

ORDINANCE XXII OF 1998

**DRUGS (AMENDMENT) ORDINANCE, 1998**

*An Ordinance to amend the Drugs Act, 1976*

[Gazette of Pakistan Extraordinary, Part I  
23rd December, 1998]

F.No.2(1)/98-Pub., dated 23-12-1998.--The following Ordinance made by the President is hereby published for general information.

PLD

Whereas it is expedient to amend the Drugs Act, 1976 (XXXI of 1976) for the purposes hereinafter appearing;

And whereas the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 89 of the Constitution of the Islamic Republic of Pakistan, the President has pleased to make and promulgate the following Ordinance:---

**Short title and commencement.**—(1) This Ordinance may be called the Drugs (Amendment) Ordinance, 1998.

(2) It shall come into force at once.

**Amendment of section 3, Act XXXI of 1976.**—In the Drugs Act, 1976 (XXXI of 1976), hereinafter referred to as the said Act, in

(i) in clause (a), for sub-clause (ii) the following shall be substituted,

(ii) which has been manufactured, packed or held under unsanitary conditions whereby it may have been--

(a) contaminated with dirt, filth or any other foreign matter or its normal decomposed matter, or

(b) rendered injurious to health; or";

(i) for clause (f), the following shall be substituted, namely:--

(f) 'imitation product' means a drug or any other substance or preparation or any homoeopathic, unani, ayurvedic or biochemic medicine or preparation offered for treatment or prevention of any disease the label or packing of which is an imitation of, or resembles or so nearly resembles as to be calculated to deceive the label or outer packing of a drug of another manufacturer; and

(ii) in clause (g) for sub-clause (vi) the following shall be substituted,

(vi) immediate packing containers for sterile preparations which are in contact with the drug, blood bags, disposable giving sets for infusion or blood, disposable syringes or any other substance or device which the Federal Government may, by notification in the official Gazette, declare to be a "drug" for the purposes of this Act;".

3. **Insertion of new section 9A, Act XXXI of 1976.**--In the said Act, after section 9 the following new section shall be inserted, namely:--

"9A. **Provincial Appellate Authority.**--The Provincial Government may, in accordance with rules, constitute an Appellate Authority to hear and decide against decisions of the licensing authority in respect of licences for sale of drugs."

4. **Amendment of section 12, Act XXXI of 1976.**--In the said Act, section 12, in subsection (1), in clause (a), for the words "is to be sold" the words "shall be sold or imported" shall be substituted.

5. **Amendment of section 16, Act XXXI of 1976.**--In the said Act, section 16, the comma and words "for such areas and in respect of such or classes of drugs as may be specified in the notification" shall be omitted.

6. **Amendment of section 19, Act XXXI of 1976.**--In the said Act, section 19,--

(i) in subsection (3) for the words "seven days" the words "forty hours" shall be substituted; and

(ii) for subsection (5), the following shall be substituted, namely:

"(5) Where an Inspector takes any action under section 18 he shall, as soon as possible, inform the Board concerned or its Chairman and take order to the custody of the stocks of the drug seized by him:

Provided that where a Federal Inspector is not competent to take action under section 30, he shall, as soon as may be, report the matter and hand over the stock, if any, to the Provincial Inspector for further action under this Act.

7. **Amendment of section 22, Act XXXI of 1976.**--In the said Act, section 22,--

(1) in subsection (4),--

(i) for the word "thirty" the word "seven" shall be substituted; and

(ii) after the word "Board", occurring for the second time, the words "or the Provincial Quality Control Board or such other Authority as may be prescribed for this purpose" shall be inserted; and

(2) in subsection (5),--

(i) for the words "the Board concerned", occurring for the first time, the commas and words "as the case may be, the Central Licensing Board, the Registration Board, the Provincial Quality Control Board or such other Authority as may be prescribed for this purpose" shall be substituted; and

(ii) after the word "report", occurring for the second time, the commas and words "within thirty days of the receipt of the sample," shall be inserted.

8. **Amendment of section 23, Act XXXI of 1976.**--In the said Act, in section 23, in subsection (1),--

(i) in clause (a), in sub-clause (ii), for the words "counterfeit drug" the words "imitation product" shall be substituted.

(ii) in clause (j), in sub-clause (ii), the word "and", at the end, shall be omitted.

(iii) in clause (j) for the full stop at the end, a semi-colon and word "and" shall be substituted; and

(iv) after clause (j), amended as aforesaid, the following new clause shall be added, namely:--

"(k) sell or import a drug above the maximum price fixed under this Act on which the drug shall be sold or imported."

9. **Amendment of section 27, Act XXXI of 1976.**--In the said Act, in section 27,--

(1) in subsection (1),--

(i) for the word "three" the word "five" shall be substituted;

(ii) for the word "one" the word "five" shall be substituted; and

(iii) the proviso shall be omitted; and

(2) in subsection (2), in clause (a) for the words "counterfeit drug" the words "imitation product" shall be substituted.

10. **Amendment of section 28, Act XXXI of 1976.**--In the said Act, in section 28, in subsection (1),--

(i) for the word "five" the word "seven" shall be substituted; and

(ii) for the word "two" the word "ten" shall be substituted.

11. **Amendment of section 31, Act XXXI of 1976.**--In the said Act, in section 31,--

(i) in subsection (i) after the word "Government" the commas and words "and, if so directed by the Federal Government, the Provincial Government" shall be inserted.

(ii) in subsection (3), after the word "Government" the commas and words "as the case may be, the Provincial Government" shall be inserted;

(iii) after subsection (7) the following new subsection shall be inserted, namely:--

"(7A) A Federal Inspector or a Provincial Inspector may, on the direction of the Federal Government or, as the case may be, by the Provincial Government, prefer appeal against an order of acquittal or inadequacy of sentence passed by the Drug Court within thirty days of such order."

12. Amendment of section 41, Act XXXI of 1976.--In the said section 41 shall be numbered as subsection (1) of that section and subsection (1), numbered as aforesaid, the following new subsection shall be added, namely:--

"(2) A Provincial Quality Control Board, may, subject to the conditions specified in subsection (1), suspend the manufacturing licence of a manufacturer situated within the Province for a specified period not exceeding fifteen months and shall, as soon as possible, report the matter to the Central Licensing Board for such action as it may deem fit."

(3) The suspension of the licence made by the Provincial Quality Control Board shall, on the expiry of the specified period, cease to have effect unless it is extended or continued by the Central Licensing Board."

13. Amendment of section 44A, Act XXXI of 1976.--In the said Act, in section 44, the following new section shall be inserted, namely:--

"(44A) Delegation.--(1) The Federal Government may, by notification in the official Gazette and subject to such conditions and limitations as may be specified therein, delegate all or any of its powers and functions under this Act to the Provincial Government, or any other authority as it may deem fit."

(2) Subject to subsection (1), the Provincial Government may, by notification in the official Gazette, and subject to such conditions and limitations as may be specified therein, delegate all or any of its powers and functions under this Act to any authority as it may deem fit."

#### ACT I OF 1999

#### SALES TAX (AMENDMENT) ACT, 1999

*An Act further to amend  
the Sales Tax Act, 1990*

[Gazette of Pakistan, Extraordinary, Part I,  
31st March, 1999]

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 30th March, 1999, and are hereby published for general information:--

of the President on the 30th March, 1999, and are hereby published for general information:--

Whereas it is expedient further to amend the Sales Tax Act, 1990 for the purposes hereinafter appearing;

It is hereby enacted as follows:--

1. Short title and commencement.--(1) This Act may be called the Sales Tax (Amendment) Act, 1999.

(2) It shall come into force on the first day of December, 1998.

2. Amendment of section 3, the Sales Tax Act, 1990.--In the Sales Tax Act, 1990, hereinafter referred to as the said Act, in section 3,--

(i) in subsection (1), for the words "twelve and a half" the word "fifteen" shall be substituted;

(ii) in subsection (2), in clause (c), for the words "twelve and a half" the word "fifteen" shall be substituted, and

(iii) for subsection (4), the following shall be substituted, namely:--

"(4). The Federal Government may, for a period not beyond the 30th June, 2003, in addition to or in lieu of levying and collecting the tax under subsection (1), levy and collect such withholding tax not exceeding five per cent. of the value on any supply of textile goods to be payable by any registered person or class of registered persons, supplying such goods or class of goods, in such mode, manner and at time, and subject to such conditions and limitations as may specify by a notification in the official Gazette."

3. Amendment of section 8, the Sales Tax Act, 1990.--In the said Act, in section 8, in subsection (4), for the words, brackets, figures, comma and clause (d) of subsection (2) of section 3, section 3-A and section 3-AA the word, figure and letter shall be substituted by "section 3-A".

4. Amendment of section 13, the Sales Tax Act, 1990.--In the said Act, in section 13,--

(i) subsections (2) and (3) shall be omitted;

(ii) in subsection (4), the commas, words, brackets and figure ", other than tax specified in clause (d) of subsection (2) of that section," shall be omitted; and

(iii) after subsection (4), the following new subsection shall be added, namely:--

"(5) Notwithstanding the omission of subsection (2), the Federal