

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:4462

ANSWERED ON:18.12.2002

DIRECTION OF SUPREME COURT AGAINST SPURIOUS DRUGS

ADHIR RANJAN CHOWDHURY;RAGHURAJ SINGH SHAKYA

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the Supreme Court has directed the Union Government to take action against the dealers of spurious drugs;
- (b) if so, the reaction of the Union Government on the ruling of the Supreme Court; and
- (c) the details of the strategy proposed to combat the menace of spurious drugs in the country?

Answer

MINISTER OF HEALTH AND FAMILY WELFARE (SHRI SHATRUGHAN SINHA)

(a): Government is not aware of any such directions issued by the Hon`ble Supreme Court.

(b): Question does not arise.

(c): Manufacture and sale of spurious drugs is mainly a clandestine activity, State Drug Control Organisations are responsible to enforce the provisions of Drug & Cosmetic Act, 1940 and Rules made thereunder. Union Minister of Health and Family Welfare had written on October 8th , 2002 to all the Chief Ministers seeking their personal intervention to ensure that adequate measures are taken in each State to vigorously pursue the strategies needed to preclude any possibility of menace of spurious products.

Union Minister of Health & F.W. also called a meeting of the Health Ministers and senior officials of 13 major States of the country on 12.11.2002 to discuss measures to ensure concerted action required to check movement of spurious drugs in the country and to involve all stakeholders, including pharma industry, to curb menace of manufacture and marketing of spurious/fake medicines.

Based on the deliberations held, the meeting recommended certain guidelines needed to be adopted by the State Govts. for focused strategies to curb the menace of manufacture and sale of spurious drugs. These strategies included: (1)improving uniformity in implementing various regulatory requirements by the State enforcing authorities. (2) Making stricter provisions under the Drugs & Cosmetics Act, 1945 for offences as non-bail able and cognizable. (3) State Governments may consider an enactment like `the Gujarat Prevention of Anti-social Activities Act, 1985` made by the state of Gujarat which provides for preventive detention of drug offenders for anti-social and dangerous activities prejudicial to the maintenance of public order. (4)Augmentation of drug testing facilities in the States for speedy analysis of drug samples with a view to bring down testing time of samples of drugs. (5) Efficient communication networking through computerization for efficient information exchange.(6) Surveillance over distribution of drugs through medical practitioners (7) Improvement of regulatory infrastructure (8) The pharma industry to take initiatives to detect counterfeiting/imitation of their product and proper coordination with drug regulatory agencies (9) Speedy trial by identified or designated courts for deciding spurious drug cases (10)To provide toll free number so that consumers or doctors can easily make their complaints. (11) Establishment of intelligence-cum-legal cell and anti-spurious squad to detect and unearth spurious drugs cases (12) To set up/reactivate state drugs advisory committee in which all stakeholders are partners. (13) Undertaking surveillance of suspected dealers through decoy customers/watchers (14) Training programmes for officers of drugs control administration in matters concerning development of intelligence, detection, investigation, preparing and filing complaints, court procedures etc.