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Volume VIII

The Drug (Control)
(Amendment) Ordinance, 1984

Published by Authority

SATURDAY, JULY 7, 1984

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND JUSTICE

NOTIFICATION

Dated, the 7th July, 1984

No. 613-Pub. — The following Ordinance made by the President of the People's Republic of Bangladesh, on the 30th June, 1984, is hereby published for general information:—

THE DRUGS (CONTROL) (AMENDMENT) ORDINANCE, 1984

Ordinance No. XLIII of 1984

AN

ORDINANCE

Further to amend the Drugs (Control) Ordinance, 1982

Whereas it is expedient further to amend the Drugs (Control) Ordinance, 1982 (VIII of 1982), for the purposes hereinafter appearing:

Now, therefore, in pursuance of the Proclamation of the 23rd March, 1982, and in exercise of all powers enabling me in that behalf, the President is pleased to make and publish the following Ordinance:—

1. Short title. — This Ordinance may be called the Drugs (Control) (Amendment) Ordinance, 1984.

2. Amendment of section 4, Ord. VIII of 1982. — In the Drugs (Control) Ordinance, 1982 (VIII of 1982), hereinafter referred to as the said Ordinance, in section 4, in sub-clause (ii), for the words "or sold" the clauses and the words "produced, exhibited or sold" shall be substituted.

(Signed)

Prime Minister

Registered No. DA.7.

The

Bangladesh Gazette

Extraordinary

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Dhaka, the 7th July, 1984

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ORDINANCE

further to amend the Drugs (Control) Ordinance, 1982

WHEREAS it is expedient further to amend the Drugs (Control) Ordinance, 1982 (VIII of 1982), for the purposes hereinafter appearing;

Now, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title.—This Ordinance may be called the Drugs (Control) (Amendment) Ordinance, 1984.

2. Amendment of Section 5, Ord. VIII of 1982.—In the Drugs (Control) Ordinance, 1982 (VIII of 1982), hereinafter referred to as the said Ordinance, in section 5, in sub-section (I), for the words "or sold" the commas and the words ", stocked, exhibited or sold" shall be substituted.

(8365)

Price : 25 Paisa

3. Insertion of new section 6A, Ord. VIII of 1982.—In the said Ordinance, *after* section 6, the following new section 6A shall be *inserted*, namely :—

"6A. Appeal.—(1) Whoever is aggrieved by an order or decision of the licencing authority under sections 5 and 6 may within one month from the date of making of the order or decision, prefer an appeal to the Appellate Authority appointed under sub-section (2).

(2) The Government shall, for the purpose of this section, appoint an Appellate Authority, consisting of a Chairman and such number of other members as it may think fit.

(3) The Appellate Authority shall give its decision on an appeal after giving the parties concerned an opportunity of being heard.

(4) The decision of the Appellate Authority shall be final and shall be binding upon the parties and shall not be called in question before any Court or authority."

4. Amendment of section 8, Ord. VIII of 1982.—In the said Ordinance, in section 8 :—

(a) in sub-section (1), for the words "or sold" the commas and the words ", stocked, exhibited or sold" shall be *substituted*;

(b) in sub-section (2),—

(i) in clause (b), for the words "and sale" the commas and the words ", stock, exhibition and sale" shall be *substituted*;

(ii) in clause (c), for the words "or sale" the commas and the words ", stock, exhibition or sale" shall be *substituted*; and

(iii) in clause (d), for the words "and sale" the commas and the words ", stock, exhibition and sale" shall be *substituted*.

5. Insertion of new section 14A, Ord. VIII of 1982.—In the said Ordinance, *after* section 14, the following new section 14A shall be *inserted*, namely :—

"14A. Prescription of unregistered medicine prohibited—(1) No physician shall prescribe for any patient any medicine which is not registered under this Ordinance.

(2) Nothing in this section shall apply to the prescription of any drug which is—

(a) manufactured in a foreign country after testing its efficacy and usefulness;

(b) imported with the permission of the licencing authority for the purpose of examination, test or analysis or for personal use."

6. Amendment of section 16, Ord. VIII of 1982.—In the said Ordinance, in section 16,—

(a) for the words "or sells" the commas and the words ", stocks, exhibits or sells" shall be *substituted*; and

(b) for the words "or spurious" the commas and the words ", misbranded, spurious or imitated" shall be *substituted*.

7. Amendment

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7. Amendment of section 17, Ord. VIII of 1982.—In the said Ordinance, in section 17,—

(a) in the marginal note, for the words "or sale" the comma and the words ", stock or sale" shall be substituted; and

(b) for the words "or sell" the comma and the words ", stocks or sells" shall be substituted.

8. Insertion of new section 21A, Ord. VIII of 1982.—In the said Ordinance, after section 21, the following new section 21A shall be inserted, namely :—

"21A. Offences by companies.— (1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence has been committed, was incharge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Ordinance if he proves that the offence has been committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also to be deemed to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and included a firm or other association of individual, and

(b) "director", in relation to a firm, means partner in the firm."

DHAKA
The 30th June, 1984.

H.M. ERSHAD, ndc, psc
LIEUTENANT GENERAL
President.

MD. ABUL BASHAR BHUIYAN
Deputy Secretary (Drafting).

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বাংলাদেশ গেজেট



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, সেপ্টেম্বর ৪, ১৯৯৭

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ৪ঠা সেপ্টেম্বর, ১৯৯৭/২০শে ভাদ্র, ১৪০৪

সংসদ কর্তৃক গৃহীত নিম্নলিখিত আইনটি ৪ঠা সেপ্টেম্বর, ১৯৯৭ (২০শে ভাদ্র, ১৪০৪) তারিখে রাষ্ট্রপতির সম্মতি লাভ করিয়াছে এবং এতদ্বারা এই আইনটি সর্বসাধারণের অবগতির জন্য প্রকাশ করা যাইতেছে:-

১৯৯৭ সনের ১৮ নং আইন

Durgs (Coutrol) Ordinance, 1982 এর অধিকতর সংশোধনকল্পে প্রণীত আইন
যেহেতু নিম্নবর্ণিত উদ্দেশ্য পূরণকল্পের Durgs (Coutrol) Ordinance, 1982-এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :-

১। সংক্ষিপ্ত শিরনামা।-এই আইন The Drugs (Control) (Amendment) Act, 1997 নামে অভিহিত হইবে।

২। Ordinance VIII of 1982 এর section 21 এর প্রতিস্থাপন।- উক্ত Ordinance-এর section ২১-এর পরিবর্তে নিম্নরূপ section ২১ প্রতিস্থাপিত হইবে, যথা:-

"21 Penalty for illegal advertisment and claims-Whoever contravenes the provision of section 14 shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine which may extend to two lakh taka, or with both"

খোন্দকার আবদুল হক

ভারপ্রাপ্ত সচিব।

মুহাম্মদ রবিউল ইসলাম, উপ-নিয়ন্ত্রক, বাংলাদেশ সরকারী মুদ্রণালয়, ঢাকা কর্তৃক মুদ্রিত

মোঃ সিকান্দার আলী মন্ডল, উপ-নিয়ন্ত্রক, বাংলাদেশ ফরমস্ ও প্রকাশনী অফিস

তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত।

(৩১৮১)

মূল্য : টাকা ১.০০