LAW RELATING TO POISONS:

A Poison may be defined as a substance which, when administered, inhaled or swallowed is capable of acting deleteriously on the body. Thus, there is no boundary between a medicine and a poison, a medicine in a toxic dose is a poison and a poison in small dose may be a medicine. In law, the real difference between a medicine and a poison is the intention with which it is given. Section 284 IPC lays down the punishment for careless handling of poisonous substances, while sections 299, 304 A, 324, 320 and 328 deal with offences relating to administration of such substances. In law, there is no difference between the murder by poison and other means. The punishment can be imprisonment up to ten years and also fine. The negligent conduct with respect to poison resulting in damage to a person is punishable with imprisonment of six months or with fine up to Rs.1000 or both.

Sale of Poisons:

1. The sale of poisons is controlled by the Poisons Act, the Drugs Act and the Pharmacy Act.

2. The Poison Act (12 of 1919) was designated to regulate the import, possession and sale of poison.

3. The Dangerous Drugs Act (2 of 1930) was passed to regulate the import and sale of narcotic drugs, especially those derived from opium, Indian hemp and coca leaf.

4. The Drug Act (23 of 1940) was passed to regulate the import, manufacture and sale of drugs like:

i) Patent medicines

ii) Vaccines, sera, toxins and other biological products

iii) Vitamins and hormones

Also other drugs used for internal or external administration to human beings or animals.

The Act was amended in 1955 to bring within insecticides, disinfectants and contraceptives and further amended by Drugs (Amendment) Act, 1962 (21 of 1962) to include cosmetics. The Act has been further amended by Drugs (Amendment) Act, 1964 (13 of 1964) to include Ayurvedic and Unani drugs.

5. The Drugs and Cosmetics Rules, 1945: Under this Act, the rules were framed to regulate import of drugs, functions and procedures of the central drugs laboratory, appointment of licensing authorities and manufacture, distribution and sale of drugs under these rules. The drugs are classified into certain schedules and regulations are laid down for their storage, display, sale, dispensing, labeling, prescribing etc. The drugs are classified as below:

Schedule C drugs – Biological and special products Schedule E drugs – Poisons

Schedule F drugs – Vaccines and sera. Schedule G drugs – Hormone preparations

Schedule H drugs – To be sold only on the prescription of a registered medical practitioner.

Schedule J drugs – List of diseases for the cure of which no drug should be advertised.

Schedule L drugs – Antibiotics, antihistamines and chemotherapeutic agents.

The Pharmacy Act, 1948: Regulates pharmacy profession and state pharmacy council.

6. The Drug Control Act, 1950: Regulates, control, sale, supply and distribution of drugs etc.

7. The Drugs and Magic Remedies Act, 1954: Bans the offending advertisements, aims at preventing medication etc.

8. Narcotic Drugs and Psychotropic Substances Act, 1985: This Act consolidates and amends the existing laws relating to narcotics drugs, drugs of abuse etc.