

**NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES
BILL**

[English]

MR. CHAIRMAN : Now we will take Item No. 11, Narcotic Drugs and Psychotropic Substances Bill.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : On behalf of Shri Vishwanath Pratap Singh, I beg to move* :

“that the Bill to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and for matters connected therewith, be taken into consideration.”

Statutory control over opium and other narcotic drugs (except cannabis) has in the past, been exercised in India mainly through three Central enactments, i.e. the Opium Act, 1857, the Opium Act, 1878 and the Dangerous Drugs Act, 1930. Control over cannabis group of drugs like charas, ganja, etc., is exercised through laws enacted by the State Governments. With the escalation in the illicit drug traffic and drug abuse at the national and international levels over the years, many deficiencies in the existing laws have come to notice. Some of the important deficiencies are, the low scales of punishments particularly against offences relating to trafficking in drugs, which are not found to be sufficiently deterrent to meet the challenge of well organised gangs of smugglers, absence of provisions for effective control of psychotropic substances which are new drugs of abuse, lack of adequate provisions for implementation of international treaties relating to narcotic drugs and psychotropic substances to which India has become a party.

Sir, as the Hon. members are aware, India has, in recent years, become vulnerable to trafficking in drugs as a transit country. India, geographically sandwiched between two chief illegal drug producing regions, i.e.

* Moved with the recommendation of the President :

Near and Middle East and South East Asia, has emerged as a transit country in drugs which are smuggled through our country mainly to Western countries. Recent reports coming from various sources also indicate escalation in drug abuse in the country. Therefore, unless stringent measures are taken to meet the developing situation in the field of illicit traffic in drugs and drug abuse, there may be further deterioration of the situation.

Sir, the Government is fully conscious of the need for removing the deficiencies and inadequacies in the existing laws and to provide for deterrent punishment particularly for trafficking in drugs. The Hon. members will recall that the developing illicit traffic situation was discussed in this House during the course of a Calling Attention Notice on the subject on 7.8.1985 and an assurance was given that a comprehensive legislation will be brought forward before the Parliament during this Session. The present Bill is also in fulfilment of the said assurance given to the House.

The object of the Bill is the enactment of a comprehensive legislation on narcotic drugs and psychotropic substances which, *inter alia*, will consolidate and amend the existing laws relating to narcotic drugs, strengthen the existing controls over drugs of abuse, considerably enhance the penalties particularly for trafficking offences, make provisions for exercising effective control over psychotropic substances and make provisions for the implementation of international conventions relating to narcotic drugs and psychotropic substances to which India has become a party. The Bill will repeal the three existing Central enactments relating to opium and other narcotic drugs, i.e., the Opium Act, 1857, the Opium Act, 1878 and the Dangerous Drugs Act, 1930.

Under the scheme of the Bill, control over cultivation of opium poppy, production of opium, manufacture of alkaloids, export of opium and alkaloids for medical and scientific purposes, will continue to be controlled and regulated by the Central Government. Central Government's control will also extend to the manufacture of other manufactured narcotic drugs. Further, the Bill empowers the Central Government to exercise control over various operations in

respect of psychotropic substances which are new drugs of abuse. The import into and export from India of all narcotic drugs and psychotropic substances, will, of course, be regulated and controlled by the Central Government.

The State Governments have been empowered mainly in the field of controlling and regulating internal operations like possession, transport, purchase, sale, inter-State movement, use, etc. of narcotic drugs only. Broadly, the distribution of the field of control between the Central Government and the State Government under the existing enactments is being retained in the proposed legislation.

The internal operations in respect of cannabis group of drugs, etc. charas, ganja, etc. are for the first time being brought within the ambit of the Central legislation through this Bill. Under the scheme of this Bill, the States will be empowered to control and regulate cultivation of cannabis plant for production of ganja and other internal operations in respect of cannabis. However, charas would continue to be completely banned. I may also like to mention here that while we have included ganja, apart from charas, within the ambit of the proposed legislation, we have excluded bhang from the coverage of the Bill.

A provision has been made in the Bill which saves the validity of the State laws or rules which impose any restriction or provide for a punishment greater in degree than what is now proposed in the Bill for the cultivation of cannabis plant or consumption of or traffic in any narcotic drug or psychotropic substance.

As regards punishments, we have made provisions for deterrent punishments in respect of trafficking offences, both internal and international. The minimum punishment for such offences provided in the Bill is rigorous imprisonment for 10 years which may extend to 20 years and also a minimum fine of Rs. 1 lakh or Rs. 2 lakhs. In respect of repeat offences of this nature, the proposed legislation provides for a minimum punishment of rigorous imprisonment of 15 years which may extend to 30 years and also for a minimum fine of Rs. 1.5 lakhs which may extend to Rs. 3 lakhs.

While the aforesaid punishments would be attracted in respect of offences relating to various narcotic drugs (including charas or hashish) and psychotropic substances, Regarding offences relating to cannabis cultivation and ganja the proposed legislation provides for a maximum term of rigorous imprisonment of 5 years and maximum fine of Rs. 50,000. For repeat offences relating to the same, the rigorous imprisonment may extend to 10 years and fine to Rs. 1 lakh.

In the matter of punishments, we have provided for a different treatment to drug abusers and drug addicts. The proposed punishment for consumption of hard drugs like cocaine, morphine or heroin or any other notified narcotic drug or psychotropic substance or for illegal possession of the same in a small quantity for personal consumption is 1 year's imprisonment or fine or both. In the case of an addict found guilty of an offence of consumption of any narcotic drug or psychotropic substance or in possession of the same in a small quantity for personal consumption, the court is proposed to be empowered to release an offender on probation for medical treatment for de-addiction etc.

The Bill also contains a provision empowering the Central and State Governments to establish centres for identification, treatment, etc. of addicts.

In the field of enforcement and for exercising powers of search, seizure, arrest, etc. both the Central as well as the State enforcement agencies have been, under the existing laws, exercising necessary powers. These common powers of enforcement in respect of Central and State agencies would continue with the addition of a few more Central agencies as a result of which the officers of Customs, Excise, Narcotics, Revenue Intelligence, Border Security Force, Police (including CBI), Drugs control, State excise, revenue, etc. could be authorised for exercising powers of enforcement. The Central agencies which, under the existing central laws relating to narcotic drugs, are not empowered for investigation of offences, may now be empowered under the proposed legislation for such purposes.

The Bill also contains a provision whereunder the Central Government may constitute

an authority or a hierarchy of authorities for the purpose of exercising specified powers of the Central Government.

Sir, I am sure that with the provisions proposed in the Bill some of which I have briefly mentioned in my speech, the Government would be able to combat the increasing menace of drug trafficking and drug abuse effectively and more successfully.

Sir, I move.

MR. CHAIRMAN : Motion moved :

"That the Bill to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and for matters connected therewith, be taken into consideration."

Mr. Daga, are you moving your amendment ?

SHRI MOOL CHAND DAGA (PALI) : Yes; I beg to move :

That the Bill to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 15 members, 10 from this House, namely :—

- (1) Shri Basudeb Acharia
- (2) Shri Amitabh Bachchan
- (3) Shri A. Charles
- (4) Smt. Geeta Mukherjee
- (5) Shri Shantaram Naik
- (6) Shri C. Madhav Reddy
- (7) Shri S. Jaipal Reddy
- (8) Shri Saleem I. Shervani
- (9) Shri Vishwanath Pratap Singh
- (10) Shri Mool Chand Daga

and 5 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a the next report to this House by the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee. (1)

[Translation]

SHRI MANOJ PANDEY (Bettiah) : Mr. Chairman, Sir, I rise to heartily support the Narcotic Drugs and Psychotropic Substances Bill, 1985. You would, perhaps, remember that a Calling Attention Notice on Narcotics was discussed in this august House a few days ago. That motion had a mention about Narcotic Drugs, but the name of Psychotropic substances was not there. At that time, many Hon. Members had thrown light on Narcotic Drugs and the Hon. Minister had then said that they were going to bring forward a comprehensive Bill. It is a matter of happiness that the Hon. Minister has brought forward a very good and comprehensive Bill in this House in such a short time.

SHRI MOOL CHAND DAGA : Have you seen narcotic drugs ?

SHRI MANOJ PANDEY : Not only I have seen them, but I have also given treatment for such drugs. Therefore, Shri Daga, you must listen carefully what I am saying. First of all, I want to say something about that plant. Narcotic Drugs are derived mainly from three plants—the first is opium, the second is cannabis and the third is cacao. Opium has many derivatives and alkaloids of

which Penethrine Derivatives are the major ones which include three categories, i.e. morphine codeine and thebaine. Earlier, Morphine was used in its crude form. Fifty to Sixty or even hundred years ago, the plant itself was used to be eaten. Morphine is administered at times of excruciating pain. But today, Morphine and derivatives of Morphine, as you have said Heroin, have been chemically synthesised. Now these are not taken in crude form. Rather these have been chemically synthesised and these are used in many conditions. As you have mentioned about heart-attack, in that case morphine is used and doctors prescribe it. Psychotropic drugs are also being used increasingly. In this age, more the modernisation, more is the tension. In a way the curse of the modernisation is tension. It is obvious that wherever there is a new venture with mechanisation tension increases and to lessen the tension psychotropic drugs are taken. In today's world, you would have seen, heard and read that in most of the cases psychotropic drugs are not used on the doctors' prescription. The people get these drugs from the shopkeepers in one way or the other and subsequently become addicts of these drugs. The most abhorrent aspect of present day life is addiction. Addiction is of two types. First type of addiction is called psychological dependence. The people who smoke or chew 'paan',—our Mushran Saheb chews paan as well as 'zarda' and I also chew it—are dependent on it. This dependence is called psychological dependence. When you get rid of psychological dependence, there is no action or reaction. One feels restive for few days. After that period, the restlessness is over. Usually, it is over between 24 hours to 48 hours. The maximum reaction is from psychotropic drugs and narcotic drugs and one becomes physically dependent on them. It is the most dangerous phase in one's life. If some one becomes physically dependant on morphine, he takes morphine injection. He requires morphine in any form. For this he can go to any extent. The beginning of any addiction is just for fun's sake which later on proves fatal. It is the harbinger of the death.

Mr. Chairman, Sir, it should be understood that all the narcotic drugs and psychotropic drugs do not result in physical dependence, majority of them do result in this sort of dependence. Many of the drugs

which have been included in this list are in conformity with the United Nations Conference held in New York in March 1961 and Vienna Convention held in February, 1971. These have been kept under its purview. But most of the drugs which have been prescribed, result in physical dependence. Kindly think of an addict who has become narcotic, has become physically dependent on that drug. To get that drug he can break all the conventions and systems of his family, other members, neighbour and society and can throw all the norms to winds. He can go to the extent of taking some one's life or even giving his own life. Similar is toxic effect of heroin. The heroin addict suffers from illusion. He thinks as if he is flying in the air. He develops a sense of well being. He thinks that he is superior and totally fit. In that illusion, he thinks that he is ascending the stairs but he may jump down. It has happened several times. Majority of heroin addicts have died from a fall from the staircase. This is the ultimate fate of a heroin addict. The heroin addicts who survive this death become victim of schizophrenia. When a schizophrenic patient stoops to the worst, he indulges in heinous activities as he cannot escape it. The Hon. Members will come to know about it when they themselves see a schizophrenic case. When he comes to the worst, he will have no option but to commit suicide.

The doctors of the mental hospitals or the psychologists to whom such cases are referred and who treat them know this. I also know because I have treated such cases. Such cases are a challenge to the society. This is good that the addicts have been excluded from this Bill because to "de-addict" the addicts, small doses of the drugs have to be given and this drug is given on doctor's prescription. For this a licence is required.

The most important point is that we should understand this thing and become vigilant against this tendency. Bringing of this type of Bill was a necessity. This Bill should be read mainly in four parts. The first part relates to import-export of these drugs. It is very necessary to stop the incoming of these drugs from other countries and *vice versa*. For this all provisions have been made in the Bill. Stringent measures were required to be taken in this connection

and these have been taken. It is a matter of happiness. [English]

The second part, which is an important one, is its farming. Mr. Chairman, Sir, I come from an area which is located on the Indo-Nepal border. In Nepal its farming is done on a large scale and the farmers there who produce this have become millionaires. The farmers engaged in this farming are benefited in four ways.

There are three plants, namely opium cannabis and cocoa. There is not a single plant out of these three plants which is not beneficial in four ways. The fruits, leaves, stems and the roots earn money for the farmers. Mr. Chairman, Sir, have you heard of such type of farming wherein one produce yields fourfold profits ? No one has heard so far of another commodity which earns profit in four ways. Mr. Chairman, Sir, it is very important to know this and I would request the Hon. Finance Minister to listen to me that fourfold profit is earned from this plant. The farmers growing these crops in Nepal are not less than millionaires. In our country also there are such farmers....(Interruptions) Kindly give me two minutes more. This crop is grown on the Indo-Nepal border area.

MR. CHAIRMAN : Please conclude.

[Translation]

SHRI MANOJ PANDEY : These crops are grown in large quantity and the produce smuggled into the country. This fetches handsome price and many people, who belong to the lowest as well as the higher section of the society are engaged in this work and this is the main source of income of the people of the area.

First of all we will have to show the right path to those who are new. The other day Shri Amitabh was telling that children in the age group of 4 to 8 years take this drug.

[English]

MR. CHAIRMAN : You may continue your speech next day. We will now adjourn.

19.30 hrs.

*The Lok Sabha then adjourned till
Eleven of the Clock on Wednesday,
August 28, 1985/Bhadra 6, 1907 (Saka).*