

**MEMORANDUM OF UNDERSTANDING
 BETWEEN
 THE GOVERNMENT OF THE REPUBLIC OF INDIA
 AND
 THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF NEPAL
 ON
 DRUG DEMAND REDUCTION AND PREVENTION OF ILLICIT TRAFFICKING IN
 NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR
 CHEMICALS AND RELATED MATTERS**

The Government of the Republic of India and the Government of the Federal Democratic Republic of Nepal (hereinafter referred to individually as a "Party" and collectively as the "Parties").

CONSIDERING that the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 form the basis for national and international drug control;

AFFIRMING their commitment to the declaration adopted by the Special Session of the UN General Assembly in June 1998 on drug abuse and illicit trafficking as an expression of the political will of nations to combat the drug menace;

SHARING a deep concern over the illicit cultivation, production, processing and trafficking in illicit narcotic drugs, psychotropic substances and precursor chemicals;

RECOGNIZING that the medical use of narcotic drugs and psychotropic substances continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs and psychotropic substances for such purposes;

REAFFIRMING their joint determination to combat the drug menace;

TAKING into due consideration their constitutional, legal and administrative systems and respect for the national sovereignty of their respective State;

Have agreed as follows:

ARTICLE I

The parties shall subject to their domestic laws, cooperate and assist each other, in furtherance of the objectives of this MoU:

- (a) in the prevention, suppression and investigation of illicit drug trafficking;

- (b) in reducing the demand for drugs through prevention, awareness education and community based programmes, treatment and rehabilitation;
- (c) in tracing, identifying, seizing and confiscation of proceeds of illicit drug production; trafficking and related activities;
- (d) in the exchange of literature on existing laws, rules, procedures and best practices and methods concerning abuse and trafficking in narcotic drugs, psychotropic substances and precursor chemicals;
- (e) in combating illicit cultivation of plants containing narcotic drugs and/or psychotropic substances;
- (f) in complying with the administrative and control mechanisms laid down by the International Narcotics Control Board (INCB) governing activities related to the legitimate international trade in narcotic drugs, psychotropic substances and precursor chemicals in order to prevent their diversion;
- (g) in the appropriate use of controlled delivery on case-to-case basis with the view to identifying persons involved in the illicit trafficking of drugs including diversion of precursors, essential chemicals and solvents.

ARTICLE II

1. The Parties shall make all possible efforts, consistent with their domestic laws, to take appropriate action in their territories to cooperate with each other in taking the following measures:-

- (a) to exchange information of operational, technical and general nature between the Competent Authorities of the Parties;
- (b) to exchange information on the best methods and practices adopted by the Parties in the fields of demand and supply reduction in respect of narcotic drugs and psychotropic substances and precursor chemicals;
- (c) to share and exchange the best practices and experience for training of officers in the fields of drug demand and supply reduction;
- (d) to provide information on the request of the Party about the arrest on drugs charges of the citizens of one Party in the territory of the other and to provide further information on related matters falling within the scope of this MoU;
- (e) to communicate operational intelligence through the fastest means of communication, viz., telephone, telex/fax and e-mail. Information of a detailed nature may be communicated through correspondence;

323

(f) to exchange information normally in the formats at Appendices I and II relating to cases of illicit trafficking in drugs, psychotropic substances and precursor chemicals and persons involved therein. Any other information of significance may be exchanged in any other format as and when necessary as mutually agreed.

(g) to convey information between the Parties under this MoU in English.

2. The receiving Party shall not use information received from the other Party, for any purpose other than that for which information was requested and provided; and the receiving Party shall be bound not to share such information with a third Party/Parties without the prior written consent of the Party which provided the information.

ARTICLE III

This MoU shall not affect the rights and obligations of the Parties arising from other international agreements to which they are a party.

ARTICLE-IV

For effective operation of this MoU, the Parties may meet periodically or whenever considered necessary by mutual consent.

ARTICLE V

The Competent Authorities of the Parties shall cooperate in working out and in introduction of new methods to control illegal transactions in narcotic drugs, psychotropic substances, precursors and the treatment and social rehabilitation of addicts subject to their domestic laws.

ARTICLE VI

The Parties through their Competent Authorities agree to explore the possibility of co-operation in training of personnel, exchange specialists and experts in the field. They also agree to exchange national lists of narcotic drugs, psychotropic substances and precursor chemicals and inform each other of any changes in such lists.

ARTICLE VII

For the implementation of this Memorandum of Understanding and exchange of any information, the Competent Authorities shall be:-

(a) For the Republic of India - As given in Appendix III

324

(b) For the Federal Democratic Republic of Nepal - As given in Appendix IV.

ARTICLE VIII

For the purpose of this MoU, narcotic drugs and psychotropic substances are understood to be the substances that are scheduled or described in the Single Convention on Narcotic Drugs, 1961 as amended by the Protocol of 1972 and Convention on Psychotropic Substances, 1971. Precursors, essential chemicals and solvents are those substances included in the Tables referred to in Article 12 of the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 or any other substances as may be mutually agreed upon.

ARTICLE IX

Any amendment to or revision of this MoU shall be in writing, on mutual consent, and shall enter into force in accordance with the procedures stipulated for entry into force of this MoU.

ARTICLE X

Any dispute arising out of the interpretation or implementation of this MoU shall be settled amicably through consultations or negotiations between the Parties through diplomatic channels.

ARTICLE XI

This Memorandum of Understanding shall come into force on the date of its signatures. It shall be valid for a period of five (5) years. It shall be automatically extended for another period of five years unless terminated by either Party by giving three months advance written notification to the other Party.

In witness whereof the undersigned being duly authorized thereto by their respective Governments have signed this Memorandum of Understanding.

Done at New Delhi on this 24th day of August in the year Two Thousand Seventeen in three originals each in Nepali, Hindi and English languages, all texts being equally authentic. However, in case of any discrepancy in the text or difference in interpretation, the English text shall prevail.


For the Government of
the Republic of India


For the Government of the Federal
Democratic Republic of Nepal

APPENDIX I
(Article II of the Memorandum of Understanding)

CASES OF ILLICIT TRAFFIC IN DRUGS

Reference:

Sender:

Date:

1. Name of the seizing agency
2. Type of drug seized
3. Quantity
4. Chemical analysis report
5. Place of seizure
6. Date of seizure
7. Packing, labeling and trade marks
8. Particulars of conveyance used
9. Name and nationality of the custodian/Owner of the conveyance
10. Name of company, air-line, ship
11. Mode of concealment
12. Route
13. Place of production/processing
14. Place where drug contraband/obtained
15. Origin/sources
16. Destination
17. Any equipment/accessories seized
18. Any other information.

326

APPENDIX II

(Article II of the Memorandum of Understanding)

**PROFORMA FOR REPORTING ON PERSON(S) INVOLVED IN
NARCOTICS TRAFFICKING/SMUGGLING**

(In cases implicating more than one person, please use separate form for each)

- 1. Name and aliases used :
- 2. Father's name :
- 3. Sex :
- 4. Age :
- 5. Date and place of birth :
- 6. Nationality :
- 7. Passport No. :
- 8. Place/date of issue :
- 9. Occupation :
- 10. Address :
- 11. Extent of involvement :
- 12. Previous involvements :
- 13. Associates :
- 14. Arrested/Detained :
- 15. Place of arrest :
- 16. Judicial or administrative
measures taken :
- 17. Attach photocopy of the
first page of passport :

SUMMARY OF THE CASE

(Please indicate details of the case necessary for furtherance of investigation)

APPENDIX III

(Article VII of the Memorandum of Understanding)

COMPETENT AUTHORITIES FOR THE GOVERNMENT OF THE REPUBLIC OF INDIA

Director General
Narcotics Control Bureau
1st Floor, West Block No.1, Wing No.5,
R.K. Puram, New Delhi-110066.
Tel.No.91-11-26172089,
Fax No.91-11-26105747,
Email- dg-ncb@nic.in

(All operational matters relating to illicit trafficking in narcotic drugs, psychotropic substances and precursor chemicals including coordination with other field agencies)

Joint Secretary (Revenue)
Department of Revenue
Ministry of Finance,
North Block, Central Secretariat,
New Delhi.
Telefax – 91-11-23094595,
Email: jsrev@nic.in

(National Laws, Rules, Procedures concerning Drug Administration)

Joint Secretary (Social Defence Division)
Ministry of Social Justice & Empowerment
6th Floor, A Wing, Shastri Bhawan,
New Delhi.
Tel.No.91-11-2337269
Fax – 91-11-23382072
Email: jssd-msje@nic.in

(Drug demand reduction & drug abuse matters)

Narcotics Commissioner
Central Bureau of Narcotics
19, The Mall, Morar
Gwalior-474006 (Madhya Pradesh)
Tel.No.91-751-2368121, +91-0751-2369437
Fax No.91-751-2368111
Email: narcommr@cbn.nic.in

(Licit manufacture/international trade in narcotic drugs, psychotropic substances and precursor chemicals and diversion thereof)

324

APPENDIX IV

(Article VII of the Memorandum of Understanding)

**COMPETENT AUTHORITIES FOR THE GOVERNEMENT OF THE FEDERAL
DEMOCRATIC REPUBLIC OF NEPAL**

Chief Narcotics Control Officer
Joint Secretary
Policy, Planning and Monitoring Division
Singha Durbar, Kathmandu, Nepal
Tel No. + 977-1- 4211248
Fax No. + 977-1- 4211283
Email- drug@moha.gov.np
Web: moha.gov.np

(All operational matters relating to illicit trafficking in narcotic drugs, psychotropic substances and precursor chemicals including coordination with other agencies. Drug demand reduction and drug abuse matters)

Director General
Department of Drug Administration
Ministry of Health
Kathmandu, Nepal
Email- directordda@dda.gov.np
Tel No. +977-1-4780432
Fax No. +977-1- 4780572

(National laws, rules, procedures concerning medical use of narcotics and psychotropic substances administration)

Narcotic Control Officer
Deputy Inspector General of Police
Narcotics Control Bureau
Koteshwor, Kathmandu, Nepal
Tel No. +977-1- 4601048
Fax No. +977-1- 4601978
Email-ncb@nepalpolice.gov.np.
ncbnepal@gmail.com

(All operational matters relating to illicit trafficking in narcotic drugs, psychotropic substances and precursor chemicals)
