

F.No. V/54/2002-NC.II
Government of India
Ministry of Finance
Department of Revenue
Narcotics Control Division

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AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDIA
AND
THE GOVERNMENT OF THE RUSSIAN FEDERATION
ON
COOPERATION TO COMBAT ILLICIT TRAFFICKING
IN
NARCOTICS, PSYCHOTROPIC SUBSTANCES AND THEIR PRECURSORS

The Government of the Republic of India and the Government of the Russian Federation, hereinafter referred to as "the Parties",

Aware that illicit trafficking in narcotic drugs and psychotropic substances (hereinafter referred to as "narcotics") and their precursors, as well as abuse of narcotics undermine the political, economic, social and cultural spheres of both States and pose a serious threat to the health and well-being of their people,

Guided by the objectives of the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol to the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and taking into account relevant resolutions adopted by the United Nations, including the XVII and XX Special Sessions of the United Nations General Assembly of 1990 and 1998,

Acknowledging that the objective of eradicating illicit trafficking in narcotics and their precursors is a common responsibility of all States of the world and requires coordination of actions within the framework of multilateral and bilateral cooperation,

Determined to develop mutual cooperation with a view to effectively resolving the issue of illicit trafficking in narcotics and their precursors,

Sharing their deep concern over the illicit cultivation, production, processing and trafficking in narcotics,

Recognizing that the medical use of narcotics continues to be indispensable for the relief of human pain and suffering and that adequate measures must be taken to ensure the availability of narcotics for such purposes,

Emphasizing the need for concerted actions in the legal field and in the sphere of cooperation between law enforcement and other competent authorities taking into account the constitutional, legal and administrative systems of the States of the Parties and based on respect for their national sovereignty,

Recognizing the need for promotion of effective information exchange including in the field of mutual technical cooperation, prevention, treatment, rehabilitation and social reintegration of drug addicts.

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Aware of the significance of the development of mutual cooperation with a view to suppressing illicit trafficking in narcotics and their precursors through interaction, coordinated and concerted action and implementation of special programmes in that sphere in accordance with the legislation of their States,

Have agreed as follows:

Article 1

1. The Parties shall harmonize their policies and implement coordinated programmes to combat illicit trafficking in narcotics and their precursors and abuse of narcotics in accordance with their national legislation and the provisions of this Agreement.
2. In furtherance of the objectives of this Agreement, subject to their national legislation, the Parties shall:
 - a) exchange literature on their existing laws, rules, procedures, best practices and methods of curbing illicit trafficking in narcotics and their precursors and any further amendments to the existing legislation;
 - b) cooperate in the fight against illicit trafficking in narcotics and their precursors, laundering of proceeds derived from this kind of criminal activity including tracing, identifying, freezing, seizing and forfeiting of assets and property obtained from illicit trafficking in narcotics and their precursors or used in the process of such trafficking;
 - c) render mutual assistance, subject to their national legislation, in complying with the administrative and control procedures laid down by the International Narcotics Control Board (INCB) governing activities related to the legitimate international trade in narcotics and their precursors in order to prevent their diversion for illicit trafficking;
 - d) exchange information and collaborate to reduce the demand for narcotics through prevention, awareness-raising activities and programmes as well as treatment and rehabilitation activities;
 - e) share experience in training of personnel engaged in drug law enforcement and drug demand reduction with a view to suppressing illicit trafficking in narcotics and their precursors.

Article 2

1. In accordance with their national legislation, the Parties shall cooperate to combat illicit trafficking in narcotics and their precursors and abuse of narcotics, *inter alia*, by:
 - a) assisting each other in the appropriate use of Controlled Delivery, with a view to identifying persons involved in the illicit trafficking in narcotics and the diversion of their precursors into the illicit trade;
 - b) ensuring the exchange of information of operational, technical and general nature between the competent authorities of the Parties specified in Article 3 of this Agreement;

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- c) assisting each other, as mutually agreed, in operational, investigative and other matters connected with illicit trafficking in narcotics and their precursors;
d) promptly exchanging information about data on persons involved in illicit trafficking in narcotics and their precursors in accordance with Appendix I to this Agreement and providing further information on investigation, prosecutions and related matters in conformity with Appendix II to this Agreement.
2. This Agreement shall not preclude the competent authorities of the Parties from identifying and developing other mutually acceptable avenues and forms of cooperation.
3. This Agreement shall not cover the issues of extradition and mutual legal assistance in criminal matters.

Article 3

1. The central authorities of the Parties, responsible for the coordination of cooperation under this Agreement, shall be:

For the Indian Party – Department of Revenue, Ministry of Finance of the Republic of India;

For the Russian Party – Ministry of Foreign Affairs of the Russian Federation.

2. Cooperation envisaged by this Agreement shall be implemented through competent authorities of the Parties. The competent authorities of the Parties shall be:

For the Indian Party:

Narcotics Control Bureau;
Department of Revenue, Ministry of Finance of the Republic of India;
Central Bureau of Narcotics;
Ministry of External Affairs of the Republic of India;
Ministry of Home Affairs of the Republic of India;
Central Board of Excise and Customs;
Ministry of Social Justice and Empowerment of the Republic of India.

For the Russian Party:

Federal Service of the Russian Federation for Narcotics Traffic Control;
Ministry of Foreign Affairs of the Russian Federation;
Ministry of the Interior of the Russian Federation;
Ministry of Health and Social Development of the Russian Federation;
Federal Security Service of the Russian Federation;
Federal Financial Monitoring Service;
Federal Customs Service.

3. The central authorities of the Parties, within 30 days from the date of signing of this Agreement, shall notify each other the names and official titles of authorized divisions or

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persons of the competent authorities of the Parties as well as all possible means of communication between them.

4. The competent authorities of the Parties shall establish direct channels of communication to ensure effective interaction in implementing this Agreement. The Parties shall, at the earliest, inform each other through diplomatic channels about any changes in their competent authorities.

Article 4

1. Assistance within the framework of this agreement shall be provided at the initiative of one of the Parties or at the request of the competent authority of a Party.

2. The request for assistance shall be submitted in written form. In urgent cases the request may be submitted through technical means of communication or orally, but thereafter it shall be confirmed in writing within a period of three days.

3. The request shall include:

- a) the name of the requested competent authority;
- b) the name of the requesting competent authority;
- c) information of those involved in the illicit trafficking in narcotics or diversion of their precursors, including their name, surname, father's name (and possible aliases), sex, date and place of birth, nationality, passport number, date and place of issue, occupation, address, extent of involvement, criminal record and other relevant materials, possible accomplices, date and place of arrest or detention, judicial or administrative measures taken;
- d) assistance required as well as other data necessary for providing the assistance, including name of the competent seizing authority, date and place of the seizure, seized quantity, chemical analysis data, packing, labeling and trade marks, particulars of conveyance used and mode of concealment, route, place of the narcotics production and processing, destination, equipment and accessories seized.

4. The request shall be signed by the head of the competent authority, or his/her deputy, or other authorized persons, and authenticated by the official stamp of the requesting authority.

5. Any information exchanged under this Agreement shall be in English, unless otherwise agreed between the Competent Authorities of the Parties.

6. The requested party shall take all necessary measures to ensure prompt and the fullest possible implementation of the request.

Article 5

1. The request within the framework of this Agreement may be denied fully or partially if the requested Party believes that it may damage its sovereignty, national security or that it contradicts the legislation or international obligations of its State.

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2. The request may also be denied if the action underlying the request is not recognized as an offence by the legislation of the State of the requested Party.
3. If the request is denied, the requesting Party shall be informed thereof in written form as well as of the grounds for the denial.

Article 6

1. Each Party shall maintain the confidentiality of information and documents received from the other Party, if they are classified or if the providing Party considers their disclosure undesirable. The level of confidentiality of such information and documents shall be determined by the providing Party.
2. The information and documents received under this Agreement shall not be used for purposes other than those for which they were requested and provided, unless such information and documents are publicly available in the territory of the requested Party.
3. The information and documents, received by one of the Parties under this Agreement may be disclosed to a third party with the prior written consent of the competent authority that provided them.

Article 7

Any dispute between the Parties arising out of implementation or interpretation of this Agreement shall be resolved through consultations between the competent authorities of the Parties. Disputes not resolved between the competent authorities of the Parties shall be subject to further settlement between the Parties.

Article 8

This Agreement shall not affect the rights and obligations of each of the Parties under other international treaties to which its State is a Party.

Article 9

Each of the Parties shall bear the costs arising in the territory of its State and related to the implementation of this Agreement.

Article 10

From the date of entry into force of this Agreement, the Agreement on cooperation between the Government of the Republic of India and the Government of the Russian Federation on the matters relating to the competence of the Ministry of Finance of the Republic of India and the Ministry of Security of the Russian Federation in the sphere of combating illicit traffic in narcotic drugs and psychotropic substances of 28 January 1993 shall be terminated.

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Article 11

1. This Agreement shall enter into force on the date of receipt of the last written notification on completion by the Parties of their domestic procedures which are necessary for its entry into force.

2. This Agreement shall be concluded for a period of five years. Thereafter, it shall be automatically extended each time for further five-year periods. Either Party may terminate this Agreement by notifying the other Party in writing at least six months prior to the expiry of the relevant five-year period about termination of this Agreement. This Agreement shall terminate upon the expiry of six months from the date of receipt of this notification by the other Party.

Appendices I and II to this Agreement shall constitute its integral part.

Article 12

This Agreement may be amended and supplemented by mutual consent of the Parties.

In witness whereof, the undersigned being duly authorized thereto by their respective Governments have signed this Agreement.

Done at Moscow on the twelfth day of November, 2007 in two copies each in the Hindi, Russian and English languages, all texts being equally authentic. However, in case of any divergent interpretation of this Agreement the English text shall be used.

For the Government of the Republic of
India

For the Government of the Russian
Federation

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APPENDIX-II

CASES OF ILLICIT TRAFFIC IN NARCOTICS AND SMUGGLING

Reference:

Date:

Sender (Organisation/Agency)

1. Name of the seizing agency
2. Type of narcotics/contraband seized.
3. Quantity
4. Chemical Analysis Report
5. Place of seizure
6. Date of seizure
7. Packing, Labelling & Trade Marks
8. Particulars of conveyance used
9. Name and Nationality of the custodian/owner of the conveyance
10. Name of Company, Airline, Ship
11. Mode of concealment
12. Route
13. Place of production/processing
14. Place where narcotics/contraband obtained
15. Origin/source
16. Destination
17. Any equipment/accessories seized

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References:

Dates:

Sender (Organisation/Agency)

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 11. Mode of concealment
 12. Route
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 14. Place where narcotics/contraband obtained
 15. Origin/source
 16. Destination
 17. Any equipment/accessories seized
 18. Any other information
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