

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ
ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ-IV-A	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಅಕ್ಟೋಬರ್ 31, 2013 (ಕಾರ್ತಿಕ 9, ಶಕ ವರ್ಷ 1242)	ನಂ.1242
Part- IV-A	<i>Bangalore, Thursday, October 31, 2013 (Karthika 9, Shaka Varsha 1935)</i>	<i>No. 1242</i>

FINANCE SECRETARIAT

NOTIFICATION

NO. FD 09 PES 2008, Bangalore, dated: 31.10.2013

The draft of the Karnataka Poisons (Prevention of misuse of methanol) Rules, 2013, which the Government of Karnataka propose to make in exercise of the powers conferred by section 2,4 and sub-section (1) of section 8 of the Poisons Act 1919 (Central Act 12 of 1919) read with section 21 of the General Clauses Act, 1897 Central Act. X of 1897 in Notification No. FD 09 PES 2008 dated 29-08-2013 which was published in Part-IV-A of the Karnataka Gazette (Extra ordinary) in No. 1106 dated 29-08-2013 inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of its publication in the official Gazette.

And whereas the said Gazette was made available to the public on 29th August 2013.

And whereas, no objections and Suggestions have been received in respect of the said draft by the State Government.

Now therefore, in exercise of the powers conferred by section 2,4 and sub-section (1) of section 8 of the Poisons Act 1919 (Central Act 12 of 1919) read with section 21 of the General Clauses Act, 1897 Central Act. X of 1897 the Government of Karnataka hereby makes the following Rules, namely:-

RULES

1. Title, commencement and application.- (1) These rules may be called the Karnataka Poisons (Prevention of misuse of Methanol) Rules, 2013.

(2) They shall come into force from the date of their publication in the official Gazette.

(3) Notwithstanding anything contained in the Karnataka Poisons Rules, 1966, the provisions of these rules shall apply for import, manufacture, storage, sale, transport and use of Methanol.

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

(a) "Act" means the Poisons Act, 1919 (Central Act 12 of 1919);

(b) "Dealer" means a person who imports, manufacture, stores, sells, transport or use Methanol with a valid licence under these rules:

(c) "Export" means to take out of the State otherwise than from a custom station as defined under section 2 of the Customs Act, 1962 (Central Act 52 of 1962)

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

(e) "Government" means the Government of Karnataka;

(f) "Import" except in the phrase import into India means to bring into the State otherwise than from a Custom station as defined under section 2 of the Customs Act, 1962 (Central Act, 52 of 1962)

(g) "Licence" means licence granted under these rules;

(h) "Licensing Authority" means the Deputy Commissioner of the District;

(i) "Manufactory" means a building or part of a building specified in the license and used for the manufacture of any product using methanol and also includes the premises where the methanol is stored for transportation;

(j) "Misuse" means using methanol in contravention of these rules;

(k) "Methanol" means a flammable poisonous chemical which is used as an industrial solvent also called as methyl alcohol or wood alcohol with the formula CH₃OH. Originally obtained by the destructive distillation of wood, now usually manufactured from hydrogen and carbon monoxide or carbon dioxide and includes Methanol specified in the schedule to the Poisons Act, 1919.

(l) "Officer-in-charge" means an Excise/Police/Drugs officer or any other officer appointed for the purpose of supervising the operations in the manufactory;

(m) "Poison" means any substance specified in the Schedule of the Poisons Act 1919(Central Act 12 of 1919);

(n) " Sub- dealer" means a person who purchases Methanol from a dealer and possesses a valid licence under these rules;

(o) "Transport" means to move Methanol from one place to another within the State, whether the intervening area lies wholly within the State or not.

3. Control of Methanol.- (1) Import, transport, possession, sale or use of Methanol is strictly prohibited without a valid license issued by the Competent Authority.

Provided that a person who is a dealer on the date of commencement of these rules may continue to deal with Methanol upto sixty days, but before that he shall apply for licence and obtain licence under these rules.

4. Application for grant or renewal of license.- (1) An application for grant of license to import, manufacture, store, sell or use Methanol or for renewal of license shall be made to the Licensing Authority in Form A. accompanied with a fee of rupees two hundred. An application for renewal of a license shall be made one month prior to the date of expiry of the licens and shall be accompanied with a fee of rupees two hundred.

(2) Where the applicant is a firm, the name and other particulars of all the partners shall be specified in the application and if license is granted to the applicant, the name of all the parters shall be entered in the license.

(3) Every application shall be in triplicate and shall be accompanied by,-

(a) a description and plan of the manufactory in which the Methanol is proposed to be stored;

(b) a statement specifying the number, size and description of all the vessels and other apparatus which are proposed to be used in handling Methanol;

(c) a statement showing the quantity of Methanol proposed to possess during the currency of the license;

(4) Application for duplicate license, when the original is lost or destroyed, shall be made in writing.

(5) In case of any change in the place of business of the licensee, a fresh

application for

license shall be made to the licensing authority.

(6) The licensee shall display the license in a conspicuous place of the manufactory.

5. Licence to whom granted.- (1) A license in Form B shall be granted only to a

person, who in the opinion of the licensing authority is competent to be dealer or conduct business in Methanol.

(2) The name or names so given may be altered or amended by the licensing authority on a written application from the firm or company and such application shall be accompanied with a fee of rupees two hundred.

6.Duration of License.- Subject to the provisions of rules 3 and 4, a license granted or renewed under these rules shall remain in force for one year from 1st day of April or if it is granted later than 1st day of April for the remaining period of the financial year of issue.

7. Discretion of Licensing Authority.- A license may be cancelled or revoked at any time. The grant, renewal, cancellation or revocation of license shall be at the discretion of the licensing authority whose decision shall be final:

Provided that no order of cancellation or revocation of licence shall be passed without giving an opportunity to the party concerned and shall record in writing the reasons for refusal or refusing to grant or renew a license or for cancelling or revoking a license.

8. Termination of license.- A licence shall stand cancelled on the death of the license-holder, or on the transfer of his business, or on the winding up of a firm or company or the transfer of the business of such firm or company:

Provided that, if the business carried by the dealer as such or the firm or company is transferred as growing concern and the transferee applies for a fresh licence, with a fee of rupees two hundred within fourteen days of the date of transfer, the licence shall continue to be in force until a new license is granted or the application for fresh license is rejected by the licensing authority.

9. Disposal of stock on termination, revocation or cancellation of license.- In the event of revocation or cancellation of the license under rule 7 or in the event of the termination of the license under rule 8, the stock of Methanol may be sold to any other license holder within a period of three months from the date of such termination, revocation or cancellation of the license. Thereafter, the remaining Methanol may be destroyed under the orders of the licensing authority. In the case referred to in rule 8, the proceeds of the sale, if any, shall be made over to the legal representative of the deceased license holder or his transferee or liquidator of the dissolved firm or the company or the transferee of the firm or company, as the case may be.

10. Power to inspect stock of Methanol and related registers.- Any executive Magistrate, any Drug inspector, any Excise Officer of and above the rank of Sub-Inspector of Excise, any Police Officer of and above the rank of Sub-Inspector of Police or any other officer authorised by Government may at any time visit and inspect the premises of the license- holder, and may check all the related registers. The licensee shall give all facilities to such officer to inspect Methanol and registers.

11. Storage of Methanol.- (1) Every dealer shall ensure that the storage facility at industry, ports and railway station properly constructed and maintained as per the approved plan along with the Contingency plan for safety.

(2) Every storage tank, room or building and every such receptacle shall be marked with the word 'Poison' in red letters, both in English and in the vernacular of the state.

12. Sale of Methanol.- Every sale of Methanol shall, be made by the license-holder including the sub-dealer only in person or where the license-holder is a firm or a company, through, or under the supervision of, an accredited representative of such firm or company.

13. Persons to whom Methanol may be sold.- A license-holder shall not sell any Methanol to any person, unless the purchaser is a license holder under these rules.

14. Register of stock of Methanol.- Every license-holder shall maintain a register of stock of Methanol in Form C in which he shall enter correctly the details of stock. The following details shall be entered in such register

- (a) Serial No;
- (b) Name of Poison;
- (c) Quantity of stock/purchased/imported etc;
- (d) Date of sale;
- (e) Name and address from whom purchased/imported;
- (f) Opening Balance;
- (g) Quantity Sold;
- (h) Closing Balance.

15. Register of Sale of Methanol.- (1) Every dealer or license-holder shall maintain a register in which he shall enter correctly all sales of Methanol. The following details shall be entered in such register in respect of such sale In Form D, namely:-

- (a) Serial No.,
- (b) Name of poison,
- (c) Quantity sold:
- (d) Date of sale;
- (e) Name and address of the purchaser;
- (f) Purposes for which the Methanol was stated to be required by the purchaser

- (g) Signature of purchaser (or thumb impression, if illiterate or, in the case of purchase by post, date of letter or written orders and reference to the original in the file in which it is preserved.)
- (h) Signature of person identifying the purchaser, if any (or thumb impression, if illiterate); and
- (i) Signature of vendor.

(2) The licensee shall enter all the details of day to day sale of Methanol in the Register of Sales in Form D

(3) The signature in the register prescribed under sub rule (1) shall be that of the license-holder himself, or, when the license-holder is a firm or company, that of an accredited representative of such firm or company and shall be written at the time of sale or despatch to the purchaser. Such signature shall be held to imply that the signatory had satisfied himself that the requirements of rule 14 have been fulfilled.

(4) All letters or written order referred to under item (g) of the above register shall be preserved in original by the license-holder for a period not less than two years from the date of sale.

(5) The daily balance of stock should be entered in the register in the Form C.

16. Transportation of Methanol.-1) No person shall transport Methanol without proper permit issued by the designated Officer in Form M L T in Quadruplicate.

(2) Persons transporting Methanol should ensure that it is transported to the intended destination in the designated route without any leakage and used only for proposed purpose.

(3) Methanol shall be transported in dedicated tankers and One Time Lock (OTL) shall be used and Methanol transported shall be securely packed in a closed container (according to the quantity); and every such container or receptacle shall be labelled by the Vendor with a red label bearing in English and in the Vernacular of the State showing the following particulars.-

- (i) the word 'Poison' and skull/ bone mark must be shown prominently at the top of the labels;
- (ii) Name of Poison
- (iii) the name of the vendor; and
- (iv) the address of the industry to which the Methanol is sold.

- (4) The driver, cleaner and casual labour handling Methanol shall be informed about the toxic nature of Methanol.
- (5) Suitable escort shall be provided for transportation of Methanol.
- (6) The licensee shall furnish an undertaking that he would be responsible for any misuse, diversion or violations of these Rules.
- (7) The licence-holder shall be vicariously liable for any negligence of the transporter. Any violation or misuse by the sub-dealer, the responsibility and liability shall lie on the licence-holder.

17. Enforcement and Education regarding Methanol.- (1) The enforcement and inspection of Methanol shall be under the concurrent powers of Police, Excise and Drugs Control Department.

- (2) Every dealer of Methanol shall be properly educated in order to prevent its misuse.

Form A

(See rule 4)

**Application for grant of License for /Import/Transport/
Possession/ Sale / Use of Methanol under the Karnataka
Poison(Prevention of Misuse of Methanol) Rules, 2013**

To

The Deputy Commissioner

..... **..District**

Sl No	Particulars to be provided by the Applicant	
1	Name and Address of the Applicant with Registration No of the Company/Firm/Proprietorship	
2	License No if held previously	
3	Specific purpose for which Methanol is Required	
4	Quantity of Methanol intended to be imported / transported / possessed / sold / used	
5	End product for which Methanol is intended to be used	
6	Quantity of Methanol, Applicant can possess at a time a) Quarterly b) Half Yearly c) Annually	
7	Details of Methanol utilization during the previous year	
8	License Fee/challan No etc.	

Signature of the Applicant

***Place
Date***

Form B

(See rule 5)

**License for Import/Possession/Sale /Use of Methanol under the Karnataka
Poison (Prevention of Misuse of Methanol) Rules, 2013**

License No.....

District.....

License for Import/Possession/Sale /Use Methanol is of hereby granted to M/s
.....(herein after called as the Licensee)at(hereinafter called

as the “Licensed premises”) in the Village of Taluk.
District during the year ending with subject to the following
conditions:-

1. The Licensee shall be bound by the provisions of the Karnataka Poison Prevention of Misuse of Methanol) Rules, 2013, regulations and orders issued thereunder.
2. The privilege conferred herein extends to Import/Possession/Sale/Use of Methanol as declared in the Application.
3. The licensee shall obtain Methanol only from the State Govt, recognized company/firm/Importers and such other source as the Commissioner of Excise may in special cases approve subject to such terms and conditions as he may impose in that regard. All import and transport from the sources of supply to the licensed premises should be in accordance with the provision of these rules.
4. The quantity of Methanol intended to be Imported/Possessed/Sold /Used shall not exceed as declared in Form A
5. The Licensee under these Rules shall ensure the safety of his employees and security and the licensed premises
6. No licensee shall import/possess/sell/use Methanol without addition of colouring agent as required under Rule 3 of these Rules.
7. The licensee under these Rules shall maintain daily accounts of transaction in Forms C and D

Place

Date **Seal of the Office of Deputy Commissioner Deputy Commissioner**

District

Register of Stock

Form No. C (See rule 14)

Month	Date	Opening Balance in liters	Sale Receipt		
			Details of the Sale	Quantity Sold	Closing Balance

Signature of the licensee

Register of Sales

Form D (See rule 15)

Daily Accounts of Methanol Transaction to be maintained by the Licensee under the Karnataka Poison (Prevention of Misuse of Methanol) Rules, 2013

Date	Opening Balance	Receipts		Total Opening Balance and receipts (column 2 plus column 4)	Particulars regarding Import/Possession /Sale/Use		
		From whom received	Quantity		Quantity Imported/sold/Used/Possessed/ in each transaction	Bill No. of Sale	1) License No. 2) Name and Father's name of the Purchaser/
1	2	3	4	5	6	7	8
	In liter		In liter	In liter	In liter		

Particulars regarding Import/Possession /Sale /Use		
Address of purchaser	Purpose for which required	Name and address of the authorized agent or servant making the purchase
9	10	11
In liter		

Signature of the Licensee

Form M L T
(See rule 16)

**Methanol Transport Permit under the Karnataka Poison
(Prevention of Misuse of Methanol) Rules, 2013**

M/s (Name and Address) (herein after referred to as Permittee) is hereby permitted to transport Methanol through/into state of Karnataka by the route specified below:-

1. Quantity of Methanol
2. Place from which it is lifted
3. Transport/Import Route
4. Place to which it is being Transported/Imported
5. Vehicle Registration No
6. Period of Validity of Transport/Import Permit

This Transport permit is granted under and subject to the provisions of the Karnataka Poison (Prevention of Misuse of Methanol) Rules, 2013 permitting Transportation/Import of Methanol through/in to state of Karnataka subject to the following conditions namely:-

1. Only Methanol is permitted to be transported
2. The consignment of Methanol shall be accompanied with the valid Transport permit
3. The entire quantity of Methanol shall be transported/imported in one consignment and shall not be broken during transportation
4. Methanol permitted to be transported shall not be stored/sold in any place other than the one licensed for these purposes.
5. The movement of Methanol consignment shall not be deviated from the specified route during Transportation
6. The permit holder under these Rules shall ensure the safety of the employees

Place
Commissioner

Seal of the Permit issuing Authority

the Deputy

Date

By order and in the name of
Governor of Karnataka

SIDDESH POTHALAKATTI
Under Secretary to Government
Finance Department (Excise)

