

**Bill No. 151 of 2021**

**THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES  
(AMENDMENT) BILL, 2021**

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**BILL**

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

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2021. Short title and commencement.

5 (2) It shall be deemed to have come into force on the 1st day of May, 2014.

61 of 1985. **2.** In section 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, for the words, brackets, letters and figure "clause (viii*a*) of section 2", the words, brackets, letters and figure "clause (viii*b*) of section 2" shall be substituted. Amendment of section 27A.

Repeal and savings.

**3. (1)** The Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021 is hereby repealed.

Ord. 8 of 2021.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

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## STATEMENT OF OBJECTS AND REASONS

The Narcotic Drugs and Psychotropic Substances Act, 1985 (the NDPS Act) was enacted to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operation relating to narcotic drugs and psychotropic substances, to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances and to implement the provisions of the International Convention on Narcotic Drugs and Psychotropic Substances and for matters connected therewith. The NDPS Act was amended in the years 1989, 2001 and lastly in the year 2014.

2. Prior to the amendment of 2014 in the NDPS Act, clause (viiiia) of section 2 of the said Act, contained sub-clauses (i) to (v), wherein the term 'illicit traffic' had been defined. This clause was re-lettered as clause (viiib) by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, as a new clause (viiiia) in section 2 defining 'essential narcotic drugs' was inserted. However, inadvertently consequential change was not carried out in section 27A of the NDPS Act, at the time of amendment in section 2 by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014.

3. In a recent judgment, Hon'ble High Court of Tripura, passed in *Crl. Ref. 1/2020-Court on its Own Motion vs The Union of India* has held that 'until the appropriate legislative change occurs by amending section 27A of the NDPS Act appropriately, sub-clauses (i) to (v) of clause (viiiia) of section 2 of the NDPS Act shall suffer effect of deletion and bringing in sub-clauses (i) to (v) of clause (viiib) of section 2 of the NDPS Act in that place' and directed to take appropriate steps for amendment as required in section 27A. Hence, with a view to have correct interpretation and implementation of the NDPS Act, it was decided to rectify the anomaly in section 27A of the Act by substituting 'clause (viiib)' in place of 'clause (viiiia)' in section 27A.

4. As Parliament was not in session and urgent legislation was required to be made, the President promulgated the Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021 (Ord. 8 of 2021) on the 30th September, 2021 for rectifying the said anomaly by substituting in section 27A of the NDPS Act, the reference of "clause (viiib) of section 2", for "clause (viiiia) of section 2".

5. The amendment does not create any new offence but contains a legislative declaration that reference of clause (viiiia) always meant the corresponding renumbered provision in clause (viiib) and the amendment seeks to rectify this anomaly by making changes in section 27A of the said Act in order to carry out the legislative intent of the statute, which has always been to read clause (viiib) in section 27A, and already stood therein.

6. The Bill seeks to replace the aforesaid Ordinance.

NIRMALA SITHARAMAN.

NEW DELHI;  
*The 2nd December, 2021.*

ANNEXURE

EXTRACT FROM THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

(61 OF 1985)

\* \* \* \* \*

Punishment  
for financing  
illicit traffic  
and harbouring  
offenders.

**27A.** Whoever indulges in financing, directly or indirectly, any, of the activities specified in sub-clauses (i) to (v) of clause (viii) of section 2 or harbours any person engaged in any of the aforementioned activities, shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

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

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*(Smt. Nirmala Sitharaman, Minister of Finance)*