
ANDHRA PRADESH CHLORAL HYDRATE (CHLORAL) RULES, 1973

CONTENTS

1. Title, extent and commencement
2. Definitions
3. Manufacture
4. Possession
5. Sale
6. Imports
7. Export
8. Transport
9. Licence or Permit (non-transferable)
10. Effect of Transfer of business
11. Partnership in the business
12. Reporting of dissolution of any Partnership
13. Transfer of Premises of Business
14. Amendment of licence
15. Cancellation of a Licence
16. Refund of Licence fee
17. Exhibition of the licence
18. Agent inspection
19. To allow Officers to take sample etc.
20. Visit Book
21. Preservation of documents
22. Application for licence by a firm
23. Security amount
24. Alteration of Security amount
25. Agreement

ANDHRA PRADESH CHLORAL HYDRATE (CHLORAL) RULES, 1973

In exercise of the powers conferred by Section 72 read with Sections 9,10,12,13,15, 28 and 29 of Andhra Pradesh Excise Act,1968 (Andhra Pradesh Act 17 of 1968) and all other powers hereunto enabling and in supersession of all existing Rules on the Subject, the Governor of Andhra Pradesh hereby makes the following Rules, the draft of the same having been previously published as required by sub-section (1) of Section 72 of the said Act.

1. Title, extent and commencement :-

- (i) These Rules may be called the Andhra Pradesh Chloral Hydrate (Chloral) Rules, 1973.
- (ii) They shall extend to all the areas in which the Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act 17 of 1968) is in force.
- (iii) They shall come into force at once.

2. Definitions :-

In these Rules , unless the con otherwise requires :

- (a) "The Act" means the Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act 17 of 1968),
- (b) "Approved Practitioner" means
 - (i) A Medical Practitioner, registered under the Andhra Pradesh Medical Practitioners Registration Act, 1968 (A.P. Act 23 of 1968);
 - (ii) Any person who is a licenciate or an associate licenciate in the Indian Medicine of the Indian Medicine Department, Andhra Pradesh, or
 - (iii) Any qualified Medical or Veterinary Practitioner approved by the Director of Medical Services, Andhra Pradesh or the Director of Animal Husbandry, as the case may be;
- (c) *["Chloral Hydrate/Chloral"] means the substance of the Chemical Formula $C_2H_3O_2Cl_3$. Chloral is the un-hydrate form of * [chloral hydrate/chloral] but chloral very rarely exists as such, since it absorbs water and becomes *[chloral hydrate/chloral].
- (d) "Form" means a form appended to these Rules
:
- (e) "Licenced Chemist" means, a person who has obtained a licence under these Rules, for the possession and sale of chloral hydrate [Chloral] on prescription and for dispensing the drug as such or as an ingredient of a mixture for bonafide medical purpose;
- (f) "Prescription" means a prescription given by an approved practitioner for the supply of Chloral Hydrate (Chloral).

3. Manufacture :-

- (a) No person shall manufacture *[chloral hydrate/chloral] except under and in accordance with the conditions of a licence granted by

the Commissioner in Form Ch-I.

(b) The Licence fee shall be Rs.3,000-00 per annum and the licence shall be valid for the Excise year commencing from the 1st October and ending with the 30th September succeeding.

(c) The application for grant of a licence shall be in Form Ch.A and shall be accompanied by the Treasury Challan in original in proof of payment of the Licence fee and the plan of the site and building where *[chloral hydrate/chloral] is proposed to be manufactured.

(d) On receipt of an application under clause (c) the Commissioner may cause such enquiries as he may consider necessary and on being satisfied that the request is bona fide and that the applicant possesses a valid licence for the purpose under the Drugs Act,1940, he may grant the Licence in Form Ch.1 and approve the licensed premises.

(e) The manufacture of *[chloral hydrate/chloral] its storage and issue shall be under the Excise Supervision in the licensed premises.

(f) Denatured spirit shall ordinarily be supplied to the licensees. He may obtain his supply from any Distillery or from any wholesale licensee in the State. The licensee, however, is not precluded from obtaining his requirements of denatured spirit from sources situated outside the State.

(g)

(i) There shall be only one entrance to the licensed premises and one door to each of the compartments. All these doors shall be secured with Excise ticket locks during the absence of the Officer-in-Charge.;

(ii) The licensed premises shall make provisions for the following :

(1) Denatured Spirit Store room;

(2) A large room for manufacturing *[chloral hydrate/chloral]; and

(3) A room for storing finished *[chloral hydrate/chloral]

(iii) No additions or alterations shall be made in the licensed premises without the previous orders of the Commissioner of Excise.

(iv)

(1) The permanent vessels for the storage of denatured spirit and the finished preparations shall be secured with Excise Ticket Locks.

(2) All vessels intended to hold denatured spirit shall be gauged by the Officer-in-Charge. Every such vessel shall bear a distinctive serial number and its full capacity distinctly and indelibly marked on it. A record of these details shall be kept in Form Ch R-1.

(h)

(i) Consignments of a denatured spirit received shall be verified in volume and strength and receipt of such supply shall be entered in a register in Form Ch-R(i).

(ii) After the denatured spirit has been verified, it shall be stored in one or more vessels in the store room

(iii) All the denatured spirit issued shall in the presence of the Officer-in-Charge. be added without delay to other material necessary for the preparation of *[chloral hydrate/chloral].

(iv) Denatured spirit, shall not be issued from the store room for any purpose other than the manufacture of *[chloral hydrate/chloral].

(i) In case of any loss of denatured spirit, in the licensed premises, or during its transport, the Officer-in-Charge shall forthwith report to the Deputy Commissioner of Excise.

(j) As soon as *[chloral hydrate/chloral] is manufactured it shall be removed to the finished store where it shall be carefully measured or weighed and shall be stored in vessels provided for the purpose and accounted for in the register in Form CH-R 1

.

(k)

(i) A record shall be kept of all wastages or deficiencies in bulk content of the finished preparations in stores by the Officer-in-Charge in Form CH-R (ii) and a report of all such deficiencies shall be submitted by him at the end of each quarter to the Deputy Commissioner of Excise.

(ii) Any such loss in the absence of a satisfactory explanation from the licensee, shall entail cancellation of licence.

(l) The *[chloral hydrate/chloral] which is suspected to have

deteriorated in quality should be sent for chemical analysis and if it is declared to be poisonous, shall be destroyed in the presence of an Officer not lower in rank of a Deputy Commissioner of Excise.

(m) Issue of *[chloral hydrate/chloral] shall be made from the licensed premises only to the licensees or permit-holders under these rules.

4. Possession :-

(a) No person shall possess *[chloral hydrate/chloral] except under and in accordance with the terms and conditions of a licence or permit granted under these rules.

(b) *[An approved practitioner, a medical institute, a Clinic, a Veterinary Dispensary or a Drug Manufacturing] unit may apply to the Collector for grant of a licence in Form CH2 for possession and use of *[chloral hydrate/chloral] in the course of his practice or treatment which shall be accounted for. ExplanationThe expression 'for use in the course of his practice' refers only to the direct administration of *[chloral hydrate/chloral] by an approved practitioner. All other issues of *[chloral hydrate/chloral] by an approved practitioner from his Dispensary, shall amount to sale except in the case of issue free of charge to specially recognised Charitable institutions.

(c) The application shall be in Form CH-B and addressed to the Collector.

(d) The licence fee shall be Rs. 10.00 per annum and the licence shall be for the excise year commencing from 1st October and ending 30th September, succeeding.

(e) The licensee shall obtain his supplies from the holders of a licence in Form CH-1 or Form CH-3.

(f) The licensee shall maintain an accurate account in Form CH.R II and make it available for Inspector or any Officer not lower in rank of an Excise Superintendent at any time.

5. Sale :-

(a) No person shall sell *[chloral hydrate/chloral] except under and in accordance with the terms and conditions of a licence in Form CH-3 granted under these rules by the Commissioner of Excise.

(b) Any Chemist or other dealer holding a licence under the Drugs

Act,1940 (Act 23 of 1940) is eligible to the grant of a licence for the sale of *[chloral hydrate/chloral] under these rules.

(c) The application for grant of a licence shall be in Form Ch.C and shall be accompanied by a plan showing the proposed licensed premises.

(d) The licence fee shall be Rs.100-00 per annum and the licence shall be valid for the excise year commencing from the 1st October to the 30th September succeeding.

(e) The licensee shall obtain his supplies of *[chloral hydrate/chloral] from a licensee in form C.I or by import.

(f) A licensee may, subject to the conditions of his licence, sell otherwise than on prescription, *[chloral hydrate/chloral] only.

(i) to another dealer or a chemist licenced under these rules in quantities not exceeding the limits prescribed in this licence and in his licence in Form Ch.3.

(ii) to an approved practitioner, holding licence in Ch-2.

(iii) to any Medical Officer-in-Charge of a Government hospital, Local Board or a Municipal Hospital, Dispensary or Veterinary Touring Billets, for bona fide Medical purposes who hold a licence in Form Ch-2.

(g) The licensee may export *[chloral hydrate/chloral] to the licenced dealers in other States under a valid export permit granted by the Collector.

(h) The licensee shall maintain accounts in Ch.R.III which shall be open for inspection at all times by an Officer not lower in rank of an Excise Sub-Inspector.

6. Imports :-

(a) Any Holder of a licence in Form Ch.1, Ch.2 or Ch.3 desiring to import *[chloral hydrate/chloral] from outside the State shall apply to the Commissioner of Excise for granting import permit in Form Ch-4.

(b) The application for an import permit shall be in Form Ch-D and shall bear a Court fee stamp of the value of Rs.2.00.

(c) As soon as the Commissioner of Excise grants the issue of such import permit the Excise Superintendent shall issue the import

permit under his signature and seal.

(d) The import permit shall be issued in Form Ch.4 and four copies thereof shall be made. The first copy shall be kept in the record of the Excise Superintendent, issuing the permit, the Second copy shall be sent by post to the Excise authorities of the State from where the *[chloral hydrate/chloral] is to be imported or to the Collector of Custom in case the import is from abroad, the third copy shall be handed over to importer or to the person authorised by him to receive it and the fourth copy shall be sent to the Excise Officer; having jurisdiction over the place to which the *[chloral hydrate/chloral] is to be imported.

(e) Immediately after the *[chloral hydrate/chloral] covered by the import permit is received, the permit holder shall send intimation in Form Ch.E of the arrival of the *[chloral hydrate/chloral] to the Excise Officer to whom the fourth copy of the permit has been sent. On receipt of such intimation the Excise Officer shall, within three days of its receipt by him verify the consignment and append a certificate as provided therein and submit the same to the Excise Superintendent who issued the import permit and make entries in the register of the licences.

(f) After verification, the Excise Officer shall permit the sale or use of the imported *[chloral hydrate/chloral] as the case may be.

(g)

(i) The import of *[chloral hydrate/chloral] shall be from and to any particular place or premises and through the route mentioned in the import permit. The *[chloral hydrate/chloral] shall not be moved into or partly unloaded at any other place or premises other than the place mentioned in the import permit.

(ii) If the permit holder has more than one licensed premises separate import permits shall be obtained therefor.

(h) Misuse of the import permit entails the cancellation of the import permit and the licence or any other licence held by the permit holder without prejudice to the licensee being made liable for punishment under the Act.

7. Export :-

(a) Any holder of a licence for manufacture of *[chloral hydrate/chloral] in Form Ch.1, or sale in Form Ch.3, as the case

may be desiring to export *[chloral hydrate/chloral] outside the State from his licenced premises shall apply to the Collector for an export permit in Form Ch-5.

(b) The application shall be in form Ch.F. and shall bear a court fee stamp of the value of Rs.2-00.

(c) The application shall be accompanied by an import permit or no objection certificate granted by the authority of the State to which the *[chloral hydrate/chloral] is to be exported.

(d) On receipt of an application in Form Ch-F, the Collector may after such enquiry as he may consider necessary and on being satisfied that there is no objection to issue export permit applied for, grant the permit.

(e) The export permit, after it is granted by the Collector, may be issued by the Excise Superintendent under his signature and seal in Form Ch.5. The copy of the permit shall be kept in the record of the Excise Superintendent, the second copy of the export permit shall be sent by post to the Excise authorities of the State to which the *[chloral hydrate/chloral] has to be exported, the third copy shall be handed over to the applicant and the fourth copy shall be sent to the Excise Officers-in-Charge of the manufactory or the place within whose jurisdiction the licenced premises of the applicant, is situated.

(f) The export of *[chloral hydrate/chloral] shall be from and to any particular place or premises and through the route mentioned in the export permit. The *[chloral hydrate/chloral] shall not be disposed off or exported otherwise than as authorised in the export permit. If the permit holder has to export consignments to different places separate export permits shall be obtained therefor. It shall be the duty of the permit-holder to produce proof of arrival of the consignment at the place of destination and production of a certificate from the Excise Officer of the place of destination in Form Ch-G.

(g) Misuse of export permit entails the cancellation of the export permit and the licence or any other licence held by the permit-holder, without prejudice to the licensee being liable for punishment under the Act.

8. Transport :-

(a) Any holder of licence in Form CH-2 or 3 desiring to transport *[chloral hydrate/chloral] from one licenced premises to another, shall apply :

(i) in case both the licensed premises are in the same district, to the Excise Superintendent of that district ;

(ii) in case the licenced premises are in different districts, to Excise Superintendent of the district from which the *[chloral hydrate/chloral] is to be transported.;

(b) Application shall be in Form CH-H, and shall bear a Court fee stamp of the value of Rs.2.00.

(c) The Excise Superintendent concerned may after making such enquiry as he may consider necessary and on being satisfied of the bona fides of the request issue transport permit for transport for the *[chloral hydrate/chloral] in Form CH6. The first copy of the transport permit shall be kept in the record of the Excise Superintendent Office. One copy shall be sent by post to the Excise Superintendent of the district to which the *[chloral hydrate/chloral] is to be transported in case the licenced premises are in different districts; one copy shall be handed over to the applicant or to the person authorised by him to transport it and another copy shall be sent to the Excise Officer having jurisdiction over the place to which the *[chloral hydrate/chloral] is to be transported.

(d) Immediately after the consignment covered by the transport permit is received the transport permit-holder shall intimate in Form Ch-H together with Form Ch-G for purposes of certification to the Excise Officer, having jurisdiction or the Officer-in-Charge of the Warehouse, of the receipt of the consignment. On receipt of such intimation the Excise Officer concerned, shall verify the consignment and record a certificate of verification as provided therein and make entries in the register of licensee. After verification, the said Officer, shall permit the sale or use of the *[chloral hydrate/chloral] as the case may be.

(e) The transport of *[chloral hydrate/chloral], shall be from and to any particular place or premises sent through the route mentioned in the transport permit. The *[chloral hydrate/chloral] shall not be moved into or partly unloaded at any other place or premises other than that mentioned in the transport permit. If the permit-holder, has more than one licenced premises separate transport permit,

shall be obtained therefor.

(f) Mis-use of transport permit entails the cancellation of the transport permit and the licence or any other licence held by permit holder without prejudice to the licensee being made liable for punishment under the Act. Miscellaneous

9. Licence or Permit (non-transferable) :-

Every licence or permit shall be deemed to have been granted or renewed personally to the holder and no licence or permit shall be sold or transferred.

10. Effect of Transfer of business :-

Where a licensee sells or transfers his business to another person, the purchaser or the transferee shall obtain a fresh licence or permit under these rules but it shall be granted free of fee for the residual period covered by the original licence or permit.

11. Partnership in the business :-

If the Holder of licence wishes to enter into partnership in regard to the business covered by the licence he shall do so after obtaining the previous sanction of the licensing authority and his licence shall thereafter be suitably amended. Where a partnership is entered into, the partner as well as the original holder of the licence shall be bound by the conditions of that licence.

12. Reporting of dissolution of any Partnership :-

If a partnership is dissolved, every person who was a partner immediately before such dissolution shall send a report of the dissolution to the licensing authority within ten days thereof.

13. Transfer of Premises of Business :-

If during the currency of a licence the licensee desires to transfer his business to a new premises he shall intimate his intention to the licensing authority at least 15 days in advance specifying the address of the new premises and get his licence suitably amended. The licence shall, thereupon, hold good in respect of the new premises.

14. Amendment of licence :-

The licensing authority at any time call for any licence and may amend or alter it or may tender to licensee a new licence in accordance with any further conditions which may be prescribed. No correction in the licence shall be valid, unless ordered and attested by the licensing authority.

15. Cancellation of a Licence :-

(a) Any licence granted under these rules may be cancelled or withdrawn by the licensing authority from breach of the conditions thereof or of any of the provisions of the Act or these Rules.

(b) Such cancellation or withdrawal shall not be made until the holder of the licence has been given a reasonable opportunity of showing cause against the action proposed to be taken under Sections 31 and 32 of the Act.

(c) Every such order shall be in writing and shall specify the reasons for the suspension, cancellation or withdrawal and shall be communicated to the licensee.

16. Refund of Licence fee :-

If the licence applied for is refused, the licence fee paid, if any, with the application, shall be refunded.

17. Exhibition of the licence :-

Every licensee shall exhibit his licence, (or a copy thereof, duly certified) in a conspicuous part of the licenced premises.

18. Agent inspection :-

(a) The licensee shall conduct his operations under the licence either personally or by an Agent authorised in writing by him in this behalf. (b) The licenced premises and all the goods licenced to be dealt with shall, at all times, be open to the inspection by the Commissioner and any other Officer empowered by him in this behalf.

19. To allow Officers to take sample etc. :-

The licensee shall, when so required by the Excise Commissioner or by officer empowered by him in his behalf, give an explanation in writing in regard to any irregularity detected at his licenced premises and shall furnish any information regarding the management of the said premises. He shall answer all questions put to him to the best of his knowledge and belief. He shall also, if so required, allow any officer duly empowered by the Commissioner, to take samples of any of the goods he is licenced to deal in for analysis.

20. Visit Book :-

The licensee, shall provide a visit book paged and stamped by any officer empowered by the Commissioner of Excise in this behalf in

which the visiting officers may record any remarks when inspecting the licenced premises. The licensee shall on the termination of the period of the licence, deliver up the visit book, the accounts and the licence to such officer as directed by the licensing authority.

21. Preservation of documents :-

The licensee shall preserve invoices, cash memorandum, permits and other documents, relating to the consignments received and dealt with by him, for a period of one year after the year to which they may relate.

22. Application for licence by a firm :-

In the case of a firm, a true copy of the partnership deed, and if a company, a list of the Directors and Managers, as certified by the Joint Stock Companies, together with copies of Memorandum of Association, Articles of Association, and the latest balance sheet, shall be submitted with the application.

23. Security amount :-

Before granting the licence, the licensing authority shall fix the amount of security which the applicant shall be required to give for due observance of these rules and conditions of licence.

24. Alteration of Security amount :-

This security shall be furnished either in cash or fixed deposit receipts or call deposit receipts of any nationalised Banks. This security is liable to be increased or decreased by the licensing authority at any time, should it consider for any reason, that the amount so fixed is inadequate, excessive or unsuitable.

25. Agreement :-

The licensee shall execute a counter-part agreement in Form Ch.7.