

THE DRUGS (AMENDMENT) BILL, 1954.

THE MINISTER FOR HEALTH (RAJ-KUMARI AMRIT KAUR): Sir, I beg to move:

"That the Bill further to amend the Drugs Act, 1940, be taken into consideration."

This Bill has been circulated and all I would like to say in connection with this is that the Drugs Act, 1940, which provides for the regulation of the import, manufacture, distribution and sale of drugs and also prescribes the standards of quality of drugs, has been in force since April 1947. But in the light of the experience gained in the working of the Act during the past seven years, it is proposed in this Bill now before the House, to make a few amendments, so that the Act might become more efficacious. There are many points that have been taken into consideration. There was need for the amplification of the definition of the term 'drug' for example. There was need for definition of 'manufacture' and there was also need for the constitution of a Drugs Technical Advisory Board. And there was need also, in the present circumstances, for the assumption by the Central Government of rule-making powers, which uptil now had been in the hands of the States, in order to have a uniform policy.

Then, hon. Members are aware of the terrible amount of adulteration not only in foodstuffs but also in drugs, that has come into being and the number of spurious drugs that have also come into the market. Therefore, we felt that an enhancement of penalties for offences under the Act should also be brought in. As a corollary to that, we have to have an enhancement of magisterial powers regarding the passing of sentences and so on. There is need, therefore, for these amendments and for giving further powers to drugs inspectors. The need for these amendments was very very great and, therefore, this Bill has been brought

before this House. I do hope that it will receive the same measure of interest and support as the Dentists (Amendment) Bill has received.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill further to amend the Drugs Act, 1940, be taken into consideration."

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Deputy Chairman, I would like to congratulate the hon. Minister for bringing forward this measure. She has got it appears from the amendments proposed—a complete grip of the situation and the Government are anxious to deal with unscrupulous elements very strongly. I particularly congratulate her for bringing forward clauses 12 and 14 under which the punishment has been increased from one year to three years, in the first instance; and, if the offence is committed subsequently, the punishment has been raised to imprisonment upto five years in place of three years. I welcome these amendments. They will go a long way, as the hon. Minister has said, to have a deterrent effect upon the unscrupulous elements in this industry and trade.

Sir, I also find that the amount of fine has been omitted. In the original Act it was provided that the fine would be Rs. 500. That was the maximum limit placed. Now, with the removal of this amount, the fine could be much more than Rs. 500. This is also a very welcome amendment.

Sir, the drugs control administration is divided into two parts. There are certain functions and responsibilities placed on the Central Government; and there are others which are for the State Governments to implement. So far as the Central Administration is concerned, there has been a very satisfactory improvement. The Centre is responsible for maintaining the standards of quality of imported drugs and it is very good, Sir, that they have restricted the ports of entry of foreign drugs. Only five places are

[Shri Rajendra Pratap Sinha.] permitted to be used for importing drugs. I must pay my compliments to the Central Administration for tightening up the quality of the imported drugs. We now find—at least this is my knowledge—that none of the medical practitioners have any complaint about the imported stuff and I do hope that Government will continue to take rigorous steps in the matter of maintaining the quality and the standards of the imported drugs because they are very potent and active drugs and we cannot allow their quality and standard to suffer.

Now, Sir, so far as the manufacture, sale and distribution of the drugs is concerned, they are under the control of the State Governments. It is the States' responsibility to see that the Indian medicines that are being manufactured here are up to the standard and quality prescribed.

Now, Sir, we find in this amending Bill that certain powers are being taken away from the States and are being vested in the Centre. In this connection, I would draw your attention to clauses 8, 9(b) and 15 of the amending measure. Clause 8 takes away the power of the State Governments with regard to the amendment of the Schedule for the purpose of Chapter IV, which deals with the manufacture, sale and distribution of drugs and it is this power to amend the schedule, which was originally with the State Governments, that is now being vested in the Central Government.

Now, Sir, under clause 9(b), the State Governments were authorised, under certain conditions, to permit the manufacture, sale and distribution of drugs below the standard quality. Now this power is also being taken away from the State Governments and is vested in the Centre.

In clause 15, Sir, the rule-making powers in connection with Chapter IV—again, the same chapter which deals with the manufacture sale and distribution of drugs—were with the State Government. This chapter

deals entirely with the manufacture, sale and distribution of drugs, which is the responsibility of the State Governments. The State Governments are responsible for the administration of this portion of the Act. Originally, Sir, they were authorised to make rules to give effect to the provisions of this chapter.

Now, this rule-making power of the State Governments is also being taken away and being vested in the Central Government. You will thus see, Sir, that there is going to be concentration of power in the hands of the Central Government. And although the State Governments are expected to administer this portion of the Act, their rule-making authority is being taken away from them. Now, Sir, it is said that these powers are being taken away and are being vested in the Central Government in order to bring uniformity in the rules throughout India. It is quite good, Sir, and we must have uniform rules. But I would only like to press here, Sir, that the State Governments must be consulted. We must have their viewpoints before making or altering the existing rules.

Sir, there is a Drugs Consultative Committee formed under section 7 of the Act. Now, on this Committee, Sir, are represented the various States. I want to plead here, that these rules, before they are published, must have the support of the Drug Advisory Councils. If we adopt this method, we will not only bring in uniformity in our rules, but at the same time, I may say that we will be taking the wishes of the State Governments into consideration as well.

I would also, Sir, particularly draw your attention to one fact that in emergent cases we are taking away the power of the Technical Board as well. The Central Government is now being authorised to issue the rules without consulting the Technical Board. Of course, within six months their wishes have to be taken into account. What I would like to emphasise here, Sir, is that the Central Government is now

being vested with very great powers, so far as the rule-making authority is concerned, in connection with all the points that I have pointed out to you. The Technical Board can also, at times, be ignored. Therefore, it is very essential that the wishes of the State Governments should be taken into account while making rules. And the only machinery that now exists to take their views into consideration is the Drugs Consultative Committee. Let us, have a rule that no rule will be published, will be promulgated, unless it has received the concurrence of the Drugs Consultative Committee.

Now, Sir, with regard to the power that is being given to the Central Government, not to consult even the Technical Board, which is composed of all the experts, while promulgating any rules in emergent conditions, I would like to make one submission. Let this power be used by the Central Government only in an emergency. Let it not be made an ordinary rule that you will utilise the power that is now being vested in you, and you will always ignore consulting the Technical Board, before publishing the rules or making the rules, and then within six months you will consult the Technical Board. If the experience of the working of this Act has shown that it needs such powers in an emergency, please do have them by all means, but use them only in an emergency. This is my submission, Sir.

MR. DEPUTY CHAIRMAN: Does it not mean it? It says:

"Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation

The amendment provides it. This is what the amendment seeks.

SHRI RAJENDRA PRATAP SINHA: This is what I want.

Now, Sir, I draw your attention to clause 11. We have altered the original section 22(c), whereby it was

incumbent upon the inspector to consult the Chief Presidency Magistrate or the District Magistrate whenever he wanted to take any drastic steps under this section, i.e. to seize any stocks, or to launch any prosecution. He must have the prior sanction or authority before he could act under section 22(c); he must report the matter to him, take his sanction, and then take action under section 22(c). Now, this section is being amended, and we are giving very wide powers to the inspector, to use his discretion in the matter. I am, Sir, not against giving such powers to the Inspector, because otherwise often it delays taking action in emergent cases, and unscrupulous persons take advantage of this provision to take the permission of the District Magistrate, etc., etc. But, I would like to emphasise this point, Sir, that now that we are increasing the powers and responsibilities of the Inspectors, we should see that really men of calibre and character are employed as Inspectors under the Drugs Control Act. Sir, the entire pivot of the drugs control administration moves round this Inspector. Therefore, Sir, it is very important that these Inspectors should not be Inspectors like the Supply Inspectors and the other inspectors about whom we have a lot of experience during the control period. If we are going to have inspectors of that calibre and of that type, then, I think, it is not worth having these Inspectors at all. The Inspectors of the Supply Department simply brought disgrace to the Administration. I would not like to say much more about them. What I would like to emphasise is that the Inspectors appointed under the Drugs Control Act should be men of status, should be very well-qualified persons. We must, under the rules provide for the qualifications of these Inspectors. Their minimum salary must be high enough so that they will not be tempted into doing anything improper. I understand that in the Delhi Circle the salary of the Inspector has been fixed at Rs. 275 p.m. Of course, it is for the Administration to take all the facts into consideration and then de-

[Shri Rajendra Pratap Sinha.]
 cide this, but I consider that any salary below Rs. 350 for such responsibilities is not proper. Then, these Inspectors should always be appointed through the Public Service Commission so that there is no chance for any favouritism in their appointments. These matters should be tackled properly under the rule-making powers that are now vested in the Centre. Actually, the Inspectors in the different States are drawing different grades of salary. I think it will be much better if we have an all-India Service of Drug Inspectors. Their qualifications are an important factor. A Drug Inspector must be a properly qualified person and must possess a degree in pharmaceuticals or other branch of chemistry, so that he can discharge his functions properly. It is no good having non-technical Inspectors. We must have technical Inspectors, men who have studied this problem. Because we are now investing them with such vast powers, we must have proper supervision over their work, and I would request the hon. Minister to provide under the rules that at least 10 per cent. of the work of these Inspectors should be checked by the Directors of Health Services in the various States. This is very important. We have got highly paid Directors of Health Services in all States, and they should check at least 10 per cent. of the work of these Inspectors to see as to how they have been functioning. That will improve the administration and the Inspectors will always feel that there is somebody to check their work by a system of sample checking.

Then, I welcome the amendment to old section 34 (clause 16 of the Bill) wherein we have brought the companies into the picture. In the original Act, offences committed by companies were not properly dealt with. So, I very much welcome this addition dealing with offences committed by companies, and I particularly welcome the suggested section 35 which deals with the publication of sentences passed under this Act. This is very important as this will give us

an idea as to which company is committing crime, which medicine is not properly prepared, etc. so that we can avoid the use of such preparations. I very much welcome this measure and I hope this will be vigorously enforced.

I also welcome the idea of giving up altogether the secrecy about patent medicines and proprietary medicines. The tendency in European countries also is that they do not want to maintain any secrecy, so far as drugs are concerned. This is a very good amendment. We are now going to enforce it that the manufacturers should give the formula and the ingredients on the labels of their medicines, so that the medical practitioners—and even laymen—may know what the medicines actually contain. I hope this will be properly enforced. Thank you.

SHRI H. P. SAKSENA (Uttar Pradesh): Sir, I give my wholehearted support to this measure. I find myself today to be living in the ancient times of glorious India, when the names of Dhanvantari, Ashvini Kumar and Charak were names to conjure with so far as the science of medicine was concerned. I am happy that a very wise and effective step is being taken towards the prevention of the manufacture, import and use of spurious drugs. The measure is at once beneficial and beneficent. I am a very strong champion of centralisation in all aspects of administration, and therefore the greatest joy that any single provision of this Bill gives me is that which takes away all the powers of the State Governments and centralises them in the Centre. I have always held the view that there should be only one authority for the entire country, and for that reason, I think that health and education should either be Central subjects or the Centre should have nothing to do with them, if they are to be entrusted to the care of the States. Let them take care of these subjects. The Centre should have nothing to do with health and education. I do not, by saying this, mean the abolition of the Central Health Ministry or the Educa-

tion Ministry, which might offend the hon Health Minister I do not mean that, but it is not feasible to have divided responsibility So I am very glad that the Centre is going to take over all rule-making powers under this amending Bill

Another very progressive provision of the Bill is the enhancement of penalty Sir, unfortunately even the most deterrent measures taken by the Government do not succeed in putting a stop to the evil practices that have crept in into our body politic, but to the extent that human ingenuity will permit, we can only continue to devise ways and means of putting a stop to these obnoxious practices By this amending Bill we also increase the scope of the Act by including contraceptives and insecticides Sir, the entire purport of this Bill is to take very meticulous care of chemistry Chemistry has got to deal with the manufacture of medicines out of drugs This manufacturing business in our country is a very old one and I am only sorry that we import so many drugs and medicines from outside particularly from European countries—Germany, England and also from America, that the expansion of the healthy industry of the country known as indigenous chemistry has fallen on bad days It is upto us, it is our bounden duty to revive it and to restore it to its pristine glory

Sir, while speaking on the Dentists Bill I forgot to remind this House of the natural tooth brush that we have used from time immemorial and that was the neem twig which cost us nothing It was the curer of all diseases of the teeth and if we take to it back again I am sure we will have no need of these dentists and tooth brushes and all that So my whole point is this that while I welcome and give my entire support to this measure, I want our country to begin at the right end and the right end is to lay more stress on indigenous medicines, indigenous systems of medicine like Ayurved and Unani and less and less on the imported medicines, drugs etc Now it was very painful to me to read in the last

Budget about a paltry provision of Rs 5 lakhs meant for the Ayurvedic system of medicine and treatment while there were crores and crores of rupees for the allopathic treatment which my hon friend Dr Sokhey calls the scientific system of medicine, as if all the other systems of medicine including Ayurved and Unani were unscientific With these remarks, I support this Bill

KAZI KARIMUDDIN (Madhya Pradesh) Mr Deputy Chairman, I welcome this piece of legislation which according to me is very comprehensive But I have raised some amendments in regard to section 11 particularly The original section 11 had prescribed that any action that was to be taken by the Inspector was to be reported to the District Magistrate for final approval This provision has been removed and sweeping and unprecedented powers have been given to the Inspectors I am glad that the rule-making power has been taken by the Central Government but I apprehend that all those powers will not be concentrated in the Central Government but will be concentrated in the Inspectors Now according to the proposed new section 11

SHRI H P SAKSENA They will be delegated to the Inspectors

KAZI KARIMUDDIN all powers are vested in the Inspectors and there is nowhere any provision in the law that they are subject to the control and supervision of anybody Not only that If sub-clause 3 to clause 11 is read it says

"If any person wilfully obstructs an Inspector in the exercise of the powers conferred upon him by or under this Chapter, he shall be punishable with imprisonment which may extend to three years, or with fine, or with both"

Now mere report from the Inspector to the police will be sufficient to launch a prosecution of this serious nature under this Act I have moved an amendment that no prosecution should

[Kazi Karimuddin]

be launched under this section without a complaint from the District Magistrate, otherwise there will be very great room for corruption because of the sweeping powers given to the Inspector for launching prosecutions and seizing stocks and all these powers will be exercised by him without any control

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Then I bring to the notice of the Minister in charge the provisions of section 34 which says

"Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge 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 "

Now the plea that is to be raised by the accused is given in the proviso which reads

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

This means this plea is to be raised after he is prosecuted in a court of law but why not during the investigation? Why should he be harassed to face a trial in a court of law because the language is that the company shall be deemed to be guilty of the offence and shall be liable to be proceeded with and then he has to raise the plea in a court of law and be acquitted. This will be a very difficult complicated and anomalous provision. Therefore I have made a suggestion by way of an amendment that during the investigation or trial if he establishes this, he may not be proceeded with and that he may be acquitted. Section 34

contemplates the mandatory prosecution, as soon as the company is held guilty, of all the members. In my opinion, if people can establish their plea of innocence during the investigation, there is no occasion for prosecuting them.

Then in section 35 it is said

" the penalty which has been inflicted upon him, to be published at the expense of such person in such newspapers or in such other manner as the court may direct "

This will mean starting of second proceedings after conviction for determination of the expenses. So if a provision would have been made that this will be taken into consideration at the time of inflicting fines, that would have been much better but instead of that it is said that it would be determined after he is convicted and it will be a great harassment that proceedings are started after convictions and then the amount is determined.

Thirdly, in regard to the sentence after a conviction it is said that

"It shall be punishable with imprisonment or with fine "

If a man is already convicted and it is also for the second or third time, why should it be either imprisonment or fine. My submission is that it should be imprisonment and fine because that will be the third or fourth conviction and he should necessarily go to jail if he persists in committing this offence. These are some of the suggestions which I have made in my amendments and I hope they will be taken into consideration favourably.

SHRI KISHEN CHAND (Hyderabad):
Mr Deputy Chairman, reading through this amending Bill I find that there is too much enthusiasm on the part of the hon Minister for Health. The Drugs Bill is a very important Bill but in this amending Bill through sheer enthusiasm so many clauses have been introduced and so much power has been given to the Inspectors that on account of this amending Bill the original Drugs Act will become ineffective.

ive and is going to be abused. The hon Member who preceded me has pointed out that the powers of the Inspector are very great. These Inspectors will be appointed on a salary of Rs. 250 per month. Sir, I have had some knowledge of these Inspectors inspecting factories and making reports thereon. It is the usual practice for the factory-owners to fix an amount to be paid to these Inspectors on every visit and so they make the visits and make suitable reports approved by owners of these factories. Similarly, I am sure if this clause is retained in this amending Bill, the future Inspectors will be coming to these factories and they will be charging instead of Rs 25, say Rs 50 per visit and then certify that everything is O.K. Sir, to entrust Inspectors on Rs 250 per month to inspect factories producing articles worth lakhs of rupees every year and to leave the whole factory at the mercy of the Inspector is most unfair. I do submit that there should be some sort of an appeal, that the Inspector should take permission and report the matter before he can

SHRI RAJENDRA PRATAP SINHA. May I point out to my hon friend that the inspection is done not by an Inspector but by a panel of experts?

SHRI KISHEN CHAND. But under the heading "Powers of Inspectors" they speak of "an Inspector" and they do not use the plural word "Inspectors". I shall read out for the information of my hon friend here, lines 14 and 15 on page 4. They are as follows:

"Subject to the provisions of section 23 and of any rules made by the Central Government in this behalf, an Inspector may, within the local limits of the area for which he is appointed,"

So there is no question of any panel of Inspectors. It is going to be one Inspector and he is to be given all these powers. So I submit that as has been suggested in the amendment sent in by my hon friend Kazi Karimuddin, the Inspector must report the matter to the District Magistrate and the matter

must be reported to the Central Board immediately, before any action is taken against the company. Otherwise, if we introduce the clauses as they are, instead of their helping the Drugs Act, they will render the Act ineffective, for we are giving so much power to these Inspectors that it will lead to corruption and as I said the Act will become ineffective.

Sir, I welcome the amendment which states that on every medicine, its complete formula should be stated on its label. Whether there is any proprietary right or not, it is essential that the complete formula should be given. But apart from that formula, it is the practice to give the names of all the diseases which are cured by that medicine. I submit to the hon. Health Minister that this practice should be discontinued. This practice may be utilised in misguiding the public. You will find this practice in the case of Ayurvedic and Unani medicines. On their labels it will be printed that they are a specific for all the known diseases on this earth. Thereby the public is misguided and misled into accepting the medicine as a cure for all those diseases and they start using it even without the assistance of a doctor. I would very much welcome an amendment to say that the label should contain no mention of any of the diseases which are likely to be cured. On the container or the label on the bottle there should be no mention of any disease at all. It should mention only the name of the medicine and the formula of it—the ingredients that go to make it up.

SHRI RAJENDRA PRATAP SINHA. But this Bill does not cover Ayurvedic or Unani systems of medicine.

SHRI KISHEN CHAND: No, it covers all. Sir, the principal idea behind all these patent medicines is that they should be used only through the help of a doctor or *hakim* or *vaid*, that people should not utilise these patent medicines without the guidance of a doctor or *hakim*. But if you mention all the diseases on the label, then naturally the person suffering from any one

[Shri Kishen Chand.]

of the diseases, simply goes by what is on the label and on the basis of that he prescribes for himself, and that is a wrong thing to do. This can only be avoided by removing the names of the diseases for which the medicine is a specific, from the label. If there is no such mention, then the patient will have to go to a doctor or *hakim* or *vaid* to take his advice and then act on his advice. Therefore, I would like a small alteration to be made. Of course, I have not given notice of an amendment, but if the hon. Health Minister agrees, she can introduce the necessary amendment. In clause 5 after saying:

"any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof the true formula or list of ingredients contained in it, in a manner readily intelligible to the members of the medical profession;"

we may add:

"but does not state the names of the diseases for which it is a cure."

This is most essential because anybody reading our newspapers will find that our papers are full of advertisements of patent medicines for which all sorts of claims are made. I know the hon. Minister has another Bill to control obscene advertisements etc. but that only covers obscene advertisements. But here genuine claim is made that such and such medicine will cure all diseases. You see about the "Navaratna Kalpa" in the *Hindustan Times* every day. There is half a page of advertisement claiming to cure every disease on earth.

MR. DEPUTY CHAIRMAN: I think this does not apply to Ayurvedic and Unani medicines.

SHRI KISHEN CHAND: It covers all the medicines.

MR. DEPUTY CHAIRMAN: Please read clause 2 where you have the definition of "drug". It says:

" "drug" includes—

(i) all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals other than medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani systems of medicine;"

So the Ayurvedic and Unani systems are excluded.

SHRI KISHEN CHAND: Mr. Deputy Chairman, I am only trying to illustrate my point by saying that the Ayurvedic and Unani people also are claiming many things in their advertisements. Similarly, it is possible that in other systems of medicine claims may be made that such and such medicine is a specific for many ailments. Even now there are some English medicines which are supposed to be specific for many diseases. My contention is that a medicine should not claim curative properties on its label, that it should not have it stated on the label that it is the specific for all the various diseases. The label should give us only the formula of the medicine and...

RAJKUMARI AMRIT KAUR: May I interrupt the hon. Member for one moment? If he turns to section 106 of the original Act he will find it stated there:

"No drug may purport or claim to prevent or to cure one or more of the diseases or ailments specified in Schedule J, or to procure or assist to procure miscarriage in women or to alter or affect the structure of the human body."

and if he turns to Schedule J, he will find the diseases and ailments, by whatever names described, which the drug cannot purport to prevent or cure. I consider that in Schedule J, a

wide area has been covered and more than that I do not think we shall be able to do.

SARI KISHEN CHAND: Thank you. I am very glad that there is already in existence some sort of restriction. I would like further restriction to be imposed so that there is no mention of any disease so that no medicine may be used without the help of a doctor. The whole purpose of my argument is that patent medicines should be used only with the help of doctors.

Regarding the punishment imposed on companies, the hon. Member who spoke before me very wisely and very pointedly has shown that the penalty to be imposed on all persons connected with the company is too severe and that the clause should be simplified to a much greater extent. Therefore, I would submit to the hon. Health Minister that this Bill needs revision and that it should be referred to a Select Committee instead of being passed as it is. If a Select Committee goes into the various aspects of penalties to be imposed, they will be able to better word the penal clauses and also make the Bill more effective. This would then become an improved Drugs (Amendment) Bill.

DR. W. S. BARLINGAY (Madhya Pradesh): Mr. Deputy Chairman, I rise generally to support the various provisions of this Bill. I welcome especially the clauses with regard to punishment and I note that generally the punishment has been enhanced. I suppose that will go a long way to prevent offences under this Act but I would also remind the hon. Minister as to what Sir Henry Maine once said with regard to judicial procedure. Sir Henry Maine said, "justice is secreted in the interstices of judicial procedure". After reading this Bill, I do not find any attempt at improving the judicial procedure with regard to offences committed under this Act. Mr. Kishen Chand, who spoke before me—although I do not agree with him in every detail—did lay his finger on a very relevant point and that point was that although you

may prescribe all sorts of offences under this Bill—or, under the original Act—nonetheless the detection of those offences and the punishment of those offences is, after all, a very important point and I am afraid no attempt has been made in this Bill to improve the procedure in any manner. I would submit this for the consideration of the hon. Minister for a future occasion.

There are, moreover, certain provisions in the clauses of the Bill to which I should like to draw the attention of the hon. Minister. Take, for instance, clause 6, that is in relation to the amendment of section 11 of the original Act. The provision in the original Act read like this: "without prejudice to the provisions of sub-section (1), the Customs Collector, or any servant of the Government authorised by the State Government in this behalf, etc."—note the words "State Government"—".....may detain any imported packages, etc." Now, for this, I find that the following is substituted: "without prejudice to the provisions of sub-section (1).....any officer of the Government authorised by the Central Government in this behalf, etc."

SHRI J. S. BISHT (Uttar Pradesh): The Central Government has no doctors; all the doctors are employed by the State Governments.

DR. W. S. BARLINGAY: In the Statement of Objects and Reasons, it is stated, "It has further been found necessary that with a view to maintaining uniformity throughout the States the power to make rules under Chapter IV with respect to the manufacture, sale and distribution of drugs, which is at present vested in the State Governments should be entrusted to the Central Government". I respectfully agree that that is a correct thing to do, but that is only respecting the rule-making power. So far as the rule making power is concerned, I agree that it should vest in the Central Government but with regard to detection of offences, I really do not

[Dr. W. S. Barlingay.]

see why the matter should be entrusted merely to servants of the Central Government and not also to the servants of the State Governments. I should like to have some explanation from the hon. Minister so far as this particular point is concerned. I do not see why offences which have been committed under this Act should not be investigated by the servants of the State Governments.

Lastly, I have a grouse against the Law Ministry. I feel that in drafting the Statement of Objects and Reasons or the other notes on the various clauses of the Bill, the Law Ministry should have given copious and exhaustive notes as to why changes have been made in the original Act. I do not see that that has been done in the Bill; I found this defect not only in this Bill but also in the case of the previous Bills that came before this House. It does seem to me that if intelligent discussion of the various provisions of the Bills that come up before the House is to take place then copious notes have got to be given not only in the Statement of Objects and Reasons but also in the notes that are given so far as the various clauses are concerned. I do not think this is being done today and I think that this practice of the Law Ministry in this respect does deserve to be corrected and to be improved.

With these observations I heartily support the various provisions of this Bill.

SHRI S. N. MAZUMDAR (West Bengal): Mr. Deputy Chairman, I also agree with Dr. Barlingay that if exhaustive notes were given as regards the clauses which are sought to be amended, it would have helped us much. On a previous occasion when exhaustive notes were given in the case of some Bills, I found that that actually helped us in taking a fairly comprehensive view of the Bill. This Bill particularly deals with a subject with which most of us, as laymen, have only a little acquaintance. It is actually a doctors' Bill though I find that

except Dr. Barlingay no other doctor has come up.

SHRI P. T. LEUVA (Bombay): He is not a doctor.

SHRI H. P. SAKSENA: He is a spurious doctor.

SHRI S. N. MAZUMDAR: However, Sir, I welcome this Bill and generally support its provisions and I can say that this Bill is none too early. Actually, the medical profession in India was agitating for some time past for the introduction of some such legislation, amending the original Drugs Act. I know particularly of the Calcutta Branch of the Indian Medical Association which was in correspondence with the Central Government in the Ministry of Health for a fairly long period of time. They were also assured by the Government that steps would be taken to amend certain provisions of the Drugs Act. In fact, last year I raised a question on this matter and I was assured that the amending piece of legislation would soon be coming forth. Now it has come forth, not as soon as it was expected but still it is very welcome.

I agree that there should be some provision to see that the Inspectors who deal with this matter on the spot are not subject to corruption. There are two aspects of it: the Inspectors should be properly equipped and they also should be properly remunerated. Some Members, particularly Mr. Karimuddin, have raised the point that the powers given to the Inspectors are very wide and that there should be some check on them. That might be given consideration. I know that the Indian Medical Association was demanding that the Inspectors should be given powers to take action to search the premises or to seize any goods when it is suspected that that is a spurious drug; they were also agitating for deterrent punishment to the persons who are guilty of such offences because those persons who manufacture and trade in spurious drugs do actually play with people's lives and

there should be no compunction for them and deterrent punishment for them is necessary, and that is why I agree with Mr. Karimuddin's suggestion that in the case of subsequent offences there should be the punishment of imprisonment and fine, not conviction or fine. So, Sir, exemplary punishment of those persons who manufacture and deal in spurious drugs should be welcome, but in order to deal with them the Inspectors should be properly equipped, they should have good remuneration and their number should be increased. I do not know exactly how many such establishments there are but I have a rough idea and I have the information from the doctors that there are 60,000 concerns which are to be checked or inspected when occasion arises, and for that the number of Drug Inspectors is not adequate.

Secondly, one of the suggestions which the Indian Medical Association placed before the Government was that the provincial drug laboratories should be properly equipped to facilitate speedy test and disposal of suspected materials. In this Bill there is no provision about that. So I would like to know from the Minister of Health what steps are going to be taken about this.

Lastly, Sir, there was another suggestion by the Indian Medical Association—it does not strictly come in connection with this Bill but it is still related to it—that in Calcutta at least many retail dealers in drugs, in order to avoid paying sales tax, sometimes indirectly and sometimes directly, help the manufacturers of spurious drugs and in order to do away with that loophole it was suggested by the Indian Medical Association that medicines should be exempted from the payment of sales tax. And actually that is not a new point. In this House, I remember, Sir,—and perhaps you also remember—that in our first session, when we were discussing the question of essential commodities, it

was advocated by many Members, particularly, I remember, by Dr. Sokhey, that medicine should be exempted from the payment of sales tax and medicine should be treated as an essential commodity. The only explanation which was forthcoming from the Government for not including medicine among essential commodities was that no list was prepared. But two years have passed and in the meantime certainly if the medical associations were consulted, a comprehensive list could be prepared and in that way that difficulty could have been obviated.

With these few words, Sir, I conclude my remarks.

श्री कन्हैयालाल डी० वेंच : उपाध्यक्ष महोदय, यह एक बड़ा आवश्यक बिल है और इसका मैं स्वागत करता हूँ। आयुर्वेद और यूनानी के जो इलाज के तरीके हैं वे बड़े पुराने हैं और करोड़ों लोगों को उनसे फायदा होता रहा है। जैसा कि अभी एक माननीय सदस्य ने बताया था कि इस तरह का आक्षेप किया जाता है। देश में इन बातों का जोरों से चर्चा है कि राजकुमारी जी के मंत्रित्वकाल में, जब से राजकुमारी जी के जिम्मे आयुर्वेद का काम रहा है, राजकुमारी जी आयुर्वेद के प्रति कोई अच्छी भावना नहीं रखती हैं और तब से इसको पीछे रखा गया है, लेकिन उनके इस बिल को रखने के बाद उन आलोचना करने वालों की आंखें खुल जानी चाहियें। वास्तव में आयुर्वेद के हित के लिये यदि सच्चे रूप में कोई प्रयत्न किया जा सकता है तो इस कानून को बना कर और इसमें जो सुधार करने की चेष्टा की गई है उसके द्वारा किया जा रहा है।

वास्तव में आयुर्वेद का और यूनानी का एक बहुत अच्छा इतिहास है। यूनानी

[श्री कन्हैयालाल डी० बेंद्रे]

की पद्धति को ही आप देखें। अभी तक यह तरीका है कि हकीम नुस्खा लिख देता है और उस नुस्खे को आप किसी अत्तार से जा कर बनवा सकते हैं या घर पर उन दवाइयों को तैयार कर सकते हैं। आप जानते हैं कि चीजें जितनी साफ और अच्छी होंगी उतनी ही दवाई फायदेमंद होगी। अगर उन चीजों को नकली लेते हैं तो फिर उस दवा का कोई असर नहीं होगा। आयुर्वेद का भी यही सिद्धांत रहा है। धन्वन्तरि जो कि इस देश के अन्दर आयुर्वेद के प्रणेता रहे हैं, उनके युग में आयुर्वेद एक सेवा का विषय था, आयुर्वेद मनुष्य जाति को स्वस्थ रखने के लिये एक साधन था। किन्तु, आज आयुर्वेद एक व्यापार का साधन बन गया है और तरह तरह के लोग धोका दे कर झूठी सच्ची दवायें बना कर देश की जनता के स्वास्थ्य को नष्ट करने का काम करते हैं। अभी एक माननीय सदस्य ने कहा कि जैसी व्यवस्था इस बिल में है उसको यदि कायम रखेंगे तो जो कम्पनी चलाने वाले मालिक लोग हैं वे बड़ी दिक्कत में पड़ जायेंगे। उन्होंने कानून का एक वाक्य भी पढ़ कर सुनाया था। मैं इस चीज को मानने के लिये तैयार नहीं हूं कि मालिक लोग भले ही आदमी हैं और दवाओं के बनाने में जो कुछ भी झूठी सच्ची बातें होती हैं और जो कुछ भी गड़बड़ होती है, वह नौकर लोग ही करते हैं। इस सदन के अन्य सदस्य भी मुझ से सहमत होंगे कि इन बड़ी बड़ी कम्पनियों में बड़ी बड़ी फार्मेशियों में बुरी भली सब तरह की चीजें मिलाई जाती हैं और गड़बड़ की जाती है। जो कुछ भी वहां होता है, वह सब

उनके मालिकों की जानकारी से होता है। इसलिये इस बिल में जो धारायें रखी गई हैं वे ठीक हैं और इस विषय में जो अमेडमेंट कराने का सुझाव है वह कोई आवश्यक नहीं है। मैं इस बात को ठीक नहीं समझता कि इन कम्पनियों के मालिकों को पहले से ही भला मान कर चला जाय और प्रासीक्यूशन के ऊपर ही सारी बातें डाल दी जाय।

आयुर्वेद की बड़ी बड़ी फार्मेशियां इस देश में चल रही हैं और उनकी बनाई हुई दवाइयों की लाखों बोतलें देश में बिकती हैं। मैं यहां पर किसी फार्मैसी का नाम नहीं लेना चाहता लेकिन एक फार्मैसी है जो कि "कुमारी-आसव" बनाती है। मैंने उनसे पता चलाया कि उन्होंने "कुमारीआसव" की कितनी बोतलें बेचीं तो उन्होंने बताया कि करीब ८० हजार बोतलें बेच चुके हैं। मेरी समझ में नहीं आता कि उनको कहां से वे पदार्थ मिल गये जो कि "कुमारीआसव" की ८० हजार बोतलें ठीक से पदार्थों को अच्छे रूप में मिला कर बनाने के लिये होने चाहिये थे। मेरी समझ में नहीं आता कि वे बोतलें "कुमारीआसव" की ही बेची गई या और कुछ उसके नाम पर बेचा गया। इसी प्रकार 'गुडबेल सत' की बात है। मेरी समझ में नहीं आता कि उसका सत्त इतनी मिकदार में उनको कहां से मिल जाता है। मैं किसी के नाम का उल्लेख नहीं करूंगा लेकिन मैं दावे के साथ कहता हूं कि जो लोग इस देश में नकली आयुर्वेद और यूनानी दवाइयों को फैलाने के नारे लगाते हैं वे लोग वास्तव में आयुर्वेद और यूनानी के साथ विद्वेसघात कर रहे हैं। इस देश में

हमें करोड़ों लोगों को स्वस्थ करना है और इसके लिये यह निश्चित है कि इस देश में जो साधन उपलब्ध हो सकते हैं और जो सस्ते से सस्ते तरीके हैं उन्हीं के जरिये हम गरीबों तक दवाइयां पहुंचा सकते हैं और उन्हीं तरीकों से इस देश की जनता के स्वास्थ्य की रक्षा कर सकते हैं; परन्तु मैं बड़े अदब से स्वास्थ्य मंत्राणी जी का ध्यान इस तरफ खींचना चाहता हूं कि इस देश के जो लोग देहात में रहते हैं वे एक बड़े खतरे की ओर जा रहे हैं। यह बहुत आवश्यक है कि जहां आप इस बात का अधिकार लेती हैं कि जो बुरी और मिलावटी दवाइयां हैं उनको रोकें और उनको रोकने के लिये व्यवस्था करें, वहां आप इस बात की भी चेष्टा करें कि देश के अन्दर आयुर्वेद और यूनानी या ऐलोपैथी के लिये जिन सामग्रियों की आवश्यकता पड़ती है वे चीजें शुद्ध मिलें। इस देश के जंगलों में और आस पास के मुकामों में बहुत सी इस तरह की चीजें पैदा की जा सकती हैं। इस देश में आयुर्वेद और यूनानी तरीके से उपचार करने वालों के सामने जो सब से बड़ी समस्या है वह है शुद्ध चीजों के मिलने की। यदि सरकार इस दिशा में प्रयत्न करे और ऐसे फार्मस कायम किये जायं, जहां से कि ऐसी जरूरी चीजें जो कि आम तौर पर इस प्रकार के उपचार के अन्दर काम में आती हैं, वे शुद्ध रूप में पैदा कर के लोगों को दी जायें तो देश का बड़ा भला होगा।

आप कानून तो बहुत सुन्दर बना रहे हैं और इस सदन के अन्दर हम बहुत सारे सुन्दर सुन्दर कानून देश की प्रगति के लिये बनाते हैं जैसे कि भ्रष्टाचार

को रोकने के लिये, बुराइयों को रोकने के लिये या मिलावट को रोकने के लिये बनाते हैं परन्तु हमारे नये राष्ट्र के लिये यह बहुत शर्म की बात है कि इस प्रकार हमारे लोगों के चरित्र का पतन हो जाय कि बहुमूल्य दवाइयों के लिये, जिनका सम्बन्ध मनुष्य के जीवन से बहुत अधिक पड़ता है, कानून बना कर दवाइयों की मिलावट को रोक जाय, यह एक बहुत ही दुःखद स्थिति है। इन सब बातों के लिए हमारे राष्ट्र के ऊपर ही जिम्मेदारी आती है। जैसा कि मैंने अभी कहा था कि एक फार्मसी ८० हजार बोतले "कुमारी आसव" की बेचती है और इस तरह से जनता से रुपया लूटती है। इस तरह की बातों को हमें रोकना चाहिये। हमारे जो इंस्पेक्टर इस काम के लिए रखे जाय, उनका यह कर्तव्य होना चाहिये कि इस तरह की दवाइयों की विशेष रूप से जांच करें। इस तरह की दवाइयों में जो भी सत्यता हो उसको छिपाना नहीं चाहिये, दबाना नहीं चाहिये, क्योंकि अगर ऐसा किया गया तो इससे हम जनता को हानि पहुंचावेंगे। मैं यह नहीं कहता कि आपके विभाग में जितने लोग हैं, वे सब भ्रष्टाचारी हैं या वे भ्रष्टाचार का काम करते हैं। अगर मेरा सुझाव यह है कि अगर देश के स्वास्थ्य को हमें ठीक रखना है तो हमारे अधिकारियों का यह परम कर्तव्य हो जाता है कि वे इस तरह की कोई कार्रवाई न करें जिससे जनता के स्वास्थ्य को अनुचित रूप से हानि पहुंचती हो। वास्तव में जो लोग इस तरह की बेईमानी का कार्य करते हैं, उन्हें सख्त से सख्त सजा दी जानी चाहिये। मेरा तो कहना यह है कि इन सजाओं को और भी ज्यादा

[श्री कन्हैया लाल डी० वैद्य]

बढ़ाया जाना चाहिये। अगर हम इस मामले में जरा भी ढिलाई करेंगे तो हम राष्ट्र के स्वास्थ्य को नीचा गिरा देंगे। अतएव हर एक को स्वास्थ्य के सम्बन्ध में हर नियमों का कड़ाई के साथ पालन करना चाहिये, चाहे वह शासन में हो या जनता ही क्यों न हो, अगर हमारा स्वास्थ्य ठीक होगा तो राष्ट्र भी मजबूत होगा।

एक छोटा सा सुझाव मैं और देना चाहता हूँ और वह यह है कि आज हमारे देश में राष्ट्रीय सरकार है और देश की जनता की जो स्वास्थ्य-समस्या है, वह वास्तव में एक बड़ी समस्या है, क्योंकि एक स्वस्थ राष्ट्र का निर्माण किये बिना हम किसी प्रकार की प्रगति नहीं कर सकते हैं। इसलिए यह सरकार की और हम सब लोगों की जिम्मेदारी हो जाती है कि आयुर्वेदिक साधनों से, यूनानी साधनों से या एलोपैथिक साधनों से जनता को जितना लाभ पहुँचा सकते हैं पहुँचायें। आम जनता को वास्तव में जो दवाइयाँ मिलनी चाहियें वे उन्हें शुद्ध रूप में मिलनी चाहियें। इस समय दवाइयों का उत्पादन प्राइवेट लोगों के हाथों में है और इनमें से अधिकांश अपने स्वार्थ के लिए दवाइयाँ शुद्ध नहीं बनाते हैं और उन्हें मनमाने ढंग से बनाते हैं। सरकार को ऐसी इंडस्ट्री को अपने हाथ में लेना चाहिये जिस से कि शुद्ध औषधियों का निर्माण किया जा सके और देश की जनता को वास्तव में शुद्ध दवाइयाँ प्राप्त हो सकें। अगर इस तरह से सरकार ने इस उद्योग को अपने हाथ में ले लिया और जनता को शुद्ध तथा सस्ती दवाइयाँ देनी शुरू कीं तो जो दूसरे लोग अशुद्ध दवाइयाँ बनाते हैं वे उन्हें बनाना बन्द कर देंगे। इस तरह की बात नहीं होनी चाहिए जिस तरह की "दिल्ली

के दूध" के बारे में कही जाती है। जब इन्स्पेक्टर दूध की जांच करता है तो उस दिन विशेष रूप से स्वच्छ दूध सब लोग ले आते हैं और इसे तरह से एक अच्छा सर्टिफिकेट हासिल कर लेते हैं। कभी कभी तो ऐसा देखने में आया है कि इस तरह के लोगों को अधिकारियों द्वारा इनाम भी दिया जाता है, मगर और दिनों वे लोग बिल्कुल अशुद्ध दूध जनता को वितरित करते हैं। इस तरह से उस सर्टिफिकेट से जनता को एक्सप्लाइड किया जाता है। इस बात को विशेष रूप से सरकार को ध्यान में रखना चाहिए। अगर इस तरह की बातें दवाइयों में भी की गईं, तो जनता को बड़ी कठिनाई का सामना करना पड़ेगा और साथ ही साथ स्वास्थ्य से भी हाथ धोना पड़ेगा। इन अल्प सुझावों के साथ मैं इस बिल को लाने के लिए सरकार को पुनः धन्यवाद देता हूँ और इस बिल का हृदय से समर्थन करता हूँ।

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Mr. Deputy Chairman, I welcome this Bill wholeheartedly and I think it is the duty of all women Members in particular to welcome this measure because they know the hardships which the ignorant women along with some ignorant men have to undergo as a result of taking medicines which are more or less secret remedies and of which there is no indication outside. It is really a welcome step, Sir, that these Unani and Ayurvedic medicines have been brought under this measure because they are the medicines

MR. DEPUTY CHAIRMAN: They are not; they are excluded.

DR. SHRIMATI SEETA PARMANAND: I am very sorry, Sir. I was in a hurry and I thought they were included when I saw the last portion of the definition. Then that would be among the three or four things which

I want to suggest to the hon. Minister. The hon. Minister should either by bringing forward an amendment later on or by a new Bill include them also.

All the same, Sir; some measure is better than no measure and this is a step in the right direction. This is a progressive measure. The Health Ministry itself is a social service Ministry and so I would suggest to the Health Minister that if most of the Bills which she brings forward are referred to a Select Committee, it would serve a still greater purpose and she would be able to get the views of Members here who are really interested in them—opinions from various points of view, from the legal point of view and also from the point of view of how they can be implemented, what type of personnel should be employed for enforcing them, etc. She will be able to get the views of various people and any changes necessary could then be made after full consideration. Even at this stage, though I do not see any way of referring it to a Select Committee, I feel it would have been better if she had done so, because there are three or four things even according to me, in the short time that I have been able to give to this Bill, which it would have been better to include in the Bill, other Members could have made other valuable suggestions.

Before I go to those points I would like to mention one thing here. Again and again in the speeches here we always charge the Government personnel employed on smaller wages of being perhaps dishonest and not fit to be trusted with for carrying out any responsibility. Only the other day when dealing with railway stores we heard certain remarks made to that effect. We heard the same thing here now and in very many other pieces of legislation we always look with suspicion upon our countrymen who are employed on small salaries. Sir, I think that is a very unfair charge to make because dishonesty is a disease which I think has not escaped any sector of the society. People in official circles may charge the business people

and the business people may return the compliment. People with lower incomes charge those in higher places that they are taking bribes. Instead of doing this in season and out of season I think it would be a good thing if every one of us not only in the Legislatures but outside also, in our own way, tried our best, by educative methods, by example and by various other measures, to improve the general standard of the country's honesty. That is a very big problem and we should all enlist the help of the Education Ministry for that.

Having said that, I would just like to make three or four suggestions for the consideration of the hon. Minister so that she might bring forward an amending Bill or a new legislation on the subject.

Sir, contraceptives of a chemical nature have been perhaps included in this, but there is urgent need to do something in the interests of society and deal with the way in which contraceptives are imported and exhibited. Had there been a Select Committee we could have found a way out to insert a clause. We could have discussed whether it could be put in here or whether it could be put in the Bill dealing with obscene advertisements. Perhaps we could have stretched the definition of 'advertisements'. Sir, the blatant exhibition of contraceptives is certainly doing a lot of harm to our young people and bringing disgrace to our society, the way in which these contraceptives are displayed. I am sure she will do something in this direction to stop this growing evil.

Then I would like to draw the attention of the hon. Minister to clause 7 which appears really to encroach largely on the powers of the State Legislatures because it gives the Central Government the power to take certain action, to intervene and to put on the top shelf, I should say, the advice of the Medical Board. Clause 7 says that: "provided that consultation with the Board may be dispensed with if the Central Government is of

[Dr. Shrimati Seeta Parmanand.] opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules."

Well, to say that "it shall take into consideration" and "the Board shall be consulted" may be a very polite way of giving the Board its proper importance. But all the same it looks as if there will be a general feeling of discontent and I think, in this particular respect, it would have been better if the State Governments also had been consulted on the point, because every State has its own Medical Council and what they have to say should be taken into consideration. So, for these reasons, also, if there had been a Select Committee, the views of the members from the different States could have been thrashed out. I daresay, perhaps, the Health Ministry has already invited their views, but I have not read anything about it in the papers; nor have I heard of anything having been discussed.

These are some of the points, Sir, which I wanted to raise. It would be better if on such measures, which the Health Minister brings and means to bring—and which we always would like to support, because she has been doing a lot in taking this bold step—she would keep in view the points I have mentioned, so that we would be able to give our entire support for the eradication of some of the social evils.

With these words, Sir, I would support the measure, but I do not know whether she would agree to bring in some amendments if we were to send suggestions in the near future. Thank you, Sir.

RAJKUMARI AMRIT KAUR: Mr. Deputy Chairman, again I would like to express to this House my gratitude for the interest taken in this Bill and

for the very warm support which this measure has had. The last speaker has just asked me why I did not refer this Bill to a Select Committee. Well, this is only an amending measure and many times I have said on the floor of this House as well as on the floor of the Lok Sabha that it was my intention—and it has been my intention for a long time—to bring forward the Drugs (Amendment) Bill, in view of the sorry state of affairs in the country as far as adulteration of drugs and as far as spurious drugs, are concerned. Therefore, I did not think there would be any necessity to refer it to a Select Committee.

Now, she also talked about contraceptives. I would like to draw her attention to the first amendment of section 3, which is really designed to bring in chemical contraceptives, in addition to other things, within the range of the definition of 'drug', because they are progressively coming into use and most of them are supplied by dealers to the public and are actually reported to be causing physical harm.

DR. SHRIMATI SEETA PARMANAND: The proposed amendment includes only chemical contraceptives. What I had in mind was the exhibition of mechanical contraceptives also.

RAJKUMARI AMRIT KAUR: I could not include mechanical contraceptives under the definition 'drug' and therefore, whatever I could do I did.

Now, much has been said about Ayurvedic medicines. I am very glad to hear one speaker say that this measure, should include Ayurvedic medicines as well. I could not very well include them in this Bill because we have no pharmacopoeia for Ayurveda or Unani, though we would like to have one. The speaker quite rightly said that this would help Ayurveda. I am very sorry to have to say that Ayurvedic medicines are being adulterated just as much as anything else. The other day a Vaidya came from Allahabad to see me and told me that pills were being manufactured and given for malaria as 'Shudh Ayur-

vedic' remedies, when they were really quinine given in a disguised form. Well these things are happening and I would like later on to do something about that also.

In regard to taking over the rule-making power from the States, which has been commented upon by many speakers, I would like to say that the States were consulted and they substantially agreed to the Centre taking over the powers for the simple reason that there is need for uniformity and need to do away with the possibility of differing, conflicting, or contradictory rules in different States. Of course, the States will always be consulted before the rules are finalised and the rules will be published in draft form for public criticism also. So, I hope, I have satisfactorily answered the objection raised.

Then, someone talked about the sentence of fine having been abolished. Now, no such thing has been done. Only the maximum limit of a fine has been done away with, so that the trying magistrate will have the power to impose a much higher amount of fine, if he so thinks fit.

Then, there was a reference to clause 9(b) of the Bill. I might say that those powers, again, are to be used by the Centre only in an emergency. It is not a question of overruling the States. Very often consultation with the Boards takes a very, very long time. The Centre is not going to try to over-ride States, but the Centre would like—occasionally if an emergency arises—to have the strength to use those powers.

I entirely agree with those hon. Members who have said that a very great deal depends on the calibre of the Inspectors. The qualifications of the Inspectors have been prescribed under the drugs rules and it will be seen, if a reference is made to those rules that they must possess a degree in pharmacy or pharmaceutical chemistry or a post-graduate degree in chemistry, so that the calibre, as

far as knowledge is concerned, is certainly high.

Now, as far as honesty is concerned, we must trust our people. After all, we have to raise the standards of integrity all round, and if we demand them we must set them also. I have no doubt that this legislation is a step in the right direction. Of course the States will be asked by the Centre to see that there is occasional inspection. In fact, they must be very vigilant to see that the Inspectors are carrying out their duties properly.

Now, in regard to the powers of Inspectors, I have been told that we have given far more powers to these Inspectors than are proper. These powers have been made more stringent, in that search or seizure is to be made in accordance with the provisions of the Code of Criminal Procedure, i.e., sub-section (2) of the new section 22 at page 4 of the Bill. Now, similar provisions do not occur in the existing Act, and therefore, they have to be brought in. But as far as the Inspectors are concerned, if you will turn to page 31 of the original Act, there are plenty of clauses there which prevent the Inspectors taking any undue liberties with their powers. And as far as search and seizure are concerned, they will also be subject to strict scrutiny in the prosecution that may subsequently be launched. Therefore, it is desirable that such search should take place in the presence of witnesses or *panchas*, as has been provided for in the Code of Criminal Procedure. So, that safeguard, in itself, is enough. And I do feel very strongly that unless we give our Inspectors a certain amount of power, we will find them very very diffident about taking action.

Then, Sir, more than one Member has talked about offences by companies. Now, why they want to protect companies, I do not quite understand. I think that companies who go in for spurious drugs, or manufacture spurious drugs, drugs which are sub-standard or drugs that put the lives of

[Rajkumari Amrit Kaur.]

our people in jeopardy, should be harassed, and I personally think that they must be harassed and continue to be harassed, until the whole tribe of them, if they continue to manufacture drugs of this nature, gets extinguished, for such action is a criminal offence and a menace to society.

SHRI AKBAR ALI KHAN (Hyderabad): If they are doing that, it is perfectly justified. But there may be cases where Inspectors may be unnecessarily and unjustifiably harassing them. It is only in that case that it has been suggested that this matter may be entrusted to the District Magistrate instead of to the Inspector.

RAJKUMARI AMRIT KAUR: Sir, since 1951, I may bring to the notice of the hon. Member, exactly the same provisions have been made in all Acts of Parliament providing for offences by companies. So this is nothing new. But I do feel that if the companies which do this kind of thing are punished, well, it will have a very salutary effect on even the individuals who are indulging in this most dishonest and inhuman practice.

Now, Sir, I would just like to mention the amendments that have been brought in by the only Member in this House. He has sent in an amendment to clause 11. But in view of the safeguards provided in section 23(v) of the original Act, he will find that the proviso he wants to bring in is redundant, and might even make the working of the Act difficult, because a reference to a Chief Presidency Magistrate was specially omitted for reasons which are fairly obvious, and therefore, I am sorry I cannot accept that amendment.

Then, Sir, he is talking about the Inspector making a complaint. As a complaint can be made by the Inspector if he is obstructed in his duties, I do not just understand how the District Magistrate can lodge such a complaint for an offence that has been committed in his absence... (Interruption).

KAZI KARIMUDDIN: There are some offences under the Criminal Pro-

cedure Code which have to be launched by the court. It is just like that.

1 P.M.

RAJKUMARI AMRIT KAUR: In regard to clause 14, Sir, the present provisions are intended to cover all types of offences and to enable the trying magistrate to use his discretion and pass orders for punishment according to the nature and the magnitude of the offence. If I insist on a maximum of fine plus imprisonment for every offence, it would not be quite fair. And, therefore, I am not accepting that amendment.

As far as clause 16 is concerned, the existing proviso already provides the necessary safeguards, and therefore, that amendment too is redundant. And then, all the other amendments which have been brought in are just consequential to that amendment, if it had been accepted. I regret my inability to accept it, but I believe that all that he wants is already provided for in the Bill.

Then, Sir, some Member did happen to mention Ayurveda and he said that a very meagre provision had been made for it in the Five Year Plan. Though it has got nothing to do with this, yet I would like to say for his information that there is a provision of Rs. 37.5 lakhs for research in the indigenous systems of medicine in the first Five Year Plan. It is therefore not a question of ignoring Ayurvedic medicines.

DR. SHRIMATI SEETA PARMANAND: How much has been spent out of this?

RAJKUMARI AMRIT KAUR: I could not give you the exact figure just now, but my difficulty is that it is difficult to spend it, because enough people who can do research in Ayurvedic medicines are just not there. So the research has often to be done by those who practise modern medicine. The tragedy is—I do not defend modern medicine or the practitioners of modern medicine either—the profession itself has very often become a money-making concern. In other words they are not

concerned with what they do, but are much more concerned with what they get.

Well, Sir, I think I have answered all the points raised by the Members. I move.

DR. W. S. BARLINGAY: Before the hon. Minister sits down, may I ask respectfully as to what is the reasoning behind the proposed amendment to section 11 of the original Act? For 'State Government' you have every time substituted 'Central Government'. For instance, this clause 6 says:

"Without prejudice to the provision of sub-section (1), the Customs Collector or any officer of the Government authorised by the Central Government in this behalf.....".

RAJKUMARI AMRIT KAUR: I am sorry I ought to have answered that point. Sir, as far as the import of drugs is concerned, it is entirely a Central Government subject. And therefore, we had to remove the words "State Governments", because they were inappropriate. The imports of drugs are entirely controlled by the Central Government.

And one Member, Mr. Deputy Chairman, had raised a point about laboratories. Of course, laboratories will have to be provided by the States.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Drugs Act, 1940, be taken into consideration".

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration.

Clauses 2 to 10 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now clauses 11 to 17. There are some amendments.

KAZI KARIMUDDIN: I am not moving my amendments.

Clauses 11 to 17 were added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

RAJKUMARI AMRIT KAUR: Sir, I beg to move:

"That the Bill be passed".

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted.

ANNOUNCEMENT REGARDING DISCUSSION ON GOVERNMENT ORDER ON BANK DISPUTE

MR. DEPUTY CHAIRMAN: I have to make an announcement. The Chairman has fixed two hours from 11-15 A.M. to 1-15 P.M. tomorrow, the 1st September 1954, for raising a discussion on the Government Order on the Bank Dispute.

The House stands adjourned till 8.15 tomorrow morning.

The House then adjourned at seven minutes past one of the clock till quarter past eight of the clock on Wednesday, the 1st September 1954.