



## The Drug and Cosmetics (Maharashtra Amendment) Act, 1989

Act 31 of 1989

Keyword(s):

Drug, Cosmetics, Sale, Distribution, Unani Drug

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**THE DRUGS AND COSMETICS (MAHARASHTRA AMENDMENT) ACT, 1989**

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**MAHARASHTRA ACT No. XXXI OF 1989<sup>1</sup>**

**[THE DRUGS AND COSMETICS (MAHARASHTRA AMENDMENT)  
ACT, 1989]**

[This Act received the assent of the President on the 18th September 1989; assent first published in the *Maharashtra Government Gazette*, Part IV, Extra-ordinary on the 4th October 1989.]

An Act further to amend the Drugs and Cosmetics Act, 1940, in its application to the State of Maharashtra.

23 of 1940. **WHEREAS** it is expedient further to amend the Drugs and Cosmetics Act, 1940, in its application to the State of Maharashtra for the purposes hereinafter appearing; It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

1. This Act may be called the Drugs and Cosmetics (Maharashtra Amendment) Act, 1989. Short title.

23 of 1940. 2. In section 33 of the Drugs and Cosmetics Act, 1940, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in sub-section (2),— Amendment of section 33 of Act 23 of 1940.

(a) in clause (e), the words "and the fees payable therefor" shall be deleted;

(b) clause (eea) shall be deleted; and

(c) in clause (o), the words "and the fees payable therefor" shall be deleted.

3. After section 33 of the principal Act, the following section shall be inserted, namely:— Insertion of section 33-1A in Act 23 of 1940.

" 33-1A. The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules, to prescribe the fees payable for the following purposes of this Chapter, namely:— Power of State Government to make rules.

(a) grant or renewal, of a licence for the manufacture for sale or distribution for the sale and for the distribution of drugs or any specified drugs or class of drugs or of cosmetics or any specified cosmetics or class of cosmetics;

(b) inspection (for the purposes of grant or renewal of licences) of premises, wherein any drug or cosmetic is being or is proposed to be manufactured;

<sup>1</sup> For Statement of Objects and Reasons see *Maharashtra Government Gazette*, 1989, Part-V Extraordinary, p. 404.

(c) test or analysis of any drug or cosmetic by Government Analyst; and

(d) any other matter for which fees may be prescribed under this Chapter.”.

Amendment  
of section  
33N of Act  
23 of 1940.

4. In section 33N of the principal Act, in sub-section (2), in clause (e), the words “and the fees payable therefor” shall be deleted.

Insertion of  
section 33N-  
1 in Act 23 of  
1940.

5. After section 33N of the principal Act, the following section shall be inserted, namely:—

Power of  
State  
Government  
to make  
rules.

“33N-1. The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules to prescribe the fees payable for the following purposes of this Chapter, namely:—

(a) grant or renewal of a licence for the manufacture for sale of Ayurvedic, Siddha or Unani drugs, and for sale of processed Ayurvedic, Siddha or Unani drugs;

(b) inspection (for the purpose of grant or renewal of licences) of premises, wherein any Ayurvedic, Siddha or Unani drug is being or is proposed to be manufactured;

(c) test or analysis of any Ayurvedic, Siddha or Unani drug by Government Analyst; and

(d) any other matter for which fees may be prescribed under this Chapter.”.

Amendment  
of section 38  
of Act 23 of  
1940.

6. In section 38 of the principal Act, for the words “Every rule made” the words “Every rule made by the Central Government” shall be substituted.

Insertion of  
section 39 in  
Act 23 of  
1940.

7. After section 38 of the principal Act, the following section shall be inserted, namely:—

Rules to be  
laid before  
State  
Legislature.

“39. Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.”.

8. In the Drugs and Cosmetics Rules, 1945, in Schedule-A,—

(a) in Form 14-A, for item 7, the following shall be substituted, namely :—

“7. A fee of rupees ..... has been credited to the Government account under the head of account.....”;

Amendment  
of Forms  
14-A and  
19-A of  
and Drugs  
Cosmetics  
Rules.

(b) in Form 19-A,—

(i) in item 6, the words “five” and “twenty”, respectively, shall be deleted;

(ii) the portion beginning with the words “Rupees five” and ending with the words “restricted licence”, at the end, shall be deleted.

