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THE POISONS ACT, 1919

(Act 12 of 1919)

Amended by Acts 38 of 1920, 47 of 1958 and 58 of 1960

An act to consolidate and amend the law regulating the importation, posse ssion and sale of poisons [1][x x x].

WHEREAS it is expedient to consolidate and amend the law regulating the importation, possession and sale of poisons; [1][x x x] It is hereby enacted as follows:

1. Short title and extent-

(1) This act may be called the Poisons Act, 1919.

[2][(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to the importation into India of any specified poison].

2. Power of the State Government to regulate possession for sale and sale of any poison-

(1) [3][x x x] The State Government may by rule regulate within the whole or any part of the territories under its administration the possession for sale and the sale, whether wholesale or retail, of any specified poison.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the grant of licences to possess any specified poison for sale, wholesale or retail, and fixing of the fee (if any) to be charged for such licences;

(b) the classes of persons to whom alone such licences may be granted;

(c) the classes of persons to whom alone any such poison may be sold;

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1. The words "throughout British India" repealed by A.O. 1948.
2. Substituted by Act 47 of 1958.
3. The words "subject to the control of the G.G. in C" repealed by A.O. 1937.

STATEMENT OF OBJECTS AND REASONS

(Act 12 of 1919)

"The poisons Act 1 of 1904 was intentionally limited in scope so as to restrict interference with legitimate industries as much as possible. As the result of these limitations however, the control afforded by the Act over the traffic in poisons has been proved by

experience to be inadequate. In 1910 and 1914, the Government of U.P. suggested certain radical amendments in the Act to remedy this defect. The suggestions were referred to Local Governments and Administrations for opinion. The replies received showed a general agreement in favour of the suggestions of the Government of the United Provinces.

A new Bill has accordingly been prepared which will repeal the Poisons Act 1 of 1904. The more important features of the Bill are:-

(1) The substitution of a single clause (clause 2) for sections 2,4 and 6 of the existing Act with the object of empowering Local Governments to regulate the possession for sale and the sale, whether wholesale or retail of any specified poison any where within their respective territories instead of in municipalities and cantonments only.

(2) An expansion of the provisions of Sections 3 and 5 of the Act so as to make them cover, not only white arsenic but any poison specified in notifications or issued in accordance with those sections. (Clauses 3 and 4)

(3) The exclusion of the classes (b), (c) and (d) mentioned in S. 10 (1) of the Act with the effect of reducing the number of exempted classes to one, viz., medical and veterinary practitioners.

(4) The addition of a clause (Cl. 9(3) (b)) empowering Government to exclude individual members of the exempted class (i.e., medical and veterinary practitioners) for the benefit of the exemption conferred by Section 10 of the Act.

The opportunity has also been taken to make some verbal alterriations in the Act: and Section 11, which is spent, has been omitted"

Gazette of India, 1919 Part V, page 22.

Act 47 of 1958

The poisons Act 1919. Which deals with the importation possession and sale of Poisons, does not extend to the territories comprised in the former Part B States. After the passing of the States Reorganisation Act 1956. it was found that in certain States like Andhra Pradesh and Madras, the Central Poisons Act was in force in the greater Part of the State. But local Acts like the Hyderabad Poisons Act and the Travancore- cochin Poisons Act, continued to be in force in other parts which were included as a result of the reorganisation. In consultaion with the State Governments it is now proposed, in the interests of uniformity to extend the Central Poisons Act to the territories comprised in the former Part B States and to repeal any corresponding laws in force therein. The Bill seeks to achieve this object.

Gazette of India, 17-9-1958. Pt. II S.2. Ext., p. 999.

(d) the maximum quantity of any such poison which may be sold to any one person;

(e) the maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same;

(f) the safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale; and

(g) the inspection and examination of any such poison when possessed for sale by any such vendor.

3. Power to prohibit importation into India of any poison except under licence- The central Government may, by notification in the official Gazette, prohibit, except under and in accordance with the conditions of a licence, the importation in to [1][India] [2][across any customs frontier defined by the Central Government] of any specified poison, and may by the rule regulate the grant of licences.

4. Power to regulate possession of any poison in certain areas-

(1) The State Government [3] [x x x]may by rule regulate the possession of any specified poison in any local area in which the use of such poison for the purpose of committing murder or mischief by poisoning cattle appears to it to be of such frequent occurrence as to render restrictions on the possession there of desirable.

(2) In making any rule under sub-section

(1) the State Government may direct that any breach there of shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the poison in respect of which the breach has been committed, and of the vessels, packages or covering in which the same is found.

5. Presumption as to specified poisons- Any substance specified as a poison in a rule made of notification issued under this Act shall be deemed to be a poison for the purposes of this Act.

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1. Substituted by Act 47 of 1958.
2. Inserted by the A.O. 1937. Date of commencement: 3-9-1919.
3. The words "subject to the control of the G.G. in C", repealed by the A.O. 1937.

6. Penalty for unlawful importation, etc.-

(1) Whoever-

(a) commits a breach of any rule made under section 2, or

(b) imports [1][x x x] without a licence [2][into [3][India] across a customs frontier defined by the Central Government any poison the importation of which is for the time being restricted under section 3, or

(c) breaks any condition of a licence for the importation of any poison granted to him under section 3,

Shall be punishable,-

(i) on a first conviction, with imprisonment for a term which may, extend to three months, or with fine which may extend to five hundred rupees or with both, and

(ii) on a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Any poison in respect of which an offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, shall be liable to confiscation.

7. Power to issue search-warrants -

(1) The District Magistrate, the Sub- divisional Magistrate and, in a presidency - town, the Commissioner of Police, may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of this Act or any rule there under, or that any poison liable to confiscation under this Act is kept or concealed.

(2) The person to whom the warrant is directed may enter and search the place in accordance there with, and the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), relating to scarch warrants shall, as far as may be, be deemed to apply to the execution of the warrant.

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1. The words "into British India" repealed by the A.O. 1937.
2. Inserted by the A.O. 1937.
3. Substituted by Act 47 of 1958.

8. Rules-

(1) In addition to any other power to make rules hereinbefore conferred [1][x x x]the State Government may make rules generally to carry out the purposes and objects of this Act [2][except section 3]

(2) Every power to make rules conferred by this Act shall be subject to the condition of the rules being made after previous publication.

(3) All rules made by the Central Government or by the State Government under this Act shall be published in the [3][Official Gazette] and on such publication shall have effect as if enacted in this Act.

[4](4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall there after have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(5) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature].

9. Savings-

(1) Nothing in this Act or in any licence granted or rule made thereunder shall extend to, or interfere with, anything done in good faith in the exercise of his profession as much by a medical or veterinary practitioner.

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1. The words "and subject to the control of the G.G. in C" repealed by the A.O. 1937.
2. Inserted ibid.
3. Substituted by A.O. 1937.
4. Inserted by Act 4 of 1986, s.2 and sch. (w.e.f. 15-5-1986).

(2) Notwithstanding anything herein before contained, the State Government may [1][x x x]by general or special order declare that all or any of the provisions of this Act [2][except section 1] shall be deemed not to apply to any article or class of articles of commerce specified in such order, or to any poison or class of poisons used for any purpose so specified.

(3) The authority on which any power to make rules under this Act is conferred may, by general or special order, either wholly or partially-

(a) exempt from the operation of any such rules, or

(b) exclude from the scope of the exemption provided by sub-section (1).

any person or class of persons either generally or in respect of any poisons specified in the order.

1. The words "in its discretion" repealed by the A.O. 1937.
2. Inserted ibid.

AMENDMENT ACTS

1. The Devolution Act, 1920

ACT 38 of 1920

An Act to relax the control in certain respects of the Governor General in Council over Local Governments, and to transfer to such Governments certain powers now exercisable by the Governor General in Council.

WHEREAS powers of control are vested in the Governor General in Council in virtue of certain enactments and it is expedient to relax those powers, and to transfer to Local Governments powers under certain enactments now exercisable by the Governor General in council; It is hereby enacted as follows:-

1. **Short title.** This Act may be called the Devolution Act, 1920.

2. **Amendment of certain enactments.** The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

3. **Consequential repeals.** The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

4. **Saving of orders, etc., issued by previous authorities.** Any appointment, notification, order, scheme, rule, form or bye-law made or issued, before the commencement of this Act, by an authority for the making or issuing of which a new authority is substituted by or under this Act, shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority, unless and until superseded by an appointment, notification, order, scheme, rule, form or byelaw made or issued by such new authority.

Extract

THE FIRST SCHEDULE

Part I.- Acts of the Governor General in Council

Year	No	Short title or subject	Amendments
1919	XII	The Poisons Act, 1919	In sub-section (1) of section 4, for the words "with the previous sanction" the words "subject to the control" shall be substituted. In sub-section (1) of section 8, for the words "the Governor General in Council, or" the word "and" shall be substituted.

2. THE POISONS (AMENDMENT) ACT, 1958

(Act 47 of 1958)

An Act further to amend the poisons Act, 1919.

Be it enacted by parliament in the Ninth Year of the Republic of India as follows:-

1. Short title.

This Act may be called the Poisons (Amendment) Act, 1958.

2. Amendment of section 1.

In section 1 of the Poisons Act, 1919 (herein after referred to as the Principal Act), for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to the importation into India of any specified poison".

3. Amendment of sections 3 and 6.

In section 3 and clause (b) of section 6 of the principal Act, for the words "the States", the word "India" shall be substituted.

4. Repeal.

The enactments specified in the schedule are hereby repealed.

THE SCHEDULE

(See section 4)

1. The cochin Poisons Act, IIII (XXX of 1111).
2. The (Hyderabad) Poisons Act (IV of 1322 Fasli).
3. The Madhya Bharat Poisons Act, Samvat 2008 (5 of Samvat 2008)
4. The Mysore Poisons Act, 1910 (V of 1910).
5. The Patiala Poisons Act, 1989 Bk. (I of 1989 BK).
6. The Rajasthan Poisons Act, 1956 (2 of 1956).
7. The Saurashtra Poisons Act, 1952 (XXV of 1952).
8. The Travancore Poisons Act, 1118 (XI of 1118)".

3. THE REPEALING AND AMENDING ACT, 1960

(Act 58 of 1960)

An act to repeal certain enactments and to amend certain other enactments.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:-

1. Short title.

This Act may be called the Repealing and Amending Act, 1960.

2. Repeal of certain enactments.

The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Amendment of certain enactments.

The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. Savings.

The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act, or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

5. Effect of repeal of amending enactment.

For the removal of doubts, it is hereby declared that where this Act repeals any enactment by which the text of any other enactment, not being a Central Act, Ordinance or Regulation, was amended by the express omission, insertion or substitution of any matter, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the commencement of this Act.

Extract

THE FIRST SCHEDULE

(See section 2)

REPEALS

YEAR	No	Short title	Extent of repeal
1	2	3	4
x x x x x		central Act	x x x
1958	47	The Poisons (Amendment) Act 1958	The Whole
x x x x x x x x x x x x x x x x x x x x x			

THE KERALA CONTROL OF POISON CONTAMINATED ARTICLES (VALIDATION) ACT, 1958*

(Act 42 of 1958)

An Act to validate orders issued and action taken to prevent danger to life and health by the consumption of article contaminated with poisonous substances and to provide for certain matters connected therewith.

Preamble.- Whereas it is necessary to validate orders issued and action taken to prevent danger to life and health by the consumption of articles contaminated with poisonous substances and to provide for certain matters connected therewith;

Be it enacted in the Ninth Year of the Republic of India as follows:-

1. Short title, extent and commencement.-

(1) This Act may be called the Kerala Control of Poison Contaminated Articles (Validation) Act, 1958.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. Validation on orders, directions and actions for preventing danger to life and health by consumption of articles contaminated with poisonous substances.-

(1) All orders and directions issued by the Government on or after 3rd May, 1958,-

(a) authorising officers of the Government-

(i) to inspect shops, godowns, hotels, restaurants and other places where articles of food and cattle fodder are stored;

(ii) to take samples of articles of food and cattle fodder forming part of the cargo of S.S. JAI HIND in her 166th voyage or other articles suspected to be contaminated with folidol or other poisonous substances, and other articles transported along with or stored in contact with such articles; and

(iii) to analyse and test such samples for folidol or other poisonous substances;

(b) freezing and prohibiting the movement, sale and disposal in any manner of the said articles;

(c) directing the surrender of the said articles to the Government; and

(d) empowering officers of the Government to seize and take over the said articles compulsorily on refusal to surrender in accordance with such directions;

(2) all orders issued by the District Collectors and other officers in pursuance of the orders or directions of the Government referred to in clause (1); and

(3) all action taken in pursuance of the orders or directions referred to in clauses (1) and (2),

shall be deemed to have been lawfully issued and taken and shall not be liable to be questioned in any court of law on the ground that they were not in accordance with or under the authority of the provisions of any law for the time being in force or on any other ground.

3. Compensation for articles taken over or surrendered.-

(1) Where, in pursuance of any order or direction referred to in section 2,-

(i) any article of food or cattle fodder was surrendered to the Government,-

(a) in the case of articles which formed part of the cargo of S.S. Jai Hind, on or before 22nd May 1958, and

(b) in the case of articles transported along with or stored in contact with articles which formed part of the cargo of S.S. Jai Hind, on or before 5th June, 1958,

* Pub. in K.G. Ex. dt. 27-12-1958.

and such surrender was accepted by an officer authorised in that behalf or any such article was taken over by the Government compulsorily; and

(ii) such article was subsequently destroyed,

the Government shall pay to the person who surrendered such article or from whom such article was taken over compulsorily, compensation in accordance with the provisions of sub-sections (2) and (3)

(2) The compensation payable under sub-section (1) in respect of any article surrendered or taken over shall be the price paid for such article by the person who surrendered it or from whom it was taken over.

Explanation.- For the purpose of this sub-section, the expression 'price paid' shall include the insurance and the transport charges, if any, paid or incurred by the person surrendering the article or from whom it was taken over, in respect of the insurance of such article or the transport of it from the place from where it was purchased by such person to the place at which it was surrendered or taken over.

(3) Any payment made before the commencement of this Act towards compensation in respect of any article surrendered or taken over shall be taken into account and the balance amount alone shall be deemed to be payable.

(4) The amount of compensation payable shall be determined by the Revenue Divisional Officer or the Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax who verified the stocks under the orders of the District Collector.

(5) Any person aggrieved by the orders of the Revenue Divisional Officer or the Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax fixing the amount of compensation under sub-section (4) may, within thirty days from the date of the order, appeal to the Board of Revenue. The orders of the Board of Revenue on such appeal shall be final.

(6) Where any article surrendered to or taken over by the Government is found, after test, to be free from contamination with poisonous substances, it may be returned to the person by whom it was surrendered or from whom it was taken over, on repayment by such person of the amount, if any, paid to him towards compensation. If any such article is not so returned, compensation shall be paid in accordance with the provisions of sub-sections (2) and (3) in respect of such article.

(7) If any person refuses to accept any article returned in accordance with the provisions of sub-section (6), it shall be sold in public auction. Any amount already paid to such person towards compensation and the cost incurred in conducting the sale shall be deducted from the proceeds of the sale and the balance amount shall be paid to the person.

4. Protection of action taken in good faith.-

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order of direction referred to in section 2.

(2) No suit or other proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order or direction referred to in section 2.

5. Repeal and Saving.-

(1) The Kerala Control of Poison Contaminated Articles (Validation) Ordinance, 1958 (4 of 1958), is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken, any right accrued or any liability incurred under the said Ordinance shall be deemed to have been done, taken, accrued or incurred under this Act as if this Act had commenced on the 8th day of August 1958.

*The Kerala Poisons Rules, 1996

In exercise of the powers conferred by section 2 of the Poisons Act, 1919 (Central Act XII of 1919) and in supersession of the existing rules on the subject, the Government of Kerala hereby make the following rules, the same having been previously published under notification No. 55274/F1/93/H&FWD dated 14th November, 1995, as required by sub-section (2) of section 8 of the said Act, namely:-

RULES

1. Short title, extent and commencement.-

(1) These Rules may be called the Kerala Poisons Rules, 1996.

(2) They shall extend to the whole of the State of Kerala.

(3) They shall come into force at once.**

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

(a) 'Act' means the Poisons Act, 1919 (Central Act XII of 1919)

(b) 'dealer' means a person or persons possessing a licence for sale or distribution either retail or wholesale or poison and includes a firm or company or department or any other establishment;

(c) 'Government Analyst' means any person appointed as Government Analyst under section 20 of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940);

(d) An 'Inspector' means any officer (i) of and above the rank of a Drugs Inspector notified under the Drugs and Cosmetics Act, 1940 by the State Government; or

(ii) of and above the ranks of a Circle Inspector of the Excise Department of the State; or

(iii) of and above the rank of a Sub Inspector of the Police Department of the State;

(e) 'Licence' means a licence issued by the Licensing Authority for retail or wholesale sale of poisons;

(f) 'Licensing Authority' means any officer not below the rank of Regional Drugs Inspector of the Drugs Control Department of the State authorised by the State Government for issuing licence or permit under these rules;

(g) 'misbranded poison' means any poison not labelled to disclose its true nature and contents;

(h) 'permit' means a permit issued by the Licensing Authority under rule 7;

* Issued under Noti.No. 55274/F1/93/HD. dt. 13-3-1996. Pub. in. K.G.Ex. No. 392 dt 13-3-1996 as SRO 270/96.

** Date of commencement: with immediate effect.

(i) 'Poison' means any substance specified in Schedule I or Schedule II or any substances claimed to or found to contain any of the substance specified in Schedule I or Schedule II;

(j) 'retail sale or distribution' means sale or supply to a consumer and includes any supply otherwise than by wholesale;

(k) 'Schedule' means a schedule to these Rules;

(l) 'Wholesale' means any sale or distribution for the purpose of resale or for further distribution and includes supplies to hospitals, dispensaries and educational or commercial establishments.

3. Prohibition for sale of Poison:- No person shall posses for sale or for distribution or sell any Poison except under and in accordance with the conditions of a licence issued for the purpose:

Provided that a licensee possessing a valid licence issued under the Kerala Poisons Rules, 1960 shall be deemed to possess a licence under these Rules for a period of 120 days from the date of commencement of these rules;

Provided further that a person possessing a valid drugs licence under the Drugs and Cosmetics Act, 1940 and the Drugs and Cosmetics Rules, 1945 shall not be required to take a licence for the possession or sale of poison to which the above said licence applies.

4. Sale at more than one place:- Separate licence shall be obtained in respect of each place where Poison is possessed and sold by a person.

5. Wholesale:-

(1) Application for a licence or renewal of a licence for possession and sale of Poisons by whole sale, included in Schedule I shall be made in Form No. 1 and of those included in Schedule II shall be made in Form No. 2 to the Licensing Authority and each such application shall be accompanied by a fee of Rs. 1,000.

(2) Application for renewal of licence for wholesale shall be made before the expiry of the licence:

Provided that application for renewal made after the expiry of the licence but within three months of such expiry shall be considered if it is accompanied by a fee of Rs. 1,000 and an additional fee of Rs. 500 per month or part of a month.

(3) Application for inclusion of additional items in the licence shall be made in Form No.3 and shall be accompanied by a fee of Rs. 250 per item;

(4) If a licence for wholesale is lost or defaced, the licensee shall apply for a duplicate of the licence and such application shall be accompanied by a fee of Rs. 100.

6. Retail sale :-

(1) Application for licence or renewal of a licence for possession and sale by retail of poisons included in Schedule I shall be made in Form No. 4 and that included in Schedule II shall be made in Form No. 5 to the licensing Authority and each such application shall be accompanied by a fee of Rs. 500.

(2) Application for renewal of licence for retail sale shall be made before the expiry of the licence:
Provided that application for renewal made after the expiry of the licence but within three months of such expiry shall be considered if it is accompanied by a fee of Rs. 500 and or additional fee of Rs. 100 per month or part of a month.

(3) Application for inclusion of additional items in the licence shall be made in Form No. 3 and shall be accompanied by a fee of Rs. 100.

(4) If a licence for retail is lost or defaced, the licencee shall apply for a duplicate of the licence and such application shall be accompanied by a fee of Rs. 100.

7. Permits:-

(1) The Licensing Authority may issue permits to enable professionals and educational and scientific establishment to obtain Poisons from wholesale dealers for their own bonafide professional use or for use in the institution or other establishment.

Explanation:-

(1) For the purpose of this rule, Professional means persons engaged in any professional and bonafide professional use means use of the poisons to discharge professional duties or carry our professional use.

(2) Application for permit shall be made to the Licensing Authority in Form No. 6 and shall be accompanied by a fee of Rs. 250.

(3) On receipt of the application and fee under sub-rule (2), the Licensing Authority shall, on being satisfied that the permit is applied for obtaining poison for their bonafide use as per sub-rules (2) issue a permit for the purpose.

8. Forms of Licences and permits:-

(1) A licence for possession and sale by wholesale of poisons specified in Schedule I shall be in Form No. 7.

(2) A licence for possession and sale by wholesale of poisons specified in Schedule II shall be in Form No. 8.

(3) A licence for possession and sale by retail of poisons specified in Schedule I shall be in Form No. 9.

(4) A licence for possession and sale by retail of poisons specified in Schedule II shall be in Form No. 10.

(5) A permit for obtaining and possessing poison for bonafide professional use by professionals and by educational and scientific institution shall be in Form No. II.

9. Duration of licence or permit:- A licence issued under these rules shall be valid for one year from the date of issue:

Provided that where a licensee has made application for renewal before the expiry of the licence or within three months of such expiry, as the case may be, the licence shall be deemed to be valid till orders are passed on the application.

(2) permits issued under these rules shall be valid for one year from the date of issue.

10. Conditions for grant or renewal of a licence or a permit:- The following conditions shall be complied with for grant of a licence or a permit, namely:-

(1) The premises for which application is made shall not be a part of a premises used as a residence.

(2) There shall be adequate facilities for proper storage of poisons in the premises which shall be sufficient for the preservation of the properties of the poison and the prevention of misuse of the poison.

(3) The applicant or the licensee, as the case may be, shall appoint as responsible person to supervise preservation and sale of poisons and shall furnish the name and address of the person or persons along with his/her consent, appointed for the storage and supply of poisons:

Provided that a person who does not possess S.S.L.C. or equivalent qualification and has not attained 21 years of age shall not be appointed by the licensee for the storage and supply of poisons.

(4) The preservation and sale of any poison shall be made under the active and personal supervision of the person appointed under sub-rule (3):

Provided that when for valid reasons, the licensee is to supply any poison in the absence of the above said person, such supplied shall be effected only under the active and personal supervision of a person possessing the qualifications under sub-rule (3).

(5) The sale/purchase shall be made under a sale bill/ invoice/ memo or other valid document detailing the name(s) of poison(s), quality, quantity and the date.

(6) The sale/ purchase of every poison shall be effected against issue of a cash or credit memo or other transfer voucher and the carbon

copy of the same shall be reserved. The original and the carbon copies shall contain and name and address of the seller and the purchases, licence number/ permit number, name of poison, quantity of each poison, date of sale and signature or the licensee.

(7) All records and registers under these rules shall be preserved for a period of not less than three years from the date of last entry in the record.

(8) Every licensed premises and all materials and records kept therein shall be open for inspection by an Inspector at all reasonable time.

(9) The licence/ permit shall be displayed conspicuously in the licensed/ permitted premises.

(10) The applicant shall have completed 21 years of age.

11. Maintenance of stock register:- Every wholesaler shall maintain a stock register in respect of every poison dealt with, detailing receipts, issues and stock held.

12. Cancellation or suspension of licence or permit:-

(1) The Licensing Authority may, after giving an opportunity to show cause as to why such an order should not be passed, and after considering the objections, if any, by order in writing stating the reasons, therefor, suspend or cancel licence or permit issued under these rules, wholly or partly or in respect of any of the poisons to which it relates or such period as it deems fit if the licensee or permit holder has failed to comply with any of the provisions of these rules.

(2) The licensee or permit holder may make an appeal against the order of the licensing Authority under sub-rule (a) to the Government within fifteen days of receipt of the order and the order of the Government thereon shall be final.

(3) A licensee or a permit holder whose licence has been cancelled shall with the consent of the Licensing Authority transfer the stock (s) of poison(s) held to any other licensee or permit holder. The licensee or permit holder shall make application for transfer to the Licensing Authority, within one month after the time provided for appeal or within one month after the disposal of the appeal, as the case may be. Where the licensee/ permit holder fails to make such application the Licensing Authority shall dispose of the poison(s) to any other Licensee/permit holder by auction and remit the proceeds to the Government.

13. Powers and duties of Inspectors:-

(1) An Inspection may at any time, with such assistance as he may deem necessary inspect, -

(a) any premises licensed: or

(b) any premises in respect of which an application for licence or permit has been filed under these rules: or

(c) any place where he has reason to believe that poison is being or had been kept or possessed for sale or for distribution or for professional use in violation of these rules.

(2) An Inspector may take sample of any poison for test or analysis by a Government Analyst from any place where poison is kept for sale or distribution or possessed under a permit and shall issue a receipt to the person in charge of that place showing the purpose for which it is taken.

(3) A poison taken for test or analysis shall be packed in suitable container to preserve its properties and prevent any possible leak, loss or misuse and shall be suitably sealed and marked by the Inspector in the presence of the licensee or permit holder or where the licensee absents wilfully, in the presence of his/her employee or either representative and where no such person is present, in the presence of two witnesses who shall be permitted to add his/her own mark and or seal to the sample.

(4) The Inspector shall send the sample forthwith to the Government Analyst for analysis with a memorandum detailing the poison (s) that the sample purports to contain. The Government Analyst shall furnish report to the Drugs Controller for follow up action on the basis of the report.

(5) An Inspector shall inspect not less than twice in a year, all premises licensed or permitted for possession, sale or distribution of poisons under these rules and shall furnish report to the Licensing Authority forthwith.

14. Labelling and storage of poisons:-

(1) Every poison kept in a premises for sale or distribution or for bonafide professional use shall be kept in suitable almirahs, tables or drawers locked and the key shall be in the custody of the licensee/ permit holder.

(2) Every container of poison shall hear a label showing the name of the poison, its trade name, if any, the name by which it is ordinarily known and its chemical name. The word 'POISON' shall be shown in red letters in capital in a consipicuous manner and the word "വിഷം" also be shown in a similar manner. The figure of a skull and two bones placed in cross shall be shown below these words. The words "WARNING NOT TO BE TAKEN INTERNALLY OR USED EXTERNALLY BY HUMAN BEINGS OR USED SO IN ANIMALS" shall be shown in capital letters within a red lined box.

SCHEDULE I

LIST OF POISONS

1. Chloral Hydrate
2. Cyanides
3. Methyl Alcohol

SCHEDULE II

LIST OF POISONS

1. Acetone
2. Acrylonitrile
3. Aldrin
4. Alpha naphathylthiourea
5. All metallic phosphides
6. Ammonium Sulfamate
7. Arecoline
8. Azobenzene
9. Benzene
10. Benzene hexachloride (Hexa chlorocyclohexane, BHC)
11. Bromine, Chloride and Iodine
12. Bromithol (Avertin)
13. Bromides
14. Cadmium Formulations (each to be considered on own merits)
15. Clacium cyanamide
16. Captan (n-trichloromethylmercapto -2- cyclohezene- Dicarbozimide)
17. Carbon disulphide
18. Carbon tetrachloride
19. Chlordane (Octachloro-4, 7-methano tetra hydroindene)
20. Chloropropyl phenyl Carbamate (Chlore IPC)
21. P-chlorophenyledimethyl Urea
22. P-chlorophenyl Chlorobenzene Sulfonate
23. P-chlorophenyl Phenyl Sulfone
24. Chloropicrin
25. Colocynth
26. Copper salts, Lead Salts, Organic-lead compounds, Lead tetraethy, Mercuric fulminate
27. Cresols and Cresylic acids
28. Cryolite (Sodium Fluoaluminate)
29. Dichlorodiphenyl Dichloroethane
30. Dichloro ethyl Ether
31. 2,4- Dichlorophenoxyacetic Acid (2,4-D)

32. Dichlorophenyl Dimethyl Urea
33. 2,4- Dichlocrophenyl ester of Benzensulfonic Acid
34. Di-methyl (n-chlorophenyl) Carbinol
35. Dieldrin
36. O- Dimethyl-o, p-hitrophenyl thiophosphate
37. Dimitro Ortho Cresol
38. Endrin (Hexachlora expoxyoctohydro- endo, exo-dimethanenaphthalene
39. Ether- Cyclopropane- Ethyl Chloride
40. Ethoxy ethyl Mercury Chloride
41. Ethylenemides
42. Ethylene Dibromide
43. Ethylene dichloride
44. 0-2 (ethylmetcapto ethyl)o, o-diethyl thiophosphate
45. Ethyl Mercury Chloride
46. Ethyl Mercury Phosphate
47. Ferban (Ferric dithyl dithiocarbamate)
48. Fluorides
49. Formaldehyde Solutions
50. Heptachlor
51. Hexathyl tetraphosphate
52. Hypochlorites (Sodium and potassium hypochloric solution)
53. Isoprophyl phenyl carbamate (IPC)
54. Lime Sulphur solutions
55. Lindane (gamma isomer of benzenehexachloride-99 per cents and above)
56. Malathion (used except for insecticide for agriculture purpose)
57. Maleic hydrazide
58. Meneb (Manganese ethylene- bisditho carbamate)
59. Methoxychlor (2,2- bis (p-methoxypheny), 1, 1, 1, (trichloroethane)
60. Markingnut, castor oil seeds, physic nuts, leant nut and alvus seeds
61. Mercury (Perchloride)
62. Methyl bromide
63. Methyl chloride
64. 2-Methyl, 4, Chlorophenoxyacetic acid
65. Methylene chloride
66. N-1 Naphthyl Phthalamic acid
67. 2- Nitro-1, 1-bis (p-chlorophenyl) butane or 2-Bitro-I, 1-bis (p-chloro-phenyl) Propane, or mixturcs of these
68. Octyl- bicyclo- heptene- dicaboximidc
69. N- octylsulfoxide of Isosafrole
70. Orthodichlorobenzene
71. Paraldehyde

72. Oarathion (o,o-Diethyl o, p-nitrophenyl) (thiophosphate) Phosphorus compound)
73. Pentachlorophenol
74. Paracetic acid
75. Phenols (including phenol, eresol and cresylic acid)
76. Phenylmercuric acetate and phenyl mercuric Chloride, excepting substances containing less than the equivalent of 0.2 per cent, weight in weight of Mercury (rig)
77. Phenyl Mercury Urea
78. Phosphorous (White, yellow and red)
79. Piperonyl butoxide
80. 2-Pivalyl-1, e, indandione
81. Podophyllin
82. Potassium Chlorate
83. Pyrethrum
84. Quaternary ammonium compounds
85. Quinidine
86. Red Squill powder and extracts, any effective condentrations
87. Rotenone
88. Selenites and selenates
89. Sesamin
90. Silver nitrate
91. Sodium fluoroacetate (1080)
92. Sodium Isopropyl Xanthate
93. Sodium O-phenyl phenate
94. Sodium trichloroacetate
95. Sulphur
96. French polish
97. 2-p- Tertiary- buty (Phenoxyisopropyl) 2-chloroethyl sulfite
98. Tetra ethyl pyrophosphate
99. Tetra ethyl dithiopyrophosphate
100. Thiocyanates
101. Thiram (Tetramethylthluramdisulphide)
102. Thiouracil and its compounds
103. Toluene
104. Toxaphene (chlorinated camphene)
105. Trichloroacetic acid
106. Trilrine
107. 2,4,5-Trichlorophenoxyacrtic Acid (2,4,5-T)
108. Urethane
109. Warfarin (8-alpha- acetonyl- benezyl) 4-hydroxy- coumarin)
110. Zineb (Zinc ethylane bisdithiocarbanate)
111. Zinam (Zinc dimethyl dithiocarbamate)
112. Any preparation containing any of the aforsaid poisons
113. White Arsenic

SCHEDULE III

FORM No. 1

(See rule 5)

Application for Licence/ Renewal of Licence for possession and sale by Wholesale of poisons included in Schedule I

1. I/We.....
of.....
aged...hereby apply for a licence/ renewal of the licence to possess and sell by wholesale poisons included in Schedule I to the Kerala Poisons Rules, 1996 on the premises situated at .....
.....
.....

2. Name of Poisons.....
.....

3. Name of person (s) to be appointed for storage and sale and their qualifications.

(1)
(2)

4. A fee of Rs. .....has been credited to Government under the Head of Account.....

Signature:
Name:
Designation:

Date

FORM No. 2

[See rule 5(2)]

Application for Licence/ Renewal of Licence for possession and sale by Wholesale of poisons included in Schedule II

1. I/We .....
of..... aged..... hereby apply for a licence/ renewal of licence to possess and sell by wholesale poisons included in Schedule II to the Kerala Poisons Rules, 1996 on the premises situated at .....
.....

2. Name of Poisons.....

3. Name of person (s) to be appointed for storage and sale and their qualifications:

(1)
(2)

4. A fee of Rs. .....has been credited to Government under the Head of Account.....

Signature
Name:
Date Designation:

FORM No. 3

[See rules 5(3) and 6(3)]

Application for inclusion of additional items in a licence

1. I/We, holder of licence .....(here enter details of the licence) hereby apply for inclusion of additional items of poisons included in Schedule I or Schedule II of the Kerala Poisons Rules, 1996 in the licence.

2. Licence No. Date of Issue and Validity:

3. Additional items of poisons: (Please state the name and number of the items. Attach separate list if required)

4. A fee of Rs. .....has been remitted to Government under the Head of Account .....

Signature:
Name and Address
Date: of the licensee

FORM NO. 4

(See rule 6)

Application for Licence/ Renewal of Licence for possession and sale by retail of poisons included in Schedule I

1. I/We .....of .....
.....aged..... hereby apply for a licence/ renewal of licence to possess and sell by retail poisons included in Schedule I to the Kerala Poisons Rules, 1996 on the premises situated at .....
.....

2. Name of Poisons .....

3. Name of persons to be appointed for storage and sale and their qualifications.

4. A fee of Rs. .....has been credited to Government under the Head of Account.....

Signature
Name:
Designation:

Date

FORM No. 5

[See rule 6]

Application for Licence/ Renewal of Licence for possession and sale by retail of poisons included in Schedule II

1. I/We .....of ..... aged..... hereby apply for a licence/ renewal of licence to possess and sell by retail poisons included in Schedule II to the Kerala Poisons Rules, 1996 on the premises situated at .....

2. Name of Poisons .....

3. Name of persons to be appointed for storage and sale and their qualifications.

4. A fee of Rs. .....has been credited to Government under the Head of Account.....

Signature
Name:
Designation:

Date:

FORM No. 6

[See rule 7(2)]

Application for permit to purchase and possess poisons specified in Schedule I and II

1. I/We .....of ..... aged..... hereby apply for permit to possess poisons specified in Schedule I and II to the Kerala Poisons Rules, 1996, on the premises situated at .....

2. Name of Poisons .....

3. Name of person in-charge of poisons and his qualification:
.....

4. A fee of Rs. .....has been credited to Government under the Head of Account.....

Place:
Date:

Signature
Name:
Designation:

FORM No. 7

[See rule 8(1)]

Licence for possession and sale by wholesale of poisons included in Schedule I

1. Sri/Smt./M/s. .....
is hereby licensed to stock, possess or exhibit for sale or sell by wholesale at
.....
poisons specified in Schedule I to the Kerala Poisons Rules, 1996, subject to the conditions specified below and in accordance with the provisions of the Poisons Act, 1919 and the Rules there under.

2. Licence will be in force from ..... to .....

3. Name of Poisons:

4. Name of person in-charge of storage and sale:

Qualifications:

5. Licence No .....

Date:

Licensing Authority

Conditions of Licence

This licence shall be displayed in a conspicuous place in the premises, open to the public and shall be produce on demand by an Inspector or an Officer authorised by the Government in this behalf.

FORM No. 10

[See rule 8(4)]

Licence for possession and sale by retail of poisons included in Schedule II

1. Sri/Smt./M/s..... is hereby licensed to stock, possess or exhibit for sale or sell by retail at ..... Poisons specified in Schedule II to the Kerala Poisons Rules, 1996, subject to the conditions specified below and in accordance with the provisions of the Poisons Act, 1919 and the Rules there under.

2. Licence will be in force from ..... to .....

3. Name of Poisons to be sold: .....

4. Name of person in-charge of Poisons:

   Qualifications:

5. Licence No

Date:

Licensing Authority

Conditions of Licence

This licence shall be displayed in a conspicuous place in the premises open to the public and shall be produced on demand by an Inspector or an Officer authorised by the Government in this behalf.

Renewal Particulars

Licence renewed upto:

File No..... Date of application.....

Fee remitted.....

Signature of Licensing Authority

FORM No. 11

[See rule 8(5)]

Permit to purchase/ possess poisons for professional use Shri/Smt./Madam/ M/s.....

.....

is permitted to purchase/ possess the following poison.

Name of poisons	Quantity permitted to be purchased/ possessed at a time
.....	.....
.....	.....

This permit shall be valid for one year from the date of issue.

Name of person in-charge of stock of poisons.

Permit No

Date:

Conditions

1. The poison shall be purchased from licensed dealers as per the Rules.
2. The poison shall be stored under proper storage condition as prescribed in the Rules.
3. Records of nature of disposal of the poison and stock registers shall be maintained.
4. An Inspector appointed under these Rules shall be permitted to inspect premises and the records as and when required.

The undersigned certified that notices have been promulgated or observed on the persons interested and that evidence for such promulgation or service forms part of the records.

Licensing Authority.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose).

Since the Kerala Poisons Rules, 1960 requires several modifications, Government have decided to make fresh rules superseding the above said Rules, Hence this Notification.

FORM No. 11

[See rule 8(5)]

Permit to purchase/ possess poisons for professional use Shri/Smt./Madam/ M/s.....

.....

is permitted to purchase/ possess the following poison.

Name of poisons	Quantity permitted to be purchased/ possessed at a time
.....	.....
.....	.....

This permit shall be valid for one year from the date of issue.

Name of person in-charge of stock of poisons.

Permit No

Date:

Conditions

1. The poison shall be purchased from licensed dealers as per the Rules.
2. The poison shall be stored under proper storage condition as prescribed in the Rules.
3. Records of nature of disposal of the poison and stock registers shall be maintained.
4. An Inspector appointed under these Rules shall be permitted to inspect premises and the records as and when required.

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