

The Rajasthan Poisons Rules, 1972

Published vide Notification. No. G.S.R. 362(1)/F. 9(1) Home (A-1) 53-1, dated 30-06-1972; Published in Rajasthan Gazette Part 4-C(1), Ordinary, dated 30-11-1972

In exercise of the powers conferred by sections 2 and 8 of the Poisons Act, 1919 (Central Act XII of 1919) the State Government hereby makes the following rules, the same having been previously published in the Rajasthan Gazette, Part 3(B), dated the 23rd October, 1969, as required by sub-section (2) of section 8 of the said Act, namely:-

1. Short title and commencement. - (a) These Rules may be called the Rajasthan Poisons Rules, 1972.

(b) They shall come into force at once.

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

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

(b) "Form" means a form appended to these rules;

(c) "Poison" means any substance specified in the Schedules I and II, attached to these rules.

3. Prohibition of Sale or possession of poison for sale without licence. - Unless exempted under the provisions of the Act, no person shall sell or possess for sale any poison specified in the Schedule I except under a licence granted in Form 'A' by the District Magistrate or any other authority to whom powers may be specially delegated in this behalf, by a notification in the Official Gazette.

4. Persons to whom licence may be granted. - The grant or withdrawal of a licence to any applicant shall be at the discretion of the District Magistrate or any other authority to whom such powers have been delegated by a notification. A registered Vaid or a Hakim on an application and on production of his Registration Certificate may ordinarily be granted a licence to stock only indigenous poisonous drugs. A qualified Doctor may be granted licence for poisonous preparations of British Pharmacopoeia. A medical practitioner, not possessing registerable qualifications shall not be granted a licence for the sale of any of the poisonous preparations of the British Pharmacopoeia, as given in Schedule I

5. Duration of licence. - Application and fees therefore:-

(a) Subject to the provisions of rules 6 and 7, a licence granted under rule 3 shall remain in force for one Calendar Year beginning from 1st January, every year. Every applicant for the grant or renewal of a licence shall make a written application to the District Magistrate in this behalf and such application shall bear a Court-fee stamp of Re. 1/-.

(b) The District Magistrate, shall obtain the recommendations of the D.M. & H.O. of the area on each application for the grant or renewal of a licence before he proceeds to grant or renew such licence.

(c) Fee for the grant or renewal of a licence shall be Rs. 10/- per annum.

(d) The licence fee shall be paid in cash only and credited into the District Treasury to the Head 'XXIII-Medical (f) Miscellaneous (1) Medical Receipts'.

(e) The application shall be made in the Form 'B'.

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

7. Revocation or cancellation of a licence. - The District Magistrate or any other authority to whom powers have been delegated, may at any time for any sufficient cause, and after giving the person affected thereby an opportunity of being heard revoke or cancel any licence granted under rule 3.

8. Sale of poisons. - Every sale of a poison specified in the Schedule I shall so far as possible be conducted by a 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.

9. Person to whom poison may be sold. - A licence-holder shall not sell any poison specified in the Schedule 1 to any person unless the latter is personally known to him or identified to his satisfaction. He shall not sell any such poison to any person who appears to him to be under the age of 18 years or to any person who does not appear to him to be in full possession of his faculties, or to any wandering mendicant except a registered medical practitioner or, to a licence-holder.

10. Sale of powdered white arsenic. - A licence-holder shall not sell powdered white arsenic to any person, unless the same is, before the sale thereof thoroughly mixed with soot in the proportion of an ounce of soot at least to one pound of the white arsenic or with indigo or prussian-blue in the proportion of half an ounce of indigo or Prussian blue to one pound of white arsenic, and so on in proportion, for any greater or lesser quantity: Provided that the licensing authority may, after full investigation and reference, if necessary to higher authorities, permit on such conditions and subject to such restrictions as he thinks necessary, and licence-holder to sell white arsenic without any admixture.

11. Register of stock and sale of poisons. (1) Every licence-holder shall maintain a register in which he shall enter all sales of poisons other than those used by a chemist, druggist or compounder dispensing or compounding in compliance with the prescriptions of a medical or a veterinary practitioner, unless otherwise required by any other law for the time being in force. The following particulars shall be entered in such a register in respect of each such sale, namely:-

(a) Name of the poison.

(b) Quantity sold.

(c) Date of sale.

(d) Name and address of the purchaser with serial number.

(e) Purpose for which the poison was stated by the purchaser to be required.

(f) Signature of the purchaser (or thumb impression, if illiterate) or in case of purchase by post, the date of letter or written order and reference to the original in the file in which it is preserved.

(g) Signature of the vendor.

(2) In a separate portion of the register there shall be entered in separate columns the quantity of each poison sold daily, and these entries shall be made from day to day.

(3) The signature under item (g) of the register shall be that of the licence holder himself or when the licence holder is a firm or a 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 9 have been fulfilled, the name of such a representative should be put on the notice board of the shop under the signature of the licence-holder and countersigned by a Gazetted Officer.

(4) All letters on written order referred to in head (f) 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.

(5) The register shall be a bound one or a bound note book of size not less than 8"-10" with numbered pages.

12. Stock register. - (1) Licence-holder shall maintain in respect of each poison specified in the Schedule I, a stock register which contain the following particulars, namely:-

(a) Serial Number.

(b) Date.

(c) Amount received.

(d) Name and address of person from whom received.

(e) Balance in stock.

(f) Remarks.

(2) The stock register shall be balanced daily.

N.B. - In case of dispensing chemists and druggists, balance of stock in hand shall not be required to be struck daily, since the balance will be liable to reduction by the amount used in the prescriptions and wastage. It will however be possible roughly to estimate this amount by reference to the prescription register, the entries in which it is intended should be excluded from the sale and stock registers.

13. Register of prescriptions. - A licence-holder shall maintain a register containing duplicate copies of all prescriptions which contain any of the poisons mentioned in Schedule I. This register shall contain the following particulars:-

(a) Serial number

(b) Date

(c) Name of prescriber (Doctor)

(d) Name of person for whom prescribed (patient)

(e) Copy of prescription

(f) Detail of poison in the prescription: (i) Name of poison (ii) Total quantity.

(g) Signature of dispenser.

14. Authorised dealers to sell poisons mentioned in Schedule II.- Subject to the restrictions mentioned hereunder the poisons mentioned in the Schedule II, may be sold besides by a licence holder, by a person or persons who have been authorised to sell such poisons, by virtue of their names having been entered on a list maintained for this purpose by the District Magistrate or any other authority to whom powers may be specially delegated in this behalf, by a notification in the Official Gazette.

15. Enlistment and removal of names from the list of authorised dealers.
- The enlistment or removal of any name in the list to be maintained under rule 14 shall be at the discretion of the District Magistrate or any other authority to whom such powers have been delegated by a notification. The decision of the District Magistrate or the authority empowered by him in this behalf in regard to the enlistment of names or their removal, shall be final.

16. Application and fees for enlistment of names on the list of authorised dealers. - (1) Every person who wants to enrol his name in the list for selling poison is mentioned in the Schedule II shall make a written application for enlistment to the District Magistrate or the authority empowered in this behalf and such application shall bear a court fee stamp of 0.50P.

(2) The District Magistrate shall obtain the recommendations of the District Medical and Health Officer of the area on every such application and thereafter grant the application after satisfying himself about the genuineness of the applicant and his requirements.

17. Sale of poisons mentioned in Schedule II - Every sale of poison by the authorised dealer shall, so far as possible be conducted in person, or by his authorised agent and servant.

18. Register to be maintained by an authorised dealer. - An authorised dealer shall maintain a stock register of poisons mentioned in Schedule II in which the stock of each poison shall be entered and the balance struck after Every fortnight.

19. Power to inspect poisons specified in Schedule I and Registers. - Any magistrate or police officer of not below the rank of Circle Officer or any Gazetted Officer of Revenue Medical and Excise Department and a Drug Inspector may at any time, visit and inspect the premises of a licence holder where poisons specified in Schedule I are stocked or kept for sale, and may inspect all poisons found therein and the registers maintained under rules 11 and 12.

20. Custody of poisons. - All poisons specified in the Schedule I kept for sale by any licence-holder under these rules 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 other than the poisons possessed in accordance

with the licence granted under these Rules shall be placed and each poison shall be kept, 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 a word 'Poison' in red characters both in English and Hindi, in the case of receptacles containing separate poisons, also the name of such poison.

21. Packing and labelling upon sale. - When any poison mentioned in Schedule I 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 lable, bearing the name of the poison in English and Hindi and the number and date of entering in the register of sale specified in the rule 11.

22. Exemptions. - Petrol containing ethyl fluid admixture to Tetra ethyl lead is exempted from the provisions of the Act and the rules:

Provided that:-

(i) the cane and pumps containing the fuel are labelled to indicate the presence of Tetra ethyl lead in the fuel and to warn the user to avoid spillage and not to use the fuel for purposes other than as motor fuel;

(ii) the fuel is dyed as an additional check against its use otherwise than as motor fuel; and

(iii) the amount of lead Tetra ethyl in the fuel does not exceed 1 part in 1,300 parts by volume or 1 in 650 by weight;

(iv) petrol, poisonous drugs, covered under the various Acts passed by Central or the State Government and whose manufacture and sale is regulated under the provisions of those Acts for medicinal or vaterinary or agriculture uses only.

Form 'A'

(See Rule 3)

Licence for sale or possession for sale of poison

Date of issue.....

1. Number.....

2. Name and full address of the Licensee.....

3. Place of business or shop.....

4. Poisons for which this licence has been granted.....

5. Date of expiry of Licence.....

The Licensee shall be bound by the provisions of the Poisons Act, 1919 (Central Act XII of 1919) and the Rajasthan Poisons Rules, 1972 and any other rules or directions made by a competent authority in this behalf from time to time.

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Signature of the District Magistrate

Form 'B'

Application For Licence

[Here place a court-fee stamp worth Rs. 1 /-]

[See Rule 5(c)]

To

The District Magistrate,

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Sir,

I have paid a fee of Rs. 10/-, kindly grant me a Licence for sale or possession for sale of poisons specified below. My particulars are as under:-

1. Name.....
2. Father's Name.....
3. Residence.....
4. Occupation.....
5. Poisons for which a Licence is required.....
6. Period of Licence.....
7. The place where the poisons will be stocked or sold.....

Signature of the applicant with address

Date.....

Schedule I

These are the Poisons required in the treatment of Human Ailments and should be sold only by authorised sellers of Poisons (registered pharmacists)

1. Aconite, Aconitine, Linctus Aconite Tincture, Aconite.
2. Arsenic metal, Arsenic oxide (White arsenic).
3. Atropine, Atropine sulphate, Liquor, Atropine sulphate and other salts and preparations of Atropine.
4. Belladonna root, Belladonna leaves, extracts, liquid extracts and liniment of Belladonna.
5. Datura leaves and datura seeds (Stramonium).
6. Nux vomica seeds, extract of nux vomica (Solid and liquid).
7. Picrotoxin.
8. Savin oil (oil sabinæ).
9. Strychnine, strychnine nitrate, strychnine sulphate, strychnine hydrochloride, liquor, strychnine hydrochloride and all its solutions and preparations containing 0.2% or more of strychnine.
10. Antimony compounds, both organic and inorganic except vinutn antimonialis B.P.C.34.
11. Cantherides, Tinct. Cantherides, Cantheridine.
12. Chloral hydrate.
13. Hyoscyamuc (Henbane of Khorasani Ajwan) leaves, liquor Hyoscyamine sulphate, Hyoscine Hydrobom.
14. Mercury oxides (red, yellow and black), ammoniated mercury, mercury Sulphocyanide, mercury iodide.
15. Oxalic acid, sodium oxalate, potassium oxalate, ammonium oxalate.
16. Strophanthus, Strophanthin, Strophanthus Liq. and Tinct. Strophanthus.
17. Chloroform.
18. Arsenic trisulphide (yellow arsenic), arsenic disulphide (red arsenic), Copper arsenite (Scheeld's green), Copper acetoarsenite (Paris green), Liq. arseni calis (Fowlers Solution).
19. Abrus precatorious (Gunja or Rati).
20. Lead in combination with acids from fixed oils.
21. Mercuric chloride (corrosive sublimate, (Perchloride of Mercury).
22. Prussic acid.
23. White lead.
24. Aldrin.
25. Dieldrin.
26. Endrin.
27. Opium and its alkaloids.
28. Barbiturates.
29. Cocaine.
30. Insulin.

Schedule - II

These are poisons which are in common use for domestic, Agricultural or Commercial purposes. These may be sold not only by Registered Pharmacists but also by listed sellers of Poisons, mentioned in Schedule II. Meaning traders who have been authorised to sell such poisons by virtue of their names having been entered on a list maintained for this purpose by a local authority.

1. Arsenic metal, Arsenious oxide (white arsenic), Arsenic trisulphide (yellow arsenic), Orpiment, Copper arsenite (Scheet's green), Copper acetoarsenite (Paris green), Liquor arsenicalis (Fowler's solution). Arsenic hydrochloride, Arsenic chloride. Arsenic bromide, Red arsenic (Arsenic disulphide), and Gauripe shanam.
2. Barium sulphide. Barium nitrate and Barium Chloride.
3. Cyanide of potassium, cyanide of sodium and acid Hydrocyanide (Prussic) concentrated and delute.
4. Marking nuts.
5. Phosphorus yellow.
6. Tetra ethyl lead.
7. Cantharides, Tinct, Cantharides, Tinct, Cantharidine.
8. Carbolic acid containing not less than 3 % of phenol.
9. Mercury oxides (red, yellow and black), Ammoniated mercury (ammoniochloride of mercury), Mercuric sulphocyanide, Mercuric chloride, Mercuric chloride (Corrosive sublimate).
10. Red phosphorus. Rat poison containing red phosphorus.
11. Hydrochloric, Nitric and sulphuric acids.
12. Lead in combination with acids from fixed oils.
13. Potassium hydroxide.
14. Red lead.
15. Sodium hydroxide.
16. Tetra ethyl chloride.
17. Verdigris.
18. Abrus precatorius (Gungja or Rati).
19. Oxalic acid, sodium oxalate, potassium oxalate and Ammonium oxalate.
20. Methyl Alcohol.
21. Insecticides:-
 1. Parathion.
22. Rodenticides:-
 1. Alpha-Naphthyl-thioures.
23. Fungicides:-
 - (i) Ethoxy-ethyl-mercury-chloride.
 - (ii) Ethyl-mercury-chloride.
 - (iii) Ethyl-mercury-phosphate.
 - (iv) Phenylmercury-acetate, phenyl-mercury-chloride excepting substances containing less than the equivalent.
 - (v) Phenyl-mercury-urea.

24. Fumigants:-

(i) Methyl bromide.

(ii) Cyanides, namely the following:-

Liquid Hydrocyanic acid.

Sodium cyanide.

Potassium cyanide.

Calcium cyanide.

25. Any preparation containing any of the poisons mentioned in Items 21 to 24 above.

26. Zinc Phosphide.

27. Metallic flourides.

28. Thallium and its salts.

29. Tri-ethyl-phosphate.

30. Tetra-ethyl-phosphate.

31. Hexa-ethyl-tetra-phosphate.

32. Dinotro-phenols and their salts.

33. Dinitro substituted phenols and their salts.

Organic Phosphorous compounds

34. Tetra:ethyl-pyro-phosphate (TEPP).

35. Methyl parathion.

36. Diazinon (Diazel).

37. Malathion.

38. Demeton (Systox).

39. Schraden (octa-methyl-pyro-phosphate).

40. Heptachlor.

41. Warfarin.

42. Sodium flouro-phosphate.

43. Sodium nitrate.

44. Potassium nitrate.

45. Kill bug, bugtone, bug poisons and bug hiffe.

Notification

[Notification. No. D.4658/F 9(1) Home (A)/53-Part II, dated 21-10-59, published in Rajasthan Gazette Part IV-C, Ordinary, dated 03-12-59.]

In exercise of the powers conferred by section 5 of the Poisons Act, 1919 (Central Act No. XII of 1919), the Government of Rajasthan is pleased to specify and declare that any of the following substances or any preparations containing these substances shall be deemed to be a poison for the purposes of this Act, namely: -

Arsenic White; Arsenic Yellow; Arsenic Sulphide; Copper Arsenic (Scheels green); Copper Acetoarsenite (Paris Green); Arsenic Metal.

Abrus Precatorios (Gunj or Rati).

Barium, All salts of Barium.

Hydrochloric Acid.

Lead in combination with Oletic Acid or other Fatty Acids.

Mercuric per chloride.

Mercury oxides (Red, Yellow or Black); Ammoniated Mercury; Mercuric Sulphocyanide; Mercuric Iodide; Liquor Hydrag per chlor; Hydrargyri Subchloridum.

Marking Nuts.

Nitric Acid.

Oxalic acid; Sodium Oxalate; Potassium Oxalate; Ammonium Oxalate.

Potassium Hydroxide.

Red Lead.

Strychnine; Strychnine Nitrate; Strychnine Sulphate; Strychnine Hydrochloride; Liquor Strychnine Hydrochloride and all other salts and solutions and preparations containing 0.2% or more of Strychnine; Sulphuric acid.

Sodium Hydroxide.

Tetra ethyl Chloride Verdigris.

White Lead.

Insecticides:

Parathion

Tetraethyl Pyrophosphate.

Rodenticides:

Alpha-naphthyl Thioureas (Thiourea).

Fungicides:

Ethoxy Ethyl Mercury Chloride.

Ethyl Mercury Phosphate.

Phenyl Mercury Acetate.

Ethyl Mercury Chloride.

Phenyl Mercury Chloride.

Phenyl Mercury Urea.

Fumigants:

Methyl Bromide.

Cyanides, viz. the following:-

Liquid Hydrocyanic Acid.

Sodium Cyanide.

Potassium Cyanide.

Calcium Cyanide.

[Notification No. D. 5772/F 9(1), Home (A-Gr.I)/53, dated 06-09-1960; Published in Rajasthan Gazette Part IV-C, Ord. dated 17-11-1960].

In exercise of the powers conferred by section 5 of the Poisons Act, 1919 (Central Act No. XII of 1919), the State Government hereby directs that any of the substances specified in the schedule below for any preparations containing any of these substances, shall be deemed to be poison for purposes of the aforesaid Act:-

Schedule

(i) Chlorodinitro Benzene (Dinitrochloro Benzene).

(ii) Chloronitro Benzene (Orthonitrochloro Benzene, Metanitro chlorobenzene, Paranitro Chlorobenzene);

(iii) Dinitrobenzene (e.g. Metadinitrobenzene-Dinitrotoluenes), and

(iv) Chloro-ortho toluidine.

[Notification No. F 9(1), Home (A-Gr.I)/53. dated 13-09-1961; Published in Rajasthan Gazette Part I(b), dated 28-04-1961],

In exercise of the powers conferred by section 5 of the Poisons Act, .1919 (Central Act No. XII of 1919), the State Government hereby directs that the substance, endrin or any preparations containing this substance shall be deemed to be a poison for purpose of the aforesaid Act.