

IMPORT AND EXPORT OF NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES

The Government of India has recently amended the NDPS Rules 1985 vide Gazette Notification No. GSR 224(E) dated 25th March, 2015 that may be called the Narcotic Drugs and Psychotropic Substances (Second Amendment) Rules, 2015, which has become effective from the date of publication in the official Gazette, i.e. 26.03.2015. After these amendments, the provisions relating to import and export of Narcotic Drugs and Psychotropic Substances are as follows:

- Narcotic drugs or psychotropic substances [defined under section 2 (xiv) and section 2(xxiii) of NDPS Act, 1985] can be imported into/ exported out of India subject to Rule 53 of NDPS Rules 1985 provided that import into India or export out of India of narcotic drugs and psychotropic substances specified in Schedule I of these rules shall be for the purpose mentioned in Chapter VII A.
- The import of - (i) opium, concentrate of poppy straw, and (ii) morphine, codeine, thebaine, and their salts is prohibited save by the Government Opium Factory.
- The import or morphine, codeine, thebaine and their salts by manufacturers notified by the Government for manufacture of products to be exported or to import of small quantities of morphine, codeine and thebaine and their salts not exceeding a total of 1 kg. in a calendar year for analytical purposes is permitted after following the procedure under rule 55 and subject to the conditions as may be specified by the Narcotics Commissioner.

The rules 55 and 58 of the NDPS rules, 1985 provide that no narcotic drugs & psychotropic substances specified in the Act shall be imported into / exported out of India without an import certificate / export authorisation issued by the Narcotics Commissioner.

As per provision of rule 56 and rule 59 the Narcotics Commissioner shall issue or deny the import certificate / export authorisation within a period of twenty one working days from the date of receipt of an application completed in all respects and in case the import certificate / export authorisation is not issued within the stipulated time period or denied, the Narcotics Commissioner or any other officer authorized by him in this regard shall inform the applicant the reasons thereof.

Rule 55(3) and rule 58(3) of the NDPS rules,1985 specifies that every application for an import certificate / export authorization shall be in such

form and manner as prescribed by the Narcotics Commissioner. **A fee of Rupees one thousand** shall be paid (in the form of Demand Draft drawn in favour of Drawing & Disbursing Officer, Central Bureau of Narcotics payable at Gwalior) to the Central Government alongwith the application for issue of each import certificate / export authorisation.

For import and export of the narcotic drugs and psychotropic substances, the following procedure is hereby prescribed:

1. Applicant for issuance of import certificate for import of Narcotic Drugs will apply in the application form specified as “IMP-1” alongwith the Background Information specified as “IMP-2” whereas for issuance of export authorization for export of Narcotic Drugs the applicant will apply in the application form specified as “EXP-1” alongwith the Background Information specified as “EXP-2”.
2. Applicant for issuance of import certificate / export authorization of psychotropic substances included in “the Schedule” to the NDPS Act 1985 will apply for import / export of psychotropic substances through the online portal www.cbnonline.gov.in (in case the applicant comes under the category of manufacturer of psychotropic substances). Applicant will also have to send a hard copy of the application for import / export of psychotropic substances in the application form specified as “IMP-1” alongwith the Background Information specified as “IMP-2” in case of imports whereas for issuance of export authorization for export of Narcotic Drugs the applicant will apply in the application form specified as “EXP-1” alongwith the Background Information specified as “EXP-2”.
3. The applicant will submit all the documents mentioned in the application forms i.e. in “IMP-1”, “IMP-2”, “EXP-3” and “EXP-4” as the case may be (if applicable). If the applicant does not submit the required documents or the application is not complete, their application will not be entertained and the application will be returned back in original.
4. (a) Any correspondence which relates to matter concerning with “Narcotics Drugs” may be addressed to the Narcotics Commissioner in an envelope super-scribed “FOR NARCOTIC DRUGS”.

(b) Any correspondence which relates to matter concerning with psychotropic substances may be addressed to the Narcotics Commissioner in an envelope super-scribed “FOR PSYCHOTROPIC SUBSTANCES” failing which it may lead to delay in receipt of the letter/application to the concerned officer.

In case of first time importer/exporter of narcotic drugs or psychotropic substances, the applicant is also required to submit the additional documents as indicated in Section related to first time importer/exporter.

The importer / exporter of narcotic drugs and psychotropic substances to whom import certificate / export authorisation has been issued will require to follow the condition of the import certificate / export authorisation and they will be required to submit monthly report of actual import/export effected during the month in the format annexed as “Return-import” and “Return-export” by 7th day of the successive month.

MANUFACTURE OF PSYCHOTROPIC SUBSTANCES

No person shall manufacture any of the psychotropic substances defined under section 2(xxiii) of NDPS Act, 1985, except in accordance with the conditions of a licence granted under the Drugs and Cosmetics rules, 1945 framed under the Drugs and Cosmetics Act, 1940 (23 of 1940), by an authority in-charge of Drugs Control in a State appointed by the State Government in this behalf. Besides, every manufacturer of psychotropic substances is also required to register with the Narcotics Commissioner in terms of the Rules 65 of the NDPS Rules.

The quantity of the said psychotropic substance which may be manufactured by a licensee in a year shall be intimated by the Licensing Authority to the licensee at the time of issuing the licence.

As per rule 67A of NDPS Rules, 1985 manufacture, possession, transport, import-export, Purchase and consumption of narcotic drugs and psychotropic substances in “Schedule I” is permitted only for medical, scientific and training purposes.

REGISTRATION AND SUBMISSION OF RETURNS FOR PSYCHOTROPIC SUBSTANCES

A person who has been issued licence to manufacture one or more psychotropic substances shall register through the online portal www.cbnonline.gov.in with the Narcotics Commissioner for each of the substances. A person who has registered with the Narcotics Commissioner shall file quarterly return with the Narcotics Commissioner through the online portal www.cbnonline.gov.in

The return for a quarter shall be filed before the last day of the month following that quarter. If the return for a quarter is not filed before the due date by a person registered, the Narcotics Commissioner may issue notice to

explain the reasons there for and after considering the reasons submitted, if any, may pass order for revoking the registration.

An appeal against such order passed may be made to the Secretary, Government of India, Ministry of Finance, Department of Revenue or any other officer, not below the rank of Additional Secretary to the Government of India, authorized by him in this behalf, within thirty days from the date of communication of such order.

The registration shall be deemed to be revoked, if the quarterly return for three successive quarters is not filed.

IMPORT AND EXPORT OF PRECURSOR CHEMICALS (CONTROLLED SUBSTANCES)

Consequent upon issuance of the Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substances) Order, 2013 issued vide G.S.R.191(E) dated 26.03.2013, import into and export out of India of precursor chemicals declared as Controlled Substances under section 2 (vii d) of NDPS Act, 1985, require No Objection Certificate from the Narcotics Commissioner, Gwalior. For import / export of following notified substances the applicant has to apply in Form J (for export) and in Form K (for import) alongwith the documents mentioned in the list appended to Form J and Form K as the case may be (if applicable):

| | |
|--|--|
| 1. Acetic anhydride | 10. Methyl ethyl ketone |
| 2. N-Acetylanthranilic acid | 11. Norephedrine (Phenylpropanolamine), its salts and preparations thereof |
| 3. Anthranilic acid | 12. 1-phenyl-2-propanone |
| 4. Ephedrine, its salts and preparations thereof | 13. Phenylacetic acid and its salts |
| 5. Ergometrine and its salts | 14. Piperonal |
| 6. Ergotamine and its salts | 15. Potassium permanganate |
| 7. Isosafrole | 16. Pseudoephedrine, its salts and preparations thereof |
| 8. Lysergic acid and its salts | 17. Safrole and any essential oil containing 4% or more safrole |
| 9. 3,4-methylenedioxyphenyl-2-propanone | |

The application completed in all respect will be entertained otherwise it will be returned back in original.

Any correspondence which relates to matter concerning with precursor chemicals (Controlled Substances) may be addressed to the Narcotics Commissioner in an envelope super-scribed "FOR PRECURCOR CHEMICALS (CONTROLLED SUBSTANCES)" failing which it may lead to delay in receipt of the letter/application to the concerned officer.

In case of first time importer/exporter of precursor chemicals (controlled substances), the applicant is also required to submit the additional documents as indicated in Section related to first time importer/exporter.

**LIST OF DOCUMENTS TO BE SUBMITTED BY FIRST TIME EXPORTER/
IMPORTER OF NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES AND
PRECURSOR CHEMICALS (CONTROLLED SUBSTANCES).**

- i. Complete postal address and telephone, fax no. of various factories of the company manufacturing Narcotic Drugs and Psychotropic Substances including name of the jurisdictional Central Excise/Customs division and Central Excise/Customs Commissionerate. In case of precursor chemicals (controlled substances) address of Zonal office of the Narcotics Control Bureau in respect of factories is also to be provided.
- ii. List of Narcotic drugs and Psychotropic Substances being manufactured by the company and details of manufacture of Narcotic drugs and Psychotropic Substances by the company in the last three calendar years.
- iii. Details of export/import of Narcotic drugs and Psychotropic Substances by the company during the last three calendar years.
- iv. Name, address, telephone Nos., Fax No. and e-mail IDs of the Chairman, Managing Director and other Directors, proprietor/partners, in charge of production and finance.
- v. Sales Tax Registration No., Central Excise Registration No. and Company's PAN No. (Attested copies of these documents shall also be submitted.)
- vi. Name of concerned Jurisdictional Commissionerate of Customs and Central Excise.
- vii. Balance Sheet of Company for last 3 years.
- viii. Amount of Excise Duties paid by company during last three years.
- ix. Profile of the company.
- x. List of authorised signatories with their signature attested by the Board of Directors/ Proprietor of the company alongwith their e-mail IDs and mobile nos.

RETURN – EXPORT

Monthly return of details of exports required to be submitted by the exporter of Narcotic Drugs/ Psychotropic Substances to Central Bureau of Narcotics (CBN) (the return should be submitted to CBN on or before the 07th day of every following month. Failure to provide this information may lead to non-issuance of export authorization.

Export Details: (For the month of

| Export Authorisation No. & Date issued by CBN | Name of the Importing Country | Allowed* | | Exported* | | Date of Export | Air-way Bill/ Bill of Lading No./ Date | Remarks |
|---|-------------------------------|---|--|---|--|----------------|--|---------|
| | | Total Quantity of substance/ preparations as per Export Authorisation | Active content of base substance as per Export Authorisation | Actual Quantity of substance/ preparations Exported | Actual Active content of base substance Exported | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

*Substance wise details to be provided

Note: Details of Export Authorisation issued to the company/ firm but not effected till the last date of the month shall be mentioned separately at the end of the report

RETURN – IMPORT

Monthly return of details of imports required to be submitted by the importers of Narcotic Drugs/ Psychotropic Substances to Central Bureau of Narcotics (CBN) (the return should be submitted to CBN on or before the 07th day of every following month. Failure to provide this information may lead to non-issuance of import certificate.

Import Details:(For the month of)

| Import Certificate No. & Date issued by CBN | Name of the Exporting Country | Allowed* | | Imported* | | Date of Import | Bill of Entry/ Date | Remarks |
|---|-------------------------------|---|--|---|--|----------------|---------------------|---------|
| | | Total Quantity of substance/ preparations as per Import Certificate | Active content of base substance as per Import Certificate | Actual Quantity of substance/ preparations Imported | Actual Active content of base substance Imported | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

**Substance wise details to be provided*

Note: *Details of Import Certificate issued to the company/ firm but not effected till the last date of the month shall be mentioned separately at the end of the report*

APPLICATION FORM FOR IMPORT OF NARCOTIC DRUGS/ PSYCHOTROPIC SUBSTANCES
NARCOTICS DRUGS & PSYCHOTROPIC SUBSTANCES AND THEIR SALTS
(Under Narcotic Drugs & Psychotropic Substances Rules, 1985)

| | | | |
|----------------|---|---|---|
| 1. | Importer: | | |
| | (i) Name: | | |
| | (ii) Address: | | |
| | (iii) CBN Registration No. : <i>(for psychotropic substances)</i> | | |
| 2. | Exporter: | | |
| | (i) Name: | | |
| | (ii) Address: | | |
| 3. | Details of substance to be imported: | | |
| Sl. No. | Name/ Description of the substance/ preparation | Quantity of substance/ preparation | Active content of base substance |
| i. | | | |
| | <i>(Only four items are allowed in a single application)</i> | | |
| 4. | Port of Entry into India: (Also intimate the name of Custom office from where customs clearance will be done) | | |
| 5. | Port of Exit from Exporting country: | | |
| 6. | Mode of transport: (Air/Sea/ Surface transport) | | |
| 7. | Details of Import License issued by DCGI / Advance Authorization issued by DGFT: | | |
| | (i) No. & Date: | | |
| | (ii) Name of Issuing Authority | | |
| | <i>(Original copy shall have to be enclosed) (If not applicable, specify the documents under which the import is proposed, give details separately along with copy of supported documents)</i> | | |
| 8. | Details of confirmed Proforma Invoice/ Sale Order: | | |
| | (i) No. & Date: | | |
| | (ii) Name of Issuing firm/ company: | | |
| | (iii) Cost per unit/ kg | (iv) Total cost: | (v) Means of payment |
| | (vi) If order is not placed by the importer/exporter, then provide name and address of the intermediary/ agent who has placed the order and the consideration paid/ to be paid to them, extent of his role in the said transaction in respect of both intermediaries in India and abroad. <i>(Describe in detail):</i> | | |
| | <i>(An attested copy of the purchase order or accepted proforma invoice shall have to be enclosed. If the document is not in English language, an authentic copy translated in English shall have to be enclosed)</i> | | |
| 9. | Details of Drug License issued by the State Drugs Controller/ FDA: | | |
| | (i) License No. & Date: | | |
| | (ii) Validity: | | |
| | (iii) Name & address of Issuing Authority | | |
| | <i>(A attested copy of the license along with the product list shall have to be enclosed)</i> | | |
| 10. | Details of State Excise permit (in case of Narcotic drugs): | | |
| | (i) Permit No. & Date: | | |
| | (ii) Validity: | | |
| | (iii) Name & address of Issuing Authority | | |
| | <i>(An original copy of the Excise permit shall have to be enclosed)</i> | | |
| 11. | Details of fee for each import certificate: | | |
| | (i) Demand Draft No. & Date: <i>(in favour Drawing & Disbursing Officer, Central Bureau of Narcotics payable at Gwalior)</i> | | |
| | (ii) Name of Issuing Bank: | | |
| | The undersigned hereby declares that the above information submitted by me is to the best of my knowledge complete and correct. It is certified that the above drugs/ substance is required for medicinal and scientific purposes. We give an undertaking that the drug held by us in stock and the quantity now being obtained would not exceed the limit of possession allowed under the license. | | |

Date:

Signature & Seal of Exporter

Name & Designation of the signing Person:

e-mail address of signing person:

e-mail address of company:

Mobile No.:

Telephone No.:

Note: Import of consignment through Bank/Post Office Box/Courier is not allowed.

**BACKGROUND INFORMATION TO BE SUBMITTED BY IMPORTERS OF
NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES**

IMP-2

The information/ questions below are intended to assist the Central Bureau of Narcotics to deal expeditiously with this application. Failure to provide full answers may lead to non-issuance of import certificate

1. To what use/ purpose will the narcotic drugs/ psychotropic substance(s) be put and by whom? Provide details thereof.
2. Present stock of the drug with the importer.
3. Disposal/ requirement of the quantity of drug to be imported (*Quantity to be estimated from pending indents and actual transaction in the preceding/ calendar year*):
4. Whether the importer is -
 - (a) Sole agent of manufacturer abroad, or
 - (b) Manufacturer of preparation containing manufactured drugs/ psychotropic substance(s)
5. Has your company been authorized previously by Central Bureau of Narcotics to import any narcotic drugs/ psychotropic substance? If so indicate the No. & Date of the last three import certificates issued in your favour by CBN.
 - (i)
 - (ii)
 - (iii)
6. Whether the importer has submitted the details of imports and monthly return up to the preceding month in the calendar year against the import certificates issued to them? If so the date of submission of return.
7. Name of Ultimate Consignee and destination of narcotic drugs/ psychotropic substance(s) in question:
8. Is the Consignee a new customer for narcotic drugs/ psychotropic substance(s)? If so, what is the nature of customer's business
9. Please give details of instruction for packaging and labeling of consignment.
10. Is the shipment destined for, or will it transit a free trade zone, free port or bonded warehouse? If so, provide details.
11. Are you a manufacturer importer or trader importer? If so, to whom you will be selling the material/ finished product?
12. Central Excise Registration details:
Registration No. & Date:
Name & full Address of Range/ Division and Commissioner ate:
(If an applicant is not having Central Excise Registration, provide the details of other registrations (eg. Green-card, SEZ certificate, Sales Tax No.) as a separate annexure to this application form)

Declaration by applicant:

I confirm that to the best of my belief all the information provided in this form is true.

Date:

Signature & Seal of Exporter

Name & Designation of the signing Person:

e-mail address of signing person and company:

Mobile No.:

Telephone No.:

**APPLICATION FORM FOR EXPORT OF NARCOTIC DRUGS/ PSYCHOTROPIC SUBSTANCES
NARCOTICS DRUGS & PSYCHOTROPIC SUBSTANCES AND THEIR SALTS
(Under Narcotic Drugs & Psychotropic Substances Rules, 1985)**

EXP-1

| | | | | |
|----------------|---|--|---|---|
| 1. | Exporter: | | | |
| | (i) Name: | | | |
| | (ii) Address: | | | |
| | (iii) CBN Registration No. : <i>(for psychotropic substances)</i> | | | |
| 2. | Importer: | | | |
| | (i) Name: | | | |
| | (ii) Address: | | | |
| 3. | Details of substance to be exported: | | | |
| Sl. No. | Number of Packages | Name/ Description of the substance/ preparation | Quantity of substance/ preparation | Active content of base substance |
| i. | | | | |
| | <i>(Only four items are allowed in a single application)</i> | | | |
| 4. | Port of Exit/Export: <i>(Also intimate the name of Custom office from where customs clearance will be done)</i> | | | |
| 5. | Port of Entry into Importing Country: | | | |
| | Mode of transport: <i>(Air/Sea/ Surface transport)</i> | | | |
| 6. | Route to be followed by the shipment from the port of export to destination: | | | |
| 7. | Details of Import Certificate/ Permit or any relevant document issued by the Competent National Authority: | | | |
| | (i) No. & Date: | | | |
| | (ii) Name of Issuing Authority | | | |
| | <i>(Original copy shall be enclosed. If the certificate/ permit is not in English language, an authentic copy translated in English shall have to be enclosed with the original copy)</i> | | | |
| 8. | Details of Purchase Order: | | | |
| | (i) No. & Date: | | | |
| | (ii) Name of Issuing firm/ company: | | | |
| | (iii) Cost per unit/ kg | (iv) Total cost: | (v) Means of payment | |
| | (vi) If purchase order is not placed by the importer, then provide name and address of the intermediary/ agent who has placed the order and the consideration paid/ to be paid to them, extent of his role in the said transaction in respect of both intermediaries in India and abroad. <i>(Describe in detail):</i> | | | |
| | <i>(An attested copy of the purchase order or accepted proforma invoice shall have to be enclosed. If the document is not in English language, an authentic copy translated in English shall have to be enclosed)</i> | | | |
| 9. | Details of Drug License issued by the State Drugs Controller/ FDA: | | | |
| | (i) License No. & Date: | | | |
| | (ii) Validity: | | | |
| | (iii) Name & address of Issuing Authority | | | |
| | <i>(A attested copy of the license along with the product list shall have to be enclosed)</i> | | | |
| 10. | Details of State Excise permit <i>(in case of Narcotic drugs)</i>: | | | |
| | (i) Permit No. & Date: | | | |
| | (ii) Validity: | | | |
| | (iii) Name & address of Issuing Authority | | | |
| | <i>(An original copy of the Excise permit shall have to be enclosed)</i> | | | |
| 11. | Details of fee for each export authorization: | | | |
| | (i) Demand Draft No. & Date: <i>(in favour Drawing & Disbursing Officer, Central Bureau of Narcotics payable at Gwalior)</i> | | | |
| | (ii) Name of Issuing Bank: | | | |
| | The undersigned hereby declares that the above information submitted by me is to the best of my knowledge complete and correct. | | | |

Date:

Signature & Seal of Exporter

Name & Designation of the signing Person:

e-mail address of signing person :

e-mail address company:

Mobile No.:

Telephone No.:

Note: Export of consignment through bank/ Post Office Box/ Courier is not allowed.

**BACKGROUND INFORMATION TO BE SUBMITTED BY EXPORTERS OF
NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES**

The information/ questions below are intended to assist the Central Bureau of Narcotics to deal expeditiously with this application. Failure to provide full answers may lead to non-issuance of export authorization

1. Is the export for the purpose of Re-export? If so provide details thereof.
2. Has your company been authorized previously by Central Bureau of Narcotics to export any narcotic drugs/ psychotropic substance? If so indicate the No. & Date of the last three export authorization issued in your favour by CBN.
 - (i)
 - (ii)
 - (iii)
3. Whether the exporter has submitted the details of exports and monthly return up to the preceding month in the calendar year against the export authorization issued to them? If so the date of submission of return.
4. Name of Ultimate Consignee and destination of narcotic drugs/ psychotropic substance(s) in question:
5. Is the Consignee a new customer for narcotic drugs/ psychotropic substance(s)? If so, what is the nature of customer's business
6. To what use will the narcotic drugs/ psychotropic substance(s) be put and by whom?
7. Please give details of customer's instruction for packaging and labelling of consignment.
8. Is the shipment destined for, or will it transit a free trade zone, free port or bonded warehouse? If so, provide details.
9. Are you a manufacturer exporter or trader exporter? If so, from where you procure the raw material/ finished product? Name and address of the manufacturer/ supplier along with the quantity & price thereof.
10. Are you owner of the goods or you are exporting the consignment on behalf of other? Give details.
11. Has any No Objection letter or any relevant document obtained from the Drug Authority/ CDSCO under the provisions of Drugs & Cosmetics Acts/ Rules for the substance allowed for manufacture for export purpose only Attach original copy of the same.
12. Central Excise Registration details:
Registration No. & Date:
Name & full Address of Range/ Division and Commissioner ate:
(If an applicant is not having Central Excise Registration, provide the details of other registrations (eg. Green-card, SEZ certificate, Sales Tax No.) as a separate annexure to this application form)

Declaration by applicant:

I confirm that to the best of my belief all the information provided in this form is true.

Date:

Signature & Seal of Exporter

Name & Designation of the signing Person:

e-mail address of signing person and company:

Mobile No.:

Telephone No.: