

Narcotic Drugs and Psychotropic Substances Act, 1985

October 5, 2021

In news- Recently a famous actor's son was arrested by the Narcotics Control Bureau (NCB) following a raid on a rave party. He was arrested under **Section 8(c), 20(b), 27 and 35 of the Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985.**

About the Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985-

- It is the legislation that deals with narcotic drug or psychotropic substance prohibition in India.
- It prohibits a person from the production/manufacturing/cultivation, possession, sale, purchasing, transport, storage, and/or consumption of any narcotic drug or psychotropic substance.
- Initially **enacted in 1985, the Act was amended three times in 1988, 2001 and 2014.**
- The narcotic drugs include coca leaf, cannabis (hemp), opium, and poppy straw; and psychotropic substances include any natural or synthetic material or any salt or preparation protected by the Psychotropic Substances Convention of 1971.
- The offences under the Act attract jail terms ranging from one year to 20 years and fine depending on the crime.
- The property acquired by a person from drug-related offences, who has been convicted under the Act can be seized, frozen and forfeited by the

government.

- **All the offences under the Act are non-bailable.**
- No relief can be sought by the drug convicts by termination, remission, and commutation of sentences passed.
- The NCB constituted in 1986 under the provisions of the Act, is a nodal agency that is responsible for coordination with various ministries, other offices & State/Central enforcement agencies with regard to drug law enforcement and also in respect of matters relating to drug abuse.
- The 2014 amendment eased restrictions on **Essential Narcotic Drugs (Morphine, Fentanyl and Methadone)**, making them more accessible for use in pain relief and palliative care.

Sections under which Actor's son is arrested-

- Section 8(c) of NDPS Act

The section prohibits the production, manufacturing, possession, selling, purchase, transport, warehouse, use, consumption, inter-state import and export, import to and from India or tranship of any narcotic drug or psychotropic substance, except for medical or scientific purposes, and requires a licence or permit by the concerned authorities.

- Section 20(b) of NDPS Act

The possession (cultivation, manufacture, possession, selling, purchases, transport, imports inter-State, exports inter-State or uses) of cannabis is a punishable offence.

- Section 27 of NDPS Act

Whoever consumes any narcotic drug or psychotropic substance like cocaine, morphine, diacetyl-morphine or any other narcotic drug or any psychotropic substance as may be

specified on this behalf by the Central Government by notification shall be punishable.

- Section 35 of NDPS Act

Under this section, it is presumed that the accused knew what they were doing. Hence, the accused will be guilty unless proven innocent. The “culpable mental state” includes intention, motive, knowledge of a fact, or reason to believe a fact.