D.PHARM • SECOND YEAR

Pharmacy Law & Ethics

CHAPTER 7

Poisons Act 1919



ENGLISH CHAPTER NOTES

DIPLOMA IN PHARMACY

POISONS ACT, 1919

1919
Enacted on
3 September 1919.

LEGAL IDENTITY

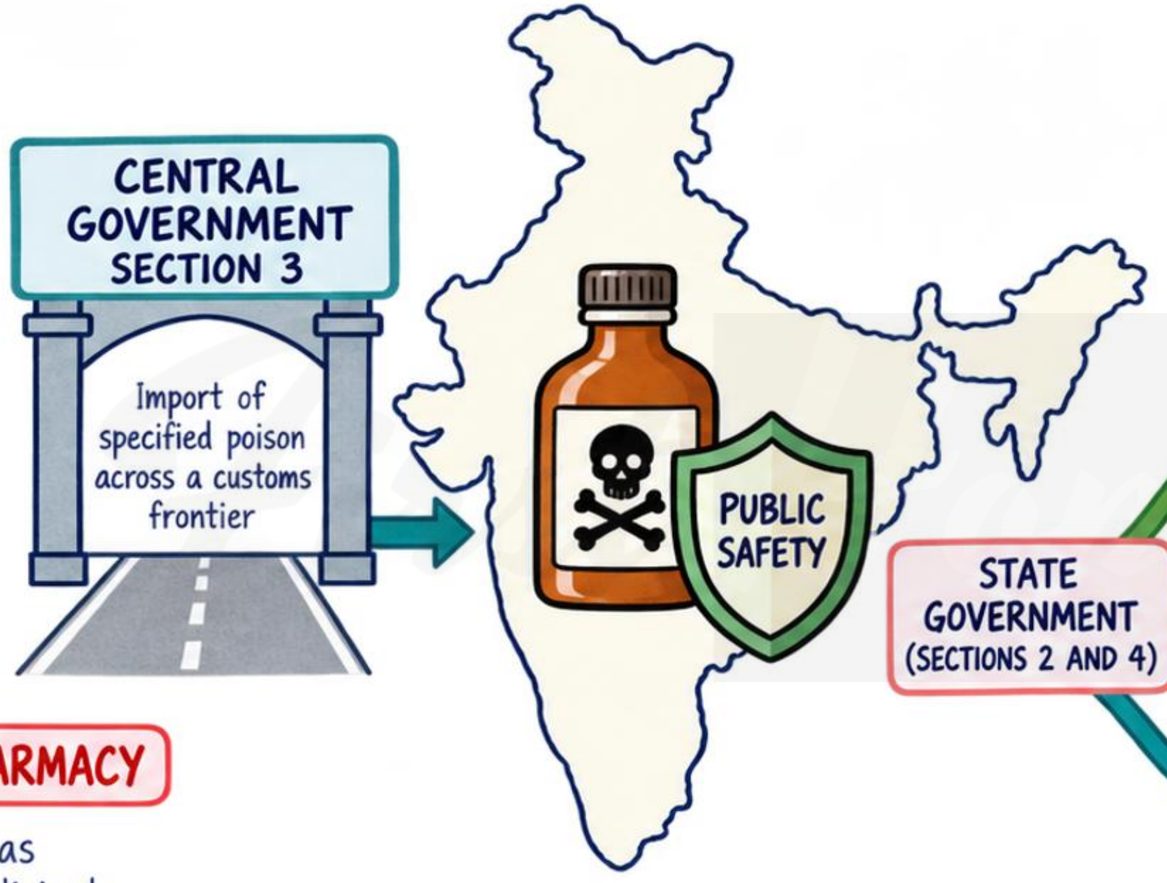
The Poisons Act, 1919 is Act No. 12 of 1919. Enacted on 3 September 1919.

PURPOSE

To consolidate and amend the law regulating the importation, possession and sale of poisons.

WHY IT MATTERS IN PHARMACY

Toxic substances may occur as raw materials, reagents or medicinal ingredients. Controlled access, safe custody, correct labelling and traceable sale reduce accidental poisoning, misuse and illegal diversion.



TWO LEVELS OF CONTROL

CENTRAL GOVERNMENT — SECTION 3
May control import of a specified poison across a customs frontier by Official Gazette notification and licence conditions.

STATE GOVERNMENT — SECTIONS 2 AND 4
May make rules for possession for sale and wholesale or retail sale of specified poisons. In certain affected local areas, it may also regulate possession itself.

CORE IDEA

The Act is an enabling law. Detailed licences, forms, notified poisons and procedures depend on the applicable Central notification or State rules.

PUBLIC-SAFETY AIM

Authorized handling → safe storage → accountable sale or import → reduced harm

SPECIFIED POISON AND KEY TERMS

IMPORTANT LEGAL POINT

The Act does not give an exhaustive definition of "poison" and does not contain one complete nationwide list.

SECTION 5 — PRESUMPTION

Any substance specified as a poison in a rule or notification under this Act is deemed to be a poison for the purposes of the Act.

PRACTICAL STUDY MEANING

A poison is generally understood as a substance capable of causing injury, serious toxicity or death when it enters the body in a harmful amount. The effect depends on dose, route and exposure.



SPECIFIED POISON

A substance becomes a "specified poison" for the Act when it is named in a rule or notification made under the Act.

NOT ONE NATIONWIDE LIST

State rules can specify poisons for sale or possession control. Therefore, always check the current rule or notification applicable to the place and activity.

ILLUSTRATIVE EXAMPLES FROM THE PDF

Arsenic, cyanide, mercury compounds, strychnine, carbolic acid and strong mineral acids. Their legal status must be checked under the applicable rule or notification.

ILLUSTRATIVE ONLY

PRACTICAL TERMS

POSSESSION FOR SALE

POSSESSION FOR SALE: keeping a specified poison as sale stock.

SALE

SALE: Section 2 covers both wholesale and retail sale.

IMPORT

IMPORT: Section 3 concerns bringing a specified poison into India across a customs frontier when its import is restricted by notification.

POSSESSION OF POISONS

TWO DIFFERENT CONTROLS

SECTION 2 — POSSESSION FOR SALE

The State Government may make rules regulating possession of a specified poison when it is kept for wholesale or retail sale.

SECTION 4 — POSSESSION IN CERTAIN AREAS

The State Government may regulate possession of a specified poison in a local area where its frequent use for murder or mischief by poisoning cattle makes restrictions desirable.



SAFETY CHECKLIST

- ☑ Store Securely
- ☑ Use Proper Labels
- ☑ Prevent Contamination
- ☑ Maintain Records
- ☑ Authorised Access Only

SAFE-CUSTODY PRACTICE

- Keep notified poisons in a secure, access-controlled place.
- Use intact containers with the required identity and warning label.
- Separate incompatible substances and prevent contamination or leakage.
- Maintain stock, receipt, issue and responsible-person details as prescribed.
- Allow access only to persons authorized under the applicable rules.

SECTION 4 PENALTY POWER

A rule may make its breach punishable with:

- imprisonment up to 1 year; or
- fine up to ₹1,000; or
- both;

together with confiscation of the poison and its vessel, package or covering.

PHARMACIST'S RESPONSIBILITY

Prevent unauthorized access and immediately investigate any shortage, damage or suspicious handling.

STATE-RULE CHECK

The competent licensing authority, exemptions, forms and detailed storage conditions are prescribed by the applicable State rules; they are not uniform in the central Act.

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