

## SENTENCING PRACTICES FOR DRUG OFFENCES

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Drug abuse is increasingly becoming a problem in Sri Lanka with the major drug of abuse being Heroin. Sri Lanka has some of the strictest drug laws in the world. For example the possession of as little as two grammes of Heroin can result in the imposition of death or life imprisonment according to Sri Lankan law which presently is interpreted as non-mandatory. To inquire into this matter the NDDCB did a survey of cases reported monthly by the Police Narcotics Bureau (PNB) for drug offences for the year 1990. The following are the main conclusions.

Of the 370 cases reported the major drug involved was heroin (87%) the rest being Cannabis and opium. Although both males and females were involved males predominated (92%). The majority of drug offenders fell within the age group 30 - 39 years although the ages of the offenders ranged from 16 to 73 years. The largest number of cases (99%) involved a single offender but in one instance as many as seven persons were involved. The greatest number of arrests involved small amounts of heroin in the milligramme (50 - 890 mg) and gramme (1 - 14.6 g) range. In 1.6% of the cases kilogramme quantities of heroin were involved. Approximately 50% of the persons were arrested during the months January to March.

Sentences handed down varied widely. Fines when imposed were in many cases not related to the quantity of drug involved. When imposed the fines ranged from a low of Rs.1000 to a high of Rs.10,000. Prison sentences were imposed in 13 cases of which in 5 instances sentences was suspended for periods ranging from 18 months to 5 years.

However, there appeared to be no significant relationship between the quantity of drug and the sentence imposed. In one case possession of as little as 50 mg of heroin resulted in a fine of Rs.2000 in addition to a 10 months of rigorous imprisonment. In another instance possession of 14.65 g of heroin warranted merely a fine of Rs.2500. In yet another instance 1.85 g of heroin resulted a fine of Rs.10,000.

It is possible that many of the sentences were mitigated by factors which were not readily apparent. However this underscores the fact that there is little consistency in the quantity of drug involved in sentencing drug offenders.