

Disposal of Narcotic drugs, psychotropic substances, controlled substances and conveyances after their seizure, the officers who shall dispose them of and the manner of their disposal

UNION OF INDIA

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Rule

DISPOSAL-OF-NARCOTIC-DRUGS-PSYCHOTROPIC-SUBSTANCES-C **of 2015**

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Disposal of Narcotic drugs, psychotropic substances, controlled substances and conveyances after their seizure, the officers who shall dispose them of and the manner of their disposalPublished vide Notification No. G.S.R. 38(E), dated 16th January, 2015Ministry of Finance(Department of Revenue)G.S.R. 38(E). - In exercise of the powers conferred by section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985, (61 of 1985), hereinafter referred to as the said Act, and in supersession of notification number G.S.R. 339(E), dated 10th May, 2007, except as respects things done or omitted to be done before such supersession, the Central Government, having regard to the hazardous nature, vulnerability to theft, substitution, and constraints of proper storage space, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, hereby specifies the narcotic drugs, psychotropic substances, controlled substances and conveyances which shall, as soon as may be after their seizure, be disposed of, the officers who shall dispose them of and the manner of their disposal.

2. Items to be disposed of.

- All narcotic drugs, psychotropic substances, controlled substances and conveyances shall be disposed of under section 52A of the said Act.

3. Officers who shall initiate action for disposal.

- Any officer in-charge of a police station or any officer empowered under section 53 of the said Act shall initiate action for disposal of narcotic drugs, psychotropic substances, controlled substances or conveyances under section 52A of that Act.

4. Manner of disposal.

(1) Where any narcotic drug, psychotropic substance, controlled substance or conveyance has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53 of the said Act or if it is seized by such an officer himself, he shall prepare an inventory of such narcotic drugs, psychotropic substances, controlled substances or conveyances as per Annexure 1 to this notification and apply to any Magistrate under sub-section (2) of section 52A of the said Act as per Annexure 2 to this notification within thirty days from the date of receipt of chemical analysis report of seized narcotic drugs, psychotropic substances or controlled substances. (2) After the Magistrate allows the application under sub-section (3) of section 52A of the said Act, the officer mentioned in sub-paragraph (1) shall preserve the certified inventory, photographs and samples drawn in the presence of the Magistrate as primary evidence for the case and submit details of the seized items to the Chairman of the Drug Disposal Committee for a decision by the Committee on the disposal, and the aforesaid officer shall send a copy of the details along with the items seized to the officer-in-charge of the godown.

5. Drug Disposal Committee.

- The Head of the Department of each Central and State drug law enforcement agency shall constitute one or more Drug Disposal Committees comprising three Members each which shall be headed by an officer not below the rank of Superintendent of Police, Joint Commissioner of Customs and Central Excise, Joint Director of Directorate of Revenue Intelligence or officers of equivalent rank and every such Committee shall be directly responsible to the Head of the Department.

6. Functions.

- The functions of the Drug Disposal Committee shall be to-(a) meet as frequently as possible and necessary; (b) conduct a detailed review of seized items pending disposal; (c) order disposal of seized items; and (d) advise the respective investigation officers or supervisory officers on the steps to be initiated for expeditious disposal.

7. Procedure to be followed by the Drug Disposal Committee with regard to disposal of seized items.

(1) The officer-in-charge of godown shall prepare a list of all the seized items that have been certified under section 52A of the said Act and submit it to the Chairman of the concerned Drug Disposal

Committee.(2)After examining the list referred to in sub-paragraph (1) and satisfying that the requirements of section 52A of the said Act have been fully complied with, the members of the concerned Drug Disposal Committee shall endorse necessary certificates to this effect and thereafter that Committee shall physically examine and verify the weight and other details of each of the seized items with reference to the seizure report, report of chemical analysis and any other documents, and record its findings in each case.

8. Power of Drug Disposal Committee for disposal of seized items.

- The Drug Disposal Committee can order disposal of seized items up to the quantity or value indicated in the Table below, namely:-

| (1) Sl. No. | (2) Name of item | (3) Quantity Per Consignment |
|----------------|---|---------------------------------|
| 1. | Heroin | 5 Kg |
| 2. | Hashish (Charas) | 100 Kg |
| 3. | Hashish Oil | 20 Kg |
| 4. | Ganja | 1000 Kg |
| 5. | Cocaine | 2 Kg |
| 6. | Mandrax | 3000 Kg |
| 7. | Poppy Straw | Up to 10 Mt. |
| 8. | Other Narcotic Drugs, Psychotropic Substances, Controlled Substances Or Conveyances | Up to the value of Rs. 20 Lakh: |

Provided that if the consignments are larger in quantity or of higher value than those indicated in the Table, the Drug Disposal Committee shall send its recommendations to the Head of the Department who shall order their disposal by a high level Drug Disposal Committee specially constituted for this purpose.

9. Mode of disposal of drugs.

(1)Opium, morphine, codeine and thebaine shall be disposed of by transferring to the Government Opium and Alkaloid Works under the Chief Controller of Factories.(2)In case of narcotic drugs and psychotropic substances other than those mentioned in sub-paragraph (1), the Chief Controller of Factories shall be intimated by the fastest means of communication available, the details of the seized items that are ready for disposal.(3)The Chief Controller of Factories shall indicate within fifteen days of the date of receipt of the communication referred to in sub-paragraph (2), the quantities of narcotic drugs and psychotropic substances, if any, that are required by him to supply as samples under rule 67B of the Narcotic Drugs and Psychotropic Substances Rules, 1985.(4)Such quantities of narcotic drugs and psychotropic substances, if any, as required by the Chief Controller of Factories under sub-paragraph (3) shall be transferred to him and the remaining quantities of narcotic drugs and psychotropic substances shall be disposed of in accordance with the provisions of

sub-paragraphs (5), (6) and (7). (5) Narcotic drugs, psychotropic substances and controlled substances having legitimate medical or industrial use, and conveyances shall be disposed of in the following manner:-(a) narcotic drugs, psychotropic substances and controlled substances which are in the form of formulations and labeled in accordance with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940) and rules made thereunder may be sold, by way of tender or auction or in any other manner as may be determined by the Drug Disposal Committee, after confirming the composition and formulation from the licensed manufacturer mentioned in the label, to a person fulfilling the requirements of the Drugs and Cosmetics Act, 1940 (23 of 1940) and the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) and the rules and orders made thereunder, provided that a minimum of 60% of the shelf life of the seized formulation remains at the time of such sale; (b) narcotic drugs, psychotropic substance and controlled substances seized in the form of formulations and without proper labeling shall be destroyed; (c) narcotic drugs, psychotropic substances and controlled substances seized in bulk form may be sold by way of tender or auction or in any other manner as may be determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Drugs and Cosmetics Act, 1940 (23 of 1940) and the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), and the rules and orders made thereunder, after confirming the standards and fitness of the seized substances for medical purposes from the appropriate authority under the Drugs and Cosmetics Act, 1940 (23 of 1940) and the rules made thereunder; (d) controlled substances having legitimate industrial use may be sold, by way of tender or auction or in any other manner as may be determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) and the rules and orders made thereunder; (e) seized conveyances shall be sold off by way of tender or auction as determined by the Drug Disposal Committee. (6) Narcotic drugs, psychotropic substances and controlled substances which have no legitimate medical or industrial use or such quantity of seized items which is not found fit for such use or could not be sold shall be destroyed. (7) Destruction referred to in sub-paragraph (b) shall be by incineration in incinerators fitted with appropriate air pollution control devices, which comply with emission standards and such incineration may only be done in places approved by the State Pollution Control Board or where adequate facilities and security arrangements exist and in the latter case, in order to ensure that such incineration may not be a health hazard or polluting, consent of the State Pollution Control Board or Pollution Control Committee, as the case may be, shall be obtained, and the destruction shall be carried out in the presence of the Members of the Drug Disposal Committee.

10. Intimation to Head of Department on destruction.

- The Drug Disposal Committee shall intimate the Head of the Department regarding the programme of destruction at least fifteen days in advance so that, in case he deems fit, he may either himself conduct surprise checks or depute an officer for conducting such surprise checks and after every destruction operation, the Drug Disposal Committee shall submit to the Head of the Department a report giving details of destruction.

11. Certificate of destruction.

- A certificate of destruction (in triplicate) containing all the relevant data like godown entry number, gross and net weight of the items seized, etc., shall be prepared and signed by the Chairman and Members of the Drug Disposal Committee as per format at Annexure 3 and the original copy shall be pasted in the godown register after making necessary entries to this effect, the duplicate to be retained in the seizure case file and the triplicate copy shall be kept by the Drug Disposal Committee.

12. Details of sale to be entered in godown register.

- As and when the seized narcotic drug, psychotropic substance, controlled substance or conveyance is sold by way of tender or auction or in any other manner determined by the Drug Disposal Committee, appropriate entry indicating details of such sale shall be made in the godown register.

13. Communication to Narcotics Control Bureau.

- Details of disposal of narcotic drugs, psychotropic substances, controlled substances and conveyances shall be reported to the Narcotics Control Bureau in the Monthly Master Reports. Annexure 1 Inventory of Seized Narcotic Drugs, Psychotropic Substances, Controlled Substances and Conveyances [under Section 52A (2) of the Narcotic Drugs and Psychotropic Substances Act, 1985] Case No.-----Seizing agency:-----Seizing officer:-----Date of seizure:-----Place of seizure:-----Name and designation of the officer preparing this inventory:-----Table

| Sl.No. | Narcotic Drug/ Psychotropic Substance/ Controlled Substance/Conveyance | Quality | Quantity | Mode of Packing | Mark and Numbers | Other Identifying Particulars of Seized Items or Packing | Country of Origin | Remarks |
|--------|---|---------|----------|--------------------|---------------------|---|-------------------------|---------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |

Signature, name and designation of the officerCertification by the Magistrate under sub-section (3) of Section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985Whereas the above officer applied to me under sub-section (2) section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 to certify the above inventory, and sub-section (3) of that section requires any Magistrate to whom an application is made to allow the application as soon as may be, I, having been satisfied that the above inventory is as per the seizure documents and the consignments of seized goods related to the case presented before me, certify the correctness of the above inventory. Signature, name and designation of the MagistrateAnnexure 2Application for Disposal of Seized Narcotic Drugs, Psychotropic Substances, Controlled Substances and Conveyances Under Section 52a (2) of the NDPS Act, 1985[Application to be made by the officer in-charge of a police station or an officer empowered under section 53 of the Narcotic Drugs and Psychotropic

Substances Act, 1985 who has custody of the seized narcotic drugs, psychotropic substances, controlled substances and conveyances]To, Learned Magistrate, _____ Sir, Sub: Application for certification of correctness of inventory, photographs and samples of seized narcotic drugs, psychotropic substances, controlled substances and conveyances

1. All narcotic drugs, psychotropic substances, controlled substances and conveyances have been identified by the Central Government under section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 as vulnerable to theft and substitution vide Notification No.....dated.....

2. As required under sub-section (2) of section 52 A of the Narcotic Drugs and Psychotropic Substances Act, 1985, I submit the enclosed inventory of seized narcotic drugs, psychotropic substances, controlled substances, and/or conveyances and request you to-

(a)certify the correctness of the inventory;(b)permit taking, in your presence, photographs of the seized items in the inventory and certify such photographs as true; and(c)allow drawing of representative samples in your presence and certify the correctness of the list of samples so drawn.

3. I request you to allow this application under sub-section (3) of Section 52 A of the Narcotic Drugs and Psychotropic Substances Act, 1985 so that the seized narcotic drugs, psychotropic substances, controlled substances, and/or conveyances can thereafter be disposed of as per sub-section (1) of section 52A of the said Act retaining the certificate, photographs and samples as primary evidence as per sub-section (4) of section 52A (4).

Yours faithfully, Signature, name and designation of the officer Date :Certificate by the Magistrate Under Sub-Section (3) Of Section 52a of the Narcotic Drugs and Psychotropic Substances Act, 1985I allow the above application under sub-section (3) of section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 and hereby, certify the correctness of the enclosed inventory, the enclosed photographs taken and the list of samples drawn in my presence. Signature, name and designation of the Magistrate Date :Annexure 3Certificate of Destruction[See Paragraph 11 of Notification No. dated the.....]This is to certify that the following narcotic drugs, psychotropic substances and controlled substances, were destroyed in our presence.

1. Case No.

2. Narcotic Drug / Psychotropic Substance / Controlled Substance:

3. Seizing agency:

4. Seizing officer:

5. Date of seizure:

6. Place of Seizure:

7. Godown entry number:

8. Gross weight of the drug seized:

9. Net weight of the narcotic drugs, psychotropic substances, controlled substances destroyed (after taking samples, etc.):

10. Where and how destroyed.

Signature(s), name(s) and designation(s) of Chairman/Members of the Drug Disposal Committee.