

DDO (C) MCB
By MCB 1534
Date 18/5/10

BHUTAN

Kind Attention: DL, MCB

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17/5/10

Memorandum of Understanding (MoU) between the Government of the Republic of India and the Royal Government of Bhutan 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 Royal Government of Bhutan (hereinafter referred to as "Parties"),

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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 1988 on Drug Abuse and Illicit Trafficking as an expression of the political will of all countries to combat the drug menace;

Sharing their deep concern over the illicit cultivation, production, processing and trafficking in 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 consideration their constitutional, legal and administrative systems and respect for the national sovereignty of their respective States;

Have agreed as follows:-

Article I

The Parties shall, subject to their domestic laws, cooperate in the following areas:

- Prevention, suppression and investigation of illicit trafficking in narcotic drugs, psychotropic substances and precursor chemicals;
- Reducing the demand for drugs through prevention, awareness education and community based programmes, treatment and rehabilitation;

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US (PD) MHA

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- c) Combating the trafficking of narcotic drugs, psychotropic substances, precursor chemicals and to the extent possible pharmaceutical preparations containing narcotic drugs and psychotropic substances, preventing money laundering and tracing, identifying, freezing, seizing and forfeiting of properties derived from or used in illicit traffic;
 - d) 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) Combating illicit cultivation of plants containing narcotic drugs and/or psychotropic substances;
 - f) Export and import operations related to legitimate trade in narcotic drugs, psychotropic substances and precursor chemicals for legal purposes within the scope of the international conventions and as identified by each Party;
 - g) 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;
 - h) Providing mutual legal assistance where necessary, including, but not limited to service of summons and other judicial documents, taking testimony of witnesses, exchange of records, articles of evidence; and
 - i) Appropriate use of controlled delivery on case-to-case basis with a view to identifying persons involved in the illicit trafficking of drugs including diversion of precursors, essential chemicals and solvents.
 - j) Cooperate in any other area as mutually agreed between the Parties.

Article II

1. The Parties shall, consistent with their domestic laws:
 - a) Exchange information of operational, technical and general nature between the Competent Authorities of the Parties;
 - b) 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;

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269

- c) Share and exchange the best practices and experience in the fields of drug demand and supply reduction;
 - d) Promptly exchange information about the arrest of the citizens of one Party in the territory of the other and provide further information on investigations, prosecutions and related matters; and
 - e) Exchange national lists of narcotic drugs, psychotropic substances and precursor chemicals and inform each other of any changes to them.
 - f) Exchange information in any other area as mutually agreed between the Parties.
2. The operational intelligence shall be communicated through the fastest means of communication, viz., telephone, telex/fax and e-mail. Information of a detailed nature may be communicated through correspondence also.
 3. The available information shall normally be exchanged in the formats at appendices I & II relating to cases of illicit traffic and persons involved in trafficking respectively. Any other information of significance may be exchanged in any other format as and when necessary as mutually agreed.
 4. Any information under this MOU shall be communicated in English.
 5. Except with the consent of the Party providing the information, the Parties shall not use information received from the other Party, for any purpose other than that for which the information was requested and provided, and shall not disclose such information to any third Party or to any other entity without the prior consent of the Party which had provided the information.

Article III

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

Article IV

To review the implementation of this MOU, the Parties hereby establish a Coordination Committee consisting of representatives of the competent authorities identified in Article VI. The Committee shall meet as frequently as required but at least once a year alternatively in India and Bhutan or as mutually agreed.

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Article V

The Parties shall cooperate in training of personnel and exchange of specialists and experts in the field, as mutually agreed. The Parties shall also cooperate in laboratory training and in providing drug detection kits, etc.

Article VI

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

- (1) For the Republic of India
As given in Appendix III
- (2) For the Kingdom of Bhutan
As given in Appendix IV.

Article VII

For the purpose of this MOU Narcotic Drugs and Psychotropic substances are understood to be 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 mutually agreed by the Parties.

Article VIII

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

Article IX

1. This MOU shall come into force from the date of signing and shall remain valid for a period of five years. Subsequently, it shall be renewed automatically for further periods of five years at a time.
2. Either Party may terminate this MoU by giving 30 days advance notice to the other indicating its intention to terminate this MoU.

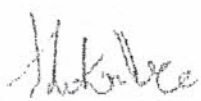
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3. Any amendment to this MOU shall be by mutual consent of the Parties and shall be in writing.

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

Done at New Delhi on Twenty-Second Day of December Two Thousand Nine in two originals each in English.


(Shri S.M. Krishna)
Minister of External Affairs
For the Government of the Republic of
India


(Lyonpo Ugyen Tshering)
Minister of Foreign Affairs
For the Royal Government of
Bhutan

APPENDIX-I

PROFORMA FOR REPORTING CASES OF ILLICIT TRAFFICKING

(Article II para 3)

Reference:

Date:

Sender :

1. Name of the seizing agency
2. Type of drug/precursor 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 was obtained from
15. Origin/sources
16. Destination
17. Any equipment/accessories seized
18. Any other information

APPENDIX-II

PROFORMA FOR REPORTING ON PERSON(S) INVOLVED IN TRAFFICKING
(ARTICLE II PARA 3)

(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. Whether arrested or 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 VI OF THE MOU)**

**COMPETENT AUTHORITIES FOR THE REPUBLIC OF INDIA
(As mentioned in Article VI of the MOU)**

- 1) Joint Secretary (Revenue)
Department of Revenue
Ministry of Finance
North Block, Central Secretariat,
New Delhi,
Telefax- 00 91 11 23094595
Email: aksrivastava@nic.in
(For National Laws, Rules, Procedures concerning Drug Administration)
- 2) Joint Secretary (Internal Security II)
Ministry of Home Affairs
Room No.5, C wing, 9th Floor, Lok Nayak Bhavan
New Delhi.
Tele:- 00 91 11 24619536
Email: lokeshdutt.jha@nic.in
(For policy issues relating to illicit trafficking matters with which NCB is concerned).
- 3) Joint Secretary (Social Defence Division)
Ministry of Social Justice & Empowerment
6th Floor, A Wing, Shastri Bhawan,
New Delhi.
Tel.No. 00 91 11 23381643
Fax - 00 91 11 23384981

(For Drug demand reduction & drug abuse matters)
- 4) Director General
Narcotics Control Bureau
1st Floor, West Block No.1, Wing No.5,
R.K. Puram, New Delhi-110066.
Tel.No.91-11-6181090
Telex No.91-11-3162755
Fax No.91-11-6185240
Email: dcnbc@nic.in
(For all operational matters relating to illicit trafficking in narcotic drugs, psychotropic substances and precursor chemicals including coordination)

APPENDIX-IV
(Article VI of the MOU)

COMPETENT AUTHORITIES FOR BHUTAN

(as mentioned in Article VI of the MOU)

1. Executive Director
Bhutan Narcotic Control Agency
Post Box No.249
Thimpu
Bhutan
Tel: 00975 2 335371
00975 2 335537
FAX: 00975 2 335370

2. Chief of Police
Royal Bhutan Police

Tel: 00975 2 322674
FAX: 00975 2 322812
Email: chief.drulcpol@druknet.bt

3. Drug Controller
Drug Regulatory Authority
Thimpu
Bhutan
Tel: 00975 2 337174
00975 2 337076
00975 2 337075

4. Director (Law and Order)
Ministry of Home Affairs
Thimpu
Tel: 00975 2 326950
FAX: 00975 2 324623

5. Director
Department of Revenue & Customs
Thimphu.
Tel: 00975-2-323057
Fax: 00975-2-323608

(Complete postal addresses and email IDs will be provided by Bhutan)