TAMIL NADU CHLORAL HYDRATE RULES, 1984

(G.O. M.S. No. 1160, Prohibition and Excise (VI), dated 1st September 1984)

In exercise of the powers conferred by sub-clause (iv) of clause (8) of Section 3, read with section 54 of Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X o f 1937) , the Governor of Tamil Nadu hereby ….

(a) Declares the drug "chloral hydrate "to be an intoxicating drug; (b) Makes the following rules to regulate transactions of the said drug in the State of Tamil Nadu:-----

RULES

1. **Short title. –** These rules may be called the Tamil Nadu Chloral Hydrate Rules, 1984

2. **Definition. –** In these rules, unless there is anything repugnant to the subject or context –

(a) **"Act"** means the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) :

(b) **"approved practitioner"** means –

(i) A medical practitioner registered under the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914); or

(ii) Any person who is a licentiate or an associate licentiate in Indian Medicine of the Government College of Indigenous System of Medicine ; or

(iii) Any qualified medical or veterinary practitioner approved by the commissioner of Prohibition and Excise for the purpose of these rules.

Explanation. – For the purpose of these rules, Veterinary practitioners belonging to any of the following categories are approved practitioners: -

(1) Bachelors of Veterinary Science of the Universities of Madras and Bombay; (2) Graduates of the Madras Veterinary College, Madras, Bombay Veterinary College, Bombay; Punjab Veterinary College, Hissar, Punjab; Bengal Veterinary College, Calcutta; Bihar Veterinary College, Patna; Madhya Pradesh Veterinary College, Jabalpur; College of Veterinary Science and Animal Husbandry, Mathura, Uttar Pradesh; Osmania College of Veterinary Science and Animal Husbandry, Hyderabad and Graduates of Veterinary Science, Assam Veterinary College, Assam.,

(3) Licensed Veterinary practitioners, Punjab; Members of the Royal College of Veterinary Surgeons, London; Doctors of veterinary medicine or Bachelors of Veterinary Science of Universities in countries of the commonwealth other than the United Kingdom and Doctors of Veterinary medicine or Universities in the United States of America;

(c) **"chloral hydrate"** means the substance of the chemical formula C_2H_3 and includes chloral ;

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

(e) **"licenced dealer"** means a person who has obtained a licence in Form C.L. for the possession and sale of chloral hydrate as such to the actual users or as an ingredient of a mixture; or patent or proprietary medicine and possession of chloral hydrate in pure form for use in the manufacture of drugs containing chloral hydrate ;

(f) **"Prescription"** means a prescription given by an approved practitioner for the supply of chloral hydrate, as such or as an ingredient of a mixture.

3. **Possession ;-** (1) Any person may on the authority of a prescription given by an approved practitioner; possess chloral hydrate as an ingredient of a mixture;

Provided that the mixture shall not contain more than three per cent weight / volume of chloral or any of its preparations and if the medicine is possessed on the authority of a prescription given by an approved practitioner who is a veterinary practitioner, it shall not contain more than twenty per cent weight / volume of chloral or any of its preparations.

Explanation.– The present of chloral hydrate, in Asavams and Arishtams kept for sale shall be construed as violation of this rule,

(2) As approved practitioner, other than an approved veterinary practitioner may posses for use in the course of his practice mixture or patent or proprietory medicines containing chloral hydrate not exceeding fifteen grams per month and nor chloral hydrate in its pure form while approved Veterinary practitioner may posses chloral hydrate in pure form not exceeding one hundred grams for use in the course of his practice during the said period.

Explanation. – The expression "for use in the course of his practice" means only to the direct administration of the drug by an improved practitioner. All other issued of the drug by an approved practitioner form his dispensary shall amount to sale except in the case of issue, free of charge to charitable institutions specially recognized by the Collector of the districts:

Provided further that an approved practitioner in charge of a hospital, dispensary, maternity home or veterinary hospital other than a Central or state Government, local board or municipal hospital, dispensary, maternity home may possess five hundred grams of chloral hydrate and in such manner as may be specifically authorized by the Collector in each use.

(3) A licensed dealer may possess mixtures or patent or proprietary medicines containing chloral hydrate in such quantity and in such manner its may be specified in his licence and may posses chloral hydrate in such quantity and in such manner as may be specified in his licence for use in the manufacture of drugs containing chloral hydrate.

(4) The Director, Chemical Examiner‟s Laboratory. [Madras] may posses for use not exceeding three kilograms of chloral hydrate at any one time, without a licence.

4. **Import, export and transport.-** (1) Any person may import, export or transport under permit upto one hundred gram of chloral hydrate as an ingredient of mixture or patent or proprietory medicines containing chloral hydrate not exceeding the limit prescribed in sub-rule (1) of Rule 3.

(2) An approved practitioner may import, export or transport under permit such quantity of the drug as he may lawfully posses under sub-rule (2) of Rule 3.

(3) A licensed dealer may subject to the conditions prescribed in the licence import mixtures or patent or proprietory medicines containing chloral hydrate and chloral hydrate in such quantities as may be fixed from time to time by the Collector under an Import permit issued by him. The licensed dealer may export mixtures or patent or proprietory medicines containing chloral hydrate to places outside the State of Tamil Nadu under an export permit granted by the collector, subject in such conditions as he may impose.

(4) A licensed dealer may transport mixtures or patent in proprietory medicines containing chloral hydrate obtained from another licensed dealer, to his licensed premises nor exceeding the quantity permitted under his licence, under a transport permit issued by the supplying licensee.

(5) The export, import and transport permits shall respectively, he is Forms C.X., C.I.P. and C.T.P.

5. Sale .- (1) A licensed dealer may sell mixtures or patent or proprietory medicines containing chloral hydrate.,

(i) as an ingredient of a mixture, on the authority of a prescription issued by an approved practitioner, subject ot the conditions laid down in sub-rule (1) of rule 3 :

(i) Substituted for the word "Madras" by the City of Madras (Alteration of Name Act, 1996 (Tamil Nadu Act, 28 of 1996).

(ii) to an approved practitioner other than an approved veterinary practitioner in quantities not exceeding fifteen grams per month ;

(iii) To an approved practitioner in charge of a hospital, dispensary, maternity home, veterinary hospital or touring billet, or the head of a teaching institution where higher chemistry is taught, subject in the conditions laid down in the proviso to sub-rule (2) or rule 3;

(iv) to a licensed dealer in quantities not exceeding the limit permitted under his licence.

(v) to a veterinary practitioner subject to the conditions laid down in the proviso to sub-rule (2) of rule 3

(2) No sale of the nature specified in column (1) of the Table below shall be made under clause (i) of sub-rule (1) unless the licensed dealer is also in possession of the appropriate licence under the Drugs and Cosmetics Rules, 1945, specified in column (2) thereof;

THE TABLE

Name of sale	Nature of licence required under the Drugs and Cosmetics Rules 1945
(1)	(2)
Sale as an ingredient of a mixture or patent or proprietor medicine containing chloral hydrate on the prescription of an approved practitioner.	Form 20 to operate a pharmacy.
Sale to as approved practitioner for use in his practice.	Form 20 or 20-B
Sale to an approved practitioner in charge of a hospital, dispensary, maternity home, veterinary hospital or touring billet or the head of a teaching institution where higher chemistry is taught.	Form 20 – B
Sale to another licensed dealer	Form 20 - B

NOTES

[Madhu Kashyam whether prohibited liquor : A case was filed against the petitioner for offence under Section 4(1-A) of the Prohibition Act and Rule 5 of Tamil Nadu Chloral Hydrate Rules 1984. The petitioner was selling "Madhu Kashyam"

under a valid licence granted under Drugs and Cosmetics Act, 1940 and medicinal Toilet Preparation Control Rules 1954. It was held that offence charged under Prohibition Act is not sustainable. [Somasundarum vs Inspector of Police, Prohibition Wing, Tenkasi and another [1987 L.W. (Cr) 59]]

6. **Licence . –** (1) A licence in Form C.L. may be granted by the Collector on an application to a bona fide dealer who holds a licence in Form 20 in operate a Pharmacy or Form 20-B of the Drugs and Cosmetics R acturer of drugs containing chloral

hydrate who holds a licence in Form 25, 25-A, 28 or 28-A of the Drugs and Cosmetics Rules, 1945.

(2) Every application for the grant of a licence shall contain particulars regarding the name and address of the applicant, the address of the premises where it is proposed to conduct the business, the number date and description of the licence or licences held under the Drugs and Cosmetics Rules, 1945, the quantity of chloral hydrate required for possession at a time and my other particulars relevant to the same of the licence. The applicant shall be affixed with a court fee label of the value of one rupee and shall be accompanied by a treasury receipt for rupees five only a in token of payment of the annual licence for under the head „0.39 g. State Excise Duties – f. Hemp and other Drugs – (ii) Licence Fees – Licence fees for possession and use of intoxicating drugs for medical etc. purposes". The application shall be submitted through the Tahsildar concerned.,

(3) (a) An applicant shall not be eligible for a licence if he has been convicted of an offence under the Tamil Nadu Prohibition Act, 1937, or the Drugs and Cosmetics Act, 1940, or the rules made there under, or of any cognizable or non-bailable offence.,

(b) The Collector may, by an order in writing, refuse to grant the licence is, after due-enquiry, he is satisfied that the applicant‟s personal circumstances, previous experience in the field, and the local needs do not justify the grant of a licence or that the privilege is likely to be abused. In that case the licence fee paid by the applicant shall be refunded to him.

(4) Every application for the renewal of a licence shall be made to the Collector concerned so as to reach him atleast one month before the date of expiry of the licence. The collector may also entertain the application for renewal of licence after the last date specified above but before the date of expiry of licence if he is satisfied that the licensee has sufficient cause for not filing the application in time. All the provisions relating to the grant of a licence shall, as far as may be apply to renewal also. The Collector shall in respect of the application received in time as aforesaid, either renew or reject the renewal of the licence on or before the beginning of the next licensing period. Any application received after the date of expiry of the licence shall be treated as an application for a fresh licence. The person who applied for renewal after the date of expiry of the licence shall stop his business on the date of expiry of the licence and resume it,only after he gets a fresh licence. Where an application for the renewal of the licence has been made after the last date specified above but before the date of expiry of licence and admitted by the Collector, the licensee shall pay an additional fee of 25 per cent of the prescribed licence fee and the treasury receipt in proof of the payment of the said additional fee shall vbe enclosed to the application for renewal. Where the licensee applies for renewal, the period of interval, if any, between the date of expiry of the licence and the date of receipt of orders of the Collector either renewing or rejecting the renewal of the licence shall be deemed to be period during which such licensee has held a valid licence.,

(5) The licence shall be valid for the financial year commencing from the 1st April, or the date of issue and ending with the 331st March immediately following unless otherwise stated in the licence.,

(6) The Collector may, after giving the licensee an opportunity to show cause within a reasonable time, but ordinarily exceeding fourteen days against the order proposed to be made, by an order in writing, stating the reasons therefor, cancel a licence or suspend it for such period as he thinks fit, either wholly or in part. If in his opinion the licensee has failed to comply with or committed a breach of any of the conditions of the licence or provisions of the Act or these rules. Where a licence is cancelled or suspended as aforesaid, or is not renewed after its expiry, or its renewal is

refused, the licensee shall not sell, use or otherwise dispose of any of the such of chloral hydrate or stocks containing chloral hydrate held by him at the time of such cancellation, suspension, expiry or refusal but shall abide by the orders of the Government regarding disposal of such stock by sale in auction or otherwise among the licensee or by my other method so as to enable the licensee to get the price for such stocks. Where a licence is cancelled, the balance stock of chloral hydrate shall be transferred to any Government Veterinary Hospital. If the stock of chloral hydrate or stock containing chloral hydrate is found to be unfit, the Collector may, with the prior approval of the Commissioner of Prohibition and Excise, order its destruction. The licensee shall not be entitled to claim any compensation on account of such cancellation, suspension or refusal of the licence, or destruction of stock containing chloral hydrate.,

(7) The licence shall not be sold, transferred or sub-rented or the premises changed without the previous permission of the Collector in writing. Possession and sale of chloral hydrate outside the premises mentioned in the licence and forbidden.,

Form C.Ac. and an inspection book in Form C.I.B. which shall be open for insptection at all times by any officer authorized by the Collector in this behalf.,

(9) the licensee shall be bound by the Act and these rules and by any additional general rules or conditions that may be prescribed and shall, if so required by the Collector or any officer authorized by him, deliver the licence for amendment or issue of a fresh licence.,

(10) Officers of the Police Department not below the rank of a Sub-Inspector, officers of the Revenue Administration Department not below the rank of a Revenue Inspector and Officers of the Drugs Control Administrations not below the rank of a Drugs Inspector are authorized to inspect the licences and licences premises, check the stock accounts and other records maintained under the licence, and carry out the duties and perform the functions appertaining to them under the Act and these rules. The licensee is prohibited from having any pecuniary dealings with such officers. Any

shortage or excess of stock not accounted for to the satisfaction of the Collector shall render the licence liable as cancellation under these rules and the licensee liable to prosecution under the Act.

7. Report and Saving .- (1) The Tamil Nadu Chloral Hydrate Rules, 1959 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action or proceedings taken under the 1959 rules, in so far as they are not inconsistent with the provisions of these rules, shall be deemed to have been done or taken under these rules.

FORM C.L.

[See rules 2 (e) and 6 (1) of the Tamil Nadu Chloral Hydrate Rules, 1984]

No.

District

Licence for the possession and sale of chloral hydrate or patent / proprietory medicine containing chloral hydrate by a dealer or for the manufacture of drugs containing chloral hydrate

[Sections 18 and 21 of the Tamil Nadu Prohibition Act, 1997 (Tamil Nadu Act X of 1937)

I ----------the Collector of ---------- district, hereby licence you ----------(name and address of licence) under the Tamil Nadu Chloral Hydrate Rules, 1984 to possess chloral hydrate or patent/proprietory medicines containing chloral hydrate at ----------address of the premises), subjects to the following conditions and stipulations to be observed by you (hereinafter called "the licensee"):-

CONDITIONS

1. The privilege under this licence extends to the possession and sale of chloral hydrate or patent / proprietory medicines containing chloral hydrate subject to the provisions of rule 5 or for the manufacture of drugs containing chloral hydrate.

2. All issues to a licensed dealer shall be made only under transport permit in Form C.T.P. to be issued by the supplying licensee.

3. The licensee shall not possess more than---------- of chloral hydrate or patent/proprietory medicines containing chloral hydrate at any one time during the currency of the llicence.

4. Imports or exports of chloral hydrate shall be made only under permit in Form C.I.P. or Form C.X. as the case may be granted by the Collector.

Form C.Ac. and an inspection book in Form C.I.B. and shall produce them when called upon to do so by any officer of the Police Department not below the rank of a Sub-Inspector of Police, or by any Officer of the Revenue Administration Department not below the rank o a Revenue Inspector or by any officer of the Drugs Control Administration nor below the rank of a Drugs Inspector. The accounts as well as indents, bills, invoices, permits, etc., relating to transactions under the licence shall be preserved for one year after the period covered by the licence. They shall be handed over to any of the differs mentioned above, on demand, on a receipts being given therfor. The licence is bound to give such information or statistics as may be called for from him b the Collector or by any officer authorized to inspect the licence, in connection with the working of the licence.

6. The licensee is prohibited from having any pecumiary dealing with any officer empowered to inspect the licence.

7. The licensee shall pay an annual fee of Rs.5 (rupees five only) for this licence.

Station :

Dated : *Collector of ----------District*

[See rule 6 (8) of the Tamil Nadu Chloral Hydrate Rules, 1984 and condition 5 of

Form C.L.]

Account for the possession and sale or use of chloral hydrate or patent / proprietory medicines containing chloral hydrate under licence number

[Section 21 of the Tamil Nadu Prohibition Act, 1937
(Tamil Nadu Act X of 1937)]

<table>
<tr><td>Date</td><td>Opening balance</td><td>Quantity received</td><td>Total</td><td>To whom sold, Name and batch number of preparation for the manufacture of which issued.</td></tr>
<tr><td>(1)</td><td>(2)</td><td>(3)</td><td>(4)</td><td>(5)</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="2">If on prescription names and address of the approved practitioner</td><td>Quantity sold or dispensed on each prescription</td><td rowspan="3">Closing Balance</td><td rowspan="3">Remarks</td></tr>
<tr><td colspan="2" rowspan="2">If otherwise than on prescription details of the order for supply</td><td>Quantity sold or issued otherwise than on prescription</td></tr>
<tr><td>Quantity issued for manufacture</td></tr>
<tr><td colspan="2">(6)</td><td>(7)</td><td>(8)</td><td>(9)</td></tr>
<tr><td colspan="2"></td><td></td><td></td><td></td></tr>
</table>

FORM C.X.

[See rule 4(5) of the Tamil Nadu Chloral Hydrate Rules, 1984]

No.

District :

(Permit for the export of chloral hydrate or patent / proprietory medicines containing chloral hydrate from outside the State)

[Sections 3 (6) (18) and 54(2) (a) of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937)]

Thiru _____is / are hereby permitted to export by road / rail/sea chloral hydrate or patent / proprietory medicines containing chloral hydrate (specify the quantity) from _____in this State to _____in the State of _____ subject to the following conditions :-

CONDITIONS

1. This permit shall be valid for the period from_____ to _____and shall accompany the consignment. It shall be used only once during its currency.

2. The consignment shall be exported in one lot and shall not be broken in bulk during export. It shall not be delivered or brought back into the State of Tamil Nadu after export.

3. The permit holder shall , as soon as possible (in any case within one month from the date of expiry of this permit), produce proof of the consignment having reached the destination in ---------- State.

Collector of _____*district.*

FORM C.I.P.

[See rule 4(5) of the Tamil Nadu Chloral Hydrate Rules, 1984] No.

District :

Permit for the import of chloral hydrate or patent / proprietory medicines containing chloral hydrate from outside the State

[Sections 3 (7) (18) and 54(2) (a) of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937)]

Thiru _____is / are hereby permitted to import by road / rail / sea chloral hydrate or patent / proprietory medicines containing chloral hydrate ----------(specify the quantity) from _____in----------State to _____in the State, subject to the following conditions :-

CONDITIONS

1. This permit will be valid for the period from_____ to _____and shall accompany the consignment. It shall be used only once during its currency.

2. The import shall be made in one lot and the consignment shall not be broken in bulk during import. It shall be opened in the destination only in the presence of the officer of the Revenue Administration Department authorized by the Collector to verify the consignment and shall be taken into account only after his verification..

3. The permit holder shall give prompt intimation to the officer concerned so that verification can be done expeditiously and the verification report sent to the Collector within ten days of arrival of the consignment in the place of destination.

Station : *Collector of* _____*district.*

Date :

FORM C.I.P.

[See rule 4(5) of the Tamil Nadu Chloral Hydrate Rules, 1984] No.

District :

(Permit for the transport of chloral hydrate within the State)

[Sections 3 (20) (18) and 54 (2) of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937)]

Thiru _____is / are hereby permitted to transport by road / rail / sea chloral hydrate or patent / proprietory medicines containing chloral hydrate (specify the quantity permitted) from _____to---------- subject to the following conditions :-

CONDITIONS

1. This permit will be valid for the period from_____ to _____and shall accompany the consignment. It shall be used only once during its currency.

2. The transport shall be made in one lot and shall not be broken in bulk during transport.

Signature :

Designation :

(Permit Issuing Authority.)

FORM G.I.B.:

[See rule 6(8) of the Tamil Nadu Chloral Hydrate Rules, 1984 and condition 5 of the licence]

INSPCETION BOOK

Instructions to Inspecting Officers

1. This book shall be used until completely exhausted. It shall be recovered from the licensee on the expiry of the licence and may reissued if the same licence is renewed and if pages are available for further use. Used books recovered from the licensee shall be sent to the Officer of the Tahsildar of concerned taluk where they shall be retained for a period of five years. In the event of suspension of the licence, the book shall be recovered and re-issued only after the licence is restored, and suitable remarks made in the book. If the licence is cancelled of terminated for any reason the book shall be recovered and sent to the officer of the Tahsildar concerned taluk in the same way as used books.

2. This book is divided into tour sections as follows :-

	Pages
Section I (Description of the licence)	1 to 4
Section II (Statistics) use / State	5 to 12
Revenue	13 to 20
Section III (details of punishment)	21 to 26
Section IV (remarks by Inspecting Officer)	27 to 50

3. In section I under the words “Maximum Limits”, the name of the commodity or articles licenced for sale or use shall be entered.

4. In section II relating to use / sale a separate column shall be used for each commodity dealt with under the licence and the name of the article shall be written in the space provided for in the heading above the words “ in month “ and “Upto month”

5. In the case of licences under which accounts are to be maintained in respect of the commodity licensed to be used and article manufactured from it, separate columns should be used for the commodity and the manufactured article and the name of the commodity or the manufactured article shall be entered in the space provided for in the heading.

6. The unit of measurement should be noted in the blank space below the words “In month” and “Upto month” in the heading, for example- Gls, Qrts, Pts, Gls, Qz., litres, Seers, Tolas, Pounds, Qunces, Grains, Grams, etc., and the columns shall be sub-divided suitably to enable noting of figures under each denomination.

7. In the headings of revenue particulars, the nature of revenue such as licence fee, sales tax, duty, etc., should be noted in the space provided for.

Instructions to the licensee

1. This book is the property of the Government and must be returned to the Tahsildar on the expiry of the period of the licence.

2. This book should always be kept in the licensed premises in the sale custody of the licensee or his authorized agent and should be made available to any officer empowered to inspect the licence. It should be handed over to such officer on demand on a receipt being given therefor.

3. The licensee shall promptly hand over this book to the Tahsildar in the event of suspension, cancellation or termination of the licence for any reason and at the time of expiry of the licence.

4. The remarks made in this book by inspecting officers are binding on the licensee. The licensee is prohibited from making any entry. Correction or alteration in the book except noting the remarks made by the inspecting officer.

5. The licensee shall promptly note and carry out the directions or instructions given in the book b the inspecting officer and shall produce such records or furnish such information or explanation as may be demanded of him by the inspecting officer without a separate communication being made for the same.

Explanation .- the terms "licence" and "licensee" include "authority" and "authority holder", respectively.

SECTION 1

Description of the licence

1.	Name and kind of the licence	
2.	Currency of the licence	
3.	Address of licensed premises with boundaries.	
4.	Name and address of the licence	
5.	Name of authority granting the licence and number and date of order	

Maximum limits.-

Possession at a time

Sale / Use in a month

Sale / Use in a quarter.

Sale / Use in year

Note - Score out words not applicable

SECTION II

Statistics

Year 19 month	(Name of Commodity		(Name of Commodity		(Name of Commodity		(Name of Commodity		Initial of Inspec -ting Off
	In month	Upto month	In month	Upto month	In month	Upto month	In month	Upto month	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

April. 2019
May. 2019
June. 2019
July. 2019
Aug. 2019
Sept. 2019
Oct. 2019
Nov. 2019
Dec. 2019
Jam. 2019
Feb. 2019
March 2019

Review 19 – 19

(Item of revenue)			(Item of revenue)			(Item of revenue)			Initials of Inspecting Officer
Period	Amount	Date of payment	Period	Amount	Date of payment	Period	Amount	Date of payment	
Quan-tity			Quan-tity			Quan-tity			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

SECTION III

Details of punishment, if any inflicted on the license including warnings and admonitions issued

(a) Date of offence
(b) Nature of offence
(c) Date of judgment or order
(d) By whom inflicted
(e) Number of case or order
(f) Punishment

SECTION IV

Remarks by inspection officers

Date : Remarks
