

**THE NARCOTIC DRUGS AND PSY CHOTROPIC SUBSTANCES
(AMENDMENT) ACT, 2014**

The following Act of parliament received the assent of the President on 7th March, 2014, and was published in the Gazette of India, Extraordinary, Part II Section 1, No. 17 dated 10th March, 2014.

INDIAN PARLIAMENT ACT No. 16 OF 2014

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

Be it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:-

“Statement of Objects and Reasons

The Narcotic Drugs and Psychotropic Substances Act, 1985 was enacted consolidating and amending the provisions for the control and regulation of operation relating to narcotic drugs and psychotropic substances under the Opium Act, 1878 and the Dangerous Drugs Act, 1930. This Act was amended once in 1989 and subsequently in 2001. During the implementation of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 certain anomalies have been noticed. It is proposed to rectify those anomalies and make certain further changes to strengthen the provisions of the Act.

2. The amending Act of 2001 rationalised the sentence structure so as to ensure that while drug traffickers who traffic in significant quantities of drugs are punished with deterrent sentences, the addicts and those who commit less serious offences are sentenced to less severe punishment. Such provisions have sometimes been misinterpreted to imply that in determining quantities, only the pure drug content in the quantum of drug seized should be reckoned. Since the act duly provides for punishment for preparations of drugs also, this amendment seeks to clarify the legislative intent to take the entire quantity of drug seized in a case for

determining the quantum of punishment and not the pure drug content.

3. Provisions for tracing and seizing of illegally acquired properties pursuant to drug trafficking activity were introduced in the principal Act by way of amendment in 1989 and were further strengthened in the amending Act of 2001. The need for further expanding the scope of such provisions and to broad base the definition of illegally acquired property so that it becomes more difficult for drug traffickers to enjoy the fruits of drug trafficking activity, has been experienced. It is proposed to do so by way of certain amendments.

4. The amendments also seek to put in place the enabling provisions for the introduction of an alternate method of obtaining alkaloids of opium through production of Concentrate of Poppy Straw instead of production and processing of opium, In the country. Besides, some other amendments seeking to address the anomalies arising out of the amendments made in 2001 are sought to be introduced along with measures to further strengthen the provisions of the Act.

5. The Bill seeks to achieve the above objects”.

1. Short title and commencement.- (1) This Act may be called **the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014.**

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

2. Amendment of Section 2.- In Section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) (hereinafter referred to as the principal Act),-

(a) after clause (iv), the following clause shall be inserted, namely-

(iv-a) “Central Government factories” means factories owned by the Central Government or factories owned by any company in which the Central Government holds at least fifty-one per cent. of the paid-up share capital;”;

(b) clause (viii-a) shall be re-lettered as clause (viii-b) and before, clause

(viii-b) as so re-lettered, the following clause shall be inserted, namely-

(viii-a) “essential narcotic drug” means a narcotic drug notified by the Central Government for medical and scientific use;’.

3. Amendment of Section 4.- In Section 4 of the principal Act,-

(a) in sub-section (1), after the words “the illicit traffic therein”, the words “and for ensuring their medical and scientific use” shall be inserted;

(b) in sub-section (2), after clause (d), the following clause shall be inserted, namely-

“(da) availability of narcotic drugs and psychotropic substances for medical and scientific use;”.

4. Amendment of Section 9. In Section 9 of the Principal Act,-

(a) in sub-section (1), in clause (a),-

(i) after sub-clause (iii), the following sub-clause shall be inserted, namely-

“(iii-a) the possession, transport, import inter-State, export inter-State, warehousing, sale, purchase, consumption and use of poppy straw produced from plants from which no juice has been extracted through lancing;”.

(ii) after sub-clause (v), the following shall be inserted, namely-

(v-a) the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption and use of essential narcotic drugs:

Provided that where, in respect of an essential narcotic drug, the State Government has granted licence or permit under the provisions of Section 10 prior to the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, such licence or permit shall continue to be valid till the date of its expiry or for a period of twelve months from such commencement, whichever is earlier.”;

(b) in sub-section (2), after clause (h), the following clause shall be inserted, namely-

“(ha) prescribe the forms and conditions of licences or permits for the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of essential narcotic drugs, the authorities by which such licence or permit may be granted and the fees that may be charged therefor;”

5. Amendment of Section 10.- In Section 10 of the principal Act, in sub-section (1), in clause (a),-

(a) in sub-clause (i), after the words “poppy straw”, the words “except poppy straw produced from plants from which no juice has been extracted through lancing” shall be inserted;

(b) in sub-clause (v), for the words “manufactured drugs other than prepared opium”, the words and brackets “ manufactured drugs (other than prepared opium and essential narcotic drugs) “ shall be inserted.

6. Amendment of Section 15.- In Section 15 of the principal Act, in clause (a), for the words “words “six months”, the words “one year” shall be substituted.

7. Amendment of Section 17.- In Section 17 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

8. Amendment of Section 18.- In Section 18 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

9. Amendment of Section 20.- In Section 20 of the principal Act, in clause (b), in sub –clause (ii), in item (A) for the words “six months”, the words “one year” shall be substituted.

10. Amendment of Section 21.- In Section 21 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

11. Amendment of Section 22.- In Section 22 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

12. Amendment of Section 23.- In Section 23 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

13. Insertion of new Section 27-B .- After Section 27-A of the principal Act, the following section shall be inserted, namely-

“27-B. Punishment for contravention of Section 8-A.- Whoever contravenes the provision of Section 8-A shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to ten years and shall also be liable to fine.”.

14. Amendment of Section 31.- In Section 31 of the principal Act,

(a), in sub-section (1),-

(i) for the words “one –half of the minimum term”, the words “one and one-half times of the maximum term” shall be substituted;

(ii) for the words “one –half of the minimum amount”, the words “one and one-half times of the minimum amount” shall be substituted;

(b) in sub-section (2),-

(i) for the words “one –half of the minimum term”, the words “one and one-half times of the minimum term” shall be substituted;

(ii) for the words “one –half of the minimum amount”, the words “one and one-half times of the minimum amount” shall be substituted;

15. Amendment of Section 31-A .- In Section 31-A of the principal Act, in sub-section (1), for the words “shall be punishable with death”, the words and figures “shall be punished with punishment which shall not be less than the punishment specified in Section 31 or with death” shall be substituted.

16. Amendment of Section 42 .- In Section 42 of the principal Act, in sub-section (1), in the proviso, for the words “provided that”, the following shall be substituted, namely-

“Provided that in respect of holder of a licence for manufacture of manufactured drugs of psychotropic substances or controlled substances granted under this Act or any rule or order made thereunder, such power shall be exercised

by an officer not below the rank of sub-inspector:

Provided further that”.

17. Amendment of Section 52-A .- In Section 52-A of the principal Act, (a) for sub-section (1), the following sub-section shall be substituted, namely-

“(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraint of proper storage space or any other relevant consideration, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may, from time to time, determine after following the procedure hereinafter specified.”;

(b) in sub-section (2),-

(i) for the words “narcotic drug or psychotropic substance” and “narcotic drugs or psychotropic substances”, wherever they occur, the words “narcotic drugs, psychotropic substances, controlled substances or conveyances” shall be substituted;

(ii) in clause (b), for the words “such drugs or substances”, the words “such drugs, substances or conveyances” shall be substituted;

(c) in sub-section (4), for the words “narcotic drugs or psychotropic substances” the words “narcotic drugs, psychotropic substances, controlled substances or conveyances” shall be substituted.

18. Insertion of new Section 57-A.- After Section 57 of the principal Act, the following section shall be inserted, namely-

“57-A. Report of seizure of property of the person arrested by the

notified officer.- whenever any officer notified under Section 53 makes an arrest or seizure under this Act, and the provisions of Chapter V-A apply to any person involved in the case of such arrest or seizure, the officer shall make a report of the illegally acquired properties of such person to the jurisdictional competent authority within ninety days of the arrest or seizure”.

19. Substitution of new heading for heading of Chapter V- A. – In Chapter V-A of the principal Act, for the heading “FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN ILLICIT TRAFFIC”, the heading “FORFEITURE OF ILLEGALLY ACQUIRED PROPERTY” shall be substituted.

20. Amendment of Section 68-B.- In Section 68-B of the principal Act,-
(a) in clause (g),-

(i) in sub-clause (i), for the words “of this Act; or”, the words “of this Act or the equivalent value of such property; or” shall be substituted;

(ii) in sub-clause (ii), for the words “such property”, the words “such property or the equivalent value of such property; or” shall be substituted;

(iii) after sub-clause (ii), the following sub-clause shall be inserted, namely-
“(iii) any property acquired by such person, whether before or after the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, wholly or partly out of or by means of any income, earnings or assets the source of which cannot be proved, or the equivalent value of such property;”;

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

‘(h) “property” means any property or assets of every description, whether corporeal or incorporeal, moveable or immovable, tangible or intangible, wherever located and includes deeds and instruments evidencing title to, or interest in, such property or assets;’.

21. Amendment of Section 68-D.- In Section 68-D of the principal Act,- in sub-section (1), for the words “any Collector of Customs or Collector of Central

Excise”, the words “any Commissioner of Customs or Commissioner of Central Excise” shall be substituted.

22. Amendment of Section 68-H.- In Section 68-H of the principal Act,- the following Explanation shall be inserted at the end, namely-

“Explanation.- For the removal of doubts, it is hereby declared that in a case where the provisions of Section 68-J are applicable, no notice under this section shall be invalid merely on the ground that it fails to mention the evidence relied upon or it fails to establish a direct nexus between the property sought to be forfeited and any activity in contravention of the provisions of this Act.”.

23. Amendment of Section 68-O.- In Section 68-O of the principal Act, in sub-section (4), after the proviso, the following proviso shall be inserted, namely-

“Provided further that if the office of the Chairman is vacant by reason of his death, resignation or otherwise, or if the Chairman is unable to discharge his duties owing to absence, illness or any other cause, the Central Government may, by order, nominate any member to act as the Chairman until a new Chairman is appointed and assumes charge or, as the case may be, resumes his duties.”.

24. Amendment of Section 71.- In Section 71 of the principal Act, in sub-section (1), for the words “The Government may, in its discretion, establish, as many centres as it thinks fit for identification, treatment”, the words “The Government may establish, recognize or approve as many centres as it thinks fit for identification, treatment, management” shall be substituted.
