

[AS PASSED BY 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 (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 Narcotic Substances (Amendment) Act, 2019.

(2) It shall come into force at once.

2. Amendment of preamble, Act XXV of 1997.— In the Control of Narcotic Substances Act, 1997 (XXV of 1997), hereinafter referred to as the said Act, in the preamble, in first paragraph,-

(a) After the word "substances," occurring for the first time, the words "controlled substances" shall be inserted; and

(b) for the words "and substances", occurring at the end, the expression, to provide for forfeiture of property derived from, or used in illicit traffic in narcotic drugs, psychotropic substances and controlled substances and to implement the provisions of the international conventions on narcotic drugs, psychotropic substances and controlled substances" shall be inserted.

3. Amendment of section 2, Act XXV of 1997.— In the said Act, in section 2,-

(a) in clause (c), in paragraph (iii), for the expression "Companies Ordinance, 1984 (XLVII of 1984), the expression "Companies Act, 2017 (XIX of 2017) and the Limited Liability Partnership Act, 2017 (XV of 2017)" shall be substituted;

(b) in clause (d), in paragraph (ii), after the word "known", the words "and include all forms known as *bhanga*, *siddhi* or *ganja*" shall be inserted;

(c) in clause (k), after the word "substance" occurring at the end, the expression "or which is declared to be a controlled substance and given in the Schedule-II pursuant to the provision of any international convention, and by notification in the official Gazette by the Division concerned," shall be inserted;

(d) after clause (o), the following new clauses shall be inserted, namely:-

"(oa) "illicit traffic" in relation to narcotic drugs, psychotropic substances or controlled substances means-

- (i) cultivating any coca plant or gathering any portion of coca plant;
- (ii) cultivating the opium poppy or any cannabis plant or gathering in any portion of opium poppy or cannabis plant;
- (iii) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import into Pakistan, export from Pakistan or transship any narcotic drugs or psychotropic substances or controlled substances;
- (iv) dealing in any activities in narcotic drugs or psychotropic substances or controlled substances other than those referred to in sub-clauses (i) to (iii); or
- (v) handling or letting out any premises for the carrying on of any of the activities referred to in sub-clauses (i) to (iv);
- (vi) financing directly or indirectly any of the aforementioned activities;
- (vii) abetting or conspiring in the furtherance of or in support of doing any of the aforementioned activities; and
- (viii) harboring persons engaged in any of the aforementioned activities.;

(ob) "international convention" means-

- (i) the Single Convention on Narcotic Drugs done at New York on the 30th March, 1961, as amended by the

1972 Protocol done at Geneva on the 25th March, 1972;

- (ii) the Convention Against Psychotropic Substances done at Vienna on the 21st February, 1971;
- (iii) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on the 20th December, 1988; and
- (iv) any other international convention to which Pakistan may become party in future relating in whole or in part to the control of drugs of abuse, controlled chemicals or controlled equipments;"

(e) in clause (za), for the word "Schedule", the expression "Schedule-I" shall be substituted;

4. Amendment of section 4, Act XXV of 1997.— In the said Act, in section 4, after the word "cultivate", the words "or let his land for cultivation or give possession for cultivation of" shall be inserted.

5. Amendment of section 5, Act XXV of 1997.— In the said Act, in section 5, for the expression ", or with fine, or with both", the words "but shall not be less than one year and also be liable to fine" shall be substituted.

6. Substitution of section 9, Act XXV of 1997.- In the said Act, for section 9, the following shall be substituted, namely:-

"9. Punishment for contravention of sections 6, 7 and 8.- (1) Whoever contravenes the provisions of sections 6, 7 and 8 regarding narcotic drugs shall be punished with punishment as given in column (3) of the TABLE with regard to offense committed as mentioned in column (2) of the thereof,-

TABLE

| S. No | Offence | | Punishment |
|-------|-------------------|----------------------|--|
| | 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 |

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| | | | to ten thousand rupees. |
| | | (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 but not less than ten thousand rupees. |
| | | (c) 10000 grams to 19999 grams. | imprisonment which may extend to fourteen years but shall not be less than seven years along with 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 | 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. |
| | | (b) 1000 grams to 9999 grams | imprisonment which may extend to eight years but shall not be less than four years along with fine which may be up to two hundred thousand rupees but shall not be less than twenty thousand rupees. |
| | | (c) 10000 grams to 14999 grams | imprisonment which may extend to fourteen years but shall not be less than eight years along with fine which may be up to three hundred thousand rupees but not less than two hundred thousand rupees. |
| | | (d) 15000 grams or more | imprisonment which may extend to life imprisonment but shall not be less than fourteen years along with fine which |

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| | | | shall not be less than three hundred thousand rupees. |
| 3 | Charas | (a) Up to 499 grams | imprisonment which may extend to five years but shall not be less than ten months along with fine which may be up to forty thousand rupees. |
| | | (b) 500 grams to 999 grams | imprisonment which may extend to nine years but shall not be less than five years along with fine which may be up to eighty thousand rupees but not less than forty thousand rupees. |
| | | (c) 1000 grams to 4999 grams | imprisonment which may extend to fourteen years but shall not be less than nine years along with fine which may be up to four hundred thousand rupees but not less than eighty thousand rupees. |
| | | (d) 5000 grams to 9999 grams | imprisonment which may extend to twenty years but shall not be less than fourteen years along with fine which may be up to eight hundred thousand rupees but not less than four hundred thousand rupees. |
| | | (e) 10000 grams or more | imprisonment which may extend to life imprisonment but shall not be less than twenty years along with fine which shall not be less than four hundred thousand rupees. |
| 4 | Hashish Oil and Liquid Hashish | (a) Up to 499 grams | imprisonment which may extend to seven years but shall not be less than fourteen months along with fine which may be up to forty thousand rupees. |
| | | (b) 500 grams to 999 grams | imprisonment which may extend to fourteen years but shall not be less than seven years along with fine which may be up to eighty thousand rupees but not less than forty thousand rupees. |

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| | | (c) 1000 grams to 4999 grams | imprisonment which may extend to twenty years but shall not be less than fourteen years along with fine which may be up to four hundred thousand rupees but not less than eighty thousand rupees. |
| | | (d) 5000 grams or more. | imprisonment which may extend to life imprisonment but shall not be less than twenty years along with fine which shall not be less than four hundred thousand rupees. |
| 5 | Opium | (a) Up to 499 grams | imprisonment which may extend to six years but shall not be less than one year along with fine which may be up to fifty thousand rupees. |
| | | (b) 500 grams to 999 grams. | imprisonment which may extend to nine years but shall not be less than six years along with fine which may be up to one hundred thousand rupees but not less than fifty thousand rupees. |
| | | (c) 1000 grams to 2999 grams | imprisonment which may extend to twelve years but shall not be less than nine years along with fine which may be up to three hundred thousand rupees but not less than one hundred thousand rupees. |
| | | (d) 3000 grams to 4999 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. |
| | | (e) 5000 grams to 7999 grams | imprisonment 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 |

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| | | | but not less than five hundred thousand rupees. |
| | | (f) 8000 grams or more | imprisonment which may extend to life imprisonment but shall not be less than twenty years along with 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 along with fine which may be up to twenty five thousand rupees. |
| | | (b) 100 grams to 499 grams | imprisonment which may extend to ten years but shall not be less than seven years along with fine which may be up to one hundred and twenty five thousand rupees but not less than twenty five thousand rupees. |
| | | (c) 500 grams to 1999 grams | imprisonment which may extend to fourteen years but shall not be less than ten years along with fine which may be up to five hundred thousand rupees but not less than one hundred and twenty five thousand rupees. |
| | | (d) 2000 grams to 3999 grams. | imprisonment which may extend to twenty years but shall not be less than fourteen years along with fine which may be up to one million rupees but not less than five hundred thousand rupees. |
| | | (e) 4000 grams or more | imprisonment which may extend to life imprisonment but shall not be less than twenty years along with fine which shall not be less than one million rupees. |
| 7 | Cocaine | (a) Up to 99 grams | imprisonment which may extend to seven years but shall not be less than eighteen months along with fine up-to |

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| | | fifty thousand rupees. |
| | (b) 100 grams to 999 grams | imprisonment which may extend to fifteen years but shall not be less than seven years along with fine which may be up to five hundred thousand rupees but not less than fifty thousand rupees |
| | (c) 1000 grams to 4999 grams | imprisonment which may extend to twenty years but shall not be less than fifteen years along with fine which may be up to two million and five hundred thousand rupees but not less than five hundred thousand rupees. |
| | (d) 5000 grams or more | imprisonment which may extend to life imprisonment but shall not be less than twenty years along with fine which shall not be less than two million and five hundred thousand rupees. |

Provided that if an offense is committed relating to narcotic drug inside or near a school, college, university, educational setting or any other educational institution maximum punishment provided for that offence shall be awarded:

Provided further that if any person who has previously been convicted for any offence under this Act is subsequently convicted for the offence relating to narcotic drug, he shall be convicted with maximum punishment provided for that offence.

(2) Whoever contravenes the provisions of sections 6, 7 and 8 regarding psychotropic substances shall be punished with punishment as given in column (3), of the TABLE with regard to quantity of psychotropic substances given in column (2) thereof,-

TABLE

| S. No | Offense with regard to quantity of psychotropic substance | Punishment |
|-------|---|--|
| (1) | (2) | (3) |
| 1 | Up to 20 grams | imprisonment which may extend to one year but shall not be less than two |

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| | | months along with fine which may be up to fifty thousand rupees. |
| 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 be 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 hundred thousand rupees |
| 5 | More than 500 grams and up to one Kilo gram | 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 shall not be less than life imprisonment along with fine which shall not be less than two million rupees |

Provided that if any offence is committed relating to psychotropic substance inside or near a school, college, university, educational setting or any other

educational institution, he shall be punishable with maximum punishment provided for that offence

Provided further that if any person who has previously been convicted for any offence under this Act is subsequently convicted for the offence relating to psychotropic substance and quantity does not exceed two kilograms than he shall be convicted with maximum punishment provided for that offence.

Provided also that if the quantity of psychotropic substance in subsequent offence exceeds two kilograms, the punishment shall not be less than life imprisonment.

(3) Whoever contravenes the provisions of sections 6, 7 and 8 regarding controlled substances shall be punishable with punishment given in column (3) of the TABLE below with regard to offense committed as mentioned in column (2) thereof. -

TABLE-I

| S. No | Offense with regard quantity of Controlled Substances | Punishment |
|--------------|--|--|
| (1) | (2) | (3) |
| 1 | Up to 100 grams. | imprisonment which may extend to six months but shall not be less than two months along with fine which may be up to twenty five thousand rupees. |
| 2 | More than 100 grams and up to 500 grams | imprisonment which may extend to one year but shall not be less than six months along with fine which may be up to fifty thousand rupees. |
| 3 | More than 500 grams and up to one Kilo grams. | imprisonment which may extend to three years but shall not be less than one year along with fine which may be up to one hundred thousand rupees. |
| 4 | More than one Kilo grams and up to two Kilo grams. | imprisonment which may extend to five years but shall not be less than three years along with fine which may be up to one hundred and fifty thousand rupees. |
| 5 | More than two Kilo grams and | imprisonment which may extend to |

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| | up to five Kilo grams | seven years but shall not be less than five years along with fine which may be up to three hundred thousand rupees. |
| 6 | More than five Kilo grams and up to seven 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 five hundred thousand rupees. |
| 7 | More than seven Kilo grams and up to ten 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 seven hundred thousand rupees. |
| 8 | Exceeding ten Kilo grams | imprisonment shall not be less than life imprisonment along with fine which may be up to one million rupees. |

TABLE-II

| S. No | Offense with regard quantity of Controlled Substances | Punishment |
|-------|---|--|
| (1) | (2) | (3) |
| 1. | Up to one Kilo grams | imprisonment which may extend to six months but shall not be less than two months along with fine which may be up to ten thousand rupees. |
| 2. | More than one Kilo grams and up to three Kilo grams. | imprisonment which may extend to one year but shall not be less than six months along with fine which may be up to fifty thousand rupees. |
| 3. | More than three Kilo grams and up to five Kilo grams | imprisonment which may extend to three years but shall not be less than one year along with fine which may be up to one hundred thousand rupees. |
| 4. | More than five Kilo grams and up to ten Kilo grams | imprisonment which may extend to five years but shall not be less than three years along with fine which may be up to two hundred thousand rupees. |

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| 5. | More than ten Kilo grams and up to twenty Kilo grams | imprisonment which may extend to seven years but shall not be less than five years along with fine which may be up to three hundred thousand rupees. |
| 6. | More than twenty Kilo grams and up to thirty Kilo grams. | imprisonment which may extend to ten years but shall not be less than five years along with fine which may be up to five hundred thousand rupees. |
| 7. | More than thirty Kilo grams and up to fifty 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 seven hundred thousand rupees. |
| 8. | Exceeding fifty Kilo grams. | imprisonment shall not be less than life imprisonment along with fine which may be up to one million rupees. |

Provided that if any person who has previously been convicted for any offence under this Act, is subsequently convicted for the offence relating to controlled substances and quantity does not exceed from six kilograms then he shall be convicted with maximum punishment provided for that offence:

Provided further that when the quantity of controlled substances in subsequent offence exceeds from six kilograms the accused shall be punished not less than life imprisonment:

Provided further also that if any accused is found guilty of trafficking narcotic drug, psychotropic substance or controlled substance into Pakistan or from Pakistan, he shall be convicted with maximum punishment provided for that offence.

9(A). Remissions.--- (1) Notwithstanding anything contained in any other law or prison rules for the time being in force, no remissions in any sentence shall be allowed to a person, who is convicted under this Act:

Provided that in case of a juvenile or female convicted and sentenced for an offence under this Act, remission, may be granted as deemed appropriate by the Federal Government.

(2) Notwithstanding anything contained in any law or rules for the time being in force, neither probation in any sentence shall be allowed nor any accused convicted under this Act shall be released on parole

Provided that if the convicted accused is a juvenile or female, he can be released on probation on parole as per relevant laws and rules.

(3) Notwithstanding anything contained in any other law for time being in force, imprisonment for life under this Act means imprisonment in jail for the period of twenty five years.”.

7. Amendment of section 16, Act XXV of 1997.- In the said Act, in section 16, for the words and commas “one year , or with fine which may extend to five thousand rupees, or with both”, the words “three years and fine” shall be substituted.

8. Amendment of section 17, Act XXV of 1997.- In the said Act, in section 17, for the words and comma “, three years, or with fine or with both” the words “three years and fine but shall not be less than one year and fine” shall be substituted.

9. Amendment of section 19, Act XXV of 1997.- In the said Act, in section 19, for the words “ a term exceeding three years”, the words “for one year or above” shall be substituted.

10. Amendment of section 23, Act XXV of 1997.- In the said Act, in section 23, for the figure “19”, the figure “21” shall be substituted.

11. Amendment of section 31, Act XXV of 1997.- In the said Act, in section 31,-

(a) after the word “enquiry”, the words “or investigation” shall be inserted; and

(b) after sub-section (1), the following new sub-section shall be added, namely:-

“2 Notwithstanding anything contained in any provision of Income Tax Ordinance 2001 (XLI of 2001), Sales Tax Act 1990, Federal Excise Act 2005 or any other law for the time being in force relating to information, submitted by any person

with respect to tax purposes, no government department or authority shall refuse to provide documents and information called by the officer authorized under this Act".

12. Amendment of section 32, Act XXV of 1997.- In the said Act, in section 32, in sub-section 2, after the proviso, for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided further that if any currency whether local or foreign or any valuable item having monetary value used for the commission of the offence under this Act is seized shall be confiscated along with other articles."

13. Amendment of section 33, Act XXV of 1997.- In the said Act, in section 33, in sub-section (4), for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that Federal Government may exempt any narcotic drugs, psychotropic substance and controlled substance for disposal under section 516-A of the Code by making rules under this Act."

14. Amendment of section 37, CNS Act XXV of 1997.- In the said Act, in section 37, in sub-section (2), for The word "seven" The word "Thirty" shall be substituted".

15. Amendment of section 39, Act XXV of 1997.- In the said Act, in section 39,-

- (a) in sub-section (1), for the words "more than three years", the words " one year or more" shall be substituted; and
- (b) in sub-section (2), after the word "Government", the words "and shall vest in that Government free from all encumbrances" shall be added.

16. Insertion of section 40A, Act XXV of 1997.- In the said Act, after section 40, the following new section shall be inserted, namely:-

"40A. Jurisdiction of special court.- No Court other than Special Court established under this Act shall have the power to entertain any

suit or claim relating to the property, which is pending for adjudication before the Special Court for the purpose of forfeiture of assets under section 39 or section 40.”.

17. Amendment of section 45, Act XXV of 1997.- In the said Act, in section 45, after the word “Act” at the end, the following expression shall be inserted, namely:-

“and when trying an offence under this Act, a Special Court may also try an offence other than an offence under this Act when so authorized by Federal Government in this regard and with which the accused may, under the Code of Criminal Procedure, 1898 (Act V of 1898), be charged jointly at the same trial”--

18. Amendment of section 49, Act XXV of 1997.- In the said Act, in sub-section (3), for the words “Special Court comprising a” shall be omitted.

19. Insertion of new section 49A, Act XXV of 1997.— In the said Act, after section 49, the following new section shall be inserted, namely:-

“49A. Remand.- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) or any law for the time being in force the person arrested under this Act shall, having regard to the facts and circumstances of the case be liable to be detained in custody for the purpose of inquiry and investigation for a period not exceeding forty five days and court may remand an accused person to custody not exceeding fifteen days at a time and for every subsequent remand, the court shall record reasons in writing.”.

20. Amendment of section 50, Act XXV of 1997.- In the said Act, in section 50, in sub-section (1), for the word “and” occurring for the third time, the words “any Appellate Court” shall be inserted.

21. Amendment of section 59, Act XXV of 1997.- In the said Act, in section 59, in sub-section (1), for the figure “60”, the figure “58” shall be substituted.

22. Amendment of section 61, Act XXV of 1997.- In the said Act, in section 61, in sub-section (1), for the figure “62”, the figure “57” shall be substituted.

23. Amendment of section 62, Act XXV of 1997.- In the said Act, in section 62,-

- (a) in sub-section (1), for the figure "66", the expression "sub-section (l) of section 63" shall be substituted; and
- (b) in sub-section (2), in paragraph (d), for the word "Ordinance", the word "Act" shall be substituted.

24. Amendment of section 72, Act XXV of 1997.- In the said Act, in section 72, for the word "Ordinance", the word "Act" shall be substituted.

25. Insertion of new section 74, Act XXV of 1997.— In the said Act, after section 74, the following new section shall be inserted, namely:-

"74A. Power to amend Schedule.- The Federal Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto, amend any entry therein or omit any entry therefrom if it is satisfied that it is necessary or expedient so to do on the basis of following, namely:-

- (a) the information and evidence which has become available to it with respect to the nature and effects of and the abuse or the scope for abuse of any substance (natural or synthetic) or natural material or preparation of such substance or material; or
- (b) the modifications or provisions, if any, which have been made to or in any international convention with respect to such substance, natural material or any salt or preparation of such substance or material".

26. Amendment of Schedule.- In the said Act, in the Schedule, for the heading "THE SCHEDULE", the heading "SCHEDULE-I", shall be substituted and after SCHEDULE-I, as amended hereinabove, the following new Schedule shall be added, namely:-

Schedule-II
{Section 2(k)}

Division-I

(Table-I of the 1988 Convention)

| | |
|-----------------------|---------------------------|
| Ephedrine | N-acetylanthranilic acid |
| Ergometrine | Isosafrole |
| Ergotamine | 3,4 methylenedioxyphenyl- |
| Lysergic acid | 2-propanone |
| 4-pheny 1-2 propanone | Piperonal |
| Pseudoephedrine | Safrole |

Division-II

(Table-II of the 1988 Convention)

| | |
|-------------------|-------------------------|
| Acetic anhydride | Hydrochloric acid |
| Acetone | Methyl ethyl |
| Anthranilic acid | Ketone |
| Ethyle eter | Potassium permanaganate |
| Phenylacetic acid | Sulphuric acid |
| Piperidine | Toluene |

STATEMENT OF OBJECTS AND REASONS

The case relates to the proposed amendments in Control of Narcotics Substance (CNS) Act 1997. It is stated that Control of Narcotics Substance (CNS), Act, 1997, completely covers the offences relating to Narcotics Drugs, Psychotropic Substances and Controlled Substances. The illegal possession, manufacturing, sale, purchase, distribution etc. of Narcotics Drug, Psychotropic Substances and Controlled substances in an offence under Section 6 of CNS Act, 1997 and punishable under Section 9 of CNS Act, 1997. The financing of the trafficking of Narcotics Drugs, Psychotropic Substances and Controlled Substances is an offence under Section 8 of CNS Act, 1997 and punishable under Section 9 of CNS Act, 1997. The Peshawar High Court directed the Federal Government to make strict legislation to curb the use and sale of "methamphetamine", popularly known as "ice" and "crystal meth", since this dangerous drug is destroying our young generation. It is also mentioned that the proposed amendments in CNS Act, 1997 cover adequate and reasonable punishment for illicit trafficking of "methamphetamine", a psychotropic substance. Moreover, the punishment for all other illicit drugs has also been reviewed, keeping in view the substance and quantity of drugs. In addition to this, the punishment for sale of drugs in educational setting has also been enhanced.

(Sardar Ali Muhammad Khan Mahar)
Federal Minister for Narcotics Control