^8 6a(7), Δ^8 7, Δ^8 8, Δ^9 , Δ^9 10, Δ^9 9(11) and their stereochemical variants.
15.		MDA	
16.	AMPHETAMINE		(+)-2-Amino-1-phenyl propane
17.	DEXAMPHETAMINE		(+)-2-Amino-1-phenyl-propane
18.	MECLOQUALONE		3-(O-Chlorophenyl)-2-Methyl-4-(3H)-phenazolinone.
19.	METHAMPHETAMINE		(+)-2-Methylamino-1-phenylpropane

Sl. No.	International non-proprietary names	Other non-proprietary Names	Chemical Name
20.	METHAQUALONE		2-Methyl-3-O-tetyl-4 (3H) quinazolinone
21.	METHYLPHENIDATE		2-Phenyl-2(2-piperidyl acetic acid, methyl ester
22.	PHENCYCLIDINE	PCP	1-(1-Phenylcyclohexyl) piperidine
23.	PHENMETRAZINE		3-Methyl-2-Phenylmorpholine
24.	Salts and preparations of above.		

NOTIFICATIONS ISSUED UNDER NARCOTIC
DRUGS AND PSYCHOTROPIC SUBSTANCES
ACT, 1985

NOTIFICATIONS

Notfn.No.5/85/F.No.664/51/85-OPIUM Dated 14.11.1985

S.O.821(E) In exercise of the powers conferred by sub-section (3) of section 1 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby appoints the 14th day of November, 1985 as the date on which the said Act shall come into force in the whole of India.

Notfn.No.6/85 Dated 14.11.1985.

S.O.822(E) In exercise of the powers conferred by sub-section (1) of section 42 of the Section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby empowers the officers of and above the rank of Sub-Inspector in the department of Narcotics and of and above the rank of Inspector in the departments of Central Excise, Customs, and Revenue Intelligence and in Central Economic Intelligence Bureau to exercise the powers and perform the duties specified in section 42 within the area of their respective jurisdiction and also authorises the said officers to exercise the powers conferred upon them under section 67.

Notfn.No.7/85 dated 14.11.1985

S.O.823(E) In exercise of the powers conferred by sub-section (1) of section 53 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government, after consultation with all the State Governments hereby invests the officers of and above the rank of Inspector in the departments of Central Excise, Narcotics, Customs, and Revenue Intelligence and in Central Economic Intelligence Bureau with the powers specified in sub-section (1) of that section.

Notfn.No.8/85 dated 14.11.1985.

S.O. 824(E) In exercise of the powers conferred by sub-section (2) of section 41 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby empowers the officers, of and above the rank of superintendent (being officers of Gazetted rank and working in the executive field), in the departments of Central Excise, Narcotics, Customs, and Revenue Intelligence and in Central Economic Intelligence Bureau to exercise the powers specified in sub-section (2) of that section within the area of their respective jurisdiction.

Notfn.No.9/85 dated 14.11.1985.

S.O.825(E) In exercise of the powers conferred by Explanation (1) to section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby specifies that "small quantity" of a narcotic drug or psychotropic substance for the purpose of that section shall be such quantity of such drug or substance, as may be specified in each case by the concerned district chief medical authority.

Notfn.No.12/85 dated 14.11.1985.

S.O. 827(E) In exercise of the powers conferred by Explanation (1) to section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) and in partial modification of the notification of the Government of India in the Ministry of Finance, Department of Revenue No. S.O. 825(E) dated the 14th November, 1985, the Central Government hereby specifies the quantity mentioned in column (3) of the Table below, in relation to the narcotic drug mentioned in the corresponding entry in column (2) of the said Table, as "small quantity" for the purposes of that section:-

TABLE

Serial No. (1)	Name of Narcotic Drug (2)	Quantity (3)
1.	Heroin or drug commonly known as Brown Sugar or Smack.	250 milligrams
2.	Hashish or Charas	5 grams
3.	Opium	5 grams
4.	Cocaine	125 milligrams
5.	Ganja	500 grams

Notfn.No.11/85 dated 14.11.1985

S.O. 826(E).—In exercise of the powers conferred by sub-clause (b) of clause (xi) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby declares the following narcotic substances and preparations to be manufactured drugs, namely :—

- (1) Dihydrohydroxy Codeinone (commonly known as 'OXY-CODONE' and Dihydroxycodeinone) ; its salts (such as Eucodal, BONCODAL, DINARCON, HYDROLAUDIN, NUCODAN, PERCODAN, SCOPHE-DAL, TEBODOL and the like), its esters and the salts of its esters and preparations, admixtures, extracts or other substances containing any of these drugs.
- (2) Dihydrocodeinone (commonly known as 'HYDROCODONE'), its salts (such as Diconide, Codinovo, Diconone, Hycodan, Multacodin, Nyodide, Ydrocod and the like) and its esters and salts of its esters, and preparations, admixtures, extracts or other substances containing any of these drugs.
- (3) Dihydromorphinone (commonly known as 'HYDROMORPHONE') its salts (such as Dilaudide, Dimorphid, Novolaudon and the like), its esters and salts of its esters, and preparations, admixtures, extracts or other substances containing any of these drugs.
- (4) Acetyldihydrocodeinone (commonly known as 'Acetyldihydrocodeinone" and Acetyldemethylo dihydrothe, baine) : its salts (such as ACEDICONE NOVOCODON and the like) and its esters and the salts of its esters, and preparations, admixtures, extracts or other substances containing any of these drugs.
- (5) Dihydromorphine ; its salts (such as PARAMORFAN and the like) and its esters and salts of its esters, and preparations, admixtures, extracts or other substances containing any of these drugs.
- (6) Dihydrodeoxymorphine ; its salts (such as DESOMORPHINE, PERMONID, SCOPERMID and the like) and its esters and salts of its esters, and preparations, admixtures, extracts or other substances containing any of these drugs.
- (7) Methylhydromorphinone (commonly known as 'METOPON'), its salts and its esters and salts of its esters ; and preparations, admixtures, extracts or other substances containing any of these drugs.
- (8) Morphine-N-Oxide (commonly known as 'GENOMORPHINE' and 'N-Oxy-morphine'), the Morphine-N-Oxide derivatives and the other pentavalent nitrogen morphine derivatives, their salts, and preparations, admixtures, extracts or other substances containing any of these drugs.

- (9) Benzyl-morphine and other esters of Morphine, their respective salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (10) Thebaine and its salts, and preparations, admixtures, extracts or other substances containing any of these drugs.
- (11) Benzyl morphine (of which PERONINE is a salt) and all others of morphine [excluding Methyl-morphine and Ethylmorphine, and Beta-4-Morpholinylethyl morphine] their respective salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (12) 6-methyl-6-desoxy morphine, its salts, its esters and salts of its esters and preparations, admixtures, extracts or other substances containing any of these drugs.
- (13) Dihydrohydroxymorphinone, its salts, its esters and salts of its esters and preparations, admixtures, extracts or other substances containing any of these drugs.
- (14) 6-methyl-dihydromorphine, its salts, its esters and salts of its esters and preparations, admixtures, extracts or other substances containing any of these drugs.
- (15) All the salts and esters of Ecgonine and salts of its esters and preparations, admixtures, extracts or other substances containing any of these drugs (including ecgonine).
- (16) Preparations made from the extract or tincture of Indian Hemp, except those which are capable only of external use.
- (17) 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester (commonly known as 'PETHIDINE') and its salts (such as ANTIDUOL, BIPHENAL, CENTRALGIN, D-140, DEMEROL, DISPADOL, DODONAL, DOLANTAL, DOLANTIN, DOLANTOL, DOLAREN, DOLARIN, DOLATUL, DOLENTAL, DOLINTAL, DOLOPETHIN, DOLOSAL, DOLVANOL, EUDOLAT, FELIDIN, GRATIDINA, ISONIPECAINE, MEPERIDIN, MEPHEDINE, PANITALGINE, PIRIDOSAL, PRECEDYL, SAUTERALGYL and the like) and preparations, admixtures, extracts or other substances containing any of these drugs.
- (18) 1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester (otherwise known as 1-methyl-4-methoxyphenyl piperidine-4-carboxylic acid ethyl ester) and its salts (BEMIDONE and the like) and preparations, admixtures, extracts or other substances containing any of these drugs.
- (19) 1-methyl-4-(3-hydroxyphenyl) 4-piperidylethylketon (otherwise known as 1-methyl-4-methoxyphenyl-piperidine and as KETOBEMIDONE), its salts (such as, CLIRADON, KETOGAN and the like) and preparations, admixtures, extracts or other substances containing any of these drugs.
- (20) Alpha-1-3-dimethyl-4-phenyl-4-propionoxy piperidine (commonly known as ALPHARODINE) and its salts (such as NISENTIL, NISINTIL, NU-1196 and the like) and preparations, admixtures, extracts or other substances containing any of these drugs.
- (21) Beta-1-3-dimethyl-4-phenyl-4-propionoxy piperidine (commonly known as 'BETARODINE') and its salts (NU-1779 and the like) and preparations, admixtures, extracts or other substances containing any of these drugs.
- (22) Beta-3-ethyl-1-methyl-4-phenyl-4-propionoxy piperidine and its salts (NU-1932 and the like) and preparations, admixtures, extracts or other substances containing any of these drugs. (BETAMEPRODINE).
- (23) Isopropyl and other esters of 1-methyl-4-phenyl-piperidine-4-carboxylic acid and their salts and preparations, admixtures, extracts or other substances containing any of these drugs. (PROPERIDINE).
- (24) 4 : 4-diphenyl-6-dimethylamino-heptanone-3 (otherwise known as 6-dimethyl amino 4 : 4-diphenyl-3-heptanone and as Methadone) and its salts such as (ADANON, ALGOLYSIN, AMIDONE, AMDOSAN, BUTALGIN, DEPRIDOL, DIAMINON, DIANONE, DOLAFIN, DOLAMID, DOLPHINE, DORIEKOL, HEPTADON, HEPTANAL, HOECHST, 10820, DETALGIN, MECODIN, MEPECTION, MEPHENON, MIADONE, MOHEPTAN, PHYSEPTONE, PHYSOPEPTONE, POLAMIDON, SYMORON, TURNANONE and the like) and preparations, admixtures, extracts or other substances containing any of these drugs.
- (25) 4 : 4-diphenyl-5-methyl-6-dimethyl-amino-hexanone-3 (otherwise known as 6-dimethylamino-5-methyl-4 : diphenyl-3-hexanone and as ISOMETHADONE) and its salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (26) Racemic, Dextro and Laevo forms of Alpha-6-dimethyl amino 4 diphenyl-3-heptanol (commonly known as Alpha-METHADOL); Racemic, Dextro and Laevo forms of Beta-6-dimethyl-amino-4 : 4-diphenyl-3-heptanol (commonly known as Beta-METHADOL) their salts and preparations, admixtures (including METHADOL, NIH 2933), extracts or other substances containing any of these drugs.
- (27) Racemic, Dextro and Laevo forms of Alpha-6-dimethyl-amino 4 : 4-diphenyl 3-acetoxy heptane (commonly known as 'alpha-ACETYL METHADOL'); Racemic, Dextro and Laevo forms of Beta-6-dimethylamino-4 : 4-diphenyl-3-acetoxy heptane (commonly known as 'Beta-Acetyl METHADOL'), their salts and preparations, admixtures (including ACETYL METHADOL,

- N.I.H. 2953), extracts or other substances containing any of these drugs.
- (28) 4 : 4-diphenyl-6-piperidine-3-heptanone, its salts, and preparations, admixtures, extracts or other substances containing any of these drugs (DIPIPANONE).
- (29) 4 : 4-diphenyl-6-dimethyl-amino-3-hexanone, (also known as NORMETHADONE), its salts and preparations, admixtures, extracts of other substances containing any of these drugs.
- (30) 4, 4-diphenyl-6-morpholino-heptanone-3 (otherwise known as 6-morpholino 4, diphenyl-3-heptanone and as PHENADOXONE) and its salts (such as CB-II, HEPAGIN, HEPTALGIN, HEPTALIN, HEPTAZONE and the like) and preparations, admixtures, extracts or other substances containing any of these drugs.
- (31) Racemic and Laevo forms of 3-hydroxy-N-methyl-morphinan (commonly known as NU-2206 or RACEMORPHAN and LEVORPHAN respectively) and their salts such as DROMORAN, METHORPHINAN and the like) and preparations, admixtures, extracts or other substances containing any of these drugs.
- (32) Racemic and Laevo forms of 3-methoxy-N-methyl-morphinan (commonly known as RACEMETHORPHAN and LEVOMETHORPHAN respectively) and their salts such as, METHYLDROMORAN and the like) and preparations, admixtures, extracts or other substances containing any of these drugs
- (33) 3-dimethyl-amino 1, 1-di (2-Thienyl) 1-butene ; 3-Ethyl methyl-amino-1, 1-di (2-Thienyl)-1 butene ; 3-diethylamino-1, 1-di (2-Thienyl)-1-butene, (also known as Diethyl-thiam-butene and as THEMALON), their salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (34) 4-Morpholino-2, 2-Diphenyl ethyl butyrate and its salts and preparations, admixtures, extracts or other substances containing any of these drugs. (DIOXAPHENYL BUTYRATE).
- (35) Methyl morphine (commonly known as 'Codeine') and Ethyl morphine and their salts (including Dionine), all dilutions and preparations, except those which are compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations and which have been established in therapeutic practice.
- (36) Dihydrocodine and Acetyldihydrocodeine, other derivatives of Dihydrocodeine and their salts such as, PARACODINE and ACETYLCODONE and the like), all dilutions and preparations, except those which are compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations and which have been established in therapeutic practice.
- (37) Beta--4-Merphelinylethylmorphine (also known as HOMOCODEINE, HYBERNIL, PHOLCODINE and the like) and its salts; all dilutions and preparations, except those which are compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations and which have been established in therapeutic practice.
- (38) 1, 3-dimethyl-4-phenyl-4-propionoxyhexamethyleneimine, its salts and preparations, admixtures, extracts or other substances containing any of these drugs. (PROHEPTAZINE).
- (39) 3-hydroxy-N-phenethylmorphinan, its salts, and preparations, admixtures, extracts or other substances containing any of these drugs. (PHENOMORPHAN).
- (40) I [2-(p-Aminophenyl)-ethyl]-4-carbethoxy-4-phenyl-piperidine (otherwise known as 1-[2-(p-aminophenyl)-ethyl]-4-phenyl-piperidine-4-carboxylic acid ethyl ester) and its salts and preparations, admixtures, extracts and other substances containing any of these drugs.
- (41) Dihydroxy-dihydromorphinone and its salts and preparations, admixtures, extracts and other substances containing any of these drugs.
- (42) Alpha-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine and its salts and preparations, admixtures, extracts or other substances containing any of these drugs (also known as N.I.H.-7315 ; the international non-proprietary name being Alphameprodine).
- (43) 1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid, ethyl ester (known as Morpheridine) and its salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (44) 1, 2, 5-trimethyl-4-phenyl-4-propionoxypiperidine (known as Trimeperidine) and its salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (45) D-3-methyl-2, 2-diphenyl-4-morpholine outyrylpyrrolidine (known as Dextromoramide) and its salts, as well as the racemic ramide) and its salts and also the levorotatory form of the drug (known as levomoramide) and its salts and preparations, admixtures extracts or other substances containing any of these drugs.

- (46) 1[2-(2-hydroxyethoxy)-ethyl]-4-Phenylpiperidine-4-carboxylic acid, ethyle ster (known as Etoxeridine) and its salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (47) 1, 2, 3, 4, 5, 6-hexahydro-8-hydroxy-6, 11-dimethyl-3-phenethyl-2-, 6-methano-3-benzazocine (also known as N.I.H., 7519, the international non-proprietary name of which is Phenazocine) and its salts, preparations, admixtures, extracts, and other substances, containing any of these drugs.
- (48) Norcodeine and its salts; all dilutions and preparations, except those which are compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations and which have been established in therapeutic practice.
- (49) Normorphine and its salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (50) Dimethylamionethyl-1-ethoxy-1, 1-diphenylacetate (the international non-proprietary name of which is Dimenoxadol) and its salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (51) (—)-3 hydroxy-N-phenacylmorphinan (the international non-proprietary name of which is Levophenacylmorphan) and its salts.
- (52) 1(2-benzyloxyethyl-3-4-phenylpiperidine-4-carboxylic acid ethyl ester (the international non-proprietary name of which is Benzethidine) and its salts and preparations, admixtures, extracts or other substances, containing any of these drugs.
- (53) 1-(2-tetrahydrofurfuryloxyethyl) 4-phenyl piperidine-4-carboxylic acid ethyl ester (the international non-proprietary name of which is Furethidine) and its salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (54) 3-allyl-1-methyl-4-phenyl-4-propionxy piperidine (the international non-proprietary name of which is Allylprodine) and its salts, preparations, admixtures extracts or other substances containing any of these drugs.
- (55) 1, 2, 3, 4, 5, 6-hexahydro-8-hydroxy-3, 6, 11-trimethyl-2, 6-methano-3-benzazocine (the international non-proprietary name of which is Metazocine) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (56) (—)-3-hydroxymorphinan the international non-proprietary name of which is Norlevorphanol) and its salts, preparations, admixtures, extracts, and other substances containing any of these drugs.
- (57) 1-(3-phenylaminopropyl) 4-phenylpiperidine-4-carboxylic acid ethyl ester (also known as N.I.H. 7590) the international non-proprietary name of which is Piminodine) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (58) Ethyl 1-(3-Cyano-3, 3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester (the international non-proprietary name of which is Diphenoxylate), and its salts, preparations, admixtures, extracts and other substances containing any of these drugs, except preparations of diphenoxylate containing, per dosage unit, not more than 2.5 mg. of diphenoxylate calculated as base, and a quantity of atrophine sulphate equivalent to at least one per cent of the dose of diphenoxylate.
- (59) 1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester (the international non-proprietary name of which is Phenoperidine) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (60) 2-(p-chlorbenzyl) 1-diethylaminoethyl-5-nitrobenzimidazole (the international non-proprietary name of which is Clonitazene) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (61) 2-(p-ethoxybenzyl)-1-diethylaminoethyl 5-nitrobenzimidazole (the international non-proprietary name of which is Etonitazene) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (62) 14-hydroxydihydromorphine (the international non-proprietary name of which is Hydromorphanol) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (63) N-[2-(methylphenethylamino) propyl]-propionanilide (the international non-proprietary name of which is Diampromide) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (64) N-[2-(1-methylpiperid-2-yl) ethyl]-propionanilide (the international non-proprietary name of which is Phenampromide) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (65) 4-cyano-1-methyl-4-phenylpiperidine (for purpose of narcotics control the designation Pethidine-intermediate-A is suggested by W.H.O.) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (66) 4-cyano-2-dimethylamino-4, -diphenylbutane (for purpose of narcotics control the designation Methadone-intermediate is sug-

gested by the W.H.O.) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.

- (67) 2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid (for purposes of narcotics control, the designation Moramide-intermediate is suggested by the W.H.O.) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (68) (+)-alpha-3-acetoxy-6-methylamino-4, 4-diphenylheptane (the international non-proprietary name of which is Noracymethadol) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (69) 4-phenylpiperidine-4-carboxylic acid ethyl ester (the designation of which, for purposes of narcotic control, had been suggested by the World Health Organisation as Pethidine Intermediate-B) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (70) 6-nicotinylcodeine (the international non-proprietary name of which is Nicocodine) and its salts, all dilutions and preparations, except those which are compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations and which have been established in therapeutic practice.
- (71) Myristyl ester of benzylmorphine (the international non-proprietary name of which is Myrophine) and its salts, all dilutions and preparations containing this drug as have not been established in therapeutic practice.
- (72) 1-methyl-4 phenylpiperidine-4-carboxylic acid (for purposes of narcotic control, the designation Pethidine-Intermediate-C is suggested by the W.H.O.) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (73) 4, 4-diphenyl-6-piperidine-3-hexanone (the international non-proprietary name of which is Norpipanone) and its salts, preparations admixtures, extracts and other substances containing any of these drugs.
- (74) 1-phenethyl-4-N-propionylanilino-piperidine (the international non-proprietary name of which is Fentonyl and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (75) 1-(3-cyano-3, 3-diphenylpropyl)-4-(1-piperidine) piperidine-4-carboxylic acid amide (the international non-proprietary name of which is Pirtramide) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (76) 6-nicotinyl-dihydrocodeine, (the international non-proprietary name of which is Nicodicodeine) and its salts, all dilutions, and preparations, except those which are compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations and which have been established in therapeutic practice.
- (77) 7, 8-dihydro-7-[1-(R)-hydroxy-1-methylbutyl] O-methyl-6, 14-endoethenomorphine, (the international non-proprietary name of which is Etorphine) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (78) O3-acetyl-7, 8-dihydro-7-[1-(R)-hydroxy 1-1 methylbutyl] O6-methyl-6, 14-endoethenomorphine, (the international non-proprietary name of which is Acetorphine) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (79) Codoxime (dihydrocodeinone-6-carboxymethylloxime) and its salts, preparations admixtures, extracts and other substances containing any of these drugs.
- (80) 1-(3-cyano-3, 3-diphenyl-propyl)-4-(2-oxo-3-propionyl -1-benzimidazoliny)-piperidine (the international non-proprietary name of which is Bezitramide) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (81) N-cyclopropylmethyl-7, 8-dihydro-7-(1)-hydroxy-1-methyl-ethyl)-Q*[methyl-6-14-endoethenonormorphine, and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.
- (82) N-(1-methyl -2-piperidinoethyl)-N-2-pyridylpropionamide (the international non-proprietary name of which is Propiram) and its salts, all dilutions and preparations containing this drug as have not been established in therapeutic practice.
- (83) 1-(3-cyano-3, 3-diphenylpropyl) 4-phenylisonin pectotic acid (otherwise known as Defenoxin or Diphenoxyllic acid) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs, except any preparation of Difenoquine containing, per dosage unit, a maximum of 0.5 milligrammes of difenoquine calculated as base and a quantity of atropine sulphate equal to at least 5 per cent of the quantity of difenoquine, calculated as base, which is present in the mixture.
- (84) 3, 4-dimethoxy-17-methylmorphinon-6, B, 14 diol (the international non-proprietary name of which is Drotebanol), and its salts, preparations, admixtures, extracts or other substances containing any of these drugs.

- (85) N-[4-(methoxymethyl)-1[2-(2-thienyl) ethyl] 4-piperidyl] Propionanilide, (the international non-proprietary name of which is Sufentanil) its salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (86) (+)-ethyl trans-2-(dimethylamino)-1-Phenyl-3-cyclohexene-1 carboxylate, (the international non-proprietary name of which is Tilidine) its salts and preparations, admixtures, extracts or other substances containing any of these drugs.
- (87) (+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-butanol propionate, (the international non-proprietary name of which is Dextropropoxyphene), and its salts preparations, admixtures, extracts and other substances containing any of these drugs, except

- preparations for oral use containing not more than 135 milligrammes of Dextropropoxyphene base per dosage unit or with a concentration of not more than 2.5 per cent in undivided preparations, provided that such preparations do not contain any substances controlled under the Convention on Psychotropic Substances, 1971.
- (88) N-[1-2-(4-ethyl-4, 5i dihydro-5 oxo-1H-tetrazol-1-yl) ethyl]-4-(methoxymethyl), 4-Piperidinyl].

N-phenylpropanamide monohydrochloride, the international non-proprietary name of which is Alfentanil and its salts, preparations, admixtures, extracts or other substances containing any of these drugs.