

This hon. House has expressed concern on the subject of adulteration of drugs on many occasions. This hon. House as well as the Rajya Sabha have repeatedly expressed their dissatisfaction at the definition of drugs in the present Act, which specifically excludes Ayurvedic and Unani medicines. Further, the necessity of exercising control over these medicines has been voiced not only in both Houses of Parliament, but also by the Estimates Committee of Parliament in their Thirtysixth Report. The Drug Consultative Committee, which is statutory body under the Drugs Act, consisting of the Drug control administrators from the Central and State Governments, have also made similar recommendations, and the Central Council of Health passed a resolution to that effect in 1960 recommending that standardisation of Ayurvedic and Unani drugs and regulation over their manufacture, distribution and sale be enforced.

Therefore, one change that is proposed in this amending Bill is that the definition be made more comprehensive so as to include Ayurvedic and Unani drugs, although the control that is proposed to be exercised over these drugs is a very limited one. It relates to (1) that these drugs be prepared in hygienic surroundings, (2) that the contents are displayed on the label, so that one can check that these constituent ingredients are really in the medicine, and (3) that those who are manufacturing the drugs are sure that the raw materials that they are using for the manufacture of the drugs are the right ones and of the right quality.

Further, we have attempted to carry out the wishes of this House by proposing enhanced penalties for the adulteration of drugs. In this amending Bill, the imprisonment is proposed to be increased to ten years. The idea is that anybody who adulterates drugs is guilty of as serious an offence as committing murder.

Further, it is proposed that if it is proved that a deliberate adulteration of drugs has been indulged in, the manufacturers may be further punished by the confiscation of the means of production of such drugs, so that the penalty is really deterrent and has the desired effect.

There are certain other minor amendments most of which are of a consequential nature. If the Ayurvedic and Unani drugs are to be brought in, it is necessary that the experts of those systems be included in the technical committee or board to supervise the manufacture of these drugs and medicines. Therefore, it is proposed to include four people who are experts in ayurvedic and unani systems. As several amendments proposed are of a very serious and far-reaching character, we have proposed that the Bill be referred to a Joint Committee of the Houses so that the wisdom of the elected representatives of both sides from both the Houses may be available to us to make the provisions of this Bill as satisfactory as is humanly possible. With these words, Sir, I commend my motion.

Mr. Deputy-Speaker: Motion moved:

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the Drugs and Cosmetics Act, 1940, made in the motion adopted by Rajya Sabha at its sitting held on the 28th August, 1963, and communicated to this House on the 2nd September, 1963, and resolves that the following 20 members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

(1) Dr. R. Banerjee; (2) Shri Tridib Kumar Chaudhuri; (3) Dr. P. D. Gaitonde; (4) Shri Shiv Charan Gupta; (5) Shri Hari Vishnu Kamath; (6) Shri Lahri

[Mr. Deputy-Speaker]

Singh; (7) Shri Braj Behari Mehrotra; (8) Dr. G. S. Melkote; (9) Shri R. R. Morarka; (10) Shri V. C. Parashar; (11) Dr. D. S. Raju; (12) Shri Shivram Rango Rane; (13) Dr. Saradish Roy; (14) Shri A. T. Sarma; (15) Dr. Sarojini Mahishi; (16) Shrimati Jayaben Shah; (17) Shri Krishnapal Singh; (18) Dr. P. Srinivasan; (19) Shri Nagendra Prasad Yadav; and (20) Dr. Sushila Nayar."

Shri Hari Vishnu Kamath (Hoshangabad): Sir, on a point of order. I will invite your attention to the motion adopted in the Rajya Sabha. At the outset, Sir, let me say that I am not a stickler for rules; I do not want to obstruct or delay the passage of the Bill. I want it to be passed as early as possible. But a healthy regard for Rules of Procedure as an essential part of the process of strengthening parliamentary institutions. Therefore, I would invite your attention to the motion adopted in the other House on 28th August 1963 which we are asked more or less to endorse and to join in. That refers to quorum and all that; that is not important. It says that in other respects the rules of procedure of "this House"... that means to say, of the Rajya Sabha. You were the Deputy Chairman....

Mr. Deputy-Speaker: I was there for ten years.

Shri Hari Vishnu Kamath: So, you know it very well. It says the rules of "this House" relating to Select Committees shall apply with such modifications as the Chairman may make.

Now, we are completely in dark here in this House; we do not know what the rules of procedure of Rajya Sabha are.

Mr. Deputy-Speaker: They are published.

Shri Hari Vishnu Kamath: Unless we are given a copy, we cannot know;

at least the relevant parts should be given.

Mr. Deputy Speaker: They are available in the Library.

Shri Hari Vishnu Kamath: That is not the main point. Anyway, when it is part of the motion, whatever is relevant to the motion must be supplied. That is one point.

Now, I come to the crucial aspect of the matter. I invite your attention, firstly, to rule 74 of the Rules of Procedure. When a Bill is introduced—that rule says—or on some subsequent occasion, the member in charge, that is, the Minister concerned, in this case Dr. Sushila Nayar, may make one of the following motions. The motions are given there. Those are the only motions that could be moved according to our Rules. I am not aware of the rules in the other House of which you were such a distinguished Presiding Officer. We are concerned with the rules that we have got here. What do they say? One of the motions can be: "That it be referred to a Joint Committee of the Houses with the concurrence of the Council". This motion is not of that character at all.

This motion is in reverse. That is not envisaged in our rules.

Mr. Deputy-Speaker: There is a similar rule. You may take my word.

Shri Hari Vishnu Kamath: We are not even supposed to refer to the other House. You are an expert in the matter because you have been so long there but you cannot expect us to have the same expert knowledge of rules of the other House as you fortunately have. You are in a fortunate position and we are envious of you to a certain extent so far as knowledge of the rules are concerned, not otherwise. The motion before this House today is not one of the motions that can be made under rule 74 of our Rules. The other motions with regard to the Select Committee are comprised in rules 298 to 305 of our Rules of

Procedure. There again, the same rules go counter to the motion that is before the House. Please refer to rules 298 to 305 which deal with Select Committees. For instance, you have got a rule saying that the report of Select Committee on a Bill together with the minutes of dissent, if any, shall be placed before the House. Now, in the motion passed by the Rajya Sabha with which we are supposed to concur is that the report be presented to the other House,—there is no reference to this motion made by the Minister today, that the report be presented to this House also. Suppose we accept the motion today, the Committee is not bound to place the report before this House, because there is nothing in the motion. It will be only placed in the other House. (*Interruption*). The Law Minister should be here so that he can take charge of the Bill at this stage.

Lastly, I would invite your attention to Part II of the Bulletin which we got this morning, which refers to the copy of the letter dated 11th September—yesterday—from Dr. Sushila Nayar, Minister of Health, to the Secretary, Lok Sabha. I do not know whether it is an afterthought to refer this Bill to the President for his recommendation and consideration in the House. It is dated 11th September. I do not know whether it was sent earlier, because it came in the Order Paper as a matter of fact, yesterday, and it was pushed off to today because of pressure of work; and if it had not been received yesterday, this motion would have been completely out of order because the recommendation required under article 117 (3) was not before the House yesterday. It was got only today and it is lucky for her that the President's recommendation has been conveyed to the House before she moved the motion.

Now, may I invite your attention to article 117 (3)? It says:

"A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President

has recommended to that House the consideration of the Bill."

It is obvious—

Mr. Deputy Speaker: It says, "It shall not be passed."

Shri Hari Vishnu Kamath: This Bill involves expenditure from the Consolidated Fund of India.

Mr. Deputy-Speaker: The recommendation has been received now. Till passing, it may be open.

Shri Hari Vishnu Kamath: That is all right. There is no point about that. Now, may I invite your attention to article 110? It sets out various matters. Clause (1) of this article says:

"For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, . . .

that is to say, appropriation of money out of the Consolidated Fund of India. This Bill involves expenditure from the Consolidated Fund of India. Therefore, article 117 (1) also comes into operation. It says as follows:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 . . ."

I have pointed out item (d) of article 110 (1)—

"shall not be introduced or moved except on the recommendation of the President . . ."

Article 117 (1) also comes into operation because of article 117 (3) has been brought into operation by the Minister herself. Article 117 (1) also *ipso facto*, *a fortiori*, applies, because it makes provision for item (e) visualised or set forth in Article 110. Therefore, the motion as made by the Minister is out of order on various grounds and unless these mistakes are rectified, the motion cannot be proceeded with.

Shri Kapur Singh: May I say a word on this, Sir?

Mr. Deputy-Speaker It is not necessary. The general practice in both Houses has been that when a Bill originates in a particular House, it is always the Rules of Procedure of that House that govern the Joint Committee. If a Bill originates in this House, it is the rules of this House that govern the Joint Committee proceedings. This has been the practice all these years. As Mr. Kamath himself read out, the motion says:

“that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make.”

These words are contained in the motion made in that House.

The latter part of the motion says:

“that this House recommends to the Lok Sabha that the Lok Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by the Lok Sabha to the Joint Committee.”

The motion that is now made by the Minister is a motion for concurrence, that this House agrees with the motion for the Joint Committee made and adopted by the other House. On this point, there is no point of order.

It is not a Money Bill. A Financial Memorandum has been given and the President has recommended the consideration of the Bill. So, there is no point of order and we may proceed with the Bill. This is a Financial Bill and a Financial Bill can be introduced in the Rajya Sabha. It is only a Money Bill that cannot be introduced there. So, there is no point of order.

Shri Hari Vishnu Kamath: May I seek a clarification of your ruling? Un-

less there is a motion before this House which clearly sets forth that the report of the Joint Committee shall be presented to this House, it is not binding on them to present the report to this House.

Mr. Deputy-Speaker: One of the Members of the Joint Committee places the report on the Table of this House. When the Bill is passed by the other House, this House takes it up. When a Bill originates in this House, the Joint Committee report is placed on the Table of the other House and it is only after this House passes it and sends it to the other House that the other House takes it up for consideration.

Shri Hari Vishnu Kamath: Is it not necessary to make clear provisions about these matters in the Rules of Procedure of both Houses? It is for the Rules Committee to consider.

Mr. Deputy-Speaker: You may make the suggestion to the Speaker.

Shri Hari Vishnu Kamath: When you are in the Chair, you are as good as the Speaker.

Mr. Deputy-Speaker: It is a motion for concurrence and there is no point of order. **Shri Kakkar.**

श्री गौरी शंकर कक्कड़ (फतेहपुर) :
उपाध्यक्ष महोदय, बहुत समय के बाद इस प्रकार का प्रयास सरकार की ओर से किया गया कि जड़ी-बूटियों में अशुद्धता के बारे में कड़ा कदम उठाया जाये। परन्तु मुझे बड़ा खेद है कि य जो संशोधन इस विषय में प्रस्तुत किया गया है, यह एक काम्प्रिहेंसिव बिल नहीं है। इस में इस बात की कोशिश तो जरूर की गई कि अभी तक पुराने एक्ट में जो यूनानी और आयुर्वेदिक औषधियों के बारे में उल्लेख नहीं था, उस को इस में बढ़ा दिया जाये। परन्तु इन पद्धतियों के अतिरिक्त और भी चिकित्सा-पद्धतियां हमारे देश में हैं—जैसे होमियोपैथी का सिस्ट

हे—, जिन के बारे में इस बिल में कोई उल्लेख नहीं है। य नहीं कहा जा सकता कि होमियोपैथी में जो औषधियाँ तैयार होती हैं, उन में प्रायः मिलावट नहीं होती है, या वे हानिकारक नहीं होती हैं। इस लिए मैं समझता हूँ कि इतने समय के बाद जब इस प्रकार का एक संशोधन इस सदन के सामने आया, तो उस में देश में प्रचलित दवा-दारू की सब पद्धतियों पर ध्यान देना चाहिये था।

इस विषय में एक बात मुझे विशेष तौर पर कहनी है और वह यह है कि जिस प्रकार ऐलोपैथी की औषधियों में अशुद्धता होने पर सजा या दंड दिया जाता है, उसी प्रकार इस बिल के द्वारा यूनानी और आयुर्वेदिक औषधियों के सम्बन्ध में व्यवस्था कर दी गई है। परन्तु प्रश्न यह है कि क्या भारत सरकार का व्यवहार आयुर्वेदिक और यूनानी पद्धतियों के साथ उसी प्रकार का रहा है, जिस प्रकार कि ऐलोपैथिक पद्धति के साथ रहा है। क्या सरकार ने आयुर्वेदिक और यूनानी पद्धतियों को भी वही प्रोत्साहन दिया है, जो कि ऐलोपैथिक को दिया है? मुझे खेद के साथ यह कहना पड़ता है कि इस विषय में कई कमेटियाँ बिटाई गईं, इस विषय में कई बार जांच कराई गई, परन्तु हमारे सामने जो भी रिपोर्टें मौजूद हैं, आज तक सरकार ने उन पर अमल नहीं किया है।

सब से पहले आयुर्वेदिक पद्धति के बारे में विचार करने के लिए स्वास्थ्य मंत्रियों की एक कांफ्रेंस १९४६ में हुई। उस कांफ्रेंस के आधार पर चोपड़ा कमेटी नियुक्त की गई और उस कमेटी की रिपोर्ट आ जाने के बाद अन्त में दवे कमेटी मुक़रर की गई। उस के पश्चात् मिनिस्ट्री आफ़ हैल्थ, गवर्नमेंट आफ़ इंडिया, ने अभी जो कमेटी मुक़रर की, उस के चेयरमैन डा० के० एन० उडुपा थे। उस की भी रिपोर्टें हमारे सामने हैं।

An Hon. Member: Was it for all indigenous medicines?

Shri Gauri Shankar Kakkar: It was for indigenous medicines.

देश में जो भी आयुर्वेदिक आदि देशी औषधियाँ तैयार की जाती हैं, इन सब कमेटियों ने उन के विषय में सिफ़ारिशें कीं, परन्तु मुझे बड़ा खेद है कि उन सिफ़ारिशों की तरफ़ सरकार ने कोई ध्यान नहीं दिया है। मैं कहना चाहता हूँ कि जब आयुर्वेदिक और यूनानी औषधियों को तैयार करने में सरकार ने कोई साइंटिफ़िक मैथड एडाप्ट नहीं किया और उस को अपनी मान्यता नहीं दी, तो फिर सरकार का इस प्रकार का नियंत्रण लगाना कि आयुर्वेदिक और यूनानी औषधियों में मिलावट पर उसी प्रकार दंड दिया जाये, उचित नहीं है। मैं समझता हूँ कि पहले आयुर्वेदिक और यूनानी आदि देशी औषधियों की तैयारी के सम्बन्ध में वही अवसर मिलना चाहिए था, जो कि ऐलोपैथिक दवाइयों की तैयारी में मिलता है और, जैसा कि कमेटी की सिफ़ारिश है, उन के सम्बन्ध में साइंटिफ़िक रिसर्च की व्यवस्था की जाती और ऐसी प्रयोगशालायें स्थापित की जातीं, जिन में ये औषधियाँ तैयार होती, तब फिर अगर इस प्रकार का नियंत्रण होता, तो ज्यादा उचित होता।

इस के मानी ये नहीं हैं कि मैं इस का विरोध करता हूँ। कोई भी जड़ी या औषधि हो, चाहे वह यूनानी चिकित्सा पद्धति की हो और चाहे आयुर्वेदिक पद्धति की, उस को प्रोत्साहन दिया जाना चाहिए और ऐसी व्यवस्था करनी चाहिए कि उस में मिलावट न हो सके। परन्तु खेद इस बात का है कि सरकार ने तो हमेशा यूनानी और आयुर्वेदिक पद्धतियों को ठुकराया, उन को प्रोत्साहन नहीं दिया और बराबर यह कहा कि वे तो साइंटिफ़िक मैथड पर आधारित नहीं हैं और उन से लाभ नहीं होगा। मैं स्वास्थ्य मंत्राणी जी का ध्यान इस रिपोर्ट की ओर दिलाता हूँ, जिस में साफ़ तौर से लिखा गया है कि देहाती क्षेत्रों में दस करोड़ से अधिक लोगों का इलाज आयुर्वेदिक पद्धति से होता है। और यह स्वाभाविक भी है। देश की जो पापुलेशन है,

[श्री गौरी शंकर कक्कड़]

उस को ध्यान में रखते हुए और साथ ही साथ जो गरीबी है उस को देखते हुए अगर आप आंकड़े लें तो आपको पता चलेगा कि आधे से अधिक लोग सिर्फ आयुर्वेदिक पद्धति का सहारा लेते हैं। इस का कारण यह है कि यह सस्ती है और एलोपैथिक पद्धति के मुकाबले में इस की दवाइयां कम दाम में मिल जाती हैं। जब यह पद्धति इतनी प्राचीन है और साथ ही साथ इतनी महत्वपूर्ण है तो फिर उस को इस तरह से ठुकराना, उस को मान्यता न देना, उसको प्रोत्साहन न देना, उस को न अपनाना, कहां तक उचित होगा, इस को आप देखें।

आप ने जब देशी दवाओं की रोकथाम के बारे में यह संशोधन करने का कदम उठाया है, तो मैं आप से निवेदन करूंगा कि क्लाज ३ में जो बोर्ड की बात आपने रखी है, इस पर मुझे कुछ आपत्ति है। इस धारा को पढ़ने से भालूम होता है कि जगह जगह पर आपने केन्द्र द्वारा मनोनीत सदस्य रख दिये हैं। ऐसा क्यों किया गया है, यह बात मेरी समझ में नहीं आई है। सब-पैरा १० में लिखा हुआ है :—

“One person to be nominated by the Central Government who is in charge of drug control in a State”

सब-पैरा १४ में लिखा हुआ है :—

“two persons to be nominated by the Central Government who shall represent the Ayurvedic and Unani Drug industry;”

इस विषय में मुझे यह कहना है कि जब खुद सरकारों ने आयुर्वेदिक इंस्टीट्यूशंस को रिकगनिशन दिया है, अपनाया है और वे चल रही हैं तो यह जो बोर्ड है, इस में आप केवल सरकारी आदमियों को ही या अपने द्वारा मनोनीत आदमियों को ही क्यों रखते हैं। जो बोर्ड हैं, वह देखना कि शुद्ध औषधियां तैयार हों, उन औषधियों पर नियंत्रण हो।

ऐसी सूरत में उस पर जो लोग हों, तो उस में जो आप आयुर्वेदिक और यूनानी औषधियों को भी शामिल करते हैं, तो सही तौर पर, वास्तविक रूप में उन संस्थाओं के प्रतिनिधि भी आने चाहिये। इस प्रकार की संस्थायें जब प्रचलित हैं और प्रायः काफी सरकारों ने उन को मान्यता भी प्रदान कर दी है तो उन को यह अधिकार क्यों नहीं होना चाहिये कि वे अपने में से प्रतिनिधि चुन कर भेजें। केन्द्रीय सरकार का इस में कोई हस्तक्षेप नहीं होना चाहिये।

स्टेटमेंट आफ आब्जैक्ट्स एंड रीजंस को पढ़ कर मैं इस नतीजे पर पहुंचा हूँ और जिस रिपोर्ट का मैंने अभी हवाला दिया है, उस में भी यह लिखा हुआ है कि आयुर्वेदिक और यूनानी औषधियों को बनाने में भी बहुत दाम खर्च होते हैं, वे भी बहुत महंगी पड़ती हैं क्योंकि उन में सोना चांदी की भस्म होती है। आप चाहते हैं कि उस पर नियंत्रण हो। इस रिपोर्ट में भी इस बात का उल्लेख है कि हमारे देश में जो औषधियां तैयार होती हैं, उन का व्यय, उन का खर्चा जो अंग्रेजी दवायें होती हैं, उन से कम नहीं होता है, कई बार तो अधिक होता है। उन का प्रयोग भी यहां पर ज्यादा होता है। ऐसी दशा में और भी ज्यादा जरूरी हो जाता है कि इस ओर आप ध्यान दें। उनकी मांग बहुत जबर्दस्त होती है, उन में व्यय भी काफी अधिक होता है और काफी अधिक रोगी भी उससे ठीक होते हैं, वे उन की दवा दारू का साधन होती हैं। इस वास्ते मैं चाहता हूँ कि आप का ध्यान इस ओर जाये और उन को भी प्रतिनिधित्व इस में मिले।

कई बार लोक-सभा में इस बात की चर्चा हुई और बहुधा यह देखा गया है कि ड्रग्स की अशुद्धता के कारण लोगों की जानें चली जाती हैं। अब तो य भी देखा जाता है कि बड़े बड़े शहरों में डाक्टर जो इंजेक्शन लगाते

हैं, उन इंजेक्शनों की खराबी के कारण मीतें भी हो जाती हैं। इस प्रकार के एक दो नहीं काफी संख्या में केस हो चुके हैं। जो एक्सपर्ट्स हैं, जो क्वालिफाइड हैं, जो अंग्रेजी कालेजों में पढ़े हुए डाक्टर हैं, एलोपैथी के डाक्टर हैं, उन से भी यह मिस्टेक हो जाती है। आप ने कहा है कि इस संशोधन में दण्ड की सीमा बढ़ा दी गई है। दो वर्ष से दस वर्ष कर दी गई है और एक वर्ष की सजा अनिवार्य कर दी गई है। यह पुराने एक्ट में नहीं थी। मेरा कहना यह है कि अगर औषधियों के गोलमाल के कारण, अशुद्धता के कारण लोगों की जानों से डाक्टर लोग खेलते हैं और वे डाक्टर जो क्वालिफाइड हैं तथा जो वक्कस भी हैं जोकि इन दवाओं का प्रयोग करते हैं, उसके बारे में भी जो आपने अभी अभी दण्ड बढ़ाया है, वः भी संतोषजनक नहीं है। इसी सदन में कई बार कहा गया है, माननीय कामत जी ने भी कहा है कि इस प्रकार की अशुद्धता चाहे वह खाद्य पदार्थों में हो और चाहे औषधियों में हो, अगर कोई करता है तो उस को पब्लिक के सामने खड़ा कर के कोड़ा लगना चाहिये, उस को फांसी की या ट्रांसपोर्टेशन की सजा हो। परन्तु हमारे स्वास्थ्य मंत्रालय का ध्यान इस हद तक नहीं गया है। मैं नहीं समझ सकता हूँ कि जब तक इतना कठोर और इतना कड़ा कदम नहीं उठाया जायेगा तब तक इस प्रकार के रोग पर कैसे काबू पाया जा सकता है। अगर आप ऐसा नहीं करते हैं तो मैं विश्वासपूर्वक कह सकता हूँ कि मिलावट वाली चीजों में कभी कमी नहीं आ सकती है।

मैंने इसकी धाराओं को पढ़ा है। इन में य अवश्य लिखा है कि सजायें बढ़ा दी गई हैं। अशुद्ध औषधियां जिस गाड़ी में या जिस चीज में आयेंगी, उनके बारे में लिखा हुआ है कि उस को भी जब्त कर लिया जायेगा। इस प्रकार की व्यवस्था आम तौर पर सभी कानूनों में होती है। परन्तु एक चीज विशेष तौर से इस में होनी चाहिये। अगर यह

एक बार साबित हो जाता है मुकदमे के जरिये, न्यायालय के जरिये से कि किसी औषधि में अशुद्धता किसी फर्म के द्वारा हुई है तो सदैव के लिए जो लाइसेंस या जो परमिशन उस को मिली हुई है, वह कैंसल कर दी जानी चािये। इस चीज की बहुत बड़ी कमी मैं इस संशोधन में पाता हूँ। जब तक आप ऐसा कदम नहीं उठायेंगे, तब तक संतोषजनक परिणाम हासिल करने की आप उम्मीद नहीं कर सकते हैं।

यह बहुत अच्छी बात है कि यः बिल ज्वायंट सिलेक्ट कमेटी के पास जा रहा है। मेरा सुझाव है कि कमेटी इन चीजों पर ध्यान दे। जो मैन्युफैक्चरर है, उस के खिलाफ अगर अपराध सिद्ध हो जाता है, तो सदैव के लिए उन औषधियों को मैन्युफैक्चर करने का अधिकार, उस के पास नहीं रहना चािये, वह छीन लिया जाना चािये। साथ ही जहां पर सजा बढ़ाई गई है वहां पर मैं यह सुझाव भी देना चाता हूँ कि कम से कम अगर माननीय मंत्राणी जी पब्लिक प्लानिंग के विरुद्ध हैं तो ट्रांसपोर्टेशन अवश्य इस में रख दिया जाये। जीवन और मीत का यह प्रश्न है। एक बार अगर औषधियों में मिलावट होनी शुरू हो गई तो उस के बहुत भयंकर परिणाम होंगे। अभी तो अन्न में मिलावट होती है और उसके कारण हमारे देश के नागरिक स्वस्थ नहीं रह पाते, बेमौत मरते हैं। परन्तु एक बार रोगग्रस्त हो जाने के बाद भी अगर औषधियों में मिलावट है तो उनका हर प्रकार से मरना हो जाता है। अन्न शुद्ध न पाने से और रोगग्रस्त होने के बाद शुद्ध औषधि न पाने से, दोनों तरीकों से लोगों के मरने का प्रबन्ध हो जाता है। यः जो संशोधन आया है, यह बहुत ही ताकामी है। एक बार कम से कम केन्द्रीय सरकार के द्वारा ऐसा कड़ा कदम उठाया जाना चाहिये, जैसा कदम उठाने का मैंने सुझाव दिया है। इस का असर प्रान्तीय सरकारों पर भी पड़ेगा और प्रान्तीय सरकारों द्वारा अलग-अलग

[श्री गौरी शंकर कक्कड़]

जो फूड एडलट्रेशन एक्ट बनाये गये हैं, उन में भी वे कड़े कदम उठाने की व्यवस्था करेंगी।

प्रायः देखा गया है कि बड़ी बड़ी फर्मों पर दस-बीस हजार रुपया जुर्माना करके उन को छोड़ दिया जाता है। इस तरह से इस चीज को आप समाप्त नहीं कर सकते हैं। मुझे उत्तर प्रदेश की केवल एक मिसाल देनी है। एक बहुत बड़े व्यापारी का फूड एडलट्रेशन के बारे में केस पकड़ा गया। पचास हजार ब्लाटिंग पेपर का इंडेंट उनके यहां गया। वह लखनऊ का एक बहुत बड़ा व्यापारी है। वह केस बाद में न्यायालय में गया और उस पर दस हजार रुपया जुर्माना हो गया। आप देखें कि उस की दैनिक आय क्या थी? उसकी दैनिक आय दस हजार रुपये थी। इस प्रकार से इस मिलावट के रोग को आप कभी खत्म नहीं कर सकते हैं।

इन सब चीजों को भी संशोधन के रूप में इस में आना चाहिये और मैं ज्वायंट सिलैवट कमेटी के सदस्यों का ध्यान विशेषकर इन सभी मुद्दाओं की ओर आकर्षित करूंगा।

श्री काशीराम गुप्त : आप ने हृदय परिवर्तन का नुस्खा तो नहीं बता दिया ?

Mr. Deputy-Speaker: Shri A. T. Sarma... I am sorry, he is a member of the Joint Committee. Shri V. B. Gandhi.

Shri Hari Vishnu Kamath: You and I will speak when it comes back from the Joint Committee.

Shri V. B. Gandhi (Bombay Central South): Mr. Deputy-Speaker, Sir, I am glad to see that the members of the Joint Committee are going to be very able men and women who will constitute this Committee. We are also fortunate in our Health Minister, Dr. Sushila Nayyar, as she is eminently qualified to undertake this kind of important legislation. So, also Dr. Raju is equally qualified to share in this

legislation. I hope a thorough discussion will take place in the Joint Committee on these important problems. I also hope that important men representing various interests will appear before this Committee and give evidence.

It is a very important piece of legislation which involves vital interests of the people and of the industry, the pharmaceutical industry and the drugs trade in general. The pharmaceutical industry is a great and growing industry with a greater future and export possibilities. We have a very large country with a very large population and if we are to provide a proper medical aid, the pharmaceutical industry, the drugs trade, will have to grow ten or twenty times more.

I shall briefly deal with three points. Firstly, I shall deal with section 17(b) which it is proposed to be added in this new legislation, which defines adulterated drugs. Secondly, I shall deal with section 19, particularly sub-section 3 which it is proposed to be omitted but which is a section which deals with the modicum of protection now available to certain classes of traders. Finally, I shall deal with the provision for penalties which have now been somewhat enhanced.

I am first dealing with the new section which is to be added, section 17 (b), in which adulterated drugs are defined. I would suggest that this section needs to be somewhat supplemented. It should be amended to include a reference of certain drugs which have natural tendency to deteriorate during normal storage conditions. We know that a number of such drugs exist, and they are of a very important variety. Vitamins are a case in point. This amendment may be included somewhere after the proposed sub-section (b) of new section 17B or in sub-section (b) of that section itself.

Some of us have also felt that really this new section 17B is not very neces-

sary. In fact, it may be considered redundant. Actually, there are enough provisions in the existing Act, in the Schedule "M" and also in the licensing conditions to secure those conditions of hygiene and sanitation and cleanliness which it is intended to secure through the inclusion of this new section 17B.

We know also that the renewal of licence takes place normally after inspection of premises. In other words, my point is that in some sense, we could do without this section without losing much in respect of the rest of the Bill.

Here, I may add that it is felt that retaining this new section 17B may conceivably create some technical difficulties at a later date. I can understand the intention of the Government in this context, and it may be that they are wanting to provide for the things in anticipation of the extension of the scope to Unani and Ayurvedic Systems of medicine.

Now, I come to sub-section (3) of section 19. It is proposed that this sub-section may be omitted. I do not know if that is the right thing to do. I do not know if it is inkeeping with the kind of social legislation that the original Act was intended to be. This sub-section offered a certain amount of protection to a class of dealers. For instance, the sub-section says that a person, not being the manufacturer or the agent shall not be liable for a contravention of section 18 if he proves certain things such as that he did not know and could not have ascertained even with due diligence that the drug in any way contravened the provisions of that section. Secondly, there is another provision saying that if he proves that he acquired the drug under written warranty that the drug does not in any way contravene the provisions of section 18, he shall not be liable under this Act. I believe that it would be quite reasonable, and perhaps fair, to retain this modicum of justice and protection that has been offered to them for so many years. Their in-

terests have to be considered. By retaining this section 19(3), I do not believe that the manufacturers are likely to be adversely affected. Their position will remain very much the same vis-a-vis section 18.

I know that in this business of dealing with legislation of this kind, we have to consider the long chain of processes involved, for instance, the chain that starts at the point of manufacture and goes on lengthening until it ends with the final consumer to whom the goods are sold. During this long chain, it is possible—it has happened very often—that adulteration takes place; it does take place. I know that it is not easy to locate the wrongdoer in this long chain; but Government has experience—the Act has been in force for 23 years now—and may it not also be that our difficulty in locating the wrongdoer and bringing him to book is also the partly to the inadequacy of governmental inspectorial staff and other organisational shortcoming? Sometimes, we wonder we are not really overlegislating. Competent observers have agreed that we are. I have known of instances where Acts have been passed in this House, and rules have not been framed for a year or two afterwards. Now, we shall have to be very careful and we shall have to come to the conclusion that this kind of flood of undigested legislation is not necessarily very helpful.

I know every new amendment, every refinement of the Act, makes the Act more effective. Of course. But it also entails further responsibility on Government to provide adequately qualified and trained staff. It is also a part of Government's responsibility to augment the machinery of the Government through which the Act has to be executed.

Finally, we shall consider the question of penalties. I am one of those who believe that on this question of penalties, we have to have some kind of a philosophy of our own. The penalties are provided in clauses 27 and 30. The maximum period of imprisonment has been raised to ten years.

[Shri V. B. Gandhi]

16.55 hrs.

[MR. SPEAKER in the Chair]

Another important thing that we should notice here is that it is proposed to omit the two provisos which enabled the court, in certain circumstances, for special reasons to be recorded in writing, to impose a sentence of imprisonment of less than one year. I do not want that once again what has proved through the years to be a fair and just measure of fair dealing should be taken away. I think it distorts the pattern of social legislation this Bill is supposed to be. Also, I feel there should be a more civilised and graduated form of fitting the punishment to the crime. Sometimes very minor and technical offences come to court, and unless these provisos are retained and the courts given the discretion to give lesser punishments, we shall be having a very unfair situation on our hands. We should, as far as possible, avoid this tendency to provide for severer punishments in our legislation. Fear of law should be enough and should serve as an important instrument to keep men on the right path. We should really try to avoid any tendency towards Fascism. I might repeat what I said here a few days ago while speaking on another Bill. I then said: "we can terrorise people, but we do not improve them."

16.58 hrs.

STATEMENT RE. AIR CRASH NEAR AGRA

The Minister of Shipping in the Ministry of Transport (Shri Raj Bahadur): Sir, with your permission, I have to make a small statement.

Further to my statement made in the House yesterday, I have to add that the aircraft was fitted with radar equipment and other navigational and

safety aids which are detailed in a statement placed on the Table of the House.

No snags were reported either by the Pilot or the engineering staff during the transit check up at Nagpur, which was required to be carried out after every landing.

Shri Indrajit Gupta (Calcutta South West): This plane was reported normally to be due at Palam at 4.30. At about 3.29 or 3.30 the pilot is said to have reported that up to that time he had been in wireless radio contact with Bombay, and that he was switching over to the Delhi station. Between 3.30 and 4.30 no message was received at Palam from this aircraft. According to the reports it was not till 5.30 that the Palam authorities seemed to have thought that something might have gone wrong. May I know what is the position because this report in the papers is very alarming.

17 hrs.

Shri Raj Bahadur: The facts are that unless there is some event on the flight after take off—take-off has been reported—the pilots normally, if there is some alteration in the situation, etc., then they report. Otherwise if the flight is eventless they simply report saying that they are crossing from one area to another area. It was done at 3.36 hours. After that there was no message. The message also said at 3.36 hours that he was going to land at Palam at 4.30. So, no message was expected. At 5 O'clock the Palam control office rang up the concerned officers. The officer who is in charge of the operations then made enquiries. They sent wireless message to the various airports whether an aircraft has landed in any one of them. They then started making preparations to send two aircraft for finding out what has happened; they had to collect the crew and all the other arrangements had to be made. As little time as possible was taken for these arrange-