

# Bill Summary

## The Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 2011

- The Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 2011 was introduced in the Lok Sabha on September 8, 2011 by the Minister of Finance, Shri Pranab Mukherjee. The Bill was referred to the Standing Committee on Finance (Chairperson: Shri Yashwant Sinha) on September 13, 2011, which is scheduled to submit its report within three months.
- The Bill amends the Narcotic Drugs and Psychotropic Substances Act, 1985, which provides for control and regulation of narcotic drugs and psychotropic substances and the forfeiture of property related to illicit traffic of narcotic drugs and psychotropic substances.
- The Bill adds a new definition of “central government factories” and amends the definitions of “commercial quantity”, and “small quantity”. In the Act, “commercial quantity” is defined as any quantity of drugs or psychotropic substances above the specified amount and “small quantity is any amount less than the specified amount. The Bill states that the specified amount can be in terms of pure drug content or otherwise. This is to clarify that the entire quantity of drug seized should be taken into account while determining the punishment, and not just the pure drug content.
- The Bill broadens the definition of “illegally acquired property” to include not just property derived from income out of an illegal act under this law but also the equivalent value of such property. It also includes any property acquired out of earnings whose source cannot be proved.
- The central government may permit and regulate the sale, purchase or consumption of poppy straw produced from plants from which no juice has been extracted through lancing. The state government may permit the same, except those produced from plants from which no juice has been extracted through lancing.
- The Act stipulates that any person who consumes drugs specified by the central government shall be penalized with rigorous imprisonment of upto six months or a fine of upto Rs 20,000 or both. For drugs not specified by the central government, the penalty is imprisonment of upto six months or fine upto Rs 10,000 or both. The Bill replaces this with the provision that any person who consumes drugs in contravention of this Act shall be penalized with imprisonment for upto six months or a fine upto Rs 10,000 or both.
- The Act prohibits any person from possessing or transferring any property or concealing the nature and location of property derived from an offence under the Act or any other corresponding law in another country. The Bill provides for penalizing such an offence with rigorous imprisonment between 3 to 10 years and a fine.
- The Bill enhances the penalty for offences committed after previous convictions. A person’s term of imprisonment shall be extended to one and a half times the term he can be convicted for. Similar enhancement is specified for the amount of fine.
- The Bill states that drugs, psychotropic substances or controlled substances shall be disposed off in the manner to be prescribed.
- Whenever an officer (notified either by the central or state government) makes an arrest or seizes goods under this Act, he shall report to the jurisdictional competent authority within 180 days of the arrest or seizure.
- The competent authorities under this Act include the Collector of Customs or Central Excise. The Bill changes this to Commissioner of Customs or Central Excise.
- The Act provides for an Appellate Tribunal headed by a Chairman. The Bill adds that in case the Chairman’s position is vacant due to absence, resignation or death, the central government can nominate any member to act as the Chairman till he resumes his duties or a new Chairman is appointed.

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