

Rules for Regulating the Import, Export and Transport of Hemp and any intoxicating Drugs

CONTENTS

1. Definition.
2. Places from and conditions under which, hemp drugs may be imported.
3. By whom hemp drugs may be imported
4. Application for an import pass.
5. Grant of import pass in triplicate.
6. Procedure to be followed at the place from which hemp drug is imported.
7. On issue hemp drugs to be packed, marked and numbered by importer.
8. Export in bond and transport in bond; permit required in Form H.D. 7
9. Submission of import pass (together with application of issue or drug) to the Commissioner through the Superintendent.
10. The Commissioner to complete and sign export/transport pass.
11. Disposal of export pass duly completed by the Commissioner.
12. Procedure to be followed by the warehouse officer issuing the drugs.
13. Application for transport pass for removal of hemp drug from a warehouse to a licensed shop on payment of duty.
14. Issue of pass in Form H.D. 12 for transport of drugs from warehouse to licensed shop.
15. Return of counterfoil of pass in Form H.D. 12 to the officer issuing pass on verification by Excise Inspector.
16. Ganja taken from manufacturing yard to the bonded warehouse at Ahmednagar to be covered by a pass.
17. Removal of hemp drugs for purposes of export to Indian States, to foreign possessions in India or by sea to countries outside India.
18. Removal of hemp drugs from one wholesale shop to another or to a retail shop under pass in Form H.D. 12.
19. Triplicate of transport pass to be filed by the vendor in his shop
20. Import, etc. to be at cost and risk of importer, etc.
21. Packages removed to or from a warehouse to be numbered and marked.
22. Drugs intended for import, etc., in bond for the payment of duty how to be despatched.
23. RULE
24. Import, export and transport of hemp drugs by inland post.
25. Pass covering hemp drugs to accompany the same in transit and to be produced on demand.

26. On arrival of the consignment pass to be delivered to warehouse officer.

27. Verification of consignment on arrival at the warehouse and transit wastage.

Rules for Regulating the Import, Export and Transport of Hemp and any intoxicating Drugs

In exercise of the powers conferred by clause (c) of sub-sec. (2) of section 35 of the Bombay Abkari Act, 1878 (Bom. V of 1878), and in supersession of Government Notifications in the Revenue Department No. 279-C, dated 10th April 1923, and No. 8636. dated 12th June 1931, the Government of Bombay is pleased to make the following rules for regulating the import into, export from, and transport in the Province of Bombay of hemp and any intoxicating drugs prepared therefrom, namely:-

1. Definition. :-

In these rules, unless there be something repugnant in the subject or context-

- (1) "Commissioner" means the Commissioner of Excise, Bom bay.
- (2) "Collector" includes any officer appointed under the Act to perform the duties of a Collector under the Act.
- (3) "Depositor" means the owner of any hemp drugs stored in a bonded warehouse.
- (4) "Form" means a Form prescribed by these rules.
- (5) "Hemp drug" means any intoxicating drug, as deemed in the Act, that is prepared or in any way obtained from hemp.
- (6) "Officer-in-charge of the Warehouse" "Warehouse Officer" or "Officer-in-charge" means the Excise Officer in charge of a bonded warehouse.
- (7) "Superintendent" means the Superintendent of Excise for the area in which the warehouse is situated.
- (8) "The Act" means the Bombay Abkari Act, 1878.
- (9) "The Province" means the Province of Bombay.

2. Places from and conditions under which, hemp drugs may be imported. :-

The import of hemp drugs into the Province is permitted from the

places, and subject to the conditions mentioned below:-

(a) Ganja may be imported from any province in British India provided that it may be imported from the Province of Madras only if the importer is specially authorised to do so by the Board of Revenue, Madras;

(b) Bhang may be imported from the Punjab or the United Provinces;

(c) Charas may be imported from the Punjab. The import of Charas is restricted to the Town and Island of Bombay and the City of Ahmedabad;

(d) Import shall be under-bond for the payment of duty in the

Province and shall be subject to all the rules relating to the drug in question in force in the place from which it is imported and to the rules hereinafter prescribed or such other rules as may from time to time be made under the Act.

3. By whom hemp drugs may be imported :-

No hemp drugs shall be imported into the Province except by the holder of licence in the prescribed form for-

(1) depositing such drug in, and selling the same by wholesale at a bonded warehouse, or

(ii) sale by wholesale or retail of such drugs, and in accordance with the rules or conditions relating to such licence:

Provided that in the cases under clause (ii) the licensee shall deposit the drugs imported by him in the bonded warehouse pending their removal therefrom to his shop for the purpose of sale.

4. Application for an import pass. :-

Every person desiring to import any hemp drug shall apply in writing to the Commissioner, through the Superintendent of the Division in which the drug is to be warehoused for an import pass. The application shall specify-

(a) the name of the applicant (importer);

(b) the locality and the name of the warehouse from which the hemp drug is to be imported or, where the drug is not to be issued from a warehouse, the place which the hemp drug is to be

purchased.

(c) the kind and quantity of the hemp drug to be imported.

(d) the name of the warehouse in which the hemp drug will be deposited or importation;

(e) the name and address of the applicant's agent, if any, at the place from which the hemp drug is imported, in case the import pass applied for is to be sent to such agent by post. In such case the applicant shall enclose the requisite stamps to cover postage.

5. Grant of import pass in triplicate. :-

The Commissioner, unless he sees reason to the contrary, shall grant an import pass in triplicate, in Form H.D. 7. The counterfoil of the pass shall be retained in the office of issue; the duplicate thereof [together with a blank copy of (a) the duplicate of export pass (Form H.D. 8) and (b) the letter of advice in (Form H.D. 9)] shall be sent direct by post to the Collector or the Chief Excise Officer of the district from which hemp drug is imported, and the triplicate together with a blank copy of the triplicate of export pass in Form H.D. 8 shall be issued to the applicant or the person authorised by him to receive it, to be made use of as hereinafter prescribed.

6. Procedure to be followed at the place from which hemp drug is imported. :-

(1) The importer or his agent shall present his copy of the import pass (Form H.D. 7 with Form H.D. 8 attached) to the Collector or Chief Excise Officer of the district from which hemp drug is imported.

Note:-In the case of importation from the Punjab the pass shall be accompanied by an application in the form prescribed in the rules for the export-in-bond of bhang or charas from that Province made by the Provincial Government of the Punjab.

(2) The Collector or Chief Excise Officer to whom the pass is presented under sub-rule (1) shall, if he sees no reasons to the contrary-

(a) fill in and sign the export pass in Form H.D. 8 (attached to the import pass in Form H.D. 7) also the duplicate thereof received by him direct from place of import under rule 5;

(b) forward the duplicate duly completed and signed, with the blank copy of the letter of advice in Form H.D. 9 to the officer-in-charge of the warehouse from which the hemp drug is to be removed; and

(c) return the triplicate to the importer or his agent, duly signed and completed, for being presented to the officer-in-charge of the ware house from which the hemp drug is to be removed.

(3) The officer in charge of the warehouse to whom the triplicate copy of the pass is presented by the importer or his agent shall, on being satisfied that the entries therein correspond with those in the duplicate copy received by him under sub-rule(2)(b),

(a) issue the hemp drug up to the quantity authorised in the import pass (Form H.D, 7);

(b) retain the duplicate copy of the pass (Forms H.D. 7 and H.D. 8) on his records and posts a letter of advice of the consignment in Form H.D. 9, after filling in the particulars on the reverse thereof, to the receiving warehouse officer, who shall acknowledge the receipt of the consignment in Form H.D. 10; and

(c) hand over to the importer or his agent the triplicate copy of the pass (Forms H.D. 7 and H.D. 8) clearly stating in Form H.D. 8 the description of the packages and specifying the first and the last of the serial Nos. assigned to the packages in the consignment. Particulars as to the weight of each package, the marks thereon and such other matters as may serve to identify the packages shall be given in the letter of ad vice referred to above:

Provided that, where the rules in force in any Province from which hemp drug is imported require the removal of drug from the warehouse for despatch to other provinces under an export-in-bond pass in the form prescribed in those rules, the import of the hemp drug shall be covered by an export pass in such form instead of in Form H.D. 8; the export pass so issued shall be accompanied by a letter of advice in Form H.D. 9 unless all the particulars as therein required are shown in the export in bond pass; where an export pass has been issued in the form prescribed in the rules of the Province from which any hemp drug is imported a duplicate copy of the export pass shall be sent by the officer in charge of the issuing warehouse to the officer in charge of the receiving warehouse.

7. On issue hemp drugs to be packed, marked and

numbered by importer. :-

On the issue of any drug to the importer or his agent, he shall cause the same to be securely packed and shall conspicuously mark and number each package as laid down in rule 21.

8. Export in bond and transport in bond; permit required in Form H.D. 7 :-

Every person desiring to export in bond to a place in British India or to transport in bond, from one place to another within the Province any hemp drug deposited in a bonded warehouse shall obtain a pass in Form H.D. 7 or any other form prescribed under the rules in force in the Province to which it is exported, from the proper authority as prescribed below, authorising such import or transport to such place-

- (a) in the case of export to any Province, other than the Punjab and Madras, from the Collector or Chief Excise Officer of the District to which the hemp drug is to be exported;
- (b) in the case of export to the Punjab, from the Financial Commissioner of that Province;
- (c) in the case of export to the Province of Madras, if such export is specially sanctioned by the Board of Revenue, Madras, from such officer as may be authorised in this behalf by the said Board; and
- (d) in the case of transport in bond, to any place in the Province, from the Superintendent of the Division in which the warehouse to which the drug is to be taken or removed is situated.

9. Submission of import pass (together with application of issue or drug) to the Commissioner through the Superintendent. :-

The pass obtained under rule 8 shall thereupon be submitted to the Commissioner through the Superintendent of the division in which is situated the warehouse whence the drug is to be removed for export or transport. The pass shall be accompanied by an application from the person seeking to export or transport any drug specifying the following particulars, namely:-

- (1) the name of the applicant;
- (2) the name of the place (including the name of the village or town and the district) to which the drug is to be removed, and if the removal be for export or transport in bond, also the name of

the ware house to which the drug is intended to be taken or sent;

(3) the route by which the drug is to be exported or transported and the mode of conveyance;

(4) the name of the person, if any, who is to accompany the consignment while in transit; and

(5) reasons for the removal incase of removal by a depositor on his own account.

10. The Commissioner to complete and sign export/transport pass. :-

The Commissioner shall, unless he sees any reason to the contrary, complete and sign the export/transport pass (Form H.D. 8) attached to the triplicate copy of the import/transport pass (Form H.D. 7) presented or sent to him by the applicant and also that attached to the duplicate copy of the same pass received direct by him, if he is satisfied that the export or transport is unobjectionable and that all the requirements of the Act and of these rules in respect of such removal have been complied with.

11. Disposal of export pass duly completed by the Commissioner. :-

The Commissioner shall then forward both the duplicate and triplicate copies of the export/transport pass (Forms H.D. 7 and H.D. 8) to the Superintendent in the administrative control of the warehouse from which the drug is to be exported or transported, who shall hand over the triplicate copies to the applicant for presentation to the officer-in-charge of the issuing warehouse and forward the duplicate (Forms H.D. 7 and H.D. 8) to the latter officer for information and record.

12. Procedure to be followed by the warehouse officer issuing the drugs. :-

The warehouse officer, on presentation of the triplicate copy of the pass, shall-

(a) compare the entries in the triplicate copy of the pass with those in the duplicate sent to him by the Superintendent and, if satisfied that they tally;

(b) issue the hemp drug or drugs forthwith up to the quantity specified in the import/transport pass;

(c) record the duplicate in his office;

(d) hand over the triplicate copies of the pass (Forms H.D. 7 and H.D. 8) to the exporter or transporter to accompany the consignment; and

(e) post a letter of advice of the despatch of the consignment to the officer-in-charge of the warehouse at the place of destination in Form H.D. 9 (after filling in the particulars specified on the reverse thereof from the triplicate of the export pass) together with the railway receipt, if the consignment is booked by rail, and a blank copy of Form H.D. 10, in which the officer-in-charge of the receiving warehouse shall acknowledge the receipt of the consignment.

13. Application for transport pass for removal of hemp drug from a warehouse to a licensed shop on payment of duty. :-

A licensed vendor in the Province desiring to obtain any drug from a warehouse for transport to, and sale at his shop shall apply to the Mamlatdar of the taluka where in his shop is situated or in the Town and Island of Bombay to the Superintendent of Excise, Bombay, for a transport pass. The officer to whom the application is presented shall direct the applicant to pay, in accordance with the rules framed by the Commissioner in this behalf, the duty payable on the quantity of the drug which he wishes to remove. The application shall be in Form of H.D. 11 appended to the rules.

14. Issue of pass in Form H.D. 12 for transport of drugs from ware- house to licensed shop. :-

The Mamlatdar on being satisfied that the duty has been correctly paid, in accordance with the rules framed by the Commissioner in this behalf on the quantity of hemp drugs shown in the application, shall grant to the applicant a pass in Form H.D. 12 in triplicate. In the Town and Island of Bombay the said pass shall similarly be granted by the Superintendent of Excise, Bombay, on the applicant producing before him the treasury receipt in respect of the duty paid by him into the treasury of the Chief Account Officer of Excise, Bombay. The counterfoil of the pass so granted shall be forwarded by post by the officer issuing it to the Excise Inspector or Assistant or Sub-Inspector in whose charge the applicant's shop is situated; the duplicate thereof shall be sent direct by post to the officer-in-charge of the warehouse concerned; and the triplicate, which is intended to cover the drug during transit, shall be handed over to the applicant. The drug or drugs up to the quantity covered by the amount of duty, the payment of which is acknowledged in the

treasury receipt shall be issued from the warehouse by the officer-in-charge thereof on the production of the treasury receipt before him by the applicant together with the triplicate copy of the pass. The receipt shall thereupon be forthwith returned to the applicant together with the triplicate of the transport pass presented by the applicant after the officer-in-charge has filled in all the requisite entries on the reverse thereof. The duplicate shall remain with the officer-in-charge of the warehouse and the triplicate shall be filed in the applicant's shop.

15. Return of counterfoil of pass in Form H.D. 12 to the officer issuing pass on verification by Excise Inspector. :-

The Excise Inspector or Assistant or Sub-Inspector to whom the counterfoil of the pass (Form H.D. 12) has been forwarded from the Mamlatdar's office or from the office of the Superintendent of Excise, Bombay, in the case of the Town and Island of Bombay, shall return it to the Mamlatdar or the Superintendent of Excise, Bombay, as the case may be, for record as soon as he has satisfied himself that the quantity of the hemp drug mentioned therein has been correctly entered in the shop account book taking care that the certificate on the reverse of the counterfoil sent to him and on the triplicate filed in the shop has been duly filled in by him. If he finds cause for suspicion, he shall at once report the matter for orders to the Superintendent of Excise to whom he is subordinate.

16. Ganja taken from manufacturing yard to the bonded warehouse at Ahmednagar to be covered by a pass. :-

Ganja, which is to be taken from a manufacturing yard to the bonded warehouse at Ahmednagar for deposit therein, shall be covered in transit by a transport pass in Form H.D. 5 which shall be issued to the manufacturer on a verbal application being made therefor to the Excise Inspector, Ahmednagar Range, or to the Assistant or Sub-Inspector in charge of the yard. A fresh pass shall be obtained for each consignment of manufactured Ganja to be taken from the yard to the warehouse and each such pass shall, as soon as the ganja covered thereby reaches the warehouse, be given up to the officer-in-charge of the warehouse.

17. Removal of hemp drugs for purposes of export to Indian States, to foreign possessions in India or by sea to countries outside India. :-

The removal of hemp drugs from a bonded warehouse for export to Indian States or to foreign possessions in India or by sea to

countries outside India under the rules framed under section 7 of the Dangerous Drugs Act, 1930 (II of 1930), shall be allowed on payment of duty in accordance with the rules regulating the payment of duty on hemp drugs framed by the Commissioner under section 19-A and clause (e) of section 35-A of the Act.

18. Removal of hemp drugs from one wholesale shop to another or to a retail shop under pass in Form H.D. 12. :-

A wholesale or retail vendor of hemp drugs wishing to purchase any drug from a wholesale dealer of his own or another district shall apply for the requisite transport pass to the Mamlatdar of the taluka in which the shop to which the drugs is to be removed is situated or in the case of the Town and Island of Bombay to the Superintendent of Excise, Bombay, stating the prescribed minimum stock for his shop and the actual balance of drugs on hand. The pass shall be issued in triplicate in Form H.D. 12. The counterfoil of the pass shall remain in the office of issue; the duplicate shall be forwarded to the Excise Inspector or Assistant or Sub-Inspector in whose range the wholesale shop from which the drug is to be removed is situated and the triplicate copy shall be handed over to the applicant. The wholesale dealer from whom the drug is to be purchased may sell the hemp drug to, and allow it to be removed from his shop by the purchaser on the latter producing before him the triplicate copy of the pass. The Excise Inspector or Assistant or Sub-Inspector who receives the duplicate of the said pass, after satisfying himself that the quantity of hemp drugs sold by the wholesale licensee has been taken into account in recording the sales for the day in the shop account book, shall forward the duplicate to the Excise Inspector or Assistant or Sub-Inspector in whose jurisdiction the purchaser's shop is situated; and the latter officer shall file the pass after satisfying himself that the drug so received has been duly brought to account at the purchasing licensee's shop.

19. Triplicate of transport pass to be filed by the vendor in his shop :-

The triplicate copy of every pass under cover of which a wholesale or retail vendor brings any drug to his shop whether from a bonded warehouse or from a wholesale licensee shall be filed by him in his shop. II. General Provisions Governing Import, Export and Transport

20. Import, etc. to be at cost and risk of importer, etc. :-

All charges such as those payable for carriage by rail or road, labourer's wages, on hemp drugs brought to or removed from a warehouse, and all incidental risks shall be borne by the person importing, exporting or transporting the hemp drugs, as the case may be.

21. Packages removed to or from a warehouse to be numbered and marked. :-

Every package to be removed to or from a warehouse under these rules shall bear the serial number assigned thereto in the consignment preceded by a distinguishing mark which shall consist of a letter intended 'to serve as an index to the kind of the drug contained therein. The number shall be in a separate series for each kind of hemp drug, the marks being G for Ganja, B for Bhang and C for Charas. The mark and the serial number shall be written close together and one after the other, like the digits in ordinary numeration.

22. Drugs intended for import, etc., in bond for the payment of duty how to be despatched. :-

Every consignment of drugs intended for import, export or transport in bond for the payment of duty is subject to the provisions of section 75 of the Indian Railways Act, 1890, (IX of 1890) each consignment shall be despatched direct to the officer-in-charge of the bonded warehouse at the place of destination; the railway receipt, which shall be made out in that officer's name, shall be delivered by the importer, exporter, transporter or his agent as the case may be, to the officer issuing the drugs, for despatch to the officer-in-charge of the receiving warehouse.

23. RULE :-

(Deleted).

24. Import, export and transport of hemp drugs by inland post. :-

The import, export or transport of any hemp drug by inland post shall be subject to the following conditions, namely:-

(a) only the parcel post shall be used and the parcel shall be insured;

(b) the parcel shall be covered by a permit issuing in this behalf by the proper authorities at the place to which the parcel is addressed;

(c) the parcel shall be accompanied by a declaration showing the

names of the consignor and the consignee, the contents of the parcel in detail, the number and date of the permit covering the import, export or transport, as the case may be, and the numbers of the licences, if any, held by the consignor and the consignee; and

(d) the consignor and the consignee, if they are licensees, shall show distinctly in their account books, the names of the consignee and the consignor, respectively, and the quantities of the hemp drugs imported, exported or transported by and to them, as the case may be, from time to time, by post: Provided that the above conditions shall not be enforced in the case of transactions by or on behalf of the Provincial Government.

25. Pass covering hemp drugs to accompany the same in transit and to be produced on demand. :-

The pass covering a consignment of hemp drugs shall accompany the consignment while the consignment is in transit and shall be produced forthwith for inspection on demand by any Abkari, Revenue or Police Officer; provided that when the consignment is conveyed by rail, parcel post or sea, the said pass shall be pasted on a stout cardboard label and securely fastened by seal to one of the packages comprising the consignment, a true copy of the pass (in Form H.D. 7 (as well as H.D. 8 or only HD. 12, as the case may be), being furnished, on demand to the person removing the drug.

26. On arrival of the consignment pass to be delivered to ware houses officer. :-

The pass under which any hemp drugs is imported, exported or transported from any one bonded warehouse to any other such warehouse, whether established in the Province of Bombay or in any other Province in British India, shall immediately on the arrival of the consignment at the place of destination, be delivered to the officer-in-charge of the warehouse thereat, to be retained by him on his record.

27. Verification of consignment on arrival at the warehouse and transit wastage. :-

(1) On arrival of the consignment at the warehouse of destination in the Province of Bombay it shall be verified in accordance with the procedure laid down in rules 22 to 27 of the rules regulating the deposit of hemp drugs in bonded warehouses published in the Commissioner's Notification No. 81-16/37, dated the 1st November

1937.

(2) It shall be at the discretion of the Commissioner to make allowance for transit wastage on any drug imported, exported or transported in bond when there is no suspicion of fraud or theft. When duty is to be recovered on transit losses it shall be recovered in accordance with the rules framed in this behalf by the Commissioner under section 19-A and clause (e) of section 35-A of the Act. Forms referred to in Government Notification No. 4903/33/22468, dated 23rd May 1938.