



# Pharmacy Act, 1948

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# OBJECTIVE

- To regulate the profession and practice of Pharmacy and to raise the status of profession of Pharmacy in India.
- Providing uniform education and training to the persons willing to enter the profession of Pharmacy.

# Definitions:

1. **Central Council:** The Pharmacy council of India.
2. **Central Register:** Register of Pharmacists maintained by the Central Council.
3. **Medical Practitioner :** means- A person holding a qualification granted by an authority specified or notified under sec. 3 of Indian Medical Degree Act 1916, or specified in the schedule of the Indian Medical Council Act 1956,
4. **Registered Pharmacist :** A person whose name for the time being is entered in the register of pharmacists of the State, in which he is for the time being residing on carrying on his profession or business of pharmacy.
5. **Displaced Person:** A person who on account of the setting up of the Dominions of India and Pakistan or on account of the civil disturbances or the fear of such disturbances in area now forming part of Pakistan has on or after the first day of March 1947, left or been displaced from his place of residence in such area and who has since then been residing in India.

6. **Repatriate:** Any person of Indian origin who on account of civil disturbances in any area now forming part of Burma, Sri Lanka or Uganda, or any other country has after the 14th day of April 1957, left or has been displaced from his place of residence in such area and who has since then been residing in India.
7. **University Grant Commission:** It means the University Grant Commission established under section 4 of the University Grant Commission Act, 1956.
8. **Indian University:** It means a University within the meaning of section 3 of the University Grant Commission Act, 1956 and includes such other institutions, being institutions established by or under a Central Act, as the Central Government may, by Notification in the official Gazette specify in this behalf

# Pharmacy council of India

- The PCI was first constituted in the year 1949.
- Reconstituted every 5 years.
- provides for the constitution of Central Council (Pharmacy council of India) under section 3 of the chapter 1 by the Central Government.
- Composition:
  1. Elected members.
  2. Nominated members.
  3. Ex-officio members.

## Elected members

- Six members – Elected by UGC among whom at least teacher of subject P'.chemistry, Pharmacy, P'Cology & P'cognosy
- One member – Elected by Medical council of India.
- One member – Elected by each State Pharmacy Council

## Nominated members

- Six members – Nominated by Central Govt. of whom four shall be possessing degree or diploma in pharmacy and practicing pharmacy or P'ceutical chemistry.
- One representative each – UGC and AICTE
- One Registered Pharmacist – Nominated by state govt. Each State/ Union Territory

## Ex-officio member

- The Director General of Health Services
- The Director of Central Drugs Laboratory.
- The Drugs Controller of India

## @Function of Pharmacy Council of India

To prescribe the minimum standard of education required for qualification as a Pharmacist

To Regulate the minimum education standard

To recognize qualifications granted outside the territories to which Pharmacy Act, 1948 Extends for the purpose of qualifying for registration under said Act.

To compile and maintain a central register for pharmacist containing names of all persons for the time being entered in the state register

Any other function that may be assigned to the Central Council in the furtherance of the objectives of the Pharmacy Act, 1948.

# President and Vice President of Central Council:

- The President and Vice President of the Council shall be elected by the member of the council.
- President and Vice President hold the post for Five year.
- If his term as a member of Central Council expires before expiry of the post which he is elected, and if he re-elected or re-nominated as a member of Central Council , he can continue to hold office as President or Vice-President for the full term.



# Term of Office and Casual Vacancies

- a) Nominated or elected member shall hold office for a term of five years from the date of nomination or election.
- b) A Nominated or elected member may resign his membership at any time by writing to president. Seat of such member thereupon remains vacant.
- c) A nominated or elected member should have to vacate his seat if he is absent without excuse, sufficient in the opinion of the Central Council for three consecutive meeting of the Council.
- d) Casual vacancies as in above case can be filled by, fresh nomination or election as the case may be. The person so elected or nominated can hold office only for a remainder of the term for which the member whose place he takes.
- e) Member of Central Council can be eligible for re-nomination or re-election.

# Staff Remuneration and Allowances

- The Central Council may:
  1. Appoint a registrar who may act as a secretary, and if deemed expedient, act as a Treasurer of the Council.
  2. Appoint such other officers and servants as considered necessary to enable it to carry out its function.
  3. From the Registrar, or any other officer or servants takes such security for the due performance of his duties as council may consider necessary.
  4. With previous sanction of the Central Government, Central Council may fix:
    - i) The remuneration and allowances for the president, vice president and other members of the council.
    - ii) Pay and allowances and other service conditions of officers and servants of the council.

## ■ The Executive Committee

The Pharmacy Act provides, constitution of Executive committee by the Central Council:

The Executive Committee consists of the:

1. Ex. Officio members:
  - a) President as chairman of committee
  - b) Vice President

2. Five members elected, by the Central Council from its members

# Powers of the Central Council to make regulations:

- The Central Council is authorized to lay down rules for its procedures, fix rate of allowances payable to its members and members of the committee.
- It may lay down rules for the management of its property, and maintenance and auditing of accounts, holding of meetings, fixing functions duties and powers of Executive Committee, President and Vice-president and qualifications, terms of office, power and duties of secretary, Inspectors and other officers of the council.
- The council has to furnish copies off his minutes and those of Executive committee, together with a Summary of annual activities and accounts to the Central Government.

## ■ Education Regulation

Minimum qualification for admission to the course

Nature and period of course of study

Nature and period of practical training to be undertaken after the completion of the regular course

The subjects of examination and the standard attained therein.

The equipment and facilities to be provided by the institutions for the students undergoing approved course of study

Conditions to be fulfilled by Institutions giving practical training

Conditions to be fulfilled by authorities holding approved examinations

## **1. State Pharmacy Council(SPC)**

State Pharmacy Council is charged with the responsibility of maintaining an up-to-date register of the registered pharmacists within the State. State Pharmacy Council is custodian of the register of registered pharmacists in the State.

## **2. Joint state pharmacy council**

Joint State Pharmacy Council covering two or more States under an official agreement.

## Elected Members

<b>State Pharmacy Council</b>	<b>Joint State Pharmacy Council</b>
Six members elected by registered pharmacists of particular State.	3-5 members elected from by Registered pharmacists of each participating state.
One member who is a registered medical practitioner elected by the medical council of states	One registered medical practitioner elected by the medical council of each participation state.



## Nominated members

Five members nominated by each state of which at least 3 should be degree or diploma holders in pharmacy or pharmaceutical chemistry.

2-4 members nominated from each participating state of which more than 50% shall be the persons with degree or diploma qualifications in pharmacy or pharmaceutical chemistry.

## Ex-Officio Members

Chief administrative officer or incharge, medical and health service of state or his/her nominee

Chief administrative officer or incharge, medical and health services of each participating state of his nominee.

Officer incharge for drugs and cosmetic act, 1940 of each state or his/her nominee.

Officer incharge for drugs and cosmetics, act 1940 of participating state or his/her nominee.

One government analyst under DCA, 1940 nominated by state government.

One government analyst under DCA, 1940 nominated by each participating state.



# Registration of Pharmacy

1. **First Register of Pharmacist:** Immediately after independence until SPC was constituted.
2. **Subsequent Register:** During the period of implementation of Pharmacy Act and framing of Educational Registrations.
3. **Regular Register:** After Education Regulations came into force.  
Registration of Pharmacist


# Register of SPCI

1. Full Name of pharmacist and his/her residential address
  2. The date of his/her first admission to the Register
  3. Qualification, year of passing of qualifying examination
  4. Professional address
  5. Date of Birth and any other particulars as prescribed.
- A certificate of registration is also issued by State Pharmacy Council on payment of fees.
  - The Registrar, on payment of fees, may issue duplicate certificate only on confirmation that the original is lost or destroyed.

# Removal of Name from Register

## FOR FOLLOWING REASONS;

- A person whose name has been entered in the Register by error or an account of misrepresentation or suppression of fact
- A person who gives false information about himself/herself,
- A person who submits false certificate or false document in support of his/her registration,
- A person who is convicted of an offence in connection with his/ her profession
- A person who was indirectly involved in commitment of professional offence and if it is proved that the offence was instigated or connived at by the registered pharmacist.

OFFENCES	PENALTIES
<p>Falsely Claims to be a Registered Pharmacist</p> 	<p>1 Fine up to Rs 500.00 on first conviction. Fine up to Rs 1000.00 and/or 6 months imprisonment of any subsequent conviction.</p>
<p>Dispensing by an Unregistered Person (Exception – Medical Practitioner)</p>	<p>1 6 months of imprisonment or a fine of up to Rs 1000 or both.</p>
<p>Failure to Surrender the Certificate of Registration</p>	<p>Fine of Rs 50.</p>
<p>Obstruction of State Pharmacy Council Inspectors</p>	<p>Imprisonment of up to 6 months or a fine of up to Rs 1000 or both.</p>

Thank you



# Medicinal and toilet preparation act 1955

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# Objective

- Act was passed in 1955 and rules were passed in 1956
- To provide collection of levy and collection of duties on medicinal and the toilet preparations containing alcohol , narcotic drugs or narcotics.
- Came to force on 1st April, 1957.

# OBJECTIVES OF THE ACT

The Medicinal and Toilet preparation(Excise Duties) 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 alcohol, narcotic drugs or 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 alcohol its issue transport and use should be controlled.
- To provide for exhaustive rules and provisions are provided to cover all types of preparations containing alcohol, including homeopathic preparations.



# Definitions Under the Act

1. **Alcohol:** means ethyl alcohol of any strength and purity having chemical composition  $C_2H_5OH$ .
2. **Dutiable goods:** It includes the Medicinal and Toilet Preparations specified in the schedule as being subject to the duties of excise levied under this act.
3. **Medicinal Preparation-** It includes the drugs used as a remedy or prescription prepared for internal or external use of human being or animals and all substances intended to be used for or in treatment, mitigation or prevention of disease in human being or animals.
4. **Toilet Preparation-** the preparation intended to be used in the toilet of human body or in perfuming apparel of any description, or any substances intended to cleanse, improve or alter the complexion, skin, hair or teeth, and includes deodorants and perfumes.

4. **Bonded manufactory:** means the premises or any part of the premises approved and licensed for the manufacture and storage of medicinal and toilet preparations containing alcohol, opium, Indian hemp and other narcotic drugs or narcotics on which duty **has not been paid**.
5. **Non-bonded manufactory:** means the premises or any part of the premises approved and licensed for the manufacture and storage of medicinal and toilet preparations containing alcohol, opium Indian hemp and other narcotic drugs or narcotics on which duty **has been paid**.
6. **Denatured spirit or denatured alcohol:** means alcohol 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 the approval of the Central Government.
7. **Spirit Store:** means that portion of the bonded or non-bonded manufactory which is set apart for the storages of alcohol, opium, Indian hemp and other narcotic drugs or narcotic purchased free of duty or at prescribed rates of duty specified in the schedule to the Act.

7. **Sub-standard preparation** “ is – a pharmacopoeial preparation in which the amount of any of the various ingredients is below the minimum that the pharmacopoeial composition would require ,

**or**

a proprietary medicine which does not conform to the formula or the list of ingredients disclosed on the label on the container or on the container.

7. **Restricted Preparation:** These are the medicinal preparations which are considered capable of being misused as ordinary alcoholic beverages.

8. **Unrestricted Preparation:** These are the medicinal preparations which are considered to be not capable of being misused as ordinary alcoholic beverages.

9. **Standard preparation-** means a preparation other than a “sub-standards preparation.

10. **Warehouse-**means any place or premises licensed under rule 70.

# Licensing procedure

- For the preparation containing alcohol and narcotic substances.
- Obtained from narcotic commissioner.
- Applied with prescribed fee and format.

# Details required:

- Name and address of applicant
- Place/site of the bonded laboratory
- If applicant is a firm then name and address of partners
- If applicant is a company then name address of directors, managers and managing agents and reg. no. of company.
- Amount of capital proposed.
- Number and full description of vats, stills and other apparatus and machinery.
- Maximum quantity of alcohol remain at one time in the form of finished and unfinished preparations

- Approximate date of starting production.
- Statement indicating that excise officer required full time or part time.
- Site and elevation plan of laboratory building
- Incase of firm copy of partnership deed.
- Incase of company list of directors managers, copies of memorandum of association, articles of association and latest balance sheet.
- On receiving application licensing authority verify.
  1. Qualification and experience of technical staff.
  2. Equipments
  3. Suitability of proposed building.
  4. Soundness of applicant financial position.

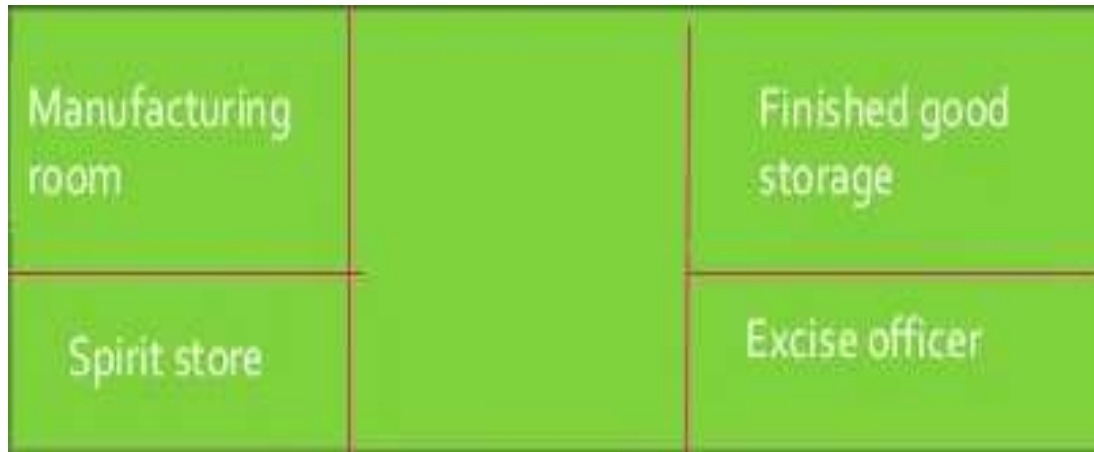
# Differences in payment of fees

Manufacture in bond	Manufacture outside bond
Consumption of alcohol < 4000 liter/year-- -Rs. 100	Consumption of alcohol is 125 liter/year--- Rs. 10.
Consumption of alcohol $\geq$ 4000 liter/year-- -Rs. 200	Consumption of alcohol is 126-499 liter/ year---Rs. 25
Self generating alcohol by distillation in Ayurvedic & Unani medicines---Rs.25	Consumption of alcohol < 4000 liter/year-- -Rs. 100
	Self generating alcohol by distillation in Ayurvedic & Unani medicines---Rs.25

# Manufacture in bond

- Without payment of duty rectified spirit is issued with sufficient securities and bond.
- Bonded laboratory:
- Ideal requirements
  1. Spirit store
  2. Room for manufacturing of medicinal preparations.
  3. Room for storage of finished preparations.
  4. Room for manufacturing and storage of Toilet preparations
  5. Accommodations for excise officer with furniture.



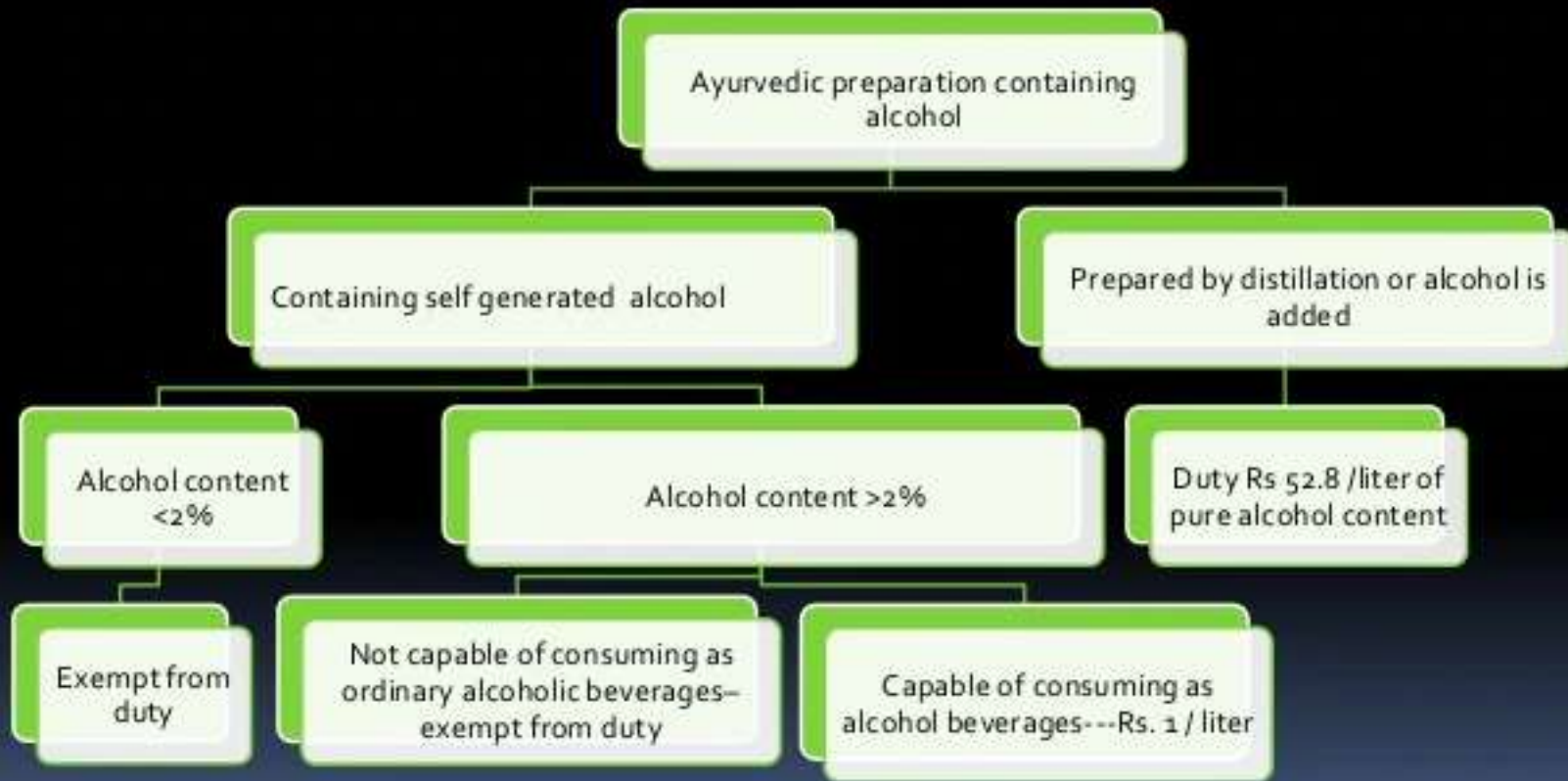


1. Obtaining the spirit
2. Verification and storage of received spirit
3. Issue of spirit from spirit store to manufacturing
4. Wastage of spirit in manufacture.
5. Storage of finished product.
6. Issue of alcoholic preparations from bonded laboratory.
7. Exemptions

# Manufacture outside bond

- With payment of duty
- Non –bonded laboratory:
  - ✓ A spirit store
  - ✓ A finished good store
  - ✓ A laboratory
- Manufacturing:
  1. Obtaining the spirit
  2. Manufacture, storage and sale
  3. Sampling
  4. Returns
  5. Employees
  6. Inspection

# Manufacture Of Ayurvedic, Homeopathic And Patent And Proprietary Preparations



# Warehousing Of Alcoholic Preparations

- To store alcoholic preparation on which duty has not been paid.
- License can be issued by payment of fees Rs.25 with bond and security.
- Duty will be paid at the time of removal of goods from warehouse.
- All goods should be weighed, gauged and assessed the duty and recorded.
- No goods can be issued without payment of duty except export from India or transfer to another bonded warehouse.
- Movement of goods between two warehouse should be done by bond and security of twice amount of duty.
- Goods can be stored for maximum period of 3 years.

# Inter State Transport

- Transport only after payment of duty.
- If transport in bonded laboratory then exempted from duty.

Export under bond	Export outside the bond
Without payment of duty	With payment of duty
Exporter apply in triplicate to excise officer	Exporter apply in duplicate to excise officer
Exporter should mention the means export either by land, sea, air or post	Export should give 48 hour notice before exporting date
Exporter Should give separate application for different means of export	Exporter should present entire consignment to excise officer
	Excise officer take samples and send for analysis on the basis of it permit for export
All goods should contain serial no., owners name & mark, total qty of dutiable goods, alcoholic strength, name & address of consignee, gross wt of each package	All goods should contain serial no., owners name & mark, total qty of dutiable goods, alcoholic strength, name & address of consignee, gross wt of each package
Excise officer puts his official seal on each package	Excise officer puts his official seal on each package
Excise officer return the duplicate copy of application to exporter	Excise officer return the duplicate copy of application to exporter

# Power, Duties And Responsibility Of Excise Officer

## Powers:

1. Inspection
2. Entry, search and seizure
3. Detention of person.
4. Suspension-revoke of license.
5. Summons/ notices.
6. Prosecutions.
7. Disposal of seized article/ arrested persons.
8. Power to arrest
9. Power to make rules.

# Duties:

1. Checking the qualifications and experience of technical staff, equipments, suitability of building and applicants financial position.
2. Visit the premises at regular intervals
3. Countersign on indent to get alcohol from distillery



# Responsibility

1. Correct collection of duty and penalty
2. Articles seized should handed over to officer in charge of police station
3. Articles seized should be disposed speedily.
4. Persons arrested should be forwarded without delay to excise officer who is empowered to produce against magistrate.

# Offences and penalties

## By Licensees

Failure to follow licence conditions/ pay duty	Imprisonment up to 6 months or fine up to ₹2000
Disorderly keeping of stocks/ accounts	Fine up to ₹2000
Illegal sale of dutiable goods	Fine up to ₹1000
Failure to furnish export proof	Fine of ₹20000
Obstruction to officers/ false information	Fine up to ₹5000
Failure to provide/ maintain weighing/ measuring devices	Fine up to ₹1000
Failure to provide/ maintain facilities for locking	Fine up to ₹ 200

## By Excise Officers

Failure to do duty	Imprisonment up to 3 months or fine or both
Vexatious searches/ seizures	Fine up to ₹2000
Disclosure of information	Fine up to ₹1000

## By Public

Malicious information	Imprisonment up to 2 years or fine up to ₹2000 or both
Connivance by owners/ occupiers of land	Imprisonment up to 6 months or fine up to ₹500 or both

THANK YOU



# Narcotic Drugs and Psychotropic Substances Act 1985 and Rules

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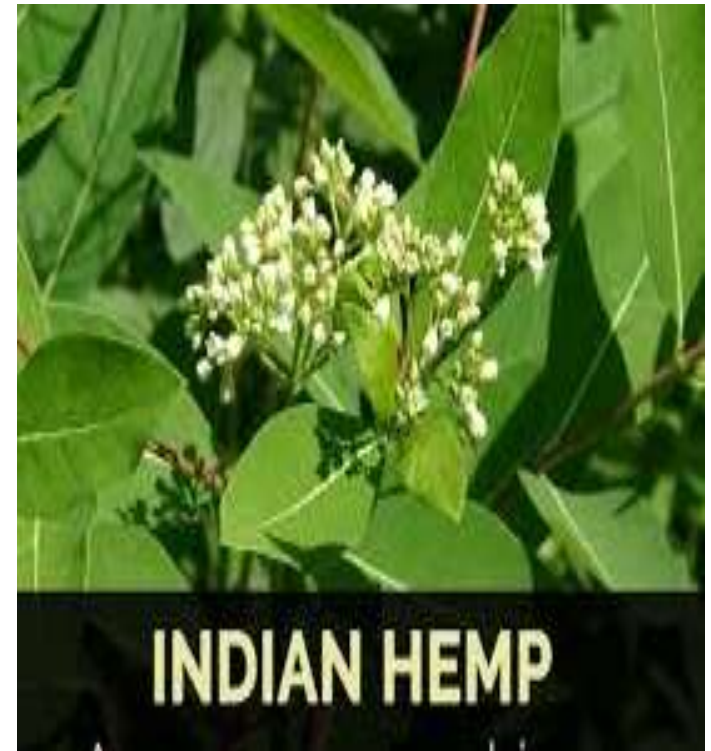
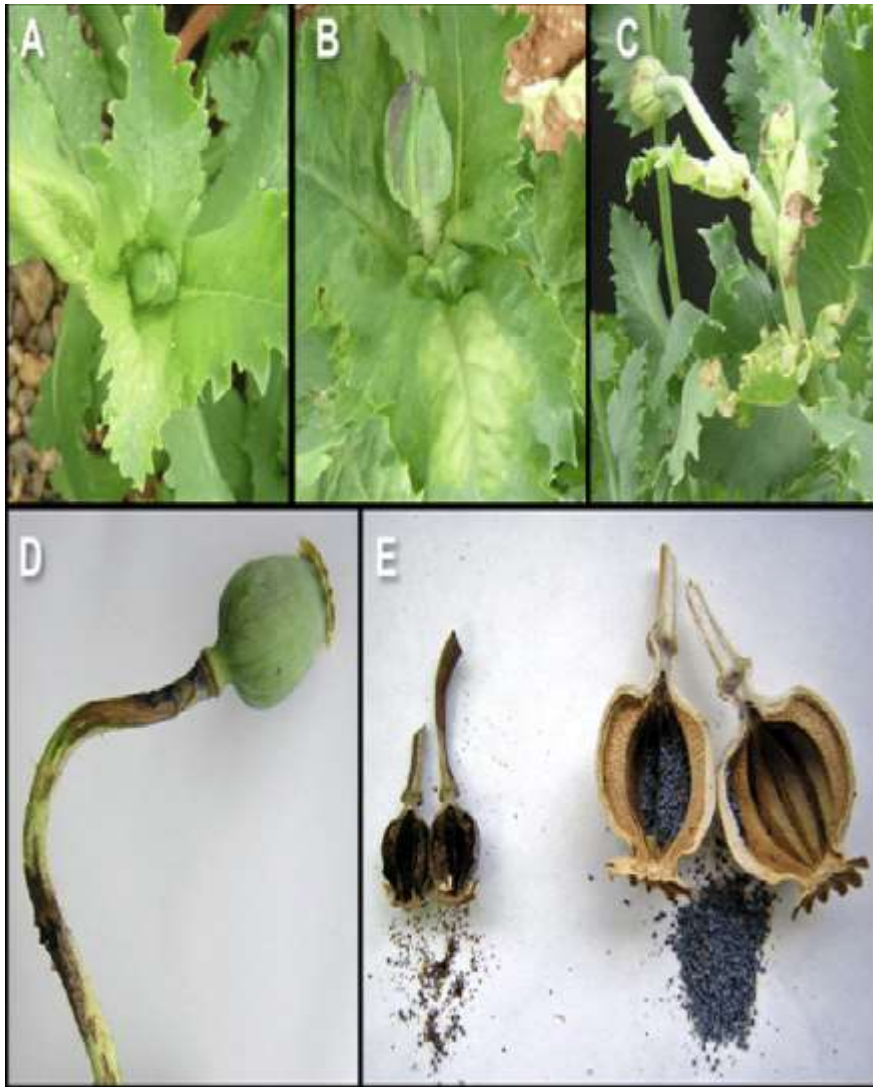
# Introduction:

- Central acts **Opium Act 1857**, **The Opium Act 1878** & **The Dangerous Drugs Act 1930**
- Drawbacks of above acts noticed are **illicit drug traffic & drug abuse** at national & international level.
- The government of India repealed old acts & passed **The Narcotic Drugs and Psychotropic Substances (NDPS) Act 1985**.
- NDPS contains stringent provisions to **prohibit, control & regulate** the narcotic drugs and psychotropic substances.
- Also provide licensing system for both government to **regulate manufacture, cultivation, import, export, interstate traffic, transportation, sale & possession**.

# Objective:

- The main objective of this act is 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 & matters connected there with.







# Definitions

- i) **Addict:** A person who is habitual to regular use of any narcotic drug or psychotropic substances known as addict.
- ii) **Cannabis ( Indian hemp):**
  - (a) **Charas:** which is a **resin** in crude or purified, obtained from the cannabis plant which includes concentrated preparation and resin known as **hashish oil or liquid hashish;**
  - (b) **Ganja:** which comprise of flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops),
  - (c) Any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared from them.
- iii) **Coca derivative:**
  - (a) Crude cocaine which can be used, directly or indirectly, for the manufacture of cocaine.
  - (b) Ecgonine and all its derivatives from which it can be recovered;
  - (c) Cocaine, that is, methyl ester of benzoylecgonine and its salts; and
  - (d) All preparations containing more than **0.1 percent of cocaine**



#### **iv) Coca leaf:**

- (a) The leaf of the coca plant (except of 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 & does not include any preparation containing not more than **0.1 per cent. of cocaine.**

#### **v) Manufacture:**

- (a) All processes other than production by which such drugs or substances may be obtained;
- (b) Refining or transformation of such drugs or substances;
- (c) Making of preparation containing such drugs or substances;

#### **vi) Manufactured drug:**

- (a) All coca derivatives, medicinal cannabis, opium derivative 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;

**vi) Medicinal Cannabis:** It is, medicinal hemp, means any extract or tincture of cannabis (hemp).

**vii) Narcotic drug:** means coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured drugs;

**viii) Opium:** the coagulated juice of the opium poppy; and its mixture, with or without any neutral material, of the coagulated juice of the opium poppy, (excluding preparation containing less than **0.2 per cent. of morphine**).

**ix) Opium derivative:**

- a) Medicinal opium
- b) Prepared opium
- c) c) Phenanthrene alkaloids such as morphine, codeine, thebaine and their salts Diacetyl morphine (heroin) and its salts
- d) d) All preparation containing more than 0.2% of morphine or any amount of diacetyl morphine

x) **Opium poppy:** It includes the plant of the species **Papaver somniferum L.**; and other species of **Papaver** from which opium or any **phenanthrene alkaloid can be extracted**

xi) **Poppy straw:** It includes 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 there from;

xii) **Psychotropic substance:** It 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;

xiii) **Illicit traffic:**

- ✓ Cultivating any coca plant or gathering any portion of coca plant;
- ✓ Cultivating the opium poppy or any cannabis plant;



# Authorities and officers

Authorities Subject to the provisions of the Act, **the Central Government** shall take all necessary steps which are necessary for implementation of the act

**Preventing and combating abuse of narcotic drugs and psychotropic substances and the illicit traffic .**

1. Coordinate actions of Central govt. and State govt. officers and other authorities under this act.
2. Fulfill obligations under the **International Conventions**.
3. Assistance to the concerned authorities in foreign countries and concerned international organizations for prevention and suppression of illicit traffic in narcotic drugs and psychotropic substances.
4. Identification, treatment, education, aftercare, rehabilitation and social re-interaction of addicts.

# Officers of Central Government

- Under the provision of this act **Central Government** may appoint a **Narcotics Commissioner** and such other officers as it thinks fit.
- The Narcotics Commissioner shall, either by himself or through officers subordinate to him, exercise all powers and perform all functions relating to;
  1. The supervision of the cultivation of the opium poppy and
  2. Production of opium and
  3. Other powers and functions as may be entrusted to him by the Central Government.

# Officers of the State Govt

- State govt may also appoint officers similar to that appointed by central govt. for the administration of this act

# The Narcotic Drugs and Psychotropic Substances Consultative Committee

- Constituted by **Central Govt.** to advice them in matters related to the **administration of this act.**
- The committee consist of a Chairman, and other members not exceeding 20.
- The committee has **power to regulate its own procedure**
- This committee can further constitute one or more subcommittee to execute its function.
- The term of office, filling of casual vacancies, remuneration and allowances is as prescribed by central govt.

# National Fund for Control of Drug Abuse

- The **Central Government** by notification in Official Gazette creates National Fund for implementing various measures to control the drug abuse.

## **The money generated is from:**

1. The grant approved by the Parliament,
2. Sale proceedings of property confiscated or forfeited during the raids by the officers.
3. Financial support from individuals or institutes which is usually, income-tax free.
4. Any income from investments of amounts credited. **The fund is to be used for preventing or combating illicit traffic of NDPS, controlling drug abuse, educating masses, rehabilitation of drug addicts, etc.**
5. The Central Government constitutes the Governing Body of **6 members** out of which one is appointed as **Chairman** who is not below the rank of additional secretary in Central Government.
6. The Annual Report covering the activities of the Governing Body and utilization of the national fund is submitted to the Central Government and placed before the Parliament.



# Prohibition, Control and Regulation

**Section 8** of this act prohibits certain operations i.e. No person shall

1. Cultivate any coca plant or gather any portion of coca plant.
2. Cultivate the opium poppy or any cannabis plant.
3. Produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import inter- State, export inter-State, import into India, export from India or transship any narcotic drug or psychotropic substance, except for medical or scientific purposes.

# Permission and Regulation of certain Operations by Central Govt

- Cultivation and collection of any portion of coca plant.
- Cultivation of opium poppy and cannabis plant.
- Production and manufacture of opium and production of poppy straw.
- Sale of opium and its derivatives to state govt or manufacturing chemist.
- Manufacture of manufactured drugs.
- Manufacture, possession, sale , purchase, transport, consumption of psychotropic substances.
- Import and export of NDPS.

# Control of certain Operations by Central Govt

- License-time limits for Cultivation of opium poppy
- The land cultivated with the opium poppy, shall be delivered by the cultivators to the officers authorized in this behalf by the Central Government.
- Price fixation
- Forms and conditions for license for Cultivation, mfg., sale etc. and fees to be charged for that.
- Forms and conditions for license for the manufactured drugs.
- Opium shall be weighed, examined and classified according to its quality. Payments should be made accordingly.
- Confiscation of adulterated opium.
- Fees to be charged for Import and export of NDPS.

# Operations controlled by state govt

- Cultivation of cannabis.
- Manufacture of medicinal opium.
- Production, transport, import, export, warehousing, sale, purchase, consumption and use of poppy straw, opium cannabis, manufactured drugs other than prepared from opium and coca leaf.
- Manufacture and possession of opium from opium lawfully possessed by an addict registered with the state govt on medicinal advice for his personal consumption.

# Factories:

- **Two govt factories:**
  - ✓ Neemuch in madhya pradesh, near udaipur
  - ✓ Ghazipur in UP , near varanasi.

# Production and supply of the opium

- Only on behalf of central govt under license granted for purpose.
- Cultivation can be done only in those areas, notified by the govt.
- Licenses are granted by district opium officers for cultivation. He appoints one licenced cultivator who performs duties as specified by narcotic commissioner with help of small cultivators under him.
- Harvest of each day's collection is weighed and entered in records which is signed by cultivator. The records are checked by the dist.opium officer.
- The whole opium collected by the dist. Officer is then delivered to opium factory.
- The cultivators are paid and they should not dispose off any part of the procedure and adulteration is liable for confiscation.
- Cultivator should cultivate full area of land for which he may have received advance amount from the govt.
- Opium shall not be cultivated in any part of the India except UP and MP. ( as per central opium rules, 1934 ).

# Cultivation of poppy for poppy heads

- The license holder should pay duty on the area which he cultivates poppy, at rates fixed by the state govt.
- Licensee
  - ✓ Should neither consume any part of the crop himself or to others.
  - ✓ If doent sow before 1st dec in any year, he should surrender licence to officer in charge of tehsil before 15th dec.
  - ✓ Shouldn't extract any opium from heads.
  - ✓ Can sell to any person holding license for retail or whole sale of opium or to person authorised by state govt.
- Licensee should comply with all provisions of the opium act 1878, dangerous drugs act 1930, and NDPS act 1985 and rules

# Sale of opium

- Sale to state govt on order of central govt.
- Sale to manufacturing chemists or other can be effected only under the permit of state govt.
- The permit application include:
  - ✓ Purpose
  - ✓ Stock in hand on date
  - ✓ Quantity required
  - ✓ Requirements for 6 months.
- 3 copies of the application is sent to the factory.
- Price fixed by central govt and it shall be per Kg.
- Amount sanctioned to purchase opium shall be sent to the factory by bank draft along with purchase order.
- Sale of opium mixtures is prohibited except in acc with rules prescribed by state govt.



# Offences and penalties:

- For contravening any provisions of the act or rules imprisonment for 10 to 20 yrs and fine from one lakh to two lakh rupees can be imposed.
- ✓ In certain cases rigorous imprisonment will be 15 to 30 yrs and fine from 1.5 lakh to 3 lakh.
- Illegal possession of cocaine, morphine punishable with imprisonment up to one yr or fine or both.
- Failure to keep accounts or submit returns as required by law, punishable law imprisonment for 6 months and fine.
- Failure to produce records, license, permit , authorization etc., on demand by the authorized persons, punishable with imprisonment upto 5 yrs or fine or both.
- Persons who are convicted outside India for a offence will be liable to enhanced punishment for subsequent offence of such kind.
- Substances with which offence can be committed will be seized.
- The offence under this act can be tried only by presidency magistrate or first class magistrate. Sec class magistrate if he is empowered in this behalf.

Thank you