



**Government of Jammu and Kashmir
Health & Medical Education Department
Civil Secretariat, Srinagar**

**Notification,
Srinagar, the 17th July, 2019.**

SRO 454 . - In exercise of the powers conferred by section 18 of the Jammu & Kashmir Drugs and Magic Remedies (Objectionable Advertisements) Act, 2018 (Governor Act No: VIII of 2018), the Government hereby makes the following rules, namely:-

1. **Short Title and Commencement-**(1) These Rules may be called the Jammu & Kashmir Drugs and Magic Remedies (Objectionable Advertisements) Rules, 2019.
(2) They shall come into force on such date as the State Government may, by notification in the Official Gazettee, appoint.
2. **Definitions** - In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Jammu and Kashmir Drugs and Magic Remedies (Objectionable Advertisements) Act, 2018, and
 - (b) "section" means a section of the Act.

Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. **Scrutiny of Misleading Advertisements Relating to Drugs.-** Any person, authorized by the Government in this behalf may, if satisfied, that an advertisement relating to a drug contravenes the provisions of section 4 by order, require the manufacturer, packer, distributor or seller of the drug to furnish, within such time as may be specified in the order or such further time as may be allowed in this behalf by the person so authorized information regarding the composition of the drug or the ingredients thereof or any other information in regard to that drug as he deems necessary for holding the scrutiny of the advertisement and where any such order is made, it shall be the duty of the manufacturer, packer, distributor or seller of the drug to which the advertisement related to comply with the order. Any failure to comply with such order shall, for the purposes of section 7, be deemed to be a contravention of the provisions of section 4.

Provided that no publisher or advertising agency of any medium for the dissemination of any advertisement relating to a drug shall be deemed to have made any such contravention merely by reason of the dissemination by him or if any such advertisement, unless such

publisher or advertising agency has failed to comply with any direction made by the authorized person in this behalf calling upon him or it to furnish the name and address of the manufacturer, packer, distributor, seller or advertising agency, as the case may be, who or which caused such advertisement to be disseminated.

4. **Procedure to be followed in prohibiting Import and Export from State of Certain Advertisement** -(1) If the Excise Commissioner, has reasons to believe that any consignment contains documents of the nature referred to in section 6, he may and if requested by an officer appointed for the purpose by the Government, shall detain the consignment and dispose it of in accordance with the provisions of the Narcotic Drugs and Psychotropic Substance Act, 1985 and shall also inform the importer or exporter of the order so passed.

Provided that if the importer or exporter feels aggrieved by an order passed by the Excise Commissioner, under this sub-rule and makes a representation to him within one week of the date of receipt of order and has given an undertaking in writing not to dispose of the consignment without the consent of the Excise Commissioner, and to return the consignment when so required to do by the Excise Commissioner, the Excise Commissioner, shall pass an order making over the consignment to the importer or exporter, as the case may be.

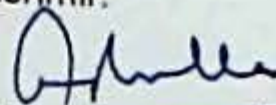
Provided further that before passing any order under this sub-rule or under the first proviso thereto, the Excise Commissioner shall consult the officer appointed for the purpose by Government.

(2) If the importer or exporter who has given an undertaking under the first proviso to sub rule (1) is required by the Excise Commissioner, to return the consignment or any portion thereof he shall return the consignment or portion thereof within ten days of the receipt of the notice.

5. **Manner in which Advertisements may be sent Confidentially**:- All documents containing advertisements relating to drugs referred to in clause (C) of section 16, shall be sent by post to a registered medical practitioner by name or to a wholesale or retail chemist, the address of such registered medical practitioner or wholesale or retail chemist being given. Such document shall bear at the top, printed in indelible ink in a conspicuous manner, the words, "For the use only of registered medical practitioners or a hospital or a laboratory".
6. **Prohibition of Advertisement of Drugs for Treatment of Disease, etc.**- Subject to the provisions of these rules, no person shall also take part in the publication of any advertisement referring to any drug in terms which suggest or are calculated to lead to the use of that drug for the diagnosis, cure, mitigation, treatment or prevention of

any disease, disorder, or condition or any other disease, disorder or condition which may be specified in the rules made under this Act.

By order of the Government of Jammu and Kashmir.



(Atal Dulloo) IAS

Financial Commissioner
Health and Medical Education Department

No. HD/Drug/21/2019

Dated 17.07.2019

Copy to the:-

1. Financial Commissioner to Hon'ble Governor.
2. Secretary to the Government, General Administration Department
3. Secretary, Department of Law, Justice & Parliamentary Affairs.
4. Director, SKIMS Soura (Ex. Officio Secretary to Government).
5. Commissioner, Drugs & Food Administration, J&K.
6. Director, Archives, Archaeology & Museums, J&K, Srinagar
7. Director, ISM, J&K, Srinagar.
8. Director, Family Welfare, J&K, Srinagar.
9. Director Health Services, Jammu/Kashmir.
10. General Manager, Government Press, Srinagar/Jammu with the request to publish the notification in the Government Gazette.
11. Director Information, J&K Srinagar with the request to publish the notification in the Government Gazette.
12. Managing Director, JKMSCL, Srinagar.
13. Special Secretary to the Chief Secretary, J&K
14. State Drug Controller, J&K
15. Private Secretary to Financial Commissioner, Health and Medical Education Department.
16. All concerned.
17. Stock file.
18. Website.

SCHEDULE (See Rule 6)

1. Asthma
2. AIDS
3. Appendicitis
4. Arteriosclerosis
5. Blindness
6. Blood Poisoning
7. Bright disease
8. Cancer
9. Cataract
10. Deafness
11. Diabetes
12. Diseases and disorders of Brain
13. Diseases and disorders of uterus.
14. Diseases and disorders of Optical System
15. Disorders of menstrual flow.
16. Disorder of the nervous system
17. Disorder of the prostatic gland
18. Dropsy
19. Female Disease
20. Epilepsy
21. Female Disease
22. Fevers in general
23. Fits
24. Gall Stones
25. Gangrene
26. Glaucoma
27. Goitre
28. Heart disease
29. High or low blood Pressure
30. Hydrocele
31. Hysteria
32. Infantile Paralysis
33. Insanity
34. Leprosy
35. Leucoderm
36. Lockjaw
37. Locomotor
38. Lupus
39. Nervous debility
40. Obesity
41. Paralysis
42. Pleurisy
43. Pneumonia
44. Rheumatism
45. Ruptures

46. Sexual Impotence
47. Small Pox
48. Sterility of women
49. Trachoma
50. Tuberculosis
51. Tumors
52. Typhoid Fever
53. Ulcers of the GIT
54. Venereal disease including syphilis and gonorrhoea

(G.N. Bhat)KAS
Deputy Secretary to Government
Health & Medical Education Department