

The Orissa Dangerous Drugs Rules, 1965

ODISHA

India

The Orissa Dangerous Drugs Rules, 1965

Rule THE-ORISSA-DANGEROUS-DRUGS-RULES-1965 of 1965

- Published on 24 July 1965
- Commenced on 24 July 1965
- [This is the version of this document from 24 July 1965.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Dangerous Drugs Rules, 1965 Published vide Government of Orissa, Revenue and Excise Department's Notification No. 49754-R./24.7.1965-see Orissa Gazette Extraordinary No. 1176./7.8.1965 For previous publication of these rules as required under Sub-section (1) of Section 36 of the Dangerous Drugs Act, 1930 see Government of Orissa Revenue and Excise Department's Notification No. 71990-R./12.11.1964, published vide Orissa Gazette Extraordinary No. 1646/14.11.1964. The rules were finally published in Government of Orissa, Revenue and Excise Department's Notification. No. 49754-R./24.7.1965-see Orissa Gazette Extraordinary No. 1176./7.8.1965. In exercise of the powers conferred by Sub-section (2) of Section 3 of the Dangerous Drugs Act, 1930 (2 of 1930) and in supersession of all existing rules on the subject, the State Government do hereby make the following rules, the same having been previously published, required under Sub-section (1) of Section 36 of the said Act. Chapter-I General

1. Short title.

- These rules may be called the Orissa Dangerous Drugs Rules, 1965.

2. Definitions.

- In these rules unless the context otherwise requires-(1)"Act" means the Dangerous Drugs Act, 1930 (2 of 1930);(2)"Appendix" means the appendix to these rules;(3)"Approved Practitioner" means-(a)any person registered as a medical practitioner or as a dentist under any law for such registration for the time being in force in any part of India, or(b)any person possessed of qualifications which render him eligible for registration as a medical practitioner or as a dentist, as the case may be, under any law for the time being in force in any part of India, and approved by the Collector for the purpose of these rules or of corresponding rules for the time being in force in any part of India, or(c)any person practising veterinary medicine and surgery, who has obtained the diploma of a recognised veterinary institution, or(d)any other person engaged in medical, dental or veterinary practice and approved by the Commissioner for the purpose of these rules or

corresponding rules for the time being in force in any part of India :Provided that the Commissioner may declare any "approved practitioner" to be deprived of his privilege under these rules, by reason of unprofessional conduct in respect of the transmission, use or prescription of dangerous medicinal drugs or by reason of his being convicted under the Act, or the Bihar and Orissa Excise Act, 1915, or the Opium Act, 1878 or the Orissa Opium Smoking Act, 1947, or for any non-bailable offence against any other law ;(4)"Board" means the Board of Revenue, Orissa;(5)"Civil Surgeon" means the Civil Surgeon of a district or any officer of equivalent or higher rank of the department of Health Services having control or exercising supervision over the institution in respect of which he is required to exercise any function under these rules;(6)"Collector" means the Chief Revenue Officer of a district and includes any officer specially authorised by the State Government to exercise all or any of the powers of a Collector under these rules;(7)"Commissioner" means the Excise Commissioner ;(8)"Director" means the Director of the Department of Animal Husbandry and Veterinary Services and includes a Deputy Director of that Department;(9)"Dangerous medicinal drugs" means-(a)Coca leaf;(b)Coca derivatives,(c)Medicinal hemp,(d)Opium derivatives other than prepared opium,(e)Notified drugs as defined in Clause (19) of these rules, and(f)any manufactured drug other than prepared opium ;(10)"District" means a district as defined in the Revenue Administration (Units) Act, 1963 ;(11)"Excise Officer" means an officer of the Excise Department appointed under Sub-section (2) of Section 7 of the Bihar and Orissa Excise Act, 1915;(12)"Export" means to export from Orissa to any other State in India;(13)"Form" means a form specified in the Appendix;(14)"Government" means the State Government of Orissa;(15)"Import" means to import into Orissa from any other State in India;(16)"Inspector" means an Inspector of Excise appointed under Sub-section (2) of Section 7 of the Bihar and Orissa Excise Act, 1915;(17)"Licensed Chemist" means a person who has obtained a licence under these rules for possession and for sale on prescription of any dangerous drug or any manufactured drug;(18)"Licensed Dealer" means a person who has obtained a licence under these rules for possession and for sale otherwise than on prescription of any dangerous medicinal drug or any manufactured drug;(19)"Notified Drugs" means a narcotic substance other than coca derivatives, medicinal hemp and opium derivatives which the Central Government may, by notification in the Official Gazette, made in pursuance of a recommendation under Article 10 of the Geneva Convention, declare to be a manufactured drug;(20)"Prescription" means a prescription given by an approved practitioner for the supply of any dangerous medicinal drugs or any manufactured drug in accordance with these rules ;(21)"Sub-Inspector" means a Sub-Inspector of Excise appointed under Sub-section (1) of Section 7 of the Bihar and Orissa Excise Act, 1916;(22)"Superintendent" means a Superintendent of Excise appointed under the law referred to in Clause (21);(23)"Transmission" means-(a)to import into Orissa from another State in India,(b)to export out of Orissa to any other State in India, or(c)to transport within Orissa;(24)Words and expressions used in these rules but not defined shall have the meanings as respectively assigned to them in the Act .Chapter-II Restriction on Possession

3. Possession by any person.

- Any person may possess such quantity of dangerous medicinal drugs or any manufactured drug other than prepared opium as has been at one time dispensed and sold to him for his own use in accordance with the provisions of these rules or of corresponding rules for the time being in force in any part of India outside Orissa, subject to the maximum quantities noted below in the case of coca

leaves and coca derivatives :

Sl. No.	Description of dangerous drugs(1)	Quantity for veterinary practice(2)	Quantity for other cases(3)
(a)	Coca leaves	114 grams	57 grams
(b)	Crude cocaine	325 milligrams	650 milligrams except when certified in the same presumption to be required for purely surgical use or external application
(c)	Ecgonine or all drugs synthetic or otherwise a like physiological effect to cocaine	325 milligrams	325 milligrams except when certified in the same prescription to be required for purely surgical use or external application
(d)	Cocaine	325 milligrams	Ditto
(e)	Preparations containing more than 0.1 % of cocaine	The quantity of cocaine contained in the preparation should not exceed 650 milligrams	Such quantity as shall be applicable to the class mentioned above to which the prescription belongs.

4. Possession by approved practitioner.

- An approved practitioner may possess dangerous medicinal drugs or, as specified in Rule 5, any manufactured drug for use in his practice but not for sale subject to the following conditions: (i) he shall maintain in Form No. D. D. 3 a correct and up-to-date record and account of the receipt and disposal of the drugs and the manner of such receipt and disposal by him, and; (ii) such record and accounts shall be made available for inspection to an Excise Officer not below the rank of Inspector.

5. Possession of manufactured drug by approved practitioner.

(1) An approved practitioner may possess for his own practice but not for sale any manufactured drug not exceeding the quantity specified below : (a) opium derivatives other than prepared opium containing in aggregate not more than 7.8 grams of either morphine or diacetyl/morphine or both; (b) coca derivatives containing not more than 3.9 grams of cocaine in the aggregate; (c) medicinal hemp up to 3.5 grams in the case of extract and 450 grams in the case of tincture; and (d) any other narcotic substance declared to be manufactured drug under Sub-clause (ii) of Clause (g) of Section 2 of the Act, up to such quantity as may be fixed by the Commissioner : Provided that such drugs shall be used only by direct administration in injection, surgical operation or other emergent cases by or in presence of an approved practitioner : Provided further that the Collector may by special order authorise any such practitioner to possess for the purpose aforesaid any of the said drugs in a larger quantity. (2) All issues of the drugs for purposes other than that mentioned in the first proviso to Sub-rule (1) and except when issued free of charge from specially recognized charitable institutions shall amount to sale of such drugs.

6. Possession by an approved practitioner in charge of a hospital or dispensary.

- An approved practitioner in charge of a hospital or dispensary authorised in this behalf by the Collector by an order in Form No.D.D. 5 made under Rule 37 may possess dangerous medicinal drugs or any manufactured drugs other than prepared opium.

7. Possession by a person authorised.

- A person authorised in this behalf by the Commissioner under Rule 34 or by the Collector by an order in Form No. D. D. 5 made under the said rule may possess dangerous medicinal drugs or any manufactured drug other than prepared opium in such quantity and in such manner as may be specified in that authorisation or order.

8. Possession by a licensed dealer or chemist.

- A licensed dealer or licensed chemist may possess in his licensed premises such quantity of dangerous medicinal drugs or any manufactured drugs as may be specified in his licence.

9. Possession under a pass or an authorisation.

- A person to whom a pass or an authorisation has been granted under these rules for the transmission of any dangerous medicinal drugs or of any manufactured drug may-possess such quantity of such drug as may be specified in the said pass or authorisation. Chapter-III Restriction on Transmission

10. Transmission through Orissa.

(1)A person may convey or cause to be conveyed dangerous medicinal drugs or any manufactured drug through Orissa in transit between any two parts of India other than Orissa; Provided that he obtains a pass covering the consignment from the officer authorised by the rules in force in the place of destination to, issue passes for the import of such drugs : Provided further that he sends the consignment in packages securely packed and sealed, and does not open any such package during transit, except on requisition from the Collector of the district or under orders under Section 95 of the Code of Criminal Procedure, 1898. (2) If the consignment is transmitted through any district in Orissa otherwise than as luggage with guard by rail or insured post, such person shall give intimation thereof to the Collector of each such district before the consignment enters that district.

11. Restrictions on transmission by post.

(1) No dangerous medicinal drugs or manufactured drugs shall be transmitted by post except as provided in Sub-rule (2). (2) A person authorised under these rules to transmit dangerous medicinal drugs or any manufactured drug may transmit or cause to be transmitted the aforesaid drugs by

post, subject to the following conditions, namely : (a) he has obtained a pass- (i) when the drugs are to be imported or transported to any district in Orissa, from the Collector of that district, and (ii) in all other cases, from the officer authorised by the rules in force in the State to which the drugs are to be exported ; (b) he uses only the insured parcel post; (c) he furnishes with the parcel a declaration stating the names of the consignor and consignee, the numbers and dates of licences held by them, the contents of the parcel in detail, the number and the date of the permit covering the transmission and such other particulars as may be prescribed from time to time by the Commissioner; and (d) he mentions distinctly in his account books the name of the consignee and the consignor and the quantity of drugs transmitted by post from time to time.

12. Conditions and the prescribed form of pass for transmission.

(1) Every person transmitting dangerous medicinal drugs or any manufactured drug shall comply with such general or special directions as may be given by the Commissioner. (2) Every person transmitting dangerous medicinal drugs or any manufactured drug shall comply, with such general or special directions as may be specified in the pass under which the transmission may be effected. (3) Every pass referred to Sub-rule (2) shall be in Form No. D.D. 4 granted by the Collector of the district from or into which the transmission is made.

13. Transmission by any person and by an approved practitioner.

- Any person may, subject to Rule 11, transport or import dangerous medicinal drugs or transmit any manufactured drug which he may lawfully possess under Rule 3.

14.

An approved practitioner may, subject to Rules 4, 11 and 12, transmit such quantity of manufactured drug as he may lawfully use and possess under Rule 5 and under the provisos thereto.

15. Import by approved practitioner not in charge of hospital or dispensary.

- An approved practitioner not in charge of a hospital or dispensary may, subject to Rules 4, 11 and 12 import into Orissa any dangerous medicinal drugs.

16. Import and transport by approved practitioner in charge of a hospital or dispensary.

- An approved practitioner in charge of a hospital or dispensary authorised in this behalf by the Collector by an order under Rule 37 may subject to Rules 11 and 12 import into and transport in Orissa dangerous medicinal drugs or any manufactured drug other than prepared opium for use in the hospital or dispensary, on an indent countersigned by- (i) the Civil Surgeon; or (ii) the Chief Medical Officer of the railway administration concerned for the hospital or dispensary maintained by any railway; or (iii) the Director, if the person importing in charge of a veterinary hospital or

dispensary.

17. Import and transport by a licensed chemist or licensed dealer.

- A licensed chemist or licensed dealer may, subject to Rules 11 and 12, transmit dangerous medicinal drugs for bona fide medicinal purposes under a pass in the prescribed form obtained from the Collector of district into which drugs are imported or transported ;Provided that such a pass shall not be granted for the transmission of any such drugs in a quantity exceeding the quantity of such drug which such chemist or dealer may possess in his licensed premises in accordance with his licence.

18. Export by a licensed dealer.

- A licensed dealer may export any manufactured drug other than prepared opium to any part of India outside Orissa, subject to the conditions of his licence and to the terms of an import authorisation granted under Rule 35 or under any rules for the time being in force in such part of India and countersigned by the Collector as required by Rule 23.

19. Import and transport by person authorised.

- A person authorised under these rules for the import or transport or manufacture drugs may import or transport such drugs, as the case may be, in such quantity and in such manner as may be specified in the authorisation and the pass granted to him.

20. Export by person authorised.

- A person authorised in this behalf by the Commissioner by special order made under Rule 35 export any manufactured drug in such quality and in such manner as may be specified in that order.

21. For import, rules in exporting State to be complied with.

- Nothing in these rules shall be deemed to permit import into Orissa dangerous medicinal drugs or manufactured drug unless the rules for the time being in force relating to the export of such drugs, in the State from which is the drugs are brought and the rules relating to the conveyance in any other State through which the drugs are conveyed have been complied with.

22. Commissioner to issue directions.

- Every person transmitting dangerous medicinal drugs or any manufactured drug shall comply with such general or special directions as may be given by the Commissioner.

23. Countersignature of Collector required on authorisation granted outside Orissa.

- When an authorisation has been granted, under these rules or under rules for the time being in force in any part of India outside Orissa, to any person to import dangerous medicinal drugs or any manufactured drug from Orissa into such part of India or to transport such drugs from one district to another district in Orissa, such person shall present such authorisation to the Collector of the district from which such drugs are to be imported or transported, as the case may be, who shall countersign such authorisation after recording therein the period for which the said authorisation is to remain in force and the route by which the person (if any) in whose charge the consignment is to be transmitted as well as the number and description of the packages to be transmitted.

24. For export, permit required from importing State.

- A pass for export from Orissa of any dangerous medicinal drugs or any manufactured drug can be issued only on production of a permit from the Officer authorised by the rules in force at the place of destination with regard to the import of such drug. Chapter-IV Restrictions on Sale and Grant of Licence

25. What licences to be granted and fees for licences.

- The Collector may grant to any person authorised under these rules in this behalf a licence for the possession and for the sale of, subject to the provisions of these rules and to the conditions of respective licences-(a)all dangerous medicinal drugs; or(b)dangerous medicinal drugs other than coca leaf and coca derivatives; or(c)any manufactured drug other than prepared opium.

26. Who to grant licences and fee for licence.

(1)The Collector may grant to any person a dealer's licence in Form No. D. D. 1 permitting him to sell dangerous medicinal drugs or any manufactured drug other than prepared opium otherwise than on prescription subject to the conditions specified in Rules 27 and 28.(2)The Collector may grant to any person a chemist's licence in Form No. D.D. 2 permitting him, to sell dangerous medicinal drugs or any manufactured drug on prescription subject to the condition specified in Rule 29.(3)Fee for licence-An annual fee of rupee one shall be charged for the grant of any licence to a dealer or chemist or of any order in Form No. D.D. 5 to an approved practitioner other than that in charge of a hospital or dispensary owned by the Government.

27. Condition for sale without prescription by a licensed dealer.

(1)A licensed dealer may, subject to the conditions of his licence, sell dangerous medicinal drugs or any manufactured drug otherwise than on prescription to all or any of the following purchasers;(a)a licensed dealer or to a licensed chemist;(b)an approved practitioner for use in his practice;(c)an approved practitioner in charge of a hospital or dispensary for use in the hospital or dispensary;

and(d)any person authorised to purchase the drug sold by the rules in force in any part of India other than Orissa :Provided that the drugs so sold shall not exceed the quantity which such purchaser may lawfully possess ;Provided further that the drugs shall not be delivered to any person who is not the licensee or otherwise authorised to be in possession of the drugs and unless the licensed dealer is satisfied that the authority is genuine.(2)The drugs shall be sold in packages or bottles plainly marked with the quantity of the drugs contained in each package or bottle.

28. Licensed dealer to maintain accounts and make containers.

(1)Every licensed dealer shall maintain a correct and up-to-date account in Form No. D. D. 3, as required by Rule 32 of the sale of any such drugs and shall plainly mark-(a)every package or bottle containing ecgonine, cocaine, morphine, diacety/morphine, medicinal hemp and medicinal opium or their respective salts with the amount of the drug in such package or bottle;(b)every package or bottle containing any extract, preparation or admixture of any of the aforesaid drugs or any manufactured drugs-(i)in the case of powder, solution or ointment with the total amount thereof in the package or bottle and the percentage of the drug in the powder, solution or ointment, and(ii)in the case of tablets or similar articles containing any of the aforesaid drugs, with the quantity of the drug contained in such tablets or articles and the number of such tablets or articles.(2)Every package or bottle containing manufactured drugs shall be marked with the percentages or proportion or amount of opium, cannabis indica, morphine, diacety/morphine or cocaine contained in the drugs.

29. Conditions for sale by a licensed chemist or on prescriptions.

- A licensed chemist may sell or dispense dangerous or any manufactured drug on prescription subject to the following conditions ;(a)he shall sell the drugs in such quantity and for the use of such person only as may be specified in the prescription;(b)he shall sell the drugs only once on a prescription unless it bears a superscription by the approved practitioner stating that the drugs to be dispensed are to be repeated and specifying therein the intervals of time and the number of times it is to be repeated :Provided that when the drugs have already been sold on the prescription three times or less than three times as is required in the prescription or that the interval specified in the superscription has not elapsed since it was last dispensed, he shall not sell the drugs on such prescription except on a further superscription in that behalf by the approved practitioner ;(c)he shall not dispense a prescription unless he is acquainted with the signature of the approved practitioner by whom it purports to have been given or is acquainted with the person or the family of the person for whose use or for the use of whose animal the prescription purports to be given, and has no reason to suppose that the prescription is not genuine;(d)he shall date and sign a prescription at the time when he serves it;(e)he shall not serve coca leaves or coca derivatives more than once on the same prescription and shall retain every prescription authorising the issue of such drugs;(f)he shall not serve more than once any prescription, for any dangerous medicinal drug prescribed by an approved practitioner for his own use;(g)he shall not serve any prescription in any case for any manufactured drug prescribed by an approved practitioner for his own use;(h)he shall not serve any prescription presented for repetition before the interval specified in the superscription has elapsed since the prescription was last dispensed;(i)he shall keep every prescription on the

premises where to dispense it and shall produce it for inspection by an officer of the Excise Department not below the rank of a Sub-Inspector of Excise;(j)on the first sale on a prescription other than the prescription referred to in Clause (i) of this rule, he shall record and retain a copy thereof and on the occasion of each subsequent sale on such prescription he shall enter thereon the date of the sale under his signature and seal;(k)he shall not sell or dispense any drugs on a prescription which does not conform to the provisions of Rule 30; and(l)he shall comply with any other conditions that may be specified in his licence.Chapter-V Conditions rotating to Prescriptions

30.

No prescription for the supply of dangerous medicinal drugs or any manufactured drug shall be given by an approved practitioner otherwise than in accordance with the following conditions ;(1)a prescription shall be in writing, it shall be dated and signed by the approved practitioner with his full name, address and qualifications and shall specify the name, address of the person for whose use (for the use of which and whose animal) the prescription is given and the local quantity of the drug to be supplied on the prescription;Provided that where the medicine to be supplied on the prescription is a proprietary medicine, it shall be sufficient for the approved practitioner to state the quantity of the medicine to be supplied;(2)a prescription shall be in conformity with the provisions of Clauses (f) and (g) of Rule 29 ;(3)a registered dentist shall give a prescription only for the purpose of dental treatment and shall mark it "For local dental treatment only" ; and(4)a registered veterinary surgeon shall give a prescription only for the purpose of treatment of animals and shall mark it "For animals' treatment only".Chapter-VI Accounts and their Inspection

31. Accounts by an approved practitioner.

- Every approved practitioner shall maintain a correct and up-to-date account in Form No. D. D. 3 appended to these rules in respect of dangerous medicinal drugs or any manufactured drug possessed by him for use in his practice and such account shall be open to inspection by any Excise Officer not below the rank of Inspector.

32. Accounts by licensed dealer.

- Every licensed dealer shall maintain a correct and up-to-date account, in the form and manner specified in Rule 28 of every sale effected by him of the dangerous medicinal drugs, or manufactured drugs and such account shall be open to inspection by any Excise Officer not below the rank of Sub-Inspector.

33. Accounts by licensed chemist.

- A licensed chemist shall maintain in Form No. D. D. 3 a correct and up-to-date account of every sale made by him under this rule and a written record of the prescriptions on which such sales have been made. Such accounts and records shall be open to inspection by an Excise Officer not below the rank of Sub-Inspector.Chapter-VII Approval and Authorisation of persons and approved

Practitioner-Grant of Passes

34. Officers to approve or authorise persons under these rules.

(1)The Commissioner may for purposes of Sub-clause (d) of Clause (3) of Rule 2 approve any person engaged in medical, dental or veterinary practice, for purposes mentioned under the said sub-clause.(2)The Collector may approve any person possessed of the qualifications specified in Sub-clause (b) of Clause (3) of Rule 2 for purpose mentioned under the said sub-clause.

35.

The Commissioner may grant an authorisation in writing to any person for the export of any manufactured drug other than prepared opium subject to such conditions, as may be specified in such authorisation.

36.

The Commissioner may grant in writing an authorisation to any licensed dealer or licensed chemist for the import of any manufactured drug other than a prepared opium in or not exceeding such quantity which such dealer or chemist may lawfully possess.

37. Order authorising an approved practitioner in charge of a hospital or dispensary.

- The Collector may with the sanction of the Commissioner, by general or special order in Form No. D. D. 5 authorise any approved practitioner in charge of a hospital or dispensary to possess, import and transport dangerous medicinal drugs or any manufactured drug other than prepared opium in such quantity and in such manner as may be specified in such order.

38. Grant of pass for transport.

(1)The Collector may grant to any licensed dealer or any licensed chemist a pass in Form No. D.D. 4 appended to these rules for the transport of any manufactured drug other than prepared opium not exceeding the quantity which such dealer or chemist may lawfully possess :Provided that a licensed dealer selling dangerous medicinal drugs or any manufactured drug to another licensed dealer or licensed chemist may grant a pass in the said form for the transport to the buyer of such drugs.(2)When granting a pass under Sub-rule (1) the Collector shall give intimation of such pass in Form No. D. D. 4 appended to these rules to the Collector of the district to which the transport is to be made and shall keep in his office a copy of the pass granted.(3)When such a pass is issued under the proviso to Sub-rule (1) by a licensed dealer he shall give intimation thereof to the Collector of the district from and to which the transport is to be made and shall keep with him a copy of the pass so issued.Chapter-VIII Cancellation, Suspension or Surrender of Licence

39. Circumstance warranting cancellation or suspension of licence or order of approval or authorisation.

(1) Subject to any directions that Commissioner may give in this behalf, the Officer who has granted a licence to or has by order approved or authorised, any person under these rules may cancel or suspend such licence or order : (a) if such person has - (i) failed to pay any duty or fee payable by him; (ii) by himself or by any servant or person acting on his behalf committed any breach of the conditions of such licence or order or of these rules; or (iii) been convicted of any offence under the Act, or under the law for the time being in force relating to Excise, Revenue, or of any criminal offence ; or (b) if it is a condition of such licence or order that it may be cancelled or suspended at the will of such officer. (2) In any other case not falling either under Clause (a) or Clause (b) of Sub-rule (1) the officer referred to in the said sub-rule may cancel or suspend the licence or order, giving to the approved or authorised person fifteen days' notice.

40. Surrender of licence or order.

- The Officer referred to in Sub-rule (1) of the Rule 39 shall cancel such licence or order within fifteen days of the receipt of a notice from the approved or authorised person that such person desires to surrender the same.

41. Person authorised to deposit drugs with Collector on cancellation or suspension of licence.

- When a licence or order is cancelled or suspended the approved or authorised person shall forthwith make over to the Collector for disposal under Rule 42 all dangerous medicinal drugs or any manufactured drug then in his possession. Chapter-IX Disposal of Drugs and Confiscated Articles

42. How to be disposed of.

- The Collector shall cause all dangerous medicinal drugs or manufactured drug made over to him on cancellation or suspension of a licence or order, to be examined by the Chemical Examiner or by such other officer as the Commissioner may direct. If any such drugs are certified by the Examining Officer to be fit for use, the Collector may sell them to any dealer or chemist licensed under these rules or under any corresponding rules for the time being in force in any other part of India or to any person authorised under these rules or any corresponding rules in force as aforesaid. The sale-proceeds of such drugs shall be paid to the person whose licence has been cancelled or suspended. The Collector may require any licensed dealer or chemist to purchase at such price as the Collector may direct any quantity of such drugs not exceeding such quantity as the Collector may determine to be ordinarily saleable by him in two months. If any such drugs are certified by the officer aforesaid to be unfit for use the Collector shall cause them to be destroyed. Note - All dangerous medicinal drugs and all other articles confiscated under the Act in connection with any offence relating to these rules shall be disposed of in accordance with rules framed by the Central

Government.

43. Issue of subsidiary instructions.

- Subject to the provisions of the Act and of these rules, the Commissioner may, from time to time, issue such instruction as he may think fit for the purpose of carrying out the provisions of these rules. Chapter-X Appeal and Revision

44. To whom an appeal shall lie.

- An appeal shall lie to the Commissioner from any order of a Collector under these rules.

45. Memorandum of appeal how and when to be presented.

(1) Every memorandum of appeal relating to cancellation, or suspension of a licence, order passed or authorisation granted under these rules, shall be presented to the Commissioner, within fifteen days from the date of the order through the Collector against whose order the appeal is made. (2) The memorandum of appeal shall invariably be forwarded to the Commissioner within ten days of its presentation with the original order and with observation, if any, which the Collector may wish to make on it. (3) The period of fifteen days referred to in Sub-rule (1) shall be counted from the date of the original order and not from the date of any order made on any subsequent petition for revision or review of the said order.

46. Appeal to Board from orders of Commissioner.

- An appeal shall lie to the Board from any order made, whether on appeal or otherwise, by the Commissioner.

47. Limitation of appeals to Board.

- Every memorandum of appeal to Board shall be presented within one month from the date of the order appealed against.

48. Mode of presentation and disposal of certain appeals.

- The presentation of an appeal to Board of and its disposal of appeal by the Commissioner shall be regulated by the Board of Revenue, Orissa Regulations, 1963. Chapter-XI Exemption

49. Drugs not to be treated as dangerous medicinal drugs.

- All preparations containing not more than 0.2 per cent of morphine or 0.1 per cent of cocaine and any preparation which the Central Government may by notification in the Official Gazette made in pursuance of a finding under Article 8 of the Geneva Convention declare not to be a dangerous

medicinal drug or a manufactured drug may be imported, transported, possessed and sold without restriction.

50. Quantity of other drugs exempted.

- The provisions of these rules shall not apply to the import, export, transport, possession or sale of the manufactured drugs specified below unless the quantity involved in any transaction or possessed at any one time exceeds 450 grams, namely ;(a)Methy morphine, commonly known as codeine;(b)Ethylmorphine, commonly known as dionin;(c)Respective salts of the substances mentioned in Clauses (a) and (b);(d)Preparations containing any of the substances mentioned in Clause (a), Clause (b) and Clause (c) ;(e)Liquid compounds consisting of not more than ten per cent of any one or more of the substances mentioned in Clauses (a), (b) and (c) in any inert fluid; and(f)Dry preparations or pharmacopoeal or proprietary preparations in the form of pills, tablets, granules or powders containing not more than 0.1 gram of any one of the substances mentioned in Clauses (a), (b) and (c) in any one pill or tablet or one dose of granule or powder.

51. Repeal and saving.

(1)On and from the date these rules come into force, the Orissa Dangerous Drugs Rules, 1937 and the Orissa Manufactured Drugs Rules, 1937 shall be repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said rules shall so far as it is consistent with these rules, be deemed to have been done or taken under the provisions of these rules.