

Punjab Poisons Possession and Sale Rules, 1966

PUNJAB

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Rule PUNJAB-POISONS-POSSESSION-AND-SALE-RULES-1966 of 1966

- Published on 5 July 1966
- Commenced on 5 July 1966
- [This is the version of this document from 5 July 1966.]
- [Note: The original publication document is not available and this content could not be verified.]

Punjab Poisons Possession and Sale Rules, 1966Published vide Punjab Government Notification No. GSR 130/CA2/19/Section 2/65 dated 5th July, 1966.No. G.S.R 147/CA 2/19/S.2/66 - With reference to Punjab Government Notification No. GSR 130/CA2/19/S-2/65, dated the 15th June, 1965, and in exercise of the powers conferred by section 2 of the Poisons Act, 1919, the Governor of Punjab is pleased to make the following rules to regulate the possession for sale and sale of specified poisons, namely :-

1.

(1)These rules may be called the Punjab Poisons Possession and Sale Rules, 1966.(2)They shall extend to whole of the State of Punjab.(3)They shall come into force at once.

2.

In these rules, unless the context otherwise requires, -(a)"Act" means the Poisons Act, 1919;(b)"Principal Medical Officer" means the Principal Medical Officer, Chandigarh, Nangal Township or Talwara, as the case may be;(c)"Licensing authority" means -(i)the Principal Medical Officer concerned, for the areas of Chandigarh, Nangal Township and Talwara; and(ii)[Civil surgeon of the District concerned for other areas;] [Substituted vide Punjab Government Notification No 147/CA 12/19/Section 2/Amendment(1) 79 Dated 11.10.1979.](d)"Form" means a form appended to these rules;(e)"Schedule" means the Schedule appended to these rules;

3.

The poisons specified in the Schedule shall be deemed to be poisons for the purposes of these rules.

4.

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 licence in Form I granted or renewed in that behalf by the licensing authority; Provided that in the case of factories manufacturing acids, the licensing authority shall first consult the Director of Industries, Punjab.

5.

(1) The licensing authority may, after giving the licensee an opportunity to show cause why such an order should not be passed, by an order in writing stating the reasons therefor, cancel a licence issued under or suspend it for such period as he thinks fit, either wholly or in respect of some of the substances to which it relates, if, in his opinion, the licensee has failed to comply with any of the conditions of the licence or with any provisions of the Act or rules thereunder : Provided that in the case of licences held by factories manufacturing acids, the Director of Industries, Punjab, is to be first consulted. (2) Any person whose application for the grant of a licence has been rejected or whose licence has been cancelled shall have a right of appeal to the State Drugs Controller, Chandigarh, whose decision thereon shall be final.

6.

(1) Subject to the provisions of sub-rule (1) of rule 5 and rule 8, a licence granted under rule 4 shall remain in force up to 31st December following. Every applicant for the grant or renewal of a licence shall make an application in writing to the licensing authority, and, such application shall bear a court fee stamp of one rupee. (2) Licence fee of nine rupees for a year or part thereof shall be charged for licences to possess for sale and to sell poisons specified in the Schedule. (3) The licence fee shall be paid in cash only, and shall be credited into treasury in advance under the head XXIII-Medical-I-Miscellaneous-Fees for issue and renewal of the licences.

7.

The licence shall be held subject to the conditions hereinafter appearing and to the provisions of the Act and of any rules from time to time made under the Act.

8.

A licence shall terminate on the death of the licence-holder or if granted to a firm or company, on the winding up or transfer of the business of such firm or company.

9.

Every sale of poison shall so far as possible be conducted by the licence-holder in person, or where the licence-holder is a firm or a company through or under the supervision of an accredited

representative of such firm or company.

10.

A licence-holder shall not sell any poison to any person unless the latter is personally known to him or identified to his satisfaction. 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 or to any wandering mendicant.

11.

(1) Every licence-holder shall maintain a register in which he shall enter all sales of poison. The following particulars shall be entered in such register in respect of each such sale, namely :-(a) Serial No. (b) Date of sale. (c) Name 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 of illiterate or in case of purchase by post, date of letter or written order and reference to the original in the file in which it is preserved. (h) Signature of Vendor. (2) In a separate portion of the register shall be entered, in a separate column for each poison, the quantity of each such poison 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 licence-holder himself, or when the licence-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 despatch to the purchaser. Such signature shall be held to imply that the writer has satisfied himself that the requirement of rule 10 has been fulfilled. (4) All letters or written orders referred to in column (g) of the register shall be preserved in original by the licence-holder for a period of not less than two years from the date of the sale.

12.

(1) A licence-holder shall maintain in respect of each poison specified in the schedule a stock register in Form II. (2) The stock register shall be balanced daily.

13.

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 the premises of a licence-holder where poison is kept for sale and inspect all poison found therein and the register maintained under rules 11 & 12.

14.

All poisons kept for sale by any licence-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 poison possessed in accordance with a licence granted under the Act, and each poison shall be kept, within such box, almirah, room or building, in 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 characters, in English, Hindi, Punjabi and Urdu, and in case of receptacles containing separate poisons, with the name of such poison. The provisions of this rule will not apply to factories manufacturing acids.

15.

When any poison is sold, it shall be securely packed in a closed receptacle or packet (according to the quantity) and every such receptacle or packet shall be labelled by the vendor with a red label, bearing the name of the poison in English, Hindi, Punjabi and Urdu, and the number and date of the entry in the register of sales specified in rule 11.

16.

A licence holder shall not sell powdered white arsenic to any person unless the same is before the sale thereof mixed with soot, indigo or prussian blue in the proportion of half an ounce of soot, indigo or prussian blue at least to one pound of the white arsenic and so in proportion for any greater or less quantity :Provided that where such arsenic is stated by the purchaser to be required for some purpose for which such admixture would, according to the representation of the purchaser, render it unfit such arsenic may be sold without such admixture in a quantity of not less than ten pounds at any one time.

17.

A licence holder shall not sell any poison as specified in rule 2, except to the following :-
(a)Registered Medical Practitioners, Dentists or Veterinary Surgeons for use in their practice;
(b)Chemists, Druggists and Registered Pharmacists or a qualified person under the Drugs Act for use in dispensing of prescriptions of Medical Practitioners, Dentists, Veterinary Surgeons/Registered Vaid and Registered Hakims;
(c)Hospitals and dispensaries;
(d)Government Departments or offices of the Government or local bodies for purposes of public service;
(e)Person or institution for purposes of Scientific Medical Research Education and factories for use in their laboratories/manufacturing only and not for personal use;
(f)Person who requires the acids for the purposes of his trade or business.
The seller shall obtain before delivery of the poison a signed order from purchaser, giving the name, address and business of the purchaser, the name and quantity of the poison required and the purpose for which it is required and shall satisfy himself that the signature and other details are genuine and the poison is likely to be used in the business stated.

18.

The rules published with Punjab Government Notification No. 19295, dated the 11th July, 1992, and No. 1844-M-42/41963, dated the 27th July, 1942 and subsequent amendments made thereto are hereby repealed :Provided that any thing done or any action taken under the rules hereby repealed shall be deemed to have been done or taken under these rules.[The Schedule] [Substituted vide Punjab Government Gazette LSP III dated 29.2.1980.][See Rule 2 and 3]List of Poisons

1. Abrus Precatorius, Seeds of (Gunj or Rati).

2. Aconite (Mithatelia, Bachhnak).

3. Alphanaphthyl thiourea.

4. Amiton

5. Ammonia, except substances containing less than 5 per cent weight in weight of ammonia and except when contained in smelling salts.

6. Antimony, compounds of antimony, both organic and inorganic

7. Arsenic, arsenic white, arsenic yellow, red arsenic, arsenic sulphide, copper arsenite (Schedule's Green), copper acetoarsenite (Paris Green), calcium arsenate, calcium arsenite, copper arsenate, potassium arsenite, sodium arsenate, sodium arsenite, sodium thioarsenate, arsenical solution and acid solution of arsenic, arsenic bromide.

7.

-A. Belladonna and all preparations and admixtures containing Belladonna except Belladonna plasters and substances containing less than 0.15 per cent of the alkaloids of Belladonna calculated as Hyoseyamine.

8. Cannabis Indica (Bhang Ganja).

9. Chloro-dinitrobenzene.

10. Chloro-nitrobenzens (ortho-Chloroni trobenzene, metachloronitero benzene; para chloronitrobenzene).

- 11. Chloroform except substances containing less than 10 per cent of Chloroform.**
- 12. Chloro-ortho toluidine.**
- 13. Chrysophanic acid.**
- 14. Coccus indicus (Kakamari).**
- 15. Creosote, except substances containing less than 50 per cent weight in weight of creosote.**
- 16. Croton, oil and seed of (Jamalgota).**
- 17. Cupric acetate (Verdigris).**
- 18. Cyanide of potassium, cyanide of sodium and cyanide of calcium.**
- 19. Datura, seeds and leaves of (Stramonium); all preparations and admixtures containing Datura except substances containing less than 0.15 per cent of the alkaloids of Datura calculated as Hyoscyamine.**
- 20. Digitalis Foilium (Lamar Tambaku).**
- 21. Dinitrobenzene.**
- 22. Dinitroresorcinols, their compounds with a metal or a base.**
- 23. Dinitronaphthols, dinitrophenols, substituted dinitrophenols and dinitrothymols.**
- 24. Dinitrotoluenes.**
- 25. Dinitrosam; its compounds with a metal or a base.**
- 26. Ergot (the Sclerotia of any species of Claviceps).**

- 27. Formaldehyde, except substances containing less than 5 per cent weight in weight of formadehyde.**
- 28. Formic Acid.**
- 29. Hydrocyanic acid except substances containing less than 0.1 per cent weight in weight of Hydrocyanic acid.**
- 30. Hydrofluoric Acid, Potassium Fluoride, Sodium fluoride, Sodium silicofluoride**
- 31. Hydrocyanic acid, except substances containing less than 9 per cent weight in weight of Hydaochloric Acid (Tezab Nimak).**
- 32. Hyoscyamus (Hen bane or Khurasani Ajvayan leaves).**
- 33. Lead acetates; compounds of lead with acids from fixed oils.**
- 34. Marking Nut (fruit of semicarpus anacardium also known as (Bhilawa).**
- 35. Mercury (seemab para-parad).**
- 36. Mercury Ammonium Chloride.**
- 37. Mercuric Chloride except substances containing less than 1 per cent weight in weight of mercuric chloride.**
- 38. Mercuric iodide, except substances containing less than 1 per cent weight in weight of mercuric iodide.**
- 39. Mercuric Nitrate.**
- 40. Mercury organic compounds of except substances containing less than the equivalent of 0.20 per cent weight in weight of marcurey (Hg.)**
- 41. Mercury, oxides of.**

42. Mercury oxycyanide.

43. Mercuric potassium iodide except substances, containing less than the equivalent of 1 per cent weight in weight of mercuric iodide.

44. Mercuric Sulphocyanide.

45. Methanol.

46. Nitric Acid, except substances containing less than 9 per cent weight in weight of Nitric Acid (Tezab Shora)

47. Nitrobenzene.

48. Nitrophenols (Ortho meta or para).

49. Nux Vomica seeds of; preparations of admixtures containing Nux Vomica (Kuchla) except of substances containing less than 0.2 per cent weight in weight of the alkaloids of Nux Vomica.

50. Opium; all preparations and admixtures containing opium except substances containing less than 0.2 per cent of morphine calculated as anhydrous morphine.

51. Oxalic Acid; Sodium oxalate; potassium oxalate; ammonium oxalate and other metallic oxalates.

51.

(A). Perchloride of mercury (Corrosive Sublimate).

52. Phenols (any member of the series of phenols of which the first member is phenol and of which the molecular composition varies from member to member by one atom of carbon and two atoms of hydrogen) except substances containing less than 60 per cent weight in weight of phenol; compounds of phenol with a metal except substances containing less than the equivalent of 60% weight in weight of phenol.

- 53. Phenylene diamines, toluene diamines, other alkylated benzene diamines, their salts.**
- 54. Phosphorous Yellow.**
- 55. Phosphorous.**
- 56. Poppy all preparations of, except red poppy petals (Post).**
- 57. Potassium Hydroxide except substances containing less than 12 per cent weight in weight of Potassium Hydroxide,**
- 58. Red Lead (Lead oxide Red Sindhur).**
- 59. Sodium Hydroxide, except substances containing less than 12 per cent weight in weight of Sodium hydroxide.**
- 60. Sodium Nitrate.**
- 61. Stramonium (Datura, Joz Masal).**
- 62. Strychnine and its salts, except substances containing less than 0.2 per cent weight in weight of strychnine.**
- 63. Sulphuric acid except substances containing less than 9 per cent weight in weight of sulphuric acid (Tazab Gandhik).**
- 64. Tartar Emetic; except preparations containing less than one per cent of tartar emetic.**
- 65. Tetraethyl lead.**
- 66. Thallium, Salts of.**
- 67. White Lead (Lead Carbonate).**
- 68. Zinc Chloride.**

Note : Preparations containing any of the above poisons are also covered by this list".Form I(See rule 4)Licence for possession and sale of PoisonsRegister No.Name of Licensee.Locality of shop.Shri

_____, son of Shri _____ carrying on business at _____ in the Municipality of, is hereby licensed to possess for sale by retail and to sell by retail the following poisons, namely :-[-] [Specify the poisons for possession and sale of which the licence is granted.].1. _____

2. _____

3. _____

4. _____

5. _____

This licence is subject to the conditions specified on reverse, the breach of any of which shall involve forfeiture of the licence as well as liability to the penalties provided by section 6 of the Poisons Act, 1919. This licence will remain in force from the date of grant till the 31st December unless previously terminated by the death of the licence holder or cancelled by the Licensing Authority concerned. Principal Medical Officer or Chief Medical Officer. Conditions

1. Subject to the provisions of rules 5(1) and 8, a licence granted or renewed on any day shall remain in force up to 31st December, following. Every applicant for the grant or renewal of a licence shall make a written application to the Principal Medical Officer or Chief Medical Officer concerned, as the case may be, and such application shall bear a Court-fee stamp of one rupee.

2. A licence shall terminate on the death of the licence-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 licence.

4. Every sale of poison shall so far as possible be conducted by the licence-holder in person, or where the licence-holder is a Firm or a Company, through or under the supervision of an accredited representative of such Firm or Company.

5. A licence-holder shall not sell any poison to any person unless the latter is personally known to him or identified to his satisfaction. 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, or to any wandering mendicant.

6.

(1) Every licence-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 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 original in the file in which is preserved. (h) Signature of dealer. (2) In a separate portion of the register shall be entered, in separate columns for each poison the quantity of each such poison 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 licence-holder himself, or, when the licence-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 despatch to the purchaser. Such signature shall be held to imply that the writer has satisfied himself that the requirements of rule 10 have been fulfilled. (4) All letters or written orders referred in column (g) of the register shall be preserved in original by the licence-holder for a period of not less than two years from the date of the sale.

7.

(1) A licence-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 (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 Derugs 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 11 and 12.

9. All poisons kept for sale by any licence-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 licence granted under the Act, and each poison shall be kept within such box, almirah, room or building in a separate closed receptacle of glass, 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, Hindi and Urdu 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 labelled by the vendor with a label, bearing the name of the poison in English, Hindi, Punjabi and Urdu and the number and date of the entry in the register of sales specified in rule 11.

(b) Preparation for killing bed bugs etc., or insecticides, etc., should be sold in packings not in a concentrated form but in diluted form ready for use.

11. A licence-holder shall not sell powered white arsenic to any person unless the name is before the sale thereof mixed with soot, indigo or prussian blue in the proportion of half an ounce of soot, indigo or prussian blue at least to one pound of the white arsenic and so in proportion for any greater or less quantity;

12. Provided that where such arsenic is stated by the purchaser to be required for some purpose for which such admixture would, according to the representation of the purchaser, render it unfit, such arsenic may be sold without such admixture in a quantity of not less than ten pounds at any one time.

13. The licence 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.

14. The licensee, if he intends to sell or possess for sale any poison for medicine use will first obtain a requisite licence 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 Cosmetic Act, 1940. Form II (See rule 12) Name of the Poison _____

Serial No.	Date	Quantity received	Name and address of person from whom received	Quantity sold	Balance in stock	Remarks
1	2	3	4	5	6	7