dated the 27th July, 1963, publishing corrigendum to Government Notification G.S.R. No. 996, dated 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; 1837

[Dr. D. S. Raju.]

that in other respects, the Rules of Procedure of this House relating to Select Committees shall 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. 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 they have a far-reaching effect, I would like to point out some of the reasons why this Bill 15 recommended to be referred to a Select Committee of both Houses of Parliament. Madam, hitherto the drugs used in Ayurvedic 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 Unani systems has become a major industry in this country. Formerly only Vaids 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 this 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.

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

Dr. D. S. 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 things are taken into consideration and that they satisfy certain requirements. These are some of the main 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 and 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 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: There are two amendments, one in the name of Shri Krishna Chandra and the other in the name of Shri M. P. Bhargaya.

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

SHRI M. P. BHARGAVA (Uttar Pradesh): 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, I 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): Madam, there seems to be 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?

D_R. 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. The date that the Minister has given tands.

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

شری عبدالغنی (پنجاب): میدّم دیتی چیرمین - یه بل بوا ضروری هے جو هاوس کے سامنے هے - یه کیوں آیا هے اس لئے که دواؤں میں کانی مادوت هوتی هے اور اس کو چهک

کرنا ضروری ہے - یہاں تک کہ جو انجکشنز دیئے جاتے ھیں وہ بھی بوگس بننے لگے ھیں اور زندگی کے لئے جو انتہائی ضروری دوائهں میں أن ميں بھی ملاوت ھونے لگی ھے -اس کے ساتھ ھی ساتھ سرکار نے ایسا بھی محسوس کہا ہے کہ جو آیورویدک اور یونانی دوائهی ههی ان کو بھی کنٹرول کیا جائے اور ان میں بھی مالوت کے خالف کیچھ روک لگائی جائے ۔ میڈم ڈپٹی چیرمین - مجھ د<mark>کھ ھے</mark> کہ سولہ برس میں بھی هماری سرکار جن کو درگز میں دخل ھے جو ڈرکز بناتے ھیں ان کے اخلاق کو اتدا اونچا نہیں کو پائی ہے که ولا منصسوس کریں کہ دیش کے ساتھ يه انهائے هے اور ایسا انبائے هے چو که هزاروں جانوں کو ضائع کر سکتا ہے۔ اس کا کارن تو میں یہ سمجھتا ہوں که جتها راجه تنها پرجا - آج هر حکه اس باع کا چرچا هے -

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

شری عبدالغنی: راجه تو لائے کا هی یاجی جی – ابھی تو آپ کے بس میں هے جلد هی جب همارے بس میں هوکا تو هم لائیں گے –

میں یہ عرض کر رہا تھا کہ اس بات کے لئے قانوں کی پناہ کیوں لیلی پرتی ہے اور کیوں یہ ضروری 1043 Drugs & Cosmetics [28 AUG. 1963] (Amendment) Bill, 1963 1844 ھے کہ سماج کی برائورں کے لئے قانون

لا دَندًا هاته مين لين - مين سنجهتا ھوں کہ مہذب ملکوں میں قانون سے

كام ليا جاتا هے ليكن اپنا ديھ تو بهگوان رام کا دیھی هے، بهگوان کرشن کا دیمی ہے، گرو نانک کا دیمی ہے،

مهانما کاندهی کا دیم هے - تو مهاتما گاندھی کے دیش میں مہاتما گاندھی

کے جانشیں اگر لوگوں کے اخلاق کو أج اتنا بلند نهيس كر دائه كه ولا الي بہن بھائیوں کی زندگی سے نہ کھیلیں

تو یہ کافی دکھ دائیک بات ھے -چهاں تک بل کی ضرورت کا

سوال ھے اس کو تو میں نے اپریشیت کیا ہے۔ اور ہر آنریبل سبر اس کو اپریشیت کرے کا لیکن میں نے اس

کا کارن بھی بتایا ۔ سرکار اس بات پر غور کرے که جونهی آزادی ملی تهی هر جگه کے لوگوں نے هر طوح کے

کرپشن کو هر طرح کی مالوت کو هر طرح کی برائی کو دور کرنے کا ایک برا بهاری یتن کیا اور هر جکه یه فضا پیدا ورئی که دیمی همارا هے هم اس کے دیھی واسی هیں ابنے دیھی کو بنانا

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 کونے کے لئے ہمیں

کوئی نه کوئی سرکاری میزر لانا هے یا بل یا ایکت لانا ضروری هے جس

سے اکم هم اس کو روک پائیں - اگر اس پر وچار کریں تو سرکار کو سمجها پویکا که اس وقت اس کا جو رخ هے ولا كنچه بدلنا هـ - جو قرئز كو بنانے والے میں انڈسٹریلست موں یا کوئی هوں بیرونی هوں یا اپنے دیھ واسی هوں ان کو هم اپروچ کریں که وه اللهي فامهداريون كا احساس كرين -لیکن هم یه کریس کیسے - مصیبت یه هے میةم ةپتى چیرمین - كه آج همارے دیھ میں ایک عجیب مصیبت آئی هے اور وہ مصیبت یه ھے کہ جو سرکار سولہ برس سے چل رهی هے اور جسے دیمس کی اکثریت نے اعتماد دیا اور اعتماد دے کر اس کو اب تک قائم رکھے ہوئے ہے — ہم الک بات ہے کہ اپوزیشن والے اس باع کا دعو_{کل} کرتے ھیں که روترس

کی اکثریت اس سرکار کے ساتھ نہیں ليكن جو پارليمات مين كامياب هوئے هیں ان میں تو بہت بڑی گنتی اس سرکار کے ساتھدوں کی ھے --اور جب اس کو اتفا اعتماد ملا هے تب یه یکایک ایسا روپ اختیار کر

رھی ہے جس سے کہ منجھے ڈر ہے

کہ ان کا یہ میزر بھی ہے کار **ھ**ر جائے گا ۔ وہ یہ ہے کہ ملک میں تیں بوے شعبے ہیں۔۔ایک فائندس کا

مے دوسرا هوم کا هے تيسرا ان کا فوق اینت اگریکلچر کا هے اور تینوں کے

وزیروں کو همارے پرائم منستر نے

[شرى عبدال**غن**ى]

چھتی دے دی ہے - اپوزیشن والوں نے اس کا مطالعہ کیا کہ منستری جائے اور کمیونست بھائیوں نے کہا که در جائیں یعنی پاتل صاحب اور مرارجي ديسائي صاحب فائننس ملسقر اور فو ایند دایگریکاچر منستر-تو وا نکال دئے گئے لیکن یہ اوم ملستر کیوں جائیں ؟ تو اس کے معنی یه هیں که کوئی بہت بوی بیماری لگ گئی ہے که کیبینت کی کیبینت جائے - دوسرے لفظوں میں میں کہونکا که اس میں ایسی برائی آ گئی هے که اس کے لئے اتلا ہوا امدتمدت لا رهے هيں -

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

شرمي عبدالغذي : هم كهتے ههن كه ملاوت اس ميں هو جائے كى ــ میں یہ کہنے والا ہوں که منستری میں ملاوت کی بات ہے - میں ميةم دَپتي چيرمين - كبهي باهر نهيں جاتا أب تو لانوں ميں هاته لكا ایها هے مجھے فکر رہتی هے که آپ مجهد دانتینگی- اس لئے میں پہلے هی ایلے آپ کو ردان لمٹس رکھتا هور - میں یه کهه رها تها که جب أتلے بوے پیمانے پر همارے پیارے محبوب نيتا درائم منستر منستري میں ملوت کر رہے عیں تو پھر یہ

جو چهوتی چهوتی دوائیں بنانے والے هیں ان کی مقارت کو کیسے روکئے کا ۔

تو یه میں اس لئے کہه رها تها كه تهورًا آپ كو بتلاؤن - يه قانون تو بلے گا اور میں نے اس کی تائید کر سی اور میں نے اتھتے می کہا کہ يه بل برا اچها هے - همارے هيلته ملستر نے بہت اچھی بات کھی ہے ایک برائی کو روکنے کے لئے لیکن میں قرتا یوں هوں که یه صرف دکھارے کی بات رہ جائے گی - ھاتھی کے دانت دکھانے کے اور کھانے کے اور کھوں کہ جب بڑے پیمانے پر ملاوت هوتی هے میدّم دَپتی چهرمهن - تو اس و مع پھر ہوے خطرے ھوتے ھیں که وه بیماری لوگوں میں نه پهیل جائے - یہ ایک طوح کی چھوت کی بیماری هے، یه جو مالوق کا قصه هے۔ اس لئے میں مبارکباد دیتا ھوں اپنے هیلته منستر کو اور اپنی پیاری سرکار کو که انہوں نے یہ محسوس کیا کیوں که اس طوح کی شکایت آئیں که انجکشن میں مکھیاں ملیں دوائیوں میں ہری سے بری چیز ملی بالكل بوكس دوائيان نكلين جيس انہوں نے ایک کاغذ چھاپ کر لکا دیا اور بیچ میں دوائی کا زام نہیں ۔ ليكن اب چاهے دير مے قدم الها هے میں کہتا ہوں که کنچھ فکر کی بات نهیں -

1847 Drugs & Cosmetics [28 AUG. 1963] (Amendment) Bill, 1963 1848

میں نے ایک دفعہ کہا تھا مسلمانوں کے آیک بی اسام تھے - جتنے اس وست مسلمان ھیں ان کے چار بوے گرو مانے جاتے ھیں - تو جو سب سے برے امام دھے امام اعظم ان کے پاس ایک بہی گئی ۔ اس ہے جاکر کہا میرے بنچے کو منع کرو یہ گو نه کھائے انہوں تے کہا اچھا کل آؤ وہ دوسرے دن گئی تو انہوں نے کہا بیٹا گر نه کهایا کرو - اس نے کہا اتلی سی بات تهی تو کل هی کیوں نہ کہہ دی تو انہوں نے جواب دیا کل تو سیں نے گو خود کھایا تھا پھر میں بھے کو کیوں کر ملع کرتا کیونکہ میں سمجهتا تها که میرا اثر نهیں هوگا ا س لئے آج میں نے خود کھانا چهور دیا تب سے سے کہا - میڈم دَيتَى چيرمين - ميں اتنا هي عرض كرنا چاهتا هول كه اگرية چاهنے هيل اس بل کا کیچهه اثر پڑے تو اینی ملاوت کو خدم کریں۔ اگر ان کی اپدی ملاوت ختم بهیں هوتی تو اس بل کو لایے سے کوئی فائدہ نہیں ہوگا -

ौश्री श्रब्दुल गनी (पजाब) मैडम डिप्टी चेयरमैन, या बिल बडा जरूरी है जो हाउस के सामने है। यह क्यो ग्राया है, इसलिय कि दवाग्रों में काफी मिलावट होती है ग्रोर उसका चैक करना जरूरी है । यहातक कि जो इजैक्शन्स दिये जाते है बढ़ भी बोगस बनने लग है ग्रौर जिन्दगी के लिये जो इन्तराई जरूरी दवाये है उन मे भी मिला-वट होने लगी है । इस के साथ ही साथ

सरकार ने ऐसा भी महसूस किया है कि जो श्रायुर्वेदिक श्रीर युनानी दवाये है उनको भी कन्ट्रोल किया जाये श्रौर उन मे भी मिलावट के खिलाफ कुछ रोक लगाई जाये । मैडम डिप्टी चैयरमैन, मुझे दुख है कि १६ बरस मे भी हमारी सरकार जिनको ड्रग्स मे दखल है, जो इंग्स बनाते है, उन के इखलाक को इतना ऊचा नहीं कर पाई है कि व महसूस करेकि देश के साथ यह अन्याय है और एसा भ्रन्याय है जो कि हजारो जानो को जाया कर सकता है । इसका कारण तो मै यह समझता हू कि जथा राजा तथा प्रजा। ग्राज हर जगह इस बात की चर्चा है ।

श्री शीलभद्र यात्री (बिहार) राजा ही बिल ला रहा है

श्री ग्रब्दल गनी राजा तो लायेगा ही, याजी जी। अभी नो आपके बस मे है जल्दी ही जब तमारे बस मे होगा तो तम लायेगे ।

में यह ऋर्ज कर रहा था कि इस बात के लिय कानून की पना वयों लेनी पडती है भ्रौरक्यो यह जरूरी हैकि समाजकी बुराइयो के लिये कानून का डडा राथ मे ले । में समझता हू कि मुहज्जब मुल्को मे कानून से काम लिया जाता है, लेकिन श्रपना देश तो भगवान राम का देश है, भगवान कृष्ण का देश है, गुरु नानक का देश हे, महात्मा गाधी का देश है। तो महात्मा गाधी के देश मे महात्मा गाधी के जानशीन श्रगर लोगा के इखलाक को ग्राज इतना बुलन्द नही कर पाये कि वह ग्रपने बहन भाइयो की जिन्दगी से न खेले तो यह काफी दुखदायक बात है।

जहातक बिल की जरूरत का सवाल है इसको तो मैने एप्रिशियट किया है श्रीर -र स्रानरेबल मेम्बर इसको एप्रिणिएउ **करेग** लेकिन मंने इसका कारण भी बताया। सरकार इस बात पर गौर करे कि ज्योही स्राजादी

^{†[]} Hindi translation.

[श्री अब्दुल गर्नी] मिली थी ८र जगह के लोगों ने हर तर के करप्शन को, हर तर की मिलावट को, हर तरह की बुराई को दूर करने का एक बड़ा भारी यत्न किया : श्रौर इर जगह यह फ़िज़ा पैदा हुई कि देश त्मारा है, तम इसके देश-वासी हैं, हमें अपने देश को बनाना है श्रौर सब इस में जुट गये। लेकिन श्राज दो योजनायें पूरी हुई, तीसरी चल रही फिर भी ग्रभी तक तम या बातें महसूस करते हैं कि र बुराई को चैक करने के लिये कोई न कोई सरकारी मेजर लाना है, बिल या एक्ट लाना जरूरी है जिस से कि हम इसको रोक पायें । भ्रगर इस पर विचार करें तो सरकार को समझना पड़ेगा कि इस वक्त इसका जो रुख है व कुछ बदलना है। जो ड्रग्स को बनाने वाले है, इंडस्ट्रिय-लिस्ट हों या कोई हों, बे ब्ली हा या स्नानें देश-बारी हों उनको म एप्रोच करेकि व ग्रपनी जिम्मेदारयों का एहसास करें। लेकिन हम या करें कैसे ? मुसीबत या है, मैडम डिप्टी चेयरमैन, कि भ्राज मारे देश में एक भ्रजीब मुसीबत आई है और व मसीबत य है कि जो सरकार १६ बरस से चल रही है श्रीर जिसे देश की अक्सरियत ने एतमाद दिया और एतमाद देकर इसको ग्रब तक कायम रक्ले हए है-यः ग्रलग बात है कि ग्रपोजीशन वाले इस बात का दावा करते हैं कि वोटर्स की ग्रक्स-रियत इस सरकार के साथ नहीं लेकिन जो पालियामेट में कामयाब हुय है उन में तो बहत बड़ी गिनती इस सरकार के साथियों की है ---ग्रौर जब इसको इतना एतमाद मिला है तब यह यकायक ऐसा रूप ग्रस्तियार कर रही है जिससे कि **म**झे 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 ग्रन्न का फुड एण्ड एग्रीकल्चर का है, ग्रौर तीनों के वजीरों को हमारे प्राइम मिनिस्टर ने छट्टी देदी है। अपोजीशत वालों न इसका मृतालवा किया कि मिनिस्टी जाय भौर कम्युनिस्ट भाइयों नें कहा कि दी जायें यानी पाटिल साहब **ग्रौर** मोरारजी देसाई साहब, फाइनेंन्स मिनिस्टर श्रीर फूड एण्ड एग्रीकल्चर मिनिस्टर
तो वह निकाल दिये गये। लेकिन यह होम
मिनिस्टर क्यों जाये? तो इसके मायने यह
हैं कि कोई बहुत बड़ी बीमारी लग गई है
कि केबिनेट की केबिनट जाय। दूसरे लफ्जों
में मैं कहूंगा कि इसमें ऐसी बराइयां श्रा
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 बात है। मैं, मडम डिप्टी चैयरमैंन, कभी बाहर नहीं जाता श्रव तो कानों में हाथ ला लिगा ह। मुझे फिक्र रहती है कि श्राप मुझे डाटेंगी। इसलिये मैं पहले ही श्रपने श्राप कोविदिन लिमिट्स रखना हूं। मैं यह कह रहा था कि जब इतने बड़े पैमाने पर हमारे प्यारे, महबूब नेता प्राइम मिलिस्टर मिलिस्ट्री 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 श्रीर मैंने इसकी ताइद कर दी श्रीर मे उठते ही कहा कि बिल बड़ा ग्रच्छा है। हमारे हैल्थ मिनिस्टर ने बहुत ग्रच्छी 'बात कही है एक बुराई को रोकने के लिये, लेकिन मैं डरता यूं हू कि यह सिर्फ दिखावे की बात रह जायगी। हाथी के दांत दिखाने के भ्रौर खाने के ग्रौर। क्योंकि जब वडे पैमान पर मिलावट होती है, मैंडम 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 मुबारकबाद देता हं ग्रपने हेल्थ मिनिस्टर को ग्रौर ग्रपनी प्यारी सरकार को कि उन्होंने यह महसूस किया नयोंकि इस तरह की शिकायतें आई कि इंजक्शन में मिक्खयां मिलीं, दवाइयों में बरी से बरी चीज मिली, बिल्कूल बोगस दवाइयां निकलीं, जैसे उन्होंने एक काग्ज छाप कर लगा दिया और बोच में दवाई का नाम नहीं । लेकिन ग्रब चाहे देर से कदम उठा है, मैं कहता हं कुछ फिक्र की बात नहीं।

मैंने एक दफा कहा था---मुसलमानों के एक बड़े इमाम थे। जितने इस वक्त मुसलमान हैं उनके चार बड़े गरु माने जाते हैं। तो जो सबसे बड़े इसाम थे, इसामे ग्रा-जम, उनके पास एक बहन गई। उसने जाकर कहा, मेरे बच्चे को मना करो, यह गुड़ न खाय । उन्होंने कहा, ग्रच्छा कल ग्राग्रो । 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 ? ती उन्होंने जवाब दिया, कल तो मैंने गृह खद खाया था. फिर मैं बच्चे को क्यों कर मना करता, क्योंकि में समझता था कि मेरा श्रसर नहीं होगा इसलिये आज मैंने खद खाना छोड दिया तब बच्चे से कहा । मैडम डिप्टी चैयरमैन. मैं इतना ही भ्रजं करना चाहता हूं कि ग्रगर यह चाहते हैं इस बिल का कुछ ग्रसर पड़े तो भ्रपनी मिलावट को खत्म करें। भ्रगर उनकी श्रपनी मिलावट खत्म नहीं होती तो इस बिल को लाने से कोई फायदा 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 cording to our established convention at this stage we only make our observations about which the Committee may consider in detail and the report of the Bill with 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-448 RSD-4.

tion is 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 but also they have been adulterated in a way which really has been very injurious and very harmful to the health of the people. It is a matter regarding this Parliament takes serious view and glad I am that the Ministry has come a provision for increasing 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 not 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 a very healthy provision—that all the 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 Vaidsis 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

[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. I 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 Ayurvedic and Unani manufacturers I should like to say dealers. 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 and 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 suggestions and advice are taken from such an established institution 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 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 concerned and widen the scope by covering not only the modern system of medicine 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 what has been presented to us just Madam, I support the motion for entrusting the Bill to the Select Committee.

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 Aspro 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. 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 Then, it was number also. quite clear to me that the first two tablets which he had given me were terated 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

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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: agents bring them and sell them. They could sell the Aspro packet as well as these pills. If you look around you will 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 this.

I feel this voucher is no excuse. Even the shopkeeper should be entitled for some punishment and 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 panwala'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 sell 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, thev have said:

"costly raw-materials.....are either not used or substituted by 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 Ayurvedic 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. Ayurvedic 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, example, the late Hakim Nabina, 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 Ayurvedic and Unani systems. 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 Ayurvedic 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 that. Homeopathic right in saying medicines are capable of being standardised, and I should like the Select Committee to go into the question

[Shri P. N. Sapru.]

whether homeopathy should also not be included within the scope of this 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 the 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 is 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 ten 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 of the Soviet Union.

(Interruption)

شری عبدالغلی: اگرچه سوریت یوانین کے چاہلے والوں کی بات آپ مان لیٹے -

†[श्री श्रब्दुल ग्रानी: ग्रगर्चे सोवियत यूनि-यन के चाहने वालों की बात श्राप 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, I 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.

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 OF 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 श्रगर 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 my 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 ten years, the moment the court knows that it is a non-bailable offence—there is nothing to show that it is a bailable offencethe 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

^{†[]} Hindi transliteration.

[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 of the be deemed to be guilty offence and shall be liable to be punished proceeded against and 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 now 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.

SHRI 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 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. GOVINDAN 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 I 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 firms

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 BHADRA 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, I 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 firms 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.

S. AVINASHILINGAM SHRI T. CHETTLAR (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 cheap and were available to the com-But today the Ayurvedic mon man. 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 tested and it was found that it was not properly distilled water. stand 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 ad-

ministration of law. May I know. Madam, what exactly has happened to these cases, whether criminal 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—I 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 is necessary. We make very fine laws in

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 but 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 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 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 charged. The diseases for which Ayurvedic 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.

भी निरंजन सिंह (मध्य प्रदेश) : उप-सभापति 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 भाफ भान्जेक्ट्स एन्ड रीजंस है उसमें खासतौर पर यह बतलाया गया है कि श्रायुर्वेदिक भीर युनानी की जो डिस्पें-सरियां हैं, ग्राजकल जो फर्म्स ग्रायुर्वेदिक दवाइयां बनाती हैं, उनके ऊपर यह कानृन लागु होगा ।

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

हाल ही में हेल्य मंत्राणी ची ने कहा या कि इन्सपैक्टरों ने बंगले बना लिए है। इन सब बातों को जानते हुए भी इस विषेयक में या श्रौर कानुनों में श्राप इस तरह की गुंजायश रखते हैं जिससे पैसा खाने वाले इन्सपैक्टर या सूपरविजन करने वाले स्टाफ 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 श्रब्तियार नहीं करेंगे तब तक ग्राप कानून के द्वारा इस बुराई को दूर नहीं कर सकते हैं। जब तक श्राप इस तरह के नोगों पर नियंत्रण नहीं नगायेंगे तब तक ग्राप इस बीमारी को नहीं रोक सकते हैं ग्रौर न इस कानून का फायदा ही हो सकता है।

उदाहरण के लिये मैं भ्रापको बतलाता हं कि जो श्रायवेंदिक दवाइयां गुरुकुल कांगड़ी श्रीर पनवेल में बनाई जाती हैं श्रीर जो स्टेंडर्ड दवाइयां होती हैं, उन्हें श्राप चाहे मैडिसन कह लीजिये या ड्रग्स कह लीजिये इस तरह की चीजें वहां पर बनती हैं। वहां पर हर एक को गुंजाइश रहती है कि एक भ्राइटम छोड़ दिया भ्रौर मिला दिया श्रीर उसके बाद में बना करके भेज दिया ग्रौर बह बाजार में मिल जायेगा । उदाहरण के तौर पर म्राप च्यवनप्राश लीजिये । स्रौर दूसरी चीजें जाने दीजिये, लेकिन जो मोटी चीजें हैं ग्रीर जो बहुत ग्रादमी खाते हैं, उन में यदि ग्राप पनवेल का च्यवनप्राश लेंगे तो उसमें इनग्रीडियंट्स दूसरे मिलेंगे ग्रौर गुरुकुल कांगड़ी का लेंगे तो उसमें इनग्री-डियंट्स दूसरे होंगे । इसके ऊपर चेक क्या है ? जब चेक नहीं है तो म्राप कैसे कहेंगे कि उसमें प्योरिटी है या नहीं है ? बह घी से बनता है स्रोर स्राज घी की जगह बहुत चीजों में डालडे का उपयोग होता है भीर वे कहेंगे कि इमने उससे बनाया है। तो जब

तक धाप इसको चेक करने की बात नहीं सोचते, तब तक यह श्रसंभव है कि मेडिसिन्स में प्योरिटी हो जायेगी । जैसे श्रंग्रेजी मेडिसिन्स में प्योरिटी हो जायेगी । जैसे श्रंग्रेजी मेडिसिन्स में एक साल्ट के बदले में सब्सिटिट्यूट कर देते हैं, वैसे ही श्रायुर्वेदिक मेडिसिन्स में सब्सिटिट्यूशन की बहुत सी चीजें हैं । इस के साथ साथ उत्तर भारत में जो हर्ब नहीं मिलेगी, वह साउथ में मिलेगी श्रौर उस का श्रगर सब्सिटिट्यूट कर देते हैं, तो वह नुकसानदायक होता है । यह भी हो सकता है कि वह उत्तर वालों के लिये फायदेमन्द न हो श्रौर दक्षण वालों के लिये फायदेमन्द हो । जब तक श्राप इन चीजों को नहीं देखेंगे, तब तक श्राप 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 श्रौर जितने वैद्य वहां पर श्रच्छे माने जाते हैं, वे श्राज काढा भी बनायेंगे, तब भी श्रापको ने दूसरी-दूसरी दवायें बना कर दे देंगे। उन काढ़ों में आपको वह चीजों नहीं मिलेंगी, जोकि ग्रौर जगह मिलती हों। बंगाल में उसका कुछ ग्रौर नाम लिया जायेगा, जैसे एक्स नाम लिया जाये, तो मध्य प्रदेश श्रौर हिमाचल प्रदेश में उस दवा का दूसरा नाम लिया जायेगा । इसकी जब तक खोजवीन नहीं होती, तब तक भ्राप इसको रोकेंगे कैसे कि इसमें एडल्टरेशन हुआ और इसमें एडल्टरेशन नहीं हुम्रा ? तो इन चीजों की भ्रापको छानबीन करनी चाहिये । इसम<mark>े</mark>ं भ्रापने उनको खुब लुपहोल्स दे दी हैं। भ्राज होता यह है कि एक जगह एक चीज़ 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 श्रौर दक्षिण में चले जायेंगे तो उन पत्तों में स्रौर फर्क हो जायेगा। इन चीजों को वैद्य भी नहीं जानता है। मझे ग्रभी रीसेंटली मालुम हुम्रा कि बनारस में जो वैद्य हैं वे जब किसी को कोई दवा लिखते हैं, तो वे पूछते हैं कि तुम्हारे बड़ां यह रवा मिलेगी या नहीं मिलेगी श्रोर हरी चीज मिलेगी या नहीं मिलेगी। इसलिए घर में जो वैद्य दश्य बनाते हैं श्रोर जो फार्मेसी में दयायें बनती हैं, उनके लिए पहले श्रापको डाइगनोसिस करनी पड़ेगी, तब श्राप इस तरह का ऐक्ट बना सकते हैं।

तो मैं सिलेक्ट कमेटी के सामने दो ही चीज़ें कहना चाहता हूं कि यदि श्राप इसको इम्प्लीमेंट करना चाहते हैं, तो जैसे ब्राइबरी में ब्राइबरी लेने वाला और देने वाला दोनों म्रपराधी हैं ग्रौर दोनों पनिशमेंट पाते हैं, वंसे ही जो मैन्युफ़ैक्चर करते हैं वे भी दोषी हैं ग्रौर जो म्राफिसर वहां पर कंदोल करते हैं वे यदि नेग्लिजेंट हैं, तो वे भी दोषी हैं ग्रौर उनको भी सज़ा होनी चाहिये। वे हमेशा बच जायेंगे। न बचने का एक ही उपाय है कि उनके ऊपर ग्रापका श्रंकुश होना चाहिये, सरकार का श्रंकृश होना चाहिये । ईमानदारी का श्रंकृश होना चाहिये ग्रौर जनता का सहयोग होना चाहिये तब ही ग्राप इसको कर सकते हैं। तो जो ग्रापका बिल है, इसके लिये दो बातें श्रावश्यक हैं--एक तो ग्राप प्रतिबन्ध लगाइये श्रौर दूसरे जो हकीम वैद्य हैं, उनकी भी छान-बीन कीजिये। ग्राज सब प्रांतों में यह है कि एक श्रीर श्राप यह कहते हैं कि जिसके पास सार्टिफिकेट नहीं है, वह प्रैक्टिस नहीं कर सकता है और दूसरी स्रोर स्नाप यह कहते हैं कि दस साल की प्रैक्टिस बहुत है। स्रब जिन को झठे सार्टिफिकेट दिये गये हैं यदि वे दवायें बना कर के देते हैं, तो उनके ऊपर आपका कोई प्रतिबन्ध नहीं है। कभी कभी शद्ध काढा बना के वे देते हैं तब भी वह नकसान करता है, फिर भी ग्राप उनके ऊपर कोई प्रतिबन्ध इस ऐक्ट के मातहत नहीं लगा सकते हैं। स्राप ने फार्मेसी के लिये इसमें प्रतिबन्ध लगा दिया है लेकिन इंडिविजुग्रल्स के लिये कोई प्रतिबन्ध नहीं है। इसलिये इंडिविज्यल्स के ऊपर, दवाग्रों के ऊपर भौर इसके कंट्रोल के ऊपर यदि इसके द्वारा कार्यवाही हो सके, तो ग्रन्छा डोमा ।

DR. M. M. S. SIDDHU (Uttar Pradesh): Madam, I welcome this measure because it removes one 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 practising doctor of some twenty their years' standing I never knew names till I got their names from the Health Officer. Then it might 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 standard, though compared to the previous years 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 thing. The second thing is, whenever a scarcity occurs, certain dealers go about selling their products ready delivery at your door, and these are the persons who have committed greatest offence. In other cases the retailer chemist knows what he buying whether it is adulterated or substandard product. He does receive substandard products from the standard manufacturers. So if so you want to do away with this adulteration, 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 laboratory where things can be tested before 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-Unfortunately ed product.

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 tes-Therefore, if we want to have this 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 attached. Then, the Government officials who are in charge of enforcing the laws must see that these manufacturing licences are not issued liberally. If a person does not have enough space, if he does not enough capital, if he does not have 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 such a person should not be given licence. It being the biggest consumer of drugs in India, Government must ensure that it gets the best product. It must do as is done in

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

Drugs & Cosmetics

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 manner 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 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 could not be manufacturing houses 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 firm has received whether this licence or not, may be able to check it. In other words, a directory of the manufacturing concerns dealing pharmaceutical trade is what 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 If the retailer could be taken away. 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 or to the pharmacopoeia 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 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 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 manufacturer does not the 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.

भी विमलकमार मञ्जालालजी चौरड़िया (मध्य प्रदेश) : उपसभापति महोदया, जो बिल प्रस्तृत किया गया है, उसके उद्देश्य के बारे में दो मत नहीं हो सकते कि भ्राजकल जो श्रायवैदिक श्रौर यनानी दवाएं बाजार मे एक ब्यवसाय के रूप में विकय के हेत् म्राने लगी हैं, उनमे भी जो गडबड़ियां होने लगी हैं उन पर नियत्रण किया जाय । अभी तक के हमारे विधान के श्रनसार उनको इससे मुक्ति दे रखी थी भ्रौर उसका परिणाम यह होता था कि हमारे जो कई श्रौषधि-निमत्ता है वे गडबडियां करते थे। उदा रण के तौर पर च्यवनप्राश मे कई लोग म्रालु को उबाल कर, उसको बारीक करके श्रीर उसमे मसाला मिला कर ग्रीर बार से लेबिल लगा कर बेचा करते थे। ग्रौर भी बहुत सी महगी दवाइया होती थी, जैसे स्वर्णभस्म है, मोतीभस्म म्रादि-स्रादि, उनमे मिलावट कर के बेचा जाता था। दवाइयो का धधा करने वालो मे श्रच्छे स्रोग भी हैं ग्रौर बुरे लोग भी हैं, ग्रौर इसमें दो मत नहीं हो सकते कि इस क्षेत्र में काम करने वालो के ऊपर नियत्रण करने की ग्राव-श्यकता बहुत समय से थी।

किन्तु साथ ही य भी देखना होगा कि अगर म य नियत्रण पूरी तरह से करे तो उसका कितना व्यापक क्षेत्र होगा ? श्राज छोटे-छोटे गावो मे भी लोग श्रासव बनाते है, स्वर्णभस्म भी बनाते है, कई प्रकार की श्रौषधिया बनाते है। क्या म उन सब के ऊपर नियत्रण करने मे सफल हो सकेंगे, यह प्रका मारे सामने श्राता है श्रौर इस दृष्टि

से ग्रगर सेलेक्ट कमेटी विचार करे कि इस इसको कितना व्यापक रूप दें. तो उचित होगा । मेरे मत से एक तो यह हो सकता है कि जो व्यावसायिक दिष्ट से बड़े पैमाने पर दवाइया बनाते है, जैसे वैद्यनाथ प्राणदा हैं. झंड़ है, पनवेल है श्रीर युनानी मे , मदर्द दवा-खाना है, ये जो बड़े-बड़े उत्पादनकर्ता है, उन पर पहले यह नियत्रण लागु करके हम एक्स-पेरीमेट के तौर पर देखें या सारे भारतवर्ष मे एक साथ लागु करके देखे कि कहा-कहा इस तर इकी गड़बड़ियां चलती है। कही 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 दवाइया बनती है, उनमे भ्रावश्यकता के **अनुसार जहर का उपयोग किया जाता है श्रौर** किसी रोग का इलाज करने के लिए उसमे मात्रा का फर्क रहता है कि कितनी मात्रा किस मे दी जानी चाहिये । कई वैद्य लोग ग्रपना ऐसानस्खा बनाकर रखते हैं कि जो उनके व्यवसाय का सीकेट होता है ग्रौर संभवतः हमारे शासन के स्टैन्डर्ड से, मान से, वह ठीक नही बनता हो, उस के मान से उस मे जरर की मात्रा ज्यादा मालुम पड़ती हो या ग्रन्य दूसरी व्यवस्था की मात्रा ज्यादा मालुम पडती हो। तो ऐसी स्थिति मे तम उस मे अपवाद के स्वरूप क्या व्यवस्था रखने वाले हैं, क्या नही, इस पर विचार किया जाना भ्रत्यन्त भ्राव-श्यक है।

जहां तक पेनल्टी का सवाल है, उस के बारे मे यह निवेदन है कि ठीक है उसे बढ़ाया जाय, उसमे कोई आपित्त नही हो सकती, क्यों कि कुकृत्य करने वालो को या पाप करने वालो को जितनी सजा दी जाय थोड़ी होती है, जितनी पेनल्टी दी जाय, हमे आपित्त नहीं है। लेकिन वर्तमान में जो पेनल्टी रखी गई थी उस का भी अगर ठीक उपयोग किया जाय और 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 फूड

एडल्टरेशन के होते हैं, दूध में पानी मिलाया खुद एडिमट कर लेते हैं तो उसको दया का भाव होने से सजा कम देते हैं। पेनल्टी के बारे में मेरा निवेदन हैं कि ठीक है उसे बढ़ाया जाय, उसमें श्रापत्ति नही मगर जो एजेन्सी पेनल्टी देने वाली हैं उसके मन में भी य भाव जागृत होना चाि ये कि श्राफेन्स कितना खतरनाक है, कां तक उसमें दोष है श्रौर व्यक्ति विशेष के लिये घातक है श्रौर उस हिसाब से सख्ती 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 । मुझे इसमें श्रापत्ति नहीं कि तीन सैम्पल लिये जाय या चार सैम्पल लिये जायें। मगर सैम्पल के मामले में एक उदाहरण हमारे सामने ऐसा श्राया कि हमारे यां किसी फुड इन्सपेक्टर ने ग्रनालिस्ट के पास सैम्पल भेजा स्रौर वह रास्ते में फूट गया । या तो इन्सपेक्टर से वह सैम्पल फूटा या पबलिक ग्रनालिस्ट से फूटा या रास्ते में फूट 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 ऋौर 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 श्रन्तर पड़ने वाला नहीं है ग्रीर य खास तौर पर उस समय ग्रत्यन्त भावश्यक हो जाता है कि एक सैम्पल ग्रांर हो जाय, जबिक कही पर डबल ग्राफेन्स किया गया हो और उसका सैम्पल फूट 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 भ्राफ 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 श्रापत्ति नहीं रहेगी।

म्रब रा सवाल म्रनालिस्ट की रिपोर्ट का । इस सारी कार्यवाही में इन्सपेक्टर, श्रनालिस्ट श्रोर कोर्ट ये तीन ऐसी एजेन्सीज हैं कि जब तक इन तीनों में भ्रानेस्टी है ये सारा काम ठीक-ठाक चल सकता है, अगर इनमें से एक भी डिसन्नानेस्ट हो गया तो मारी सारी कार्यवाही बेकार हो जाती है। ऐसी स्थिति में इन तीनों एजेन्सियों को ग्रधिक से ग्रधिक म्रानेस्ट रख सके इसके लिये म अपने विधान में क्या-क्या व्यवस्था कर सकते हैं, इसके बारे में विचार करना ग्रत्यन्त ग्रावश्यक है। जैसाकि डा० सिद्ध ने ग्रभी सुझाव दिया कि दूसरी 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 ब्रादमी का सैम्पल है वह एक में, दूसरे में, तीसरे में ग्रीर चौथे में जा कर ढूंढेगा 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 श्रौर इसके लिए हम ऐसः व्यवस्था करें कि कुछ लेबोरेटरीज फिक्स कर दें भौर 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 अनालिसिस के लिये सामग्री भेजी
जाती है और जैसाकि मैंने एक उदाहरण
दिया है वह रास्ते में टूट गया या फोड़ 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 उन्होने
कहा कि हमारे पास कोई यन्त्र नहीं है और

[श्री विमनकुमार मन्नालालजी चौरिड़िया]
यह कह कर उसकी बिना जांच किये वापस
कर दिया। तो ऐसी स्थिति मे यह ग्रावश्यक
है कि ग्रनालिसिस करने के लिये जो लेबोरेटरी
हो, वह पूरी तरह इक्विण्ड हो ग्रीर इस-लिये साथ-साथ यह भी निर्घारित कर दिया
जाय कि इस इन क्षेत्र के लिये इन इन
लेबोरेटरीज़ में से किसी लेबोरेटरी में सैम्पल
भेजा जा सकता है। इस से यह होगा कि एक
एजेन्सी में जो घोटाला हो सकता है उस पर
नियंत्रण हो खायेगा।

ऐसी भी व्यवस्था हमें करनी चाहिये कि अगर कोई इन्सपेक्टर गड़बड करता है तो हमें उच्च ग्रधिकारी रखना चाहिये। एक इन्सपेक्टर दूसरे इन्सपेक्टर के ऋधिकार-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 श्रीर ऐसा क्षत्र भी हो सकता है जहां इन्सपेक्टर मनमानी भी कर सकता है श्रौर जिसमें कोर्ट में जाकर २०० रु० जुर्माना 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 कार्यवाही की जाय, इसकी व्यवस्था होनी चाहिये ।

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

परिणामस्वरूप हमारे साधारण लोगों का जन-जीवन खतरे में पडता जाता है। ऐसी स्थिति में यह अत्यन्त भ्रावश्यक था कि हम इस तरह का प्रतिबन्ध लायें कि कोई भी शासकीय अधिकारी अगर लापरवाही करेगा तो उसको भी सजा दी जायगी, खिलाफ भी कार्यवाही की जायगी । सत्रू साहब के हिसाब से ग्रीर ज्युरिसप्रडेन्स के हिसाब से भी चाहे यह बात प्रशासन के उच्च सिद्धान्तों को द्िष्ट में रखते हुए ठीक नहीं बनती हो मगर हमारे साधारण नागरिक के हिसाब से यह श्रत्यन्त श्रावश्यक है। साधारण नागरिक इसकी अपेक्षा करता है। वह सोचता है कि जैसे हमारे लिए कर्त्तव्य निर्धारित किये गये हैं वैसे ही हमारे ग्रधिकारी-वर्ग के द्वारा भी कर्त्तव्यों का पालन ठीक ढंग से होना चाहिये। भ्रगर वे भ्रपनी ड्यूटी 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 साबित हो जाय कि किसी डिपार्टमेंट की गलती की वजह से यह बात हुई है तो जिस की स्रोर से इस तरह की लापरवाही की गई हो उसके खिलाफ कार्यवारी की जानी चाहिये श्रीर इसमें उपेक्षा की बात नहीं होनी चाहिये। यह ड्रग्स का मामला है, इसमें अगर हमने लापरवाही बरती तो इस से कई लोगों को नकसान 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। भ्रगर इस तरह से जीवन के साथ खिलवाड किया जायेगा तो बहत लोगों की जान चली जायेगी। तो ऐसी स्थिति में हमारी सरकार ने इस दिशा में जो कदम उठाया है वह बहुत भ्रच्छा कदम है भ्रौर मैं उसकी भूरि-भूरि प्रशंसा करता हं। लेकिन इस को जो कुछ माइल्ड बना दिया गया है वह प्रारम्भ में भ्रन्छा है भ्रीर मैं सरकार से भ्रपेक्षा करूंगा कि उसे सभी बिल इसी तरह के बनाने चाहियें।

† श्री अब्दुल ग्रनी : मिनिस्ट्री में भी मिलावट है।

श्री विमनकमार मञ्जालालजी चौरडिया : जहां हमारे ग़नी साहब ने यह फर्माया कि मिनिस्टी में मिलावट है, उसके सम्बन्ध में मैं यह कहना चाहता हं ग्रभी तक जो मिनिस्टी बनाई गई थी उस में ग्रच्छा घी ग्रौर वनस्पति का मिश्रण था । लेकिन ग्रब मिनिस्टी में से ग्रच्छे ग्रच्छे मिनिस्टरों को यानी ग्रच्छा भी निकाल दिया गया है ग्रीर श्रब केवल ढालडा ब्रान्ड ही रह गया है, घसली घी भ्रत्नग हो गया है। मैं यह बात नहीं मानता कि इस बिल से इस चीज का कोई सम्बन्ध है । ग्राजकल भारतवर्षं में एडल्टरेशन करने की जो प्रवत्ति पाई जाती है, दवाग्रों में जिस बरप्ट की मिलावट भ्राजकल 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 चागु करना चाहिये। मेरे कहने का मतलब यह है कि जो बड़े-बड़े फर्म्स व्यवसाय के तौर पर इस कार्य को करते हैं उन पर यह बिल लाग किया जाना चाहिये। ग्रगर हमने इस बिल का क्षेत्र बढ़ा दिया तो हम उसमें **घतनी सफलता प्राप्त नहीं कर सकेंगे जितनी** की हम आशा करते हैं। अगर हमने इस बिल का क्षेत्र बढा दिया तो इस से रिश्वत-खोरी ग्रौर भ्रष्टाचार बढ़ेगा, ऐसी मेरी मान्यता है।

श्री देव तीमन्वम नारायण (महाराष्ट्र): श्रादरणीया उपसभापति जी, मैं इस विधेयक का हार्दिक स्वागत करता हुं श्रौर सब से

†Hindi transliteration.

बड़ी खुशी मुझे इस बात की है कि प्रथम बार भ्रायर्वेदिक भौर युनानी श्रीषधियों पर नियंत्रण का प्रदर इस में दाखिल किया गया है । जहां तक भ्रायुर्वेदिक भ्रीर युनानी दवास्रों का सवाल है, मैं यह कहंगा कि इस देश में ग्राज भी ज्यादा से ज्यादा यदि किसी श्रीषधि का इस्तेमाल किया जाता है तो वह श्रायुर्वेदिक ग्रीर युनानी ग्रीषधियों का ही इस्तेमाल किया जाता है। इस देश में पहले वैद्य-हकीम भ्रायुर्वेदिक दवायें भ्रपने घर में बनाते थे श्रौर घर में बनी हुई दवायें ही वे लोगों को देते थे, परन्त ग्रब ग्रायवेंदिक भौर युनानी दवाभ्रों की बड़ी-बड़ी फैवटरियां खुल गई हैं भ्रौर यहां तक खुल गई हैं कि वे देहातों तक पहुंच गई हैं। मैं ग्रपने शहर की बात कहता हं। वह कोई बड़ी बस्ती नहीं है, लाख पौन लाख की ग्राबादी है, लेकिय वहां भी दवाई बनाने के तीन-चार कारखाने हैं। ऐसे ही श्रौर जगह हैं श्रौर इन श्रौषधियों की जितनी बिकी है, उतनी मेरे ख्याल में एलोपैथिक भ्रौषधियों की नहीं है। हालांकि एलोपेथिक दवाइयां शहरों में बहुत बिकती हैं, कीमती भी होती हैं स्रोर भागवान लोब उसका ज्यादातर उपयोग करते हैं । गरीय श्रादमी को तो श्राय्वेंदिक **ग्रौर य्**नानी भ्रौषधियों का ही ग्राश्रय लेना पडता है 🖡 इसलिए जिन ग्रोषधियों का सम्बन्ध ग्रधिकतर देहातों की जनता से होता है उन श्रीषधियों के ऊपर नियंत्रण ग्रीर निरीक्षण की जो बाह्र म्राप ने सोची है, उस के लिए मैं भ्राप को धन्य-बाद देना चाहता हं।

भभी कुछ देर पहले हमारे धादरणीय मित्र श्री सपू साहच बोल रहे थे। वे कह रहे ये कि ग्रायर्वेदिक श्रीषधियां साइन्टिफिक नहीं होती हैं। मुझे ग्रफसोस है कि मैं नहीं जानता कि जिस तरह वे न्याय-नीति 🕏 एक्सपर्ट हैं उसी तरह से वे आयुर्वेदिक और युनानी ग्रौषधियों के या एनोपैयिक दवाइयौ के भी एक्सपर्ट हैं।

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

श्री देवकीनन्दव नारायण : जो श्रादमी एक बार पालियामेंट में या 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 स्रायुर्वेदिक स्रीषधियां उतनी ही साइण्टि-फिक होती हैं, शास्त्रीय होती हैं, जितनी दूसरी कोई हैं। हां, यह बात जरूर है कि भाय्वेंदिक ग्रीर यूनानी ग्रीषधियों को लोकाश्रय होते हुए भी राजाश्रय नही है, वह पीछे पड़ गई है, उनकी उतनी उन्नति नहीं हो सकी, उनमें जितना संशोधन होना चाहिये था उतना संशोधन नहीं हो सका, क्योंकि राजाश्रय नही था, सरकार का भ्राश्रय नही था। परन्तू जब से हम आजाद हुए तब से हमारी सरकार ने भी इस स्रोर निगाह देना शुरू किया है लेकिन जितनी निगाह दी जानी चाहिये उतनी निगाह ग्रब भी नहीं दी जा रही है। तब भी थोड़ा-बहुत निगाह देना शुरू हो गया है और ग्राप जानते है कि कई जगहों पर संशोधन केन्द्र निकले है और सब से बड़ा केन्द्र हमने जामनगर मे खोला है।

यह कहना कि आयुर्वेदिक औषधियां साइण्टिफिक नहीं हैं, गलत है। जिन दवाइयों को सैकड़ों वर्षों से यहां की जनता इस्तेमाल करती भ्रा रही है भौर जो उनके स्वास्थ्य का आधार बर्न हुई है, उनके लिए इस तरह की बात कहना मेरी निगाह में कोई ठीक बात नही है। तो मैं यह कह रहा था कि आज इन श्रीषधियों का इतना प्रचार हो गया है कि इनके ऊपर भी नियंत्रण रखना आवश्यक हो गया है । आयुर्वेदिक औषधिया कुछ ऐसी कीमती होती है, 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 बिक सकती है ग्रीर इन में काफी मिलावट भी हो सकती है। मेरे यहां एक आयुर्वेदिक कार्मेसी वे शंखभस्म शंख पीस पीस कर बना ः भी ग्रौर उस को शंखभस्म कह कर बेचा। 📭 बहुत पूराना किस्सा है । इस तरह

ऐसी ग्रौपधियों में ज्वादा मिलावट हो सकती है, अधिक गणती हो सकती है, इसलिए इसके ऊपर नियंत्रण बहुत जरूरी है। इसिक्छ मैं प्रार्थना करूंगा कि सिर्फ नियंत्रण ही नहीं किया जाना चाहिये बल्क इन श्रौषधियों के जानकार भी सरकार के पास होने चाहियें जो इन ग्रीषभियों को पहिचान सकें। ग्राज हम देखते हैं कि अधिक ध्यान एलोपैथी की सोर दिया जाता है भीर सरकार के पास एलोपेंथी के बड़े-बड़े डाक्टर हैं, साइण्टिस्ट हैं, परन्तु जहां तक आयुर्वेदिक और युनानी का सवाख है वहां मुझे शक है कि सरकार के पास ऊंचे दब के हकीम भीर वैद्य हैं या नहीं। इब ववार्यों को जानने वालों की, पहिचानके बालों की सरकार को जरूरत होगी और उसके अगैर सरकार का काम नहीं चला सकता । इसलिए मुझे श्राशा है, सरकार भेरे सुझाव की श्रोर अवश्य ध्यान देगी।

एक बात और है कि कुछ झायुर्वेदिक भौर युनानी भौषधिया जो बनती है वे बरेल् चीजों से बनती हैं ग्रौर उन के जो नाम रखें जाते हैं व भी विचित्र रखे जाते हैं। जो स्रोब इन दवाओं का नाम रखते हैं, चाहे किसी की समझ में न ग्राबे, लेकिन वे उनका नाम विचित्र रख देते है। इसलिए मेरी सरकार के यह प्रार्थना है कि हिन्द्रस्तान के कई प्रान्तों में श्रायुर्वेदिक श्रीर यूनानी दवाइयां बनसी हैं, इस कोने से उस कोने तक बनती हैं श्रीर साधारणतः वे दवाद्यां **ब**हत से निश्चित रोगों के लिए होती हैं, इसलिए इन धवाइयों के नामों में एक युनिफार्मिटी होनी चाहिये। याज देखने में यह आता है कि एक ही रोध की एक ही दबाई का कहीं कुछ नाम है धौर कहीं कुछ नाम है, मगर इनग्रीडियन्ट्य करीब करीब एक ही होते हैं। बाम की वजह स्रै बहत से लोग घोखा खा जाते हैं। इसिंघर में सरकार से प्रार्थना करूंगा कि दवाओं के नाम में युनिफार्मिटी खाई धानी चाहिये ।

मैंने कई जगह देखा है कि एलोपेशिक दवात्रों पर नवने का तारीख बिखी हुई होती ै कि बह बवाई कब बनाई गई। यह योग्य है भौर जरूरी है। कहा जाता है कि कुछ ■वाये ऐसी होती है जो बहुत दिनों की रखी हुई बहुत ग्रच्छी होती हैं। परन्तु बहुत सी ष्वामे ऐसी हो सकती है जो बहुत पुरानी होने पर निकम्भी हो जाती है। यह बात याय्वेदिक श्रीषियों के बारे में श्रिषक सच्ची हो सकती हैं, क्योंकि ये घौषिवयां बो होती हैं वे बहुत मामुली होती है ग्रीर घर की चीजों से ग्रौर पंसारी के यहां मिलने वाली चौजों से बनती हैं। में नहीं जानता, हो सकता है कि बहुत दिनों तक रखने सै भौर पुरानी हो जाने से वे निकन्मी हो जाती हों । इसलिये मायुर्वेदिक श्रौषधियों के पैकेजेज पर ग्रौर घाटक्स पर वे कब बनाई गईं, वह मद्भीना या तारीख लिखी जाय।

एक बात भीर यहां कही गई कि यह क्स वर्ष की शिक्षा जो है, वह बहुत कड़ी है।

श्री शील भद्र याजी : शिक्षा या सजा ?

भी देवकीनन्दन नारायण : माप्र कीजियेगा, में मराठी बोलने वाला हुं धौर हमारे यहाँ शिक्षा कहते हैं सजा को । सजा को शिक्षा कहते है मराठी में, इसलिये वह शब्द मेरे मृह में ह्या जाता है। मेरे कहने का मतलब है सखा। तो जो भाप ने दस वर्ष की सका रखी है, यह मेरे ख्याल से बहुत ही ठीक है क्यों कि यह भापने दूसरे वक्त गुनाह करने वाले के लिये रखी है और पहला गुनाह करने वाले के लिये नहीं रखी है। पहला जो युनाह करेगा, उसके लिये दो वर्ष तक की प्रचा है। फिर खब बहु गुनाह करेगा यानी व्यव वह है बिचुमख बन जायेगा हो उसके निये दस वर्ष की सजा एखी गई है। इस पर मुझे कोई एतराज नहीं है, बल्कि में तो यहां तक कहंचा कि यह साथा हर एक गुनाह के साथ बढ़की बानी चाहिये भौर ग्रगर बीस वर्ष तक षहुंच जाय, क्षो इसर्वे कोई स्रापत्ति नही है। बह हर एक जगह है। किमिनल लॉ में यही है, किमिनस प्रोसीजर में बही है कि पहले गुनाह के धिये श्वय सखा होती है, श्वर चार साल, फिर छ: साल, फिर दस साल । इस तरह है बिचु अल गुनाह करने याले जो होते हैं, उनकी सजायें बढ़ती जाती हैं और इस मामले में, जिसमें लाखों आदिमियों के जीने मरने में सम्बन्ध है, उनको इस तरह किसी की जान से खेलने देना और भी ग़लत है। इसलिये में प्रार्थना करूगा कि यह दस वर्ष की कोई बहुत बड़ी सजा नहीं है।

श्री महेश शरण (बिहार): बहुत गुनाहों में मौका नहीं होता है।

श्री लोक नाव मिश्र : जान के बचने जान होनी चाहिये ।

श्री शील भद्र याजी : कांसी वी जापी चाहिये ।

श्री देवकीनंदन नारायरा : एक बात की ग्रोर में श्रीर मंत्री महोदय का ध्यान श्राकित करना चाहता हूं श्रीर वह यह है कि यह जो क्लाज १५ है, इसमें ग्राखिरी तीन लाइन्सं हैं :

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

ये बहुत वड़ा जुर्म होगा । कुली बेचारे, मजदूरी करने वाले या ठेले वाले था गाड़ी वाले यदि दवाये यहां से वहां पहुंचाते है और बाद में यह साबित होता है कि वे मिश्रित दवाये थी, वे बुरी दवाये थी, तो वे क्यो 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 हैं । अब श्रवर रास्ते में पुलिस ने पकड़ लिया और कहा कि दिखलाओ पेटी खोल के श्रीर उसमें निकली बांडी तो मैं सजा का पात्र हू, परन्तु व् श्रेचारा कुली उसको ले जाने वाला क्यों सजा का पात्र बने ?

श्री एन० एम० श्रनवर (मद्रास) ; ऐसा भी श्रवसर होता है।

भी बेबकीनन्बम भारायण : यः होना नहीं चायि।

मैं य कहंगा कि य बात यहां ग़लती से त्रा गई है। ग्रगर जानवझ कर ग्राई है, तो भी या कहंगा किय बहत गलत है।

श्री शील भद्र याजी: बहत बार ऐसा शोता 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 देवकीनम्दन नारायण: It may being to the firm but that is not elear here भ्रास्सर यह होता है कि जो बहत बडी-बड़ी फार्मेस्यटिकल फर्म्स हैं उन्होंके पास वहि-किल्स डोते हैं। परन्तु जो सैकडों छोटी छोटी कार्मेसीय मैंने देखी हैं, उनमें किसी के पास भी बाड़ियां नहीं होती हैं, न दक्स होते हैं. न मोटर्स होती हैं भौर न ठेले होते हैं। उन सब को बाहर से बुलाना पड़ता है। अब अौषधियां माद कर ले जाने वाले को सजा क्यों हो ? इस सम्बन्ध में भ्रापको जरूर सोचना चाहिये श्रौर जैसाकि श्रापने कहा, वैसा इसमें साफ निख देना चाहिये कि प्रगर वह वहिकिल उसकी मिलिकयत हो, अगर व उसका मालिक हो, तो उसको जरूर जब्स कर लेना चाहिये । परन्तू जो उनकी नहीं हैं, जो मजदूरों की हों, जो ठेने वालों की हों, जो कुलियों की हों, उनको जब्त कर लेना और उन मजदरी करने बालों को सजा देना, य वहत बड़ा चुर्म होगा । य, मुझे धाबिरी बात धापसे कुली है।

अन्त में यह जो भ्रापका विधेयक है. इसका मैं स्वागत करता हुं श्रोर श्राशा करता डं कि इसमें जहां पर जितनी सुधार की बरूरत होगी, वहां पर उतना सुधार ज्वाइंट सिलेक्ट कमेटी में किया जायेगा ग्रौर एक अच्छे स्वरूप में फिर या विधेयक इमारे बामने भागेगा ।

DR. D. S. RAJU: That conveyance Chairman, I would like to thank all the hon. Members for the valuable suggestions they have put 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 comes 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 is 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 aspects of the Bill.

Mr. Chettiar has raised a point about adulteration of saline samples. That case was reported in Gujarat. Twelve patients unfortunately after an injection of glucose saline. Mr. Chettiar asked what action been taken. Glucose saline solution of 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 taken was that the licence of the firm was immediately cancelled, and the Gujarat Government appointed a commission of enquiry under the chairmanship of Mr. D. P. Desai. a Judge of the City Civil Court of Ahmedabad Our Drug Controller was also on the They have submitted . Commission. report to the State Government. So we are awaiting the reaction of the State Government on this.

The second point Mr. Chettiar made was that a fly was found in one penicillin bottle. We receive some complaints 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 soon 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 medisines. There is no doubt about their scientific aspect. We are all agreed that Avurvedic and Unani systems are great 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 prominence. More and more patients are seeking their assistance, thousands and thousands. As one Member has pointed out, every village, every town, every city has got small manufacturing concerns in Ayurveda and Unani. In olden days when the Vaids ad Hakims used to prepare these Ayurvedic pills and bhasmas their own patients, it was a different matter. There was no serious 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 But now, as one hon. Member has pointed out thousands and thou-, sands of patients are using these Ayurvedic 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 Rs. 30 lakhs. I had occasion to visit And there is one their dawakhana 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 satisfactory. 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 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 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. many factors come into operation. Since independence, we have been trying to plug almost all the loop-holes 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 pharmarists 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 State 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 every walk of life. Otherwise, where is the necessity 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 of 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 bring it to the notice of the authorities and see that the oulprit is brought to book.

There was one point which was mentioned about the Ayurvedic and Unani It is true that there is no standardisation of these drugs. Chyavanaprash is one of the very famous drugs which is prepared and given by so 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 should be made to bring forward a standard pharmacopoeia of all these drugs. We are 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 the ingredients on the bottle. It is very important; at least that is the minimum requirement. Secondly, their machinery must be good. Not the ultra-modern or super-fine equipment medicine that is used by allopathic manufacturing concerns but at very clean machinery must be used. There must be at least one Ayurvedic or Unani pharmacist who knows about these medicines. He must be present in that manufacturing concern. surroundings must be clean, the manufacturing house must be clean flecent. The floor and the roof must be clean. Otherwise, dust from these will collect into the medicine. It is a very common experience that the manufacturing house is not properly cleaned, cemented or polished. walls are not properly ventilated and white-washed. And all the dust will collect into the medicines. That is a

very dangerous thing. These are some of the minimum things which should be insisted upon. I hope that hom. Members will appreciate these points.

The hon, Shri Sapru has raised a legal point whether the Ministry in entitled to or could raise this fixed period of punishment. He is agreed that the maximum punishment of tea years could be fixed but he feels that it is not justified from the legal poins 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 when the question again comes up, an appropriate reply might be given. But 1 wonder, Parliament being a sovereign body, whether it is not entitled to make or prescribe this scope of punishment. When the maximum 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 to ten years. So much about the Ayurvedic and Unani preparations.

So far as the modern system of medicine is concerned, that has also 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 We are only importing drugs worth about Rs. 12 or 18 crores, and druss worth about Rs. 80 to 90 crores are prepared in India now. So, that also has become a very major industry. It has assumed importance and I am glad that hon. Members have realised the gravity of the situation. After all, our objective and aim is to 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 iniure their health. Sa that is a very important point. We are trying to enlarge the scope of this

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industry, produce all the 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 taking place. We have got big manufacturing concerns in India. The biggest of them are probably about 120 in number employing a capital of more than Rs. 10 lakhs each and employing hundreds of people. But the rest of them—about 2,000 or 2,500—are small manufacturing concerns. I agree with Dr. Siddhu when he says that greatest care must be exercised in giving licences to these people. That is a very important thing. I am glad that he has mentioned it. They must ensure 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 the proper type of technicians. There should not be any laxity in it. Extreme eare must be exercised before giving a licence. Then, at what other does adulteration take place? 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 so listen to them also and I hope that it will take into consideration all these 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, would like to put the Bill before the **Select** Committee.

THE 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
- 5. Shri Kumbha Ram
- 6. Shri P. C. Mitra
- 7. Dr. A. Subba Reo
- 8. Dr. Shrimati Seeta Parmanana
- 9. Shri R. S. Khandekar
- 10. Dr. Jawaharlal Rohatgi.

and 20 members from the Lek 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 first day of the next session; and

that this House recommends to the Lok Sabha that the Lok Sabha de 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 motion was adopted.

THE DAKSHINA BHARAT HINDI PRACHAR SABHA BILL, 1963

MINISTER OF EDUCATION (Dr. K. L. Shrimali): Madam Deputy, Chairman, I beg to move:

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