

THE POISONS ACT, 1919

CONTENTS

SECTIONS

1. Short title and extent
 2. Power of the Government to regulate possession for sale and sale of any poison
 3. Power to prohibit importation into Bangladesh of any poison except under license
 4. Power to regulate possession of any poison in certain areas.
 5. Presumption as to specified poisons
 6. Penalty for unlawful importation, etc.
 7. Power to issue search warrants
 8. Rules
 9. Savings
 10. [*Repealed*]
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THE POISONS ACT, 1919

ACT NO. XII 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, possession and sale of poisons;

It is hereby enacted as follows:-

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

Short title and extent

(2) It extends to the whole of Bangladesh.

2. (1) The Government may by rule regulate within the whole or any part of ¹[Bangladesh] the possession for sale and the sale, whether wholesale or retail, of any specified poison.

Power of the Government to regulate possession for sale and sale of any poison

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

- (a) the grant of licenses to possess any specified poison for sale, wholesale or retail, and the fixing of the fee (if any) to be charged for such licenses;
- (b) the classes of persons to whom alone such licenses may be granted;
- (c) the classes of persons to whom alone any such poison may be sold;

* Throughout this Act, except otherwise provided, the words "Bangladesh", "Government" and "Taka" were substituted, for the words "Pakistan", "Provincial Government" or "Central Government" or "Central Government or by the Provincial Government" and "rupees" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The word "Bangladesh" was substituted, for the words "the territories under its administration" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (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.

Power to prohibit importation into Bangladesh of any poison except under license

3. The Government may, by notification in the official Gazette, prohibit, except under and in accordance with the conditions of a license, the importation into Bangladesh across any customs frontier defined by the Government of any specified poison, and may by rule regulate the grant of licenses.

Power to regulate possession of any poison in certain areas

4. (1) The Government 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 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 Taka, 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.

Presumption as to specified poisons

5. 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 purpose of this Act.

6. (1) Whoever-

Penalty for
unlawful
importation, etc.

- (a) commits a breach of any rule made under section 2, or
- (b) imports without a license into Bangladesh across a customs frontier defined by the Government any poison the importation of which is for the time being restricted under section 3, or
- (c) breaks any condition of a license 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 Taka, 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 Taka, 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. (1) The District Magistrate, ¹[the Sub-divisional Magistrate and in ²[a Metropolitan Area], the Police Commissioner], 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.

Power to issue
search warrants

¹ The words and commas "the Sub-divisional Magistrate and, in the Dacca Metropolitan Area, the Police Commissioner" were substituted, for the words "and the Sub-divisional Magistrate" by Schedule of the Dhaka Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976).

² The words "a Metropolitan Area" were substituted, for the words "the Dacca Metropolitan Area" by Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978).

(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, relating to search warrants shall, as far as may be, be deemed to apply to the execution of the warrant.

Rules

8. (1) In addition to any other power to make rules hereinbefore conferred the Government may make rules generally to carry out the purposes and objects of this Act ¹[***].

(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 ²[* * *] Government under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

Savings

9. (1) Nothing in this Act or in any license 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 Government may by general or special order declare that all or any of the provisions of this Act ¹[* * *] 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.

¹ The words and figure "except section 3" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "Central Government or by the Provincial" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(3) ¹[The Government] 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. [*Repealed by the Repealing Act, 1927 (Act No. XII of 1927).*]

¹ The words "The Government" were substituted, for the words "The authority on which any power to make rules under this Act is conferred" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).