

The Narcotic Drugs And Psychotropic Substances Consultative Committee Rules, 1988

UNION OF INDIA

India

The Narcotic Drugs And Psychotropic Substances Act, 1985

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Rule

THE-NARCOTIC-DRUGS-AND-PSYCHOTROPIC-SUBSTANCES-CONSULTATIVE-COMMITTEE-RULES-1988

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17.

/780In exercise of the powers conferred by sub-sections (3) and (5) of section 6 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following rules, namely:-

Chapter I Preliminary

1. Short title and commencement

.- (1) These rules may be called The Narcotic Drugs and Psychotropic Substances Consultative Committee Rules, 1988. (2) They shall come into force on the date of their publication in the Official Gazette.

Brought into force from 7.12.1988.

2. Definitions

.-In these rules, unless the context otherwise requires,-(i)"Committee" means the Narcotic Drugs and Psychotropic Substances Consultative Committee;(ii)"the rule" means the rules framed under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);(iii)"the Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);(iv)"official members" mean members, who are appointed to the Committee by virtue of their official positions under the Central Government;(v)"non-official members" mean the members other than official members;(vi)words and expressions used herein and not defined, but defined in the Act and the Rules framed thereunder shall have the meanings respectively assigned to them in the Act.

Chapter II General Rules

3. Appointment of Committee

.- (1) The members of the Committee shall be appointed by the Central Government. (2) No member shall be appointed to the Committee unless he or she is willing to serve on it. (3) Casual vacancies in the Committee, caused due to resignation or otherwise of non-official members, shall be filled from amongst persons of eminence possessing expertise and background in the field of drug abuse prevention; but shall, as far as possible, be sponsored by the Ministries concerned of the Government of India.

4. Term of office of Committee

.- (1) The term of official members of the Committee shall be ex officio. (2) The term of non-official members of the Committee shall, unless extended or otherwise, be for a period of three years. The period of extension shall not be for more than a year at a time, subject, however, to a maximum of 2 years.

5. Resignation from Committee

.- A member may resign his seat from the Committee by writing under his hand, addressed to the Chairman of the Committee.

6. Chairman of the Committee

.- (1) The Minister for Finance or Minister of State in the Ministry of Finance (in-charge of Department of Revenue) shall be the Chairman of the Committee. (2) If the Chairman is, for any reason, unable to act, the Committee shall choose any other member to act as Chairman for that sitting.

7. Quorum in the Committee

.- (1) The quorum to constitute a sitting of the Committee shall be, as near as may be, one-third of the total number of members of the Committee. (2) If at any time fixed for any sitting of the Committee, or if at any time during any such sitting, there is no quorum, the Chairman of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

8. Sittings of the Committee

.- The sittings of the Committee shall be held on such days and at such hour as the Chairman of the Committee may fix.

9. Venue of sittings

.- The meeting of the Committee may be held in New Delhi or anywhere in India, as may be decided by the Chairman of the Committee. Unless the Central Government decides to the contrary, the meetings of the Committee shall be held once a year.

10. Discharge of members absent from sittings of Committee

.- If a member is absent from two or more consecutive sittings of the Committee, without the permission of the Chairman, a motion may be moved in the Committee for the discharge of such member from the Committee: Provided that where the members of the Committee are nominated by the Chairman, such member shall be discharged by the Chairman.

11. Filling of vacancies in the Committee

.- In the case of any vacancy caused in the Committee due to the absence of any Member, being away from India for a long period or permanent settlement therein or in the event of insanity of any Member, a Motion, as contemplated under rule 10, may be moved by the Committee for the discharge of such Member from the Committee. Thereafter, the matter shall be reported to the Central Government, who will take necessary action for the appointment of Members to fill such vacancies.

12. Decisions in the Committee

.- All questions at any sitting of the Committee shall be determined by a majority of votes of the members present and voting.

13. Casting vote of Chairman

.-In the case of an equality of votes on any matter, the Chairman, or the person acting as such, shall have a second or casting vote.

Chapter III

Rule Of Procedure And Conduct Of Business

14. Power to appoint Sub-Committee

.- (1) The Committee may appoint Sub-Committees-whether generally or for consideration of any particular matter. (2) The Sub-Committees, to be appointed for the purpose, shall be as follows:- (a) A Sub-Committee, to be headed by Secretary in the Department of Revenue for looking into the various aspects of enforcement, and (b) A Sub-Committee, to be headed by Secretary in the Ministry of Health and Family Welfare for looking into the various aspects of de-addiction treatment, rehabilitation, social reintegration of drug addicts and other connected matters. (3) The Sub-Committees mentioned at sub-rule (2) above shall be assisted by the Director-General, Narcotic Control Bureau and the Medical Superintendent Safdarjung Hospital, New Delhi, who shall act as Member-Secretaries of the respective Committees. (4) The Committee may, if it deems necessary so to do for the efficient discharge of any of its functions, constitute more sub-committees for the purpose, and may appoint to any such sub-committee, any person (including a non-official) who is not a member of the Committee.

15. Strangers to withdraw when Committee deliberates

.-All persons other than members of the Committee and officers of the Government of India shall withdraw whenever the Committee is deliberating.

16. Adoption of the Agenda and consideration of representations

.- (1) The Committee shall consider the Agenda, as may be referred to it, by the Central Government. (2) It may from time to time consider representations received by it and make appropriate recommendation thereon to the Central Government.

17. Preparation of Agenda

.-The Committee may consider and advise the Central Government on the following matters relating to the administration of the Act, namely:- (i) formulation of a national policy on cultivation of opium poppy, cannabis plant, production of opium and cannabis (hemp) and other narcotic drugs and psychotropic substances; (ii) implementation of the International Treaties and Conventions on Narcotic Drugs and Psychotropic Substances including implementation of international strategies and policies which could be finally decided for implemental action by the Central Government in

pursuance of the recommendations made by the International Conference on Drug Abuse and Illicit Trafficking held in June, 1987, at the ministerial level, in Vienna;(iii)formulating a Master Plan on supply reduction and demand reduction strategies including;(a)drug abuse control by social and educational action;(b)treatment, rehabilitation, etc., of addicts;(iv)periodic review of the working of the Narcotic Drugs and Psychotropic Substances Act, 1985 and the Rules framed thereunder by the Central Government;(v)such other matters relating to administration of the said Act as may be referred to the said Committee by the Central Government from time to time.

18. Record of decisions

.-A record of the decisions of the Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman.

19. Report of Sub-Committee

.-The order of reference to a Sub-Committee shall clearly state the point or points for investigation. The report of the Sub-Committee shall be considered by the whole Committee.

20. Special Report

.-The Committee may, if it thinks fit, makes a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Chairman, notwithstanding that such matter is not directly connected with, or does to fall within or is not incidental to, its terms of reference.

21. Report

.- (1) The report of the Committee shall be presented within one month of the date on which reference to the Committee has been made. (2) Reports may be either preliminary or final. (3) The report of the Committee shall be signed by the Chairman on behalf of the Committee: Provided that in case the Chairman is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee. (4) The Committee may, if it thinks fit make available to Government any completed part of its report.

22. Power to make suggestions on procedure

.-The Committee shall have power to pass resolution on matters of procedure relating to that Committee.

23. Power of Chairman to give direction

.- (1) The Chairman may, from time to time, issue such directions as he may consider necessary for regulation of its procedure and the organisation of its work. (2) If any doubt arises on any point of

procedure or otherwise, the Chairman may, if he thinks fit, refer the points to the Committee, whose majority decision shall be final.

24. Unfinished work of Committee

.-The Committee, which is unable to complete its work before the stipulated period fixed for its presentation, either due to non-filling of vacancies caused by the resignation or otherwise of non-official members, may do so after the new members are inducted into the same.

Chapter IV

Regulation Of Allowances For Meetings

25. Regulation of travelling allowance and daily allowance for Members of Parliament

.- (1) In the case of Members of Parliament borne on the Committee, in respect of journeys performed by rail, road, air and steamer in connection with the work of the Committee, they will be entitled to travelling allowance on the same scale as is admissible to them under section 4 of the Salaries and Allowances of Members of Parliament Act, 1954. (2) A Member of Parliament will ordinarily travel by rail utilising the free first class rail pass issued to him. He may also travel by air at his discretion. Air travel should not, however, be resorted to as a matter of course and in exercising his discretion, the Member should take into account factors like urgency of work, distance to be travelled, time at his disposal, etc. (3) For non-official Members .- In the case of other non-official members, normally, a member should travel by first class by rail. In respect of such journeys, he will be treated at par with Government officers of the First Grade and will be entitled to first class rail-fare. (4) Where, however, the Administrative Ministry considers that a non-official member should travel by A.C.C. they may, at their discretion, allow A.C.C. travel, where this concession is, their opinion, justified by fulfillment of one or more the following conditions: (a) When a person is required to travel in air-conditioned accommodation on grounds of health or because of very advanced age and/or infirmity. (b) Where a person is or was entitled to travel in air-conditioned coach under the rules of the organisation to which he belongs or might have belonged before retirement. (c) Where the Administrative Ministry is satisfied that A.C.C. travel by rail is the customary mode of travel by the non-official concerned in respect of journeys unconnected with the performance of Government duty. (5) In respect of journeys by air, air travel should not be permitted as a matter of course. Each case will be examined on merits by the Ministry considered, and permission for air-travel granted only if it can be certified that air-travel is urgent and necessary in the public interest. (6) A non-official member, when authorised to travel by air, shall be entitled to travel by Economy (Tourist) class when two classes of accommodation, i.e., First and Economy (Tourist) Class accommodation, are available on the airlines. (7) In cases where air-travel is authorised, a non-official member will be entitled to one standard air-fare. (8) Every member is required to purchase return ticket, wherever it is available, when it is expected that the return journey can be performed before the expiry of the period for which the return ticket is available. The mileage allowance for the forward and return journeys when such return ticket is available will,

however, be the actual cost of the return ticket.(9)If in any individual case, a non-official member asks for general permission to travel by air in connection with his duties as a member of particular Committee, the Administrative Ministry may examine the case on merits and grant general permission to the individual concerned to travel by air at his discretion, if they are satisfied that the non-official concerned habitually travels by air on journeys unconnected with the performance of official duty.(10)In the case of retired Government officers, who at the time of their retirement were drawing a pay of Rs. 5,100 and above and salaried employees of Universities, institutions and autonomous bodies, who draw a pay of Rs. 5,100 and above may be permitted to travel by air by Ministries/Departments in connection with the work of the Committee:Provided that in the case of those who were/are drawing a pay of Rs. 4,100 to 5,100 may also be permitted to travel by air at their discretion if the journey cannot be performed overnight by train and the distance involved is not less than 500 kms.

26. Payment of daily allowance to Members of Parliament

-(1) When the Parliament or Parliamentary Committee on which a Member is serving is in session, the Members will not be entitled to draw any daily allowance in connection with his assignment on the official Committee as he will be drawing his daily allowance under section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954, from the Parliament Secretariate concerned. However, if he certifies that he was prevented from attending the Session of the House or the Parliamentary Committee, because of his work connected with the Committee and did not draw any daily allowance from the Parliament, he would be entitled to draw daily allowance as indicated above.(2)When a Member of Parliament appointed to the Committee is allowed free boarding and lodging at the expense of the Central Government or State Government, etc., in which Government funds have been invested or in which Government have any other interest, the payment of Daily Allowance will be regulated under Members of Parliament Travelling Allowance and Daily Allowance Rules, 1957.(3)A Member of Parliament will also be entitled to daily allowance for two days preceding and two days following the meeting if the Member of Parliament actually stays at the place of the meeting.(4)Daily allowance to non-official members .-A non-official member will be entitled to daily allowance at the highest rate applicable to Central Government employees of the First Grade. The daily allowance shall be calculated in the same manner as is applicable to Central Government employees, the entire absence in their cases being reckoned from and to their ordinary place of residence.(5)In exceptional cases, where the Administrative Ministries concerned are satisfied that the work on the Committee is of such continuous or responsible nature as to necessitate the non-official devoting far greater time and energy to it than he can be ordinarily expected to spare, the rate of daily allowance for stay at the place of meeting may be increased upto a maximum of Rs. 100 per day. The enhanced rate of daily allowance will be admissible only for actual days of meeting and also the day preceding and/or the day following the meeting if the non-official actually stays at that place on these days.(6)Daily allowance will be subject to the usual conditions laid down in S.R. 73, as amended from time to time. The Administrative Ministries would, however, be competent to relax the rule in cases where the conditions prescribed in clauses (a) and (b) thereof are satisfied.(7)When a non-official member, appointed to the Committee, is allowed free boarding and lodging at the expenses of the Central or State Government, etc., in which Government funds have been invested or in which the Government have any other interest, he shall

be entitled to one-fourth of daily allowance admissible to him under these rules. If only boarding is allowed free, daily allowance shall be admissible at one-half of the admissible rate. If any lodging is allowed free, daily allowance shall be admissible at three-fourth of the admissible rate.(8)Conveyance allowance .-A non-official member, resident at a place where the meeting of the Committee is held, will not be entitled to travelling allowance or daily allowance on the scales indicated above, but will be allowed only the actual cost of conveyance hire, subject to a maximum of Rs. 75 per day. Before the claim is actually paid, the Controlling Officer should verify the claim and satisfy himself, after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed. In cases he is not satisfied with the details, he may, at his discretion, limit the conveyance allowance to road mileage.(9)If such a member uses his own car, he will be granted mileage allowance at the rates admissible to officials of the First Grade, subject to a maximum of Rs. 75 per day.