



## Narcotic Drugs and Psychotropic Substances Act, 1985

**For Prelims:** Marijuana, Narcotic Drugs and Psychoactive Substances, Bhang, Charas, 'Nasha Mukta Bharat', or Drug-Free India Campaign.

**For Mains:** Narcotic Drugs and Psychotropic Substances Act, 1985.

### Why in News?

Recently, Karnataka High Court said that **Bhang** is nowhere referred to as a prohibited drink or prohibited drug as per [Narcotic Drugs and Psychotropic Substances \(NDPS\) Act, 1985](#).

- The court relied on two earlier judgments, ***Madhukar vs the State of Maharashtra, 2002*** and ***Arjun Singh vs State of Haryana, 2004***, where the courts had ruled that **bhang is not ganja**, and is therefore not covered under the NDPS Act.
- Earlier, Thailand has [legalized cultivating and possessing Marijuana](#) but **recreational use (Such as smoking)** is still banned.

### What is Bhang?

- **About:**
  - Bhang is the **edible preparation made from the leaves of the cannabis plant**, often incorporated into drinks such as thandai and lassi, along with various foods.
  - Bhang has been consumed in the **Indian subcontinent for centuries**, and is frequently consumed during the **festivals of Holi and Mahashivratri**.
- **Law:**
  - The **NDPS Act** is the main legislation, enacted in 1985, that deals with **drugs and their trafficking**.

### What are the Provisions of the NDPS Act?

- **Defines Cannabis as a Narcotic Drug:**
  - The NDPS Act defines cannabis (hemp) as a narcotic drug **based on the parts of the plant that come under its purview**. The Act lists these parts as:
    - **Charas:** The separated resin, in whatever form, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as **hashish oil or liquid hashish**.
    - **Ganja:** The flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they are known or designated.
    - **Any mixture**, with or without any neutral material, of any of the above forms of cannabis or any drink prepared therefrom.
  - The Act, in its definition, **excludes seeds and leaves "when not accompanied by the tops"**.
  - **Bhang is not mentioned** in the NDPS Act.

▪ **Punishment:**

- **Section 20** of the NDPS Act lays out the punishment for the production, manufacture, sale, purchase, import and inter-state export of cannabis, as defined in the Act. The prescribed punishment is based on the amount of drugs seized.
- It also provides for **death penalty** in some cases where a person is a **repeat offender**.

## What is the State of Crime under NDPS Act?

- **Punjab topped** the list of crime rate as per the **National Crime Records Bureau (NCRB)** recent data for 2021.
  - Punjab recorded 32.8% crime rate in 2021, which was the **highest in the country**.
- **Himachal Pradesh** ended second, notching a crime rate of 20.8% followed by **Arunachal Pradesh that reported NDPS Act crime rate of 17.2%**, followed by Kerala (16%).
- The lowest crime rate under NDPS Act in 2021 was reported from **UT Dadar and Nagar Haveli and Daman and Diu (0.5%)**, followed by the states of Gujarat (0.7%) and Bihar (1.2%).

## What are the Initiatives to Tackle Drug Addiction?

- The **[Narco-Coordination Centre \(NCORD\)](#)** was constituted in 2016 and the scheme of “Financial Assistance to States for Narcotics Control” was revived.
- **Seizure Information Management System** will create a complete online database of drug offences and offenders.
- **National Drug Abuse Survey** to measure trends of drug abuse in India through the Ministry of Social Justice & Empowerment with the help of National Drug Dependence Treatment Centre of AIIMS.
  - Project Sunrise: It was launched by the Ministry of Health and Family Welfare in 2016, to tackle the **[rising HIV prevalence](#)** in north-eastern states in India, especially among people injecting drugs.
- **[‘Nasha Mukt Bharat’, or Drug-Free India Campaign](#)**

## UPSC Civil Services Examination, Previous Year Question

### **Mains**

**Q.** India’s proximity to the two of the world’s biggest illicit opium-growing states has enhanced her internal security concerns. Explain the linkages between drug trafficking and other illicit activities such as gunrunning, money laundering and human trafficking. What counter-measures should be taken to prevent the same? **(2018)**

**Source: IE**