

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

UNSTARRED QUESTION NO:3470
ANSWERED ON:17.08.2005
ALLEGED SALE OF SPURIOUS FAKE DRUGS
Gandhi Shri Pradeep

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

- (a) whether the sale of spurious/fake drugs has been increasing in the country particularly in Delhi;
- (b) if so, the details thereof during the last three years alongwith the action taken against the offenders;
- (c) whether the Government has taken steps to amend the existing law so as to award exemplary punishment to the manufacturers and sellers of spurious/fake drugs; and
- (d) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH & FAMILY WELFARE (SMT. PANABAKA LAKSHMI)

(a)&(b): Manufacture and sale of spurious/counterfeit drugs is primarily a clandestine activity. To this extent, it is difficult to detect the manufacture or movement of spurious drugs.

However, as per feed back available from State Drugs Controllers 38824, 43138 and 40862 drug samples were tested during the period 2001-2002, 2002-2003 and 2003-2004 out of which 96,129 and 118 samples respectively were found spurious which is 0.33, 0.29 and 0.288% of the samples reported spurious.

Under the Drugs & Cosmetics Act, 1940 the responsibility for regulating manufacture and sale of drugs including taking legal action against the unscrupulous persons rests with the State Governments. In view of this, as per the feedback available from State Drugs Controllers 563, 651, 538, 449 and 570 prosecutions were launched whereas 163, 245, 171, 105 and 166 cases were decided during the period 1999-2000, 2000-2001, 2001- 2002,2002-2003 and 2003-2004 respectively.

As per information available from the Health & FW Dept. of Govt. of NCT of Delhi, the officers of the Drugs Control Department of Govt. of Delhi carried out routine inspection, special inspection and raids regularly at Bhagirath Palace that is the wholesale market of drug in the capital. Drugs Inspectors of Govt. of India are some time associated in the inspection programme in Bhagirath Palace. The assistance of Delhi Police is taken during the raid whenever necessary. Samples of drugs are taken at random to have a test check on the quality of drugs moving in the market. During the last three years i.e. 2002-2003, 2003-2004 and 2004-2005 a total 720 special inspections/raids on complaints were carried out by the Drugs Inspectors of Govt. of NCT, Delhi. The details of samples of drugs taken from the Bhagirath Palace for test/analysis and results thereof are as under:

Year	No. of Samples drawn received	No. of tests report reported as	No. of tests samples reported as Spurious
2002-2003	748	742	01 (0.13%)
2003-2004	420	351	01 (0.28%)
2004-2005	139	02	Nil

(c)&(d): The Drugs and Cosmetics(Amendment) Bill,2005 has been introduced in the Parliament in May,2005, to amend the said Act to provide stricter penalties to the offenders including a maximum penalty of life imprisonment with a fine of Rs.100,000/-. It has been further proposed to make the offence non-bailable, cognisable and to provide for specially designated courts for speedy trial of the cases.

The proposed amendment will make the law deterrent to the offenders involved in the manufacture or sale of spurious drugs. The

involvement of enforcing agencies like Police will help in speedy investigation to book the culprits and in controlling anti-social elements in such activities.