



# ***LEGAL ASPECTS OF POISONING***

# Definition of poison:

**Poison** is any substance which when introduced into the living body or brought in contact with any part thereof, will produce ill-effect, disease or death by its local or systemic action or both.

- ❖ Origin-can be synthetic, mineral, animal or vegetable.
- ❖ Route of introduction-mouth, nostril, anus, vagina, ears, eyes, injection or inhalation.

**TOXICOLOGY**-Defined as science which deals with knowledge of source, character and properties of poisons, their symptoms in the body, their pharmacological actions and treatment.

# Laws relating to poisons:

- **The poison act 1919:**

- deals with regulation of sale of poison and grant of licenses.

- **The Drug act 1940:**

- Passed by Indian legislature and extends to whole of India.

- Regulates import, manufacture , distribution and sale of drugs such as:

- (1) patent or proprietary medicines ;

- (2)vaccines , sera, toxins, antitoxins ,antigen ,other biological products;

- (3) vitamins , hormones

- (4)drugs used for external or internal consumption.

-The drugs act 1940, was amended by the Drugs (Amendment) Act 1955. It covers in addition the following:


-insecticides, disinfectants and contraceptives.

-The act was amended by the drugs (Amendment) Act 1962 and the title changed to The Drugs and Cosmetic Act 1940.

### **The Drugs and Cosmetic Act 1940:**

❖ Includes cosmetic within its purview.

❖ Cosmetics means any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance and includes any article intended for use as a component of the cosmetic, but does not include 'soap'.




❖ Act amended by the Drugs(Amendment) Act 1964 to include Ayurvedic (including Siddha) and Unani drugs. Under this act , the Central government has constituted the Drugs Technical Advisory Board, Ayurvedic and Unani Drugs Technical Advisory Board, The Drugs Consultative Committee and established the Central Drugs Laboratory to advise:

1)on technical matters arising out of the administration of the act.

2)on matters tending to secure uniformity throughout India in the administration of this act.

3)to analyse or test samples of drugs imported into India and picked up by the Assistant Drugs Controllers at the ports.

- ❖ Rules are divided into 18 parts.
- ❖ Part IV – Deals with import of drugs.
- ❖ Part VI to VIII- Deals with sale and manufacture of drugs.
- ❖ Sch E- For poisonous substances and their restrictions with regard to storage , sale and dispensing of prescriptions containing these drugs.
- ❖ Sch H drugs- List of poisons which are subjected to special restrictions with regard to labelling , sale and prescription.
- ❖ Sch L drugs- List of antibiotics, antihistaminics and other chemotherapeutic drugs of recent origin subjected to special restrictions with regard to labelling , sale and prescription.


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- ❖ Sch C- Biological and special products.
  - ❖ Sch F- Vaccines and sera.
  - ❖ Sch G- Hormone preparations.
  - ❖ Sch J- List of diseases for the cure of which no drug should be advertised.

- **Pharmacy Act 1948:**

- ❖ Extends throughout India except Jammu and Kashmir.
- ❖ Passed by Indian Dominion Parliament.
- ❖ Make better provision for the regulation of the profession of pharmacy and setting up Pharmacy Council.
- ❖ Under this act, Central Pharmacy Council was established which has control over education and examination of students entering pharmacy . The state councils have also been constituted.

- **The Narcotic Drugs and Psychotropic Substances Act 1985:**

- ❖ Consolidates and amends the existing laws relating to narcotic drugs , strengthens the existing controls over drugs of abuse , considerably enhances the penalties , particularly for trafficking offences , makes provision for exercising effective control over the psychotropic substances and for the implementation of international conventions relating to narcotic drugs and psychotropic substances.
- ❖ Contains list of 77 psychotropic drugs.
- ❖ Narcotic drug is defined as cocoa leaves , cannabis ,opium , poppy straw , and all manufactured drugs.
- ❖ Psychotropic substances is defined as any substance natural or synthetic included in the list of psychotropic substances specified in schedule to the act

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- ❖ Amended again on 1989 and 2001.
  - ❖ Amendments provide for the following:
    - 1) To constitute a National Fund for Control of drug abuse to meet expenses incurred for combating illicit traffic and prevent drug abuse.
    - 2) To bring certain controlled substances which are used for the manufacture of narcotic drug and psychotropic substances under the ambit of this act and to provide deterrent punishment for violation.
    - 3) To provide that no sentence awarded under the Act shall be suspended , remitted or commuted.
    - 4) To provide for pre-trial disposal of seized drugs.
    - 5) To provide death penalty on second conviction

for specified offences involving specified quantities of drugs.

6) To provide for forfeiture of property.

7) To provide that all offences shall be cognizable and non-bailable.

❖ Section 18 of the Act- Provides for punishment for contravention in relation to provision relating to cultivation , production , manufacture , sale, possession, purchase , transport , import or export inter- state or the use of opium.

❖ The punishments are:

1) When the contravention involves small quantity  
-rigorous imprisonment for a term which may extend to six months or with fine upto 10,000 rupees or both.

2) When the contravention involves quantity lesser than commercial quantity but greater than small quantity- Rigorous imprisonment of term which may extend to ten years and with fine which may extend to one lakh rupees.

3) When the contravention involves commercial quantity- Rigorous imprisonment of term not less than 10 years but may extend to 20 years and with fine not less than one lakh but may extend to two lakh rupees.

❖ S 27- If any person posses small quantity of any narcotic drugs or psychotropic substances for personal consumption shall be punished with imprisonment which may extend to one year or with fine or both.

❖ The Drugs Control Act, 1950:

Provides for control of sale, supply, and distribution of drugs, the issue of cash memo for sale, marking of prices, and exhibiting list of prices and stocks.


❖ The Drugs and Magic Remedies Act, 1954:

Bans advertisement of drugs which offend decency or morality. For e.g. magic remedies to increase potency, treatment of venereal disease, abortion.

❖ Prevention of illicit traffic in narcotic drugs and Psychotropic substances Act, 1988.

## ❖ Other related legal provisions:

- Section 324 IPC- Imprisonment which may extend to 3 years or with fine or both.
- Section 328 IPC- Imprisonment which may extend to 10 years and with fine.
- Section 284 IPC- Imprisonment which may extend to 6 months or with fine which may extend to Rs.1000 or with both.
- Section 274 IPC- Punishment for adulteration of drugs with imprisonment which may extend to 6 months.
- Section 299 IPC- Culpable homicide.
- Section 300 IPC- Murder including murder by poisoning.
- Section 304A IPC- Death by rash or negligence act including poisoning.

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- 175 CrPC- No scope for professional secrecy in cases of poisoning on requisition by police.
  - Section 176 IPC- Non-compliance of a doctor to report homicidal poisoning is punishable.
  - Section 39 CrPC- Doctor should report all cases of homicidal poisoning to police or magistrate.
  - Section 193 IPC- If false information is given the doctor is culpable.
  - Section 202 IPC- If information is concealed the doctor is culpable.
  - Section 201 IPC- Doctor is liable with charges of causing disappearance of evidence.

- **Duty of medical practitioner in cases of poisoning:**

- **Whether in private/government set up:**

1. Should take all preliminary particulars in written.
2. First duty is to guard patient's interest-find out nature and treat patient accordingly.
3. Preserve all evidence-vomited matter/stomach wash/urine sample and faeces sample/suspected articles of food , drink or medicines in wide mouthed glass bottles or jars with tightly fitting glass stoppers.
4. Proper labeling of bottles or jars with:
  - Name of the patient.
  - Material preserved.
  - Date of examination.
5. Keep the articles collected under his own custody until required for transmission for chemical analysis.

6. A medical practitioner should never grant death certificate but inform the police for necessary investigation.
7. **In government hospital**- All suspected poisoning whether suicidal/accidental/homicidal report to the police.
8. **In private practice:**
  - a) In cases of homicidal poisoning –  
Communicate the fact to the nearest police officer/ magistrate.(under Sec 39 CrPC). If already reported to police the practitioner is not liable for giving notice( Sec 40 CrPC).
  - b) In cases of suicidal poisoning –  
Not bound to supply information to police or magistrate.

9. In cases of accidental poisoning e.g food poisoning from some hotel or contamination of public drinking water doctor should inform the public health authorities immediately.

10. **Suspicion of homicidal poisoning:**

a) consult another practitioner .

b) Remove the patient to hospital/ private nursing home and he should be attended with only nursing staff.

c) If he cannot be removed to hospital two well trained nurses should attend him.

d) If this is not possible , inform the near relative or a friend of the suspicion.

e) If the patient is an adult and in his full senses he may be warned against the danger.

11. If a patient is serious , record his dying declaration, provided he is certified fit by the doctor.
12. When the body is brought for postmortem examination with suspicion of poisoning:
  - a) Read the police report.
  - b) Extract information from the relatives.
  - c) Record all findings in written.
  - d) External examination-
    - # Note any Peculiar odour.
    - # Surface of body and clothes for stains or mark of feaces /vomitus /poison.
    - # Natural orifices.
    - # Injection sites.
    - # Any other external ante-mortem injuries.

e) **Internal examination-**

- \* All organs examination.
- \* The alimentary system for hyperemia/softening/ulceration of mucous membrane/perforation.
- \* Preservation of viscera, blood , urine and other tissue and seal it and keep it under custody until requirement to send it for chemical analysis.



**THANK YOU**