BP606T · B.Pharm Semester VI · Theory Notes

Pharmaceutical Jurisprudence

Unit III — Pharmacy Act, M&T; Preparation Act & NDPS Act

Unit III (10 hours)

Pills & Python Notes

From-zero teaching standard: every technical term is defined before use.

Syllabus coverage: Unit III (10 hours).

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(Unit III — Part A)

1.1 Learning Objectives

After studying this chapter, you will be able to:

1 State the objectives of the Pharmacy Act, 1948.

2 Define the key legal terms used in the Pharmacy Act (pharmacy, pharmacist, registered pharmacist, etc.).

3 Describe the constitution and functions of the Pharmacy Council of India (PCI).

4 Explain the Education Regulations, including ER20.

5 Describe the State and Joint State Pharmacy Councils — their constitution and functions.

6 Explain the procedure for registration of pharmacists.

7 List the offences and penalties under the Pharmacy Act.

8 State the objectives and definitions of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955.

9 Explain licensing, manufacture in bond and outside bond, and export of alcoholic preparations.

10 List the offences and penalties under the Medicinal and Toilet Preparations Act.

1.2 Definitions and Terminology

Term	Simple meaning
Jurisprudence	The study of law — what laws exist, why they exist, and how they are applied. "Pharmaceutical jurisprudence" = the study of pharmacy laws.
Pharmacy	The profession and practice of preparing, dispensing and supplying medicines.
Pharmacist	A person whose name is entered in the register of pharmacists and who is qualified to practice pharmacy.
Registered pharmacist	A pharmacist whose name is on the state register and who is legally allowed to practice the profession.
Pharmacy Council of India (PCI)	The central (national-level) statutory body that regulates pharmacy education and the profession in India.
State Pharmacy Council	The state-level body that maintains the register of pharmacists and regulates practice in that state.
Joint State Pharmacy Council	One council shared by two or more states (used when states agree to work together).
Education Regulations (ER)	Rules made by PCI prescribing the minimum standard of pharmacy education (subjects, hours, examinations). ER20 = Education Regulations, 2020 (as notified).
Register of pharmacists	The official list of persons legally recognized as pharmacists in a state.
Offence	Breaking a rule of the Act.
Penalty	The punishment prescribed for an offence (imprisonment and/or fine).

Term	Simple meaning
Excise duty	A tax charged on goods manufactured inside the country (here: on alcoholic medicinal and toilet preparations).
Bond / In bond	A licensed warehouse under customs/excise control where goods are stored and duty is paid only when goods are removed.
Outside bond	Manufacture outside such controlled warehouses — duty is handled differently.
Alcoholic preparation	A medicine or toilet preparation containing alcohol (e.g., tinctures, elixirs, after-shave lotions).

INFOGRAPHIC CONCEPT — "The Three Pillars of Pharmacy Regulation": Picture three pillars holding up a roof labelled "Safe Medicines for the Public". Pillar 1 = **Education** (PCI + ER20 decides who can be taught and how). Pillar 2 = **Registration** (State councils decide who can legally call themselves a pharmacist). Pillar 3 = **Enforcement** (offences and penalties punish violations). If any pillar breaks, the roof falls — unqualified persons handle medicines.

1.3 Explanation — Part A: Pharmacy Act, 1948

1.3.1 Why the Act exists (objectives) — simple story first

Technical concept: The Pharmacy Act, 1948 regulates the profession of pharmacy in India.

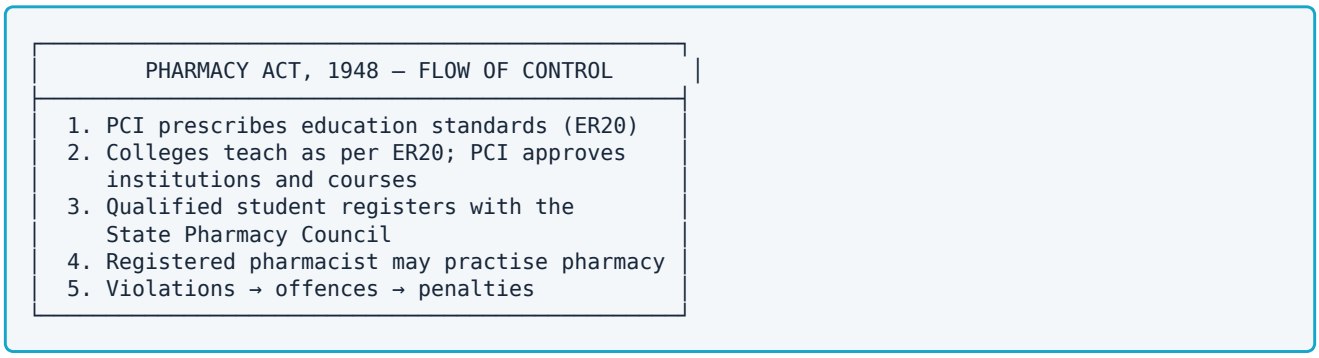
Simple explanation: Imagine anyone could open a medical shop and sell medicines with no training. People could be given wrong or dangerous drugs. The Pharmacy Act says: only trained, registered people may practice pharmacy. It creates the system that decides who is a pharmacist.

Example: A graduate with a pharmacy diploma/degree applies to the State Pharmacy Council, gets registered, and then can legally work as a pharmacist. Without registration, doing the same job is an offence.

Key takeaway: Pharmacy Act = law that controls *who* can practice pharmacy and *how* the profession is regulated.

1.3.2 Main objectives of the Pharmacy Act, 1948

1. **To regulate the profession of pharmacy** in India — practice only by qualified persons.
2. **To constitute the Pharmacy Council of India (PCI)** — the national body.
3. **To constitute State Pharmacy Councils (and Joint State Pharmacy Councils)** — state-level bodies.
4. **To provide for registration of pharmacists** — maintaining an official register in each state.
5. **To prescribe the minimum standard of education** required for qualification as a pharmacist (through Education Regulations).
6. **To provide offences and penalties** — punishments for violations, so the law is actually enforced.



1.3.3 Pharmacy Council of India (PCI) — constitution and functions

Simple explanation: PCI is the "head office" of pharmacy regulation in India. It sits at the centre and sets the rules for education and professional standards across the country.

Constitution (who sits on it): The PCI is made up of members drawn from different groups so that the centre, the states, the profession and the universities are all represented. Broadly, it includes:

- Elected members — pharmacists elected from among registered pharmacists of the states;
- Nominated members — nominated by the Central Government;
- Ex-officio members — representatives of bodies like the University Grants Commission (UGC), the All India Council for Technical Education (AICTE), and the Director General of Health Services (as per the Act's provisions — confirm current composition from the latest official source).

CAUTION (exam-safe wording): The exact numbers and categories of members are prescribed by the Act and may be amended from time to time. In the exam, write the *categories* of membership (elected, nominated, ex-officio) rather than memorising exact counts.

Functions of PCI:

1. **Prescribe minimum standards of education** — frame the Education Regulations (ER) that every pharmacy institution must follow.
2. **Approve institutions and courses** — inspect and approve colleges that teach pharmacy; withdraw approval if standards fall.
3. **Recognise qualifications** — decide which degrees/diplomas qualify a person to register as a pharmacist.
4. **Maintain the Central Register** — a national-level record of pharmacists (the state councils maintain their own registers).
5. **Advise governments** — give expert advice to the Central Government on pharmacy matters.
6. **Withdraw recognition** — if an institution no longer meets standards, PCI can withdraw approval after giving it a chance to explain.

Pharmacy relevance: Your college exists and your degree is valid because PCI approved it. When you apply for registration, the state council checks whether your qualification is PCI-recognised.

1.3.4 Education Regulations including ER20

Technical concept: Education Regulations are rules framed by PCI under the Pharmacy Act that lay down the minimum standard of pharmacy education.

Simple explanation: Think of ER as the "recipe book" for making a pharmacist — it says how many hours each subject must be taught, what the syllabus covers, how exams are held, and how practical training is done. ER20 (Education Regulations, 2020) is the current-generation regulation notified for pharmacy courses in India.

What ER covers (typical contents):

- Duration and structure of the course (e.g., B.Pharm under NEP 2020 pattern);
- Subjects to be taught in each semester/year;
- Minimum teaching hours and practical training;
- Rules for examinations, attendance, and promotion;
- Conditions for approval of institutions.

Analogy: Just as the Indian Pharmacopoeia sets the standard a tablet must meet, the Education Regulations set the standard a pharmacy *graduate* must meet.

> **Key takeaway:** ER20 = the current PCI rulebook for pharmacy education; only institutions following it can produce registerable pharmacists.

1.3.5 State and Joint State Pharmacy Councils — constitution and functions

Simple explanation: If PCI is the head office, the State Pharmacy Council is the "branch office" in each state. It keeps the official list (register) of pharmacists in that state.

Constitution (broad pattern): Like PCI, a State Council has:

- Elected members (registered pharmacists of the state);
- Nominated members (nominated by the State Government);
- Ex-officio members (representatives of universities/medical services in the state).

Joint State Pharmacy Council: When two or more states agree, they can form one common council instead of separate ones. The agreement decides how members are shared.

Functions of a State Pharmacy Council:

1. **Maintain the register of pharmacists** — enter names of qualified persons, renew registrations, remove names when required.
2. **Register pharmacists** — receive applications, verify qualifications, issue registration certificates.
3. **Regulate practice within the state** — ensure only registered persons practise pharmacy.
4. **Inspect and report** — assist in enforcement of the Act.
5. **Remove names** — for misconduct, fraud in obtaining registration, or other grounds given in the Act, after due procedure.

1.3.6 Registration of pharmacists

Flowchart — how a student becomes a registered pharmacist:

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Step 1: Complete a PCI-recognised pharmacy qualification (degree/diploma as per ER)
  ↓
Step 2: Apply to the State Pharmacy Council in the prescribed form with fees
  ↓
Step 3: Council verifies documents and qualification
  ↓
Step 4: Name entered in the Register of Pharmacists
  ↓
Step 5: Registration certificate issued → you are now a "registered pharmacist"
  ↓
Step 6: Renew registration as required (pay renewal fee before expiry)
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Important points:

- Registration is **state-wise** — you register in the state where you wish to practise.
- Only a **registered pharmacist** may use the title and practise the profession.
- If registration is obtained by **fraud or misrepresentation**, the council can remove the name.
- Practising pharmacy **without registration** is an offence.

1.3.7 Offences and penalties (Pharmacy Act)

Concept in simple words: The Act lists things you must not do, and the punishment if you do them.

Offence (what is forbidden)	Penalty (type of punishment)
Falsely claiming to be a registered pharmacist (using the title without registration)	Punishment as prescribed — imprisonment and/or fine
Obstructing an inspector or officer in performing duties under the Act	Imprisonment and/or fine as prescribed
Failing to surrender a registration certificate when the name is removed from the register	Punishment as prescribed

CAUTION: The exact periods of imprisonment and amounts of fine are fixed by the Act and may be amended. Write "punishable with imprisonment and/or fine as prescribed under the Act" in exams rather than quoting numbers from memory. Confirm the current text of the Act for exact figures.

Key takeaway: The teeth of the Pharmacy Act are (1) only registered pharmacists may practise, (2) false claim of registration is punishable, (3) inspectors must not be obstructed.

1.3.8 Common confusions — Pharmacy Act

- **PCI vs State Council:** PCI = national, sets education standards and approves institutions. State Council = keeps the register and regulates practice in the state. Registration is done by the **State** Council, not PCI.
- **Joint State Council:** Not a bigger PCI — it is one council shared by two or more *states*.

- **ER20 vs syllabus:** ER20 is the *regulation* (rules); your university syllabus is made *within* ER20's framework.
- **"Pharmacist" vs "registered pharmacist":** In law, the protected title is *registered* pharmacist — the person on the register.

1.4 Explanation — Part B: Medicinal and Toilet Preparations (Excise Duties) Act, 1955

1.4.1 Why this Act exists — simple story first

Technical concept: This is a tax law on alcoholic medicinal and toilet preparations.

Simple explanation: Many medicines (tinctures, elixirs) and toilet items (after-shave lotion, perfumes) contain alcohol. Alcohol is normally taxed heavily (excise duty). This Act says: if alcohol is used to make *medicines and toilet preparations*, a special duty system applies — with licences, bonded warehouses, and rules — so that the alcohol is not diverted to make liquor for drinking.

Example: A factory making cough syrup with alcohol must take a licence. It may store spirit in a bonded warehouse (duty paid when removed) or manufacture outside bond with duty handled differently.

> **Key takeaway:** M&T P Act = excise (tax) law + licensing system for alcohol-containing medicinal and toilet preparations, to prevent misuse of alcohol.

1.4.2 Objectives

1. To levy and collect **excise duties** on medicinal and toilet preparations containing alcohol.
2. To provide a **licensing system** for manufacture of such preparations.
3. To regulate **manufacture in bond and outside bond**.
4. To regulate **export** of alcoholic preparations.
5. To prescribe **offences and penalties** for violations (e.g., unlicensed manufacture, evasion of duty).

1.4.3 Definitions (core terms)

Term	Simple meaning
Medicinal preparation	A preparation used for treatment/prevention of disease (includes Ayurvedic, Unani, Homoeopathic and allopathic preparations as defined).
Toilet preparation	A preparation used for cleaning/beautifying the body (lotions, perfumes, etc.).
Alcohol	Ethyl alcohol of any strength — the taxable ingredient.
Bonded warehouse / in bond	A warehouse licensed under excise control where spirit is stored; duty is paid when goods are removed from the warehouse.

Term	Simple meaning
Outside bond	Manufacture not under bonded-warehouse control; duty procedures differ.
Export	Taking the preparation out of India.

1.4.4 Licensing

- A **licence** is required to manufacture medicinal or toilet preparations containing alcohol.
- Licences are granted by the excise authorities on application, payment of fees, and fulfilment of conditions (premises, records, security).
- Different licences/forms may apply for different classes of manufacture (confirm current forms from the latest rules/notifications).

1.4.5 Manufacture in bond and outside bond

Simple explanation:

- **In bond:** The manufacturer works inside an excise-controlled system. Spirit is received and stored in the bonded warehouse without immediate duty payment; duty is paid when the finished preparation leaves the warehouse. Records are strictly maintained and officers can inspect.
- **Outside bond:** Manufacture happens outside this warehouse system; the duty is dealt with as per the alternative procedure prescribed in the rules.

Comparison table:

Point	In bond	Outside bond
Warehouse	Licensed bonded warehouse under excise lock/control	No bonded warehouse
Duty payment	Paid on removal of goods from warehouse	As per the procedure prescribed for outside-bond manufacture
Supervision	Close excise supervision, strict records	Licence conditions and records still apply
Purpose	Allows manufacturer to defer duty till sale/removal	Simpler for small-scale operations (as per rules)

Analogy: "In bond" is like a prepaid-postpaid system at a toll plaza with a monthly pass and a register; "outside bond" is like paying at each crossing. Both are legal — the rules just differ.

1.4.6 Export of alcoholic preparations

- Alcoholic medicinal/toilet preparations may be **exported out of India** under the procedure in the Act and rules.
- Export is generally allowed **without payment of duty** (duty drawback/exemption procedures), subject to conditions, documentation and excise supervision — confirm current procedure from the latest notifications.

1.4.7 Offences and penalties

Offence	Penalty (type)
Manufacturing without a licence	Punishment as prescribed (imprisonment and/or fine)
Evasion of excise duty	Punishment as prescribed
Contravention of licence conditions / rules	Punishment as prescribed

CAUTION: Exact imprisonment terms and fine amounts are in the Act and may be amended — write "as prescribed under the Act" in exams.

Key takeaway: M&T P Act = licence + excise duty + bonded-warehouse control for alcohol-based medicinal/toilet preparations; violations are punishable.

1.5 Pharmacy Relevance (India context)

- Every retail/wholesale pharmacist works under a system where **registration** (Pharmacy Act) is the licence to practise.
- Industrial pharmacists in excise-licensed units (tincture/elixir/perfumery manufacture) work under **M&T P Act** licensing and bonded-warehouse procedures.
- Pharmacists must never let unregistered persons dispense in their name — that is an offence under the Pharmacy Act.

1.6 Key Points (Chapter 1)

1 Pharmacy Act, 1948 regulates the *profession* of pharmacy in India.

2 PCI = central body: education standards (ER20), approval of institutions, recognition of qualifications.

3 State/Joint State Councils = maintain the register, register pharmacists, regulate practice in the state.

4 Only a *registered pharmacist* may practise; false claim is an offence.

5 Registration: recognised qualification apply to State Council verification entry in register certificate renewal.

6 Offences: false registration claim, obstructing inspectors, not surrendering certificate — punishable with imprisonment and/or fine as prescribed.

7 M&T P Act, 1955 = excise duty + licensing for alcohol-containing medicinal and toilet preparations.

8 In bond = bonded warehouse, duty on removal; outside bond = alternative duty procedure.

9 Export of alcoholic preparations allowed under prescribed procedure.

10 Both Acts: offences punishable with imprisonment and/or fine as prescribed — confirm current figures from the latest official text.

1.7 Common Mistakes

- Writing that PCI *registers* pharmacists — registration is by **State** councils.

- Confusing "in bond" with "tax-free" — duty is deferred/paid on removal, not waived.
- Quoting exact fine amounts or section numbers from memory — the task rule: never fabricate; write "as prescribed under the Act".
- Mixing up the M&T P Act with the Drugs and Cosmetics Act — the M&T P Act is about **excise duty on alcohol** preparations.

1.8 Mnemonics

- **Pharmacy Act aims — "R-E-R-O-P": R**egulate profession, **E**stablish PCI, **R**egister pharmacists (state councils), **O**ffences & penalties, **P**rescribe education standards.
- **M&T P Act — "L-B-E-O": L**icensing, **B**ond (in/outside), **E**xport, **O**ffences & penalties.
- **Bond memory:** "**In** bond = **In**spector's warehouse; **Out**side bond = **Out** of the warehouse."

1.9 Exam Summary

The Pharmacy Act, 1948 creates a two-level system: PCI at the centre (education standards through ER20, approval of institutions, recognition of qualifications) and State/Joint State Pharmacy Councils (registration of pharmacists, maintenance of the register). Only registered pharmacists may practise; offences include false claim of registration and obstruction of inspectors, punishable with imprisonment and/or fine as prescribed. The Medicinal and Toilet Preparations (Excise Duties) Act, 1955 levies excise duty on alcohol-containing medicinal and toilet preparations, requires licences for manufacture, provides for manufacture in bond (duty on removal from bonded warehouse) and outside bond, regulates export, and prescribes offences and penalties.

1.10 One-Minute Revision

- Pharmacy Act 1948 regulates pharmacy profession; PCI (centre, education) + State councils (register, practice).
- ER20 = current Education Regulations for pharmacy courses.
- Registration: qualification State Council register certificate renewal.
- Offences: false registration claim, obstructing inspector imprisonment/fine as prescribed.
- M&T P Act 1955 excise duty on alcoholic medicinal/toilet preparations; licence needed; in bond vs outside bond; export regulated; offences punishable.

1.11 Exam Questions

Short answers:

1 State the objectives of the Pharmacy Act, 1948.

2 What are the functions of the Pharmacy Council of India?

3 Distinguish between a State Pharmacy Council and a Joint State Pharmacy Council.

4 What is ER20?

5 Explain "manufacture in bond" and "manufacture outside bond".

Long answers:

1 Describe the constitution and functions of the Pharmacy Council of India. Add a note on the State Pharmacy Councils.

2 Explain the procedure for registration of pharmacists under the Pharmacy Act, 1948. What are the offences and penalties under the Act?

3 Discuss the salient features of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 with reference to licensing, bonded manufacture and export.

MCQs:

1 The Pharmacy Council of India is constituted under: a) Drugs and Cosmetics Act b) Pharmacy Act, 1948 c) NDPS Act d) M&T P Act

2 Registration of pharmacists is done by: a) PCI b) State Pharmacy Council c) CDSCO d) NPPA

3 ER20 refers to: a) Essential Regulations 2020 b) Education Regulations, 2020 c) Excise Rules 2020 d) Export Regulations 2020

4 Excise duty under the M&T P Act, 1955 is levied on: a) All drugs b) Alcohol-containing medicinal and toilet preparations c) Medical devices d) Vaccines

5 In-bond manufacture means: a) Duty-free manufacture b) Manufacture in a bonded warehouse with duty paid on removal c) Manufacture without licence d) Manufacture for export only

Viva:

1 Who registers you as a pharmacist — PCI or the State Council?

2 Why does the M&T P Act control alcohol in tinctures?

3 What is the difference between in-bond and outside-bond manufacture?

Application-based:

1 A person opens a medical store and dispenses medicines without pharmacy registration. Which Act is violated and what is the consequence?

2 A company wants to manufacture an alcohol-based cough syrup. List the legal steps under the M&T P Act.

1.12 References

- The Pharmacy Act, 1948 (bare Act, latest official text).
- The Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (bare Act, latest official text).
- Pharmacy Council of India — Education Regulations (including ER20), latest notifications.

(Unit III — Part B)

2.1 Learning Objectives

After studying this chapter, you will be able to:

1 State the objectives of the NDPS Act, 1985.

2 Define narcotic drug, psychotropic substance, and other key terms.

3 Name the authorities and officers under the Act.

4 Describe the constitution and functions of the Narcotic Drugs and Psychotropic Substances Consultative Committee.

5 Explain the National Fund for Control of Drug Abuse.

6 Explain prohibition, control and regulation under the Act.

7 Describe the rules for opium poppy cultivation, production of poppy straw, and manufacture/sale/export of opium.

8 List the offences and penalties in general terms.

2.2 Definitions and Terminology

Term	Simple meaning
Narcotic drug	A drug that dulls the senses, relieves pain and can cause addiction — e.g., opium and its derivatives (morphine, heroin), cannabis in its narcotic forms, cocaine (as defined in the Act).
Psychotropic substance	A substance that acts on the mind — alters mood, perception or behaviour — and is listed in the schedule to the Act (e.g., certain sedatives, stimulants, hallucinogens).
NDPS Act, 1985	The central law that prohibits, controls and regulates narcotic drugs and psychotropic substances in India.
Prohibition	A total ban on an activity (e.g., cultivation or trade except as permitted).
Control and regulation	Allowing an activity only under licence and strict rules (e.g., medicinal use of morphine).
Poppy straw	The straw (dried plant material) of the opium poppy left after the opium is extracted — itself controlled.
Opium	The dried latex from the opium poppy capsule; source of morphine and related drugs.
Consultative Committee	The Narcotic Drugs and Psychotropic Substances Consultative Committee — an advisory body under the Act.
National Fund for Control of Drug Abuse	A fund created under the Act to finance measures against drug abuse (treatment, rehabilitation, awareness).
Offence / Penalty	Violation of the Act / the prescribed punishment (the NDPS Act prescribes stringent punishments including imprisonment and fine, graded by quantity).

INFOGRAPHIC CONCEPT — "The NDPS Seesaw": Draw a seesaw. Left side (heavy, going down) = **PROHIBITION**: no cultivation, production, sale or use except as permitted. Right side (going up) = **REGULATION**: strictly licensed medicinal and scientific use (e.g., morphine for cancer pain). The fulcrum = **licences, authorities and the consultative committee** balancing both sides. Underneath, a strong foundation block = **penalties** (stringent punishments keep the seesaw from tipping into abuse).

2.3 Explanation

2.3.1 Why the Act exists — simple story first

Technical concept: The NDPS Act, 1985 is India's main anti-drug law.

Simple explanation: Some drugs (like morphine) are life-saving medicines, but the same drugs can destroy lives when misused. The NDPS Act does two jobs at once: (1) it **bans** illegal production and trafficking of narcotic/psychotropic substances, and (2) it **allows** their careful, licensed use for medicine and science. It also punishes offenders strictly so that trafficking does not pay.

Example: A cancer hospital can legally stock morphine injections under licence for pain relief. A person selling the same morphine in the street without licence commits a serious offence.

Key takeaway: NDPS = strict ban on misuse + strictly licensed medical use + strong punishments.

2.3.2 Objectives of the NDPS Act, 1985

1. **To prohibit** the manufacture, possession, sale, purchase, transport, import and export of narcotic drugs and psychotropic substances except for medicinal or scientific purposes as permitted.
2. **To control and regulate** permitted operations (cultivation, production, manufacture, sale, distribution) through licences and rules.
3. **To fulfil India's international obligations** — the Act was made to give effect to international drug-control conventions.
4. **To provide stringent penalties** for offences, graded according to the quantity involved.
5. **To provide for treatment and rehabilitation** of drug addicts and to create the National Fund for Control of Drug Abuse.

2.3.3 Authorities and officers

Simple explanation: A strict law needs strong officers to enforce it. The Act empowers the Central and State Governments to appoint officers (such as officers of customs, excise, police, and drug-control departments) who can:

- **Enter, search and seize** — inspect premises, vehicles; seize suspected drugs;
- **Arrest** persons suspected of offences;
- **Investigate** and file cases;

- **Issue licences** for permitted activities (cultivation of opium poppy, manufacture of narcotic medicines, etc.).

Key takeaway: Powers of search, seizure and arrest are given to authorised officers; licences for legal activities are issued by the designated authorities.

2.3.4 Constitution and functions of the Narcotic Drugs and Psychotropic Substances Consultative Committee

Constitution (broad pattern): The Central Government constitutes this committee with a chairman and members drawn from concerned ministries/departments and experts, so that policy on narcotic drugs and psychotropic substances gets balanced advice. (Exact composition is prescribed in the Act/rules — confirm current official text.)

Functions:

1 **Advise** the Central Government on matters relating to the administration of the Act.

2 Advise on **policy** regarding control of narcotic drugs and psychotropic substances.

3 Advise on **international obligations** and coordination.

4 Make recommendations on **amendments** to schedules and rules when needed.

Analogy: Like a hospital's "drug and therapeutics committee" advises the hospital on medicine policy, this committee advises the Government on drug-control policy.

2.3.5 National Fund for Control of Drug Abuse

Simple explanation: Fighting drug abuse needs money — for de-addiction centres, awareness campaigns, and rehabilitation. The Act creates a dedicated national fund for this purpose.

Uses of the fund (broadly):

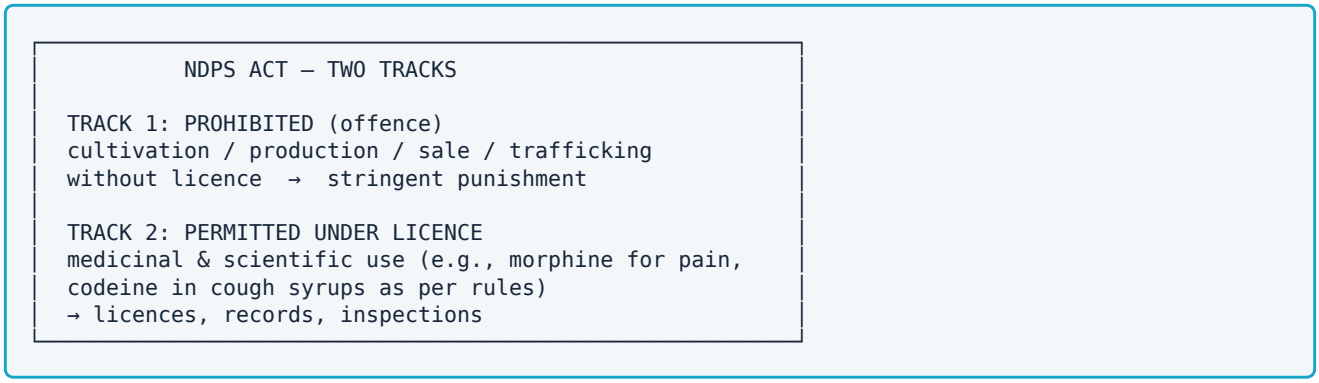
- Treatment and **rehabilitation of addicts**;
- **Awareness and education** programmes against drug abuse;
- Supporting measures for **control** of drug abuse.

Key takeaway: The fund = money reserved for curing addiction and preventing abuse, not just for punishing traffickers. The law cares about both punishment and treatment.

2.3.6 Prohibition, control and regulation

Aspect	What it means	Example
Prohibition	Total ban on cultivation, production, manufacture, possession, sale, purchase, transport, import/export — **except** as permitted under the Act/rules	Growing opium poppy without a licence is prohibited
Control	Permitted activities need licences; quantities and records are monitored	A pharma company manufacturing morphine tablets needs licences and keeps strict records

Aspect	What it means	Example
Regulation	Rules prescribe how each permitted activity is done (forms, registers, inspections)	Poppy cultivators must sell opium only to the Government



2.3.7 Opium poppy cultivation and production of poppy straw

Simple explanation: India is one of the few countries where opium poppy cultivation is legally allowed — but only under very strict Government control.

Key provisions (in simple points):

1. **Licence required:** Farmers can cultivate opium poppy only with a licence from the designated authority, in notified tracts/areas.
2. **Conditions:** The licence specifies the area, and the cultivator must follow the prescribed method of lancing capsules and collecting opium.
3. **Sale to Government:** The entire opium produce must be delivered/sold to the Government (through its opium factories) at the fixed price — private sale is an offence.
4. **Poppy straw:** The straw left after opium collection is also controlled; its production, storage and disposal follow the rules.
5. **Inspections:** Officers can inspect fields and records.

Pharmacy relevance: Legal opium goes to Government factories, which supply the pharmaceutical industry with morphine and codeine for medicines. Your morphine injection exists because of this controlled chain.

2.3.8 Manufacture, sale and export of opium

- **Manufacture** of opium derivatives (morphine, codeine) is done in Government opium factories and by licensed manufacturers under strict control.
- **Sale** within India is permitted only under licence (e.g., to hospitals, manufacturers, pharmacies as per rules).
- **Export** of opium is regulated — permitted only as per Government policy and international obligations, with licences and documentation.

2.3.9 Offences and penalties

Concept: The NDPS Act is famous for **stringent (very strict) punishments**, graded by the quantity of drug involved (small quantity / commercial quantity — categories defined in the Act and notifications).

Offence (examples)	Penalty (type)
Cultivation, production, manufacture, possession, sale, purchase, transport, import/export of narcotic drugs/psychotropic substances in contravention of the Act	Rigorous imprisonment and fine, graded by quantity — stringent punishments as prescribed
Financing illicit traffic / harbouring offenders	Punishment as prescribed
Consumption of narcotic drugs/psychotropic substances	Punishment as prescribed (the Act also provides for treatment/rehabilitation of addicts)
Abetment, conspiracy, preparation	Punishment as prescribed

CAUTION: Do not quote specific years of imprisonment or fine amounts from memory — these are graded by quantity categories notified under the Act and may be amended. Write "punishable with rigorous imprisonment and fine, graded according to quantity, as prescribed under the Act".

Key takeaway: NDPS punishments are among the strictest in Indian law — quantity decides the severity.

2.4 Pharmacy Relevance (India context)

- Retail pharmacists handle **Schedule X / NDPS-affected medicines** (e.g., certain psychotropic prescriptions) — prescriptions, registers and storage rules must be followed strictly.
- Hospital pharmacists manage **morphine/pethidine** stocks under double-lock and detailed records — an NDPS requirement in practice.
- Industrial pharmacists in narcotic-API units work under NDPS licences.

2.5 Key Points

1 NDPS Act, 1985 = India's principal law against narcotic/psychotropic misuse.

2 Twin approach: **prohibition** of illicit activities + **licensed regulation** of medicinal/scientific use.

3 Authorities/officers have powers of search, seizure, arrest, investigation; licences issued by designated authorities.

4 Consultative Committee advises the Government on NDPS policy.

5 National Fund for Control of Drug Abuse finances treatment, rehabilitation and awareness.

6 Opium poppy cultivation only under licence in notified areas; produce sold to Government; poppy straw controlled.

7 Manufacture/sale/export of opium strictly licensed and regulated.

8 Offences attract stringent punishments graded by quantity — confirm current figures from the official text.

2.6 Common Confusions

- **Narcotic drug vs psychotropic substance:** Narcotics mainly = opium/cannabis/coca-derived and listed drugs that dull senses; psychotropics = mind-affecting substances in the Act's schedule. Both are controlled under the same Act.
- **"Prohibition" does not mean medicines are banned:** Medicinal use under licence is expressly permitted.
- **Consultative Committee vs enforcement officers:** The committee *advises*; officers *enforce*.

2.7 Common Mistakes

- Writing that the NDPS Act totally bans morphine — it bans *unlicensed* activity; medical use is legal.
- Quoting exact punishment years from memory — always write "as prescribed, graded by quantity".
- Confusing the National Fund (for treatment/prevention) with a penalty — it is a welfare fund, not a fine.

2.8 Mnemonics

- **NDPS objectives — "P-C-I-P-T": P**rohibit illicit activity, **C**ontrol & regulate legal use, **I**nternational obligations, **P**unish strictly, **T**reat addicts (fund).
- **Poppy chain — "L-D-S": L**icence to cultivate **D**eliver opium to Government **S**upply to pharma for medicines.
- **Consultative Committee = "Advisor"; Officers = "Enforcers".**

2.9 Exam Summary

The NDPS Act, 1985 prohibits the illicit cultivation, production, manufacture, possession, sale and trafficking of narcotic drugs and psychotropic substances, while permitting strictly licensed medicinal and scientific use. Authorities and officers enforce the Act with powers of search, seizure and arrest; the Consultative Committee advises the Government; the National Fund for Control of Drug Abuse supports treatment and prevention. Opium poppy may be cultivated only under licence in notified areas, with the produce sold to the Government; poppy straw, manufacture, sale and export of opium are all controlled. Offences attract stringent punishments graded by quantity.

2.10 One-Minute Revision

- NDPS 1985: ban misuse + license medical use + strict punishments.
- Officers: search, seize, arrest, investigate; licences from designated authorities.
- Consultative Committee: advises Government. National Fund: treatment/rehabilitation/awareness.
- Poppy: licence notified area sell to Government; straw controlled.
- Punishments: rigorous imprisonment + fine, graded by quantity.

2.11 Exam Questions

Short answers:

1 State the objectives of the NDPS Act, 1985.

2 What is the National Fund for Control of Drug Abuse used for?

3 Write the functions of the NDPS Consultative Committee.

4 Explain the rules for opium poppy cultivation in India.

Long answers:

1 Discuss the salient features of the NDPS Act, 1985 with reference to prohibition, control and regulation.

2 Describe the provisions relating to opium poppy cultivation, production of poppy straw, and manufacture, sale and export of opium. Add a note on offences and penalties.

MCQs:

1 The NDPS Act was enacted in: a) 1940 b) 1948 c) 1985 d) 2013

2 The NDPS Consultative Committee is: a) An enforcement body b) An advisory body to the Government c) A court d) A licensing office

3 Opium poppy in India can be cultivated: a) Freely by farmers b) Only under licence in notified areas c) Only for export d) Never

4 The National Fund for Control of Drug Abuse is used for: a) Paying fines b) Treatment, rehabilitation and awareness c) Police salaries d) Building courts

5 NDPS punishments are: a) Same for all quantities b) Graded according to quantity c) Only fines d) Only warnings

Viva:

1 Can a hospital legally stock morphine? How?

2 Who must a poppy farmer sell the opium to?

3 What is the difference between prohibition and regulation under NDPS?

Application-based:

1 A pharmacist finds a prescription for a psychotropic drug without proper details. What should he do under the legal framework?

2 A farmer grows poppy without a licence and sells opium privately. Which provisions are violated?

2.12 References

- The Narcotic Drugs and Psychotropic Substances Act, 1985 (bare Act, latest official text).
- NDPS Rules (latest official text/notifications).