

Room No.10, 2<sup>nd</sup> Floor Gallery,

Major Dhyan Chand National Stadium,

India Gate, New Delhi-110002

Dated: 22<sup>nd</sup> February, 2019

To

The Director General,  
Narcotics Control Bureau,  
West Block – I, Wing – V,  
R.K. Puram, New Delhi.

**Subject: Scheme for appointment of Special Public Prosecutors (SPPs) in  
Narcotics Control Bureau.**

Sir,

I am directed to refer to NCB's letter No.XXIV/1/16/2018 dated 15.02.2019, on the above mentioned subject and to convey the administrative approval of the Union Home Secretary for the scheme concerning appointment of Special Public Prosecutors (SPPs) in Narcotics Control Bureau.

2. The approved scheme for appointment of SPPs in NCB is as follows:-

**1. Procedure for Appointment:-**

The procedure for appointment of Special Public prosecutors, requisite qualifications and terms of their engagement shall be as follows:-

**1.1 Qualification of Special Public Prosecutors**

- (a) Advocates with only ten years or more experience will be eligible to apply as per Section 24(8) of Cr.P.C.
- (b) Adequate experience of handling NDPS cases is desirable.

**1.2 Procedure for Appointment of Special Public Prosecutors**

- (a) The Regional DDG and Zonal Directors, NCB will assess the requirement of SPPs in each of its Zone depending upon the case load of NCB cases in the respective Zone and will communicate the same to NCB HQ for approval.
- (b) Thereafter, NCB Zones shall invite the applications for appointment of SPPs through advertisement published in local newspapers and through Local Bar Council.
- (c) The applications shall be sought in the prescribed Proforma **A, B and C (enclosed)**. Same will be uploaded on NCB's website and link will be provided in the advertisement.

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(d) The Selection Committee, comprising of DDG (to be nominated by DG, NCB), DD/ZD (to be nominated by DG, NCB) and a Regular Central Government Prosecutor not below the rank of Public Prosecutor, shall be constituted for the purpose of evaluation of proposals received from all zonal units of NCB.

(e) The proposal, duly approved by DG, NCB, shall be forwarded to MHA for further approval from Ministry of Law. The Ministry of Home Affairs will appoint an Advocate for a term of 04 years from the date, advocate assumes the charge of SPP in NCB.

**1.3 The checklist of the required documents to be submitted by the Candidate:**

- (a) Personal profile/Bio-data by the applicant, duly typed along with passport size coloured photograph- **Proforma –A.**
- (b) Self-attested data of the important criminal cases, including NDPS Cases, handled during the last 10 years in **Proforma-B.**
- (c) Self-attested certificate by the advocate to show that he has been in practice as an advocate for not less than ten years.
- (d) Recommendation certificate from the District and Session Judge in **Proforma-C.**

**2. Term of Appointment of SPP & Renewal:**

**2.1 Appointment:-** SPPs will be appointed for an initial period of 4 years. Renewal of the appointment, will take place as specified in para 2.2.

**2.2 Renewal:-**

(a) The renewal of a term of SPP will be made only, if performance of SPP is found satisfactory. The Zonal Director shall evaluate the performance of SPP during the preceding term and forward it to the DDG(Region) in **Proforma 'D'**. The DDG (Region) shall then recommend the proposal to NCB HQ for renewal of SPP by MHA.

(b) The proposal for renewal of period of engagement of SPP should reach the Hqrs at least 06 months prior to expiry of the term of SPP.

**3. Performance Review**

The performance of the SPPs shall be reviewed/ monitored by the DDG (Region) and Zonal Director on annual basis. If any adverse report is noticed / reported, the HQ should be informed for further suitable action in the matter.

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4. **Allocation of cases to SPP.**

The Zonal Director shall be the overall in-charge of the entire litigation and shall ensure that the cases are distributed equally among the SPPs in a fair manner.

5. **Guidelines in respect of obtaining services of other SPPs in emergent cases (as envisaged in Ministry of Law's Circular dated 5.12.2012):-**

(a) The zones shall not make a request for appointment of SPPs at special rates.

(b) A counsel, not on panel, will be engaged only in exceptional circumstances, like when the proposal of the advocate to be appointed as SPP in zonal offices is under process and or non-availability of SPP to appear on behalf of NCB. The services of the SPP of the sister agencies (CBN, DRI, Customs and Central Excise, Income tax, etc) can be availed after recommendation of the DDG and approval of NCB headquarters.

6. **Termination of Appointment/resignation/expiry of term.**

The NCB, on behalf of MHA, is authorized to terminate the services of SPPs, if not found satisfactory, before the expiry of normal tenure. The NCB shall inform the MHA accordingly. On termination/ resignation/ expiry of the term, the SPP shall handover all the case files in the O/o the Zonal Director and the pending bills of the SPP should be settled within three months after the end of the appointment.

7. **Duties of the Special Public Prosecutor:-**

The appointed SPP will accomplish following duties/tasks and same will be mentioned in the advertisement uploaded on NCB website:-

(a) To represent the department personally and effectively in trial cases.

(b) To give opinion, when it is sought, about the feasibility of filing a prosecution case or any other prosecution matter.

(c) To draft complaints and assist in compliance of the technical requirement.

(d) To intimate the criminal complaint number to the officer concerned/ outcome of each hearing and the date of next hearing and any action pending on behalf of NCB immediately after completion of the court proceedings.

(e) To assist the Prosecution witnesses of the Department before their evidence and guide them in facing cross-examinations. The SPP should prepare each witness and

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- its statement in such a manner that there is consistency in the stand of the Department.
- (f) To oppose the bail in timely manner and prepare a reply/counter reply accordingly without delay.
  - (g) To apply for the certified copy immediately after the judgement, without any delay, and deliver it to Zonal Office.
  - (h) When a case represented by SPP is decided against the Department, he/she shall apply for certified copy of the judgment within three working days of pronouncement and give his/her opinion regarding the advisability of filing an appeal against such a decision within seven days.
  - (i) To furnish a statement of the cases handled by him/her by 31<sup>st</sup> December of every year, indicating the outcome of the cases in preceding calendar year in Proforma 'D'.
  - (j) To perform any other duties of legal nature, which may be assigned by the Department.

**8. Late submission of certified copies of judgement.**

If the certified copy of the judgement is not delivered to the office concerned within 10 days (excluding the time taken by the courts) from the date of Judgement, 20% of the hearing fee payable to the SPP shall be deducted.

**9. Right to private practice**

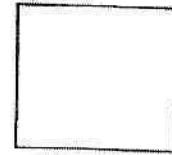
The SPP will have the right to private practice but he/she shall not appear in the prosecution matters, against the Department, in any court.

Yours faithfully,

(Jitender Malik)  
Deputy Secretary(S)  
Ph. No.23075114

Particulars to be furnished by Advocate applying for appointment as SPP in NCB

1. Name:
2. Father name:
3. \*DOB:
4. Phone no:
5. Address for correspondence:
6. \*Educational qualification:
7. \*Date of Enrolment:
8. \* Member of any Bar associations:
9. Whether facing any criminal charges:
10. \*Details of any other appointments with Central or State:
11. \*\*Experience in last 10 years in criminal cases and NDPS cases: (Proforma B)
12. Certificate from Distt. & Sessions Judge (Proforma C).
13. Please mention if , appearing on behalf of defence in NCB Cases.



**VERIFICATION:**

I \_\_\_\_\_ do hereby declare that the information provided above is true to the best of my knowledge and belief.

(Signature)

Date:

Place:

*\* Documentary proof to be provided.*

*\*\* Copies of at least 5 latest Court orders (acquittal/conviction) to be attached wherein the advocate has argued in a matter.*

Proforma B

Proforma for supplying details of Important Criminal cases and NDPS cases in last 10 years:

I) Criminal case:

S.No.	Case No.	Court	Case title	Outcome of the case

II) NDPS Case:

S.No.	Case No.	organisation/ party represented	Court	Case title	Outcome of the case

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Proforma C

Recommendation of District and Sessions Judge:

This is to certify that Sh./Ms. \_\_\_\_\_ advocate has been conducting criminal cases and his work and conduct is satisfactory. I recommend his name for appointment as SPP for Narcotics Control Bureau.

This recommendation is issued after consultation with the Administrative judge/ Portfolio Judge.

District / Sessions Judge

Place:

Date:



Proforma -D

Annual Performance Report of the Appointed Special Public Prosecutor (1 Jan-31 Dec)

PART-I

1.	Name of the Zone	
2.	Name of the Counsel	
3.	Date of 1 <sup>ST</sup> Appointment	
4.	Date of Expiry of Tenure	
5.	Ref. No. of MHA sanction letter vide which appointment/last renewal was granted	
6.	Total number of Conviction cases during the period	
7.	Total number of Acquittal cases during the period	
8.	Total number of pending cases during the period	

PART-II ( In detail )

S.No.	Name/ Place of the NDPS Court	Title/Case No	If decided, the Status thereof.	If pending, the Status thereof	Remarks
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