

A
Bill

*further to amend the Khyber Pakhtunkhwa Control of Narcotic
Substances Act, 2019.*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 (Khyber Pakhtunkhwa Act No. XXXI of 2019), for the purposes hereinafter appearing;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title and commencement. ---(1) This Act may be called the Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Act, 2021.

(2) It shall come into force at once, except clause (c) of section 2 of the Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Act, 2021, which shall deem to have come into force on the date when the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 (Khyber Pakhtunkhwa Act No. XXXI of 2019), came into effect.

2. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.---In the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 (Khyber Pakhtunkhwa Act No. XXXI of 2019), hereinafter referred to as the said Act, in section 2,-

(a) after clause (b), the following new clause shall be inserted, namely:

“(b-i) “ANF” means the Anti Narcotic Force, established under the Anti Narcotic Force Act, 1997 (Act No. III of 1997);

(b) in clause (e), in sub-clause (ii), after the semi colon, at the end, the word “or” shall be added and thereafter, the following new sub-clause shall be added, namely:

“(iii) an officer or official of the ANF, not below the rank of Sub-Inspector, authorized by the Regional Director.”;

(c) in clause (x), after the words, hyphen and expression “semi-synthetic compound C₁₀H₁₅N”, the words and commas “and includes Amphetamine, any of its derivatives or variants, whether synthetic and otherwise, and all those substances, more commonly known as “ice” shall be inserted;

(d) after clause (aj), the following new clause shall be inserted, namely:

“(aj-i) “Regional Director” means the Regional Director of ANF;”.

3. Amendment of section 28 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.---In the said Act, in section 28, in sub-section (2), before the word “Director”, the words and comma, “Regional Director,” shall be inserted.

4. **Amendment of section 35 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.**---In the said Act, in section 35, in sub-sections (2) and (3), before the word "Director", wherever occurring, the words and comma, "Regional Director, " shall respectively be inserted.

5. **Amendment of section 37 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.**---In the said Act, in section 37, in sub-section (1), before the word "Director", the words and comma, "Regional Director, " shall be inserted.

6. **Amendment of section 38 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.**---In the said Act, in section 38, in sub-section (1), before the word "Director", the words and comma, "Regional Director, " shall be inserted.

7. **Amendment of section 44 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.**---In the said Act, in section 44, after sub-section (3), the following new sub-section shall be added, namely:

"(4) Subject to section 58A, the Department may, in consultation with the Regional Director, declare one or more existing ANF Police Stations, to be the Police Stations under this Act."

8. **Amendment of section 45 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.**---In the said Act, in section 45, in sub-section (1), after the word "Department", the words "or ANF" shall be inserted.

9. **Amendment of section 47 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.**---In the said Act, in section 47, in sub-section (1), before the word "Director", the words and comma, "Regional Director, " shall be inserted.

10. **Amendment of section 48 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.**---In the said Act, in section 48, in sub-section (2), before the words "Director General", the words and comma, "Regional Director, " shall be inserted.

11. **Amendment of section 50 of the Khyber Pakhtunkhwa Act No. XXXI of 2019.**---In the said Act, in section 50, in sub-section (1), before the words "Director General", the words and comma, "Regional Director, " shall be inserted.

12. **Insertion of new section to the Khyber Pakhtunkhwa Act No. XXXI of 2019.**---In the said Act, after section 58, the following new section shall be inserted, namely:

"58A. Continuation and validation.---Notwithstanding anything contained in this Act or any other law or rules, for the time being in force,-

- (a) the ANF shall continue to exercise powers and perform functions under this Act;
- (b) all actions taken, proceedings commenced and things done by the ANF, under Control of Narcotic Substances Act, 1997 (Act No. XXV of 1997), in the Province of Khyber Pakhtunkhwa, before the commencement of the Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Act, 2021, shall be deemed to have been validly taken, commenced and done under this Act;

- (c) the Police Station, established under section 6 of the Anti Narcotic Force Act, 1997 (Act No. III of 1997), shall deemed to be established under this Act and shall continue its functions under section 44 of this Act; and
- (d) all the cases of ANF, pending in any Special Court of ANF, before the commencement of the Khyber Pakhtunkhwa Control of Narcotic Substances (Amendment) Act, 2021, shall continue to be tried in the Special Courts.

Deputy Secretary
Government of Khyber Pakhtunkhwa
Law Department

STATEMENT OF OBJECTS AND REASONS

It is desirable further to amend the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 (Khyber Pakhtunkhwa Act No. XXXI of 2019), for effective control, prevention, and mutual coordination between the Federal and Provincial narcotic control entities. Hence, this Bill.

Peshawar,
dated the
05,11, 2021.



MINISTER-IN-CHARGE.