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MR. CHAIRMAN: Further consideration of the Drugs and Cosmetics (Amendment) Bill, 1963. When ihe Souse adjourned on the 11th February, Dr. M. M. S. Siddhu had not concluded his speech,

REFERENCE TO NOTICE OF MOTION FOR PAPERS

†[श्री प्यारे लाल कुरील 'तालिब, (उत्तर प्रदेश) जनाबे वाला, मैंने शेख अब्दुल्ला की रिहाई के बारे में और उन्होंने जो हालियां तकरीरें की हैं और जो कान्सप्रेसी केस विदड्रा हुआ है इस सम्बन्ध में मोशन फार पेपर्स का एक नोटिस दिया है। मैं जानना चाहता हूं कि इस नोटिस के बार में क्या हुआ है ?]

श्री सभापति : आपने जो नोटिस दिया है वह गवर्नमेंट को भेज दिया गया है। वहां से आबजर्वेशन आने के बाद में अपना फैसला करूंगा।

†[श्री प्यारे लाल कुरील 'तालिम, कब तक फैसला हो जायगा जरा मैं यह जानना चाहूंगा।]

श्री सभापति : इस वक्त आप नहीं जान सकते। जब उनका जवाब आ जायेगा उस वक्त मैं फैसला करूंगा।

THE DRUGS AND COSMETICS (AMENDMENT) BILL, 1963—*continued.*

MR. CHAIRMAN: Dr. Siddhu is not present today. I -would call upon Dr. P. N. Sapru to speak.

SHHI P. N. SAPRU (Uttar Pradesh): Mr. Chairman, I had thought that Dr. Siddhu would be the nrst speaker and that he would have something to say about the various clauses of this Bill, but I And myself in the position of opening the debate so far as the debate this morning is concerned. Now, the first thing that I should like to say is that there is undoubtedly a need for the Drugs and Cosmetics (Amendment) Bill. I do not know about cosmetics, but there is certainly need for a Drugs Bill. The Bill was referred to a Joint Select Committee and the Select Committee appears to have done its work in a satisfactory manner. They have gone through the various clauses of the Bill and tried to improve the Bill to the extent that it was possible for them, to do so. I cannot help asking myself this question, whether it is at all desirable for us to include the Ayurvedic and Unani medicines within the scope of the Bill.

My position to regard to these sys-terms of medicine is this. They might have had their efficacy in ages gone by. They may be doing some good today. They may have a separate pharmacopoeia and intensive research on the pharmacopoeia may lead to some result, but the system of Ayurvedic and Unani imedicine W different from that of scientific medicine as we know it today. These systems of medicine are not sciences. They represent art. The Ayurvedic practitioner or Unani practitioner is not what you call a scientific medic? 1 practitioner. He has an art handed down to him from his ancestors and he practises that art. Now, ty modernising these medicines we are giving a new colour to these systen s, I should have thought that these sys-terms should have been left alorc, but I am glad to note that t'o a certain extent the Committee has reccg-nised that these systems, in so far as they must b_e brought within 'he scope of the Bill, must be kept distinct from the provisions relating to scientific medicine. In the original Bill there was no such distinct on, but the Select Committee has made a distinction. In so far as the provi-sions relating to Ayurvedic and Unani drugs have been separated from the provisions relating to scientific dings, I think the Bill represents an improvement on that which was introduced in this House.

Now, there is no doubt that adul teration is a very serious offence. We all recognise that. But there must be a sense of proportion in everything in line and the normal rule which we, *as* lawyers, have been taught i;. that it is for courts to determine the sen tence. The Legislature lays down the maximum sentence. The minimum sentence is a mat ter for courts to deter mine. I do not see any reason whatsoever why the mhvmum senten ce should jhave been prescribed or why it should be sought to prescribe the minimum sentence in this Bill. I will just refer to a clause that I have in mind.

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SHRI C. *D.* **PANDE** (Uttar **Pradesh):** Similar provision is being done in the Finance Bill that is coming before the House.

SHRI P. N. SAPRU: One wrong does not make another right. I think the principle is wrong. Today jurists emphasise that sentences should be of an indeterminate character; that is, sentences should be a matter for the courts exclusively to determine, and the Legislatures should not seek to determine what even the maximum sentences should be. Having been trained in the British school of jurisprudence I am prepared to recognise that there i_s a case for laying down the maximum sentence. I have not been able to understand why it is necessary to lay down the minimum sentence. If you cannot trust your magistrates, if you ca;inot trust ymr judges, then I thinK the best course would be to wind up your courts of law. As a matter of fact I was surprised to read a speech of the lady Minister of Health in which she advised, in which she rather not advised but in which she castigated the lawyers for appearing for those who are charged tor adulterating drugs. That was a remarkable statement for a professional lady to make. She has been, ,1 take it, a distinguished doctor, and I thought that it was a remarkable statement for a person who came from the profession to make. The lawyer is not con--cerned . . .

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH (DR. D. S RAJU) : ,Tt was more an appeal.

SHRI P. N. SAPRU: It is regrettable that that statement should have been made because vou may take it from me that it is unprofessional for a lawyer to refuse to appear for a person on the ground that he is charged with an offence: to which he takes objection. If that principle is to be applied, then doctors should refuse to treat persons who come to them for treatment of venereal diseases. The doctor or the lawyer is not concerned with the morality of

[Shri P. N. Sapru.] what the accused person cl'd. The law assumes that the accused person is innocent, .and it is for the prosecution to established his guilt beyond all reasonable doubt. That is the system of jurisprudence that we administer. If we do not believe in this system of jurisprudence, then e might as well wind up democracy.

Democracy does not mean the ballot box. Democracy does not mean winning the elections by some means or other. Democracy does not mean gToupdsm. Democracy does not mean casteism. Democracy does not mean communalism. Democracy is a system of Government which enables a person to function as a legislator after seeking the sufferage of his countrymen. Also it is necessary for the sucOesstful, functioning of democracy that there should be the rule of law. Parliamentary democracy or for that matter the democracy that they have in the United States of America cannot exist without the rule of law. The rule of law and parliamentary democracy go together. I think before statements of this character are made by highly placed Ministers, they should understand the system of Government they are supposed to work, and I was surprised that a statement of that character should have been made by a responsible Minister of the Government.

What I was saying was that the minimum sentences have been prescribed. Take, for example, clause 18. Thtis clause says:

> 'Tor section 27 of the principal Act, the following section shall be substituted, namely:—
>
> "Whoever himself or by any other person on his behalf manufactures for sale, sells, stocks or exhibits for sale or distributes any drug"—then the character of those drugs is specified—"shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to ten years and shall also be liable to fine:"

[THE DEPUTY CHAIRMAN in the chair.]

Now I think the court has been given the option to record the special reason for giving a lesser sentence. But that is not the case. The courts are not required to record the sptciai reason for giving a lesser sentence, One must proceed upon the assumption that courts will give reasons for the sentences that they are giving, and I should think that there is objection of a juristic character to this clause of the Bill. I cannot therefore, speaking for myseif. give my support to this clause.

Now, I shall come to clause 4(a) (2) which says:

> "The Board shall consist of the following members namely: —
>
> (i) The Director General of Health Services *ex-officio:* who shall be Chairman;
>
> (ii) the Drugs Controller, India, *ex-officio;*
>
> (iii) the Director of the Central Drugs Laboratory, Calcutta. *ex-officio* •
>
> (iv) the Director of the Central Research Institute, Kasauli, *ex-officio;* .
>
> (v) the Director of the Indian Veterinary Research Institute. Izatnagar, *ex-officio;*
>
> (vi) the President of the Medical Council of India, *ex-officio;*
>
> (vii) the President of the Pharmacy Council of India, *ex-officio;*.
>
> (viii) the Director of the Central Drug Research Institute, Luck-now, *ex-offiicio;"*

So far as the Medical Council of India Ss concerned, I have no objection to the President of the Medical Council of India being an *ex-officio* member of this Board. But I might point out that the biggest Institute in this country, the All-India Institute of Medical Sciences, an Institute of which this city and this country

might well be proud, j$_s$ rot recognised by the Medical Council of India. There are some differences between 1he Medical Council and the All-in ha Institute with regard to the quest on of inspection, and this Institute will go without representation altogether. The Director of the Central Drug Research Insitute, Lucknow, has been provided a seat on thi$_s$ Board but not the Director of the All-India Institute of Medical Sciences.

Then, we have got two persons to be nominated by the Central Government, one person to be elected by the Executive Committee of the Pharmacy Council of India, one person to be elected by the Executive Committee of the Medical Council of India, one person to be nominated by the Central Government from the pharmaceutical industry, one pharmacologist to be elected by the Governing Eody of the Indian Council of Medical Research, one person to be elected by the Central Council of the Indian Medical Association, one person to be elected by the Council of the Indian Pharmaceutical Association and two persons holding the appointment of Government Analyst under this Act, to be nominated by the Central Government.

So, my concrete rugge^tion would be that the All-India Institute of Medical Sciences, which i$_s$ an institution of national importance and which has the power of awarding degrees and diplomas, should be given representation on this body. I think it is a right and just demand that I am making and I hope that m> esteemed friend, Dr. Raju, will accei. to thi$_s$ request.

Then, I shall come to the provision relafeg to Ayurvedic and Unani drugs. The composition of this Board is of a character which requires some consideration by the House The clause says:—

> "The Board shall consist of the following membevs, namely:—
>
> (i) the Director General of Health Services, *ex-officio;*
>
> *(.u)* the Drugs Controller, India, ex-ojffieio;
>
> (iii) the Adviser on indigenous systems of Medicine, Ministry *ot* Health, *ex-officio;"*

Now, the Director General of Health Services is not likely to be a person who is sympathetic to Ayurvedic or Unani system of medicine. He would probably be a person who has got MD and FRCP degress and who has had his training in modern medicine either a$_s$ a surgeon or *u* physician.

DR. D. S. RAJU: Hon. Member* might have the same arguments against us.

SHRI P. N. SAPRU: No, you happen to be a Minister, and it is one of the rules of the gam$_e$ that persons . . .

SHRI C. D. PANDE: Should not lawyers be made Law Ministers?

SHRI P. N. SAPRU: That is a different thing. That is a technical subject. Whether you give it to a lawyer or not, that is a diffeient matter altogether. But generally technical men are not appointed to technical positions because one technical expert must not siit in judgment over another technical person. The task of the Minister is of a supervisory character, it is not of a technical character. I say this only by way of answer to Dr. Raju. I am very glad that he is there. I know that he will not misuse power. On this point, I can quote authorities drawn from democratic lawyers or democratic authors that it is not generally done. Here the position of the Director General, Health Services is a permanent position, and h$_e$ is a person who has nothing to do with the Ayurvedic system or the Unani system, and he is a person who is likely to have a certain amount of bia, against these systems of medi-aine. And you want him to sit on a Boar^ which shall decide whether the drugs have been properly prepared or noit. There has been no chemical

,Shri P. N. Sapru.] analysis of these drugs, there has been no research into some of these drugs. We do not know whether these drugs have any medttoinal value or not. But all that he will be required to judge is whether the drugs are of a pure character or not. Well, this is a work which could be done by a person other than the Director General of Health Services or the Drugs Controller, India.

Then, you do not stop there. The Director of the Central Drugs Laboratory, Calcutta, is also to be a member; then the Government Analyst is to be a member, then the Pharmacognocist is to be a member. I find it rather difficult to understand what exactly is meant by Pharmacognocist.

DR. D. S. RAJU-. It is about the anatomy of the plants.

SHKI P. N. SAPRU: He must be a member. The Phyto-chemist must be a member.

I cannot see what utility there is in having these persons on the Board of Ayurveda or Unani. ,1 do not believe in this integrated system of medicine. I believe in scientific medicine. ,lf I am very seriously ill or am suffering from a chronic disease, I am prepared to experiment with the Ayurvedic or Unani system but .1 would rather go to a man who practises the Unani or the Ayurvedic system in the old orthodox ways. I do not like the mixing up of the orthodox Ayurvedic and Unani medicine with scientific medicine. We have seen the results of this mixing up in the agitations that we have in some of the colleges which are turning out BMISs. These young students have got swelled heads; they want to be treated as MBBSs are treated; they want to have the same status as MBBS doctors. By your legislation you are encouraging this type of agitation among young men who go to these colleges which serve no useful purpose. I do not want these arts to disappear, ,1 do not want old arts, old things to disappear. But I do not understand this blending of ancient systems of medicine with, what we call, scientific systems of medicine, and I do not honestly understand how persons of the professional eminence of the Director General of Health Services, or the Drugs Controller or the Director of the Central Drugs Laboratory, can be of any assistance or help on a Board of this character. Then we have got a right to ensure that medicines or, even for that matter, food is made or manufactured under hygienic conditions. But, for all that, we do not want a Board of this character; we want a Board of a different character. So I have not been able to appreciate the processes of reasoning by which the Health Ministry has come to the conclusion that indigenous systems' of medicine must somehow be assimilated with scientific systems of medicine.

Then .1 would like to say that I can find nothing wrong with section 33N where it says—

> "Provide for the establishment of laboratories for testing and analysing Ayurvedic (including Sid-dh'a) or Unani drugs".

provided these tests lead to research in the efficacy of these medicines. I am not opposed to research in Ayurvedic and Unani medicines, but I am opposed to what is now generally known as an integrated system of medicine, and I regret that the Select Committee should have given its blessings to this idea of an integrated system of medicine.

Now, Madam Deputy Chairman, these are all the remarks which occurred to me in connection with this Bill, and with these remarks ,1 would wind up by saying that, while I recognise that the Select Committee has worked hard—it appears to have examined a number of witnesses; it has had, I think, more than twelve sittings— while I recognise that the Select Committee has done a good job of work, I do not agree with the approach of the Joint Select Committee, and I do not agree also with the approach of the Health Ministry in regard to fb'S mat-

ter. I must not be understood to decry ancient systems of me.iicine which, in their day, did a lot and even today they have got some very effective medicines. I would give *e* concrete case.

Some years ago, $_a$b°ut twenty years back, ,1 was suffering from acu.e dysentery. I was getting injections and I was under scientific treatment Then my father advised me to consult » Hakim of very great reputation, the late Hakim Nabina, and I told him that .1 would rather die at the hands of a scientific practitioner than at the hands of a quack. Well, anywav, both my father and my wife were able to persuade me to go to that Hakim, and I did go and see him, and I was surprised to find that he would not even let me talk about my complaint. He just took my pulse and he said he would give me the symptoms oy examining my pulse. I thought it was rattier ridiculous for a man to say that he would be able to tell me what my disease was from just observing my pulse. But he was able to tell me what my symptoms were. Then he gave me some medicines, an<l ,1 took those medicines three or foir days. As I was not well, I went to Simla, and I went to a doctor there, who advised a few more X-rays. Then .1 was told by my servant that I was giving only three or four days' trial to the Hakim's medicines and that I might give them another three or fjur days' trial. Well, I thought that .1 would give his medicines three or four days' more trial instead of spending money over three or four or five X-rays, and I did so, and after three or four more days I began to get well.

SHRI N. M ANWAR (Madras): This is Unani treatment.

SHRI P. N. SAPRU: Yes, Unani, and in a few days I found that I was fit to go out for dinners; my dysentery had disappeared, and 1 was all right. Then I told my doctors that this wa3 what had happened. They said that their injections were having their effect. Well, 1 thought 1 could swallow many things but this was something which I was not prepared to swallow, and I must give credit to the person who cured me.

SHRI N. M. ANWAR: But then, Madam, may 1 ask my hon. friend, who has profited so much from this Unani treatment hfe^self why does h_e call it still not scientific while actually these Ayurvedic and Unani system—these indigenous systems of medicine—are certainly far more scientific than most of the modern systems today are?

SHRI P. N. SAPRU: 'Scientific' is used by me in a technical sense.

SHRI N. M. ANWAR: Hamdard Dawakhana.

SHRI P. N. SAPRU: I do not deny that these are great arts; these are arts handed down from father to son, arts handed down from teacher to pupil. The late Trayambak Shastri in U.P. was a great Vaid, and I know some remarkable cases which he cured. But they are not scientific in the sense that . . .

SHRI N. M. ANWAR: They have no laboratory.

SHRI P. N SAPRU: . . . they have no laboratory to make the tests. Their pathology, their bacteriology, their anatomy and their system of diagnosis are quite different from those of modern doctors. What is happening today? You are training young men in these Ayurvedic and Unani medical colleges. They read in these medical colleges. There they read something about antibiotics. fThey read something about quinine. They read something about the new drugs like penicillin, etc. and the new drugs which have coro» into the market and they start experimenting with them. So *the* result is that you make them neither good hakims or vaids nor good doctors. That is what I am opposed to. Since it is an art, let it be an art and let it continue to be handed down from father to son OT from teacher to pupil as was done

[Sliri P. N. Sapru.] in the old days. If you want to encourage these systems do it with their aid. In the Board that you constitute they alone shall dominate and in it they shall have an effective say. I do not like the efficacy of their medicines, or the efficacy of the preparation of their medicines to be .judged by persons who by their training are likely to be hostile to them. That is my point and these are my criticisms that I had got to make.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Madam Deputy Chairman, so far as the main object •of this Bill is concerned, namely to tighten up the measures and to see that adulteration which has become more or less the order of the day is controlled by enhancing punishment and other things, I must heartily welcome this measure, and I am sure that the Ministry will see to it that it is fully implemented and the people get the right sort of medicine without any adulteration. I may also hope that so for as certain amendments and suggestions regarding making it more effective under the chairmanship of my friend, Mr. Karmarkar, are concerned, those amendments and suggestions are also to be welcomed. But the one or two points that I want to place before this House and the Minister are regarding the indigenous systems of medicine about which my respected friend, Dr. Sapru, has just now referred.

Madam, it has to be admitted that even now thousands and millions of people are catered by these Indian systems of medicine, Ayurvedic and Unani. That fact has to be recognised whether we like it or not. Having that in view, we should also consider that it may not be a very scientific system in the sense in which Dr. Sapru has referred. To the extent medical science has developed, Allopathy has developed and every day efforts are made at great cost and sacrifice to improve it, there is no point in comparing either Ayurvedic or Unani with Allopathy. That will be a wrong way if we did that. But when these systems are serving millions of our people, then if you bring in a legislation, you must be sure of the ground. It is no use bringing in a legislation which is either not implemented or implemented in a way which would cause great injustice and hardship. That is the point which I want to emphasise.

Now, in the original Act of 1940 there was nothing about either the Ayurvedic or the Unani systems. Now in the amendment they have introduced with great caution—and the Select Committee has made it a little more restricted—they have a penal provision about the Ayurvedic and the Unani medicines. I know that now the Ministry is headed by a doctor whose deputy is also a doctor.

SHRI A. B. VAJPAYEE (Uttar Pradesh): Allopathic.

SHRI AKBAR ALI KHAN: But I do not go to the extent of my friend that these technical people should not head the Ministry.

SHRI P. N. SAPRU: I was provoked by Dr. Raju to say that. I was speaking about the principle which you find enunciated in many books on democratic government. I can refer to them.

SHRI AKBAR ALI KHAN: I entirely agree, Dr. Sapru, that there have been observations that technical people should not be at the head of it but every general rule has got its own exception.

SHRI P. N SAPRU: The point is that democracy should be by amateurs plus the experts and the Minister must, therefore, be an amateur. That is the idea.

SHRI AKBAR ALI KHAN: We do not want too many amateurs as work would suffer but if in certain cases the doctor or the engineer is at the head of the Ministry, I think it has

it3 own advantages also. Anyhow, that is a very subsidiary point wiich I would not like to deal with, and 1 am sure we do not want to pas 3 a no-confidence vote either on the Minister or the Deputy Minister. Anyhow, the point is that before bringing Unani and Ayurvedic systems under the penal provision;,- of this Bill, let them consider the elementary provisions that are necessary to make something penal. For instance, so far as allopathy is concerned we have got a pharmacopoeia. It is being revised and augmented. It is being considered at every si age. I mean, subject to correction, may I ask, Madam, if there is any pharmacopoeia worth the name either in the Ayurvedic or in the Unani . . .

THE MINISTER OF HEALTH (DR. SUSHTLA NAYAR) : Madam, my hon. friend does not seenTto have read the report. The application is not to the full Act. There is a separate chapter. Very limited application has been made. And, Madam, it is in the interest of the Ayurvedic and the Unoni manufacturers as well as the pricti-tioners that this limited application has been made so that they are safe against all kinds of people who manufacture sub-standard so-called drugs most of its ingredients' being Allopathic. They put one or two Ayurvedic medicines in it and get exemp-tion because they say that 1hese Ayurvedic drugs. It is to protect Ayurved against ,uch drugs on the one hand and also to ensure genuine products for the lovers of Unani, and those who use Ayurvedic products. that very limited application has been made. If my hon friend reads the report, he will find that we have met his point fully.

THE DEPUTY CHAIRMAN: You have read the report.

SHRI AKBAR ALI KHAN: Y>s, I have read the report. I will refer to it just now.

THE DEPUTY CHAIRMAN: Anyhow. You may continue later. The House stands adjourned till 2-30 p.m. The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at half past two of the clock, the VICE CHAIRMAN (SHRIMATI TARA RAMCHANDRA ISATHE) in the Chair.

SHRI AKBAR ALI KHAN: Madam Vice-Chairman, it is my privilege to-day, if I may be permitted to say so, under your Chairmanship I have the honour to address you. While I was arguing on this Bill Dr. Sush'la Nayar, the Health Minister, intervened in the matter and I welcome such interventions because that gave, me a feeling that the point I had raised had gone deep and she felt it necessary then and there to reply to that point, but probably when she mentioned about the report, she was not quite correct. I had read the report. As I mentioned in the opening speech, we are grateful to the Select Committee and we are thankful to the Ministry that they have accepted some very, important material suggestions of the Joint Select Committee but even then the limitations that they have prescribed for Unani and Ayurved are much more lenient than those for allopathy. I concede that point. Even then one condition is that the raw materials are to be identified by qualified and competent persons in the Ayurvedic and Unani drugs. It does not require much thinking or much labour to explain how this is to be identified, what should be the test of it, who would be the persons who would judge it, etc. That requires training, that requires certain research work, that requires certain laboratories to work.

For ons-tance, there is a proposal that there should be some research j work regarding Ayurvedic and Unani

[Shri Akbar Ali Khan.] *drugs* in some of the States. With the State, to Which myself and my friend, Dr. Raju, have the privilege to belong, some correspondence lias been going on for the last two years regarding the establishment of a project of research in Ayurved and Unani. 1 am neither blaming the Central Government no* the Andhara Pradesh Government but I do emphasise that there is something to think about seriously as to Why there should be so much delay in the establishment of a research project regarding these two Indian systems of medicine. I have a feeling—I may be wrong—that nobody takes the matter very seriously. They do not attach the same importance to Unani and Ayurvedic systems which they generally attach to allopathy. That lack of sympathy and aense of urgency are responsible for the delay in these matters. So when you bring them under the penal provisions and you have not got a cadre to look into i3t nor the pharmacopoeia according to which you will have to test, what would be the result of introducing this law? It will be a great hardship to thousands of people. I know they are spread, over in our rural areas. They in their own way are trying to help our people because we are not able to give allopathic doctors to all our rural areas. So far as these matters are concerned, T would like the Ministry to consider that, they arc proceeding and formulating certain provisions and prescribing certain punishments but **the test** will be extremely difficult and there is every possibility of great hardship and injustice being done to the Hakims and Vaids and in consequence to the people at large. So I would appeal through you that these matters should be taken into consideration and immediate steps should be taken to bring up a cadre to that extent.

One thing I would like to say about laboratories. Very few laboratories have been established in this country. It is very essential that in this matter **the** Government should consult **the** persons concerned, should consult the research scholars *and* see that at an early stage certain research laboratories are established at proper places with adequate equipment and necessary facilities for the scholars to make i eh in these matters.

Lastly I would refer to the question of education. Now there are places,. for instance, Delhi Hyderabad and time other places, where education is imparted and they are trying to make Ot as effective, as efficient as possible, but on account of certain technical difficulties these programmes of education are also postponed. The Government of India had established an All India Committee. The recommendations are there. I would request the Ministry to take up and see that colleges and institutions, according to the recommendations of the Committee, are established and run on proper lines with proper staff and the students who pass out should know that if they pass, apart from doing service on their own, **the** Government will also, as regards appointment of inspectors and creation of other cadres which would be necessary to test etc., give them the first chance. With these observations, I support th$_e$ Bill.

श्री विमलकुमार मन्नालालजी चौरड़िया (मध्य प्रदेश) : उपसभाध्यक्ष महोदया, जो संशोधन बिल प्रस्तुत किया गया है और जो मूल में संशोधन बिल प्रस्तुत किया था उसके बाद जो प्रवर समिति बैठी, उसने उसमें काफी परिवर्तन किये हैं और ये परिवर्तन गलत दिशा में हुए ऐसा मैं नहीं मानता, वे ठीक दिशा में हुए, किन्तु मैं तो यह भी अपेक्षा करता था कि सारी बातों को देखते हुए हमारे विभाग द्वारा दो अलग बिल प्रस्तुत किये जायेंगे——आयुर्वेदिक और यूनानी की दृष्टि से अलग ऐलोपैथिक और दूसरी औषधियों की दृष्टि से अलग । यदि हम दो अलग अलग कानून बनाते तो दोनों की

व्यवस्था की, दृष्टि से, प्रशासन और उन पर नियंत्रण करने की, दृष्टि से तथा सब दृष्टियों से अच्छा होता, किन्तु कम से कम एक कदम इसमें ठीक उठाया गया है कि आयुर्वेद और यूनानी, के लिए अलग से बोर्ड बनाया गया है हालांकि उसके लिये जो व्यवस्था रखी, गई है उसके बारे में लोगों की, अलग अलग रायें हैं । जो बोर्ड बना है उसमें अधिकतर शासकीय प्रतिनिधित्व है जब कि एलेक्शन के द्वारा भी, या संस्थाओं के द्वारा भी, प्रतिनिधित्व होता तो ज्यादा अच्छा होता, किन्तु यहां पर उनमें अधिकतर नामिनेशन के द्वारा प्रतिनिधित्व किया गया है — तो वह ठीक नहीं है । जैसा कि बिल की, एक धारा में है कि फार्मेस्यूटिकल इंडस्ट्री, की, तरफ से भी, एक प्रतिनिधि रहेगा और वह गवर्नमेंट नामिनेट करेगी, तो समझ में नहीं आता कि जब हम चाहते हैं कि लोगों को सच्चे रूप में प्रतिनिधित्व करने का मौका दिया जाय तो फिर क्यों फार्मेस्यूटिकल उद्योग के प्रतिनिधि को हम नामिनेट करें—यह कुछ ठीक लगता नहीं है । उनकी, जो संस्था है, निर्माण करने वालों की जो संस्था है वह आपने प्रतिनिधि का नाम शासन के पास भेजें तो ज्यादा अच्छा है, उनके टर्म आफ आफिस को जैसा आप चाहें निर्धारित करें, उनको आप अगर सीमित कर दें तो कोई बुरी, बात नहीं, किन्तु शासन उसे नामिनेट करे यह ठीक नहीं है ।

कुडप्पा कमेटी, ने भी, यही, सिफारिश की, थी, कि आयुर्वेद और यूनानी, की दृष्टि से प्रशासन की व विधान की अलग व्यवस्था हो और दूसरी, दृष्टि से अन्य व्यवस्था हो मगर अभी, शासन ने उस दिशा में कुछ किया नहीं है । मैं विभाग से प्रार्थना करूंगा कि इस बारे में विचार करके दोनों के लिये अलग अलग कानून प्रस्तुत करें और अलग अलग व्यवस्था करें तथा उनके नियंत्रण की, व्यवस्था भी, अलग अलग हो तो अधिक अच्छा होगा ।

इसमें दूसरी, खास बात यह है कि मिलावट ज्यादा होती, है इसलिये इसको रोकने की, दृष्टि से सजा बढ़ाई गई है । मैं यह नहीं मानता कि केवल सजा बढ़ा देने से ही, उसकी, रोक हो जायगी, क्योंकि मिलावट करने वालों को इससे रोका जा सकें और उनको ठीक तरह से सजा मिल सके इस सम्बंध में चार बातें सामने आती, है । पहले तो जो इंस्पेक्टर्स हैं, जो कि उसको चेक करने वाले हैं वे जिम्मेदार हैं, फिर दूसरे लेबोरेटरी, की, बात है, फिर तीसरे है मैजिस्ट्रेट या जो सजा देने वाले हैं और चौथे हैं पंच लोग जो कि वहां पर एकत्रित होंगे, ये चारों सही, हों, चारों अपने स्थान पर ठीक उतरें तब तो जो हम चाहते हैं कि यहां मिलावट रुके वह हो सकता है नहीं तो नहीं हो सकता । केवल एक पक्ष को कि निर्माण करने वाला अगर पकड़ा गया और उसने गुनाह किया तो उसको सख्त सजा दी, जायगी, केवल इसी, आधार पर हम सजा बढ़ा देंगे, तो इसको मैं ठीक नहीं मानता । मैं मिलावट के कई केसेज जानता हूं । चूंकि यह ड्रग्ज एन्ड कास्मेटिक्स का मामला ऐसा है कि बड़ी बड़ी कम्पनियां होती, हैं और बड़े बड़े उद्योग वाले होते हैं तो वे अपना प्रभाव बड़े बड़े लोगों पर आसानी से डालते रहते हैं । हमारे यहां पर ऐसे कई केसेज हुए । बम्बई में कामेट कम्पनी, का केस हुआ । हमारे गुजरात में सिनटेक्स के २२ ड्रग्ज सब स्टेन्डर्ड पाए गए, कलकत्ता के केसेज हुए, सब जगह के हुए । मगर उनके इन्फलुएन्सेज ऐसे काम करते हैं जिसकी, वजह से चाहे हम सजा बढ़ा दें परन्तु वह सारा मामला गड़बड़ में पड़ जाता है । प्रान्तीय सरकार से यह मामला संबंधित होने की, वजह से वे वहां की स्थानीय सरकार को प्रभावित करके अपने मामले को अगर मिटवा नहीं सकें तो हल्का जरूर करवा सकते हैं और अगर हम सजा का व्यवधान बढ़ा दें तो इसका परिणाम यह होगा कि खुशामद बढ़ सकती है, रिश्वतखोरी, बढ़ सकती है और इसका विकल्प ही, यही, होता है । ऐसी,

[श्री विमलकुमार मन्नालालजी चोरड़िया]

स्थिति में मैं प्रार्थना करूंगा कि हमारा शासन जो यह सोचता है कि केवल सजा बढ़ा देने से मिलावट को रोक देंगे तो यह सही नहीं है । इसके बरक्स जो इसके चारों पक्ष हैं वे ठीक तरह से काम कर सकें इसके बारे में हमें कुछ करना होगा ।

अब छोटे से उदाहरण मैं बताता हूं । हमारे यहां जिस मिलावट के मामले में फूड इंसपेक्टर ने ब्रुकबान्ड टी का सैम्पल लेकर भेजा वह जब लेबोरेटरी में जाता है तो ब्रुकबान्ड कंपनी का इन्दौर का आफिसर था वह वहां से एजेन्ट को लेकर, उसके कोटा आफिस के आदमी को लेकर, भानपुरा आया, इसलिये कि वहां के इन्सपेक्टर को पटा कर मामला वहीं का वहीं ठीक हो जाय । फर्स्ट स्टेज में उन्होंने यह प्रयत्न किया कि अगर इन्सपेक्टर मान गया तो हमारा केस दब जायेगा और ब्रुकबान्ड टी कम्पनी के खिलाफ केस नहीं चलेगा । लेकिन वह ईमानदारी आदमी था और उसने उनकी बात को नहीं माना और उसने कहा कि हमने रिपोर्ट भेज दी है, सैम्पल भेज दिये हैं और सैम्पल के अनालिसिस के अधार पर जो होगा मैं प्रस्तुत करूंगा । इसके बाद वे लोग जहां पर लेबोरेटरी में टेस्ट होता है वहां पर इनफ्लुएन्स करवाने के लिये गए । इसी तरह से इस केस का क्या भविष्य होगा आज कहा नहीं जा सकता । इसके पहले एक दूध की मिलावट के मामले में एक केस पकड़ा गया था । जब पता लगा कि अमुक लेबोरेटरी में टेस्ट होने वाला है तो वहां जाकर भेंट पूजा दे कर अच्छी रिपोर्ट ले ली जब कि वह दूध कलकत्ता की लेबोरेटरी में भेजा गया था तो उसमें मिलावट पाई गई और उसके बारे में आगे कार्यवाही हुई । तो जब तक ये जो चारों फैक्टर्स हैं इन पर ठीक तरह से नियंत्रण न हो तब तक ये संभव नहीं है कि हम देश से मिलावट को मिटा सकें क्योंकि सजा बढ़ा देने के आधार पर हम अपेक्षा करें कि मिलावट मिट जायेगी यह केवल स्वप्न है और इतना ही नहीं रिश्वतखोरी का नया बाजार गरम करने की व्यवस्था हो जायगी । मेरा यह कहना नहीं है कि हमारा बुरा इरादा है मगर दूसरे पहलू की तरफ ध्यान रखना अत्यंत आवश्यक है । निरीक्षक पर यह बंधन नहीं होना चाहिये कि सैम्पल एक अमुक लेबोरेटरी में ही भेजा जाय। वे चाहें जिस लेबोरेटरी में हो चुपचाप भेज दें ऐसी व्यवस्था होनी चाहिये। हमारे डिपार्टमेंट को अपने अधिकार क्षेत्र में ऐसा प्राविधान करना चाहिये कि हिन्दुस्तान भर की इतनी लेबोरेटरीज हैं उसमें से जिस लेबोरेटरी में भेजना चाहें भेज सकें । उसमें यह प्रश्न नहीं पैदा होता कि इन्दौर की लेबोरेटरी में भेजने से हम पोस्टेज कम खर्च करेंगे और बाहर की लेबोरेटरी में ज्यादा । सबसे पहले हमारे विभाग को यह काम करना चाहिये कि ऐसे टेस्ट करवाने के जो सर्किल बांट रखे हैं उनको छोड़ना चाहिये । दूसरे अगर लेबोरेटरी की रिपोर्ट में कुछ मेलाफाइडे बात मालूम पड़े तो कहीं भी ऐसा केस मिलने पर, जैसा कि दूध के केस में हुआ, सख्त से सख्त कार्यवाही करने की व्यवस्था हो और जब तक हम ऐसा नहीं करते तब तक हम मिलावट को रोक सकेंगे यह संभव नहीं । तीसरे यह कि ये जो छोटे छोटे मामले हैं इनका प्रान्तीय सरकार से सीधा संबंध है, हमारी केन्द्रीय सरकार तो खाली कानून बना कर केन्द्रीय सरकार को देने वाली है । कई किस्से मुझे मालूम हैं । च्यवनप्राश को ले लीजिये कहीं वह पांच रुपये प्रति सेर के भाव से मिलता है, कहीं २० रुपये प्रति सेर के भाव से मिलता है, सब की लेबल पर लिखा रहता है कि अमुक, अमुक चीज है । समझ में नहीं आता कि एक को मेहनत ज्यादा करनी पड़ती है और एक को मेहनत कम करनी पड़ती है या क्या कारण है जिससे इतना फर्क पड़ता है ?

श्री लोकनाथ मिश्र (उड़ीसा) : एक असली है एक नकली है ।

श्री विमलकुमार मन्नालालजी चोरड़िया नकली के लिये ही सारा मामला है। जो नकली है पकड़े जाने के बाद वह चारों स्थितियों से एक को तोड़ कर बच निकलता है।

श्री रामकुमार भुवालका (पश्चिमी बंगाल) : प्योर घी भी जिस भाव का लो नकली मिलता है।

श्री विमलकुमार मन्नालालजी चोरड़िया: हमारे सदस्य महोदय अपने अनुभव के आधार पर कहते हैं कि घी में मिलावट होती है। मैं कई ऐसे उदाहरण जानता हूं कि जहां पर फूड डिपार्टमेंट के अन्तर्गत इन्सपेक्टर ने गांव बांट रखे हैं कि १०० रुपये महीने हमें दे दिये जायें, तुम्हारे यहां का केस नहीं पकड़ा जायगा, हिसाब १०० रु० महीने का बंधा हुआ है। पहले आनेस्ट इन्सपेक्टर चाहियें, उसके बाद प्रान्तीय सरकार का मामला होने की वजह से गड़बड़ न हो जाय। तो ये सारी बातें जब तक नहीं होतीं तब तक हम अपेक्षा नहीं कर सकते कि मिलावट मिट जायेगी।

इन शब्दों के साथ मैं तीन चार बातें माननीय मंत्री जी के सामने रखना चाहता हूं। पहली बात यह है कि दोनों के लिये आयुर्वेद यूनानी एवं एलोपैथी के लिये एक अलग अलग कानून चाहिये। दूसरी बात यह है कि ये जो चारों का सर्किल है इस सर्किल पर भी पूरा नियंत्रण हो। तीसरी बात यह है कि हमारी प्रान्तीय सरकार के दायरे से मामला हटाकर केन्द्रीय सरकार उसको अपने हाथ में ले ले। यह तो कानून के पक्ष की बात है।

दूसरी बात यह है कि हमारी सरकार का आयुर्वेदिक और यूनानी पद्धति के साथ सौतेला व्यवहार होता है। आयुर्वेदिक और यूनानी के साथ तो सौतेला व्यवहार किया जाता है और एलोपैथी उनके लिये प्रमुख पटरानी की जगह बैठी है। तो मैं माननीय मंत्री जी से प्रार्थना करूंगा कि एलोपैथी अपनी जगह पर अच्छी है, उसकी बुराई मैं नहीं करता पर आयुर्वेदिक और यूनानी अपनी जगह पर, बहुत अच्छे हैं और उनके लिये हम ऐसा दुर्व्यवहार करें, उनकी तरफ उपेक्षा का व्यवहार करें यह बात न्यायसंगत प्रतीत नहीं होती। हमारे कई कालेजेज के विद्यार्थी इस बात के लिये हड़ताल करते हैं कि बी० आई० एम० एस० पास हो जाने के बाद हमको बराबर की तनख्वाह नहीं मिलती। दिल्ली में यूनानी कालेज के विद्यार्थियों के ऊपर लाठी चार्ज हुआ। रायपुर में लोगों ने हड़ताल की। कई केसेज हैं। मैं मंत्री जी से पूछना चाहता हूं कि क्यों नहीं उनको भी एम० बी० बी० एस० या उसके समकक्ष कोई स्थान दिया जाय। अगर उनके ज्ञान में हम कुछ कमी मानते हैं तो कुछ उनका कोर्स बढ़ा देना चाहिये। उनको भी पांच साल का कोर्स पूरा करना पड़ता है। ऐसी स्थिति में सरकार क्यों नहीं ध्यान रखती है कि उनको भी एलोपैथी की डिग्री के समकक्ष रखा जाय। कई अस्पताल ऐसे हैं जिनके बारे में माननीय मंत्री जी जानते हैं कि जहां डाक्टर का पता नहीं है, अस्पताल है और कम्पाउन्डर से ही काम चलता है। चूंकि आयुर्वेदिक और यूनानी के डाक्टर जो काम करते हैं उनको एलोपैथी वालों के समकक्ष वेतन मिलता नहीं इसलिये उनका आकर्षण इस ओर नहीं होता। फिर हम जोर से कहते हैं कि हम तो आयुर्वेदिक और यूनानी को बढ़ावा देना चाहते हैं। केवल शाब्दिक कथन से बढ़ावा हो सकता है तो हम सब कहेंगे कि जरूर बढ़ावा दें। लेकिन जब तक आर्थिक लाभ उनको मिलता नहीं तब तक इस ओर हमारी उन्नति हो नहीं सकती। हमारी यूनानी पद्धति में भी बहुत अच्छी दवाइयां हैं, आयुर्वेदिक में भी और एलोपैथिक में भी हैं लेकिन यह आयुर्वेदिक और यूनानी इसलिये पीछे पड़ते जा रहे हैं कि उनको जो मुआविजा मिलना चाहिये, जो लाभ मिलना चाहिये वह नहीं मिलता और इसके परिणामस्वरूप केवल

[श्री विमलकुमार मन्नालालजी चोरड़िया]

एक पक्षीय काम हो रहा है और आयुर्वेदिक और यूनानी की उपेक्षा हो रही है ।

महोदया, मैं एक बार और जोर देता हूं कि यूनानी और आयुर्वेदिक के लिये अलग से विधान बने और इसके लिये अलग विधान बने और इस विधान में जो ज्यादा सजा देने की व्यवस्था की गई है वह अच्छी है अगर ठीक तरह से काम करे । मैंने बाकी जो सुझाव दिये हैं उन पर शासन ध्यान दे तो बहुत अच्छा होगा ।

SHRI R. S. KHANDEKAR (Madhya Pradesh): Madam Vice-Chakman, I rise to give my support to this Bill. Although it is not possible for me to agree completely with the Bill—because I had the good fortune of serving on the Committee and I have given my note of dissent—il give my support to this Bill keeping in view those observations I have made there.

Madam, as I said I had the opportunity to serve on this Committee and I must congratulate—of course I am not congratulating myself—the Committee for they have done a very good job. The Bill in its original form when it was introduced here, had so many points which were controversial and a lot of agitation was there with regard to some of the provisions of the Bill as it then stood but after the deliberations of the Joint Committee, the Bill I think is much improved because the Committee has tried to meet many of those objections and also to allay the fears of the various people. The Committee also took pains to .invite many witnesaes. The Committee received a plethora of memoranda and representations md we minutely went through all thost* memoranda and representations und we also examined the witnesses hi great detail. The Committee has tri«d to meet as far as possible their arguments and we believe that thto Bill in this amended form is much better *han the original Bill.

Now, Madam, I will be failing in my duty if I do not mention some good words about the Chairman of the Committee. He was very accommodative and he tried to take into account all the different viewpoints of hon. Members. At the same time the Ministers also co-operated. I must congratulate the hon. Minister who was sympathetic and who tried to accommodate all the viewpoints. Of course they were not according to the wishes of the Minister but still she accepted them and tried to meet those points of view.. The Bill when it was introduced was in a more drastic form and it was also in a loose form but the Joint Committee gave careful thought to its provisions and has brought forward this amended Bill.

Having said this, Madam, I need not say that there is no necessity for passing this Bill at this moment. In fact it is already late. We have seen that so many hon. Members have said that there is a lot of adulteration in every walk of life, much more so in medicines and drugs. In fact when the Chairman of the Joint Committee was Minister he had said that those who indulged in this sort of adulteration, these adulterators, were potential murderers. It is very true. For a paltry monetary benefit these people mix poisonous things in the drugs that ultimately cause even the death of the patients. So in order to check this malpractice it was very necessary that this Bill should have been brought forward much earlier and I am glad that at least now this amended Bill has come up before the House.

When this Bill was introduced there was a lot of apprehension in the minds of person-who were practising Ayurvedic and Unani systems of medicine. They thought that the Government was going to control all their activities and virtually their profession would come to a standstill and all the witnesses who appeared before the Committee, almost without exception,

expressed the same fear which was in their minds partly on account of prejudice and partly on account of the defacts in the Bill. Everybody insisted that the provisions regarding Ayui-vedic and Unani systems should net be incorporated in this Bill but that there should be a separate Bill for these systems of medicine. And t was in the fitness of things; it is als > the recommendation of the Udupa Committee. It would have bee I better if a separate measure for Ayurvedic and Unani systems of medicine was framed and brought up. Th! Committee however thought th: t there should be some control over these systems of medicine and tht Government has thought it fit to bring those systems under control to a limited extent, limited to three aspect;. The first is that the Ayurvedic and Unani drugs must be prepared under sanitary conditions. Nobody will question the motives of the Government or of the Committee when they say thtt these medicines should be prepare I under sanitary conditions. The second aspect is that the ra_w materials used should be identified by qualifi-ed and competent persons and thirdly the contents of the drugs should be displayed on the label. Nowadays wh; t happens is this. Only this morning the hon. Minister intervened and said the Ayurvedic and Unani systems are being brought under control under this Bill only for a limited purpos • Under the name of Ayurvedic and Unani systems persons used *to* > c acquitted by the courts and they used to go scot-free. They could not be controlled because some Ayurvedic or Unani ingredient used to be put in the drugs—although the whole thing was allopathic—and the Government were not able to control such aetiv -ties. So the control contemplated under ths Bill is onlv in respect of tho<*> three aspects an,^ T think this will meet their obiections. For this Also a separate Chapter has bee n added and a very elaborate procedure has been laid down.

The Committee has also made son e other amendments and they are alio quite welcome. I shall refer to clausa 8 here. A fear was expressed that genuine people might be put to hardship when this measure be-3 P.M. came an Act So. the Committee imade Mie necessary amendment or proviso to that section.

They have written in their Report: —

> "During the evidence tendered before the Committee, it was pointed out that there may be cases Where in spi^e of adequate care and diligence on the part of the manufacturer of the drug or the dealer thereof, it may not be possible to prevent natural decomposition of the drug within the period specified on the label of the drug within which it is to be used. The Committee feel that some protection in such cases is necessary, taking care at the same time that no allowance is given ..."

The fear was expressed that in spite of all care it was natural and it was bound to happen that certain medicines might decompose even though it might not be due to the fault of the stockist. For that a provision has been made and adequate protection has been given to the stockists.

Similarly, in clause 15 also, certain protection has been given. It says:—

> "It was strongly urged before the Committee that the removal of this protection would cause undue hardship to dealers in drugs as a whole. The Committee feel that necessary protection should be given to honest dealers lest it should cause undue hardship to them. Accordingly the Committee have proposed that a dealer in any drug or cosmetic shall not be liable fo_r contravention of section 18 if he proves that he acquired the drug or cosmetic from a duly-licensed manufacturer, distributor or dealer thereof;".

In the original Bill it was provided that anybody who was hi possession of an adulterated drug was liable under this section. Genuine stockists are

[Shri R. S. Khandekar.] exempted by this new amendment and it is a good addition.

Now, there is one thing which is also welcome. It is with regard to clause 3. It was that when there was a stockist or manufacturer who was found guilty under this Act, he was punished. Now, a provision has been made. During the course of the investigation if it is found that he purchased the goods, that he was a genuine dealer with *bona fides* and honest intentions and yet it was found that all these medicines decomposed or were adulterated, then what is his fault? So, a provision has been made to the effect that if he can show the source from which he purchased the medicines, his responsibility would be over. In that respect the Committee has done a good thing.

Another welcome provision is the application of the provisions of this Bill to Government "Departments also. We have often said in this House that there is always a tendency to give immunity for Government servants. In the laws which were passed recently there was always one section saying that whatever was done by any Government officer during the course of his duties, he was immune from the provisions of the Act. It was a sort of discrimination. The Government officers particularly used to be very careless and used to feel safe. They might have been even negligent towards their duties. In this Bill for the first time I am seeing that even Government officers are made responsible and if there is any contravention of the provisions of this Bill, then the head of the department Or whoever is concerned is held responsible. I welcome this provision.

Now, what I do not approve of is with regard to the constitution of the Boa>-d, As I have said in my minute of Dissent—and some hon. Members have also expressed their views with regard to it—the Board is not properly composed. I think it is overwhelmingly filled with officialdom and even those persons who are not directly connected with it are on the Board. There are many appointments which are reserved for the Government and many members are to be nominated by the Government. Personally I do not like the method of nomination. If the nominations had been dispensed with it would have been better.

As 1 said earlier, if a separate, complete and all-pervading Bill controlling the Unani and Ayurvedic systems of medicine had been brought forward it would have been better. Even this stage I would request the Government to bring forward such a comprehensive measure which would control both the systems, so that there will not be jumbling also. The people's fears arso would be allayed and there would be an effective control over these systems. One argument that is always advanced is that there is no pharmacopoeia as yet prepared. It should be prepared early and when it is done the Government should bring forward a comprehensive Bill.

Then, I have said in my Minute of Dissent that the Adviser in Indigenous Systems of Medicine, Ministry of Health, *ex-officio* should be the Chairman of this board as the Director-General of Health Services, *ex-officio* is the chairman of the other board of Allopathic system of medicine. We do not find any reason as to why the Government should reserve the power of appointing a chairman with them.

Then, one thing which passes my imagination is that while this is called the "Drugs and Cosmetics (Amendment) Bill", We do not find any word or any provision regarding cosmetics in the whole Bill. There were some difficulties and, therefore, the word "cosmetics" was retained. Why should not the Government bring forward some stricter provisions re-grading cosmetics also, because any adulteration or any decomposition of cosmetics is as harmful as in the case-of drugs? More provisions regarding cosmetics also should have been made in this Bill. The Government *need*

not wait for other amendments with regard to cosmetics.

Now, I come to section 34. The whole purpose of bringing forward this Bill would be vitiated if section 34 is not amended. The Committee also has recommended that there is need for amending section 34 immediately. Otherwise, the whole purpose of this would be negatived. The Committee has said this. Section 34 in the original Act which deals with offences by companies, including firms or other associations of individuals, dilutes the penal provisions of the Act as laid down in other sections and discriminates in favour of companies and firms as against individuals. If individuals are found guilty under this Act, they are punishable, but if firms or companies are found guilty or found doing all sorts of things which are contrary to this Act, then they go scot-froe. What will happen is this. These individuals who are doing the malpractices these days will form joint stock companies or firms and then they will go out of the clutches of the law. So. it is necessary that section 34 should be amended immediately. We had requested that the amendment should be brought forward along with this Bill. But there was some technical difficulty. I do not agree with the view of the Law Ministry—that section 34 should not be amended along with this Bill. When the whole Act is for amendment before the House, then is no reason why we cannot amend section 34. Anyway, the Law Ministry's opinion prevailed at the time and section 34 remains as it is. So my submission is that if the Government wants that this provision should be rigorously implemented, and if .his Bill should be effective, there is utter necessity to amend section 34.

Then I come lastly to the penaHies. Penalties have been provided and they are rigorous also. Previously in the original Bill a minimum sentence was given, and there was no discretion given to the courts. I was opposed to this method, and many eminent jutists also are of the view that there should not be any limitation on the powers of the courts. This argument is being met by two ways now under the amended Bill. There is provision of a minimum sentence of one year for certain offences, but then there is a proviso that the discretion is given to the court to reduce the sentence. But if the offences are repeated, then there is penalty for that, there is no doubt about it. But in my view the penalties ought to have been stricter, and keeping the discretion with the court the Government should have provided stricter penalties for graver offences. There is no provision like this in this Bill.

However, the amended Bill now before the House in its present form is quite welcome. If you pass any law, however good it may be, the whole thing will depend upon its implementation. If the machinery :s honest, if the machinery is hardworking and there is consciousness of purpose, if the Government machinery is up to the mark, then any law is worth while, and these provisions will really become good. Otherwise they only adorn the book shelves in the offices, in the libraries and in individual homes. So ultimately it comes to the question of effective implementation by honest and hard work, and I wish that the Health Ministry would Implement these Acts in that way. The provisions are not very strict. We wanted stricter provisions. However they are in the formative stage as yet and our machinery is also not very strong. But whatever material we may have, we wish that the provisions of this Bill should be implemented in right earnest. This menace of adulteration and malpractice, though I do not believe that they will be completely rooted out, yet should be minimised and Government will have served this purpose if they do it with little care.

With these words I support the Bill.

DR. D. S. RAJU: Madam, at the outset I would like to thank the Members of the Joint Select Committee and its very able and worthy Chair-

[Dr. D. S. Raju.J man, Shri D. P. Karmarkar. I think we were very fortunate in having the services of Mr. Karmarkar who was our ex-Health Minister; not only that, he is a very distinguished lawyer himself. The Members have done a very good job with infinite patience. They have interviewed so many organisations and listened to all the representations and memoranda that were put before them and have come to almost unanimous conclusions and presented this amended form of the Bill.

I would like to thank the hon. Members who spoke on this amended Bill. •Generally, I think they have given their consent. They have appreciated the necessity for bringing this amended Bill and also fo_r the provisions that are contained in it. So I thank them very much. A few hon. Members have said certain things with a few reservations, and I would like lo say that with regard to the statement of Sapruji, he is an expert constitutional lawyer and I have great respect for him. I must admit that I am not a lawyer myself nor the Health Minister; my senior colleague. But I would like to say that we are we!I advised on these constitutional matters by our Ministry of Law. I think there is a constitutional provision to the effect that Parliament is supreme and sovereign. They can make ruch restrictions as are found necessary in the way of punishment or in the way of restricting the activities of the courts. So, that much I would like to say to the hon. Member.

I do not like to go into a long discourse on the merits or demerits of the systems of medicine. I would like to say this much. Although both of us, my senior colleague and myself, practised the modern system of medicine, at the very beginning 1 must say that we are scientists, and really good scientists must always keep an open mind and an open heart. We should never close our hearts or minds to any new thing or idea that we might receive from any source whatsoever. Personally T feel that no system is complete in itself, no system embodies in itself a completely whole thing. There are lacuna^ in almost all systems, whether it is the modern system or whether it is Ayurveda or Unani or Homoeopathy. That is why the Government and °ur Ministry would like t_0 take the best of everything. We would like to find out and are always ready to accept any good new treatment, any new method or any new approach to the system of treatment of diseases. That is why, we are encouraging almost all systems that are available in this country including Naturopathy.

Some Members have said that there should be two separate Acts, one for the modern system of medicine and one for the Ayurvedic system of medicine. In fact there was some discussion on this in the Joint Select Committee also, but ultimately they have agreed that a separate Chapter would serve the purpose. So Chapter IVA has been incorporated in this amended Bill.

SHRI AKBAR ALI KHAN: They said that as you were not prepared to bring another Act immediately, they would agree to that.

DR. D. S. RAJU: But I am sure the purpose is served because a separate Board has come into existence, a separate Technical Advisory Board for Ayurvedic drugs has come into existence, and the punishments etc. are all separate. The punishment for adulteration of Ayurvedic drugs is very nominal. They have said that it is only three months' imprisonment or a fine of Rs. 500 for the first offence. For the second offence they have said that it is six months' imprisonment or a fine of Rs. 1000, and the courts are given the option to reduce it. All we wanted was the minimum of restrictions to be imposed on the manufacture and sale of Ayurvedic drugs. We all know that we wanted some hygienic conditions to prevail on the premises. That is one thing. We know that otherwise all the dust and other things would get into the Ayurvedic medicines and they are likely to get

adulterated. Secondly we wanted these raw materials to be Identified. When a manufacturer employs an adviser, he must be sure that he is a competent man, a competent Ayurvedic physician. He must be able to identify all these raw materials which are going to be used in the preparation of those medicines. That is not a difficult thing. There are enough Ayurvedic physicians an^ I'nani physicians who can identify raw materials. Thirdly, we wanted proper labels to be put on the bottles. These are the simple things which we wanted. We did not want to be very harsh on this industry because it is just a growing industry. We do not want to stifle it. It is with the idea of encouraging this industry that we have brought forward this Chapter IV. We know that otherwise the industry and the profession also would get into bai repute. If anything goes wrong anywhere in this system, whether it is the manufacturing side or storage- and distribution or in the usage by doctors, the whole system gets into bad repute. It is with this idea that we have brought this amended Bill. As far as laboratories are concerned, we are trying to expand laboratory facili-ties for the analysis of these drugs. As it is, we a^e not so bad as in the analysis aspect. Some of these drugs which go into the Ayurvedic preparations;, such as gold, copper, arsenic and other *bhasmas,* could be easily identified ,md examined by the modern labo-ratoiies. Only certain things we are unable to examine but in regard to them we are going to enlarge the laboratory facilities.

One hon. Member has referred to the element of nomination by Government. Basically I agree with him that it is bad. But how can at be helped now, under the present circumstances? There is no organised association of these people in the country. There are several organisations but not representative ones, each one claiming to be the all-ndia organisation and quarrelling with each other. So, it is a difficult task.

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liven in Delhi there are several associations, the Homoeopathic Association here claiming that they are the only all-India Association. We come across this difficulty. With the machinery and the data which we possess, we are in a better position to nominate people. Of course, we can make mistakes but we would like to make the scope as comprehensive as possible to meet the objections.

For the first time when I introduced the Bill, the definition of 'adulterated drug' was not there. Certain conditions apply. It shall not be prepared under Unhygienic conditions, it should be properly stored, etc. For the adulteration of drugs, the punishment is recommended to be enhanced, from one year minimum to ten years maximum. That was the recommendation made. Of course; the courts have been given the power to reduce the punishment.

These are the main provisions. I do not think I have got much time to add to what has been said already. I hope that our objective will be achieved by the implementation of this Act. We would like to provide our countrymen with the best of what we have got, the best in Ayurveda, the best in modern drugs, the best in Unani, the best in Homoeopathy. Homoeopathic drugs are not included in this because they already come on that side; rules can be made so that they can also be protected. Also regarding Ayurveda, the dealer or the distributor need not have a licence, it is only the manufacturer who is required to possess a licence. I mentioned that doctors, hakims and vaids who prepare medicines for their own patients need not have a licence. For that also, provision is there. So, we have tried to be very, very lenient because it is just an infant and growing industry.

With these 'few words, I thank you very much for giving me this chance and I thank the hon. Members. I would request the House to pass the

Bm.

THE VICE-CHAIRMAN (SHRIMATI TARA RAMCHANDRA SATHE): The question is:

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, as reported by the Joint Committee of the Houses, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI TARA RAMCHANDRA SATHE): We shall now take up the clause by clause consideration of the Bill.

Clauses 2 *to* 32 *were added* to *the Bill.*

Clause 1—*Short title and commencement*

DR. D. S. RAJU: Madam, I move:

2. "That at page 1, line 4, for the figure '1963' the figure '1964' be substituted.

The question was put and the motion was adopted.

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

Enacting Formula

Dr. D. S. RAJU: Madam; r move:

1. "That at page 1, line 1, for the word 'Fourteenth' the word 'Fifteenth' be substituted."

The question was put and 'the motion was adopted.

The Enacting Formula as amended, was added to the Bill.

The Title was added to the Bill.

DR. D. S. RAJU: Madam, I move:

"That the Bill as amended, be passed."

The question was put and the motion was adopted.

THE INDIAN RAILWAYS (AMENDMENT) BILL, 1963

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI S. V. RAMASWAMY.).: Madam, I beg to move:

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration."

[THE DEPUTY CHAIRMAN in the Chair.J

In moving this Bill, I wish to submit a few preliminary remarks. As has been set out in the Statement of Objects and Reasons, there have been several complaints in recent years that in large cities, tickets for railway journeys are purchased and seats or berths are reserved in railway trains by persons other than bona *fide* passengers and such tickets and reservations are subsequently transferred unauthorisedly to others for illegal consideration.

During the period ol summer exodus and other rushsseasons, intending passengers wanting to reserve berths, seats, etc. experience some difficulty in view of the fa'ctthat the demand for reservation of berths and seats is far greater than the available accommodation. It has been observed that some unsocial elements, taking advantage of the situation, also take up positions in the queues to secure reservation and then trade on these tickets inside or even outside railway premises in a clandestine manner.

A number of steps have been taken by the Railway Administrations to check corrupt practices in the matter of reservation and to ' prevent the activities of unsocial elements. These include the restriction on one person: