

F. No. 15011/25/2021- SC/ST-W  
Government of India  
Ministry of Home Affairs  
(Women Safety Division)

New Delhi, dated <sup>16</sup>12 August 2021

To,  
Chief Secretary  
(all States, UT of Delhi and Puducherry)

Advisors to Administrators  
(Union Territories)

**Subject: Advisory on granting exemption to industries covered under the MSIHC Rules from the provisions under the Poisons Act, 1919 -reg.**

Sir/ Madam

I am directed to state that the Poisons Act, 1919 relates to regulation of import, possession and sale of poisons in the country. As the subject of 'Drugs and poison, subject to provisions of entry 59 of List I with respect to opium' falls under the 'Concurrent list' of Seventh Schedule, respective State Governments are empowered to regulate substances under its provisions. To regulate substances/ chemicals under the said Act, States are also required to identify substances to be considered as poisons and regulated under the Act.

2. The Ministry of Home Affairs, in consultation with stakeholder Ministries/ Departments, has undertaken a review in the matter with respect to the inclusion of chemicals/ substances/acids under the Poisons Act, 1919. It is noted that many of chemicals, like hydro-chloric acid, sulphuric acid, acetic acid etc, fall under the scope of existing regulations for hazardous chemicals that are implemented by the Ministry of Environment, Forest and Climate Change (MoEFCC).

3. The MoEFCC administers the Manufacture, Storage and import of Hazardous Chemicals (MSIHC) Rules, 1989 with the objective of ensuring chemical safety in processes/ operations of industries handling hazardous chemicals. The MSIHC Rules, 1989 prescribes an illustrative list of 684 hazardous chemicals, besides the criteria for identification of 'hazardous chemicals'. The industries falling under the scope of MSIHC Rules, 1989 are defined as Major Accident Hazard (MAH) units and are regulated as per Schedule-5 of the Rules. The State Chief Inspector of Factories (CIFs), the Petroleum and Explosives Safety Organisation and respective State Pollution Control Boards/ Pollution Control Committees (SPCBs/ PCCs) are major stakeholders in regulating MAH units, besides sector specific regulators/ agencies.

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4. Apropos above, it is observed that industries that handle and use those hazardous chemicals, which also fall under the Poisons Act, 1919, are subject to duplicate regulations. It was also observed that the major stakeholders regulating the MAH units are State Authorities like State CIFs/ SPCBs/ PCCs. Similarly, the authorities concerned regulating Poisons Act, 1919 are District Authorities, which also fall under the administrative control of State Governments. Hence, there is a need to derive synergy among various authorities at State level.

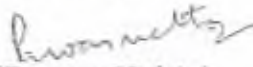
5. On a comparative basis, it is noted that the provisions of MSIHC Rules, 1989 are comprehensive from industrial safety point of view as it goes beyond the requirement of tracking and record maintaining and prescribe preparation of On-site Emergency Plans, Safety Reports, Safety Audit Reports and Mock-drills.

6. In view of the above, the State Governments are advised to have a review with respect to the scope of Poisons Act, 1919 and identify chemicals/substances/acids, which are covered in MSIHC Rules, 1989. The State Governments may consider exempting those industries from the provisions of Poisons Act, 1919, which are covered under MSIHC Rules, 1989. Further, the Poisons Act, 1919 provisions shall remain applicable, in the present form, for all other category of users, dealers, manufacturers etc.

7. The State Government are further advised to explore synergy in above-referred statutes and dovetail specific requirements of Poisons Act, 1919 into the permissions granted under MSIHC Rules, 1989. The above provision would enable the industry focus on chemical safety for identified chemicals/substances/acids and improve the ease of doing business for the industry without compromising on the safety aspects related to poisons.

8. Further, there would be no relaxation in the regulatory regime for retail sales of acids and chemicals under the Poisons Act, 1919 and Rules framed thereunder for any industry/ unit not covered under the MSIHC Rules. The States may also review and ensure that **retail sale** of acids and chemicals are strictly regulated in terms of the Poison Rules so that these are not used in crime, specifically in compliance with the Supreme Court directions in W.P (Crl) 129 of 2006 in the case of Laxmi v. UOI.

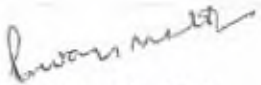
9. It is requested to kindly share details of the action taken in this regard.

  
(Pawan Mehta)

Deputy Secretary to the Govt of India  
Tel: 23075293

Copy to (N.O.O):

1. Secretary, Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers, Shastri Bhavan, New Delhi
2. Secretary, Ministry of Environment, Forests and Climate Change, Paryavaran Bhavan, New Delhi
3. Secretary, DPIIT, Ministry of Commerce and Industry, Udyog Bhavan, New Delhi

  
(Pawan Mehta)

Deputy Secretary to the Govt of India

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