

TAMIL NADU DRUGS AND OTHER STORES (UNLAWFUL POSSESSION) ACT, 1986

ENT OF TAMIL •s.iDb 1988% TAMIL NADU GOVERNMENT EXTRAORDINARY {Price? 30 p'alse GAZETTE? PL.-BLISHCD BY AUtHOR1h• MADRAS, WEDNESDAY, OCTOBER 26, 1988 AIPPASI 10, VIBHAVA, 'THIRUVALLUVAR AANDU—2019 Part Waa AO received the 'The following Act of the Tamil Nadu• Legislature assent of the President on the 17th October 1988 and is hereby published for general information ACT No. 6 OF 1988. An Act to provide for the punishment of the offence of unlawfut 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 the Thirty-seventh Year of the Republic of India as follows :— --

—(1) This Act may 1. Short title, extent and commencement. called the Tamil Nadu Drugs and Other Stores (Unlaw.:l Possession). Act, 1986. (2) It extends. to the wholepof ,the State of. Tamil Nadu. (3) It shall come into force on such date as the Government may, by notificaüon, appoint. 2. this Act, unless the context otherwise: requires,— (1) " drug 'u' includes— (i) an medicines for intehål 'r external use of human being; or animals and all substances intended to be used or in the diagnopis, •mitigation..& e.prevention disease in humat 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 tbd' des&uctibh' of vermin or"fiiséE #fiich ciüÉe diseue in himan beings animals a! may r be geed! *'from time to timet by, thé oup) IV-2 Ex. (389) 30 TAMIL NADU GO /ERNMENT GAZETTE EXTRAORDINARY Governpent* by notification, and such substances which. :have been specified by the Central Government from time to üme under sub-clause (ii) of clause (b) ofl 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 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 omcer 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 If any person is •nd.or is proved to have been, in possession of any druog 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 of subséquent • 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 npt 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 if any, as he considers necessary any place in which he assistants, 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 bélieve that' an offence under this Act has been or is being committed ; and (b) examine . any record, reöster, document or any other material found in any place mentioned in clause (a) and seize the same if he has reason to believe {hat 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 «eareh or seizure under this •Act as they .apply to any search Or seizurenade under the authority of a warrant issued. under section 94 of the said Code. (3) Where an Inspector seizes lthe stocks• the; didg •or Other stores under clause (a) of sub-seün (1), *he shall as soon as may be, a Magisnteaud take his orders as to, the- custody thereof. (4) Where an alnspectör seizes any record, *egister, document or iny other. materiall

object under clause (b) of (1), he shall, as soon as may be, inform 'a- Magistrate and take his orders to the custody thereof. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (5) If any person wilfully obstructs an Inspector in the exercise of the powers conferred on him by or under Act, he shall be liable to extend to any person who may be employed by or under the Government or any of the Government in respect of anything which is in good 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 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 both Houses of the Legislature and if, before the expiry of the session in which it is so placed, or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree 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. (By order of the Governor) P. JEYASINGH PETER, Secretary to Government, Law PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, MADRAS ON BEHALF OF THE GOVERNMENT OF TAMIL NADU