

Kirolikar and Shri Telkikar and by Shri Jajware. I do not find Shri Kirolikar and Shri Telkikar.

Shri Jajware: I do not wish to move the amendment standing in my name, in view of the assurance given by the hon. Home Minister.

Mr. Chairman: The question is:

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Schedules I to V, clause 1, the Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

“That the Bill be passed.”

Mr. Chairman: Motion moved:

“That the Bill be passed.”

Shri N. B. Chowdhury (Ghatal): I have only one point to make. We understand that the Indian representative on the Commission of Trust Territories and Dependent Areas of the UNO spoke against the punishment of whipping and opposed that punishment. How is it that the Government of India is maintaining it inside the country itself. This is highly anomalous. We think the propriety of this sort of punishment should be considered very carefully. We urge upon the Government to do away with this sort of punishment as early as possible.

Dr. Katju: When we are considering new legislation about whipping I shall bear in mind the suggestion which my hon. friend has made.

Mr. Chairman: The question is:

“That the Bill be passed.”

The motion was adopted.

DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) BILL

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

“That the Bill to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith, as passed by the Council of States, be taken into consideration.”

I do not wish to take much time of the House, especially when the same allotted for this Bill is very very limited. I am quite sure that this little measure that I am placing before the House today will not meet with any opposition, but will meet with as much general approbation as it did in the other House. I need not say anything more about the objects of the Bill, as they are contained in the Statement of Objects and Reasons. But I have been very worried about the increase in recent years in the number of objectionable advertisements relating to so-called wonderful cures for various diseases, which are not only obscene, but are positively dangerous. These are only means for unscrupulous people to exploit the ignorant section of the population. In the Drug Rules made by the Central and State Governments there exists a provision according to which no drug purporting or claiming through its label or enclosed literature to prevent or cure certain diseases can be imported or manufactured for sale. But this provision was found to be very inadequate for the purpose under consideration.

I have received notices of a few amendments, which I am afraid I am unable to accept. Many of them are purely verbal in character. We have

[Rajkumari Amrit Kaur]

consulted the Law Ministry and are advised that no material difference would be made to the meaning by certain of the proposed amendments. There are one or two others to which I have to take exception. I shall deal with them when the amendments actually come up.

I would request the House not to spend very much time on discussion, but to give their assent to the passing of this necessary measure.

Mr. Chairman: Motion moved:

"That the Bill to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith, as passed by the Council of States, be taken into consideration."

Shrimati Jayashri (Bombay—Suburban): I heartily congratulate the Minister for bringing this Bill by which the lacuna in the Drugs Act will be done away with. Under the Drugs Act the State Governments are responsible for control over the manufacture, sale and distribution of drugs. But the advertisement of these drugs does a lot of harm to the public.

Sir, medicine is considered one of the most essential commodities, next to food, having direct relation with the health and life of people. Therefore, those who deal in medicine carry a heavy responsibility and they should always bear in mind that while dealing in medicine, they are dealing with the health and life of our people.

During the last century, medical science and practice have developed at a tremendous rate learning new things and trying new remedies. In order to secure sale of these products importance is given to the method of advertising these goods. It is quite necessary that people should be informed about the remedies to alleviate the sufferings and pain within the reach of the common man.

But there are unscrupulous people who pose as doctors and recommend all kinds of drugs and magic cures. The advertisement of spurious drugs has assumed such proportion in our country that it needs enlightened public opinion to counteract the menace. As I said this lacuna will, I hope, be done away with by passing this Bill. The advertisement of these drugs and cures is given in a very unethical way and produce evil effects on the minds of the people especially ignorant women who have blind faith in these drugs which do a great harm to their body and mind. I was informed by so many women doctors that great injury is done to the body physique of women by their falling a prey to the advertisements and drugs that are advertised.

A few months back in the Standing Committee of the All India Women's Conference this question was discussed and I think I had drawn the attention of the Minister at that time also and shown so many cuttings of these advertisements. I am glad to say that today this Bill has been brought in the House. In Bombay also the Health Minister there was trying to bring necessary amendment to the Drugs Act but he said that as this amendment is coming in this House, he thought that it was not necessary to bring some amendment there and I am glad that today we are bringing this amendment and I hope that this will be accepted by the House.

Dr. Rama Rao (Kakinada): I have great pleasure in supporting this Bill. But I want to examine the conditions which are necessitating encouraging or helping this sort of magic remedies and vulgar advertisements. The other day when we were discussing grants of the Health Ministry, I gave details of certain diseases and the lack of medical aid Government are providing to our people. I do not want to go into details but we all admit and know

that the medical aid which we provide to the people is hopeless and we must be ashamed of it. Therefore, when we look at this magic remedies and all wonder drugs I am not surprised that people rush to them; any quack or any man can sit under a tree and he can make a living of that. You would remember some time back in Orissa, the Nepali Baba, a young cow herd boy of thirteen years started some treatment and to give something. There were thousands of people going there in trains and in cars—I do not think, in aeroplanes—and in course of time there was cholera and at least a few hundreds—my friends say thousands—died of cholera. It was a great menace.

Later on some time back in South India—I think in Travancore Cochin—there was another 12 or 13 years boy starting magic cures and there was another great rush. I think that after this Nepali Baba incident and the bitter experience, there the officials took some steps. I know in my district we have had a certain man—no education nothing—and he makes a powder and he says it is a cure-all for children's diseases costing four annas a packet and he makes a lovely sum out of it.

I am giving only one or two examples. What is the reason? The few hospitals that we have are understaffed. The doctor cannot pay attention to the patient and the patients cannot spend three hours or four hours waiting for treatment. So we must look at the main cause and then try to solve the problem. As far as this Bill is concerned, I welcome it and the trash we see in the newspapers at least will be abolished. We must be thankful for small mercies but I wanted to draw the attention of the Government and the hon. House to the main problem.

Then I come to certain things which our Government should do immediately. We have a Food Adulteration Bill. Of course the hon. Health Minister would say: I am very anxious

to bring it. But the trouble is she is part of the Government. It passed the Select Committee stage more than fourteen months ago and I do not know when it will come.

In our unfortunate country, when any trash can be sold as medicine, there is some trash being sold as specific and costly drugs. We prescribe chloromycetin and the unsuspecting people buy from some shops. There are quinine which are supposed to contain 10 grains but they do not even contain half a grain. All these things require immediate and effective drug acts.

Now one function the Government ought to take up immediately in relation to the diseases—large scale diseases—is the manufacture of medicines; leave alone the *mantras* and magics. It is the primary duty of the Government to manufacture drugs and supply at cheap rates or even free. You see from all these things the main thing—it is a question of profit motive and when the question of profit comes, no principles come in the way. The Government must be alert not only to prevent it but to give the substitutes in the form of cheap drugs.

Then come the magic cures. Unfortunately, the country is backward and so full of superstition and the unprincipled people make capital of this superstition. Government shall have a look at just the important personalities. Many of them have their own astrologers to tell them every day what would happen....

Mr. Chairman: That is hardly connected with this.

Dr. Rama Rao: I am only drawing attention to the faith in some thing superhuman, some thing extra-ordinary—the magic cures. Only some time back, Government of India were paying out of their revenues to the person known as Paniwala Maharaj—about Rs. 200 or so. I am liable to correction, but Government funds were being utilised for paying him. I

[Dr. Rama Rao]

do not blame him. Our State is entirely based on that philosophy. That shows the Government's standard. There are talismans, and wonder rings and magic rings to cure any disease in the world!

I come to one point and I gave notice of an amendment and I will speak about that when I move the amendments formally. I speak about Clause 14 (a) which concerns medical practitioners. Clause 15 deals with exemption to certain people to whom this Act does not apply. The Health Minister very kindly exempts registered medical practitioners. I am surprised how our experienced medical men who advise the Health Minister could tolerate this. One good thing about the medical profession is this: advertisement of any form is tabooed; it is not allowed; it is looked down upon with contempt; it is not only that they take legal action. If a person advertises in any form his name can be removed from the medical register. Of course, in India, unfortunately, severe notice is not often taken of this, but, here and there it occurs. Still, I must say that the medical profession, with a few exceptions here and there, maintains that high standard of looking down on advertisements in any form. So, here is an astounding concession to the registered medical practitioners who can advertise: "Doctor so and so: here you can have the drugs for maintenance and improvement of the capacity of human beings for sexual pleasure, or the correction of menstrual disorder in women (thereby meaning abortion)." This is highly objectionable. It is not a concession to the medical profession; I think it is an insult to the medical profession because this Bill which is to become an Act can permit medical profession to lower themselves to this level. There is the Medical Council Act, and I am sure the Medical Council would

not tolerate any of this nonsense. Why should the Government go out of its way and welcome or induce—I do not say, seduce—medical profession to give such advertisements.

Mr. Chairman: Is the hon. Member referring to sub-clause(a)?

Dr. Rama Rao: Yes. I want its omission completely because it is an insult to the medical profession which is not called for.

Then, I want to refer to some of these foreign advertisements and foreign drugs. We had that wonderful drug Okasa or Osaka for rejuvenation. There is a clause which says that under the Sea Customs Act you can prohibit it if the Government declare that under the Sea Customs Act, a particular advertisement or a particular magazine is tabooed. Before the Government publishes this in the gazette the book is all over the country and people would have read it. I am not going into details, but when they frame the rules, I think the Government will take this into consideration and frame necessary rules to prevent, not only Indian advertisements in Indian papers, but foreign advertisements in foreign papers and journals which come into India.

Lastly, Sir, with great reluctance, I must give you a few samples of these advertisements. I cannot read them completely—in fact, the most important words I will have to omit—in view of the presence of our lady Members. In all Indian language papers or magazines—not the high class dailies, but specially the cinema magazines and other cheap magazines—you see any amount of this dirty stuff. There is an advertisement here for Kumari Pills with an attractive picture offering assistance to *Kumaris* who have missed their menses. Now, our friend Mr. Gadgil is here and his name comes into an advertisement. This comes under the

heading 'Family Planning'. If it is for Birth Control medicine for life, the cost is Rs. 55 and for two years Rs. 20. In fact, the advertisers are very mischievous. Here is an advertisement of a book on the subject which says:

"Appreciations from Pandit Jawaharlal Nehru, Shri K. M. Munshi, Shri Gadgil and others".

Of course, the Home Ministry is not here.

Shri D. C. Sharma (Hoshiarpur): I think the hon. Member is sorry that his name is not included there.

Dr. Rama Rao: I am not sorry that my name is not included. Though I am not practising, I have the honour to belong to a profession which looks down with contempt on every form of such advertisements.

As I told you, I cannot read the whole advertisement.

Mr. Chairman: It is better to avoid it.

Dr. Rama Rao: They are unreadable and un-mentionable. There is one Royal Oonim which is not a temporary stimulant but for gradual and complete rejuvenation for old people. No, there is another advertisement:

"Every night an astonishing... and so on".

Many of the hon. Members of the House are married people. There is an advertisement "How to be happy though married". The Home Ministry must take specific notice of these 'daringly illustrated advertisements'. Please note the word 'daring'; of course, it is daring on the part of the advertiser to advertise such things. Now, here is something within quotations "held not to be obscene" in a recent judgment given in our favour in the Bombay Court. He does not say in which Bombay Court this judgment was given. Anyway, the Home Ministry must look into this and take severe action on such things.

Mr. Chairman: That comes under the obscene advertisements.

Dr. Rama Rao: Anyway, the Home Ministry is spending a lot of its time on these things....

Dr. Suresh Chandra (Aurangabad): May I know the name of the paper?

Dr. Rama Rao: I do not want to advertise.

An Hon. Member: You must mention the name of the paper.

Dr. Rama Rao: The name of my hon. friend Shri Gadgil appeared in *Hindu*. The other advertisement appeared in *Blitz* and one in *Kerala Kaumudi*.

An. Hon. Member: What about the 'daring' advertisement?

Dr. Rama Rao: That is given by one company which has a foreign name—Messrs. Hering and Kent.

Now, there is another one, "Menso", "speedily clears out stopped menses of any cause, at any stage". This is an outright invitation for people for criminal abortion. Then, there is this advertisement:

"Delayed a period? Don't be sorry, here I am".

Of course, these sort of advertisements, every hon. Member reads. I will give one more instance.

Mr. Chairman: It is not necessary to elaborate.

Dr. Rama Rao: In fact, all the hon. Members agree on this, but this I must read fully:

"'Lama' Pills, Tonic for which, mic Manhood, from origi^{al} pose. The cipe of Tibetan Lamas"—day—I read ordinary Lamas. ed a school would request

As I told you, we m^{ust} for Ministers for small mercies. udy the principles of trash will be re^{ad}erwise, our coun- papers and I we^{re} grave danger of hope that Gov^{ernment} as rules and laws to frame r^{ules}, about what we should at we should eat, what as we should use, what we

Mr. Chairman: Before we proceed, I would like to make an appeal to the Members that they should be as brief as possible. It appears that there is not much of an opposition to a Bill of this kind. The subject matter is such that the evil is known to everyone and we will be saving some of our time which might be profitably spent on consideration of certain other Bills. Therefore, I would request the hon. Members not to repeat the same things over and over again, or quote any more advertisements or such other things.

Shri Dabbi (Kaira North): Sir, I rise to support the motion for consideration of this Bill moved by the hon. Health Minister. I specially welcome this Bill because while I was a Member of the Bombay Legislative Assembly, I myself had moved a Resolution requesting the Government to prohibit such obscene and objectionable advertisements. I do not want to dilate upon these things, but still I want to bring to your notice some of the ways in which these advertisements are being given. The objectionable advertisements which are being published in various newspapers and periodicals fall into two or three categories. The first category of advertisements are those which deal with magic remedies, Talismans; *Kavachas* and others.

Then, as my hon. friend Dr. Rama Rao said, there is another category of advertisements dealing with so many other drugs which are so obscene that anybody could be ashamed even reading those advertisements, let alone taking any of them. I would mention a few of these advertisements: "Man-power to the medical power oil"; "Man-power is an insult to the pleasure of married women because this Bill will be interesting advertisement which is obscene and will lower themselves's heading: The heading is 'Man-power to the medical power oil'." There is the Medical Council's advertisement: "Man-power to the medical power oil." I am sure the Medical Council know what advertisement is.

The man who has given that advertisement says in that advertisement that one woman was beating her husband because he was not able to satisfy her sexual pleasure. That man used this medicine, or drug, and then he was able to satisfy her sexual pleasures. Not only should such advertisements be banned, but the newspaper and periodicals which publish such advertisements should not be allowed to exist.

There is yet another category of advertisements which are merely bogus though they are not outwardly obscene. They are meant for deceiving gullible people. I would give only one or two examples. This is what one of the bogus advertisements regarding the bogus and spurious drugs says: "By using this tonic, old people become young and weak people become strong and ugly people become beautiful." Another such advertisement says: "By using this incomparable oil, white hair becomes black in a moment and continues to be black for 50 years."

Shri R. K. Chaudhuri (Gauhati): On a point of information. May I ask if the hon. Member can tell the House that all these advertisements have invariably proved false and that they have not done any good anywhere?

Shri Dabbi: The hon. Member may have better experience and he may explain these things. So, I am of the opinion that such advertisements should be completely banned: not only banned, but deterrent punishment should be given to the givers of those advertisements as well as to the publishers of those advertisements. I am going to move one or two amendments stating that such offences should be punished not only with fine but with imprisonment also. When I move my amendments, I shall try to explain how my amendments are absolutely necessary to curb such anti-social acts. I again wholeheartedly support this Bill.

Shri C. R. Narasimhan (Krishnagiri): Various opinions in favour of the Bill have been expressed, and therefore I am surprised that we here and the community have been tolerating this kind of evil for such a long time. The Bill has come not a day too soon. I have to make one or two remarks, and I shall be very brief. It is not enough if the Bill is made into law and put on the Statute-Book. My appeal to the Ministry is that the law should be enforced with the greatest vigour. There are some loopholes that have to be removed. There are certain classes of advertisements which come as marginal cases. Those advertisements recommend certain booklets to the readers, and the public. The booklets are very bad. They are very objectionable. Therefore, where advertisements advertise booklets which are bad, then, even those advertisements should be stopped. That is my appeal to the Minister and I hope the Minister will look into this aspect also in due course. I hope I have made my point clear. It is generally felt that only the village folk and the illiterate are the victims of such advertisements. It is not so. Even the literates have now become victims through the newspapers. Not only the ordinary newspaper-reading public, but also those who read English newspapers, very popular English newspapers, very respectable ones, sometimes succumb to these advertisements. If the advertisements are written in very good English,—and they are clothed in pseudo-scientific language—even the wary are liable to be deceived.

Dr. Rama Rao quoted a story. I venture to relate another astounding story which was also published in the newspapers of those days. A few years ago, when the Father of the Nation passed away, a fraudulent gentleman in Madras promised that if he was given chance he would bring the Father of the Nation to life. Some rich, well-known people, in their affection for the country, just thought that it should be tried. So, that man was brought in a plane to the city

of Delhi and was asked to try his chance. But that gentleman said that if the body was cut to pieces and some rituals gone through, he could bring the Father of the Nation back to life. That was too ghastly, and therefore, for that reason,—a rational reason—the man was sent back. But there were persons to bring him by plane to Delhi. The story was published in the newspapers and such astounding things took place. So, it is not only the illiterate and the village-folk that fall a prey to these things but even the literate, the English-reading public, become victims, particularly when it is clothed in a pseudo-scientific language. I am glad that the Bill has been brought up, and I hope the loopholes will not be allowed to weaken the Bill.

I also learn that even the Press Commission tried to arrest, at this early stage, without the Bill, this kind of advertisements, but that they never succeeded. I hope that the Bill, when made into law, will act as an incentive even to the newspapers not to give such advertisements.

Shri R. K. Chaudhuri: I want to oppose this Bill.

Shri Khardekar (Kolhapur cum Satara): I welcome the idea behind the Bill. I think the idea is to protect the innocent from being duped, or, in a wider sense, to substitute reason for superstition and blind faith. Nothing is dearer to my heart than this. But these objectives should be secured only by education and adequate propaganda. To bring this about by legislation is a thing which, of course, I stoutly oppose. The Prime Minister, the other day—I read in the newspapers—started a school for administration. I would request him to start a school for Ministers where they would study the principles of legislation. Otherwise, our country faces a very grave danger of going totalitarian as rules and laws will be made, about what we should drink, what we should eat, what medicines we should use, what we

[Shri Khardekar]

must read, and ultimately how we should think. This is a very grave danger, which the country is facing. The twentieth century is an age of advertisements, and to prohibit advertisements, I think, is to be reactionary. It is surprising that this Government should try to prohibit magic remedies. Ingratitude, as you know, is the worst sin, and the Congress Party, suffering from the disease of unpopularity some time ago, found a magic remedy in the personality of Pandit Nehru, and therefore, it revived. May I refer to the Health Minister's utterances during her election career? She said, "people will and must vote for me, because Panditji likes me"—she used a stronger word, but I am using only a mild word. This is trading in the blind faith and the hero-worship that the people have for somebody else. You can talk about yourself, and you can talk about the principles of your party, but to utilise the popularity of some great person, I think, is a misleading advertisement.

Rajkumari Amrit Kaur: I deny the allegation that has been made by the hon. Member, with all the emphasis at my command. It is utterly untrue.

Shri Khardekar: I shall try to find out the reference. (*Interruptions*).

Mr. Chairman: Order, order. I think it will be better if hon. Members would avoid references to other hon. Members.

Shri S. S. More (Sholapur): He is now talking about magic remedies.

The Minister of Law and Minority Affairs (Shri Biswas): Is it in order to refer to these things? What has that got to do with magic remedies or magic drugs?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): He is under the influence of a magic drug. (*Interruptions*).

Shri Khardekar: I come now to the main point. First of all, if misleading advertisements were to be prohibited, I do not know how many election speeches, election manifestoes and programmes would really be allowed without being prohibited, because all of us—not any particular party—certainly paint a very bright picture, an ideal sort of thing, that may not be true to facts.

Let me now come to the next point, namely, how in practice this Bill will prove dangerous. We have shockingly inadequate medical aid in this country, and only about ten to fifteen per cent. of the people get this help. Let me give one particular instance. Let us take the case of snake-bites. We know in this country there are only about four or five types of very dangerous snakes; several snakes are not dangerous. For dangerous snake-bites, I know that the serum given by the Haffkine Institute is adequate, and perhaps the only remedy, but there are hundreds of cases where people get bitten by snakes which are not so dangerous or so harmful, but yet they get extremely nervous. We have to understand the human mind. If he were to know that nobody is allowed to treat this, or if he has a certain help from somebody, but that help is not available to him, perhaps, he may very likely die. This, I believe, is a very dangerous thing.

We must not forget that the East is full of mystery, and this land, particularly, is a land of saints and yogis, and there are many things which even science may never be able to explain. We are rather old-fashioned, I know.

I come to another point, and that is credulity or faith. Faith can move mountains, and even in the case of allopathic medicines and the best of modern treatment, if a patient has no faith in it at all, I do not know whether in all cases, it would be as adequate, as we would expect. Cre-

dulity is a very important factor. In our childhood, it is with credulity that we read the stories from the *Ramayana*, the *Mahabharata*, or the *Panchatantra*, or read about Jack the Giant Killer, Cinderella, Father Christmas and so on. They have all moulded our life—it is not that they were true. So, credulity presupposes imagination, and I think that should not be ignored. After all, the difference between credulity, faith and reason is a difference of degree, and really we cannot do without them.

11 A.M.

Coming to certain advertisements in regard to old men being rejuvenated or getting younger, I do not know what wrong is there, because they create some sort of hope at least for some people that their youth might be revived. Looking to the newspapers, I feel, because of the political propaganda and other things, sometimes reading certain advertisements is an interesting interlude. And reading about marriage proposals, divorce notices and so many other things makes life a little more interesting.

Coming to my own amendment, particularly, where I have stated that the prevention of conception should not be prevented, we should know in this country the problem of all problems is the problem of overpopulation. If Government are not doing anything that ought to be done, and the scientific attitude of our hon. Health Minister is cowed down, as I said the other day, when it faces the question of family planning, then, if some people are able to produce the effect by some other means, I do not know why that should be prevented.

[PANDIT THAKUR DAS BHARGAVA in
the Chair]

Of course, abortion, if it is intentional and deliberate, although it might mean: love's labour lost, should be

prevented, because it amounts to murder. But this prevention of conception should not be prohibited. That is my humble submission.

Shri R. K. Chaudhuri: Our people are lost in admiration for the activities of the hon. Health Minister. Her concern for the health of the people, consigned to her care, is admirable. Even a remote village in Assam has got the benefit of attention from her, for a maternity home. People in my part of the country are anxious to see Rajkumari Amrit Kaur, and I had invited her also to visit my place, but perhaps, she is not very much willing to have the rustic reception which my poor State will offer her.

But my admiration for her and her activities in the Health Ministry should not prevent me from speaking frankly on this Bill. This Bill should be considered from two points of view. The first is that the object of the Bill is to prevent the use of objectionable drugs and magic remedies. But how are you going to prevent it? You are going to prevent it merely by stopping the advertisements of such drugs and magic remedies. This is the only thing that you have suggested in this Bill, but you are taking no further action to stop the mischief of the use of these drugs. To that extent, I consider this Bill to be innocuous.

I consider this Bill to be mischievous in one respect, in this age, when scientific inventions are changing daily and from time to time. For instance, at one stage, penicillin was stated to be the only remedy, but subsequently, it was stated that there were some other remedies which were much better than penicillin. But in this country, we have for long depended upon these drugs and magic remedies.

Take, for instance, the case of venereal diseases. Before this new injection was invented, the large mass in the country had to resort to country-medicines, and a good percentage of them got cured also. Are you going to prevent the advertisement of medicines of that kind?

[Shri R. K. Chaudhuri]

Again, take the case of the prevention of child-birth. In our society now, young as well as old women do not blush at all in advocating birth-control. In this House also—the hon. Minister will excuse my saying so—this Bill has been ushered in by a woman, and the main burden of this Bill is sexual consumption and the outcome thereof. I say that is a good sign of the times.

Certainly we must come out openly. In former days when a person was suffering from a venereal disease, he used to conceal it and have resort to other country medicines, just concealing it. Now, what I am going to ask the hon. Minister is, how far will this Bill be able to bring about a practical result. Take, for instance, the case of advertisements of medicines giving sexual vigour. Can anybody rue that these medicines do not actually provide sexual vigour? Then why are you stopping that advertisement? How can that advertisement be stopped. You have to have an analysis of the ingredients of that medicine and then come to the conclusion that its advertisement should be stopped. This is not a practical thing. The whole thing should be left to the good sense of the people to use it or not to use it. I feel very much tempted when I see an advertisement in an almanac. An old man after taking a little medicine gets strong and fights with a tiger or lion. If I am a man of good sense, I will not naturally be carried by that. But I can try. You cannot prevent me from trying that, and getting a last chance. This may prove efficacious.

So I submit that this is not the way of curing the malady which is spread all over the country. Nobody can say that these medicines do not take effect. Take, for instance, magic remedies—I do not say so much about the magic remedy, but I say about the *mantras* and *pujas* and things of that kind. I know of the case of a man of position who had no children after 13 years of

marriage. That gentleman took remedies from some one in the Kama-khya temple and actually after 13 years, he had a male child. (*Interruption*). No medicine, but application of this magic remedy. Now, if I advertise that fact, will you prosecute me for that? I know it personally and I can prove it even now. The parties are alive. So when you say that this is not a remedy, this remedy would not be successful, of what use will it be to bring about a legislation of this kind?

Now, take another instance. I can produce a man who actually is an expert in setting bones. He does not know many medicines. He just gives some herbs and he actually sets bones which a doctor has failed to set, in cases of fracture and things of that kind. Now, will you stop that advertisement? I can bring that man to you, and shall give a demonstration that bones can set by that man in cases where doctors have failed to do.

These are all Assamese medicines. If you get pain all over the body, then he will utter an incantation and the pain will accumulate in a particular place and there will be a something like a boil there and then if you puncture the boil, the entire pain will go. These are things which are going on.

Now, take for instance, the case of pneumonia. Pneumonia about twenty years back was considered to be a very serious disease. Now penicillin and things of that kind are used, and pneumonia is somewhat under control. There is a man in a place called Mayang in the district of Nowgong in the State of Assam, which is noted for magic, witchcraft and things of that kind. He used to give a pill and if it could be used in time, nobody would die of pneumonia. These are things which respectable people know and have used. Take, for instance, the case of dysentery. Our country is full of dysentery. No doctor can reach them. There is a medicine for dysentery which, if

used, would cure dysentery on the second day. All these things are there.

So I say that this Bill ought to have come, say, after ten years when you have had sufficient experiments on different kinds of drugs. In this connection, I am thankful to mention one thing. I have given the hon. Health Minister some of our country medicines and she has ordered them to be analysed and examined in laboratories here. She has already done that. This Bill should have sometime after everything, every method has been examined to see and find out whether the existing country drugs are good or not.

Since this is a Bill in which sexual matters have been brought up for discussion, I think I should mention to the hon. Health Minister—I am finding fault with her—that in this instance at least she has done nothing in this country to check the transformation of sex. Women are becoming men...

Mr. Chairman: Order, order. I doubt very much whether the thing that my friend is referring to comes within the scope of this Bill. Therefore, I would request him not to bring in matters which are extraneous to this Bill.

Shri Biswas: It is by a magical remedy that this can be accomplished.

Shri R. K. Chaudhuri: Are you disallowing it on the ground of indecency?

Mr. Chairman: So far as the Bill is concerned, it has nothing to do with the transformation of sex.

Shri R. K. Chaudhuri: I hope the hon. Health Minister will be taking steps in this country also. In other countries clinics have been established. When a man begins to feel that he has some symptoms to indicate that his sex was not the real sex, then in other countries the man is admitted to a clinic and an examination is carried on. After a short time, an operation is conducted and

thus this painful period of the transformation is got rid of. This transformation of sex is dependent on psychology. When women begin to think that they are equal to men and that they can replace men in this world that psychology brings about a transformation of sex, and active steps ought to be taken by the Government of the country to stop that, unless, of course, we wish that every woman should become a man and that there is no scope for women—in which case it is a different thing. When you do not wish it, then steps should be taken, really and seriously taken. (*Laughter*). I submit that this is not a laughing matter; it is a serious menace. In Europe and Japan, you daily hear of such instances. I must tell the hon. Health Minister that care should be taken when symptoms appear. Before the transformation takes place, the symptoms are that a man eagerly associates with women only; he feels shy about mixing with men. I have read that in books; it is not imagination. The signs are his readiness, and willingness to associate with women. I have known personally of two or three instances in which they mix only in the society of women and shun the society of men. Ten years ago or fifteen years ago if I had discussed birth-control here, everybody would have cried 'shame' on me. Now, I am discussing this matter, this vital matter—the great menace, at least, to the male human beings. If you are indifferent to this, then it would be criminal, I should say. Steps ought to be taken and information ought to be collected. Will the hon. Health Minister be able to tell me whether there is a single instance in India of transformation of sex, female into male?

Rajkumari Amrit Kaur: How is this relevant to this Bill? I would like to know. If the hon. Member wishes to draw my attention to anything of this nature, he can do so, but not as arising out of this Bill.

Shri R. K. Chaudhuri: I could not follow the hon. Minister. If the hon.

[**Shri R. K. Chaudhuri**

Health Minister would give me an assurance that she is going to take steps, then I will sit down. I will then know that she is taking steps to prevent women becoming men.

Mr. Chairman: No question of any assurance arises as the matter is extraneous to the Bill.

Several Hon. Members rose—

Mr. Chairman: We must finish this Bill by twelve o'clock. There are also two other Bills. Four hours are allotted to all these Bills. According to the time-table, I am afraid there is no time left.

Shri M. S. Gurupadaswamy (Mysore): I will take only five minutes. Sir.

Several Hon. Members: Each five minutes.

Mr. Chairman: Each five minutes means a lot.

Shri Raghunath Singh (Banaras Distt.—Central): Four minutes, Sir.

Shri S. S. More: It is a very important measure and it has some implications. I appreciate the motive with which this Bill has been conceived and delivered here. My point is this. There are so many Bills which stand in the name of the hon. Health Minister. Take, for instance, the Food Adulteration Bill, which has already been referred to a Select Committee and the Select Committee has reported. I do not understand why priority should have been given to this sort of Bill while that other Bill is kept in the limbo of oblivion.

The other point is, is there any machinery with the Government by which they can come to a definite and final conclusion that a particular drug or remedy is a magic drug or remedy? In the Food Adulteration Bill, a sort of apparatus is provided by which Government can test a particular article of consumption and come to a definite conclusion with

the aid of science that that particular article of consumption has been adulterated. On such a final conclusion, a man can be prosecuted and punished. What is the apparatus provided for the purpose of implementing the provisions of this particular Bill?

Take, for instance, clause 3.

"Subject to the provisions of this Act, no person shall take any part in the publication of any advertisement..."

Now, the word, 'publication', you know, is a very technical expression. The word 'advertisement' also is capable of so many interpretations. Even advertisement by lights is an advertisement within the meaning of this. Supposing an electric company is supplying power to different persons and that power is utilised by some person for the advertisement, then, according to the technical and strict interpretation of some of the clauses, even that electric company will be liable to the charge of participating in the advertisement.

Take the case of newspapers or newspaper proprietors. How are they to know that a particular advertisement about a particular drug or medicine is an advertisement which shall be held to penal under this particular measure? What is the procedure which they can follow to satisfy themselves that a remedy proposed to be advertised is not a remedy held to be pernicious under this particular measure? If Government are out to create new offences and punish those offences, they must also afford to the people sufficient securities by which they can keep themselves away from the undesirable ambit of the offence. There is no such safeguard. Therefore, my submission is that though the motive is laudable, there is nothing to safeguard people. I know that particularly illiterate persons who come from distant places where no medicine is

available are the first victims. Illiterate persons and persons who have passed a certain stage of age require some stimulus and they go in for these. We can easily imagine the plight of advancement of age. How are we to know that a particular medicine will come under this Act? If we recommend to a friend some medicine, it will be a sort of advertisement. My submission is that there ought to be set up some apparatus. I do not believe in incantations which just look like magic. But every new remedy, due to novelty, looks like magic. When Mahatmaji started the Dandi march, the British pooh-poohed that idea and said, 'O! this old man is starting with his batch of faithful disciples; it is not going to stir the whole country'. But it worked like magic and galvanised the whole country tremendously so that the foundations of British imperialism came to be shaken. I need not give several instances. Take for instance, artificial insemination. Who would have thought when it was first discovered, that it would be a success!

I do not want to take much of the time of the House, but I sincerely request the hon. Health Minister to point out what is the apparatus by which it can be definitely known that a particular drug is a spurious drug, that it is a magic remedy. I am a rational being; I do not believe in *mantras*. But, I am told that in Ratnagiri there are some persons who recite *mantras* and cure the worst snake-bites, they call back the snakes and the snakes come and suck back the poison.

Shri M. D. Joshi (Ratnagiri South): For my hon. friends information I would say there are no advertisements in Ratnagiri of this nature.

Shri S. S. More: That is a proof of the backwardness of Ratnagiri. For the benefit of the public such medicines will have to be advertised. If they are not advertised, it cannot be a reason for the passing of this Bill.

Shri M. D. Joshi: They consider it a sin to advertise it.

Shri S. S. More: That is another proof of their being backward. If there is some efficacious remedy and the person who is in charge of that remedy does not give the advantage of that remedy to the world outside and thinks that advertisement is a sin, then he himself commits a sin against the public which suffers from that malady, I am not, a believer in *mantras* but I won't summarily rule them out. There are so many things in Nature, which we do not imagine to be correct. Life is, on occasions, more strange than fiction. So, I would say, as far as this measure is concerned, there is no apparatus or machinery which has been provided by the Health Minister by which persons, particularly newspaper proprietors or others who accept advertisements, shall be protected. There will be no remedy for them. From whom are they to secure a certificate? There is no machinery by which they can be safeguarded from the penal clauses of this measure. I would earnestly request the Minister to set up an apparatus by which we can find out whether a particular thing is magic or not.

Shri M. S. Gurupadaswamy: I want to speak a few words from the point of view of the Press. Except Mr. More, no Member posed that question. Even Mr. More did not elaborate on implications of this Bill, in so far as it affects the Press in general. Advertisement is the main source of income for papers and magazines. I submit before I refer to my point that the object of the Bill is laudable. I have no dispute about it but I submit that the method adopted by the hon. Minister is not the proper method.

In this connection, I wish to say that it is very difficult for the Editor of a newspaper or the Advertisement Manager to know which drug or remedy which comes for advertisement is good or bad. He is not an expert. As a journalist, I know when

[Shri M. S. Gurupadaswamy]

advertisements flow into the Press, there is no machinery in the Press itself to evaluate the efficacy of a particular medicine.

Mr. Chairman: The efficacy of a particular medicine need not be gone into in reference to Clause 3. The words are clear. They are—

“suggest or calculated to lead to...”

The efficacy is not in question.

Shri M. S. Gurupadaswamy: It is very difficult for the Advertisement Manager or the Editor to know whether a particular drug or cure that comes for advertisement is really good or bad.

Mr. Chairman: As I have already pointed out, so far as section 3 goes it has nothing to do with the efficacy of the drugs. It has nothing to do with the fact whether it proves useful or otherwise.

Shri M. S. Gurupadaswamy: It is subject to section 4 which says that if an advertisement gives a false impression or makes a false claim for the drug, such advertisements should not be published as they are objectionable advertisements. Moreover, there is another point that should be considered in this connection. The Press Commission will be submitting its report very soon and I understand that one of the objectives of the Commission's enquiry is to draw up a model advertisement code for the Press. As it is coming very soon, it would have been better to wait for that report and act on it later. There is another factor which is vitally important. This Bill tends to make an inroad not only into the revenues of the Press but also makes an inroad into freedom of the Press. I would draw your particular attention to section 8, according to which—

“Any person authorised by the State Government in this behalf may, at any time, seize and detain any document, article or thing

which such person has reason to believe contains any advertisement which contravenes any of the provisions of this Act and the court trying such contravention may direct that such document (including all copies thereof), article or thing shall be forfeited to the Government.”

Under this section, an officer may enter the premises of the Press and take over the entire papers and periodicals published by it. So it not only makes an inroad into the revenues of the Press, but also stifles the freedom of the Press. The objective is laudable—we all appreciate the objective for which the Minister is piloting the Bill—but I would say that the method adopted by the Minister in bringing the Bill is not at all proper or good. The best thing would have been, according to me, to have a comprehensive Press Bill on the basis of the report of the Press Commission. This Bill is not a comprehensive one and moreover, as I pointed out it indirectly takes away certain liberties of the Press. If you look at the newspapers these days, of course you find shameful, low-class, abominable and disgusting advertisements appearing in them. They are dangerous to society and should not be permitted. There should be some sort of restriction and penalties should be imposed on advertisements of such a nature. Revenue is not the only thing that the paper should look to. There is another aspect, which is more important, and that is the general morality and education of the country. While advocating for the implementation of the objective, I say it would have been better to include all these provisions in a comprehensive Press Bill. If you look at the Bill, you see that it refers to advertisement only and does not refer to the manufacture of the drug or other things. This means it refers to the Press mostly. I would suggest that this independent Bill would not have been necessary and that a more

comprehensive Press Bill, in which other things also could have been brought, should be introduced in the House. I feel that the Bill in the present form cannot be supported on the ground that it will make a positive inroad into the liberty of the Press

Moreover, there is another observation which I shall make and that is in regard to section 7, which says that people, who violate the provisions of this Bill, will be sentenced to imprisonment for a period of six months or be punishable with a fine etc. The amount of the fine is not indicated here. This amount of punishment will not in any way act as a sufficient deterrent on culprits. I do not in any way plead on behalf of the Press people that they should be exempted from rigorous punishment. They must be punished, if they go wrong, but on strong grounds. Even the Minister does not know which remedies are proper and which not proper, and again so much of superstition exists in this area. I would suggest, therefore, that the Bill may be deferred to a future day and, the objective being laudable, all the provisions of the Bill, with suitable amendments, may be included more appropriately in a Press Bill which may be introduced later.

Mr. Chairman: Shri Raghunath Singh.

Shri Nand Lal Sharma (Sikar): Please give me only two or three minutes to speak on the Bill.

Mr. Chairman: I am sorry I cannot. The hon. Minister has to reply after the hon. Members have spoken and there is not much time left.

Shri Nand Lal Sharma: I wish to bring out a point of view which has not been expressed so far.

Mr. Chairman: But the hon. Member stands up so late. I am calling only those Members who stood up first.

Shri Nand Lal Sharma: I am standing up so often.

Mr. Chairman: I am sorry I cannot allow him now to speak.

श्री रघुनाथ सिंह : सभापति जी, मैं हेल्थ मिनिस्टर साहिबा को बहुत घन्यवाद देता हूँ कि उन्होंने इतना सुन्दर विषयक यहाँ उपस्थित किया। मैं कुछ बातें आप के सम्मुख मौजिक के सम्बन्ध में उपस्थित करना चाहता हूँ। हमारे यहाँ उत्तर भारत में और दक्षिण भारत में एक मौजिक होता है। साउथ में उसको शक्तिबिंदी कहते हैं और उत्तर भारत में उस को हौवाना कहते हैं। स्त्रियां कभी बड़ के पेड़ के नीचे कभी पीपल के पेड़ के नीचे इक्ठ्ठी हो जाती हैं या किसी साधू या महात्मा आ गये तो सैंकड़ों की तादाद में स्त्रियां बैठ जाती हैं, बाल खोल लेती हैं। और हौवाने लगती हैं। इससे यह माना जाता है कि उसका रोग अच्छा हो जायगा या व्याधि अच्छी हो जायेगी। कभी कभी स्त्री को कोई कुछ पीने को देता है लेकिन उस से उस का रोग अच्छा नहीं होता बल्कि उसका स्वास्थ्य दिन प्रति दिन खराब होता जाता है और कुछ दिन बाद उस का देहान्त हो जाता है। इस प्रकार की जो चीजें हैं या जो साधू फकीर आदि इस प्रकार से घूमा करते हैं और डुंगी पीटा करते हैं कि हमारे यहाँ स्त्रियां आयें और उनके सब रोग अच्छे हो जायेंगे। मैं समझता हूँ कि इस पर भी रोक होना चाहिये।

दूसरी बात यह है कि वशीकरण मंत्र और सम्मोहन मंत्र वगैरह का भी बहुत एंडवर्टाइजमेन्ट होता है। वशीकरण मंत्र और सम्मोहन मंत्र में यह होता है कि आदमी कहते हैं कि फनां स्त्री तुम्हारे पास आ जायेगी, या जिस स्त्री को तुम स्नेह अथवा प्रेम करते हो वह तुम्हारे पास आ जायेगी। इस प्रकार की बहुत सी चीजें हैं। और बहुत से लोग

[श्री रघुनाथ सिंह]

भोलेभाले आदमियों को परेशान करते हैं और साधुनामधारी लोग और फलीर लोग उन से फायदा उठाते हैं।

साथ ही साथ आजकल अगर आप हिन्दी और उर्दू के अखबारों के एडवर्टाइजमेंट देखें तो गर्भपात के विषय में अजीब अजीब एडवर्टाइजमेंट देखने में आते हैं, कि इस चीज के खाने से गर्भ नहीं रह सकता, गर्भपात हो जाता है। और मैं आपको बताऊँ कि किस प्रकार से होता है कोई प्रेग्नेन्ट स्त्री, गर्भवती स्त्री इसका सेवन न करे अन्यथा गर्भपात हो जायेगा। कहते क्या हैं कि इस दवा से मासिक धर्म ठीक से होता है, लेकिन एडवर्टाइजमेंट में दिया जाता है कि गर्भवती इस का सेवन न करे नहीं तो गर्भपात हो जायेगा। इसका मतलब यह हुआ कि जिस स्त्री के पेट में बच्चा है अगर वह इस दवा का सेवन करेगी तो गर्भपात हो जायेगा, उस के पेट का बच्चा गिर जायेगा। पर वह एडवर्टाइजमेंट इस तरह से दिया जाता है कि वह कानून की धारा के अन्दर न आये। इस प्रकार से आज कल हिन्दी और उर्दू के अखबारों में एडवर्टाइजमेंट आते हैं कि मासिक धर्म ठीक से होने लगेगा। अगर मासिक धर्म बन्द हो जाये और पेट फूले तो वह खत्म हो जाय। अर्थात् किसी स्त्री का मासिक धर्म बन्द हो जाय तो बताई हुई रीति से वह खुल जायेगा। यह भी वही चीज है कि जिस प्रकार से अगर किसी स्त्री के पेट में बच्चा हो तो उस की हत्या हो जाय।

इसी तरह से कामिनी सम्मोहन का भी एडवर्टाइजमेंट होता है। कामिनी सम्मोहन के प्रयोग करने से कोई भी स्त्री वश में हो सकती है। अब चाहे स्त्री वश में हो जाये या नहीं लेकिन इस प्रकार के एडवर्टाइजमेंट होते हैं। इसी तरह से कामिनी सम्मोहन,

कामिनी मदन बटी, कामिनी सम्मोहन बटी और साथ ही साथ सेक्स से सम्बन्धित चीजें हैं उन सब के एडवर्टाइजमेंट होते हैं। इन को सब से पहले बन्द करने की आवश्यकता है। इसी तरह से सफेद दाग के लिये कहते हैं कि सफेद दाग की बीमारी सात दिन में नहीं रहेगी। दूसरा एडवर्टाइजमेंट है श्वेत कुष्ठ की अद्भुत जड़ी। हमारे यहां हिन्दुस्तान में जितना श्वेत कुष्ठ है वह सब तीन दिन में आराम होता है। इसी तरह से सफेद बाल काला करने के और मधु प्रमेह के एडवर्टाइजमेंट हैं। मधु प्रमेह पांच दिन में आराम होता है। और उस एडवर्टाइजमेंट में यह रहता है कि अगर सफेद बाल काला न हो या श्वेत कुष्ठ अच्छा न हो तो रुपया वापस। आप मुकदमा दायर करके रुपया वापस ले सकते हैं। आप वकील हैं और समझ सकते हैं कि कौन तीन रुपये की औषधि के लिये मुकदमा दायर करेगा और किस तरह से वह रुपया वापस लेगा। यह चीज असम्भव है। एक चीज और है मोतियाबिन्द। हमारे यहां हजारों आदमियों की आंखें इन औषधियों से नष्ट होती हैं। रेलों में अक्सर यह दवा बेचने वाले चलते हैं। मैं ने कई बार रेलवे मंत्री श्री लाल बहादुर जी से और श्री अलगेसन से प्रार्थना की है कि वह इनका रेलों में चलना रोकें। यह लोग कहते हैं कि हम दांत अच्छा करते हैं, आंख अच्छी करते हैं। वह लोगों की आंख में औषधि डाल देते हैं और उन के दांत तोड़ देते हैं। और बेचारे देहाती अपनी आंखें खराब करा लेते हैं और अपने दांत खो देते हैं। इसलिये मेरा कहना है कि सिर्फ एडवर्टाइजमेंट पर ही नहीं बल्कि इस तरह के दवा बेचने वालों पर भी कुछ न कुछ बंधेज होना चाहिये। आप वकील हैं। आप जानते हैं कि किस तरह ये लोग अदालतों में लोगों को दवायें बेचते

हैं। ऐसे लोगों के चारों ओर पचासों आदमी जमा हो जाते हैं और वह कहते हैं कि यह जंत्र ले जाओ इससे अच्छे हो जाओगे। और इस तरह से पचासों रुपया पैदा करते हैं।

मैं इस बिल का समर्थन करता हूँ और आशा करता हूँ कि इसका इतना प्रोपेगेंडा किया जायगा कि जिससे इसके द्वारा जनता का उद्धार होगा।

Rajkumari Amrit Kaur: Sir, I am glad that by and large this little Bill has received the support of a very large majority of this House. I am not going to say very much, except to answer some of the points that have been raised. As far as advertisements are concerned, I have got only a few extracts here which show their appalling nature and so there is no need for me to be enlightened about the types of advertisements that appear. Some step had to be taken to bring this evil to an end. I may say that almost every State—I naturally had to consult the States individually about this Bill—has welcomed this measure. After the measure was passed by the Council of States it has had an extremely good Press also. That should be an answer to my hon. friend who said that I was by this measure intruding on the liberty of the Press. I would ask him for a moment to turn his attention to the type of advertisement that comes under the scope of this Bill. The scope of this Bill, as he will notice, is very very limited. The definition of 'advertisement' given in sub-clause (a) of clause 2 includes "any notice, circular, label, wrapper, or other document, and any announcement made orally or by any means of producing or transmitting light, sound or smoke." So it is not the Press alone that is concerned. I should have thought that Editors of newspapers would be glad if restrictions like this were put on them, so that the standard of their paper may improve and advertisements like this which are derogatory to human

dignity prevented from seeing the light of day.

Now, I have been accused of not having given priority to the Food Adulteration Bill and of having brought this Bill before that. I must in all humility say that I have laid far greater emphasis on the Food Adulteration Bill. But I am not responsible for deciding the priority of business. It is a Committee of the House which decides which Bills should come up first before the House. That allegation cannot, therefore, be laid at my door.

One hon. Member raised the question of foreign drugs. Now foreign drugs are not allowed to be imported without an import licence. So I have a check at my disposal.

In regard to concessions to doctors, it was suggested that the clause relating to it should be eliminated entirely. The reason for exempting registered medical practitioners from the operation of the Act is that after all they are presumed to be sensible people who are interested in the quality of the medicines with which they deal. We have to trust those who have been registered, who have been given the responsibility of propagating the art of healing. If any medical practitioner finds that there is a certain medicine which is efficacious in the treatment of any of the diseases specified in the Bill he should have the right to send it to a laboratory where it can be scientifically tested. Similarly, chemists and druggists should know the properties of a drug before they can undertake its sale. Advertisements confidentially sent to chemists and druggists are meant for the purpose of acquainting them about the nature and properties of drugs in question. I would not mind if the drugs that were advertised possessed the properties attributed to them. But they do not. That is why they are dangerous to health and ignorant people are deceived. Self-medication is a thing that should be tried to be stopped at any cost.

[Rajkumari Amrit Kaur]

As far as doctors are concerned, we can take action against them under the Indian Medical Act. The other point raised was that really the root of the matter is that people go in for drugs which are advertised in this way because we are not able to give the medical aid that we should. In this respect we are trying our best. The report of the Pharmaceutical Committee is awaited and Government will try to undertake the manufacture of drugs in our own country so that they will in due course become cheap and will be available to the public. The Penicillin Factory will begin production this year; the DDT factory also will go into production shortly. So, we are not absolutely idle in this regard.

I also feel that the law should be enforced with vigour, as one hon. Member suggested. At the same time the power to exempt from the application of the Act, will protect all those who, as some Members of the House felt, might be unduly penalised under this Act. Then again there is the power to make rules, under clause 16. Some valuable suggestions have been made as for example in the case of booklets. We shall try to accommodate all useful suggestions.

I think I have answered all the points that have been made in the course of the debate. I would like to thank hon. Members for the support that they have given to the measure and I shall be glad to see it on the statute-book as quickly as possible so that we may begin to take action against this evil.

Mr. Chairman: The question is:

"That the Bill to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith, as

passed by the Council of States, be taken into consideration."

The motion was adopted.

Clause 2—(Definitions)

Mr. Chairman: Now, I shall put clause 2 to the vote of the House.

श्री झुनझुनवाला । (भागलपुर मध्य) :

I want to put a question.

मैं मंत्री महोदय से यह पूछना चाहता हूँ कि यदि हम को किसी दवाई से फायदा हुआ या किसी मंत्र से फायदा हुआ है और वह चीज़ मैजिकल समझी जाती है, मैं यदि इस बात को किसी को कहूँ कि अमुक चीज़ से मुझ को लाभ हुआ है तो क्या मैं इस डेफीनीशन के अनुसार गुनहगार हो जाऊंगा। यह जो इस क्लॉज़ में कहा गया है।

"advertisement includes any notice, circular, label, wrapper or other document and any announcement made orally or by any means of producing or transmitting light, sound or smoke."

तो एनाउन्समेंट के माने हुए कि पबलिक मीटिंग में कहा जाय या मैं कुछ आदमियों से कहूँ कि इस दवाई से मुझ को फायदा हुआ है, या मंत्र से हम को फायदा हुआ है तो मैं गुनाहगार हो जाता हूँ।

श्री आर० के० चौधरी : पार्लियामेंट में इसको कहने से गुनहगार हो गये।

श्री झुनझुनवाला : चौधरी साहब पूछते हैं कि मैं ने यह जो बात पार्लियामेंट में कही, तो क्या मैं गुनहगार समझा जाऊंगा? मेरी समझ में यह बड़ा सीरियस मटर है।

Mr Chairman: In Parliament, you may say anything without incurring any liability. May I know if the hon. Minister would like to reply?

Shri Biswas: My friend's fears are groundless. After all, it is going to be a criminal offence and the offence has got to be proved. If, for instance, somebody simply publishes that will not constitute a penal offence and the definition protects any such person.

An Hon. Member: How?

Shri Biswas: After all, it is going to be an offence; there will be a magistrate who will try and the prosecution has got to prove that the offence has been committed. The first element in criminal offence is criminal intent. In such cases, there is no criminal intent.

Mr. Chairman: May I request the hon. Member to kindly look into this? Supposing a person takes an advertisement fixed on a bamboo in a bazar and in that process he carrying it takes part in the publication of the advertisement without his knowledge. He will be guilty and no question of criminal intent or knowledge will arise.

Shri Biswas: We have got to see whether the advertisement comes within the purview of this Act.

An Hon. Member: That is a different matter.

Mr. Chairman: First of all it must be proved that the advertisement comes within the purview of this Act and secondly that he took part though it may be without any knowledge whatever.

Shri Biswas: That may be so or may not be so, but the advertisement itself must be obnoxious within the meaning of this Act. The case of a person who commits the offence without knowing that he commits the offence is covered by clauses 3 and 4...

Shri Jhunjunwala rose—

Mr. Chairman: There is no question of replying; I am putting the clause to the vote of the House.

Shri Jhunjunwala: I just want to make one more point clear. The hon. Minister has said that in order to prosecute under this Act, there must be criminal intention. If I put an advertisement, I have no criminal intention; I honestly believe that this medicine is going to do good. Therefore, I have no criminal intention in me. It may be that it may not prove good but that is what I believe in. Therefore, I do not know whether this question of 'criminal intention' can come in.

Shri Biswas: The onus of proof will be on the prosecution.

Mr. Chairman: I shall put clause 2 to the vote of the House.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (Prohibition of advertisement of drugs for treatment of diseases etc.)

Mr. Chairman: Shri Dabhi.

Shri Dabhi: I have not given any amendment to clause 3.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.— (Prohibition of misleading advertisements relating to drugs.)

Shri Dabhi: I beg to move:

In page 2, after line 38, add:

"*Explanation.*—The burden of proving that a claim for a particular drug is not false shall lie upon the person making the claim."

Clause 4, as it is reads thus: "Subject to the provisions of this Act, no person shall take any part in the

[Shri Dabhi]

publication of any advertisement relating to a drug if the advertisement contains any matter.....”

Under the ordinary Evidence Act, the burden of proof that a particular claim is false would lie on the prosecution, but we know that these cures and various drugs and the obscene advertisements try to make all claims about efficacies of their drugs, talisman etc. and so they must prove that their claims are proper and they are not false. So, I plead that the burden of proof that the claims they make are not false should lie upon the accused.

Mr. Chairman: Amendment moved:

In page 2, after line 38, add:

“*Explanation.*—The burden of proving that a claim for a particular drug is not false shall lie upon the person making the claim.”

Shri Sadhan Gupta (Calcutta-South-East): Might I speak on the motion— not on this amendment but on the whole clause?

Mr. Chairman: Let me first finish this.

Rajkumari Amrit Kaur: I feel that this amendment is hardly necessary because if an advertisement containing any false matter makes a false claim for the drug and if there is such an advertisement, it should not be a difficult matter for the prosecution to prove that it is false, particularly because the drug is there and it can be tested and information about its in-efficacy in certain matters could be had and that would also be in consonance with the ordinary criminal law.

Mr. Chairman: I shall put it to the vote of the House.

The question is:

That in page 2, after line 38, add:

“*Explanation.*—The burden of proving that a claim for a particular drug is not false shall lie

upon the person making the claim.”

The motion was negatived.

Shri Sadhan Gupta: Mr. Chairman, we have heard high opinions about the policy behind the Bill from all sides of the House. There have been a few opposition voices but they have not been very impressive and by and large, I agree with the hon. Minister that the Bill has been supported.

That is not what I can say of clause 4 of the Bill. Clause 4 of the Bill is positively mischievous. What it seeks to do is this: it says: subject to the provisions of this Act, no person shall take any part in the publication of any advertisement relating to a drug if the advertisement contains any matter which directly or indirectly gives a false impression regarding the true character of the drug and makes a false claim for the drug or is otherwise false or misleading in material.

Now, advertisements are not banned as such. I could have understood if certain advertisements were classed as objectionable and were totally banned. What is sought to be done here is to permit advertisements but at the risk of incurring penalty, if the statements in the advertisements are false. Now, that is an extraordinary thing in criminal jurisprudence. As you rightly pointed out, there is no question of criminal intent here. If the objection happened to be that the advertisement itself was false, makes a false claim or was misleading in any material particular, then the persons would liable to penalty. Now, who are the persons? They are those who take part in the publication. That would cover an infinitely large number of persons. For example, if it was done in a newspaper, it would perhaps cover the person who is in charge of the advertisement section who sends in the advertisement; it would cover the

compositor who composes the advertisement, and it would cover the innocent hawkers who hawk the newspaper. This is a kind of provision which cannot be tolerated. The point is, we know of a gentleman called Draco who lived in ancient times in Athens. He wanted to enforce certain moral codes, but his punishments were so severe that the whole policy recoiled upon him and instead of having the desired result it brought universal condemnation. This Clause of the Bill as at present is quite likely to be a very objectionable engine of oppression upon the press and other persons, and it may be that by reason of this particular Section, the whole Bill itself, which is such an admirable Bill, will be subject to condemnation and regarded as a most repressive Bill by all, by individuals and by the country in general. Therefore, I submit that this clause should not stand part of the Bill. This should be rejected and, if necessary, some alternative clause which would be more reasonable and more rational may be included in the Bill. But, this particular Clause is absolutely irrational and should be rejected.

Shri Biswas: I do not think that there is need for any reply. After all, if there is to be a successful prosecution, all the things which are mentioned in clause 4 will have to be established. I suppose my hon. friend would be pleased to see that the onus of proof in respect of all these elements has been thrown upon the prosecution. It has got to be proved that the advertisement is directly or indirectly giving a false impression as to the true character of the drug; that it is making a false claim; or, it is otherwise false or misleading in any particular material. Therefore, all these things have got to be proved by the prosecution before any charge can be established against any person. May be, Sir, as you said, innocent persons might be taking part in the publication, but the offence will not be established unless the advertisement itself comes within the terms of clause 4—in other words, it must

fall under (a), (b) or (c) and in each of these cases the burden of proof will be upon the prosecution. Therefore, that ought to be a complete protection.

Shri Sadhan Gupta: May I know where the question of criminal intent comes? The advertisement may be...

Mr. Chairman: Order, order. The hon. Member has given his argument and it has been replied to. If there is cross-questioning, then it will have to be again replied to by the hon. Minister. The hon. Minister cannot be compelled to give replies to cross-questions like that.

Shri Sadhan Gupta: Sir, if you are satisfied, then I have no objection.

Mr. Chairman: It is not a question of my being satisfied. The hon. Law Minister has already given the reply.

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.—(Prohibition of advertisement of magic remedies for treatment of diseases etc.)

Dr. Rama Rao: I beg to move:

In page 2, line 42, after 'shall take' insert 'directly or through others'.

This may probably be implied, but I am not sure, I want to specify that a person, either directly or through others, should be prohibited. It very often happens that a person does not himself take steps but others do on his behalf. So, my point is that it must be pointed out that even if others do so on his behalf or at his request, he shall be liable to be proceeded with.

12 Noon.

Rajkumari Amrit Kaur: Sir, as the words "directly or indirectly" are there, the point raised by the hon. Member is covered.

Mr. Chairman: Does the hon. Member wish me to put the amendment to the vote of the House?

Dr. Rama Rao: No. I do not press it.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7.— (Penalty)

Shri Dabhi: I beg to move:

In page 3, line 9, for "punishable" substitute "punished".

Sir, I am not moving my amendment number 7, but I wish to move my other amendment number 15.

Mr. Chairman: Yes.

Shri Dabhi: I beg to move:

In page 3, line 13, for "or with fine, or with both" substitute "and with fine."

Sir, giving and publishing of these objectionable and obscene advertisements relating to spurious drugs and so-called magic remedies is a highly antisocial act and deprives the public both of their money and morals. So, I submit that it is absolutely necessary that severe punishment should be awarded for those who do the offence. The hon. Health Minister said that she wanted that the provisions of the Bill should be rigorously enforced. Therefore, my suggestion is that a second offence—see clause 7, sub-clause (b) committed under this Bill should be punishable not only with fine, but both with fine and imprisonment. There is a precedent for this. We know of the Adulteration Bill which is pending before this House and on which the Select Committee has also reported. This Bill has been moved by the hon. Health Minister herself. In this Bill, under clause 16 (i) (b), the punish-

ment provided for the second offence is imprisonment for a term which may extend to two years and with fine. In the same way, for a third offence and subsequent offences, the penalty provided is imprisonment for a period which may extend to four years and with fine. Not only this, but under this clause of the Adulteration Bill, the minimum penalty is also provided. So, my submission is that, this is also an equally objectionable and anti-social offence and therefore, there should be both fine and imprisonment. I do not understand why, if we want to suppress these things, provision should not be made in the Bill for punishment with both imprisonment and fine. Sir, if we accept that for a second offence, punishment should be with both fine and imprisonment, then it is absolutely necessary that instead of the word 'punishable', it should be 'punished'.

I have the authority for giving this interpretation. There is a Full Bench decision of the Bombay High Court reported in A.I.R. 1949 Bombay 41, Emperor vs. Peter DeSouza. There, Their Lordships were interpreting section 43 of the Bombay Abkari Act, which reads thus:

"Whoever, in contravention of this Act... on conviction, be punishable for the first offence with imprisonment for a term which may extend to six months and with fine which may extend to Rs. 1,000."

So, section 43 of the Bombay Abkari Act. provides for both fine and imprisonment. But the word used is "punishable." Therefore, the Magistrate who convicted that man punished him only with fine. Therefore, the Government of Bombay appealed to the Bombay High Court that the man should be punished with both fine and imprisonment, because, under the law, it is stated that the punishment would be both fine and imprisonment. But then, Their Lordships came to the conclusion that the word "punishable" imports

discretion and it has left the discretion to the court—whether the punishment should be with fine or imprisonment or with both. So, when the Bombay Prohibition Act was enacted by the Bombay Legislative Assembly, in section 65, the word “punished” instead of the word “punishable” was used. Therefore, I would submit that if we want to punish such offences, when we want to give a deterrent punishment, it is absolutely necessary that the punishment provided should be both fine and imprisonment. Therefore, as the hon. Health Minister has accepted similar amendments made by the Select Committee in the Adulteration Bill, I do not see any reason why in this case my amendments cannot be accepted.

Mr. Chairman: Amendments moved :

(i) In page 3, line 9, for “punishable” substitute “punished”.

(ii) In page 3, line 13, for “or with fine, or with both” substitute “and with fine”.

Shri Kasliwal (Kotah-Jhalawar):
I beg to move:

In page 3, line 11, after “or with fine” insert “amounting to Rs. 500”.

The words “amounting to Rs. 500” are to be added. I do not know whether the hon. Minister would be prepared to accept it.

I beg to move:

In page 3, line 13, after “or with fine” insert “amounting to Rs.1,000”.

Shri Gadilingana Gowd (Kurnool):
I beg to move:

(i) In page 3, line 11, after “or with fine” insert “of not less than rupees one thousand”.

(ii) In page 3, line 13, after “or with fine” insert “of not less than rupees two thousand”.

This is a very good measure. I am of opinion that the violations of this law

must be met with severe punishment. Therefore, I have moved the first amendment.

Regarding my second amendment, discretion is given to the court, as regards conviction. If the court comes to the conclusion that it could fine the accused, it can fine the accused according to its discretion. No definite amount has been fixed. I do not want that the court should be given the discretion of fining lightly, that is, imposing a smaller amount as fine. I therefore suggest that a minimum fine of Rs. 1,000 for first offences and Rs. 2,000 for subsequent offences, as minimum, be fixed.

Mr. Chairman : Amendments moved:

(i) In page 3, line 11, after “or with fine” insert “amounting to Rs. 500”.

(ii) In page 3, line 13, after “or with fine” insert “amounting to Rs. 1,000”.

(iii) In page 3, line 11, after “or with fine” insert “of not less than rupees one thousand”.

(iv) In page 3, line 13, after “or with fine” insert “of not less than rupees two thousand”.

Rajkumari Amrit Kaur : No two Bills are analogous. So, the argument that because imprisonment and fine have been put down in one Bill, they should be included in this Bill also, is not valid. I have a feeling that it is better to leave the power to impose a fine to the discretion of the magistrate. I prefer to leave it to the discretion of the magistrate, whether he should impose punishment with fine and with imprisonment, or impose punishment with fine and without imprisonment, or with imprisonment only. I think it will be better to leave it as it is.

In regard to the word “punishable” being changed to “punished”,—I am not a legal expert—I should have thought that “an act shall, on conviction, be punishable.” means that whoever is convicted will be punished. Therefore, I oppose the amendment.

Shri Kasliwal: I beg to withdraw my amendments.

The amendments were, by leave, withdrawn.

Mr. Chairman: The question is:

In page 3, line 9, for "punishable" substitute "punished".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 11, after "or with fine" insert "of not less than rupees one thousand".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 13, for "or with fine, or with both" substitute "and with fine".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 13, after "or with fine" insert "of not less than rupees two thousand".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Mr. Chairman: The question is:

"That clauses 8 to 13 stand part of the Bill."

Shri Dabhi: One point for clarification regarding clause 10.

Mr. Chairman: Then, let me put the other clauses.

The question is:

"That clauses 8 and 9 stand part of the Bill."

The motion was adopted.

Clauses 8 and 9 were added to the Bill

Shri Dabhi: I want to know whether there is any provision showing whether the offences under this enactment are cognizable or not. Nowhere it was stated that the offence would be cognizable. I think the whole intent of the Bill is that the Government should launch prosecutions. But nowhere is it made clear whether the offences should be made cognizable or not. Otherwise, it could be said that the offences are not cognizable.

Mr. Chairman: The hon. Member raises a question and answers it himself. The Bill does not say whether an offence is cognizable or not. It is left to the ordinary rules of interpretation. So far as Clause 10 is concerned, it deals with courts trying the offence.

The question does not arise.

The question is:

"That clause 10 to 13 stand part of the Bill."

The motion was adopted.

Clauses 10 to 13 were added to the Bill.

Clause 14.—(Savings)

Dr. Rama Rao: I beg to move:

In page 4, (i) omit lines 12 to 15; and

(ii) in lines 16, 19, 23 and 26, for "(b)", "(c)", "(d)" and "(e)" substitute "(a)", "(b)", "(c)" and "(d)" respectively.

I have already spoken, and the hon. Minister explained. But I am not satisfied unfortunately. The first thing that the hon. Minister wants is that she should be kind to the medical profession. But in my opinion it is only cruel kindness, which is derogatory to the highest standards of medical ethics. In fact, this law permits any registered medical practitioner to put in such an advertisement. Supposing, for instance, a doctor advertises or displays in his sign board or notice that he can cure venereal disease with a couple of injections, in forty-eight hours, can he be permitted to do it? That is not actually done in India, but

I would urge that the name of such a medical practitioner should be removed from the register. I would request Government to withdraw these special concessions to medical men, which are rather defamatory to the medical practitioners.

Mr. Chairman : Amendment moved:

In page 4, (i) omit lines 12 to 15; and

(ii) in lines 16, 19, 23 and 26, for "(b)", "(c)", "(d)" and "(e)" substitute "(a)", "(b)", "(c)" and "(d)" respectively.

Shri C. R. Narasimhan : I strongly object to Dr. Rama Rao's proposal. I submit that our policy must be dual in this respect. It should be destructive of all bad advertisements on the one hand; and on the other, it should be giving support to advertisements by good professional men. Otherwise, we shall be robbing the illiterate people of the right method of treatment. If this permission given under this clause is likely to lead to abuse by the medical practitioners, I submit that the Indian Medical Practitioners Act will take care of such cases. Therefore, I support the hon. Minister.

Shri Barman (North Bengal-Reserved-Sch. Castes) : I oppose the deletion suggested by Dr. Rama Rao, because I think it would rather be too hard on the people who live in the outlying areas. It is very necessary that a medical practitioner should be allowed to display on his sign-board or notice the diseases which he can cure. Otherwise, the people cannot know what sort of diseases he is competent to treat. He may be an obstetrician or an expert in some other disease, but unless there is some indication on the notice-board, the people cannot know which doctor to approach for which diseases. I would rather like that this permission should be confined not only to the display on the notice-board, but it should also be allowed to be published in the newspapers. I am having in mind here, the people living in the outlying

areas in the interior of the rural areas. When they are attacked with diseases, certainly they want to be treated by the best medical practitioner. There are eminent physicians and medical practitioners in cities like Calcutta and Bombay, but if their names cannot be published in the newspapers, the people in the rural areas cannot know about it. But if the names of those practitioners could be allowed to be published in the newspapers together with the diseases that they are capable of curing, the people in the rural areas might at least be enabled to correspond with them, and thus have the best treatment at least from a distance. Otherwise, they will be obliged to have recourse only to the nearest medical practitioner, who may not be in a position to give them the best advice possible, and the people will have to be contented with the treatment that he provides.

So, not only do I oppose the deletion, but I would also request the hon. Minister to allow the publication of such advertisements in newspapers.

Mr. Chairman : I do not think it will be necessary for the hon. Minister to reply.

Rajkumari Amrit Kaur : The points raised have already been replied to.

Mr. Chairman : The question is :

In page 4, (i) omit lines 12 to 15; and

(ii) in lines 16, 19, 23 and 26, for "(b)", "(c)", "(d)", and "(e)", substitute "(a)", "(b)", "(c)" and "(d)" respectively.

The motion was adopted.

Mr. Chairman : The question is:

"That clause 14 stand part of the Bill."

The motion was negatived.

Clause 14 was added to the Bill.

Clause 15.—(Power to exempt from application of Act)

Shri Kasliwal : Clause 15 relates absolutely to specified drugs or class of drugs, and a certain amount of relaxation is provided for in the prohibitions made in clauses 3, 4, 5, and 6. My submission is that clause 5 should not have been included here, because that clause does not relate to drugs at all, but to magic remedies. It is my view that there should be no relaxation in the prohibition of magic remedies. So, I beg to move :

In page 4, line 47, omit "5".

Mr. Chairman : Amendment moved:

In page 4, line 47, omit "5".

Rajkumari Amrit Kaur: Magic remedies may also be in the shape of drugs. I do not understand the hon. Member's objection to the inclusion of clause 5.

Mr. Chairman : The question is :

In page 4, line 47, omit "5".

The motion was negatived.

Shri Dhulekar (Jhansi Distt.—South): I am very much surprised that almost the whole Bill has been passed by the House. But clause 15 makes it nugatory, because under this clause, power is given to grant exemptions from the application of this measure. Clause 15 reads:

"If in the opinion of the Central Government public interest requires that the advertisement of any specified drug or class of drugs should be permitted, it may, by notification in the Official Gazette, direct that the provisions of sections 3, 4, 5 and 6 or any one of such provisions shall not apply..."

What does clause 3 relate to? It relates to the prohibition of advertisement of drugs, firstly, for the procurement of miscarriage in women. Will the Central Government permit any person to advertise that such and such a drug will procure miscarriage?

Now, clause 4 relates to an advertisement which directly or indirectly gives a false impression regarding the true character of the drug. Even this prohibition is sought to be taken away under

clause 15, because, if in the opinion of the Central Government, public interest requires that such a false advertisement may be made in the papers, the person concerned will get permission to do so. I wish to submit that a lot of mischief can be brought about by this provision. I do not think in the Health Ministry, the Director-General of Health Services or the hon. Minister of Health, are going to deal with this matter and administer the provisions of this measure. It is the office that is going to deal with the applications. Suppose a small person in the office is corrupt, he may take a thousand or two thousand rupees from the person concerned, and give permission to put in such advertisements. Therefore, I believe that this clause is very mischievous. I would submit that the hon. Health Minister has been wrongly advised in this respect, because no drug should be allowed to be advertised either by the Central Government or by anybody else, saying that it will procure miscarriage. I would suggest that Government should not allow any person to put in an advertisement in a newspaper saying that the Central Government have given him permission to do so. I am unable to understand this particular provision.

Clause 3 relates also to an advertisement of a drug for the maintenance or improvement of the capacity of human beings for sexual pleasure. I cannot understand how the Central Government can allow an advertisement in regard to *tila*.

Mr. Chairman: Order, order. The hon. Member is going through each part of these clauses. There is no use going into each clause like this. The main point of the hon. Member is that such a power should not be given to Government. That is all. But he is referring now to the details of clauses 3, 4, 5 and 6; those details need not be referred to now. A person can easily understand from this clause that there may be cases in which Government may give exemption, and they may be justified. The

hon. Member is objecting to this power being given to Government. This point has already been explained by him. But if he proceeds to refer to each part of these clauses, it will take a very long time.

Shri Dhulekar: Thank you.

Now, it passes my imagination how the Central Government can permit the advertisement of a magic remedy.

"No person carrying on or purporting to carry on the profession of administering magic remedies shall take any part..."

Now, under this clause, the Central Government can give permission to a person who is carrying on the work of giving magic remedies and that man can be protected. On the one hand, you say that these are unscientific; on the other, you will say they are scientific and things like magic remedy will be supported. I do not know what tribunal will be there and what it will decide—that this remedy can be permitted by the Central Government. I would certainly request the hon. Minister that at least in obedience to the laws of our mind and intellect, we should take away this word 'magic' and permit nobody to indulge in it. Nobody will be harmed if clause 5 is taken away from the purview of this clause. Then, further clause 6 is also there—prohibition of import into, and export from, India of certain advertisements. I am very much afraid that by this inclusion foreign people can get exemption in regard to the import of these things which are mentioned as objectionable, obscene and dangerous to the nation, while the Indian people will be deprived of that. The American people and the British people and others may print thousands and lakhs of advertisements and their import will be permitted under a licence issued by the Central Government.

Shri S. S. More (Sholapur): That is the objective.

Shri Dhulekar: I feel that this should not be allowed. I would submit to the hon. Minister that this is

a very great injustice to my countrymen. If my countrymen produce anything, they may be discriminated against, because the foreigners may send in remedies—there are so many remedies like penicillin and other things—which are doing so much harm to our country. Thousands of advertisements may be brought in under a licence. I will say that this is very dangerous. I would certainly request the hon. Minister to give us an assurance that no foreign company or foreign drugs manufacturer will be given preference on this account, and further that *ayurvedic* remedies may not be tabooed and they may not be suppressed, because this clause smacks of it. Everything is placed in the hands of the Central Government. The foreigner will be allowed to pour in all kinds of advertisements while in regard to our advertisements of *ayurvedic* drugs, they will say 'this is all magic, this is unscientific; this is all foolish'. In regard to foreign drugs, the foreigners may say "Penicillin takes you to the other world and also gives *swaraj*".

Rajkumari Amrit Kaur: It is scarcely likely that the Government of India, which has brought in this particular Bill, will make it nugatory by vetoing everything that it wants to do. After all, this exemption from application is an ordinary thing which should be in the hands of the Government, and I would like to assure the hon. Member that it is not at the back of the mind of the Ministry of Health to act against any particular system of medicine or favour any particular system of medicine. It is just to get rid of an evil. As far as foreign advertisements are concerned, they certainly will be liable to the same standards as any other, and this point can be checked at the time of making rules.

Shri S. S. More: Who will lay down the standard?

Mr. Chairman: The question is:

"That clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

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

Rajkumari Amrit Kaur: I beg to move:

"That the Bill be passed."

Mr. Chairman: Motion moved:

"That the Bill be passed."

Several hon. Members: rose—

Mr. Chairman: I am very sorry. It is already 12:30 and there are two more Bills to be gone through in another 45 minutes.

Shri H. N. Mukerjee (Calcutta North-East): May I have five minutes?

Mr. Chairman: At the consideration stage also I permitted many Members to speak. I am very sorry I cannot allow any more. If we are to do the business according to our time-table...

Shri H. N. Mukerjee: On Saturday we finished the High Court Judges (Conditions of Service) Bill in about half an hour or less time. So perhaps for this Bill you will give us a little more time because...

Mr. Chairman: The hon. Member must know that even that time has been taken into account. I have got 4 hours and 46 minutes and according to that, we will be behind our time-table in regard to these four Bills...

Shri H. N. Mukerjee: Only five minutes. I will be shorter than that.

Mr. Chairman: What about others? There are three or four gentlemen who want to speak. Shri Nand Lal Sharma also wanted to speak.

Shri Damodara Menon (Kozhikode): I want a clarification from the Minister.

Mr. Chairman: Now it is too late.

Shri Damodara Menon: I will ask one question only.

Mr. Chairman: Yes.

Shri Damodara Menon: I want to know how the publisher of a newspaper, for example, if he gets an advertisement of an *ayurvedic* drug or even of an allopathic drug, is to judge whether that drug really makes a false claim or otherwise it is misleading? Is there any machinery the Government are likely to set up to which the newspaper can make a reference?

Mr. Chairman: Order, order. This point was already made by some of the Members, and then the hon. Law Minister who was here tried to explain it. If it is not satisfactorily explained, according to the view of the hon. Member, it cannot be helped. This very question was raised; this was argued and I am sorry that the hon. Member does not think the reply was satisfactory. The chair cannot help it.

Shri S. S. More: No prosecution will stand.

Mr. Chairman: That is a different matter. I can understand the hon. Member's point of view. The point has already been debated. And at this stage, the question is whether the Bill ought to be passed.

Shri Damodara Menon: I am only pointing out a real difficulty which...

Mr. Chairman: The real difficulty was laid before the hon. Minister. He attempted to reply it, but the reply, according to the hon. Member, is not satisfactory. That is the difficulty. The question was raised; it is not that the question was not raised. I am sorry I have to put the motion to the vote of the House now.

Rajkumari Amrit Kaur: I will explain it to him afterwards.

Several Hon. Members: rose—

Mr. Chairman: I am sorry the House is committed to this time-table. I will request Members not to press this. I may allow a Member, but then if I allow him for five or ten minutes,

others will stand up and I will not be able to ask other Members not to speak. That is my difficulty. So I will request hon. Members to kindly allow me to put the motion to the vote of the House. If they are very insistent, I will allow Shri Nandlal Sharma, but then he should be the only exception.

श्री नंद लाल शर्मा (सीकर) : माननीय सभापति जी, मुझे दो शब्द मैजिक शब्द के प्रयोग के सम्बन्ध में कहना है। मैं माननीया स्वास्थ्य मंत्रिणी महोदय के उद्देश्य का सर्वथा समर्थन करता हुआ भी यह समझता हूँ कि गृह विभाग के अनुसार घोखादेही, प्रवचन और दुश्चरित्रता का प्रचार इन दो दृष्टिकोणों से रोकने का आदेश है। इस के अतिरिक्त किसी बात को मैजिक कह देना उसी प्रकार से है जैसे कि कुत्ते को पागल कह कर उस को मारना। मैजिक शब्द का अर्थ जहाँ तक मैं समझता हूँ, यद्यपि इसका कोई लक्षण इसमें दिया नहीं है, यह है कि हम किसी वस्तु का डेफिनिशन नहीं कर सकते, जैसे किसी बात को जो कि हमारे समझ में न आये, हमारे कुछ बंधु सुप-स्टिशन कह कर पुकारते हैं, सुपस्टिशन यह है कि जिस का रीजन, जिसका काजेशन हमारी समझ में न आये, यदि हम कार्य और कारण का सम्बन्ध बतला सकें तो उस दशा में वह सुपस्टिशन या मैजिक कोई स्थान नहीं रखता

भारतवर्ष में जिस समय से विदेशी लोग आये, भारतीय तत्व को वह सभी जगह सुपस्टिशन के नाम से पुकारते रहे, अंध विश्वास के नाम से पुकारने का फल यह हुआ कि सारे के सारे आदमियों ने जिन के पास आध्यात्मिक और आधिदैविक शक्ति थी वह सब के सब उस को भूल गये। मेरा इसलिये निवेदन है कि यह बिल बीसवीं सदी का न कहला कर उन्नीसवीं सदी का कहलायेगा उस परिस्थिति में जब कि आज यूरोप और अमरीका में साइकिक रेमेडीज़, साइको

एनेलेसिस और कितने ही मनोवैज्ञानिक प्रकार के उपायों द्वारा चिकित्सा चलायी जा रही है। उन सबको हम न जानकर यहाँ पर मैजिक के नाम से कहें तो उचित नहीं होगा। आयुर्वेद की बहुत सी औषधियाँ जिनको कि हम पहचानते नहीं हैं उनके बारे में हम ऐसा ही कहते हैं। एक वस्तु का विरोध में अवश्य करता हूँ और उस सम्बन्ध में मैं स्वास्थ्य मंत्रिणी महोदया के भावों से सर्वथा सहमत हूँ कि जो लोग अपने को जादूगर कहकर अपना व्यापार चलाते हैं या व्यभिचार के फैलाने वाले कार्य करते हैं उस सम्बन्ध में ध्यान होना आवश्यक है। परन्तु मैं जानना चाहता हूँ कि बोना फाइडीज़ और मैलाफाइडीज़ का कैसे ज्ञान होगा कि कौनसी वस्तु मैजिक है। मंत्र शास्त्र, तंत्र शास्त्र और यंत्र शास्त्र तीनों में अविश्वास रखने वाला व्यक्ति भारतीय सभ्यता से अपने आपको सर्वथा अनभिज्ञ सिद्ध करेगा। वे अपना स्वयं नुकसान करते हैं। जादू वह है जो सर पर चढ़ कर बोले। जस्टिस बुडरफ ने अपनी पुस्तक 'इज़ इंडिया सुपरस्टीशस' में लिखा है कि हम भी पहले सोचा करते थे कि भारत-वर्ष के लोग मंत्र शास्त्र में विश्वास करते हैं इसलिये मूर्ख हैं और मैजिक में विश्वास करते हैं। लेकिन वे कहते हैं कि 'दिस इज़ ऐ साइंस बाई इटसेल्फ'। जब तक हमने उस साइंस को देखा नहीं, उसका अनुसन्धान नहीं किया, उसके पहले ही हम कह देते हैं कि इसमें कोई रीजन नहीं है, कोई कार्य कारण सम्बन्ध नहीं है, केवल मात्र मैजिक है और इसका परित्याग कर देना चाहिये। यह अनुचित है। अस्तु मेरा स्वास्थ्य मंत्रिणी जी से यही निवेदन है कि वह मैलाफाइडीज़ और बोनाफाइडीज़ को जानने के लिये कोई न कोई उपाय अवश्य रखें। माननीय श्री घुलेकर जी ने जो बात कही है वह ध्यान आकर्षित करती है आयुर्वेद के सम्बन्ध में निरन्तर सौतेली मां का जैसा व्यवहार चल रहा है। यदि सेंट्रल गर्वनमेंट के अन्दर

[श्री नंद लाल शर्मा]

एलोपैथ्स भरे रहेंगे तो वह किसी प्रकार भी आयुर्वेदिक औषधियों को स्वीकृति प्रदान नहीं कर सकते। मैं देखता हूँ कि कुम्भ के अवसर पर टीका अनिवार्य करके लोगों को तंग किया गया। पीछे जब देखा कि लोग वहाँ नहीं जा रहे हैं तो टीके का बन्धन हटा दिया। यह जानते हुए भी कि यह टीका आयुर्वेद के अनुसार अनिवार्य वस्तु नहीं है और यह जानते हुए कि बहुत से लोगों की घामिक भावना के प्रतिकूल यह पड़ता है, यह बराबर चलाया जा रहा है क्योंकि यहाँ डाक्टरों का बहुमत है और वह इसको चलाने को तैयार रहते हैं। इसलिए मैं स्वास्थ्य मंत्रिणी जी से निवेदन करूँगा कि नियम बनाने समय वह मैलाफाइडीज और बोनाफाइडीज का ध्यान रखेंगी। अन्य मित्रों ने मंत्र शास्त्र के बल से सर्प काटे के इलाज का और गर्भधारण का जिक्र किया है। इन चीजों का आपको पता चल चुका है। मैं भी कुछ ऐसी बातें कह सकता हूँ। कह नहीं सकता बल्कि इन चीजों का मैं प्रदर्शन भी करा सकता हूँ। लेकिन इन प्रदर्शनों से भी अन्ततोगत्वा पूर्ण लाभ होने वाला नहीं है। मैं कहता हूँ कि यह स्वयं एक विज्ञान है और इसको जाने बिना सुपरिस्टीशन कह देना यह भारतीय बन्धुओं के द्वारा भारतीयता पर कलंक लगाना होगा। अपने घर की बात को न जान कर उसको खराब कह देना उचित नहीं है। हम बिना जाने अपने घर की चीज को बुरा कह देते हैं और बाहर से आने वाली चीज को अच्छा कहने लगते हैं, यह अच्छी चीज महीं है। इस दृष्टिकोण को आपके सामने उपस्थित करना आवश्यक था।

मैं एक बात और कहना चाहता हूँ। वह यह है कि गर्भ निरोध, गर्भ पात या गर्भ श्राव इन तीनों चीजों को चाहे आप मैजिक के तरीके से करावें या दूसरे तरीकों से करावें, चम्हे यह काम आपके द्वारा स्वीकृत मैडिकल

प्रोफेशन के आदमी करें, मैं समझता हूँ कि सदाचार के दृष्टिकोण से इसका सदा विरोध करना चाहिए। यदि इसको आप ब्रह्मचर्य की शिक्षा द्वारा, इंद्रिय निग्रह की शिक्षा द्वारा या समाज के आचरण के स्तर को ऊँचा करके बन्द करना चाहें तो अच्छा रहेगा बजाय इसके कि आप डाक्टरों द्वारा इन कामों को होने दें। इससे जनता में दुश्चरित्रता का प्रचार होता है और यह बहुत बुरी बात है।

इन शब्दों के साथ मैं अपना स्थान ग्रहण करूँगा और आशा करूँगा कि स्वास्थ्य मंत्रिणी जी इन बातों पर ध्यान देंगी।

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

STATE ACQUISITION OF LANDS FOR UNION PURPOSES (VALIDA- TION) BILL

**The Deputy Minister of Food and
Agriculture (Shri M. V. Krishnappa):**
I beg to move:

"That the Bill to validate the acquisition under the Land Acquisition Act, 1894, of lands by certain State Governments for the purposes of the Union, and orders passed and proceedings held in connection therewith, as passed by the Council of States, be taken into consideration."

It is a very simple measure which seeks to validate certain acquisition proceedings undertaken by the State Governments between the 26th January, 1950 and the date of the entrustment of the functions of the Central Government under the Act to the States concerned. Before the introduction of the Constitution, the Provincial Governments were authorised under the provisions of section 127 of the Government of India Act, 1935, to acquire