

of "Women and Children Licencing Act" have been issued necessary instruction for adequate precautions to take safeguard against occurrence of such incidents in future.

[English]

Custodial Death in Maharashtra

4969. SHRI MANIKRAO HODLYA GAVIT : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the attention of the Government has been drawn to the newsitem captioned "overcrowd jails causing untimely death" appeared in *Times of India* dated May 5, 1998;

(b) whether investigation made by National Human Rights Commission reveals a serious problem of overcrowding in the State-jails;

(c) if so, the details thereof; and

(d) the steps taken to bring improvement in jails?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : (a) Yes, Sir.

(b) and (c) During its visit to States and discussions with the concerned State authorities, the National Human Rights Commission has observed that overcrowding in jails, caused largely because of the vast number of under-trials, creates conditions grossly at variance with the demands of human dignity.

(d) Though 'Prisons' is a State subject according to the Seventh Schedule to the Constitution of India, the Central Government has been stressing upon the State Governments the need to take steps to improve the Criminal Justice System so as to reduce the number of under-trials. The Central Government has also been extending financial assistance to the State Governments under its Scheme of Modernisation of Prison Administration to improve prison infrastructure and living conditions in jails. Besides, the Tenth Finance Commission has also recommended financial assistance to the State Governments for repair and renovation of jail buildings and for providing medical facilities in jails.

Deletion of Rule 2(ee) (iii) from the Drugs and Cosmetics Rules, 1945

4970. DR. ULHAS VASUDEO PATIL : Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the status of Rule 2(ee) (iii) in the Drugs and Cosmetics Rules, 1945;

(b) whether the Government have decided to delete the said Rules from the Drugs and Cosmetics Rules, 1945;

(c) if so, the reasons therefor;

(d) the extent to which this would affect the Health Programme;

(e) whether the patients can be treated and cured by use of any single medical system (pathy);

(f) if so, the details thereof; and

(g) if not, the steps taken by the Government in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI DALIT EZHILMALAI) : (a) to (g) Rule 2(ee) (iii) of the Drugs and Cosmetics Rules, 1945 define a Registered Medical Practitioner as one registered in a medical register (other than a register for the registration of Homoeopathic practitioners) of a State, who is declared by a general or special order made by the State Government in this behalf as a person practising the modern scientific system of medicine for the purpose of the Drugs and Cosmetics Act, 1940.

Consequent upon the judgement delivered by the Rajasthan High Court declaring Rule 2(ee) (iii) as ultra vires of the Drugs & Cosmetics Act 1940, the Central Government issued a Gazette notification on 29.1.97 inviting public comments on the proposed deletion of the above Rule 2(ee) (iii) from the Drugs and Cosmetics Rules, 1945.