

Jan.

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 IX/15/2004/P&C  
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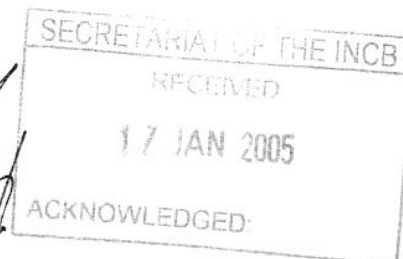
भारत सरकार  
 गृह मंत्रालय  
 आन्तरिक सुरक्षा विभाग  
 स्थापक नियंत्रण ब्यूरो  
 पश्चिम खंड १, विंग - ५,  
 रामकृष्ण पुरम  
 नई दिल्ली

GOVERNMENT OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 DEPTT. OF INTERNAL SECURITY  
 NARCOTICS CONTROL BUREAU  
 WEST BLOCK - 1, WING 5,  
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By Fax/Post

To

The Secretary,  
 United Nations,  
 International Narcotics Control Board,  
 Vienna International Centre,  
 P.O. Box 500, A-1400,  
 Vienna, Austria.  
 (Telefax 43-1-260605869)



Sir,

Sub: Regulatory framework to deal with situations in which patients travelling abroad carrying with them small quantities of medical preparations containing narcotic drugs and psychotropic substances-Reg.

Please refer to Board's letter Ref: E/INCB/PSY/C.L.23/2004 dated 29<sup>th</sup> September, 2004 seeking information on the above subject.

2. In this connection, the legal provisions or administrative measures adopted in this country are as given below:-

- i) As per Rule 66(2) of NDPS Rules 1985, any person may possess a reasonable quantity of psychotropic substances as may be necessary for his genuine medical requirements for such period as is deemed necessary, provided that where such psychotropic substance in possession of an individual for his personal medical use the quantity thereof shall not exceed one hundred dosage units at a time.
- ii) As per Rule 67-A of the NDPS Rules 1985 a narcotic drug and psychotropic substance may be supplied or dispensed for use to a foreigner pursuant to medical prescription only from the authorised licensed pharmacists or other authorised retail distributors designated by authorities responsible for public health.
- iii) As per Rule 36 of "The Drugs and Cosmetics Rules, 1945" small quantities of drugs, the import of which is otherwise prohibited, may be imported for personal use subject to certain conditions.

INCB PSYCHOTROPICS UNIT		
Action: .....	File: DEC. 80-5.9	(CIND)
17 JAN 2005		
TO: 0043125605869		
	Name	Date
Drafted		
Cleared		

P: 1

11-JAN-2005 16:34 FROM: NCB HQ 01126185240

3. An extract of each of the above mentioned Rules is enclosed for information.

Yours truly,

  
(Nidhi Srivastava)  
Dy. Director(P&C)

Encls: As above

CHAPTER VII  
PSYCHOTROPIC SUBSTANCES

64. General prohibition.—No person shall manufacture, possess, transport, import inter-State, export inter-State, sell, purchase, consume or use any of the psychotropic substances specified in Schedule I.

65. Manufacture of psychotropic substances.—(1) Subject to the provisions of sub-rule (2), the manufacture of any of the psychotropic substances other than those specified in Schedule I shall be in accordance with the conditions of a licence granted under the Drugs and Cosmetics Rules, 1945 (hereinafter referred to as the 1945 Rules) framed under the Drugs and Cosmetics Act, 1940 (23 of 1940), by an authority in charge of Drugs Control in a State appointed by the State Government in this behalf:

<sup>1</sup>[Provided that the authority in charge of drug control in a State referred to above may issue a licence to manufacture a psychotropic substance specified in Schedule III for the purpose of export only;]

(2) The authority in charge of drugs control in a State (hereinafter referred to as the Licensing Authority) shall consult the Drugs Controller (India) in regard to the assessed annual requirements of each of the psychotropic substances in bulk form referred to in sub-rule (1) in the country and taking into account the requirement of such psychotropic substances in the State, the quantity of such substance required for supply to other manufacturers outside the State and the quantity of such substance required for reasonable inventory to be held by a manufacturer, shall specify, by order, the limit of the quantity of such substance which may be manufactured by the manufacturer in the State.

(3) The quantity of the said psychotropic substance which may be manufactured by a licensee in an year shall be intimated by the Licencing Authority to the licensee at the time of issuing the licence.

<sup>2</sup>[Provided that nothing contained in this rule shall apply in case the psychotropic substances specified in Schedule I are manufactured, possessed, transported, imported inter-State, exported inter-State, sold, purchased, consumed or used subject to other provisions of this Chapter which applies to psychotropic substances which are not included in Schedule I and for the purposes mentioned in Chapter VIIA:

Provided further that the authority in charge of the drug control in a State referred to in sub-rule (2) of Rule 65 shall consult the Narcotics Commissioner before issuing a licence under rule 65 in respect of psychotropic substances included in Schedule I <sup>1</sup>[and Schedule III].]

66. Possession, etc. of psychotropic substances.—(1) No person shall possess any psychotropic substance for any of the purposes covered by the 1945 Rules, unless he is lawfully authorised to possess such substance for any of the said purposes under these Rules.

(2) Notwithstanding anything contained in sub-rule (1), any research institution or a hospital or dispensary maintained or supported by Government or local body or by charity or voluntary subscription, which is not authorised to possess any psychotropic substance under the 1945 Rules, or any person who is not so authorised under the 1945 Rules, may possess a reasonable quantity of such substance as may be necessary for their genuine scientific requirements or genuine medical requirements, or both for such

1. Ins. by G.S.R. 214 (E), dated 19th March, 2002 (w.e.f. 19-3-2002).

2. Ins. by G.S.R. 350 (E), dated 25th June, 1997 (w.e.f. 27-6-1997).

period as is deemed necessary by the said research institution or, as the case may be, the said hospital or dispensary or person.

Provided that where such psychotropic substance is in possession of an individual for his personal medical use the quantity thereof shall not exceed one hundred dosage units at a time.

(3) The research institution, hospital and dispensary referred to in sub-rule (2) shall maintain proper accounts and records in relation to the purchase and consumption of the psychotropic substance in their possession.

67. Transport of psychotropic substance.—(1) Subject to the provisions of rule 64, no consignment of psychotropic substance shall be transported, imported inter-State or exported inter-State unless such consignment is accompanied by a consignment note in Form 7 appended to these Rules and in the manner as provided hereinafter.

(2) The consignment note referred in sub-rule (1) shall be prepared in triplicate and the original and duplicate copies of the said note shall be sent along with the consignment of psychotropic substances to the consignee who shall return the duplicate copy of the note to the consignor for his use after endorsing on the original and duplicate copies the particulars of the quantity consigned.

(3) The consignor shall make necessary entries on the triplicate copy of the said note with reference to the receipt of quantity of the psychotropic substances indicated on that duplicate copy of the note.

(4) The consignor and consignee shall keep such consignment note for a period of two years and the said note may be inspected at any time by an officer authorised in this behalf by the Central Government.

#### [CHAPTER VIIA

Special provisions regarding manufacture, possession, transport, import-export, purchase and consumption of narcotic drugs and psychotropic substances for medical and scientific purposes.

67A. Notwithstanding anything contained in the foregoing provisions of these rules—

(a) a narcotic drug and psychotropic substance may be used for—

- (i) scientific requirement including analytical requirements of any Government laboratory or any research institution in India or abroad;
- (ii) very limited medical requirements of a foreigner by a duly authorised person of a hospital or any other establishment of the Government especially approved by that Government;
- (iii) the purpose of de-addiction of drug addicts by Government or local body or by an approved charity or voluntary organisation or by such other institution as may be approved by the Central Government.

(b) persons performing medical or scientific functions shall keep records concerning the acquisition of the substance and the details of their use in Form 7 of these rules and such records are to be preserved for at least two years after their (sic);

(c) a narcotic drug and psychotropic substance may be supplied or dispensed for use to a foreigner pursuant to medical prescription only from the authorised