

CIRCULAR

Sub:- The Kerala Poisons Rules, 1996-Powers and duties of Inspectors-Implementation of the provisions of the rules-Instructions-Issued.

Read:- Notification No. 55274/F1/93/Hd. dated 30-3-96 published as S.R.O. No. 270/96 in Kerala Gazette Extraordinary No. 392 dated 30th March 1996.

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The Government have framed the Kerala Poisons Rules, 1996 under the Poisons Act, 1912 (Central Act XII of 1919) and published as S.R.O. referred to above.

The copy of the rule has already been forwarded to all Deputy Excise Commissioners and Assistant Excise Commissioners from Board's office on 9-4-1996 for further necessary action. As per the aforesaid rules Chloral hydrate and methyl alcohol are poisons included in the first schedule to the rules. French Polish is a poison listed in the second schedule to the rules. Item No. 112 of the said schedule states that any preparation containing any of the poisons mentioned in the schedule I and schedule II to the rules is also a poison. Hence denatured spirit and methyl alcohol will be treated as poisons for the purpose of the rules.

As per Rule 2(d) (ii) of the said rules a "Inspector" means any officer of and above the rank of a Circle Inspector of Excise Department of the State.

Rule 13 of the said rules enumerates the powers and duties of Inspectors. The said rule is produced hereunder for favour of information of all concerned.

"13 ~~Powers only~~ : duties of Inspectors.--(1) An Inspector 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 other 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.

However, it has come to the notice of the Board that the Excise Officers have not conducted any inspection under the Kerala Poisons Rules, 1996 though all officers of and above the rank of Circle Inspectors of Excise are duly empowers to conduct inspections under the said rules.

Further, the committee on Subordinate Legislation met on 21-1-97 have noticed with great displeasure that the Excise Department have not taken any interest in implementing the provisions of the Kerala Poisons Rules, 1996 in letter and spirit.

In the circumstances mentioned above the Board would like to instruct all concerned that inspections should be conducted by the officers concerned as per the provisions of the rules without fail in future. Any laxity in the matter will be viewed very seriously.

The receipt of the circular should be acknowledged forthwith. A copy of the same should be kept in the office stock file and handed over to the successor in office as and when required.

P.K.MOHANTY
EXCISE COMMISSIONER.

To

- 1) All Deputy Excise Commissioners.
- 2) All Asst. Excise Commissioners.
- 3) All Circle Inspectors of Excise
- 4) All Excise Inspectors.
- 5) Asst. Secretary (Excise) I & II / Law Officer.
- 6) The Excise Vigilance Officer.
- 7) C.A. to Excise Commissioner/Secretary/Joint Excise Commissioner/
Senior Deputy Excise Commissioner.
- 8) All Superintendents and Excise Inspectors of Board of Revenue (Excise)
- 9) Stock File.

Forwarded/by Order


SUPERINTENDENT.