

# Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act)

The Narcotic Drugs and Psychotropic Substances Act, 1985 or the NDPS Act is the legislation that deals with narcotic drug or psychotropic substance prohibition in India. In this article, you can read all the important provisions about this Act for [UPSC](#) and other govt. Exams.

## What is the NDPS Act?

The NDPS Act 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.
- According to the Act, 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.
- A psychotropic drug includes any natural or synthetic material or any salt or preparation protected by the Psychotropic Substances Convention of 1971.
- The penalties under this Act are severe considering the consequences of drug abuse and its trafficking.
  - The offences under the Act attract jail terms ranging from one year to 20 years and fine depending on the crime.
  - Under the Act, abetment, criminal conspiracy and even attempts to commit an offence attract the same punishment as the offence itself.
  - Preparation to commit an offence attracts half the penalty.
  - Repeat offences attract one and a half times the penalty and in some cases, the death penalty.
- The [Narcotics Control Bureau](#) was constituted in 1986 under the provisions of the NDPS Act.
  - The NCB 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](#).
- Under the Act, 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 NDPS Act are non-bailable.**
- Also, no relief can be sought by the drug convicts by termination, remission, and commutation of sentences passed.

## Amendments

The Act has been amended thrice as mentioned above. 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.

## Drug Control Legislation in India - Background

There were no laws regulating narcotics in India till 1985 when the NDPS Act was passed. Smoking of cannabis has been mentioned in the Atharva Veda and its recreational use was common and accepted in

society on a par with alcohol consumption. Until 1985, cannabis and its derivatives like hashish, marijuana, bhang, etc. were sold legally in the country.

The NDPS Act was enacted to fulfill India's treaty obligations under the Single Convention on Narcotic Drugs, Convention on Psychotropic Substances, and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Drug abuse is a huge socio-economic problem in India and the government is taking several measures to reduce drug demand and promote rehabilitation of drug addicts into society.

The National Action Plan for Drug Demand Reduction (NAPDDR) works towards these objectives. **You can read more about [NAPDDR](#) in the link.**

### NDPS Act Criticism

The Act has received criticism from various quarters for not distinguishing between soft drugs and hard drugs. Some claim that the same punishment for all drugs would lead drug dealers to shift to harder drugs where they can make better profits. Some have criticised the ban on cannabis as 'elitist'. Some people recommend making soft drugs legal saying that it might reduce heroin addiction. However, the counterclaim to this is that soft drugs are gateway drugs whose consumption would increase the chances of the person using hard drugs later on.

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