# [AS INTRODUCED IN THE NATIONAL ASSEMBLY] 

## A

## BILL

further to amend the Control of Narcotics Substances Act, 1997
WHEREAS it is expedient to further amend the Control of Narcotics Substances Act, 1997 (XXV of 1997), for the purpose hereinafter appearing:

It is hereby enacted as follows:
(1) Short title and commencement.- (1) This Act shall be called the Control of Narcotics Substances (Amendment) Act, 2023.
(2). It shall come into force at once.
(2) Amendment in Section 9, Act No. XXV of 1997.- In the Control of Narcotics Substances Act, 1997 (XXV of 1997), hereinafter called the said Act, in section 9;-
(i) in sub-section(1), in the table, a new column "(4)" with the heading as "Classification", along with the corresponding entries $\mathrm{A}, \mathrm{B}$ and C as given below, shall be added after the Column 3:-

| S. No. | Offence |  | Punishment | Classification |
| :---: | :---: | :---: | :---: | :---: |
|  | Type of Narcotics | Quantity |  |  |
| (1) | (2) |  | (3) | (4) |
| 1 | Bhang | (a) Up to 999 grams | imprisonment which may extend to three years but shall not be less than six months along-with fine which may be up to ten thousand rupees. | B |
|  |  | (b) 1000 grams to 9999 grams. | imprisonment which may extend to seven years but shall not be less than three years along-with fine which may be up to one hundred thousand rupees | \% |


|  |  | (c) 10000 grams to 19999 grams. | but not less than ten thousand rupees. <br> imprisonment which may extend to fourteen years but shall not be less than seven years alongwith fine which may be up to two hundred thousand rupees but not less than one hundred thousand rupees. |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | (d) 20000 grams or more | imprisonment which may extend to life imprisonment but shall not be less than fourteen years along-with fine which shall not be less than two hundred thousand rupees. |  |  |
| 2 | Post or poppy straw | (a) Up to 999 grams. <br> (b) 1000 grams to 9999 grams. | imprisonment which may extend to four years but shall not be less than eight months along-with fine which may be up to twenty thousand rupees. <br> imprisonment which may extend to eight years but shall not be less than four years along-with fine | B $y$ |  |




|  |  | than eight <br> hundred <br> thousand <br> rupees. |
| :--- | :--- | :--- | :--- |
| Hashish oil liquid | (a)Up to <br> Hashish <br> grams. | imprisonment <br> which may <br> extend to seven <br> years but shall <br> not be less than <br> fourteen months <br> along-with fine <br> which may be <br> up to forty |
| thousand |  |  |
| rupees. |  |  |


|  |  | years along- <br> with fine which <br> shall not be less <br> than four <br> hundred |
| :--- | :--- | :--- | :--- |
| thousand |  |  |
| rupees. |  |  |$|$


|  | $\varepsilon$ | (d) 3000 grams to 4999 grams. <br> (e) 5000 grams to 7999 grams. | imprisonment which may extend to fifteen years but shall not be less than twelve years along-with fine which may be up to five hundred thousand rupees but not less than three hundred thousand rupees. <br> imprisonment <br> which may extend to twenty years but shall not be less than fifteen years along-with fine which may be up to eight hundred thousand rupees but not less than five hundred thousand rupees. |  |
| :---: | :---: | :---: | :---: | :---: |
|  |  | (f) 8000 <br> grams or more | imprisonment which may extend to life imprisonment but shall not be less than twenty years alongwith fine which shall not be less than eight hundred thousand rupees. |  |
| 6 | Heroin and morphine | (a) Up to 99 grams | imprisonment which may extend to seven years but shall not be less than eighteen months | A |




(ii) in sub-section (2);-
a) in the table, a new column "(4)" with the heading as "Classification", along with the corresponding entries $\mathrm{A}, \mathrm{B}$ and C as given below, shall be added after the Column 3:-

| Sr. <br> No. | Offence with regard to <br> quantity of controlled <br> substance | Punishment | Classification |
| :--- | :---: | :---: | :---: |
| $(1)$ | $(2)$ | $(3)$ | $(4)$ |
| 1 | Up to 20 grams | Imprisonment which may extend to <br> one year but shall not be less than <br> two months along-with fine which | All psychotropic |


|  |  | may be up to fifty thousand rupees. | substances mentioned in Schedule-1 shall be classed as Class-A; with the exception of Diazepem at Sr . No. 24 which shall be classed as a Class C substance. |
| :---: | :---: | :---: | :---: |
| 2 | More than 20 grams and up to 50 grams | Imprisonment which may extend to two years but shall not be less than one year along with fine which may up to one hundred thousand rupees. |  |
| 3 | More than 50 grams and up to 100 grams | Imprisonment which may extend to three years but shall not be less than two years along with fine which may be up to two hundred thousand rupees. |  |
| 4 | More than 100 grams and up to 500 grams | Imprisonment which may extend to five years but shall not be less than three years along with fine which may be up to four thousand rupees. |  |
| 5 | More than 500 grams and up to one kilo grams $\leqslant$ | Imprisonment which may extend to seven years but shall not be less than five years along with fine which may be up to eight hundred thousand rupees. |  |
| 6 | More than one kilo grams and up to two kilo grams | Imprisonment which may extend to ten years but shall not be less than seven years along with fine which may be up to twelve hundred thousand rupees. |  |
| 7 | More than two kilo grams and up to three kilo grams | Imprisonment which may extend to fourteen years but shall not be less than ten years along with fine which may be up to sixteen hundred thousand rupees. |  |
| 8 | More than three kilo grams and up to four kilo grams | Imprisonment which may extend to twenty years but shall not be less than fourteen years along with fine which may be up to eighteen hundred thousand rupees. |  |
| 9 | Exceeding four kilo grams | Imprisonment which shall not be less than life imprisonment along with fine which shall not be less than two million rupees. |  |

b) after the expression "psychotropic substance is methamphetamine (ICE)", the expression "classified as Class A" shall be inserted.
(3) Amendment of Section 51, Act XXV of 1997 - In the said Act, section 51 shall be substituted with the following, namely: -
" 51 . Bail in respect of certain offences - (1) Notwithstanding anything contained in the sections 496 and 497 of the Criminal Procedure Code, 1898 (V of 1898) bail shall not be granted to an accused person charged with an offence under this Act for possession of a substance classified as Class A under this Act.
(2) Bail may be granted to an accused from whose possession was recovered any contraband that is classified as Class B under this Act. Notwithstanding the foregoing, the surety amount due to be deposited shall not be less than the minimum fine amount prescribed for that offence. Bail in matters of Class B contraband shall not be granted to any habitual including a repeat offender.
(3) Bail may be granted to an accused from whose possession was recovered any contraband that is classified as Class C under this Act. Notwithstanding the foregoing, the surety amount due to be deposited shall not be less than the minimum fine amount prescribed for that offence. Bail in matters of Class C contraband shall not be granted to any habitual including a repeat offender."

## STATEMENT OF OBJECT AND REASONS

It has been observed that, lack of classification of substances in the Control of Narcotic Substances Act, 1997 (CNSA) is leading to ambiguity and the intention of the parliament being sidelined, as bail is being granted even in the instances punishable by death penalty, which is when the CNSA explicitly disallows bail. Hence, classification of substances has been inserted in section 9 of the Act. As a result of which, section 51 has been amended to accommodate the former changes.

The bill has been prepared to achieve the object mentioned above.


Member National Assembly


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