

“Jan Vishwas Bill - Provisions of the Drugs and Cosmetics Act, 1940”

The tweet talks about “substandard drugs”. The Drugs and Cosmetics Act 1940 classifies drugs as “adulterated”, “spurious”, and “Not of Standard Quality”

Punishments in Section 27 of the Drugs and Cosmetics Act, 1940

27(a)- Adulterated or spurious drugs leading to death or grievous injury – upto life imprisonment

27(b)- Adulterated other than 27(a) or manufactured without a license- upto five years

27(c)- Spurious other than 27(a)- upto 7 years

27(d)- All cases other than the above- upto two years.

Section 27(d) of the Drugs and Cosmetics Act (*which has been made compoundable*):

...any drug, other than a drug referred to in clause (a) or clause (b) or clause (c), in contravention of any other provision of this Chapter or any rule made thereunder, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to two years and with fine which shall not be less than twenty thousand rupees

Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than one year.

This section which has been made compoundable with regards to the manufacture, sale etc of drugs which are NOT ADULTERATED, SPURIOUS or MANUFACTURED WITHOUT A LICENSE or MANUFACTURED IN CONTRAVENTION OF ANY PROHIBITION but have been found to be in violation of the Drugs and Cosmetics Act, 1940.

- a. The quantum of punishment prescribed in 27(d) has not been reduced. If found guilty, the imprisonment is still **“not less than one year which may extend to two years”**.
- b. It has not been decriminalized but compounding has been offered as a mechanism for resolution of the litigation.

Any drug which

- a. has failed the parameters and has been identified to be injurious to health or may cause bodily injury or death, or
- b. contains toxic substances
- c. manufactured in unsanitary conditions
- d. has been manufactured without a license
- e. contains any substance to reduce its quality or strength
- f. manufactured under a name which belongs to another drug
- g. contains labels or packaging to imitate another drug with an intent to deceive
- h. is manufactured in violation of any prohibitions

IS NOT covered under the proposed amendment and will continue to attract stringent criminal provisions.

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