

**GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF REVENUE**

LOK SABHA  
UNSTARRED QUESTION NO.2530  
TO BE ANSWERED ON MONDAY, THE 13<sup>th</sup> DECEMBER, 2021  
AGRAHAYANA 22, 1943 (SAKA)

**Amendment to the NDPS Act, 1985**

2530. SHRIMATI SAJDA AHMED:  
SHRI SHANMUGA SUNDRAM K:

Will the Minister of FINANCE be pleased to state:

- (a) whether the Government has proposed to revamp the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 and if so, the details thereof;
- (b) whether the Government is aware of the Tripura High Court judgment regarding the amendment to NDPS Act, 1985 with reference to Section 27A of the NDPS Act and if so, the details thereof;
- (c) whether the Section 2(viiiia) sub-clause i-v which decides the catalog of offences, does not exist after the 2014 amendment and if so, the details thereof; and
- (d) whether the Government is taking steps to rectify the error pointed out by the Tripura High Court and if so, the details thereof?

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF FINANCE  
(SHRI PANKAJ CHOUDHARY)**

- a) The Government has introduced a Narcotic Drug and Psychotropic Substances Amendment Bill, 2021 in the Lok Sabha on 6.12.2021.
- b) Yes, the Hon'ble court had directed to take appropriate steps for amendment as required in Section 27A to rectify the anomaly.
- c) The provisions of Narcotic Drugs and Psychotropic Substances Amendment Act, 2014 came in to effect from 01.05.2014. Prior to the amendment, clause (viiiia) of section 2 of the said Act, contained sub-clauses (i) to (v), wherein the term 'illicit traffic' has been defined. This clause was re-lettered as clause (viiiib) by the NDPS (Amendment) Act, 2014 as a new clause (viiiia) in Section 2 defining 'essential narcotic drugs' was inserted. However, inadvertently, consequential change was not carried out in Section 27A of the NDPS Act, which cause an anomaly. Though in the matter of Julie Singh Vs Union of India in the High Court of Bombay at Goa the hon'ble court with regard to Section 27A of the NDPS Act had held that object behind the legislation and the purpose for enacting the same is clearly discernible. Therefore, the legislative intent of the statute, has always been to read clause: (viiiib) in section 27A, and already stood therein
- d) The Hon'ble President has already promulgated the Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021 (8 of 2021) on 30.09.2021 to rectify the aforesaid anomaly and to carry out the legislative intent of the statute. The Government has introduced a Narcotic Drug and Psychotropic Substances Amendment Bill, 2021 in the Lok Sabha on 6.12.2021.

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