1835

dated the 27th July, 1963, publishing corrigendum to Government Notification G.S.R. No. 996, datad the 15th June, 1963. [Placed in Library. See No. LT-1503/63.]

NOTIFICATIONS UNDER THE CENTRAL EXCISES AND SALT ACT, 1944

SHRI B. R. BHAGAT: Sir, I also beg to lay on the Table a copy each of the following Notifications of the Ministry of Finance (Department of Revenue), under section 38 of the Central Excises and Salt Act, 1944:—

- (i) Notification G.S.R. No. 1273, dated the 3rd August, 1963, publishing the Central Excise (Fifteenth Amendment) Rules, 1963.
- (ii) Notification G.S.R. No. 1313, dated the 10th August, 1963, publishing the Central Excise (Sixteenth Amendment) Rules, 1963.

[Placed in Library. See No. LT-1501/63 for (i) and (ii).]

RESULT OF ELECTION TO THE COMMITTEE ON PUBLIC ACCOUNTS

MR. CHAIRMAN: I have an announcement to make.

Pandit Sham Sunder Narain Tankha being the only candidate nominated for election to the Committee on Public Accounts, he is declared duly elected to the said Committee.

MESSAGE FROM THE LOK SABHA

THE CUSTOMS AND CENTRAL EXCISES (AMENDMENT) BILL, 1963

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha: —

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Customs and Central Excises (Amendment) Bill, 1963, as passed by Lok Sabha at its sitting held on the 26th August, 1963.

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy of the Bill on the Table.

THE DRUGS AND COSMETICS (AMENDMENT) BILL, 1963

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH (DR. D. S. RAJU): Sir, I beg to move:

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, be referred to a Joint Committee of the Houses consisting of 30 members; 10 members from this House, namely:—

- 1. Shri B. N. Bhargava
- 2. Shri Bairagi Dwibedy
- 3. Shri D. P. Karmarkar
- 4. Shri Krishna Chandra
- 5. Shri Kumbha Ram
- 6. Shri P. C. Mitra
- 7. Dr. A. Subba Rao
- 8. Dr. Shrimati Seeta Parmanand
- 9. Shri R. S. Khandekar 10. Dr.

Jawaharlal Rohatgi

and 20 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee; [Dr. D. S. Raju.]

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

that the Committee shall make a report to this House by the first day of the next session; and

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

{THE DEPUTY CHAIRMAN in the Chair.]

Madam Deputy Chairman, in bringing forward those amendments to the Drugs and Cosmetics Act, 1940 and in recommending that the Bill be referred to a Joint Select Committee, since some of the recommendations contained in the Bill are such that they have a far-reaching effect, I would like to point out some of the reasons why this Bill is recommended to be referred to a Select Committee of both Houses of Parliament. Madam, hitherto the drugs used in Avurvedic and Unani systems of medicine were not covered by this Act, namery, the Drugs and Cosmetics Act, 1940. Hon. Members know that this industry of making drugs for the Ayurvedic and Unani systems has become a major industry in this country. Formerly only Va'ds and Hakims were making the preparations for the use of their own patients. But now this has become a major industry accounting for some lakhs of rupees. It has been estimated that Ayurvedic and Unani medicines cover about Rs. 6 crores in this country annually. So many people are affected by th's industry and it is but inevitable that the Government should take care to protect the health of the people. That is one of the reasons for this Bill.

Moreover, some of these Ayurvedic and Unani preparations contain some very valuable and costly medicines containing gold or musk or mercury preparations.

SHRI DAHYABHAI V. PATEL (Gujarat): Gold of how many carats?

DR. D. £} • RAJU: That does not make much difference.

SHRI DAHYABHAI V. PATEL: It does make a serious difference.

Dr. D. S. RAJU: Gold is supposed to be only a catalytic agent and so it is supposed to be taken out also from the drugs. Anyway, since these costly things are there it is also necessary to ensure that the drugs concerned do contain those valuable ingredients.

AN HON. MEMBER; Otherwise it is adulteration.

DR. D. S. RAJU: We also want to ensure that the premises where these things are manufactured are quite hygienic and that good sanitary conditions are maintained, also that the sorting and packing etc. of these things are taken into consideration and that they satisfy certain requirements. These are some of the man reasons why these Ayurvedic and Unani drugs have been brought under the puriew of this Act.

We have also suggested some enhancement of the punishment. Hitherto imprisonment was not compulsory. But now we have recommended that the punishment for infringement of the provision may be enhanced to imprisonment to 10 years. That is a very important point. Of course, we do not want to unnecessarily harass or punish innocent people; but at the same time we do not like guilty persons escaping. That is one of the important reasons why this measure is being referred to a Select Committee. It is hoped that hon. Members will give very serious thought and consideration to all these and other points

and give their valuable suggestions for being considered at the next session of Parliament. There was a warranty clause which was removed from the purview of this measure. That also makes a great difference.

There are manufacturing concerns also in this big drug industry and there are also importing firms, wholesale dealers and also retail dealers. If any adulteration takes place it must take place obviously at one of these stages. It may be at the manufacturing stage, or at the wholesale stage or at the retail dealer's place. So this is also an important aspect of the question and hon. Members, I hope, will pay considerable thought and attention to this aspect of the matter, namely, how to detect and by what means to detect adulteration and at what stage.

Because of all these reasons we have come forward with the suggestion that this Bill may be referred to a Select Committee composed of hon. Members from this House and the other House. We will welcome discussions and suggestions from hon. Members an i at a later stage when the Bill is discussed I might offer some more remarks.

With these words, Madam, I move.

THE DEPUTY CHAIRMAN: Motion moved:

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, be referred to a Joint Committee of the Houses consisting of 30 members; 10 members from this House, namely: -

- 1. Shri B. N. Bhargava
- 2. Shri Bairagi Dwibedy
- 3. Shri D. P. Karmarkar
- 4. Shri Krishna Chandra
- 5. Shri Kumbha Ram
- 6. Shri P. C. Mitra
- 7. Dr. A. Subba Rao

- 8. Dr. Shrimati Seeta Parmanand
- 9. Shri R. S. Khandekar
- 10. Dr. Jawaharlal Rohatgi

and 20 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee:

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

that the Committee shall make a report to this House by the fourth day of September, 1963; and

that this House recommends to the L(5k Sabha that the Lok Sabha do join in the' said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

THE DEPUTY CHAIRMAN: There are two amendments, one in the name of Shri Krishna Chandra and the other in the name of Shri M. P. Bhargava.

SHRI KRISHNA CHANDRA (Uttar Pradesh): I do not want to move my amendment, Madam.

SHRI M. P. BHARGAVA (Uttar Pradesh) K I move:

2. "That in the motion, for the words 'fourth day of September, 1963' the words 'first day of the next session' be substituted."

The question was proposed.

DR. A. SUBBA RAO (Kerala): When the motion was moved by the Minister, remember, he said that

[Dr. A. Subba Rao.] the report should be ready by the first day of the next Session. I remember he had already changed that part. That being so, what is the need for this amendment?

DR. D. S. RAJU: The amendment has already been accepted.

THE DEPUTY CHAIRMAN: The Minister did not say that clearly. He should have said it very clearly, about the amendment.

SHRI B. K. GAIKWAD (Maharashtra): there seems to be Madam, some misunderstanding. While reading the motion, the Minister clearly stated that the report will be ready by the first day of the next session. According to this, no amendment is necessary.

SHRI M. P. BHARGAVA: Madam Deputy Chairman, I also noted that while reading, the Minister read it as the first day of the next Session but he should have made it clear that he is accepting my amendment. Since he has already moved it in that manner, I need not say anything.

THE DEPUTY CHAIRMAN: What was the date you read?

DR. D. S. RAJU: First day of the next Session.

THE DEPUTY CHAIRMAN: Then ;he Minister has made a correction in he date that has been given to me. Che date that the Minister has given tands.

The motion, as amended by the Minister, is before the House.

شرى عبدالغلى (پلجاب): مهدم چهرسین - یه بل بوا ضروری جو هاوس کے سامنے ہے - یہ کیوں آیا هر اس لئے که دولاں میں ملاوت ہوتی ہے اور اس کو چیک

کرنا ضروری ہے۔ یہاں تک کہ جو انجکشان دیئے جاتے ھیں وہ بھی ہوگس بننے لگے ھیں اور زندگی کے لگے جو۔ انتہائی ضروری دوائیں۔ میں ان میں بھی ملاوت ہونے لگی ہے۔ اس کے ساتھ ھی ساتھ سرکار نے ایسا بھی محسوس کیا ہے کہ جو آیورویدک دوانين هين ان بھی کنٹرول کیا جائے اور ان بھی ملاوت کے خلاف کچھ روک لگائی جائے ۔ میڈم ڈیٹی چیرمین - مجھ که سوله پوس میں بھی هماری سرکار جن کو ترگز میں دمضل ھے جو ذرگز بناتے ھیں ان کے اخلاق کو اتدا اونجا نہیں کو پائی ہے که ولا متحسوس کریں کہ دیش کے ساتھ يه انهائے هے اور ايسا انهائے هے چو كه ھؤاروں جانوں کو ضائع کر سکتا ہے۔ *اس* کا کارن تو میں یہ سمجھتا ہوں جتها راجة تتها يرجا - آج هر جگه اس باع کا چرچا هے -

श्री शीलभद्र याजी (बिहार) : राजा ही बिल ला रहा है।

شوی عبدالغنی: راجه تو لائے گا یاجی جی - ابھی تو آپ کے بس میں ہے۔ جلد ھی جب ھمارے بس میں ہوگا تو ہم لائیں گے –

میں یہ عرض کر رہا تھا کہ اِس ليلى يوتى هے أور كيوں ية ضرورى

سے اِک مم اس کو روک پائیں ۔ اگر اس پر وچار کریں تو سرکار کو سمجها پويگا که اس وقت اس کا جو رخ هے ولا كميه بدلنا هـ - جو قرگو كو بنانے والے میں اندسٹریاست هوں یا کوئی هوں بیرونی هوں یا اپنے دیھ واسی هوں ان کو هم اپروچ کريس که ولا ایلی ذمهداریون کا احساس کرین -لیکن هم یه کریس کیسے - مصیبت يه هے ميةم ةپئى چيرمين - كه آج همارے دیش میں ایک عجیب مصيبت آئی هے اور وہ مصيبت يه ھے کہ جو سرکار سولہ برس سے چل رهی هے اور جسے دیش کی اکثریت نے اعتماد دیا اور اعتماد دے کو اس کو اب تک قائم رکھے ہوئے ہے — يء الگ بات هے كه اپوزيشن والے اس باے کا دعو_{یل} کرتے ھیں که ووٹرس کی اکثریت اس سرکار کے ساتھ نہیں لیکن جو پارلیمات میں کامیاب ہوئے هیں ان میں تو بہت ہوی گلتی اس سرکار کے ساتھیوں کی ھے — اور جب اس کو اتفا اعتماد ملا هے تب یه یکایک ایسا روپ اختیار کر رهی هے جس ہے که محصے در شے که ان کا یه میزر بهی به کار هر جائے گا۔ وہ یہ ہے کہ ملک میں تیں ہوے شعبے هیں۔۔ایک فائلنس کا هے دوسرا هوم کا هے تيسرا ان کا فود اینت اگریکلچر کا ہے اور تینوں کے وزیروں کو همارے پوائم منستر نے

ھے کہ سماج کی بوائدوں کے لئے قانون لا ذنذا هاته مين لين - مين سنجهتا ھوں کہ مہذب ملکوں میں قانون سے كام ليا جأتا هي ليكن اپنا ديم تو بهگوان رام کا دیھی ھے، بهگوان کرشن کا دیمی ہے، گرو نانک کا دیمی ہے، مهانما كاندهى كا ديه هي - تو مهاتما گاندھی کے دیھی میں مہاتما گاندھی کے جانشین اگر لوگوں کے اخلاق کو أج اتنا بلند نهيں كر دائم كه وه اله بہن بھائیوں کی زندگی سے نہ کھیلیں تو یہ کافی دکھ دائیک بات ہے۔

چهال تک بل کی ضرورت کا سوال ہے اس کو تو میں نے اپریشیت کیا ہے اور ہر آنریبل سمبر اس کو اپریشیت کوے کا لیکن مین نے اس کا کارس بھی بتایا۔ سرکار اس بات پر غور کوے که جونهی آزادی ملی تھی ھز نجگہ کے لوگوں نے ھر طوح کے کرپشن کو هر طرح کی مالوت کو هر طرح کی برائی کو دور کرنے کا ایک برا بهاری یتن کها اور هر جگه به فضا پیدا ورئی که دیم همارا هے هم اس کے ديه واسي هوں الله ديه كو بقانا ھے اور سب اس میں جت گئے -ليكن آج دو يوجدائيں پورى هوئيں تیسری چل رهی هے پهر بهی ابهی تک هم یه باتیں محسوس کرتے هیں که هر برائی کو چیک کرنے کے لئے ہمیں کوئی نه کوئی سوکاری میزر النا <u>هے</u> یا بل یا ایکت النا ضروری هے جس

جو چھوٹی چھوٹی دوائیں بلاے والے میں ان کی ملاوت کو کیسے روکئے گا۔

[شرى عبدالغذي]

چھتی دے دی ہے - اپوزیشن والوں

نے اس کا مطالعہ کیا کہ منستری
جائے اور کمیونست بھائیوں نے کھا کہ
دو جائیں یعنی یاتل صاحب اور
موارجی دیسائی صاحب فائننس
منستر اور فو ایند دایگریکلچر منسترتو وہ نکال دئے گئے لیکن یہ ہوم
منستر کیوں جائیں ؟ تو اس کے
منستر کیوں جائیں ؟ تو اس کے
معنی یہ عیں کہ کوئی بہت بوی
معنی یہ عیں کہ کوئی بہت بوی
میں کہونکا کہ اس میں ایسی برائی
میں کہونکا کہ اس میں ایسی برائی
امندمنت لا رہے عیں ۔

THE DEPUTY CHAIRMAN: This Bill deals with drugs and cosmetics. How do you bring in all these other things?

شوی عبدالغنی: هم کهتے هیں که ملوت اس میں هو جائے ئی ۔ میں یہ کہنے والا هوں که منستری میں مالوت کی بات ہے۔ میں میتم دیتی چیرمیں ۔ کبھی باهو نہیں جاتا اب تو کانوں میں هاته لگا مجھے دانتینگی۔ اس لئے میں پہلے مجھے دانتینگی۔ اس لئے مین پہلے هی لینے آپ کو ودان لمنس رکھتا هوں ۔ میں یه کهه رها تها که جب هوں ۔ میں یه کهه رها تها که جب اتنے بتے پیمانے پر همارے پیارے میں منازی برائم منستر منستری میں ملوت کر رہے هیں تو پھر یه

تو يه ميں اس لئے کہه رها تها كه تهورًا آپ كو بتلاؤل - يه قانون تو بنے کا اور میں نے اس کی تائید کر دی اور میں نے اتبتے می کہا کہ يه بل برا اچها هے - همارے هيلته ملستو نے بہت اچھی بات کہی ہے أیک برائی کو روکنے کے لئے لیکن میں قرتا یوں هوں که یه صرف دکھاوے کی بات رہ جائے گی۔ ہاتھی کے دانت دکھانے کے اور کھانے کے اور کیوں که جب بڑے پیمانے پو ملاوت هوتی هے میدم دہاتی چیرمین - تو اس و عد پھر بڑے خطرے ھوتے ھیں که ولا بیماری لوگوں میں نه پهیل جائے - یہ ایک طوح کی چھوت کی بیماری هے، یه جو مالوت کا قصه هے۔ أس لئے میں مبارکباد دیتا هوں اپنے هیلته منستر کو اور اپنی پهاری سرکار کو که انہوں نے یہ محصوس کیا کیوں کہ اس طوح کی شکایت آئيں که انجکشن میں مکھیاں ملیں دوائیوں میں بری سے بری چیز ملی بالكل بوئس دوائيان نكلين جيس انہوں نے ایک کاغذ چھاپ کو لگا دیا اور بیچ سیس دوائی کا نام نہیں -ليكن اب چاهے دير مے قدم اتها هے میں کہتا ہوں که کچھ فکر کی بات نهیں -

میں نے ایک دفعہ کہا تھا مسلمانوں کے آیک ہوے امام تھے - جانے اس وقت مسلمان هیں ان کے چار بڑے گرو مانے جاتے هيں - تو جو سب سے بڑے امام تھے امام اعظم ان کے پاس ایک بہی گئی - اس نے جاکر کہا سیرے بھے کو سلع کرو یہ گو نه کہائے انہوں تے کہا اچھا کل آؤ وہ دوسرے دن گئی تو انہوں نے کہا بیٹا گر نہ کہایا کرو۔ اس نے کہا أتلى سي بات تهي تو كل هي كيون نه کهه دی تو انهوں نے جواب دیا کل تو میں نے گو خود کھایا تھا پھر میں بھے کو کیوں کر ملع کرتا کیونکه میں سمجهتا تها که مهرا اثر نهیں عومًا اس لئے أج ميں نے خود كهانا چهور دیا تب جے سے کہا - میڈم ڏپڻي چيرمين - مين اتنا هي عرض کرنا چاهتا هور که اگر په چاهتے هيور اس بل کا کحچه اثر پڑے تو اپنی ملاوت کو ختم کریں - اڈر ان کی الهار مالوق ختم نهیں هوتی تو اس بل کو لانے سے کوئی فائدہ نہیں ہوگا -

'श्री श्रव्दल गनी (पंजाब) : मैडम डिप्टी चेयरमैन, यह बिल बड़ा जरूरी है जो हाउस के सामने है। यह क्यों ग्राया है. इसलिय कि दवाओं में काफ़ी मिलावट होती है ग्रीर उसका चैक करना जरूरी है। यहां तक कि जो इंजैक्शन्स दिये जाते हैं बह भी बोगस बनने लग हैं और जिन्दगी के लियें जो इन्तराई चरूरी दवावें हैं उन में भी मिला-बट होने लगी है । इस के साथ ही साथ

सरकार ने ऐसा भी महसूस किया है कि जो यायुर्वेदिक और युनानी दवायें हैं उनको भी कन्टोल किया जाये ग्रौर उन में भी मिलावट के खिलाफ़ कछ रोक लगाई जाये ! मैडम डिप्टी चैयरमैन, मुझे दुख है कि १६ बरस में भी हमारी सरकार जिनको इग्स में दखल है, जो इन्स बनाते हैं, उन के इखलाक को इतना ऊंचा नहीं कर पाई है कि वह महसुस करें कि देश के साथ यह अन्याय है और एसा भ्रन्याय है जो जानों को जाया कर सकता है । इसका कारण तो मैं यह समझता हं कि जथा राजा तथा प्रजा। भ्राज हर जगह इस बात की चर्चा है।

श्री शीलभद्र यात्री (विहार): राजा ही बिल लारहा है ।

थी ग्रब्दल गनी : राजा ली लायेगा ही, याजी जी। ग्रभी तो ग्रापके बस में है, जल्दी ही जब हमारे बस में होगा तो हम लायेंगे ।

में यह ग्रजं कर रहा था कि इस बात के लिय कानून की पनाह क्यों लेनी पड़ती है ग्रौर क्यों यह जरूरी है कि समाज की बराइयों के लिये कानन का डंडा हाथ में ले। में समझता हं कि महज्जब मल्कों में कानन-से काम लिया जाता है: लेकिन अपना देश तो भगवान राम का देश है, भगवान कृष्ण का देश है, गुरु नानक का देश है, महात्मा गांधी का देश है। तो महात्मा गांधी के देश में महात्मा गांधी के जांनशीन अगर लोगों के इखलाक को ग्राज इतना बलन्द नहीं कर पाये कि वह ग्रपने बहन भाइयों की जिन्दगी से न खेलें तो यह काफी दखदायक बात है।

जहां तक विल की जरूरत का सवाल है इसको तो मेने एप्रिशियट किया है श्रीर हर श्रानरेबल मेम्बर इसको एप्रिशियट **करेग** लेकिन मैंने इसका कारण भी बताया। सरकार इस बात पर गौर करे कि ज्योंही आजादी 1849

[श्री ग्रब्दल गनी] मिली थी हर जगह के लोगों ने हर तर है के करप्शन को, हर तर: की मिलावट को, हर तरह की ब्राई को दूर करने का एक बड़ा भारी यत्न किया; ग्रीर इर जगह यह फ़िजा पैदा हुई कि देश हमारा है, हम इसके देश-वासी हैं, हमें अपने देश की बनाना है ; ग्रीर सब इस में जुट गये। लेकिन ग्राज दो योजनायें पूरी हुई , तीसरी चल रही फिर भी अभी तक हम या बातें महसुस करते हैं कि हर बराई को चैक करने के लिये में कोई न कोई सरकारी मेजर लाना है, या बिल या एवट लाना जरूरी है जिस से कि हम इसको रोक पार्थे । अगर इस पर विवार करें तो सरकार को समझना पड़ेगा कि इस वक्त इसकाजोरुख है व कछ बदलना है। जो ड्रग्स को बनाने वाले हैं, इंडस्ट्रिय-लिस्ट हों या कोई हों, बेहती हो या ग्राने देश-**बा**मी हों उनको म एप्रोच करेकि व श्रपनी जिम्मेदा रवीं का एहसास करें। लेकिन हम यः करें कैसे ? मसीबत यः है, मैडम डिप्टी चेयरमैन, कि ग्राज मारे देश में एक ग्रजीब मुसीबत आई है और व : मुसीबत य : है कि जो सरकार १६ वरस से चल रही है ग्रीर जिसे देश की श्रक्सरियत ने एतमाद दिया ग्रीर एतमाद देकर इसको ग्रव तक कायम रक्ले हुए है--यः अलग बात है कि अपोजीशन वाले इस बात का दावा करते हैं कि वोटर्स की अक्स-रियत इस सरकार के साथ नहीं लेकिन जो पालियामेंट में कामयाब हुय हैं उन में तो बहुत बड़ी गिनती इस सरकार के साथियों की है --श्रीर जब इसको इतना एतमाद मिला है तब यह यकायक ऐसा रूप ग्रस्तियार कर रही है जिससे कि मझे डर है कि उनका यह मेजर भी बेकार हो जायेगा। वह यह है कि मुल्क में तीन बड़े शोबे हैं-- एक फाइनेंन्स का है, दूसरा होम का है, तीसरा अन्न का फुड एण्ड एग्रीकल्चर का है, ग्रौर तीनों के बजीरों को हमारे प्राइम मिनिस्टर ने छट्टी देदी है। अपोजीशन वालों न इसका मुतालवा किया कि मिनिस्टी जाय और कम्युनिस्ट भाइयों नें कहा कि दी जायें यानी पाटिल साहब **औ**र मोरारजी देसाई साहब, फाइनेंन्स मि-निस्टर और फूड एण्ड एग्रीकल्चर मिनिस्टर तो वह निकाल दिये गये। लेकिन यह होम मिनिस्टर क्यों जायें? तो इसके मायने यह हैं कि कोई बहुत बड़ी बीमारी लग गई है कि केविनेट की केबिनट जाय। दूसरे लफ्जों में मैं कहूंगा कि इसमें ऐसी बराइयां थ्रा गई हैं कि इसके लिए इतना बड़ा श्रमन्डमेंट ला रह हैं।

THE DEPUTY CHAIRMAN: This Bill deals with drugs and cosmetics. How do you bring in all these other things?

श्री श्रब्दुल सनी: हम कहते हैं कि मिलावट इसमें हो जायगी। मैं यह कहने वाला हूं कि मिलिस्ट्री में मिलावट की वात है। मैं, मडम डिप्टी चैयरमैंन, कभी बाहर नहीं जाता श्रव तो कानों में हाथ ला लिया है। मुझे फिक्र रहती है कि श्राप मुझे डाटेंगी। इसिलये मैं पहले ही श्रपने श्राप कोविदिन लिमिट्स रखता हूं। मैं यह कह रहा था कि जब इतने बड़े पैमाने पर हमारे प्यारे, महबूब नेता प्राइम मिनिस्टर मिनिस्ट्री में मिलावट कर रहे हैं तो फिर यह जो छोटी छोटी दवायें बनाने वाले हैं उनकी मिलावट को कैसे रोकि-येगा।

तो यह मैं इसलिये कह रहा था कि थोड़ा ग्रापको बतलाऊं। यह कानून तो बनेगा ग्रीर मैंने इसकी ताइद कर दी ग्रीर में उठते ही कहा कि विल बड़ा ग्रन्छा है। हमारे हैल्थ मिनिस्टर ने बहुत ग्रच्छी बात कही है एक बराई को रोकने के लिये, लेकिन मैं डरता युं ह कि यह सिर्फ दिखावे की बात रह जायगी। हाथी के दांत दिखाने के और खाने के ग्रौर। क्योंकि जब बडे पैमान पर मिलावट होती है, मैडम डिण्टी चैयरमन, तो उस वक्त फिर बड़े खतरे होत हैं कि वह बीमार री लोगों में न फैल जाये। यह एक तरह की छत की बीमारी है, यह जो मिलावट का किस्सा है। इस लिये मुबारकवाद देता हं अपने हेल्य मिनिस्टर को और अपनी प्यारी सरकार को कि उन्होंने यह महसूस किया क्योंकि इस तरह की शिकायतें ब्राई कि इंजन्शन में मिन्खियां मिलीं, दवाइयों में बुरी से बुरी चीज मिली, बिल्कल बोगस दवाइयां निकलीं, जैसे उन्होंने एक कागज छाप कर लगा दिया और बीच में दबाई का नाम नहीं। लेकिन ग्रब चाहे देर से कदम उठा है, मैं कहता हूं कुछ फिक्र की बात नहीं।

मैंने एक दफा कहा था--मसलभानों के एक बड़े इमाम थे। जितने इस वक्त मुसलमान हैं उनके चार बड़े गुरु माने जाते हैं। तो जो सबसे बड़े इमाम थे, इमामे ग्रा-जम, उनके पास एक बहुन गई । उसने जाकर कहा, मेरे बच्चे को मना करी, यह गुड़ न खाय । उन्होंने कहा, सच्छा कल ग्राची । वह दूसरे दिन गई तो उन्होंने कहा, बेटा गड न खाया करो, उसने कहा इतनी सी बात थी तो कल ही क्यों न कह दी ? सी उन्होंने जवाब दिया, कल तो मैंने गुड़ खुद खाया था, फिर मैं बच्चे को क्यों कर मना करता, क्योंकि में समझता था कि भेरा श्रसर नहीं होगा, इसलिये भ्राज मैंने खुद खाना छोड़ दिया तब बच्चे से कहा । मैडम डिप्टी चैयरमैन. मैं इतना ही श्रजं करना चाहता हूं कि श्रगर यह चाहते हैं इस बिल का कुछ ग्रसर पड़े तो श्रपनी मिलावट को खत्म करें। श्रगर उनकी श्रपनी मिलावट खत्म नहीं होती तो इस बिल को लाने से कोई फावदा नहीं होगा ।]

SHRI AKBAR ALI KHAN (Andhra Pradesh): Madam Deputy Chairman, so far as this Bill is concerned, I think it is rightly being entrusted to the Select Committee. So according to our established convention at this stage we only make our observations about wh'ch the Select -Committee may consider in detail and the Bill with the report of the Select Committee may be submitted to the House.

I am very happy, Madam, that this measure has been brought forward because it has been a persistent demand from the public. So far as adultera-

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concerned it is bad in any sphere and certainly it is extremely damaging so far as the health sphere is concerned. Several instances have come to our knowledge where the drugs have not only been adulterated in a way which might decrease the utility have been adulterated in a also they way which really has been very injurious and very harmful to the health of the people. It a matter regarding which this Parliament takes a very serious view and Ii am glad that the Ministry has come with a provision for increasing the term of imprisonment up to ten years and also with fine. I do hope that the Select Committee will go into this matter and will decrease the punishment that has been prescribed. But certainly all the necessary precautions should be taken to see that no innocent man is punished. It has been the practice to confiscate the drugs and things like that which is quite proper. But now a provision has been made—and I think it is healthy provision—that all instruments and the machinery should also be confiscated so 'that some effective deterrent may be felt by those who are inclined to commit such offences without being punished adequately. I do hope that the Select Committee will consider this aspect also carefully and in detail.

I am also glad, Madam, that they have brought the Unani and Ayurvedic systems also within the orbit of this Bill so that those who commit such offences so far as these Indian medicinal systems are concerned are also brought to book. But the scope of the Unani and Ayurvedic systems—the Hakims and the Vaids— is so extensive and the places where those drugs and medicines are manufactured are so scattered that I fear whether any effective measure can be taken to really bring all of them under control. Let us realise that especially in our rural areas it is not the modern medicinal system that comes

for entrusting the Bill to the Select Committee.

[Shri Akbar Ali Khan.] to the rescue of the people but it is these Ayurvedic and Unani systems that come to the rescue of the people. So, 1 would very much like that in this matter also the Select Committee should give its detailed thought as to how and in what manner we should control the drugs that are manufactured or prepared at home by the Ayurvedic and Unani manufacturers and dealers. I should like to say here that I had been to the place where some of the Unani medicines are prepared in Hamdard Dawakhana and I would very much recommend those who have not been there to go end see the preparation, the method and the way they are handled. To me it appears that it is something very modern and a great improvement. If suggest'ons and advice are taken from such an established institution, I think, it will help us. If necessary, I would request, the Select Committee should call evidence of some eminent Ayurvedic Vaids and Unani Hakims, especially of those who are manufacturing them so that you may grasp the whole thing and then suggest ways and means to control adulteration even in these Indian medicines.

Further the Government Departments have also been brought within the purview and I am very happy about it. Now, the Head of the Department shall also be tried as an offender and taken to task unless he proves that all the diligent care had been taken. So in this way we are trying to tighten our law so far as adulteration of these medicines is concerned and w'den the scope by covering not only the modern system of med'cine but also all other systems of medicine. I hope that not only the Ministry but the Select Committee also will give very careful thought to this so that the Bill will come to us in a more comprehensive form with more effective provisions than vrhat has been presented to us just now. Madam, I support the motion

SHRIMATI **TARA** RAMACHANDRA SATHE (Maharashtra): Madam Deputy Chairman, I congratulate the hon. Health Minister on bringing forward this Bill and also for referring it to a Joint Select Committee of both Houses. There is a growing tendency for adulterating drugs which is a serious offence no doubt. If I am allowed to give some instances from my own experience, I can say very recently I had been to a chemist's shop in Bombay. I asked for Aspr₀ which is very commonly used to get rid of headache. The shopkeeper gave me two pills which were wrapped in a white transparent paper. I purchased them and then it suddenly struck me that it looked somewhat different from the usual Aspro packing. I asked the shopkeeper about it. He said; "Nowadays we get such type of packing from the Aspro company." Again, I insisted that he should show me some fresh package. I requested him to open the packet which had marks of the Aspro company. He did so and I found that each and every strip which that box contained was marked as "Aspro" and there was the company's name and the registration number also. Then, it was quite clear to me that the first two tablets which he had given me were adulterated ones. I can say they may not be Aspro at all. I asked the shopkeeper from where he bought these pills. He told me that the agents of the Aspro company gave them and that they sold those pills too. Then, he added that he had a voucher. I insisted and asked him: How do you buy them when these pills have no mark? I said that I could see the word "Aspro" only on those pills which were in that transparent paper but there was no mark of the company which usually there is. He said that he had got the voucher and that they were in no way responsible for this adulteration. The very fact

that they are able to show the voucher and they are not responsible for any adulteration means there is some loophole in the law. So, I asked him "Do you know from where these agents bring it?" They said: "The agents bring them and sell them. They could sell the Aspro packet as well as these pills. If you look around you win note many factories, a sort of cottage industry started, where Aspro can be made. So, if the Government is eager, it can go and find this. We will give you the particulars." I was really very much surprised to hear

I feel this voucher is no excuse. Even the shopkeeper should be entitled for some punishment and there should be some change in the rule. I request the Government to see that chemists, factory owners and the inspectors, who sell it retail, all should be held responsible for selling these pills. Formerly we used to get Aspro and some other medicines in pan-wala's shops, in sweetmeat marts, in stationery marts and in other shops, but now Government has stopped it. We can get such medicines only where they are licensed to sen it. This action on the part of the Government is a welcome arrangement. Also, they should see that only licenceholders can sell it.

Another point I want to bring to the notice of the House is this. In the Statement of Objects and Reasons, they have said:

raw-materials are "costly either not used or substituted imitation products."

Nowadays we get different essences of cardamom, saffron, etc. in the bazar which they call as synthetic. These synthetic preparations should be banned. If we use this synthetic cardamom, saffron in coffee or any other drink it is not at all helpful or tasty. They do not taste as well as real cardamom or saffron. On the contrary, it is harmful. If the Government can stop the manufacture of these synthetic essences, there will be less possibility of using them in Avurvedic medicines. Thank you.

SHRI P. N. SAPRU (Uttar Pradesh): Madam, I welcome this Bill, but I would like to say one or two words for the consideration of the Joint Select Committee, which has been suggested by the Minister-in-charge. First of all, I would like to say that it may be difficult to enforce the provisions of this Bill so far as Ayurvedic and Unani medicines are concerned. I say it for this reason. Avurvedic physicians and Unani physicians have no standardised medicines. Ayurvedic and Unani systems are more or less in the hands of heriditary physicians. Their medicines are a gift from the ages. Take, for example, the late Hakim Nabina. He was a great Unani practitioner. Now, he had prescriptions which probably other physicians did not have. Those prescriptions were handed down by him to his children and grand-children. They may be knowing some of those prescriptions. I do not see how a Unani practitioner can function with a standardised pharmacopoeia. Similar is the case with Ayurveda. The late Triambak Shastri was a physician of great renown in the State of Uttar Pradesh. Now, he used to make his own preparations and it may not be possible for people to know what the secret of those medicines was. This is a difficulty which the Minister will have to encounter in dealing with the Ayurvedic and Unani systems. They do not admit of standardisation. I wish it were possible for us to have them standardised. But I think these are heriditary arts and the Avurvedic and Unani systems cannot be described as scientific systems. They represent ancient arts and, therefore, it may be difficult to have a standardised system of medicine so far as these two systems are concerned.

I find that there is no reference to homeopathy in this Bill. I think I am right in saying that. Homeopathic medicines are capable of being standardised, and I should like the Select Committee to go into the question

whether homeopathy should also not be included within the scope of thi« Bill

Then the second point that I should like to mention is this. Representation has been given in the Board to almost every interest except Parliament.

SHRI AKBAR ALI KHAN: I propose to mention that Indian medicines should also be given representation.

SHRI P. N. SAPRU: I quite agree. Representation has been given to almost all interests except Parliament. Parliament I think is the best representative of the consumers in this country, and it should be possible to find a place for Members of Parliament on this Board which is going to be constituted. I agree that there should be a Board, but I also want that Board to be thoroughly representative of all the interests in the country, and Parliament is capable of representing all the interests in the country. There should be two or three or four representatives of Parliament on this Board

AN. HON. MEMBER: Specially doctors.

SHRI P. N. SAPRU: I suppose we have doctors also in Parliament. We have talent in our Parliament. Dr. Raju is a Member of Parliament and he is himself a distinguished doctor, and so is Dr. Nayar. I suppose there are some other persons who are either doctors or who are interested in medicine as scientists and they should find a place on this Board.

The third thing that I wanted to say was that I do not feel happy with the phraseology of clause 14 of the Bill. According to this clause, the punishment may extend to ten years and there is a compulsory fine also. I agree that drug adulteration is a very very serious business and that drug adulteration should be punished heavily. But it is one of the prin-

ciples of our jurisprudence that sentences should not be determined by legislation. A judge or a magistrate has to determine in a given case what the punishment should be, and the minimum punishment has been prescribed in this Bill. To that extent there is an encroachment on the rights of the judiciary.

SHRI SHEEL BHADRA YAJEE: We are the makers of law.

SHRI P. N. SAPRU: We are everything, but Mr. Yajee who has a Forward Bloc outlook should know what the fundamentals of the rule of law-are. One of the fundamental principles underlying our concept of jurisprudence is that the sentence which is a question of law should be entirely within the purview of the judge or the magistrate concerned. We have made some departures from it in some of our statutes. It is not a healthy thing to make departures from that principle, and therefore I would not prescribe a minimum sentence. I have no objection however to the maximum sentence being ten years rigorous imprisonment. Ten years are a big period in a man's life, and if you say that the punishment for th» offence is ten years, automatically it becomes a sessions case and the sentence will be a severe one.

DR. D. S. RAJU: Ten years are the maximum.

SHRI P. N. SAPRU: I know. Ten years are the maximum, but what I want to impress upon the Minister if that by providing the maximum sentence as ten years we are making it automatically a sessions case, and therefore the sentence is likely to be much heavier than it is at present.

SHRI KRISHNA CHANDRA: There is a provision in the Bill that the case will be triable by a magistrate of the first class.

SHRI P. N. SAPRU: That I think is wrong because first class magistrates do not try cases which involve sen-

tences of ten years. Therefore, if you want to fix the maximum sentence at en years, make it a sessions case, make it a cognisable offence, make it a non-bailable offence, but do not prescribe the minimum sentence. That is wrong according to juristic theory. According to juristic theory sentences should be of indeterminate character. That is the tendency in modern jurisprudence. We are not followers oi the Soviet Union.

{.Interruption)

شری عبدالغلی: اگرچه سوریت یولین کے چاہلے والوں کی بات آپ مان لبتہ -

†[श्री ग्रब्दुल ग्रनी: ग्रनर्चे सोवियत यूनि-यन के चाहने वालों की बात ग्राप मान लेते।]

SHRI P. N. SAPRU: I have great admiration for the Soviet Union, and I think there is much in the Soviet Union from which we can learn, but I do not wish certain basic principles which are part of the concept of the rule of law to be departed from. Therefore, I feel that this provision that the term shall not be less than two years requires serious consideration at the hands of the Select Committee.

श्री शीलभद्र याजी : कम स कम फांसी होनी चाहिये।

SHRI P. N. SAPRU: Now, in our enthusiasm for a regimented life we are apt to forget certain basic principles, and I do not happen to have a regimented mind in these matters. Therefore, 1 am clear in my mind that it is wrong in juristic principle, from the point of view of jurisprudence, to prescribe the minimum sentence. Sentence is a question of law and the determination of the sentence should be left to the court.

SHRI AKBAR ALI KHAN: But you do not want it to be decreased.

t[] Hindi transliteration.

SHRI P. N. SAPRU: I have no objection to its being increased to ten years. The maximum sentence we are entitled to prescribe, regard being had to the principles which underlie the concept of the rule of law.

THE MINISTER OP HEALTH (DR. SUSHILA NAYAR): The minimum was prescribed because the sentences had been so insignificant that there was no deterrent effect at all, and it was constantly the demand from the hon. House.

SHRI P. N. SAPRU: May I say with all respect to the lady Minister that while she is an authority on medicine she is not a lawyer? I seem to have read a speech of hers wherein she has made an emotional appeal to lawyers not to defend cases of food adulteration, forgetting that the lawyers have got some professional responsibility in this matter. May I say with all respect to the lady Minister that she is not approaching this question from the point of view of a jurist or of a lawyer?

श्री शीलभद्र याजी : देश का सत्यानाश हो जायेगा अगर श्रापकी बात मानें।

SHRI P. N. SAPRU: Then have a Communist state or a Fascist State.

SHRI SHEEL BHADRA YAJEE: We are the law-makers. We can do it.

(Interruption)

Shri P. N. SAPRU: There is a basic difference between raiy outlook and the outlook of Shri Yajee, and I think that the minimum sentence should not be prescribed. The moment the court knows that this is a sessions case, the moment the court knows that the maximum sentence is tea years, the moment the court knows that it is a non-bailable offence—there is nothing to show that it is a bailable offence—the sentence will be heavy. The High Court Judges are not duds, the Supreme Court Judges are not duds and I think, therefore, that this part

[Shri P. N. Sapru.] of the Bill also deserves consideration at our hands.

Then, the burden of proof—clause 18—has been placed upon the accused. The clause reads—

"Provided that nothing contained in this section shall render any such person liable to any punishment provided in that Chapter if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

Well, the burden of proof generally is to be upon the prosecution and the case should be made out for the party on that principle. And it may be a very heavy burden upon the retail seller to prove that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Then, may I also say that this new section 34A is a rather strange provision? It reads—

"Where an offence under Chapter IV has been committed by any department of Government, such authority as the Central Government may, by order, specify in this behalf or where no authority is specified, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:"

I think this is contrary to the concepts which underlie democracy. For everything there is the rule of anonymity. For everything that goes wrong, the Minister is responsible and you cannot obviously punish the Minister for an offence of this character.

SHRI AKBAR ALI KHAN: Why no', the Director?

SHRI P. N. SAPRU: I say that this is fundamental to democracy. There is what we call the rule of anonymity.

AN. HON. MEMBER; According to you.

Shhi P. N. SAPRU: According to me or according to the concepts of jurisprudence and political theory, as I know them.

SHRI SHEEL BHADRA YAJEE: In jurisprudence there is no mobocracy.

SHRI P. N. SAPRU: I do not know the Fascist theory. And I confess that while I do not know the Fascist theory of government and while I do not confound Fascism with Communism, I am not a Communist.

Therefore, I think that this provision is wrong because the head of the department should not be saddled with a responsibility which constructively is that of the Minister-in-charge.

For these reasons, while I am prepared to support the motion for reference of the Bill to a Select Committee, I think the Bill will require careful consideration at the hands of the Select Committee. The Select Committee should send to us a Bill which is in accordance with certain notions of law, which are a part of our democratic structure. I therefore, give this Bill my general support accepting the suggestion that it should be referred to a Select Committee. I am glad that the Bill is being referred to a Select Committee because the Bill will receive their careful consideration. Occasionally, it happens that Bills are not referred to Select Committees. I am always in favour of Select Committees. With these reservations which, I am sure, will receive due consideration at the hands of a Select Committee, I generally support the Bill.

SHRI M. N. GOVTNDAN NAIR (Kerala): Madam Deputy Chairman, I welcome this Bill. I come from a State where Ayurvedic physicians are in very large numbers, almost in every village you will have a *Vaidyan*. So, I understand the need for such a measure. At the same time 1 feel that there are certain difficulties when it comes to the question of implementation of this Act. It is quite true that there are a good number of commercialised firm*

manufacturing Ayurvedic medicines and they are doing very good business also. But there are also a large number of physicians who do not prepare medicines on a commercial basis but at the same time prepare them for the use of their clients who generally go to them. I am afraid whether this will not, in effect, be another Gold Control Order as far as such physicians are concerned.

SHRI AKBAR ALI KHAN: The Select Committee will consider all these things.

SHRI M. N. GOVINDAN NAIR: That is why I am placing this point before you.

SHRI SHEEL BHADHA YAJEE: Being a responsible Member, why are you making this sort of statement?

SHRI M. N. GOVINDAN NAIR: My point is this. As far as the commercialised firms are concerned, definitely such a step is necessary and I explained why it should be so. But at the same time there are a large number of physicians. They are not producing medicines on a commercial basis. At the same time they know to what extent the people who go to them want medicines for immediate use and they may prepare them and give them. How it will be possible by this legislation to control that production or standardise it, is a problem which I think the Select Committee should consider. As far as these commercialised firms are concerned, you buy one medicine from one firm. That will taste different from a similar medicine bought from another firm. So some kind of standardisation has become absolutely necessary.

THE DEPUTY CHAIRMAN: You may continue later, Mr. Nair. 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 DEPUTY CHAIRMAN in the Chair.

SHRI M. N. GOVINDAN NAIR: Madam Deputy Chairman, 1 was drawing the attention of the Select Committee to the difficulties that the Ayurvedic physicians, who are not manufacturing medicines on a commercial basis, are facing. Another point to which I want to draw the attention of the Select Committee is this. It is not enough that in Ayurvedic medicines the components are known. For example, there is an oil. The components of that oil may be the same but it is purified several times and tested. How you will actually implement these things I do not know. I think sometimes it may be even impossible.

Then coming to the commercial firm* which manufacture these medicines, I want to draw your attention to a particular aspect which is causing adulteration of ayurvedic medicines in a big way, that is, prohibition. In the prohibited areas a number of new Ayurvedic firms have come up and what is sold there is oil mixed in medicine. So if we want to stop adulteration in such areas we should see that prohibition is lifted there.

Then, as was pointed out by my hon, friend, Mr. Sapru, I also feel that homeopathic medicines also should be brought within the purview of this Act. Mr. Sapru also raised some legal questions. I think he should come to the rescue of the Health Ministry on that question. What we say is that the punishment now meted out is not a deterrent for not committing the crime. So, as pointed out by the Health Minister, unless a more severe punishment is given to the culprits, I think the passing of this law will have very little effect. You know how allopathic medicines were brought under the purview of the original Act. You know about the distilled water scandal that was there. So also about some other medicine which is used for typhoid. There was adulteration. So, allopathic medicines were included within the purview of that Act. Specially in important centres this kind of adulteration was very common and we were not able to check it because the punishment that is meted out, according to

[Shri M. N. Govindan Nair.] the existing Act, was not severe. So without compromising on the ideas of democracy and jurisprudence, the jurists should come to the aid of the Health Ministry to find out ways and means by which severe punishment can be meted out to these people who go against this Act.

With these words, Madam, i support the Bill but I want the point which I have raised to be seriously considered by the Select Committee. Thank you.

T. S AVINASHILINGAM SHRI CHETTIAR (Madras): Madam Deputy Chairman, the House generally has received expressions of opinion welcoming this Bill. There is no doubt that there is a racket going on in the name of Unani and Ayurvedic medicines. Time was when people sought these medicines because they were cheap and were available to the common man. But today the Avurvedic medicines compete with the allopathic medicines in their very high cost. Not only that, you find adulteration which is a heinous sin. It is very unfortunate that there is no end to adulteration in this country.

Recently we heard questions being put and answers being given, which received wide publicity in the newspapers also, that there has been adulteration in medicines on a very great scale. I want to ask my friend here as to what has happened to these cases. It was announced in this House that distilled water, which is used for injections and which goes straight into the blood, was adulterated, it was tested and it was found that it was not properly distilled water. I understand cases were filed against those people. I also understand, Madam Deputy Chairman, that those bottles were freezed. But may I know what further action has been taken? Freezing of the stocks of distilled water is by itself no punishment for the people who have done it. Another astounding statement was made. When they wanted to take up cases against those people, there was political interference which made it impossible for the administration of law. May I know, Madam, what exactly has happened to these cases, whether criminal action has been instituted against these people and whether that action led only to the freezing of the stocks? To my mind, freezing of the stocks was no action because it is the simplest duty that you owe to the country that if you find distilled water which goes straight into the blood, adulterated, you freeze the stock. But that is no punishment and that is not a sort of deterrent punishment. I would like to know, Madam, what has happened in that case and what action has been taken thereon. How many companies were charged with this offence? Were they fined? I must congratulate the Drug Controller for bringing out some astounding things.

I come to another thing. Take the penicillin produced in our own factory, which means Government factory. What happened? Flies were found in the bottles. Enquiries were made. Statements were given. And the statement was that everything was all right with the penicillin factory. Up to date we have not been able to understand how flies got into the penicillin bottles. It is true. Madam, that these stocks also were freezed. I have no doubt that this is the simplest and the least that could be done in any circumstances. But, may i know, Madam Deputy Chairman, what was done as a deterrent punishment? It is a Governmentowned factory. But that should not desist us from taking whatever action we should take.

'Not only this, we find the report of the Drug Controller on adulteration of medicines. It makes very uneasy reading. Adulteration—J am talking about food—is rampant. In drugs it is something tremendous that is going on in this country. We were told that the Act does not provide for imprisonment in all cases, that it provides only for fines in many cases and so deterrent punishment should be prescribed. I agree but merely prescribing of deterrent punishment in the Act does not do the job. It is implementation that la necessary. We make very fin« lawi tft.

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this country. The laws are all right but the laws are good and bad as they are implemented. A good law can be badly implemented and a bad law can be well implemented. The effect of the law is not in what the Legislature passes but in how it is administered. I ask you whether it can be said that it is properly administered. Evidently as far as we see, if it had been properly administered, the result would have been not so bad and so the important question is not what we prescribe. I understand my hon, friend there raised an objection that you can prescribe only the maximum punishment in the law but not the minimum. I am not going into the legal conundrum about that but I want to say this. Punishment prescribed in the law is not sufficient by itself unless the punishment prescribed in the law is meted out and a deterrent effect comes about in actual life. As far as this is concerned, if the administration had been good, if the administration had been strong, if the administration had been firm, this immense growth in adulteration of medicines would not have taken place. That it has taken place by itself is something which condemns us that the administration has not been careful, has not been strict and has not been deterrent and I would like to have a reply from the Deputy Minister as to what has been done in these cases apart from freezing. Freezing we have done but that is not the punishment that is to be meted out and I would like to know what actually has been done in many of these cases.

Now I would like to come to the Ayurvedic and Unani medicines. Time was when they were very simple medicines, time was that a few Ayurvedic doctors and Hakims manufactured them in their own houses and gave them to a few simple persons at less prices but today huge companies are selling these Ayurvedic medicines. They have branches all over India and that means whatever is applied to large-scale manufacture of medicines on the allopathic side, must be also applied to Ayurvedic medicines. I

would also like to add, not only is inspection of premises necessary bui of dispensing and packing facilities necessary, especially in regard to packing. You know when packing is wrong, cases have been reported in the U.S.A. and here that where tin has not been properly packed deaths have been caused. Rust has been carried and many people have died. So, packing is of the utmost importance. What happens in many of these Ayurvedic medicines is, they get second-hand bottles with tin covers from others and put them in and many a time it is not being done properly. These inspections are very necessary and I do not know whether something else can be added. In the case of allopathic medicines we prescribe the quality of people who are to dispense them. There must be a compounder. Anybody cannot give allopathic medicines. The man who dispenses it must be a qualified man. If a doctor dispenses through a man who is not qualified, he can be criminally The diseases for which Avurvedic charged. medicines are given are as big and as serious as for allopathic medicines. So, in the interests of Ayurvedic medicines and Unani medicines, I would say that we must train a set of persons who are technically qualified to dispense these medicines. That I think is not covered by some of the provisions of this Bill. I would like this in the interest of the efficiency of these systems. I think there is a great deal in them, in spite of what the other friends may say. The Unani and Ayurvedic systems provide cure for many diseases for which we have found in practice allopathy does not provide. So, there is a good deal in that ancient system of medicine but to bring it in line with modern practice, we must provide them with a number of trained personnel who can make these medicines and manufacture all these medicines with more experience and dispense these medicines with experience. I do not think that is provided in the Bill. The Select Committee will make a note of this and I hope they will go into it. I generally hope that this Bill will be of great use and, as I

[Shri M. N. Govindan Nair] suggested earlier, the Bill is good but the implementation must also be good.

श्री निरंजन सिंह (मध्य प्रदेश): उप-सभापित महोदया, यह जो बिल हमारे सामने लाया गया है वह बहुत सोच समझने के बाद लाया गया है। लेकिन फिर भी उसमें बहुत सी खामियां दिखलाई देती हैं। इस बिल का जो स्टेटमेंट भ्राफ भ्राब्जेक्ट्स एन्ड रीजंस है उसमें खासतौर पर यह बतलाया गया है कि श्रायुर्वेदिक भ्रीर यूनानी की जो डिस्पें-सरियां हैं, श्राजकल जो फर्म्स भ्रायुर्वेदिक बवाइयां बनाती हैं, उनके ऊपर यह कानून लागू होगा।

सबसे पहले में यह कहना चाहता हं कि यह देश का दुर्भाग्य है या हम सबका है कि इतने मैजर्स लागु करने पर भी हम ग्रप-राधियों का कुछ नहीं कर पा रहे हैं। उसका कारण यह है कि जो अपराध पकड़ने वाले होते हैं वे खुद अपराधी का काम करते हैं। जब तक ग्राप उन लोगों के ऊपर प्रतिबन्ध नहीं लगायेंगे तब तक आप चारे कितने ही कानन बना लें इस बराई को दूर नहीं कर सकते हैं। ग्रगर हम इस बुराई को दूर करना चाहते हैं तो हमें अपना मोराल ऊंचा रखना होगा और स्वयं गलती नहीं करनी होगी । भगर हम सब लोगों का मोराल ऊंचा होगा तो एक्ट बनाने की जरूरत नहीं होगी । लेकिन जहां आप इस तरह का कानून बनाते हैं वहां पर पैसा खानेवालों के लिये काफी गुंजाइश रहती है । इसका नतीजा यह होता है कि अपराध पकड़े नहीं जाते और दूसरों के लिये ग्रामदनी का एक जरिया बन जाता है जिसकी वजह से भ्रष्टाचार बढ़ता है धीर तरह तरह की परेशानियां होती हैं। भ्रष्टाचार क्यों बढ़ रहा है इसको बढ़ाने का कारण सरकार है या जनता है ? हम इसमें सरकार को दोषी मानते हैं। श्रापके सामने उन चीजों की गुंजायश नहीं रहनी चाहिए जिससे पैसा कमाया जा सके।

हाल ही में हेल्य मंत्राणी जी ने कहा था कि इन्सपैक्टरों ने बंगले बना लिए हैं। इन सब वातों को जानते हुए भी इस विधेयक में या थीर कानुनों में ग्राप इस तरह की गुंजायश रखते हैं जिससे पैसा खाने वाले इन्सपैक्टर या सुपरविजन करने वाले स्टाफ ज्यादा से ज्यादा भ्रष्टाचार कर सक ? मेरा भ्राप से यह निवेदन है कि जब तक ग्राप इस तरह के स्टाफ के ऊपर कोई प्रतिबन्ध नहीं लगायेंगे या कोई मैजर उनके खिलाफ अख्तियार नहीं करेंगे तब तक ग्राप कानून के द्वारा इस बराई को दूर नहीं कर सकते हैं। जब तक आप इस तरह के नोगों पर नियंत्रण नहीं लगायेंगे तब तक ग्राप इस बीमारी को नहीं रोक सकते हैं और न इस कानुन का फायदा ही हो सकता है।

उदाहरण के लिये मैं भ्रापको बतलाता हं कि जो ग्रायुर्वेदिक दवाइयां गुरुकुल कांगड़ी भीर पनवेल में बनाई जाती हैं भीर जो स्टेंडर्ड दवाइयां होती हैं, उन्हें ग्राप चाहे मैडिसन कह लीजिये या इंग्स कह लीजिये इस तरह की चीजें वहां पर बनती हैं। वहां पर हर एक को गंजाइश रहती है कि एक ग्राइटम छोड दिया ग्रीर मिला दिया ग्रीर उसके बाद में बना करके भेज दिया और वह आपको बाजार में मिल जायेगा । उदाहरण के तौर पर ग्राप च्यवनप्राश लीजिये । ग्रौर दूसरी चीजें जाने दीजिये, लेकिन जो मोटी चीजें हैं और जो बहत धादमी खाते हैं, उन में यदि आप पनवेल का च्यवनप्राश लेंगे तो उसमें इनग्रीडियंट्स दूसरे मिलेंगे ग्रौर गरुकुल कांगडी का लेंगे तो उसमें इनग्री-डियंट्स दूसरे होंगे । इसके ऊपर चेक क्या है ? जब चेक नहीं है तो ग्राप कैसे कहेंगे कि उसमें प्योरिटी है या नहीं है ? वह घी से बनता है और श्राज घी की जगह बहत चीजों में डालडे का उपयोग होता है भौर वे कहेंगे कि इमने उससे बनाया है। तो जब

तक ग्राप इसको चेक करने की बात नहीं सोचते, तब तक यह घ्रसंभव है कि मेडिसिन्स में प्योरिटी हो जायेगी । जैसे अंग्रेजी मेडि-सिन्स में एक साल्ट के बदले में सब्सटिट्यूट कर देते हैं, वैसे ही आयर्वेदिक मेडिसिन्स में सब्सटिट्यूशन की बहुत सी चीजें हैं। इस के साथ साथ उत्तर भारत में जो हर्ब नहीं मिलेगी, वह साउथ में मिलेगी घौर उस का धगर सब्सटिट्युट कर देते हैं, तो वह नुकसानदायक होता है। यह भी हो सकता है कि वह उत्तर वालों के लिये फायदेमन्द न हो और दक्षिण वालों के लिये फायदेमन्द हो। जब तक ग्राप इन चीजों को नहीं देखेंगे, तब तक ग्राप चाहे जो कानून बनायें उससे लाभ होने वाला नहीं है।

जैसा कि अभी हमारे पूर्ववक्ता ने जो बताया बनारस में सबसे अच्छे वैद्य रहते हैं ग्रीर जितने वैद्य वहां पर ग्रच्छे माने जाते हैं. वे ग्राज काढा भी बनायेंगे, तब भी ग्रापको बे दूसरी-दूसरी दवायें बना कर दे देंगे। उन काढों में आपको वह चीज़ें नहीं मिलेंगी, जोकि ग्रौर जगह मिलती हों। बंगाल में उसका कुछ ग्रीर नाम लिया जायेगा, जैसे एक्स नाम लिया जाये, तो मध्य प्रदेश और हिमाचल प्रदेश में उस दवा का दूसरा नाम लिया जायेगा । इसकी जब तक खोजबीन नहीं होती, तब तक भ्राप इसको रोकेंगे कैसे कि इसमें एडल्टरेशन हुआ और इसमें एडल्टरेशन नहीं हमा ? तो इन चीजों की ग्रापको छानबीन करनी चाहिये। इसमें द्यापने उनको खब लपहोल्स दे दी हैं। ग्राज होता यह है कि एक जगह एक चीज का एक नाम रहता है श्रीर दूसरी जगह दूसरा नाम रहता है। एक जगह एक पत्ता मिलता है। हिमाचल प्रदेश में चले जायेंगे तो पत्ता दूसरा मिलेगा धौर दक्षिण में चले जायेंगे तो उन पत्तों में ग्रीर फर्क हो जायेगा। इन चीजों को वैद्य भी नहीं जानता है । मुझे ग्रभी रीसेंटली मालुम हुआ कि बनारस में जो वैद्य हैं वे जब किसी को कोई दवा लिखते हैं, तो वे पूछते हैं कि तुम्हारे बड़ां यह दवा मिलेगी या नहीं

मिलेगी और हरी चीज मिलेगी या नहीं मिलेगी । इसलिए घर में जो वैद्य दवायें बनाते हैं श्रौर जो फार्मेसी में दवायें बनती हैं, उनके लिए पहले श्रापको डाइगनोसिस करनी पड़ेगी, तब आप इस तरह का ऐक्ट बना सकते हैं।

तो मैं सिलेक्ट कमेटी के सामने दो ही चीजें कहना चाहता हं कि यदि आप इसको इम्प्लीमेंट करना चाहते हैं. तो जैसे ब्राइबरी में ब्राइवरी लेने वाला श्रीर देने वाला दोनों अपराधी हैं और दोनों पनिशमेंट पाते हैं, वैसे ही जो मैन्युफ़ैक्चर करते हैं वे भी दोषी हैं ग्रीर जो ग्राफिसर वहां पर कंटोल करते हैं वे यदि नेग्लिजेंट हैं, तो वे भी दोषी हैं और उनको भी सजा होनी चाहिये। वे हमेशा बच जायेंगे। न बचने का एक ही उपाय है कि उनके ऊपर ग्रापका ग्रंकुश होना चाहिये, सरकार का श्रंकुश होना चाहिये । ईमानदारी का श्रंकुश होना चाहिये श्रौर जनता का सहयोग होना चाहिये तब ही आप इसको कर सकते हैं। तो जो आपका बिल है, इसके लिये दो बातें श्रावश्यक हैं-एक तो श्राप प्रतिबन्ध लगाइये श्रीर दूसरे जो हकीम वैद्य हैं, उनकी भी छान-बीन कीजिये। बाज सब प्रांतों में यह है कि एक और आप यह कहते हैं कि जिसके पास सार्टिफिकेट नहीं है, वह प्रैक्टिस नहीं कर सकता है और दूसरी ओर आप यह कहते हैं कि दस साल की प्रैक्टिस बहुत है। ग्रव जिन को झुठे सार्टिफिकेट दिये गये हैं यदि वे दवायें बना कर के देते हैं, तो उनके ऊपर आपका कोई प्रतिबन्ध नहीं है । कभी कभी गृद्ध काढ़ा बना के वे देते हैं तब भी वह नकसान करता है, फिर भी आप उनके ऊपर कोई प्रतिबन्ध इस ऐक्ट के मातहत नहीं लगा सकते हैं। आप ने फार्मेसी के लिये इसमें प्रतिबन्ध लगा दिया है लेकिन इंडिविज्यल्स के लिये कोई प्रतिबन्ध नहीं है। इसलिये इंडिविज्यल्स के ऊपर, दवाश्रों के ऊपर और इसके कंट्रोल के ऊपर यदि इसके द्वारा कार्यबाही हो सके, तो ग्रच्छा होगा।

1873 Drugs & Cosmetics

DR. M. M. S. SIDDHU (Uttar Pradesh): Madam. I welcome this measure because it removes one of the lacunae—not all—and tries to define what adulteration is. If we were to go into the history of the manufacture of pharmaceutical products and drugs- I am talking about the allopathic medicines—then we will find that the manufacturing licences are being issued mostly by the Health Officer who acts also as the administrative officer to enforce the Drugs Act, and he issues these licences liberally. One is usually surprised to learn the number of manufacturing houses in any town. And these manufacturing houses do not sell their products in the city or town in which they manufacture. They sell their products outside those cities and towns. Even in Lucknow which did not have a pharmaceutical industry at one time, I was surprised to find that there are now about 40 or 50 manufacturing concerns. As a practising doctor of some twenty years' standing I never knew their names till I got their names from the Health Officer. Then it might be asked: Whom do they cater to? They cater mostly to the dispensaries of the local bodies and to the Government, whose method or manner purchasing these drugs is—the cheaper the better. And that is where the trouble arises, for people try to sacrifice quality and quote the lowest price, in order to get their tenders approved.

The Pharmaceutical Enquiry Committee which went into the whole question of the pharmaceutical trade came to the conclusion that the drugs in India—some of them—were substandard, though compared to the previous vears there was a good deal of improvement. It will be wrong to say wholesale, that the pharmaceutical industry in India has not been honest, just because of the adulterations that we have noticed. First of all, adulteration occurs in three main forms and one of them is distilled water. Distilled water costs the chemist about one pice or two nave paise. He sells

it at one anna and that is a price at which he cannot get pyrogenfree double-distilled water. That is one thing. The second thing is, whenever a scarcity occurs, certain dealers about selling their products ready livery at your door, and these are the who have committed the persons greatest offence. In other cases the retailer chemist knows what he is buving whether it is adulterated or substandard product. He does not receive substandard products from the standard manufacturers. So you want to do away with this adul teration, first of all you will have to decide whether this pharmaceutical industry should not be treated as a cottage or rural industry, and whether it will not require a good testing labo ratory where things can be tested be fore hand analytically and where it will be possible to purify the material or remove the impurities from the raw product and also finally test the finish ed product. Unfortunately 3 P.M. in our country, even if an honest pharmaceutical manu facturer wants to get his products tested. facilities in our country meagre and he will have to wait for a longer time to get these products lested. Therefore, if we want to have problem tackled on a scientific basis, firstly we must have either on a co-operative basis or on the public sector basis or even private sector basis, sufficient funds to enable these firms to go in for good manufacturing machinery as well a testing machinery Then, the Government attached officials who are in charge of enforcing the laws must see that these manu facturing licences are not issued libe rally. If a person does not enough space, if he does have not

enough capital, if he does not

licence. It being the

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proper facilities and has got only a part-time chemist, a B.Sc. (Pharma) or a B. Sc or M. Sc, just on the rolls without doing any work, then

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Armed Forces where they test most of the batches themselves and then approve the drugs.

As far as punishment is concerned, you can raise it to the maximum limit. At the same time, we must see whether there is any defect in the machinery which is going to collect the samples, the laboratories which are going to test them, the officers who will order prosecution and later on, the mannex in which the case will be followed into the court of law. Thence will come the question of punishment which we are trying to raise to ten years. Unfortunately, what the Drug Inspector do is an open secret. If they were doing what was correct or what was expected of them then there should not have been any large-scale adulteration even in distilled water. The mere fact that a thing like that occurs and at the same time, even those manufacturing houses could not be traced in Calcutta, shows that there could be bogus manufacturers' labels. Some pedlars may go about and even a wholesale chemist will not be able to know whether that firm does exist or does not exist. If I remember, it has been pointed out from Bengal that there were some concerns which never existed in Bengal and whose distilled water was sold in the State of Maharashtra. What should be the remedy? There could be only one remedy. There should be some sort of an all-India manufacturing list so that any person who buys things and who wants to see whether this firm has received a licence or not, may be able to check it. In other words, a directory of the manufacturing concerns dealing in pharmaceutical trade is what is wanted. This may be issued from time to time. The Joint Select Committee may think over this matter because we are trying to take away one of the safeguards of the retailers. If section 19 (3) is deleted, the result will be that the safeguard that he had because of the existence of this provision would be taken away. If the retailer could prove that he sold the stuff in the same condition with the same pack, without in any way changing it and at

the same times gets the warranty of the manufacturer then he was not liable for prosecution. This was done because the retailer does not have any facility by which he will be able to test the drugs that he sells. He gets them from a firm which guarantees that the products conform to the pharmacopoeia or to the formula given in the label. With that warranty, he would sell the product and he could not be prosecuted if he ould faithfully prove that he only took the drugs from the manufacturer with the warranty and in fact sold them in the same condition to the customer. If we are to take away that, then in that case we will be trying to punish the person at the periphery. It is possible that prosecutions might be launched and the smaller chemists may be involved while the manufacturers may not be touched. The Joint Committee may consider how far it will be correct to delete the clause and if this clause is to be deleted how should the rights of the person who sells the product as it was should be safeguarded?

We should have facilities for products being tested on an all-India basis. What I want to suggest is that there might be reciprocal understanding between State laboratories that twenty or thirty per cent, of the products of one State may go to laboratories in other States to be tested. It will remove a certain amount of influence which sometimes works in those laboratories to the detriment of the State because once a product is checked samples get changed, sometimes the results are vitiated. If any of those conditions arise, then they can send the samples to the laboratory of a State which is far from the State in which it is manufactured so that the manufacturer does not know where his product has been sent. At the same time greater facilities should be there for testing so that the results are obtained quickly and people have not to wait for two or three years before the prosecution could even be launched.

[Dr. M. M. S. Siddhu.]

With these suggestions I welcome this amendment to the Act but at the same time I would request that as far as the Ayurvedic and Unani medicines are concerned an attempt should be made to bring out a pharmacopoeia or certain standards and specifications by which those drugs according to the Unani and Ayurvedic physicians could be judged whether they are of the right standard or sub-standard.

Thank you, Madam.

श्री विमलकमार मञ्जालालजी चौरडिया (मध्य प्रदेश) : उपसभापति महोदया, जो बिल प्रस्तृत किया गया है, उसके उद्देश्य के बारे में दो मत नहीं हो सकते कि आजकल जो श्चायवैदिक श्रीर यनानी दवाएं बाजार में एक ब्यवसाय के रूप में विकय के हेत् ग्राने लगी हैं, उनमें भी जो गड़बड़ियां होने लगी हैं उन पर नियंत्रण किया जाय । अभी तक के हमारे विधान के अनुसार उनको इससे मुक्ति दे रखी थी और उसका परिणाम यह होता था कि हमारे जो कई श्रीषधि-निर्माता है वे गडबडियां करते थे। उदा रण के तौर पर च्यवनप्राश में कई लोग धाल को उबाल कर, उसकी बारीक करके श्रौर उसमें मसाला मिला कर धौर बार से लेबिल लगा कर बेचा करते थे । ग्रौर भी बहत सी महंगी दवाइयां होती थीं, जैसे स्वर्णभस्म है, मोतीभस्म ग्रादि-म्रादि, उनमें मिलावट कर के बेचा जाता था। दवाइयों का धंधा करने वालों में अच्छे सोग भी हैं और बुरे लोग भी हैं, और इसमें दो मत नहीं हो सकते कि इस क्षेत्र में काम करने वालों के ऊपर नियंत्रण करने की ग्राव-श्यकता बहुत समय से थी।

किन्तु साथ ही य भी देखना होगा कि अगर म य नियंत्रण पूरी तरह से करें तो उसका कितना व्यापक क्षेत्र होगा ? आज छोटे-छोटे गांवों में भी लोग आसव बनाते हैं, स्वर्णभस्म भी बनाते हैं, कई प्रकार की औषधियां बनाते हैं । क्या म उन सब के ऊपर नियंत्रण करने में सफल हो सकेंगे, यह प्रश्न । मारे सामने आता है और इस दृष्टि से अगर सेलेक्ट कमेटी विचार करे कि हम इसको कितना व्यापक रूप दें, तो उचित होगा । मेरे मत से एक तो यह हो सकता है कि जो व्यावसायिक दृष्टि से बड़े पैमाने पर दवाइयां बनाते हैं, जैसे वैद्यनाथ प्राणदा हैं. झंड़ है, पनवेल है और युनानी में हमदर्द दवा-खाना है, ये जो बड़े-बड़े उत्पादनकर्त्ता हैं, उन पर पहले यह नियंत्रण लाग करके हम एक्स-पेरीमेंट के तौर पर देखें या सारे भारतवर्ष में एक साथ लागु करके देखें कि कहां-कहां इस तर की गड़बड़ियां चलती हैं। कहीं हम ऐसी स्थिति का निर्माण न कर दें कि पकड़ा गया तो चोर नहीं तो साहकार। तो यह भी एक विचारणीय प्रश्न है। इसके ग्रलावा जो दवाइयां बनती हैं, उनमें भ्रावश्यकता के अनुसार जहर का उपयोग किया जाता है और किसी रोग का इलाज करने के लिए उसमें मात्रा का फर्क रहता है कि कितनी मात्रा किस में दी जानी चाहिये। कई वैद्य लोग अपना ऐसा नस्खा बना कर रखते हैं कि जो उनके व्यवसाय का सीकेट होता है और संभवत: हमारे शासन के स्टैन्डर्ड से, मान से, वह ठीक नहीं बनता हो, उस के मान से उस में जहर की मात्रा ज्यादा मालूम पड़ती हो या अन्य दूसरी व्यवस्था की मात्रा ज्यादा मालम पडती हो। तो ऐसी स्थिति में हम उस में अपवाद के स्वरूप क्या व्यवस्था रखने वाले हैं, क्या नहीं, इस पर विचार किया जाना ग्रत्यन्त ग्राव-श्यक है।

जहां तक पेनल्टी का सवाल है, उस के बारे में यह निवेदन है कि ठीक है उसे बढ़ाया जाय, उसमें कोई ग्रापित नहीं हो सकती, क्योंकि कुकृत्य करने वालों को या पाप करने वालों को जितनी सजा दी जाय थोड़ी होती है, जितनी पेनल्टी दी जाय, हमें ग्रापित नहीं है। लेकिन वर्तमान में जो पेनल्टी रखी गई थी उस का भी अगर ठीक उपयोग किया जाय ग्रीर मारे जो न्यायाधीश महोदय हैं, वे भी उसके बारे में ठीक तौर से सजा देने की व्यवस्था रखें तो संभव है कि उससे भी काफी मदद मिल सकती है। कई केसेज जैसे फुड

एडल्टरेशन के होते हैं, दुध में पानी मिलाया खुद एडमिट कर लेते हैं तो उसको दया का भाव होने से सजा कम देते हैं। पेनल्टी के बारे में मेरा निवेदन है कि ठीक है उसे बढाया जाय. उसमें श्रापत्ति नहीं मगर जो एजेन्सी पेनल्टी देने वाली है उसके मन में भी य भाव जागत होना चार्यि कि आफेन्स कितना खतरनाक है, कां तक उसमें दोष है और व्यक्ति विशेष के लिये घातक है और उस हिसाब से सब्ती से सजा मिले, यह ज्यादा श्रच्छा हो ।

धारा २३ में भी संशोधन दिया है कि जो चार सैम्पल लिये जाते हैं उसकी जगह तीन सैम्पल लिये जार्ये । मझे इसमें ग्रापत्ति नहीं कि तीन सैम्पल लिये जाय या चार सैम्पल लिये जायें । मगर सैम्पल के मामले में एक उदाहरण हमारे सामने ऐसा आया कि हमारे य ां किसी फड इन्सपेक्टर ने अनालिस्ट के पास सैम्पल भेजा धौर वह रास्ते में फुट गया। या तो इन्सपेक्टर से वह सैम्पल फुटा या पबलिक अनालिस्ट से फुटा या रास्ते में फुट गया, तीनों में से कोई भी बात हो सकती है। जब ऐसे केसेज हो जायें जहां कोई सैम्पल ट्ट जाय या फोड़ दिया जाय या और कुछ बात हो जाय तो उस ालत में एक सैम्पल स्पेयर रहना चाहिए । इसलिये मेरी समझ में ग्रगर तीन सैम्पल की बजाय चार सैम्पल ही रहने दिये जाये तो उसमें विशेष ग्रन्तर पड़ने वाला नहीं है और य खास तीर पर उस समय ग्रत्यन्त **भावश्**यक हो जाता है कि एक सैम्पल और हो जाय, जबिक कहीं पर डबल आफेन्स किया गया हो ग्रीर उसका सैम्पल फुट जाय, उस स्थिति में ज्यादा सजा होने वाली है। इसलिए चार सैम्पल को तीन सैम्पल करने की अपेक्षा एक ग्रीर सैम्पल रखा जाय ग्रीर उसका उपयोग इन केस आफ इमरजेन्सी किया जाय या जैसी भी दूसरी व्यवस्था हो । दूसरे एक लेबोरेटरी में या दो लेबोरेटरी में उसको भेज कर उपयोग किया जा सके तो उसमें ग्रापति नहीं रहेगी ।

ग्रव रा सवाल ग्रनालिस्ट की रिपोर्ट का । इस सारी कार्यवाही में इन्सपेक्टर, श्रनालिस्ट ग्रौर कोर्ट ये तीन ऐसी एजेन्सीज हैं कि जब तक इन तीनों में भ्रानेस्टी है ये सारा काम ठीक-ठाक चल सकता है, ग्रगर इनमें से एक भी डिसम्रानेस्ट हो गया तो मारी सारी कार्यवाही बेकार हो जाती है। ऐसी स्थिति में इन तीनों एजेन्सियों को अधिक से अधिक ग्रानेस्ट रख सके इसके लिये म ग्रपने विधान में क्या-क्या व्यवस्था कर सकते हैं, इसके बारे में विचार करना ग्रत्यन्त ग्रावश्यक है। जैसाकि डा॰ सिद्ध ने ग्रभी सुझाव दिया कि दसरी जग के ग्रनालिस्ट को लेबोरेटरी में ग्रनालिसिस के लिये भेजना चाहिये, यह भी हो सकता है। दूसरा मेरा निवेदन है कि यदि हम किसी एक क्षेत्र के लिये चार, पांच लेबोरेटरीज निर्धारित कर दें कि उनमें से किसी भी लेबोरेटरी को फुड इन्सपेक्टर ग्रनालिसिस के लिये सैम्पल भेज सकता है। इससे यह होगा कि जिस बादमी का सैम्पल है वह एक में, दूसरे में, तीसरे में ग्रौर चौथे में जा कर ढुंढेगा ऐसा संभव नहीं, ग्रौर ग्रनालिस्ट के पास जा कर ग्रपना हिसाब किताब करके श्रपनी रिपोर्ट ठीक कराने का प्रयास करने में भी सफल नहीं हो सकेगा। इसलिये उसको यह पता नहीं लगना चाहिये कि कहां उसको भेजा गया ग्रीर इसके लिए हम ऐसी व्यवस्था करें कि कुछ लेबोरेटरीज फिक्स कर दें और इन्सपेक्टर के ऊपर छोड़ दें कि वह चाहे जिस लेबोरेटरी को ग्रनालिसिस के लिये भेज दे। यह व्यवस्था करना ग्रत्यन्त ग्रावश्यक है।

इसके साथ-साथ कई बार ऐसा देखा गया कि ग्रनालिसिस के लिये सामग्री भेजी जाती है स्रीर जैसाकि मैंने एक उदाहरण दिया है, वह रास्ते में टूट गया या फोड दिया गया, इसी तरह से कभी कभी वे कुछ भी बहाना लेकर "ना" कह देते हैं। हमारे यहां रीवा में एक लेबोरेटरी में एक बार दही को अनालिसिस के लिये भेजा गया तो उन्होंने कहा कि हमारे पास कोई यन्त्र नहीं है और [श्री विमानकुमार मन्नालालजी चौरिड़िया]
यह कह कर उसकी बिना जांच किये वापस
कर दिया। तो ऐसी स्थिति में यह आवश्यक
है कि अनालिसिस करने के लिये जो लेबोरेटरी
हो, वह पूरी तरह इक्विण्ड हो और इस-लिये साथ-साथ यह भी निर्घारित कर दिया
जाय कि इस इन क्षेत्र के लिये इन इन लेबोरेटरीज में से किसी लेबोरेटरी में सैम्पल
मेजा जा सकता है। इस से यह होगा कि एक
एजेन्सी में जो घोटाला हो सकता है उस पर
नियंत्रण हो जायेगा।

ऐसी भी व्यवस्था हमें करनी चाहिये कि अगर कोई इन्सपेक्टर गडवड करता है तो हमें उच्च ग्रधिकारी रखना चाहिये। एक इन्सपेक्टर दूसरे इन्सपेक्टर के ग्रधिकार-क्षेत्र में जा कर काम करने जाये, ऐसी भी हमें व्यवस्था करनी चाहिये, क्योंकि हम देखते हैं कि किसी क्षेत्र का इन्सपेक्टर श्रानेस्ट होता है, एक्टिव होता है, तो वह काफी केसेज पकड़ लेता है और ऐसा क्षत्र भी हो सकता है जहां इन्सपेक्टर मनमानी भी कर सकता है ग्रौर जिसमें कोर्ट में जाकर २०० ६० जर्माना देना पड़ता है, उसमें थोड़ा रिश्वत देकर मामले को ठंडा किया जा सकता है। भ्रगर इन्सपेक्टर ग्रानेस्ट है, तो उसकी संभावना नहीं रहती । तो ऐसी स्थिति में हमें इन्टर-चेकिंग की व्यवस्था करनी चाहिये, जिससे ग्रगर कोई इन्सपेक्टर गड़बड़ करता है, तो दूसरा उसको पकड़ कर सजा का पात्र बना देता 🐉 । ऐसी स्थिति में उस के खिलाफ भी कार्यंवाही की जाय, इसकी व्यवस्था होनी चाहिये ।

मैं मंत्राणी महोदया को इस बात के लिये बहुत धन्यवाद देता हूं कि उन्होंने धारा ३४ए नई इन्ट्रोड्यूस की है। वैसे तो हमारे विद्वान् और आदरणीय श्री सप्नू साहब इस के पक्ष में नहीं हैं। परन्तु आज अधिकारी-वर्ग में उपेक्षा की प्रवृत्ति होती जा रही है, नापरवाही होती जा रही है,

परिणामस्वरूप हमारे साधारण लोगों का जन-जीवन खतरे में पड़ता जाता है । ऐसी स्थिति में यह ग्रत्यन्त ग्रावश्यक था कि हम इस तरह का प्रतिबन्ध लायें कि कोई भी शासकीय अधिकारी अगर लापरवाही करेगा तो उसको भी सजा दी जायगी, उसके खिलाफ भी कार्यवाही की जायगी । सप्र साहब के हिसाब से और ज्युरिसपूडेन्स के हिसाब से भी चाहे यह बात प्रशासन के उच्च सिद्धान्तों को दर्ष्टि में रखते हुए ठीक नहीं बनती हो मगर हमारे साधारण नागरिक के हिसाब से यह अत्यन्त आवश्यक है। साधारण नागरिक इसकी अपेक्षा करता है। वह सोचता है कि जैसे हमारे लिए कर्त्तव्य निर्धारित किये गये हैं वैसे ही हमारे अधिकारी-वर्ग के द्वारा भी कर्त्तव्यों का पालन ठीक ढंग से होना चाहिये। अगर वे अपनी इयुटी ठीक तरह से नहीं करते तो उन के खिलाफ कार्य-वाही की जानी चाहिये। तो यह व्यवस्था होनी ही चाहिये। यहां तो इस को कुछ माइल्ड भी बना दिया है, नरम बना दिया है प्रोवाइजो लगा कर कि जब तक सिद्ध नहीं होगा तब तक लापरवाही प्रमाणित नहीं मानी जायेगी श्रौर न उसके खिलाफ कार्यवाही हो सकेगी। ग्रगर यह सावित हो जाय कि किसी डिपार्टमेंट की गलती की वजह से यह बात हुई है तो जिस की ग्रोर से इस तरह की लापरवाही की गई हो उसके खिलाफ कार्यवाडी की जानी चाहिये श्रीर इसमें उपेक्षा की बात नहीं होनी चाहिये। यह इन्स का मामला है, इसमें अगर हमने लापरवाही बरती तो इस से कई लोगों को नुकसान पहुंच सकता है। ग्रगर किसी कंपाउंडर ने ग्रांख की दवा की जगह टिक्चर डाल दिया तो उस बेचारे ग्रादमी की ग्रांख तो हमेशा के लिए खराब हो गई। ग्रगर इस तरह से जीवन के साथ खिलवाड़ किया जायेगा तो बहत लोगों की जान चली जायेगी। तो ऐसी स्थिति में हमारी सरकार ने इस दिशा में जो कदम उठाया है वह बहत अच्छा कदम है भीर मैं उसकी भूरि-भूरि प्रशंसा करता हं। लेकिन इस को जो कुछ माइल्ड बना दिया गया है شبی عبد الفلم علم السال میں المام میں مارت ہے -

†[भी अब्दुल गती : मिनिस्ट्री में भी मिलावट है।

श्री विमनकमार मञालालजी चौरडिया : जहां हमारे ग्रनी साहब ने यह फर्माया कि मिनिस्ट्री में मिलावट है, उसके सम्बन्ध में मैं यह कहना चाहता हूं ग्रभी तक जो मिनिस्ट्री बनाई गई थी उस में ग्रन्छा घी ग्रीर वनस्पति का मिश्रण था । लेकिन खब मिनिस्ट्री में से धच्छे अच्छे मिनिस्टरों को यानी धच्छा षी निकाल दिया गया है और अब केवल हालडा बान्ड ही रह गया है, धसली वी अलग हो गया है। मैं यह बात नहीं मानता कि इस बिल से इस चीज का कोई सम्बन्ध है। आजकल भारतवर्ष में एडल्टरेशन करने की जो प्रवृत्ति पाई जाती है, दवाश्रों में जिस बरह की मिलावट धाजकल हो रही है, उसको रोकने के लिए यह बिल लाया गया है। लेकिन मुझे इसके सम्बन्ध में यह कहना है कि दवा बनाने वाले जितने बड़े फर्म्स होते हैं, उनके ऊपर ही यह बिल प्रारम्भ में बाग करना चाहिये। मेरे कहने का मतलब बह है कि जो बड़े-बड़े फर्म्स व्यवसाय के तौर पर इस कार्य को करते हैं उन पर यह विल लागु किया जाना चाहिये। ग्रगर हमने इस बिल का क्षेत्र बढ़ा दिया तो हम उसमें उतनी सफलता प्राप्त नहीं कर सकेंगे जितनी की हम ग्राशा करते हैं। ग्रगर हमने इस बिल का क्षेत्र बढ़ा दिया तो इस से रिण्वत-खोरी और घ्रष्टाचार बढेगा, ऐसी भेरी मान्यता है।

श्री देव की नन्दन नारायण (महाराष्ट्र): श्रादरणीया उपसभापति जी, मैं इस विधेयक का हार्दिक स्वागत करता हं ग्रीर सब 🖻

> tHindi transliteration.

448 RSD.—«

बड़ी खुशी मुझे इस बात की है कि प्रथम बार आयुर्वेदिक भौर युनानी श्रीषधियों पर नियंत्रण का प्रदर इस में दाखिल किया गया है। जहां तक आयुर्वेदिक ग्रीर युनानी दवाग्रों का सवाल है, मैं यह कहूंगा कि इस देश में ग्राज भी ज्यादा से ज्यादा यदि किसी श्रौषधि का इस्तेमाल किया जाता है तो वह श्रायुर्वेदिक श्रौर युनानी श्रौषधियों का ही इम्तेमाल किया जाता है। इस देश में पहले वैद्य-हकीम आयुर्वेदिक दवायें अपने घर में बनाते थे ग्रौर घर में बनी हुई दवायें ही बे लोगों को देते थे, परन्तु अब आयुर्वेदिक ग्रौर युनानी दवाग्रों की बड़ी-बड़ी फैवटरियां खुल गई हैं और यहां तक खुल गई हैं कि वे देहातों तक पहुंच गई हैं। मैं अपने शहर की बात कहता हूं। वह कोई बड़ी बस्ती नहीं है, लाख पौन लाख की ग्राबादी है, लेकि**म** वहां भी दवाई बनाने के तीन-चार कारखाने हैं। ऐसे ही श्रीर जगह.हैं श्रीर इन श्रीषधियों की जितनी बिकी है, उतनी मेरे खुयाल में एलोपैथिक ग्रीषधियों की नहीं है। हालांकि एलोपैथिक दवाइयां शहरों में बहत बिकती हैं, कीमती भी होती हैं ग्रीर भागवान लोब उसका ज्यादातर उपयोग करते हैं। गरीब ग्रादमी को तो ग्रायुर्वेदिक ग्रौर युनानी भ्रौषधियों का ही आश्रय लेना पड़ता है । इसलिए जिन ग्रौषवियों का सम्बन्ध ग्रधिकतर देहातों की जनता से होता है उन ग्रीषधियों के ऊपर नियंत्रण और निरीक्षण की जो बाव श्राप ने सोची है, उस के लिए मैं आप को धन्य-बाद देना चाहता हूं।

बभी कुछ देर पहले हमारे आदरणीय मित्र श्री सप्र साहच बोल रहे थे। वे कह रहे ये कि ग्रायुर्वेदिक ग्रीषधियां साइन्टिफिक नहीं होती हैं । मुझे अफसोस है कि मैं नहीं जानता कि जिस तरह वे न्याय-नीति के एक्सपर्ट हैं उसी तरह से वे आयर्वेदिक और युनानी औषधियों के या एतोपैथिक दवाइयौँ के भी एक्सपर्ट हैं ।

SHRI LOKANATH MISRA (Orissa); He has Western ideas on everything.

श्री देवकीनन्दव नारायण : जो ग्रादमी एक बार पालियामेंट में था जाता है वह हर एक बात में अपनी राय देता है, चाहे वह उसके बारे में जानता हो या न जानता हो। तो मैं उन से नम्रतापूर्वक कहना चाहता हं कि ग्रायवेंदिक ग्रीषधियां उतनी ही साइण्टि-फिक होती हैं, शास्त्रीय होती हैं, जितनी दूसरी कोई हैं। हां, यह बात जरूर है कि भाय्वेदिक ग्रौर यूनानी ग्रौषधियों को लोकाश्रय होते हुए भी राजाश्रय नहीं है, वह पीछे पड़ गई हैं, उनकी उतनी उन्नति नहीं हो सकी, उनमें जितना संशोधन होना चाहिये था उतना संशोधन नहीं हो सका, क्योंकि राजाश्रय नहीं था, सरकार का ग्राश्रय नहीं था। परन्तु जब से हम ब्राजाद हुए तब से हमारी सरकार वे भी इस ग्रोर निगाह देना शुरू किया है लेकिन जितनी निगाह दी जानी चाहिये उतनी निगाह अब भी नहीं दी जा रही है। तब भी थोड़ा-बहुत निगाह देना शुरू हो गया है और आप जानते हैं कि कई जगहों पर संशोधन केन्द्र निकले हैं स्रीर सब से बड़ा केन्द्र हमने जामनगर में खोला है।

यह कहना कि आयुर्वेदिक श्रीषधियां साइण्टिफिक नहीं हैं, गलत है। जिन दवाइयों को सैकडों वर्षों से यहां की जनता इस्तेमाल करती भ्रा रही है भीर जो उनके स्वास्थ्य का आधार बर्न हुई हैं, उनके लिए इस तरह की बात कहना मेरी निगाह में कोई ठीक बात नहीं है। तो मैं यह कह रहा था कि आज इन भ्रौषधियों का इतना प्रचार हो गया है कि इनके ऊपर भी नियंत्रण रखना आवश्यक हो गया है । आयुर्वेदिक औषधियां कुछ ऐसी कीमती होती हैं, जिनमें नफा-मुनाफा काफी होता है। जैसे ग्राप स्वर्णभस्म को ले लीजिये, मोतीभरम ले लीजिये; इन भरमों को ग्राप चाहे जिस कीमत पर बेचना चाहें विक सकती हैं और इन में काफी मिलावट भी हो सकती है। मेरे यहां एक आयुर्वेदिक कार्मेसी ने शंखभस्म शंख पीस पीस कर बना ्षीग्रीर उस को शंखभस्म कह कर वेचा। **यह** बहुत पूराना किस्सा है । इस तरह

ऐसी श्रीषधियों में ज्वादा मिलाचट हो सकती ष्टै, अधिक नजती हो सकती है, इसलिए इसके ऊपर नियंत्रण बहुत जरूरी है। इसिखए में प्रार्थना करूंगा कि सिर्फ नियंत्रण ही नहीं किया जाना चाहिये बल्कि इन ग्रौषधियों के जानकार भी सरकार के पास होने चाहियें जो इन ग्रीपिश्यों को पहिचान सकें। ग्राज हम देखते हैं कि अधिक ध्यान एलोपैथी की सोर दिया जाता है भीर सरकार के पास एलोपैंबी के वहे-बड़े डाक्टर हैं, साइण्टिस्ट हैं, परम्तू जहां तक आयुर्वेदिक और युनानी का सवाब है वहां मुझे शक है कि सरकार के पास ऊंचे दज के हकीम भीर वैद्य हैं या नहीं। इन बवाघाँ को जानने वालों की, पहिचानने बालों की सरकार को जरूरत होगी और उसके बगैर सरकार का काम नहीं कल सकता । इसलिए मुझे ब्राशा है, सरकार भेरे सुझाव की ग्रोर ग्रवश्य ध्यान देगी।

एक बात और है कि कुछ झायुर्वेदिक श्रीर युनानी श्रीविधयां जो बनती हैं वे घरेल भीजों से बनती हैं ग्रीर उन के जो नाम रखे जाते हैं व भी विचित्र रखे जाते हैं। जो सोब इन दवायों का नाम रखते हैं, चाहे किसी की समझ में न ग्राबे. लेकिन वे उनका नाम विचित्र रख देते हैं। इसलिए मेरी सरकार के यह प्रार्थना है कि हिन्द्स्तान के कई प्रान्तों में भ्रायर्वेदिक भीर यनानी दवाइयां बनती हैं, इस कोने से उस कोने तक बनती हैं ग्रीर साधारणतः वे दवाइयां बहत से निव्चित रोगों के लिए होती हैं, इसलिए इन खवाइयों के नामों में एक यनिफामिटी होनी चाहिये। ब्राज देखने में यह ब्राता है कि एक ही रोग की एक ही दबाई का कहीं कुछ नाम है धौर कहीं कुछ नाम है, मगर इनग्रीडियस्ट्स करीब करीय एक ही होते हैं। नाम की वजह से बहत से लोग घोखा खा जाते हैं। इसिंबर में सरकार से प्रार्थना करूंगा कि दवाओं के नाम में युनिफार्मिटी खाई खानी चाहिये ।

मैंने कई जगह देखा है कि एलोपैथिक दवाओं पर बबने का सारीख लिखी हुई होसी 🕻 कि बहु बवाई कब बनाई गई। यह थोग्य है मीर अरूरी है। कहा जाता है कि कुछ दवामें ऐसी होती हैं जो बहुत दिनों की रखी हुई बहुत अञ्छी होती हैं। परन्तु बहुत सी दवायें ऐसी हो सकती हैं, जो बहुत प्रानी होने पर निकम्मी हो जाती हैं। यह बात धायुर्वेदिक ग्रीषियों के बारे में ग्राधिक सच्ची हो सकती हैं, क्योंकि ये ग्रौषियां को होती हैं वे वहत मामली होती हैं और घर की चीजों से भौर पंसारी के यहां मिलने वाली जीजों से बनती हैं। मैं नहीं जानता, हो सकता है कि बहुत दिनों तक रखने से भीर पुरानी हो जाने से वे निकन्मी हो जाती हों । इसलिये भायवेंदिक घौषधियों के पैकेजेन पर और घाटक्स पर वे कब बनाई गई, वह महीना या तारीख लिखी जाय।

एक बात और यहां कही गई कि यह बस बर्ष की किया जो है, वह बहुत कड़ी है।

श्री जील भद्र याजी : जिश्रा या सजा ?

भी देवकीनन्दन नारायण : मापा कीजियेगा, में मराठी बोलने वाला हूं धौर हमारै यहाँ शिक्षा कहते हैं सजा को । सजा को शिक्षा कहते हैं मराठी में, इसलिये वह शब्द मेरे मृह में या जाता है। मेरे कहने का मतलब है सजा। तो जो ग्राप ने दस वर्ष की संबा रखी है, यह मेरे रूयाल से बहत ही ठीक है क्योंकि यह आपने दूसरे वक्त गुनाह करने वाले के जिये रखी है और पहला गुनाह इरने वाले के लिये नहीं रखी है। पहला जो युमाह करेगा, उसके लिये दो वर्ष तक की सुना है। फिर जब बहु गुनाह करेगा यानी जब वह है विचुसल बन जायेगा हो उसके लिये दस वर्ष की सजा एखी गई है। इस पर मझे कोई एतराज नहीं है, बल्कि में तो यहां तक कहंचा कि यह खजा हर एक गुनाह के साथ बढ़वी बानी चाहिये और धगर बीस वर्ष तक षहंच जाय, को इसमें कोई आपत्ति नहीं है। बह हर एक खगह है। किमिनल जॉ में यही है, किमिनख म्रोसीजर में यही है कि पहले गुनाह के बिये क्या सचा होती है, फिर चार साल,

फिर छ: साल, फिर दस साल । इस तरह हैबिचुग्रल गुनाह करने वाले जो होते हैं, उनकी सजायें बढती जाती हैं और इस मामले में, जिसमें लाखों आदिमयों के जीने मरने से सम्बन्ध है, उनको इस तरह किसी की जान से खेलने देना और भी ग़लत है। इसलिये मैं प्रार्थना करूंगा कि यह दस वर्ष की कोई बहुत बड़ी सज़ा नहीं है।

(Amendment) Bill, 1963 1888

श्री महेश शरण (विहार): बहुत गुनाहों में भौका नहीं होता है।

श्री लोक नाव मिश्रा : जान के बदने नान होनी चाहिये।

श्री शील भद्र याजी : फांसी वी जानी चाहिये ।

श्री देवकीनंवन नारायमा : एक वात की श्रोर में श्रौर मंत्री महोदय का ध्यान श्राकृषित करना चाहता हूं और वह यह है कि यह जो क्लाज १५ है, इसमें श्राखिरी तीन लाइन्स ŧ:

"... the animals, vehicles, vessels Or other conveyances used in carrying such drug shall also be liable to confiscation".

या बहुत बहा जर्म डोगा । कुली बेचारे, मज़दूरी करने वाले या ठेले वाले था गाड़ी वाले यदि दवायें यहां से वहां पहंचाते हैं और बाद में यह साबित होता है कि वे मिश्रित दवायें थीं, घे बरी दवायें थीं, तो वे क्यों सजा के पात्र हों। मैं स्टेशन पर उतरा, मेरी पेटी में शराब है तो उस बेचारे कुली को क्या पता है कि उस पेटी में शराब है। अब अबर रास्ते में पुलिस ने पकड़ लिया और कहा कि दिखलाग्रो पेटी खोल के भीर उसमें निकली ब्रांडी तो मैं सजा का पात्र हं, परन्त्र वड़ बेचारा कुली उसको ले जाने वाला क्यों सजा का पात्र बने ?

थी एन० एम० ग्रनवर (महास) : ऐसा भी अक्सर होता है।

श्री देवकीनन्दन नारायण : \mathbf{u}_{\diamond} होना नहीं चायि ।

मैं य कहूंगा कि य बात यहां ग़लती से आ गई है। अगर जानवूझ कर आई है, तो मैं युकटूंगा कि युबटूत ग़लत है।

श्री श्रील भद्र याजी: बहुत बार ऐसा श्रीता है कि कांस्पिरेसी होती है और इसमें इन का भी ाथ होता है।

DR. D. S. RAJU: That conveyance itself might belong to the firm.

श्री देवकीनस्दन नारायण: It may being to the firm but that is not made ■lear herः श्रान्सर यह होता है कि जो बहुत बड़ी-बडी फार्मेस्युटिकल फर्म्स हैं उन्होंके पास वहि-किल्स होते हैं। परन्तु जो सैकडों छोटी छोटी कार्मेसी अ मैंने देखी हैं, उनमें किसी के पास भी बाड़ियां नहीं होती हैं, न दक्स होते हैं, न मोटसं होती हैं और न ठेले होते हैं। उन सब को बाहर से बुलाना पड़ता है । अब औषधियां नाद कर ले जाने वाले को सजा क्यों हो ? इस सम्बन्ध में ग्रापको जरूर सोचना चाहिये और जैसाकि आपने कहा, वैसा इसमें साफ लिख देना चाहिये कि ग्रगर बह वहिकिल इसकी मिलकियत हो, अगर व' उसका शालिक हो, तो उसको जरूर जब्स कर लेना नाहिये। परन्तु जो उनकी नहीं हैं, जो मजदूरों की हों, जो ठेले वालों की हों, जो कुलियों की हों, उनको जब्त कर लेना और उन मजदूरी करने वालों को सजा देना, मः बद्दत बड़ा जुर्म होगा । यः मुझे धाब्बिरी बात धापसे कःनी है।

अन्त में यह जो आपका विधेयक है, इसका मैं स्वागत करता हूं और आशा करता इं कि इसमें जहां पर जितनी सुधार की खरूरत होगी, वहां पर उतना सुधार ज्वाइंट सिलेक्ट कमेटी में किया जायेगा और एक अच्छे स्वरूप में फिर य, विधेयक इमारे खामने आयेगा । DR. D. S. RAJU: That conveyance Chairman, I would like to thank all the hon. Members for the valuable suggestions they have put forward They have all welcomed this Bill to be referred to a Select Committee, and several of them have expressed their opinions on very important aspects of this Bill and I am sure their suggestions would be most welcome to the Joint Select Committee. They will be taken serious notice of and they will prepare a very good, illuminating and substantial report when i' romes before Parliament next session.

Perhaps at this stage it is not very desirable that from the Government point of view we should project our own viewpoint. Our idea is to present it to the Select Committee, and at the end of this session, probably at the next session, as soon as the report ie available further discussion will take place and a final shape will be given to this Bill. Meanwhile I would like to answer a few criticisms that have been levelled against some aspect* of the Bill.

Mr. Chettdax has raised e point about adulteration of saline samples. That case was reported in Gujarat. Twelve patients unfortunately died after an injection of glucose saline. Mr. Chettiar asked what action had been taken. Glucose saline solution oi Sanitex Company of Baroda was injected and twelve persons were reported to have died—a very unfortunate thing as a result of giving this saline solution. The action take* was that the licence of the firm wae immediately cancelled, and the Gujarat Government appointed a commission of enquiry under the chairmanship of Mr. D. P. Desal. a Judge of the City Civil Court of Ahmedabad. Our Drug Controller was also on th» Commission. They have submitted a report to the State Government. So we are awaiting the reaction of the State Government on this.

The second point Mr. Chettiar macJe was that a fly was found in one penicillin bottle. We receive some cons-

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plaints like this now and then and then on enquiry we find that most of them are unfounded and that there is no justification or basis for that. As «oon as enquiry reveals any substance in the complaint, it is immediately handed over to the State Government for action, it is handed over to the judicial authorities and suitable action is taken depending on their judgment. I would like to remind the hon. Member that implementation of this Act rests with the State Government.

Several hon. Members made out a case for Ayurvedic and Unani medicines. There is no doubt about their scientific aspect. We are all agreed that Ayurvedic and Unani systems are freat and ancient sciences. They have stood the test of time. It does not require any proof as to their efficacy. And now since independence gradually Ayurveda and Unani are coming into prominence. More and more patients are seeking their assistance, thousands and thousands. As one Member has pointed out, every village, tvery town, every city has got small manufacturing concerns in Ayurveda •nd Unani. In olden days when the Vaids ad Hakims used to prepare these Ayurvedic pills and bhasmas for •leir own patients, it was a different matter. There was no serious risk because every doctor had half a dozen patients or so. He used to look after them and carefully watch them, and so there was no serious risk in those days. But now, as one hon. Member lias pointed out, thousands and thousands of patients are using these Avurvedic and Unani medicines, and big industries have developed in the country. I am told that the Gurukul Kangri at Hardwar is a very major concern whose turnover is about Rs. 30 lakhs. I had occasion to visit their d"wikhana. And there is one here called the Hamdard Trust which is equally famous. I must say that they are doing very well. The sanitary conditions and their technicians are very sitisfactory. But it is not so with regard to all the other manufacturing concerns in the country.

There are several hundred and thousands of them which are not so well equipped. Their sanitary conditions are not so good. The implements are not so up to date. Some of them still grind their medicines in stones which have worn away and get those particles in the medicine. So, hon. Members will agree that it is a very serious responsibility of the Government to protect the health of the people. With this end in view, we have taken this step. Because there are so many amendments which have a far-reaching effect on the industry and on the health of the people. we are compelled to refer this Bill to a Joint Select Committee,

One hon. Member has referred to certain difficulties in the implementation of this Act and said that it was easy to make laws but that it was difficult to implement them. It is true. It is a very correct statement. So many factors come into operation. Since independence, we have been trying to plug almost all the loophole* or the defects in the implementation machinery. We are short of laboratories. There is no doubt about it. We are short of these technicians. We are trying to make up the shortage of these pharmacists and drug inspectors by establishing more institutes. In the country there are only 150 or so drug inspectors, which number is not very adequate. We are urging upon the State Governments to increase the number of drug inspectors and also the laboratories. Every Stata has got its own testing laboratory. One is not enough for a big State. We are also urging upon the State Governments to increase the number of these testing laboratories.

One hon. Member has made out the point that these drug inspectors are corrupt. I would not say that they are angels. There is a human element in it. Some people are corrupt. Dishonesty and corruption occur in every walk of life. Otherwise, where is the ne-essity for a Bill like this? But any way, co-operation is necessary from all sides of the public. Not only

{Dr. D. S. Raju.] the Government agencies, not only the Drug Directorate but almost all the agencies must understand the gravity *f the situation and co-operate in Implementing the provisions of this Bill. Private medical practitioners, voluntary Agencies, public workers, social workers, all these people, whenever they come across any ease or any suspected case, should immediately br:ng it to the notice of the authorities and •e& that the oulprit i« brought to fcook.

There was one point which was mentioned about the Ayurvedic and Dnani drugs. It is true that there is no standardisation of these drugs. The Chyavanapraah is one of the very famous drugs which is prepared and given by BO many pharmacists all over India. There is no standardisation. Perhaps, it is applicable to all the Ayurvedic and Unani drugs. There is no standardisation. Efforts ahould be made to bring forward a tandard pharmacopoeia of all these drugs. We ar« making efforts in this direction. Meanwhile, I think the minimum that we should expect from these Ayurvedic and Unani pharmacists is that they should give a list of theingredients on the bottle. It is very important; at least that is tha minimum requirement. Secondly, their machinery must be good. Not the ultramodern or super-fine equipment that is used by allopathic medicine manufacturing concerns but at least very clean machinery must be used. There must be at least one Ayurvedic cr Unani pharmacist who knows about these medicines. He must be present In that manufacturing concern. Tha Surroundings must be clean, the manufacturing house must be clean and flecent. The floor and the roof must be clean. Otherwise, dust from these •rill collect into the medicine. It is a very common experience that the manufacturing house is not properly cleaned, cemented or polished. The walls are not properly ventilated and " white-washed. And all the dust will 'collect into the medicines. That Is a

very dangerous thing. Thasa are soma of the minimum things which should be insisted upon. I hope that horn Members will appreciate these points.

The hon. Shri Sapru has raised « legal point whether the Ministry m entitled to or could raise this fixed period of punishment. He is agreed that the maximum punishment of tea vears could be fixed but he feels that it is not justified from the legal point of view that the minimum punishment should be prescribed. It is a question of legal aspect. I would certainly take the advice of the Law Ministry and probably in the next session whe» the quejtion again comes up, an appropriate reply might be given. But 1 wonder, Parliament being a sovereign body, whether it is not entitled ta make or prescribe this scope of punishment. When the maximum limit could be fixed, the minimum limit could also be fixed. I cannot see any difference between the maximum and the minimum. After all, the maximum of ten years is only for repeated offences. It may vary 'from one year ta ten years. So much about the Ayurvedic and Unani preparations.

So far as tha modern system af medicina is concerned, that has ale* become a very big industry. After independence it has reached tremendous proportions. Roughly about 80 per cent, of the drug needs of the country-are manufactured in this country. We are only importing drugs wortk about Rs. 12 or 18 crores, and drugs worth about Rs. 80 to 90 crores are prepared in India now. So, that also baa become a very major industry. It haa assumed importance and I am gla# that hon. Members have realised tha gravity of the situation. After all, our objective and aim is to give quality drugs to safeguard the health of the people and give them as cheaply as possible. If they are not cheap, naturally they will go to quacks and they will seek cheap medicines and injure their health. So, that is a very important point. We are trying to enlarge the scope of thia

industry, produce all the required drugs in this country and make them available to the people at a very cheap rate. Meanwhile, regarding quality, we have got to find out at what stage this adulteration is talcing place. We have got big manufacturing concerns in India. The biggest of them are probably about 120 in umber employing a capital of mare than Rs. 10 lakhs, each and employing hundreds of people. But the rest of hem—about 2,000 or 2,500—are small manufacturing concerns. I agree with Dr. Siddhu when he says that the greatest care must be exercised in jiving licences to these people. That is a very important thing. I am glad <fhat he has mentioned it. They must •nsure that all the pre-requisite conditions are satisfied before a license is • given, whether they have got the proper equipment, whether their premises are good and up to the required standard and whether they have got th« proper type of technicians. There should not be any laxity in it. Extreme Bare must be exercised before giving a Eeenca Then, at what other stages does adulteration take place? For instance, in the communication system, between the wholesaler and the retailer and the dealer. Probably, in the course of the next few weeks, deputations might call upon the Joint Select Committee. It will have occasion *o listen to them also and I hope that it will take into consideration all ihes*. aspects and give us a very valuable and substantial report which will enable us to put this Bill into operation.

With these few words, Madam, I would like to put the Bill before the •elect Committee.

THH DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, be referred to a Joint Committee of the Houses consisting of 30 members; 10 members from this House, namely: -

- 1. Shri B. N. Bhargava
- 2. Shri Bairagi Dwibedy.
- 3. Shri D. P. Karmarkar.
- 4. Shri Krishna Chandra 8. Shri Kumbha Ram
- 8. Shri P. C. Mitra
- 7. Dr. A. Subba Rao
- 8. Dr. Shrimati Seeta Parmanant
- 9. Shri R. S. Khandekar 10. Dr. Jawaharlal Roiiatgi.

and 20 members from tl*e Lot Sabha;

that in order to constitute a meeting of the Joint Committee th* quorum shall be one-third of th» total number of members of th« Joint Committee:

that in other respects, the Rules of Procedure of this House relating ts Select Committee* shall apply with such variations and modifications a* the Chairman may make;

that the Committee shall make a report to this House by the first day of the next session: and

that thin House recommends to the Lok Sabha that the Lok Sabha ds join in the said Joint Committee and communicate to this House th» names of members to be appoints* by the Lok Sabha to the Joint Committee."

The motion was adopted.

THE DAKSHINA BHARAT HINDI PRACHAR SABHA BILL, 1963

THE MINISTER OF EDUCATION (DR. K. L. SHRIMALI); Madam Deputy Chairman, I beg to move:

"That the Bill to declare the instf-. tution known as the Dakshina Bharat Hindi Prachar Sabha, having at present registered