

Tamil Nadu Drugs and Other Stores (Unlawful Possession) Act, 1986

TAMILNADU

India

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Act 6 of 1988

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Tamil Nadu Drugs and Other Stores (Unlawful Possession) Act, 1986(Tamil Nadu Act No. 6 of 1988)Statement of Objects and Reasons. - Cases of frequent pilferage of drugs and other stores from the Government Medical Institutions in Tamil Nadu have come to the notice of the Government and it has been considered necessary by the Government that such occurrences should be prevented by enacting suitable legislation making the possession of such drugs and other stores as unlawful. It is also proposed to award deterrent punishment for the offenders under this special enactment.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 10th May 1984.Received the assent of the President on the 17 th October 1988 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 26th October 1988.An Act to provide for the punishment of the offence of unlawful possession of drugs and other stores belonging to the Government of Tamil Nadu.Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Tamil Nadu Drugs and Other Stores (Unlawful Possession) Act, 1986.(2)It extends to the whole of the State of Tamil Nadu.(3)It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(1)"drug" includes-(i)all medicines for internal or external use of human beings or animals and all substances intended to be used for, or in the diagnosis, treatment, mitigation or prevention of, disease in human beings or animals; and(ii)such substances (other than food) intended to affect the structure or any function of the human body or

intended to be used for the destruction of vermin or insects which cause disease in human beings or animals as may be specified from time to time, by the Government, by notification, and such substances which have been specified by the Central Government, from time to time under sub-clause (ii) of clause (b) of section 3 of the Drugs and Cosmetics Act, 1940 (Central Act XXIII of 1940), and belonging to, or in the charge or possession of, a department of the Government and having such seal or mark as may be notified by the Government in this behalf indicating that they belong to a department of the Government; (2) "Government" means the State Government; (3) "Inspector" means an Inspector appointed under section 21 of the Drugs and Cosmetics Act, 1940 (Central Act XXIII of 1940), by the Government and includes any officer of the Police Department not below the rank of Sub-Inspector and any other officer of the Government specified by Government, by notification, in this behalf; (4) "other stores" includes articles of linen, instruments, appliances or such other articles as may be specified by the Government in this behalf belonging to, or in the charge or possession of, a department of the Government and having such seal or mark as may be notified by the Government in this behalf indicating that they belong to a department of the Government.

3. Unlawful possession of drugs or other stores.

(1) If any person is found, or is proved to have been, in possession of any drugs or other stores belonging to, or in the charge or possession of, a department of the Government and having such seal or mark as notified under clauses (1) and (4) of section 2, which are reasonably suspected of being stolen or unlawfully obtained, and if he cannot account satisfactorily how he came to possess the same, he shall be punished for a first offence with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees but such imprisonment shall not be less than one year and such fine shall not be less than one thousand rupees. (2) In the case of a second or subsequent offence, any such person shall be punished with imprisonment for a term which may extend to seven years and with fine which may extend to five thousand rupees, but such imprisonment shall not be less than two years and such fine shall not be less than two thousand rupees.

4. Powers of Inspector.

(1) An Inspector may, within the local limits of the area for which he is appointed, - (a) enter and search at all reasonable times, with such assistants, if any, as he considers necessary any place in which he has reason to believe that an offence under this Act has been or is being committed, seize the stock of such drugs and other stores in respect of which he has reason to believe that an offence under this Act has been or is being committed; and (b) examine any record, register, document or any other material object found in any place mentioned in clause (a) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act. (2) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall, so far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code. (3) Where an Inspector seizes the stocks of the drug or other stores under clause (a) of sub-section (1), he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof. (4) Where an Inspector

seizes any record, register, document or any other material object under clause (b) of sub-section (1), he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.(5)If any person willfully obstructs an Inspector in the exercise of the powers conferred upon him by or under this Act, he shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or. with both.

5. Indemnity.

- No suit or other legal proceeding shall lie against the Government or any officer of the Government in respect of any thing which is in good faith done or intended to be done by or under this Act.

6. Things liable to confiscation.

- In any case in which an offence has been committed against this Act, the drug or other stores in respect of which the offence has been committed, shall be confiscated to the Government.

7. Confiscation how ordered.

(1)When the offender is convicted or when the person charged with an offence against this Act is acquitted, but the Court decides that anything is liable to confiscation, such confiscation may be ordered by the Court.(2)Where during the trial of a case for an offence against this Act, the Court decides that anything is liable to confiscation, the Court shall order the confiscation.

8. Disposal of drugs and other stores.

- When any drug or other stores has been confiscated under this Act, such drug or other stores shall be taken possession of by such officer of the Medical Services Department as may be prescribed.

9. Certain persons to be public servants.

- The Inspector and every officer empowered by the Government, while exercising any power or performing any duty under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

10. Power to make rules.

- The Government may make rules for the purpose of carrying into effect the provisions of this Act.

11. Rules and notifications to be placed before the Legislature.

(1)(a)All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(b)All notifications issued under this Act, shall, unless they are

expressed to come into force on a particular day, come into force on the day on which they are published.(2)Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of [the Legislative Assembly] [Substituted for the word 'both Houses of the Legislature' by the Tamil Nadu Adaptation of Laws Order, 1987.] and if, before the expiry of the session in which it is so placed, or the next session, [the Legislative Assembly agrees] [Substituted for the word 'Both Houses agree' by thw Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or notification or [the Legislative Assembly agrees] [Substituted for the word 'Both Houses agree' by thw Tamil Nadu Adaptation of Laws Order, 1987.] that the rule or notification should not be made or issued, the rule or notification shall, thereafter, 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 under that rule or notification.