

Subramanyam, Shri T.
Sumat Prasad, Shri
Swamy, Shri M.P.
Tiwary, Shri D.N.
Tiwary, Shri K.N.

Tiwary, Shri R.S.
Uikey, Shri
Upadhyaya, Shri Shiva Dutt
Valvi, Shri
Verma, Shri Ravindra

Venkatasubbaiah, Shri P.
Virbhadra Singh, Shri
Yadav, Shri Ram Harkh
Yusuf, Shri Mohammad

Mr. Speaker: The result of the voting is Ayes 32*; Noes 130. The motion is lost.

The motion was negatived.

Mr. Speaker: The question is:

"That the Bill to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith be taken into consideration."

The motion was adopted.

Mr. Speaker: Now, we shall take up the clauses.

The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Mr. Speaker: There is an amendment to clause 5. I find that the hon. Member concerned is not present here. I shall now put the other clauses together to vote.

The question is:

"That clauses 5 to 32 stand part of the Bill."

The motion was adopted.

Clauses 5 to 32 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri A. K. Sen: On behalf of the Prime Minister, I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

15:02 hrs.

MANUFACTURE AND SALE OF ADULTERATED AND SPURIOUS DRUGS

Mr. Speaker: Shri Bagri may now raise the discussion on the manufacture and sale of adulterated and spurious drugs.

श्री बागड़ी (हिसार) : अध्यक्ष महोदय मिलावटी और जाली दवाओं के ऊपर चर्चा करने के लिये जो प्रस्ताव मैं रख रहूँ उस के सम्बन्ध में मैं आप की मार्फत सदश में यह अर्ज करना चाहता हूँ कि जिस देनी के अन्दर इस तरह की जाली और नक़्क़ेश दवायें प्रचलित हो जाया करती हैं, उस की के अन्दर बाहर से किसी खतरे के आने की ज़रूरत नहीं रह जाती, नकली और फकी दवायें देना ही, मैं समझता हूँ, उस देश के जनता को जहर पिलाना है, उन्हें जहर क्य कर मारना है। इस तरह की दवाओं का इस्तेमाल करना उस के साथ पाप और अन्या है, और देश की भोली भाली जता के सब एक किस्म का धोका और फौड़ है।

मैं इन दवाओं को तीन हिस्सों में रखता हूँ और उन को तीन दृष्टिकोणों से विचार करने के लिये आप के सामने रखूँगा। पहला तो यह कि दो किस्म की दवायें इस देश में बहुत प्रचलित हैं, एक आयुर्वेदिक और दूसरी एलोपैथिक। आयुर्वेदिक दवायें तथा जड़ी बूटियों सूखी मिलती हैं, इस लिये उन में मिलावट बहुत कम है। एलोपैथिक दवायें कम्पनियों की मार्फत बनती हैं। इंजेक्शन बगैरह या डिस्टिल्ड वाटर जितने हैं, वह एलोपैथिक की मार्फत बनाए जाते हैं, उन के अन्दर मिलावट ज्यादा है। मैं अर्ज कर रहा था कि वह यह मिलावट न सिर्फ हमारे देश के अन्दर जान का खतरा पैदा करती

*The figure was subsequently corrected as 31 (*vide* Debates dated 22-8-62, Cols 3446).

है या इस से जनता का विश्वास दवा-दारू से उठता है बल्कि हमारे मिलावट करने वाले और मिलावट को चलाने वाले, जाली दवाओं को पैदा करने वाले, दुनिया के अन्दर हमारे देश के वकार को कम करते हैं। कहां तो दुनियां को सन्देश देते हैं, उस दुनियां को जो जाहिलों की दुनियां थी जहां इन्सानों का कत्ल व गारत होता था, और कहां हम इस तरह से करते हैं। दुनियां के अन्दर आज रेडक्रास की मार्फत दुश्मनों को दवायें दे कर बचाया जाता है। जहां दुनियां में इतना बड़ा लोगों का मेआर है, वहां हमारे पंचशील और देवताओं के इस देश के अन्दर अपने ही लोगों को इस तरीके से दवाओं के बहाने से जहर दे कर हत्या की जा रही है। यह हमारे देश के लिये एक शर्म की बात है।

अभी मैं बाहर बैठा था, कुछ लोगों में मजाक चल रहा था। मजाक का माहोल था। कहने लगे कि जो पेन्सिलीन का इंजेक्शन था उस के अन्दर मक्खी निकल आई, कोई कहने लगा कि सोडा वाटर के अन्दर छिपकली निकल आई। इस पर एक भाई कहने लगे कि क्या यह थोड़ी तरक्की हम ने की है? बताओ, आज तो लोग चांद में ही जाते हैं, गैर मुस्क वाले बड़ी चीज से छोटी चीज में पाते हैं, यह कोई तरक्की हुई? आज अगर बाटल के अन्दर छिपकली निकल आई तो हो सकता है कि कुछ दिन के अन्दर हेल्थ मिनिस्टर साहब काया पलट कर खुद पेन्सिलीन में दाखिल होने लग जायें। आज जब इस तरह की चर्चायें चलने लग जाती हैं और लोगों का विश्वास घटता जाता है अपने लोगों की तरफ से तो वह बीमारियों को घटायेंगे क्या? वह रोगों को बढ़ायेंगे।

यह कोई मामूली बात नहीं है, एक दो आदमियों की बात नहीं है। यह सरकार के आंकड़े हैं कि बंगाल के अन्दर कितनी घासी दवायें पकड़ी गईं। डिस्टिल्ड वाटर

अंग्रेजी का शब्द है, मैं उसे बहुत तो नहीं समझता लेकिन वाटर का मतलब समझता हूं कि पानी होता है। डिस्टिल्ड का मतलब भी कोई छोटा मोटा होगा। पानी भी मिलावटी है, नमक का पानी भी मिलावटी है, तो फिर असली कौन सी चीज होगी? बंगाल की सरकार का ऐलान है कि कई लाख जाली और फर्जी शीशियां पकड़ी गईं। आन्ध्र के मुख्य मंत्री का ऐलान है कि मार्केट के अन्दर पचास फीसदी दवायें आज जाली हैं। इस से ज्यादा और क्या सबूत इस देश की जनता को और सरकार को बतलाया जा सकता है? जब सरकार ही पचास फीसदी मानती है तो मैं कहता हूं कि पचास फीसदी बीमारियों की रोक-थाम की चीजों में जहर मिला हुआ है और १०० फीसदी रोग बनता है देश की बीमार जनता के वास्ते। इसी तरह से आप मैसूर को देखिये, गुजरात को देखिये, मध्य-प्रदेश को देखिये। वहां फर्जी टिक्चर पकड़ा गया। अगर दिल्ली में जाइये तो पायेंगे कि क्या तरक्की उस ने की है, वहां क्या रूप मिलावट वाले धारण कर रहे हैं। कहीं बर्फ में से चूहा आ गया, कहीं जिंजर की बाटल में कीड़े मकोड़े आ गये, कहीं छिपकली आ गई।

हर दवा के अन्दर, हर पीने वाली चीज के अन्दर, जो कि सब से लिये जरूरी है, मिलावट अगर होती है तो उस में मुजरिमाना गफलत सरकार को कहता हूं। सरकार की मुजरिमाना गफलत की बिना पर इस देश के अन्दर नकली दवाओं का धन्धा चल रहा है। आज सिर्फ दवाओं का ही वेद ऐसा है, दवायें ऐसी होती हैं जो यह नहीं सोचती कि यह दुग्मन है और यह दोस्त। दवा एक ऐसी चीज है जो यह नहीं सोचती कि यह ऊंचा है और यह नीचा है, यह गरीब है और यह अमीर है। दवाओं का रूप खुद भगवान का रूप है। अगर कोई खदा का रूप है तो वह दवा का रूप

[श्री बागड़ी]

है। मैं कहना चाहता हूँ कि हमारी कांग्रेस की सरकार और कांग्रेस की मिनिस्ट्री इस बात के लिये मुजरिम है कि उस ने खुदा जैसे पवित्र नाम को भी अपनी सरकार के दौर के अन्दर इतना अपवित्र बना दिया, भ्रष्टाचारी बना दिया कि दवा भी जाली और नकली है। बेचने वाले इन्सान नहीं, इन्सानों को खत्म करने वाले हैं। इस में कोई दो रायें नहीं हैं, सोचने की भी बात नहीं है कि जाली दवायें बनती हैं या नहीं। बनती हैं, विकती हैं और भ्राम विकती हैं। आज अगर यह समाजवादी समाज है तो इस को रोकने का इन्तजाम करो।

आज २३ हजार के करीब लाइसेंस हैं और मेरे खयाल में ६७ हजार के करीब दवाओं के बेचने वाले हैं। लेकिन इन को पकड़ने वाले कितने हैं? १०७ या १०९। आज इस समाजवादी समाज के अन्दर १०९ इन्स्पेक्टर हैं जबकि कम्पनियां २३ हजार हैं, जिन को लाइसेंस दिया जाता है और बेचने वाले ६७ हजार हैं लेकिन चेकर १०९ हैं। दूसरे मुल्कों में भी अपने से आपत्ति भेजी जाती है इन बातों के खिलाफ, लेकिन हमारे देश के अन्दर इस बेईमानी और भ्रष्टाचार को रोकने के लिये सिर्फ १०९ चेकर हैं। इतने चेकर कैसे इतने लोगों को पकड़ सकते हैं? १०९ इन्स्पेक्टर खाना बंदोशों को पकड़ते हैं, इन दवाओं के बेईमानों को कब पकड़ने वाले हैं? जब दवाई बुनियादी तौर पर देश के भरीजों के लिये है तो मैं पुरजोर लफ्जों में अर्ज करूंगा कि दवाई बनाने का काम मुनाफा-खोरों के हाथ में नहीं रहने देना चाहिये। ये लोग जो दवाओं पर खर्च करते हैं और जो इन का मुनाफा होता है उस में बड़ा भेद है। ये देते तो हैं पानी और कीमत लेते हैं रत्न की। जब तक इतने बड़े मुनाफे की चीज सरमाएदारों के हाथों में रहेगी तो इस चीज को रोकना दुनिया की किसी भी ताकत के लिए मुमकिन नहीं है, यह चीज आगे बढ़ेगी।

दवाई न केवल देश के लोगों की जिन्दगी के वास्ते जरूरी है बल्कि यह सारी मानवता का सवाल है। इसलिये दवाएं बनाने के कारखाने और कम्पनियां इन सरमाएदारों के हाथों में नहीं रहनी चाहिए बल्कि इनको नेशनलाइज कर देना चाहिये। जब बिजली को नेशनलाइज किया हुआ है तो दवाओं के कारखानों को नेशनलाइज न करने का क्या मतलब है। कलकत्ता में बिड़ला लेबारेटरीज हैं जहां दवायें बनती हैं। कौन सी चीज है जो सरकार उनको नहीं देगी। बिड़ला मोटर बनाते हैं, गाड़ी बनाते हैं, लोहे के कारखाने बनाते हैं, दुनिया भर की चीजों के कारखाने खोलते हैं। अब दवा का डाक्टर भी बिड़ला को बना दिया गया क्योंकि बिड़ला लेबारेटरीज चल रही हैं। जब तक यह हालत है, इस तरह से मुनाफाखोरों को फायदा होता हो और बड़े से बड़े आदमी उनके आगे झुक जाते हों, तो भ्रष्टाचार फैलेगा, दुनिया की कोई ताकत उसको नहीं रोक सकती। यह चीज सिर्फ बातों से नहीं हट सकती। मुझे तो डर लगता है।

जब हम बच्चे थे तो सुना करते थे कि शुद्ध घी और नकली घी। शुद्ध घी गाय भैंस का होता है और नकली मशीन का। उस वक्त लोग कहते थे कि नकली घी से आदमी बीमार हो जाता है। आपके यहां शुद्ध घी की दुकान है सिर्फ पालियामेंट के मेम्बरो के लिये और बाकी के लोग नकली घी खाओ। मुझे डर है कि अगर सरकार इसी तरह से चलती रही तो असली दवाय भी पालियामेंट के मेम्बरो को मिला करेगी और दूसरे लोगों को नकली दवाय मिलगी और वे दूसरी दुनिया में पहुंच जायेंगे।

अध्यक्ष महोदय : माननीय सदस्य बहुत जोर न लगाएं, जल्दी थक जाएंगे।

श्री बागड़ी : मैं जोर इसलिये नहीं लगाता कि मैं इसका आदी हूँ। मैं जोर इसलिये लगाता हूँ कि मेरे दिल में दर्द है। मैं भी मीठे मीठे बोल सकता हूँ

अध्यक्ष महोदय : मैं तो माननीय सदस्य से इसलिये कह रहा था कि उनका गला न पकड़ा जाए ।

श्री बागड़ी : मेरा गला क्यों पकड़ा जाएगा, गला पकड़ा जाएगा पापी लोगों का । तो मैं अर्ज कर रहा था कि आप देखेंगे कि किस तरह से यह नकली दवाओं का जाल फैलाया जा रहा है । मैं एक तरफ तो उनको मुजरिम ठहराता हूँ कि वह कुसूरवार हैं, उनकी मुजरिमाना गफलत है । जाली दवायें बनती हैं उनकी रोक पर ध्यान नहीं दिया जाता, लेकिन आप हमारे मिनिस्टर साहब को कह दो कि शमशान का उद्घाटन करना है तो वह झट अपनी घोतीघोती टोपी उठा कर चल देंगे ।

अध्यक्ष महोदय : आर्डर आर्डर । माननीय सदस्य को कुछ तो हृदय में रहना चाहिये । ये बातें अच्छी नहीं हैं । जो उनका पब्लिक में काम है उसके बारे में आप चाहे जो कुछ कहें, उसकी बिल्कुल नुक्ताचीनी कर मैं नहीं रोकता । लेकिन यह कहना कि घोती और टोपी लेकर चल देंगे अच्छी चीज नहीं है । आप उनके काम की नुक्ता चीनी करें, मैं नहीं रोकता, लेकिन किसी से घोती टोपी की बात कहना अच्छा नहीं है ।

श्री बागड़ी : मेरा मतलब सिर्फ यह था कि उनका केवल उद्घाटन का काम रह गया है, फिर वह चाहे शमशान का हो या मुर्गों और कबूतर का हो । रात को भी अगर आप इस काम के लिये मिनिस्टर को उठावें तो वे आपको मिल जायेंगे । लेकिन यहां पर पानी का संकट है, दवाओं में मुनाफा खोरी हो रही है, दवाएं नकली बन रही हैं, उनकी तरफ तवज्जह देना मुश्किल काम है । इसका जवाब देने की उनको फुरसत नहीं । तो मैं यह कह रहा था कि इनको एक उद्घाटन का काम रह गया है और काम होता ही नहीं । मैं चाहता हूँ कि यह चीज मिटनी चाहिये ।

आज तो एक आदमी जाली दवा बेचता पकड़ा जाता है तो उसको ज्यादा से ज्यादा

एक साल की सजा होती है । एक पूंजीपति के लिए एक साल की सजा क्या मानी रखती है । जो जहर देता है, इरादतन कत्ल करता है और ३०७ का जुर्म करता है, जो कौम के सामने गद्गाराना पार्ट अदा करता है, दूसरों मुल्कों में ये दवाएं जाएं तो मुल्क की साख खत्म हो जाए, उसको एक साल की सजा दी जाती है । यह साबित करता है कि ऐसी मामूली सजा इसलिये रखी है कि उनके अंशी वंशी ये बोगस और फर्जी कार्रवाई करते हैं ; वरना उनकी सजा तो मौत की सजा होनी चाहिए । कम से कम उनको दफा ३०७ के मातहत सजा दी जानी चाहिए । इससे कम सजा नहीं होनी चाहिए । तो मेरा यह सजेशन है कि उसको रोकने के लिये सख्त सजा होनी चाहिए ।

तो पहली बात जो मैंने कही वह यह कि ये जो तमाम दवाओं की कम्पनियों को लाइसेंस दिये गये हैं इनको रद्द करके इस काम को नेशनलाइज करना चाहिये । जो बड़े बड़े पूंजीपति हैं और जिनका काम मुनाफा कमाना है उनका दवाओं से क्या मतलब ? बिड़ला लेबारेटरीज चल रही हैं । बिड़ला का उनसे क्या मतलब है, अगर कोई बही खाते की बात हो तो ठीक है, लेकिन दवाओं से उनका क्या मतलब है ? इस किस्म के जो मुनाफा कमाने वाले लोग हैं उनके दवाओं के कारखानों को नेशनलाइज करना चाहिये । और जो छोटी छोटी लेबारेटरीज हैं उनकी कोआपरेटिव सोसाइटी बना कर उनको लाइसेंस दिया जाए । और लाइसेंस देने वाले सिर्फ यह मिनिस्टर लोग या सिर्फ दो चार चपर मुकद्दम चौधरी न हों, बल्कि अच्छे, समझदार क्वालीफाइड लोग हों जो यह देखें कि जो कम्पनी दवा बनाना चाहती है उसके पास काफी साधन हैं या नहीं और वह दवा बना सकती है या नहीं । तो मेरा सुझाव है कि ठीक तौर तरीके के मुताबिक लाइसेंस दिये जायें । और लाइसेंस देने के बाद ही जिम्मेदारी खत्म न हो जाए बल्कि उन कारखानों की दवाओं के नमूने

[श्री बागड़ी]

सरकार के पास जांच के लिये भेजे जायें और इंस्पेक्टरों की तादाद बढ़ायी जाए। और जो इंस्पेक्टर रखे जायें वे काबिल हों, मामा भानजे वाले न हों, वह पूरे क्वालीफाइड डाक्टरों पास लोग हों, नाम के डाक्टर न हों। आजकल नेता बोगों को मुफ्त में डाक्टर का लकब मिल जाता है। तो जो इंस्पेक्टर रखे जायें वे वास्तव में दवा के नाते डाक्टर हों।

इस के बाद मैं यह अर्ज करना चाहता हूँ कि केन्द्रीय सरकार को यह नकली दवाओं के रोकथाम के काम को राज्य सरकारों से अपने हाथ में ले लेना चाहिये और इस को मिटाने के लिये ऐन इसी तरह से कोशिश करनी चाहिये कि जिस तरह से उन जासूसों को मिटाने की कोशिश की जाती है जो विदेशों के देश में घा कर तोड़ फोड़ करते हैं। जिस तरह से इमरजेंसी हालात का मुकाबला किया जाता है इसी तरह से इस का मुकाबला किया जाना चाहिये और जो सारे प्रदेशों का जाली दवाओं को रोकने का काम है इस को केन्द्रीय सरकार को अपने हाथ में लेकर करना चाहिए।

इस के अलावा सरकार को इस को रोकने के लिये वैज्ञानिक और जानकार लोगों की संस्था या सोसायटी बनानी चाहिये और जो लोग इस काम को करते हैं यानी जो जाली दवायें बनाते या बेचते हैं उन के लिये कानून बना कर सख्त से सख्त सजा रखनी चाहिये।

एक बात और मैं आप की खिदमत में अर्ज कर देना चाहता हूँ। हमारे देश में नकली और असली दवाओं की पहचान करने वाली केवल एक लेबोरेटरी कलकत्ता में है। सारे देश में इस चीज का ब्रह्मांड भरा हुआ है और उस के लिये कलकत्ता में सिर्फ एक लेबोरेटरी है। मैं आप के मारफ़्त अर्ज करूँगा और सुझाव दूँगा कि यह मसला बहुत जरूरी है। मिनिस्टर तो चालीस की जगह पचास और पचास की जगह ५२ हो जाते हैं जो गैर-जरूरी

हैं। दवाओं की जांच करने के लिये लेबोरेटरी की बहुत जरूरत है। इस के लिये चाहे आप को कुछ मिनिस्टर्स या स्टेट मिनिस्टर्स को कम करना पड़े, लेकिन हर प्रान्त में नकली दवाओं की जांच के लिये एक एक लेबोरेटरी जरूर बनायी जाये जो शनाख्त कर सके।

और जिन लोगों के खिलाफ साबित हो सके कि ये नकली और फर्जी दवायें बनाते और बेचते हैं उन के खिलाफ सख्त से सख्त कार्यवाही की जाये और उन को सख्त सजा दी जाये, यह नहीं कि एक साल की कैद की सजा दे दी। अगर किसी आदमी ने इस काम से ६० हजार रुपया कमा लिया और उस को एक साल की सजा हो गयी तो उस को पांच हजार रुपये महीने का मुनाफा हो गया जो कि एक मिनिस्टर से अच्छा है। वह भी एक तरह का पैरेलल मिनिस्टर बन जायेगा। तो मैं अर्ज करूँगा कि जो नकली दवायें बनाने वाले कारखाने और कम्पनियाँ हैं और जो लोग नकली दवायें बेचते हैं उन के लिये ऐसा कानून बनाया जाये जिस जा के साथ साथ जितना उन्होंने ने बेईमानी और भ्रष्टाचार से पसा कमाया है उस का दूना उन से वसूल किया जाये।

यह सब सजा उस के साथ लगनी चाहिये। केन्द्रीय दवाईघर ने भी इस बात को माना है कि २० फीसदी दवाइयाँ नकली या जाली चलती हैं।

स्पीकर साहब, मैं दो मिनट और अर्ज कर के अपनी जगह लूँगा। मैं इस वक्त मुअज्जिज ऐवान के सामने आप की मार्फ़त यह अर्ज करूँगा कि इस नकलीपन को इस देश से निकाला जाये। आज दुर्भाग्यवश नकलीपन इस देश के अन्दर घर करता जा रहा है। नकलीपन यहां तक बढ़ गया है कि हमारे संप्रतिता के साथ भी नकलीपन बर्ता जा रहा है। उन की शहीदी यादगार भी नकली बनाई जा रही है। बिड़ला हाउस जहां गांधी

जी शहीद हुए थे वहाँ वह यादगार न बना कर राजघाट में बनायी गयी। आज इस नकलीपन को रोकने की सब से बड़ी आवश्यकता है। मैं तो अर्ज करूँगा कि अगर यह नकलीपन नहीं रोक पाते हैं तो मंत्री महोदय अपने पद से इस्तीफा दे दें। कोई बड़ी बात नहीं है। मिनिस्ट्री कोई उन की जद्दी जायदाद नहीं है कि जिस को वह छोड़ न सकें। अगर वह इस को रोकने में और अपना कर्तव्य पूरा करने में नाकामयाब रहते हैं और यह नकलीपन नहीं रुकता है तो फिर उनको मिनिस्टर नहीं बने रहना चाहिये। मैं लीडर आफ दि हाउस और प्राइम मिनिस्टर साहब से अर्ज करूँगा कि अगर इन मिनिस्टर साहब को उन्हें मिनिस्टर ही बनाये रखना है तो फिर उन को बेकाम की मद में मिनिस्टर लगा दें। मुझे उस में कोई ऐतराज नहीं होगा। लेकिन मौजूदा पद पर रहते हुए जो वह पूरे तरह से नाकामयाब हुए हैं और नकली और जाली दवाओं के प्रचलन से जो लोगों की जानें जा रही हैं, और वह अपनी कुर्सी से चिमटे हुए हैं उन से तो लोगों का पीछा छुड़ाइये। यह जो जाली दवाई रूपी डायन देश के ऊपर जमी हुई है उस से पिंड छुड़ाने के लिये मैं अर्ज करूँगा कि मिनिस्टर महोदय को इस्तीफा दे ही देना चाहिये और अगर वह स्वयं इस्तीफा न दें तो उन से इस्तीफा ल लेना चाहिये और जो मैं ने सुझाव दिये हैं उन पर अमल करना चाहिये।

अध्यक्ष महोदय : पेश्वर इसके कि मैं धगले मेम्बर साहब को बुलाऊँ कि वह अपनी तकरीर करें मैं हाउस से कुछ अर्ज करना चाहता हूँ कि पार्लियामेंट में जो बहस होती रही है यहाँ आज तक एक मियार रहा है जिस से कि हम नीचे नहीं गये हैं। बागड़ी साहब ने जो सुझाव रखे हैं, जो उनकी नुक्ताचीनी हो वह दुस्त है। उस से मुझे कोई सरोकार नहीं और मैं ने उन को बीच में बन्द भी नहीं किया क्योंकि वह शायद ऐसा समझते हैं कि सरकार पर जो नुक्ताचीनी की जा रही है उस में शायद मैं दखल देना चाहता हूँ। नुक्ताचीनी

जितनी भी चाहे करें, नुक्ताचीनी इस से भी ज्यादा की जा सकती है मुझे उस में कोई ऐतराज नहीं है। अगर एक मिनिमम लेविल तो होना चाहिये जो कि हाउस में कायम रक्खा जाये। हम ने मिनिमम लेविल और डिबेट हमेशा कायम रक्खा है ऐसा न हो कि उस को हम गिरा दें और हंसी मजाक का एक मौजू बन जायें और पार्लियामेंट के अन्दर भी वही हालत हो जाये जैसी कि बाहर देश में कितनी ही जगह है कि वहाँ पर लेविल आफ डिबेट बहुत नीचे गिर गया है। कम से कम पार्लियामेंट में तो हमें अपने डिबेट का लेविल न डिरने देना चाहिये। इस में मैं आप सब का सहयोग चाहता हूँ। और मेम्बर साहबान से अपील करता हूँ कि वह मिनिमम लेविल को गिरने न दें और उस का ख्याल रखें। वे नुक्ताचीनी कर सकते हैं, नुक्ताचीनी से मुझे ऐतराज नहीं है। जो दलील देनी है, जितनी नुक्ताचीनी करनी हो करें, वह उन का हक है और मुझे उसमें कोई रुकावट डालने का हक नहीं और न मैं उस में शामिल होना चाहता हूँ। लेकिन लेविल आफ डिबेट एक हद से नीचे नहीं गिरनी चाहिये। बागड़ी साहब से मेरी अपील होगी कि वह इस बात का ख्याल रखें। जब माननीय सदस्य कोई ऐसी बात कहते हैं जो कि इस हाउस में कहना शोभा नहीं देता और दूसरे माननीय सदस्य उस को इंज्याय करते हैं और उस में शामिल होते हैं तो उस से और ज्यादा बुरा असर पड़ता है। यह नहीं होना चाहिये और इस को डिस्पूबल की नजर से देखा जाये तो शायद हम अपने आप को सम्भाल सकेंगे। इसलिये मैं बागड़ी जी और बाकी दूसरे साहबान से अपील करता हूँ कि वे इस बात का ख्याल रखें।

श्री बागड़ी : स्पीकर साहब, चूँकि मेरी जात पर आप ने कुछ कहा है इसलिये मैं अर्ज करना चाहता हूँ कि मैं ने हाउस की जो एक सभ्यता होती है उस का उल्लंघन नहीं किया। हिन्दुस्तान की सभ्यता मां बहन और भाई की जो होती है उस का मैं ने उल्लंघन

[श्री बागड़ी]

नहीं किया झलबत्ता अगर गरीब लोगों के साथ अन्याय करने वालों के लिये कड़े शब्द का प्रयोग करना हाउस की मर्यादा का उल्लंघन करना हो तो कम से कम मैं तो वह अवश्य करूंगा औरों का मुझे पता नहीं

अध्यक्ष महोदय : अगर आप करेंगे तो फिर उस को देखा जायेगा कि यह हाउस उस में कुछ कर सकता है या नहीं। मगर मैं चाहता हूँ कि ऐसा न किया जाये

श्री बागड़ी : गरीबों की बात न कही जाये ?

अध्यक्ष महोदय : आर्डर, आर्डर। क्या मुझे इस का हक नहीं है कि हाउस को कुछ कह सकूँ ?

श्री बागड़ी : मैं तो गरीबों की बात जरूर करूंगा

अध्यक्ष महोदय : जब माननीय सदस्य जो कुछ कहेंगे तो उस वक्त मैं देखूंगा। अगर उस में मुझे दखल करने की जरूरत होगी तो करूंगा वरना नहीं करूंगा।

Shri Frank Anthony (Nominated—Anglo-Indians): Mr. Speaker, Sir, the hon. Member who raised this discussion is a little new to this House, and perhaps he hopes that some kind of action will emerge from this debate. I do not want to see him pessimistic or frustrated. But quite frankly I have grave doubts as to whether anything of action will emerge because, as I shall show, we have had debates of this character interminably in this House and the hurdle we come up against is an insuperable one—unfortunately, the powers of the Health Minister are so completely qualified as to make her essentially helpless in a grave matter of this description.

I remember when another lady held this portfolio—Rajkumari Amrit

Kaur—and when we discussed this matter of adulteration, not only of our medicines and drugs but of food, she did admit quite candidly many years ago that the adulteration of medicines and drugs in the country had assumed the proportions of a vast racket.

What is the position, since the time Rajkumari Amrit Kaur gave up the portfolio till today? If anything, the position has gone from bad to worse. Shri Sanjeeva Reddi, speaking shortly after he gave up his position as President of the ruling party, was pleased to say that half the drugs and medicines manufactured in the country today are spurious. Rajkumari Amrit Kaur did not go as far as that, many years ago.

What are the recent manifestations which perturb the country and which perturb this House? When I say this, I say this without any sense of levity. There has been a general lowering of confidence in the manufacture of medicines and drugs in this country. Whether it is justified or not, it is there. Several years ago, my own doctors advised me not to touch Indian manufactured penicillin. They said "it might sound unpatriotic but we have our reasons, and we do not know why the average reaction today to penicillin injections seems to be serious." And so, in accordance with their advice, I have abandoned taking penicillin injections. That was a few years before an hon. Member of this House, Shri V. D. Tripathi, died under very suspicious circumstances.

Shri J. P. Jyotishi (Sagar): Was it because of the injection or because of allergy?

Shri Frank Anthony: I do not know. There were some grave doubts as to what the real reason was. Doctors, by and large, privately say that penicillin today, which is manufactured at Pimpri, is not safe to take. I do not know, because my fears were reinforced at that time by the fact that many of

the personnel of Pimpri had waited on me in deputation. They told me that conditions at Pimpri were at that time a shambles. What has happened since then, I do not know. Now, what are the more recent manifestations?

A few years ago, I remember informing this House that one of the most popular baby foods—I will not mention it—was being manufactured spuriously on a large industrial scale in Bombay. That information was given to me by no less a person than a Governor, a respected leader of the ruling party. Recently, distilled water and saline were adulterated. The hon. Minister knows in her professional capacity that how serious it is. In one or two States, foreign bodies were found in the distilled water and saline. A tropine and glucose, widely used, were also found to be diluted or adulterated.

I really do not know what the Minister can do. I would like to see a full day's discussion on this whole problem of adulteration. It is not only of medicines and drugs. It is a part of the whole, larger problem of adulteration. It is not only that our medicines and drugs are being adulterated. The food that we eat, the things that we drink, they are all adulterated. I remember—I am saying this in passing—we had a similar discussion during Rajkumari Amrit Kaur's time. For years and years—whether vested interests have come in the way, I do not know,—we have never been able to stop the adulteration of ghee in this country. 90 per cent of the ghee that we get is adulterated. At that time, I had brought to the notice of the Health Minister the fact that the usual adulterant was python fat.

Shri Tyagi (Dehra Dun): Python fat?

Shri Frank Anthony: Yes; the adulterant was python fat. My friend is having second thoughts whether he should eat ghee after what I have

told him. 95 per cent of the milk is still adulterated.

I made a rather severe attack on Rajkumari Amrit Kaur. I said, "You do not know what is happening in the country. You do not know what is the lot of the average person in this country. You do not even know what is the lot of the average M.P. in the country. We are lucky if we get milk which is adulterated with reasonably clean water". The next day I joined the elite and I began to get my milk unsolicited from the Birla dairy. But as I said, I joined the privileged section of the community.

So, this whole thing goes on. I read a long article the other day. There is not a single *masala* in ground form that is not adulterated. Turmeric is full of deadly adulteration. Pepper, salt, biscuits, sugar, wheat, all are adulterated in the capital. It is a terrible commentary on what is happening in the country today.

I do not know what the Health Minister will say. She might say, "What can I do? You know how austere and rigid the Finance Minister is." His austerity and rigidity have become accentuated by the foreign exchange position. He will not allow the necessary drugs and medicines to come into this country and it has accentuated the position. I do not say that there are not some manufacturing houses that are not actuated by a sense of duty and civic conscience, but they are very honourable exceptions. The average licensed manufacturing houses today do do bother a tinker's hoot, because they know we cannot get imported drugs and they throw at the public whatever they like. As my friend, Shri Bagri said, we have one sampling laboratory in Calcutta. I do not know whether that is correct.

When the Constitution was on the anvil, I pleaded, and as usual I pleaded alone and unsuccessfully, "Health and education are the premier nation-building activities. Put them at least into the Concurrent List." What I said

[Shri Frank Anthony]

then has come true. I said, health will be looked after by the State administration. One State administration may be good, but for one good administration, you will have three bad State administrations. I think the Health Minister will tell us that. My friend has asked her to resign. The question is, how to get these subjects put clearly into some list in charge of the Health Minister at the Centre.

I blame the Cabinet. We have this undue susceptibility for autonomy, but when State autonomy has failed so miserably, is it not time we did something about it? Why don't we give the Health Ministry some more powers? As far as I am aware, when this anti-adulteration Bill came up in this House in 1952, I told Rajkumari Amrit Kaur, "You are bringing in a diluted, adulterated Bill. What powers are you taking? You are not even making the offence of adulteration a cognizable offence. You are not even having whole-time inspectors. You are going to have part-time inspectors. But essentially the fault is with the States. Essentially, as I can see it, the fault is in the fact that they are responsible for inspection and enforcement. And, inspection and enforcement by the State is no more than a bad joke. Where is the inspection today in the Delhi Administration?"

I remember giving Rajkumari Amrit Kaur an example. Nobody knows. People say that the Indian citizen has become apathetic. Of course, the Indian citizen has become apathetic, because he knows nothing will happen and he will only waste his time. Some lady came to me and said, "See what happened." I got obviously rotten meat. I took it to the municipal authorities and they said, we have not got anything to do with it. When I said, "To whom do I take it to have it inspected?" they said, "We do not know". She took it back and after one week, she got a letter from the municipal authorities asking her to bring the meat for inspection. I do not know, I saw an article or an item in the newspapers

the other day proclaiming the fact proudly that we are going to have a testing laboratory in this country, something like that—testing measures. What is it? We are going to spend Rs. 2½ lakhs or crores—I do not know the amount. But when is it going to come to fruition, I do not know.

The Minister of Health (Dr. Sushila Nayar): That is another laboratory. It is not that we do not have a laboratory, but that we are setting up another laboratory.

Sri Frank Anthony: I see. I am glad that we have some laboratory. The question is, who does the testing; who does the enforcement; is there any real testing; is there any real enforcement? What kind of staff do you have? I remember when this 1952 Bill was on the anvil, I said, "What are you doing? You entrust your enforcement to drug inspectors. Their salaries are Rs. 125 a month. Do you believe that your drug inspectors, in the context of the cost of living today, are really going to enforce it? They will be purchasable with ten or twenty rupees a month".

I would like the hon. the Health Minister to tell us what real attempt there has been at inspection of drugs and medicines, what real enforcement there has been. You may get hold of odd *khomchawala* or you might get a *rehrwala* or somebody else. You prosecute him. But today, like bootlegging, India is a paradise for all the anti-social elements. Because of your misconceived, hypocritical prohibition policies it is a paradise for bootleggers. More and more it has become a paradise for adulterators. I am told that it is big business—not these people in the back streets of Delhi—but it is big business like the bootleggers who are putting people into at least the local legislatures. I am told that these people who are indulging in adulterating on a vast organised scale have enough money to buy people in the legislatures, to put people into the legislatures. That is the danger we are facing today.

And I would with great respect submit to the Health Minister—I know,

she is going to make brave promises, she is going to palm us off with brave words—but new broom that she is, she is not going to touch even the fringe of the problem. This is a vast Augean stables. Unless you can induce the Prime Minister to a sense of reality, unless you bring him to a sense of reality, ignore the susceptibilities of the States and put Health at least into the Concurrent List, you will be able to do absolutely nothing, and five years later when another Mani Ram Bagri takes the place of my friend we will have the same debate and it will lead precisely to nothing.

Dr. Gaitonde (Nominated—Goa, Daman and Diu): Sir, I have heard with great attention the two speakers before me, chiefly the latter whom I could understand better, namely Mr. Anthony. I must say that in all these speeches that I am hearing here chiefly as regards drugs and health matters, I feel that generally there is some exaggeration. Let me explain myself. Mr. Anthony referred to a statement made by a responsible personality in Andhra who has said that fifty per cent, or more than fifty per cent, of the drugs in India are spurious. However, I tried to find out what this person did in Andhra, and I was surprised to find that there was not one single prosecution in the last year. That means that statements are made and after that they remain only statements.

This problem, as Mr. Anthony put it nicely and clearly, is not only a problem of the drugs, because if we talk on the problem of drugs we shall only talk about a part of the problem and not of the whole problem. The whole problem is really of spuriousness—I do not know whether the word exists in English, but if it does not it is worth while coining it. It is the problem of spuriousness. There is spuriousness in money, there is spuriousness in food, and I am told recently that there is spuriousness even in khaddar. With this type of spurious-

ness all round, if we talk only of the problem of drugs we shall not solve the problem. Therefore it has to be solved at a level where all the Ministries join together and try to solve it.

However, as the discussion today is only as regards drugs I would like to say that even long long ago, in our Vedic times, when we talked about Susruta and Charaka, even in those times there were spurious drugs. This brings me to some other interesting facts which I have tried to collect I myself being a doctor, I was very much interested in this and I tried to collect certain facts and figures as regards these drugs and as to why it is that there are spurious drugs. And I found many things which it is not possible for me to refer to within the short time that I am allowed. But I would refer chiefly to tinctures, the spirituous drugs. As Mr. Anthony referred to prohibition, I will continue the argument as regards the medical aspects of prohibition and examine what happens. Tinctures are prepared, as you know, with alcohol. About 60 per cent is alcohol and the remaining are other substances. And I must remind you also that whisky contains only 45 per cent alcohol. There are certain tinctures that are sold in many places, and I can give you the names of those tinctures which no doctor today prescribes, but yet they are sold in very big quantities. I believe a few days back, if not weeks back, some 80,000 lbs. of tincture was seized here in Delhi. So one can perfectly understand what is the magnitude of the problem. I am referring only to tinctures, I am not referring to other spurious drugs. Because we must see that when we talk of spurious drugs we don't confuse them with sub-standard drugs. Of course, practically speaking, for the patients and the doctors, both spurious drug and sub-standard drug are the same, because they cause the same harm to the patient and to the country.

Coming back to tinctures, these tinctures are sold in large quantities with-

[Dr. Gaitonde]

out prescription. That means there is some type of self-medication. And where are these things sold more? Exactly in places where there is prohibition. And if, as the Home Minister said a few days back, within the next five year plan the whole of India will be under the prohibition law, then I am sure that these types of drugs and tinctures will continue and will be sold more and more.

The second aspect is as regards the Act. I was very much surprised—for the first time I was reading the Act—and I was surprised to read the definition of “drugs”. I do not know whether all hon. Members have read it. What is a drug? We were taught something quite different from what is given here in the law. This says:

“Drugs’ includes all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of disease in human beings or animals”—up to here it is perfectly all right; then it says—

“other than medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani systems of medicine.”

Let us see what happens with this with regard to spurious drugs. There are certain types of tinctures which they call *asavas* and some others also, which are prepared according to the rules of the old system of fermentation. Certain substances are put and there is fermentation and alcohol is produced. Today what is happening is that alcohol is being bought by these people who are making these tinctures and as the excise duty on this alcohol is almost nil they can prepare those tinctures and sell them as if they were drugs. There is no law to check it. No police can check them

because the definition of ‘drug’ itself is wrong. I can continue to give more examples and show that fundamentally we are wrong as far as the definition is concerned. I remember having read somewhere that Voltaire once said: “If you want to discuss with me, define the term; if you do not define the term properly then everything will be wrong”. The first stage in an Act is to define the term. The definition here, in my opinion and in the opinion of the scientists all over the world, is wrong.

Sir, this is just a criticism. But then, are we going to criticise continuously and do nothing. As Shri Anthony has said, we have criticised this from time to time for years and years and yet we are at the same stage. I believe that the real criticism has to be constructive criticism and, therefore, I am going to make certain small suggestions.

The hon. Member who spoke first in Hindi—I could not follow every word of it, but I could understand him—made a reference to inspectors. He said that there are only 109 inspectors all over India. If one compares this number of 109 inspectors with the number of licences given, one will be surprised as to how these inspectors can work. The manufacturing licences all over India are about 3,000—2,600 to be exact. The selling licences are 80,000. Inspectors in all are 109—I hope my figures are correct. How much do these inspectors earn? As Shri Anthony said, they earn from Rs. 120 to Rs. 900—I think in Delhi they earn something more. One does not know how much an inspector earns, because there is no equality in the matter of earnings—in Delhi it is something more and at other places it is something less.

Then there is another question. In the last three years, there have been

a thousand prosecutions. e Nobody knows what has happened to the prosecutions. We do not know whether there have been any convictions. And, where are these prosecutions? These drugs, as everybody knows, have mostly come from West Bengal. In West Bengal the ratio of inspector to the number of licences is 1:2000, and there have been only five prosecutions.

Shri A. C. Guha (Barasat): 1:2000 of the manufacturers or manufacturers and dealers combine?

Dr. Gaitonde: Both. In Andhra the ratio is 1:800 and the number of prosecutions is nil. It is from there that the news has come that 50 per cent of the drugs are spurious.

Shri Frank Anthony: Overall news.

Dr. Gaitonde: In Maharashtra-Gujarat the ratio is 1:350 and the number of prosecutions is 250.

An Hon. Member: Very active.

Dr. Gaitonde: Yes, very active. That is the only place I have found to be active in this respect. so, this is what is happening. That is why my request to the Health Minister is that steps should be taken to increase the number of inspectors. Secondly, pay them well. Thirdly, the Act provides for the central control of drugs. For this control to be properly done there should be central inspectors. As far as I am aware there are no central inspectors. The appointment of inspectors and increasing their number is the first thing.

Then there are people buying drugs without prescriptions. Since there is a health education department in the Ministry of Health, my request to the Minister is to see that some-

thing is published as regards the dangers of self-medication. And here my special request is not to publish it in English for those who know English do not need it. It should be in the local languages. Then there are some other suggestions also.

As regards the major problem of how to deal with the "spuriousness" in the country, this is not the place and I do not think this discussion allows it. However, I would say that committees should be formed and there should be public discussions in the meetings of different parties and this problem should be tackled again and again and explained to everybody all over India. With these words, I resume my seat.

Shri Daji (Indore): Since the problem has been posed quite clearly and lucidly, I will not take the time of the House in repeating it. I agree that the problem is quite serious. It has been serious for years, but now with these series of discoveries it has come to us with an added force. I submit that the problem is not so light as to be merely discussed with a few words banded or emphasised. We have got to go to the root of the matter.

While I endorse the indictment for lack of inspectors—it is almost a mockery to have the manufacture in one place and a number of inspectors in another place—I say that the mere indict of the Government is not enough only for the lack of inspectors; the real indictment of the Government is that after fifteen years of independence they have failed to organise a national pharmaceutical industry. Years back, to be precise it was in 1954 or 1955, there was a proposal for an integrated pharmaceutical industry at a cost of Rs. 35 crores with Soviet help, but the proposal fell through because of political pressure.

The most important branches of this industry have been handed over to foreign firms, apparently reputable

[Shri Daji]

but really not so reputable. We have now been reading the favourite drug, Hhailidomite, prescribed in hundreds of thousands of cases in UK, result in mutilated children. That is the credibility of these foreign firms. Here I will read from the report of an American Investigation Committee, The Commission in its report of 1948 had this to observe:

"The Commission, which has just completed a two-year study of the anti-biotics industry, alleged that these six drug houses had conspired to fix the prices of 'wonder drugs' at arbitrary, artificial, non competitive and rigid levels."

The Commission has filed prosecution against these companies. These are the very companies whom we have licensed to manufacture drugs. Now I will read to you the verdict of an expert, Dr. A. Dale Console, who was the Medical Director of the Squibb Laboratories, a well-known company. He has this to say about his own company:

"Dr. A. Dale Console... testified that the industry with high-pressure sales programmes, 'was foisting on doctors many 'relatively worthless drugs with a greater potential for harm than good'. The industry's maxim, he said, was: 'If you can't convince them, confuse them.'"

This is the testimony of Dr. A. Dale Console, once a Director of Squibb, and we have handed over this industry of our country to such foreign firms in preference to building our own national industry.

Shri Harish Chandra Mathur (Jalore): Not entirely; a major part is under governmental control.

Shri Daji: Even though you have taken a decision on that as early as 1958, still you have not taken action

as expeditiously as you should. So, that is the first indictment. And behind this indictment, there is another indictment, and it is this. When we are talking of adulterated medicines, the whole difficulty is that the Cabinet itself is adulterated. It is adulterated with pro-socialist, and pro-capitalist and pro-entrepreneur persons; pro-Congress persons are adulterated with pro-Swatantrite persons. So, the adulterated Cabinet has been unable to develop even a national outlook on the question of the pharmaceutical industry, leading to this calamity. It is a question of the political independence of the Government, and it is not merely a question of having one or two more inspectors under Government.

Now, what is happening is that adulteration is only one part of it; almost astronomical prices being charged for these adulterated medicines is another part of it.

An Hon. Member: Profiteering.

Shri Daji: It is not even profiteering. It is something which is much more strange. Dr. Sokhey, for example, has given us all these figures. I am really very much surprised and I am sure the whole House will be surprised at these figures. One gram of imported aureomycine costs Rs. 1.20 and it is sold for Rs. 13, and it can be manufactured for Rs. 0.50. That is one instance. Another instance is that of aureomycitine. If we take 250 gms. capsules, 16 capsules are imported for Rs. 25, and are sold for Rs. 42, while the cost of manufacture is only Rs. 2.30. This lead no less a person that Dr. Ghosh of the Planning Commission to remark that even in Government hospitals, patients die for want of proper medicine or for dearth of the ability to purchase medicines. This is the stage to which we have reduced the entire thing. It should be a matter of deep and great shame for us, without any question of party-

politics in it. It is not a question of party politics. It is a question of great shame, and all the more so, because the hon. Minister of Health and the Deputy Minister of Health both belong to the noble profession; the unfortunate thing is that both these hon. Ministers whose idea is to dedicate their lives for saving lives are actually presiding over a Ministry which is helping the destruction of life. Therefore, I endorse the words of the Deputy Minister who said that it was a crime against humanity. It is not murder, but it is mass murder, it is genocide, and Government are tolerating it and are conniving at it and are abetting this genocide of innocent persons. No punishment will be serious enough for this purpose.

I would only like to repeat the very good cartoon produced in the *Shankar's Weekly* in a different context. What would have happened to such a person in America? There would have a Federal Investigation and the man would have been sent to jail. In England, the man would have been subjected to simple imprisonment. In Japan, the punishment would have been *harakiri*. In China, the punishment would be public execution, and in Russia, it would have been shooting. In the good old days of Jehangir, those persons or their relatives would have been injected with the same spurious drugs. But under the dispensation of the Congress Government, what would such a person get? He would get publicity and nothing more.

An Hon. Member: And Padma Shri also.

Shri Daji: And perhaps, he would get Padma Shri also on a subsequent date. So, this is a very serious matter. Therefore, it was with a great sense of frustration that our senior Member Shri Frank Anthony spoke just a little while ago. What is the good of this debate if nothing is going to come out

of it, if this evil is going to spread further? We say that something must happen out of this; we shall awaken you to act, and if you still do not act, if necessary we shall force you to act, but act you must, and act rapidly. Of course, by the term 'you', I am referring to Government.

The whole point is this. Have we got any pre-sale inspection of the drugs? Have we got any inspection of the drugs after the drugs are manufactured and before they are sold in the market? Or do we allow spurious and dangerous drugs to go into the market without any prior inspection? It is not a question of having one laboratory or two laboratories. I do not know how many laboratories are there, and how many State laboratories are also there for testing of the drugs. The whole question is this. Do we permit drugs to be put out in the market without proper inspection? If so, what is the reason for it?

The Mudaliar Committee has pointed out another interesting thing, as long ago as 1961. Out of about 2800 manufacturers, only about 125 are large-scale employing more than 100 workers or employing more than Rs. 10 lakhs capital. So, the majority of them are almost cottage industries to manufacture drugs. In this welter of cottage industries, where does inspection come in? How can it be managed with a scanty force of inspectors that Government have got at present? This is another aspect of the matter to which attention had been drawn in 1961 itself, but nothing seems to have been done up till now. On the other hand, a certain amount of connivance has gone on. In West Bengal, formerly, whenever spurious or sub-standard drugs were discovered, the names of the manufacturers were notified. But certain persons exerted pressure on the Government there, and this practice has been discontinued for the last two years. They brought pressure on Government, saying 'Do not notify the names of those manufacturers whose drugs were discovered to be spurious or sub-standard'. And

[Shri Daji]

why? Because they said, 'We will lose face'. They should not only lose face but they should lose their heads for putting such sub-standard drugs into circulation. Even this public warning of notifying the names of the firms who produced sub-standard drugs has been discontinued in West Bengal in order to help them because they have got certain connections with the Government.

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These are the things which really speaking, indict the Government. These are the things for which a reply is required. These are the things which cannot be excused and shall not be excused in any democracy worth the name.

There is another point. The Government have been negligent in another aspect. What have they done about the Patents Act? Why has it been shelved? The Haffkine Institute perfected an anti-malarial drug. It entered into a contract and then it had to refund the money to the Government because the Imperial Chemical Industries came and said that that drug was a violation of their patent for paludrine. We also know of the other thing in Chandigarh. A suit of injunction has been filed by some other company and that drug is lying idle in the factory.

The Patents Act was the fifth in the list of Bills pending at the time of the last Parliament when the President addressed us. Why has the amendment not been brought forward in the first session of this Parliament? Why is it being delayed even now? Why should we mortgage ourselves to the patents of foreign companies? That means that any foreign company can take out some formula which is used by us and say it is their patent and we cannot use it. What have Government got to say about it? What is the pressure exerted on the Ministry, on the Cabinet, on the Govern-

ment to see that the Patent Act is not quickly amended? Why should we not have our integrated, legal system at least, whereby we can protect our own pharmaceutical industry? Why is it not being done?

There is another problem. That is the apathy being shown generally by State Governments. We have so much conditioned ourselves to living under conditions of adulteration that our conscience is not awakened as deeply as it ought to be. I am not speaking in this vein merely to denounce Government. This is a matter which should cut across party lines. This is a question of conscience. Have we any conscience, any responsibility in this matter? This is a serious subject and if any tears are to be shed, we must shed them here and now, all of us together. It is a matter of shame for the entire nation.

But these things go on. They can be commented on in papers. Even now, what have we done? Certain goods have been seized. But that factory still continues. They go on. Punishment may come later on; there is the dilly-dallying process involved in the legal procedures. The State Governments are not awakened into it. The State Governments do not think it is their responsibility. The Central Government do not think it is their responsibility. Whose responsibility is it then? It is no one's responsibility if a poor Indian dies of sub-standard drugs or if he not treated properly.

Here is really a question of conscience. Therefore, the first thing is to set up a national industry. It will not cost much. It will save us foreign exchange. Today the total turnover is of the order of Rs. 40 crores, of which Rs. 25 crores is by way of foreign exchange. We can save this foreign exchange by building a national industry. Agreements are already there. Work them, press them through. Before we do that, let us bring about a system whereby this spreadover of manufacture of dangerous drugs on a cottage industry

basis is stopped. Let us institute a system of pre-inspection. When people die of sub-standard drugs, it is not just murder; it is nothing short of genocide. Therefore, any deterrent punishment that the Government may lay down shall be met with complete approbation from all sides. I do not think it will shock the conscience of any democratic person to mete out exemplary punishment to the few who are indulging in this. But above all, Government should see that they not only cure these ills but they eradicate the disease of adulteration in medicines.

Shri Hari Vishnu Kamath (Hoshangabad): Mr. Chairman, the House need not ask for stronger or better testimony to the widespread manufacture and sale of adulterated and spurious drugs, which, to my mind, has assumed the proportions of a shamelessly flourishing racket, than the statement made by the former President of the Congress Party, whose members adorn the Treasury Benches in this House, Shri Sanjeeva Reddy, the Chief Minister of Andhra Pradesh, last month in the Assembly of that State to the effect that more than 50 per cent. of the foodstuffs and the drugs in the market are either adulterated or spurious. After this alarming statement made by him, no further statement by any of us will be necessary to corroborate or to reinforce the serious charge brought by the former Congress President against his own party governments.

The trouble today is that you can get nothing, literally nothing, pure or genuine. There is a story which I read in the papers the other day, that a person wanted to commit suicide being disgusted with the state of affairs around him, the life around him, and he got some poison, but he did not die, and subsequent examination revealed that the poison itself was adulterated.

Shri Tyagi: Then adulteration is good; it saved at least one life'.

Shri Hari Vishnu Kamath: I have heard of another story—I think it is more a fact than a story. A customer went into a restaurant and asked for some soup. He got the soup and there was a fly floating in the soup. He called the waiter and asked: "What is this fly here?"

"चार आने में क्या आपको हाथी चाहिये,"

That was the reply that he got. That is why I say it is a symptom, only a symptom of a greater, larger, more deep-rooted malaise that pervades our entire society, today, and for having created that milieu, that climate and that state of affairs, I hold the Government squarely and wholly responsible.

There has been in recent times a growing contempt, or disregard to prohibition. Prohibition itself has developed, has sky-rocketed, into another kind of racket, where the bootleggers are in tow with the police; and yet today the prohibition programme forges ahead.

The Minister's predecessor, Shri Karmarkar, referred to this adulteration business in the course of a speech some two years ago, when he was the Minister of Health, and he compared the adulterators to either actual or potential murderers. That is how it was reported, and the penalty for murder you and the House know very well, what the penalty for murder should be and ought to be. I referred to this matter in the House in the Budget debates and suggested that the penalty for food adulteration or drug adulteration, the punishment to these criminals, these anti-social criminals and merchants of death, to whom death pay a very good dividend, that the penalty for such persons after they are convicted by the highest court of law should be not merely fine, not six months' or one year's rigorous imprisonment;—and nowadays, the hardships of improvement have been much alleviated, thanks to the Government,

[Shri Tyagi]

that is a different matter,—I also suggested during the Drugs (Amendment) Bill debate in the last session; I brought up this matter again and I suggested, and I reiterate my suggestion here today that the penalty should be nothing less than public flogging, if not, as the Finance Minister said, hanging. These are not my words. He objected to public flogging. He said: I do not mind hanging a person but I do not want a person to be flogged. All right, I accept it, hang him, if you do not want flogging—but not mere imprisonment, or fine. Wake up betimes before the sands run out. People of this country are dying in hundreds and thousands because of adulterated foodstuffs and drugs. Your own Congress President has said so, not I; your own former Congress President is convinced of this indifference and apathy to one of the most vital problems in our country today, that is, public health.

I am no admirer of the politico-economic system that prevails in Soviet Russia. But recently the Soviet Government has also prescribed death penalty for corruption. I know we will have a separate debate on corruption.

Shri Tyagi: Is this not enough?

Shri Hari Vishnu Kamath: Can we not emulate the Soviet Government in this respect and decide that for food adulteration and drug adulteration, for these merchants of death, for these criminals to whom death pays a good dividend, these persons shall be hanged? If that was not acceptable for the Congress Government because some of them—I am reluctant to say so but some of these adulterators—get invitations to Government Houses for Government dinners, Government parties and receptions and things of that sort and some are at some time or the other given Congress Party tickets also for elections, if hanging as a sentence after conviction is not acceptable to the Congress Govern-

ment, I suggest that henceforth let the law be amended as I suggested last time, so that the penalty is made more drastic and deterrent. But Dr. Raju did not accept it.

Shri Frank Anthony: Is it not a cognizable offence?

Shri Hari Vishnu Kamath: He did not realise it then. He took it lightly during the last session and he did not realise that within two months we would have this debate. If you take it lightly again, within two months you will have to face an angrier House and a still more angry people outside the House. That is what is in store for the Government. Let them make up their minds as to what penalty they are going to prescribe and lay down for these drug adulterators.

I have one or two points more and I have done. The inspectorate of drugs is a very weak and tottering agency. I would suggest to the Minister that it should be taken under Central control and perhaps the size of the inspectorate should be increased. There is a lot of suspicion in the public mind that the inspectors, if not all of them, some of them at least, are corrupt and for a small fee, for a small consideration of a thousand or two thousand, they let the adulterators go scotfree. This may be investigated and the machinery tightened up. I have also heard a charge brought against the Indian Standards Institution, how far it is true I do not know, —I am open to correction I hope it is false and not correct; I have heard that the ISI also issues a certificate for drugs and things of that sort, for these manufactured goods for a fairly big consideration in terms of money. This charge may be enquired into. It is a serious matter so it goes to the very root of the matter. If the evil starts even at the very root, how can you set the matter right easily?

One last point and I have done. When the Drugs Amendment Bill was on the anvil of this House I pointedly drew the attention of the Deputy

Minister to his own Statement of Objects and Reasons in that Bill. What applies to cosmetics, it was specially a cosmetics Bill, should apply to drugs also.

16.15 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

What was said there? It was said that there are many units dispersed throughout the country where even elementary precautions for testing the raw materials and observing hygienic conditions during manufacture are not taken. I suppose this applies—as the recent press reports show—not merely to cosmetics but also to medicines and drugs and such things as are of vital importance to the nation.

Now, I may refer to question that was tabled the other day. It is rather strange that the Minister is just trying to evade her responsibility, evading the real crux of the matter. The question was as follows; and it was only on the 7th August, in this session. The question was put by a number of hon. Members headed by Shri Kappen.

It ran this:

“Will the Minister of Health be pleased to state:

- (a) whether Government have taken note of the fact that dust and other foreign matter is usually found in medicines supplied to hospitals for purposes of injection; and
- (b) if so, what steps Government propose to take to remedy this defect?”

Now, look at the answer. She could have said something more concrete. But let us see the answer given by Dr. Sushila Nayar, Minister of Health. Of course, the answer might have been drafted by somebody and I do not blame her entirely. But the answer reads as follows:

“(a) It is not a fact that dust and other foreign matter is usually found in medicines supplied to

hospitals for purposes of injection.”

The word “usually” is underlined. It is bluffing and bamboozling the House. She means to say that it is not usually found; that means, of course, it is found, but not usually. That means, every day it is not found but it may be found every other day! They could have given certain facts and figures about it. Then, in answer to part (b) of the question, the answer is, “Does not arise.” The question was thus disposed of. It was for an oral answer but it was not reached, and so no supplementaries could be put.

Before I close, I would like to say that the tragedy of the situation today is that the age of integrity, service and sacrifice—of the freedom struggle era—has gone, and today, the age of hypocrisy, of grab and of sycophancy has come. That is the root of the evil. Unless this is tackled with vigour, with firmness and singleness of purpose, the Government will not be able to end this state of affairs.

May I say, in the end, that the God of this era, in the new secular State, seems to be Mammon; not perhaps *saitan*, but mammon; not God but mommon. And everybody wants to run after position or money. (*Interruption*). As the Sanskrit poet says:

“सर्वे गुणाः कांचनमाश्रयन्ते”

That is the tragedy of the situation and the Government is unfortunately under the influence of some of these anti-social elements who pay large sums into the Congress election chest, and that is why the Government is loth to take strong action against some of these anti-social criminals. Unless the Government proceeds against them strongly and firmly, and unless they prescribe the penalty of flogging, if not the penalty of execution or hanging, this and other evils—evils of corruption which may not be germane to the discussion today—will not come to an end. I hope the Government will wake up be times before the people push them out of the position they occupy today.

Shri Harish Chandra Mathur: Mr. Deputy Speaker, the hon. Members who have preceded me have spoken with vehemence and vigour as the subject naturally calls for. I will not dwell upon the magnitude of the problem. It is so well-known. Hon. Members have quoted facts and figures and they have quoted people in authority, which leaves no doubt in our minds that this racket is of a large dimension and all-pervading.

It this House we had on occasions tried to unearth various other scandals and expose them to the public eye. We tried to awaken the authorities to take certain serious action. All these serious scandals only dealt with the squandering of money here and there. But this is a racket of a type which attacks the health and life of the general people and this has far-reaching and grave consequences. So, it is more for us to realise its grave consequences than to wax eloquent upon it.

I do not wish to blame the State Government only. I think the Central Government cannot escape responsibility. As a matter of fact, in 1960, when they brought this amending Bill, this House most willingly gave the Central Government power to intervene. But the Central Government has been all the time laying the blame at the door of the State Governments. I would like to know first what has been done since 1960 by the Central Government and what positive steps have been taken by them.

Our friends think that if the Central Government takes it over or if it is made a concurrent subject, there would be a remedy. I would like to know what has happened in those places which are directly under the central administration. It is no use only blaming the State Governments and trying to throw the ball from this court to that court. The responsibility has got to be shared squarely by the Central Government in this matter. Even in 1960 when this enactment was passed, it was expected that the

Central Government will appoint certain inspectors, who would go into the matter and tighten the control. When the House showed the same temper which it is showing today, the Health Minister promised that he would bring a comprehensive Bill which would deal with all the aspects including legislative controls. May I know what has happened since then? Do I understand that the Health Minister is only awakened by the Press focussing attention on certain cases here and there? Is not the problem known to the Health Minister all these 15 years that this is the state of affairs directly under our nose? Does it mean that the Press has to focus attention on a case here and a case there and this House should goad the Minister to take certain action? What has been the activity of the Ministry all these years? If it cannot be awakened even after 15 years, who is to blame? If there is any sense of respectability or responsibility left with the authorities they must explain their conduct. May I know what action has been taken under the Act passed by this House in 1960? We then suggested 1 year's rigorous imprisonment, to which there was no alternative. It was a compulsory sort of punishment. I want to know how many persons have been punished under this provision which was passed in 1960, and what action has been taken.

Certain people have commented upon the inadequacy of the inspectors. We know what has been the growth of the administration during the last 10 years. The cost of the administration has grown from Rs. 50 crores to Rs. 250 crores. If so many persons have been appointed for all the various jobs, why is it that we could not appoint an adequate number of persons who can take care of this vital subject? Who is responsible for this? Has this House ever refused to sanction an adequate number of inspectors? I say with all the vehemence and condemnation that have been poured on the Minister, though I cannot share certain stray remarks passed by my friends here, that the

plain fact remains that we have failed in our duty to the people and it demands for much more drastic action. We find, as was very correctly pointed out, that even the names of the firms are not disclosed. When I had to go to the Speaker's Chamber and persuade him to allow a discussion on the subject, I said, "How are you going to warn the people about it? We have never been told about it. Even the names of the firms are being kept back". What for? The names of the firms should have been published, they should have been given the widest publicity and their assets should be confiscated, after trial, but immediately they should have been seized. And it should have been made known to the people.

I would also like to know from the Health Minister whether the various administrations have taken action and circulated to all the hospitals the names of these firms. And do I understand that all these hospitals who are making all these purchases and using them are not aware of the quality of the medicine or are they in collusion? It arouses a natural suspicion in the mind of everyone.

Here we have the various Acts. It just beats my conception, the way in which the affairs are conducted. They say, how can one inspector deal with it? If it is a known fact that all over in the market more than fifty per cent of the drugs and medicines are spurious, then the inspector can go and lay his hands on them; wherever he goes he will find spurious drugs and medicines. It means a *laissez faire* attitude and that no action is being taken. If you go round even in Delhi, you will catch hundred persons in Delhi who are selling all sorts of things here. Has it been done? Why is it not done? This is a question which agitates everyone in this House and outside.

Let us understand also the magnitude of the problem. During the last ten years the industrial output of drugs has gone up from ten crores to sixty 1531 (Ai) LSD—10.

crores. It is a major project. My friends are talking about its being a cottage industry. But if these Rs. 40 crores worth of spurious drugs are being marketed, I do not know if there can be a greater project than this. Every year thirty to forty crores worth of spurious drugs are going to be marketed, if I take what these people in authority say. Twenty samples were taken and ten or twelve were found to be spurious, sub-standard. I do not know what is the authenticity. I have read the statement of the Chief Minister of Andhra Pradesh while answering a question in the State Assembly, and he did say that fifty per cent of the drugs found in the market could easily be taken to be spurious.

If this is the state of affairs, if this is the problem before the country, is it in the manner in which they are dealing with it that they can satisfy the House or satisfy the citizens of the country, we would like to know. All sorts of Ordinances are passed. If the Health Minister felt that a certain legislation to give her certain powers was necessary, I think it was one of those occasions where an Ordinance could easily have been passed. Who could have objected to it? We find that with regard to land acquisition an Ordinance had been passed because Parliament was not in session. Why could not the Health Minister go and say that these are the powers which she immediately wants, particularly in the light of what has come to light in the public mind? I think the public would have appreciated that very much. They would have thought: when they are awakened by this instance, at least the authorities have been quick to act. Now the reaction is absolutely different, and if we are going to reconcile ourselves to all this I do not know where we stand.

I therefore submit that this House will never countenance the throwing of the responsibility between the Centre and the States. The Centre has been given a definite responsibility, has been given a definite power under

[Shri Harish Chandra Mathur]

the Act. They have given a definite promise that they will bring in a comprehensive Act. It is round about two years now that it had happened. And we would like certainly not to hear a general statement from the Health Minister when she replies, but we would like to know what definite actions have been taken at least about the Centrally-administered areas, how many people have been punished, and what has been the implementation of this Act which had been passed by this Houses. Otherwise it is just a mockery for this House to pass laws if they are not implemented. It is just a ridicule. In that case it is better not to have enactments rather than to ridicule the enactments which we pass in this House, by not implementing and not caring for them. Brave speeches made here would not cut much ice. They would not satisfy anybody. You must have seen that people speaking from all sides of this House have the same feeling. It is no use throwing blame on the Congress or the Congress elections and all that. It is a general feeling and I do hope that the authorities will take a proper note of the tone and temper of this House, and when we meet next we hope we will get some satisfaction from the hon. Minister.

Dr. Sushila Nayar: Sir, how much time are you giving for me?

Mr. Deputy-Speaker: How much time does she want?

Dr. Sushila Nayar: At least forty minutes. And now only thirty minutes are left.

Shri Hari Vishnu Kamath: Tomorrow.

Shri Daji: Many Members are wanting to speak.

Mr. Deputy-Speaker: Two hours is the time-limit.

Shri Hari Vishnu Kamath: Under rule 292 it may be extended.

Mr. Deputy-Speaker: If the House is prepared to sit for half an hour more, I have no objection.

Shri A. C. Guha: That will not do.

Shri Tyagi: We will rather sit tomorrow.

Mr. Deputy-Speaker: No tomorrow.

Shri Tyagi: If the House chooses to do so then the voice of the House must prevail and we shall have it tomorrow.

Dr. Sushila Nayar: Sir, I would like the debate to be finished today. I am prepared to sit longer.

Mr. Deputy-Speaker: Dr. Aney.

Shri Tyagi: What is your decision about the time?

Mr. Deputy-Speaker: This will close at 5-30 p.m.

Dr. M. S. Aney (Nagpur): Sir, this is a matter which has been sufficiently debated, but I thought that the question is one concerning the health of the people of India and that it ought not to go without an expression of opinion about it by all persons who have got some knowledge about it, first-hand.

The great difficulty in this matter is this. Our State is a welfare State. And being a Welfare State, nothing can be of greater importance or greater concern to that State than the health of the people. It is the primary consideration. It is only if the people live that they can do something for their welfare. If they die nothing more can be done. If that consideration is borne in mind, then immediately we will see that if they are living there must be some provision for them made by the State, or under the care of the State, for giving them medicines whenever they fall ill or require medicines.

Therefore, those who manufacture medicines, those who administer the medicines and those who are incharge

of this entire Medical Department, are in a position of peculiar relationship with the people in general. The people have got to put implicit confidence in the beneficent object of those who are in charge of this Department.

When we find that the medicines given by them are adulterated, instead of proving to be medicines they prove to be poison, that is a terrible thing. And to allow such a thing to last for a long period is, in my opinion, nothing short of, and is tantamount to a complete abdication of authority and the exercise of power by the State in a vital matter of this kind.

Then, people like the Chief Minister of Andhra—not ordinary people—who was also the President of the Congress, have made a statement saying that nearly 50 per cent of the medicines that are supplied in the market are found to be adulterated. I am sure he was making a statement that in the State which he was representing the people use medicines 50 per cent of which are adulterated. By making a statement like that he is not absolved of his responsibility. It is a terrible statement that he was making. He was libelling his own Government and creating a bad name for India throughout the world.

Shri Hari Vishnu Kamath: Self-indictment.

Dr. M. S. Aney: It is our duty, not because it is the Congress Government now which happens to be in power, to see that such things are not allowed to go on. What are we here for? Along with that if he had made a statement that he was taking such and such steps to eradicate this evil altogether in two or three years time, then the people would have thought that the evil was there already and he was taking steps to remove them.

Shri Hari Vishnu Kamath: He was looking to Delhi.

Dr. M. S. Aney: I am not saying anything personally about anybody, I am only talking generally. We are in power. We claim to be the custodians of the rights and privileges of the people. We also claim that we look after the interests of the people. We claim that we are going to create a new kind of society called the socialist pattern of society, and for that purpose we are spending crores and crores of rupees and doing everything. Therefore, in my opinion, the subject should be given the first priority by the Government of India.

It is no use saying, as some said, that it is primarily the responsibility of the State Government. Whatever the Constitution may say, the people look upon the whole Government for their requirements. Whether a mischief is done in Bombay, Calcutta or Madras, they say it is the fault of the Government of India. They do not know that Bombay Government is separate, it is an autonomous government which has its own powers, and for acts committed there the Central Government cannot be blamed. But they will say it is a part of the Central Government and they will lay the blame on the Government of India.

Under these circumstances, in my opinion, the health of the people is of paramount consideration. I hope that care will be taken by the Central Government to give first priority to this subject. They should provide the necessary machinery to see that this kind of thing does not exist hereafter. Proper supervision, strict inspection and a determination to punish those persons who are found guilty will, I am quite sure, control this evil within a reasonable time. If, these steps are taken, a new hope can be created in the minds of the people that their bad days are gone and better days are coming. We are trying to set a very big ideal before the world. Let us, therefore, make a proper beginning by gaining the faith of the people in the *bona fides* of the

[Shri Tyagi]

Government of doing their duty to see that a welfare State is maintained. With the co-operation of the people you can take another step and thus go ahead.

Sir, I do not want to talk about other matters. I only want to say that the responsibility of the Central Government in this matter is much greater than the responsibility of the small States. I have no doubt that the State Governments also will have to take proper steps to eradicate the evil and to put an end to this most vicious thing which exists in the country.

With these remarks, Sir, I want to appeal to my hon. friend, Dr. Sushila Nayar who happens to be in charge of the Health Ministry, to see that she makes a beginning for a new chapter in the administration of health so far as the whole of India is concerned, by taking proper steps to eradicate this evil of adulteration of drugs. Our only objective here should be the interests of the people. If you are indifferent to that, it is better to be out of the job. We can create confidence in the people of our Government only by doing our duty properly in a matter of this type. With these words, I hope that the matter would be looked after by the Ministry of Health in all earnestness.

Shri Tyagi: I must thank my friends of the opposition for having highlighted a major problem, a very big problem facing us in the field of food and medicine. They have effectively voiced the sentiments of the people at large by whatever they have said. Barring a few remarks which are by way of motives attributed to the Treasury Benches, or others which are usual.....

Shri Daji: Take a little salt.

Shri Tyagi: Though attributing motives is a different matter, the fact

remains that adulteration is prevalent on a very wide scale in the country. Whether we belong to this party or that party, when there comes a major question involving our citizens, our voters and electorates and countrymen, we are all one because we are representing the common cause of the people. Therefore, I say here with confidence that practically the whole House is unanimous in this matter. It is not for condemnation but just for emphasising the fact that some suitable and practical steps must be taken to tackle this major problem. Everyone of us agree there. It is another matter where the fault lies. There we might disagree as to whether it is with the State Government or this Government, but I must confess that it is a widespread problem. It is not easy for Government just to claim that they can control it cent. per cent. It can best be controlled by the population as a whole. It is wrong for any government to presume that the law and order problem is solved by it by its authority or its law or efficiency. Governmental power hardly touches one-hundredth of the problem of law and order. Actually, law and order is maintained by the public, by the consciousness of the society as a whole. It is the good sense of the society that maintains law and order. Crime is, in fact, suppressed not so much by the policemen as by the neighbours in the mohallas and by public opinion. Government can never tackle crime unless public opinion is created.

Therefore, we must join together in tackling this problem. It is no use asking the Minister or the Cabinet to resign. After all, whoever comes in their place, it will not be possible for them to control it unless public opinion is created on a large scale. For that purpose, both members of the opposition and us should join together and create an atmosphere where this evil is eradicated. Of course, law is necessary for this purpose.

Here I do not absolve the government. I confess with a sense of shame that my party, having been in power for such a long time, has not been able to control it. I confess it and I have no hesitation in doing so. Here I am voicing the feelings of the people and I understand that we can rightly be condemned on this issue. But please understand that Government alone could not tackle this major problem. For this purpose, the proper atmosphere and public opinion have to be created. Here I do not want to shirk my or my government's responsibility. I appeal to the Government to respond to the call of the nation which has been unanimously expressed in this House today. There was no question in this House for years to come on which this House was so unanimous as it is today on this problem. It is the unanimous demands of the House that the problem must be tackled if necessary by enacting better laws and by having more powers in the hands of Government. But power by itself is useless, unless it is used.

Shri Hari Vishnu Kamath: If it is abused or misused?

Shri Tyagi: We are very good in pronouncing policies and principles, but when it comes to spelling them out, we generally fail. Here is really a question where we have not been able to spell out the policy properly. Therefore, it is the demand of the House today, before Government that if they want themselves and their party to exist, they must tackle this problem. This is the unanimous demand, not of this House only but of the country as a whole. I assure my hon. friends opposite, on behalf of my party—I think to that extent I have got that right.....

Shri Hari Vishnu Kamath: My hon. friend, as a former Minister.....

Shri Tyagi:...that we shall do whatever is possible. At the same time, I would appeal for co-operation from my hon. friends oppo-

site on this issue, and then we shall be successful.

Shri Hari Vishnu Kamath: We shall give you all co-operation provided you are in earnest about it. But you are not earnest.

Mr. Deputy-Speaker: Now, Shri Prakash Vir Shastri. He cannot have more than five minutes.

Shri A. C. Gaha: I had also sent in my name.

श्री प्रकाश वीर शास्त्री (बिजनौर): मैं पांच मिनट में नहीं बोल सकता।

Mr. Deputy-Speaker: Then, Dr. L. M. Singhvi. He wanted only 2½ minutes.

Shri Harish Chandra Mathur: What is the hurry? If the House is in a mood to sit till 6 p.m. we can sit till 6 p.m. You are only anxious that it should be finished today. If the Members want to sit longer, they can do so. We can sit till 6 p.m. You should appreciate the mood of the House.

Mr. Deputy-Speaker: I think that there are other engagements.

Shri Raghunath Singh (Varanasi): There is a general body meeting at 5 p.m. in the Central Hall. Therefore, we request that the House may not sit longer.

Mr. Deputy-Speaker: The House can sit till 5.30 p.m. today.

Shri Hari Vishnu Kamath: The hon. Minister can reply tomorrow. She can come better prepared tomorrow morning.

Dr. L. M. Singhvi (Jodhpur): I am heartened by the fact that the sense of righteous indignation regarding the problem of spurious drugs is shared by all sections of this House, and that we are at one in thinking that the problem has already assumed colossal proportions, and that it is

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very necessary and urgent for us to tackle the problem in the spirit and approach of solving a national problem.

I would like to say that we in the Opposition, speak not so much in anger as in sorrow, for spurious drugs and adulterated foodstuffs have become the order of the day in the country. Purity and dependability have remained expressions confined only to the lexicon. Day in and day out we read about the adulterated food-stuffs and spurious drugs to which our populace is subjected. I feel that this is repugnant to the very concept of socialist planning that is in vogue in our country today.

But the first thing and the first concern of all of us is to see that the health of the nation is safeguarded, and if we do not succeed in this, certainly, it is a matter of lasting shame for us all. I think that it is quite natural, in the circumstances, for the country to look askance at the administration and to turn back with cynicism because so little has been done in so long stretch of time that was available to Government at the Centre as well as at the level of the States of the Union. I hope that the Government would sense the deep and impassioned approach that this House has vociferously given expression to, and I am sure that the Government will henceforth spare no efforts to solve this problem in as expeditious a manner, in as prompt a manner and in as effective a manner as possible.

I feel also that the laws that we have in this country are inadequate. But mere severity of sentence which has been advocated by some will not solve the problem. What is needed most is a very faithful execution of the existing laws and the provision of a radically re-cast machinery for the implementation of the existing laws.

I shall just take a minute to say in verse a few of the thoughts which have occurred to me during the discussion.

Is it not curious

That the Health Minister did not
know,

Until Shri Maniram Bagri came
forth to show

That so many drugs in the market
are spurious?

Dr. Gaitonde's constructive dis-
course

Did have very considerable force;

Frank Anthony's eloquence we
endorse.

Homi Daji's indictment is without
remorse

But is the Government alone to
blame

For lapses which put the nation
to shame?

Nevertheless, can the Government
deny

That in fighting the evil they are
fighting shy?

Let us, therefore, as one man rise,

If the nation's health truly we
prize;

Let us enforce the laws and ever
make them rigorous

To build our country strong and
vigorous.

Sitting here, I just penned down these lines because I thought I would get no more than a couple of minutes, until extension was announced.

I do not feel that the words of anger and outraged sentiment employed in the House should be taken literally by the Minister and the Government, and no effort should be considered too great in the direction of

solving the problem which has become too intolerably monstrous to be allowed to exist any longer.

Mr. Deputy-Speaker: The hon. Minister.

Dr. Sushila Nayar: If you are willing to give a few minutes to Shri A. C. Guha, I will curtail my remarks by that much time.

Shri Bade: In that case, we should also be given time to speak.

Dr. Sushila Nayar: I will abide by your order.

Mr. Deputy-Speaker: I have called upon the hon. Minister to speak. There should be some limit.

Dr. Sushila Nayar: I am most grateful to this House for the debate on this most important subject which has been engaging the attention of all of us for a long time.

There has been a considerable amount of anger and emotion and I share that feeling of anxiety with my hon. friends. It is a matter of vital concern for all of us that this evil of adulteration of drugs and production of sub-standard and spurious drugs is taken seriously and an effective remedy is found for it.

Shri Frank Anthony said many things. He said the Minister is probably going to make some bold statements and utter brave words which will amount to nothing in the long run. I am not going to do anything of the kind. It will be very presumptuous on my part to promise this House that wonders are going to be worked in the next few months or so to deal with a problem which has been baffling my able predecessors and the State Governments for 15 years, as was stated by several hon. Members, although I can promise that both of us—the Deputy Minister and myself—and the officers of the Health Ministry and the official machinery, shall spare no pains to deal with this

problem. To what extent we shall be successful in our efforts remains to be seen. It will be improper and presumptuous for me to anticipate the results. I literally believe that all that anyone can do is to do one's best.

Shri Maniram Bagri invited me to resign. If by my resignation the problem can be solved, it will not take me ten seconds to resign. After all, as another hon. Member stated, both the hon. Deputy Minister and I have a noble profession and that profession can engage all our energies. If we are sitting in ministerial chairs, it is not for the comforts of those chairs or for any privileges or benefits that they bring. We are in this position because our leader has been kind enough to think that perhaps we can make some small, humble, however, contribution to deal with the problems that are confronting this Ministry. We cannot promise much beyond this, that whatever training, whatever ability, whatever resources we have at our command, shall not be spared, and we shall try to do all that we can.

Shri Harish Chandra Mathur: Ask for any more that you need. This House will give.

Dr. Sushila Nayar: I am coming to that.

It has been suggested by Shri Kamath that the penalty should be death.

Shri Hari Vishnu Kamath: Flogging or hanging.

Dr. Sushila Nayar: Flogging or hanging he says. In other words what he is asking is more deterrent punishment.

Shri Hari Vishnu Kamath: That is it, you have caught the point.

Dr. Sushila Nayar: It was stated by Shri Mathur that the Minister, my predecessor, had promised a more comprehensive and a better Bill, which has not been produced. I do

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not know about this proposed Bill. I shall look into it. If there is anything on the anvil, it shall come before the House. But I have been studying this problem, and I assure the House that I have been studying it long before this debate or the Parliament questions came up, because, perhaps my hon. friends will concede that I understand the gravity of the problem a little better than some of the others might be doing and therefore, I am vitally concerned that an effective remedy be found.

I find that in the 1960 amendment to the Drug Control Act certain provisions were made which were good, on the face of it. One of these provisions was that one year's minimum imprisonment is to be awarded to the culprits who are found to be guilty after the cases had been brought to the court of law. I am sorry to say that enough use has not been made of this provision. I must say that I am wholeheartedly in agreement with Shri Tyagi when he says that it is not merely the laws in a land that can provide the remedy. You can have most excellent laws, but the implementation of those laws, the translation into action of those laws, will depend upon an enlightened public opinion. I give you an instance. Can I go and tell the magistracy or tell the judiciary that they should do this or that? Can I presume even to say a word about it? I will immediately come in for contempt of court or interference with judiciary which is even more objectionable. The judiciary is sacrosanct. We cannot say a word about it, we should not say a word about it, but public opinion can demand better performance even from the judiciary. The executive cannot say anything to the judiciary and I will not say anything. But I give you a few facts here. The penalties for offences under the Drugs Act were enhanced to three years imprisonment with fine and minimum of one year's imprisonment. In actual fact the penalty of imprisonment,

leave aside the three years, even the minimum of one year has been rarely resorted to. In 1958-59, out of 213 convictions, only 24 resulted in imprisonment; the rest were fined. In 1959-60 only 17 resulted in imprisonment out of 179 convictions.

17 hrs.

Shri Hari Vishnu Kamath: The law should be amended. Make imprisonment compulsory.

Dr. Sushila Nayar: In 1960-61 only in ten cases out of 207 convictions there were imprisonments. It is stated in that Act that if imprisonment is not given the Magistrate should record the reason in writing. We can go further and come before this House saying that imprisonment shall be compulsory and no option shall be left to the magistrate to give or not to give sentence of imprisonment.

Shri Harish Chandra Mathur: In how many cases has the magistrate recorded his reasons?

Dr. Sushila Nayar: After the enactment the magistrate has to record his reasons in every case where no imprisonment is given; that is the requirement of the law.

Shri Tyagi: When he has taken bribe, he would not record it.

Shri Homi Daji: Did we go in appeal when it was felt that more deterrent punishment should be given? How many appeals were filed? You cannot shirk responsibility like this.. (Interruptions).

Dr. Sushila Nayar: I can assure my hon. friend that we are not here to shirk responsibility; I wish to tell him that we shoulder responsibility. It is these gentlemen who stand in the way of the discharge of those responsibilities. Go and see in Bengal. What happens. These communist gentlemen try to exploit and take

political advantage out of every situation. It is because of these political complications that the Bengal Government has not been able to take effective action. I wish to state in this House: let us all let every party make a solemn promise here that they shall not try to make political capital out of these kinds of situations. It is our Government today; it may be their Government tomorrow. Every Government has to discharge its duty towards the people. There are certain things in which political alignments should not come into operation at all.... (*Interruptions*).

Shri Kashi Ram Gupta: What has court cases to do with political affiliations?

Dr. Sushila Nayar: I do not wish to be interrupted; I did not interrupt any of these gentlemen. I am glad the opinion of this House is unanimous on this issue. I welcome it and I hope that in the support that the hon. Members will give to the implementation of the laws the same spirit will prevail.

Some hon. Members stated that there were a large number of small mushroom organisations taking up the drug industry. I am aware of it. I know the dangers of that also. About 125 establishments are well established and have adequate machinery, staff etc. Generally speaking their products are good and reliable. But the 2700 or so small organisations or some of them at least have not adequate means. Why and how are they licensed? I am sorry I have to say this and I say this with some knowledge and personal experience, there are many people in every Party who go and put pressures and say: give licence to this man or that person.... (*An Hon. Member: Shame, shame*). Everyone knows it happens. And if it happens, is it not our duty, as Members, as representatives of the people, to stop this kind of thing and insist that licences shall be given only in situations

where the requirements for the production of drugs are available.... (*Interruptions*).

Mr. Deputy-Speaker: Order, order.

Dr. Sushila Nayar: Probably, the hon. Member himself might have made some recommendations. I do not know. So, when we discuss this subject, I want everyone to turn the searchlight inwards. Do we ever give recommendations—

Some Hon. Members: Never, never.

Shri Hari Vishnu Kamath: Never, never.

Dr. Sushila Nayar: But I am not appealing to Shri Kamath only. I am appealing to all the 500 odd Members sitting here. Through this House, I am also appealing to the several thousand members of the State legislatures. Through this House, let my voice reach the members of the legislatures also. Let everyone of us, we, who are representatives of the people, take a solemn pledge to the effect that we shall not go and recommend and plead for the giving of licences for drug production to people who do not have the adequate means for drug production; secondly, when action is taken against somebody—it is not that action is taken against everybody, but when action is taken against a few people—we shall not go and recommend to this Minister or that Minister and say, "leave him; let him go", and so on. It is this kind of interference.... (*Interruptions*).

Shri S. M. Banerjee: I rise to a point of order.

Dr. Sushila Nayar: I am going to be plain-spoken today. What I say is true. I am not yielding. I would request Shri S. M. Banerjee to sit down.

Shri Hari Vishnu Kamath: He is raising a point of order, and so the hon. Minister should sit down.

Dr. Sushila Nayar: If the Chair says that it is a point of order, I shall sit down.

Mr. Deputy-Speaker: He is raising a point of order.

Shri S. M. Banerjee: The Minister is entitled to say whatever she likes, but I want to know whether such an aspersion on the Members of the House who are sitting here can be made.

Mr. Deputy-Speaker: She has not mentioned any names. There is no point of order.

Shri S. M. Banerjee: She must appeal to her party and not to the others in the House.

Shri Daji: She set the ball rolling. She cast an aspersion. (*Interruptions*).

Dr. Sushila Nayar: I say in all seriousness that I know of Members who have done that.

Shri Daji: She has also mentioned about the members of State Legislatures who are not present here. She cast an aspersion.

Mr. Deputy-Speaker: There is no point of order.

Shri Daji: She was making a positive charge against them.

Dr. Sushila Nayar: Why they are excited, I do not know. If they are genuine in their concern for the cause, if they are serious in their minds, if they are earnest to see that drug adulteration should stop, they should join their voice with mine and say, "Yes, this shall be done". It is easy to go and say that this fellow is corrupt and that fellow is corrupt and this Government is bad. I want to put a straight question: when we go and ask for favour to be shown to A, B or C, when we, responsible people, go and ask for acquittal of A, B or C, are we honest? (*Interruptions*).

Shri Hari Vishnu Kamath: It is the Congress Party members who are

more guilty than anybody else. (*Interruptions*).

Dr. Sushila Nayar: I think we are all united on this point, namely, that this is not a party question.

Shri Hari Vishnu Kamath: We did not make it a party question. Only the hon. Minister is using the words, "party question". (*Interruption*).

श्री बागड़ी : भ्रान ए प्वाइंट आफ आर्डर सर

Mr. Deputy-Speaker: There is no point of order.

श्री बागड़ी : डिप्टी स्पीकर साहब, यह आप क्या कर रहे हैं ? मैं प्वाइंट आफ आर्डर उठाना चाहता हूँ । मेरा प्वाइंट आफ आर्डर सुना नहीं और उस के पहले ही आप ने अपना जजमेंट दे दिया ।

मैं प्वाइंट आफ आर्डर यह उठा रहा हूँ कि जब यही बात थी अर्थात् हम कहते हैं कि सिफारिशें और बेईमानियाँ चलती हैं और आन्तरेबिल मिनिस्टर साहब भी वही बात कहती हैं तो वह ऐसे लोगों के नाम क्यों नहीं लेती ?

Mr. Deputy-Speaker: The same matter was raised earlier. There is no point of order.

Shri Bhagwat Jha Azad (Bhagalpur): It is a point of order. Let us hear him.

Mr. Deputy-Speaker: There is no point of order. You made the same allegations against the other party.

Dr. Sushila Nayar: I seek your protection, Sir. In the name of points of order, as you yourself have ruled, unwarranted interruptions are coming. All that I am saying is that Government is as genuinely anxious as anybody that this evil should be effectively dealt with. In order to do that, there are certain powers that the Government have. **Some hon.**

Members asked as to why the Central Government has not appointed central inspectors. It is true that powers were given to the Health Ministry, Government of India to appoint inspectors in 1960. But I understand that when the Health Ministry went up with the proposal for the appointment of inspectors, the Finance Ministry ruled that we should first try the other amendment, namely, increase the punishment, etc. and see the results; if there is any need later on, we could have these inspectors.

Shri Daji: Shame!

Dr. Sushila Nayar: We have again taken up the proposal for central inspectors and I hope those inspectors will be in position within two or three months.

I want to make one thing clear. I have no wish whatsoever to pass the responsibility on to the State Governments. While it is perfectly true, as Shri Anthony said, that health is a State subject and most of the subjects within the purview of health, with a few exceptions, fall entirely with the States' jurisdiction, at the same time, I believe in this also—I am in entire agreement with some Member who made the statement that to the common man, Government is Government and he does not care whether it is the State Government or the Central Government. Therefore, I think it is the responsibility of my Ministry to work with the State Ministries and find a remedy for the drug adulteration. I do not wish to shirk the responsibility or pass it on to somebody else. This is the reason why I have been doing a fair amount of moving about, because I feel that the State Health Ministries are the limbs of the Central Health Ministry. Through the State Health Ministries, we reach the remotest corners within the States. Therefore, it is a joint responsibility of the Centre and the State and the Central Health Ministry is doing its utmost and will do its utmost to cope with the problem.

I have just mentioned that we are appointing the drug inspectors and giving the necessary staff to the Drug Controller so that he can go out and deal with the problem as best as he can. I also wish to mention that there is need for better training of the inspectors for which also we are making some arrangement, because not only they should know the processes of drug production and the loopholes where difficulties can arise, but they should also have some elementary knowledge of the legal procedures, so that their cases do not prove unsuccessful, on account of their unfamiliarity with legal procedure.

A number of hon. Members made the suggestion that we should nationalise the drug industry. That is a question of major policy. All that I can say is that the Government is taking more and more initiative to produce drugs within the public sector. As is well known to this House, the penicillin factory is producing a lot of penicillin. I do not agree with Shri Frank Anthony that there are more reactions with our penicillin than with penicillin brought from abroad. I can only say this to him that our penicillin is considered to be of equal standard with any other product anywhere else. And I might mention that sensitivity to penicillin is a well-known phenomenon. Nobody is more aware of the dangers of penicillin sensitivity than we are, and the tragedy of the Member of Parliament who collapsed after a penicillin injection is quite fresh in the memory of all of us. That gentleman was a colleague of ours. He reacted very strongly in that case. But similar reactions do take place in other cases also. And when we have used penicillin for some time, the sensitivity can arise in the same case at a later stage also. So if any hon. Member has come across cases of penicillin reaction, that is not an indication that there is some defect in the manufacture of the penicillin but it is due to the fact that the drug dose cause some of these reactions. That is one of the by-effects for which we have

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to be prepared and against which we have to safeguard as much as possible.

As I said, there are certain other plants for drug production which are being set up. Some are being set up with the help of the U.S.S.R. Government, and some with other assistance. But the Government of India is determined to make the country self-sufficient in drugs in as short a time as possible. The major part of the production is going within the public sector. A certain amount of it is already in the private sector. With regard to these 2,700 small mushroom organisations, we propose to inspect them properly and see that either they close down. That in itself should reduce the dangers to a very considerable extent if we are able to enforce that.

Often it has happened with me in discussions that friends have said, "Well, these are small men; the drug industry is a paying industry and because it is a paying industry many people want to go into that industry". And some of my friends from time to time have argued with me—Members of Parliament and others—, "Why do you want to stand in the way of these small men when you call yourself a believer in Sarvodaya and socialist society, this, that and the other? Why do you stand in the way of the small man getting a licence for drug production?" This question has been posed to me on more than one occasion. My answer is: there is something which is more important than money; and that something which is more important than money is human life. And in order to enable someone to make money or in order to improve the financial position of the some small man, we cannot risk the lives of other people, the lives of small and big men. It is therefore that we insist on standards being maintained in giving licences for drug production. Nothing prevents the small men from getting together and forming a co-opera-

tive society so that they can have adequate capital, adequate resources, adequate premises and adequate machinery in order to produce drugs if they want to enter into that field of industry.

Mr. Kamath quoted my reply wherein he said I had said that usually hospital injectible materials or drugs, etc. are not contaminated with dust, etc. Sir, that was the language of the question, "Is it a fact that it is usually contaminated?" The answer was, "It is not a fact that it is usually contaminated".

Shri Hari Vishnu Kamath: Which means it is contaminated sometimes.

Dr. Sushila Nayar: We might have said, "No, Sir". I perhaps made the mistake, because the truth of the matter is—I may say for Mr. Kamath's information—the reply that came from the Secretariat was, "No, Sir".

Shri Hari Vishnu Kamath: I don't blame you.

Dr. Sushila Nayar: I was not hundred per cent sure that the material that we have in the hospitals are never contaminated. So I thought it was safer to use Shri Kamath's words for the reply, and he is, a sort of, blaming me for that.

Shri Hari Vishnu Kamath: I did not blame her at all; it is the Secretary's reply, I know.

Dr. Sushila Nayar: Another hon. Member said that hospitals know about these things and they buy from the bad manufacturers. It was said that they are in collusion etc. The truth of the matter is, I have been a State Health Minister in Delhi that we have most of our supplies through the Director-General of Supplies and Disposals.

An Hon. Member: That is a very corrupt organisation.

Dr. Sushila Nayar: What they could not supply to us had to be sometimes purchased from the market.

But, generally speaking, we are giving supplies to the hospitals after obtaining them through the medium of Government agency which, to the best of our knowledge goes round, inspects and gets the best that is available in the market. Therefore, this question of hospitals being in collusion is not I think, a relevant question. I would admit this, however, that from time to time the supplies made to the hospitals are inadequate. This is bound to happen, when inadequate stuff is going round in the market.

I would say one thing more. While there has been laxity in the licensing of these small plants, generally speaking, they deal with materials and drugs which are not of vital importance of life and death. Applications for licences for antibiotics, biologicals and things of that order are very strictly scrutinised and the licences are given after satisfying the conditions very carefully. In the case of some of the simpler things like tinctures, vitamins and other things which are not of that order of importance, such strictness has not been generally observed in the past.

Sir, it is significant that all this excitement that has come about is because of distilled water and saline ampules being manufactured on a cottage industry scale. I go further and say that probably some of these gentlemen and ladies who use this method of earning a few annas or one or two rupees after their daily work in the kitchen are not aware of the dangers involved in this kind of processes. I am glad, therefore, that this debate has taken place and a number of questions have been asked because of which there will be a general awareness amongst the public that this is something that should not be done and there are dangers involved in this type of production of distilled water and saline ampules.

It was asked whether we have told the hospitals and the various agencies as to which are the firms which have produced sub-standard drugs. I am assured by the Drug Controller that

so far as spurious drugs are concerned up till now he has not come across spurious drugs having been manufactured by any of the licensed dealers. Spurious drugs are more or less in the same category as boot-legging that Shri Frank Anthony was talking about. Sub-standard drugs, however, have been found to be produced by some of the licensed houses. Immediately it comes to light that there is a sub-standard drug, we bring it to the notice of the State Government concerned and we bring it to the notice of the various agencies that buy or produce the drug. We ask them to take the necessary action.

It has been suggested by some people that the Centre should take up the full responsibility of drug control. This is not practicable for the simple reason that supposing we go to a State, make a raid and find that there are spurious or sub-standard drugs we will need the help of the police and for that we will have to approach the State Government. Active co-operation and co-ordination with the State Governments is absolutely necessary. The State Governments have got to take up their share of responsibility. Here I wish to assure my hon. friends that the State Governments are as anxious as we are that this kind of problem, this kind of evil, should be put an end to. The inspectors that we are appointing are not going to replace the State machinery. They will help the State machinery. They will go round with them, particularly to the manufacturing houses and selling houses.

It is very significant to remember that in the past anybody was able to sell drugs. Now we have said that it can be done only by a registered person under the Pharmacy Act. Control over the selling places is necessary so that people who sell drugs understand the effect of a time-barred drug or certain other types of changes that may take place in the drugs which make them unfit for use. It is a big subject, which deals with

[Dr. Sushila Nayar]

thousands and thousands of manufacturers and sellers, and the sold medicine effect the entire population which consumes this drug at some time or the other.

Therefore, while I welcome this discussion and some of the suggestions that have been made, I once again, in conclusion, reinforce Shri Tyagi's appeal, that proper climate, public opinion, vigilant public opinion throughout the country, is absolutely necessary if our efforts are to produce results. I can assure the House once

again that so far as the Health Ministry is concerned we shall spare no efforts.

Shri Bagri rose—

Mr. Deputy-Speaker: The discussion is over. No reply.

17.28 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, August 21, 1962/Sravana 30, 1884 (Saka).
