



UNITED NATIONS

E/NL . 1956/36

15 October 1956

Original: ENGLISH

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

PAKISTAN

Communicated by the Government of Pakistan

NOTE BY THE SECRETARY-GENERAL-- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

MINISTRY OF FINANCE

NOTIFICATION

(Revenue Division)

DANGEROUS DRUGS

Karachi, the 17th February 1956

No. 2. - 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 make the following rules, the same having been previously published as required by sub-section (1) of section 36 of the said Act, namely:-

DANGEROUS DRUGS (IMPORT, EXPORT AND TRANSHIPMENT) RULES, 1956

PART I. - PRELIMINARY

1. Short title, commencement, repeal and application. - (1) These rules may be called the Dangerous Drugs (Import, Export and Transhipment), Rules, 1956.
- (2) They shall come into force on and from the 1st March 1956, whereupon the Dangerous Drugs (Import, Export and Transhipment) Rules, 1933, shall be cancelled except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings instituted before the said date.
- (3) Nothing in these rules shall apply to operations to which the Central Charas (Import by Land) Rules, 1935, apply.

2. Definitions. - In these rules, unless there is anything repugnant in the context or subject, -

- (a) the expressions "dangerous drug" and "manufactured drug" do not include prepared opium and diacetylmorphine; and
- (b) the expression "any part of Pakistan" includes every part of Pakistan to which the Dangerous Drugs Act, 1930, applies.

PART II. - IMPORT AND EXPORT BY AIR

3. Air. - (i) No dangerous drug shall be imported into or exported from any part of Pakistan by air save on behalf of or under the authority of the Central Government.

(ii) No dangerous drug in transit by air shall pass through any part of Pakistan save in accordance with the following conditions:-

- (a) that the country from which the drugs have been exported and the country to which the drugs are consigned are signatories of and have ratified the Geneva Convention;
- (b) that the drugs are duly covered by the requisite export authorisation or the diversion certificate granted by the Government of the country of export and an import authorisation granted by the country to which the drugs are consigned, which must be produced for inspection by the Customs authorities at the air port of call in any part of Pakistan;
- (c) that the entries of parcels containing the drugs have been properly manifested in the aircraft manifests and are shown to the aforesaid customs authorities; and
- (d) that the drugs are not taken out of the aircraft at the airport except when demanded for checking by the Customs authorities.

(iii) In case of non-compliance with the provisions of the Dangerous Drugs Act, 1930 (II of 1930), or the conditions specified above, the parcel containing the drugs as well as the aircraft carrying the drugs may be detained by the Customs authorities pending the orders of the Central Government.

PART III. - IMPORT BY SEA OR BY LAND

4. General. - (1) No dangerous drug shall be imported into any part of Pakistan by sea or by land save in accordance with the conditions specified in the third column of the annexed Table for the import of the dangerous drugs specified in the corresponding entry in the first column thereof from the places specified in the corresponding entry in the second column thereof:

TABLE

Dangerous Drugs	Places from which imported	Conditions
(1) Opium 	Any place outside Pakistan	(1) Where the final destination is in any part of Pakistan the import shall be effected under an authorisation granted by the Central Government.

Dangerous Drugs	Places from which imported	Conditions
(2) Coca Leaf	... Any place outside Pakistan	<p>(2) Where the final destination is outside Pakistan the import shall be effected under an authorisation granted by the Central Government or, in such classes of cases as the Central Government may direct, by or under the orders of the Provincial Government within whose jurisdiction the port or place of importation is situate, or by the Collector of Customs of the port of importation, such authorisation being marked "in transit".</p> <p>(1) Where the final destination is in any part of Pakistan the import shall be effected under an authorisation granted by the Provincial Government within whose jurisdiction the importer resides or has his place of business or by an officer empowered in this behalf by such Provincial Government.</p>
(3) Manufactured drugs	... Any place outside Pakistan	<p>(2) Where the final destination is outside Pakistan the import shall be effected under an authorisation granted by or under the orders of the Provincial Government within whose jurisdiction the port or place of importation is situate, or, in such classes of cases as the Central Government may direct, by the Collector of Customs of the port of importation such authorisation being marked "in transit".</p> <p>(1) Where the final destination is in any part of Pakistan the import shall be effected under an authorisation granted by the Provincial Government within whose jurisdiction the importer resides or has his place of business or by an officer empowered in this behalf by the Provincial Government; and the bottles, phials, packages or other containers or labels affixed to them shall plainly exhibit the actual quantity of the manufactured drug present in each container or sufficient particulars to admit of the ready calculation of such quantity; and the labels affixed to containers of all synthetic manufactured drugs shall be marked with a double red line.</p> <p>(2) Where the final destination is outside Pakistan, the import shall be effected under an authorisation granted by or under the orders of the Provincial Government within whose jurisdiction the port or place of importation is situate, or in such classes of cases as the Central Government may direct, by the Collector of Customs of the port of importation, such authorisation being marked "in transit".</p>

Dangerous Drugs	Places from which imported	Conditions
(4) Hemp (excluding charas... imported by land)	Any place outside Pakistan	(1) Where the final destination is in any part of Pakistan the import shall be effected on behalf of the Provincial Government or under an authorisation granted by the Provincial Government within whose jurisdiction the importer resides or has his place of business or by an officer empowered in this behalf by the Provincial Government. (2) Where the final destination is outside Pakistan the import shall be effected under an "in transit" authorisation granted by or under the order of the Provincial Government within whose jurisdiction the port or place of importation is situate, or in such classes of cases as the Central Government may direct, by the Collector of Customs of the port of importation, such authorisation being marked "in transit".

4. (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 deliveries for the purpose of obtaining delivery of the narcotic drugs and shall send another copy of the import authorisation to the Collector of Customs or the 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 the Postmaster shall also certify on the copy presented by the importer that the drugs have actually been imported and hand the document back to the importer who in his turn shall indicate on it that he has received the goods and return it to the issuing authority. The issuing authority shall also send a copy of the import authorisation to the Central Government in the Ministry of Finance (Revenue Division), Central Revenues Statistical Office, for record.

(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. Provided that the said period may be extended for a further period not exceeding six months in the event of the import not being effected within the period allowed in the first instance.

(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".

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 into any part of Pakistan by sea or by land of any dangerous drug.

(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".

PART IV. - EXPORT BY SEA OR BY LAND

6. Export of coca leaf prohibited. - Coca leaf shall not be exported from any part of Pakistan by sea or by land.

7. Export by sea: General. - Save as provided in rule 10, dangerous drugs other than coca leaf shall not be exported by sea from any part of Pakistan save under an authorisation granted in accordance with rule 8 and from a port appointed for the purpose in rule 9.

8. Authorisations for export by sea. - (1) The export authorisation referred to in rule 7 shall be granted in the case of export to any foreign country by the Collector of Customs at the port of export who shall not without the special permission of the Central Government to be obtained in each case grant an authorisation unless -

- (i) in the case of exports of opium, the opium is to be exported on behalf of the Central Government,
- (ii) in the case of exports of dangerous drugs other than opium -
 - (a) the dangerous drugs are to be exported to a country which has ratified the Geneva Convention; and
 - (b) there has been produced, in the case of export of drugs other than charas and the ordinary mixtures of which charas forms the base, an import certificate from the country of destination in the form annexed.

(2) In the case of exports of opium from the port of Karachi export authorisation shall be issued in triplicate, one copy being retained for record, one being delivered to the consignor so that it may accompany the consignment and one being despatched to the Government of the importing country in pursuance of clause (4) of Article 13 of the Geneva Convention. In the case of all other exports the authorisation shall be issued in quadruplicate, three copies being disposed of as hereinbefore provided and the fourth being forwarded immediately on the grant of the authorisation to the local excise authorities;

Provided that if a proposed consignment appears to the Collector of Customs to be of an unusual character he shall consult the local excise authorities or the Central Government before granting the authorisation.

(3) All authorisations issued under this rule shall, save where export is to be effected by post under rule 13, be prominently marked "not available by post".

(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 three 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 any part of Pakistan to a place specified in the corresponding entry in the second column, save from a port specified in the corresponding entry of the third column thereof.

TABLE

Dangerous Drugs	Place to which exported	Ports from which permitted
1. Opium	Any place outside Pakistan	Karachi
2. Hemp and manufactured drugs	Any place outside Pakistan	Karachi and Chittagong

10. Special authorisation for export for use on ships. (1) The Collector of Customs at any port from which a ship departs may grant an authorisation for the export by that ship of such quantity of opium, hemp and manufactured drugs as is 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 authorisation for the export of an additional quantity of opium, hemp and manufactured drugs for use on board the ship by pilgrims. Such authorisation shall not be issued save on the authority of an excise permit granted by or under the orders of the Provincial 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. - Dangerous drugs other than coca leaf shall not be exported by land from any part of Pakistan save under an export authorisation granted by a Provincial Government or by an officer authorised in that behalf by the Provincial Government;

Provided that no export authorisation shall be required for the export of manufactured drugs which have been imported into any part of Pakistan "in transit" to a place outside Pakistan under an import authorisation marked "in transit" by the authority issuing the same.

12. Provisions regarding export authorisations for export by land. - (1) The export authorisation referred to in rule 11 shall not be granted for export to a country outside Pakistan unless an import certificate from the Government of the importing country has been produced in the form annexed; and where the importing country has not ratified the Geneva Convention, such export authorisation shall not, if the consignment is unusually large, 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 authorisation shall, save where export is to be effected by post under rule 13, be prominently marked "not available by post" and shall be issued in triplicate the three copies being disposed of in the manner specified in sub-rule (2) of rule 8.

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

13. Extent to which use of post office allowed. - (1) Save as provided in sub-rule (2) the post office shall not be used for the export of any dangerous drug from any part of Pakistan by sea or by land in accordance with this Part.

(2) Where dangerous drugs are to be exported in accordance with this Part to any destination outside Pakistan, the export authorisation may be marked "available by parcel post":

Provided as follows:-

- (a) The export authorisation shall not be so marked unless an import certificate from the Government of the importing territory expressly authorising import into that territory by post and stating that the drugs in question are required for medical and scientific purposes only has been produced;
- (b) If the drugs are to be exported by sea, the export authorisation referred to in rule 8 shall be granted either by the Collector of Customs at the port of export or by or under the orders of the Provincial Government within whose jurisdiction the post office of despatch is situate;
- (c) The number of copies required under rule 8 or rule 12 of the export authorisation shall be increased by one, the additional copy being handed to the consignor for production at the Post Office of despatch.

PART V. - TRANSHIPMENT

14. Transshipment. - (1) No dangerous drug shall be transhipped at any port 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; and
- (b) the drugs are covered by an export authorisation or a diversion certificate granted in accordance with Article 13 or Article 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 authorisation or certificate is produced for the inspection of the Customs Collector in accordance with Article 15 of the said Convention.

APPENDIX

MODEL FORM OF IMPORT CERTIFICATE

International Opium Conventions (the Hague 1912 Geneva 1925 Limitation Convention 1931)

(Certificate of official Approval of Import)

No.

I hereby certify that 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. (a)
- (b) Exact description and amount of drug to be imported of. (b)
- (c) Name and address of firm in exporting country from which the drug is to be obtained. (c)
- (d) State any special conditions to be observed (e. g. not to be imported through the post). (d)
- (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. (e)
- (f) State, if possible, route to be followed by the goods. (f)
- (g) Period * within which the import is to be effected. (g)

Copy delivered to the Importer

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 1925 Convention and Article 1 of the 1931 Convention apply, and also for Indian hemp).

Signed on behalf of the Ministry of

Signature
(Official rank)

(Date)

Copy delivered to the Importer

* The maximum period allowed shall not exceed six months.

R. A. BABRI, Under Secy.