

# Standing Committee Report Summary

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

- The Department Related Parliamentary Standing Committee on Finance submitted its 50<sup>th</sup> Report on ‘The Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 2011’ on March 21, 2012. The Bill was introduced in the Rajya Sabha on September 8, 2011 to amend the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.
- The NDPS Act, 1985 was enacted for the control and regulation of operations relating to narcotic drugs and psychotropic substances. This Bill seeks to strengthen the provisions of the Act.
- The Committee suggests that there is need for a more comprehensive and broad based legislation for control over the narcotic and psychotropic substances. It recommends the enactment of the Bill with the following modifications.
- The Bill intends to amend the definitions of “commercial quantity”, and “small quantity” in order to remove ambiguity. The Committee is of the view that the new definitions continue to be vague. The Committee recommends that these terms should be clearly spelt out to ensure that it does not lead to arbitrariness in the interpretation of law.
- The Bill proposes to reduce the punishment for consumption of morphine, cocaine, and heroine from one year to six months in light of the maximum term of six months for trafficking in small quantities. The Committee recommends that prescribing deterrent punishment is important and the punishment for the consumption of morphine, cocaine, and heroine should not be reduced. Instead, the punishment for trafficking in small quantities should be increased to one year.
- The Bill proposes that the seizure of property of the person arrested by the notified officer should be made within 180 days of the arrest. The Act did not have any provision in this regard. The Committee recommends that this time limit should be reduced to 90 days. The Committee feels that 180 days is a long period and would allow for manipulation / distortion of facts about the seized property in question.
- The Bill proposes to add the term “management” after “identification, treatment” etc. of addicts at centres established by the government. The Committee is in agreement with this and recommends that the government should be more proactive in establishing, recognizing and approving more rehabilitation / management centres for persons with drug addiction.
- The Act imposes mandatory death penalty for certain repeat crimes involving a large quantity of drugs. The Bombay High Court had read the expression “shall be punishable with death” as “may be punishable with death” in a judgement given in June 2011. The Committee recommends that the Act should be amended accordingly.
- Several stakeholders suggested that the Act should be amended to enable compounding of unintended or procedural lapses and to address undue harassment of legally authorised manufacturers, dealers, and traders during investigations. The Ministry asserted that these could be addressed by “slight amendments in the NDPS Rules”. The Committee disagrees and expects the government to amend the Bill to incorporate these provisions.

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