

The Dangerous Drugs (Manipur Amendment) Act, 1985

MANIPUR

India

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Act 13 of 1985

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The Dangerous Drugs (Manipur Amendment) Act, 1985 Manipur Act No. 13 of 1985 Last Updated 7th February, 2020 An Act to amend the Dangerous Drugs Act, 1930 (2 of 1930). Be it enacted by the Legislature of Manipur in the Thirty-six Year of the Republic of India, as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Dangerous Drugs (Manipur Amendment) Act, 1985. (2) It extends to the whole of the State of Manipur. (3) It shall come into force with immediate effect.

2. Addition of new Sections 8A, 8B, and 8C.

- After section 8 of the Dangerous Drugs Act, 1930 (hereinafter referred to as the principal Act), the following new sections shall be added, namely:- "8A. Control over consumption of manufactured drugs. - (1) No one shall consume, by smoking or administration, through mouth or otherwise, any manufactured drug save for medicinal purpose and under the direction in writing or in presence of a registered medical practitioner. Explanation. - In this section and in section 21, "registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956 (102 of 1956), and whose name has been entered in a State Medical Register. (2) The State Government may make rules prescribing-(a) the methods by which percentages of the substance present in the blood or respiration shall, in the case of consumption of manufactured drug, be calculated for the purpose of clauses (b) and (f) of section 2; (b) the forms of registers and other documents to be maintained or, as the case may be, issued by registered medical practitioner in respect of directions given by him in his private practice or at hospital, for consumption of manufactured drugs and the authorities which may inspect such registers and other documents.

8B. Drug consuming assembly. - An assembly of two or more persons is designated as a 'drug consuming assembly' if the common object of the persons composing that assembly is to consume manufactured drug in contravention of sub-section (1) of section 8A.

Explanation. - (1) An assembly which was not a drug consuming assembly when it assembled may subsequently become such an assembly. Explanation. - (2) A man and his wife shall not be deemed to be a drug consuming assembly within the meaning of this section, even if their common object to be consume manufactured drug.

8C. Being a member of drug consuming assembly. - Whoever, being aware of facts which render any assembly a drug consuming assembly, intentionally joins that assembly, or continues in it, is said to be a member of drug consuming assembly."

3. Addition of new Sections 14A and 14B.

- After section 14 of the principal Act, the following new sections shall be added, namely:- "14A. Punishment for contravention of section 8A. - Whoever, in contravention of section 8A, voluntarily consumers any manufactured drug shall be punishable with imprisonment which may extend to three years, with or without fine.

14B. Punishment for being a member of drug consuming assembly. - Whoever is a member of a drug consuming assembly shall be punishable with imprisonment which may extend to three years, with or without fine."

4. Amendment of section 15.

- In section 15 of the principal Act, for the word, figures and letters 'Section 13 or Section 14', the word, figures and letters 'Section 13, Section 14, Section 14A or Section 14B' shall be substituted.

5. Amendment of Section 16.

- In section 16 of the principal Act, for the word, figures and letters 'Section 13 or Section 14', the word, figures and letters 'Section 13, Section 14, Section 14A or Section MB' shall be substituted.

6. Amendment of Section 18.

- In section 18 of the principal Act, -(a) in sub-section (1), for the word, figures and letters 'Section 13 or Section 14' the word, figures and letters 'Section 13, Section 14, Section 14A or Section 14B' shall be substituted; (b) after sub-section (4), the following new sub-section shall be added, namely:- "(5)

Whenever any person convicted, accused or suspected of the commission of an offence punishable under Section 10, Section 12, Section 13, Section 14, Section 14A or Section 14B or abetment of, or conspiracy or attempt to commit, any such offence, released on bail, the Magistrate or Court may impose any condition which he or it considers necessary in order to ensure that such person shall abstain from commission of such offence."

7. Amendment of section 21.

- In Section 21 of the principal Act, after sub-section (2), the following sub-section shall be added, namely:-(3) A registered medical practitioner who gives direction, save for medical purpose and in accordance with the rules made under sub-section (2) of section 8A, for consumption of manufactured drug, abets within the meaning of this section, the offence punishable under section 14A."

8. Amendment of section 24.

- In Section 24 of the principal Act,-(a)in clause (b), for the full stop at the end, a semicolon shall be substituted;(b)after clause (b), the following clause shall be added, namely:-(c) arrest any person whom he has reason to believe to have committed an offence punishable under section 14A or 14B:Provided that the provisions of clause (c) shall, in respect of consumption of manufactured drug during the period of one month from the date on which the Dangerous Drug (Manipur Amendment) Act, 1985 comes into force, not apply to any person who voluntarily gets or has got treatment at a treatment centre under sub-section (3) of Section 32A and has not again consumed such drug after such treatment except for medicinal purposes."

9. Amendment of section 29.

- In sub-section (2) of section 29 of the principal Act, the following words shall be added at the end before the full stop, namely:-"and, where the person arrested is on a charge of committing an offence punishable under section 14A or 14B and his medical treatment for addiction to dangerous drug is considered immediately necessary, for giving him such medical treatment."

10. Amendment of section 30.

- The existing section 30 of the principal Act shall be re-numbered as sub-section (1) thereof and after that sub-section so re-numbered the following sub-section shall be added, namely:-(2) For the purpose of section 53 of the Code of Criminal Procedure, 1973, any officer of the Excise Department who has been invested with the powers of an officer-in-charge of a police station under sub-section (1), shall be deemed to be a police officer not below the rank of Sub-Inspector."

11. Addition of a new section 32A.

- After section 32 of the principal Act, the following new section shall be added, namely:-"32A. Arrangement for treatment and detention of addicts. - (1) The State Government may establish, inside a prison or at other places, treatment centres for treatment or for detention, or for both, of addicts to dangerous drugs and declare any such treatment centre or any part thereof, which is not inside a prison, to be subsidiary jail.(2)Whenever any person accused of the commission of an offence punishable under section 14A is ordered to be remanded in custody under section 167 or 309 of the Code of Criminal Procedure, 1973, or is convicted of the said offence and the Magistrate or Court is of the opinion that it is necessary to detain such person in a treatment centre, if any, he or it may order detention of that person in a treatment centre established inside a prison or which has been declared to be a subsidiary jail.(3)A treatment centre or any part thereof, which is not inside a prison or declared to be a subsidiary jail, may give treatment to any person who may voluntarily come there for treatment of addiction to dangerous drug."

12. Addition of a new section 36A.

- After section 36 of the principal Act, the following new section shall be added, namely:-"36A. State Forensic Science Laboratory. - The State Government may establish State Forensic Science Laboratory and appoint Chemical Examiner and such other scientific experts and medical officers as it may think necessary for examination, analysis and report necessary for any proceedings in respect of dangerous drug or other substance or thing."