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SERIES : I

Daman 18<sup>th</sup> July, 2014, 27 Asadha 1936 (Saka)

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No.

# सरकारी राजपत्र OFFICIAL GAZETTE



सत्यमेव जयते

भारत सरकार  
Government of India

## संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित  
PUBLISHED BY AUTHORITY

UT Administration of Daman & Diu  
Daman

No. COL/DMN/WP/89/2013-14/1580

Date : 17/07/2014

### NOTIFICATION

In exercise of the powers conferred by section 2 and 8 of the Poison Act, (Act 12 of 1919) and read with Ministry of Home Affairs letter No. 15011/66/2012-SC/ST-w(CF-156113) dated 30.08.2013 and order dated 18<sup>th</sup> July 2013 and 03<sup>rd</sup> December, 2013 of Hon'ble Supreme Court of India in the Writ Petition (Criminal) No. 129 of 2006 Laxmi V/s Union of India & Others, the Administrator of Daman & Diu hereby makes the following rules for sale of specified poisons, namely :-

1. **SHORT TITLE AND COMMENCEMENT :**

- (1) These rules may be called the **Daman & Diu (Poisons Possession and Sale) Rules, 2014.**
- (2) They shall extend to whole of the UT of Daman & Diu.
- (3) They shall come to into force on the date of publication in the Official Gazette.

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

- (a) "Act" means the Poisons Act, 1919.
- (b) "Dealer" means a person holding License under these rules.

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- (c) "Licensing authority" means the District Magistrate or any other officer authorized by the Administrator under sub-section (1) of Section 7 to grant a license.
- (d) "Licensee" means a holder of a license;
- (e) "Notification" means a notification published in the Official Gazette
- (f) "Form" means a form appended to these rules;
- (g) "Schedule" means the Schedule appended to these rules;
- (h) "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
3. The poisons specified in the Schedule shall be deemed to be poisons for the purposes of these rules.
4. **LICENSE FOR POSSESSION OR SALE :** - No person, not 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 of license 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 ten rupee and 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 five hundred rupees.
- (2) Applications for duplicate licenses, when the original is lost or destroyed shall be made in writing and shall bear a court fee stamp of five 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 five 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 or revoked at any time. The grant/renewal/cancellation/revocation of a 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 against the action proposed to be taken and shall record in writing the reasons for refusing to grant or renew a license or for cancelling or revoking a license.

Provided that the applicant for a license or a licensee whose license has been refused renewal or has been cancelled/revoked and is aggrieved by an order of the Licensing Authority can file an appeal with the Appellate Authority notified by the Administrator.

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.

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 fourteen 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 :** 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 poison may be destroyed under the orders of the licensing authority. 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 Administrator 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 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 proprietors of the company or a responsible person to be nominated by such proprietor or proprietors for the purpose, or in the case of a public company, in the name of its manager.

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- (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 poisons, shall, as far as practicable, be made by the license-holder in person or where the license-holder is a firm or a company, through or under supervision of, and accredited representative or 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.

- 14. PERSONS TO WHOM POISONS MAY BE SOLD :** 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 which has his address or substantiate it with a document giving his address. He shall also ascertain before selling any poison the name, telephone and address of the purchaser and the purpose for which the poison is purchased. He 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. REGISER OF SALES OF POISONS : -**

- (1) Every license holder shall maintained a register in which he shall enter correctly all sales of poison other than those 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, (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) Purposes for which the poison was stated by the purchaser to be required, (g) 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), (h) Signature of a person identifying the purchaser if any (or thumb impression, if illiterate); and (i) Signature of Dealer.
- (2) In a separate portion of the register he shall be enter 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 (i) of sub rule (15) shall be that of the license-holder himself, or, when the license holder is a firm or company, that of an accredited representative of such firm of company and shall be written at the time of 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.

- (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 blot or brush away excess chemical. 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. 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. Treatment is urgently required. Transport 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 breaches a Rule made under Section 2 of the Poisons Act shall be liable for punishment under Section 6 of the Poisons Act.

By Order in the name of the  
Administrator of Daman & Diu  
and Dadra and Nagar Haveli

Sd/-  
Deputy Secretary (Home)

(4) All letters or written orders referred to under item (g) of the above register shall be preserved in original by the license holder for a period not less than two years from the date of the sale.

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

16. **CUSTODY OF POISONS KEPT FOR SALE AND LABELLING OF RECEPTACLES IN WHICH THEY ARE KEPT :** 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. 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 poisons, with name of such poison.

17. **POISONS SOLD TO BE SECURELY PACKED AND LABELLED :** 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 packed shall be labeled 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. The following universal warning symbols shall also be displayed on the receptacle.

18. **SECURITY, STORAGE & 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 every quarter.

(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 indicated the identity of the chemicals and the hazards involved and the precautions to be taken.

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**The Schedule**  
**[ See Rule 2 and 3 ]**  
**List of Poisons**

1. Acetic acid (beyond 25% concentration by weight)
2. Acetic Anhydride
3. Sulphuric acid ( $H_2SO_4$ ) (beyond 5% concentration by weight)
4. Hydrochloric acid (HCl) (beyond 5% concentration by weight)
5. Phosphoric acid ( $H_3PO_4$ )
6. Hydrofluoric acid (HF)
7. Perchloric acid ( $HClO_4$ )
8. Formic Acid (beyond 10% concentration by weight)
9. Hydrocyanic acid except substances containing less than 0.1 per cent weight in weight of Hydrocyanic acid
10. Hydrochloric acid, except substances containing less than 5 per cent weight in weight of Hydrochloric Acid
11. Nitric acid, except substances containing less than 5 per cent weight in weight of Nitric Acid.
12. Oxalic Acid
13. Perchloride of mercury (corrosive sublimate)
14. Potassium Hydroxide except substances containing less than 2 per cent weight in weight of Potassium Hydroxide
15. Sodium Hydroxide except substances containing less than 2 per cent weight in weight of sodium Hydroxide.
16. Hydrogen peroxide (beyond 50 % concentration by weight)
17. Formaldehyde (beyond 25% concentration by weight)
18. Phenol (beyond 3% concentration by weight)
19. Sodium Hypochlorite Solution (beyond 5% concentration by weight)

SERIES - I No. : 06
DATED : 18 <sup>TH</sup> JULY, 2014.

**FORM A**  
**(See Rule 4)**  
**License for possession and sale of Poisons**

Photograph of  
License Holder/  
Authorized  
Representative

Register No.  
Name of Licensee  
Locality of Shop

Shri \_\_\_\_\_ son of Shri \_\_\_\_\_ carrying on business as  
\_\_\_\_\_ in the \_\_\_\_\_ (Name of Local Body) under \_\_\_\_\_ Police  
Station, of \_\_\_\_\_ District, is hereby licensed to possess for sale by retail and to  
sell by retail the following poisons namely :

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

This license is subject to the conditions specified on reverse, the breach of any of which shall involve forfeiture of the license as well as liability to the penalties provided by Section 6 of the Poisons Act, 1919.

This license will remain in force from the date of grant for a period of five years unless previously terminated by the death of the license holder or cancelled by the Licensing authority concerned.

Seal and Signature of Licensing Authority

**CONDITIONS**

1. Subject to the provisions of rules 5(1) and 8, a license granted or renewed on any day shall remain in force for a period of five years. Every applicant for the grant or renewal of a license shall make a written application to the Licensing Authority and such application shall bear a Court-fee stamp of hundred rupees.

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2. A license shall terminate on the death of the license-holder or if granted to a Firm or company on the winding up or transfer of the business of such firm or company.
3. The License Authority may for any sufficient cause revoke or cancel any license.
4. Every sale of a poison shall so far as possible be conducted by the License-holder in person or where the license-holder is a Firm or a Company, through or under the supervision of an accredited representative of such firm or company.
5. A License-holder shall not sell any poison to any person unless the later is personally known to him or identified to this satisfaction by producing photo-identity card. He shall not sell any poison to any person who appears to him to be under the age of 18 or to any person who does not appear to him to be in full possession of his faculties.
6. (1) Every license-holder shall maintain a register in which he shall enter all sales of poison other than those used by a chemist and druggist for dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner. The following particulars shall be entered in such register in respect of each sale, namely :
  - a) Serial No.
  - b) Date of sale
  - c) Name, telephone number and address of the purchaser
  - d) Name of the poison
  - e) Quantity sold
  - f) Purpose for which the poison was stated by the purchaser to be required.
  - g) Signature of purchaser or thumb impression if illiterate or in case of purchase by post, date of letter or written order and reference to the origins in the file in which is preserved.
  - h) Signature of dealer
2. In a separate portion of the register shall be entered, in separate column for each, poison the quantity of each such poison sold daily and these entries shall be filed in from day to day.
3. The signature under column (h) of the register shall be that of the License-holder himself or when the license-holder is a Firm or company that of an accredited representative of such Firm or company and shall be entered at the time of sale or dispatch to the purchaser. Such signature shall be held to imply that the writer has satisfied my self that the requirements of rule 15 have been fulfilled.
4. All letters or written orders referred in column (g) of the register shall be reserved in original by the license-holder or a period of not less than two years from the date of the sale.

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7. (1) A license-holder shall maintain in respect of each poison a stock register, in form II which shall contain the following particulars:
  - a) Serial No.
  - b) Date
  - c) Amount received name and address of person from whom received
  - d) Name and address of person from whom received
  - e) Amount sold
  - f) Balance in stock
  - g) Remarks
2. The stock register shall be balanced daily
8. Any Magistrate or any Officer of Drugs Control Department of or above the rank of Drugs Inspector or police officer of or above the rank of Sub-Inspector or any medical officer of or above the rank of Assistant Medical Officer may at any time visit and inspect all poisons found there and the register maintained under rules 15 and 16.
9. All poisons kept for sale by any license-holder under these rules (except those kept by a chemist and druggist for the purpose of dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner) shall be kept 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 within such box, almirah, room or building in a separate closed receptacle of glass, plastic, metal, or earthen-ware. Every such box, almirah, room or building and every such receptacle shall be marked with the word "Poison" in red characters in English and local language and in the case of receptacles containing separate poisons with the name of such poisons.
10. (a) When any poison is sold, it shall be securely packed in closed receptacle or packet (according to the quantity) and every such receptacle or packet shall be labeled by the vendor with a label bearing the name of the poison in English and local language and the number and date of the entry in the register of sales specified in rule 18.
11. The license shall be held subject to the conditions mentioned above and to the provisions of the Act and of any rules from time to time made under the Act.
12. The licensee, if he intends to sell or possess for sale any poison for medicine use will first obtain a requisite license as required under section 18(C) of the Drugs and Cosmetics Act, 1940. Note- A poison for medicine use means a drug as defined in section 3 of the Drugs and Cosmetics Act, 1940.

**FORM B**  
**(See rule 6)**

**Application for Grant/Renewal of License for possession and sale of poisons<sup>1</sup>**

1. Name of the applicant/firm :
2. Age of the Applicant :
3. Office and Residence Address :
4. License No. and Copy of License (applicable for renewal applications)
5. Documents regarding constitution of the applicant firm including nomination of the authorized representative :
6. Full Address of the place of business or shop or of storage for which a license is applied for, number of the flat and the name of the building with house number and the street or the road where it is situated :
7. Copy plan of the premises :
8. Documents pertaining to the right of possession of the premises :
9. Name of the poison proposed to be sold :

(Applicant should furnish three copies of self-attested photographs along with the application)

