

CHHATTISGARH REGULATION, PROHIBITION, SALE AND USE OF ACID ACT, 2013

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Provisions Codé Bf Criminålh(kedufe, '191.3 to apply .to_ warrants, arrests, _ searches and seizers. CHÄFTEK-•Ü MISCELLANEOUS Power of entry and in*cüon: and persons exercising power under this Act to be public servants. Protection or action taken in g«nd faith. power to defecate: Pl rutes_ Pnwet remove ditTR1"ties.m CHHATTISGARH (No. 24 of 2013) THE CHHATTISGARI•I REGULATION, PROHIBITION, SALE AND USE OF ACD ACT, 2013 n to provide ror the regulation and control of the sale, supply and distribution ot' acids in the State of Chhattisgarh and for matters connected therewith or incidental thereto. Be it enacted by the Chhattisgarh Legislature in the Six!y-fourth Year of the Republic 01' India_ as follows • 666 (11) Short title, extent and commencement. (2) CHAPITER-I PRELIMINARY This ACI may be called as lhe Chhattisgarh Regulation, Prohibition, Sale and Use orAcid Act. 2013. 11 extends to the whole State of Chhattisgåih.. 11 shall inlo force on such date as the State Government may, by notifi- cation in Ciazetle. appoiM. In this Ael. unless the context otherwise requires,— (c) (h) "acid" includes any substance which h'as acidié or corresive charac- ter or burning nature, that is capable of caUSingTbodily . int' to scars or disfigurement or temporary or pennanent disability; • •appellate authority" means an Officer or authority authorised by lhe State Government to hear appel under Section .13; "bulk quantity" means quantity may be prescribed by the State Government; "dealer" means a 0B of purchase of wids. whether as a wholesaler or retailer or distributor and whether or not in eoniuneüon with any other business and includes his agent; "distributor ' means a distributor Of agi#s or his agent or a stockist appointed by a manufacturer för stgckini his acids for sale to a means Government of Chhattisgarh • "handling" means proceæsing, treatment. packaging, S!orage, tran> ponation by vehicle, use, eollection-, déstruetioh,' conversion, offei- ing transfer-oflike acidit "licensing authority" means a licensing authority appointed under cFause (a) or Section 3; •nvanuFaeturer•• means any person who manufacturers in the State or Chhattisgarh: • 'person-in-charge" means head Df the institutori, iridustry, com- pany or firm and shall include every person who is in overall control of (he day to day business of such organisation; (k) (m) (n) (p) (q) 31 2013 "prescribed" means prescribed by rules made under this Act; "purchaser" means a person who purchases acid directly from the manufacturer or dealer of acid and stores and utilizes the acid for use under clause (p) of this Section and shall include hiS representa- tives, employees, agent or any person whom acid is handed over for use: "retailer" means a dealer carrying on the retail business of salc of acids to customers; "sale" means any transfer of acid by one person to another, for cash or for credit or by way of exchange, by a wholesaler or retailer and inchides an agreement for sale, an offer for sale and exposure for • •state" means State of Chhattisgarh; "use" means use in relation to acids, use of acid for

clinical, educational, industrial purpose including use by goldsmiths, medical, research and scientific purposes; "wholesaler" means a dealer or his agent or a stockist appointed by a manufacturer or an importer for the sale of his acids to a retailer, hospital, dispensary, medical, educational or research or any other institution purchasing quantities of acids.

CHAPTER-II Licensing Authority. Restriction on use of

RIGHTS AND DUTIES OF LICENSING AUTHORITY, MANUFACTURER, DEALER AND PURCHASER

The State Government may, by notification in the Official Gazette,— appoint such persons, being Gazetted Officers of the State Government, as it thinks fit to be the Licensing Authorities for the purposes of this Act; and define the limits within which a Licensing Authority shall exercise the and perform the duties imposed on him. by or under this No person shall use acid, as defined under this Act, for a purpose other than for clinical, industrial including use by illegal crafts and industries, medical, educational, research and scientific purposes.

dealer or manufacturer of acid—shall, after the expiry of six months from the date of the date on which he first becomes dealer or manufacturer of acid, whichever is later, store, transport, conduct or carry on the business sale of the acid, except under and in accordance with a licence obtained by the, provision of this Act and the rules made thereunder. Provided that any dealer or manufacturer having more than one retail shops whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each such retail shops.

Any dealer or manufacturer desiring to obtain a licence referred to in the last preceding, Section shall make an application in writing to the Licensing Authority in such form and manner and accompanied by such licence fee as may be prescribed by the State Government from time to time.

31 2013 On receipt of such application, the Licensing Authority shall make such inquiry as he considers necessary for the grant of licence and if the Licensing authority is satisfied, (e) that the dealer or manufacturer of acid is suitable for the proper and transportation, storage and handling of the acid in respect of which the licence has been applied for; that the applicant is to manage such shop dealing with business of acid; that the applicant has paid the prescribed licence fee; that the applicant fulfils or undertakes to fulfil such other conditions as be prescribed, from time to time by the State Government, being conditions for ensuring the proper and restricted sale of acid; and that he has not been convicted by any court of law and is of sound mind, then, the Licensing Authority may grant the licence to the applicant after completion of inspection within one month from the application and in case Licensing Authority is not so satisfied, then after giving a reasonable opportunity to the applicant of being heard and after recording a brief statement of the reasons for refusal, he may refuse to grant the licence and furnish a copy of such statement to the applicant.

666 (13) Duties of the holder of a licence.— Every licence under this Section shall be valid for the period, as may be fixed by the Government, and may, on an application made to the Licensing Authority, be renewed from time to time by the Licensing Authority for such period and on payment of such fee and on such conditions, as may be prescribed by the State Government from time to time and where the Licensing Authority refuses to renew a licence, he shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant. Provided that no order refusing to renew a licence shall be made, unless the applicant is given a reasonable opportunity of being heard.

Under a licence under this Act shall undertake to transport, store, handle and sell only such type of acids as are recorded in the form as may be prescribed by the State Government in a conspicuous manner an individual label on carton the scientific name, together with the local name, if any, of the acids at all times; maintain and submit returns or statement in such form and containing such and within such time frame, as may be prescribed.

purchaser or acid shall— purchase the acid only from the valid licence holder under this Act; not use the acid purchased other than for the purposes specified under Section 4 of this Act.

Duties of purchaser.— (d) 31 2013 'maintain a record showing details of the quantity of acid received opening stock, daily consumption and closing stock; and keep a check on the storage and handling of the acid at regular intervals.

Duty of the person— power to cancel or suspend licences. Rule 11 Private licence. 9

12. Every person-in-charge of the industry or any institution purchasing acid under this Act shall be responsible for the utilization, storage and disposal of the acid and shall comply with the provisions of Section 8.

The Licensing Authority may suspend or cancel any licence issued or renewed under this Act on any one or more of the following grounds, namely: (a) (d) (e) that he has deserted, in whole or in part, with his control over the shop or has otherwise ceased to conduct the business or hold such acid; he fails to produce without any reasonable cause such licence on demand of any officer authorized by the Licensing Authority in this behalf, that he has failed to maintain the record as prescribed;

he or she without any reasonable cause, to maintain accounts or to submit any return in accordance with the provisions of this Act or any rule made thereunder; or he fails, without reasonable cause, to comply with any of the terms and conditions of the licence or any directions lawfully given by the Licensing Authority or has contravened any of the provisions of this Act or the rules made thereunder; or on any other grounds as may be prescribed. (2) (4) The Licensing Authority may suspend the licence as an interim measure pending a final order under sub-section (1) or (2) before passing of a final order under sub-section (1). The Licensing Authority shall inform the licensee, of the grounds on which action against him is proposed and give him a reasonable opportunity of being heard. A copy of every order passed under sub-section (1) or (2) shall be communicated to the licensee forthwith and shall be affixed on outer door or some conspicuous part of the shop visible to the public. On the expiry of the period of validity specified in a licence or on receipt of an order suspending or cancelling a licence, the licensee shall return the licence to the Licensing Authority and he shall not deal with the transport, storage, handling and sale of acid thereafter. Provided that such authority may, after such expiration, suspension or cancellation, give such reasonable time, not exceeding fifteen days, to the dealer or manufacturer in order to enable him to wind up his business in acids. If a licence issued to any dealer or manufacturer is lost, destroyed or damaged, the Licensing Authority shall, on receipt of application and fee, as may be prescribed, issue a duplicate licence. 31 2013

CHAVIER-II APPEAL AND REVISION Any person aggrieved by an order of a Licensing Authority refusing to grant or renew a licence or or cancelling a licence, may appeal in such manner within such period to such Appellate Authority, as may be prescribed. Provided that the Appellate Authority may entertain the appeal on expiry of the prescribed period, if he is satisfied that there was sufficient cause for delay. On receipt of an appeal under sub-section (1), the Appellate Authority shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as he thinks fit. The State Government may on an application for Revision made to it by an aggrieved person against an order in appeal or suo moto against an order of the Licensing Authority or of Appellate Authority call for and examine the record of such case and may pass such order thereon, as it thinks fit : Provided that the State Government shall not exercise the power in this section in respect of an order against which an appeal is provided further that the State Government shall not pass any order under this section which adversely affects any person unless such person has been given a reasonable opportunity of being heard. An order passed under sub-section (1) shall be final. CHAPTER-IV OFFENCES AND PENALTIES any person contravenes any of the provisions of this Act or contravenes the provisions of any rule made thereunder, he shall be punished with imprisonment which extend upto one year or with fine which may extend upto twenty five thousand rupees or with both : Provided that any person previously convicted for an offence punishable under this sub-section and subsequently convicted of an offence punishable under this sub-section, shall be punished with imprisonment, which may extend upto two years or with fine, which may extend upto fifty thousand rupees or with both. 11 any person obstructs any officer or person in the exercise of any powers conferred or in the performance of any duty imposed on him by or under this Act, shall be punished with imprisonment, which may extend upto six months or with fine, which may extend upto twenty five thousand or with both. Where an offence under this Act has been committed by a company, every person who at the time of commission of such offence was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and shall be liable to be proceeded against and be punished under Section 15: 666 (15) Appeal. -Revision. Offences Penalties. Offences Companies. and by the Government of Chhattisgarh under the Cognizable and of Criminal Procedure, 1973 in cases of arrests, searches and seizures. (2) 31 2013 Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any member of the management or any employee of the company, such person (s) shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished under Section 15. Explanation— For the purpose of this Section— "Company" means any body corporate and includes a firm, (a) sole proprietorship or any of individuals dealing with business of acids. 17 19. No court inferior to that of a Judicial Magistrate First Class, shall try any offence punishable under this Act. Notwithstanding anything

