



Last Amendment Up to date (Federal Act No XXXVIII of 2023) dated 5th Aug, 2023

Control of Narcotic Substances Act, 1997 with Rules, 2001 & Anti Narcotic Force Act, 1997 with Rules, 2000

AMENDMENT UP TO DATE

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THE CONTROL OF NARCOTIC SUBSTANCES ACT, 1997

CONTENTS

CHAPTER I PRELIMINARY

1. Short title and commencement.
2. Definitions.
3. Calculation of percentages in liquid preparations.

CHAPTER II PROHIBITION AND PUNISHMENT

4. Prohibition of Cultivation of Narcotic plants.
5. Punishment for contravention of section 4.
6. Prohibition of Possession of narcotic drugs, etc.
7. Prohibition of import or export of narcotic drugs, etc.
8. Prohibition on trafficking or financing the trafficking of narcotic drugs, etc.
9. Punishment for contravention of sections 6, 7 and 8.
10. Prohibition on owning, operating premises or machinery for manufacture of narcotic drugs, etc.
11. Punishment for contravention of section 10.
12. Prohibition of acquisition and possession of assets derived from narcotic offences.
13. Punishment for contravention of section 12.
14. Prohibition on aiding, abetment or association in narcotic offences.
15. Punishment for contravention of section 14.
16. Punishment for offence for which no punishment is provided.
17. Obstructions to officers.
18. Limit of fine, etc.
19. Forfeiture of assets of an offender.

CHAPTER III SEARCH AND INVESTIGATION

20. Power to issue warrants.
21. Power of entry, search, seizure and arrest without warrant.
22. Power to seizure and arrest in public places.
23. Power to stop and search conveyance.

24. Undercover and controlled delivery operations.
25. Mode of making searches and arrest.
26. Punishment for vexatious entry, search, seizure or arrest.
27. Disposal of persons arrested and articles seized.
28. Powers to invest officers of law enforcement agencies with powers of an officer-in-charge of a police station.
29. Presumption from possession of illicit articles.
30. Presumption as to documents in certain cases.
31. Power to call for information.
32. Articles connected with narcotics.
33. Procedure for making confiscation.
34. Federal Narcotics Testing Laboratory, etc.
35. Government Analyst.
36. Reports of Government Analysts.

CHAPTER IV
FREEZING AND FORFEITURE OF ASSETS

37. Freezing of assets, etc.
38. Tracing of assets.
39. Order for forfeiture of assets.
40. Forfeiture of assets of person convicted abroad.
- 40A. Jurisdiction of special court.
41. Prohibition of alienation of frozen property.
42. Punishment for acquiring property in relation to which proceedings have been taken under this act.
43. Power to take possession.
44. Management of assets frozen or forfeited under the Act.

CHAPTER V
SPECIAL COURTS

45. Jurisdiction to try offences.
46. Establishment of Special Courts.
47. Application of the Code of Criminal Procedure, 1898.
48. Appeal.
49. Transfer of cases.
- 49A. Remand.
50. Special Prosecutor.
51. No bail to be granted in respect of certain offences.

CHAPTER VI
TREATMENT AND REHABILITATION OF ADDICTS

52. Registration of addicts.
53. Powers of the Government to establish centers for treatment of addicts.

CHAPTER VII
NATIONAL FUND FOR CONTROL OF DRUG ABUSE

54. National fund for control of drug abuse.
55. Annual Report of the activities financed out of the Fund.

CHAPTER VIII
INTERNATIONAL CO-OPERATION.

56. Authority to make and act on mutual legal assistance requests.
57. Mutual legal assistance requests by Pakistan.
58. Foreign requests for assistance.
59. Foreign requests for an evidence-gathering Order or a search warrant.
60. Foreign requests for assistance from detained persons.
61. Foreign persons in Pakistan in response to a Pakistan request.
62. Foreign requests for Pakistan restraining orders.
63. Requests for enforcement of foreign confiscation or restraining orders.
64. Requests to recover foreign fines.
65. Sharing forfeited property with foreign States.
66. Extradition.

CHAPTER IX
GENERAL

67. Reporting of suspicious financial transactions.
68. Presumption to the assets acquired through dealing in narcotics.
69. Departments to render assistance to the Special Courts.
70. Notice or order not to be invalid for error in description.
71. Delegation.
72. Application of the Customs Act, 1969.
73. Saving of Provincial and special laws.
74. Application of other laws.
- 74A. Power to amend Schedules.
75. Indemnity.

76. Ordinance to override other laws.
77. Power to make rules.
78. Repeal and saving.

SCHEDULE-I

SCHEDULE-II



CONTROL OF NARCOTIC SUBSTANCES ACT, 1997

ACT NO. XXV OF 1997

An Act to consolidate and amend the laws relating to narcotic drugs and psychotropic substances

WHEREAS it is expedient to consolidate and amend the laws relating to narcotic drugs, psychotropic [control substances]¹, and control the production, processing and trafficking of such drugs and [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]²

AND WHEREAS it is expedient to regulate the treatment and rehabilitation of narcotic addicts and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

(1) **Short title and commencement.**—(1) This Act may be called the Control of Narcotic Substances Act, 1997.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “addict” means a person physically or mentally dependent on any narcotic drug or psychotropic substance or a person who habitually uses narcotic drugs or psychotropic substances;
- (b) “assets” means any property owned, controlled or belonging to an accused, whether directly or indirectly, or in the name of his spouse or relatives or associates whether within or without Pakistan for which they cannot reasonably account ;
- (c) “associate”, in relation to an accused, means—
 - (i) any individual who is, or has, at the relevant time been ordinarily residing in the residential premises including out-houses and servant-quarters of an accused;
 - (ii) any individual who, is or has, at the relevant time been managing the affairs or keeping the accounts of an accused;

¹ Word Insert by S. 2(a) of Federal Act No XX of 2022, dated 6th Sep, 2022

² Subs. by S. 2(b) of Federal Act No. XX of 2022

- (iii) any association of persons, body of individuals, firm or private limited company within the meaning of [**Companies Act, 2017(XIX of 2017) and Limited Liability Partnership Act, 2017 (XV of 2017)**]³ of which an accused is, or has, at the relevant time been a member, partner or director;
- (iv) any individual who is, or has, been at the relevant time a member, partner or director of any association of persons, body of individuals, firm or a private limited company referred to in sub-clause (iii);
- (v) a trustee of any trust created by an accused; or
- (vi) where the Special Court, for reasons to be recorded, considers that any property of an accused is held on his behalf by any other person, such other person ;
- (d) “cannabis (hemp)” means—
- (i) cannabis resin (charas) that is, the separated resin, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish;
- (ii) the flowering or fruiting tops of the cannabis plant (excluding the seed and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated or known [and include all forms known as *bhanga*, *siddhi* or *ganja*]⁴ and
- (iii) any mixture with or without neutral materials of any of the above forms of cannabis or any drink prepared therefrom ;
- (e) “cannabis plant” means any plant of the genus cannabis ;
- (f) “coca bush” means the plant of any species of the genus *Erythroxylon* ;
- (g) “coca derivative” means—
- (i) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly for the manufacture or production of cocaine;
- (ii) ecgonine, that is, leavo-ecgonine having the chemical formula $C_9H_{15}NO_3 \cdot H_2O$ and all chemical derivatives of leavo-ecgonine including benzoylecgonine from which it can be recovered;
- (iii) cocaine, that is, methyl-benzoyl-leavo-ecgonine having the chemical formula $C_{17}H_{21}NO_4$ and its salts; and
- (iv) all preparations containing more than 0.1 per cent of cocaine;
- (h) “coca leaf” means—

³ Word Subs. by S. 3(a) of Federal Act No. XX of 2022, Dated 6th September, 2022

⁴ Word Inset. By S. 3(b) of Federal Act No. XX of 2022

- (i) the leave of the coca bush except a leaf from which all ecgonine, cocaine or any other ecgonine alkaloids have been removed;
- (ii) any mixture thereof, with or without neutral material, but does not include any preparation containing not more than 0.1 per cent of cocaine;
- (j) “controlled delivery” means the technique of allowing illicit or suspect consignments of narcotic drugs, psychotropic substances or chemical precursors to pass out of, through or into Pakistan, with the knowledge and under the supervision of the Federal Government with a view to identifying persons involved in the commission of offences cognizable under this Act;
- (k) “controlled substance” means any substance which may be used for the production or manufacture of narcotic drugs or psychotropic substance[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,]⁵ **[psychoactive drug or recreational drug, synthetic and semi synthetic]**
- (l) “conveyance” means a conveyance of any description whatsoever and includes, any aircraft, vehicle, vessel, railways or animal;
- (m) “Director-General” means Director-General of the Anti-Narcotics force or any other officer appointed by the Federal Government to perform the duties and functions of the Director-General under this Act; and
- (n) “foreign court” means a court of competent jurisdiction of a foreign country recognised by the Federal- Government from time to time;
- (o) “freezing” means prohibiting by an order made by the Special Court or an officer authorised under this Act the transfer, conversion, disposal or movement of any assets and includes the holding, controlling, assuming custody or managing any assets in pursuance of such order and, in the case of assets which are perishable the disposal thereof;

[“(o-a) “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) 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

⁵ Word Insert by S. 3(c) of Federal Act No. XX of 2022, dated 6th September, 2022

⁶ Word Added by S. 2(ii) of Sindh Act No. III of 2021, dated 12 February, 2021

substances other than those referred to in sub-clauses (i) to (iii);

(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; or

(viii) harboring persons engaged in any of the aforementioned activities.;

(o-b) “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 equipment's and]⁷

SINDH AMENDMENT

[(o-i) “Government” means the Federal Government or, as the case may be, Provincial Government;]⁸

(p) “manufacture”, in relation to narcotic drugs or psychotropic substances, includes—

(i) all processes by which such drugs or substances may be obtained;

(ii) refining of such drugs or substances;

(iii) transformation of such drugs or substances; and

(iv) making or preparing such drugs or substances;

(q) “manufactured drug” includes—

(i) all coca derivatives, medicinal hemp, opium derivatives, cannabis in any form and any mixture of stalks and flowering or fruiting tops of the Indian hemp plant (*cannabis sativa* L.), Acetic Anhydride; and

⁷ New Clauses Insert by S. 3(d) of Federal Act No. XX of 2022

⁸ Insert by S. 2(i) of Sindh Act No. III of 2021

- (ii) any other narcotic substance which the Federal Government may, by notification in the official Gazette made in pursuance of recommendations of any International Convention or otherwise, declare to be a manufactured drug;
- (r) “medicinal hemp” means any extract or tincture of hemp;

SINDH AMENDMENT

[(r-i) “methamphetamine” means an addictive neurotoxic stimulant which is used as a recreational drug, having chemical formula C₁₀ H₁₅ N and includes Ice, Meth and Crystal;

(r-ii) “midomafetamine” means an addictive psychoactive drug which is used as a recreational drug, having chemical formula C₁₀ H₁₅ N and includes Ecstasy and Molly;]⁹

- (s) “narcotic drug” means coca leaf, cannabis, heroin, opium, poppy straw and all manufactured drugs;

SINDH AMENDMENT

[“(s) “narcotic drug” means—

- (i) category (i) coca leaf, cannabis and poppy straw;
 - (ii) Category (ii) cocaine, heroin, methamphetamine, midomafetamine and all manufactured drugs or any other substance, which Government of Sindh may, by notification in the official gazette, declare to be narcotics drug for the purpose of this Act;”];¹⁰
- (t) “opium” means—
 - (i) poppy straw, that is to say, all parts of the poppy plant (*Papaver somniferum* or any other species of *Papaver*) after mowing other than the seeds;
 - (ii) the spontaneously coagulated juice of capsules of poppy which has not been submitted to any manipulations other than those necessary for packing and transport; and
 - (iii) any mixture, with or without natural materials, of any of the above forms of opium, but does not include any preparation containing not more than 0.2 per cent of morphine;
 - (u) “opium derivative” includes—
 - (i) medicinal opium, that is, opium which has undergone the process necessary to adapt it for medicinal use;

⁹ New Clauses (r-i) & (r-ii) Inserted by S.2 (iii) of Sindh Act No. III of 2021.

¹⁰ Subs. by S. 2(iv) of Sindh Act No. III of 2021

- (ii) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking, and the dross or other residue remaining after opium is smoked;
- (iii) morphine, that is, the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$ and its salts;
- (iv) diacetylmorphine, that is, the semisynthetic substance, also known as diamorphine or heroin, having the chemical formula $C_{21}H_{23}NO_5$ and its salts; and
- (v) all preparations containing more than 0.2 per cent of morphine, or containing any diacetylmorphine ;
- (v) “opium poppy” means the plant of the species *Papaver Somniferum L*;
- (w) “poppy straw” means all the parts, except the seeds, of the opium poppy after mowing;
- (x) “poppy straw concentrate” means the material obtained after the poppy straw has been subjected to a process for the concentration of its alkaloids;
- (y) “prescribed” means prescribed by rules made under this Act;
- (z) “property” includes—
 - (i) all forms of property, whether corporeal or incorporeal, movable or immovable, tangible or intangible, real estate or personal property of every description;
 - (ii) property used to commit, or to abet the commission of an offence punishable under this Act;
 - (iii) all kinds of shares or interest in any corporate body, company, firm, business concern, society or fund; and
 - (iv) all documents of title to land, goods or property wherever situated, money or valuable security issued by the Government;
- (z-a) “psychotropic substance” means the substances, specified in the [Schedule-I]¹¹ to this Act and such substances as the Federal Government may, by notification in the official Gazette, declare to be a psychotropic substance;

SINDH AMENDMENT

[“(z-aa) “psychoactive drug” means a chemical substance that changes brain function and results in hallucination and alterations in perception, mood, consciousness, or behavior;”];¹²

(z-b) “relative”, in relation to an accused, means the spouse or any lineal descendant of the accused and includes any other person holding property for or

¹¹ Word Subs. by S. 3(e) of Federal Act No. XX of 2022

¹² New Clauses Insert. by S. 2(v) of Sindh Act No III of 2021

on his behalf ;

SINDH AMENDMENT

[“(z-bb) “recreational drug” means the drug used to induce an intoxicating effect which creates hallucination for pleasure, by modifying the perception, feelings and emotions of the user;”]¹³

(z-c) “Special Court” means the Special Court established under section 46 or any other Court empowered to exercise the powers of the Special Court under this Act ; and

(z-d) “tracing” means the finding out the true nature, source, disposition, movement or ownership of assets and includes determining the movement or conversion of assets by any means, and “trace” shall be construed accordingly.

3. Calculation of percentages in liquid preparations.— The Federal Government may make rules prescribing the methods by which percentages in the case of liquid preparations shall be calculated for the purposes of clauses (g), (h), (t) and (u) of section 2:

Provided that, unless and until such rules are made, such percentages shall be calculated on the basis that a preparation containing one per cent of a substance means a preparation in which one gram of the substance, if a solid, or one milliliter of the substance, if a liquid, is contained in every one hundred milliliters of the preparation, and so in proportion for any greater or less percentage.

CHAPTER II

PROHIBITION AND PUNISHMENT

4. Prohibition of cultivation of narcotic plants.— No one shall cultivate [or let his land for cultivation or give possession for cultivation of]¹⁴ any cannabis plant, coca bush or opium poppy, or gather any portion of a cannabis plant, coca bush or opium poppy:

Provided that the Federal Government or a Provincial Government authorised by the Federal Government may, subject to such conditions as it may prescribe, permit under a licence cultivation or gathering of any such narcotic plant or any portion thereof exclusively for medical, scientific or industrial purposes.

5. Punishment for contravention of Section 4.— Whoever contravenes the provisions of Section 4 shall be punishable with imprisonment which may extend to seven years, ~~or with fine, or with both~~[but shall not less than one year and also be liable to fine]¹⁵

6. Prohibition of possession of narcotic drugs, etc. — No one shall produce, manufacture, extract, prepare, possess, offer for sale, sell, purchase, distribute, deliver on any terms whatsoever, transport, dispatch, any narcotic drug, psychotropic substance or controlled substance, except for medical, scientific or industrial purposes in the manner and subject to such conditions as may be specified by or under this Act or any other law for the time being in force.

¹³ New Clauses Insert. by S. 2(vi) of Sindh Act No III of 2021

¹⁴ Word Insert by S. 4 of Federal Act No. XX of 2022

¹⁵ Word Subs by S. 5 of Federal Act No. XX of 2022

SINDH AMENDMENT

["6-A" Prohibition on manufacturing, selling, processing, extracting, preparation, purchasing, or delivering of psychotropic substance, controlled substance or narcotic drug. No person shall, extract, prepare, process, manufacture, sell, purchase, deliver on any terms whatsoever, transport or dispatch psychotropic substance, controlled substance or narcotic drug."]¹⁶

7. Prohibition of import or export of narcotic drugs, etc.— (1) No one shall

- (a) import into Pakistan;
- (b) export from Pakistan;
- (c) transport within Pakistan; or
- (d) transship.

any narcotic drug, psychotropic substance or controlled substance, save in accordance with rules made under sub-section (2) and in accordance with the conditions of any licence, permit or authorization for that purpose which may be required to be obtained under those rules.

(2) The Federal Government may make rules permitting and regulating the import into and export from Pakistan, transport within Pakistan and transshipment of narcotic drugs, psychotropic substances or controlled substances, and such rules may prescribe the ports or places at which any kind of narcotic drug, psychotropic substance or controlled substance may be imported, exported, transported within Pakistan or transshipped, the form and conditions of licence, permit or authorities by which such licences, permits or authorization may be granted, the fees that may be charged therefor, any other matter required to have effective control of the Federal Government over such import, export, transportation and transshipment.

8. Prohibition on trafficking or financing the trafficking of narcotic drugs etc.— No one shall—

- (a) organize, manage, traffic in, or finance the import, transport, manufacturing or trafficking of, narcotic drugs, psychotropic substances or controlled substances; or
- (b) use violence or arms for committing or attempt to commit an offence punishable under this Act.

SINDH AMENDMENT

[9. Punishment for contravention of section 6, 6-A, 7 and 8. Whoever contravenes the provisions of sections 6, 6-A, 7 and 8 shall be punished with—

- (a) imprisonment which may extend to three years but shall not be less than six months, or with fine upto rupees one lac but shall not be less than rupees fifty thousand, or with both if the quantity of psychotropic substance or controlled substance or narcotic drug category (i) is one hundred gram or less;
- (b) imprisonment which may extend to seven years but shall not be less than three years and shall also be liable to fine upto rupees five lac but shall not be less than rupees one lac if the quantity

¹⁶ New Section Insert by S. 3 of Sindh Act No. III of 2021

of psychotropic substance or controlled substance or narcotic drug category (i) exceeds one hundred gram but does not exceed one kilogram, or if the quantity of narcotic drug category (ii) is fifty gram or less;

(c) death or imprisonment for life or imprisonment for a term which may extend to fourteen years and shall also be liable to fine which may be upto one million rupees, if the quantity of narcotic drug category (i) and (ii), psychotropic substance or controlled substance exceeds the limit specified in clause (b):

Provided that if the quantity of narcotic drug category (i), psychotropic substance or controlled substance exceeds ten kilograms or narcotic drug category (ii), exceeds two kilograms, the punishment shall not be less than imprisonment for life.”¹⁷

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

S. No.	Type of Narcotics	Offence		Punishment
			Quantity	
(1)		(2)		(3)
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 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 grains.	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.

S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
		(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.

¹⁷ Subs. by S. 4 of Sindh Act No. III of 2021, dated 12 February, 2021

		(d) 15000 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 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 eight 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.

S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)		(2)	(3)
		(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.
		(c) 1000 grains 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 grains 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 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 but not less than five hundred thousand rupees.

S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
		(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 to 5999 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 rupees.
		(f) 6000 grams or more.	¹⁸ [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.
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 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

S. No.	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)

¹⁸ Word Omitted by Federal Act No. XXXVIII of 2023 S. 2(i) dated 5/8/2023

		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.	¹⁹ [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;—

Sr. No.	Offence 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 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.

Sr. No.	Offence with regard to quantity of psychotropic substance	Punishment
(1)	(2)	(3)
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.

¹⁹ Word Omitted by Federal Act No. XXXVIII of 2023 S. 2(i) dated 5/8/2023

5	More than 500-grams and up to one 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 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 than fourteen years along-with fine which may be up to eighteen hundred thousand rupees.
9	Exceeding four kilo grams.	imprisonment which 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:

Provided further that if recovered psychotropic substance is methamphetamine (ICE) given at serial number 47 of the Schedule-1 to this Act and- quantity exceeds four kilograms, punishment ~~may be death or~~²⁰[shall be] 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-H 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 in column (2) thereof, namely:—

TABLE-I

Sr. No.	Offence with regard to quantity of controlled	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.

²⁰ Word Subs. by Federal Act, No. XXXVIII of 2023 S. 2(ii) dated 5/8/2023

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 up to five 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.

Sr. No.	Offence with regard to quantity of controlled	Punishment
(1)	(2)	(3)
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.

Sr. No.	Offence with regard to quantity of controlled	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.
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.

Sr. No.	Offence with regard to	Punishment
(1)	(2)	(3)
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) (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:”.]²¹

10. Prohibition on owning, operating premises or machinery for manufacture of narcotic drugs, etc. — No one shall own, manage, operate or control any premises, place, equipment or machinery for the purpose of manufacture or production of cannabis, cocaine, opium, opium derivatives, narcotic drugs, psychotropic substance or controlled substance save in accordance with the conditions of a licence and payment of such fees as may be prescribed.

11. Punishment for contravention of Section 10. — Whoever contravenes the provisions of section 10 shall be punishable with imprisonment which may extend to twenty-five years but shall not be less than ten years and shall also be liable to fine which shall not be less than one million rupees.

12. Prohibition of acquisition and possession of assets derived from narcotic offences.— No one shall knowingly—

- (a) possess, acquire, use, convert, assign or transfer any assets which have been derived, generated or obtained, directly or indirectly, either in his own name or in the name of his associates, relatives or any other person through an act or omission relating to narcotic substances which constitutes an offence punishable under this Act, the Customs Act, 1969 (IV of 1969), the Prohibition (Enforcement of Hadd) Order, 1979 (P.O. No. 4 of 1979), or under any other law for the time being in force, or constituted an offence under any law repealed by this Act, the Control of Narcotic Substances Ordinance, 1996 (XCIV of 1996) or any other law repealed by this Act;
- (b) hold or possess on behalf of any other person any assets referred to in clause (a); and
- (c) conceal or disguise the true nature, source, location, disposition, movement, title, or ownership of such assets by making false declaration [or by employing any other means of concealment]²² in relation thereto.

13. Punishment for contravention of section 12.— Whoever contravenes the provisions of section 12 shall be punishable with imprisonment which may extend to fourteen years but shall not be less than five years and shall also be liable to fine which shall not be less than the prevailing value of the assets and such assets shall also be liable to forfeiture to the Federal Government.

14. Prohibition on aiding, abetment or association in narcotic offences.— No one shall, within or outside Pakistan, participate in, associate or conspire to commit, attempt to commit, aid, abet, facilitate, incite induce or counsel the commission of an offence punishable under this Act.

Explanation —For the purpose of this section, a person shall be deemed to have associated with, conspired, aided, abetted, facilitated, incited, induced or counselled an offence within the meaning of this section if he does anything in a place beyond Pakistan which—

- (a) would constitute an offence as if committed within Pakistan; or
- (b) under the laws of such other place, is an offence relating to narcotic drugs, psychotropic substances or controlled substances having all the legal or analogous conditions required to constitute it as an offence punishable under this

²¹ Subs. by S. 6 of Federal Act No. XX of 2022, dated 6th September, 2022

²² Word Insert by S. 2 of Federal Act No. XXIV of 2020, dated 26 August, 2020

Act.

15. Punishment for contravention of section 14.— Whoever participates in, associates, conspires to commit, attempts to commit, aids, abets, facilitates, incites, induces or counsels the commission of an offence in contravention of section 14 shall, whether such offence be or be not committed in consequence of such participation, association, conspiracy, aid, abetment, facilitation, incitement, inducement or counselling, and notwithstanding anything contained in section 116 of the Pakistan Penal Code (Act XLV of 1860), be punishable with the punishment provided for the offence or such lesser punishment as may be awarded by the Court.

16. Punishment for offence for which no punishment is provided.— Whoever contravenes any provision of this Act or any rule or order made, or any licence, permit or authorisation issued hereunder, for which no punishment is separately provided in this Chapter, shall be punishable with imprisonment for a term which may extend to ~~one year, or with fine which may extend to five thousand rupees, or with both.~~ [three years and fine]²³

17. Obstructions to officers.— Whoever hinders or obstructs any officer in the performance of his functions under this Act or willfully furnishes to such officer any information which is, to his knowledge or belief, false in material particulars shall be punishable with rigorous imprisonment for a term which may extend to three years, ~~or with fine, or with both.~~ [and fine but shall not be less than one year and fine]²⁴

18. Limit of fine, etc. — Where for any offence under this Act no amount of minimum fine has been fixed, the Special Court shall impose the fine keeping in view the quality and quantity of the narcotic drug, psychotropic substance or controlled substance involved in the commission of such offence.

19. Forfeiture of assets of an offender.— Notwithstanding anything contained in section 13, where the Special Court finds a person guilty of an offence punishable under this Act and sentences him to imprisonment for ~~a term exceeding three years,~~ [one year or above]²⁵ the Court shall order that his assets derivable from trafficking in narcotic substances shall stand forfeited to the Federal Government unless it is satisfied, for which the burden of proof shall rest on the accused, that they or any part thereof, have not been so acquired.

CHAPTER III

SEARCH AND INVESTIGATION

20. Power to issue warrants.— (1) A Special Court may issue a warrant for the arrest of any person whom it has reason to believe to have committed an offence punishable under this Act, or for the search, whether by day or by night, of any building, place, premises or conveyance in which he has reason to believe any narcotic drug, psychotropic substance or controlled substance in respect of which an offence punishable under this Act has been committed is kept or concealed.

(2) The officer to whom a search warrant under sub-section (1) is addressed shall have all the powers of an officer acting under Section 21.

21. Power of entry, search, seizure and arrest without warrant.— (1) Where an officer, not below the rank of Sub-inspector of Police or equivalent authorized in this behalf by the Federal Government or the Provincial Government, who from his personal knowledge or from information given to him by any person is of opinion that any narcotic drug, psychotropic substance or controlled substance

²³ Word Subs. by S. 7 of Federal Act No. XX of 2022

²⁴ Word Subs. by S. 8 of Federal Act No. XX of 2022

²⁵ Word Subs. by S. 9 of Federal Act No. XX of 2022

in respect of which an offence punishable under this Act has been committed is kept or concealed in any building, place, premises or conveyance, and a warrant for arrest or search cannot be obtained against such person without affording him an opportunity for the concealment of evidence or facility for his escape, such officer may—

- (a) enter into any such building, place, premises or conveyance;
- (b) break-open any door and remove any other obstacle to such entry in case of resistance;
- (c) seize such narcotic drugs, psychotropic substances and controlled substances and other materials used in the manufacture thereof and any other article which he has reason to believe to be liable to confiscation under this Act and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act; and
- (d) detain, search and, if he thinks proper, arrest any person whom he has reason to believe to have committed an offence punishable under this Act.

(2) Before or immediately after taking any action under sub-section (1), the officer referred to in that sub-section shall record the grounds and basis of his information and proposed action and forthwith send a copy thereof to his immediate superior officer.

22. Power to seizure and arrest in public places.— An officer authorized under section 21 may—

- (a) seize, in any public place or in transit, any narcotic drug, psychotropic substance or controlled substance in respect of which he has reason to believe that an offence punishable under this Act has been committed, and, along with such drug, substance or any other article liable to confiscation under this Act and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act; and
- (b) detain and search any person whom he has reason to believe to have committed an offence punishable under this Act, and if such person has any narcotic drug, psychotropic substance or controlled substance in his possession and such possession appears to him to be unlawful, arrest him.

Explanation— For the purpose of this section, the expression “public place” includes any public conveyance, hotel, shop or any other place intended for use by, or accessible to, the public.

23. Power to stop and search conveyance.— An officer referred to in Section 19 [21]²⁶, may, if he has reason to suspect that any conveyance is, or is about to be, used for the transport of any narcotic drug, psychotropic substance or controlled substance in respect of which he suspects that any provision of this Act has been, or is being, or is about to be, contravened at any time, stop such conveyance or, in the case of an aircraft, compel it to land and—

- (a) rummage and search the conveyance or part thereof;
- (b) examine and search any goods on or in the conveyance; or

²⁶ Word Subs. by S. 10 of Federal Act No. XX of 2022

- (c) if it becomes necessary to stop the conveyance, he may use all reasonable force for stopping it.

24. Undercover and controlled delivery operations.— (1) Subject to sub-section (2) and to any treaty, arrangement or understanding with any foreign State to which Pakistan may from time to time be party, the Federal Government may give approval in writing to controlled delivery operations, for the purpose of gathering evidence in Pakistan or elsewhere relating to the commission of any offence against this Act or a similar law of a foreign State.

(2) Approval may not be given under sub-section (1) unless the Federal Government—

- (a) suspects that persons, whose identity may or may not be known, have engaged in, are engaging in or are about to engage in, conduct constituting an offence against this Act or a similar law of a foreign State; and
- (b) is satisfied that the proposed operations are properly designed to give such persons an opportunity to manifest that conduct or provide other evidence of it.

(3) The Federal Government may give approval from time to time for a period not exceeding three months.

(4) Without limiting the generality of sub-section (1), the activities which may be undertaken by an authorised participant in the course of and for the purposes of a controlled delivery and undercover operation include—

- (a) allowing any conveyance to enter or leave Pakistan;
- (b) allowing any narcotic drug, psychotropic substance, manufactured drug, controlled substance, property or other thing in or on the conveyance to be delivered or collected;
- (c) using such force as may be reasonable in the circumstances to enter and search the conveyance;
- (d) placing a tracking device in or on the conveyance; and
- (e) allowing any person who has possession or custody of the narcotic drug, psychotropic substance, manufactured drug, controlled substance, property or other thing to enter or leave Pakistan.

(5) Notwithstanding anything contained in any other law for the time being in force an authorized participant in an undercover operation or a controlled delivery shall not incur any criminal liability by taking part in it in accordance with the terms of approval.

(6) Any drug of dependence, controlled chemical, controlled equipment or controlled material imported into Pakistan in the course of an approved undercover operation or controlled delivery shall be liable to be dealt with as if it were a prohibited import for the purposes of the Customs Act, 1969 (IV of 1969).

25. Mode of making searches and arrest.— The provisions of the Code of Criminal Procedure, 1898, except those of section 103, shall, mutatis mutandis, apply to all searches and arrests in so far as they are not inconsistent with the provisions of sections 20, 21, 22 and 23 to all warrants issued and arrests and searches made under these sections.

26. Punishment for vexatious entry, search, seizure or arrest.— Any person empowered under section 20 or section 21 who—

- (a) without reasonable grounds of suspicion, enters or searches, or causes to be entered or searched, any building, place, premises or conveyance;
- (b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any narcotic drug, psychotropic substance, controlled substance or any other article or document relating to any offence under this Act; and
- (c) vexatiously and unnecessarily detains, searches or arrests any person, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to twenty-five thousand rupees.

27. Disposal of persons arrested and articles seized.— (1) Every person arrested and articles seized under a warrant issued under section 20 shall be forwarded without delay to the authority by whom the warrant was issued; and every person arrested and article seized under section 20 or section 21 shall be forwarded without delay to—

- (a) the officer-in-charge of the nearest police station; and
- (b) the Special Court having jurisdiction.
- (c) The authority or officer to whom any person or article is forwarded under this section shall, with all convenient despatch take such measures as may be necessary under the law for the disposal of such person or article.

28. Powers to invest officers of law enforcement agencies with powers of an officer-in-charge of a police station.— The Federal Government may invest any officer of law enforcement agency or any other officer within their respective jurisdiction with the powers of an officer-in-charge of a police station for the investigation of offence under this Act.

29. Presumption from possession of illicit articles.— In trials under this Act, it may be presumed, unless and until the contrary is proved, that the accused has committed an offence under this Act in respect of—

- (a) any narcotic drug, psychotropic substance or controlled substance;
- (b) any cannabis, coca or opium poppy plant growing on any land which he has cultivated;
- (c) any apparatus specially designed or any group of utensils specially adapted for the production or manufacture of any narcotic drug, psychotropic substance or controlled substance; or
- (d) any materials which have undergone any process towards the production or manufacture of narcotic drug, psychotropic substance or controlled substance or any residue left of the materials from which a narcotic drug, psychotropic substance or controlled substance has been produced or manufactured, for the possession of which he fails to account satisfactorily.

30. Presumption as to documents in certain cases.— Where in the course of an investigation

for an offence committed under this Act or any other law for the time being in force any document is produced or furnished, or has been seized from the custody or control of any person, the Special Court shall—

- (a) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the hand-writing of any particular person or which the Special Court may reasonably assume to have been signed by, or to be in the hand-writing of, any particular person, is in that person's hand-writing, and in the case of a document executed or attested, that it was executed or attested by the person by whom it purports to have been so executed or attested;
- (b) admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence; and
- (c) presume, unless the contrary is proved, the truth of the contents of such document.

31. Power to call for information.— (1) An officer authorised under section 21 may, during the course of an enquiry [or investigation]²⁷ in connection with the contravention of any provision of this Act,—

[(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.]²⁸

- (a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or any rule or order made thereunder;
- (b) require any person to produce or deliver any document or thing useful or relevant to the inquiry ;
- (c) examine any person acquainted with the facts and circumstances of the case; and
- (d) require any bank or financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information whatsoever.

32. Articles connected with narcotics.— (1) Whenever an offence has been committed which is punishable under this Act, the narcotic drug, psychotropic substance or controlled substance, materials, apparatus and utensils in respect of which, or by means of which, such offence has been committed shall be liable to confiscation.

(2) Any narcotic drug, psychotropic substance or controlled substance lawfully imported, transported, manufactured, possessed, or sold along with, or in addition to, any narcotic drug, psychotropic substance or controlled substance which is liable to confiscation under sub-section (1) and the receptacles or packages, and the vehicles, vessels and other conveyances used in carrying such drugs and substances shall likewise be liable to confiscation:

Provided that no vehicle, vessel or other conveyance shall be liable to confiscation unless it is proved that the owner thereof knew that the offence was being, or was to be, committed:

²⁷ Word Insert by S. 11(a) of Federal Act No XX of 2022, dated 6th September, 2022

²⁸ New Sub-Section Insert by S. 11(b) of Federal Act No XX of 2022

[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.]²⁹

33. Procedure for making confiscation.—(1) In the trial of offences under this Act, whether the accused is convicted or acquitted, the Special Court shall decide whether any article frozen or seized in connection with such offence is liable to confiscation.

(2) Where any article seized under this Act appears to be liable to confiscation under section 32, but the person who committed the offence in connection therewith is not known or cannot be found, the Special Court may inquire into and decide such liability, and may order confiscation accordingly:

Provided that no order of confiscation of an article shall be made until the expiry of one month from the date of freezing or seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of his claim:

[Provided further that if any such article other than a narcotic drug, psychotropic substance or controlled substance is liable to speedy and natural decay or in case of a vehicle, the Director General, Anti-Narcotic Force, or any other officer authorized by notification in the official Gazette by the Federal Government, is of opinion that the sale of such article or vehicle is for the benefit of its owner, he may, with the approval of the Special Court, after due notice to the owner and by public auction, direct that the article or, as the case may be, the vehicle be sold in accordance with the rules made under this Act and the sale proceeds shall be deposited in the National Fund for Drug Abuse till the final judgment of the court.]

¹[(3) If on adjudication or, as the case may be, in case of appeal the vehicle or, as the case may be, an article so sold is found not to have been liable to such confiscation, the entire sale proceeds shall be handed over to the owner.]

(4) A narcotic drug, psychotropic substance or controlled substance seized under this Act shall be disposed of under Section 516-A of the Code of Criminal Procedure, 1898 (Act V of 1898):

[Provided that the Federal Government may exempt any narcotic drugs, psychotropic substance and controlled substance for disposal under section 516A of the Code by making rules under this Act.]³⁰

34. Federal Narcotics Testing Laboratory, etc.— (1) The Federal Government may, as soon as may be after the commencement of this Act, set-up a Federal Narcotic Testing Laboratory and such other institutes and narcotics testing research laboratories or notify any other laboratory or institute to be a Federal Narcotics Testing Laboratory for carrying out the purposes of this Act.

(2) The Provincial Government may, wherever deems appropriate, set-up Provincial Narcotics Testing Laboratories.

35. Government Analyst.— The Federal Government or a Provincial Government may, by notification in the official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Federal Government Analysts or, as the case may be, Provincial Government Analysts, for such areas and in respect of such narcotic drugs, psychotropic substances or controlled

²⁹ Added by S. 12 of Federal Act No XX of 2022, dated 6th September, 2022

³⁰ Added by S. 13 of Federal Act No XX of 2022

substances as may be specified in the notification.

36. Reports of Government Analysts.—(1) The Government Analyst to whom a sample of any narcotic drugs, psychotropic substance or controlled substance has been submitted for test and analysis shall deliver to the person submitting it, a signed report in quadruplicate in the prescribed form and forward one copy thereof to such authority as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, any document purporting to be a report signed by a Government Analyst shall be admissible as evidence of the facts stated therein without formal proof and such evidence shall, unless rebutted, be conclusive.

CHAPTER IV

FREEZING AND FORFEITURE OF ASSETS

37. Freezing of assets, etc.—(1) Where the Special Court trying an offence punishable under this Act is satisfied that there appear reasonable grounds for believing that the accused has committed such an offence, it may order the freezing of the assets of the accused, his relatives and associates.

(2) Where in the opinion of the Director-General or an officer authorised under section 21 an offence is being or has been committed, he may freeze the assets of such accused and within ~~seven~~ [thirty]³¹ days of the freezing shall place before the Court the material on basis of which the freezing was made and further continuation of the freezing or otherwise shall be decided by the Court.

(3) The said officer shall trace, identify and freeze the assets during the investigation or trial for the purpose of forfeiture by the Special Court:

Provided that the Director-General, or as the case may be, the officer freezing any asset shall, within three days, inform the Special Court about such freezing and the Special Court shall, after notice to the person whose assets have been frozen, by an order in writing, confirm, rescind or vary such freezing.

38. Tracing of assets.—(1) On receipt of a complaint or credible information or where a reasonable suspicion exists about any person that he has acquired assets through illicit involvement in narcotics, within or without Pakistan, an officer empowered under section 21 or any other person authorised under section 37, shall proceed to trace and identify such assets.

(2) On receipt of authenticated information from a foreign court of competent jurisdiction that a citizen of Pakistan has been charged for an offence which is also an offence under this Act, an officer empowered under section 21 or any other person authorised under section 37 shall proceed to trace and identify the assets of the said person, and subject to the provision of sub-section (3) may freeze the said assets.

(3) Information about such assets shall be laid before to the Special Court for the purpose of section 13 and section 19 in case action under this Act or any other law for the time being in force is initiated and in case of the person who has committed the offence is outside Pakistan, before the High Court for the purpose of forfeiture of assets under section 40.

(4) The actions referred to in sub-sections (1) and (2) may include any inquiry, investigation or survey in respect of any person, premises, place, property, conveyance, documents and books of

³¹ Word Subs. by S. 14 of Federal Act No. XX of 2022, dated 6th September, 2022

accounts.

39. Order for forfeiture of assets.— (1) Where the Special Court convicts an accused under section 13, or sentences him to imprisonment for ~~more than three years~~, [one year or more]³² the Director-General or an officer authorised by him may request the said Court by an application in writing alongwith a list of the assets of the convict or, as the case may be, his associates, relatives or any other person holding or possessing such assets on his behalf, for forfeiture thereof.

(2) Where the Special Court is satisfied that any assets specified in the list referred to in sub-section (1) were derived, generated or obtained in contravention of section 12 or are liable to be forfeited under section 19, it may order that such assets shall stand forfeited to the Federal Government [and shall vest in that Government free from all encumbrances]³³:

Provided that no order under this section shall be made without issuing a notice to show cause and providing a reasonable opportunity of being heard to the person being affected by such order:

Provided further that if such person fails to tender any explanation or defaults in making appearance before the Special Court on any date appointed by it, the Special Court may proceed to record an order *ex-parte* on the basis of the evidence available before it.

(3) Where any shares in a company are forfeited to the Federal Government under sub-section (2), notwithstanding anything contained in the Companies Ordinance, 1984 (XLVII of 1984), or any other law for the time being in force or Articles of Association of the Company, such shares shall be registered in the name of the Federal Government.

40. Forfeiture of assets of person convicted abroad.— (1) Notwithstanding anything contained in any other law for the time being in force, where a citizen of Pakistan is convicted by a foreign court for an offence which is also an offence punishable under this Act, the Special Court may, on an application made by the Director-General or any other officer authorised by the Federal Government, order that the assets acquired in Pakistan by such citizen shall be forfeited to the Federal Government.

[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.]³⁴

41. The Special Court shall presume, upon the production of any document purporting to be a certified copy of a foreign judgment that such judgment was pronounced by a court of competent jurisdiction, unless the contrary appears on the record, but such presumption may be displaced by proving want of jurisdiction:

Provided that the judgment or order of conviction—

- (a) is passed by the foreign court of competent jurisdiction;
- (b) has been pronounced on the merits of the case;
- (c) has not been obtained by fraud;

³² Word Subs. by S. 15(a) of Federal Act No. XX of 2022

³³ Added by S. 15(b) of Federal Act No. XX of 2022

³⁴ New Section Insert by S. 16 of Federal Act No. XX of 2022

- (d) has not been made in contravention of any law in force in Pakistan;
- (e) has assumed finality through appeal, revision or review and is not subjudice before any appellate forum:

Provided further no order under this section shall be made without providing an opportunity of being heard to such citizen:

Provided also that, notwithstanding anything contained in clauses (a) to (e) of the first proviso, during the pendency of the application the Court may, by an order, freeze all or any of the assets or restrain such citizen, his associates and relatives from alienating such assets by lease, sale, gift, transfer or in any other manner.

Explanation.—For the purpose of this section, the expression “Court” means the High Court of the Province where the assets or any part thereof are located.

41. Prohibition of alienation of freed property.— (1) Where any order under section 37 or section 40 is made for freezing of any asset, any alienation or transfer of such asset by any manner or mode shall, till the conclusion of the proceedings under this Act, or until such order is vacated be void, and if such asset is subsequently forfeited to the Federal Government, any such alienation or transfer of assets shall be deemed to be of no effect whatsoever.

(2) Any person who knowingly alienates or transfers any assets in respect whereof an order has been made under section 37 or section 40 shall be guilty of an offence punishable, on conviction, with imprisonment for a term which may extend to three years, or with fine, or with both.

42. Punishment for acquiring property in relation to which proceedings have been taken under this Act. — Any person who knowingly acquires any assets which have been frozen under this Act shall be punishable with imprisonment for a term which may extend to three years and with fine.

43. Power to take possession. — (1) Where any asset is ordered to be forfeited to the Federal Government under section 39, the Special Court may direct the person holding or possessing such asset to surrender or deliver its possession to the Administrator appointed under section 44 or any other person authorised by the Special Court in this behalf, within such time as may be directed by it.

(2) If any person refuses or fails to comply with a direction issued under sub-section (1), the Special Court may require the Superintendent of Police of the district where such assets are located to provide police assistance to the Administrator for securing possession thereof, and it shall be the duty of the Superintendent of Police to comply with such requisition.

44. Management of assets frozen or forfeited under the Act.—(1) The Federal Government may, by a notification in the official Gazette, appoint any officer of the Federal Government or a Provincial Government as it may think fit to perform the functions of an Administrator of the assets frozen or forfeited under this order.

(2) The Administrator appointed under sub-section (1) shall take such actions and exercise such powers as the Federal Government may direct for the maintenance and disposal of the assets which are frozen or forfeited to the Federal Government.

CHAPTER V SPECIAL COURTS

45. Jurisdiction to try offences. — The Special Court established under this Act shall have

the exclusive jurisdiction to try an offence cognizable under this Act [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.]³⁵

46. Establishment of Special Courts.—(1) The Federal Government and, if so directed by the Federal Government, the Provincial Government shall, by notification in the official Gazette, establish as many Special Courts as it considers necessary and appoint a Judge for each of such Courts and where it establishes more than one Special Court, it shall specify in the notification the place of sitting of each Special Court and the territorial limits within which it shall exercise jurisdiction under this Act.

(2) There shall be two classes of Special Courts to try offences under this Act, namely:—

- (i) Special Courts having the power to try all offences ; and
- (ii) Special Courts having the power to try offences punishable with imprisonment for two years or less.

(3) No person shall be appointed a Judge of a Special Court referred to

- (i) in sub-section (2) (i) unless he is or has been a Sessions Judge or an Additional Sessions Judge; and
- (ii) in sub-section (2) (ii) unless he is a Judicial Magistrate of the First Class.

(4) A person shall be appointed as Judge of a Special Court after consultation with the Chief Justice of the High Court of the Province in which the Special Court is established.

(5) The Federal Government or the Provincial Government may, in consultation with the Chief Justice of the High Court, confer the powers of a Special Court referred to

- (i) in sub-section (2) (i), on any Sessions Judge or Additional Sessions Judge ; and
- (ii) in sub-section (2) (ii), on any Judicial Magistrate of the First Class.

47. Application of the Code of Criminal Procedure, 1898.— Except as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the Code (including provisions relating to confirmation of a death sentence) shall apply, to trials and appeals before a Special Court under this Act.

48. Appeal. — (1) An appeal against the order of a Special Court comprising a Sessions Judge or an Additional Sessions Judge shall lie to the High Court and shall be heard by a Bench of not less than two Judges of that Court.

(2) An appeal against the order of a Special Court comprising a Judicial Magistrate shall lie to a Special Court comprising a Sessions Judge or an Additional Sessions Judge.

49. Transfer of cases.—(1) Where more Special Courts than one are established within the territorial jurisdiction of a High Court, the High Court may, by order in writing, transfer a case, at any stage, from one Special Court to another Special Court in accordance with section 526 of the Code as if

³⁵ Insert by S. 17 of Federal Act No. XX of 2022

the Special Court were a Court of Sessions.

(2) On the establishment of Special Courts under sections 45 and 46, all cases where the sentence of an offence is two years or less, shall stand transferred to the respective Special Court comprising a Judicial Magistrate of the First Class and all other cases to the respective Special Courts comprising of Sessions Judges or Additional Sessions Judges.

(3) Notwithstanding anything hereinbefore contained, a remand may be granted by the nearest [~~Special Court comprising~~]³⁶ a Judicial Magistrate of the First Class.

[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.]³⁷

50. Special Prosecutor.— (1) The Federal Government may appoint a person who is an advocate of a High Court to be a Special Prosecutor on such terms and conditions as may be determined by it and any person so appointed shall be competent to conduct proceedings under this Act before a Special Court and, [any appellate court]³⁸ if so directed by the Federal Government, to withdraw such proceedings.

(2) When a Special Prosecutor appointed under sub-section (1) is, for any reason, temporarily unable to conduct proceedings before the Special Court, the proceedings shall be conducted by such person as may be authorised in this behalf by the Special Court.

51. No bail to be granted in respect of certain offences.— (1) Notwithstanding anything contained in sections 496 and 497 of the Criminal Procedure Code, 1898 (V of 1898), bail shall not be granted to an accused person charged with an offence under this Act or under any other law relating to narcotics where the offence is punishable with death.

(2) In the case of other offences punishable under this Act, bail shall not be normally granted unless the Court is of the opinion that it is a fit case for the grant of bail and against the security of a substantial amount.

CHAPTER VI TREATMENT AND REHABILITATION OF ADDICTS

52. Registration of addicts.— (1) Each Provincial Government shall register all addicts within their respective jurisdiction for the purpose of treatment and rehabilitation of addicts.

(2) The Federal Government shall bear all expenses for first time compulsory de-toxification or de-addiction of an addict.

(3) The addict shall carry a registration card in such form as may be prescribed and produce it to any public authority on demand.

53. Powers of the Government to establish centres for treatment of addicts. — The

³⁶ Omitted by S. 18 of Federal Act No XX of 2022

³⁷ New Section Insert by S. 19 of Federal Act No. XX of 2022

³⁸ Word Insert by S. 20 of Federal Act No. XX of 2022

Provincial Government shall establish as many centres as may be deemed necessary for detoxification, de-addiction, education, after-care, rehabilitation, social integration of addicts and for supply of such medicines as are considered necessary for the de-toxification of the addicts.

CHAPTER VII

NATIONAL FUND FOR CONTROL OF DRUG ABUSE

54. National fund for control of drug abuse.— (1) The Federal Government may, by notification in the official Gazette, constitute a Fund to be called the National Fund for Control of Drug Abuse, hereinafter to be called the Fund, consisting of—

- (a) grants from the Federal Government or Provincial Governments;
- (b) the sale proceeds of any assets forfeited under this Act or any other law for the time being in force;
- (c) the sale proceeds of unserviceable commodities and vehicles provided by the donor for narcotics control purposes;
- (d) any grants made by any person or institution; and
- (e) any income from the investment of the amounts credited to the Fund.

(f) All receipts mentioned in sub-clauses (a) to (e) of sub-section (1) shall be credited to a Head of Account in the Public Account duly authorised by the Auditor General of Pakistan.

(g) The purpose and object of the Fund shall be to meet the expenditure incurred in connection with the control and eradication of trafficking in, and abuse of, narcotic drugs, psychotropic substances, controlled substances, or treatment and rehabilitation of drug addicts and for all or any of the related purposes, as may be specified by the Federal Government.

(h) The management, overall control and supervision of the affairs of the Fund shall vest in a Governing Body consisting of a Chairman and such other members as may be appointed by the Federal Government by a notification in the official Gazette, on such terms and conditions as may be prescribed.

(s) The Governing Body shall have the powers to regulate its own procedures and co-opt members as it may deem appropriate.

55. Annual Report of the activities financed out of the Fund.— The Governing Body shall, after the end of each financial year, submit to the Federal Government a report giving an account of its activities and the activities financed out of the Fund during the financial year, together with a statement of accounts.

CHAPTER VIII

INTERNATIONAL CO-OPERATION

56. Authority to make and act on mutual legal assistance requests.— (1) This Chapter is subject to any treaty, arrangement or understanding with foreign States to which Pakistan may from time to time be party, and nothing in the Chapter shall be taken to limit the nature or extent of assistance which Pakistan may otherwise lawfully give to, or receive from, foreign States.

(2) The Federal Government may—

- (a) make request on behalf of Pakistan to the appropriate authority of a foreign State

for mutual legal assistance in any investigation commenced, or proceeding instituted, in Pakistan relating to an offence committed, or suspected on reasonable grounds to have been committed, under Chapter II of this Act;

- (b) grant or postpone in whole or in part similar requests from foreign States on such terms and conditions as it thinks fit; and
- (c) refuse (in whole or in part) such requests from foreign States on the ground that to grant the request would be likely to prejudice the sovereignty, security, public order or other essential public interest of Pakistan.

(3) Requests on behalf of the Federal Government to the appropriate authorities of foreign States for the assistance referred to in sub-section (2) shall be made by the Federal Government, or an officer authorised by the Federal Government, and requests for any other form of international assistance in investigations or proceedings relating to criminal matters may be made by any person authorised by the Federal Government in this behalf.

57. Mutual legal assistance requests by Pakistan.— (1) The Federal Government or an officer authorised by the Federal Government under sub-section (3) of section 56 may request the foreign State to--

- (a) have evidence taken, or documents or other articles produced;
- (b) obtain and execute search warrants or other lawful instruments authorising a search for things relevant to investigations or proceedings in Pakistan believed to be located in that State, and if found, seize them;
- (c) freeze assets, the subject of actions or orders under sub-section (2) of section 37, by whatever processes are lawfully available in that State, to the extent to which the assets are believed on reasonable grounds to be located in that State;
- (d) confiscate articles the subject of orders under sub-section (2) of section 33 and forfeit assets the subject of orders under sub-section (2) of section 39 to the extent to which the articles or assets, as the case may be, are believed to be located in that State;
- (e) transmit to Pakistan any such evidence, documents, things, articles, assets or proceeds realized from the disposal of such articles or assets; and
- (f) transfer in custody to Pakistan a person detained in the foreign State who consents to assist Pakistan in the relevant investigation or proceedings.

58. Foreign requests for assistance.— (1) The Federal Government may authorise the giving of mutual legal assistance to a foreign State of a kind similar to that specified in section 57 in investigations commenced or proceedings instituted in such state.

(2) Such requests shall—

- (a) give the name of the authority concerned with the criminal matter to which the request relates;
- (b) give a description of a nature of the criminal matter and a statement setting out a summary of the relevant facts and laws;

- (c) give a description of the purpose of the request and of the nature of the assistance being sought;
- (d) in the case of a request to freeze or forfeit assets believed on reasonable grounds to be located in Pakistan, give details of the offence, particulars of any investigation or proceedings commenced in respect of the offence, and be accompanied by a copy of any relevant freezing or forfeiture order of the Court;
- (e) give details of any procedure that the foreign State wishes to be followed by Pakistan in giving effect to the request, particularly in the case of a request to take evidence;
- (f) contain a statement setting out any wishes of the foreign State concerning any confidentiality relating to the request and the reasons for those wishes;
- (g) give details of the period within which the foreign State wishes the request to be complied with;
- (h) state, where applicable, the grounds for believing that the relevant assets or things to be traced, frozen or seized are located in Pakistan; and
- (i) contain any other information that may assist in giving effect to the request.

(3) A request may be accepted, after consultation, notwithstanding that the request, as originally made, does not comply with sub-section (2).

59. Foreign requests for an evidence-gathering Order or a search warrant.— (1) Notwithstanding anything contained in any law for the time being in force, where the Federal Government approves a request of a foreign State pursuant to section 60 [58]³⁹ to obtain evidence in Pakistan, or be able to be given by a person believed to be in Pakistan, the Director-General or an officer authorised by him may apply to the High Court for

- (a) a search warrant; or
- (b) an evidence-gathering order.

(2) The High Court to which an application is made under sub-section (1) may issue an evidence-gathering order or a search warrant under this sub-section, where it is satisfied that there are reasonable grounds to believe that—

- (a) an offence has been committed, or is suspected on reasonable grounds to have been committed against the laws of the requesting State which, if committed in Pakistan, would have constituted an offence under this Act;
- (b) evidence of the commission of the foreign offence or information that would reveal the whereabouts of a person who is suspected of committing the foreign offence is likely to be found in a building, receptacle or place in Pakistan; and
- (c) in the case of an application for a search warrant, it would not, in all the circumstances, be more appropriate to grant an evidence-gathering order.

³⁹ Word Subs. by S. 21 of Federal of Act No XX of 2022

(3) An evidence-gathering order

- (a) shall provide for the manner in which the evidence is to be obtained in order to give proper effect to the foreign request unless prohibited under the law of Pakistan, and in particular, may require any person named therein to
 - (i) make a record from data or make a copy of record;
 - (ii) attend Court to give evidence on oath or otherwise until excused; and
 - (iii) produce to the High Court or to any person designated by the Court, anything, including any record, or copy thereof; and
- (b) may include such terms and conditions as the High Court considers desirable, including those relating to the interests of the person named therein or of third party.

(4) A person named in an evidence-gathering order may refuse to answer a question or to produce a record or thing where the refusal is based on

- (a) a law in force in Pakistan;
- (b) a privilege recognized by a law in force in the foreign State that made the request; or
- (c) a law in force in the foreign State that would render the answering of that question or the production of that record or thing by that person in its own jurisdiction an offence.

(5) Where a person refuses to answer a question or to produce a record or thing under subsection (4), the High Court shall report the matter to the Federal Government which shall notify to the foreign State accordingly and request it to provide a written statement on whether the person's refusal was well-founded under the law of the foreign State.

(6) Any written statement received by the Federal Government from the foreign State in response to a request under sub-section (5) shall, notwithstanding anything contained in the Qanun-e-Shahadat, 1984, be admissible in the evidence-gathering proceedings, and be determinative of whether the person's refusal is well-founded under the foreign law.

(7) A person who, without reasonable excuse, refuses to comply with a lawful order of the High Court made under this section, or who having refused under sub-section (4), continues to refuse notwithstanding the admission in evidence of a statement under sub-section (6) to the effect that the refusal is not well-founded, commits a contempt of court.

(8) The High Court may issue a warrant for the arrest of a person named in an evidence gathering order where it is satisfied that the person—

- (a) did not attend or remain in attendance as required or is about to abscond; and
- (b) was personally served with the order.

(9) A person arrested in pursuance of a warrant issued under sub-section (8) shall be forthwith brought before the High Court, to ensure compliance with the order made under sub-section (2), and the

Court may order that the person be detained in custody or released on recognizance, with or without sureties.

- (10) A search warrant—
- (a) shall be issued in accordance with the provisions of Criminal Procedure Code, 1898 (V of 1898);
 - (b) shall specify a time and date when the High Court will hear any representations from any person from whom, a record or thing is seized pursuant to the warrant, before any order is made to send it to the foreign State; and
 - (c) may include such terms and conditions as the High Court considers desirable, including conditions relating to the time or manner of its execution.
- (11) The person executing a search warrant issued under sub-section (2)—
- (a) may seize anything that he believes on reasonable grounds will afford evidence of, or has been obtained for, or used in, or is intended to be used in, the commission of an offence under this Act;
 - (b) shall, at least five days before the time of the hearing to consider its execution, file in the High Court a written report concerning the execution of the warrant, including a description of the records or things seized.

(12) At the hearing to consider the execution of a search warrant the High Court, after considering any representations made by the Director General or an officer authorised by him, or any person from whom a record or thing was seized pursuant to the warrant, and any person who claims to have an interest in the record or thing, may—

- (a) order that the record or thing be returned to the person from whom it was seized, or to the person lawfully entitled to its possession, if satisfied that the warrant was not executed according to its terms and that it would be in the public interest to so return it;
- (b) in any other case, order that the record or thing be sent to the foreign State, and include in the order such terms and conditions as the High Court considers necessary—
 - (i) to give effect to the request from the foreign State;
 - (ii) with respect to the preservation and return to Pakistan of any record or thing seized; or
 - (iii) with respect to the interest of a third party.

(13) No record or thing seized and ordered to be sent to a foreign State shall be sent until the Director-General is satisfied that the foreign State has agreed to comply with any terms or conditions imposed in respect of the sending abroad of the record or thing.

60. Foreign requests for assistance from detained persons.—(1) Where the Federal Government approves a request of a foreign State to have a detained person, who is serving a term of imprisonment in Pakistan, transferred to a foreign State for a fixed period to give evidence or assist in an investigation or proceedings in that State relating to an offence committed, or suspected on reasonable grounds to have been committed against the laws of the requesting State, in respect of conduct which

had it occurred in Pakistan would have constituted an offence under this Act, the Director-General may apply to the High Court for a transfer order.

(2) The High Court to which an application is made under sub-section (1) may make a transfer order where it is satisfied, having considered, among other things, any documents filed, or information given, in support of the application that the detained person consents to the transfer.

- (3) A transfer order made under sub-section (2) —
- (a) shall set out the name of the detained person and his place of confinement;
 - (b) shall order the person who has custody of the detained person to deliver him into the custody of a person who is designated in the order or who is a member of the class of persons so designated;
 - (c) shall order the person receiving him into custody to take him to the foreign State and, on return of the detained person to Pakistan, to return that person to the place of confinement where he was when the order was made, or to such other place of confinement as the Federal Government subsequently may notify to the foreign State;
 - (d) shall state the reasons for the transfer;
 - (e) shall fix the period of time at, or before the expiration of, which the detained person must be returned or unless varied on the application of the Federal Government for the purposes of the request;
 - (f) may include such terms or conditions relating to the protection of the interests of the detained persons as the High Court considers desirable.

(4) The time spent in custody by a person pursuant to a transfer order shall, so long as such person remains in such custody and is of good behaviour, be deemed to have been spent in service of the sentence being served when the order was made.

61. Foreign persons in Pakistan in response to a Pakistan request.—(1) The Federal Government may, by written notice, authorize the temporary detention in Pakistan of a person in detention in a foreign State who is transferred from that State to Pakistan pursuant to a request under clause (f) of (1) of Section 62 [57]⁴⁰, for such period as may be agreed with that State for the purposes of the request, and the return in custody of the person to the foreign State.

- (2) A person in respect of whom a notice is issued under sub-section (1) shall, so long as the notice is in force—
- (a) be permitted to enter Pakistan and remain in Pakistan for the purposes of the request, and to leave Pakistan when no longer required for those purposes, notwithstanding any Pakistan law to the contrary; and
 - (b) while in custody in Pakistan for the purposes of the request, be deemed to be in lawful custody.
- (3) The Federal Government may at any time vary a notice under sub-section (1), and where the foreign State requests the release of the person from custody, either immediately or on a specified date, the Federal Government shall direct that the person be released from custody

⁴⁰ Word Subs. by S. 22 of Federal Act No XX of 2022

accordingly.

- (4) The provisions of this section shall apply, *mutates mutandis*, in the case of any detained person in transit through Pakistan from one foreign State to another pursuant to a request for assistance of the kind referred to in this section.
- (5) Any person, whether or not a detained person, who is in Pakistan in response to a Pakistan request under this Chapter to give evidence in a proceeding or to give assistance in relation to an investigation, prosecution or the related proceeding may not, while in Pakistan, be—
 - (a) detained, prosecuted or punished; or
 - (b) subjected to civil process, before the person's departure from the foreign State pursuant to the request in respect of any act or omission that occurred.

62. Foreign requests for Pakistan restraining orders.—(1) Notwithstanding anything contained in any law for the time being in force, where the Federal Government approves a request of a foreign State pursuant to ~~Section 66~~ [sub-section (1) of section 63]⁴¹ to restrain dealings in any assets, some or all of which are believed on reasonable grounds to be located in Pakistan, the Federal Government may apply to the High Court for a restraining order.

- (2) The High Court, to which an application is made under sub-section (1), may issue a freezing order, where it is satisfied that there are reasonable grounds to believe that—
 - (a) an offence has been committed, or is suspected on reasonable grounds to have been committed by a person against the laws of the requesting State which, if committed in Pakistan, would have constituted an offence under this Act ;
 - (b) an investigation or proceeding has commenced in the foreign State relating to that offence ;
 - (c) assets derived by the person, his relatives and associates from the commission of the offence are located in Pakistan ; and
 - (d) an order has been made, or is likely to be made in the foreign country having, to the effect of forfeiting such assets, this ~~Ordinance~~ [Act]⁴² shall apply as if the offence had been committed in Pakistan, whereupon the freezing order had been made under sub-section (2) of section 38.

63. Requests for enforcement of foreign confiscation or restraining orders.— (1) This section does not apply to cases falling within section 40 of this Act.

- (2) Where a foreign State requests the Federal Government to make arrangements for the enforcement of a
 - (a) foreign restraining order; or
 - (b) foreign forfeiture order,

⁴¹ Word Subs. by S. 23(a) of Federal Act No. XX of 2022

⁴² Word Subs. by S. 23(b) of Federal Act No. XX of 2022

the Director-General may apply to the High Court for registration of the orders issued by a Court of that State.

(3) The High Court shall, on application by the Director-General, register the foreign restraining order if the Court is satisfied that the order is in force in the foreign State.

(4) The High Court shall, on application by the Director-General or an officer authorised by him, register the foreign forfeiture order if the Court is satisfied—

- (a) the order is in force in the foreign State and is not subject to appeal; and
- (b) where the person, the subject of the order, did not appear in the foreign forfeiture order proceedings in the foreign State, that
 - (i) the person was given notice of the proceedings in sufficient time to enable him or her to defend him; or
 - (ii) the person died or absconded before such notice could be given.

(5) Where a foreign restraining order or foreign forfeiture order is registered in accordance with this section, a copy of any amendments made in the order in the foreign State (whether before or after registration), may be registered in the same way as the order, but shall not have effect for the purposes of this Act until they are so registered.

(6) The High Court shall, on application by the Director-General or an officer authorised by him, cancel the registration of—

- (a) a foreign restraining order if it appears to the Court that the order has ceased to have effect; and
- (b) a foreign forfeiture order if it appears to the Court that the order has been satisfied or has ceased to have effect.

(7) Subject to sub-section (8), where the foreign restraining order or foreign forfeiture order comprises a facsimile copy of a duly authenticated foreign order, or amendment made to such an order, the facsimile shall be regarded for the purposes of this Ordinance as the same as the duly authenticated foreign order.

(8) Registration effected by means of a facsimile shall cease to have effect at the end of the period of fourteen days commencing on the date of registration, unless a duly authenticated original of the order has been registered by that time.

(9) Where a foreign restraining order or a foreign forfeiture order has been registered pursuant to this section, this Act shall be deemed to apply in relation to the order as if the offence the subject of the order had been committed in Pakistan, and the order had been made pursuant to Chapter IV of this Act.

64. Requests to recover foreign fines—(1) Where the Federal Government approves a request from a foreign State to enforce the payment of a fine imposed by a court of that State, a court in Pakistan shall enforce the payment of the fine as if the fine has been imposed by a court in Pakistan.

Explanation . For the purpose of this section the expression “fine” shall include any pecuniary penalty determined by a foreign court to represent the value of any property, benefit, advantage, obtained or derived directly or immediately as a result of the commission of an offence relating to narcotic substances.

(2) No proceedings under sub-section (1) shall be instituted after the expiry of five years from the date the fine was imposed.

65. Sharing forfeited property with foreign States.— The Federal Government may enter into an arrangement with the competent authorities of a foreign State for the reciprocal sharing with that State of such part of any property realized pursuant to this Act—

- (a) in the foreign State, as a result of action taken by the Federal Government; and
- (b) in Pakistan, as a result of action taken in Pakistan, on such terms and conditions as the Federal Government may prescribe.

66. Extradition.— Notwithstanding anything contained in the Extradition Act, 1972 (XXI of 1972), all offences against Chapter II of this Act shall be deemed to

- (a) be extraditable offences; and
- (b) not be political offences.

CHAPTER IX GENERAL

67. Reporting of suspicious financial transactions.—(1) Notwithstanding anything contained in any law for the time being in force, all banks and financial institutions shall pay special attention to all unusual patterns of transactions, which have no apparent economic or lawful purpose and upon suspicion that such transactions could constitute or be related to illicit narcotics

activities, the manager or director of such financial institution shall report the suspicious transactions to the Director-General.

(2) Whoever fails to supply the information in accordance with sub-section (1) shall be punishable with rigorous imprisonment which may extend to three years, or with fine, or with both.

68. Presumption to the assets acquired through dealing in narcotics.— Where there is reasonable ground to believe that the assets of a person or any part thereof were acquired before or at the time of, or after the commission of an offence under this Act and there was no other likely source of acquiring such assets or part thereof, it shall be presumed, unless the contrary is proved, that such assets or part thereof were acquired, generated or obtained through cultivation, manufacture, production, sale, purchase, dealing or trafficking of narcotic drugs, psychotropic substances or controlled substances.

69. Departments to render assistance to the Special Courts, etc.— All departments of the Government, banks, financial institutions, corporate bodies, companies, societies and agencies shall assist the Special Court, Director-General or any other officer authorised by the Federal Government for the purposes of any inquiry, tracing of any assets or for ascertaining whether any assets held by any person, his associate or relative were acquired by committing any offence under this Act.

70. Notice or order not to be invalid for error in description.— No notice issued, or order passed, under this Act shall be invalid by reason of any error in the description of the person or assets specified therein if such person or assets are otherwise identifiable from the description specified in such notice or order.

71. Delegation.— (1) The Federal Government may, by notification in the official Gazette and subject to such conditions and limitations as may be specified in the notification, delegate all or any of its powers and functions under this Act as it may deem necessary or expedient to the Provincial Government, Director-General or any other authority or officer of the Federal Government.

(2) The Provincial Government may, by notification in the official Gazette, subject to such

conditions and limitations as may be specified in the notification, delegate all or any of its powers and functions under this Act as it may deem necessary or expedient, to any authority or officer of that Government.

72. Application of the Customs Act, 1969.— All prohibitions and restrictions imposed by or under this Ordinance [Act]⁴³ on the import into, export from, Pakistan and transshipment of narcotic drugs, psychotropic substances or controlled substances shall be deemed to be prohibitions and restrictions imposed by or under the Customs Act, 1969 (IV of 1969), and the provisions of this Act shall apply accordingly:

Provided that, notwithstanding anything contained in the Customs Act, 1969 (IV of 1969), or any other law for the time being in force, all offences relating to narcotic drugs, psychotropic substances or controlled substances shall be tried under the provisions of this Act :

Provided further that where the Officers of Customs apprehends a person involved in any offence relating to narcotic drugs, psychotropic substances or controlled substances shall be empowered to carry out inquiry and investigation in the same manner as an officer authorised under this Act.

73. Saving of Provincial and special laws.— (1) Nothing contained in this Act or in the rules made thereunder shall affect the validity of any Federal or Provincial law for the time being in force, or of any rule made thereunder which imposes any restriction or provides for a punishment not imposed by or provided for under this Act or imposes a restriction or provides for a punishment greater in degree than a corresponding restriction imposed by or a corresponding punishment provided for by or under this Act for the cultivation of cannabis plant or consumption of, or traffic in, any narcotic drug or psychotropic substance within Pakistan or other similar matters.

74. Application of other laws.— If an offence punishable under this Act, is also an offence in any other law for the time being in force, nothing in that law shall prevent the offender from being punished under this Act :

Provided that nothing contained in section 523 of the Code of Criminal Procedure, 1898 (Act V of 1898), or any other provision of the said Code or any other law for time being in force, the custody of narcotic drugs, psychotropic substances, controlled substances, any material utensils used for production or manufacture of such drugs or substances or any conveyance used in import, export, transport or transshipment thereof or for commission of an offence under this Act, shall not be given on custody to the accused or any of his associate or relative or any private individual till the conclusion of the case [except as provided in the second proviso to sub-section (2) of section 33].

[74A. 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.]⁴⁴

⁴³ Word Subs. by S. 24 of Federal Act No. XX of 2022

⁴⁴ New Section Insert by S. 25 of Federal Act No XX of 2022, dated 6th September, 2022

75. Indemnity.— No suit, prosecution or other proceedings shall lie against the Federal Government or Provincial Government or any officer of the Federal Government or of a Provincial Government for anything in good faith, done or intended to be done in pursuance of this Act or the rules made thereunder.

76. Ordinance to override other laws.— The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

77. Power to make rules. (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

78. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the administration, management and disposal of the property forfeited under this Act; and
- (b) terms and conditions of Special Prosecutors.

78. Repeal and saving.— (1) The Opium Act, 1857 (X111 of 1857), the Opium Act, 1878 (I of 1878), the Dangerous Drugs Act, 1930 (II of 1930), and the Control of Narcotic Substances Ordinance, 1997 (XLIII of 1997), are hereby repealed.

(2) Notwithstanding the repeal of any law under sub-section (1), the repeal shall not, except as otherwise provided in this Act, —

- (a) affect the previous law or anything duly done or suffered thereunder;
- (b) affect any right, privilege, obligation or liability acquired, accrued under such law;
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against such law;
- (d) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; and
- (e) affect any such investigation, legal proceedings or remedy may be instituted, continued or enforced or any such penalty, forfeiture or punishment which may be imposed, by the courts or authorities competent to investigate, try an offence under such law if the said law had not been repealed.

[SCHEDULE-I]⁴⁵[see Section 2(za)]
PSYCHOTROPIC SUBSTANCES

	International non-proprietary names	Other non-proprietary or trival names	Chemical Name
	1	2	3
1.	AMFETAMINE	Amphetamine	(+/-)-a-methylphenethy lamine.
2.	AMOBARBITAL		5-ethyl-5-barbituric acid.
3.	ALLOBARBITAL		5,5-deallybarturic acid.
4.	ALPRAZOLAM		8-chloro-1-methyl-6-phenyl-4H-s-triazolo [4, 3-a] [1,4] bensodiadazepine.
5.	AMPHEPRAMONE		2-(diethylamino) propiolphenone.
6.	BROLAMFETAMINE	DOB	(+/-)-4-brome-2, 5-dimethoxy-a-methyphenethylamine.
7.	BUPRENORPHINE		21-cyclopropy 1-7-a-(5)-1-hydroxy-1,2 ,2-trimethylporpyl]-6, 14-endo-ethano-6, 7, 8, 14-tetrahydrooripavine.
8.	BUTALBITAL		5-allyl-5-isobutylbarbituric acid.
9.	BARBITAL		5,5-diethylbarbituric acid.
10.	BENZFETAMINE	Bensphetamine	N-benzyl-N, a- dimethylphenethylmine.
11.	BROMAZEPAM		7-bromo-1, 3-dihydro-5 (2-pyridyl) 2H-1, 4-benzodiazepin-2-one.
12.	CATHINONE		(-)(s)-2 aminopropiophenone.
		DET	3-[2(diethyl amine) ethyl] indole.
		DMA	(+/-)-2, 5-dimethoxy-a-methylphenethy-lamine
		DMHP	3-(1,2-dimethypheptye)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6h-dibenzo[b,d][pyram-1-01].
13.	CATHINE	(+)-norpseudo ephedrine.	(+)-(R)-a-[(Ro-1-1 amino ethyl] benzyl alcohol.
		[DMT	3-[2-dimethylaminethyl] indole.
		[DOET	(+/-)-4-ethyl-2,5-dimthyxy-a-Phenethly-amine.
14.	CYCLOBARBITAL		5-(I-cychlohexen-I-yl)-5-ethylbar-bituric acid.
15.	CAMAZEPAM		5-Phenyl-2H-1, 4-benzodiazepin-2-one dimethylcarbamate (ester).
16.	CHLORDIAZEPOXIDE		7-chloro-2-(methylmino)-5-phenyl-1 H-1, 5-bezodiazepine-4-oxide.
17.	CLOBAZAM		7-chloro-1-methylmino)5-phenyl-I H-5-benzodiazepine-2,4 (3H. 4H)- dione.
18.	CLONAZEPAM		5-(0-chlorophgenyl)-1.3-dihydro-7-nitro-211-1.4-benzodiazpine-2-one.
19.	CLORAZEPATE		7-chloro-2,3-dihydro-2-oxo-5-phenyl-Ih-1.4-bezodiazpine-3-carbxylic acid.
20.	CLOTIAZEPAM		5-(o-chlorphenyl)-7-ethyl-1.3-dihydro-I-methyl-2H-thieno

⁴⁵ Word Subs. by S. 26 of Federal Act No. XX of 2022

			[2.3.-e) 1.4-diazepin-2-one.
21.	CLOXAZOLAM		10-chloro-11b-chlorophenyl)-2-3,7,11B-tetrahydroazolo [3.2.-d] [1.4] benzodiazepin-6-5H)- one.
22.	DEXAMPHETAMINE	Dexamphetamine	(+)-a-methylphenethylamine.
23.	DELORAZEPAM		7-Chloro-5-(o-chlorophenyl)-1.3-dihydro 2-H-1.4- bezodiazepin-2-one.
24.	DIAZEPAM		7-chloro-2.3-dihydro-1-methyl-5-phenyl-2H-1.4- benzodiazepine-2-one.
25.	ESTAZOLAM		8-chloro-6ipenyl-4h-Sitriazolo-[4.3a] [1.4] benezodiazepine.
26.	ETHCHLORVYNOL		1-chloro-3-ethyl-1-penten-4yn-301.
27.	ETHYL LOFLAZEPATE		Ethyl 7-chloro-5-(Oifluorophenyl)-2.3-dihydro-2-oxo-1H, 4- benzodiazepine-3-carboxylate.
28.	ETILAMFETAMINE	N-ethylamfetamine	N-ethyl-1-a-methylphenethylamine.
29.	ETHINAMATE		1-eithynycyclohexanol-carbamate.
30.	ETICYCLIDINE	PCE	N-ethyl-1-phenylcyclohexylamine.
31.	FENETYLLINE		7-[2-[a methylphenethyl-amino] ethyl] the ophylline.
32.	FENCAMFAMIN		N-ethyl-3-phenyl-2-norbomanamine.
33.	FENPROPOREX		[+/-]-3-(a-methylphenethyl) amino] propionitriale.
34.	FLUDIAZEPAM		7-chloro-5-(0-fluorophenyl)- 1,3-dihydro-1-methyl-2H-1, 4- benzodiazepin-2-one.
35.	FLUNITRAZEPAM		5-(0-fluorophenyl)-1,3-dihydro-1-methyl-7-mitro-2H-1,4- benzodiazepin-2-one.
36.	FLURAZEPAM		7-chloro-1-[2-diethylamino] ethyl] 5-0-fluorophenyl)-1.3- dihydro-2H-1.4-benzodiazepine-2-one.
37.	GLUTETHIMIDE		2-ethyl-2-phenylglutarimide 4-benzodiazepin-2-one.
38.	HALAZEPAM		7-chloro-1.3-dihydro-5-phenyl-1(2,2,2-trifluoroethyl)-2h- 1,4-beznodiazepine-6H(5H)-one.
39.	HALAXAZOLAM		10-bromo-11b(0-fluoraphenyl)-2.8-dimethyl-12b-phenyl- 4H-[1,3] oxazino [3,2-d] [1,4] benzodiazepine-6 (5H)-one.
40.	KETAZOLAM		11-chloro-8, 12b-dihydro-2.8-dimethyl-12-b-phenyl-4H- [1,3] oxazino [3, 2-d] [1,4] benzodiazepine-4, 7 (6H)-clione.
41.	(+)-LYSERGIDE	LSD. LSD-25	9, 10-didehydro-N. diethyl-6 methylergoline-8B- Carboxamide
		MDMA	(+/-)N,a-demethyl-3,4-(methylenedioxy) phenethylamine.
		Mescaline	3,4,5-trimethoxyphenethenethylamine.
		4-methylaminorex	(+/-)cis-2-amino-4imethy-5-phenyl-2-oxazoline
		MMDA	2-methoxy-a-methyl-4,5-(methylenedioxy) Phenethylamine.
		N-ethyl MDA	(+/-)-N-ethyl-a-methyl-3,4-methylenedioxy) phenethylamine.
		N-hydroxy MDA	(+/-)-N-[a-methyl-3,4-(methylen-dedioxy phenethyl] hydroxylamine.
		Parahexyl	3-hexyl-7,8,9, 10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran-1-ol.
		PMA	Pemethoxy-a- methylphenethylamine.

		Piscine, psilotsin	3-[2-dmethylamino ethyl] indo]-4-01.
42.	LEFTAMINE	SPA	(-)-N,N-demethyl-1,2- diphenylethylamine.
43.	LOPRAZOLAM		6-(0-chlorophenyl)-2,4-dihydro-2-[(4-methyl-I-peperaziny] methylene]-8-nitor-IH-imidazo [1, 2-a] [1,4] benzodiazepin-2-one.
44.	LOPRAZEPAM		7-chloro-5-(0-chlorophenyl)-1,3-dihydro-3-hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one.
45.	LORMETAZEPAM		7-chloro-5-(0-chlorophenyl)-1,3-dihydro-3-hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one.
46.	LEVAMFETAMINE	Levamphetamine	(-)(R)-a-methylphetyph enethyamine.
		Levometh amphetamine	(-)-Na-dimethylphenethylamine.
47.	METAFETAMINE	Metham phetamine	(+)-(s)-Na-dimethylphethylamine.
48.	METAFETAMINE RACEMATE	metamphetamine racemate	(+/-)Na-dimethylphethylamine.
49.	METHYLPHENIDATE		Methyla-phenyl-2-piperidinoacetate.
50.	MEPROBAMATE		2-methyl-3-propyl-1,3-propanediol dicarbamate.
51.	METHAZUALONE		2-methyl-3i0itoyl-4(3H)-quinazolinone.
52.	METHYLPHENOBARBITAL		5-ethyl-I-methyl-5-phenyl-barbituric acid.
53.	METHYPRYLON		3,3-diethyl-5-methyl-2,4-piperidine-dione.
54.	MAZINDOL		5-(p-chlorophenyl)-5-dihydro-3H-imidazo [2.1-a] isoindol-5-01.
55.	MEDAZEPAM		7-chloro-2,3-dihydro-I-methyl-5-phenyl-IH-1,4-benzodiazepine.
56.	MEFENOREX		N-(3-chlororpyl)-a-methylphenethylamine.
57.	MIDAZOLAM**		8-chloro-6(0ifluorophenyl)-1-methyl-4H-1,4-benzodiazepine.
58.	NIMETAZEPAM		1,3-dihydro-I-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepine-2-one.
59.	NITRZEPAM		1,3-dihydro-7-nito-5-phenyl-2H-1,4-benzodiazepin-2-one.
60.	NORDAZEPAM		7-chloro-I, 3-dihydro-5-phenyl-2H- 1,4-benzodiazepin-2-one.
61.	OXAZEPAM		7-chloro-I, 3-dihydro-5-phenyl-2H- 1,4-benzodiazepin-2-one.
62.	OXAZOLAM		10-chloro-2,3,7,, 11b-tetradhydro-2-methyl-11b-phenyloxazolo [3.2-d] [1.4] benzodiazepin-6-(5H)-one.
63.	PHENCYCLIDINE	PCP	1-(1-phencybychlohenxyl) piperidine.
64.	PENTAZOSINE		(2R,6R,11R)-1,2,3,4,5,6-hexabydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2, b-methonon-3-benzazocine-8-o1.
65.	PHENMETRAZINE		3-methyl-2-phenylmorpholine.
66.	PENTOBARBITAL		5-ethyl-5-(1-methylbuty) barbituric acid.

67.	PHENOBARBITAL		5-ethyl-5-phenyl barbituric acid.
68.	PIPRADOL		A,a-diphenyl-2piperidinemethanol.
69.	PSILOCYBINE		3-(2dimethylamino) ethyl-indol-4-yl-dihydrogen phoshate.
70.	PEMOLINE		2-amono-5iphenyl-2-oxazolin-4-one (2-imino-5-phenyl-4-oxazolidinone).
71.	PHENDIMETRAZINE		(-)-(2s.3s)-3, 4-dimethyl-2-phenylmorpholine.
72.	PHENTERMINE		A, a,-dimethylphenethylamine.
73.	PINAZEPAM		7-chloro-1-3dihydro-5-(cyclopropy-1methyl)-1,3-dihydro-5-phenyl-2H-1,4-bezodiazepin-2-one.
74.	PRAZEPAM		7-chloro-1-cyclopropylmethyl)-1,3- dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one.
75.	PYROVALERONE		4-methyl-2-(1-parralidinyl) valerophenone.
76.	ROLICYCLIDINE	PHP, PCPY STP, DOM	1-N-phenylcyclohexyl) payrrolidine 2-5-dimethoxy-a 4-dimethylphenethylamine.
77.	SECOBARBITAL		5-allyl-5-(1-methylbutyl) barbituric acid.
	Delta-9-tetrahydrocannabinol and its stereochemical.		(6aR, 10aR)-6a, 7,8, 10a-tetrahydro-6, 6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-1 variants.
78.	SECBUTABARBITAL		5-sec-butyl-5-ethybarbituric acid.
79.	TEMAZEPAM		7-chloro-1.3-dihdro-3-hdroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one.
80.	TETRAZEPAM		7-chloro-5-cyclohexen-1-ul)-1.3-dihedrol-methyl-2H-1,4-benzodiazepin-2-one.
81.	TRIAZOLAM		8-chloro-6(0-chlorophenyl)-1-methyl-4H-sitrizazolo [4.3a] [1,4] benzodiazepine.
82.	TENAMFETAMINE	MDA	a-methyl-3,4-(methylenedioxy), phenethylamine.
83.	TENOCYCLINDINE	TCP	1-[1-2-thienyl) clohexyl) piperidine.
	Tetrahydrocannabinol the following isomers and their stereochemical variants.		
			7,8,9,10-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-01.
			(9R, 10aR-8,9,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyman-1-01.

			(6aR, 9R, 10aR) 6a, 7,10, 10 ,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyrran-1-01.
			6a,7,8,9-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyrran-1-01.
			6a,7,8,9-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyrran-1-01.
			(6aR, 10aR)-6a, 7,8,9,10 10a-tetraphy dro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyrran 1-01.
84.	VINYLBITAL		5-(1-methylbutyl)-vinylbarbituric acid.
85.	MECLOQUALONE		3(0-chlorophenyl)-2-methyl-4(3H)-quinazolione.

**[Schedule-II
[see section 2(k)]**

Division-I

(Table-I of the 1988 Convention)

Ephedrine	N-acetylanthranilic acid
Erogometrine	Isosafrole
Ergotamine	3,4 methyl nedeioxphenyl-
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
Anthracitic acid	Ketone
Ethyle eter	Potassium permanganate
Phenyl acetic acid	Sulphuric acid
Vb Piperidine	Toluene] ⁴⁶

⁴⁶ New Schedule Added by S. 26 of Federal Act No. XX of 2022,dated 6th September, 2022

CONTROL OF NARCOTIC SUBSTANCES (REGULATION OF DRUGS OF ABUSE, CONTROLLED CHEMICALS, EQUIPMENT AND MATERIALS) RULES, 2001

Contents

CHAPTER-1

PRELIMINARY

1. Short title and Commencement 52
2. Definitions 52

CHAPTER-2

CLASSIFICATION AND SCHEDULING OF DRUGS OF ABUSE AND CONTROLLED CHEMICALS

3. Classification of Drugs of abuse and controlled chemicals 55
4. Preparations 55

CHAPTER-3

REGISTRATION, LICENSING AND PERMIT SYSTEM

5. Requirement for registration, licensing etc., of controlled chemical, equipment and materials operators 56
6. Registration of controlled chemical, equipment and material operators 58
7. Requirements of licences and permits for drugs of abuse operators..... 58
8. Application for operators licence 59
9. Grant of licence 60
10. Contents and conditions of licences 60
11. Applications for import, export or transit permits 61
12. Grant of import, export or transit permits 61
13. Redirection permits 62
14. Permits in relation to first-aid kits..... 63
15. Permits in relation to programmes for medical and scientific purposes. 64
16. Open individual authorization for certain exports of controlled chemicals, etc 65
17. Extended Authorization for Related Activities 66
18. Duration of registration, licences, permits and open individual authorizations..... 66
19. Duty of authorized persons to notify material changes, etc 66
20. Variation, suspension or revocation of registration, licences, permits or authorizations 67
21. Duty of operators to check and notify suspicious orders and transactions 68
22. Power to limit licensee's stocks 68

CHAPTER-4

PROFESSIONAL SUPPLY OF DRUGS OF ABUSE

23. Persons authorized to engage in professional supply of drugs of abuse	68
24. Prescriptions	69
25. Requisitions in an institution for purpose of treatment	70

CHAPTER-5

COMMERCIAL DOCUMENTATION AND LABELLING, RECORDS AND SECURITY

26. Commercial documents	71
27. Forwarding of import permit in advance to proposed foreign exporter	71
28. Export permits to be attached to consignments	71
29. Endorsement and return of export permits following import	71
30. Forwarding of redirection permits, etc	71
31. Liability to forfeiture of improperly or undocumented consignments	72
32. Restriction for further import permit	72
33. Importation or exportation by post	72
34. Disposal of export authorization issued by foreign authority	25
35. Quantity actually exported	72
36. Trans-shipment	72
37. Processing or alteration or packing	73
38. Drugs of abuse registers	73
39. Controlled chemicals, equipment and materials registers	74
40. False or misleading entries in registers and records	75
41. Duty to report and record loss, destruction or discrepancies in registers	75
42. Safe keeping of drugs of abuse	75
43. Duties where there is loss or theft of a drug of abuse or controlled chemical	76

CHAPTER 6

INSPECTION FOR COMPLIANCE

44. Appointment of Inspectors	76
45. Inspection of authorized premises and operations	76
46. Powers of Inspectors	76
47. Inspectors to produce authority	78
48. Obstruction of Inspectors, etc	78

CHAPTER 7

MISCELLANEOUS

49. Repeal and savings	78
50. Supply of data to Anti-Narcotics Force	78
SCHEDULE-I.....	78
SCHEDULE-II	79
SCHEDULE-III.....	81
SCHEDULE-IV.....	82
SCHEDULE-V	82
SCHEDULE-VI.....	83



**CONTROL OF NARCOTIC SUBSTANCES (REGULATION OF DRUGS OF ABUSE,
CONTROLLED CHEMICALS, EQUIPMENT AND MATERIALS) RULES, 2001**

[Gazette of Pakistan, Extraordinary, Part II, Page No. 2735-2797, November 28, 2001]

S. R.O. 808 (I)/2000 dated 26-11-2001.---In exercise of the powers conferred by section 77 of the Control of Narcotic Substances Act, 1997 (XXV of 1997), read with sections 4, 6, sub-section (2) of sections 7 and 10 thereof, the Federal Government is pleased to make the following rules, namely:

**CHAPTER-1
PRELIMINARY**

1. Short title and Commencement. (1) These rules may be called the Control of Narcotic Substances (Regulation of Drugs of Abuse, Controlled Chemicals, Equipment and Materials) Rules, 2001.

(2) These rules shall come into force at once.

2. Definitions. (1) In these rules unless there is anything repugnant in the subject or context:-

- (i) "Act" means Control of Narcotic Substances Act, 1997 (XXV of 1997);
- (ii) "analogue" means any substance not listed in any Schedule of these rules whose chemical structure is substantially similar to any drug of abuse whose psychoactive effect it simulates;
- (iii) "animal" includes fish, birds, invertebrates or other fauna;
- (iv) "Competent Authority" means the authority notified in the official Gazette by the Federal Government to discharge various functions including registration, licensing and import, export or transit permit authorization, etc., under these rules;
- (v) "controlled chemical" means a substance listed in Schedule V and includes a controlled chemical preparation;
- (vi) "controlled equipment" means anything listed as such in Schedule VI;
- (vii) "controlled material" means anything listed as such in Schedule VI;
- (viii) "Convention State" means a State which is a party to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988;
- (ix) "cultivate" includes planting, sowing, scattering the seed, growing, nurturing, tending or harvesting, and also includes the separating of opium, coca leaves, cannabis and cannabis resin from the plants from which they are obtained;
- (x) "data" means representations, in any form, of information or concepts;
- (xi) "dentist" means any person who is registered under the Medical and Dental Council Ordinance, 1962 (XXXII of 1962), and entitled to practice the profession of dentistry;
- (xii) "drug dependent person", in relation to a drug of abuse or analogue, means any person who has such a condition that;

- (a) administration of the drug to him or her results in the person demonstrating impaired control in relation to the use of that drug, or drug-seeking behaviour suggesting such impaired control; or
- (b) cessation of the administration of the drug is likely to result in the person experiencing symptoms of mental or physical distress or disorder;
- (xiii) "drug of abuse" means a prohibited drug, a high-risk drug, or a risk drug, and includes a preparation;
- (xiv) "Encapsulating machine" means any device which may be used to fill shells, capsules or other containers with a drug of abuse or analogue in whatever physical form;
- (xv) "foreign State" means:--
- (a) any country other than Pakistan; and
 - (b) every constituent part of such country, including a territory, dependency or protectorate, which administers its own laws relating to drugs of abuse, analogues, controlled equipment and controlled materials;
- (xvi) "high-risk drug" means a substance listed in Schedule II;
- (xvii) "Inspector" means any person appointed under rule 44;
- (xviii) "institution" means a hospital, nursing home or other institution used for the accommodation, treatment and care of persons suffering from physical or mental conditions;
- (xix) "International Drug Control Conventions" means:
- (a) The Single Convention on Narcotic Drugs done at New York on the 30th March, 1961, as amended by the 1972 Protocol amending the Single Convention done at Geneva on the 25th March, 1972;
 - (b) The Convention Against Psychotropic Substances done at Vienna on the 21st February, 1971;
 - (c) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on the 20th December, 1988; and
 - (d) any other international convention to which Pakistan may become party after the commencement of these rules relating in whole or in part to the control of drugs of abuse, controlled chemicals or controlled equipment;
- (xx) "medical practitioner" means an person who is registered under the Medical and Dental Council Ordinance, 1962 (XXXII of 1962), and entitled to practice the profession of medicine;
- (xxi) "open individual authorization" means an authorization permitting an operator to export from Pakistan such quantities of such controlled chemicals, equipment or materials to such countries or regions during such periods as may be specified in the authorization;
- (xxii) "operator" means any person who carries on a business of the manufacturer, acquisition or supply of:--

- (a) a drug of abuse, intended for medical, scientific use or other lawful use; and
- (b) a controlled chemical or any item of controlled equipment or controlled material, intended for lawful use;
- (xxiii) "permit" means a permit of the kind referred to in rules 12, 13, 14 or 15 of the rules, as the case may be;
- (xxiv) "person" means any natural or legal person;
- (xxv) "pharmacist" means any person who is registered under the Pharmacy Act, 1967 (XI of 1967) and entitled to practise the profession of pharmacy;
- (xxvi) "place" includes any land (whether vacant enclosed or built upon, or not), and any premises;
- (xxvii) "practitioner" means:
- (a) a dentist, medical practitioner or veterinary surgeon;
- (b) any person who is entitled under the laws of Pakistan to practice any other profession whose members may lawfully prescribe, dispense or administer any drug of abuse;
- (xxviii) "premises" includes the whole or any part of a structure, building, aircraft, or vessel;
- (xxix) "prescription" means a written direction by a practitioner that a stated amount of a drug of abuse be dispensed for the person named therein;
- (xxx) "preparation" means a solution or mixture, in whatever physical state, containing:--
- (a) a drug of abuse; or
- (b) a controlled chemical;
- (xxxi) "prohibited drug" means a substance specified in Schedule I;
- (xxxii) "record" means any material on which data are recorded or marked and which is capable of being read or understood by a person, computer system or other device;
- (xxxiii) "risk drug" means a substance specified in Schedule III;
- (xxxiv) "Schedule" means a Schedule to these rules;
- (xxxv) "supply" means sale, consignment, dispatch, transport, delivery, distribution, dispensing, as well as offer to supply;
- (xxxvi) "tableting machine" means any device which may be used to compact or mould a drug of abuse or analogue into a solid tablet;
- (xxxvii) "toxic chemical inhalant" means a substance specified in Schedule IV;
- (xxxviii) "transit" means the physical transfer of any drug of abuse, analogue, controlled

chemical or controlled material into, and out of the territory of Pakistan:

- (a) without it passing through Pakistan Customs; and
- (b) where Pakistan is neither its country of origin nor destination; .

(xxxix) "veterinary surgeon" means any person who is registered under the Pakistan Veterinary Medical Council Act, 1962 (III of 1962), and entitled to practise the profession of veterinary medicine; and

(2) The words and expressions used but not defined in these rules shall have the same meaning as are respectively assigned to them under the Act.

CHAPTER-2

CLASSIFICATION AND SCHEDULING OF DRUGS OF ABUSE AND CONTROLLED CHEMICALS

3. Classification of Drugs of abuse and controlled chemicals. (1) Each of the drugs of abuse to which these rules apply is classified by the Schedule in which it appears under its international non-proprietary name or, lacking such a name, under its scientific name.

(2) Different measures of control are specified in these rules for different drugs of abuse according to the classification so adopted, with the strictest measures being applied in relation to drugs of abuse specified in Schedule I, less strict measures in relation to those specified in Schedule II, and the least strict in relation to those specified in Schedule III.

(3) Each of the controlled chemicals to which these rules apply is classified by the divisions of Schedule V in which it is specified.

(4) Different measures of control are provided for in these rules for different controlled chemicals, according to the classification so adopted in that pre-export notification of the competent authority of exports of controlled chemicals, is required for those controlled chemicals specified in Division I of Schedule V, measures of control relating to registration or licensing as provided in rules 5, 6 and 7, reporting of material changes as provided in rule 19, suspicious transactions as provided in rule 21 and loss or theft as provided in rules 41 and 43; documentation and labelling, record-keeping as provided in rules 26, 27, 28, 29, 30, 34 and 35 generally apply in respect of all such chemicals, equipment and materials, and any supplementary control measures provided for in the rules for the regulatory oversight of lawful trade in controlled chemicals, controlled equipment and controlled materials (open individual authorization) as provided in rule 16, or import, export, transit or re-direction permits as provided in rules 7, 11 and 13 shall apply only if the competent authority so determines under sub-rule (1) of rule 5.

4. Preparations. (1) Preparations shall be subject to the same measures of control, under these rules, as the drugs of abuse or controlled chemicals they contain, and where any preparation contains two or more constituent drugs of abuse, it shall be subject to the measures governing the most strictly controlled constituent.

(2) The Competent Authority may, by order in writing, exempt any preparation containing:-

- (a) a drug of abuse specified in Schedule I or III from such measure of control provided in these rules, when the Competent Authority is satisfied that:-

(i) the preparation is compounded in such a way as to present no or negligible risk of abuse; and

(ii) The drug of abuse cannot be readily recovered from it in a quantity liable to present such a risk; and

(b) a controlled chemical, when the Competent Authority is satisfied that it is in such a state that the chemical cannot easily be used for the illicit manufacture of a drug of abuse.

(3) The Competent Authority shall not exempt any preparation, under sub-rule (2):--

(a) Insofar as it relates to the manufacture, import or export of preparations containing high risk drugs or risks drugs, or the making and keeping of records relating to such activities; and

(b) otherwise, except to the extent if any to which it may be exempted under any international drug control convention applicable to the particular preparation or class of preparation.

(4) The Competent Authority shall maintain a register of the preparation exempted under this section, specifying in relation to each such preparation each control measure from which it is exempted.

CHAPTER-3

REGISTRATION, LICENSING AND PERMIT SYSTEM

5. Requirement for registration, licensing etc., of controlled chemical, equipment and materials operators. (1) To help and ensure that there is no significant risk that controlled chemicals, equipment and materials may be diverted from lawful use to the unlawful manufacture of ally drug of abuse in Pakistan or elsewhere, the Competent Authority, by notice published in the official Gazette, may determine in relation to any operator or class of operators which control measures, or combination of measures specified in sub-rule (2), shall apply for the purposes of this Chapter.

(2) The following control measures, or combination of control measures, which the Competent Authority may determine, shall apply for the purposes of sub-rule (1) namely:--

(a) registration, under rule 6;

(b) the grant of a licence, under rule 9; or

(c) in the case of import and export activities registration or licensing, and:-

(i) an open individual authorization issued to the operator by Competent Authority under rule 16 for all such activities:

Provided that the Competent Authority may, by written notice, restrict the open authorization temporarily or indefinitely, to one of such activities, involving such chemicals, equipment or materials or countries as the Competent Authority may specify in the notice;

(ii) a permit for each intended import or export transaction, or for each transit or redirection, issued under rule 12 or 13;

(iii) an export permit for each intended export transaction, conditional on the prior receipt of an import certificate issued by the competent authorities of the country of intended import; or

(iv) a pre-export notification made by the operator to the Competent Authority in accordance with the prescribed form in Annexure II, within a prescribed period before each export transaction.

(3) In determining, which control measure shall apply in cases under such rule (2), the competent authority shall consider:--

(a) the likely quantities and ultimate use (lawful or unlawful) of the controlled chemicals, equipment or materials involved;

(b) in the case of transit or export, the countries or regions to which any such chemicals, equipment or materials are likely to be destined, particularly if they are ones in which drugs of abuse or the raw materials for making them are believed to be illicitly produced;

(c) the commercial experience and integrity of operators and their staff, including their experience in dealing with the chemicals, equipment or materials concerned; and

(d) any other relevant matter.

(4) No operator shall manufacture, import, export, acquire, supply or possess any controlled chemical or item of controlled equipment or materials except in pursuance of and in accordance with the relevant control measure determined by the Competent Authority under sub-rule (2).

(5) The Competent Authority may, by notification in the official Gazette, add such terms and conditions to any control measures as it thinks fit, including those which limit or prohibit imports or exports of specified chemicals or specified quantities thereof, whether to or from specified countries, persons or classes of persons, or during specified periods.

(6) The Competent Authority by notice published in the official Gazette, may exempt any operator or class of operators other than those whose business include the manufacture, import or export of any controlled chemical, controlled equipment or controlled material from the operation of these rules, if satisfied, that such exemption would not give rise to any significant risk of unlawful diversion.

(7) This rule does not apply to the following classes of persons in relation to the following activities, except to the extent if any to which their activities include the import or export of any controlled chemical, controlled equipment or control led material namely:--

(a) a pharmacist, acting in accordance with the norms and standards of the pharmacy profession, in the ordinary course of compounding and dispensing preparation containing a drug of abuse for medical, scientific or related purposes;

(b) any person who holds a license issued under these rules to manufacture a preparation containing a drug of abuse of which a controlled substance is an essential ingredient, in the ordinary course of such manufacture; and

(c) any person engaged in the conduct of scientific education or research in a laboratory which is attached to a university or hospital, and whose activities are recognized by the Competent Authority, in the ordinary course of such education or research.

6. Registration of controlled chemical, equipment and material operators. An operator, who is required to be registered for the purposes of these rules in respect of the manufacture, import, export, acquisition supply or possession of any controlled chemical or item of controlled equipment or controlled material shall, before undertaking any such activity within ten working days from the day on which these rules come into force, intimate the Competent Authority in writing with the following particulars, namely:--

- (a) the full name, private and business address of the operator;
 - (b) the activity for which registration is sought;
 - (c) if the operator is a company, the full name and residential address of each director and of the company secretary;
 - (d) if the operator will engage in the activity, under a business name, that name;
 - (e) each controlled chemical or item of controlled equipment or material for which registration is sought;
 - (f) the address of each place where the controlled chemical or item of controlled equipment or material is to be stored;
 - (g) whether the person or if a company, any director or secretary of the company, has ever been convicted in Pakistan or elsewhere of an offence under Chapter II of the Act or any offence however described relating to trafficking in drugs, controlled chemicals, controlled equipment or controlled material; and
 - (h) such other particulars as the Competent Authority may require.
- (2) Subject to sub-rule (3), on receipt of a notification made in accordance with sub-rule (1), the Competent Authority shall register the operator, include particulars of the notification in the register, and give notice of registration to the operator.
- (3) The Competent Authority may refuse to register any operator and in case of a company, any director or secretary of the company as the case may be, who has ever been convicted of any offence referred to in clause (g) of sub-rule (1).

7. Requirements of licences and permits for drugs of abuse operators. Subject to sub-rule (2), no operator shall:--

- (a) cultivate any cannabis plant coca bush or opium poppy; or
 - (b) manufacture, acquire or supply any drug of abuse, except pursuant to and in accordance with the terms and conditions of a licence granted by the Competent Authority under rule 9.
- (2) Sub-rule (1) does not apply to professional supply by authorized persons pursuant to such-rule (1) of rule 23.
- (3) No operator shall import, export, bring into Pakistan in tansit, or redirect from Pakistan while in tansit, any drug of abuse, except pursuant to, and in accordance with any terms and conditions of: --

(a) a licence issued by the Competent Authority under rule 9 authorizing the applicant to carry out such activities in general; and

(b) a separate import permit, export permit, transit permit or redirection permit, as the case may be, authorizing the applicant to carry out the specific transaction the subject of the permit application.

(4) Nothing in sub-rule (2) shall apply in relation to any drug of abuse in transit by post or forming part of the medical stores of any ship or aircraft.

8. Application for operators licence. (1) An operator who is required by these rules to be licenced shall apply in writing to the Competent Authority for the grant of a licence and shall state:--

(a) the full name, private and business address of the applicant;

(b) each activity to which the application relates;

(c) if the applicant is a company, the full name and residential address of each director and secretary of the company;

(d) if the applicant proposes to engage in the activity under a business name, that name;

(e) the drug of abuse, controlled chemical or item of controlled equipment or controlled material to which the application relates;

(f) the address of each:

(i) place where the proposed activity would be carried out; and

(ii) premises where the drug of abuse, controlled chemical or item of controlled equipment or controlled material would be stored;

(g) the security arrangements that would be implemented at each address;

(h) the name; residential address and qualification of each person under whose supervision the activity would be carried out; and

(i) such other particulars as may be prescribed (e.g. volume estimates in the forthcoming year, and volume statistics for the past year; in the case of cultivation, e.g., the geographical location, land surface area, as well as the storage location, and ultimate destination of the harvest; and in the case of manufacturer the extraction, manufacturing and denaturing procedure to be used, name and quantities of the substances and raw materials to be used, estimates relating to each drug of abuse and preparation produced, etc.).

2. An application for licence shall be accompanied by:--

(a) a plan of each of the relevant premises, indicating where the drug of abuse, controlled chemical or item of controlled equipment or controlled material would be stored, and the location and nature of any security devices; and

(b) the prescribed fee.

9. Grant of licence. Where an application has been made in accordance with rule 8, the Competent Authority may grant a licence if it is satisfied that:--

- (a) the applicant and, if a company, each director and secretary of the company:--
 - (i) has never been convicted in Pakistan or elsewhere of any serious offence, or any offence, relating to a drug of abuse, controlled chemical or item of controlled equipment or controlled material; and
 - (ii) is otherwise a fit and proper person to hold a licence;
- (b) the applicant proposes to engage in the activity;
- (c) all places and premises at or in which the activity is to be undertaken are in fit condition and appropriate;
- (f) the security arrangements and devices proposed at each relevant place and premises are appropriate and sufficient;
- (e) the activity shall at all times be carried out under the supervision of a person who is a fit and proper person to carry out that supervision; and
- (f) where the activity relates to a drug of abuse, the activity shall be carried out exclusively for medical or scientific purposes.

10. Contents and conditions of licences. (1) A licence issued by the Competent Authority under rule 9 shall specify:--

- (a) the full name and address of the licensee;
- (b) each activity to which the licence relates;
- (c) the drug of abuse, controlled chemical or item of controlled equipment or controlled material to which the licence relates;
- (d) the address of each place and premises at which:--
 - (i) the licensed activity is to be carried out; and
 - (ii) the drug of abuse, controlled chemical or item of controlled equipment, controlled materials is to be stored;
- (e) such terms and conditions as are necessary and reasonable for ensuring the proper:?
 - (i) carrying out and supervision of the licensed activity;
 - (ii) establishment, maintenance and preservation of record relating to that activity;
 - (iii) reporting to the Competent Authority in relation to the carrying out of that activity;
 - (iv) maintenance and security of all places and premises at or in which the licensed activity will be carried out.

(f) in the case of an licence to import, export or bring to Pakistan in transit a drug of abuse, controlled chemical or item- of controlled equipment of controlled material, the condition that a separate import, export or transit permit be first obtained in relation to any such transaction before it takes place; and

(g) such other particulars as the Competent Authority may, by order in writing, require.

11. Applications for import, export or transit permits. (1) An application for an import, export or transit permit shall be made in writing to the Competent Authority specifying therein:-

(a) the full name and address of the importer, exporter, carrier, consignee and, if known, of any ultimate consignee;

(b) in the case of a proposed import, export or transit of a drug of abuse:-

(i) its international non-proprietary name or failing this, its name as listed in Schedule II or III, together with its trade name, if it has one; and

(ii) its pharmaceutical form;

(c) in the case of proposed import, export or transit of a controlled chemical, the name as specified in Schedule V and trade name;

(d) in the case of a proposed export of a drug of abuse, the intended point of entry in the foreign State of intended import;

(e) the quantity, mass and volume or per cent in mixture of any drug of abuse, controlled chemical or controlled material that is the subject of the proposed operation;

(f) a description quantity and type of any controlled equipment that is the subject operation;

(g) the date, or period within which, the planned import, export or transit is to take place;

(h) the planned transport route, if known, including the planned point of entry or exit from Pakistan; and

(i) in the case of a proposed import of a drug of abuse to a bonded warehouse, the identity and address of the warehouse.

(2) In the case of proposed export of a drug of abuse, the import permit, by whatever name described, issued by the Government of the foreign State of intended import shall be attached to the application for export permit.

12. Grant of import, export or transit permits. (1) The Competent Authority may, on written application made in accordance with rule 11 by a registered or licensed importer or licensed exporter, grant an import permit, export permit, or transit permit as the case may be, in relation to a specified import or export transaction involving a drug of abuse, controlled chemical or item of controlled equipment or controlled material.

(2) An import permit, export permit or transit permit granted under sub-rule (1) may allow import, export or transit in more than one consignment.

(3) The Competent Authority shall not grant an export permit in relation to any consignment of a drug of abuse to a bonded warehouse in a foreign State, unless the competent authority of that State has certified on the import permit referred to in sub-rule (2) of rule 11 that it has approved the import to a bonded warehouse.

(4) An import permit, export permit or transit permit shall specify:-

- (a) the full name and address of the registered or licensed operator to whom it is granted;
- (b) the name, including any international non-proprietary name and trade name, quantity and form of any drug of abuse controlled chemical or item of controlled equipment or controlled material for which it is granted;
- (c) in the case of an import permit:-
 - (i) the name and address of the exporter; and
 - (ii) whether the import is to be effected in a single consignment or more than one consignment.
- (d) in the case of an export permit:-
 - (i) the name and address of the immediate consignee, and if known, of the ultimate consignee;
 - (ii) the number and date of any required import permit, affirming that the import of the drug of abuse or preparation has been authorized;
 - (iii) the intended point of entry in the foreign State of import; and
 - (iv) if the export consignment is intended for a bonded warehouse and is not prohibited under sub-rule (3), that the consignment is to be so exported.
- (e) the period during which import or export is to be made;
- (f) in the case of an intended import to a bonded warehouse a term that:-
 - (i) any subsequent withdrawal from the bonded warehouse shall require a permit from the Competent Authority; and
 - (ii) if the withdrawal is intended for a foreign destination, a separate export permit shall be first obtained prior to export;
- (g) such terms and conditions as the Competent Authority may consider necessary and reasonable; and
- (h) such other particulars as the Competent Authority may, by order in writing, require.

13. Redirection permits. (1) The Competent Authority may, on production by a licensed operator of a valid import authorization issued by an authority in the foreign State to which it is proposed to redirect a drug of abuse or controlled chemical, issue a redirection permit in respect of the drug of abuse or controlled chemical in transit.

(2) A redirection permit shall specify:-

- (a) the full name and address of the registered or licensed operator to whom it is granted;
- (b) the name, including any international non-proprietary name and trade name, quantity and form of any drug of abuse, controlled chemical or item of controlled equipment or controlled material for which it is granted;
- (c) the name and address of the immediate consignee and if known, of the ultimate consignee;
- (d) the number and date of any required import permit affirming that the import of the drug of abuse or controlled chemical or item of controlled equipment or controlled material has been authorized;
- (e) the intended point of entry in the foreign State of import;
- (f) if the export consignment is intended for a bonded warehouse and is not prohibited under sub-rule (3), that the consignment is to be so exported;
- (g) the period during which import or export is to be made;
- (h) in the case of an intended import to a bonded warehouse, a term that:-
 - (i) any subsequent withdrawal from the bonded warehouse shall require a permit from the Competent Authority; and
 - (ii) if the withdrawal is intended for a foreign destination, a separate export permit shall be first obtained prior to export;
- (i) such terms and conditions as the Competent Authority may consider necessary and reasonable; and
- (ii) such other particulars as may be prescribed.

(3) The Competent Authority shall not issue a redirection permit under sub-rule (1) unless it is satisfied that the drug of abuse or controlled chemical is to be sent to the new country of destination in a lawful manner and for a proper purpose.

14. Permits in relation to first-aid kits. (1) The Competent Authority may, on written application made in the prescribed form, grant a permit to include a drug of abuse in a first-aid kit for medical use during international flights or voyages.

(2) A permit to include a drug of abuse in a first-aid kit shall specify:-

- (a) the full name and address of the authorized person;
- (b) the name and maximum quantity of the drug of abuse that may be kept in the first aid kit at any one time;
- (c) such terms and conditions as are necessary and reasonable to ensure the proper use and

usage keeping of the drug of abuse; and

(f) such other particulars as may be prescribed.

15. Permits in relation to programmes for medical and scientific purposes. (1) The Competent Authority may, on written application made in the prescribed form by a person, grant a permit to conduct a programme for scientific or strictly limited medical purposes that would require cultivation of:-

(a) a drug of abuse; or

(b) an analogue;

(2) An application to conduct such a programme shall specify:-

(A) the full name, address, academic, professional or other relevant qualifications of the applicant;

(B) the drug of abuse or analogue in relation to which the permit is sought;

(c) the strength and form in which the drug of abuse or analogue is to be used;

(d) the maximum quantity of the drug of abuse or analogue to be possessed at any one time, and the total quantity to be possessed during the period of the programme;

(e) details of the manner in which the drug of abuse or analogue would be used;

(f) the name and address of the place where the programme is to be conducted;

(g) the name and academic, professional or other relevant qualifications of any person other than the applicant, under whose supervision the programme would be conducted; and

(h) the security arrangements that would be undertaken while the drug of abuse or analogue is possessed, used or disposed of.

(3) An application to conduct such a programme shall be accompanied by:-

(a) a written description of the programme, including its estimated duration;

(b) in the case of a programme of research, a research protocol;

(c) in the case of a clinical trial, a clinical trial protocol; and

(d) a written statement approving the programme, signed by the person Incharge of the institution.

(4) The Competent Authority may authorize such a programme if satisfied that:-

(a) the programme cannot be carried out satisfactorily without the use of the specified drug of abuse or analogue;

(b) the programme is scientifically viable having regard to any relevant protocol;

- (c) the applicant is a fit and proper person to conduct the programme;
- (d) the programme will be adequately supervised; and
- (e) the programme is to be conducted at or under the auspices of a recognized institution.

(5) A permit shall specify:--

- (a) the full name and address of the authorized person;
- (b) the drug of abuse or analogue to which the permit relates;
- (c) the strength and form in which the drug of abuse or analogue may be used;
- (d) the maximum quantity of the drug of abuse or analogue that may be possessed at any one time, and the total quantity that may be possessed during the period of the programme;
- (e) the purpose for which the permit is granted;
- (f) the institution in relation to which the permit is granted;
- (g) such conditions as are necessary and reasonable for ensuring:
 - (i) the proper use and safe-keeping of the drug of abuse or analogue; and
 - (ii) that proper records are kept concerning its receipt, use and disposal;
- (h) the condition that such reports, as the Competent Authority may specify, are sent to him or her on the use of the drug of abuse or analogue in the programme, including particulars of the quantities acquired, used, disposed of and still hold; and
- (i) such other particulars as may be prescribed.

16. Open individual authorization for certain exports of controlled chemicals, etc. (1) Where an operator is required under rule 5, sub-rule (1) to hold an open individual authorization issued by the Competent Authority, the operator shall, before undertaking any activity for which the authorization is required/within ten days from the day on which these rules come into force, intimate the Competent Authority in writing of stating therein:-

- (a) the full name, private and business address of the operator;
- (b) the activity for which authorization is sought;
- (c) if the operator is a company, the full name and residential address of each director and secretary of the company;
- (d) if the operator engage in the activity under a business name, that name;
- (e) each controlled chemical or item of controlled equipment or material for which authorization is sought;

(f) details of the operator's commercial experience relevant to the controlled chemicals, equipment of materials concerned and of each person under whose supervision the activity will be carried out;

(g) details in summary form of export transactions in the relevant chemicals, equipment of materials during the preceding twelve months, specifying the country of export in relation to each chemical or item of equipment or material exported, the total quantities and total number of transactions involved; and

(h) such other particulars as may be prescribed.

(2) Subject to sub-rule (3), on receipt of an application made in accordance with sub-rule (1), the Competent Authority may :

(a) grant an open individual authorization; and

(b) subject the authorization to such terms and conditions as it thinks fit.

(3) The Competent Authority may refuse to grant the open individual authorization, if the operator, or if a company, any director or secretary of the company has ever.-

(a) failed to comply with a provision of these rules or any other law in Pakistan relating to an drug abuse, controlled chemical or item of controlled equipment or material; or

(b) been convicted in Pakistan or elsewhere of any serious offence of any offence relating to trafficking in drugs, or controlled chemicals, equipment or material.

17. Extended Authorization for Related Activities. Where a person is registered or licenced, or holds a permit or authorization under these rules in relation to any activity, the person shall, subject to these rules and to any terms and conditions of the licence, permit or authorization, be deemed to be entitled to possess the relevant drug of abuse, analogue, controlled chemical or item of controlled equipment or material for the purpose of that activity.

18. Duration of registration, licences, permits and open individual authorizations. (1) A registration or licence shall remain in force for a period of one year, unless earlier surrendered, suspended or revoked, and may successively renewed for a period of one year on application in writing, signed by the applicant and accompanied with the prescribed fee.

(2) A permit or open individual authorization shall only remain in force for such period as may be specified in it, which in the case of an import permit export permit or transit permit shall not exceed six months.

19. Duty of authorized persons to notify material changes, etc. (1) Where, in relation to any licence or permit granted to an person under these rules, a material change occurs in the:-

(a) name or address of the person, or in the case of a company, of any director or secretary of the company;

(b) address of the place or premises where:-

(i) the licensed or permitted activity is carried out; or

- (ii) any drug of abuse, controlled chemical or item of controlled equipment or material is stored;
- (c) raw materials, or manufacturing or denaturing processes used in the licenced manufacture of any drug of abuse;
- (d) security arrangements implemented at any relevant address;
- (e) identity of persons under whose supervision the licensed activity is carried out; or
- (f) planned transport route, including the planned point of entry or exit from Pakistan or any import, export or transit consignment for which a permit has been granted under sub-rule (1) of rule 12;

the person shall, within fourteen days of its occurrence, furnish the Competent Authority with a written notice containing full particulars of the change, and shall return to the Competent Authority any licence or permit issued under these rules.

(2) Where, in relation to any registration or open individual authorization granted to any person under these rules, a material change occurs in the:-

- (a) name or address of the person, or in the case of a company, of any director or secretary of the company; or
- (b) address of the place or premises where:-
 - (i) the registered or authorized activity is carried out; or
 - (ii) the controlled chemical, or item of controlled material or equipment is stored;

the person shall, within fourteen days of its occurrence, furnish with the Competent Authority with a written notice containing full particulars of the change.

20. Variation, suspension or revocation of registration, licences, permits or authorizations. (1) If, at any time after the grant of a licence, permit, registration or open individual authorization, it appears to the Competent Authority that:-

- (a) it was granted on the basis of information that was false or misleading in a material particular;
- (b) a material change of circumstances referred to in rule 19 has occurred since it was granted, whether notified under that rule or not;
- (c) a condition to which it was subject has not been complied with; or
- (d) the person has been charged or convicted of an offence against the rules, or of a serious offence,

the Competent Authority may as it thinks necessary and reasonable in all the circumstances to prevent the risk of unlawful diversion:-

- (i) impose conditions, or vary any existing conditions specified in the licence, permit or authorization, within twenty-eight days of the date of issue of a notice of

variation;

(ii) suspend the registration, licence, permit or authorization for such period as the Competent Authority deems fit; or

(iii) revoke the registration, licence, permit or authorization.

(2) Any person whose licence, permit or authorization is suspended or revoked under sub-rule (1) shall return it to the Competent Authority within two days after the Competent Authority notifies the person in writing of the revocation or suspension.

21. Duty of operators to check and notify suspicious orders and transactions. (1) Whenever an operator:-

(a) is registered, licenced, permitted or authorized under these rules;

(b) receives an order or becomes party to a transaction involving a drug of abuse, controlled chemical or item of controlled equipment or materials; and

(c) has reasonable grounds to suspect that information, which is concerning the order or transaction may be relevant to an offence provided in Chapter II of the Act, the operator shall, immediately after forming that suspicion, communicate to the Competent Authority the particulars of the suspicion, the basis of it, and such other information, if requested, as the person has in relation to the order or transaction.

22. Power to limit licensee's stocks. (1) On or before the 31' day of December each year, the Competent Authority shall, in the light of the prevailing market conditions determine the maximum quantities, if any, of each drug of abuse, controlled chemical, that each operator licensed under Chapter I of these rules may manufacture or stock for the normal conduct of its business during the following year.

(2) The Competent Authority may, at any time amend any quota determined under sub-rule (1), and shall promptly intimate each licensee in writing of the amended quota.

(3) The Competent Authority may, if satisfied that a person authorized to stock a drug of abuse holds a quantity in excess of the annual quota as revised in accordance with sub-rule (2), it may requisition the surplus quantity upon payment of an amount not less than the amount paid by the person to acquire it.

CHAPTER-4 PROFESSIONAL SUPPLY OF DRUGS OF ABUSE

23. Persons authorized to engage in professional supply of drugs of abuse. (1) No person shall engage in conduct that constitutes professional supply of any drug of abuse except:-

(a) a pharmacist, acting in accordance with the norms and standards of the pharmacy profession, who supplies to another person on prescription or on requisition, in the ordinary course of a pharmacy business;

(b) a person licenced under clause (b) of sub-rule (1) of rule 7; provided that such supply at all times takes place under the immediate supervision of a pharmacist;

(c) a practitioner who, in accordance with the norms and standards of his or her profession:-

(i) administers the drug directly to a patient or animal in the ordinary course of treatment;
or

(ii) supplies the drug to a patient or for an animal in the ordinary course of treatment from a place more than ten kilometers from the place of business of a pharmacist.

(2) Notwithstanding anything contained in sub-rule (1), where access to a practitioner is not reasonably possible by virtue of distance, the Competent Authority may authorize a licensed retail distributor to supply a drug of abuse without prescription, in exceptional cases for use by individuals in small quantities for exclusively medical purposes.

24. Prescriptions. No person shall prescribe a drug of abuse, unless that person is:-

(a) a medical practitioner, who prescribes the drug of abuse in the ordinary course of treatment of another person's physical or mental condition;

(b) a dentist, who prescribes the drug of abuse in the ordinary course of treatment of another person's mental condition;

(c) a veterinary surgeon, who prescribes the drug of abuse in the ordinary course of treatment of an animal; or

(d) a person or class of persons which the Competent Authority may authorize, from time to time, for the purposes of these rules to prescribe certain drugs of abuse in places where access to a practitioner is not reasonably possible.

(2) A person referred to in sub-rule (1) shall not except in:-

(a) a medical emergency; or

(b) in the ordinary course of treatment;

prescribe a drug of abuse to a person who, he has reason to believe, may be a drug dependent person, without the prior written approval of the Competent Authority.

(3) Subject to sub-rule (4), a prescription for a drug of abuse shall:-

(a) be on a form prescribed by the Competent Authority;

(b) be legible;

(c) be written in terms and symbols used in ordinary professional practice;

(d) specify the name, address, qualifications and registration number of the prescribing practitioner;

(e) specify the date on which it is issued if different from the date on which it was signed, and the period during which it may be filled;

- (f) specify the name and address of the patient, or the owner of the animal being treated, as the case may be;
- (g) specify the name, quantity, form and strength of the drug of abuse;
- (h) specify the number of times up to a maximum of the three time, the drug of abuse may be refilled and, if more than once, than the interval to elapse between dispensing;
- (i) if the prescription is for an unusual or dangerous dose, it shall bear the initials of the prescribing practitioner beside an underlined reference to the dose;
- (j) if the prescription is issued by a veterinary surgeon:-
- (i) be endorsed as being for the treatment of an animal;
 - (ii) specify the name and address of the owner or caretaker of the animal;
 - (iii) specify the species of animal;
 - (iv) specify means of identifying the animal; and
- (k) be signed with date by the prescribing practitioner.

(4) Where the need for treatment is urgent, a prescription may be given orally and acted upon; provided that is confirmed by a written prescription within twenty-four hours.

25. Requisitions in an institution for purpose of treatment. (1) No person shall issue a requisition for a drug of abuse unless the person is:--

- (a) a pharmacist in a dispensary in an institution;
- (b) a practitioner practising in an institution; or
- (c) a person in charge of a ward in an institution.

(2) A person shall not supply a drug of abuse against a requisition, except to a person referred to in sub-rule (1), at an institution for the treatment of a person therein.

(3) Subject to sub-rule (4), a requisition for a drug of abuse shall:-

- (a) be legible;
- (b) specify the name of the person issuing it and the capacity in which he or she issues it;
- (c) specify the name, quantity, form and strength of the drug of abuse;
- (d) specify the ward or dispensary where the drug is required;
- (e) be signed with date by the person issuing it; and
- (f) be countersigned by either the pharmacist who is to supply the drug of abuse, or a medical practitioner.

(4) Where the need for the drug of abuse is urgent, a requisition may be given orally and acted upon; provided that, it is confirmed by a written requisition within twenty-four hours.

CHAPTER-5

COMMERCIAL DOCUMENTATION AND LABELLING, RECORDS AND SECURITY

26. Commercial documents. Any commercial document, such as an invoice, cargo manifest or a customs, transport and other shipping document, relating to any transaction by an operator involving a drug of abuse, controlled chemical or item of controlled equipment, shall include:--

(a) the name and quantity of the drug of abuse, controlled chemical or item of controlled equipment as specified in the relevant Schedule; and

(b) in the case of any import or export, the name and address of the exporter, the importer and, where known, the consignee.

27. Forwarding of import permit in advance to proposed foreign exporter. Where the Competent Authority issues an import permit under these rules to an operator, the operator shall, as soon as possible but no later than five working days after its receipt forward the permit to the exporter named in the permit.

28. Export permits to be attached to consignments. Where the Competent Authority issues an export permit under these rules to an operator, the operator shall attach an authenticated copy of the permit to each consignment on export.

29. Endorsement and return of export permits following import. After an imported consignment has entered Pakistan or when the period stipulated in the import permit expires, the Competent Authority shall cause the export permit issued by the Competent Authority of the exporting country or territory to be returned to that authority, with an endorsement specifying the quantity of each drug of abuse or controlled chemical, equipment or material actually imported.

30. Forwarding of redirection permits, etc. (1) Where a redirection permit is issued under sub-rule (1) of rule 13:--

(a) one copy shall accompany the drug of abuse or controlled chemical when it is exported from Pakistan; and

(b) the Competent Authority shall cause another copy of the redirection permit to be sent forthwith, upon issue to the authority in the foreign country to which the consignment has been redirected.

(2) Upon the issue of a redirection permit, any person holding the export permit or redirection permit accompanying the drug or chemical, on its arrival in Pakistan shall remit it to the Competent Authority who shall return it to the Competent Authority issuing it together with:--

(a) a notice of the name of the foreign country to which the consignment has been redirected; and

(b) an endorsement specifying the quantity of each drug of abuse or controlled chemical, equipment or material actually imported.

31. Liability to forfeiture of improperly or undocumented consignments. (1) A consignment of a drug of abuse or controlled chemical, equipment or material is liable to forfeiture if:-

(a) it is accompanied by an export permit or redirection permit, and there are reasonable grounds to believe that the permit is false, or has been obtained by fraud or wilful misrepresentation of a material particular;

(b) there are reasonable grounds to believe that any import permit relating to it is false; or

(c) in the case of a consignment of a drug of abuse, it is not accompanied by any export or redirection permit.

(2) Where the Competent Authority is satisfied that any consignment referred to in sub-rule (1) is legitimate, the consignment shall be released forthwith to the person lawfully entitled to it.

32. Restriction for further import permit. If an import permit has already been issued, to an operator for a specific drug of abuse, controlled chemical, equipment and material, no further import permit for the same shall be issued to the same person unless the items covered by the earlier, permit have been actually imported and report regarding its import has been sent to the Competent Authority.

33. Importation or exportation by post. (1) All permits issued under these rules shall, save where import or export is authorized by post, be prominently marked 'NOT AVAILABLE BY POSTS'.

(2) Save as provided in sub-rule (3), the medium of the post office shall not be used for import into, or export from, Pakistan by sea or by land, of any drug of abuse, or controlled chemicals, equipment and material.

(3) Where any drug of abuse, or controlled chemicals, equipment and material is to be imported or exported in accordance with these rules by air for urgent reasons, the import or export permit may be marked "AVAILABLE BY PARCEL BY AIR".

34. Disposal of export authorization issued by foreign authority. When the importation of a drug of abuse, or controlled chemicals, equipment and material has been effected or when the period fixed for importation has expired, the importer shall submit to the Competent Authority the export authorization, on the basis of which the import permit was granted to him, and thereon the Competent Authority shall return the authorization with endorsement to the effect that the quantity of the drug as specified in the endorsement has actually been imported, or, as the case may be, that the said period has expired.

35. Quantity actually exported. If a lesser quantity, than that specified in an export permit, is actually exported, the quantity actually exported shall be stated by the Customs authorities on the export permit and on any official copy thereof.

36. Trans-shipment. (1) Subject to the provisions of section 72 of the Act and these rules, no drug of abuse, or controlled chemicals, equipment and material, as specified in the schedules of these rules, shall be transshipped at any port save with the permission of the Collector of Customs.

(2) The Collector of Customs shall not grant the permission, referred to in sub-rule (1), save under the special order in writing of the Competent Authority in each case, unless:

(a) the country from which the drugs or substances have been shifted and country to which the drugs or the substances are consigned are signatories to and have ratified the

UN Conventions of 1961, 1971 and 1988, on Narcotics Drugs/Psychotropic Substances; and

(b) the drug are covered by an export authorization or a diversion certificate granted in accordance with Article 31 of the Single Convention on Narcotics Drugs 1961 by or under the authority of the Government of the country from which they have been shipped and such authorization or certificate is produced for inspection of the Collector of Customs in accordance with the said Article 31.

37. Processing or alteration or packing. No consignment of drug of abuse, or controlled chemicals, equipment and material while in transit or while stored in a bounded warehouse, shall be subjected to any process which would change the nature of the drugs, nor shall the packing of any such consignment be altered without the permission, in writing, of the Competent Authority.

38. Drugs of abuse registers. (1) The following persons shall keep, or cause to be kept, at a place where any drug of abuse is kept, a register in the manner determined, from time to time, by the Competent Authority namely:--

- (a) any person granted registration, or a licence or a permit under these rules in relation to any drug of abuse;
- (b) any person authorized under these rules to issue a prescription or requisition for a drug of abuse, or to supply such a drug by retail;
- (c) any pharmacist, including a pharmacist responsible for the supervision of all other pharmacists employed in a hospital or other institution for medical treatment or care; and
- (d) any duly qualified person, for the time being, in-charge of ward or other area of an institution in which any drug of abuse is administered.

(2) A person required by sub-rule (1) to keep, or cause to be kept, a register in relation to any drug of abuse, shall within twenty-four hours of any import, export, manufacture, administration, supply, acquisition, disposal or return of such drug enter or cause to be entered in the register:-

- (a) the date of the import, export, manufacture, administration, supply, acquisition, disposal or return;
- (b) the name, quantity, dosage, form and strength of the drug, imported, exported, manufactured, administered, supplied, acquired, disposed of or returned;
- (c) the name and occupational or business address of the person to or from whom the drug was imported, exported, supplied or acquired;
- (d) in case of export or supply, the quantity of the drug, if any, still kept;
- (e) in case of supply on prescription for the purpose of treatment, or of administration of a drug of abuse for that purpose:-
 - (i) the name and address of the person who prescribed the drug or ordered its administration;
 - (ii) the name and residential address of the person for whom or to whom the drug was supplied or administered, or where prescribed or administered to an animal, the

name of the person having custody of the animal at the time;

(iii) the name and residential address of the patient to whom the drug was prescribed, if different from the person referred to in sub-clause (ii); and

(iv) where applicable, the name and address of any person other than the treating practitioner who administered the drug, the time of administration, and particulars sufficient to identify any animal for whose treatment the drug was administered or prescribed or supplied on prescription;

(f) in the case of supply on requisition in an institution, details of the dispensary, ward or other place to which the drug was supplied;

(g) in the case of return, the name of the person to whom the drug was returned; and

(h) in the case of disposal:-

(i) the method of disposal; and

(ii) the signature, name and designation of the person responsible for the disposal, and of at least one witness to the disposal.

(3) A person who makes an entry in a drugs register shall sign the entry, with date.

(4) A person may, in the presence of a witness, correct, by notation, a mistake in an entry in a drugs register, provided the person making the correction makes, signs and dates the notation, and the witness countersigns the notation.

(5) Any person who:

(a) delivers a drug of abuse to a ward or other area of an institution; or

(b) in the ordinary course of duties in a medical, dental or veterinary practice, or in a ward or other area of an institution, witnesses the administration of that drug,

shall countersign the relevant entry in the drugs register.

(6) Any person required by these rules; to keep a drugs of abuse register shall, subject to any written direction to the said person by the Competent Authority, retain possession of the register and all prescriptions, requisitions and commercial documents relating to entries therein for three years after the date of the last entry in the register.

39. Controlled chemicals, equipment and materials registers. (1) Any person granted registration, licence, permit or open individual authorization under these rules in relation to any controlled chemical or item of controlled equipment or material shall keep, or cause to be kept, at a place where any such chemical or item is kept by that person, a register in accordance with the form prescribed from time to time by the Competent Authority.

(2) Any person required under sub-rule (1) to keep and maintain a register in relation to any controlled chemical or item of controlled equipment or material, shall, within twenty-four hours of any import, export, manufacture, supply, acquisition or disposal by that person of any such chemical or item, enter or cause to be entered in such register:--

- (a) the date of the import, export, manufacture, supply, acquisition or disposal;
- (b) the name of the chemical equipment or material, and the quantity involved;
- (c) in the case of a controlled chemical, its form and strength;
- (d) in the case of disposal, the method of disposal; and
- (e) in the case of import, export, acquisition or supply, the name and occupational or business address of the person to, or from whom the chemical has been acquired, documents shall be kept for at least three years after the end of the calendar year of the last entry in the register.

(3) Any register required to be kept under sub-rule (1), and all commercial documents relating to entries therein such as orders, invoices, dispatch notes, cargo manifests or customs or other shipping documents shall be kept for at least three years after the end of the calendar year of the last entry in the register.

40. False or misleading entries in registers and records. Any person required to keep a register or other record under these rules shall not:-

- (a) make, or cause or permit to be made, an entry which is, to the knowledge of that person a false or misleading in any material particular; or
- (b) cancel, obliterate or alter any entry, except to correct an error in accordance with sub-rule (4) of rule 38.

41. Duty to report and record loss, destruction or discrepancies in registers. Any person, required to keep a register under these rules, shall forthwith: -

- (a) report the loss or destruction of the register, or of the whole or any part of the contents of the register; or
- (b) record any discrepancy in the register, other than a mistaken entry and shall report to the Competent Authority in writing accordingly.

42. Safe keeping of drugs of abuse. (1) Any person authorized:--

- (a) to import, export, manufacture, administer, supply or acquire a drug of abuse or controlled chemical accordance with these rules; or
- (b) to engage in professional supply in accordance with rule 23,

shall, while the drug or chemical is in the person's custody or control, keep it or cause it to be kept in vault, safe or other prescribed secure storage;

(2) A person, referred to in sub-rule (1), shall take such measures as the Competent Authority may direct, in writing, to ensure that no unauthorized person has:-

- (a) access to the combination, key or other means of access to any secure receptacle containing a drug of abuse or controlled chemical; or

(b) the drug or chemical contained therein.

43. Duties where there is loss or theft of a drug of abuse or controlled chemical. Any person authorized:--

(a) to import, export, manufacture, administer, supply or acquire a drug, of abuse or controlled chemical in accordance with these rules; or

(b) to engage in professional supply in accordance with rule 23;

shall, immediately upon becoming aware of the loss or theft of any quantity of the drug or chemical in the person's custody or control shall:-

(i) if the person believes on reasonable grounds that the drug or chemical has been stolen, he shall immediately inform an Inspector and an authorized officer orally, and report the matter in writing within twenty-four hours;

(ii) in the case of loss, give a written report of the circumstances of the loss to an Inspector; and

(iii) record relevant particulars of the loss of theft in the register.

CHAPTER 6

INSPECTION FOR COMPLIANCE

44. Appointment of Inspectors. (1) The Competent Authority may, by notification in the official Gazette, appoint any person to be an Inspector for the purposes of the rules.

(2) An Inspector shall perform such duties for the purposes of the rules as the Competent Authority may direct.

(3) The Competent Authority shall cause to be issued to an Inspector an identity card which states the name and appointment of the Inspector and on which shall appear a recent photograph of the Inspector.

45. Inspection of authorized premises and operations. A person who is registered, or holds a licence or permit issued under these rules shall, when required to do so in writing by an Inspector, provide the Inspector with a statement in writing, signed and dated by the person, accounting for each drug of abuse, controlled chemical or item of controlled equipment or material in possession of the authorized person at any time since the grant of the registration, licence, or permit, as the case may be.

46. Powers of Inspectors. (1) A person appointed as an Inspector by the Competent Authority pursuant to rule 44 may, at any time during ordinary business or professional hours, with such assistance and by such force as is necessary and reasonable, enter any premises or place at which any activity is carried out by any person who has been:-

(a) granted a registration, licence or permit under these rules; or

(b) authorized in accordance with rule 23 to engage in professional supply.

(2) Subject to rule 47, an Inspector who enters any premises or place pursuant to sub-rule (1) may:-

- (a) require the occupier of the premises to supply his or her name and address;
 - (b) inspect the premises or place in order to ascertain whether or not the rules or terms or conditions of any licence or permit granted pursuant to the rules has been or is being complied with;
 - (c) examine any label, advertising material, register, record, book, electronic data or other document therein relating to any drug of abuse, controlled chemical or item of controlled equipment or material;
 - (d) make an extract therefrom or take a copy thereof, and require from any person an explanation of an entry in any such register, record or document;
 - (e) open and examine any receptacle or package found in that place in which a drug of abuse, analogue, controlled chemical or item of controlled equipment may be found;
 - (f) examine any thing found in that place that is used or may be capable of being used for the manufacture, packaging or storage of a drug of abuse, analogue, controlled chemical or item of controlled equipment or material;
 - (g) use or cause to be used any computer system at that place to examine any electronic data referred to in clause (c) or (f), and reproduce any document from any such data or cause it to be reproduced in the form of a print out or other output;
 - (h) take anything referred to in clause (c) or (f) for examination or copying;
 - (i) use or cause to be used any copying equipment at that place to make copies of any document;
 - (j) examine a substance found in that place and take, for the purpose of analysis, such samples thereof as are reasonably required;
 - (k) seize and detain anything, which in the opinion of the Inspector, is connected with or may provide proof of a contravention of the rules or a term or condition of any licence or permit granted under the rules and which the Inspector believes on reasonable grounds is necessary for the purpose of ensuring compliance with the rules or the regulations.
- (3) Where an Inspector seizes and detains any substance suspected to be a drug of abuse, analogue, controlled chemical or item of controlled equipment or material, he may, at his discretion, be kept or stored at the place from where it was seized or be removed to any other proper place.
- (4) Where an Inspector determines that for the purpose of ensuring compliance with these rules, it is no longer necessary to detain a substance suspected to be a drug of abuse, controlled chemical or item of controlled equipment or material under clauses (j), (k) of sub-rule (2), the Inspector shall notify in writing to the owner or other person incharge of the place where it was detained of that determination and, on being issued a receipt therefor shall return the substance to that person.
- (5) Where in the ordinary course of duty, an Inspector becomes aware of a possible offence against the Act, he or she shall immediately report that fact to the Anti-Narcotics Force and provide such further lawful assistance as may be reasonable or necessary for the purpose of any investigation or proceeding relating to that possible offence.

47. Inspectors to produce authority. (1) An Inspector exercising any powers conferred under rule 46 shall produce his or her identity card issued under sub-rule (3) of rule 44 to the person in charge of any place in which the Inspector entered in pursuance of the rules for the purposes of inspection.

(2) An Inspector who enters premises in accordance with these rules is not authorized to remain on the premises, if, on request by or on behalf of the occupier of the premises, the Inspector does not produce the identity card issued under sub-rule (3) of rule 44, any person on the premises is not obliged to comply with that order of the Inspector.

48. Obstruction of Inspectors, etc. No person shall, without reasonable excuse, by an act or omission:-

(a) obstruct or hinder an Inspector in the exercise of the powers or performance of the duties of the Inspector under these rules or regulations; or

(b) refuse or fail to comply with a reasonable request of an Inspector who has entered any premises in accordance with these rules.

CHAPTER 7

MISCELLANEOUS

49. Repeal and savings. (1) The Dangerous Drugs (Import, Export and Trans-shipment) Rules, 1967, are hereby repealed.

(2) The repeal of the rules referred to in sub-rule (1) shall not affect anything done or action taken or penalty incurred under the said rule or any investigation or legal proceeding in respect of such penalty; and any such investigation or legal proceeding may be instituted, continued or enforced and any such penalty may be imposed as if these rules had not been made.

50. Supply of data to Anti-Narcotics Force. The Competent Authorities designated under these rules shall arrange to supply on regular basis all relevant data on the registration/licensing of various operators, issuance of import/export/transit/redirection and other relevant permits under these rules to the Anti-Narcotics Force, in order to meet Federal Government's obligations under UN Conventions of 1961, 1971 and 1988 on Narcotics Drug and Psychotropic substances regarding supply of relevant data to the international agencies like INCB, UNDCP and Interpol.

SCHEDULE I

[See clause (XXX) of rule-21]

PROHIBITED

This Schedule includes:-

(i) the following substances, designated by their international non-proprietary names or the names used in the international conventions in force;

(ii) their isomers, unless specifically excepted, whenever the existence/of/such isomers is possible within the specific chemical/designation;

(iii) their esters and ethers, unless specifically excepted, whenever/the/existences of such esters and ethers is possible;

(iv) their salts, including the salts of esters, ethers and isomers/ whenever the existence of such salts is possible;

(v) preparations of these substances, unless exempted by law.

(FROM SCHEDULE IV OF THE CONVENTION ON NARCOTIC DRUGS, 1961)

Acetorphine	Acetyl-alpha-methyl-	Methyl-3fentanyl
Cannabis and	Fentanyl	Methyl-3 ?thio
Cannabis resin	Alphacetylmethadol	fentanyl
Desomorphine	Alpha-methylfentanyl	MPPP
Etorphine	Beta-hydroxyfentanyl	Para-fluorofentanyl
Heroin	Beta-hydroxy-methyl-3-	PEPAP
Ketobemidone	Fentanyl	Thiofentanyl

(FROM SCHEDULE I OF THE CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971)

Brolamphetamine	Etryptamine	Parahexyl
Cathinone	(+)-Lysergide	PMA
DET	MDA	Psilocine, psilotsin
DMA	Mescaline	Psilocybine
DMHP	Metheathinone	Rolicyclidine
DMT	Methyl-4 aminorex	STP, DOM
DOET	MMDA	Tenamphetamine
Eticyctidine	MDMA	Tenocyclidine
	N-ethyl MDA	Tetrahydrocannabmol
	N-hydroxy MDA	T M A A

SCHEDULE-II

[See clause (XVI) of rule 2]

HIGH RISK DRUGS OF ABUSE

(From Schedule I of the Convention on Narcotic Drugs 1961)

Acetylmethadol	Ethylmethyl-	Normorphine
Alfentanil	thiambutene	Norpipanone

Allylprodune	Etonitazene	Opium
Alphameprodine	Etoxeridine	Oxycodone
Alphamethadol	Fentanyl	Oxymorphone
Adphamethylthio-	Furethidine	Pethidine
Fentanyl	Hydrocodone	Pethidine
Alphaprodine	Hydromorphinol	intermediate A
Anileridine	Hydromorphone	(4-cyano-i-methyyl-)
Benzethidine	Hydroxypethidine	4-phenyl-piperidine)
Benzylmorphine	Isomethadone	Pethidine
Betacetyl methadol	Levomethorphan	intermediate B
Betameprodine	Levomoramide	(4-phenylpiperidine-4-
Betamethadol	Levophenacymorphan	carboxylic acid
Betaprodine	Levorphanol	ethyl ester)
Bezitramide	Metazocine	Pethidine
Clonitazene	Methadone	intermediate C
Coca (leaf)	Methadone intermediate	(1-methyl-4-
Cocaine	(4-cyano-2-dimethyl-	phenylpiperidine
Codoxime	amino-4, 4-diphenyl	4-carboxylic acid)
Concentrate of poppy	butane)	Phenadoxone
straw	Methyldesorphine	Phenampromide
Dextomoramide	Methyldihydromorphine	Phenazocine
Diampromide	Metopon	Phenomorphin
Diethylthinambutene	Moramide	Phenoperidine
Difenoxin	Morphine	Piritramide
Dihydromorphine	Morphine	Piritramide
Dimenoxadol	Morphine methobromide	Proheptazine
Dimepheptanol	and other pentavalent	Properidine
Dimethylthiambutene	nitrogen morphine	Recemethorphan

Dioxaphetyl butyrate	derivatives	Racemoramide
Diphenoxylate	Morphine-N-oxide	Racemorphan
Dipipanone	Mkypophine	Sufentanil
Drotebanol	Nicomorphine	Thebacon
Ecgonine	Noracymethadol	Thebaine????????? .
its esters and	Norlevorphanol	Tilidine
derivatives	Normethadone	Trimeperidine

(From Schedule II of the Convention on Narcotic Drugs, 1961)

Acetyldihydrocodeine	Ethylmorphine	Pholcodine
Codeine	Nicodicodine	Propiram
Dextropropoxyphene	Nicocodine	
Dihydrocodeine	Norcodeine	

(From Schedule II of the Convention on Psychotropic Substances, 1971)

Amphetamine	Methamphetamine	Phenmetrazine
Dexamphetamine	Methamphetamine racemate	Secobarbital
Fenetylline	Methaqualone	Zipeprol
Levamphetamine	Methylphenidate	
Mecloqualone??	Phencyclidine	

SCHEDULE-III

[See clause (XXXIII) of rule 2]

RISK DRUGS OF ABUSE

SCHEDULE-III

of the Convention of Psychotropic Substances, 1971

Amobarbital	Cathine	Pentazocine
Buprenorphine	Cyclobarbital	Pentobarbital

Butalbital	Glutethimide	Flunitrazepam
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SCHEDULE-IV

of the Convention on Psychotropic Substances, 1971

Allobarbital	Ethinamate	Methylprylon
Alprazolam	Ethyl lofazepate	Midazolam
Aminorex	Etilamphetamine	Nimetazepam
Amphetamine	Fencamfamin	Nitrazepam
Barbital	Fenproporex	Nordazepam
Benzphetamine	Fludiazepam	Oxazepam
Bromazepam	Flurazepam	Oxazolam
Brotizolam	Halazepam	Pemoline
Butobarbital	Haloxazolam	Phendimetrazine
Camazepam	Ketazolam	Phenobarbital
Chlordiazepoxide	Lefetamine	Phentermine
Clobazam	Loprazolam	Pinazepam
Clonazepam	Lorazepam	Piptadrol
Clozapate	Lormetazepam	Prazepam
Clothiazepam	Mazindol	Pyrovalerone
Clonazolam	Meazepam Mefenorex	Secbutabarbital
Delorazepam	Meprobamate	Temazepam
Diazepam	Mesocarb	????????? Tetrazepam
Estazolam	Methylpheno-barbital	Triazolam
Ethchlorvynol		Vinylbital

SCHEDULE-IV

[See clause (XXXVII of rule 2)]

TOXIC CHEMICAL INHALANTS

SCHEDULE-V

CONTROLLED CHEMICALS

This schedule includes:-

- (i) the following substances, designated by their international non-proprietary names or the names used in the international conventions in force;

(ii) the salts of these substances, whenever the existence of such salts is possible, with the exception of sulphuric acid and hydrochloric acid.

DIVISION I

(Table I of 1988 Convention)

Ephdrine	N-acetylanthranilic acid
Ergometrine	Isosafrole
Ergotamine	3,4 methylenedioxyphenyl
Lysergic Acid	2 Propanone
4-Phenyl-2-Propanone	Piperonal
Pseudoephedrine	Safrole

DIVISION II

(Table II of the 1988 Convention)

Acetic anhydride	Hydrochloric acid
Acetone	Methyl ethyl
Anthranilic acid	Ketone
Ethyl ether	Potassium permanganate
phenyl acetic acid	Sulphuric acid
Piperdine	Toluene

SCHEDULE VI

[See clauses (VI) and (VII) of rule 2]

DIVISION-I CONTROLLED EQUIPMENT

Encapsulating machines

Tabletting machines

Rotary evaporators

Laboratory equipment with a capacity for large volume production (e.g. round bottom flasks of 25 liters or above and related condensers, separating funnels and heating apparatus)

DIVISION-2 CONTROLLED MATERIAL

Gelatin capsules

[eg glucose, lactose, phenolphthalein]

[prescribed bulking agents eg magnesium stearate, calcium oxide ("talc")] [colouring materials or food dyes]

Annexure -I

Annexure - II

Annexure - III

Annexure - IV
Annexure - V
Annexure - VI
Annexure - VII
Annexure - VIII
Annexure - IX

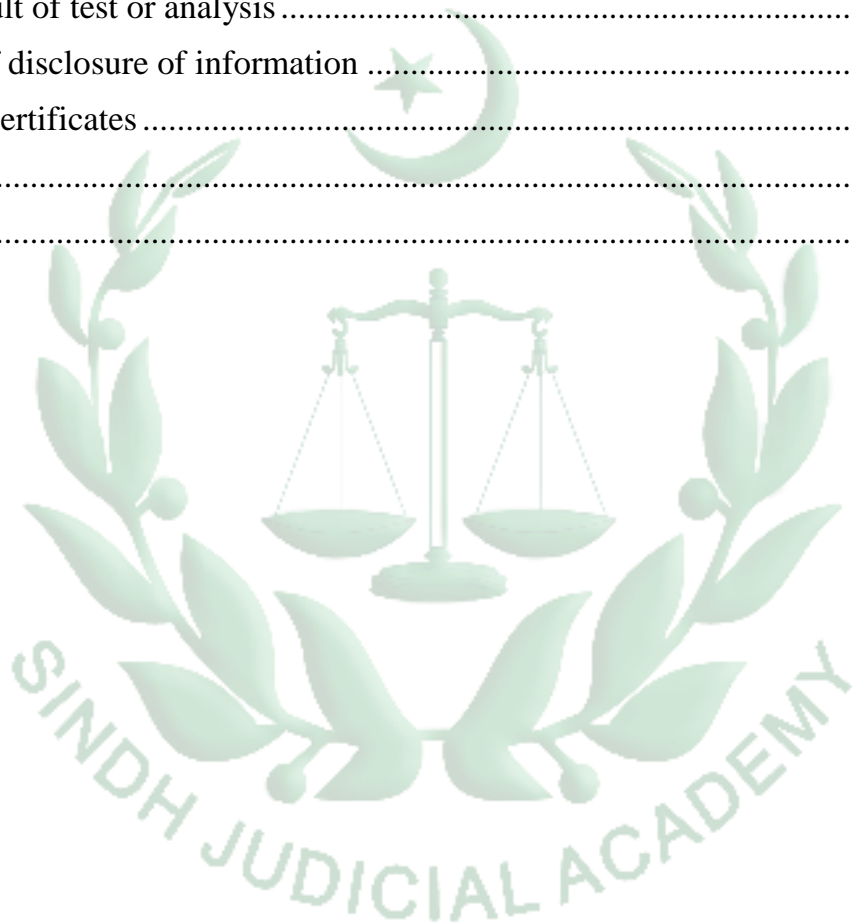
Note: For Annexure please see Gazette of Pakistan, Extraordinary, Part II, Pages No. 2775 to 2797, dated 28-11-2001.



**CONTROL OF NARCOTIC SUBSTANCES (GOVERNMENT ANALYSTS)
RULES, 2001**

Contents

1. Short title and commencement	86
2. Definitions	86
3. Qualification of Government Analyst	86
4. Despatch of sample for test or analysts	86
5. Receipt in the laboratory and examination of sample with reference to Test Memorandum	86
6. Report of result of test or analysis	87
7. Prohibition of disclosure of information	87
8. Signature of certificates	87
FORM-I	87
FORM II	87



CONTROL OF NARCOTIC SUBSTANCES (GOVERNMENT ANALYSTS) RULES, 2001

[Gazette of Pakistan, Extraordinary, Part II, Pages No. 2813-2816, November 28, 2001]

S.R.O. 810 (I)/2001. In exercise of the powers conferred by section 77 of the Control of Narcotic Substances Act, 1997 (XXV of 1997), read with sections 35 and 36 thereof, the Federal Government is pleased to make the following rules, namely:--

1. Short title and commencement. (1) These rules may be called the Control of Narcotic Substances (Government Analysts) Rules, 2001.

(2) They shall come into force at once.

2. Definitions. In these rules, unless there is anything repugnant in the subject or context:--

(a) "Act" means the Control of Narcotic Substances Act, 1997 (XXV of 1997);

(b) "form" means a form set forth in the schedule;

(c) "Government Analyst" means a Federal Government Analyst or a Provincial Government Analyst appointed under section 35 of the Act; and

(d) "section" means, a section of the Act.

3. Qualification of Government Analyst. (1) A Government Analyst shall be a person who has a degree in Pharmacy or Pharmaceutical Chemistry or Medicine from a recognized University or of any other institution recognized by the Federal Government for this purpose and has not less than three years postgraduate experience in the test and analysis of drugs.

4. Despatch of sample for test or analysts. (1) Reasonable quantity of samples from the narcotic drugs, psychotropic substances or the controlled substances seized, shall be drawn on the spot of recovery and despatched to the officer-in-charge of nearest Federal Narcotic Testing Laboratory, depending upon the availability for test facilities, either by insured post or through special messenger duly authorized for the purpose.

(2) Samples may be despatched for analysis under the cover of a Test Memorandum specified in Form-I at the earliest, but not later than seventy-two hours of the seizure. The envelope should be sealed and marked "Secret Drug Sample/Test Memorandum".

5. Receipt in the laboratory and examination of sample with reference to Test Memorandum. (1) The sealed envelope, containing the samples, received in the laboratory should be carefully opened and given a distinct laboratory number.

(2) A separate register be maintained for narcotic drugs which may be further subdivided agency-wise and the laboratory numbers should form a continuous series for each year.

(3) All samples shall be passed to the analyst the same day, who will then keep the same in his safe custody and will examine and record its, or their, weight in the Test Memorandum. He will compare the markings on the Test Memorandums with the markings on the packages envelopes and will ensure that the test the relevant sample, and in no case; the analysis of a narcotic drug be delayed as the Courts may refuse to extend remand beyond fifteen days in the absence of a chemical report.

6. Report of result of test or analysis. After test or analysis the result thereof together with full protocols of the test applied, shall be signed in quadruplicate and supplied forthwith to the sender as specified in Form-II.

7. Prohibition of disclosure of information. Except for the purpose of official business or when required by a Court of Law, the Government Analyst shall not disclose to any person any information acquired by him in the course of his official duties.

8. Signature of certificates. All such certificates or reports issued under rule 6 above shall be signed by the Government Analyst or the officer-in-charge of the laboratory or by any other officer authorized by the Federal Government, by notification in the official Gazette, to sign such certificates.

FORM-I

(See rule 5)

MEMORANDUM FOR THE FEDERAL NARCOTICS TESTING LABORATORY

Serial No???????.???????

Form?????????????????

To the Officer Incharge, Federal Narcotics Testing Laboratory?????.???

I send herewith, under the provisions of section 35 of the CNS Act, 1997, sample(s) of a narcotic drug purporting to be????for test or analysis and request that a report for the result of the test or analysis may be supplied at the earliest.

The other details are as under:-

1. Description and drug and the weight of the sample(s).
2. Date and place of seizure
3. Date of drawal and despatch of sample.
4. No. of samples and marking on each of them for identification.
5. Description and number of seals put on sample.

Dated.....

Name and Signature
of forwarding officer

FORM II

(See rule 6)

**CERTIFICATIONS OF TEST OR ANALYSIS BY FEDERAL NARCOTIC TESTING
LABORATORY GOVERNMENT ANALYST**

1. Certified that the sample bearing on?????.purporting to be sample of received on?????. with memorandum?????. No?????.dated?????.fromhas been tested/analyzed and the result of each test/analysis is stated below:
2. The condition of the seal on the packet on receipt was as follows: Satisfactory/Unsatisfactory/None.
3. In the opinion of the undersigned the sample is ?????..as defined in the section 2 of the CNS Act, 1997.

4. DETAILS OF THE RESULTS OF TESTS/ANALYSIS:

Sample No????????????????????????????????

Gross Wt: ?????????????????? Net Wt: ??????????.????????

F.I.R. No. ??????????????.. ?Dated: ?????????????????

Accused????????????????????????????????..????????

?

Physical Examination: ?????????????????????????..????????

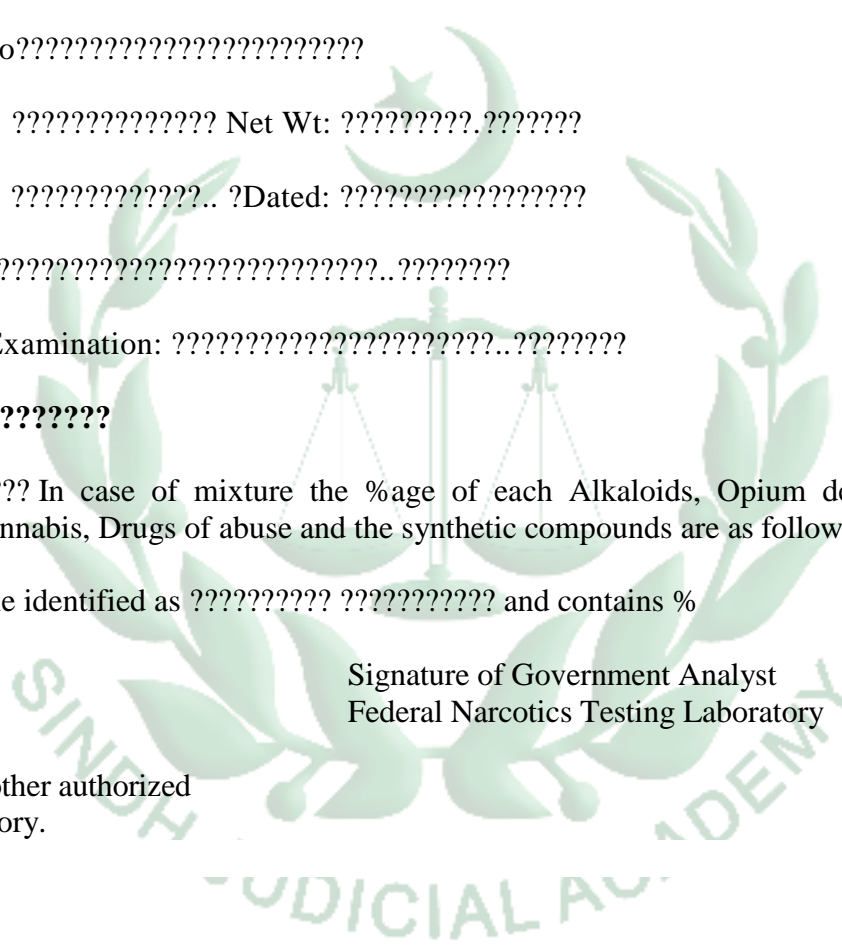
CONCLUSION:????????

NOTE: ????????????? In case of mixture the %age of each Alkaloids, Opium derivatives, Opiates, Cannabis, Drugs of abuse and the synthetic compounds are as follows:

The sample identified as ?????????? ?????????? and contains %

Signature of Government Analyst
Federal Narcotics Testing Laboratory

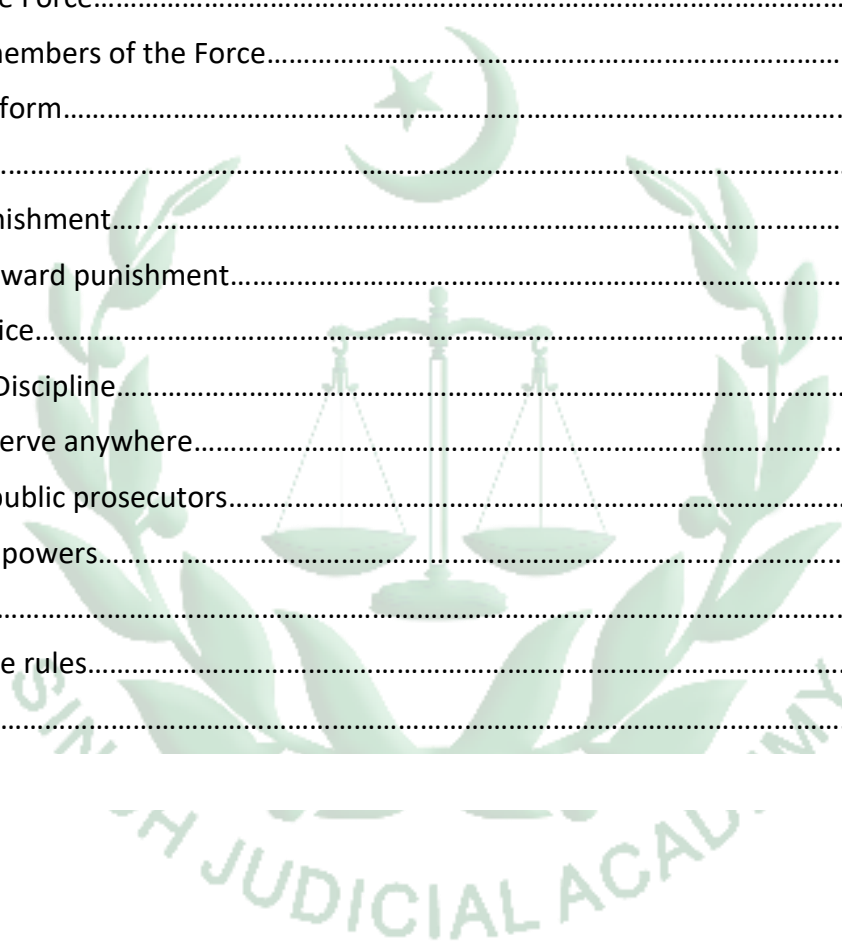
Signature of any other authorized
officer of Laboratory.



ANTI-NARCOTICS FORCE ACT, 1997

Contents

1. Short title and commencement.....	90
2. Definitions.....	90
3. Constitution of the Force.....	90
4. Superintendence and administration of the Force.....	91
5. Functions of the Force.....	91
6. Power of the members of the Force.....	92
7. Wearing of Uniform.....	93
8. Punishment.....	93
9. Grounds of punishment.....	93
10. Authority to award punishment.....	94
11. Terms of Service.....	94
12. Conduct and Discipline.....	94
13. Members to serve anywhere.....	94
14. Members as public prosecutors.....	94
15. Delegation of powers.....	95
16. Indemnity.....	95
17. Power to make rules.....	95
Schedule.....	95



ACT III OF 1997

ANTI-NARCOTICS FORCE ACT, 1997

An Act to provide for the constitution of Anti-Narcotics Force

[Gazette of Pakistan, Extraordinary, Part I, 14th April, 1997]

No.F.9(12)/95-legis., dated 14-4-1997.--The following Act of Majlis-eShoora (Parliament) received the assent of the President on the 12th April, 1997, is hereby published for general information:---

Whereas it is expedient to provide for the constitution of a Force for the purpose of inquiring into, and investigating offences relating to narcotics and Narcotics Trafficking and for matters connected therewith or incidental thereto;

It is hereby enacted as follow:---

1. Short title and commencement.--(1) This Act may be called the Anti-Narcotics Force Act, 1997.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.--In this Act, unless there is anything repugnant in the subject or context,---

(a) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(b) "Director-General" means the Director-General of the Force;

(c) "Force" means the Anti-Narcotic Force constituted under section 3;

(d) "Narcotics" includes narcotic, drugs, psychotropic substances and controlled substances as defined in the Control of Narcotic Substances Ordinance, 1996 XCIV of 1996);

(e) "police" means a police force constituted by the Federal Government or Provincial Government under the Police Act, 1861 (V of 1861);

(f) ."prescribed" means prescribed by rules under this Ordinance; and

(g) "rules" means rules made under this Act

(2) The words and expressions used but not defined herein shall have the same meaning as assigned to them in the Control of Narcotic Substances Ordinance, 1996 (XCIV of 1996).

3. Constitution of the Force.--(1) Notwithstanding anything contained in any other law for the time being in force, the Federal Government may constitute a Force to be called the Anti-Narcotics Force.

(2) The Force shall consist of a Director-General to be appointed by the Federal Government and such number of other officials as the Federal Government may, from time to time, appoint to be members of the Force.

(3) On commencement of this Act the Pakistan Narcotics Control Board constituted under the

Government of Pakistan Planning Division's Resolution dated the 8th March, 1973, and Anti-Narcotics Task Force constituted under the Anti-Narcotics Task Force Ordinance, 1994 (LXXVI of 1994), shall stand merged and all personnels, including officers, ministerial staff and the contingent staff of the said Board and Task Force shall, subject to the provisions of section 11 become members of the Force and be governed in accordance with this Ordinance and the rules made thereunder.

(4) The Force shall for all intents and purposes be successor of Pakistan Narcotics Control Board and Anti-Narcotics Task Force in respect of all cases, inquiries, investigation, assets, liabilities, rights, obligations and privileges and matters related thereto or connected therewith.

(5) Notwithstanding anything contained in the General Clauses Act, 1897 (IV of 1897), anything done or action taken before the commencement of this Act, under the Anti-Narcotics Task Force Ordinance, 1994 (LXXVI of 1994), or otherwise by the Pakistan Narcotics Control Board in so far it is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken under this Act.

4. Superintendence and administration of the Force.--(1) The superintendence of the Force shall vest in the Federal Government.

(2) The Administration of the Force shall vest in the Director-General who shall exercise in respect of the Force all powers of an Inspector-General of Police under the Police Act, 1861 (V of 1861), and all other powers under the Act.

(3) In case of any officers and members from the Armed Forces, the Director-General shall have all powers conferred by or under the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953 (VI of 1953), and the Pakistan Navy Ordinance, 1961 (XXXVI of 1961), respectively as an officer empowered to convene a General Court Martial:

Provided that such powers shall be exercised only by the Director-General who is in the regular service of any of the Armed Forces.

5. Functions of the Force.--The Force shall---(a) inquire into, investigate and prosecute all offences relating to, or connected with, preparation, production, manufacture, transportation, illicit trafficking or smuggling of intoxicants, narcotics and chemical precursors or reagents used in the manufacture of narcotics or any offence committed in the course of the same transaction under any law for the time being in force, including an attempt or conspiracy to commit, or any abetment of, any such offence, or any offence committed under the Control of Narcotics Substances Ordinance, 1996 (XCIV of 1996) or the Prohibition (Enforcement of Hadd) Order, 1979 (P.O. 4 of 1979);

(b) trace and freeze the assets;

(c) provide assistance and advice to other enforcement agencies on all matters in the field of narcotics and to collect information from all national and international enforcement agencies about illicit narcotic traffic and traffickers;

(d) maintain liaison with all national or international narcotics authorities, organisations, bodies, associations and societies and represent Pakistan in such conferences, seminars and workshops arranged by any such organization on narcotics related matters;

(e) arrange and co-ordinate training of own staff and members of other enforcement agencies in various aspects of narcotics enforcement;

(f) co-ordinate the project and schemes for elimination and destruction of poppy cultivation; and

(g) perform any other related functions which may be assigned to it by the Federal Government.

6. Power of the members of the Force.--(1) The members of the Force shall, for the purpose of any inquiry or investigation under this Act, have throughout Pakistan such powers, including the powers relating to search, arrest of persons and seizures of property, and such duties, privileges and liabilities as a police officer has in respect of offences under the Code or any other law for the time being in force.

(2) Save when the Director-General otherwise direct, a member of the Force, not below the rank of an Inspector may, for the purpose of any inquiry or investigation under this Act, exercise all the powers of an officer incharge of a police station in any area in which he is for the time being and, when so exercising such powers, shall be deemed to be the officer incharge of a police station discharging his functions as such within the limits of his station.

(3) Without prejudice to the generality of the provisions of subsection (1) and subsection (2), any member of the Force not below the rank of Inspector, authorized by the Director-General in this behalf, may arrest without warrant any person who has committed, or against whom a reasonable suspicion exists that he has committed, any of the offences relating to Narcotics referred to in clause (a) of section 5.

(4) Notwithstanding anything contained in any other law for the time being in force, a member of the Force not below the rank of Inspector authorised by the Director-General, may inquire, investigate and trace the assets of a person who has committed an offence referred to in clause (a) of section 5 or when in his opinion, there is a reasonable suspicion that the said assets were acquired through illicit involvement in narcotics, and may, for this purpose, require a bank or other financial institution or departments, whether under the control of Government or otherwise to furnish such information as he may specify.

(5) If, in the opinion of a member of the Force, conducting an inquiry investigating or tracing any assets under subsection (4), which is likely to be removed, transferred or otherwise disposed of, such member may, notwithstanding anything contained in any other law for the time being in force, by order in writing direct the owner or any person who is for the time being in possession thereof, not to remove, transfer, or otherwise dispose- of such property in any manner except with the previous permission of that member and such order shall be subject to any order made by the Court having jurisdiction in the matter.

(6) Any contravention of any order made under subsection (4) or (5) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(7) Any member of the Force may, in performance of his functions and exercise of powers as may be prescribed, seek assistance from all officers of police, customs, excise, Federal Investigation Agency or any other investigation agency or authority or civil armed forces.

(8) Notwithstanding anything contained in any other law for the time being in force, the Federal Government may, in respect of any case registered by or under investigation of, police, customs, excise, Federal Investigation Agency or any other investigation agency or authority, by order in writing, entrust inquiry or such investigation to the Force, and thereupon the police, customs, excise, Federal Investigation Agency or any other investigation agency or authority shall transfer the record of the case to the Force.

(9) The Force may, in accordance with the law, establish as many police stations as are required for the efficient functioning of the Force and all Police Stations of Anti-Narcotics Task Force and Pakistan Narcotics Control Board shall be deemed to be the police stations of the Force.

Explanation.--For the purpose of this Ordinance, the expression "police station" means and includes any place declared, as such, by the Federal Government or a Provincial Government to be a police station within the meaning of the Code.

7. Wearing of Uniform.--All members, excluding ministerial staff of the Force, employed on enforcement duties shall wear such uniform as may be prescribed.

8. Punishment.--(1) The following minor and major punishments shall, be awarded to the officers and members of staff of the Force, namely:--

(a) Minor Punishments,

(i) Censure;

(ii) forfeiture of approved service up to two years;

(iii) withholding of promotion up to one year;

(iv) stoppage of increment for a period not exceeding three years without cumulative effect;

(v) fine to any amount not exceeding one month's pay;

(vi) confinement to quarters for a term not exceeding fifteen days, with or without punishment, drill, extra guard, fatigue other duty; and

(vii) extra drill not exceeding fifteen days, fatigue or other duties;

(b) Major Punishments

(i) Reduction in rank;

(ii) compulsory retirement;

(iii) removal from service; and

(iv) dismissal from service

(2) Removal from service does not, but dismissal from service does disqualify for future employment.

(3) In this section removal or dismissal from service does not include the discharge of person---

(a) appointed on probation, during the period of probation or in accordance with probation or training rules applicable to him; or

(b) appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or

(c) engaged under a contract, in accordance with the terms of the contract;

9. Grounds of punishment.--Where, a member', in the opinion of the Authority--

(a) is inefficient or has ceased to be efficient; or

(b) is guilty of misconduct; or

(c) is corrupt or may reasonably be considered corrupt because--

(i) he is, or any of his dependents or any other person claiming through him, or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or any property disproportionate to his known sources of income; or

(ii) he has assumed a style of living beyond his ostensible means; or

(iii) he has a reputation of being corrupt; or

(d) he is engaged or is reasonably suspected of being engaged in subversive or narcotics activities, or is reasonably suspected of being associated with those engaged in subversive or narcotics activities or is guilty of disclosure of official secrets to any unauthorised person, and his retention in service is, therefore, prejudicial to national security and interest of State, the authority may impose on him one or more punishments specified in, subsection (1) of section 8.

10. Authority to award punishment.--The authorities to award punishment under section 8 are specified in the Schedule to this Act.

11. Terms of Service.--(1) All personnels up to the rank of Inspector and their equivalent in the ministerial staff of the Force may elect to be governed by the existing terms of service applicable to them and such option shall be sent to the Director-General, of the Force within such period as may be decided by the Director-General failing which they shall be deemed to have opted to serve under this Act.

(2) The personnels not opting to serve in accordance with the terms of this Ordinance may, at the discretion of the Director-General be placed at the disposal of Federal Government for adjustment elsewhere.

12. Conduct and Discipline.--(1) The :police Act, 1861 (V of 1861), the Police Rules, 1934, and the Punjab Police (Efficiency and Discipline) Rules, 1975, shall, mutatis mutandis, be applicable to all members up to the rank of an Inspector if not inconsistent with the provisions of this Act or where operation of any provision thereof is excluded by the Director-General by a specific order made in this behalf.

(2) Subject to subsection (1), all members of the Force, including the ministerial staff except those on deputation from the armed forces, shall be governed by the Civil Servants Act, 1973 (LXXI of 1973), and rules made thereunder.

13. Members to serve anywhere.--Every member of the Force shall be deemed to be always on duty and be liable to serve anywhere within or without Pakistan.

14. Members as public prosecutors.--Notwithstanding anything contained in the- Code, all Directors, Deputy Directors and Assistant Directors of the Force, shall be ex officio public prosecutors in respect of all offences relating to narcotic and specified in clause (a) of section 5, for trial before the Special Court or any other Court when so directed by the Director-General and may conduct the proceedings in the said Court and deal with any matter connected therewith or ancillary thereto.

15. Delegation of powers.--The Director-General may, by order in writing direct that all or any of his powers under this Act or the rules shall, subject to such conditions, if any, as may be specified in the order, be exercisable by any member of the Force.

16. Indemnity.--No suit, prosecution, or other proceedings shall lie against the Federal Government, Provincial Government, Director-General or any member of the Force or any other person exercising any power or performing any function under this Act or the rules made thereunder for anything which is done in good faith or intended to be done under this Act or the rules.

17. Power to make rules.--(1) The Federal Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:--

(a) the terms and conditions of service of the Director-General and other members of the Force and the qualifications for recruitment to various posts; ,

(b) the powers and functions of the members of the Force in relation to the conduct of inquiries and investigations; and

(c) the manner in which rewards may be given to the members of the Force or to the public for rendering commendable service.

Schedule
(Section 9).
Authorities to Award Punishment

S. No.	Punishment	Inspector or equivalent grade	Sub-Inspector/Assistant Sub-Inspector or equivalent or a grade between ASI/Head Constable	Head Constable or equivalent grade or a grade between Head Constable and Constable	Constable or equivalent or lower grade
1.	Extra Drill not exceeding 15 days Fatigue or other duties.	--	--	Dy. Director	Asstt. Director
2.	Confinement to quarters upto 15 days.	--	--	Dy. Director	Asstt. Director

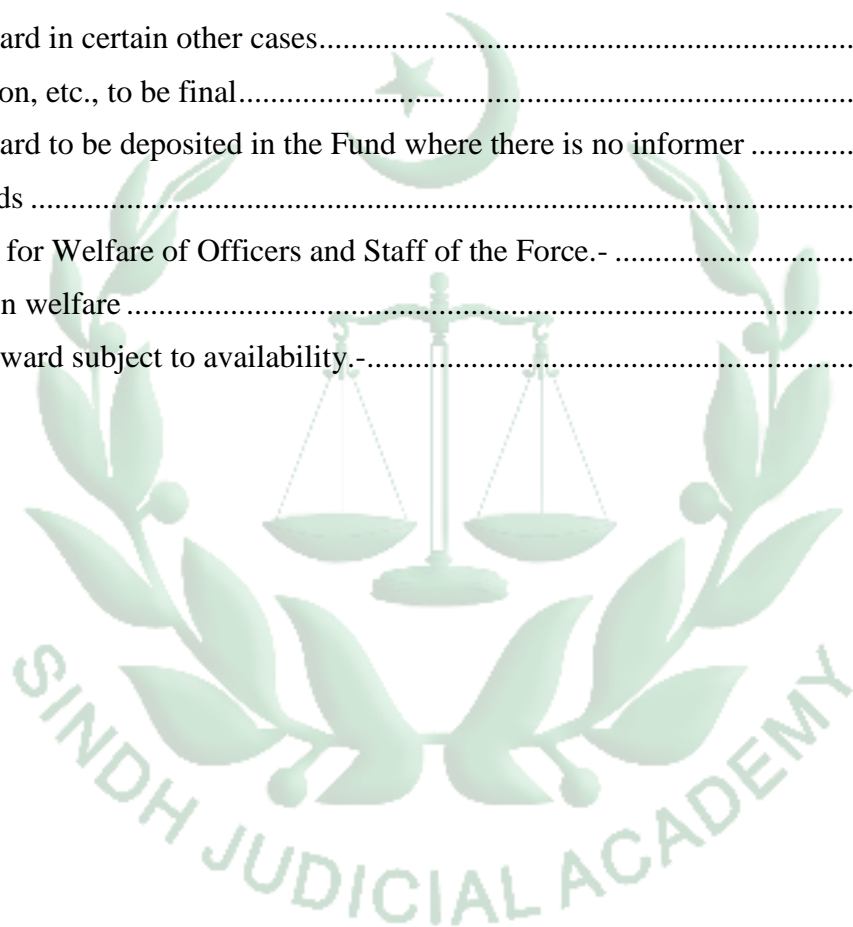
3.	Censure.	Director	Director	Dy. Director	Asstt. Director
4.	Forfeiture of approved Director service upto 2 years	--	Director	Dy. Director	Asstt. Director
5.	Stoppage of increments not 3 years	Director	Director	Dy. Director	Asstt. Director
6.	Fine to any amount not exceeding one month's pay.	Director	Director	Dy. Director	Asstt. Director
7.	Withholding of promotion for one year or less	Director	Director	Dy. Director	Asstt. Director
8.	Reduction from substantive rank to a lower rank reduction in pay	Director	Director	Dy. Director	Asstt. Director
9.	Dismissal from compulsory retirement.	Director General	Director General	Director	Director

Explanatory Note. – The Punishments as mentioned in the Punishment Table may also be inflicted on members of the various ranks shown in the heading Nos. 3 to 6 by an officer of higher rank.

Anti-Narcotics Force Reward Rules, 2000

Contents

1. Short title, commencement and application	98
2. Interpretation	98
3. Amounts of rewards	98
4. Distribution of amount of rewards	99
5. Maximum limit of reward	99
6. Payment to informer.....	99
7. Amount of reward in certain other cases.....	100
8. Recommendation, etc., to be final.....	100
9. Amount of reward to be deposited in the Fund where there is no informer	100
10. Special rewards	100
11 Common Pool for Welfare of Officers and Staff of the Force.-	100
12. Expenditure on welfare	100
13. Payment of reward subject to availability.-.....	101



The Gazette of Pakistan

EXTRAORDINARY PUBLISHED BY AUTHORITY

ISLAMABAD, SATURDAY, NOVEMBER 18, 2000

PART II

Statutory Notifications (S. R. O.) GOVERNMENT OF PAKISTAN

NARCOTICS CONTROL DIVISION

NOTIFICATION

Islamabad, the 15th November, 2000

S. R. O. 833 (/)2000.-In exercise of the powers conferred by clause (c) of sub-section (2) of section 17 of the Anti-Narcotics Force Act, 1997 (III of 1997), the Federal Government is pleased to make the following rules, namely:-

1. Short title, commencement and application.--(1) These rules may be called the Anti-Narcotics Force Reward Rules, 2000.

(2) They shall come into force at once.

(3) These rules shall apply to:-

(a) informers giving tangible information leading to the seizure of narcotics;

(b) officers and staff of the Force who are physically involved in the operations of interdiction or seizure of narcotics:

(c) officers and staff enquiring or investigating drug assets or money laundering cases leading to freezing and confiscation of assets; and

(d) officers and staff conducting the prosecution in courts leading to conviction of the persons involved in drug smuggling, in exceptional cases only.

2. Interpretation. In these rules, unless there is anything repugnant in the subject or context, words and expressions used but not defined herein shall have the same meanings as in the Anti-Narcotics Force Act, 1997 (III of 1997).

3. Amounts of rewards. Subject to rule 5, there shall be paid an amount of reward specified in column (3) of the table below in respect of the narcotic substances specified in column (2) thereof, namely:

TABLE

1	2	3
1)	Herein.	Five thousand rupees per kg.
2)	Cocaine.	Four thousand rupees per kg.

3)	Hashish Oil.	Three thousand rupees per litre.
4)	Charts or hashish,	Five hundred rupees per kg.
5)	Opiun	One thousand five hundred rupees per kg.
6)	Accticanhydride.	One thousand five hundred rupees per kg.
7)	Other narcotic substances or controlled substances.	Reward to be determined by the Director General depending upon the quantity and value of substances seized on case to case basis.

4. Distribution of amount of rewards. (1) Out of the amount of reward admissible under rule 3, the following shall be the distribution thereof, namely:--

(a) For seizure:

(i) Informer. One-third of the admissible amount of reward.

(ii) Officers and staff of the Force. One-third of the admissible amount of reward.

(iii) Common pool for welfare of officers and staff of the Force. One-third of the admissible amount of reward

(b) Asset, investigation leading to confiscation of proceeds of crime

(i) Out of the total market value of confiscated property and proceeds thereof two and a half per cent may be given as reward to officers and stall of the Force who remained involved with a case at say stage after final conclusion of the case in the Court and realization of cash proceeds as specified in clause (c) of sub-rule (3) of rule 1 as may be determined by the Director General;

(ii) Two and a half per cent of proceeds shall be paid into the common pool for welfare of officers and staff of the Force; and

(iii) The remaining ninety-five per cent shall be credited to the National Fund for Drug Abuse Control constituted under sub- section (1) of section 54 of the Control of Narcotic Substances Act, 1997 (XXV of 1997).

(2) The concerned officer or staff shall also be entitled to payment of reward under these rules after retirement, or in case of death, widow or widower shall be eligible to receive reward unless a contrary intention has been expressed in writing by officer or staff, as the case may be, during life time, and in case of death of such officer or staff any person nominated by him shall be eligible to receive reward

5. Maximum limit of reward.-In any case the amount of reward admissible under these rules shall not exceed two years' pay of officers or staff entitled thereto except as specified in sub-clauses (i) and (ii) of clause (b) of rule 4 in which case it shall be according to the percentage.

6. Payment to informer. With the approval of Director General, half of the admissible amount of reward shall be paid to an informer immediately after seizure and the remaining amount shall be paid on the completion of investigation.

7. Amount of reward in certain other cases. (1) In case of loss of life of an officer or a staff during raid or seizure or otherwise connected or related to the overall drive against the drug menace in any form whatsoever, an amount not exceeding seven years' salary shall be paid to the heirs of the deceased subject to availability of funds.

(2) In case an officer or staff is married, his or as the case may be, her spouse shall be deemed to be the nominee at the deceased- for the purposes of this rule unless a contrary intention is expressed in writing by the officer or staff during his life time.

(3) The amount payable under this rule shall be a charge on the common pool for welfare of officers and staff of the Force

8. Recommendation, etc., to be final. (1) The recommendation of concerned Doctor of the Force as to the identity of an informer or other connected matters shall after approval by the Director General be treated as final.

(2) The decision of the Director General shall be final as regards the amount to be paid to an informer, its timing and all other related matters.

9. Amount of reward to be deposited in the Fund where there is no informer. Where there is no informer the entire portion of the informer's reward shall be paid into the National Fund for Control of Drug Abuse constituted under sub-section (1) of section 54 of the Control of Narcotic Substances Act, 1997 (XXV of 1997).

10. Special rewards. (1) Notwithstanding anything contained in these rules, the Director General may sanction special rewards to officers and staff of the Force who render commendable and meritorious services.

(2) The expression commendable and meritorious services" referred to in sub-rule (1), shall include an outstanding performance in one or more of the following spheres, namely:-

(a) making original contribution in any field relating to interdiction, investigation and seizure of narcotic drugs, psychotropic substances and controlled substances or in the field of drug assets or money laundering investigations or in the field of prevention or demand reduction in any form whatsoever:

(b) displaying exceptional overall results in interdiction, seizure of narcotic drugs, psychotropic substances or controlled substances, investigation and prosecution of cases involving such substances:

(c) showing outstanding performance in tracing, freezing and confiscating drug assets or in the field of drug money laundering or investigations: and

(d) making original contribution in the field of demand reduction, preventive and research aspects of drug abuse or control.

11 Common Pool for Welfare of Officers and Staff of the Force.-There shall be established a fund to be known as the "Common Pool for Welfare of Officers and Staff of the Force", to which such amounts shall be credited as hereinbefore specified.

12. Expenditure on welfare.-(1) For the purpose of expenditure on the welfare of officers and staff of the Force, out of the sums paid into the Common Pool for Welfare of Officers and Staff of the Force, the Director General shall constitute a committee of which the Director General shall be the Chairman.

(2) The expenditure shall include the following items, namely:-

- (a) enhancement of operational performance of the Force;
- (b) financial aid for education, health and marriage of dependent children of staff of the Force;
- (c) improvement of the amenities for officers and staff of the Force including recreational facilities;
- (d) special rewards to the family and heirs of officers and staff of the Force concerned, in cases of loss of life or injury; and
- (e) other similar purposes at the discretion of the committee constituted under sub-rule (1).

13. Payment of reward subject to availability.-Notwithstanding anything herein before contained the payment of rewards under these rules shall be subject to availability of funds and allocation by the Federal Government.

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MUHAMMAD ASHRAF CHEEMA,
Deputy Secretary.

SINDH JUDICIAL ACADEMY