

and logical method of treatment in a singularly attractive and convenient form, an attempt has been made to instill clearness and readable interest in the discussion.

Apart from providing a detailed index to contents of the book and parallel mapping of the vast contents of book, running through the first to the last page, a Fact Finder, in the

form of an intensive and extensive, but precise index-cum-ready referencer has also been added to facilitate easy and quick location of desired information contained under numerous Rules.

It is hoped that the book will be found very exhaustive making it self-contained and efficient to answer the purposes it is intended to serve.

HANDBOOK OF LAW RELATING TO CONTROL OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

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Man was happy to have discovered drugs, which he took to find some solace from the bitterness of life and to escape from vale of misery, but ended up as a prisoner of addiction. The drugs, which he thought to be boon, turned out to be a malediction. But the temptation and the craving for the 'forbidden fruit' was so unruly that he found it hard to tame notwithstanding the cramps it caused. Initiated into by friends and foes, more and more men were drawn to it only to land in the booby trap. Across the years drug abuse and drug addiction became a social malady. It was spreading ruin, causing deleterious effects and deadly impact on the society as a whole. So much so that statutory control had to be exercised over narcotic drugs through certain State and Central enactments principally through the Opium Act 1856, the Opium Act 1878 and the Dangerous Drugs Act 1930. However, the menace assumed serious and alarming proportions over the years. New drugs of addiction, which have come to be known as psychotropic substances appeared on the scene. Drug trafficking, trading and its use, became a global phenomena and acquired

the dimensions of an epidemic. It was seen as a booming industry by smugglers and underworld, which led to clandestine smuggling of narcotic drugs and psychotropic substances into this country further proliferating the devastating menace. The organized activities of the underworld and illegal trafficking in such drugs and substances led to drug addiction among a sizeable section of the public, particularly the adolescents and students of both sexes. It had the effect of producing a sick society and harmful culture. While drug addiction was eating into the vitals of the society, it was noticed that drug trafficking was not only eating into the vitals of the economy of the country and affecting the economic policies, but illicit money generated by drug trafficking was being used for illicit activities including encouragement of terrorism.

Existing laws were being found deficient to deal with this menace. That apart, since the enactment of these Acts, a vast body of international law in the field of narcotics control had evolved through various international treaties and protocols, to which the Government of India was also a party

and acceded. These treaties and conventions, which include, Convention on Psychotropic Substances, 1971 entailed several obligations, which were not covered or were only partly covered by the existing Acts. Therefore, in order to effectively control and eradicate this proliferating and booming devastating menace and to have a comprehensive law on the statute book which could enable exercise of control over psychotropic substances in India in the manner as envisaged in the 1971 Convention, the Parliament in its wisdom made a comprehensive legislation sufficiently stringent to combat the challenge posed by drug traffickers by introducing Act 61 of 1985 – The Narcotic Drugs and Psychotropic Substances Act 1985 - specifying mandatory minimum imprisonment and fine. The Act was, thus, enacted, as is evident from its preamble, with a view 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, to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances and to implement the provisions of the International Conventions on Narcotic Drugs and Psychotropic Substances and for matters connected therewith. The scheme of the Act clearly shows that the Central Government is charged with the duty to take all such measures as it deems necessary or expedient for preventing and combating the abuse of narcotic drugs and psychotropic substances and the menace of illicit traffic therein. Further amendments were introduced in the Act through Amendment Act 2 of 1989 said to be in discharge of the international obligations following the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances held in Vienna, Austria in 1988, which was perhaps one of the first efforts, at an International level, to tackle the menace of drug trafficking throughout the community of nations. Act was once again amended by Act 9 of 2001 for introduction of concept of ‘commercial quantity’, rationalization of sentencing structure and certain other

amendments for effective implementation of the Act [discussed more elaborately in the Introductory Chapter (Part 1 of the Book)]

Keeping in view the menace of illicit drug trafficking, wide powers are conferred under the Act, on the officers and deterrent sentences are also provided for the offences under the Act. To strike the balance between the needs of enforcement of law on the one hand and the protection of the citizen from oppression and injustice at the hands of the law enforcement machinery on the other, the Legislature has deemed it fit to provide for corresponding safeguards to check the possible misuse of power thus conferred so that any harm to the innocent persons is avoided and the allegations of planting or fabricating by the prosecution are minimized.

The present book, designed to serve as a Hand Book, contains full text of the 1985 Act, as amended up-to-date, with annotations based on Supreme Court decisions [Part 2 of the Book] and various rules/regulation/notifications made/issued under the Act [Parts 3 and 4 of the Book]. Scheme of the Act and impact and implications of amendments introduced through Act 2 of 1989 and Act 9 of 2001 have been discussed at length in the Introductory Chapter [Part 1 of the Book] as also under the relevant sections. Full texts of the “International Conventions” as set out in Section 2(ix) of the Act have been made available in Part 5 of the Book. Notifications issued under the Act, wherever practical and convenient from reader’s point of view, have been given under the relevant sections of the Act, and remaining covered in Part 4 of the Book classified and grouped according to the Section under which particular notification has been issued. Part 6 of the Book deals with the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act 1988 with explanatory notes and comments. The book, it is hoped shall meet the requirements of the Bench and the Bar and cater to the needs of the officers and authorities entrusted with the job of administering the provisions of the anti-drug laws.