NARCOTIC DRUGS SUBSTANCES AND PSYCHOTROPIC RULES, 1985I

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AUTHENTICATION OF DOCUMENTS) RULES, 19921 In exercise of the powers conferred under clause (ii) of section 66 and section 76 of the _Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following rules, namely:— I. Short title and commencement.—(i) These rules may be called the Narcotic Drugs and Psychotropic Substances (Authentication of Documents) Rules, 1992. (ii) They shall come into force on the date2 of their publication in the Official Gazette

2. Authority for authentication and the manner of authentication of documents.—Any document, received from any place outside India in the course Of investigation of any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), purporting to have affixed, impressed or subscribe thereon or thereto the seal and signature of any person who is authorised by section 3 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), to do any notional act shall be deemed to be duly authenticated for the purposes of clause (ii) of section 66 of lhe first mentioned Act. I. Vide G.S.R. 90, dated 25th January, 1993, published in the Gazette Of India, Pt

11. Sec.3(i), dated 13th February, 1993

2. Came into force on 13-2-1993.99 THE PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1988 INTRODUCTION In India transit traffic in illicit drugs has been on the increase which caused problems of abuse and addiction. It created an illicit demand for drugs within the country and resulted in the illicit cultivation and manufacture of drugs. The deterrent penal provisions in the Narcotic Drugs and Psychotropic Substances Act, 1985 and other legislative, administrative and preventive measures were found inadequate to control the illicit transit traffic in drugs. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 provides for preventive detention in relation to smuggling of drugs and psychotropic substances, but it cannot be invoked to deal with persons engaged in the traffic of drugs and psychotropic substances within the country. It was, therefore, felt that a preventive detention law should be enacted with a view to effectively immobilise the persons engaged in any kind of illicit traffic in narcotic drugs and psychotropic substances. To achieve this objective the President promulgated the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988 on 4th July, 1988. To replace this Ordinance the Narcotic Drugs and Psychotropic Substances Bill was introduced in the Parliament. STATEMENT OF OBJECTS AND REASONS In recent years, India has been facing a problem of transit traffic in illicit drugs. The spillover from such traffic has caused problems of abuse and addiction. This trend has created an illicit demand for drugs within the country which may result in the increase of illicit cultivation and manufacture of drugs. Although a number of legislative, administrative and other preventive measures, including the deterrent penal provisions in the Narcotic Drugs and Psychotropic Substances, Act, 1985, have been taken by the Government, the transit traffic in illicit drugs had not been completely eliminated. It was, therefore, felt that a preventive detention law should be enacted with a view to effectively immobilising the traffickers. The Conservation Of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 provides for preventive detention in relation to smuggling of drugs and psychotropic substances, but it cannot be invoked to deal with persons engaged in illicit traffic of drugs and psychotropic substances within the country. It was, therefore, felt that a separate legislation should be enacted for preventive detention of persons engaged in any kind of illicit traffic in narcotic drugs and psychotropic substances. Accordingly, the President promulgated the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988 on 4th July, 1988. The Ordinance provided for the following, among other things, namely:— (i) The Central Government and the State Governments have been empowered to make orders of detention with respect to any person (including a foreigner) if they are of opinion that it is necessary so to too D THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (EXECUTION OF BOND BY CONVICTS OR ADDICTS) RULES, 19851 In exercise of the powers conferred by section 76, rend with sections 34 and 39 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following rules, namely:— 1. Short title and commencement.—(l) These rules may be called the Narcotic Drugs and Psychotropic

Substances (Execution of Bond by Convicts or Addicts) Rules, 1985. (2) They shall come into force on the date2 of therr publication in the Official Gazette

2. Form of bond to be executed under section 34.—Whenever any person is convicted of an offence punishable under any provision of Chapter IV of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the Act), the form of bond which a court may require him to execute under section 34 of the Act, shall be as in

3. Forms of bonds to be executed under section 39,—(1) When any person addictea to any narcotic drug or psychotropic substance is found guilty of an offence punishable under section 27 of the Act and the court directs that such person be released for undergoing medical treatment on his entering into a bond, the form of such bond shall be as in

Form 11 appended to these rules. (2) When any person released for undergoing medical treatment for re-toxification or de-addiction under sub-section (I) of section 39 of the Act is required by the court to enter into a bond before his relase under sub-section (2) of that section, the form of such bond shall be as in Form Ill appended to these rules. FORM 1 (See rule 2) BOND TO ABSTAIN FROM COMMISSION OF ANY OFFENCE UNDER CHAPTER IV OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 (name), son/daughter/wife of..... inhabitant Whereas (place), have been called upon to enter into a bond to abstain from the commission of any offence under Chapter [V of the Act, for the term of..... I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to the Government the sum of Dated ..day l. Vide S.O. 912 (E), dated 26th December, Sec (ii), datea 26th December, 1985. Came into force on 26-12-1985. .....20..... (Signature) 1985, published in the Gazette of India. Extra., Pt. 11, 111 112 (Where a bond with sureties is required to be executed add) We do hereby declare ourselves sureties for the above named.....,,..... .. . .that he/she will abstain from the commission of offences under Chapter IV of the Narcotic Drugs and Psychotropic Substances Act, 1985 during the said term; and in case of his/ her making default therein, we bind ourselves, jointly and severally, to forfeit to the Government the sum of rupees. Dated this...,,.....day of.....20. (Signatures) FORM 11 [See rule BOND TO APPEAR BEFORE THE COURT AFTER MEDICAL TREATMENT FOR DE-TOXIFICATION/DE-ADDICTION AND TO ABSTAIN FROM COMMISSION OF ANY OFFENCE UNDER CHAPTER IV OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, ACT, 1985 (name), son/ daughter/wife of.....,,. . inhabitant Whereas ...(place), have consented to undergo medical treatment for de-toxification/ de-addiction and have been called upon to enter into a bond to appear before the court before.....and furnish a report regarding the result of my medical treatment, and . in the meantime to abstain from the commission, of any offence under Chapter IV of the Act, I hereby bind myself to do so and, in case of my making default therein, I hereby bind myself to forfeit to the Government the sum of rupees..... Dated of.... .....,,.....20..... (Signature) (Where a bond with sureties is required to be executed, add) We do hereby declare overselves sureties for the above named.....,,....that he/ she will appear before the court before.....and furnish a report regarding the result Of his/her medical treatment and in meantime he/she will abstain from the commission of any offence under Chapter IV Of the Narcotic Drugs and Psychotropic Substances Act, 1985 during the said term; and in case of his/her making default therein, we bind ourselves, jointly and severally, to forfeit to the Government the sum of Dated The N.D.P.S. (Execution of Bond by Convicts or Addicts) Rules, 1985 rupees.... (Signature) FORM 111 [See rule BOND TO ABSTAIN FROM THE COMMISSION OF ANY OFFENCE UNDER CHAPTER OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES Acr, 1985 FOR A PERIOD TO BE SPECIFIED BY THE COURT AND ON FAILURE SO TO ABSTAIN, TO APPEAR BEFORE THE COURT AND RECEIVE SENTENCE WHEN CALLED UPON DURING SUCH PERIOD inhabitant .....(name), son/daughter/wife Whereas (place), have been called upon to enter into a bond to abstain from the commission of any offence under Chapter IV of the Narcotic Drugs and Psychotropic Substances Act, for the term of.....,,....., and I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby 113 The N.D.P.S. (Execution of Bond by Convicts or Addicts) Rules, 1985 bind myself to appear before the court and receive sentence when called upon during the said term. In case of my making default therein, I hereby bind myself to forfeit to the Government the sum of .. ..20.. • ..day of. Dated this.. (Signature) (Where a bond with sureties is to be executed add) We do hereby declare ourselves sureties for the above named that he/she will abstain from the commission of offence under Chapter IV of the Narcotic Drugs and Psychotropic Substances Act, 1985, during the said term and on his/her failure so to abstain, he/she will appear before the coun and receive sentence when called upon during the said term and in case of his/her making default therein, we bind ourselves jointly and severally to forfeit to the Government the sum of rupees.. Dated .day of .... (Signature) (D THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES CONSULTATIVE COMMITTEE RULES, 19881 In 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 1 PRELIMINARY 1. Short title and commencement.—(l) 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

2. Definitions.—ln these rules, unless the context otherwise requires,— (i) (ii) (iii) (iv) (v) "Committee" means the Narcotic Drugs and Psychotropic Substances Consultative Committee; "the rules" means the rules framed under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); "the Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); "official members" mean members, who are appointed to the Committee by virtue of their official positions under the Central Government; anon-official members" mean the members other than official members; 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 11 GENERAL RULES 3. Appointment of Committee.—(l) 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 V Ide G.S.R. 1151 (E), dated 7th December, 1988, published in the Gazette Of India, Extra, Pt. 11, Sec. 3 (i), dated 7th December, 1988. 114 The N.D.PS. Consultative Committee Rules, 1988 115 eminence possessing expertise and background in lhe 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 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.—(l) The Minister for Finance or Minister of Slate 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.—(l) 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 sifting until there is a quorum or adjourn the silling 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. IO. Discharge of members absent from sittings of Committee.—lf 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.—ln 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 IO, may be moved by the Committee for the discharge of such member from lhe Committeee 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.—AII questions at any sitting of the Committee shall be determined by a majority of voles of the members present and voting. 116 (0 The N.D.P.S. Consultative Committee Rules, 1988 13. Casting vote of Chairman.—ln 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 111 RULE OF PROCEDURE AND CONDUCT OF BUSINESS 14. Power to appoint Sub-Committee.—(l) 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 Io 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.—AlJ persons other than members of the Committee and officers of the Government of India Shal] withdraw whenever the Committee is deliberating

16. Adoption of the Agenda and consideration of representations.—(l) 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 including and Psychotropic Substances Narcotic Drugs 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; The N.D.P.S. Consultative Committee Rules, 1988 117 (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 not fall within or is not incidental to, its terms of reference

21. Report.—(l) 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.—(l) 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. 118 The N.D.P.S. Consultative Committee Rules, 1988 CHAPTER IV (9 REGULATION OF ALLOWANCE FOR MEETINGS 25. Regulation of travelling allowance and daily allowance for Members of 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) Por non-official members.—ln 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, in 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 concerned, 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 The N.D.P.S. Consultative Committee Rules, 1988 119 (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, 5,10() 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 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 Secretariat 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 WOLIId 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 nan-official members.—A non-officiaJ 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 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 continuotls 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. 120 The N.D.P.S. Consultative Committee Rules, 1988 (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 aJJowed 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. THE ILLEGALLY ACQUIRED PROPERTY (RECEIPT, MANAGEMENT AND DISPOSAL) RULES, 19891 In exercise of the powers conferred by section 76 of the Narcotic Drugs and Psychotroptc Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following rules, namely:— CHAPTER 1 PRELIMINARY 1. Short title and These rules may be called the Illegally Acquired Property (Receipt, Management and Disposal) Rules, 1989, (2) They shall come into force on the date2 of their publication in the Official Gazette

2. Definitions.—ln these rules, unless the context otherwise requires,— (a) (b) (c) (d) (e) 'i Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); "Administrator" means any officer appointed by the Central Government under sub-section (1) of section 68G of the Act; "Form*' means Form annexed to these rules; "Fund" means the _National Fund for Control of Drug Abuse, constituted under sub-section (1) of section 7 A of the Act; "godown" means a godown for storage of property received under sub-section (2) of section 68G of the Act

CHAPTER 11 ASSISTANCE TO THE ADMINISTRATORS 3. Assistance to the Administrators.—The Central Government may provide from time to time such members of staff and other persons as it thinks fit to assist the Administrator in exercise of his powers and performance Of duties under these rules

CHAPTER 111 DESIGNATION OF GODOWNS, RECEIPT AND MANAGEMENT OF PROPERTY 4. Designation of godowns.—(l) The Administrator shall designate as many godowns as may be necessary for the storage of property mentioned in the orders made under sub-section (1) of section 68F or sub-section (3) of section 68-1 of the Act. l

2. Vide S.O. 384 (E), dated 29th May, 1989, published in the Gazette Of India, Extra., Pt. 11, Sec. 3 (ii), dated 29th May, 1989. Came into force on 121 122 The Illegally Acquired Property (Receipt, Management

and Disposal) Rules, 1989 (2) The Administrator shall select godowns referred to in sub-rule (1), keeping in view the security of the premises, storage capacity, nature of property and other relevant factors. (3) Each designated godown shall have a godown keeper and a godown-in- charge to assist the Administrator

5. Proper accounting of properties.—The Administrator shall, at the time of receiving the properties, ensure proper identification of such property with reference to its particulars mentioned in the order made under sub-section (1) of section 68F or sub-section (3) of section 68-1 of the Act, as the case may be

Form I for recording entries in respect of property other than the properties referred to in rule 7 to be maintained

Form 11 for recording entries in respect of property, namely, gold and gold jewellery, diamonds (including rough and uncut diamonds), precious and semi- precious stones other than diamond and wrist watches (hereinafter called 'valuables') to be maintained

8. Storage of property.—(l) The Administrator shall ensure that the packages containing valuables are kept in the godown in an iron safe and vault, under double lock system, one key remaining with the godown-keeper and the other to be retained by the godown-in-charge. (2) Where, for any valid reasons, it is found that the packages containing valuables may not be kept in godown, such packages shall be kept in lockers obtained exclusively for this purpose, either with any branch of the Reserve Bank of India or of any nationalized bank. (4) The packages referred to in sub-rules (1) and (2) shall be stored systematically casewise, serialwise, yearwise and with proper identification marks to facilitate re-check and inspection

9. Management of land and building.—The Administrator may authorise any officer referred to in section 68T of the Act to take possession of vacant land or building in respect of which— (i) an order of seizure of freezing of such land or building has been made under sub-section (1) of section 68F of the Act; or (ii) an order for forfeiture of such land or building has been made under sub-section (1) of section 80-1 of the Act

10. Occupation of land or building.—(l) Where any property in the nature of land or building is in possession of a lessee or a tenant and against such property and order under sub-section (1) of section 6SF of the Act has been made, the Administrator may allow the lease or tenant to continue in occupation of such land or building in accordance with such terms and conditions which existed on the date of passing an order under sub-section (I) of section 68F of the Act. (2) The income derived from such properly shall be kept with the Administrator until such time the competent authority declares the property forfeited under sub-section (3) of section 68-1. The Illegally Acquired Property (Receipt, Management and Disposal) Rules, 1989 123 (3) Where any property is declared not liable to be forfeited under the Act, the Administrator shall, within reasonable time, return to the person such property and the income derived therefrom after deducting such expenses if any, which were incurred on the maintenance and management of the property

Form Ill

12. Storage of property other than valuables.—(l) Movable property other than valuables shall be stored in almirahs and racks. (2) Each almirah and rack shall have a stock-card indicating the case number and full description of the property

13. Placement of stock-cards.—The godown-in-charge shall ensure that the racks or almirahs or any other thing used for storage of property, display stock- cards indicating the case number and full description of the property stored

14. Opening and re-sealing of the Where any package is to be opened for any reason, the same shall be opened in the presence of the owner and the concerned godown-in-charge after obtaining the order of the Administrator.(2) The packages shall be re-sealed immediately after the purpose, for which such packages were opened, is fulfilled in the presence of the owner and the concerned godown-in-charge. (3) At the time of re-sealing, the owner, and the concerned godown-in- charge, shall affix their seals

15. Maintenance of seized/confiscated conveyances.—Conveyances, such as aircrafts, vessels, motor vehicles and any other mode of conveyance shall be properly maintained by the godown-in-charge

CHAPTER IV DISPOSAL OF PROPERTY 16. Disposal of livestocks, perishables, etc.—Subject to the sale proceeds being credited to the Fund under section 7A of the Act, the Administrator shall dispose of the livestock and property which is perishable in nature or prone to decay in the manner as he deems fit

17. Disposal of valuables.—Subject to the sale proceeds being credited to the Fund under section 7A of the Act, the Administrator shall dispose of the valuables mentioned below in the following manners, namely:— (1) Gold, gold jewellery, silver and silver jewellery.—The valuables, namely, gold, gold jewellery, silver and silver jewellery shall be deposited in the Government of India Mints which shall credit the value of such property to the Central Government. (2) Diamonds.—Rough and uncut diamonds shall be sold either by auction or tender to import licence holders against debit of their licences. Cut and polished diamonds shall be sold by auction or tender with the specific condition that such diamonds shall be exported, 124 The Illegally Acquired Property (Receipt, Management and Disposal) Rules, 1989 (3) Precious and semi-precious stones other than Rough and uncut precious and semi-precious stones other than diamonds shall be sold by auction or tender to holders of import licences against debit of their licences in the internal market. (ii) Cut and polished precious and semi-precious stones, other than diamonds, shall be sold internally, by auction or by tender

18. Disposal of currency.—(l) Indian and Foreign currency shall be deposited with the Reserve Bank of India or any Nationalised Bank. (2) The amount so deposited shall be credited to the Fund constituted under this Act

19. Disposal of the property.—Property other than those mentioned in rules 16 to 18 shall be disposed of by public auction

20. Disposal of land or building.—Subject to the relevant provisions of any law relating to the acquisition or disposal of immovable property and also subject to the sale proceeds being credited to the Fund under section 7A of the Act, land or building shall be disposed of by tender or by public auction

21. Disposal of conveyances.—Conveyances, such as aircrafts, vessels, vehicles and other mode conveyance shall be sold by public auction of or by tender

22. Furnishing Reports and Returns.—The Administrator shall furnish a quarterly statement to the Narcotics Control Bureau indicating the value of the property received and disposed of and the closing balance of all properties kept in the godowns and banks

CHAPTER V MISCELLANEOUS 23. Periodical Reports.—The godown-in-charge shall submit, every month, a report to the Administrator of the property received or disposed of during the period

24. Periodical inspection.—The Administrator with a view to ensuring safety, security, proper accounting and management of all properties in the godowns, conduct physical inspection and verification with the help of such officers as he thinks fit

25. Record of receipt and disposal.—The Administrator shall maintain a record of receipt and disposal of all properties received and disposed of under these rules. He shall also maintain an account of all income received and expenditure incurred on receipt, management and disposal of such property. 1. 2. 3. 4

5. FORM 1 (See rule 6) GODOWN REGISTER Godown entry Sl. No. Narcotic Drugs and Psychotropic Substances Crime No. Description of property in the sealed packages/containers. NO. Of packages/ containers. Quantity (package/containerwise). The Illegally Acquired Property (Receipt, Management and Disposal) Rules, 1989 125 6. 7. 8. 9. IO. 11. 12. 13. 14. I. 2. 3. 4. 5. 6. 7. 8. 9. 11, 12. 13. 14

15. Name(s) and address(es) of accused. Name with official designation and address of seizing/depositing officer. Facsimile of the seal put on the packages/containers by the seizing officer/ depositing officer. Date and time of deposit. Particulars of exit and re-entry for exhibiting to competent authority/ Tribunal. Date and time of removal for disposal. Disposal particulars. Certificate of disposal including price payment particulars and credit to the Fund. Remarks of the Inspecting Officer(s).

FORM 11 (See rule 7) GODOWN REGISTER FOR VALUABLE* Godown entry Sl. No. Narcotic Drugs and Psychotropic Substances Crime No. Description of the valuables in packages/ containers. No of packages/ containers (itemwise). Condition of seal at the time of entry. Quantity (package/ containerwise). Name(s) and address(es) of accused. Name with official designation and address of seizing/depositing officer. Facsimile of the seal put on the packages/containers by the seizing/ depositing officer. Date and time of deposit. Particulars of exit and re-entry for exhibiting to competent authority / Tribunal. Date and time of removal for disposal. Disposal particulars. Certificate of disposal including price payment particulars and credit to the National Fund for Control of Drug Abuse. Remarks of the Inspecting Officer(s). *Valuables will include: (1) Precious and semi-precious stones; (2) Gold and articles of gold; (3) Jewellery; (4) Silver and articles of silver; and (5) Watches. Sl. Crime No. FORM 111 (See rule 11) RECORD FOR LAND AND BUILDING Particulars Location Description as Area Value Annual No. 1 2 of the last owner(s) 3 4 per Municipal revenue records 5 (in case Of land) 6 7 income 8 Remarks 9 THE APPELLATE TRIBUNAL FOR FORFEITED PROPERTY (PROCEDURE) RULES, 19891 In exercise of the powers conferred by sub-section (5) of section 68-0 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (bl of 1985), the Appellate Tribunal for Forfeited Property hereby makes the following rules, namely:— 1. Short title and commencement.—(l) These rules may be called the Appellate Tribunal for Forfeited Property (Procedure) Rules, 1989. (2) They shall come into force at once

2. Definitions.—-ln these rules, unless the context otherwise requires,— (a) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); (b) "appeal" means an appeal filed under sub-section (l) of section 68- o; (c) "appellant" means a person who, being aggrieved by an order made by the competent authority, prefers an appeal to the Tribunal and includes the authorised representative of the appellant; (d) "authorised representative" means— (i) in relation to an appellant,— (A) any person being a relative of the appellant and authorised in writing by the appellant to attend before the Tribunal; or (B) a legal practitioner entitled to practice in any civil court in India, who is authorised in writing by the appellant to attend before the Tribunal; or (C) an accountant, being a member of the Institute of Chartered Accountants of India constituted under section 3 Of the Chartered Accountants Act, '1949 (38 of 1949) or the Institute of Cost and Works Accountants of India constituted under section 3 of the Cost and Works Accountants Act, 1959 (23 of 1959), who is authorised in writing by the appellant to attend before the Tribunal; or (ii) in relation to a competent authority who is a party to any proceedings before the Tribunal,— (A) a Law Officer of the Central Government; (B) a Government Pleader or Standing Counsel Io the Central Government by whatever name called; (C) any officer of the Central Government notified in this behalf by the Central Government by notification in the Official Gazette; I. Vide S.O. 70 (E), dated 22nd January, 1990, published in the Gazelle Of India, Extra., Pt. 11, Sec. 3 (ii), dated 22nd January, 1990. 126 127 The Appellate Tribunal for Forfeited Property (Procedure) Rules, 1989 (e) (f) (g) (h) (i) (j) (D) any legal practitioner or officer of the Central Government authorised in this behalf by the Central Government or the competent authority; (E) any other legal practitioner or officer of the Central Government acting on behalf of the person so notified or au thorised; "Bench" means a Bench of the Tribunal constituted under sub- section (3) or (4) of section 68-0; "Chairman" means the Chairman of the Tribunal; "competent authority" means a competent authority as defined in sub-section (l) of section 68D; "legal representative" means a person who in law represents the estate Of a deceased person, and includes any person treated by the Tribunal as representing the deceased person in the proceedings pending before the Tribunal; "member" means member of the Tribunal and includes the Chairman; 'party" in relation to an appeal means an appellant or the respondent, and the expression "parties" shall be construed to mean the appellant and the respondent; (k) "Registrar" means the Registrar of the Tribunal and includes such other officer who is authorised by the Chairman to perform the functions of the Registrar; (l) "section" means a section of the Act; (m) "Tribunal" means the Appellate Tribunal for Forfeited Property, constituted by the Central Government under sub-section (1) of section 68N

3. Language of the The pleadings before the Tribunal may, at the option of the respective parties, be in English or in Hindi.(2) All orders and other proceedings of the Tribunal may, at the option of the Tribunal, be in English or in Hindi

4. Headquarters of the Tribunal, The Headquarters of the Tribunal shall be at New Delhi.(2) Appeals and petitions may be heard at the Headquarters or at the discretion of the Chairman, at Bombay,

Madras, Calcutta, Allahabad or any Other place. (3) The office of the Tribunal shall observe such public and other holidays as are observed by the offices of the Central Government

5. Procedure for filing appeals and petitions* 1) Any person aggrieved by an order of the competent authority made under section 68F, section 68-1, sub- section (l) of section 68K or section 68L may prefer an appeal to the Tribunal; and every memorandum of appeal shall be in the form annexed to these rules.(2) A memorandum of appeal shall be in English or in Hindi and shall set forth concisely and under distinct heads the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively. The Appellate Tribunal tor Forfeited Property (Procedure) Rules, 1989 128 (3) Every memorandum of appeal or petition shall be in quadruplicate; and in the case of a memorandum of appeal it shall be accompanied by four copies of the order appealed against, one of which shall be either a certified copy of such order or the order served on the appellant. (4) The address given at serial number 5 of the form appended to these rules as referred to in sub-rule (1) shall be called the "registered address" of the appellant and shall until duly changed by an application to the Tribunal be deemed to be the address of the appellant for the purpose of the service of all notices, processes and other communications in Ihe appeal and other connected proceedings till the final determination of the appeal and a period of three months thereafter. (5) In every appeal, the competent authority which passed the order appealed against, shall be impleaded as one of the respondents. (6) A memorandum of appeal shall be presented by the appellant in person, or when there are more appellants than one by any of them, or by his authorised representative, to the registrar or such other officer as may be authorised in this behalf by the Chairman, or may be sent by registered post addressed to the Registrar. Explanation.—ln this sub-rule, the expression "authorised representative" shall include any person in the employment or a legal practitioner or an accountant who is authorised to appear on behalf of the appellant. (7) When a memorandum of appeal is sent by registered post, lhe date of receipt of the said memorandum at the office of the Tribunal shaJJ be the date of filing of the appeal and the Registrar shall on every memorandum of appeal, endorse the date on which it is presented or received at the office Of the Tribunal and shall sign the endorsement. (8) When an appeal is presented after the expiry of forty-five days of the receipt of the order served upon the appellant but nol after sixty days, it shall be accompanied by an application, supported by an affidavit, setting forth the facts on which the appellant relies to satisfy the Tribunal that he had sufficient cause for not preferring the appeal within forty-five days. (9) Every petition presented to the Tribunal, including a petition for stay, other than petitions of a formal or routine character, shall be accompanied by an affidavit as also four copies of such documents as are relied upon in support of the petition

6. Procedure for registration of Every memorandum of appeal filed within forty-five days Of service Of the order of the competent authority, being in the form annexed to these rules and otherwise in order, shall be registered in a book kept for the purpose called the Register of Appeals and the Registrar shall intimate the appellant or his authorised representative accordingly.(2) If a memorandum of appeal filed under sub-rule (l) is defective, bul the defects are minor or technical in character, lhe Registrar may register the appeal provisionally and call upon the appellant to remove the defects within such time as may be specified and upon the defects being removed within such specified The Appellate Tribunal for Forfeited Property (Procedure) Rules, 1989 129 time, the registration shall cease to be provisional and the appeal shall be deemed to have been regularly registered under sub-rule (I). (3) When a memorandum of appeal is presented after the expiry of forty-five days but within a period of sixty days after the date of service of the order of the competent authority, and is otherwise in order, and is accompanied by a petition for condition of delay, it shall be numbered and registered provisionally subject to the delay being condoned by the Tribunal. Notice of the application for condonation of delay may be given to the respondent, and after hearing the pprties, the Tribunal may condone the delay on being satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. The registration of the appeal shall then cease to be provisional and the appeal dealt with as though it has been registered under sub-rule (I). (4) When the memorandum of appeal is presented after the expiry of forty-five days but within a period of sixty days after the date of service of the order of the competent authority, and is not accompanied by a petition for condonation of delay, the Registrar may register the appeal provisionally and call upon the appellant to file a petition for condonation of delay within such time, as may be specified, and in the event of such a petition being received, it shall be treated as having been received along with the memorandum of appeal and the appeal dealt within the manner prescribed in sub-

rule (3). (5) When the defects are not removed or a petition for condonation of delay is not filed within the time specified in that behalf, the matter shall be placed before the Tribunal for its orders. (6) Where a memorandum of appeal is defective in material particulars, the Registrar may return the memorandum of appeal specifying the defects to the appellant, or may intimate in writing those defects. On receipt of the memorandum of appeal from the Registrar the appellant may within thirty days Of its receipt resubmit the memorandum of appeal with defects duly removed or in case of the memorandum of appeal having not been returned to him and defects only having been intimated may appear himself or through Counsel before the Registrar and remove those defects within thirty days. The memorandum of appeal submitted thereafter if found in order may be registered. (7) When a memorandum of appeal on the face of it appears to have been filed more than sixty days after the date of service of the order of the competent authority on the appellant, the appeal shall not be registered but lhe appellant shall be called upon by the Registrar to show cause why the appeal should not be dismissed as being out of time. (8) Every petition for condonation of delay and every memorandum of appeal filed out of time shall be placed before the Chairman who may direct the petition/ appeal to be posted before the Tribunal for its orders, 7. Procedure after registration of appeal.—(l) After an appeal is registered one COPY Of the memorandum of appeal and annexures thereto shall be served, as soon as possible, on the competent authority either by registered post acknowledgement due, or through a messenger and the parties shall be called upon to file their paper-books within a period of thirty days from the date of receipt of the notice or such further time as may be allowed. 130 The Appellate Tribunal for Fodeited Property (Procedure) Rules, 1989 (2) Each party shall file four copies of his paper-book which shall— (i) be legibly typed or otherwise reproduced by mechanical means; (ii) contain all documents upon which the party proposes to rely during the course of hearing; (iii) contain only such documents and material as have been referred, produced or relied upon, before the competent authority; (iv) have pages number serially; and (v) contain a full index or table of contents. (3) If the paper-book referred to in sub-rule (2) contain any document in a language other than English or Hindi a true translation thereof in English or Hindi shall be added. (4) The parties shall be informed of the date and place of hearing of the appeal either by registered post acknowledgement due or by notice served on them through messenger: Provided that where the parties or their authorised representatives are present before the Tribunal, it may inform them orally of the date and place of hearing of the appeal. (5) Any petition for summoning witnesses or documents filed by a party may be heard, if necessary, after giving notice to the other party. (6) Every requisition, direction, letter, authorisation or written notice to be issued by the Tribunal shall be signed by the Registrar and shall be sent by registered post acknowledgement due or through a messenger

8. Joint hearing and disposal of appeals.—The Tribunal may, whenever it considers necessary or expedient to do so, hear one or more appeals together and dispose of them by a common order

9. Grounds which may be taken in appeal.—The appellant shall not, except with the leave of the Tribunal, urge or be heard in support of, any ground not set forth in the memorandum of appeal but the Tribunal, in deciding the appeal shall not be confined to the grounds set forth in the memorandum Of appeal or taken with the leave of the Tribunal under this rule: Provided that the Tribunal shall not rest its decision on any ground other than the grounds set forth in the memorandum of appeal unless Ihe party which may be affected thereby has had a reasonable opportunity of being heard on that ground

10. Adjournment.—The Tribunal may adjourn the hearing of any case to any other date and inform the parties or their authorised representatives appearing on their behalf of the next date and place of hearing of the case

11. Dismissal of appeal for appellant's default.—Where on the day fixed for hearing or on any other day to which the hearing may be adjourned, the appellant or his authorised representative does not appear when the appeal is called on for hearing, the Tribunal may either dismiss the appeal for default or proceed ex parte: Provided that where the appeal has been dismissed for default or proceeded with ex parte and the appellant appears thereafter and satisfies the Tribunal that The Appellate Tribunal for Forfeited Property (Procedure) Rules, 1989 131 there was sufficient cause for his non-appearance when the appeal was called on for hearing, the Tribunal shall, after giving notice to the respondent, make an order setting aside the dismissal order or the ex parte proceedings and restoring the appeal to its original number

12. Effect of death, insolvency, etc., on appeal.—(l) An appeal Shail not abate by reason only ot the death of an appellant or on his adjudication as an insolvent. (2) The Tribunal may on an application made in this behalf by a legal representative of a deceased appellant make him a party and proceed with the appeal. (3) When no application is made within ninety days of the death of an appellant or within such further time as the Tribunal may allow for bringing his legal representative on record, the appeal shall abate. (4) On the insolvency of an appellant, the appeal may be continued by the assignee or the receiver for the benefit of creditors and if the assignee or lhe receiver fails to continue the appeal, the Tribunal may on its own motion or on an application by the respondent, dismiss the appeal

13. Remand of case by the Tribunal.—(l) The Tribunal may, whenever it considers it necessary, set aside an order of the competent authority and remand the case to the competent authority for fresh determination in the light of such directions as it may give. (2) The Tribunal may if it considers necessary at any stage of the proceedings call for a report or finding from the competent authority on such matters as it may specify. (3) A copy of any such report or finding referred to under sub-rule (2) shall be furnished to the parties and they shall be heard thereon before the Tribunal pronounces final orders

14. Production of additional evidence before the Tribunal.—(l) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, before the Tribunal, where— (a) the competent authority from whose order the appeal is preferred has refused to admit evidence which ought to have been admitted, or (b) the party seeking to produce additional evidence, establishes that notwithstanding the exercise of due diligence, such evidence was not within his knowledge or could not, after the exercise of due diligence, be produced by him at the time when the order appealed against was passed, or (c) the Tribunal requires any document to be produced or any witnesses to be examined to enable it to pronounce orders, or for any other substantial cause, or (d) the Tribunal is satisfied that the competent authority has decided the case without giving a reasonable opportunity to the appellant to adduce evidence on any point, it may allow such evidence or document to be produced, or witness Io be examined. The Appellate Tribunal for Forfeited Property (Procedure Rules, 1989 132 (2) Wherever additional evidence is allowed to be produced by the Tribunal, it shall record the reason for its admission

15. Hearing of appeals.—The place in which the Tribunal sits for the purpose Of hearing appeals shall be deemed to be an open court, to which the public generally may have access so far as the same can conveniently contain them: Provided that the Tribunal may, if it thinks fit, order at any stage of the hearing Of an appeal, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Tribunal

16. Pronouncement of order.—After the hearing is over, the Tribunal may pronounce its order forthwith, or it may reserve its order and if the orders are reserved, the Tribunal may at any time before final orders are pronounced either on its own motion or on the application of a party order that the appeal or petition be re-heard

17. Order to be communicated to parties.—Every order of the Tribunal shall be in writing and a copy of every final order of the Tribunal certified as a true copy by the Registrar shall be supplied free Of cost to the parties as early as possible

18. Signing of orders.—(l) Where the decision of the Tribunal is unanimous, a common order shall be signed by all the Members of the Tribunal. (2) A Member who does not concur with the decision of the majority may deliver a dissenting order. (3) Where there is a difference of opinion, the decision shall be in accordance with the decision of the majority of Members of the Tribunal. (4) The decision of the majority shall be reduced to writing and signed by all the members including the dissenting member

19. Publication of orders.—Such of the orders of the Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Tribunal may lay down

20. Orders and directions in certain cases.—Notwithstanding anything contained in these rules, the Tribunal may make such orders or gives such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends Of justice. FORM (See rules 5 and 6) BEFORE THE APPELLATE TRIBUNAL FOR FORFEITED PROPERTY, NEW DELHI MEMORANDUM OF APPEAL Section 68-0 (1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) .....20... .. ...e.....„....of..... F.P.A. No./M.P. No.....„..... .. To be filled up by

the office of the Appellate Tribunal. The Appellate Tribunal for Forfeited Property (Procedure) Rules, 1989 133 Shri/Smt.....,,.. IN THE MATTER OF vs. .,AppelIant; (i) The Competent Authority, New Delhi/ *Bombay [Calcutta/ Madras/ Allahabad Respondent (ii) Other respondents, if any..... . l. Authority passing the order appealed against: Comptent Authority, New Delhi/ Bombay/Calcutta/Madras/AlIahabad*

2. Date of the order

3. Date of service of the order

4. Specify whether a hearing in person or through an authorised representative is desired

5. Registered address of the appellant (including telephone No., if any, for the service of all notices, processes and communications)

6. Address of the Respondent: (i) The Competent Authority, New Delhi/ Bombay/CaIcutta/Madras/AIIahabad.(ii) Other respondents, if any

7. Section or sub-section of the section of Narcotic Drugs and Psychotropic Substances Act, 1985 under which the Competent Authority passed the order and which is appealed against: 8. Relief claimed: (i) Specify whether the entire order is disputed: (ii) If only certain items of properties are disputed, enumerate them in an annexure: 9. Ground of appeal (Annex a separate sheet if space is not sufficient). (Signature of Appellant) Signature of Authorised Representative, if any. Verification , ...the appellant/ authorised representative of the what is stated above is true to the best of my appellant, do hereby declare that knowledge, information and belief. Verified today the.. Date..... .day of..... ..,20... (Signature of the appellant or his authorised representative) *Strike out whatever is inapplicable. The memorandum of appeal should be filed in quadruplicate accompanied by four copies of orders appealed against (one of which shall be n certified copy of the order appealed against or the original copy of it served on the appellant). Any enclosure will also be in quadruplicate. 334 The Appellate Tribunal lor Forfeited Property (Procedure) Rules, 1989 (2) The memorandum of appeal should be written in English or in [lindi and should set forth concisely and under distinct heads the grounds of appeal and should be without any argument or narrative and such grounds should be numbered consecutively. (3) It is enough if the memorandum of appeal is signed either by the appellant or the authorised representative. Where it is signed by the authorised representative, it should be accompanied by an authorjsatjon of the appellant in his favour. (4) For further details see the Appellate Tribunal for Forfeited Property (Procedure) Rules, 1989 notified under sub-section (5) of section 68-0 of the Narcotic Drugs and Psychotropic Substances Act, 1985. THE APPELLATE TRIBUNAL FOR FORFEITED PROPERTY (CONDITIONS OF SERVICE OF CHAIRMAN AND MEMBERS) RULES, 19891 In exercise of the powers conferred by section 76 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following rules to provide for terms and conditions of service of the Chairman and other Members of the Appellate Tribunal for Forfeited Property constituted under section 68N of the Act, namely:— 1. Short title and commencement.—(l) These rules may be called the Appellate Tribunal for Forfeited Property (Conditions of Service of Chairman and Members) Rules, 1989

2. Definitions.—ln these rules, unless the context otherwise requires,— (a) (b) (c) (d) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), as amended by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988 (2 of 1989); "Chairman" means the Chairman of the Tribunal; "Tribunal" means the Appellate Tribunal constituted under sub- section (l) of section 68N of the Act; "member" means a member of the Tribunal

3. Remuneration, allowances, etc., of the Chairman.—(l) A Judge of the Supreme Court or of High Court appointed as Chairman shall be entitled to a monthly salary at the same rate as is admissible to him as a Judge of the Supreme Court or of a High Court, as the case may be. He shall be entitled to such allowances and other benefits as are admissible to a Judge of the Supreme Court or of a High Court, as the case may be (2) Where the Chairman retires from services as Judge of the Supreme Court or of a High Court during the term of office of such Chairman or a retired Judge of the Supreme Court or of a High Court is appointed as such, he shall be paid for the period he serves as Chairman, such salary, which, together with his pension and pension equivalent of any other form of retirement benefits shall not exceed the last pay drawn by him before retirement. He shall be entitled to such allowances and other benefits as are admissible to a serving Judge Of the Supreme Court or High Court, as the case may be. A person not being

a serving Judge or a retired Judge of the Supreme Court or of a High Court appointed as Chairman shall receive a pay of Rs. 26,000 (fixed) per mensem and shall be entitled to draw such allowances as are admissible to the Central Government officers of equivalent pay: 1. l/!åR S.O. 386 (E), dated 29th May, 1989, published in the Gazette of India, Extra,, Pt. 11, Sec. 3 (ii), dated 29th May, 1989

2. Came into force on 29-5-1989

3. Subs.by S.0 12.55 (E), dated 24th December, 2001 (w.e.f. 24-12-2001). 135 136 The Appellate Tribunal for Forfeited Property (Conditions of Service of Chairman and Members) Rules, 1989 Provided that if the pay scale of the officers of the Central Government of equivalent pay [i.e., officers in the pay scale of Rs. 26,000 (fixed)l is revised, the person appointed as Chairman referred to in this sub-rule shall be entitled to the revised pay scale applicable to the said officers of the Central Government of equivalent pay: Provided further that if such a person at the time of this appointment as Chairman is in receipt of a pension in respect of his previous service under the Government or any local body or authority owned or controlled by the Government, such salary shall be reduced by the amount of pension and pension equivalent of any other form of retirement benefits.l 114. Remuneration, allowances, etc., of members.—A person appointed as member shall receive pay in the scale Of Rs. 22,400-525-24,500 and shall be entitled to draw such allowances as are admissible to the Central Government officers of equivalent pay: Provided that if the pay scale of the officers of the Central Government of equivalent pay (i.e., officers in the pay scale of Rs. 22,400-525-24,500) is revised, the person appointed as member shall be entitled to the revised pay scale applicable to the said officers of the Central Government of equivalent pay: Provided further that if such a person at the time of his appointment as member is in receipt of a pension in respect of his previous service under the Government or any local body or authority owned or controlled by the Government, such salary shall be reduced by the amount of pension and pension equivalent of any other form of retirement benefits.] 5. Retirement during the term of member.—Where a member retired from service under the Government or any local body/ authority owned or controlled by the Government during the term of office as such member, his salary for the period he serves as members after such retirement shall be reduced by the amount of pension and pension equivalent of any other form of retirement benefits

6. Travelling allowances.—(l)(i) If the Chairman is a serving Judge Of the Supreme Court or of a High Court he shall be entitled to draw travelling allowance at the rates as are admissible to a Judge of the Supreme Court or of a High Court under the Supreme Court Judges (Travelling Allowances) Rules, 1959 or, as the case may be, the High Court Judges (Travelling Allowances) Rules, 1956 in respect of journeys performed by him in connection with the work of the Tribunal. (ii) If the Chairman is a retired Judge of the Supreme Court or of a High Court, he shall be entitled to draw travelling allowance or daily allowance according to his entitlement at the rates in force at the time of his re-employment in respect of journeys performed by him in connection with the work of the Tribunal: Provided that the retired Judge of the Supreme Court or of a High Court shall not be entitled to the benefit of higher daily allowance admissible to a serving Judge of the Supreme Court or of a High Court, as the case may be, for 1. subs. by S.O. 1255 (E), dated 24th December, 2001 (w.e.f. 24-12-2001). Thé Appellate Tribunal for Forfeited Property (Conditions of Service of Chairman and Members) Rules, 1989 137 performing functions outside his normal duties in localities away from his headquarters: (2) The Chairman, not being a Judge or a retired Judge of the Supreme Court or of a High Court, or any member, shall be entitled to draw travelling allowance in respect of journey performed by him in connection with the work of the Tribunal at the same rates as are admissible to a Central Government officer of equivalent pay

7. Leave.—(l) Where the Chairman is a serving Judge of the Supreme Court or of a High Court, he shall be entitled Io such leave as may be admissible to him under the Supreme Court Judges (Conditions of Service) Act, 1958, or as the case may be, the High Court Judges (Conditions of Service) Act, 1954. The serving Judge of the Supreme Court or of a High Court retiring during the tenure of appointment as Chairman, he would be governed by Central CjvjJ Services (Leave) Rules, 1972, with effect from his date of retirement from service. (2) Where the Chairman is a retired Judge of the Supreme Court or of a High Court, he shall be entitled to such leave as is admissible to an officer of the Government under the Central Civil Services (Leave) Rules, 1972. (3) A person appointed as a member shall be entitled to such leave as is admissible to an officer of the Government under the Central Civil Services (Iwave) Rules, 1972: Provided that where a person to whom the Central Civil Services (Leave) Rules, 1972 are not applicable, is

appointed as the Chairman or a Member, he shall be eligible for the grant of leave under the rules applicable to him before such appointment

8. Vacation.—(l) Where the Chairman is a serving Judge, he shall be entitled to vacation in accordance with the Supreme Court Judges (Conditions of Service) Act, 1958 or as [he case may be, the High Court Judges (Conditions of Service) Act, 1954. (2) The Chairman, who is not a serving Judge of the Supreme Court or of a High Court and a member shall not be entitled to vacation

9. Accommodation.—(l) A serving Judge or a retired Judge of the Supreme Court or of a High Court, who is appointed as Chairman, shall be entitled without payment of rent, to the use of an official residence in accordance with the Supreme Court Judges (Conditions of Service) Act, 1958, or as the case may be, the High Court Judges (Conditions of Service) Act, 1954: Provided that where a retired Judge of the Supreme Court or of a High Court, is not provided residence in accordance with this sub-rule, house rent allowance at the rate of 12.5% of pay shall be payable to such retired Judge of the Supreme Court or of a High Court. (2) The Chairman, who is not a serving Judge or a retired Judge of lhe Supreme Court or of a High Court, and a Member shall be entitled fo Government accommodation on payment of prescribed rent as admissible to a Central Government officer of equivalent pay. IO. Medical attendance.—(l)(i) A serving Judge of the Supreme Court or of a High Court shall be entitled to medical attendance in accordance with the 138 The Appellate Tribunal for FoHejted Propeny (Conditions of Service of Chairman and Members) Rules, 1989 Supreme Court Judges (Conditions of Service) Act, 1958, or as the case may be, the High Court Judges (Conditions of Service) Act, 1954, (ii) A retired Judge of the Supreme Court or of a High Court appointed as Chairman shall be entitled to medical facilities as available under the Central Government Health Scheme or where the Central Government Health Scheme is not available, he shall be entitled Io medical facilities as available to Cabjnel Ministers. (2) The Chairman, who is not a serving Judge of the Supreme Court or of a High Court and a Member of the Tribunal Sha)) be entitled to medical facilities admissible to a Central Government officer of equivaJenl pay. 11. (a) Where a serving Judge of the Supreme Court or of a High Court is appointed as Chairman, he shall hold office as Chairman for a period of three years or till he attains the age of sixty-five years or sixty-two years, as the case may ber whichever happens earlier: Provided that where a retired Judge of the Supreme Court or of a High Court is appointed or re-appointed as Chairman, beyond the age of sixty-five or sixty- two years, as the case may be, he Shall hold office as Chairman for such period nol exceeding three years, as may be determined by the Central Government al the time of appointment or re-appointment. (b) Where a person not falling under clause (a) is appointed as Chairman, he shall hold office for a period of three years, or till he attains the age of sixty-five years, whichever happens earlier and shall not be eligible for re-appointment. (c) Notwithstanding anything contained in clause (b) where a person appointed as Chairman is due to retire on attaining the age of superannuation under Ihe relevant rules applicable to him within a period of one year after complelion of the period of three years referred to in that clause, such person shall continue to hold office as Chairman till the date of his superannuation under the said rules. (2) A person appointed as member shall hold office till he attains the age of 60 years. I IA. Contributions of General Provident Fund and Contributory Provident Fund.—Åa) The Chairman and members Shall be entitled to make contributions towards General Provident Fund Account under the General Provident Fund (Central Services) Rules, 1960 in the same manner as any other Central Government servant. (b) Such of the Chairman and members, as are re-employed after retirement from Government service, shall be entitled to contribule towards lhe Contributory Provident Fund Account under the Contributory Provident bund Rules (India), 1962 subject to such conditions as are applicable to re-employed Central Government servants

12. Oath of office.—Every person appointed as the Chairman or as a member, not already in Government service shall, before entering upon office, make and subscribe to an oath of office before an officer of the Central Government not below the rank of Additional Secretary in the form appended to these rules. The Appellate Tribunal for Forfeited Property (Conditions of Service of Chairman and Members) Rules, 1989 139 13. Terms and conditions of service of Chairman and members who are Chairman and member of the Appellate Tribunal for Forfeited Property constituted under SAFEMFOPA.—The Chairman or a member of the Tribunal shall not be entitled for any salary, remuneration, allowance or any other benefits to which the Chairman or member is entitled under these rules, if the Chairman or member is a sitting Chairman or member, as the case may be, of the Appellate Tribunal for Forfeited Property constituted under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (hereinafter referred to

as "SAFEMFOPA") and the terms of office of such Chairman or member shall be co-terminus with the terms of office of the Chairman or member, as the case may be, of the Appellate Tribunal for Forfeited Property constituted under SAFEMFOPA

14. Saving.—ln respect of any matter not covered by these rules, the Chairman and a member shall be governed by such rules or orders, as may be applicable to a Central Government officer of equivalent pay

15. Interpretation.—lf any quesfion arises relating to the interpretation of these rules, the matter shall be referred to the Central Government, who shall decide the same. FORM (See rule 12) OATH OF OFFICE I .....,do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India, as by law established, that I will uphold the sovereignty and integrity of India and that I will carry out duties of my office loyally, honestly and with impartiality. So help me God. Signature; Chairman/ Member Appellate Tribunal for Forfeited Property Officer before whom the oath was taken. THE APPELLATE TRIBUNAL FOR FORFEITED PROPERTY (FEES) RULES, 19891 In exercise of the powers conferred by section 76 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) the Central Government hereby makes the following rules, namely:— 1. Short title and commencement.—(l) These rules may be called the Appellate Tribunal for Forfeited Property (Fees) Rules, 1989. (2) They shall come into force on the date2 of their publication in the Official Gazette

2. Scale of fees for inspection of records and registers of the Appellate The fees which shall be paid for the inspection of the records and registers of the Appellate Tribunal shall be the following, namely:—(a) for the first hour of inspection or part thereof: 1 Rupee (b) for every additional hour of inspection or part thereof: 50 Paise (2) Fees for the said inspection shall be paid in cash

3. Scale of fees for obtaining certified copies of records and registers of the Appellate Tribunal.—(l) Copying fees for supply of copies shall be rupees two per page or part thereof. (2) Copying fees for supply of photostat copies shall, however, be the actual expenses incurred by the Appellate Tribunal for such copies. (3) A fee of two rupees shall be levied for authenticating a copy to be a true copy. (4) Copying fees shall be recovered in advance in cash. (5) Where a party applies for Immediate delivery of a copy of evidence taken down by a Stenographer, the fee chargeable shall be 21/2 times of those specified by sub-rule (I), in such case, fifty per cent of the fees specified by sub- rule (T) shalt be paid to the Stenographer. (6) When a copy is sent by post, the applicant shall also be charged with the actual postal charges which Shal) be recovered in advance in cash

4. Saving.—Nothing in these rules shall enable any person to inspect or to obtain a copy of any register or document to which he is not otherwise entitled by or under any law or order of the Appellate Tribunal

1. Vide SO.387 (E), dated 29th May, 1989, published in the Gazette of India, Extra. , Pt. 11, sec. 3 (ii), dated 29th May, 1989

2. Came into force on 29-5-1989.140 THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (NATIONAL FUND FOR CONTROL OF DRUG ABUSE) RULES, 20061 fn exercise of the powers conferred by section 76 read Vith section 7A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following rtdes, namely:— 1. Short title and commencement-HI) These rules may be called the Narcotic Drugs and Psychotropic Substances (National Fund for Control of Drug Abuse) Rules, 2006. (2) They shall come into force on the date2 of their publication in the Official Gazette

2. Definitions.—Jn these rules, unless the context otherwise requires,— (a) (b) (c) (d) (e) (f) 'Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); "Controlling Officer" means an officer who is entrusted, by the Central Government, with the responsibility of controlling the receipt of money in the Fund and incurring expenditure from the Fund; "Governing Body" means the Governing Body constituted by the Central Government under sub-section (3) of section 7A of the Act; "Form" means the Form appended to these rules; "Fund" means the National Fund for Control of Drug Abuse constituted under section 7A of the Act; all other words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings respectively assigned to them in the Act

3. Procedure for remittance of grant to the Every grant made by any person or institution under clause (c) of sub-section (1) of section 7A of the Act shall be made by crossed cheque or demand draft in favour of the National Fund for Control of Drug Abuse and sent to the Joint Secretary

(Revenue), Ministry of Finance, Department of Revenue, North Block, New Delhi—110001, who shall, on receipt of such cheque or demand draft issue a receipt to such person or institution making such grant. (2) All grants made under sub-rule (1) shall be unconditional and irrevocable

4. Receipt of money.—All moneys received under sub-section (1) of section 7 A of the Act shall be credited to the Fund without delay by the Controlling Officer

5. Procedure for grant of money from the Any Department of the Central Government or of State Government(s) or any organisation(s) (hereinafter called as the 'Applicant') desirous of obtaining money from the Fund shall submit an application in Form 'A' appended to these rules, together with a project report.(2) Every application made under sub-rule (1) shall be sent to the Jomt Secretary (Revenue), Ministry of Finance, Department of Revenue, North Block, New Delhi - 110001

1. Vide G.S.R. 177 (E), dated 24th March, 2006, published in the Gazette of India, Extra,, Pt. 11, Sec. 3(i), dated 24th March, 2006 and subsequently amended Vide: G.S.R. 232(E), dated 2-4-2009; G.S.R, 581(E), dated 19-8-2009 2. Came into force on 24-3-2006. 141 142 The Narcotic Drugs and Psychotropic Substances (National (Rule 6 Fund for Control of Dreg Abuse) Rules, 2006 6. Grant of money from the Fund.—(l) The Central Government may require the Applicant to furnish further information or clarification regarding the activities and matters connected with the Applicant to enable it to consider payment out of the Fund. (2) Subject to the conditions specified in sub-rule (3), the Governing Body may sanction money out of the Fund to an Applicant within the limits notified by the Central Government and the Central Government may, on the recommendation of the Governing Body sanction such amount of money to an Applicant, as it considers appropriate. (3) Every Applicant who has been sanctioned money out of the Fund under sub-rule (2) shall,— (a) apply the money to meet the expenditure incurred in connection with the measures taken for combating illicit h•affic in, or controlling abuse of, narcotic drugs and psychotropic substances or controlled substances for all or any of the purposes specified in sub-section (2) of section 7 A of the Act; (b) submit an annual return ending on the last day of March of every year, within fifteen days of the end of the preceding year to the Central Government in Form 'B' appended to these rules; (c) maintain regular books of accounts, showing receipt and expenditure, which shall provide a true and fair view of the financial position of such Applicant; and (d) be bound by the terms and conditions stipulated in the letter of sanction of money issued by the Central Government. (4) The money provided to the Applicant, and the assets acquired or created out of such money, shall be deemed to be entrusted to the Applicant for the purposes specified in sub-section (2) of section 7 A of the Act. (5) The Applicant shall retain, hold and use the money received by it from the Fund, and all assets acquired with such moneys, solely for the purposes specified in sub-section (2) of section 7 A of the Act and for no other purpose. (6) If the Central Government has reasons to believe that an Applicant,— (i) has failed to carry out the purposes specified in sub-section (2) of section 7 A of the Act; or (ii) is likely to be wound up; or (iii) is unable to maintain and preserve the assets acquired or created out of the money received from the Fund; or (iv) is unable to perform or is likely to commit breach of its obligations under the grant of money, the Central Government may, at any time, revoke the grant of money, and in such case the Applicant shall be disentitled to retain the moneys paid out Of the Fund or the assets acquired or created thereby: IIProvided that no grant of money shall be revoked without giving the grantee a notice to show cause within tfiirty days from the date of the notice as to why the grant should not be revoked for the reasons indicated in the notice and if the grantee so requests, without giving him a reasonable opportunity of being heard in person: Provided further that where the Central Government is of the opinion that the money that was granted is still with the grantee and that the grantee is likely to fritter away or squander the money, so that it is beyond the reach of the Central Government in case of revocation, it may revoke the grant and give notice to show cause to the grantee subsequent to the revocation and if the grantee so requests, give him a reasonable opportunity Of being heard in person.] 1. Ins. by G.S.R. 232(E), dated 2nd April, 2009 (wæå. 2-4-2009). The Narcotic Drugs and Psychotropic Substances (National Form Al Fund for Control ot Drug Abuse) Rules, 2006 143 7. Communication of sanctions.—All financial sanctions and orders issued by the Central Government under these rules shall be communicated to the Audit Officer or the Accounts Officer, as the case may be, in accordance with the procedure specified under the General Financial Rules, 2005

8. Accounts and audit.—(l) The Central Government shall maintain proper accounts and other relevant records as per the Accounting Procedure as at Annexure I, appended to these rules, and prepare a statement

of accounts giving therein the details of the amount credited to the Fund and expenditure incurred therefrom, in consultation with the Comptroller and Auditor General of India. (2) The accounts of the Central Government under sub-rule (1) shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him. (3) The Comptroller and Auditor General of India shall have the same rights and privileges and authority, in connection with the audit of the Fund and accounts of the Central Government maintained under sub-rule (1) and also in connection with the audit of the accounts of the Applicant, as he has in connection with the audit of General Accounts and, in particular, shall have the rights to demand production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Central Government or the Applicant

9. Publication of annual report and statement of accounts.—The annual report giving an account of activities financed out of the Fund together with lhe statement of accounts referred to in section 7B of the Act shall be published in the Official Gazette as soon as possible after the end Of each financial year and, in any case not later than 31st December of succeeding year

10. Application of the provisions of General Financial Rules, 2005.—The provisions of the General Financial Rules, 2005 as amended from time to time shall, as far as may be, apply to the grant of money by the Central Government under these rules. l. 2. 3. 4. 5

6. FORM A [See rule 5(1)1 FORM FOR APPLICATION FOR GRANT FROM THE NATIONAL FUND FOR CONTROL OF DRUG ABUSE Name of the Applicant Name of the Government/Non-Government Organisation which established the Applicant Address of the Applicant and their branches, including e-mail address Financial status including balance sheet of the Applicant and their branches Personnel working in the Applicant (indicate qualification, experience, specialised interest particularly in relation to the proposed work). Name, address and phone number of the officer in-charge of the Applicant The Narcotic Drugs and Psychotropic Substances (National 144 Fund for Control of Drug Abuse) Rules. 2006 7. Objectives of the proposed project for which grant is required. Total expenditure likely to be incurred for the 8. project. Amount of expenditure to be met out Of the 9. National Fund for Control of Drug Abuse. Details of grants obtained earlier from the 100 National Fund for Control of Drug Abuse or any Other Fund or Organisation Manner in which project is proposed to be 11. implemented. Duration of the project

12. Name and designation of the officer who is 13.authorised to sign the application. l, 2. 3, 4. 5. 6. 7. 8, 9. Date..... . [Form A Place.....e Signature FORM B [See rule FORMAT FOR ANNUAL RETURNS TO BE SUBMr1TED BY THE APPLICANT RECEIVING PAYMENT outr OF THE NATIONAL FUND FOR CONTROL OF DRUG ABUSE Year in respect of which returns filed Name of the Applicant Name of the Government/ Non-Government Organisation who established the Applicant Address of the Applicant Amount spent by the Applicant durmg the year The amount out of item 5 spent from sources other than the Fund Results achieved and extent to which targets have been achieved Further action to be taken, giving specific recommendations for revision of the proposal in case the targets are not likely to be achieved Name, designation and telephone number of the officer who is authorised to sign the return. Signature Annex.] The Narcotic Drugs and Psychotropic Substances (National Fund for Control of Drug Abuse) Rules, 2006 ANNEXURE 1 ACCOUNTING PROCEDURE FOR THE "NATIONAL FUND FOR CONTROL OF DRUG ABUSE" 145 I. Constitution of Fund.—The "National Fund for Control of Drug Abuse" has been constituted in the Public Account of India, wherein the amounts received from the following sources shall be credited in accordance with the provisions contained in section 7A of the Act, namely.'— (a) An amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide; (b) The sale proceeds of any property forfeited under Chapter VA of the Act; (c) Any grant that may be made by any person or institution; (d) Any income from investment of the amounts credited to the Fund under the aforesaid provisions (i.e., interest on the deposits in Public Account at a rate to be decided by Budget Division of Ministry of Finance, Department of Economic Affairs, New Delhi)

2. Utilisation of Fund.—The fund shall be utilized by the Governing Body for the purposes mentioned in sub-section (2) of section 7A of the Act

3. Accounting Receipts to the Fund: (a) An amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide shall be transferred to the Fund

from the concerned grant as under the following Heads: Major Head: (MH) Minor Head: (MnH) Sub-Head: (SH) Object Head: (OH) Other Administrative Services.2070 - — Transfer to Reserve/ Deposits Account 797 Drug Abuse. — Transfer to the National Fund for 01 Control of Drug Abuse. Inter-Account transfer. The classification for the Fund under the Public Account of India would be as under: Major Head: (MH) Minor Head: (MnH) New sub-head: 8121 — General and Other Reserve Fund. 118 — National Fund for Control of Drug Abuse. 01 — Receipts by transfer. The amount sanctioned by the Government each year för transfer to the Fund shall be credited to this Head by contra debit to the Major Head 2070 — National Fund for Control of Drug Abuse in the accounts of the Central Government. (b) (i) The sale proceeds of any property forfeited under Chapter VA of the Act, to be initially credited to the Consolidated Fund of India as under:— Major Head: (MH) 0070 Sub-Major Head: (SMH) 60 — Minor Head: (MnH) New sub-head: 800 — 63 — 06 — Other Administrative Services. Other Services. Other Receipts. Receipts from Sale Proceeds of Property forfeited under Chapter VA of the Act. 146 Major Head: (MH) 0070 - Sub-Major Head: (SMH) 60 — 07 — 01 — The Narcotic Drugs and Psychotropic Substances (National [Annex. Fund for Control of Drug Abuse) Rules, 2006 (ii) Where any property under declaration stands forfeited under section 68K of the Act to the Central Government and the source of only a part of the illegally acquired property has not been proved to the satisfaction of the Competent Authority by the person affected, it shall make an order giving an option to the person affected to pay in lieu of forfeiture, a fine equal to the market value of such part and the same shall be credited under: Minor Head: (MnH) New sub-head: 800 — Other Administrative Services. Other Services. Other Receipts. Receipts from fines in lieu of forfeiture of property under section 68K of the Act. These receipts shall subsequently be transferred to the Fund with due appropriation by debit to the Head:— Major Head: (MH): Minor Head: (MnH) Sub-head: (SH) Object Head: (OH) 2C70 - 797 - 63 — Other Administrative Services. Transfer to Reserve/ Deposit Account. Transfer to the National Fund for Control of Drug Abuse. Inter-Account transfer. Contra credit will be afforded to the— Major Head: (MH) Minor Head: (MnH) New sub-head: 8121 — General and other Reserve Funds. 118 — National Fund for Control of Drug Abuse in the Public Account. 01 — Receipts by transfer. (c) Grant that may be made by any person or institution.—Any grant that may be made by any person or institution shall be credited to the Fund Account as under: Major Head: (MH) Minor Head: (MnH) New sub-head: (d) After due appropriation the account would be as under:— Debit Major Head: (MH) Sub-Major Head: (SMH) Minor Head: (MnH) Sub-Head: (SH) Object Head (OH) Credit Major Head: (MH) Minor Head: (MnH) New Sub-head: General and other Reserve Funds. 8121 - — National Fund for Control of Drug 118 Abuse. — Receipts from grants by any person 02 or institution. of transfer of interest to the Fund accountal 2049 — Interest Payments. Interest on Reserve Funds. 05 — Interest on general and Other Reserve 105 - fund. Interest on the National Fund for 07 — Control of Drug Abuse. 45 — Interest. — General and other Reserve Funds. 8121 Interest on the National Fund for 118 - Control of Drug Abuse. Receipts from interest payment by 03 — the Government of India. Annex.] The Narcotic Drugs and Psychotropic Substances (National Fund for Control of Drug Abuse) Rules, 2006 147 (2) The Accounting Procedure for receipt into and disbursement from this Fund: (a) Expenditure from the Fund.—AII expenditure shall be initially made from the concerned grant debited to the Consolidated Fund of India shall be recouped from the Fund, from time to time. The Department of Revenue may make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and would be properly reflected in the expenditure of the Government while the continuing balances in the Fund in the Public Account will ensure that funds are readily available. Initially debit will be afforded to— Major Head: (MH) 2070 Minor Head: (MnH) New sub-head: 113 Other Administrative Services. Narcotics Control. Expenditure on Control Of Drug Abuse. Finally, after recoupment, the entire expenditure shall stand debited to— Major Head: (MH) 8121 — General and other Reserve Fund. Minor Head: (MnH) New sub-head: 118 National Fund for Control of Drug Abuse. 04 — Expenditure on Control of Drug Abuse. Subject to the approval of the Competent Authority, expenditure incurred for identification, treatment, education, after-care, rehabilitation, social re-integration of addicts and for such Other provisions as may be provided in sub-section (2) Of section 7A of the Act may also be met out of the allocations from the Fund. The amount financed from expenditure head shall be shown as Deduct entry under the minor head "902-Deduct amount met from the National Fund for Control of Drug Abuse" below Major Head "2070-Other Administrative Services" by Contra Debit to the

Reserve Fund as under: Major Head: (MH) Minor Head: (MnH) 2070 — Other Administrative Services. 902 — Deduct amount met from National Fund for Control of Drug Abuse

4. Payment Procedure for disbursement from this Fund.—(l) Application of the Fund: The amounts available in the Fund would be applied for the purposes mentioned in sub-section (2) of section 7A of the Act. (2) Application for grant of money from the Fund: The Applicant may apply to the Ministry Of Finance, Department of Revenue for grant of money from the Fund provided that:— (i) the Applicant shali submit an application along with Form 'A' and a copy of the Project report in the format as decided by the Governing Body from time to time; (ii) every application for grant from the Fund shall be sent to the Joint Secretary (Revenue), Narcotics Control Division, Department of Revenue, North mock, New Delhi - 110 001. (3) Procedure for sanction of grants from the Fund: (i) The Department shall scrutinize applications received from time to time and may obtain comments from other Ministries/ Departments/State Government(s); or from such other authorities as it may deem fit or may inspect the office or the premises where the project is being run by the Applicant seeking money; 148 The Narcotic Drugs and Psychotropic Substances (National [Annex. Fund for Control of Drug Abuse) Rules, 2006 (ii) The application received along with the comments of various authorities shall be circulated to the members of the Governing Body at least seven days before the meeting of the Body; (iii) The Central Government may require the Applicant seeking money to furnish further jnformation or clarification regarding activities and matter connected with the Applicant to enable it to consider payment out of the Fund; (iv) The maximum grant of money from the Fund would not exceed seventy five per cent of the project cost: 1[Provided that in case where the applicant is a Government Department or any agency of the Government, the maximum rant of money from the Fund would be hundred per cent of the project cost. (v) The Governing Body for the purpose of deciding the grant of money to such an Applicant would meet at least twice a year; (Vj) After considering the proposals, the Governing Body may sanction payment Of such amount, which it considers appropriate, to an Applicant, upto the limit notified by the Central Government in the Official Gazette or 21hundred per cent of the project cost in respect Of Government Department or any agency Of the Government or seventy-five per cent of the project cost in respect of othersl, whichever is less. For grant of money beyond the authority of the Governing Body, the Central Government may, on the recommendation of the Governing Body, sanction payment of such amount, as it considers appropriate, to an Applicant; (vii) The amount would be released either as lump sum grant or in such number of instalments as may be specified and subject to such conditions as may be imposed by the sanctioning authority; (viii) The applications would be processed as per provisions of Delegation of Financial Power Rules/GeneraI Financial Rules. (4) Meeting of the Governing Body: (i) The meeting of the Governing Body shall be held at least twice a year and as often as the Chairman may call for. The meeting of the Governing Body shall be convened on such date and time as decided by the Chairman, and the quorum of such meeting would be one-third of the strength of the Governing bod , (ii) In tle absence of a Chairman, Joint Secretary Of the Department of Revenue. who deals with the matters relating to the Fund shall convene the meeting of the Governing Body and the members of the Governing Body shall elect a Chairman to preside over that meeting. (5) Obligations of Organisations receiving money from the Fund: (a) Every Applicant, which has been sanctioned money out of the Fund shall— (i) utilise the money to meet the expenditure incurred by it in connection with measures taken for controlling the abuse of narcotic drugs or psychotropic substances for all Ot' any Of the purposes specified in sub-section (2) of section 7A of the Act; may be specified in the sanction; (ii) submit an annual return (Form 'B') ending on the last day of March of every year within fifteen days of the end of the preceding vear and such annual return shall be furnished in format as may be specified by the Governing Body; (iii) maintain books of account regularly showing receipts and expenditure which shall provide a true and fair view of the financial position of such Applicant; and (iv) be bound by the terms and conditions of grant of money stipulated in the letter of sanction issued by the Central Government. (b) The money provided to an Applicant and all assets acquired or creaQd out of such money shall be deemed to be entrusted to the Applicant for the purpose for which it was sanctioned from the Fund; 1. Ins. by G.S.R. 581(E), dated 19th August, 2009 (w.e.f. 19+-2009)

2. Subs.by G.S.R. 581(E), dated 19th August, 2009, for "'seventy-five per cent of project cost" (w.e.f. 198-2009). Annex.) The Narcotic Drugs and Psychotropic Substances (National Fund for Control of Drug Abuse) Rules, 2006 149 (c) The Applicant shall retain, hold and use all moneys received by it from the

Fund and all assets credited with such moneys solely for the purpose for which it was sanctioned from the Fund and for no Other purpose. (6) Powers Of the Central Government: (a) The Central Government may, at any time or from time to time, call for such reports, documents or any other information as it may deem fit from the recipient of the money to monitor its proper utilization. (b) If the Central Government has reasons to believe that the recipient of the money— (i) has failed to carry out the purposes for which money was provided; or (ii) is unable to maintain and preserve the assets acquired or created out of money from the Fund; or (iii) is unable to perform or is likely to commit breach of its obligations under the grant Of money; or (iv) the Applicant receiving the money from the Fund is likely to be wound up, then the Central Government may at any time hafter following the procedure specified in the provisos to sub-rule (6) of rule 61 revoke the grant of money in which case the Applicant Shall be disentitled to retain the money paid out of the Fund or the assets created thereby. (7) Sanctioning Power of different Authorities:— The powers of various authorities to sanction amounts from the Fund would be as under: Amount to be sanctioned Upto Rupees Ten lakh Above Rupees Ten lakh (8) Communication of sanctions: Authority competent to grant the sanction Governing Body Finance Minister (i) All financial sanctions and orders issued by the Central Government under these rules shall be communicated to the Audit Officer and Pay and Accounts Officer concerned in accordance With the procedure specified under the General Financial Rules, 2005 that is all sanctions for drawal from the account shall be endorsed with a copy to the concerned Pay and Accounts Office and accordingly bills for drawals shall be submitted to the concerned Pay and Accounts Office for issue of cheque and to debit the concerned head and Consolidated Fund of India, and recoup the same on the monthly basis from the same Fund for such drawals: The Accredited Bank shall send the scrolls to the concerned Pay and Accounts Office regularly; (ii) Subject to sanction by the Ministry, payments from the Fund may be released for purposes or activities as per provisions of section 7A of the Act; (iii) Pay and Accounts Office, Ministry of Finance, Department of Revenue, New Delhi shall be responsible for maintaimng ledger and broadsheet Of the Fund; (iv) Under rule 16 of the General Financial Rules, 2005 and rule 6 of the Receipts and Payments Rules, 1963 any amounts/subscriptions received by the department concerned shall without undue delay, that is, within two working days from the receipt of money; be deposited with the Accredited Bank for depositing in (he Government account and it must be ensured that the amounts received by the Accredited Bank under these provisions shall be deposited into 1 Ins. by GS.R, 232(E), dated 2nd April, 2009 (w.e.f. >1-2009). 150 [Annex. The Narcotic Drugs and Psychotropic Substances (National Fund for Control of Drug Abuse) Rules, 2006 the Government account within a period of five days and nine days (including Sunday and Holidays) in case of local branches and outside branches as the case may be. In case the remittance is delayed beyond the above time limit, an amount equal to the interest payable as per these provisions or an amount decided by the Central Government from time to time may be recovered from the respective branch where the delay occurs towards penal interest from the date of receipt of money into Bank up to the date of remittance. The date of remittance into Government account in Reserve Bank Of India, Central Accounts Section, Nagpur may be excluded while calculating the delay. Further, an amount upto rupees one hundred for each item may also be ignored while calculating the penal interest in delayed remittances. Revenue/ Receipt and Payment scrolls will be sent to Pay and Accounts Office, by the local branch, of the Accredited Bank viz. Allahabad Bank, Parliament Street, New Delhi in case of Pay and Accounts Office, Department of Revenue, Ministry of Finance

5. Accounts and Audit.—Receipts of amounts into the Fund and payments or expenditure out of the Fund would be in such manner and method as prescribed in these Accounting Procedure Rules. The Central Government shall maintain proper accounts and other relevant records and prepare a statement of accounts giving therein details of the amount credited to the Fund and expenditure incurred therefrom in consultation with the Controller General of Accounts and Comptroller and Auditor General of India. The accounts of the Central Government under sub-rule (I) of rule 8 shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by them apart from annual Internal Audit conducted by Chief Controller of Accounts, Ministry of Finance, New Delhi. The Comptroller and Auditor General of India, and Chief Controller of Accounts, Ministry of Finance shall have the same rights and privileges and authority in connection with the audit of the Fund, and accounts of the Central Government maintained under sub-rule (I) Of rule 8 and also in connection with the audit of accounts of the Applicant seeking and having obtained grants under the Fund as they have in connection with the audit of General

Accounts and in particular shall have the rights to demand production of books, accounts, connected vouchers and other related documents and papers and to inspect any of the offices of the Central Government or any organisation

6. Annual Accounts to be published.—The annual report giving an account of activities financed out of the Fund together with the Statement Of Accounts, referred to in section 7B of the Act, shall be published in the Official Gazette as soon as possible after the end of each financial year and in any case not later than 31st December of the following financial year.