

REGISTERED No.

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, SEPTEMBER 6, 2022

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 5th September, 2022

No. F. 22(9)/2019-Legis—The following Act of Majlis-e-Shoora
(Parliament) received the assent of the President on the 2nd September, 2022 is
hereby published for general information:

Act No. XX OF 2022

AN
ACT

further to amend the Control of Narcotic Substances ©

Act, 1997

WHEREAS it is expedient further to amend the Control of Narcotic
Substances Act, 1997 (XXV of 1997), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

(1067)

Price: Rs, 20.00
[9276 (2022\VEx. Gaz.]

1. Short title and commencement.— (1) This Act shall be called the Control of Narcotic Substances (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Amendment of preamble, Act XXV of 1997.— [n the Control of Narcotics Substances Act, 1997 (XXV of 1997), hereinafter referred to as the said Act, in the preamble, in first paragraph,—

(a) after the word and comma “substances,”, occurring for the first time, the words “controlled substances” shall be inserted; and

{b) for the word “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 substituted.

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 bhang, 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 (0), 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 cocoa plant;

(ii)

(iii)

(iv)

(vy)

(vi)

cultivating the opium poppy or any cannabis plant or gathering in any portion of opium poppy or cannabis plant;

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;

dealing in any activities in narcotic drugs or psychotropic substances or controlled substances other than those referred to in sub-clauses (i) to (iii);

handling or letting out any premises for the carrying on of any of the activities referred to in sub-clauses (i) to (iv);

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; or

(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;

(ii) 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;"
and . :

(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.—(!) 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 below with regard to offence committed as mentioned in column (2) thereof, namely:—

TABLE
a Offence
Type of ' Punishment

Narcotics Quantity

Z 8)

(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.
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.
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.

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. .

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) 1060 grams to 9999 grams.

(c) 10000 grams to 19999 grams.

(d) 20000 grams or more.

(a) Up to 999 grams.

poppy straw

Type of
Narcotics

Quantity

2)
(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.
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 Tupees.

imprisonment which may extend to life imprisonment but shall not be less than fourteen years along-with fine which shail not be less than three hundred thousand rupees. i
imprisonment which may extend tol five years but shall not be less than ten] months atong-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.
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.
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. :
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 mipees.

(c) 10000 grams to 14999 grams.

(d) 15000 grams or more.

(a) Up to 499 grams.

(d) 5000 grams to 9999 grams.

(e) 10000 grams or more.

Hashish oil
and liquid
Hashish

(a) Up to 499 grams.

Type of

Offence

Narcotics Quantity

Opium

1

2:

(b) 500 grams to 999 grams.

(c) 1000 grams to 4999 grams.

(d) 5000 grams or more.

(a) Up to 499 grams.

(b) 500 grams to 999 grams.

(c) 1000 grams to 2999 grams.

(d) 3000 grams to 4999 grams.

(e) 5000 grams to 7999 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

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
but not less than eighty
thousand rupees.

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.

imprisonment which may extend to six
years but shall not be less than one year
along-with fine which may be up to
thousand rupees, :

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.

imprisonment which may extend to

twelve years but shall not be less than
thine years along-with fine which may
be up to three hundred thousand rupees
but not less one hundred thousand|

Tupees.
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
Tupees but not less' than three hundred
thousand rupees.

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
Tupees but not less than five hundred
thousand rupees.

Type of
CC) a)

(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.

(b) 100 grams to 499 grams.

(c) 500 grams to 1999 grams.

{4} 2000 grams to 3999 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

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.

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.

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

(e) 4000 grams to 5999 grams.

{f} 6000 grams or more.

(a) Up to 99 grams.

imprisonment may be for life but shall

not be less than twenty years along-with fine which may be up to one and half million rupees but shall not be less than one million

punishment for death or imprisonment which shall not be less than life along-with fine which may extend to two million but shall not be less than one and half million rupees.

imprisonment which may extend to seven years but shall not be less than eighteen months along-with fine up to fifty thousand rupees

(6) 190 grams to 999 grams.

imprisonment which may extend to fifteen years but shall not be less than seven years along-with fine which ma

Offence

Punishment

Type of
Narcotics

beup 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

(d) 5000 grams or more. punishment for death or imprisonment)
for life but imprisonment 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 offence 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 below with regard to quantity of psychotropic
substances given in column (2) thereof, namely:—

TABLE

Punishment

] Offence with regard to
quantity of psychotropic substance
fo)

Up to 20 grams. imprisonment which may extend to
one year: but shall not be less than
two months along-with fine which
may be up to fifty thousand rupees.

7 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!

Tupees.

More than 20 grams and up to 50 grams.

Offence with regard to

|__| of psychotropic substance

Se Te than 50-grams and up to 100 j|imprisonment he may extend to
grams. three years but shall not be less
than two years along-with fine
which may be up to two hundred;
thousand rupees.
imprisonment which may-extend to!
five years but shall not be less than
three years along-with fine which

More than 100-grams and up to S00
grams.

Tupees.

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.

imprisonment which may extend to}
ten years but shail not be less than
seven years along-with fine which
may be up to twelve hundred
: thousand

More than two kilo grams and up to |_imprisonment which may extend to
three kilo grams. fourteen years but shall not be less}
than ten years along-with fine
which may be up to sixteen
hundred thousand rupees.

More than 500-grams and up to one
kilo grams.

More than one kilo grams and up to
two kilo grams.

More than three kilo grams and up to /imprisonment which may extend to

fourteen years along-with fine}
which may be up to eighteen
hundred thousand rupees. :
Exceeding four kilo grams. imprisonment which shail not be

jess than life imprisonment along-
'|with fine which shall not be less
than two million rupees.

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

may be up to four hundred thousand] ©

four kilo grams. twenty years but shall not be than|-

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:

Provided further that if recovered psychotropic substance is methamphetamine (ICE) given at serial number 47 of the Schedule-I to this Act and quantity exceeds four kilograms, punishment may be death or life - imprisonment and fine which may not be less than two and half million.

(3) Whoever contravenes the provisions of sections 6, 7 and 8 regarding controlled substances specified in Table-I and Table-II of the Schedule-II shall be punishable with punishment given in column (3) of the * following Table-I and Table-II respectively with regard to offence committed as mentioned 'n column (2) thereof, namely: —

TABLE-I

Sr. Offence with regard to Punishment

No. quantity of coartrolled substance

1 (2) Q)

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.

More than 100 grams and up to 500 —_ {imprisonment which may extend to grams. one year but shall not be less than six months along-with fine which a may be up to fifty thousand rupees.

More than 500 grams and up to onejimprisonment which may extend to kilo grams. ". Ithree years but shall not be less than one year along-with fine! which may be up to one hundred thousand rupees.

More than one kilo grains and upto —_ imprisonment which may extend to two kilo grams. '|five years but shall not be less than three years along-with fine which 1 may be up to one hundred and fifty thousand rupees.

\$ More than two kilo grams and upto —_ imprisonment which may extend five kilo grams. to seven years but shall not be less than five years along-with fine which may be up to three hundred thousand rupees.

Offence with regard to
quantity of controlled substance

More than five kilo grams and up to
seven kilo grams.

More than seven kilo grams and up to
ten kilo grams.

1077

a) ee

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.

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.

Exceeding ten kilo grams.

TABLE-II

Offence with regard to
quantity of controlled substance

Up to one kilo grams.

More than one kilo grams and up to
three kilo grams.

More than three kilo grams and up to
five kilo grams.

More than five kilo grams and up to
ten kilo grams.

More than ten kilo grams and up to
twenty kilo grams.

imprisonment shall not be less
than life imprisonment along-with
fine which may be up to one

tuillion rupees.

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

imprisonment which may extend to one year but shall not be less than six months along-with fine which

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

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] "

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.

Offence with regard to . Punishment
quantity of controlled substance
: 2

'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 /imprisonment which may extend
|fifty kilo grams. to fourteen years but shall not be

tess than ten years along-with fine
which may be up to seven hundred'
thousand rupees.

imprisonment shall not be less
than life imprisonment along-with
fine which may be up'to one million

rupees.

|

|

|

llexceeding fifty kilo grams.

{ .

|

t

LL.

_ 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
"gubsequent 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 Pakjstaa, he shall be convicted with maximum punishment provided for that

offence.

" 9(A) (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 t6, 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 124 for the words and comma “er with fine or with both” the words “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 “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) in sub-section (1), after the word “enquiry”, the words “or investigation” shall be inserted; and

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

“(2) Notwithstanding anything contained in any provision of the Income Tax Ordinance 2001 (XLI of 2001), the Sales Tax Act, 1990, the 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), in the proviso, for the full stop, at the end, a colon shall be substituted and thereafter the following second 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 it 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 the Federal Goverment may exempt any narcotic drugs, psychotropic substance and controlled substance for disposal under section 516A 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 the 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, amended as aforesaid, 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 ninety 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 expression “section 66”, the expression “sub-section (1) of section 63” shall be substituted; and

(b) in sub-section (2), in clause (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: —

“744A. Power to amend Schedules—The Federal Government may, by notification in the official Gazette, amend the Schedules so as to add any entry thereto, amend any entry therein or omit any entry there from 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-H

[see section 2(k)]

Division-I

{Table-I of the 1988 Convention)

Ephedrine N-acetylantranilic acid

Erogometrine Tsosafrole

3,4 methylnedioxphenyl-

_ Ergotamine

Lysergic acid

4-phenyl 1-2 propanone

Pseudoephedrine

Safrole

Division-II

(Table-II of the 1988 Convention)

_ [Acetic anhydride Hydrochloric acid

Acetone

Anthranilic acid

Ethyle eter:

Phenylacetic acid

Vb Piperidine

TAUIR HUSSAIN,

Secretary.

“PRINT 2D BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN FRESS, ISLAMABAD
PUBLISHED BY THE DEPUTY CONTROLLER, STATIONERY & FORMS, UNIVTRSITY ROAD, KARACHI