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NOTIFICATION¹

DISPOSAL OF SEIZED NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

New Delhi, the 10th May, 2007

In exercise of the powers conferred under sub-section (1) of section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) hereinafter referred to as the Act, and in supersession of Notification number S.O. 381(E), dated 29th May, 1989, and Standing Order 1/89 dated 13th June, 1989, except as respects things done or omitted to be done before such supersession the Central Government, having regard to the hazardous nature of narcotic drugs or psychotropic substances, their the vulnerability to theft, substitution, and constraints of proper storage space hereby, specifies the narcotic drugs and psychotropic substances which can, as soon as may be after their seizure, be disposed of, the officers who can so dispose them of and the manner in which they can be disposed of.

2. Drugs that can be disposed of

All narcotic drugs and psychotropic substances can be disposed of under section 52A of the Act.

3. Officers who can dispose of drugs

Any officer in-charge of a police station or any officer empowered under section 53 of the Act can dispose of drugs under section 52A of the Act.

4. Manner of disposal

(1) Where any narcotic drug or psychotropic substances 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 Act, or if it is seized by such an officer himself, he shall prepare an inventory of such narcotic drugs or psychotropic substances as per Annexure 1 to this notification and apply to any Magistrate under sub-section (2) of section 52A as per Annexure 2 to this notification.

(2) After the Magistrate allows the application under sub-section (3) of section 52A, the officer mentioned in clause (1) above 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 drug consignments to the Chairman of the Drug Disposal Committee for a decision by the committee on the disposal. The officer shall send a copy of the details along with the drug consignments to the officer-in-charge of the godown.

4.1 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. Each such Committee shall be headed by an officer not below the rank of Superintendent of Police, Joint Commissioner of Customs and Central Excise, Joint Director of DRI or officers of equivalent rank. The Committee will be directly responsible to the Head of Department.

1. Vide G.S.R. 339(E), dated 10th May, 2007, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 11th May, 2007.

Ed.—This Notification starts from Serial No. 2 and Serial No. 1 is missing.

4.1.1 Functions

The functions of the Drug Disposal Committees will be to:

- (a) meet as frequently as possible and necessary;
- (b) conduct a detailed review of drugs pending disposal;
- (c) order disposal of drugs; and
- (d) advise the respective investigation officers/supervisory officers on the steps to be initiated for expeditious disposal.

4.1.2 Procedure to be followed by the Committee with regard to disposal of drugs

The officer-in-charge of godown shall prepare a list of all drug consignments that have been certified under section 52A of the Act to having become ripe for disposal and submit it to the chairman of the concerned drug disposal committee. After examining the list and satisfying that the drugs mentioned therein are fit for disposal and are no longer required for legal proceedings and that the approval of the court has been obtained for the purpose, the members of the respective drug disposal committee shall endorse necessary certificates to this effect. The committee shall thereafter physically examine and verify the weight and other details of each of the drug consignments with reference to the seizure report, report of chemical analysis, and any other documents and record its findings in each case.

4.1.3 Power of Committee for disposal of seized drugs

The Committee can order disposal of drug consignments up to quantities or values indicated in the Table 1 below:

Table 1: Quantities and values up to which Drug Disposal Committees can order disposal of drug consignments

Name of drug	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 drugs	Up to value of Rs. 5 lakhs

Provided that if consignments are larger in quantity or of higher value than those indicated in Table 1, the drug disposal committee shall send its recommendations to the Head of the Department who can order their disposal by a high level Drug Disposal Committee specially constituted for this purpose.

4.2 Mode of disposal of drugs

- (i) Opium, morphine, codeine and the baine shall be disposed of by transferring to the Government Opium and Alkaloid Works under the Chief Controller of Factories.
- (ii) In case of drugs other than the drugs mentioned in clause (i), the Chief Controller of Factories shall be intimated by the fastest means of

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communication available, details of drug consignments that are ready for the disposal.

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- (iii) The Chief Controller of Factories shall indicate within 15 days of the date of receipt of the communication, the quantities of drugs, if any, that are required by him to supply as samples under Rule 67B.
 - (iv) Such quantities of drugs, if any, as required by the Chief Controller of Factories under clause (iii) shall be transferred to him and the remaining quantities of drugs shall be destroyed as per the procedure outlined in para 4.1.2.
 - (v) Destruction shall be by incineration in incinerators fitted with appropriate air pollution control devices, which comply with emission standards. Such incineration may only be done in places where adequate facilities and security arrangements exist. 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, should be obtained. Destruction shall be carried out in the presence of the Members of the Drug Disposal Committee.

4.3 Intimation to Head of Department on destruction

The disposal committee shall intimate the Head of the Department regarding the programme of destruction at least 15 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. After every destruction operation, the Drug Disposal Committee shall submit to the Head of the Department a report giving details of destruction. 11

4.4 Certificate of destruction

A certificate of destruction (in triplicate) containing all the relevant data like godown entry number, gross and net weight of the drugs seized, etc., shall be prepared and signed by the chairman and members of the Drug Disposal Committee as per format at Annexure 3. 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 will be kept by the Drug Disposal Committee. Details of disposal of drugs shall be reported to the Narcotics Control Bureau in the Monthly Master Reports.

ANNEXURE I

INVENTORY OF SEIZED NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

(under section 52A(2) of the NDPS Act, 1985)

Case No.: _____
Seizing agency: _____
Seizing officer: _____
Date of seizure: _____
Place of Seizure: _____

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Name and designation of the officer preparing this inventory:

S. No.	Narcotic Drug/ Psychotropic Substance	Quality	Quantity	Mode of packing	Marks and numbers	Other identifying particulars of drugs or packing	Country of origin	Remarks

Signature, Name and designation of the officer

Certification by the Magistrate under section 52A(3)

Whereas the above officer applied to me under sub-section (2) section 52A of the Act 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 Magistrate

ANNEXURE 2

**APPLICATION FOR DISPOSAL OF SEIZED NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES 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 who has custody of the seized Narcotic
Drugs and Psychotropic Substances)*

To

Learned Magistrate

Sir,

Sub: Application for certification of correctness of inventory, photographs and samples of seized narcotic drugs and psychotropic substances

1. All narcotic drugs and psychotropic substances have been identified by the Central Government under sub-section (2) of section 52A of the Act as vulnerable to theft and substitution *vide* their Notification No.dated.....
2. As required under section 52A(2), I submit the enclosed inventory of seized narcotic drugs and/or psychotropic substances and request you to:
 - (a) certify the correctness of the inventory
 - (b) permit taking, in your presence, photographs of the drugs and substances 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.

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3. I request you to allow this application under sub-section (3) of section 53A so that the seized drugs and/or psychotropic substances, can thereafter be disposed of as per section 52A(1) retaining the certificate, photographs and samples as primary evidence as per section 52A(4).

Yours faithfully,
Signature, name and designation of the officer

CERTIFICATE BY THE MAGISTRATE UNDER SECTION 52A(3)

I 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 3

CERTIFICATE OF DESTRUCTION

(See para 4.4 of Notification No.....dated.....)

This is to certify that the following narcotic drugs and/or psychotropic substances were destroyed in our presence.

1. Case No
2. Narcotic Drug/ Psychotropic 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 drug 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.

F.No. V/2/2004-NC.II
Government of India
Ministry of Finance
Department of Revenue

New Delhi the 16th September, 2008.

To

✓ The Assistant Director (P&C),
Narcotics Control Bureau,
West Block-I, Wing No. V
R.K.Puram, New Delhi. *

Subject: Disposal of seized Narcotic Drugs and Psychotropic Substances

Sir,

Please refer to your letter F.No. IV/3/DD/2006-P&C, dated 4.9.2008 on the subject cited above and to say that the purpose of the Notification is to lay down procedure for pre-trial disposal of drugs under Section 52-A. This section provides for disposal as soon as may be after disposal of the seizure. This refers to individual cases not disposal of past accumulated stocks. Accordingly, it is clarified as under:

- (i) The word 'consignments' referred in para 4.1.3 of Notification G.S.R. (E) dated 10th May, 2008 refers to quantity per case.
- (ii) The composition of High level Drug Disposal Committee is left to the directions of the Head of the Department (in this case Director General, Narcotics Control Bureau is Head of the Department)

Yours faithfully,


(RAMESH)

Section Officer (NC.II)

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25/9/08

Government of India
Ministry of Home Affairs
Narcotic Control Bureau
West Block No.1, Wing No.5,
R.K.Puram, New Delhi-66

Fax No 2309 2686

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F.No.IV/3/DD/2006-P&C

Dated: 04 Sept, 2008

To

Shri P.V. Subba Rao,
Director (NC),
Department of Revenue,
Min. of Finance, North Block,
New Delhi.

Sir,

Subject:-**DISPOSAL OF SEIZED NARCOTICS DRUGS AND
PSYCHOTROPIC SUBSTANCES.**

I am directed to invite your attention to para 4.1.3 of Notification dated 10th May, 2007 regarding 'Disposal of Seized Narcotic Drugs and Psychotropic Substances' and request to clarify the following at the earliest :-

- (i) Whether the word "consignments" refers to quantity of drug per case or the total quantity of drug to be disposed of as an aggregate of all cases. ?
- (ii) What will be the composition of High level Drug Disposal Committee which will be constituted specially for disposal of larger quantity of drugs or of high value than those indicated in Table-1.

Yours faithfully,



(Apoorv Pandey)
Assistant Director (P&C)