

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Control of Narcotic Substances Act, 1997

WHEREAS it is expedient further to amend the Control of Narcotic Substances Act, 1997 (No.XXV of 1997), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Control of Narcotics Substances (Amendment) Act, 2014.

(2) It shall come into force at once.

2. **Amendment of section 9, Act XXV of 1997.**- In the Control of Narcotics Substances Act, 1997 (Act No. XXV of 1997), hereinafter referred to as the said Act, in section 9, for paragraphs (a) and (b), the following shall be substituted, namely:-

“(a) imprisonment which shall not be less than five years and with fine which shall not be less than five hundred thousand rupees, if the quantity of the narcotic drug, psychotropic substances or controlled substance is one hundred grams or less;

(b) imprisonment which shall not be less than ten years and shall also be liable to fine which shall not be less than eight hundred thousand rupees, if the quantity of the narcotic drug, psychotropic substance or controlled substance exceeds one hundred grams but does not exceed one kilogram;”.

3. **Insertion of new section 9A, Act XXV of 1997.**- In the said Act, after section 9, as amended aforesaid, the following new section shall be inserted, namely:-

“9A. **Failure to implement the provisions of section 6, 7 and 8.**- (1) Notwithstanding anything contained in this Act, it shall be the duty of every incharge of the Police Station and the Assistant Commissioner or officer incharge, by whatever designation he is known, in the territorial jurisdiction of such police station or tehsil or area, as the case may be, to effectively control activities in contravention of sections 6, 7 and 8 and shall report about all such persons involved in the commission of offences provided in sections 6, 7 and 8 after having a reasonable belief or information about their involvement in such offences.

(2) The contravention of sub-section (1) shall be punishable with imprisonment for ten years and with fine which shall not be less than five hundred thousand rupees.

(3) Any local resident may lodge a complaint about the failure to implement the provisions of sub-section (1) to the Sessions Judge of the district who shall take cognizance of such complaint not later than three days and order for necessary inquiry in the matter by any Additional Sessions Judge and such Additional Sessions Judge shall report his findings within fifteen days for lodging of a report under sub-section (1).

(4) The Sessions Judge of the district shall also make arrangement for provisions of necessary security to the complainant, if he deems fit and necessary or on the request of the complainant for protection and safety of such complainant.

(5) The Sessions Judge shall keep the name and other particulars of the complainant confidential and shall not disclose such name and particular to anyone.

(6) If the Sessions Judge, on inquiry report from the Additional Session Judge, is satisfied that no offence has been committed in contravention of sections 6, 7 or 8, he shall file such complaint and no further action shall be required.

(7) On proof of the offence punishable under sub-section (2), findings of the inquiry shall be forwarded to the concerned trial court and such trial court shall proceed with the case under this Act and award the punishment as provided under the relevant provisions of this Act.

(8) The trial court shall award half of the amount of fine to the complainant as his reward by maintaining confidentiality of name and other particulars of such complainant.”

STATEMENT OF OBJECTS AND REASONS

It has been observed that drugs and other narcotic substances are being supplied or made easily available to schools, colleges or other public places wherefrom the young generation is being induced for use of such narcotic substances due to their easy availability. The net result of such non-stop of narcotic substances is resulting in the form of an addict young generation and no vigilant nation can compromise on such destruction of its young generation. However, there is need for a legal mechanism to check availability of narcotic substances particularly in vicinity of schools, colleges or other public places as well as to general places. Therefore, it is the responsibility of the State and its functionaries and particularly the concerned police officers and officers of the tehsil administration to be directly responsible for controlling spreading of use of narcotic substances in their respective territorial jurisdiction because practically it is impossible to indulge in such illegal business in the absence of abetment or collaboration of such functionaries and in the interest of the young generation which is the future of this nation it is necessary concerned officers shall be directly held responsible for their negligence, whether advertent or inadvertent to safeguard the future of this nation and country from a hopeless and miserable agony.

2. The Bill seeks to achieve the above-said objectives.

Sd/-

Ms. Surriya Asghar,
Member, National Assembly