

Bill No. 10 of 2022

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
(AMENDMENT) BILL, 2022

By

SHRI V. K. SREEKANDAN, M.P.

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BILL

further to amend the narcotic Drugs and Psychotropic Substances Act, 1985.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Narcotic Drugs and Psychotropic substances (Amendment) Act, 2022.

Short title
and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

61 of 1985. 2. In section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the principal Act):—

Amendment
of section 2.

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

“(ia) “any quantity”, in relation to narcotic drugs and psychotropic substances, specified by the Central Government by notification in the Official Gazette;” and

(b) clause (xxiiia), shall be omitted.

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Substitution of
reference to
“small
quantity” by
“any quantity”.

3. Throughout the principal Act, for the words “small quantity” wherever they occur, the words “any quantity” shall be substituted.

Amendment of
section 27.

4. In section 27 of the principal Act in clause (a) for the words “one year”, the words “three years” shall be substituted.

Amendment of
section 77.

5. In section 77 of the principal Act, for the words “Clause (viiia), clause (xi), Clause (xxiiia) of section 2”, the words “clause (ia), clause (viiia), clause (xi) of section 2” shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

Taking advantage of the term “small quantity” as provided under clause (xxiia) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and the country has been witnessing the growth of consumption of drugs especially among the youths. They are becoming more addict to it as drugs in many forms are easily available in every nook and corner of the country in very small quantities and the offenders of the contravention of the law escape unhurt from the ambit of punishment because of the term small quantity. In recent years, we have seized a large number of quantities of drugs in many parts of the country and this testifies the growing usage and demands of such drugs. Therefore, we need to come with a stringent laws to curb the growing illicit drugs trade in the country to protect our future leaders i.e. the youths of our nation.

The punishment provided in the Narcotic Drugs and Psychotropic Substances Act, 1985 is too small and similarly the fine. To make the law strong and to keep the people away from using drugs, there should be stringent punishment and the offenders of the contravention of law should not simply get away by paying a minimum amount. Therefore, the punishment for consumption of drugs should not be less than three years without any option for getting rid of the punishment by paying a meagre amount of fine.

The Bill, therefore, seeks to amend the Narcotic Drugs and Psychotropic Substances Act, 1985 with a view to:—

- (a) omit the provisions pertaining to “small quantity” of narcotic drugs and psychotropic substances, throughout the Act;
- (b) “any quantity”, in relation to narcotic drugs and psychotropic substances, specified by the Central Government by notification in the Official Gazette; and
- (c) increase the punishment for consumption of any narcotic drug or psychotropic substance from ‘one year’ to ‘three years’.

NEW DELHI;
December 17, 2021

V. K. SREEKANDAN

ANNEXURE

EXTRACT FROM THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 (61 OF 1985)

	*	*	*	*	*
Definitions.	2.	*	*	*	*
	(i) "addict" means a person who has dependence on any narcotic drug or psychotropic substance;				
	*	*	*	*	*
	(xxiiia) "small quantity", in relation to narcotic drugs and psychotropic substances, means any quantity lesser than the quantity specified by the Central Government by notification in the Official Gazette;				
	*	*	*	*	*
Punishment for consumption of any narcotic drug or psychotropic substance.	27.	Whoever, consumes any narcotic drug or psychotropic substance shall be punishable,—			
	(a) where the narcotic drug or psychotropic substance consumed is cocaine, morphine, diacetylmorphine or any other narcotic drug or any psychotropic substance as may be specified in this behalf by the Central Government by notification in the Official Gazette, with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to twenty thousand rupees; or with both; and				
	(b) where the narcotic drug or psychotropic substance consumed is other than those specified in or under clause (a), with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.				
	*	*	*	*	*
Rules and notifications to be laid before Parliament.	77.	Every rule made under this Act by the Central Government and every notification or order issued under clause (viiia), clause (xi), clause (xxiiia) of section 2, section 3, section 7A, section 9A and clause (a) of section 27 shall be laid, as soon as may be, after it is made or issued, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.			
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further to amend the narcotic Drugs and Psychotropic Substances Act, 1985.

(Shri V. K. Sreekandan, M.P.)