TRAFIC DE L'OPIUM ET AUTRES DROGUES NUISIBLES.

Lois communiquées par le Gouvernement de l'Inde

Note du Secrétaire général

Conformément à l'article 21 de la Convention de 1931 pour limiter la fabrication et réglementer la distribution des stupéfiants, le Secrétaire général a l'honneur de transmettre ci-joint aux Etats parties à ladite Convention les textes législatifs suivants. Ces textes sont également communiqués aux autres Etats.

Lois sur les drogues nuisibles de 1938, (portant amendement) qui est entrée en vigueur le 26 février 1938.

Notification No. 17, sur les drogues nuisibles concernant l'importation et l'exportation des têtes de pavot incisées.

Notification No. 1, du 12 mars 1938, du Département des finances (revenus centraux) du Gouvernement de l'Inde contenant des amendements supplémentaires aux Règlements de 1933 sur les drogues nuisibles.

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LEAGUE OF NATIONS

Communicated to the Council and Members of the League.

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

Laws communicated by the Government of India.

Note by the Secretary-General

In accordance with Article 21 of the Convention of 1931 for limiting the manufacture and regulating the distribution of narcotic drugs, the Secretary-General has the honour to communicate herewith to the Parties to the Convention the texts of the following laws. The texts are also communicated to other States.

Dangerous Drugs (Amendment) Act, 1938, which came into force on February 26th, 1938.

Notification No. 17, Dangerous Drugs, regarding the import and export of Lanced Poppy-heads.

Notification No. 1, of March 12th, 1938, of the Finance Department (Central Revenues), regarding further amendments made in the Dangerous Drugs Rules, of 1933.
A BILL

Further to amend the Dangerous Drugs Act, 1930, for a certain purpose.

(As passed by the Indian Legislature.)
A BILL

Further to amend the Dangerous Drugs Act, 1930, for a certain purpose.

WHEREAS it is expedient farther to amend the Dangerous Drugs Act, 1930, for the purpose hereinafter appearing; it is hereby enacted as follows:—

1. This Act may be called the Dangerous Drugs Short title. (Amendment) Act, 1938.

2. To clause (i) of section 2 of the Dangerous Drugs Act, 1930, the following words shall be added, II of 1930, namely:—

"and includes the bringing into any port or place in British India of a dangerous drug intended to be taken out of British India without being removed from the ship or conveyance in which it is being carried".
FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.
DANGEROUS DRUGS.

Simla, the 23rd October 1937.

No. 17—In exercise of the powers conferred by sub-section (1) of section 124 of the Government of India Act, 1935, the Governor General in Council is pleased, with the consent of the Government of each of the Governors' Provinces, to entrust to the Provincial Government all functions of the Central Government under section 7 of the Dangerous Drugs Act, 1930 (II of 1930), in respect of the import into, or export from, the Province of capsules of the poppy which have been lanced and dried or from which the juice has been extracted, from or to any Indian State or French or Portuguese Settlement adjoining the Province.

A. H. LLOYD,
Joint Secy. to the Govt. of India.


Copy forwarded to all Provincial Governments with reference to the correspondence ending with their reply to this Department letter C. No. 242-E.O.36, dated the 24th June 1937.

Copy also forwarded for information to—
Chief Commissioners' Provinces.
The Hon'ble the Resident at Hyderabad.
The Hon'ble the Resident in Mysore.
The Hon'ble the Resident for Central India.
The Hon'ble the Resident, Rajputana.
The Hon'ble the Resident for the States of Western India.
The Hon'ble the Resident for the Punjabs States.
The Resident for Baroda and Gujarat States.
The Resident for the Madras States.
The Resident for Kolhapur and the Deccan States.
The Resident for the Eastern States.
The Resident in Kashmir.
The Resident at Gwalior and the Political Agent for the States of Rampur and Benares.

All Collectors of Customs (including the Collector of Customs, Chittagong and the Collector of Salt Revenue, Bombay).
The Commerce Department.
The Political Department.
The Opium Agent.
The Director-General, Posts and Telegraphs.
The Special Chemical Adviser to the Central Board of Revenue.
The Indian Trade Commissioner, London.
The Indian Government Trade Commissioner, Hamburg, Germany.
The Indian Government Trade Commissioner, Milan, Italy.
The Director, Federation of British Industries, London.
The Canadian Government Trade Commissioner, Calcutta.
The American Trade Commissioner, Calcutta.
The British Trade Commissioners in India, Calcutta and Bombay.
The Principal Collector of Customs, Colombo.
The Comptroller General, Department of Trade and Customs, Commonwealth of Australia, Canberra.
The Director General of Commercial Intelligence and Statistics for publication in the Indian Trade Journal.

By order, etc.,

MUKAND LAL,
for Joint Secy. to the Govt. of India.
FINANCE DEPARTMENT (CENTRAL REVENUES),

NOTIFICATION.

DANGEROUS DRUGS.

New Delhi, the 13th March 1938.

No. 1.—In exercise of the powers conferred by sub-section (2) of section 7 of the Dangerous Drugs Act, 1930 (II of 1930), the Central Government is pleased to direct that the following further amendments shall be made in the Dangerous Drugs (Import, Export and Transhipment) Rules, 1933, the same having been previously published as required by sub-section (1) of section 36 of the said Act, namely:

I. Rule 4 of the said Rules shall be renumbered as sub-rule (1) of rule 4 and so renumbered the following sub-rules shall be added, namely:

"(2) (i) The authority responsible for the issue of import authorisations referred to in column 3 of the above Table shall deliver one copy of the import authorisation to the importer for production at the Custom House or, in the case of imports by post, at the Post Office of delivery, in order to obtain delivery of the narcotic drugs and shall send another copy of the import authorisation to the Collector of Customs or Postmaster concerned who shall in due course return it to the issuing authority with an endorsement to the effect that the goods have been cleared. The Collector of Customs or Postmaster shall return a copy of this document to the Ministry who shall mark in the copy to the importer that he has received the goods and return it to the issuing authority.

(ii) The following particulars shall be specified in the import authorisations 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 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 the 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);
(f) If possible, route to be followed by the goods; and
(g) Period within which the import is to be effected.

Note.—The period allowed for the importation of drugs shall not exceed six months.

(3) All authorisations issued under this Rule shall, save where import is to be effected by post under Rule 5, be prominently marked 'Not available by post'."

II. For rule 5 of the said Rules the following rule shall be substituted, namely:

"5. Extent to which use of post office 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 for medical or scientific purposes only, the import certificate and import authorisation may be marked 'available by parcel post'.

(2) Where dangerous drugs are to be imported in accordance with this Part for medical or scientific purposes only, the import certificate and import authorisation may be marked 'available by parcel post'."

III. In rule 8 of the said Rules—

(i) For the Form of Import Certificate (both English and French versions) annexed to sub-rule (1), the following Form shall be substituted, namely:

MODEL FORM OF IMPORT CERTIFICATE.

INTERNATIONAL OPIUM CONVENTIONS.

(The Hague 1912, Geneva 1925, Limitations Convention 1931)

Certificate of Official Approval of Import.

Signed on behalf of the Ministry of...........................

.................,

being the Ministry charged with the administration of the law relating to the dangerous drugs to which the international Opium Conventions apply, has approved the importation by:

(a) Name, address and business of importer (c) ....................................
(b) Exact description and amount of drug to be imported (d) .................................

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

(d) State any special conditions to be observed (e.g., not to be imported through the post) subject to the following conditions:

(e) State Customs office through which the goods will be imported or, in the case of imports by post, the Post Office at which delivery of the goods is to be taken.

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

(g) Period within which the import is to be effected and is satisfied that the consignment proposed to be imported is required:

(1) for legitimate purposes (in the case of raw opium and the coca leaf);

(2) solely for medical or scientific purposes (in the case of drugs to which Chapter III of the 1923 Convention and Article I of the 1931 Convention apply, and also for Indian hemp).

Signed on behalf of the Ministry of...........................

(Signature) ........................................

(Official rank).....................................

(Date)........................................

* The maximum period allowed shall not exceed six months.
(ii) After sub-rule (3) the following sub-rule shall be inserted, namely:

"(4) The following particulars shall be specified in the export authorisation 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 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."

IV. To rule 12 of the said Rules, the following sub-rule shall be added, namely:

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

V. In rule 13 of the said Rules—

(i) In sub-rule (2), for the words "a French or Portuguese Settlement in India" the words "any destination other than a State in India" shall be substituted.

(ii) In proviso (e) to sub-rule (2), for the word 'medicinal' the words 'medical or scientific' shall be substituted.

A. H. LLOYD,
Joint Secy. to the Govt. of India.