Annexure B

THE POISONS ACT, 1919

(Act No. 12 of 1919)

[3rd September 1919]

An Act to consolidate and amend the law regulating the importation, possession and sale of poisons

Whereas it is expedient to consolidate and amend the law regulating the importation,

1. Short title and extent. -

(1) This Act may be called the Poisons Act, 1919.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to the-importation into India of any specified poison.

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

(1) 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.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(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 possession for sale; and

(g) The inspection and examination of any such poison when possessed for sale by any such vendor.

3. Power to prohibit Importation Into India of any poison except under licence. -The Central Government may, by notification in the Official Gazette, prohibit, except under and in accordance with the conditions of a licence, the importation into India across any customs frontier defined by the Central Government of any specified poison, and may by rule, regulate the grant of licences.

4. Power to regulate possession of any poison in certain areas. -

(1) The State Government may by rule regulate the pµssession of any specified poison in any local area in which the use of such poison for the purpose of committing murder or mischief by poisoning cattle appears to it to be of such frequent occurrence as to render restrictions on the possession thereof desirable.

(2) In making any rule under subsection (1), the State Government any direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the poison in respect of which the breach has been committed, and of the vessels, packages or covering in which the same is found.

5. Presumption as to specified poisons. -Any substance specified as a poison in a rule made or notification issued under this Act shall be deemed to be a poison for the purposes of this Act.

6. Penalty for unlawful importation, etc.-Whoever-

(a) Commits a breach of any rule made under Section 2, or

(b) Imports without a licence into India across customs frontier defined by the Central Government any poison the importation of which is for the time being restricted under Section 3, or

(c) Breaks any condition of licence for the importation of any poison granted to him under Section 3,

Shall be punishable, -

(i) On a first conviction, with imprisonment for a term which may, extend to three months, or with fine which may extend to five hundred rupees or with both, and

(ii) On a second or subsequent conviction, with imprisonment for a term, which may extend to six months, or with fine, which may extend to one thousand, rupees, or with both.

(2) Any poison in respect of which ail offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, shall be liable to confiscation.

7. Power to issue search warrants. -

(1) The District Magistrate, the Sub-divisional Magistrate and, in a presidency-town, the Commissioner of Police, may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of this Act or any rule thereunder, or that any poison liable to confiscation under this Act is kept or concealed.

(2) The person to whom the warrant is directed may enter and search the place in accordance therewith, and the provisions of the Code of Criminal Procedure, 1898 (5of 1898), relating to search warrants shall, as far as as may be, be deemed to apply to the execution of the warrant.

8. Rules. -

(1) In addition to any other power to make rules herein before conferred the State Government may make rules generally to carry out the purposes and objects of this Act except Section 3.

(2) Every power to make rules conferred by this Act shall be subject to the condition of the rules being make after previous publication.

(3) All rules made by the Central Government or by the State Government under this Act shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Act.

(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may he comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(5) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature].

9. Savings. -

(1) Nothing in this Act or in any licence granted or rule made thereunder shall extend to, or interfere with, anything done in good faith in the exercise of his profession as such by a medical or veterinary practitioner.

(2) Notwithstanding anything hereinbefore contained, the State Government may by general or special declare that all or any of the provisions of this Act except Section 3 shall be deemed not to apply to any article or class of articles of commerce specified in such order, or to any poison or class of poisons used for any purpose so specified.

(3) The authority on which any power to make rules under this Act is conferred may, by general or special order, either wholly or partially-

(a) Exempt from the operation of any such rules, or

(b) Exclude from the scope of the exemption provided by sub-section (1) any person or class of persons either generally or in respect of any poisons specified in order.

10. Repeal of Act 1 of 1904 [Repealed by the Repealing Act 1927]