

KARNATAKA PROHIBITION (HEALTH AND DRUG PERMITS)MEDICAL BOARD RULES, 1966

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KARNATAKA PROHIBITION (HEALTH AND DRUG PERMITS)MEDICAL BOARD RULES, 1966

Whereas, the Government of Karnataka considers that the Karnataka Prohibition (Health and Drug Permits) Medical Board Rules, 1966, should be brought into force at once; Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) read with the proviso to sub-section (3) of Section 124 of the Karnataka Prohibition Act, 1961 (Karnataka Act 17 of 1962), the Government of Karnataka hereby makes the following rules, namely.

1. Title :-

These rules may be called the Karnataka Prohibition (Health and Drug Permits) Medical Board Rules, 1966.

2. Definitions :-

In these rules, unless the context otherwise requires.-

(a) "Act" means the Karnataka Prohibition Act, 1961 ;

(b) "Applicant" means an applicant for a permit for possession for personal consumption of intoxicating drug or liquor as defined in

the Act;

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

(d) "Medical Board" means a medical board constituted by the State Government under Section 9 of the Karnataka Prohibition Act, 1961 .

3. Examination of the applicant by the Medical Board :-

The Medical Board shall examine any applicant directed to it for examination by the Deputy Commissioner or an officer authorised by the Deputy Commissioner.

4. Place of Medical Examination :-

The Medical Examination of the applicant shall, except as otherwise directed by the Deputy Commissioner or Prohibition Commissioner or any other officer authorised by either of them, be made at the District Headquarters:

Provided that an applicant who is incapable to present himself for a medical examination at the appointed place may at his request and on production of a Medical Certificate issued by his personal Medical adviser to that effect, be examined by the Medical Board at his residence.

5. Recording of opinion by Medical Board and grant of permit :-

(1) The Medical Board shall, after examining the applicant and after taking into consideration the provisions of Rule 6 record its opinion as to whether it is essential for the applicant to use or consume intoxicating drug or liquor and in case where they decide to recommend the grant of a permit issue a Medical Certificate in Form M.C.

(2) Where there is no unanimity of opinion among the members of the Medical Board about the grant of a Certificate to the applicant or about the kind and/or quantity of intoxicating drug or liquor to be permitted to be used or consumed by the applicant, the members of the Board shall record their opinions separately in Form ¹ [M.E].

(3) In all cases of differences of opinions regarding grant of a certificate.-

(a) if a majority of members recommend the grant of a Certificate,

the Deputy Commissioner may either grant a permit for the quantity of intoxicating drug or liquor recommended by the majority of members or refer the application to the Commissioner for his orders;

(b) in cases where the grant of a certificate is refused, the applicant will be furnished on his application within ten days from the date of application, free of charge a copy of the Medical record in Form M.E. containing the record of Medical Examination.

1. Read for the letters "M.C." by GSR 203 , dated 17-5-1968.

6. Matters to be considered by the Medical Board. :-

For the purpose of Rule 5, the Medical Board shall take into consideration the age, weight, general health, Medical history, illness, disease, symptoms, disorder and period of habituation to any intoxicating drug or liquor and any other matter as it deems fit and make such clinical examination of the applicant and carry out such tests as it deems proper. The Medical Board shall also take into consideration for the aforesaid purpose any statement made by the applicant or any fact or observation recorded by the applicant's personal medical adviser.

7. Record of Medical Examination :-

The record of the Medical examination of the applicant shall be kept by the Medical Board in Form M.E. The documents if any, produced by the applicant shall form part of such record.

8. Report of Medical Examination to be sent by Deputy Commissioner :-

The Medical Board shall forward the report of the Medical Examination in Form M.E., any other record connected therewith and the Medical Certificate in Form M.C. to the Deputy Commissioner.

9. Fee to be paid for Medical Examination :-

The applicant shall pay a sum of twenty-five rupees towards the Medical Examination by the Medical Board, which amount will be credited to Government Treasury and the Challan for having credited the amount shall be attached to the application. Where the examination is held at the residence of the applicant at his request he shall be required to bear and deposit in advance the travelling expenses of the Board from the District Headquarters to the place of examination and back calculated on the basis of the Travelling Allowance and Daily Allowance rules admissible to them.

10. Procedure at Meeting of the Medical Board :-

Every meeting of the Medical Board shall be presided over by the Chairman and in the absence of the Chairman, the meeting shall be presided over by such one of the members present, as may be chosen by the members present at the meeting.

11. Quorum at Meeting :-

Three members shall form a quorum for the disposal of all business by the Medical Board.

12. Fee to be paid to Members of the Medical Board :-

For each case examined by the members of the Medical Board, each participating member shall be entitled to a fee of Rs. 5.

13. . :-

All rules corresponding to the foregoing rules framed under any enactment repealed by sub-section (1) of Section 129 of the Karnataka Prohibition Act, 1961 are hereby repealed:

Provided that any permit, pass, licence 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 continue 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.