

(d) The Archdeacon at Nasik and in his absence, the Right Reverend the Bishop of Nasik.	The Clergy in Churches and institutions of Christian (Protestants) Community located in the Districts of Nasik, Jalgaon and Dhulia.
(e) The Archdeacon at Ahmednagar and in his absence, the Right Reverend the Bishop of Nasik.	The Clergy in Churches and institutions of Christian (Protestants) Community located in the Ahmednagar District.
(f) The Right Reverend the Bishop of Nagpur.	The Clergy in Churches and institution of the Christian (Protestants) Community located in the districts of Nagpur, Buldana, Akola, Amravati, Yeotmal, Wardha, Bhandara and Chanda.
(g) The Archdeacon at Aurangabad	The Clergy in Churches and institutions of Christian (Protestants) Community located in the district Aurangabad, Parbhani, Bhir and Nanded.
(vi) The Minister, the Scots Kirk the Church of Scotland, Bombay.	Persons of the Christian Community belonging to the Church of Scotland, Bombay.
(vii) The Vicar, The Armenian Church of St. Peter, Bombay.	Persons of the Christian Community belonging to the Armenian Church.
(viii) The Chairman, Central Jewish Board, Bombay.	Persons of the Jewish Community.
(ix) Trustees of the Parsi Panchayat Fund and Properties Bombay.	Persons of the Parsi Community residing in Greater Bombay.
(x) The Head Priest, Bai H. N. Mulla Anjuman Parsi Fire Temple, Parsi Agiary, Nagpur.	Persons of the Parsi Community residing in Nagpur District.
(xi) The Head Priest, Parsi Fire Temple at Kadarabad, Jalna, Aurangabad.	Persons of the Parsi Community residing in the districts of Aurangabad, Parbhani, Bhir and Nanded.

Chapter—XIII—Blood Test

{136} THE BOMBAY PROHIBITION (MEDICAL EXAMINATION AND BLOOD TEST) RULES, 1959

**G. N., R. D. No. BPA. 1059/40722 (b),- dated 1st April 1959
(M. G., Pt. IV-B, p. 546)**

1. Amended by G. N., R. D., No. BPA..1059/65544, dated 18th May 1959 (M. G., Pt. IV-B. p. 719).
2. Amended by G. N., R. D., No. BPA..1061/68060-III, dated 26th the September 1963 (M. G., Pt. IV-B.p. 719).
3. Amended by Corrig.II. D., No. BPII/1061/68060-III, dated 6th December 1963 (M. G., Pt. IV-B. p. 1684).
4. Amended by Corrig., II. D., No. BPA. 1061/68060-III, dated 27th June 1964 (M. G., Pt. IV-B. p. 889).

Whereas the Government of Bombay considers that the rules, hereinafter appearing should be brought into force at once ;

Now, therefore, in exercise of the powers conferred by clause (w) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby makes the following Rules, namely :

1. These Rules may be called the Bombay Prohibition (Medical Examination and Blood Test) Rules, 1959.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context,—

(1) “Act” means the Bombay Prohibition Act, 1949 ;

(2) “Form” means a form appended to these Rules,

(3) “Prohibition Officer” means a Prohibition Officer duly empowered by the State Government under sub-section (1) of section 129-A of the Act;

(4) “Registered Medical Practitioner” means any registered medical practitioner authorised by general or special order by the State Government under sub-section (4) of section 129-A of the Act;

(5) “Testing Officer” means the Chemical Examiner or assistant Chemical examiner to government or any other officer appointed by the State Government for testing blood under sub-section (1) of section 129-A of the Act.

3. *Medical examination.*—A registered medical practitioner before whom a person is produced under sub-section (1) of section 129-A of the Act by a Police Officer or a Prohibition Officer for the purpose of medical examination of such person or collection of his blood, shall examine such person and if he deems necessary, collect and forward in the manner prescribed in these Rules, the blood of such person and furnish to the officer by whom such person was produced a certificate in Form ‘A’ containing the result of his examination and shall keep a copy of such certificate on his record.

4. *Manner of collection and forwarding of blood.*—(1) The registered medical practitioner shall use a syringe for the collection of the blood of the person produced before him under rule 3 the syringe shall be sterilised by purring in boiling water before it is used for the aforesaid purpose. He shall clean with sterilized water and swab the skin surface of the part of such person’s body from which he intends to withdraw the blood. No alcohol shall be touched at any stage while withdrawing blood from the body of the person. He shall withdraw not less than 5 c. c. of venous blood in the syringe from the body of the person. The blood collected in the syringe shall then be transferred into a phial containing anti-coagulant and preservative and the phial shall then be shaken vigorously to dissolve the anti-coagulant and preservative in the blood. The phial shall be labelled and its cap sealed by means of sealing wax with the official seal or the monogram of the registered medical practitioner.

(2) The sample blood collected in the phial in the manner stated in sub-rule (1) shall be forward for test to the Testing Officer either by post or with a special messenger so as to reach him within seven days from the date of its collection. It shall be accompanied by a forwarding letter in form ‘B’ which shall bear a fascimile of the seal or monogram used for sealing the phial of the sample blood.

5. Certificate of test of sample blood.—The Testing Officer shall on receipt of the sample blood, test it and shall certify the result of his test in Form ‘C.’ The Testing Officer shall send the certificate in duplicate to the registered medical practitioner by whom the blood was forwarded to him for test and retain a copy thereof on his record. On receipt of the certificate from the Testing Officer, the registered medical practitioner shall forward the original copy of the certificate to the Police Officer or the Prohibition Officer concerned. The duplicate copy of the certificate shall be kept by him on his record.

FORM ‘A’

(See rule 3)

Certificate by a registered medical practitioner showing whether a person examined by him has or has not consumed an intoxicant.

Serial No. (Name and location of the Dispensary or Hospital)

Certified that Shri/Smt./Kumari. of was brought to this hospital/dispensary by (here state name and designation of the Officer) on.

20 at a. m./p. m. and was examined by me on. 20 at a. m. /p. m.

A clinical examination of the above-named person disclosed the following :

Age	..	
Weight	..	
Breath	..	<u>Smelling.</u> Not smelling
alcohol/opium/charas/ganja/bhang		
Speech	..	<u>Incoherent</u> Normal
Gait	..	<u>Unsteady</u> Steady
Pupils	..	<u>Dilated</u> Normal

additional remarks, if any.

I find that the above named person has consumed alcohol/opium/charas/ganja/bhang.
has not consumed any intoxicant.

I also find that he is under the influence of alcohol.
is not

N. B.—(Blood from the body of the above named _____ was _____ collected by me for chemical examination).
was not

Dated20 . (Signature)
Designation.

Signature/Thumb-impression of the person examined.
Marks of identification of the person examined in case he refuses to give his signature or thumb-impression.

FORM 'B'
[See rule 4 (2)]

No.

From
(Name , designation and address of the registered medical practitioner.)

To,
(Name , designation and address of the Testing Officer.)

Dated20 .

Sir,

I, forward herewith by post/with Shri*
of a phial bearing serial No.
containing. c. c. o. venous blood collected by me on.
at. a.m./p.m. of who was
produced before me for medical examination †and/or collection of blood from his/her
body ‡ by and request
you to test the blood and issue a certificate (in duplicate) regarding the result of the test.

Yours faithfully,

Signature and designation of the registered medical practioner.

Facsimile of the seal or monogram used for sealing the phial containing the blood.

* Here specify the name, designation and address of the messenger with whom the phial containing the blood is forwarded for delivery to the Testing Officer.

† Strike off, if these words are not required.

‡ Here state the name and designation of the officer by whom the said person was produced for collection of blood.

[FORM 'C'

(See rule 5)

Alcohol Examination Certificate

No. R.of

M. I. Case No.

Dated

From,

.....

(Here mention name, designation and address of testing officer.)

To,

(.....)

....., (Here mention the name, designation and address of registered medical practioner.)

Your letter No. dated, forwarding a phial containing blood of Shri/Smt./Kumari. bearing Serial No. labelled. received here on by post/with messenger Shri of sealed/unsealed, seal perfect and as per copy sent/seals intact device no copy sent.

Result of the test of the blood

The blood contained per cent. W/V of ethyl-alcohol.

Method, Factual Data and Reasons leading to the Result of Blood analysis

(1) *Method of Analysis.*—Modified Cavette's Method Journal Analytical Chemistry, 1959, 31, 1908. It is based on oxidation of alcohol by chromic acid as that in Cavette's Method but the oxidation is carried out in vacuum and at room temperature. It takes only a fraction of a minute instead of a few hours to complete the reaction. Ketonic bodies are volatile acids do not interfere in this method. All usual precautions essential in microanalytical work mentioned in the paper referred to above have been strictly followed, e.g., all chemical used in the test were of reagent quality the apparatus was first cleaned with hot chromic acid, then repeatedly with tap water and finally with distilled water. ²[It was then dried in hot air oven.] No grease was used anywhere in the apparatus. The atmosphere of the room where the test was carried out was free from all gases or suspended impurities. Fresh glass-distilled water used throughout the test.

(2) *Factual Data and Reasons for arriving at the findings pertaining to the blood sample in question.*—

Analysed on

Smell : Nothing to note/Has characteristic smell of

Quantity of blood taken for analysis : 0.5 ml.

Quantity of N/20 dichormate taken : 5.00 ml.

Quantity of N/20 dichormate used up in oxidising alchol in the sample ml.

1 ml. of N/20 dichromate oxidises 0.000575 gramme of ethyl-alcohol.

²[Therefore, 100 ml. of blood contained.

0.000575 x ml. of dichromate used x 100

----- .gramme of

0.50

ethyl-alcohol.]

Signature and Designation of testing officer.

Note.—(1) WV = grammes of ethyl-alcohol in 100 c. c. of blood.

(2) The blood sample was stored in refrigerator from the time it was received in the laboratory till it was taken for analysis.

1. Subs. by G. N. of 26-9-1963.

2. Subs. by G. N. of 6-12-1963.

**(137) G. N., H. D., No. PPA-1079/3946(394)PRO-31, dated 5th June 1980
(M. G., Pt. IV-B, p. 399)**

In exercise of the powers conferred by sub-section (1) of Section 129 A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) read with Order No. G. S. R. 47 (E), dated the 17th February 1980 of the President of India, and in supersession of Government Notification, revenue Department, No. BPA. 1059/40722(a), dated the 1st April 1959, the Governor of Maharashtra is hereby pleased to appoint the following officers for the purpose of the said sub-section (1), in so far as it related to the testing of blood forwarded to them for test by authorised registered medical practioners under the said sub-section (1) namely :

1. (i) The Director, Forensic Science Laboratories, Maharashtra State and Chemical Analyser to Government, Bombay, and
(ii) The Deputy Directors and Assistant Directors of the Directorate of Forensic Science and Chemical Analyser's Laboratory, Maharashtra State to be the Chemical Examiners to Government ; and
2. The Assistant Chemical Analysers of the Directorate of forensic Science and Chemical Analyser's Laboratories, Maharashtra State, to be the Assistant Chemical Examiners to Government.

**(138) G. N., H. D., No. 1059/40722(d), dated 1st April 1959
(B. G. Pt. IV-B, p. 551)**

In exercise of the powers conferred by sub-section (1) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby empowers the Prohibition Officers mentioned in the Schedule hereto appended to exercise, within the limits of their respective jurisdiction, the powers under the said sub-section (1), in so far as they relate to the production of person before an authorised registered medical practioner for the purpose of his medical examination or collection of his blood under the circumstances stated in the said sub-section (1) and to the obtaining of the necessary certificates under that sub-section, namely :

Schedule

1. All Superintendents of Prohibition and Excise.
2. All District Inspectors of Prohibition and Excise.
3. All Inspectors of Prohibition and Excise.

**(139) G. N., H. D., No. BPA. 1059/40722(e), dated 1st April 1959
(B. G., Pt. IV-B, p. 551)**

In exercise of the powers conferred by sub-section (1) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXX of 1949), the Government of Bombay hereby authorises all registered medical practioners in charge of, or serving at, any allopathic hospitals or dispensaries maintained by the State Government in the State of Bombay, for the purposes of the said sub-section (1).

**(140) G. O., H. D., No. PRN. 3259/15573-III (a), dated 10th June 1963
(M. G., Pt. IV-B, p. 711)**

In exercise of the powers conferred by sub-section (1) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all registered medical practioners in charge of, or serving at, the hospitals (1) Khan Bahadur Bhabha Hospital, Kurla and (2) Khurshedji Behramji Bhabha Hospital, Waterfield Road, Bandra, for the purposes of the said sub-section (1).

(141) **G. O., H. D., No. PBA. 1063-III (a), dated 18th January 1964**
(M. G., Pt. IV-B, p. 72)

In exercise of the powers, conferred by sub-section (1) of Section 129-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all registered medical practioners in charge of, or serving at any allopathic hospitals or dispensaries maintained by the Zilla Parishad in the State of Maharashtra , for the purposes of the said sub-section (1).

(142) **G. O., H. D., No. PBA. 1064-III (a), dated 18th August 1964**
(M. G., Pt. IV-B, p. 1100)

In exercise of the powers conferred by sub-section (1) of section 129-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all registered medical practioners in charge of, or serving at Municipal dispensaries in the State of Maharashtra for the purposes of the said sub-section (1).

(143) **G. N., H. D., No. PBA. 1059-40722 (F), dated 1st April 1959**
(B. G., Pt. IV-B, p. 551)

In exercise of the powers conferred by sub-section (4) of Section 129-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby authorises all female registered medical practioners in charge of, or serving at any allopathic hospital or dispensaries maintained by the State Government in the State of Bombay, for the purposes of the said sub-section (4).

(144) **G. O., H. D., No. PRN. 3259-15573-III (b), dated 10th June 1963**
(M. G., Pt. IV-B, p. 712)

In exercise of the powers conferred by sub-section (4) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all female registered medical practioners in charge of, or serving at (1) Khan Bahadur Bhabha Hospital, Kurla and (2) Khurshedji Behramji Bhabha Hospital, Waterfield Road, Bandra, for the purposes of the said sub-section (4).

(145) **G. O., H. D., No. BPA. 1063-III (b), dated 18th January 1964**
(M. G., Pt. IV-B, p. 72)

In exercise of the powers conferred by sub-section (4) of section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all female registered medical practioners in charge of, or serving at any allopathic hospitals or dispensaries maintained by the Zilla Parishads in the State of Maharashtra , for the purposes of the said sub-section (4).

(146) **G. O., H. D., No. BPA. 1064-III (b), dated 18th August 1964**
(M. G., Pt. IV-B, p. 1101)

In exercise of the powers conferred by sub-section (4) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all female registered medical practioners in charge of, or serving at Municipal Dispensaries in the State of Maharashtra for the purposes of the said sub-section (4).