

## **DANGEROUS DRUGS (IMPORT, EXPORT AND TRANSHIPMENT) RULES, 1957**

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## **DANGEROUS DRUGS (IMPORT, EXPORT AND TRANSHIPMENT) RULES, 1957**

S. R. O. 3618, dated 5th November, 1957.' In exercise of the powers conferred by sub-section (2) of Sec. 7 of the Dangerous Drugs Act, 1930 (2 of 1930) the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of Sec. 36 of the said Act, namely :

PART 1  
PRELIMINARY

**1. Short title commencement, repeal and application :-**

(1) These rules may be called the Dangerous Drugs (Import, Export and Transshipment) Rules, 1957.

(2) They shall come into force at once whereupon the Dangerous Drugs (Import, Export and Transshipment) Rules, 1933 [published with the Government of India, late Finance Department (Central Revenues) Notification No. I-Dangerous, Drugs, dated the 18th February, 1933, as subsequently amended] shall be repealed except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings instituted before the date of coming into force of these rules.

**2. . :-**

In these rules,

(i) the expressions "dangerous drug" and "manufactured drug" do not include prepared opium;

(ii) "Narcotic Commissioner" means the Narcotics Commissioner appointed by the Government of India.

PART 2  
GENERAL PROHIBITION OF IMPORT

**3. . :-**

The import of the following dangerous drugs is prohibited :

(a) Resin of cannabis sativa L (Charas) and ordinary preparation of which the resin of cannabis sativa L (Charas) forms the base;

(b) Diacetylmorphine and Ketobemidone, their salts and any preparations, admixtures, extracts or other substances containing diacetylmorphine, Ketobemidone, or their respective salts.

PART 3  
IMPORT BY SEA, LAND OR AIR

**4. General :-**

(1) No dangerous drug shall be imported into India by sea, land or air without the importer, obtaining an import certificate issued in respect of the consignment by or order of the Narcotics Commissioner. All applications to the Narcotics Commissioner for import of dangerous drugs into India shall be accompanied by the

original or certified care of the excise permit which shall be issued by the Government of the State in which the importer has his place of business or by an officer empowered in this behalf by the said Government in the form prescribed by the Narcotics Commissioner, may from time to time prescribe by notification in the Gazette of India : Provided that

(a) A State Government may by general or special order permit a bona fide traveller to import personally into India by land or air, from Pakistan or from any foreign settlement in India, opium or hemp up to the limit of quantity within which possession by him is allowed without a permit or pass on the Indian side of the Frontier;

(b) in the case of all dangerous drugs, in transit through India from one foreign settlement to another or from one foreign country to another, the import certificate shall be issued by or under the orders of the Collector of Customs/Land Customs of the place, or airport, of import and shall be marked "in transit";

(c) in the case of manufactured drugs the bottles, phials , packages or other containers or labels affixed to them Shall plainly exhibit the actual quantity of the dangerous drugs present in each container or sufficient particular to admit of the ready calculation of such quantity.

(2)

(i) The Narcotics Commissioner shall prepare seven copies of the import certificate referred to in sub-rule (1) of this rule and dispose them of in the manner hereinafter provided

(a) Original and duplicate copies will be supplied to the importer who will transmit the original copy to the exporting country and shall produce the duplicate copy at the Custom House/Land Customs Station/Airport where the consignment arrives or, in the case of obtain delivery of the dangerous drugs. The Collector of Customs/ Land Customs or Post Master shall state on the copy presented by the importer that the drugs have actually been imported and return the document to the importer who shall indicate on it that the has received the goods. The importer shall return the import certificate incorporating the endorsement from the Collector of Customs/Collector of Land Customs or Post Master and his own endorsement to the Narcotics Commissioner through the excise authorities of the State from which the excise permit for purposes of sub-rule (1) of this rule was produced.

(b) Triplicate copy will be supplied to the Collector of Customs/Land Customs concerned who shall return it to the Narcotics Commission, along with the copy of the export authorisation to be received at the time of receipt of the consignment from the Government of the exporting country, with an endorsement to the effect that the goods have been cleared.

(c) Quadruplicate copy will be supplied to the excise authorities of the State into which the drug is to be imported for comparison with the copy produced before them by the importer under sub-clause (a) of this sub-rule.

(d) Quintuplicate copy will be supplied to the Government of the exporting country for comparison with the copy furnished to them by the importer under sub-clause (a) of this sub-rule.

(e) Sextuplicate copy will be supplied to the Drugs Controller, Government of India.

(f) Septuplicate copy will be retained by the Narcotics Commissioner for his own use.

(ii) The Collector of Customs/Land Customs shall prepare three copies of the import certificate referred to in proviso (b) to sub-rule (1) of this rule and dispose them of in the manner hereinafter provided :

(a) Original copy will be supplied to the person or persons in charge of the consignment (e. g., crew of the vessel of aircraft). Such person or persons shall arrange that the copy of the import certificate accompanies the consignment. In case of post parcels the copy may be pasted or securely attached to the parcel.

(b) Duplicate copy will be forwarded to the Narcotics Commissioner.

(c) Triplicate copy will be retained by the Collector of Customs/Land Customs for his own use.

(iii) The following particulars shall be specified in the import certificate (as in the model form of import certificate in the Appendix) and the purpose for which each copy of this document is intended shall be mentioned diagonally (in red ink) on it :

(a) name, address and business of importer;

(b) exact description and amount of drug to be imported;

(c) name and address of the firm in exporting country from which the drug is to be obtained;

(d) any special conditions to be observed (e. g., not to be imported through parcel post);

(e) customs office through which the goods are to be imported (or in the case of import by post, the post office at which delivery of the goods is to be taken):

(j) if possible, route to be followed by the goods;

(g) period within which the import is to be effected; and

(h) No. and date of the excise permit issued by the Government of the State in which the importer has his place of business and the authority issuing it.

Note. (i) The period allowed for the importation of drugs shall not exceed six months;

(ii) all the copies of the import certificate referred to in Cl. (ii) of sub-rule (2) of this rule shall be marked "in transit";

(iii) all certificates issued under this rule shall, save where import is to be effected by parcel post under rule 5, be prominently marked "not available by post".

#### **5. Extent to which use of Post Office is allowed :-**

(1) Save as provided in sub- rule (2) , the medium of the post office shall not be used for the import in accordance with this Part into India by sea, land or air of any dangerous drug.

(2) Where dangerous drugs are to be imported in accordance with this Part for medical or scientific purposes only, the excise permit issued by the Government of the State concerned and the import certificate issued by the Narcotics Commissioner may be marked "available by parcel post".

#### **PART 4**

EXPORT BY SEA, LAND OR AIR

#### **6. General :-**

(1) Subject to the provisions of sub-rule (2) no dangerous drug shall be exported from India by sea, land or air without the exporter obtaining an export authorisation issued in respect of the consignment by or under the orders of the authority competent to

issue it. All applications for export of dangerous drugs shall be made to the competent authority and shall state such details as the Narcotics Commissioner may from time to time prescribe by notification in the Gazette of India.

(2) Export of Coca leaf, diacetylmorphine, Ketobemidone and of resin of Cannabis Sativa L (Charas) prohibited. The export from India of Coca leaf, diacetylmorphine, Ketobemidone, their salts or any preparations, admixtures, extracts or other substances containing diacetylmorphine, Ketobemidone, or their respective salts, and of resin of Cannabis Sativa L (Charas) and ordinary preparations of which the resin of cannabis Sativa L (Charas) forms the base, are prohibited.

### **7. Export by sea : General :-**

Save as provided in Rule 10, dangerous drugs other than those mentioned in sub-rule (2) of Rule 6, shall not be exported by sea from India except under an authorisation granted in accordance with rule 8 and from a port appointed for the purposes in Rule 9.

### **8. Authorisations for export by sea :-**

(1)

(i) The export authorisation referred to in Rule 7 shall be granted by the Narcotics Commissioner, who shall not without the special permission of the Central Government to be obtained in each case, grant an authorisation unless

(a) in the case of exports of opium, the opium is to be exported on behalf of the Central Government, and

(b) in the case of exports of dangerous drugs other than opium, the drugs are to be exported to a country which has ratified the Geneva Convention, 1925, regarding the production, distribution and export of dangerous drugs.

(ii) Before issuing an export authorisation, the Narcotics Commissioner shall require an import certificate from the Government of the country of destination in the form conforming as nearly as may be, to the form of import certificate in the Appendix.

(2) In the case of exports of all dangerous drugs, export authorisation shall be issued in quintuplicate, original being supplied to the consignor so that it may accompany the consignment, the duplicate copy being forwarded to the Collector of

Customs of the port of export who will return it to the Narcotics Commissioner indicating on it the date of export, the triplicate copy being dispatched to the Government of the importing country in pursuance of Cl. (4) of Art. 13 of the Geneva Convention, 1925, regarding the production, distribution and export of dangerous drugs, the quadruplicate copy being forwarded to the excise authority of the State in which the exporter has his place of business and the quintuplicate copy being retained by the Narcotics Commissioner in his office.

In the event of a consignment falling under this sub-rule appearing to the Collector of Customs to be of an unusual character, the Collector of Customs shall, before allowing actual report, consult the excise authority of the State in which the exporter has his place of business.

(3) All authorizations issued under this rule shall, save where export is to be effected by parcel post under the Rule, 16 be prominently marked "not available by post".

(4) The following particulars shall be specified in the export authorization and the purpose for which each copy of this document is intended shall be mentioned diagonally (in red ink) on it : -

(a) name, address and business of exporter;

(b) exact description and amount of drug to be exported;

(c) name and address of the firm in importing country requiring the drug;

(d) number and date of import certificate and indication of the authority issuing this certificate;

(e) any special conditions to be observed (e. g., not to be exported through the post);

(f) if possible, the route to be followed by the goods; and

(g) period within which the export is to be effected. The maximum period allowed for export shall not exceed 3 months.

#### **9. Ports from which export to be made :-**

The dangerous drugs specified in the first column of the annexed table shall not be exported by sea from India to a place specified in the corresponding entry in the second column save from a port specified in the corresponding entry in the third column thereof.

## **10. Special authorisation of export for use on ships :-**

The Collector of Customs at any port from which a ship departs from India may grant an authorization for the export by that ship of such quantity of opium, hemp, and manufactured drugs as it in his opinion required for bona fide use on board the ship by the crew and save in the case of pilgrim ships by the passengers.

(2) In the case of a pilgrim ship the Collector of Customs may issue an authorization for the export of an additional quantity of opium, hemp and manufactured drugs for use on board the ship by pilgrims. Such authorization shall not be issued save on the authority of an excise permit granted by or under the orders of the State Government within whose jurisdiction the port of departure is situate on the strength of a certificate from the port Health Officer that opium, hemp and manufactured drugs to the quantity involved are necessary for the use of pilgrims on board the ship.

## **11. Export by land :-**

The dangerous drugs, save those the export of which is prohibited under sub-rule (2) of Rule 6, may be exported by land from India under an export authorization granted by the Narcotics Commissioner : Provided that an export authorization shall not be required in the case of

(a) the export of dangerous drugs which have been imported into India in transit to a place outside India under an import certificate marked "in transit" by the Collector of Customs/Land Customs issuing it at the place of import;

(b) opium or hemp exported personally by a bona fide traveller to any foreign settlement in India or to Pakistan, up to the limit of quantity within which possession is allowed without a permit or pass on the Indian side of the Frontier;

(c) manufactured drugs so exported by such traveller which have been lawfully obtained for the personal use of the traveller or his family from a recognized physician or a licensed pharmacist in India.

## **12. Provisions regarding authorization for export by land :-**

(1) No export authorization referred to in Rule 11 shall be granted unless an import certificate from the Government of the importing country has been produced in the form, or to the effect, required by Cl. (ii) of sub-rule (1) of Rule 8 and where the importing country



has not ratified the Geneva Convention, 1925, regarding the production, distribution and export of dangerous drugs such export authorization shall not, in the case of an unusually large consignment be granted without prior reference to the Central Government unless the export is being effected in accordance with standing orders approved by the Central Government.

(2) Every such export authorization shall, save where export is to be effected by parcel post under Rule 26, be prominently marked "not available by post" and shall be prepared in quintuplicate original being supplied to the Collector of Customs/Land Customs who shall return it to the Narcotics Commissioner after indicating on it the date of export, the duplicate copy being supplied to the consignor for purposes of accompanying the consignment, the triplicate copy being for varied to the excise authority of the State in which the exporter has his place on business, the quadruplicate copy being despatched to the Government of the importing country in pursuance of Cl. (4) of Art. 13 of the Geneva Convention, 1925 regarding production, distribution and export of dangerous drugs, and the quintuplicate copy retained by the Narcotics Commissioner in his office.

(3) The export authorization shall specify the same details as those mentioned in sub- rule (4) of Rule 8.

### **13. Export by Air :-**

The dangerous drugs, save those the export of which is prohibited under sub-rule (2) of Rule 6, may be exported by air from India under an export authorization granted by the Narcotics Commissioner : Provided that an export authorization shall not be required in the case of :

(a) The export of dangerous drugs which have been imported into India in transit to a place outside India under an import certificate marked "in transit" by the Collector of Customs/Land Customs issuing the same;

(b) opium or hemp exported personally by a bona fide traveller to any foreign settlement in India or to Pakistan up to the limit of quantity within which possession is allowed without a permit or pass on the Indian side of the Frontier;

(c) manufactured drugs so exported by such traveller which have been lawfully obtained for the personal use of the traveller or his family from a recognized physician or a licensed pharmacist in

India.

**14. Provisions regarding authorization for export by air :-**

(1)

(i) No export authorization referred to in Rule 10 shall be granted by the Narcotics Commissioner unless

(a) in the case of exports of opium the opium is to be exported on behalf of the Central Government; and

(b) in the case of exports of dangerous drugs other than opium, the drugs are to be exported to a country which has ratified the Geneva Convention, 1925, regarding production, distribution and export of dangerous drugs.

(ii) Before issuing an export authorization the Narcotics Commissioner shall require an import certificate from the Government of the importing country in the form, or to the effect, required by Cl. (ii) of sub-rule (1) of Rule 8.

(2) Every such export authorization shall, save where export is to be effected by parcel post under rule 16, be prominently marked "not available by post" and shall be prepared in quintuplicate original being supplied to the consignor for purposes of accompanying the consignment, the duplicate copy being forwarded to the excise authority of the State in which the exporter has his place of business, the triplicate copy being supplied to the Collector of Customs/Land Customs who shall return it to the Narcotics Commissioner after indicating it the date of export, the quadruplicate copy being despatched to the Government of the importing country in pursuance of Cl. (4) of Art. 10 of the Geneva Convention, 1925, regarding production, distribution and export of dangerous drugs, and the quintuplicate copy being retained by the Narcotics Commissioner in his office.

(3) The export authorization shall specify the same details as those mentioned in sub- rule (4) of Rule 8.

**15. Air Ports from which export to be made :-**

The dangerous drugs specified in the first column of the annexed table shall not be exported by air from India to a place specified in the corresponding entry in the second column, save from an airport specified in the corresponding entry in the third column thereof

**16. Extent to which use of post office allowed :-**

(1) Save as provided in sub-rule (2) of this rule, the medium of the post office shall not be used for the export in accordance with this part from India by sea, land or air of any dangerous drug.

(2) Where dangerous drugs are to be exported in accordance with this Part to any destination, the export authorization may be marked "available by post" : Provided as follows :

(a) The export authorization shall not be so marked unless an import certificate from the Government of the importing country expressly authorising import into that country by parcel post and stating that the drugs in question are required for medical and scientific purposes only has been produced.

(b) The authority for the grant of the export authorization referred to in Rules 8, 12 and 14 shall vest in the Narcotics Commissioner.

(c) The number of copies of the export authorization required under Rules, 8 12 and 14 shall be increased by one, the additional copy being supplied to the consignor for production at the post office of despatch.

PART 5

TRANSHIPMENT

**17. Transshipment :-**

(1) No dangerous drugs shall be transhipped at any port in India save with the permission of the Customs Collector.

(2) The Customs Collector shall not grant the permission referred to in sub-rule (1) save under the special orders of the Central Government in each case unless

(a) the country from which the drugs have been shipped and the country to which the drugs are consigned are signatories to and have ratified the Geneva Convention, 1925, regarding the production, distribution and export of dangerous drugs, and

(b) the drugs are covered by an export authorisation or a diversion certificate granted in accordance with Art. 13 or Art. 15, as the case may be, of the said Convention by or under the authority of the Government of the country from which they have been shipped and such authorization or certificate is produced for the inspection of the Customs Collector in accordance with Art. 15 of the said

Convention.