

Law relating to Poisons



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- The Poison Act, 1919
- The Drugs Act, 1940
- The Drugs and Cosmetics Act, 1940
- The Drugs and Cosmetics Rules, 1945
- The Pharmacy Act, 1948
- The Drugs Control Act, 1950
- The Drugs and Magic Remedies Act, 1954
- The Narcotics Drugs and Psychotropic Substance Act, 1985
- The Indian Penal Code (IPC), 1860
- The Criminal Procedural Code (CrPC), 1973
- The Indian Evidence Act (IEA), 1872

The Poison Act (1919)

This was amended in the year 1958 and repealed in 1960. It regulates the grant of licenses and sale of poisons whether wholesale or retail. It also regulates import of any specified poisons. It extends to whole of all of India.

The Drugs and Cosmetics Act (1940)

This Act was amended in 1964 to include Ayurveda and Unani drugs and it regulates the drugs of articles of cleansing (except soap), beautifying and promoting attractiveness or altering appearances. It was recently amended in 2008 and today the act is referred to as the Drugs and Cosmetics Amendment Act (2008). This act also demands the fact that every patented or proprietary medicinal preparation under this act must display a label on the container mentioning the exact formula or list of ingredients in it. This act empowers the central Govt. to form a drug technical advisory board and to establish a central drug laboratory to help and advice both the central and states government. It controls the quality, purity and strength of drugs for safety. It regulates the import, manufacture, distribution and sale of these drugs. The amended act has enhanced the scale of punishment for various offences, including sale of spurious drugs, adulteration of drugs and cosmetics, toxic contamination etc.

The Drugs and Cosmetics Rules (1945)

Schedule C and C1- Biological and special products such as serums, vaccines, etc.

Schedule D – Substances not intended for medicinal use – condensed or powdered milk, oats, spices and condiments etc.

Schedule E1- Lists of poisonous substances under Ayurvedic, Siddha and Unani systems of Medicine.

Schedule G- List includes hormone preparations, hypoglycaemic agents, antihistamines and anticancer drugs.

Schedule H and L - These are drugs or poisons which need to be labeled as 'Schedule H Drug Warning- to be sold by retail on the prescription of Registered Medical Practitioner only.' Barbiturates, amphetamines, reserpine, ergot, antibiotics, antibacterials and some of the sulphonamides are listed under this schedule.

Schedule J- Drugs, which should not be advertised for certain diseases (which cannot be announced). This covers list of drugs which are claimed to be cure of conditions such as appendicitis, blindness, cancer, cataract, epilepsy, hydrocoele, etc.

Schedule L- Antibiotics, antihistaminic and other chemotherapeutic agent of recent origin subjected to same restrictions as Schedule H drugs.

Schedule O – Standards to be followed with regard to disinfectant fluids.

Schedule X drugs – Barbiturates and certain other sedatives, amphetamines, etc.

The Indian Penal Code (IPC), 1860 [1,3]

- *Section 176:* Doctors must report all cases of homicidal poisoning to police, if not they are punishable
- *Section 177 :* For furnishing false information
- *Section 193 :* Doctor is punishable for giving false information about poisoning case
- *Section 201:* Causing disappearance of evidence of offence
- *Section 202:* Doctor is punishable for intentional concealing of facts about poisoning case treated by him.
- *Section 272:* Adulteration of food or drink intended for sale
- *Section 273:* Sale of noxious food or drink
- *Section 274:* Adulteration of drugs
- *Section 275:* Sale of adulterated drugs
- *Section 276:* Sale of drugs as a different drug or preparations
- *Section 284:* Lays down penalty for any person causing harm by rash and negligent handling of a poisonous substance so as to endanger human life or to be likely to cause hurt injury to any person.

Section 299: Culpable homicide including that caused through administration of some poisonous substance.

Section 300, 302, 306, 307, 309: Murder including that caused through administration of poisonous substances with the intention of causing death.

- *Section 304A: Rash and negligent act including that caused through poisoning*
- *Section 320: Causing grievous hurt*
- *Section 324: Causing hurt by dangerous weapons or means (including Poison or any corrosive substance)*
- *Section 326: Causing grievous hurt by dangerous weapons or means (including poison)*
- *Section 326 A: Voluntarily causing grievous hurt by use of acid(vitriolage)*
- *Section 326 B: Voluntarily throwing or attempting to throw acid.*
- *Section 328: Causing hurt by means of poison or stupefying intoxicating or unwholesome drug or other thing with the intent to commit an offence.*

The Code of Criminal Procedure (CrPC), 1973

Section 39: Every person aware of the commission of, or of the intention of any other person to commit any offence punishable under IPC shall forthwith give information to the nearest magistrate or police officer of such commission or intention.

Section 40: Every employed officers aware of the commission of, or of the intention of any other person to commit any offence punishable under IPC shall forthwith give information to the nearest magistrate or police officer of such commission or intention.

Section 175: Power to summon persons by police officer proceeding under section 174

The Indian Evidence Act (IEA), 1872

Section 32, Clause 1, under the Indian Evidence Act (IEA) allows a doctor to record dying declaration when the death of the patient is imminent and arrival of magistrate is delayed.

Recent Amendments of IPC Dealing with Acid Attack Case, 2013 [4,5]

IPC 326 A (Voluntarily Causing Grievous Hurt by Use of Acid, etc.)

Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine: provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim: provided further that any fine imposed under this section shall be paid to the victim. The section was introduced on the basis of the recommendation of justice J.S Verma committee.

Supreme Court Guidelines to Prevent Acid Attacks

1. Over the counter, sale of acid is completely prohibited unless the seller maintains a log/register recording the sale of acid which will contain the details of the person(s) to whom acid(s) is/are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold.
2. All sellers shall acid only after the buyer has shown:
 - a. A photo ID issued by the government which also has the address of the person.
 - b. Specifies the reason/purpose for procuring acid.
3. All stocks of acid must be declared by the seller with the concerned Sub Divisional Magistrate (SDM) within 15 days
4. No acid shall be sold to any person who is below 18 years of age.
5. In case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose fine on such seller upto 50,000/-
6. The concerned SDM may impose fine upto 50,000/- on any person who commits breach of any of the above directions.

LAWS IN RELATION TO MEDICINE

(1) The drug and cosmetic act, 1940:

- Regulate all kinds of drugs
 - Import,
 - Manufacture,
 - Distribution and
 - Sale.
- Its main feature is to control purity, quality and strength of drug.

(2) The drug and cosmetic rule, 1945:

- Regulate storage, display, dispensing, sale, labeling, prescribing etc.

Schedule

- **C-** biological and special products,
- **E-** poison,
- **F-** vaccine and sera,
- **G-** hormones,
- **J-** list of diseases for which No drug should be advertised,
- **H-** drugs to be sold on prescription of RMP,
- **L-** antibiotics, antihistaminics and other chemotherapeutic agents

3. The pharmacy act, 1948 :

- ▯ Allows only registered pharmacists to compound, prepare and dispense medicine

4. The drug control act, 1950 :

- ▯ (sale, supply and distribution, fixing of prices)

5. The drug and magic remedies act, 1954

The Narcotic Drugs And Psychotropic Substance Act, 1985.

- **Psychotropic subs** alters mental function
 - e.g. LSD, amphetamine, barbiturates etc
- **Narcotics** causes dullness of senses and induces sleep
 - e.g. cannabis, opium and cocaine.
- The law prohibits of these drugs
 - Cultivation,
 - Manufacture,
 - Possession,
 - Sale purchase
 - Import export etc
- Except for medical and scientific purpose.

Sources of Poison:

- **Domestic or household sources –**
 - Detergents, Disinfectants, Cleaning Agents, Antiseptics, Insecticides, Rodenticides Etc.
- **Agricultural and horticultural sources-**
 - Insecticides, Pesticides, Fungicides and Weed Killers.
- **Industrial sources –**
 - Poisons are Manufactured or Poisons are Produced as by Products.
- **Commercial sources-**
 - Store-houses, Distribution Centres and Selling Shops.

- **From uses as drugs and medicines**
 - Wrong Medication, Overmedication And Abuse Of Drugs.
- **Food and drink –**
 - Preservatives of food grains or other food material,
 - Additives, colouring and odouring agents
 - accidental contamination of food and drink.
- **Miscellaneous sources-**
 - Snakes bite poisoning, city smoke, sewer gas poisoning etc.

Laws in relation to poison and drugs:

- Different sections of Indian penal code related to poisons are as follows
 - **Sec. 272 I.P.C.** - Punishment for adulterating food or drink intended for sale, so as to make the same noxious, may extend upto 6 months imprisonment of either term and/or fine upto one thousand rupees.
 - **Sec. 273 I.P.C.** - Punishment for selling noxious food or drink may be imprisonment of either description for a period of 6 months and or fine upto one thousand rupees.
 - **Sec. 274 I.P.C.** - Punishment for adulteration of drugs in any form with any change in its effect knowing that it Will be sold and used as un-adulterated drug, may be imprisonment of either description for a period of 6 months and or fine.

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- **Sec. 275 I.P.C.** - Punishment for knowingly selling adulterated drugs with less efficacy or altered action serving it for use as unadulterated may be imprisonment of either description for 6 months and or fine.
- **Sec. 276 I.P.C.** - Punishment for selling a drug as a different drug or Preparation, may be imprisonment of either description which may extend up to 6 months and or fine. .
- **Note** - In the State of West Bengal, the punishment for these offences described under sections 272 to 276 may be up to imprisonment for life with or without fine.
- **Sec. 277 I.P.C.** – Punishment for fouling water of public spring or reservoir may be imprisonment of either description which may extend up to a period of 3 months and or fine.

- **Sec. 278 I.P.C.** - Punishment for voluntarily making atmosphere noxious to health is fine which . may extend upto five hundred rupees.
- **Sec. 284 I.P.C.** Punishment for negligent conduct with respect to poisonous substance may be imprisonment of either description which may extend up to 6 months and or fine which may extend up to one thousand rupees.
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- **Sec. 328 I.P.C.** :Punishment' for causing hurt by means of poison or any stupefying, intoxicating or unwholesome drug or any other thing with the intent to commit an offence shall be imprisonment of either description for a term which may extend to ten years with or without fine.