

KARNATAKA PROHIBITION (INTOXICATING DRUGS) RULES, 1966

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**KARNATAKA PROHIBITION (INTOXICATING DRUGS) RULES,
1966**

In exercise of the powers conferred by Section 124 read with Sections 18, 19, 20, 23, 27, 40, 41 and 44 of the Karnataka Prohibition Act, 1961 (Karnataka Act 17 of 1962), and in supersession of all rules, notifications and orders on the subject made or issued under any enactment repealed by sub-section (1) of Section 129 of the said Act, the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published as required by sub-section (3) of Section 124 of the said Act in Notification No. HD 69 EFL 62, dated 20th August, 1965 as GSR 685 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 7th October, 1965, namely.

1. Title, extent and commencement :-

- (1) These rules may be called the Karnataka Prohibition (Intoxicating Drugs) Rules, 1966.
- (2) These rules shall extend to all the areas of the State of Karnataka where the Karnataka Prohibition Act, 1961, is in force.
- (3) They shall come into force at once.

2. Definitions. :-

In these rules, unless the context otherwise requires.

(a) "Act" means the Karnataka Prohibition Act, 1961; Bangalore dated 24th April, 1966;

(b) "Authorised officer" means the Deputy Commissioner or the Officer duly authorised by the Deputy Commissioner to perform any functions under these rules;

(c) "Form" means a form appended to these rules;

(d) "Licence" means a licence granted under these rules;

(e) "Officer-in-charge of the Warehouse or Warehouses" or "Officer-in-charge" means any prohibition and/or Excise Officer or any other officer appointed under these rules to be in charge of a bonded warehouse;

(f) "Permit" means a permit granted under these rules;

(g) "Veterinary Surgeon" means and includes an Assistant Veterinary Surgeon and all officers of the Veterinary Department of and above the rank of Veterinary Inspectors.

PART 1

The cultivation of hemp and the manufacture of ganja therefrom

3. Licenses required for the cultivation of hemp. :-

The cultivation of Hemp shall be permitted only under a license in Form M.P.I. I granted by the Commissioner in such areas of the State as he may from time to time notify.

4. Particulars in application for licenses. :-

(1) Every application for a license in Form M.P.I. I shall contain the following particulars, namely.

(a) Name, age and residence of applicant;

(b) Applicant's father's name;

(c) Survey No., and name of the village in which the Sy. No. is situated;

(d) Estimated area of the survey number where the licensee proposes to cultivate Hemp;

(e) Whether the applicant has any previous experience of Hemp cultivation.

(2) The application for licenses shall be made by the occupant or with the special permission of the occupant, by the tenant of the land on which it is intended to cultivate hemp. It shall be presented to the Deputy Commissioner who after making necessary enquiries, shall forward the same to the Commissioner.

(3) Applications shall be submitted only when they are called for by the Commissioner by notification and within the time specified in the notification.

5. Suitability of holdings for cultivation. :-

Licenses may be granted only to such applicants whose lands are so situated as to render supervision effective and easy and depending on the stock and estimated demand of ganja for the next three years.

6. Refusal of Licenses. :-

No license shall be granted to a person who has been convicted of any offence against Excise, Opium or Prohibition Laws or who is suspected of having illicitly dealt in ganja grown or manufactured by him or by others during the period of ten years, previous to the application or who did not prepare ganja in the previous years according to instructions issued.

7. Grant of Licenses. :-

(1) Licenses in Form M.P.I. I will be granted by the Commissioner in his discretion.

(2) The Commissioner shall be at liberty, with the approval of the Government, to grant to a single individual or a firm the exclusive privilege of cultivation of Hemp and manufacture of ganja in selected localities.

8. Fees for Licenses. :-

Applications for licenses shall be accompanied by a challan for having credited a sum of Rs. 5/-, only, and all licenses in Form M.P.I. I shall be granted subject to payment of a license fee of Rs. 100/- for every acre of land permitted to be cultivated for hemp.

9. Watch and ward staff for cultivation and their duties. :-

(1) The Commissioner shall appoint such watch and ward staff as he deems fit to watch the progress of crop raised, to explain to the cultivators as to how and when ganja should be prepared, and to prevent the fraudulent disposal of the plant or any part thereof or

the ganja by the cultivator.

(2) As soon as ganja is manufactured, the packages or bundles thereof shall be duly sealed and their gross weights as well as the net weights of the ganja contained in them entered in a register kept for the purpose by an officer not lower in rank than that of a Prohibition and/or Excise Inspector under the signature of himself, village officials and cultivators. Such bundles or packages shall then be forthwith removed by the cultivator under a transport permit granted by Deputy Commissioner and under an escort of an officer not lower in rank than a Prohibition Officer or Inspector of Excise, to such place as may be ordered by Commissioner. The bundles or packages after receipt in the place of destination shall be locked up in a room under the seal of the Officer-in-charge or any other officer and acknowledgements for the receipt of the bundles with the seals intact and with their weights shall be given to the cultivator and Prohibition or Excise Officer by the said Officer-in-charge, receiving the packages.

10. Licensee to sell ganja to Government. :-

The licensee shall not sell any quantity of ganja produced by him to any person, other than Government and shall be paid such price as may be fixed by the Commissioner, having regard to the cost of production, extent of acreage cultivation, quality of ganja produced and other factors which he deems fit to consider at the time of such fixation.

11. Quality of ganja to be supplied :-

¹ The ganja supplied should be free, as far as possible, from stalk and seeds and well pressed into cakes and of a quality fit to be issued for consumption. The Commissioner or any Officer specially deputed by him may, for reasons to be recorded in writing, order the destruction of all ganja not approved by him and the cultivator cannot claim any remuneration therefor:

Provided that no such orders shall be passed without giving to the person concerned an opportunity of being heard.

1. Rules 11 and 12 substituted by GSR 98, dated 13-3-1969, w.e.f. 20-3-1969

12. Appeal :-

Any person aggrieved by the fixation of price under Rule 10 or the orders under Rule 11 may, within ninety days from the date of such fixation or order prefer an appeal to the Karnataka Revenue

Appellate Tribunal. The orders of the Karnataka Revenue Appellate Tribunal thereon shall be final.

13. Hemp plants growing on land not licensed for the purpose to be uprooted :-

No person who has not obtained a license under these rules shall cultivate hemp or allow the same to grow in any land in his possession or under his charge; and it shall be the duty of every such person to cause all hemp plants growing on such lands whether spontaneous or otherwise to be uprooted as soon as he is, or has reason to be aware of their existence on such land.

14. Responsibility of Village Officials :-

The village officials shall be primarily responsible to see that no clandestine cultivation of hemp is carried on in their respective villages. When such cultivation is discovered, they shall give immediate information thereof to the Prohibition and/or Excise Officer for necessary action.

¹ [Explanation. Village officials' for the purposes of this rule include the Patel and the Village Accountant.]

1. Explanation added by GSR 98, dated 13-3-1969, w.e.f. 20-3-1969

15. Prevention of spontaneous growth of hemp plant :-

The Village, Prohibition, Excise and Police Officers shall destroy all the hemp plants which spontaneously grow in Government unoccupied lands.

16. Supplementary Instructions :-

The Commissioner may issue such supplementary instructions as he deems necessary with regard to the cultivation of hemp and manufacture and transport of ganja and payment of remuneration therefor to the cultivator. He may also issue supplementary instructions regarding the transport, storing, disposal or destruction of charas that may be manufactured with the ganja.

PART 2

The Establishment, Management and control of warehouses for ganja

17. Warehouses :-

(1) The place or places where Ganja manufactured under these rules shall be deposited, shall be in charge of such officer or officers as the Commissioner may authorise. The key of the warehouse shall be in the custody of such officers and the warehouse shall be

opened and closed by him or in his presence.

(2) The stock in the warehouse shall be reweighed on the 31st of March of every year and also at other times if so ordered by the Commissioner. The reweighment shall always be in the presence of a Committee of not less than three Gazetted Officers to be nominated by the Commissioner.

18. Days and hours during which warehouse shall be open.

:-

Every warehouse shall be open on all days other than Sundays and Public Holidays during working hours except in the case, of a warehouse where the Commissioner has fixed by executive orders, certain days in a week for purposes of issue of ganja. Permits for issue of Ganja shall be received on all working days from the hours of 11 a.m. to 3 p.m. If found necessary by the Officer-in-charge the warehouse may be opened on Sundays and public holidays for the purpose of rearranging packages ascertaining weights, removing or destroying refuse ganja, receiving consignments of fresh Ganja or cleaning the premises, etc., or for the purpose of performing any urgent Government work. All operations in the warehouse shall be carried out under the personal supervision of the Officer-in-charge of the warehouse.

19. Unauthorised persons not to have access to warehouse or stock. :-

No unauthorised person shall have access to the warehouse or to the stock nor shall any person interfere in any way with the stock.

20. Inspection :-

The Officer-in-charge of the warehouse shall maintain an inspection register paged and stamped with the seal of either the Commissioner or the Deputy Commissioner wherein will be noted all the operations of the warehouse including the date, and the time, when the warehouse was opened and closed and the work carried out in the warehouse.

21. Accounts :-

The Officer-in-charge of the warehouse shall maintain true accounts of transactions in the warehouse in Forms M.P. I, II and III. He shall also maintain such other accounts in such forms as the Commissioner may from time to time prescribe.

22. Destruction :-

If the Officer-in-charge of the warehouse finds during his periodical inspections that any ganja has deteriorated or is deteriorating, he shall immediately report the matter to the Commissioner who shall make arrangements either for its immediate issue or disposal or destruction. The refuse or dust on Ganja accumulated at the warehouse and Ganja which is due for destruction as ordered by the Commissioner shall be destroyed only in the presence of either the Commissioner or such other Officers as he may authorise. Before actually destroying, the Officer or Officers in whose presence the Ganja refuse or dust are to be destroyed shall satisfy himself or themselves by actually weighing it, that the quality of such Ganja refuse or dust is in accordance with that shown in the register.

PART 3

Possession, Sale, Import, Export and Transport

23. Licenses to Registered Medical Practitioners. :-

(1) Any Registered Medical Practitioner desiring to possess any intoxicating drug for use as an ingredient in any medicine and to sell medicine containing intoxicating drug on prescription shall make an application to the Deputy Commissioner in that behalf.

(2) On receipt of an application under rule (1) the Deputy Commissioner may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the license applied for, he may grant the applicant a license in Form M.P.I. IV on payment of a fee of Rs. 20/-.

24. Licenses to Manufactures :-

(1) Any person on behalf of an institution, or any manufacturer of medicines desiring to possess any intoxicating drug for use as an ingredient in the preparation of any medicine and to sell medicines containing intoxicating drug may make an application to the Deputy Commissioner for a license in that behalf.

(2) On receipt of an application under sub-rule (1) the Deputy Commissioner may make such enquiries as he deems necessary and if he is satisfied that there is no objection to grant the license applied for, he may grant the applicant a license in Form M.P.I. V on payment of Rs. 50/-.

25. Licenses to sell medicines containing intoxicating drugs

:-

(1) Any person desiring to possess and sell medicines containing intoxicating drugs may make an application to the Deputy Commissioner for a license in that behalf.

(2) On receipt of an application under sub-rule (1) the Deputy Commissioner may make such enquiries as he deems necessary and if he is satisfied that there is no objection to grant the license applied for, he may, grant the applicant a license in Form M.P.I. VI on payment of a fee of Rs. 20/- only.

26. Licenses for consumption by human beings :-

1 x x x x x.

1. Rule 26 omitted by GSR 1316, dated 21-12-1966, w.e.f. 29-12-1966

27. Licenses for consumption by animal :-

(1) Any owner of cattle or any domestic animal desiring to possess any intoxicating drug for administering it to his cattle or domestic animal on medical grounds may make an application to the Deputy Commissioner for a permit or to such other officer authorised by the Deputy Commissioner in that behalf,

(2) On receipt of an application under sub-rule (1) the Deputy Commissioner or other authorised Officer, as the case may be, may make such enquiries as he deems necessary and if he is satisfied that there is no objection to grant the permit applied for, he may, grant the permit in Form M.P.I. VIII on payment of a fee of Re. 1/- :

Provided that no such permit shall be granted unless the administration of the intoxicating drug has been recommended for the cattle or domestic animal by the Veterinary Surgeon.

28. Quantity :-

(1) A license in Form M.P.I. IV or M.P.I. V shall be granted in respect of such quantity of intoxicating drug as may be fixed by the Deputy Commissioner in that behalf.

(2) A permit in Form M.P.I. VIII shall be in respect of such quantity of intoxicating drug as the case may be as is necessary in each case having due regard to the number of cattle or domestic animals, the dosage prescribed and the recommendation of the Veterinary Surgeon.

29. Duration of License :-

(1) No license or permit under these rules shall be granted for a period beyond the 31st March next following the date of the commencement of the license or permit as the case may be.

(2) No license or permit shall be granted to a person under 21 years of age.

PART 4

Possession, Sale, Import, Export and Transport

PART 5

Import, Export and Transport

33. Import of Intoxicating Drugs :-

Subject to the provisions of these rules and any other rules in this behalf no intoxicating drug shall be imported from any place outside the State of Karnataka except by or on behalf of the Commissioner.

34. Application for and grant of Import Permit :-

(1) Any person holding a license in Form M.P.I. IV. M.P.I.V. or M.P.I. VI and desiring to import medicines containing intoxicating drug from any other State in India may make an application to the Deputy Commissioner in that behalf.

(2) On receipt of an application under sub-rule (1) the Deputy Commissioner may make such enquiries as he deems necessary and if he is satisfied that there is no objection to grant the permit applied for, he may grant the applicant a permit in Form M.P.I. DC.

35. Application for and grant of Export Permit :-

(1) Any person desiring to export medicines containing intoxicating drug may make an application to the Deputy Commissioner in that behalf and shall along with the application forward, an import permit or no objection certificate from the Chief Prohibition or Excise Authority of the place to which such medicines are to be exported.

(2) On receipt of an application under sub-rule (1) the Deputy Commissioner may make such enquiries as he deems necessary and if he is satisfied that there is no objection to grant the permit applied for, he may grant the export permit in Form M.P.I. X.

36. Application for and grant of Transport Permit :-

(1) Any person desiring to transport intoxicating drugs or medicines containing intoxicating drugs may make an application for a transport permit in that behalf to the Deputy Commissioner: Provided that no such permit shall be necessary when transport of intoxicating drugs or medicines containing intoxicating drugs is permitted under the license or permit granted under these rules.

(2) Save as provided in sub-rule (1) a person holding a license in Form M.P.I. IV, M.P.I. V, or M.P.I. VI shall make an application to the Deputy Commissioner who granted him such license for a transport permit, 1[x x x x x] any other person shall make an application for a transport permit to the Deputy Commissioner of the place from which intoxicating drug or medicines containing intoxicating drug is to be transported and shall in case of

(3) On receipt of an application under sub-rule (2), the Deputy Commissioner or the Authorised Officer as the case may be shall make such enquiries as he deems fit and if he is satisfied that there is no objection to grant the permit applied for, he may grant the applicant a permit in Form M.P.I. XI.

PART 6

Miscellaneous

37. No opening in transit :-

No packet containing intoxicating drug or medicines containing intoxicating drug as the case may be shall be opened during its import, export or transport:

¹ [x x x x x.]

1. Proviso omitted by GSR 1316, dated 21-12-1966, w.e.f. 29-12-1966

38. Verification :-

Where intoxicating drugs or medicines containing intoxicating drugs is imported or transported ¹ [x x x x x], the packages containing intoxicating drugs or medicines containing intoxicating drugs at their destination shall not be opened except in the presence of the Prohibition or Excise Officers authorised to verify the contents. The verification shall mean and include the comparison of the weight noted on the permit with the actual weight of the packages, the verification of the seals on the packages and the comparison of the actual contents of the drug or medicine with those noted on the transport or import permit. If the verifying officer finds appreciable

increase in the contents he shall take possession of the packages after giving a receipt to the licensee and report the matter to the Deputy Commissioner. If there is appreciable shortage in the contents the verifying officer shall draw up a mahazar and report the shortage through the Deputy Commissioner to the authority which issued the transport or export permit.

1. The words "and the transporter does not hold a license in Form M.P.I. VII" omitted by GSR 1316, dated 21-12-1966, w.e.f. 29-12-1966

39. Responsibility of the Railway :-

No Railway administration shall.

(1) Receive or convey intoxicating drugs or medicines containing intoxicating drugs which is not covered and accompanied by a permit from the officer duly empowered in that behalf; or

(2) Convey intoxicating drugs or medicines containing intoxicating drugs otherwise than.

(i) in the direct and personal custody of a Railway Official upto the station at which intoxicating drug or medicines containing intoxicating drug should leave the Railway; and

(ii) according to the route prescribed in such permit.

40. Examination of consignments in transit :-

(1) The consignment of intoxicating drug or medicines containing intoxicating drug shall not be broken in transit and any Revenue Officer not inferior in rank to a Revenue Inspector or any Inspector, Assistant Inspector or Excise or any Prohibition

(2) If, after such examination the Officer is satisfied that the packages have not been opened or tampered within transit and that the number of packages and their weight correspond with the number of a packages and their weight as specified in permit, the consignments shall be allowed to proceed.

41. Detention of consignments :-

If the Officer referred to in Rule 40 is not satisfied then the consignments shall be detained and dealt with according to the orders of the Deputy Commissioner or Commissioner.

42. Labels :-

In the case of preparations and admixtures containing intoxicating

drugs (which are not manufactured drugs within the meaning of that term as defined in the Dangerous Drugs Act, 1930) the bottles, phials, packages or containers of such preparations and admixtures or the labels affixed to them shall plainly exhibit.

(1) the actual quantity of intoxicating drug as the case may be present in each bottle, phial, package or container; or

(2) sufficient particulars thereof to admit of the ready calculations of such quantity.

43. Prescriptions :-

Notwithstanding anything contained in these rules, it shall be lawful for any person to buy, possess, transport, consume or use any medicine containing intoxicating drug in such quantity as may at one time be dispensed or sold to him in accordance with the prescription of a Registered Medical Practitioner.

44. Infirm or invalid persons :-

¹ x x x x x.]

1. Rule 44 omitted by GSR 1316, dated 21-12-1966, w.e.f. 29-12-1966

45. Possession and transport by Government :-

Notwithstanding anything contained in these rules, no license shall be necessary for the possession and sale of intoxicating drugs by or on behalf of Government treasuries, established under Rule 30. But the permits for the import, export or transport of intoxicating drugs shall be necessary.

46. Destruction of seeds, etc. :-

The Commissioner may order the sowing of such quantity of seeds in such manner as he deems fit and the destruction by such officers as he may authorise the seeds, stalk leaves and other refuse of hemp plants.

47. Repeal and Savings :-

All rules corresponding to the foregoing rules framed under enactment repealed by sub-section (1) of Section 129 of the Act are hereby repealed:

Provided that any permit, pass, license or authorisation made or issued under any of the repealed rules shall so far as it is not inconsistent with the provisions of these rules, be deemed to have been made or issued under the corresponding provisions of these

rules and shall continued to be in force accordingly, unless and until it expires or is superseded by anything done or any action taken under the Act or these rules as the case may be.