

Chhattisgarh Regulation, Prohibition, Sale and Use of Acid Rules, 2014

CHHATTISGARH

India

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Rule

CHHATTISGARH-REGULATION-PROHIBITION-SALE-AND-USE-OF-ACID RULES, 2014

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Chhattisgarh Regulation, Prohibition, Sale and Use of Acid Rules, 2014 Published vide Notification No. F 11-223/Two-Home/2012, dated 11.6.2014 Last Updated 17th September, 2019 Notification No. F 11-223/Two-Home/2012 dated the 11th June, 2014. - In exercise of the powers conferred by the sub-section (1) of Section 24 of the Chhattisgarh Regulation, Prohibition, Sale and Use of Acid Act, 2013, the Government of Chhattisgarh, hereby, makes the following rules, regulating the sale, supply and distribution of acids in the State of Chhattisgarh and matters connected therewith or incidental thereto, namely : -

1. Short title and commencement.

(1) These rules may be called the Chhattisgarh Regulation, Prohibition, Sale and Use of Acid Rules, 2014. (2) These rules shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires, -(a) "Act" means the Chhattisgarh Regulation, Prohibition, Sale and Use of Acid Act, 2013; (b) "Acid" means the Acid specified in the First Schedule to these rules; (c) "Licensing Authority" means the District Magistrate or any other officer authorized by the State Government under Section 3 of the Act 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) "State" means the State of Chhattisgarh. (2) Words and

expressions not defined in these rules shall have the same meanings as defined under the Act.

3.

The acids specified in Schedule-I shall be deemed to be acids for the purpose of these rules.

4. Prohibition of sale or possession of acid without license.

- No person, unless exempted under the provisions of the Act shall sell or possess for sale, any acid specified in the Schedule except under a license in Form A granted or renewed in Form B 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. License 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 acids.(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.(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.

7. License by whom to be granted.

- The grant and renewal of a license to any applicant shall be at the discretion of the Licensing Authority whose decision thereon shall be final.

8. Application for grant or renewal of license.

(1)Every person desiring for the grant of license or renewal shall make a written application to the Licensing Authority in Form B and such application shall bear a court fee stamp of ten 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 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.

9. Duration of License.

- Subject to the provisions of rules 10 and 11, a license granted or renewed under these rules shall remain in force for five years from the date of issue.

10. Discretion of Licensing Authority.

- A license may be cancelled or revoked any time and the grant/renewal/cancellation/revocation of license shall be in the discretion of the Licensing Authority :Provided that an applicant for license to whom refused to grant license or licensee whose license has been refused renewal or whose license has been cancelled/revoked and is aggrieved by such order of the Licensing Authority can file an appeal with the Appellate Authority notified by the State Government under Section 13 of the Act.

11. 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.

12. Revocation or cancellation of licenses.

- Notwithstanding anything contained in rule, the Licensing Authority may, for any sufficient cause, revoke or cancel any license granted under rule 4.

13. Disposal of stock on termination, revocation or cancellation of license.

- In the event of revocation or cancellation of the license under rule 12 or in the event of the termination of license under rule 11, the stock of acid 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 acid may be destroyed under the orders of the licensing authority. In the case referred to in rule 11, the proceeds of the sale, if any, shall be handed over to the legal representative of the deceased license holder or his transferee or, liquidator of the dissolved firm or company or the transferee of the firm or company, as the case may be.

14. Sale of acid.

(1)Every sale of acid, 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 acids granted under

these rules shall store and sell from the premises specified in the license.

15. Persons to whom acids may be sold.

- A license holder shall not sell any acid 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 acid the name, telephone and address of the purchaser and the purpose for which the acid is purchased. He shall not sell any acid 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.

16. Purchase or possession of acids by a medical or veterinary practitioner.

- Nothing contained in these rules shall apply to the purchase or possession of any acid required by a medical or veterinary practitioner for bona fide use in the exercise of his profession.

17. Register of sale of acids.

(1) Every license holder shall maintain a register in which he shall enter correctly, all sales of acids 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 acid; (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 acid 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 enter in separate columns for each acid, the quantity of each acid sold daily, and those entries shall be filled up from day to day. (3) The signature in the register prescribed under sub-rule (1) of this Rule 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 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 15 have been fulfilled. (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 sale. (5) The daily balance of stock should be entered in the register.

18. Power to inspect acids 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 (No. 23 of 1940) may at any time visit and inspect the premises of the

license holder where an acid is kept for sale and may inspect all acids found therein and the registers maintained and may record his remarks in an inspection book which shall be kept by the license holder for the purpose.

19. Custody of acids kept for sale and labeling of receptacles in which they are kept.

- All acids 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 acids possessed in accordance with a license granted under the Act, and each acid 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 "ACID" in red letters, both in English and in the local language and in the case of receptacles containing separate acid, with name of such acid.

20. Acids sold to be securely packed and labeled.

- When any acid 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 labeled by the licensee with a red label bearing in English and in local language giving the name of the acid and the name and address of the licensee. The following universal warning symbols shall also be displayed on the receptacle

21. Security, storage and incident management of acids/corrosive substance 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 prominently displayed 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 Tehsildar wherever the office of SDM does not exist) 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 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 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 an Acid Centre or doctor as treatment is urgently required, or call 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 an Acid Centre or doctor. If treatment is urgently required, transport the 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 an Acid Centre or doctor. Treatment is urgently required. Transport to a hospital.

22. Appeals.

(1)Any person, aggrieved by any order passed by the Licensing Authority, shall be entitled to prefer an appeal to the Appellate Authority against the order and there shall be no further appeal after the decision of the Appellate Authority.(2)No appeal shall be entertained, unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order :Provided that the Appellate Authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellant has sufficient cause for delay.(3)The Appellate Authority to whom an appeal against an order imposing penalty lies, may, on its own motion or otherwise, call for the records of the case, statement of proceeding and review any order passed in such a case, then pass such order as it deems fit:Provided that no action under this sub-rule shall be initiated more than six months after the date of the order to be reviewed.

23. Penalties.

- Any person who acts in contravention of these rules shall be liable for punishment under Section 15 of the Act, 2013.

24. Repeal and savings.

- On coming into force of these rules, all rules corresponding thereto in force in any region of the State of Chhattisgarh shall stand repealed:Provided that anything done or any action taken under any of the rules so repealed shall, unless, such things or action is inconsistent with any provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

I

[See Rule 3]List of Acids

- 1. Acetic acid (beyond 25% concentration by weight)**
- 2. Acetic Anhydride**
- 3. Sulphuric acid (H₂SO₄) (beyond 5% concentration by weight)**
- 4. Hydrochloric acid (HCl) (beyond 5% concentration by weight)**
- 5. Phosphoric acid (H₃PO₄)**
- 6. Hydrofluoric acid (HF)**
- 7. Perchloric acid (HClO₄)**
- 8. Formic Acid (beyond 10% concentration by weight)**
- 9. Hydrocyanic except substances containing less than 0.1 percent weight in weight of Hydrocyanic Acid.**
- 10. Hydrochloric acid, except substances containing less than 5 percent weight in weight of Hydrochloric acid.**
- 11. Nitric acid, except substances containing less than 5 percent weight in weight of Nitric Acid.**
- 12. Oxalic acid.**
- 13. Per Chloride of mercury (corrosive sublimate)**
- 14. Potassium Hydroxide except substances containing less than 2 percent weight in weight of Potassium Hydroxide.**
- 15. Sodium Hydroxide except substances containing less than 2 percent weight in weight of sodium Hydroxide.**

16. Hydrogen proxide (beyond 50% concentration by weight)

17. Formaldehyde (beyond 25% concentration by weight)

18. Phenol (beyond 30% concentration by weight)

19. Sodium Hypochlorite Solution (Beyond 5% concentration by weight).

20. White Arsenic.

II

Form A[See Rule 4]License for possession and sale of acids

Register No. Name of Licensee Locality of Photograph of License
shop Holder/Authorized Representative
Shri.....son of Shri.....carrying on business as.....in
the.....District, (full address) is hereby licensed to possess for sell by retail the following,
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. 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.

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 Licensing Authority may for any sufficient cause revoke or cancel any license.

4. Every sale of an acid 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 acid to any person unless the latter is personally known to him or identified to his satisfaction by producing photo identity card. He shall not sell any acid 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 acid 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 acid (e) Quantity sold (f) Purpose for which the acid 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 acid the quantity of each such acid sold daily and these entries shall be filled 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 himself that the requirements of rule 15 have been fulfilled.(4)All letters or written orders referred in column (g) of the register shall be preserved in original by the license holder for a period of not less than two years from the date of the sale.

7.

(1)A license holder shall maintain in respect of each acid, a stock register, in form which shall contain the following particulars : -(a)Serial No.(b)Date(c)Amount received name and address of person from who 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 or Assistant Medical Officer may at any time visit and inspect all acids found their and the register maintained under rules 15 and 16.

9. All acids 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 acids possessed in accordance with a license granted under the Act and each acid 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 "Acid" in red characters in English and local language and in the case of receptacles containing separate acids with the name of such acids.

10. When any acid 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 acid 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 acid for medicine use will first obtain a requisite license as required under Section 18 (c) of the Drugs and Cosmetics Act, 1940.

Note. - An acid for medicinal use means a drug as defined in Section 3 of the Drugs and Cosmetics Act, 1940.

III

Form B[See Rule 6]Application for Grant/Renewal of License for possession and sale of Acids

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 acid proposed to be sold;

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