

CALCIUM CARBIDE RULES, 1987

CONTENTS

CHAPTER 1 :- Preliminary

1. Short title and commencement
2. Definitions

CHAPTER 2 :- General Provisions

4. Restriction on delivery and despatch of carbide
5. Precautions against contact with water
6. Disposal of carbide if wet
7. Children and intoxicated persons
8. Prohibition of smoking, fires and lights

CHAPTER 3 :- Importation of Carbide

9. Licence for import of carbide
10. Port of Import
11. Duty of Master or a Agent in port
12. Defective Receptacles
13. Facilities to be afforded to Inspecting Officers
14. Landing of carbide
15. Removal after landing
16. Storage at Port
17. Importation by land
18. Importation by air

CHAPTER 4 :- Transportation of Carbide

19. Transportation in quantity not exceeding 5 kilogrammes
20. Transport in quantity exceeding 5 kilogrammes
21. Transport by Railway or Road
22. Transport by Passenger Train
23. Transport by water
24. Transport by Air

CHAPTER 5 :- Storage of Carbide

25. Carbide to be commercially pure
26. Licence for storage
27. Observance of safety distance from the licensed storage shed necessary
28. Construction of storage premises
29. Arrangements in storage premises

CHAPTER 6 :- Licences

30. ...
31. Period for which licences may be granted or renewed
32. Application for licence
33. Particulars of licence
34. Prior approval of specifications and plans of premises proposed to be licensed
35. Prior approval necessary for alteration in the licensed premises
36. Amendment of licence
37. Renewal of Licence
38. Refusal of licence
39. Suspension and cancellation of licence
40. Procedure on expiration, suspension or cancellation of licence
41. Appeals
42. Transfer of licence
43. Procedure on death or disability of licensee
44. Loss of licence
45. Production of licence on demand
46. Payment of fees
47. Procedure on reports of infringement
48. Executive control over authorities

CHAPTER 7 :- Notice of Accidents

49. Notice of accidents

CHAPTER 8 :- Exemption

50. Repeal and savings

SCHEDULE 1 :- FIRST SCHEDULE

SCHEDULE 2 :- SECOND SCHEDULE

CALCIUM CARBIDE RULES, 1987

In exercise of the powers conferred by Section 4 of the Petroleum Act, 1934 (30 of 1934), the Central Government hereby makes the following rules, namely :-

CHAPTER 1

Preliminary

1. Short title and commencement :-

- (1) These rules may be called the Calcium Carbide Rules, 1987.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires-

- (a) "Act" means the Petroleum Act, 1934 (30 of 1934) ;
- (b) "Carbide" means Calcium Carbide;
- (c) "Chief Controller" means the Chief Controller of Explosives ;
- (d) "Conservator of the Port" includes any person acting under the authority of the officer or body of persons appointed to be Conservator of a Port under S.7 of the Indian Ports Act, 1908 ;
- (e) "Controller of Explosives" includes a Joint Chief Controller of Explosives, Deputy Chief Controller of Explosives and Deputy Controller of Explosives;
- (f) "district authority" means-
 - (a) a Commissioner of Police or Deputy Commissioner of Police in any town having a Commissioner of Police ; and
 - (b) in any other place, the District Magistrate
- (g) "District Magistrate" includes an Additional District Magistrate and in the State of Punjab and Haryana and in the Karaikal, Mahe and Yanam areas of the Union territory of Pondicherry, also includes a Sub-divisional Magistrate;
- (h) "Form" means a Form as given in the Second Schedule;
- (i) "Inspector" means an Officer authorised by the Central Government under Sub-section (1) of Section 13 of the Act;
- (j) "prescribed receptacle" means a receptacle which-
 - (i) is made of steel or any other material approved by the Chief Controller but has no copper in its composition ;
 - (ii) is hermetically closed at all times except when its contents are being placed within it or withdrawn from it ; and
 - (iii) bears a stamped embossed, painted or printed warning exhibiting in conspicuous characters the word "Calcium Carbides- Dangerous if not kept dry" and the following caution :- "The contents of this package are liable, if brought into contact with moisture, to give off a highly inflammable gas": Provided that for the containers of carbide imported, the warning shall be according to relevant International Code.
- (k) "Sampling Officer" means an officer authorised by the Central Government under sub-section (1) of Section 14 of the Act.

CHAPTER 2

General Provisions

4. Restriction on delivery and despatch of carbide :-

No person shall deliver or despatch any carbide to any person other than the holder of a storage licence or his authorised agent or a port authority or a railway administration : Provided that nothing in this rule shall apply to the delivery or despatch to any person of Carbide in quantities which are permitted by Rule 26 to be stored without a licence.

5. Precautions against contact with water :-

Every reasonable precaution shall be taken to prevent carbide coming into contact with water, and where such contact may have occurred, to prevent ignition of the gas.

6. Disposal of carbide if wet :-

If any carbide becomes wet and the receptacle becomes hot it shall be destroyed by being submerged in deep water. If deep water is not available, the wet carbide, shall be spread out in the open in an isolated place, and all precautions shall be taken to prevent any fire or artificial light or article capable of igniting acetylene being brought near until the material has given off its gas and the surrounding area has become free of gas. Note :-The fact of carbide having become wet, will be indicated by the outward appearance of the drum, and probably by a disagreeable odour, showing a leakage of gas.

7. Children and intoxicated persons :-

No person shall employ or allow-

- (i) any child under eighteen years of age ; or
- (ii) any person who is in a state of intoxication-
- (a) for the purpose of loading, unloading or transport of carbide ; or
- {b) to enter any premises licensed under these rules.

8. Prohibition of smoking, fires and lights :-

No person shall smoke, and no fires, artificial lights or articles capable of igniting acetylene shall be permitted-

- (a) at any time within or near the place where carbide is stored;
- (b) near a vehicle or vessel transporting carbide.

CHAPTER 3

Importation of Carbide

9. Licence for import of carbide :-

Carbide, other than carbide which may be possessed without a licence under Rule 26, shall not be imported except under a licence granted under these rules.

10. Port of Import :-

Carbide shall not be imported except at the ports of- Bombay Calcutta Cochin Tuticorin Kandia Madras Mangalore Port Blair Visakhapatnam.

11. Duty of Master or a Agent in port :-

(1) The master or the Agent of the owner of every vessel arriving at any port and carrying carbide shall, on entering the port and before landing any cargo, declare in writing to the Collector of Customs and also to the Conservator of the Port the quantity and description of the carbide carried by it.

(2) The master shall moor the vessel at such place as the Conservator of the port may direct and while any carbide remains on board, the master shall not, except for the purpose of proceedings to sea, remove the vessel without the written permission of the Conservator of the Port.

(3) The master shall ensure that the hold of every vessel bringing carbide into port shall be efficiently ventilated from the time the vessel enters the port until all the carbide on board has been discharged or until the vessel has left the port.

12. Defective Receptacles :-

The Collector of Customs may require that any receptacle containing carbide which does not satisfy the requirements of Rule 3 or which is defective shall be submerged in deep water under the direction of the Conservator of the port, without compensation to the consignees.

13. Facilities to be afforded to Inspecting Officers :-

The master or the agent of the owner of any vessel in port with carbide on board shall, when so required by the Collector of Customs or by the Conservator of port or by an Inspector or Sampling Officer, show to such officer all carbide under his control or on board, and shall afford every reasonable facility to enable such officer to inspect such carbide so as to ascertain whether the provisions of these rules are duly observed and to take samples free of charge, if such officer so desires.

14. Landing of carbide :-

(1) Carbide shall be landed only with the permission of the Collector of Customs and at such place or places as the Conservator of the Port may direct.

(2) Carbide shall be landed only between sunrise and sunset.

15. Removal after landing :-

All carbide landed from any vessel shall be removed without unnecessary delay to a licensed premises, and if conveyed by water shall be conveyed only in an open barge certified as suitable for the conveyance of carbide by the Conservator of the Port.

16. Storage at Port :-

Notwithstanding anything contained in Rule 15, carbide, if it cannot be removed immediately from the port may be stored in the port in a separate godown away from other buildings.

17. Importation by land :-

¹ .-No person shall import carbide by land save with the previous sanction in each case of the Central Government and subject to the following conditions, namely :-

- (i) that the carbide is carried in prescribed receptacles ;
- (ii) that all reasonable precautions are taken to prevent carbide coming into contact with water or metals like copper and silver during importation;

(iii) that after carbide is landed, it is removed to a licensed storage premises without delay.

1. Substituted for " 17 . Importation by land.-No person shall import carbide by land save with the previous sanction in each case of the Central Government and under such conditions and restrictions as it may impose in consultation with the Chief Controller. ", vide " THE CALCIUM CARBIDE RULES, 1987" Dt.2nd March, 1990 Published in Ministry of Industry (Department of Industrial Development), Noti.No. G.S.R. 109(E), dated February 28, 1990, published in the Gazette India, Extra., Part II, Section 3(i), dated 2nd March, 1990, pp. 2-3 [No. 21(3)/87-DPR/EGGS] [C] [L]

18. Importation by air :-

¹ .-No person shall import carbide by air save with the previous sanction in each case of the Central Government and subject to the following conditions, namely :-

(i) that the carbide is carried in prescribed receptacles ;

(ii) that all reasonable precautions are taken to prevent carbide coming into contact with water or metals like copper and silver during importation;

(iii) that after carbide is landed, it is removed to a licensed storage premises without delay.

1. Substituted for " 18 . Importation by Air.--No person shall import carbide by air save with the previous sanction in each case of the Central Government and under such conditions and restrictions and on payment of such fees as it may impose and in such quantities and manners as may be allowed by the Director General, Civil Aviation. ", vide " THE CALCIUM CARBIDE RULES, 1987" Dt.2nd March, 1990 Published in Ministry of Industry (Department of Industrial Development), Noti. No. G.S.R. 109(E), dated February 28, 1990, published in the Gazette India, Extra., Part II, Section 3(i), dated 2nd March, 1990, pp. 2-3 [No. 21(3)/87-DPR/EGGS] [C] [L]

CHAPTER 4

Transportation of Carbide

19. Transportation in quantity not exceeding 5 kilogrammes :-

Carbide transported in any quantity not exceeding 5 kilogrammes shall be packed in prescribed receptacles and each receptacle containing not more than 1 kilogramme.

20. Transport in quantity exceeding 5 kilogrammes :-

Carbide in quantity exceeding 5 kilogrammes shall not be transported except under the following conditions, namely :-

(a) Carbide shall be carried in prescribed receptacles, no receptacle shall be capable of containing more than 100 kilogrammes of carbide; and

{b) the carbide shall not be deposited at any time during transit in any building other than a building licensed for the storage of carbide under these rules : ¹ ["Provided that the Chief Controller may permit transport of carbide and receptacles capable of containing more than 100 kilograms specifically approved by him to the effect that such receptacles are suitably designed and tested to safely carry the load and to prevent ingress of water."] Provided further that carbide so transported is meant for directly chart- ing into an acetylene generator and not for repacking into any other receptacle.

1. Substituted for "Provided that the Chief Controller may permit transport of carbide in receptacles capable of containing more than 100 kilogrammes specifically approved by him for the purpose and under such condition that he may prescribe in this behalf: ", vide " THE CALCIUM CARBIDE RULES, 1987" Dt.2nd March, 1990 Published in Ministry of Industry (Department of Industrial Development), Noti. No. G.S.R. 109(E), dated February 28, 1990, published in the Gazette India, Extra., Part II, Section 3(i), dated 2nd March, 1990, pp. 2-3 [No. 21(3)/87-DPR/EGGS] [C] [L]

21. Transport by Railway or Road :-

(1) Carbide while in the custody of railway administration or a road transport agency for transport, shall not be stored in any goods shed with other materials but shall be stacked in the open under water-proof sheets and shall be so placed as to prevent any receptacle containing it from becoming wet.

(2) Where the carbide is conveyed by rail it shall be subject to all the regulations which may from time to time be prescribed generally or specially in that behalf by the railway administration.

22. Transport by Passenger Train :-

Where carbide is transported by passenger train-

(i) the quantity carried by any one train shall not exceed 250 kilo- grammes ;

(ii) the carbide shall be carried in brake van of the train ;

(iii) no naked lamp or other artificial light capable of igniting inflamma- ble gas shall be taken into a van containing carbide ; and

(iv) the van shall be well ventilated and as far as possible is water- tight.

23. Transport by water :-

Where carbide is conveyed by water it shall be packed and stored in accordance with the regulations contained in the Merchant Shipping Carriage of Dangerous Goods Rules, 1978.

24. Transport by Air :-

Carbide may be transported by air in such quantities and in such a manner as may be allowed by the Director General) Civil Aviation.

CHAPTER 5

Storage of Carbide

25. Carbide to be commercially pure :-

No carbide shall be kept at any place with or without a licence unless it is "commercially pure" that is, unless it contains no impurities which would render the gas evolved either alone or in admixture with air, liable to ignite spontaneously and the gas evolved shall comply with the requirements given in specification for calcium carbide, technical, IS: 1040.

26. Licence for storage :-

No person shall store any carbide except under a licence granted under these rules : Provided that no licence shall be required for storage of carbide-

(a) in any quantity not exceeding five .kilogrammes if it is kept in prescribed receptacles each containing not more than one kilo- gramme ;

(b) in any quantity exceeding five kilogrammes but not exceeding two hundred kilogrammes subject to the following conditions namely:-

(i) the receptacles shall be stored in a dry and well ventilated storage shed, which may form a part of or attached to a building provided that it is separated therefrom by a sub- stantial partition and the only means of access to it is from outside air;

(ii) due precautions sha.ll be taken to prevent unauthorised persons from having access to the receptacles;

(iii) the receptacles shall be kept securely closed except while taking out carbide therefrom;

(c) temporarily within port limits under such conditions as the Conservator of the port may specify;

{d} while in transit under the custody of railway administration or road transport agency;

(e) in the possession of the Defence Forces of the Union.

27. Observance of safety distance from the licensed storage shed necessary :-

(1) Carbide shall be stored-

(a) if in quantities aggregating more than 200 kilogrammes but not exceeding 500 kilogrammes in a suitable uninhabited building at Icait 3 meters away from any other premises ;

{b} if in quantities aggregating more than 500 kilogrammes and not more than, 5000 kilogrammes in a suitable uninhabited building at least 6 metres away from any other premises ;

(c) if in quantities aggregating more than 5000 kilogrammes) in a suitable uninhabited building at least 9 metres away from any other premises;

(2) Not more than 1000 metric tonnes of carbide shall be stored in any one building, provided that not more than 250 metric tonnes of carbide is stored in any one room or other part of the building.

(3) A carbide storage shed may also form a part of, or attached to an Acetylene plant provided that it is separated from other portions of the plant by substantial partition and the entire building including the carbide storage shed, observes a safety distance of 15 metres from any other premises : Provided that the Chief Controller may allow the storage shed at a distance of less than 15 metres in the ca.se of Acetylene plants which have been under operation before these rules have come into force and under such conditions as he may specify.

(4) Every building storing carbide shall be surrounded by a wall or fence of at least 1.8 metres high to prevent unauthorised persons having access to the shed and are enclosed by such wall or fence shall cover the safely zone required to be kept clear.

28. Construction of storage premises :-

Every premises for storage of carbide shall-

(a) be constructed of non-flammable material with cemented floor raised at least 30 centimetres from the surrounding ground level ;

(b) be well ventilated both near the ceiling and the floor to the satisfaction of the licensing authority. The ventilator openings shall be covered with two layers of galvanised iron or other non- corroding metal wire gauge having no copper and of mesh not less than 11 per linear centimetre;

(c) be water tight ;

(d) be of sufficient capacity so as to conveniently accommodate the quantity of carbide proposed to be stored, leaving a gangway space of at least 60 centimetres around the stack.

Note:-The floor area for storage of carbide may be calculated at the rate of 2 SQM/Tonne, provided that stack

height is limited to 2M and height of the storage shed is not less than 3M.

29. Arrangements in storage premises :-

Carbide receptacles shall be mostly stacked on racks or trestles or on a raised platform inside the storage premises, at least 30 centimetres above the inner floor level. ¹

(1) Grant of licence.-Licences under that rules may he granted by the licensing authorities set forth in the First Schedule in the Forms specified for the purpose and on payment of a fee specified therein.

2

(2) The licensing authority shall grant licence under sub-rule (1) within a period of three months from the date of the receipt of documents duly completed for grant of licence under this Chapter.

1. Section-30 renumbered as sub-section(1) of section-29 by the Calcium Carbide (Amendment) Rules, 1989 dated 2nd March, 1990

2. Inserted after sub-section(1) as so renumbered of section 29 by the Calcium Carbide (Amendment) Rules, 1989 dated 2nd March, 1990

CHAPTER 6

Licences

30. . :-

31. Period for which licences may be granted or renewed :-

(1) Every licence granted or renewed under these rules shall remain in force until the 31st day of December of the year upto which the licence is granted or renewed subject to a maximum of three years.

(2) Notwithstanding anything contained in sub-rule (1), the licensing authority where it is satisfied that a licence is required for a specific work of festival which is not likely to last upto the 31st day of December of the year for which the licence is granted or renewed, may grant or renew a licence for such period as is actually necessary.

32. Application for licence :-

A person wishing to obtain a licence under these rules shall submit an application in Form I to the authority empowered to grant such a licence.

33. Particulars of licence :-

(1) Every licence granted under these rules shall be held subject to the conditions specified therein and shall contain all the particulars which are contained in the form specified under these rules.

(2) One copy of the plan or plans for the licensed premises signed in token of approval by the licensing authority shall be attached to the licence which shall form part of such licence, and an identical copy shall be filed for record in the office of the licensing authority.

34. Prior approval of specifications and plans of premises proposed to be licensed :-

(1) Every person desiring to obtain a licence to import and store carbide in Form II, Form III or Form IV, as the case may be, shall submit to the licensing authority an application along with-

(a) Specification and plans drawn to scale in duplicate clearly indicating-

(i) the manner in which the provisions prescribed under these rules shall be complied with,

(ii) the premises proposed to be licensed, the area of which shall be distinctly or otherwise marked ;

(iii) the surrounding and all premises, roads etc. lying within 50 metres of the edge of the shed which is proposed to be licensed;

(iv) the position, details of construction and ground and elevation views of storage shed.

(b) a scrutiny fee of Rs. 10 paid in the manner specified in Rule 46.

(2) If the licensing authority after scrutiny of the specification and plans and after making such enquiries as he deems fit, is satisfied that carbide may be stored in the premises proposed to be licensed, he shall return to the applicant one copy each of the specifications and plans signed by him convey- ing his sanction subject to such conditions a_ he may specify.

35. Prior approval necessary for alteration in the licensed pre- mises :-

(1) No alteration shall be carried out in the licensed premises until a plan or plans showing such alteration has been approved in writing by the licensing authority.

(2) A person wishing to carry out any alteration in the licensed premises, shall submit to the licensing authority,-

(a) three copies of a properly drawn plan of the licensed premises showing distinct colour or colours the proposed alterations and the reasons therefor.

(b) a fee of Rs. 10 for scrutiny of the proposed alteration.

(3) If the licensing authority, after scrutiny of the plan showing the proposed alteration and after making such

enquiries as he deems fit, is satisfied that the proposed alteration may be carried out he shall return to the licensee one copy of the plan signed by him and conveying his sanction subject to such conditions as he may specify.

(4) The holder of the licence shall apply to the licensing authority for the amendment of the licence as soon as the sanction for alteration has been carried out.

36. Amendment of licence :-

(1) Any licence granted under these rules may be amended by the authority empowered to grant such a licence.

(2) The fee for amendment of the licence shall be Rs. 10 plus the amount, if any, by which the fee that would have been payable if the licence had originally been issued in the amended form exceeds the fee originally paid by the licensee.

(3) The licensee who desires to have his licence amended shall submit to the licensing authority :-

(i) an application duly filled in and signed in Form I ;

(ii) the licence sought to be amended together with the approved plan attached to it;

(iii) where any alteration in the licensed premises has been carried out, three copies of the properly drawn plans showing the alterations sanctioned under Rule 35 by the licensing authority ;

(iv) fee for amendment of the licence as specified in sub-rule (2) -

37. Renewal of Licence :-

(1) The licence may be renewed by the licensing authority empowered to grant such a licence : Provided that a licence which has been granted by the Chief Controller may be renewed without alteration by the Controller of Explosives duly authorised by the Chief Controller.

(2) Every licence granted under these rules may be renewable for three calendar years where there has been no contravention of the Act or of the rules framed thereunder or of any condition of the licence so renewed.

(3) Where a licence which has been renewed for more than one year is surrendered before its expiry, the renewal fee paid for the unexpired portion of the licence shall be refunded to the licensee provided that no refund of renewal fee shall be made for any calendar year during which-

(a) the licensing authority receives the renewed licence for surrender or

(b) any carbide is received or stored on the authority of the licence.

(4) Every application under sub-rule (2) shall be made in Form I and shall be accompanied by the licence which is to be renewed together with approved plans attached to the licence and the renewal fee.

(5) Every application for the renewal of the licence shall be made so as to reach the licensing authority at least 30 days before the date on which it expires, and if the application is so made, the licence shall be deemed to be in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.

(6) Where the renewal of the licence is refused, fee paid for the renewal shall be refunded to the licensee after deducting therefrom the proportionate fee for the period beginning from the date from which the licence was to be renewed upto the date on which renewal thereof is refused.

(7) The same fee shall be charged for the renewal of the licence for each calendar year as for the grant thereof: Provided that:-

(i) if the application with the accompaniments required under sub-rule (4) is not received within the time specified in sub-rule (5), the licence shall be renewed only on payment of a fee amounting to twice the fee ordinarily payable;

(ii) if such an application with accompaniments is received by the licensing authority after the date of expiry but not later than 30 days from the date of expiry, the licence may without prejudice to any other action that may be taken in this behalf, be renewed on payment of twice the fee ordinarily payable : Provided further that in the case of an application for the renewal of the licence for a period of more than one calendar year at a time, the fee prescribed under clause (i) or (ii) of the first proviso, if payable, shall be paid only for the first calendar year of the renewal.

38. Refusal of licence :-

Licensing authority refusing to grant, amend, renew or transfer the licence, shall record his reasons for such refusal in writing.

39. Suspension and cancellation of licence :-

(1) Every licence granted under these rules shall-

(i) stand cancelled, if the licensee ceases to have any right to the site for storing carbide;

(ii) be liable to be suspended or cancelled by an order of the licensing authority for any contravention of the Act or of any rule made thereunder or of any condition contained in such licence, or by order of the Central Government, if

it is satisfied that there are sufficient grounds for doing so : Provided that-

(a) before suspending or cancelling a licence under this rule the holder of the licence shall be given an opportunity of being heard;

(b) the maximum period of suspension shall not exceed three months; and

(c) the suspension of a licence shall not debar the holder of the licence from applying for its renewal in accordance with the provisions of Rule 37.

(2) Notwithstanding any thing in sub-rule (1), an opportunity of being heard may not be given to the holder of a licence before his licence is suspended or cancelled in cases-

(a) where the licence is suspended by a licensing authority as an interim measure for violation of any of the provisions of the Act or these rules, or of any conditions contained in such licence and in his opinion such violation is likely to cause imminent danger to the public: Provided that where a licence is so suspended, the licensing authority shall give the holder of the licence an opportunity of being heard before the order of suspension is confirmed ;

(b) Where the licence is suspended or cancelled by the Central Government if the Government considers that in public interest or in the interest of the security of the State such opportunity should not be given.

(3) A licensing Authority or the Central Government suspending or cancelling a licence under sub-rule (1) shall record its reasons for so doing in writing.

40. Procedure on expiration, suspension or cancellation of licence :-

(1) A person licensed to store carbide shall, on the expiration, suspension or cancellation of his licence, forthwith give notice to the District Authority of the quantity of carbide in his possession and shall comply with any directions which the District Authority may, on the recommendation of the Chief Controller, give in regard to its disposal.

(2) The District Authority may grant for a term not exceeding three months from the date of expiration, suspension or cancellation, as the case may be, a temporary licence for the storage of carbide actually held at the time of the issue of the temporary licence : Provided that:-

(a) where the expired, suspended or cancelled licence was granted by an authority, other than the District Authority, no temporary licence shall be granted without previous consent of such other authority;

(b) the fee chargeable on a licence granted under sub-rule (2) shall bear the same proportion to the fee charged on the expired or cancelled or suspended licence as the period covered by the temporary licence bears to a full year.

41. Appeals :-

(1) An appeal shall lie against any order cancelling or refusing to grant, amend or renew a licence or cancelling or suspending a licence to-

(i) the Central Government, where an order is passed by the Chief Controller;

(ii) the Chief Controller, if the order is passed by the Controller of Explosives;

(iii) the immediate official superior to the District Authority, if the order is passed by the District Authority.

(2) Every appeal shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within 60 days of the order passed.

42. Transfer of licence :-

(1) The holder of a licence may at any time before the expiry of the licence, apply to the licensing authority to transfer the licence to another person.

(2) Every application for the transfer of a licence shall be accompanied by

(i) a letter signed by the holder of the licence indicating the full name and postal address of the person to whom he wishes to transfer the licence and complete possession of licensed premises

(ii) the licence sought to be transferred together with approved plan or plans attached to it;

(iii) an application in Form I duly filled in and signed by person to whom the licence is sought to be transferred ;

(iv) a fee of Rs. 10 paid in the manner specified in Rule 46.

(3) The licensing authority on receipt of the documents and fee required under sub-rule (2) shall, if he approves the transfer, enter upon the licence under his signature, an endorsement to the effect that licence has been transferred to the person so named.

(4) The person to whom the licence is so transferred shall enjoy the same powers and be subject to the same obligations under the licence as the original licensee.

43. Procedure on death or disability of licensee :-

(1) If a licensee dies or becomes insolvent or mentally incapable or is otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or confiscation under the Act or these rules for exercising the powers granted to the licensee during such time as may reasonably be required to allow him to make an application for a new licence in his own name for the unexpired portion of the original licence in respect of the year in which the licensee dies or become insolvent or mentally incapable or is otherwise disabled: Provided that nothing in this sub-rule shall be deemed to authorise the exercise of any power under this sub-rule by any person after the expiry of the period of the licence.

(2) A fee of Rs. 10 shall be charged for a new licence for the unexpired portion of the original licence granted to any person applying for it under this rule.

44. Loss of licence :-

Where a licence granted under these rules is defaced, lost, destroyed or otherwise rendered useless, a duplicate may be granted on submission of a copy of the plan or plans identical with those attached to the licence and on payment of a fee of Rs. 10.

45. Production of licence on demand :-

(1) Every person holding or acting under a licence granted under these rules shall produce it, or an authenticated copy of it, at the place to which the licence applies, when called upon to do so by any Inspector.

(2) Copies of any licence may, for the purpose of this rule, be authenticated by the authority which granted the licence on payment of a fee of Rs. 10 for each authenticated copy.

46. Payment of fees :-

All fees payable under these rules shall be paid in the following manner-

(1) Fees by crossed demand draft payable at Nagpur on any Nationalised Bank drawn in favour of an officer nominated by the Chief Controller of Explosives in the Department of Explosives, Nagpur, and in cases where amount payable does not exceed Rs. 100 the payment may be made by cash, postal order or cheque drawn on any local nationalised bank.

(2) Fees payable to the Controller of Explosives shall be paid by a crossed demand draft on any nationalised bank drawn in favour of the Controller of Explosives to whom the payment is made, payable at the station where his office is located and in cases where the amount payable does not exceed Rs. 100, the payment may be made by cash, postal order or cheque drawn on any local nationalised bank.

47. Procedure on reports of infringement :-

The District Authority shall inform the Controller of action taken by him on any report of infringements of the Act or of these rules which the said Controller of Explosives or the Chief Controller may make to him.

48. Executive control over authorities :-

Every authority other than the Central Government acting under this Chapter shall perform its duties subject to the control of the Central Government : Provided that nothing in this rule shall be deemed to affect the powers of executive control of the Chief Controller over the officers subordinate to him.

CHAPTER 7

Notice of Accidents

49. Notice of accidents :-

(1) The notice of an accident under Section 27 of the Act shall be given forthwith :

(a) in case of the notice given to the Chief Controller by an Express telegram (Telegraphic Address: Explosives, Nagpur) followed within 24 hours by a letter giving particulars of the accident; and

(b) by a quickest means of communication to the nearest Magistrate or to the officer-in-charge of the Police Station having jurisdiction.

(2) Pending the visit of the Chief Controller or his representative or until instructions are received from these authorities that he does not wish any further investigation or inquiry to be made, all wreckage and debris shall be left untouched except in so far as its removal may be necessary for the rescue of persons injured and recovery of the bodies of any persons killed by the accident or in the case of railways, for the restoration of through communication.

CHAPTER 8

Exemption

50. Repeal and savings :-

(1) The Carbide of Calcium Rules, 1937 are hereby repealed.

(2) Notwithstanding such repeal-

(i) all licenses or duplicates granted or renewed under the said rules and all fees imposed or levied shall be deemed to have been granted, renewed, imposed or levied, as the case may be, under the corresponding provisions of these rules.

(ii) all approvals given and all powers conferred by or under any notification or rule shall, so far as they are consistent with the provisions of the Act and these rules, be deemed to have been given or conferred by or under these rules.

SCHEDULE 1

FIRST SCHEDULE

Licences (See Rule 30)	Article
Form of Purpose for which granted Authority em- Fees No. licence powered to \ (see grant licence \ \Second \ \Schedule)	
car- District Autho- Rs. 25 for every calendar bide in quantity not rity year or part thereof. exceeding 500 kgs. at any one time. 2. III To import and store car- Controller of Rs. 25 for the first 500 kgs. bide in quantity exceed- Explosives plus Rs. 10 for every ing 500 kgs. at a one additional 500 kgs, or time. part thereof, subject to maximum of Rs. 1500 per calendar year or part thereof. 3. IV To import and stor	1. II To import and sto
car- Chief Control- As given in Article 2. bide in a storage shed forming part of an acetylene plant.	

SCHEDULE 2

SECOND SCHEDULE