

13 April 2012

Shri Pranab Mukherjee
Hon'ble Minister of Finance
Room No 134
North Block
New Delhi 110001

**Re: Concerns over the Standing Committee on Finance Report on the Narcotic
Drugs and Psychotropic Substances (Amendment) Bill, 2011**

Dear Shri Pranab Mukherjee,

We write to you as representatives of civil society, vitally concerned with the treatment of people who use and are dependent on drugs under the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter "NDPS Act"). We are aware that in September 2011, the Ministry of Finance introduced amendments to the NDPS Act, by way of the **Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 2011** (hereinafter "NDPS (Amendment) Bill, 2011"). Some of the proposed changes, namely amendments to Section 27 and Section 71, were rightly informed by concerns over civil liberties and health of people who use drugs.

The NDPS Amendment Bill, 2011 was subsequently referred to the **Standing Committee on Finance** for review. Two of the signatory organizations below namely - Indian Harm Reduction Network and the Lawyers Collective made submissions to the Standing Committee, highlighting adverse consequences of criminalization on people who use drugs and the need for regulating treatment facilities for drug dependent persons.

We note with concern that in its **Fiftieth Report on the NDPS (Amendment) Bill, 2011**, tabled last week in the *Lok Sabha*, the Standing Committee has supported criminalization of people who use drugs, on the ostensible understanding that penal measures prevent the use of drugs.

We are specifically concerned with the contents of **Para 22** of the abovementioned Report, wherein the Standing Committee has recommended maintenance of *status quo* in existing punishment for consumption of certain drugs under Section 27(a) and enhancement of punishment for offences involving small quantity of drugs across sections under Chapter III of the NDPS Act.

We wish to point out that the provisions referred to in Para 22 do not target drug traffickers or organized criminals. On the contrary, small quantity offences cover possession for personal consumption, which according to the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 may be addressed through measures other than conviction and punishment. Further still, NDPS Amendment in 2001 clearly articulated lesser punishment for minor offences,

such as possession, sale and purchase of small quantity drugs intended for personal use or otherwise. There is no justification for departing from the rationale of the 2001 Amendment and increasing penalties for small quantity offences. The Standing Committee's suggestions do not advance the legislative objectives of the NDPS Act.

If accepted, the said recommendations will have a detrimental effect on people who are dependent on drugs. ***We therefore, respectfully urge the Ministry of Finance to reject the Standing Committee's observations in Para 22.***

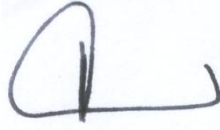
We would be obliged if you could grant us an appointment, so that we can discuss these and other concerns with you at length. In this regard, please contact Mr. Anand Grover at 9899439593 or anandgrover@gmail.com.

Thank you,

Yours sincerely.



Luke Samson
Indian Harm Reduction
Network, New Delhi



Anand Grover
Lawyers Collective
New Delhi



Eldred Tellis
Sankalp (Rehabilitation)
Trust Mumbai



Debashish Das
Harm Reduction Forum
West Bengal
Kolkata



Karthi Krishnan
Hopors Foundation
Chennai



Raju Rajkumar Singh
Society for Service to Urban
Poverty (SHARAN)
New Delhi



Y. Shasikumar
Social Awareness and
Service Organisation
Imphal



Elizabeth Selhore
Sahara Aalhad Centre for
Residential Care and
Rehabilitation, Pune



Loon Gangte
International Treatment
Preparedness Coalition
(India), New Delhi

CC: Shri Anoop Kumar Srivastava
Joint Secretary
Department of Revenue
Ministry of Finance
Room No 46, North Block
New Delhi 110001