

Session 1

Narcotic Drugs and Psychotropic Substances Act, 1985

Contents of This Chapter

- Introduction to NDPS act
- Objective of the NDPS Act
- Legal Definitions of different Narcotic and Psychotropic substances

Intended learning outcomes

- **At the end of this lecture, student will be able to**
 - Describe the importance of Narcotic Drugs and psychotropic substances ACT, 1985
 - Illustrate the Objectives of Narcotic Drugs and psychotropic substances ACT, 1985
 - Define the Narcotic and psychotropic substances

Introduction

- India had no legislation regarding narcotics until 1985.
- Cannabis and its derivatives (marijuana, hashish/charas and bhang) were legally sold in India until 1985, and their recreational use was commonplace
- Consumption of cannabis was not seen as socially deviant behaviour, and was viewed as being similar to the consumption of alcohol
- Ganja and charas were considered by upper class Indians as the poor man's intoxicant, although the rich consumed bhang during Holi

Introduction

- The United States began to campaign for a worldwide law against all drugs, following the adoption of the Single Convention on Narcotic Drugs in 1961
- However, India opposed the move, and withstood American pressure to make cannabis illegal for nearly 25 years
- American pressure increased in the 1980s, and in 1985, the Rajiv Gandhi government succumbed and enacted the NDPS Act, banning all narcotic drugs in India

Introduction

- State regulation and community tolerance ceased after the enactment of the Narcotic Drugs and Psychotropic Substances Act (NDPS) in 1985, which created a restrictive regime around drugs
- Clampdown on cannabis and opium in the late 1980"s purportedly triggered more dangerous use – chasing and injecting heroin and other opioids

Introduction

- Narcotic Drugs and Psychotropic Substances Act is popular as NDPS Act
- It was passed to tackle an important social problem: drug trafficking

Objectives

- To consolidate and amend the existing laws related to Narcotic Drug
- To make stringent provisions for the control and regulation of operation
- To enhance the penalties for trafficking offences
- To make provisions for the implementation of International Conventions relating to NDPS to which India is a party

Definitions

Cannabis

- Charas, the separated resin, obtained from the cannabis plant, includes concentrated preparation and resin known as hashish oil or liquid hashish
- Ganja, the flowering fruiting tops of the cannabis plant, excludes the seeds and leaves when not accompanied by the tops
- Any mixture, with or without any neutral material, or any of the above forms of cannabis or any drink prepared from it

Definitions continued...

Coca Derivatives

- Crude cocaine, any extract of coca leaf, which can be used for manufacture of cocaine
- Ecgonine and all derivatives of ecgonine
- Cocaine, i.e, methyl ester of benzoylecgonine and its salts
- All preparations containing more than 0.1% of cocaine

Definitions continued...

- **Controlled substances:** means any substance which the Central Government may, having regard to the available information as to its possible use in the production or manufacture of narcotic drugs or Psychotropic substances or to the provisions of any International Convention, by notification in the official gazette, declare to be a controlled substance

Definitions continued...

Illicit traffic

- Cultivating or gathering any portion of any coca plant
- Cultivating the opium poppy of any cannabis plant
- Engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import or export inter-state, import into India , export from India or transshipment of NDPS
- Dealing in any activities in NDPS other than those referred above
- Handling or letting out any premises for carrying out the above activities

Definitions continued...

Manufacture

- All processes other than production by which such drugs or substances may be obtained
- Refining of such drugs or substances
- Making or preparation containing such drugs or substances

Definitions continued...

Manufactured Drugs

- All coca derivatives, medicinal cannabis, opium derivatives and poppy concentrate
- Any other preparation which the Central Government may by notification declare to be a manufactured drug

Definitions continued...

-**Medicinal Cannabis** or medicinal hemp means any extract or tincture of cannabis

-**Narcotic Drugs** means coca leaf, cannabis, opium straw and includes all manufactured goods

Definitions continued...

Opium Poppy

- The plant of the species *Papaver somnifera* L
- The plant of the any other species of *Papaver* from which opium or any other phenanthrene alkaloid can be extracted



Definitions continued...

Opium

- The coagulated juice of opium poppy
- Any mixture, with or without any neutral material, of the coagulated juice of the opium poppy

Definitions continued...

Poppy Straw means all parts of the opium poppy after harvesting whether in their original or cut, crushed or powdered and whether or not juice has been extracted therefrom

Definitions continued...

Poppy Straw Concentrate means the material arising when poppy straw has entered into a process for the concentration of its alkaloids

Definitions continued...

Opium Derivatives

- Medicinal opium, that is opium which has undergone the processes necessary to adapt it for medicinal use in powder form or granulated form

Definitions continued...

Opium Derivatives

- Prepared opium, that is any product of opium designed to transform opium into extract suitable for smoking and other residue remaining after smoking

Definitions continued...

Opium Derivatives

- Phenanthrene alkaloids, namely **morphine**, **codeine**, thebaine and their salts

- Diacetylmorphine, the alkaloid also known as dia-morphine or **heroin** and its salts

Definitions continued...

Psychotropic Substances means any substance, neutral 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

Examples of Psychotropic Substances

Antidepressants

amitriptyline (Elavil)
amoxapine (Asendin)
bupropion (Wellbutrin, Wellbutrin SR)
bupropion (Wellbutrin XL)
citalopram (Celexa)
desipramine (Norpramin)
desvenlafaxine (Pristiq, Khedezla) *nonformu*
doxepin (Sinequan)
duloxetine (Cymbalta)
escitalopram (Lexapro)
fluoxetine (Prozac)
imipramine (Tofranil)
levomilnacipran (Fetzima) *nonformulary*
maprotiline (Ludiomil)
mirtazapine (Remeron, Remeron SolTab)
nefazodone (Serzone) *nonformulary*
nortriptyline (Pamelor, Aventyl)
paroxetine (Paxil, Paxil CR)
protriptyline (Vivactil)
sertraline (Zoloft)
trazodone (Desyrel)

Antipsychotics

aripiprazole (Abilify, Abilify Discmelt)
aripiprazole (Abilify Maintena)
Aripiprazole lauroxil (Aristada) *nonformulary*
asenapine (Saphris)
brexpiprazole (Rexulti®)
chlorpromazine (Thorazine)
clozapine (Clozaril, Fazaclo, Versacloz) Reserve
droperidol (Inapsine) *nonformulary*
fluphenazine (Prolixin)
fluphenazine decanoate (Prolixin D)
haloperidol (Haldol)
haloperidol decanoate (Haldol D)
iloperidone (Fanapt) Reserve
loxapine (Loxitane)
loxapine inhalant (Adasuve) *nonformulary*
lurasidone (Latuda)
molindone *nonformulary*
olanzapine (Zyprexa, Zyprexa Zydis)
olanzapine pamoate (Zyprexa Relprevv) Reserve
paliperidone (Invega)

Summary

- NDPS Act, as it is known popularly, is meant to face a very important social problem: drug trafficking
- Charas, the separated resin, obtained from the cannabis plant, includes concentrated preparation and resin known as hashish oil or liquid hashish
- Illicit Traffic is engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import or export inter-state, import into India , export from India or transshipment of NDPS

Summary

- Medicinal opium, that is opium which has undergone the processes necessary to adapt it for medicinal use in powder form or granulated form
- **Poppy Straw** means all parts of the opium poppy after harvesting whether in their original or cut, crushed or powdered and whether or not juice has been extracted therefrom

Thank You

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