



The East Punjab Drugs (Control) Act, 1949

Act 30 of 1949

Keyword(s):

Dealer, Drug, Offer for Sale, Producer

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE EAST PUNJAB DRUGS (CONTROL) ACT, 1949

TABLE OF CONTENTS

Sections

1. Short title and extent.
2. Interpretations.
3. Drugs to which this Act applies.
4. Fixing of maximum prices and maximum quantities which may be held or sold.
5. Restrictions on sale, etc., where maximum is fixed under section 4.
6. General limitations on quantity which may be possessed at one time.
7. Duty to declare possession of excess stocks.
8. Refusal to sell.
9. Cash memorandum to be given of certain sales.
10. Marking of price and exhibiting price list.
11. Obligation to state price separately on composite offer.
12. Prohibition of sale, etc., and requisitioning of drugs.
13. Penalties.
14. Offences by corporation.
15. Procedure.
16. Powers of search and seizure.
17. Power to make rules.
18. Protection of action taken in good faith.
19. Saving of other laws.
20. Repeal of East Punjab Ordinance No. XXVII of 1949.

THE EAST PUNJAB DRUGS (CONTROL) ACT, 1949(EAST PUNJAB ACT No. XXX OF 1949)¹

(Received the assent of His Excellency the Governor on the 29th October, 1949, and was published in the East Punjab Gazette, Extraordinary, dated the 2nd November, 1949).

Amended, repealed or otherwise affected by—

- (i) Adaptation of Laws Order, 1950.
- (ii) Punjab Act No. XIV of 1950²
- (iii) A.O. 1968 published in R.H.P. dated the 1st February, 1969 P. 158—161.
- (iv) A.O. 1973, published in R.H.P. Extraordinary, dated the 20th January, 1973, P. 91—112.

An Act for the Control of the Sale, Supply and Distribution of Drugs.

It is hereby enacted as follows :—

1. Short title and extent.—(1) This Act may be called the East Punjab Drugs (Control) Act, 1949.

(2) It extends to ³[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966].

2. Interpretations (1) In this Act unless there is anything repugnant in the subject or context,—

- (a) “dealer” means a person carrying on, either personally or through any other person, the business of selling any drugs, whether wholesale or retail ;
- (b) “drug” means any drug as defined in clause (b) of section 3 of the Drugs Act, 1940 (XXIII of 1940), in respect of which declaration has been made under section 3;

1. For Statement of Objects and Reasons, see East Punjab Government Gazette, (Extra), 1949, p. 1092. This Act applies only to merged areas by virtue of Sec. 88 of the Punjab Re-organisation Act, 1966. It was extended to erst while Pepsu areas by Punjab Act No. 18 of 1958.

2. For Statement of Objects and Reasons, see Punjab Government Gazette (Extra.), 1950, p. 840.

3. Subs. for “the whole of the State of Punjab” by A.O. 1968. The words “State” and “Punjab” were respectively subs. for “province” and “East Punjab” by Adaptation of Laws Order, 1950.

(c) "Offer for sale" includes a reference to an intimation by a person of the price proposed by him for sale of any drug, made by the publication of a price list, by exposing the drug for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever ;

(d) "producer" includes a manufacturer.

(2) A drug shall be deemed to be in the possession of a person—

(i) when it is held on behalf of that person by another person ;

(ii) notwithstanding that it is mortgaged to another person.

3. **Drugs to which this Act applies.**—The ¹[State] Government may, by notification, declare any drug to be a drug to which this Act shall apply.

4. **Fixing of maximum prices and maximum quantities which may be held or sold.**—(1) The ¹[State Government] may, by notification, fix in respect of any drug.—

(a) the maximum price or rate which may be charged by a dealer or producer ;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer ;

(c) the maximum quantity which may in any one transaction be sold to any person.

(2) The prices or rates and the quantities fixed in respect of any drug under this section may be different in different localities or for different classes of dealers or producers.

5. **Restrictions on sale, etc. where maximum is fixed under section 4.**—No dealer or producer shall—

(a) sell, agree to sell, offer for sale or otherwise dispose of to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 4;

(b) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 4; or

(c) sell, agree to sell or offer for sale to any person in any one transaction a quantity of any article exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 4.

1. Subs. for the expression "Central Government (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for the word "Provincial" by Adaptation of Laws Orders, 1950

6. General limitations on quantity which may be possessed at one time.—

(1) No person shall have in his possession at any one time a greater quantity of any drug to which this section applies than the quantity necessary for his reasonable needs.

(2) This section shall apply only to such drugs as the ¹[State Government] may, by order published in the Official Gazette, specify for the purpose:

Provided that nothing contained in this section shall apply to a dealer or producer in respect of any drug sold or produced by him.

7. Duty to declare possession of excess stocks.—Any person having in his possession a quantity of any drug exceeding that permitted by or under this Act shall forthwith report the fact to the State Government or other officer empowered in this behalf by it, and shall take such action as to the storage, distribution or disposal of the excess quantity as the ¹[State Government] or such officer may direct.

8. Refusal to sell.—No dealer or producer shall, unless previously authorised to do so by the ¹[State Government] or an officer empowered in this behalf, by it, without sufficient cause, refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act.

*Explanation.—*The possibility or expectation of obtaining a higher price for a drug at a later date shall not be deemed to be a sufficient cause for the purpose of this section.

9. Cash memorandum to be given of certain sales.—(1) Every dealer or producer when selling any drug for cash shall if the amount of the purchase is five rupees or more, in all cases, and, if the amount of the purchase is less than five rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The ¹[State Government] may, by notification, prescribe the particulars to be contained in any such cash memorandum.

(3) The ¹[State Government] may, by notification, exempt specified areas, classes of dealers or producers, or classes of drugs from the operation of this section.

10. Marking of prices and exhibiting price list.—(1) The ¹[State Government], or an officer empowered in this behalf by it, may direct dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for the word "Provincial" by Adaptation of Laws Order, 1950.