UNIT- III

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PHARMACY ACT- 1948

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Introduction:—

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The Pharmacy Act 1948 was passed with broad objective of regulating the practice of Pharmacy in India.

The Act has been devided in to 5 chapter and 46 Sections.

The primary obligation of Pharmacy is to safeguard the Public health by making available the right medicaments.

The Act extends to the whole of India except the State Jammu and Kashmir.

It Came in to force on 4th March, 1948 but the chapters relating to State Pharmacy Councils, Registration of Pharmacists, and Miscellaneous Provisions where to Come in force in a particular State from such date as the State Government might, by notification in the official Gazette.

Objectives:— To regulate the Pharmacy education in the Country.

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⇒ To allow the registration as pharmacist under the Pharmacy Act.

⇒ To regulate the profession and practice of Pharmacy

⇒ Constitution of Pharmacy Council of India (PCI) responsible for evolving educational standards and regulations for the course in Pharmacy

Definitions:—

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Agreement:— Agrement means an agreement entered into Under section 20 (inter-State agreement regarding Constitution of state Councils).

Approval:— Approval means approval by the state Council Under section 12 (courses of study and examinations in pharmacy) or section 14 (foreign qualification for the purpose of qualifying for registration Under the Act.

Central Council — Central Council means the Pharmacy Council of India Constituted under Section 3.

Central Register — Central Register means the register of Pharmacists maintained by the Central Council under Section 15-A.

Register :— Register means a register of Pharmacist prepared and maintained under the Act.

Registered Pharmacist :— Registered pharmacist means a person whose name is for the time being entered in the register of the State in which he is for the time being residing or carrying on his profession or business of Pharmacy.

State Council :— State Council means a State Council of Pharmacy Constituted under Section 19 and include a joint State Council of Pharmacy in accordance with an agreement under Section 20 of the Act.

PHARMACY COUNCIL OF INDIA

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The Central Council (ie. Pharmacy Council of India) is Constituted by the Central Government and the first Central Council was Constituted in 1949. It is ~~elected~~ reconstituted every five years and Consists of the following members.

[A] Elected members:—

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⇒ Six members including at least one teacher each in Pharmaceutical Chemistry, Pharmacology and Pharmacognosy on the teaching staff of an Indian University or an affiliated College granting a degree or diploma in pharmacy. These members elected by the University Grants Commission.

⇒ One member elected by the Medical Council of India from amongst its members.

⇒ One member who shall be registered pharmacist to represent each state elected by state Council from amongst its members.

[B] Nominated members:—

⇒ Six members including at least four person possessing degree or diploma in pharmacy and engaged in the practice

of Pharmacy or Pharmaceutical Chemistry, nominated by the Central Government.

⇒ A representative each of the University Grant Commission and all India Council for Technical Education.

⇒ One registered Pharmacist to represent each State nominated by the State Government/Union Territory Administration.

C] Ex- officio members :—

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⇒ The director General of Health Services

⇒ The director of Central Drug Laboratory

⇒ The Drugs Controller in India

If the ex- officio members under C, (1) and (2) above are unable to attend any meeting they can authorise a person each in writing to attend the meeting.

Education Regulations

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The Pharmacy Council of India also makes regulations called as Education Regulation with the approved of Central Government and prescribes the minimum qualification required for registration as a pharmacist.

The Education Regulations 1991 prescribes :—

⇒ The nature and period of study and of practical training (not less than 500 hours spread over a period of not less than three months provided that not less than 250 hrs are ~~devote~~ devoted to actual dispensing of prescriptions in a recognised hospital / dispensary or Pharmacy / chemist and Druggist or licensed drug manufacturing unit.

⇒ The equipment and facilities to be provided for students.

⇒ Education ~~Regula~~ Regulations - 91 have replaced the Education Regulation - 81.

⇒ The Education Regulations are approved by the Central Government.

⇒ Education Regulations and amendments thereto are Published in the official Gazette. The Executive Committee of the Central Council is also required to report from time to time to the Council on the efficacy of Education Regulations and recommend such amendments as it may think fit.

Application of Education Regulations to State :—

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Education Regulations takes effect in a state from the date notified by the State Government in the official Gazette, in Consultation with the State Council at any time after it is Constituted.

⇒ It shall also maintain its accounts and other relevant records in the prescribed manner.

⇒ The accounts of the Central Council are audited and certified annally.

⇒ The Central Council also makes the regulation for.

i] The management of its property

ii] manner of conducting elections.

iii] functions of the Executive Committee

iv] The procedure for summoning and calling meetings, conduct of the business, the quorum

v] powers and duties of the president and Voice-President

vi] qualifications, terms of office and powers and duties of the registrar.

Approved Courses of Study and Examinations:—

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Any authority or institution in India Conducting a course of study for pharmacists may apply to the Central Council for approval of the courses and examination.

The Council then deputes its inspectors to visit the institution and ascertain whether the institution has the minimum facilities for running such a course or holding examinations in Conformity with the Education Regulations. The inspectors may also be required to attend any examination without interfering with its conduct to judge its standards.

Withdrawal of Approval:— Where the Executive Committee reports to the Central Council that an approved course of study or an approved examination no longer continues to be in conformity with the Education Regulations, the Central Council gives notice to the authority concerned of its intention to consider the withdrawal of approval.

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Approval of other Qualification?— The Central Council may approve any qualification granted by an authority outside India to be an approved qualification for the purpose of qualifying for registration under this Act if a sufficient guarantee of the requisite skills and knowledge is afforded.

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The Central Register of Pharmacists:— The Central Council is required to maintain a register of Pharmacists known as the Central Register. This register contain the names of all persons for the time being entered in the registers of different States.

State Pharmacy Councils

State Pharmacy Councils and joint state Pharmacy Councils are also constituted by the State Government.

Two or more states may also agree that the state Council or one state shall serve the needs of the other participating states.

Two or more states may also enter into an agreement (inter-state agreement) for definite and specified periods to form Joint state Councils.

Any Pharmacist willing to practice in a state has to get himself registered in that state through the state Pharmacy Council

~~Elected~~

State Council

1] Elected Members:—

a) Six registered Pharmacists elected from amongst themselves

b) one member elected from amongst themselves by the members of the medical Council of the State

2] Nominated members:— Five members of whom at least three shall be possessing a degree or diploma

in Pharmacy or Pharmaceutical Chemistry or be registered Pharmacists, nominated by the State Government

3] Ex-officio members :—

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a) Chief Administrative Medical officer of the State.
b) officer-in-charge of Drugs and Cosmetic Act, 1940.
c) Government Analyst under the Drug and Cosmetic Act as the State Government may appoint in this behalf.

Joint State Council

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1] Elected members :—

⇒ 3-5 Registered Pharmacists of each of Participating state elected from amongst themselves. However if agreed, the number of members elected by each of the Participating State may vary but shall be within 3-5 only.

⇒ One member elected by the Medical Council of each state from amongst its members.

2] Nominated members :— xxx 2-4 members nominated by each Participating State of whom more than half shall be possessing a degree or diploma in pharmacy or pharmaceutical Chemistry or be registered pharmacists.

Ex-officio members:—

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⇒ Chief Administrative medical officer of each of the participating States.

⇒ officer-in-charge of the Drugs Control organisation of each participating State

⇒ Government Analyst of each participating State

Inter-state Agreements

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Two or more State entering in to an agreement may agree for the Constitution of a joint State Council for all the participating State or that the State Council of one State shall serve the needs of the other participating State. Such an agreement may also provide for

⇒ the ~~apportion~~ apportionment of the expenditure between the participating State.

⇒ which of the participating state government shall exercise the several functions of the State Government under this Act.

⇒ Consultation between the participating state governments either generally or with reference to particular matters arising under this act.

Registration of Pharmacists

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The Pharmacy Act provides for the registration of Pharmacists to regulate the entry of persons in this profession. It ensures that only those persons having requisite qualifications, training and experience relating to the compounding, dispensing, handling storage etc. of the drugs are allowed to enter the practice of Pharmacy.

Name of the registered Pharmacists are entered in the registers maintained by the state Councils and the Central Council. The state Governments are responsible for the preparation of first registers in each state after the chapter relating to registration of Pharmacists has taken effect in any state.

The register includes the following particulars:—

⇒ The full name and Residential address of the registered Pharmacist

⇒ The date of his first admission to the register

⇒ His qualifications for registration

⇒ His professional address, and in case of employed persons the name of the employer, and

⇒ Such other particulars as may be prescribed.

First Register:— For the preparation of the first register the state Government Constitutes a Registration Tribunal by natification in the official Gazette.
The Tribunal Consists of three person and a registrar is also appointed who acts as its secretary.
The first register is published by the state Government and person aggrieved by the decision of the Tribunal may appeal, with in 60 days from the date of such publication to the authority appointed by the state Government in his behalf.

Qualification for entry on first Register:—

A person who has attained the age of 18 years shall on payment of the prescribed fee, be entitled to have his name entered in the first register if he resides or Carries on the business or profession of Pharmacy in the State and if he

⇒ Hold a degree or diploma in pharmacy or pharmaceutical chemistry or a chemist and druggist diploma of an indian University or a State Government
⇒ Hold a degree of an Indian University other than a degree or diploma in pharmacy or pharmaceutical chemistry, and has been engaged in the Compounding of drugs in a hospital or dispensary
⇒ has passed an examination recognised as adequate by the State Government for Compounders or dispensers.

⇒ has been engaged in the Compounding of drugs in a hospital or dispensary or other place in which drugs are regularly dispensed on prescription of medical practitioners.

Removal of names from Register: — xxx — The executive Committee of a State Council may order that the name of a registered Pharmacist shall be removed from the register where it is satisfied, after giving him a reasonable opportunity of being heard and after necessary enquiry.

⇒ If his name has been entered in the register by error or an account of misrepresentation or suppression of material fact

⇒ If he has been convicted of any offence or has been found guilty of any infamous Conduct in any professional respect which in the opinion of the Executive Committee renders him unfit to be kept in the register

⇒ If a person in his employment in Connection with any business of Pharmacy has been Convicted of any such offence or has been found guilty of any such ~~inform~~ infamous Conduct as would,

if such person himself were a registered pharmacist, render him liable to have his name removed from a register.

Penalty for falsely claiming to be registered Pharmacist:— xxx Any person who falsely claims to be a registered pharmacists and uses in connection with his name or title any words or letters reasonably calculated to suggest that he is a registered pharmacist shall be punished on first conviction with fine extending up to Rs 500 and on any subsequent conviction with imprisonment up to six months or with fine not exceeding Rs. 1000 or with both.

Dispensing by unregistered person:— xxx On or after the date notify by the State Government in this ~~behalf~~ behalf, no person other than a registered Pharmacist can compound prepare, mix, or dispense any medicine on the prescription of a medical practitioner.

Failing to surrender certificate of registration:— xxx if any person whose name has been removed from the register fails without sufficient cause to surrender his certificate

he shall be punishable with fine extending to Rs. 50.

Payment of fees to the Central Council:— The State Councils are required to pay to the Central Council before the end of June in each year a sum equal to 1/4th of total fees realised by the State Council during the period of 12 months ending on 31st May of the year.

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Medicinal and Toilet Preparation Act-1955

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The Medicinal and Toilet Preparation Act was passed in 1955 and the rules were passed in 1956 to provide for the Collection of levy and Collection of duties of excise on Medicinal and toilet preparations Containing Alcohal, narcotic drugs or narcotics. The Act extends to whole of India. It Come in to force on 1st April, 1957.

Alcohol ~~passes~~ possesses excellent solvent properties besides its preservative effect and hence it has found a very important position in the manufacture of drugs and medicines.

Objectives:— The Medicinal and Toilet Preparation Act-1955 was passed with the following objectives-

⇒ To Provide for the Collection of levy and duties of excise on medicinal and toilet preparation Containing alcohal, narcotic drugs and narcotics.

⇒ To provide for uniformity in the rules and rates of Excise duties livable on such preparation throughout the Country.

⇒ To provide the misuse of alcohal its issue transport and use should be Controlled.

⇒ To provide for exhaustive rules and provision are provided to cover all type of preparations Containing Alcohal, including homeopathic Preparation.

Definitions

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Alcohal:— Alcohal means ethyl alcohal of any strength and purity having the chemical Composition C_2H_5OH

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Medicinal Preparation:— Medicinal Preparation includes all drugs which are remedy or prescription prepared for internal or external use of human beings or animals and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human being or animals.

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Toilet Preparation:— Toilet Preparation means any Preparation which is intended for use in the toilet of the human body or in perfuming apparel of any description, or any substance intended to cleans, improve or alter the Complexion, hair, skin, or teeth, and includes deodorant and perfumes.

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Narcotic drug or narcotic:— Narcotic drug or narcotic means a substance which is coca leaf, or coca derivative or opium, or Indian hemp and shall include any other substance capable of causing or producing in human beings dependence, tolerance and withdrawal syndromes and which the Central Government may by natification in the affical Gazette; declare to be narcotic drug or narcotic

Bonded manufactory:— Bonded manufactory means the premises approved and licensed for the manufacture and storage of medicinal and toilet preparations containing alcohal, opium, Indian hemp or other narcotic drug on which duty has not been paid;

Non Bonded manufactory:— Non-bonded manufactory means the premises approved and licensed for the manufacture and storage of the medicinal and toilet preparations containing alcohal, opium, Indian hemp and other narcotic drug or narcotics on which duty has been paid.

Denatured alcohal or denatured spirit:— denatured alcohal means alcohal of any strength which has been rendered unfit for human consumption by the addition of substances approved by the Central Government or by the state Government with approval of Central Government.

Rectified Spirit:— Rectified spirit means plain undenatured alcohal of a strength not less than 50.0° over proof and included absolute alcohal.

Warehouse:— warehouse means any place or premises licensed under rule 70.

Licensing:- Alcoholic preparations and narcotics or narcotic drugs can be manufactured only under the authority of a license.

Following particulars should be submitted in the application for obtaining license to manufacture dutiable goods in or outside bond.

1] Name and address of the applicant and place and site on which the manufactory is situated or to be constructed if the applicant be a firm;

a) the name and address of every partner of the firm

b) if it be a company its registered name and address and the names and addresses of its directors, managers and managing agents should be specified.

2] The amount of the capital proposed to be invested in the venture.

3] Approximate date from which the applicant desires to commence the manufactory and the statement whether the bonded laboratory will require the services of a whole time or part-time excise officer and whether quarters for the excise staff will be provided with in the manufactory or its vicinity.

4] The number and full description of vatts, stills and other permanent apparatus and machinery which the applicant wishes to set up together with the maximum quantity of alcohal and alcohal content in the finished preparations and the maximum quantities by weight of opium, Indian hemp or other narcotic drugs or narcotics and their contents in finished and unfinished preparations.

5] The site and elevation plans of the manufactory / building and also similar plans for the quarters of the excise together with relevant records.

6] The amount in cash or Government promissory Notes which the applicant is prepared to furnish for the due performance of the conditions on which the license may be granted.

7] The kind and number of each license under the Drugs and Cosmetics Act held by the applicant.

Manufacture :—

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manufacture of medicinal and toilet preparations containing alcohal is permitted in bond with out payment of duty as well as outside bond. In case of the manufacture in bond, alcohal is to be

Used under excise supervision and incase of manufacture outside bond, duty paid alcohal only has to be used.

Manufacture in Bond :— A bonded labaratory should make provision for the following

⇒ one Plain spirit store unless the manufactory is attached to a distillery or a spirit warehouse

⇒ At least one large room for manufacturing medicinal preparations and separate arrangement for manufacture of toilet preparations.

⇒ Room(s) for storing finished medicinal preparations and for storage of finished toilet preparations.

⇒ Accomodation with necessary furniture for the affice-in charge in the bonded premises.

⇒ malleable iron rods not less than 3/4 in thickness, set not more than 4 apart, embodied in brick work upon a depth of at least two inches and covered on the inside with strong wire netting or expanded metal of a mesh not exceeding one inch in diameter or length in every window of the bonded premises.

⇒ A board on which the name of the room and a serial number, if any are legibly painted in oil colour, on outside of every such room in the manufactory,

⇒ All pipes from sinks or wash basins inside manufactory premises discharging into drains forming part of the general drainage system of the premises.

⇒ All gas and electrical connection with in the licensed premises so fixed as to admit of the supply of gas or electricity being cut off and all the regulators or switches being securely locked at the end of the day's work.

Manufacture outside the bond :—

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The manufacture and sale in a non bonded manufactory has to be conducted between sunrise and sunset and on such days and hours as fixed by the excise Commissioner. There should be a spirit store, a laboratory, a finished store, each having one door and only one entrance to the non bonded laboratory. Construction of the windows of the spirit store, laboratory and finished store as well as other provisions are same as in case of bonded manufactory.

Manufacture of Ayurvedic, Homeopathic and Patent & Proprietary Preparations

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Ayurvedic Preparations:— Ayurvedic preparations containing self-generated alcohal in which the ~~non~~ alcohal ~~and hence are~~ Content does not exceed 2% proof spirit are deemed to be non-alcohalic and hence are exempted from the payment of the ~~Duic~~ excise duty. The preparations which can be consumed as alcohalic beverages are liable to a duty of Re 1 per L.P. litre.

Homeopathic Preparations:—

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All homeopathic preparations containing alcohol are classified as being consumed as ordinary alcohalic beverages and attract duties prescribed for such class of preparations falling under the category of restricted preparations.

Patent and proprietary preparations:— Allopathic preparations

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are medicinal preparations made according to the modern system of medicine they are classified as.

⇒ official preparations made strictly according to the formulae given in the current editions of B.P, B.P.C, I.P, U.S.P, (U.S) any other Pharmacopoeia recognised under the Drugs and Cosmetics Act, 1940 by the Government of India, and Veterinary Codex recognised by the Government of India.

⇒ Non official allopathic preparations referred to as proprietary preparations which are prepared according to allopathic system of medicine and conform strictly to the formula displayed on the lebel.

⇒ All other standard preparations and proprietary preparations not being capable of being consumed as alcoholic beverages are referred to as Unrestricted preparations.

Export of Alcohalic Preparations

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Alcoholic Preparations are exported from India duty free Such preparations are exported either

i] Under bond (directly from a bonded laboratory without payment of duty)

ii] Under claim for rebate of duty. The exporter should present to the officer-in-charge or the proper officer an application in triplicate stating whether the goods are to be exported by land, sea, air or by post parcel

⇒ A separate application is to be made in respect of each Consignment.

Export under bond :— When goods from a bonded manufactory or warehouse are to be exported they should be packed in case or packages and should be ligibly marked in int or oil Colour with following Particulars—

1] Progressive number Commencing with 1 for each year
11] owner's name and special mark, if any
111] Total quantity of dutiable goods with their alcoholic Content in L.P gallons.

after verifying the particulars entered in the application the officer-in-charge or the proper officer should get the following mated on the body of each package

1] Name and address of the Consignee
2] Description of the goods
3] total quantity of goods packed
4] Alcohalic Contentent of the goods in L.P. gallons as declared by the manufacturer
5] Gross weight of the package

Export of duty paid goods :— The owner of a non-bonded manufactory or a warehouse dealer, who wants to export duty paid goods, should give 48 hours notice to the proper officer for supervising packing of goods to be exported.

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The entire Consignment should be presented before the proper officer who shall take samples of the goods and send to the chemical examiner for Analysis.

After verifying the particulars entered in the application the officer-in-charge gets the following particulars entered on the body of each package-

I] Name and address of the Consignee

II] Description of the goods

III] total quantity of the goods packed and their alcohalic Content in L.P. gallons

IV] Gross weight of the package

⇒ The officer-in-charge should then seal each package with his official seal ~~each package with his official~~ so as to make them temper proof. The packages can then be exported in the same manner as the bonded goods.

Export by parcel post:— After the goods intended for export by post have been sealed, the exporter should present the duplicate certified application together with relevant packets or packages, to the post master at the office of booking.

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Offence and Penalties

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Offence	Penalty
I] Non-Compliance with condition of license and failure to pay duty	Imprisonment upto 6 months or fine up to 200 or both
II] Failure to supply information asked, or supplying false information	" "
III] Attempting or Committing or abetting commission of any offence	" "
IV] Connivance of offences by owners or occupiers of land	Imprisonment up to 6 months or fine up to Rs 500 or or both
V] Vexatious search, seizure etc. by Excise officer	Fine up to Rs. 2000 for every offence
VI] Failure of ~~Excise~~ Excise officer on duty	Imprisonment up to 3 months or fine up to 3 months pay or both

Offence	Penalty
Improper keepings of stocks or accounts	Fine up to Rs 100
making false entries or tearing pages from stock book	Fine up to Rs 2000 and goods liable to confiscation
Sale of dutiable goods otherwise than in prescribed containers bearing the labels	Fine upto Rs 1000 and goods liable to confiscation
Failure to furnish proof of export with in specified period	Fine up to Rs 2000

Narcotic Drugs and Psychotropic substances Act-1985 and Rules

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Narcotic word comes from greek word NARKOS means sleep

Introduction:— The Narcotic Drugs and Psychotropic Substances Act 1985, Commonly referred to as the NDPS Act. It is an Act of the Parliament of India that prohibits a Person the production/manufacturing/cultivation, possession, sale, Purchasing, transport, storage and Consumption of any narcotic drug or psychotropic substance.

Objective of NDPS Act-1985:—

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⇒ To Consolidate and amend the law relating to narcotic drugs

⇒ To make stringent provision for the Control and regulation of operations relating to narcotic drugs and psychotropic substances.

⇒ To provide for the forfeiture of property derived from or used in, illicit traffic in narcotic drugs and psychotropic substances

⇒ To implement the provision of the International Convention on Narcotic Drugs and Psychotropic Substances.

Definitions

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Addict :— Addict means a person addicted to any narcotic or psychotropic substances.

Cannabis (hemp) :—

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Cannabis means charas that is the separated resin, in whatever form, whether crude or purified, from the Cannabis plant and also includes concentrated preparation and resin known as ~~hashish~~ hashish oil or liquid hashish.

⇒ 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

Coca derivative :— Coca derivative means

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⇒ Crude Cocaine, that is any extract of coca leaf which can be used directly or indirectly for the manufacture of Cocaine.

⇒ Cocain, that is methyl ester of benzyl-ecgonine and its salts.

⇒ all preparations containing more than 0.1% of Cocain.

Coca leaf :—

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The leaf of the Coca plant except the leaf which all ecgonine, Cocain and any other ecgonine alkaloids have been removed.

=> Any mixture there of with or without any neutral material but does not include any preparation containing not more than 0.1% of cocain.

Coca Plant:— Coca plant means the plant of any species of the genus Erythroxylon.

Narcotic drug:— Narcotic drug means coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured drugs.

Opium :— Opium means the coagulated juice of the opium poppy.

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 % of morphine.

Psychotropic Substances:— Psychotropic substance means any substance, natural or synthetic, or any natural material or any salt or preparation of such substances or material included in the list of psychotropic substances specified in the Schedule.

Authorities and officers

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1. measures by Central Government:— To prevent and combat abuse of narcotic and psychotropic substances and the illicit therein, the Central Government may take measure with respect to the following matters.

a) Coordination of actions by various officers, State Government and other authorities under this Act or under any other law for the time being in force in connection with ~~respect to the~~ enforcement of the provisions of this Act.

b) Obligations under the International Conventions

c) assistance to the Concerned authorities in foreign Countries and international organizations to facilitate Coordination and universal action for prevention and suppression of illicit traffic in narcotic drugs and psychotropic Substances.

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

2) officers of Government — In addition to the above authorities the Central Government shall appoint a narcotics Commissioner and such other officers as it thinks fit for the purpose of this Act.

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The Narcotics Commissioner may authorise any officer Subordinate to him to exercise all or any of his powers under the Rules.

3] The Narcotic Drugs and Psychotropic Substances Consultative Committee — This Committee may be constituted by the Central Government to advise the Central Government on such matters relating to the administration of this Act as are referred to it by the Government from time to time. The Committee shall consist of a chairman and such other members, not exceeding twenty, as may be appointed by the Central Government.

4] National fund for control of Drugs abuse: — xxx — The Central Government may constitute the National fund for control of Drug abuse. The fund shall be applied by Central Government to meet the expenditure incurred in connection with the measures taken for combating illicit traffic in or controlling abuse of narcotic drugs or psychotropic substances for specified purposes.

5] officers of state Government: — xxx — The state Government may appoint officers with such designations as it thinks fit for the purpose of this Act. These officers shall be subjected to general control and direction of the state Government, or if so directed by the Government, also of any other authority or officer.

Prohibition, Control and Regulation of Narcotic drugs & Psychotropic Substances.

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Prohibition of certain operations:— No person shall

a) Cultivate any coca plant or gather any portion of the coca plant

b) Cultivate the opium or any Cannabis plant

c) produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import and export inter-state or tranship any narcotic drug or psychotropic substances except for medical or scientific purpose and in the manner and to the extent prescribed or in accordance with the terms and conditions of a licence, permit, or authorisation.

⇒ Provided that the prohibition against the cultivation of Cannabis plant or the production of ganja or the production possession use, consumption, purchase, sale, transport, warehousing, inter-State import and export of ganja for any purpose other than medical and scientific, shall take effect only from the date specified by the Central Government.

⇒ Provided that this shall not apply to the export of poppy straw for decorating purposes.

Power of Central Government to permit, Control and Regulate

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Subject to the provisions of Section 8, the Central Goverment may by rules Permit and Regulate

⇒ The ~~Cultivation~~ 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.

⇒ The Cultivation (such Cultivation being only on account of central Government of the ~~opp~~ opium poppy.

⇒ The production and manufacture of opium and production of poppy straw. डोडा पोस्त खसखस

⇒ 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.

⇒ 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.

⇒ The manufacture, possession, transport, import inter-state export inter-state, sale, purchase, consumption or use of psychotropic substances.

⇒ The import into india and export from india and transhipment of narcotic drugs and psychotropic substances.

National fund for Controlling the Drug Abuse

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In the excercise of the powers available under section 7-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), vide Natification S.O. No. 389(E) dated 29.05.89, the Central Government has constituted the National Fund for Control of Drug Abuse (NFCDA). Subsequently the Narcotic Drugs and Psychotropic Substances (National Fund for Control of Drug Abuse) Rules, 2006 were natified on 24th march 2006.

Objectives of NFCDA

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- The fund can be utilized to meet the expenditure incurred in connection with the measures taken for.

a) Combating illicit traffic in drugs, psychotropic substances or Controlled substances

b) Controlling the abuse of narcotic drugs and psychotropic substances.

c) preventing drug abuse

d) Identifying, treating, rehabilitating addicts.

e) Educating public against drug abuse and

f) Supplying drugs to addicts where such supply is a medical necessity.

Norms and Conditions for financial assistance

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The quantum of assistance in the case of NGOs, private bodies / institutions etc. shall be not more than 75% of the actual expenditure as approved by the Governing Body. However the Government bodies / institutions, funds up to 100% of the actual expenditure as approved by the Governing body. The following criteria shall be followed while assessing the actual expenditure.

⇒ No assistance will be given for reccurring expenditure to NGOs, Pvt. bodies.

⇒ No assistance will be given for administrative expenditure.

⇒ If an organization has already received or is expected to receive a grant from some other sources for the purpose for which the application is being made under this scheme, assessment for grant from NFCDA will normally be made after taking in to account grant from such sources.

Opium Poppy Cultivation and Production of opium and Poppy Straw :— The opium poppy for the production of opium or poppy straw can be cultivated only on behalf of Central Government in the notified tracts in states of M.P. U.P and Rajasthan in accordance with the conditions of a licence issued by the district opium officer. following information is to the furnished in the application.

I] Crop year

II] name, father's name and address of the Cultivator

III] Khasra number of the plat of land in which poppy is to be Cultivated

IV] Whether the plat is in the name of the applicant as per the revenue records and if not in whose name

V] Whether the plat has irrigation facilities and the kind of such facilities available.

VI] Area required for opium poppy cultivation.

VII] Whether the applicant Cultivated the poppy in the past and the latest year in which Cultivated

VIII] details if any about the proscription of the applicant from the poppy Cultivation etc.

IX] Signature of the cultivater and attestation by the Lambardar.

Manufacture, Sale and Export of opium

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Manufacture- Opium shall not be manufactured except by the Central Government at opium factories located at Gazipur 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:- The export of opium is prohibited except when the export is on behalf of the central Government.

Sale:- The sale of opium to state Governments or manufacturing chemists shall be only from the Government opium factories, located at Neemuch and Ghazipur at the price fixed by Central Government from time to time. The supply of opium from Government opium factories, located at Neemuch and Ghazipur to manufacturing chemist shall be only under a permit granted by or under orders of the state Government with in whose jurisdiction the chemist resides or has his place of business.

Import, Export and Transhipment of Narcotic Drugs and Psychotropic Substances

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The import in to and export out of India the narcotic drugs and psychotropic substances specified in Schedule I is generally prohibited.