THE CONTROL OF NARCOTIC SUBSTANCES ACT, 1997

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SCHEDULE

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THE CONTROL OF NARCOTIC SUBSTANCES ACT, 1997

[1]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 narcotics drugs, psychotropic substances, [2][controlled substances] and control the production, processing and trafficking of such drugs and [2][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].

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] This Act shall apply to FATA, *vide* S.R.O. No. 1295(I)/98, dated 16-11-1998.
[2] Ins. and subs. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s. 2.

(iii) any association of persons, body of individuals, firm or private limited company within the meaning of [1][Companies Act, 2017 (XIX of 2017) and the Limited Liability Partnership Act, 2017 (XV of 2017)], 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 [1][and include all forms known as *bhang, siddhi* or *ganja*]; 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, leave-ecgonine having the chemical formula $C_9H_{15}NO_3H_2O$ and all chemical derivatives of leavo-ecgonine including benzoylecgonine from which it can be recovered;

(iii) cocaine, that is, methyl-benzoyl-leave-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;

[1] Subs. and Ins. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s. 3.

(h) "coca leaf" means—

(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 [1][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 divison concerned,];

(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 anyother 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;

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[1][(oa) "illicit traffic" in the 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;

[1] Ins. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s. 3.

(iii) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import into Pakistan, export from Pakistan or transship any narcotic drugs or psychotropic substances or controlled substances;

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

(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.;

(ob) "international convention" means—

(i) the Single Convention on Narcotic Drugs done at New York on the 30th March, 1961, as amended by the 1972 Protocol done at Geneva on the 25th March, 1972;

(ii) the Convention Against Psychotropic Substances done at Vienna on the 21st February, 1971;

(iii) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on the 20th December, 1988; and

(iv) any other international convention to which Pakistan may become party in future relating in whole or in part to the control of drugs of abuse, controlled chemicals or controlled equipments;]

(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

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(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;

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

(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;

(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 propertyof 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;

(za) "psychotropic substance" means the substances, specified in the [1][Schedule-I] to this Act and such substances as the Federal Government may, by notification in the official Gazette, declare to be a psychotropic substance;

(zb) "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 on his behalf;

(zc) "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

(zd) "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.

[1] Subs. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s. 3.

CHAPTER II

PROHIBITION AND PUNISHMENT

4. Prohibition of cultivation of narcotic plants.— No one shall cultivate [1][or let his land for cultivation or give possession for cultivation of] 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 [1][but shall not be less than one year and also be liable to fine].

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, despatch, 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.

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 transhipment 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 transhipped, 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.

[1] Ins. and subs. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) ss.4 - 5.

[1][**9.Punishment for contravention of Sections 6, 7 and 8.**—(1) Whoever contravenes the provisions of section 6,7 and 8 regarding narcotic drugs shall be punished with punishment as given in column (3) of the TABLE below with regard to offence committed as mentioned in column (2) thereof, namely:—

TABLE

S. No	Offence		Punishment
	Type of Narcotics	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 grams.	imprisonment which may extend to four years but shall not be less than eight months along-with fine which may be up to twenty thousand rupees.
		(b) 1000 grams to 9999 grams.	imprisonment which may extend to eight years but shall not be less than four years along-with fine which may be up to two hundred thousand rupees but shall not be less than twenty thousand rupees.
		(c) 10000 grams to 14999 grams.	imprisonment which may extend to fourteen years but shall not be less than eight years along-with fine which may be up to three hundred thousand rupees but not less than two hundred thousand rupees.
		(d) 15000 grams or more.	imprisonment which may extend to life imprisonment but shall not be less than fourteen years along-with fine which shall not be less than three hundred thousand rupees.

[1] Subs. by the control of narcotic substances (Amdt) substances Act 2022 (XX of 2022) s.6.

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S. No	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
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.
		(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 grams to 4999 grams.	imprisonment which may extend to twenty years but shall not be less than fourteen years along-with fine which may be up to four hundred thousand rupees but not less than eighty thousand rupees.
		(d) 5000 grams or more.	imprisonment which may extend to life imprisonment but shall not be less than twenty years along-with fine which shall not be less than four hundred thousand rupees.
5	Opium	(a) Up to 499 grams.	imprisonment which may extend to six years but shall not be less than one year along-with fine which may be up to fifty thousand rupees.

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S. No	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
		(b) 500 grams to 999 grams.	imprisonment which may extend to nine years but shall not be less than six years along-with fine which may be up to one hundred thousand rupees but not less than fifty thousand rupees.
		(c) 1000 grams to 2999 grams.	imprisonment which may extend to twelve years but shall not be less than nine years along-with fine which may be up to three hundred thousand rupees but not less than one hundred thousand rupees.
		(d) 3000 grams to 4999 grams.	imprisonment which may extend to fifteen years but shall not be less than twelve years along-with fine which may be up to five hundred thousand rupees but not less than three hundred thousand rupees.
		(e) 5000 grams to 7999 grams.	imprisonment which may extend to twenty years but shall not be less than fifteen years along-with fine which may be up to eight hundred thousand rupees but not less than five hundred thousand rupees.
		(f) 8000 grams or more.	imprisonment which may extend to life imprisonment but shall not be less than twenty years along-with fine which shall not be less than eight hundred thousand rupees.
6	Heroin and morphine	(a) Up to 99 grams.	imprisonment which may extend to seven years but shall not be less than eighteen months along-with fine which may be up to twenty five thousand rupees.
		(b) 100 grams to 499 grams.	imprisonment which may extend to ten years but shall not be less than seven years along-with fine which may be up to one hundred and twenty-five thousand rupees but not less than twenty five thousand rupees.
		(c) 500 grams to 1999 grams.	imprisonment which may extend to fourteen years but shall not be less than ten years along-with fine which may be up to five hundred thousand rupees but not less than one hundred and twenty-five thousand rupees.
		(d) 2000 grams to 3999 grams.	imprisonment which may extend to twenty years but shall not be less than fourteen years along-with fine which may be up to one million rupees but not less than five hundred thousand rupees.
		(e) 4000 grams 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.

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S. No	Offence		Punishment
	Type of Narcotics	Quantity	
(1)	(2)		(3)
		(f) 6000 grams or more.	[1][* * *] 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 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.	[1][* * *] imprisonment for life but imprisonment shall not be less than twenty years along-with fine which shall not be less than two million and five hundred thousand rupees.

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

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

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

TABLE

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.

[1]Omitted by Act XXXVIII of 2023, s.2.

Sr. No	Offence with regard to quantity of psychotropic substance	Punishment
(1)	(2)	(3)
2	More than 20 grams and up to 50 grams.	Imprisonment which may extend to two years but shall not be less than one year along-with fine which may be up to one hundred thousand rupees.
3	More than 50-grams and up to 100 grams.	Imprisonment which may extend to three years but shall not be less than two years along-with fine which may be up to two hundred thousand rupees.
4	More than 100-grams and up to 500 grams.	Imprisonment which may extend to five years but shall not be less than three years along-with fine which may be up to four hundred thousand rupees.
5	More than 500-grams and up to one kilo 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 less 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 furher that if recovered psychotropic substance is methamphetamine (ICE) given at serial number 47 of the Schedule-I to this Act and quantity exceeds four kilograms, punishment [1][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-II of the Schedule-II shall be punishable with punishment

[1]Subs. by Act XXXVIII of 2023, s.2.

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 substance	Punishment
(1)	(2)	(3)
1	Up to 100 grams.	Imprisonment which may extend to six months but shall not be less than two months along-with fine which may be up to twenty-five thousand rupees.
2	More than 100 grams and up to 500 grams.	Imprisonment which may extend to one year but shall not be less than six months along-with fine which may be up to fifty thousand rupees.
3	More than 500 grams and up to one kilo grams.	Imprisonment which may extend to three years but shall not be less than one year along-with fine which may be up to one hundred thousand rupees.
4	More than one kilo grams and up to two kilo grams.	Imprisonment which may extend to five years but shall not be less than three years along-with fine which may be up to one hundred and fifty thousand rupees.
5	More than two kilo grams and 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.
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 which shall not be less than life imprisonment along-with fine which may be up to one million rupees.

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TABLE-II

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

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

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), 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 [1][or by employing any other means of concealment] 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 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 Act.

[1]Ins. by the control of narcotic substances (Amdt) Act 2020 (XXIV of 2020), s. 2

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 [1][three years and fine].

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, [1][and fine but shall not be less than one year and fine].

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 a 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 [1][one year or above], 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.

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[1] Subs. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) ss.7-9.

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 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 [1][21], 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

(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.

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(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;

[1] Subs. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.10.

(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.

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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.

(2) 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 [1][or investigation] in connection with the contravention of any provision of this Act,—

[1] Ins. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.11.

(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.

[1][(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.]

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 [2][:]

[2][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.]

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:

[1] Added by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.11.
[2] Subs. and added by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.12.

[1][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 516A of the Code of Criminal Procedure, 1898 (Act V of 1898) [2][:]

[2][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.]

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 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.

[1]Subs. by Ord. 66 of 2000, s.2.
[2] Subs. & added by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.13.

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 [1][thirty] 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 accounts.

39. Order for forfeiture of assets.— (1) Where the Special Court convicts an accused under section 13, or sentences him to imprisonment for [1][one year or more], 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 [1][and shall vest in that Government free from all encumbrances]:

[1] Subs. and added by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) ss.14-15.

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.

(2) 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;

(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 :

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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 bylease, 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.

[1][**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.]

41. Prohibition of alienation of freezed 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 [1][and when trying an offence under this Act, a Special Court may also try in 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.]

[1] Ins. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) ss. 16-17.

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.

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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 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 [1][* * * *] Judicial Magistrate of the First Class.

[2][**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.]

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 [2][any appellate court], 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 Provincial Government shall establish as many centres as may be deemed necessary for de-toxification, 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.

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[1] Omitted by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.18.
[2] Ins. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) ss.19-20.

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.

(2) 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.

(3) 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.

(4) 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.

(5) 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 onsuch 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 a 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 [1][58] 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.

[1] Subs. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.21.

(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.

(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 sub-section (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 refusalwas 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.

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(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.

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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 [1][57], 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 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 [1][sub-section (1) of section 63] 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 ;

[1] Subs. by the control of narcotic substances (Amdt.) A0ct 2022 (XX of 2022) ss.22-23.

(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 [1][Act] 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,

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.

[1] Subs. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.23.

(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 andconditions 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.

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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 [1][Act] 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:

[1] Subs. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.24.

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 transhipment 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 [1][except as provided in the second proviso to sub-section (2) of section 33].

[2][**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 substances or material.]

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. Act 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.

[1]Added by Ord. 66 of 2000, s.3.
[2] Ins. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.25.

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.

(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 administration, management and disposal of the property forfeited under this Act; and

(b) terms and conditions of Special Prosecutors.

78. Repeal and savings. — (1) The Opium Act, 1857 (XIII 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 asotherwise provided in this Act,—

(a) affect the previous law or anything duly done or suffered there-under;

(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.

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[1][SCHEDULE - I]

[See Section 2(za)]

PSYCHOTROPIC SUBSTANCES

International non-proprietary names	Other non-proprietary or trivial names	Chemical Name
1	2	3
1. AMFETAMINE	Amphetamine	(+/-)-a-methylpenethylamine.
2. AMOBARBITAL		5-ethyl-5-barbituric acid.
3. ALLOBARBITAL		5,5-deallylbarturic acid.
4. ALPRAZOLAM		8-chloro-l-methyl-6-phenyl-4H-s-triazoIo [4, 3-a] [1,4] benzodiazepine.
5. AMFPRAMONE		2-(diethyiamino) propiolphenone.
6. BROLAMFETAM1NE	DOB	(+/-)4-bromo-2, 5-dimethoxy-a-methylphenethylamine.
7. BUPRENORPHINE		21-cyclopropyl-7-a-[(s)-1-hydroxy-1, 2,2-trimethylporpyI]-6, 14-endo-ethano-6, 7,8,14-tetrahydrooripavine.
8. BUTALB1TAL		5-allyl-5-isobutylbarbituric acid.
9. BARBITAL		5,5-diethylbarbituric acid.
10. BENZFETAM1NE	benzphnetamine	N-benzyl-N, a-dimethylphenethylmine.
11. BROMAZEPAM		7-bromo-l, 3-dihydro-5 (2-pyridyl) 2H-1, 4-benzodiazepin-2-one.
	butobarbital	5-butyl-5-thylbarbituric acid.
12. CATHINONE		(-)-(S)-2 aminopropiophenone.
	DET	3-[2(diethylamino) ethyl] indole.
	DMA	(+/-)-2,5-dimethoxy-a-methylphenethy lamine.
	DMHP	3-(1,2-dimethyheptyle)-7,8,9,10-tetrahy-dro-6,6,9-trimethyl-6H-dibenzo [b,d] [pyran-1-01].
13. CATHINE	(+)-norpseudo ephedrine	(+)-(R)-a-[(RO-l-aminoethyI] benzyl alcohol.
	[DMT	3-[2-diethylamino)ethyl] indole.
	[DOET	(+/-)-4-ethyl-2,5-dimethoxy-a-Phenethly-amine.

[1] Subs. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.26.

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1	2	3
14. CYCLOBARBITAL		5-(I-cychlohexen-l-yl)-5-ethylbarbituric acid.
15. CAMAZEPAM		7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2Hl,4- benzodiazepin-2-one dimethylcarbamate (ester).
16. CHLORDIAZEPOXIDE		7-chloro-2-methylmino-5-phenyl-3H-1, 4 benzodiazepine-4-oxide.
17. CLOBAZAM		7-chloro-1 (methyl)-5-phenyl-1H-5-benzodiazepine-2,4 (3H,5H)-dione.
18. CLONAZEPAM		5-(0-chlorophgenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazpine-2-one.
19. CLORAEPATE		7-chloro-2,3-dihydro-2-oxo-5-phenyl-lH-l,4-benzodiazepine-3- carboxylic acid.
20. CLOTIAZEPAM		5-(o-chlorphenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno [2,3-e]-1,4-diazepin-2-one.
21. CLOXAZOLAM		10-chloro-llb-(0-chlorphenyl)-2-3,7,11b-tetraphydrooxazolo [3,2- d][l,4] benzodiazepin-6(5H)-one.
22. DEXAMPHETA-MINE	dexamphe	(+)-a-methylphenethylamine
23. DELORAZEPAM		7-Chloro-5-(0-chlorophenyl)-1,3-dihydro-2H-1,4-bezodiazepin-2-one
24. DIAZEPAM		7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepine-2-one.
25. ESTAZOLAM		8-chloro-6-penyl-4H-S-triazolo-[4,3-a][1,4] benzodiazepine.
26. ETHCHLORVYNOL		1-chloro-3-ethyl-1-penten-4yn-3-01.
27. ETHYL LOFLAZEPATE		ethyl 7-chloro-5-(0-flurophenyl)-2,3-dihydro-2-oxo-1H, 4-benzodiaze-pine-3-carboxylate.
28. ETILAMFETA M1NE	N-ethylampetamine	N-ethyl-a-methylphenethylamine.
29. ETHINAMATE		1-eithynycychlohexanol-carbamate.
30. ETICYCLIDINE	PCE	N-ethyl-1-phenylcychlohexylamine.
31. FENETYLLINE		7-[2-[a-methlyphenthyl) amino]ethyle] theophylline.
32. FENCAMFAMIN		N-ethyl-3-phenyl-2-norbornanamine.
33. FENPROPOREX		[+/-)-3-](a-methlyphenthyl)amino] propionitrile.
34. FLUD1AZEPAM		7-chloro-5-(0-fluorophenyl)-1,3-dihydro-1-methyl-2H-1, 4- benzodiazepin-2-one.

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1	2	3
35. FLUNITRAZEPAM		5-(0-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-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. GLUTETHIM1DE		2-ethyl-2-phenylglutarimide 4-benzodiazepin-2-one.
38. HALAZEPAM		7-chloro-1, 3-dihydro-5-phenyl-1(2,2,2-trifluororethyyl)-2H-1,4-benzodiazepin-2-one.
39. HALOXAZOLAM		10-bromo-11 b(0-fluorophenyl)-2, 3, 7, 11 b-tetrahydrooxazolo [3,2-d] [1.4] benzodiazepine-6 (5H)-one.
40. KETAZOLAM		11-chloro-8, 12b-dihydro-2,8-dimethyl-12b-phenyl-4H-[l,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-(methylinendioxy) phenethylamine.
	Mescaline	3,4,5-trimethoxyphenethylamine.
	4-methylaminorex	(+ /-)-cis-2-amno-4-methyl-5-phenyl-2-oxazoline.
	MMDA	2-methoxy-a-methyl-4,5-(methylenedioxy) phyenthylamine.
	N-ethyl MDA	(+ /-)-N-ethyl-a- methyl-3, 4-methylendedioxy) phenethylamine.
	N-hydroxy MDA	(+ /-)-N-[a-methyl-3,4-(methylendedioxy) phenethyl] hydroxylamine.
	Parahexyl	3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H- dibenzo [b,d] pyran-1-01.
	PMA	p-methoxy-a-methylphenethylamine.
	psilcine, psilotsin	3-[2-dimethylamino) ethyl]indol-4-01.
42. LEFETAMINE	SPA	(-)-N,N-dimethyl-l,2-diphenyiethylamine.
43. LOPRAZOLAM		6-(0-chlorophenyl)-2,4-dihydro-2- [(4-methyl-1-peperazinyl) methylene]-8-nitro-lH-imidazo [l,2- a][l,4] benzodiazepin-1-one.
44. LOPRAZEPAM		7-chloro-5-(0-chlorophenyl)-l,3-dihydro-3-hydroxy-2H-1,4-benzodiazepin-2-one.
45. LORMETAZEPAM		7-chloro-5-(0-chlorophenyl)-l,3-dihydro-3-hydroxy-1-methyl-2H-1,4-benzodiazepine-2-one.

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1	2	3
46. LEVAMFETAMINE	Levamphe-Tamine	(-)(R)-a-methylphetyphenethylamine.
	levomethamphetamine	(-)-N,a-dimethylphenethylamine.
47. METAFETAMINE	methamphetamine	(+)-(S)-N, a-dimethylphethylamine.
48. METAFETAMINE RACEMATE	metafetamine racemate	(+ /-)-N,a-dimethylphethylamine.
49. METHYLPHENIDATE		Methyl a-phenyl-2-piperidinoacetate.
50. MEPROBAMATE		2-methyl-2-propyl-l,3-propanediol dicarbamate.
51. METHAQUALONE		2-methyl-3-0-tolyl-4(3H)-quinazolinone.
52. METHYLPHENOBARBITAL		5-ethyl-l-methyl-5-phenyl-barbituric acid.
53. METHYPRYLON		3,3-diethyl-5-methyl-2,4-piperidine-dione.
54. MAZINDOL		5-(p-chlorophenyl)-2,5-dihydro-3H-imidazo[2,1-a]isoindol-5-01.
55. MEDAZEPAM		7-chloro-2, 3-dihydro-l-methyl-5-phenyl- IH-1,4-benzodiazepine.
56. MEFENOREX		N-(3-chloroporpyl)-a-methylphenethyla-mine.
57. MIDAZOLAM**		8-chloro-6-(0-fluorophenyl)-l-methyl-4H-imidazo [1.5-a][l,4]benzodiazepine.
58. NIMETAZEPAM		1, 3-dihydro-l-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one.
59. NITRAZEPAM		1,3-dihydro-7-nitro-5-phenyl-2H-1, 4-benzdiazepin-2-one.
60. NORDAZEPAM		7-chloro-1, 3-dihydro-5-phenyl-2H-1, 4-benzodiazepin-2-one.
61. OXAZEPAM		7-chloro-1,3-dihydro-5-phenyl-2H-1, 4-benzodiazepine-2-one.
62. OXAZOLAM		10-chloro-2,3,7,11b-tetrahydro-2-methyl-11b-phenyloxazolo [3,2-d][1,4] benzodiazepine-6-(5H)-one.
63. PHENCYCLIDINE	PCP	1-(1-phencylcychlohenxyl) piperidine.
64. PENTAZOSINE		(2R, 6R, 11R)-1,2,3,4,5,6-hexahydro-6, ll-dimethyl-3-(3-methyl-2-butenyl)-2, 6-methono-3-benzazocin-8-01.
65. PHENMETRAZINE		3-methyl-2-phenylmorpholine.

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1	2	3
66. PENTOBARBITAL		5-ethyl-5-(l-methylbutyl) barbituric acid.
67. PHENOBARBITAL		5-ethyl-5-phenyl barbituric acid.
68. PIPRADROL		a,a-diphenyl-2-piperidinemethanol.
69. PSILOCYBINE		3-(2 dimethylamino) ethyl)-indol-4-yl-dihydrogen phosphate.
70. PEMOLINE		2-amono-5-phenyl-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-l-cyclopropylmethyl)-l, 3- dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one.
74. PRAZEPAM		7-chloro-1-cyclopropyimethyl)-1, 3-dihydro-5- phenyl-2H-1,4-benzodia-zepin-2-one
75. PYROVALERONE		4'-methyl-2-(1-pyrrolidinyl) valerophenone.
76. ROLICYCLIDINE	PHP, PCPY STP, DOM	1-(I-phenylcyclohexyl) pyrrolidine 2, 5-dimethoxy-a,4-dimethylphenethylamine.
77. SECOBARBITAL		5-allyl-5-(l-methylbutyl) barbituric acid.
Delta-9-tetrahydrocannabinol and its stero-chemical variants.		(6aR, 10aR)-6a, 7,8, 10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b, d] pyran-1-01.
78. SECBUTABARBITAL		5-sec-butyl-5-ethylbarbituric acid.
79. TEMAZEPAM		7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one.
80. TETRAZEPAM		7-chloro-5-(l-cyclohexen-l-yl)-l,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one.
81. TRIAZOLAM		8-chloro-6(0-chlorophenyl)-l-methyl-4H-s-trizazolo[4, 3a][l,4] bezodiazepine.
82. TENAMFETAMINE	MDA	a-methyl-3,4-(methylenedioxy), phenethylamine.
83. TENOCYCLINDINE	TCP	l-[l-(2-thienyl) clohexyl) piperidine.

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1	2	3
		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)-8,9,10,10a-tetraphydro-6,6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-01. (6aR, 9R, l0aR) 6a, 9, l0a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-01. (6aR, 9R, l0aR) 6a,7, 10, 10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-01. 6a. 7, 8, 9-tetrahydor-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-01.
		6a, 7, 8, 9-tetrahydor-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-01. (6a R, I0aR)-6a,7, 8,9, 10, 10a-hexahiydro-6, 6,9- trimethyl-3-pentyl-6H-dibenzo [b,d] pyran 1-01.
84.	VINYBITAL	5-(l-methylbutyl)-vinylbarbituric acid.
85.	MECLOQUALONE	3(0-chlorophenyl)-2-methyl-4(3H)-quinazolione.

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[1][SCHEDULE-II

[see section 2(k)]

Division –I

(Table-I of the 1988 Convention)

Ephedrine	N-acetylanthranilic acid
Erogometrine	Isosafrole
Ergotamine	3,4 methylnedeioxphenyl-
Lysergic acid	2- propanone
4-pheny 1-2 propanone	Piperonal
Pseudoephedrine	Safrole

[1] Added. by the control of narcotic substances (Amdt.) Act 2022 (XX of 2022) s.26.

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Division-II

(Table-II of the 1988 Convention)

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

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