GOVERNMENT OF TELANGANA
ABSTRACT

HM&FW Department – Poisons Act, 1919 – Regulation of sale of Acids – Poisons- Telangana State (Poisons Possession and Sale) Rules, 2014 – Rules framed – Orders issued.

HEALTH, MEDICAL & FAMILY WELFARE (C2) DEPARTMENT

G.O.MS.No. 25. Dated:9-10-2014.

Read the following:

1. From the Hon'ble Supreme Court of India order dt. 18-7-2013 in W.P.No.129 of 2006.
2. Home (Courts.B) Deptt., U.O.Note No.18553/Courts/D3-2008-18, Dated.9-10-2013.
3. Govt.Memo.No.17889/N1/2013,dated.18-12-2013, dt.18.3.2014, & dt.11.7.2014.
4. Letter from the DG, DCA, Lr.No.19660/Admn./G2/2013, dt.16-01-2014
5. Letter from the DG, DCA, A.P., Hyderabad addressed to the Govt. of A.P. Rc.No.703/STC/2014, dated.24-7-2014.

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O R D E R :

The Hon'ble Supreme Court of India in its case W.P. (Crl.) 129 of 2006, Laxmi Vs. U.o.I and States and UTs in a PIL filed by a girl who was an acid attack survivor and who wanted an end to such attacks, has given certain directions to regulate sale of Acids / corrosive substances.

Under section -5 of Poison Act read with Sec-2 (1) & (2) (a) empowers the State Govts., to declare any substance as 'Poison' by framing Rules under the Poison Act 1919 (Central Act 12 of 1919) and to regulate the Sale of Poison by or issuing notification and regulating its sale etc.,

Government after careful examination issues the following priliminery notification to be published in the Telangana State Gazette Dt -10-2014

PRELIMINARY NOTIFICATION

The following draft rules be called "The Telangana State Poisons (Possession and Sale) Rules, 2014" which the State Government proposes to be made in exercise of the powers conferred by section 2 read with sections 6 and sub section (2) of section 8 of the Poisons Act 1919 (Central Act 12 of 1919) are hereby published as required under sub-section (2) of section 8 of the said Act, for information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules shall be taken into consideration on or after the expiry of a period (15) days from the date of publication of this notification in the Telangana State Gazette.

Objections or suggestions, if any, may be addressed to the Principal Secretary to Government, Health Medical & Family Welfare Department, Government of Telangana State.

The objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the period so specified above will be taken into consideration by the State Government.

[P.T.O.]

DRAFT RULES

1. **Short title, extent and commencement**:

   (1) These rules may be called the Telangana State Poisons (Possession and Sale) Rules, 2014.

   (2) They shall extend to the whole of the State of Telangana

   (3) They shall come into force on the date of their publication in the Telangana State Gazette.

2. **Definitions**: In these rules, unless the context otherwise requires:-

   (a) "Act" means the Poisons Act, 1919. (Central Act, 12 of 1919)

   (b) "Dealer" means a person holding license under these rules.

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

   (d) "Licensee" means a holder of a license.

   (e) "Licensing Authority" means the District Magistrate or any other officer authorized by the State Government under section 3 to grant a license.

   (f) "Notification" means a notification published in the Telangana State Gazette.

   (g) "Sale" means any sale by one licensed dealer to another or by a licensed dealer to any educational institution or to any research or medical institution or hospital or dispensary under a qualified medical practitioner (Registered Medical Practitioner) or any recognized public institution or industrial firm requiring poisons for its own use or to Government Departments or Public Sector Undertakings or to an individual for personal use.

   (h) "Schedule" means the Schedule appended to these rules.

3. The substances specified in the Schedule shall be deemed to be poisons for the purpose of these rules.

4. **License for possession or sale**: No person, unless exempted under the provisions of the Act, shall sell or possess for sale any poison specified in the Schedule except under a license in **Form A** granted or renewed in that behalf by the licensing authority.

5. **Exhibition of rules on the premises**: A copy of these rules shall always be displayed in prominent position at the place of business specified in the license granted under Rule 4.

6. **Application for grant or renewal of license**:

   (1) Every person desiring for the grant or renewal of a license shall make a written application to the licensing authority in **Form B** and such application shall bear a court fee stamp of one hundred rupees. Provided that any application for renewal of a license which is made less than three months prior to the date of the expiry of the license shall bear a court fee stamp of hundred rupees.

(2) In case when the original license is lost or destroyed, and application for duplicate license shall be made in writing and shall bear a Court fee stamp of two hundred rupees.

(3) In the case of any change in the place of business of the licensee, a fresh application for license shall be made to the licensing authority and such application shall bear a court-stamp of one hundred rupees.

(4) The licensee shall prominently display the license in the place of business.

7. **Duration of license**: Subject to the provisions of rules 8 and 9, a license granted or renewed under these rules shall remain in force for five years from the date of issue.

8. **Discretion of licensing authority**: A license may be cancelled / suspended for certain period or revoked at any time. The grant / renewal / cancellation / suspension of license shall be in the discretion of the Licensing Authority.

Provided that the Licensing Authority shall give an opportunity to the party concerned to show cause, if any, action proposed to be taken against the party and shall record in writing the reasons for refusing to grant or renew a license or for canceling or revoking a license.

Provided further that the application for a license or a licensee whose license has been refused to renewal or cancelled / suspended / revoked as aggrieved by such an order of the Licensing Authority can file an appeal with the Appellate Authority notified by the State Government.

9. **Termination of license**: A license shall terminate on the death of the license holder or on the transfer of his business, or if granted to a firm or company, on the winding up or the transfer of the business of such firm or company / or change of constitution.

Provided that, if the business carried on by the licensee as such of the firm or company is transferred as a going concern and the transferee applies for a fresh license, with court fee stamp of hundred rupees, within (30) days of the date of transfer, the subsisting license shall continue to be in force until a new license has been granted or the application for fresh license is rejected by the Licensing Authority.

10. **Disposal of stock on termination, revocation or cancellation of license**:

(1) In the event of revocation or cancellation of the license under rule 8 or in the event of the termination of license under rule 9, the stock of poison may be sold to any other license holder within a period of three months from the date of such termination, revocation or cancellation of the license, after which the remaining stock of poison may be destroyed under the orders of the Licensing authority. Such destroyed of the poison shall be under taken in conformity with Telangana State Pollution Control Board (TSPCB) rules.

(2) In the case referred to in rule 9, the proceeds of the sale, if any, shall be made over to the legal representative of the deceased license holder or his transferee or, liquidator of the dissolved firm or company of the transferee of the firm or company, as the case may be.

11. **Power to inspect poisons and registers**: Any Executive Magistrate or a Police Officer of the rank of Sub-Inspector and above or a Medical Officer appointed by the State Government or an Inspector appointed under section 21 of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940) may at any time visit and inspect the premises of the license holder where a poison is kept for sale and may inspect all poisons found therein and the registers.

12. **License to whom to be granted**:

(1) A license shall be granted only to a person who in the opinion of the licensing authority is competent to conduct business in poisons.

(2) The license issued to a firm or company shall always be in the name of the proprietor or Directors of the company or a responsible person to be nominated by such proprietor or Directors for the purpose, or in the case of a public company, in the name of its manager.

(3) The name or names so given may be altered or amended by the licensing authority on a written application from the firm or company and such application shall bear a court fee stamp of hundred rupees.

13. **Sale of poison**:

(1) Every sale of poison, as far as practicable, shall be made by the license-holder in person or where the license-holder is a firm or a company, through or under supervision of an accredited representative of such firm or company.

(2) A Person holding license for possession and sale of poisons granted under these rules shall store and sell from the premises specified in the license.

(3) The sale of poisons shall be prohibited unless the seller maintains a log book/register as per the rules herein.

14. **Persons to whom poisons may be sold**:

(1)A license holder shall not sell any poison to any person, unless the latter is personally known to him, or identified to his satisfaction by producing a photo identity card issued by the Government, which has his address or substantiate it with a document giving his address.

(2) The license holder shall also ascertain before selling any poison the name, telephone number and address of the purchaser and the purpose for which the poison is purchased.

(3) The license holder shall not sell any poison to any person who appears to him to be under the age of eighteen years, or to any person who does not appear to him to be in full possession of his faculties.

15. **Register of sales of poisons**:

(1) Every license holder shall maintain a register in which he shall enter correctly all sales of poisons other than used by a Chemist, Druggist or Compounder dispensing or compounding in compliance with the prescription of a qualified medical or veterinary practitioner. The following details shall be entered in such register in respect of such sale, namely:

(a) Serial No;

(b) Name of Poison, Quantity purchased, purchased from, date of purchase.

(c) Quantity Sold;

(d) Date of sale;

(e) Name and address of the purchaser, serial number of the photo identity card produced and the name of the issuing authority;

(f) Purpose for which the poison was stated by the purchaser to be required;

(g) Batch No;/relevant description;

(h) Name and address of the manufacturer;

(i) Signature of purchaser (or thumb impression if illiterate) or in the case of purchase by post date on which the letter was written and reference to the original in the file in which it is preserved;

(j) Signature of a person identifying the purchaser if any (or thumb impression, if illiterate); and

(k) Signature of Dealer.

(2) In a separate portion of the register he shall entered in separate columns for each poison, the quantity of each poison sold daily, and those entries shall be filled up from day to day.

(3) The signature in the register prescribed under item(K) of sub rule (1) shall be that of the license-holder himself, or, when the license holder is a firm or company, an accredited representative of such firm or company and shall be written at the time of such signature shall be sale or dispatch to the purchaser. Such signature shall be held to imply that the signatory had satisfied himself that the requirements of rule 14 have been fulfilled.

(4) All letters or written orders referred to under item (i) of para 6 (1) of conditionally under Form 'A' appended to the said rules shall be preserved in original by the license holder for a period not less than two years from the date of sale.

(5) The daily balance of stock should be entered in the register.

16. **Custody or poisons kept for sale and lebelling of receptacled in which they are kept**:

(1) All poisons kept for sale under these rules by any license-holder shall be kept securely in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a license granted under the Act, and each poison shall be kept securely within such box, almirah, room or building in a separate closed receptacle of glass, metal or earthenware.

(2) Every such box, almirah, room or building and every such receptacle shall be marked with the word "POISON' in red letters, both in English and in the local language and in the case of receptacles containing separate poison, with name of such poison.

17. **Poisons sold to be securely packed and labeled**: When any poison is sold, it shall be securely packed in a closed receptacle or container (according to the quantity); and every such receptacle or packet shall be labelled by the licensee with a red label bearing in English and in local language giving the name of the poison and the name and address of the licensee Manufacturer. The following universal warning symbols shall also be displayed on the receptacle.



18. **Security, storage and incident management of acids / corrosive substances by users (except individuals):** A Standard Operating Procedure (SOP) outlining the measures undertaken for security, storage and incident management of acids/corrosive substances shall be prepared and displayed prominently in the premises of the user.

(1) Security of acid/corrosive substances.

(a) A person shall be made accountable for possession and safe keeping of acid in the premises.

(b) The storage of acid/corrosive shall be under the supervision of this person.

(c) The storage of acid/corrosive shall be under double lock system to ensure more security.

(d) A register of usage of acid shall be maintained and the same shall be filed with the concerned SDM (or Tahsildar wherever the office of SDM does not exist) every three months.

(e) There shall be compulsory checking of the students/personnel leaving the laboratories / place of storage where acid / corrosive is used / stored.

(2) Storage of acids/corrosive substances.

(a) The chemicals should be stored in plastic or other suitable containers.

(b) All storage containers should be labeled to indicate the identity of the chemicals and the hazards involved and the precautions to be taken.

(c) Incompatible chemicals should not be stored together.

(d) The inventory of corrosive chemicals should be kept to a minimum.

(e) Protective gloves, aprons, safety glasses and face shields should be worn where appropriate.

(f) Acids should be diluted with care-always add acid to water, never add water to acid.

(3) Incident Management

(a) Skin contact: Quickly take off contaminated clothing, shoes and leather goods (e.g. watchbands, belts). Quickly and gently bolt or brush away excess chemicals. Immediately flush with lukewarm, gently flowing water for at least 30 minutes. Do not interrupt flushing, if it can be done safely; continue flushing during transport to hospital. Immediately call a Poison Centre or doctor as treatment is urgently required, transport to a hospital.

(b) Eye contact: Avoid direct contact. Wear chemical protective gloves if necessary. Quickly and gently blot or brush chemical off the face. Immediately flush the contaminated eye(s) with lukewarm, gently flowing water for at least 30 minutes, while holding the eyelid(s) open. If a contact lens is present, do not delay flushing or attempt to remove the lens. Neutral saline solution may be used as soon as it is available. Do not interrupt flushing. If necessary, continue flushing during transport to hospital.

(c) Ingestion: Have victim rinse mouth with water. If vomiting occurs naturally, have victim lean forward to reduce risk of aspiration. Have victim rinse mouth with water again. Immediately call a Poison Centre or doctor. If treatment is urgently required, transport victim to a hospital.

(d) Inhalation: Take precautions to ensure your own safety before attempting rescue (e.g. wear appropriate protective equipment). Move victim to fresh air keep at rest in a position comfortable for breathing. If breathing is difficult, trained personnel should administer emergency oxygen. Do not allow victim to move about unnecessarily. Symptoms of pulmonary edema may be delayed. Immediately call a poison Centre or doctor. Treatment is urgently required. Transport to a hospital.

19. **Penalties**:-

Any person who acts in contravention of these rules shall be liable for penalty under section 6 of the Poison Act,1919.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SURESH CHANDA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing and Stationery Stores and Purchase Dept. T.S.,
with a request to publish the rules and furnish 200 copies.

The Director General of Police, T.S, Hyderabad
The Deputy Director & Designated Officer, DCA, T.S., Hyderabad
All HODs under Administrative control of HM&FW Dept.,
All District Collectors, Telangana State
All the Superintendent of Police, Telangana State
Copy to:
The Industries and Commerce Dept.,
The Home Department, Telangana State, Secretariat, Hyderabad
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER