

Bihar Methyl Alcohol Rules, 1979

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Rule BIHAR-METHYL-ALCOHOL-RULES-1979 of 1979

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Bihar Methyl Alcohol Rules, 1979Published vide Notification No. 23-13, 79-2 dated 23rd July, 1979No. 23-13, 79-2 the 23rd July, 1979. - In exercise of the powers conferred by Section 90 of the Bihar and Orissa Excise Act, 1915 (Act II of 1915), the Board of Revenue makes the following Rules, namely:

1. Short title.

- These Rules may be called the Bihar Methyl Alcohol Rules, 1979.

2. Definition.

- (i) 'Methyl Alcohol' means.(a)The substance having the chemical formula of CH_3OH which is also known as methanol, carbinol or methyl hydrate; or(b)Any mixture with or without neutral materials of methyl alcohol as defined above containing not less than 0.05 per cent by volume of methyl alcohol and includes wood naptha.Note. - Methyl alcohol has been declared as an intoxicating drug by the State Government under Section 2(13)(iv) of the Bihar and Orissa Excise Act, 1915.(ii)"The Act" means the Bihar and Orissa Excise Act, 1915 (Act II of 1915);(iii)"Form" means the Form prescribed under these Rules;(iv)"Section" means a Section of the Act;(v)"Licensed dealer" means a person who has obtained a licence in proper form for the possession and sale of methyl alcohol either as such or as an ingredient of a mixture or for use in the manufacture of any substance containing methyl alcohol;(vi)The word "denaturant", "denature", "Excise Commissioner", "Export" "Import", "Transport", "Place", and "Sale", shall have the same meaning as defined in Section 2 of the Act;(vii)"Board" means the Board of Revenue;(viii)"Licensing Authority" means the Collector of the district or any other authority empowered by the State Government to grant a licence in this behalf, under Sections 13 and 20 of the Act;(ix)"Transmission" means -(a)import into Bihar;(b)export outside Bihar;(c)transport within Bihar;.(x)"Through transmission" means to move from any place outside Bihar to any place outside this State by rail, road or river through Bihar.

3. Manufacture.

(1) No one shall manufacture methyl alcohol without obtaining a licence from the Licensing Authority. Any person desiring to manufacture methyl alcohol shall apply in prescribed form to the collector, who shall after proper enquiry into the matter, forward it with his own opinion to the Commissioner of Excise. The Excise Commissioner shall after due consideration decide whether the licence applied for should be granted or not and communicate his decision to the Collector. After receiving the sanction of the Excise Commissioner, the Collector may, grant the licence. (2) The manufacture of methyl alcohol under a licence granted under these Rules shall be carried on strictly within the premises approved by the Collector. No alteration in the original plan of the manufactory shall be made except with the prior approval of the Collector. There shall be a prominently pointed notice over the main entrance of the manufactory bearing the words "Bihar Methyl Alcohol Rules, 1979" and the symbol of skull and bones. (3) The doors of the rooms in which methyl alcohol is manufactured or stored shall be provided with double locks, the key of one of which shall be with the licensee or his authorised agent and the key of the other in the custody of the Excise Officer in charge of the manufactory. The methyl alcohol manufactured must conform to the specification noted in the licence. (4) The licensed manufacturer shall abide by the terms and conditions of his licence and the provisions of the Bihar and Orissa Excise Act and Rules framed thereunder so far as they relate to the licence, failing which the licence shall be rendered liable to cancellation and he shall also become liable to penalty. (5) Licensed manufacturer shall issue or dispose of methyl alcohol produced by him only in such manner as may be prescribed. (6) True and proper daily account of all methyl alcohol produced, stored and issued shall be maintained by the licensed manufacturer. These accounts shall be open to inspection of any Excise Officer of and above the rank of Inspectors of Excise. The licensed manufacturer shall submit such returns as may be prescribed by the Excise Commissioner. A penalty at the rate of Rs. 10 (ten) per bulk litre of methyl alcohol produced but not duly accounted for, may be imposed on the licensed manufacturer. (7) The licensed manufacturer shall maintain such weights, measures, vessels and other instruments as may be prescribed by the Excise Commissioner for the purpose of weighing, measuring, storing or testing of the methyl alcohol by the Excise Officers. All vessels containing methyl alcohol shall bear a printed warning. "Bihar Methyl Alcohol Rules, 1979" alongwith the symbol of skull and bone. (8) The licensed manufacturer shall make adequate lighting arrangement and provide necessary office accommodation and furniture for the Excise Officer posted to the manufactory.

4. Import, export and transport.

(1) The import, export and transport of methyl alcohol shall be governed by the Rules framed by the Government in this behalf and provisions of the Bihar Prohibition of Intoxicants Ordinance, 1979: Provided, however, that while transporting methyl alcohol in rail or road tankers in drums kept on motor lorries a warning inscription "Methyl Alcohol (Methanol)... Poison" and the sign of skull and bones shall be boldly painted on the body of each such tanker or drum. In case such inscription and sign cannot be conveniently painted on the body of the tanker, these may be boldly painted on a metal plate securely fixed to the tanker for prominent display. (2) Any licensed dealer or user of methyl alcohol desiring to transmit methyl alcohol from one place to another in the State shall apply to the Collector for a pass in the proper form, giving all necessary particulars relating to

the intended transmission.(3)On receipt of such an application necessary enquiry shall be made and orders passed for the issue of the pass.(4)Passes for previous transmission must be returned by the dealer or user to the District Prohibition and/or Excise Officer before a fresh pass is issued to him.(5)In case of transport by road in motor lorries the carrier or the transporter, or in the case of motor lorries owned by the user the user himself, shall warn the driver of the lorry that the contents of the tanker or the drums as the case may be, being carried by him are a deadly poison and not ordinary spirit or methyl alcohol.(6)The lorries must carry at least one person in addition to the driver.(7)In all motor tankers the inlet and discharge points shall be properly locked and sealed by the despatchers with metal seal on molten shell cover a thick cloth stitched to cover the lock, proper care being taken to prevent all risk of fire. In case of consignments transported in metal drums, the discharge hole or holes of each drum shall be securely closed by threaded metal caps in a leak-proof manner. These caps shall then be wrapped with pieces of thick cloth, stitched all round and sealed with lacquer seal in the manner described above. In neither case shall ordinary lead seal or steel wire be used.An impression of the seal used shall be given on the pass accompanying the consignment and a facsimile of the seal sent separately to the consignee. It shall be the duty of all consignees of this State to check the seals of the consignment and compare them with the facsimile impressed on the passes and received by them separately. In case of import from outside Bihar, it will be the responsibility of the importer of this State to get these arrangements made.

5. Wholesale and retail sale.

(1)Sale of methyl alcohol on wholesale basis shall be permissible only by a licensed manufacturer or wholesale dealer of methyl alcohol.(2)Only a licensed dealer shall be allowed to sell by retail methyl alcohol which he is authorised to possess for the purpose of retail sale. Such sales shall be made only to other licensed dealers or persons duly authorised by a licence, or permit granted in this behalf for possession, storage and use of methyl alcohol.(3)Persons desiring to obtain a wholesale or retail sale licence, shall apply to the Collector of the district, who may, after due enquiry, grant at his discretion, the licence applied for.

6. Possession and use.

(1)No person who is not duly licensed or permitted in this behalf shall possess or use any methyl alcohol:Provided that laboratories attached to Educational Institutions duly recognised by the local University or the State Government and research laboratories under Central or State control shall be exempted from the above restriction.(2)Any person or firm desiring to obtain a licence for possession and use of methyl alcohol shall apply to the Collector of the district giving full particulars of his requirements. Necessary enquiry shall be made about the genuineness of the application and licence in proper form granted by the Collector at his discretion with intimation to the Commissioner of Excise.

7. Accounts and storage.

(1)True and proper daily account shall be maintained by the licensed dealer or user, of all receipts, use and sales of methyl alcohol in the prescribed form and a fortnightly return of such receipts,

disposals and balance must be submitted by licensed dealer to the Excise Assistant Commissioner/Superintendent of the district by the 5th and 20th of each month. Any loss or shortage in the stock must be reported to the District Excise Officer within 24 hours.(2)All stocks of methyl alcohol must be stored in a room built of non-inflammable materials, in well stoppered bottler, jars, drums, or similar other suitable containers, provided that large stock may be kept in approved storage tanks or vats. All such containers must have a painted warning "blesa Hk;adj tgihyh oLrq gS" and the symbol of skull and bones.(3)A penalty at the rate of Rs. 10 (ten) per bulk litre may be imposed on all quantities not duly accounted for by sale or use.

8. Penalty.

- In the event of any breach of the provisions to these Rules or the provisions of the Bihar and Orissa Excise Act, 1915 or the Rules framed thereunder, or the condition of the licence granted under these Rules, the licence shall be liable to be cancelled or suspended without prejudice to any other penalty to which the person committing such breach may be liable under the Act or under any other law for the time being in force.

9. Exemption and saving.

(1)The Board may, by notification and subject to such exception, if any, as may be specified in the notification, exempt any substance or class of substances containing methyl alcohol from the provisions of these Rules.(2)The provisions of these Rules shall be in addition to and not in derogation of the provisions of the Petroleum Act, 1934 or the Inflammable Substances Act, 1952 or any Rule or notification issued thereunder and the subject.