

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

UNSTARRED QUESTION NO:6972
ANSWERED ON:18.05.2012
BAN ON DRUGS
Mirdha Dr. Jyoti

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

- (a) whether the Madras High Court has stayed the operation of a notification issued by the Government banning six drugs;
- (b) if so, the details thereof alongwith the reasons therefor;
- (c) the impact of court judgement on the manufacture and sale of these six drugs in the country; and
- (d) the measures taken/proposed by the Government to expedite the legal proceedings with a view of ensure that the health of the people is not compromised any further?

Answer

MINISTER OF THE SATTE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABIAZAD)

- (a) & (b): Out of six drugs recently prohibited for manufacture, distribution and sale vide Gazette Notification 82(E) dated 10.02.2011, a single judge bench of the Madras High Court has quashed the said notification with respect to one of the drug i.e Phenylpropanolamine (PPA) only vide its order dated 09.09.2011. The Court held that the Government while arriving at a decision to prohibit the drugs in general and PPA in particular, even assuming that its continued use will harm public, did not ensure subjective satisfaction in public interest and hence the prohibition of the drug was unsustainable and ultra-vires of the provisions of the Act. It was of the view that the matter requires serious consideration by the Central Government for deciding the matter afresh as per the provisions of the Act and also taking into account the larger public interest involved in the matter and for passing appropriate orders, after giving an opportunity to the petitioner, as expeditiously as possible.
- (c): The prohibition continues in respect of the remaining five drugs.
- (d): The Government has filed an appeal before the Division Bench of the Madras High Court, which has been admitted for hearing.