GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE

LOK SABHA
UNSTARRED QUESTION NO. 3240
TO BE ANSWERED ON 12TH JULY, 2019

RETESTING OF SAMPLES OF DRUGS

3240. SHRI GNANATHIRAVIAM S.:

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

(a) the details of the safeguards provided under the Drugs and Cosmetic Rules available in case the report of a Government Analyst is to be challenged;

(b) whether there is a provision for retesting of samples of Drugs in the presence of the manufacturers;

(c) if so, the details thereof; and

(d) the revised guidelines issued by the Drug Controller of India in this regard?

ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE
(SHRI ASHWINI KUMAR CHOUBEY)

(a): Such details are prescribed under Section 25(4) of Drugs & Cosmetics Act, 1940, which is reproduced below:

"Unless the sample has already been tested or analysed in the Central Drugs Laboratory, where a person has under sub-section (3) notified his intention of adducing evidence in controversion of a Government Analyst's report, the Court may, of its own motion or in its discretion at the request either of the complainant or the accused, cause the sample of the drug or cosmetic produced before the Magistrate under sub-section (4) of section 23 to be sent for test or analysis to the said Laboratory, which shall make the test or analysis and report in writing signed by, or under the authority of, the Director of the Central Drugs Laboratory the result thereof, and such report shall be conclusive evidence of the facts stated therein".

(b) & (c): No.

(d): No such guidelines have been issued.

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