



## THE POISONS ACT, 1919



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# THE POISONS ACT, 1919

## <sup>1</sup>ACT No. XII of 1919

[3rd September, 1919]

### **An Act to consolidate and amend the law regulating the importation, possession and sale of poisons <sup>2</sup>\* \* \*.**

WHEREAS it is expedient to consolidate and amend the law regulating the importation, possession and sale of poisons <sup>2</sup>\* \* \* ;

It is hereby enacted as follows :—

**1. Short title and extent.**—(1) This Act may be called the Poisons Act, 1919.

<sup>3</sup>[(2) It extends to the whole of Pakistan.]

**2. Power of the Provincial Government to regulate possession for sale and sale of any poison.**—(1) <sup>4</sup>\* \* \*, the <sup>5</sup>[Provincial 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 the fixing of the fee (if any) to be charged for such licences ;

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1919 Pt. V, p. 22 ; and for Proceedings in Council, see *ibid.*, 1919, Pt. VI, pp. 170 and 872.

This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications ; and extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950) ; and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. 1, p. 1499.

<sup>2</sup>The words "throughout British India" omitted by A. O., 1949 Sch.

<sup>3</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2) as amended by A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

<sup>4</sup>The words "Subject to the control of the G. G. in C." rep. by A. O., 1937.

<sup>5</sup>Subs. *ibid.*, for "L. G."

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

**3. Power to prohibit importation into Pakistan of any poison except under licence.** The <sup>1</sup>[Federal Government] may, by notification in the <sup>2</sup>[official Gazette], prohibit, except under and in accordance with the conditions of a licence, the importation into <sup>3</sup>[Pakistan] <sup>4</sup>[across any customs frontier defined by the <sup>5</sup>[Federal 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 <sup>6</sup>[Provincial Government] <sup>7</sup>\* \* \* may by rule regulate the possession 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 sub-section (1), the <sup>6</sup>[Provincial Government] may 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 coverings 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.—**(1) Whoever—

- (a) commits a breach of any rule made under section 2, or

<sup>1</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which was previously amended by A. O., 1937, for "G. G. in C.".

<sup>2</sup>Subs. by A.O. 1937 for "Gazette of India".

<sup>3</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for " the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, Arts. 3 (2) and 4 for "British India".

<sup>4</sup>Ins. by A. O., 1937.

<sup>5</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

<sup>6</sup>Subs. by A. O., 1937 for "L. G.".

<sup>7</sup>The words subject to the control of the G.G. in C." were rep. by A. O., 1937. The words "subject to the control" had been substituted for the words with the previous sanction" by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.

- (b) imports <sup>1</sup>\* \* \* without a licence <sup>2</sup>[into <sup>3</sup>[Pakistan] across a customs frontier defined by the <sup>4</sup>[Federal Government]] any poison the importation of which is for the time being restricted under section 3, or
- (c) breaks any condition of a 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 an 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, <sup>5</sup>[and] the Sub-divisional Magistrate <sup>6</sup>\* \* \*, 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, (V of 1898) relating to search-of warrants shall, as far 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 hereinbefore conferred <sup>7</sup>\* \* \* the <sup>8</sup>[Provincial Government] may make rules generally to carry out the purposes and objects of this Act <sup>2</sup>[except section 3].

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

(3) All rules made by the <sup>9</sup>[Federal Government] or by the <sup>10</sup>[Provincial Government] under this Act shall be published in the <sup>11</sup>[official Gazette] and on such publication shall have effect as if enacted in this Act.

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<sup>1</sup>The words "into British India" rep. by A. O., 1937.

<sup>2</sup>Ins., *ibid.*

<sup>3</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949 Arts. 3 (2) and 4 for "British India".

<sup>4</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

<sup>5</sup>Ins. by A. O., 1949, Sch.

<sup>6</sup>The words and commas "and, in a Presidency-town, the Commissioner of Police" Omitted *ibid.*

<sup>7</sup>The words "and subject to the control of the G. G. in C." were rep. by A. O., 1937. The word "and" had been subs., for the words "the G. G. in C. or" by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.

<sup>8</sup>Subs. by A. O., 1937, for "L.G".

<sup>9</sup>Subs. by F.A.O., 1975, Art. 2 and Table for "Central Government", which was previously amended by A. O., 1937, for "G. G. in C.

<sup>10</sup>Subs. *ibid.*, for "L. G."

<sup>11</sup>Subs. by para. 4 of A. O., 1937, for "Gazette of India or the local official Gazette, as the case may be" Strictly the substitution would read "official Gazette or the official Gazette, as the case may be" but the last nine words have been omitted as being obviously redundant.

**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 <sup>1</sup>[Provincial Government] may <sup>2</sup>\* \* \* by general or special order declare that all or any of the provisions of this Act <sup>3</sup>[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 the order.

**10.** *[Repeal of Act I of 1904 .] Rep. by the Repealing Act. 1927 (XII of 1927).*

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<sup>1</sup>Subs. *ibid.*, for "Local Government".

<sup>2</sup>The words "in its discretion" rep. by A.O., 1937.

<sup>3</sup>Ins. *ibid.*

