

Chapter-8

The Poisons Act-1919

Poisons Act-1919: Introduction, objective, definition, possession, possession for sales and sale of any poison, import of poisons

Introduction of Poisons Act-1919:

The Poison Act was first passed in 1904. But, the rules under it were not sufficient to control the trafficking of Poisons.

- The United Provinces (now Uttar Pradesh) government in 1910 as well as 1914 proposed some radical amendments to make it more effective.
- This view was supported by many local governments.
- Thus, Poisons Act of 1904 was replaced by Poisons Act, 1919.
- It is implemented in whole of India except Jammu & Kashmir.
- The act required that certain poisons be labeled and sold only by licensed dealers, and established penalties for the illegal sale or possession of poisons.
- The Poisons Act, 1919 was passed with a view to control the Import, Possession & Sale of poisons.

According to this act, Central govt is authorized to regulate import of poisons and State govt. is authorized to regulate, possession, possession for sale and sale of poisons within their respective areas.

The act is administered by the Central Drugs Standard Control Organization (CDSCO) under the Ministry of Health and Family Welfare, Government of India. The act is enforced by the State Drugs Control Departments.

Objective of Poisons Act-1919:

The Poisons Act 1919 in India had the following objectives:

- To regulate the sale and possession of poisons in the country and to prevent the illegal use of these substances.
- To ensure that certain poisons are labeled and sold only by licensed dealers, in order to protect the public from the dangerous effects of toxic substances.
- To establish penalties for the illegal sale or possession of poisons, as a deterrent against such activities.
- To require that a register be kept of all poisons sold, including the name and address of the purchaser, in order to track the sale and use of these substances.
- To protect the public from the dangerous effects of toxic substances and to prevent the misuse of poisons.
- To provide for the regulation of the manufacture, stock, sale, and use of certain drugs and cosmetics.

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- To provide penalties for contraventions of its provisions and to ensure compliance with the act.
- To ensure that the act is enforced by the State Drugs Control Departments and is administered by the Central Drugs Standard Control Organization (CDSCO) under the Ministry of Health and Family Welfare, Government of India.

Definition of Poisons Act-1919:

- Poison" - The act defined a poison as any substance which, if used or applied in a certain way, would be likely to cause death, injury or damage to health.
- The act refers to the Pharmacy and Poisons Act 1933, and the Poisons List. Non-medical poisons are divided into two separate lists. List one substances may only be sold by a registered Pharmacist, and list two substances may be sold by a registered pharmacist or a licensed retailer.

Possession for sale:

- Possession refers to the act of having control over or owning something. In legal terms, possession can refer to physical possession of an object, such as a piece of property or a weapon, or to constructive possession, which means that an individual has control or authority over something, even if they do not physically have it in their possession.
- In the context of the Poisons Act 1919 in India, possession would refer to an individual or organization having physical or constructive control over a poison, regardless of whether they own it or not.

Power of the State Government to regulate possession for sale and sale of any poison

- The State Government may by rule regulate within the whole or any part of the territories under its administration the possession for sale and the sale, whether wholesale or retail, of any specified poison.
 - a) The grant of licences to possess any specified poison for sale, wholesale or retail, and fixing of the fee (if any) to be charged for such licences
 - b) The classes of persons to whom alone such licences may be granted
 - c) The classes of persons to whom alone any such poison may be sold
 - d) The maximum quantity of any such poison which may be sold to any one person
 - e) The maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same
 - f) The safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale
 - g) The inspection and examination of any such poison when possessed for sale by any such vendor.

Possession of any poison:

- The State Govt. has the power to make rules regarding the possession of any specified poison in the local area where such poison can be used for murders or for Poisoning cattle and in the local area where such occurrences are very frequent.
- Any break of this is punishable with imprisonment up to 1 yr, or with a fine up to Rs. 1000/- or with both, together with confiscation of the poison in respect of which the breach has been committed.

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Import of Poisons

- Import of specified poison is allowed only under and in accordance with the conditions of a license, the central government may regulate the grant of such licenses.

Offences & Penalties in the Poison Act 1919

- Unlawful possession for sale and sale of poison.
- Importation without a license of any poison the importation of which is for the time being restricted by central govt.
- Breach of any condition of a license for the importation of any poison granted to him are punishable.
- With the imprisonment up to 3 months or with a fine up to Rs. 500/- or with both, on a first conviction, and
- With imprisonment up to 6 months or with a fine up to Rs. 1000/- or with both, on a second or subsequent conviction.