

Finance Act 1976

Section 39 - Amendment of Act 16 of 1955

In the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, -

(a) for the words "opium, Indian hemp or other narcotic drug or narcotic", wherever they occur, the words "narcotic drug or narcotic" shall be substituted;

(b) in section 2, -

(i) after clause (a), the following clauses shall be inserted, namely :-

(aa) "coca derivative" means -

(i) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;

(ii) ecgonine, that is, laevo-ecgonine having the chemical formula $C_9H_{15}NO_3 \cdot H_2O$, and all the derivatives of laevo-ecgonine from which it can be recovered; and

(iii) cocaine, that is, methyl-benzoyl-laevo-ecgonine having the chemical formula $C_{17}H_{21}NO_4$, and its salts;

(ab) "coca leaf" means -

(i) the leaf and young twigs of any coca plant, that is, of the *Erythroxylon coca* (Lamk.) and the *Erythroxylon novo-granatense* (Hiern.) and their varieties, and of any other species of this genus which the Central Government may, by notification in the Official Gazette, declare to be coca plants for the purposes of this Act; and

(ii) any mixture thereof, with or without neutral materials;;

(ii) after clause (b), the following clause shall be inserted, namely :-

(bb) "derivative of opium" means -

(i) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use;

(ii) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking, and the dross or other residue remaining after opium is

smoked;

(iii) morphine, that is, the principal alkaloid of opium having the chemical formula $C_{17}H_{12}NO_3$, and salts, and its derivatives;;

(iii) for clause (e), the following clause shall be substituted, namely :-

(e) "Indian hemp" means -

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis sativa* L.), including all forms known as bhang, siddhi or ganja;

(ii) charas, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;

(iii) any mixture, with or without neutral materials, of any of the above forms of Indian hemp or any drink prepared therefrom; and

(iv) any extract or tincture of any of the above forms of Indian hemp;;

(iv) for clause (h), the following clause shall be substituted, namely :-

(h) "narcotic drug" or "narcotic" means a substance which is coca leaf, or coca derivative, or opium, or derivative of opium, or Indian hemp and shall include any other substance, capable of causing or producing in human beings dependence, tolerance and withdrawal syndromes and which the Central Government may, by notification in the Official Gazette, declare to be a narcotic drug or narcotic;;

(c) the Schedule shall be amended in the manner specified in the Sixth Schedule.