

Programme Schedule [P-1172]

04/10/2019 – 06/10/2019

REFRESHER COURSE FOR NDPS COURTS, ACADEMIC COORDINATOR: MR PRASIDH RAJ SINGH [FACULTY NJA BHOPAL]

<p align="center">DAY 1</p> <p align="center">4th October, 2019 Friday</p>	<p align="center"><u>SESSION 1</u></p> <p align="center">10:00 AM – 11:30 AM</p> <p>Overview of the Scheme of NDPS Act: Role of Special Courts to Combat Drug Related Offences.</p> <p><i>Proposed Scope of Discussion</i></p> <ul style="list-style-type: none"> • Illicit traffic and drug abuse • Scope of NDPS Courts • Obligations under International Conventions on NDPS <p align="center">Resource Persons: Justice Ved Prakash Sharma</p>	<p align="center"><u>SESSION 2</u></p> <p align="center">12:00 NOON – 01:30 PM</p> <p>Determination of Drug Quantity by Courts: Issues and Challenges</p> <p><i>Proposed Scope of Discussion</i></p> <ul style="list-style-type: none"> • 2009 Notification: Small quantity & Commercial quantity. • Purity of narcotics v. total weight • Lower threshold for pharmaceutical drugs <p align="center">E Micheal Raj v. Narcotics Control Bureau: Weight of the active drug ingredient should be considered not the whole substance</p> <p align="center">Resource Persons: Justice A.M.Thipsay Mr. J.N Barowali</p>	<p align="center"><u>SESSION 3</u></p> <p align="center">2:30 PM – 4:00 PM</p> <p>Search & Seizure: Procedural Safeguards under the NDPS Act.</p> <p><i>Proposed Scope of Discussion</i></p> <ul style="list-style-type: none"> • Power of search and seizure without warrant • Power to stop and search conveyance • Search: power and precaution • Judicial scrutiny of investigation <p align="center">Resource Persons: Justice A.M.Thipsay Justice Ved Prakash Sharma Mr. J.N Barowali</p> <p align="center">4:00 PM – 4:30 PM Tea Break</p>
<p align="center">DAY 2</p> <p align="center">5th October, 2019 Saturday</p>	<p align="center"><u>SESSION 4</u></p> <p align="center">10:00 AM – 11:30 AM</p> <p>Trial and Bail Management in NDPS cases.</p> <p><i>Proposed Scope of Discussion</i></p> <ul style="list-style-type: none"> • Interpretation of reasonable grounds for bail • Importance of Cross-examination <p>Ashkar v State of Kerala: Bail application may be allowed if the arrested person did not possess commercial quality of psychotropic substance.</p>	<p align="center"><u>SESSION 5</u></p> <p align="center">12:00 NOON – 01:30 PM</p> <p>Reverse Burden of Proof vis-à-vis Role of Prosecution in NDPS Trials.</p> <p><i>Proposed Scope of Discussion</i></p> <ul style="list-style-type: none"> • Presumption of “Culpable Mental State” • Proof beyond reasonable doubt <p>Hanif khan @ Annu Khan v. Central Bureau of Narcotics: Reverse burden of proof does not absolve the prosecution from establishing a prima facie case.</p>	<p align="center"><u>SESSION 6</u></p> <p align="center">2:30 PM – 4:00 PM</p> <p>Appraisal of Forensic Report in Judicial Proceedings.</p> <p><i>Proposed Scope of Discussion</i></p> <ul style="list-style-type: none"> • Tools for investigation • Identification of narcotics and psychotropic substances • Procedural disparity in sampling <p>Vijay Pandey v. State of Uttar Pradesh: Production of Laboratory report of tested sample of narcotics cannot be conclusive proof.</p>

	<p>Resource Persons: Mr. J.N Barowalia</p>	<p>Resource Persons: Justice K. C. Bhanu</p>	<p>Resource Person: Justice Atul Sreedharan Justice K. C. Bhanu</p> <p>4:00 PM – 4:30 PM Tea Break</p>
<p>DAY 3</p> <p>6^h October, 2019 Sunday</p>	<p><u>SESSION 7</u> 10:00 AM – 11:30 AM</p> <p>Sentencing Structure under the NDPS Act.</p> <p><i>Proposed Scope of Discussion</i></p> <ul style="list-style-type: none"> • Proportionality principle • Mandatory minimum sentence <p>Resource Person: Ms. Tripti Tandon</p> <p>Chair: K.T Shankaran</p>	<p><u>SESSION 8</u> 12:00 NOON – 01:30 PM</p> <p>Analysis and Evaluation of NDPS Amendment Act, 2014: A way Forward.</p> <p>Resource Persons: Ms. Tripti Tandon Ms. Ruchi Sinha</p> <p>Chair: K.T Shankaran</p>	