

THE DRUGS AND COSMETICS (AMENDMENT) ACT, 1972

No. 19 OF 1972

[31st May, 1972]

An Act further to amend the Drugs and Cosmetics Act, 1940.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Drugs and Cosmetics (Amendment) Act, 1972. Short title.

1940. 2. In the Drugs and Cosmetics Act, 1940 (hereinafter referred to as the principal Act), in section 1,—

(i) in sub-section (2), the words “except the State of Jammu and Kashmir” shall be omitted; Amendment of section 1.

(ii) to sub-section (3), the following proviso shall be added, namely:—

“Provided that in relation to the State of Jammu and Kashmir, Chapter III shall take effect only from such date after the commencement of the Drugs and Cosmetics (Amendment) Act, 1972, as the Central Government may, by notification in the Official Gazette, appoint in this behalf.” Amendment of section 3.

3. In section 3 of the principal Act, clause (d) shall be omitted.

4. After section 3 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 3A.

“3A. Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State.” Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir.

Repeal
and
saving.

5. (1) On and from the date on which any of the provisions of the principal Act take effect in the State of Jammu and Kashmir, the corresponding provisions, if any, contained in the Jammu and Kashmir Drugs Act, 2000, shall stand repealed.

Jammu
and
Kashmir
Act 20
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A.D.).

(2) The repeal of any provisions contained in the Jammu and Kashmir Drugs Act, 2000, under sub-section (1), shall not affect—

(a) the previous operation of the provisions so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said provisions had not been repealed:

Provided that anything done or any action taken (including any appointment made, notification issued or rule made) under the provisions so repealed shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act and now extended to the State of Jammu and Kashmir and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the principal Act as amended by this Act.