

Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substance) Order, 1993

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The Central Government being of the opinion that having regard to the use of the controlled substance in the production or manufacture of the narcotic drug or psychotropic substance, it is necessary and expedient so to do in the public interest, in exercise of powers conferred by Section 9-A of the Narcotic Druga and Psychotropic Sub_tancc_ Act, 1985 (61 of 1985) hereby makes the following Order :-

1. Short title and commencement :-

- (1) This Order may be called the Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substance) Order, 1993.
- (2) It shall come into force on the 15th day of April, 1993.

2. Definitions :-

- (1) In this Order unless the context otherwise requires,-
 - (a) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) ;
 - (b) "Form" means a form appended with this Order;
 - (c) "Controlled Substances" means any substance declared by the Central Government under clause (vii-o) of Section 2 of the Act;

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them.

3. Manufacture) distribution, sale, imports, exports and consumption of controlled substance :-

(1) Every person who manufactures or distributes or sells or imports or exports or consumes any controlled substance shall maintain daily accounts of his activities in Form I or Form 2, as the case may be. The records of his activity shall be preserved for a period of two years from the date of last entry in the register.

(2) He shall report to the Director General, Narcotics Control Bureau, Wing No. 5, West Block-1, R.K.Puram, New Delhi-110066 immediately regarding any loss or disappearance of the controlled substance under his control.

4. Transport of controlled substance :-

(1) A consignment of controlled substance shall be moved from one place to another place only when it is accompanied by a Consignment Note in Form 3.

(2) The Consignment Note shall be prepared in triplicate. The original and duplicate copies of the Consignment Note shall be sent along with the consignment to the consignee, who shall return the duplicate copy to the consignor for retention after endorsing on the original and duplicate copies the particulars of quantity received by him.

(3) The consignor shall make necessary entries on the triplicate copy of the Consignment Note with reference to the receipt of the controlled substance indicated on the duplicate copy of the Consignment Note.

(4) In the case of any consignment of the controlled substance which is imported into India, such consignment from the port of entry to any warehouse or factory or business establishment or premise of the importer or consumer, as the case may be, shall be accompanied by a Bill of Entry.

(5) The Consignment Note or the Bill of Entry, as the case may be, shall be preserved for a period of two years by the consignor and the consignee or importer, as the case may be.

(6) No transporter shall carry a consignment of controlled substance

without a Consignment Note or Bill of Entry.

(7) The transporter shall produce the Consignment Note or Bill of Entry, as the case may be, when required by an officer (being an officer superior in rank to a peon, sepoy or constable) of the department of central excise, narcotics, customs, revenue, intelligence or any other department of the Central Government or of the Border Security Force as is empowered in this behalf by general or special order by the Central Government, or any officer (being an officer superior to in rank to a peon, sepoy or constable) of the revenue, drug control, excise, police or any other department of a State Government including Union Territory Administration as is empowered in this behalf by general or special order of the State Government including Union Territory Administration authorised under this clause.

5. Bulk selling of controlled substance :-

Every person who sells a controlled substance to a buyer in a transaction of one hundred kilograms and above shall sell so only after the buyer establishes his identity by production of a documents like industrial licence or any registration certificate under any law or any other similar documents which establishes his identity and upon a declaration being made of the purpose for which the controlled substance is being purchased.

6. Labelling of consignments for export or import :-

Every container or vessel containing a controlled substance in a consignment for export or in a consignment which is imported shall be. labelled prominently giving details of the name and quantity of the controlled substance, name and address of the exporter and importer and the consignee if any. The documents relating to the import or export of the controlled substance such as invoice, cargo manifests, customs, transport and shipping documents shall contain the details such as name of the controlled substance, quantity and the name and address of the consignee, exporter and the importer and the documents shall be preserved for a period of two years.

7. Filing of returns :-

(1) Every person mentioned in Clause 3 of this Order shall send a quarterly return by registered post in Form 4 or Form 5, as the Case may be, to the concerned Deputy Director, Narcotics Control Bureau, whose address is given in the Form The quarters for this purpose shall be January to March, April to June, July to September

and October to December. The return shall be despatched before the last day of the month following the quarter.

(2) Schools, Colleges, Universities, Government or autonomous institutions, Registered Scientific Societies and Hospitals using the controlled substance for educational, scientific and analytical purposes are only exempted from maintaining records as prescribed under Clause 3 and sending returns as prescribed under this clause. But they shall comply with other provisions of this Order.

(3) The persons who are to send quarterly returns under this clause shall intimate 'n Form 4 or Form 5, as the case may be, to the concerned Deputy Director, Narcotics Control Bureau, whose address is given in the Form up to the 15th day of May, 1993 regarding the opening balance of stock of the controlled substance possessed by him as on the 15th day of April, 1993. The first regular return shall be sent for the period from 15th April, 1993 to 30th June, 1993.