

[Mr. Chairman]

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

*The motion was adopted*

#### DRUGS (AMENDMENT) BILL

**The Minister of Health (Rajkumari Amrit Kaur):** I beg to move:

"That the Bill further to amend the Drugs Act, 1940, as passed by the Rajya Sabha, be taken into consideration."

I have much pleasure in asking this House to take into consideration the Drugs (Amendment) Bill. I think I have been asked on more than one occasion on the floor of this House to do something in this matter. I took it up as early as I could when it came on the Concurrent List and after having received the opinions and suggestions of all the States the necessary amendments have now been incorporated in this Bill; and these amendments incorporate the greatest common measure of agreement between the Centre and the States.

The Drugs Act has been in force since April, 1947, but in the light of experience gained during these seven years, it is proposed to make a few amendments to the Act. I should like to enumerate them briefly.

The definition of 'drug' has been amplified. It came to our notice that a number of drugs which purported to be or which were claimed to be, contraceptives had come into the market and were doing a great deal of damage. It has been sought to cover drugs of this nature as well as insecticides in the definition and also

to take power to the Central Government to notify these from time to time in the official gazette, so that standards may be controlled wherever necessary.

Then, a definition of 'manufacture' has been given in this Bill for the first time; it was not defined in the Act previously. I might mention that a substantial portion of manufacturing activities in this country really consist of importing drugs in bulk, and re-bottling them, re-labelling them or re-packing them, and it has been considered necessary that to maintain control over such activities, we must include what is done here also in the term 'manufacture'.

The constitution of the Drugs Technical Advisory Board needed some alteration. At present the representation of the pharmaceutical profession on the Board consists of only one member but because of the increased activity of this profession, it is now proposed to enhance their representation to three. These representatives will now be elected by the Pharmacy Council of India which was set up under the Pharmacy Act of 1948.

There used to be Indian branches of the British Medical Association who were authorised to elect one member on the Board. It is no longer considered necessary to give this Association any special representation. So that provision has been omitted.

Then we feel very strongly that the Drugs Controller, who is the principal officer attached to the Centre in charge of the administration of the Act, should be made an *ex-officio* member of the Board.

One of the main amendments is the assumption by the Central Government of rule-making powers under chapter IV. I may say that the States are absolutely in agreement with us on this. Many of the important drugs in the country are imported and because they enter into inter-State commerce, it is essential that the rules

governing their standards should be uniform throughout India.

Then the question of enhancement of penalties has also been taken up. There has been a consistent demand from State Governments, and indeed on the floor of this House also, for the enhancement of penalties provided under these sections. Therefore, it has been proposed to enhance the penalty under section 27 to imprisonment for three years, and under section 30, to five years, without prescribing any upper limit to the fines that might be imposed. The question of spurious drugs and adulteration of drugs is a menace to the country and all the States are agreed that the punishment should be enhanced. Now, because the punishment has been enhanced, offence under the Act will be triable only by Presidency Magistrates or Magistrates of the first class. That is only right because, if we enhance the punishments, it should be Magistrates of the first class and Presidency Magistrates who should be empowered to inflict the penalties.

The next amendment, which is also important, relates to giving publicity to convictions for offences by companies. That also has been considered very necessary.

In view of the increased responsibilities that will fall on the drugs inspector, it has been proposed to amend the present section so as to give effective powers of search and seizure to the inspector without obtaining special authorisation from the Magistrate. Of course, the necessary safeguards provided by the Criminal Procedure Code will be there to control such searches. It is further proposed to amend the section providing punishment for wilful obstruction.

Then one very important thing is that we have withdrawn the concession in respect of patent and proprietary medicines permitting their sale, which has up to now been possible purely or simply under a registration number granted by the Drugs Labo-

ratory. We feel that we ought to come in line with all the advanced countries and that all drugs must have on their labels information about what they contain. This will enable the purchaser to know what actually he is getting when he pays for it.

I have already mentioned the menace of spurious drugs. I am glad to say that the States have been active in this matter and have been doing quite well by prosecuting quite a number of cases that have come to their notice, but the proposed amendments are still considered necessary as they will go a fairly long way to strengthen the hands of the drugs standard control authorities. I want this Act to come as quickly as possible on the statute-book because while the provisions of the Act have been extended to Part B States, practically none of them has made rules, and therefore, it is very important that the Central Government should make the rules and are able then to have that uniformity of policy which is necessary.

I do not want to take up the time of the House any more. But I just want to say this, that the House is aware that recently a Pharmaceutical Inquiry Committee was appointed to look into the whole question of drugs, what should be imported, how they should be controlled, how manufactured etc., and they have made several very important recommendations. A great many of those recommendations have already been anticipated because the report came in after the Amendment Bill was placed before the Rajya Sabha. I repeat, a great many of the recommendations have been anticipated and incorporated. One or two of the more important ones are under active consideration. I do not want to hold up this measure any longer. I shall have to bring up further amendments after the Government have considered the other recommendations in the light of the opinions received from the States

[Rajkumari Amrit Kaur]

at a later date. That is all I have to say.

I am very glad that I have received practically no amendments. The ones I have received are more or less the same as I got in the Rajya Sabha. I shall reply to them—I am afraid they are not acceptable to me—as they come. I take it that the House is in general agreement with the measure. I myself have two absolutely factual amendments to be put before you, Sir, at the proper time.

**Mr. Chairman:** Motion moved:

“That the Bill further to amend the Drugs Act, 1940, as passed by the Rajya Sabha, be taken into consideration”.

As the House is aware, we have imposed certain restrictions upon ourselves, as the time allotted for all stages of this Bill is one hour and 30 minutes. So we might divide it for general discussion, then clause by clause discussion and the third reading. There are certain amendments—I do not know if those Members want to press their amendments. Perhaps that also might take some time.

**Shri V. B. Gandhj** (Bombay City-North): We may be allowed to speak on our amendments while speaking on the Bill itself. That might save some time.

**Shri V. P. Nayar** (Chirayinkil): There is no restriction even otherwise.

**Mr. Chairman:** That restriction we cannot impose, but if any particular amendment is taken, hon. Members may make certain points and that will have to be answered. I am in the hands of the House. If one hour is taken up for general discussion, we will have only thirty minutes for the clause by clause discussion and third reading stage. Will that be sufficient?

**Hon. Members:** Yes.

**Mr. Chairman:** All right.

**Shri Gidwani** (Thana): While supporting in general the principle of the Drugs (Amendment) Bill, I would like to make a few observations. The hon. Minister stated that adulteration of drugs and manufacture of spurious drugs had become a menace.

**Shri S. V. Ramaswamy** (Salem): We may be allowed to move our amendments first.

**Mr. Chairman:** That cannot be done; that is not the procedure.

**Sardar A. S. Saigal** (Bilaspur): Let us have general discussion first.

**Mr. Chairman:** I might also mention that so many Members are anxious to speak. So we may have to impose on ourselves a further restriction. Every hon. Member might finish within five minutes or seven minutes.

**Shri Kasiwal** (Kotah-Jhalawar): Sir, may I make a suggestion? We took up this measure at 2-40 and the House will rise at 4-30. May I suggest that we deal with this till 4-30. It makes only 15 or 20 minutes extra.

**Mr. Chairman:** There is a resolution of the House which has just fixed the time limit at an hour and a half. I think it would not be fair now to change it. I hope the hon. Members would kindly see to it that they finish their speeches within seven minutes each. The same time has to be distributed amongst the Members. I have no objection to give even ten minutes. Then only fewer Members will have an opportunity.

**Shri Gidwani:** Then, I would be very brief. In clause 12, it is stated, with regard the punishment:

“In section 27, of the principal Act, for the words ‘one year, or with fine which may extend to five hundred rupees’, the words ‘three years, or with fine’ shall be substituted.”

I am not a lawyer, but, as I understand it, it may mean that the magistrate may, in practice, only fine the

offenders. In such serious offences, a mere fine will not achieve the object which the hon. Minister has in view. We are anxious that the manufacture of spurious drugs of the adulteration of drugs should be stopped. Therefore, though at this late stage, if she agrees we might amend the section like that. It should not be merely fine, it should be both. Three years punishment and fine. In the amended sections, wherever there is imprisonment or fine, it should be 'and fine'. This is what I wanted to suggest.

The other thing I wanted to suggest is about the appointment of Inspectors. Now, greater powers are being given to the Inspectors. It is an expeditious way of dealing with the trouble but we should be very careful in the appointment of these inspectors. We have seen how inspectors in various other departments have brought disgrace to the administration itself. In this respect, I would suggest that, as has been suggested elsewhere, we shall have an All India cadre of these inspectors and we should give them sufficient emoluments so that they may not resort to corruption. With these big powers in their hands, they will defeat the very purpose of the Bill if there is not the strictest control over them and honesty and integrity in their working.

The foreign drugs that we are importing are taking away lots of money from our country. We should try to do something in that direction and see that their number is minimised. I will only quote one example. When the new drug streptomycin was brought into India, it was being sold in 1948 at Rs. 30 per gramme. Then, in 1950, it went down to Rs. 15/-. Then it came down to Rs. 12, Rs. 10, Rs. 7/8/-, Rs. 5 and I heard from a doctor friend of mine that it is selling at Rs. 1/8/- per gramme. So, you can understand how these new drugs that are brought into our country take away a lot of our money.

Spurious drugs are being sold in the market. Though their ingredients are shown on the label, people are not able to distinguish and they are being sold by unlicensed dealers. I think something should be done in that direction also. Unlicensed dealers should not deal with these drugs.

I would suggest that the real remedy lies in the nationalisation of this particular industry at least, and immediately. Not only nationalisation of manufacture but, I would also suggest, there should be nationalisation of distribution, because this industry deals with the lives of the people.

**Shri A. M. Thomas (Ernakulam):** Are all these drugs allopathic?

**Shri Gidwani:** These drugs are allopathic.

**Shri A. M. Thomas:** There are also ayurvedic drugs.

**Mr. Chairman:** The hon. Member may continue without caring for the interruptions.

**Shri Gidwani:** So, I wish that we give serious attention to this matter. Even though there is punishment, there are ways to get over the regulations and profit motive being there in the manufacture of these drugs, these unsocial and unscrupulous elements resort to various methods and make money. Therefore, this is a matter which does not require crores of rupees. This is an industry which should be regulated and this is an industry which does not necessarily involve the encroachment upon the rights of the private sector because this is a new industry and we must launch upon it. With these words, I generally support the Bill.

**Shri V. B. Gandhi:** This is a very important Bill and I had expected that each one of us would get 20 minutes. However, I shall try to be brief in obedience to your ruling. This is a welcome measure and this

[Shri V. B. Gandhi]

House having once accepted the principle of drug control, that is quality control, must expect this amending Bill as the next logical step. However, this amending Bill, as it is placed before the House, needs, of course, in our view certain modifications; and the nature and extent of these modifications will be indicated by the five amendments which I have proposed and which I shall be presently moving. So, on the whole, the Bill deserves the general support of the House.

The Bill improves the original Act in three respects. It widens the scope of the definition of drugs, it also does away with the preservation of secrecy of the formulae of patent and proprietary drugs and it also provides for the assumption by the Central Government of rule-making powers. Drugs control in this country has come to stay, although it has been long in coming. It has worked well so far. The Health Ministry has laboriously built up a Central machinery under the Drugs Controller, India and that machinery also has worked well. Those of us who know something about the drugs trade and also particularly about the import of drugs know well how very essential a function this central organisation under the Health Ministry has fulfilled.

I should like, briefly, to refer to what the drugs control has done. For instance, it has succeeded in putting a stop to piracy in drugs. It also has succeeded in making suppliers in foreign countries realise that India is no longer a free field for sending their sub-standard preparations. The more important thing is, the suppliers abroad are beginning to realise that India no longer offers its people as guinea-pigs for experimenting in new drugs that they have to try on people. I do not want to suggest that these evils have been existing in a very large degree or on a very large scale. Yet they have been there. The drugs control has put a

stop to that. Now, we are also gratified at the prospect that reputable manufacturers of drugs in foreign countries have welcomed this drugs control in India and it is a welcome sign.

This is not the only aspect of drugs control in our country. There is, must be admitted, a general feeling of greater confidence among our people in the standard of both imported drugs as well as drugs manufactured in this country. I am glad to say that the Central organisation under the Drugs Controller, India has a creditable record, but I am not here referring only to the efficiency with which it has worked, but I want to make a pointed reference to the spirit and to the approach with which it has worked. The original Drugs Act of 1940, which really came into force in 1947, is, in the first place, primarily a piece of social legislation, and as such it had to be worked in a spirit of helpfulness, and it had to be worked in a manner such as to evoke the co-operation of the drugs trade—by 'trade' I mean manufacturers, importers, distributors, dealers and all. It has done that, but we cannot be satisfied just with that. We have to ask ourselves further the question whether the Drugs Act, of 1940, as amended by the Bill before the House, will continue to be a piece of social legislation or whether it is going to be just a piece of penal code. The answer to that question will depend on how or on what we do to the proposed amendment to the Bill, to section 27 of the original Act. Here we are dealing with clause 12. Section 27 of the original Act provides penalty for manufacture sale etc., of drugs in contravention of this chapter, that is, chapter IV. The penalty provided in that section in the original Act is imprisonment extending to one year or fine extending to Rs. 500. The amendment suggested in the amending Bill is that the penalty should be enhanced to one of imprisonment extending to three years or fine. We do not really object to the enhancement

of the term of imprisonment to anything less than three years. We have no objection to removing the limit on the fine, but we would suggest, for reasons which I shall presently explain, that the penalty should not be in such a sweeping manner for all kinds of contravention of the provisions of chapter IV.

I shall finish soon. For instance, in chapter IV there are offences like the offence of misbranding, offence of preparing, selling, etc., of spurious drugs and there are also technical offences such as contravention of schedule H. We know that those people who do this work—I do not know how to describe it but you will see that it is anti-social work of supplying chalk powder, putting it in capsules and selling it as chloromycetin in capsules or offering it as sulphadiazine—are really a menace to society. They are enemies of society and they may be dealt with as severely as we can and in their case we do not mind the penalty being extended to imprisonment of three years. But take for instance a technical offence under schedule H. Schedule H says that licensed dealers will not sell, except on a prescription by a registered medical practitioner, certain drugs like preparations of Barbituric Acid, Sulphonamide and others. We all know that these drugs should be carefully handled and should not be freely and in an irresponsible way placed in the hands of the lay public. Even then, it can be done inadvertently by an assistant of a licensed dealer. We can very easily understand that after all there is a difference between this offence and the two offences mentioned above. My plea, therefore, is that this Act should differentiate between these offences. Before I sit down I would take the liberty of reading two resolutions moved by two very responsible Trade Associations in Bombay.

**Mr. Chairman:** He may just refer to them instead of reading them out.

**Shri V. B. Gandhi:** Bombay is a port through which a major portion of the import of drugs enters the trade in this country. Here is a resolution passed by the Conference of Manufacturers, Importers, Distributors and Dealers in Medicines in the State of Bombay on the 3rd October 1954. Their plea is that technical offences like those under schedule H should not be lumped together with the more serious offences such as those of selling or preparing spurious drugs or misbranding drugs. The other resolution is from the Retail and Dispensing Chemists' Association of Bombay. They express similar views and in the end they just say that "this meeting has no objection to making of offences concerning the manufacture and marketing and sale of spurious drugs cognizable but the technical offences under the Drugs Act should not be made cognizable" and they further fear that the placing of such a power in the hands of Drugs Inspectors, who are all very qualified men—but from what I know, they are all very young, and in the nature of things they are bound to be young as the service is new.....

**Mr. Chairman:** That is all; the hon. Member's speech is concluded.

श्रीमती कमलेंद्रमती शाह (जिला गढ़वाल-पश्चिम व जिला टिहरी गढ़वाल व जिला बिजनौर-उत्तर): मुझे जो अपन अनुभव से दुखन को मिला है उसीके बारे में मैं आपके सामने कुछ बातें रखना चाहती हूँ।

नशीली वस्तुओं का जो हमने निरोध किया है उससे मुझे खेद है कि न तो सरकार को कोई फायदा हो रहा है और दूसरी तरफ इससे जनता के बीच में बढ़ा भारी भ्रष्टाचार और पीने की जादू फैल गई है। इसका मुझे बहुत ही अफसोस है। नशाबन्दी न बन्द हो सकी पर सरकार के खजाने में जो डेढ़ करोड़ खर्चा आता था वह बन्द हो गया। पीना किसी का बन्द नहीं हुआ बल्कि और भी ज्यादा बढ़ गया है। कैसे कैसे फिल्म की शरारें इस्तेमाल होती हैं मैं समझती हूँ कि

[श्रीमती कमलेन्दु मीत शाह]

इसका सरकार को पता होगा। यह बुरी तरह से बनती हैं और इसका परिणाम उनके स्वास्थ्य पर बहुत ही बुरा होता है। इसलिए मेरी सरकार से प्रार्थना है कि इस काम, शराब बनाने को सरकार अपने हाथ में ले ले और कोई दूसरा इसको न बनाने पावे। पीना तो किसी का रोका जा नहीं सक रहा है, इसलिए अगर बनाना है तो सरकार स्वयं बनावे। वह अच्छी तरह से बनावेगी। और मैं चाहती हूँ कि उसको ठीक मात्रा में वितरित किया जाए। मेरी सरकार से प्रार्थना है कि अगर वह ऐसा करेगी तो जो आजकल लोगों को हानि हो रही है वह नहीं होगी। मैं अपने क्षेत्र में देखती हूँ कि लोग दो दो तीन तीन आउंस की बोतलों में जिजर टिचर और न जाने क्या क्या ले आते हैं और मामूली दवा कह कर बहुत ज्यादा पी रहे हैं। इस पर न कुछ रोक है और न बंदिश है और यह गढ़वाल में इतनी बढ़ गई है कि मैं क्या कहूँ। इसको जिस प्रकार रोका जा सके रोकने की सरकार को कोशिश करनी चाहिए।

दूसरी मेरी सरकार से यह प्रार्थना है कि और देशों से शराब का आयात बिल्कुल बन्द कर दिया जाए। जो कुछ बने हमारे देश ही में बने और उसी का इस्तेमाल हो, क्योंकि पीना तो किसी का बन्द हो ही नहीं रहा है। इसको यहाँ बहुत अच्छी तरह से बनाया जाय ताकि वह स्वास्थ्य पर बुरा असर न करे। इसकी बाहर से मंगाने की जरूरत ही नहीं है क्योंकि यह कोई जरूरी वस्तु नहीं है बल्कि एक विलास की वस्तु है। इसलिए इसको हमारे देश ही में बनाना चाहिए यह मेरी सरकार से प्रार्थना है। टिचरों को बेचने वालों पर भी बहुत कड़े नियम लग जाने चाहिए।

मुझे इतना ही कहना है। आशा है सरकार मेरी प्रार्थनाओं पर ध्यान देगी।

**Shrimati Ila Palchaudhury** (Nabad-wip): I welcome this Bill because, before 1940, really nobody bothered about the control of drugs. The Drugs Enquiry Committee came into being in 1930 and the Drugs Act was enforced only from 1947 but many of the

recommendations of that Committee were never implemented. So, I welcome this Bill very warmly, for it is urgently needed today.

The great opportunity that the spurious drugs manufacturers get is due to certain facts. Firstly, all States have not got a Drug Controller. Secondly, effective enforcement of drug controls is not possible because there is not enough personnel to do it. Even in imported drugs, when they are in short supply, as may happen during any International crisis, there is re-sale by re-bottling and re-packing, with faked products. Everybody knows of that wonderful person, the *shisi bottlewallah*, who goes from house to house, in towns and in rural areas, taking used bottles for a price. He usually pays rather more for the ones whose labels have not been torn and have not gone bad. He even warns the housewives to open the packages carefully so that he can buy them at a better price! He sells those bottles so that they can be used again to the firms who deal with spurious medicines. Of course, these poor and ignorant men cannot be blamed but the far more well-to-do firms who buy those bottles at a good price, and sell bad stuff, should certainly be ostracised. No punishment, is too much for firms like that. I would request the Health Ministry to see that educative measures like posters and pamphlets are given out to educate the housewives who would, in time, realise that the "carefully opened" packages and bottles which are subsequently sold to these *bottlewallahs* may jeopardise the nation's health.

According to this Bill now, it is a very happy state of affairs that the Drug Controllers will have powers to search, seize and arrest, as soon as they find any proof of spurious drugs. This will stop delays and also prevent the stocks from vanishing thereby making it difficult for proof to be had.

It should also be a necessary condition for all establishments that sell drugs to employ people who are really qualified pharmacists and have some

training in this line. Institutions that give training in pharmaceutical work should be more numerous. The people who work in these establishments, that sell medical stores must know something about the preparations they are selling and be able to tell the customer what he is buying. There is the story of the bald-headed gentleman who went to buy some application for growing hair and he was given a medicine. The gentleman put it on his head and then he put on his *sola topee* and went on his way; Imagine his perturbation when he could not take off his hat, because it had stuck to his head! The man who sold the drug did not know that he had sold a strong adhesive! This however, is a story!

**Mr. Chairman:** A suggestion by the doctor was that he should put more hair on his head instead of that adhesive!

**Shrimati Ila Palchaudhury:** There is of course a difference between the person who really manufactures these spurious or sub-standard drugs intentionally, and the *bona fide* small dealer, who buys it without knowing. It is the manufacturers and bottlers—the bigger people—who are the ones to be watched and tackled, and not the smaller people. I know of cases where, when quinine was in short supply, quinine injection phials were sold but they contained nothing but water. People suffering from malignant malaria, to whom these injections were administered, quite often did not recover. Doctors were absolutely at a loss what to do! Really there is no punishment that is too much for such people. Longer terms of imprisonment and heavier fines could be imposed on such people and I would be very happy if that was done, because they are really responsible for numerous deaths.

The public mind should be trained to realise that money spent on medicines is money well spent, and cheapness should not be the only consideration. The Health Ministry should by visual methods and other suggestions, bring home to the people the

effectiveness of useful drugs. On the other hand our Indian drugs that satisfy standards required should be used with every confidence and a false glamour about foreign products should not be entertained. Some of our own manufactures by responsible companies are no inferior to any foreign make anywhere, I am sure.

In a scientific age, we need the help of medicines, but we must have correct information. It is very relevant when we have to control drugs, that there should be some control of advertisements. Advertisements—of both Indian and foreign preparations claim that they can do anything under the sun for you. They can make you thin or make you fat—make you thin or make you fat—anything. I think advertisement-like that are really very harmful, particularly to the middle-class housewife in the rural districts. She has so little in her life, overworked, poverty-ridden. She sometimes feels that she has got the moon in her hands for just rupees two or rupees four when she reads or hears of some of these advertisement. Advertisements can be counteracted by counter-propaganda which should give useful information and guidance. This applies particularly to the medicines that are used for family planning. I know the Government is making a great deal of effort in this direction and I congratulate the Health Ministry for that, but what they do, does not in many cases reach the strata which needs this help most. In this sphere, false advertisements cause untold harm which should be prevented.

I have one other submission to make. This Bill is really a social Bill and unless the civic mind is trained, this Bill really cannot be of much use. Controllers, Inspectors, and officers can hardly do much good, as will be illustrated by this story. My Hindi is not very good, but I hope the hon. Members will forgive that. This is the story:

एक राजा था, वह बीमार हुआ। वैद्य ने कहा कि शुद्ध दूध के साथ दवा खाओ। उससे कुछ फायदा



[Shrimati Ila Palchadhury]

नहीं हुआ। उन्होंने बँच सं कहा कि कुछ फायदा नहीं हुआ। बँच नें कहा कि दूध शुद्ध नहीं होगा। राजा नें कहा कि अपने सामन दूध मंगाता हूँ। जब दूँखा तो दूध सं एक चिचगड़ी मछली निकली। राजा नें कहा तब और क्या करूँ, बँचराज ? एक अफसर दूध दूँखने के लिए रक्खे दंता हूँ। तब बँच नें कहा कि तब तो दूध में रूही भी कूँदगी महाप्राज।

We can have controls, officers, and everything you like to control the spread of spurious drugs, but the main thing is to train the mind of the people, so that they will realise that drugs play a very important part in the life of a nation. Control of Drugs is more important than control of opium or cocaine. Opium or cocaine are taken only by a few addicts; but drugs are needed by the whole nation.

**Dr. Rama Rao** (Kakinada) : I rise to support this Bill. I would request the hon. Minister of Health to see that the States are very closely associated with the administration of this Act. As it is, we do not know whether these inspectors are going to be appointed from the Centre or through the States. I personally like that the States should be directly associated with the administration of this measure.

Regarding chemical contraceptives, the Bill prohibits some harmful things. But I would like the Central Ministry to lay down standards of a chemical contraceptive, prescribing a particular thing. About twenty years ago the Mysore State was doing such a thing. I do not know whether they are doing it now, but at that time they had a specialist for these things and they were giving for those who wanted, for every woman, that consulted the government doctor, both the prescription as well as the prepared jelly along with a Dutch cap. So instead of asking people not to buy this or that or punish this man or that man, the

Central Government must lay down certain standards for a chemical contraceptive. Unfortunately, I fear the hon. Minister does not believe in chemical contraceptives. Anyway I think the Central Ministry must do it.

Regarding spurious drugs and adulteration everybody knows that a lot of things are going on. I think I mentioned on a previous occasion how they found in Calcutta a small factory making spurious drugs. All the raw material they required was chalk powder, one cask of chalk powder with a few colouring material. And they would prepare terramycin, aureomycin and every blessed new drug and sell it to the patient. It is not merely loss of money but this means loss of life. On this point even the Pharmaceutical Committee Report specifically says: "The introduction of the Drugs Act and the rules thereunder has not brought about the desired results in improving the quality of products manufactured and offered for sale in the country. The menace of manufacture and sale of spurious and sub-standard drugs still continues." Of course in this Bill we have increased the punishment. Very good. I do not agree with my hon. friend Mr. Gandhi that the punishment is too much. Because, it is only optional; only the maximum is fixed. We leave it to the good sense of the Magistrate to assess the seriousness of the offence and give the appropriate punishment.

While trying to prevent all these things in a society where private profit is the chief motive in spite of all talk of socialist pattern of society or socialistic pattern of society, I join my hon. friend Dr. Gidwani in requesting the Government to concentrate on the manufacture of drugs. It is a big industry. Even a conservative and moderate committee like the Bhore Committee, as long ago as 1946 described the manufacture of drugs

as "an industry of the greatest national importance to the country" and gave a number of arguments and facts. They said: "Careful investigation provided efficient substitutes for some imported drugs and medical requisites." Then they say: "We do, however, wish to point out that the story of what has been accomplished in this war, though it is no more than a beginning, is a convincing proof that, given the will, organised effort can, with the help of the scientific assistance which it is possible to command, make this country almost, if not entirely self-sufficient in the matter of drugs and medical requisites." This was written in 1946 by a conservative committee when they were not talking of a socialistic pattern of society. So it is not enough for the Health Ministry to get Acts passed preventing advertisements and so on. Of course they are necessary, but the Ministry must do positive things, manufacture and supply as many drugs as possible. And it is not a very satisfactory thing to always talk of one penicillin (which is still coming) and one DDT—I do not know whether it is already in the market. There are many things, small and big, which can be manufactured. Scientific assistance is available not only in India but in the world. There are things which we have to learn from outside, and scientific talent is available if only we utilise it. It is essential to supply efficient and cheap drugs to the people so that they can be saved from all these deceptions. Of course if the Ministry passes one Act, the clever merchants manufacture spurious drugs in so many other ways.

In this connection we have also to guard against foreign imports. It is true that many of the noted firms maintain a very high standard, but the prices are prohibitive. I can quote from the Report of the Bhoré Committee wherein they have said that the money we spend on foreign drugs is a thing which we, a poor country like India, cannot afford, and such a great industry should be de-

veloped to protect our people and to supply cheap drugs to our people.

This Bill by itself is non-controversial. In this connection we must remember the positive fact that drugs are not supplied by Government and practically nothing is being done to prepare and supply cheap and efficient drugs to the people. To that extent the Ministry is failing in its duty. However, I support the Bill.

**Shri Dhulekar** (Jhansi Distt.—South): I whole-heartedly support the Bill before the House. Our national health is very important and, therefore, it is absolutely necessary that all drugs that are supplied to our nation must be pure.

But I have a complaint to make to the hon. the Health Minister that she introduced this Bill in the Rajya Sabha. Otherwise, if it had been introduced here, I should certainly have pleaded with her that she should not make an exception in the case of ayurvedic medicines. I can certainly appreciate that in the year 1940 when the British people were here, the nation was afraid that the British people would put down ayurvedic medicines, and so it was thought that it would not be proper that in the Drugs Act at that time any control should have been placed on the manufacture, sale or distribution of ayurvedic medicines. But now since independence has come and since we also know that the hon. the Health Minister has been taking very great pains for the spread of ayurvedic education as well as the spread of ayurvedic research and also supporting in every way the advancement of ayurvedic science, I should have certainly thought it proper that she should have taken into consideration that these drugs which are ayurvedic or unani, drugs which are supplied to about eighty per cent. of the population, should also be pure.

When the Bill has been introduced in and passed by the Rajya Sabha

[Shri Dhulekar]

it has become very difficult for me to put in an amendment here, because it would have required a joint session or something like that. Therefore now I shall appeal to the hon. Health Minister to appoint a Committee of Parliamentary Members, so that they may go into the whole question, and the control of manufacture and distribution of ayurvedic and unani drugs may be taken into consideration. I wish to submit that now when several colleges have been established by the Governments and research has been taken up by the Universities and thousands of ayurvedic dispensaries have been established by State Governments and hundreds of dispensaries are being run by municipal and district boards, it has now become very necessary that the control of manufacture of these drugs and their distribution should be taken in hand, by the Government. If the hon. Minister agrees to it by appointing a Committee and bringing in another Bill to amend this Act or to introduce another Act for the Ayurvedic section, she will certainly be helping the cause of Ayurveda teaching as well as research. With these words, I support the Bill.

**Rajkumari Amrit Kaur:** I would like to thank all the Members of this House who have spoken and supported the Bill in principle, although some of them have had remarks to make about its shortcomings. Very briefly, I shall try to reply to the points that have been raised.

**Shri Velayudhan (Quilon cum Malikkara-Reserved Sch. Castes):** We also support although we did not speak.

**Rajkumari Amrit Kaur:** Thank you.

I shall reply first to the last speaker. He has asked me why I have omitted to bring in Ayurvedic and Unani drugs into this Bill. It was practically impossible. It was not that I was not willing to do it. It simply cannot be done because we

have not really got a good pharmacopoeia for our indigenous drugs. All those indigenous drugs that have been included in the new pharmacopoeia that will shortly be published will come under this. For the rest, I know that adulteration does go on in indigenous drugs. We will try to do what we can. At the moment, unless and until I get an absolute list of drugs, it is extremely difficult to do anything. It is not that I do not want to do it. I entirely believe that any medicine of any sort given to anybody should be pure.

The first speaker Shri Gidwani raised some important points to which I should like to refer. He wanted imprisonment and fine, both to be included. The difficulty is very obvious. It would naturally arise in regard to technical offences of a minor nature. I feel very strongly that we have got to trust our Presidency Magistrates and our First Class Magistrates to be able to use their discretion. Therefore I am not willing to have both imprisonment and fine provided. It must remain as imprisonment or fine.

Another hon. Member referred to the punishment provided in section 27. I think there was a mistake. He thought that it was the minimum. My hon. friend Dr. Rama Rao has already corrected the error and stated that it is the maximum. Hence there is no hardship. The Court is perfectly entitled to inflict a lesser punishment. I am not willing to allow the people who go in for these social malpractices to be let off with an ordinary fine which, because they make thousands of rupees, they really just do not mind paying. I say that people who commit these crimes against humanity should be imprisoned.

Another suggestion that was thrown out was that the Inspectors should have special qualifications. I would like to inform the hon. Member that according to the Act they have got to have special qualifications. Under

the Drugs Rules, they have to be well paid. For example, in Delhi the scale of pay is now Rs. 275—800. I entirely agree that if the Drugs Inspectors have got a fair amount of power entrusted to them, they should be well paid so that they may not succumb to bribery and corruption. On the other question raised by Dr. Rama Rao, I would like to assure him that the States are naturally to be closely associated with the administration. In fact, the administration of the Act is going to be definitely under the States. It is up to them to see that the Drugs Inspectors are fully qualified.

Another point raised was that of nationalisation. No one is more keen than I to develop the pharmaceutical industry in this country. Unless and until we do that, we are not going to bring down the prices of drugs and be able to supply them to the public at a reasonable cost. I have had the greatest co-operation in this regard from my colleague, the hon. Minister for Commerce and Industry. We are going into this question very shortly as to how much we can do in the very near future. We have started the Penicillin factory and it is going into production very shortly. The same is the case with the D.D.T. factory; in fact, there are going to be two D.D.T. factories. Manufacture of antibiotics will have to be taken up and I believe that in these factories we shall be able to produce antibiotics as well. The Pharmaceutical Enquiry Committee has also made a recommendation regarding the necessity of making the country self-sufficient under the active consideration of my- in the matter of drugs. This point is self and the Ministry of Commerce and Industry.

About educating the public, I entirely agree with the hon. Member. One of the things that will be undertaken by the Publicity Bureau that is now going to be under the Ministry of Health, will be to educate the general public in all kinds of matters and the fact that no medicines

will be allowed to be sold, which have not got their particular prescription on them is a step in the right direction. As far as advertisements are concerned, I would request the House to remember that these are also controlled by the provisions of the Drugs and Magic Remedies Control Act, which this House passed quite recently. The rules have been published and the Act will come into force on the 1st April of this year. I would also like to refer to the Pharmacy Act which controls the pharmacists. This will provide the necessary personnel for staffing our Drugs stores.

Standards for contraceptives were alluded to. I am in entire agreement that this should be done. The proposed amendment does provide that standards for contraceptives will be prescribed and this will include contraceptives of all kinds, both chemical as well as mechanical. If the hon. Member referred to clause 17(b) of the proposed Bill, on page 6, he will be reassured that it is so.

There have been some amendments proposed. I am sorry I am unable to accept any of them for various reasons. I would request my hon. friends Shri V. B. Gandhi and Shri S. V. Ramaswamy to be kind enough to withdraw them. In regard to the amendment in list 1 regarding clause 6, the existing provision in the Act contains the words 'if required by him'. The word 'necessary' was purposely substituted in the draft Bill in order to leave the responsibility and discretion for forwarding the package to the Central Drugs laboratory with the detecting officer. The section includes "if required by the Drugs Controller." Whenever in doubt, the officer concerned will, no doubt, take instructions from the Drugs Controller and the amendment, in my opinion, is not necessary. His other amendments are...

**Mr. Chairman:** It would be better if the hon. Minister reserved this reply to the amendments if and when they are moved.

**Rajkumari Amrit Kaur:** Are they going to be moved? I was only thinking that if I replied to them and they were satisfied with my reply they would not move. I am in your hands.

**Mr. Chairman:** That would be better. If a particular amendment is moved, the hon. Minister may reply. Perhaps, they may not be moved at all. There is no use taking time of the House now.

**Rajkumari Amrit Kaur:** I have nothing more to say. Apart from my own amendments which are absolutely necessary, I am not accepting any amendment and I commend the Bill for the acceptance of the House.

**Shri Bogawat (Ahmednagar South):** I would like to ask one question. Is it not possible to include the preparation and sale of liquor in this Bill just now or later on?

**Rajkumari Amrit Kaur:** I am afraid I can not do that in this Bill because liquor does not come under drugs.

**Shri Bogawat:** Later on?

**Mr. Chairman:** That would be seen then.

The question is

"That the Bill further to amend the Drugs Act, 1940, as passed by the Rajya Sabha, be taken into consideration."

*The motion was adopted.*

*Clauses 2 to 6 were added to the Bill.*

**Clause 7.— Amendment of Section 12, etc).**

**Shri S. V. Ramaswamy:** I beg to move:

In page 3, after line 29, insert:

"(c) after sub-section (2) the following new sub-section shall be added, namely:-

'(3) All rules made under this section shall be laid before both Houses of Parliament for a total period of 30 days, which may be comprised in one or more sessions, before their final publication and shall come into force

thereafter subject to any modification or annulment that Parliament may make during the said period."

In moving this amendment, I wish to draw the attention of the House to the Report of the Committee on Subordinate Legislation, and to rules 350, 351 and 352 of this House. The Committee on Subordinate Legislation in its First Report in paragraph 11 laid down certain rules as to what should be done in legislation, viz.:

(i) That in future the Acts containing provision for making rules etc. shall lay down that such rules shall be laid on the Table as soon as possible.

(ii) That all these rules shall be laid on the Table for a uniform and total period of 30 days before the date of their publication.

(iii) That in future the Acts authorising delegation of rule-making power shall contain express provision that the rules made thereunder shall be subject to such modifications as the House may like to make."

Subsequently also, in the Second Report, specifically referring to this Act and the next Act, they pointed out in paragraph 29:

"The Committee notice that the relevant provisions in these Bills delegating legislative powers to the executive have not been framed on the lines recommended by the Committee in their First Report. The Committee recommend that before these Bills are enacted, necessary amendments should be made in the relevant clauses and in the amending Bills which do not touch the rule-making sections of the principal Acts, new clauses making the necessary provisions should be inserted."

Clauses 7 and 15 of the Bill amend sections 12 and 33 of the parent Act which deal with rule-making powers.

I am just seeking to give effect to the recommendation of the Committee on Subordinate Legislation.

**Mr. Chairman:** Amendment moved: In page 3, after line 29, insert:

"(c) after sub-section (2) the following new sub-section shall be added, namely:

'(3) All rules made under this section shall be laid before both Houses of Parliament for a total period of 30 days which may be comprised in one or more sessions, before their final publication and shall come into force thereafter subject to any modification or annulment that Parliament may make during the said period.'

**Rajkumari Amrit Kaur:** As the Chairman of this Committee's report that the hon. Member is referring to is here, I will ask him to reply, but I am not accepting the amendment.

**The Minister in the Ministry of Law (Shri Pataskar):** For the information of the House, I may say that the reports which were submitted by the Committee on Subordinate Legislation are still under the consideration of the Government because they involve certain fundamental issues. As probably Members are aware, in England there is a Statutory Instruments Act which they passed only in the year 1946 or 1948 and under that there are different kinds of rule-making powers which are provided for in different Acts, and there cannot be one uniform thing for all Acts. At times, there is a provision—there are some Acts which make this provision that the rules shall come into force only after they are laid on the Table. There have been certain other cases where rules can be made even before they are laid on the Table in certain emergent cases. So, it all depends on individual Acts as to what procedure has to be followed with respect to the power which has been delegated by this House to Government. I might only say at this stage that

there was a question asked the other day as to what action was taken with respect to the Second Report of this Committee on Subordinate Legislation. The information is being collected from the different Ministries, and we are taking all possible steps to see what method should be found for trying to carry out the spirit of the recommendations which have been made by this Committee.

So far as the present Act is concerned, I do not think that a provision like this is necessary viz. that the rules shall come into force only after they are laid on the Table, nor is it necessary for the purpose of this Act that there should be general power given to the House to annul those rules. I think for the present the hon. Minister in charge is prepared to give an assurance that all the rules made under this Act shall be laid on the Table of the House as usual, and I think for the present that may be found satisfactory at least so far as this Act is concerned by the House.

**Mr. Chairman:** May I know then from the hon. Member whether he wishes to press his amendment?

**Shri S. V. Ramaswamy:** With that assurance, I beg leave to withdraw the amendment.

*The amendment was, by leave, withdrawn.*

**Mr. Chairman:** Then, there is no further amendment.

The question is:

"That clause 7 stand part of the Bill".

*The motion was adopted.*

*Clause 7 was added to the Bill.*

*Clauses 8 to 10 were added to the Bill*

**Clause 11.**— *Substitution of new Section 22, etc. (in Act XXIII of 1940).*

**Shri V. B. Gandhi:** I beg to move:

In page 4, line 32, for "twenty days" substitute "ten days"

My reason for this amendment is that when the Drugs Inspector decides to order a person in possession of certain drugs not to dispose of them, he certainly has certain information on which he is acting. After this order is passed, he still has another ten days under the original Act, and in these days of telephones and telegrams and air mail services and all that, ten days should be enough to ascertain whether or not the drugs in question contravene section 18. Therefore, this needless hardship to the dealers and distributors may be avoided.

**Mr. Chairman:** Amendment moved:

In page 4, line 32, for "twenty days" substitute "ten days".

**Rajkumari Amrit Kaur:** I would like to reply to this that the hon. Member does not take into consideration that sometimes the laboratory where the drug has to be sent for examination is at a very distant place. It was for this reason that actually in the Rajya Sabha I was asked to increase the period from ten days to 30 days, and I compromised at 20 days. I think that 10 days is really not enough because of the distance that may have to be taken in to account in the rural areas, and therefore I am not willing to accept the amendment.

**Mr. Chairman:** Does the hon. Member want me to put the amendment to the House.

**Shri V. B. Gandhi:** No, Sir. In view of the statement and explanation, I withdraw the amendment.

*The amendment was, by leave, withdrawn.*

**Shri V. B. Gandhi:** I beg to move:

In page 4, after line 34, add "Provided that the Inspector shall not take action under this sub-section unless he has reported the facts to the

District Magistrate or the Chief Presidency Magistrate and has been authorised by such Magistrate to take such action."

Here is a very necessary safeguard against any hasty use of the power by the Drugs Inspectors and the omission of this safeguard from the amending Bill can only be explained perhaps by the fact that it may lead to certain delay. I am quite willing to concede that in actual practice it may lead to such difficulties of delays, but I believe, in order to preserve this very essential safeguard against hasty exercise of large powers, it should not be beyond the ingenuity of the advisers to the Health Ministry to devise some way by which this safeguard could be retained at the same time delays could be minimised.

**Mr. Chairman:** Amendment moved:

In page 4, after line 34, add "Provided that the Inspector shall not take action under this sub-section unless he has reported the facts to the District Magistrate or the Chief Presidency Magistrate and has been authorised by such Magistrate to take such action."

**Rajkumari Amrit Kaur:** The amendment proposed by the hon. Member seeks to restore the proviso, which is sought to be deleted in this Bill for the obvious reason that the Drugs Inspector might be enabled to function effectively and efficiently. The intention is that there need not be any intervention by the Magistrates at this stage; but the search and seizure should be conducted according to the procedure laid down in the Criminal Procedure Code. This is what you will find in the proposed new section 22 (2) in the Bill. This point was also raised in the Rajya Sabha, and there I said that in view of the safeguards provided in section 25 of the principal Act, the proposed proviso was redundant, and in fact it might

even make the working of the Act somewhat difficult.

So, I would ask the hon. Member to withdraw this amendment, if he will kindly do so.

**Mr. Chairman:** Need I put this amendment to the vote of the House?

**Shri V. B. Gandhi:** In view of the explanation given, I would like to withdraw it.

*The amendment was, by leave, withdrawn.*

**Mr. Chairman:** The question is:

"That clause 11 stand part of the Bill."

*The motion was adopted.*

*Clause 11 was added to the Bill.*

*Clause 12.—(Amendment of section 27 etc.)*

**Shri V. B. Gandhi:** I beg to move:

In page 4, line 49, for "three years" substitute "two years".

This clause 12 provides for publicity to be given to the sentence and the nature of the offence, by a Magistrate. In a social legislation of this kind, publicity may have a legitimate place as a deterrent. But we know there are Magistrates and Magistrates, who in their reforming zeal can go to any limit. It is, therefore, necessary, and it is desirable also, that we should prescribe some limit to the expense which he might ask the offending person to incur on account of that publicity. It may be said that the expense may not be more than Rs. 10 or Rs. 20. If that is so, that is very good. But I know certain newspapers in big cities, where the charge is perhaps Rs. 20 per single column inch, and perhaps 20 or 30 column inches used by an enthusiastic Magistrate might easily mean an expense of Rs. 500 or Rs. 600. If some such limit is placed, we shall know where we are. In large cities, from our experience, we find that the Press is usually very vigilant, and any such offences against social

legislation are quickly reported and fully reported also. In small towns, of course, this may not happen, but there the newspapers have a very low rate of charges for advertisement, and therefore, it may not be necessary to exceed the limit of Rs. 250 suggested by me.

**Mr. Chairman:** Amendment moved:

In page 4, line 49, for "three years" substitute "two years".

**Rajkumari Amrit Kaur:** As I said in my opening remarks, the manufacture and sale of spurious drugs have increased in recent years, and there has been an insistent demand from State Governments and others for the enhancement of the penalties provided in the Act. I do not consider that reducing the sentence from three to two years is really necessary. The present proposal to enhance the penalty under section 27, that is, the imprisonment to a period of three years will automatically make offences under this section cognisable offences, and that should be done within the meaning of the relevant section of the Criminal Procedure Code. The acceptance of the amendment proposed by the hon. Member will defeat this object, and therefore, I am sorry I am unable to accept it.

I would like to assure the House that the enhancement of the penalty under this section will not necessarily result in any hardship to offenders, but we must deter people as far as possible from going in for this very unsocial practice.

**Shri V. B. Gandhi:** May I just have a word of explanation?

**Mr. Chairman:** As the explanation has come from the hon. Minister, the hon. Member might give his reaction and say whether he wants me to put his amendment to the vote of the House.

**Shri V. B. Gandhi:** That is exactly what I mean. Inadvertently, I have spoken on my amendment to clause 16, and I accept her explanation.

**Mr. Chairman:** It is all right then, for it has saved us the time which



[Mr. Chairman]

would have been spent on that clause.

**Shri V. B. Gandhi:** I accept her explanation, and I beg leave of the House to withdraw my amendment.

*The amendment was, by leave, withdrawn.*

**Mr. Chairman** The question is:

"That clause 12 stand part of the Bill."

*The motion was adopted.*

*Clause 12 was added to the Bill.*

*Clauses 13 to 15 were added to the Bill.*

**Clause 16.**—(Substitution of new Chapter for section 34 etc.)

**Shri V. B. Gandhi:** I beg to move:

*In page 6, line 23 after "person" insert "such expense not exceeding two hundred and fifty rupees,"*

**Mr. Chairman:** Amendment moved:

*In page 6, line 23, after "person" insert "such expense not exceeding two hundred and fifty rupees."*

**Rajkumari Amrit Kaur:** As I have said before, I am not willing to accept the amendment for the reasons already stated.

**Mr. Chairman:** Does the hon. Member want this amendment to be put to vote?

**Shri V. B. Gandhi:** I beg leave of the House to withdraw it.

*The amendment was by leave, withdrawn.*

**Mr. Chairman:** The question is:

"That clause 16 stand part of the Bill."

*The motion was adopted.*

*Clause 16 was added to the Bill.*

*Clause 17 was added to the Bill.*

**Clause 1.**—(Short Title).

**Amendment made:**

*In page 1, line 4, for "1954" substitute "1955".*

—[Rajkumari Amrit Kaur]

*Clause 1, as amended, was added to the Bill.*

**Enacting Formula**

**Amendment made:**

*In the Enacting Formula, for "Fifth year" substitute "Sixth Year".*

—[Rajkumari Amrit Kaur]

*The Title and the Enacting Formula, as amended, were added to the Bill.*

**Rajkumari Amrit Kaur:** I beg to move:

"That the Bill, as amended, be passed."

**Mr. Chairman:** Motion moved:

"That the Bill, as amended, be passed."

**Shri Kasiwal** (Kotah-Jhalawar): I wholeheartedly welcome this Bill. The criticisms which have been made today in the House have been very few. One of the criticisms which was made by Shri Gidwani was that there should be a state trading in drugs. That is a suggestion which is most infeasible, and I am told the hon. Minister has already answered this point.

4 P.M.

The other criticism that came is from Shri V. B. Gandhi.

**Shri Gidwani:** I am told my criticism was accepted. You and I were out.

**Shri Kasiwal:** I have the right to say what my view is. I am saying that it is very infeasible.

The other criticism that came is from Shri V. B. Gandhi. He has already withdrawn all his amendments. What was the main object of this Bill? The main object of this Bill was to tighten up the Drugs Act and at the

same time. to make its provisions more stringent. In that respect, I must say the Bill, on the whole, is a very good one. You will recall that the drugs racket in this country has been spreading its tentacles. I remember a case which happened in Calcutta last year in which a large factory which was dealing in and manufacturing spurious drugs was unearthed. And what was found? As my friend, Shri V. B. Gandhi said, they were manufacturing pills, tablets and tabloids out of chalk and passing them as sulphadiazine, anacin, aspro and all sorts of things. They contained nothing else but chalk.

**Shri Gidwani:** That has proved my point

**Shri Kasliwal:** It does not. You may say that about manufacture, but not about State trading.

As such, I feel that the provisions of this Bill should be accepted by this House. I particularly welcome the provision with regard to companies which have been newly added to the Drugs Act. I say that the companies are more responsible for this drugs racket than anybody else. So far as the definition of companies and of directors is concerned, it is also a very good one. They now include firms and partner-

ship concerns and a director includes a partner of such a firm. I also welcome the provision with regard to publication of the offences which have been committed by these companies as well as the punishment which has been given to these companies, at their expense.

**Sardar A. S. Saigal:** During the war years, the Act remained inoperative as the publication of rules under the Act was delayed and it was, in fact, not until 1944 that a start was made in this respect.

**Mr. Chairman:** I might request the hon. Member to remember that this is the third reading stage.

**Sardar A. S. Saigal:** I am giving a brief history and after that, I will go on. It was the war emergency conditions that gave rapid growth to the drugs industry.

But the growth was not normal. Sometimes, Indian products were inferior substitutes for unavailable foreign products, sometimes they existed on sufferance. In a way, both the importation and manufacture of drugs were freely permitted.

I will give some facts as regards imports of some special drugs and medicines.

	1952-53		1953-54	
	Value (In lakhs) Rs.	Percentage of total.	Value (in lakhs) Rs.	Percentage of total
Total supports	11,2.00	100	1228.62	100
Glandular products.	4.66	0.41	1.87	0.15
Liver extracts	8.93	0.79	4.84	0.39
Paludrine	14.67	1.29	24.16	2.77
Sulpha Drugs	95.64	8.44	74.49	6.14
Penicillin and Preparations	164.58	14.53	185.76	15.11 etc.etc.

**Mr. Chairman:** The hon. Member has certainly collected very useful information. I am sorry I could not give him time during the general discussion. But I would request him to adhere to the rules that are usually observed.

**Sardar A. S. Saigal:** The principal

Act permits the manufacturers....

**Shri U. M. Trivedi (Chittor):** On a point of order. We have all been noting that the hon. Member has collected a good many facts and he is reading them. Is reading of a speech all right?

**Mr. Chairman:** I am allowing him this latitude because the time is short and he has to tell us many things.

**Shri A. M. Thomas:** Very valuable information.

**Mr. Chairman:** He will finish within the next two minutes.

**Sardar A. S. Saigal:** Section 27 of the original Act, provides for penalty for manufacture, sale etc. of drugs in contravention of chapter IV of the Act. Imprisonment for offences described is for a period of one year or fine not exceeding Rs. 500 or both. Under section 30, the punishment for subsequent offences is described as imprisonment extending to two years or fine to Rs. 1,000 or both. In recent year, there has been an increase in manufacture and sale of spurious drugs. Accordingly, the penalties for offences have been enhanced.

The provisions which have been made in this Bill will be beneficial to the people. By this, we will be able to control the spurious drugs which are being manufactured in the country, and also produce superior drugs which we can send out to other countries. That the proposed Bill has received unanimous support from all State Government is very encouraging. It has been felt in some circles, that quite heavy penalties have been provided in the Bill to deal with sub-standard drugs produced intentionally.

**Mr. Chairman:** The question is:

"That the Bill, as amended, be passed".

*The motion was adopted.*

#### DENTISTS (AMENDMENT) BILL

**The Minister of Health (Rajkumari Amrit Kaur):** I beg to move:

"That the Bill further to amend the Dentists Act, 1948, as passed by the Rajya Sabha, be taken into consideration."

In presenting this Motion before the House, I have very little to say. The House is aware that the Dentists Act came into force with effect from the 29th March, 1948, in all the then provinces of India which are now included in Part A, Part C and Part D of the First Schedule to the Constitution. Part B States were entirely excluded, and that has meant a great deal of hardship on these States, because those who are unqualified to practice in Part A, C and D States, can go into Part B States. That is something that should certainly be remedied.

Experience of the working of the Dentists Act during the last six years or more has shown that some of its provisions are not in conformity with the original intentions of Government and, in addition, the strict application of this Act has resulted in a certain amount of hardship, for this reason, that we asked them to get qualifications which would enable them to become registered, but because, I am sorry to say, of the lack of facilities that we have in order to give them these opportunities, they have not been able to do so. We, therefore, feel that the period should be extended. A number of suggestions, therefore, have been received from the Governments of Part A States, the Director General of Health Services and the Dental Council of India that some of the provisions of the Dentists Act may be amended.

There is nothing controversial whatsoever about the amendments that have been proposed, and the Statement of Objects, and Reasons shows quite clearly why the amendments that have been proposed are necessary. Because I have received no amendments, except one about laying the rules on the Table of the House. I take it that the House is in absolute agreement with me.

**Mr. Chairman:** The question is:

"That the Bill further to amend the Dentists Act, 1948, as