for our wool. So, Sir, in this regard I can again assure him that we have competent officers, scientists and technicians, who are well-versed in grading and standardising wool. For Pashmina wool, because of its special quality, we require a special officer, and we are prepared to go into the matter and see that the right man is appointed also. With these words, Sir, I move.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

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

SHRI M. V. KRISHNAPPA: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE DRUGS (AMENDMENT) BILL, 1960

THE MINISTER OF HEALTH (SHRI D. P. KARMARKAR): Sir, I move:

"That the Bill further to amend the Drugs Act, 1940, be taken into consideration."

Sir, this hon. House knows that the Drugs Act is intended to regulate the import, manufacture, distribution and sale of drugs. The provisions of the Drugs Act, however, relate only to the qualitative aspect of control over drugs. The standards of quality of imported drugs are controlled by the Central Government at the time of import. There are certain drugs which can be imported only under a licence. There are other drugs which can be imported without a licence. But both these drugs have to conform to the prescribed standards. Sir, the control over the manufacture, sale and distribution vests in the State Governments. Licences are required for the manufacture of drugs as also for their sale and distribution. Each State has got its own machinery for implementing the provisions of the Drugs Act.

4 P.M.

As the hon. Members of this House are probably aware, the Pharmaceutical Enquiry Committee appointed by the Ministry of Commerce and Industry in 1953 reviewed at length the working of the Drugs standard control in all the States and came to the conclusion that its working was far from satisfactory. There was no uniformity of administration of the Act in the various States. Control over drugs was practically non-existent in most of the States. The Committee, therefore, came to the conclusion and recommended that the entire control over manufacture, sale and distribution of drugs should also be taken over by the Central Government.

In addition to the Pharmaceutical Enquiry Committee, the Central Health Council at its meeting in January, 1959, at Shillong also passed a resolution that the Central Government should take powers to control the manufacture of patent and proprietary medicines and other drugs in inter-State commerce. The Estimates Committee of Parliament (1958-59) supporting the recommendations of the Central Health Council recommended that the centralisation of the Drug Control machinery, in so far as it concerns the production of drugs and pharmaceuticals, might be expedited. That committee also recommended that minimum deterrent

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punishment should be laid down for the infringement of the Drugs Act and the Rules.

Then, Sir, as a background I should like briefly to comment upon some of the important provisions of the Bill. Clause 1 is a routine amendment. Clause 2 relates to section 3 of the Drugs Act as the hon. Members can see in the original Act. It defines the term "Drug". The present definition does not cover "Diagnostic agents" which are used in humans for diagnosing diseases. The amendment seeks to cover "Diagnostic agents". The amendment includes the definition of the terms "Government Analyst" and "Inspectors" so as to bring within the purview of the definition Analysts and Inspectors appointed both by the Central and State Governments.

Coming to clause 4, the amendments contemplated there are in pursuance of the Government decision that the Central Government should take the necessary powers to inspect any place used for manufacturing drugs and also to test drugs in Centrally-controlled laboratories. These amendments will not affect the existing powers of the State Governments who will continue to inspect manufacturing premises and license them.

I should like briefly to refer to clause 7 which relates to section 27 of the Drugs Act which lays down penalties for offences. At present, as the hon. House knows, all offences are punishable with imprisonment extending up to three years and/or with fine. In the amending Bill offences relating to the manufacture or sale of certain categories of misbranded drugs, which would include spurious drugs, have been made punishable with a minimum of one year's imprisonment, which may extend up to three years, and fine. For other offences the existing punishment has been retained.

Sir, clause 8 relates to section 30 of the Drugs Act which deals with repeat offences. Here again a minimum punishment of two years, which may extend to five years, has been provided for repeat offences relating to the manufacture or sale of certain categories of misbranded drugs which would include spurious drugs. For other repeat offences, the existing punishment has been retained.

Clause 9, as you will see, relates to section 31 which deals with confiscation of drugs. At present, drugs can be confiscated only if (1) the offender is convicted, and (2) the offence involves the manufacture or sale of drugs which are not of standard quality, or biological drugs which are time-expired. In many cases, it has so happened that even when the drugs are not of standard quality confiscation cannot be resorted to because the alleged offender could not be convicted, probably for some technical reasons or otherwise. The amendment is an enabling provision to confiscate a misbranded drug or a drug which is not of standard quality even when there is no conviction provided the court is satisfied that the drugs are misbranded or are not of standard quality.

These, Sir, are the principal provisions of the amending Bill. I should not like to anticipate any amendments. But I am afraid, if any amendments are moved, I shall not be able to accept them.

SOME HON. MEMBERS: You have yourself moved some amendments.

SHRI D. P. KARMARKAR: Mine, of course, are virtuous. I am referring to the amendments of my respected colleague, Mr. Santhanam.

Instead of trying to take much time of the House I should like to say that our intention in furture is to control the whole range of drugs. At the present moment, though in the Act, as it exists now, homeopathy also is covered by the definition of

the word "Drug", we have given a specific exemption in the Rules to homeopathic medicines. I should like to tell the House that not only homeopathic, we should like to control all medicines because it is no good controlling one system leaving others absolutely uncontrolled because it not only degenerates the standard of medicines but also the method of their preparation and things like that. But in case Mr. Santhanam moves his amendment, I shall have some remarks to offer in fairness to myself.

The question was proposed

SHRI K. SANTHANAM (Madras): Sir, I entirely agree that it is desirable, and often necessary, that the drugs manufactured, distributed and imported into this country should be controlled by the Central Government but my difficulty is that this Bill does not give effect to that idea but merely tries to duplicate the machinery. I see here, Sir, merely an illustration of Parkinson's theory of 'Bureaucratic Expansion.' According to the Act, as modified up till 1956, I find that all the Government Analysts to be appointed by State Governments are to have the qualifications prescribed by the Central Government. Similarly, all the Inspectors are to have qualifications prescribed by the Central Government. The Central Government has to prescribe rules as to how the State Governments should proceed, what they should do or should not do.

Sir, I can understand the Central Government saying that since they were dissatisfied with the State Government Inspectors or Analysts, they proposed to substitute them by Central Government Inspectors and Central Government Analysts. But they are not doing that. They say that the State Governments will continue to have their Analysts and their Inspectors but the Central Government will appoint their own Analysts and their own Inspectors. It is not even stated here that for a particular drug or a particular area for which the Central Government Analyst or Central Government Inspector has been appointed, the State Government will not appoint their Inspectors. Now, we will have a duplicate machinery in course of time covering the whole country. I think this is wholly unnecessary and wasteful.

It is said that for the present they have estimated an expenditure of Rs. 3½ lakhs. I do not know how that estimate was arrived at. I am sure that if the Central Government is to cover the whole country by their Analysts and their Inspectors, the expenditure will not be Rs. 3½ lakhs but probably ten times that.

DR. R. B. GOUR (Andhra Pradesh): Some unemployment problem will be solved.

SHRI K. SANTHANAM: May be. But if at least, as compensation, the State Governments are relieved of their existing liabilities, that will be some gain to the country. Therefore, I suggest that they should make up their mind and do something clear and logical.

Again, Sir, the Minister said that he wanted to control homeopathic and other drugs also. I wish he would do so. But why has the Drug Act excluded the Ayurvedic and Unani medicines, not by Rules but by actual statutory provision? Now more medicines are consumed in the form of Ayurvedic and Unani medicines than homeopathic. Why should they not control Ayurvedic and Unani medicines? In fact, a lot of poison is being consumed in the name of Ayurvedic medicines. Why does the Government not take up this question and have a comprehensive Act by which all medicines, whether it is Ayurvedic, Unani, homeopathic or any other system, could be controlled? Why do they give exemption to only two systems? I suppose it was given originally and for political reasons the Government do not want to take away that exemp-

[Shri K. Santhanam.]

tion. I think it is a wrong procedure. If he objects to remove the words Ayurvedic and Unani from the definition of 'drug' in the Drugs Act, he should add the non-Allopathic systems.

SHRI RAJENDRA PRATAP SINHA (Bihar): What is the politics behind the exemption?

SHRI K. SANTHANAM: There are always the Ayurvedic and the Unani groups in Parliament because all the Ayurvedic and Unani physicians themselves do not know what drugs are being administered and . . .

DR. R. B. GOUR: The Homeopathic group is also there . . .

SHRI K. SANTHANAM: I am not pleading for any of the systems. I only say that you must bring all of them into one Act, but the whole machinery as well as the Council are competent only to deal with the Allopathic drugs. They do not admit any Ayurvedic physicians or anybody else. They do not appoint them to the Council. Therefore the Central Government themselves confine their activities to the drugs used in the Allopathic system but we are importing a lot of other medicines. Either you should have machinery or you exempt them. That is my position.

SHRI P. D. HIMATSINGKA (West Bengal): They are exempted at the present moment—Ayurvedic and Unani.

SHRI K. SANTHANAM: By rules they are exempting the Homeopathic medicines and probably if Siddha is brought to their notice, they will exempt that also. Therefore there is no sense in exempting some systems by Rules and others by the Act. The whole position is in a state of confusion.

DR. R. B. GOUR: And exempting everything in practice . . .

SHRI K. SANTHANAM: Yes. They have the power but they must have the machinery, intelligence and knowledge and they have to function. I do not say that they should do things without knowing what they are doing.

Then I have given an amendment by which, if there are to be two sets of people, one, Central Government analysts and Central Government inspectors and on the other hand, State Government analysts and inspectors, then there should be no clash of jurisdiction between them. There is no legal provision here and even in the Rules they have no power to say that wherever the Central Government analysts function, in that sphere or in the case of particular drugs or in a particular area, the State Government analysts should not function. Under the present law, for the same drug, the State Government inspector can go and take a sample and the Central Government analyst can go and take a sample and they can send them to different people for analysis. Then different reports are likely. One goes to the Central Government and another to the State Government. One may say: 'This durg is poisonous and it must be prohibited'. Another may say 'This is very good and it ought to be propagated.' There will be great confusion. So I have given an amendment giving the power to the Central Government to say in the case of which drug or which area, which authority should operate and which authority should not operate. I am trying to help the Government. Of course if the Minister is convinced that this confusion is desirable, I am not going to press the amendment but I would like him earnestly to consider in his own interest whether he should leave things in this state. Thank you.

SHRI RAJENDRA PRATAP SINHA: Mr. Deputy Chairman, Sir, we have this Bill before us which has come after six years of the recommendations of the Pharmaceutical Enquiry Committee. We had also an amending

measure in 1955 and the Drugs Act, 1940 was amended by Act 11 of 1955. That measure was also brought under the recommendations of the Committee. As the Minister has explained and as the Statement of Objects and Reasons states, it is clear that this measure has been brought to empower the Central Government to control the manufacture of drugs, to appoint Inspectors for inspecting manufacturing premises and taking samples of drugs, to appoint Government Analysts to whom samples drawn by such Inspectors could be sent for analysis and to issue directions to State Governments for carrying into execution any of the provisions of the Act.

The whole scheme of the Drugs Act, 1940 is that so far as Chapter III is concerned, the administration is done by the Central Government which deals with the import of drugs. So far as Chapter IV is concerned, which regulates the manufacture, sale and distribution of drugs, it is administered by the State Governments. In the name of bringing uniformity, Chapter IV was drastically amended in 1954-55. By that measure the Central Government amended Section 16(2) by which the Central Government was authorised to change or alter the schedule dealing with the standards to be complied with the imported drugs and by the drugs to be manufactured, sold, stocked and exhibited for sale and distribution. Previously it was the State Government which was authorised to change this schedule so far as manufacture in India was concerned. Now they have also amended Section 18 by which the manufacture of the sub-standard drugs or their sale could be authorised only by the Central Government by the proviso which appears on page 10. You will see that in 1955 they had taken powers—I mean the Central Government—to make Rules under this Chapter, again in the name of uniformity. This is how the State Governments have been divested of all their powers. Now what are we going to do? In this measure, we are having clause 11 by which directions could be issued to the State Governments. We are, by clause 4, taking powers to appoint Inspectors and Analysts. This is not very clear to me, and the Minister has not taken pains to explain to us as to how the whole scheme is going to work. We shall have the State administration of the Drug Control Act and the Central administration. The Financial Memorandum attached to the Bill says that there will be an additional expenditure of Rs. 3·5 lakhs as a result of the amendments suggested in this Bill. Do we think that we shall be able to administer the entire Drug Control Act by an expenditure of Rs. 3·5 lakhs? Can we afford to do away with the State administrations? I have my own doubts. The other point is this: How are we going to co-ordinate the efforts of the two? I know, Sir, that we have got clause 10, amendment of section 33, by which the Central Government may "prescribe the powers and duties of Inspectors and the areas in which, the drugs or class of drugs in relation to which and the conditions, limitations or restrictions subject to which, such powers and duties may be exercised or performed". Probably Government would define the duties of the Inspectors appointed by the Central Government and the Inspectors appointed by the State Governments. This is merely my surmise and inference. I would like to have clarification from the Minister concerned. Looking into this Report, I find that it will be a well-nigh impossible task for the Government to administer this Act throughout the length and breadth of the country by having a Central administration here. Page 19 of the Report gives the location and the number of large and small-scale pharmaceutical concerns in India You will find, Sir, that there are 1568 small concerns spread all over India. We find that in a State like Orissa, there is only one concern whereas in Bombay there are 556 concerns. In Delhi we have got two concerns. There are States which have got less than ten concerns. The big ones are 75 in number. With the 1568 concerns

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spread throughout the length and breadth of the country (*Interruption*).

Since 1954 many more might have come up, and it would be well-nigh impossible for the Central Government to have an effective control over these concerns through the Inspectors appointed by the Centre. I know that the Report has recommended on page 153 that the entire administration of the Drug Control Act should be taken up by the Centre. With all due regard and respect for this Report which has been submitted by eminent persons, I feel, Sir, that effective administration of this Act by the Centre will be an impossible task. This Report has pointed out certain weaknesses and a certain lacuna in the set-up of the States. What the Centre should try to do is to strengthen those weaknesses. It should try to improve the set-up of the States rather than impose a Central administration on the States.

Sir, there is a fundamental issue involved in this. I know that this subject figures in List III, the Concurrent List. On going through the List, I find that out of the 47 items mentioned in that List, 44 have already been enacted upon by the Centre, and only three are left untouched by the Centre. What I feel is that the whole scheme of the Constitution is being side-tracked. The idea was that only in regard to very important matters should the Centre legislate in the list of subjects mentioned in the Concurrent List, but during the course of the last ten years we have exhausted the list. We have enacted on almost all the items. After all, we have got a democratic set-up in all the States and we have got expensive State machineries. Are we going to divest them of all their powers and centralise all the administration at Delhi? We have gradually eroded the powers given to the States under the Constitution. I feel that the object that you have in view would be frustrated if you take upon yourself the administration of the Drugs Control Act. In other countries, for example in England, the administration of the Food and Drugs Act is vested in the County Councils, smaller units. We want, Sir, that there should be a large number of small concerns coming up for the manufacture of drugs not only according to the Allopathic system but also according to Ayurvedic and Homeopathic systems. We also want all those systems to be controlled so that there is no chance of bad drugs being administered to our countrymen. The point is, can you not remedy the defects and the weaknesses pointed out in the State administrations by the Pharmaceutical Enquiry Committee? I feel that it is possible to improve the administration at the State level. The other day, Pandit Pant said in the other House that the State Governments had done very well in putting down the strike, that they came with a heavy hand to put down the strike. Are they, the State administrations, going to be capable only when it comes to suppressing a strike or could they also manage and administer the different enactments? We have a feeling that the State administration had collapsed so far as the language riots were concerned in Assam. That is a matter that we will discuss tomorrow. It is not our desire or intention to weaken the State administrations; it is our desire and intention to strengthen the State administrations in every respect, at every level, for the administration of all enactments.

I would now bring to your notice the things that have been pointed out in the Report. I would now draw your attention to page 152. It is said here:

> "Even in the States, where the Drug Control is in operation, it is not uniformly and effectively enforced. The Committee noticed during its visits that except in one or two States, the Drug Control Administration had been relegated to the background and was being treated as unimportant. The duties

of the State Drugs Controller had been assigned to the existing Administrative Medical Officers like the Surgeon General or the Director of Health Services, who are already fully engaged with their duties and cannot be expected to spare sufficient time for this important work of drug control.....To do justice to the work and be able to carry on the duties entrusted to them satisfactorily, the Drug Controllers, both at the Centre and the States, should be full-time officers and should have the following minimum qualification . . . ".

Now, it is possible to remedy that. We can have a full-time Drug Controller in each State under the State Governments. Even at the Centre, if I am not misinformed, the Drug Controller is some other officer. He is the Director of Health Services. Has the Centre separated the duties of these officers?

SHRI D. P. KARMARKAR: Yes, we have done.

SHRI RAJENDRA PRATAP SINHA: It has been done now. Previously it was not. What you have done, you can ask the States to do. Now, I will take out some more items. Here they have said:

"Some of the States had appointed inspectors, who did not possess the qualifications laid down under the Drugs Rules. Even in the States, where it was better enforced, the number of Drug Inspectors appointed was inadequate. There are no proper testing laboratories to check the quality of products. Invariably, it was entrusted to the Public Health Department laboratories, where the analysts are very often only medical men, with no adequate knowledge and experience in the analysis of drugs."

What is necessary is to appoint more inspectors possessing adequate qualifications. You will also do the same thing; why not ask the State Administrations to do that and to have inspectors with requisite qualification in adequate numbers? After all, this is day to day work. If the inspection is not functioning properly in the local legislature they can raise the question or point out to the Minister concerned. But if a Central Inspector is working in a romote corner, nobody is likely to take care of his work. We may not even know what is happening. It is very difficult to know what is happening in a far distant corner and what the inspector is doing. And what is the salary you are going to pay? You are going to give him a salary of Rs. 275/-.

This Report also speaks about the profits the people make out of the manufacture and sale of spurious drugs. It has been mentioned here that in fact one person was arrested and then let on bail. But he absconded and again started the same work but was again caught. They can make a lot of money out of this and so all kinds of things happen. After all, the inspector is a small man and you cannot take enough care of him by sitting here in Delhi. So if we ask the State Governments to appoint more inspectors with adequate qualifications, that problem can be solved.

Now, in paragraph 4 they have pointed out that there are not enough testing facilities. They say:

"The existing laboratory facilities for testing samples of drugs drawn by Drugs Inspectors are most inadequate in all the State Government laboratories and result in inordinate delays. It is not uncommon to receive reports of analysis nine months after drawing the samples. To take action after a lapse of such a long period on stocks from which the sample was drawn is thoroughly impracticable.....The Chopra

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Committee had recommended, nearly 25 years ago, the establishment and maintenance of up-to-date laboratories in each of the States. We recommend an immediate implementation of this recommendation."

You cannot do it from here. Do you think you can manage all the big hospitals and other institutions from the Centre? It is not possible. You can give financial help to the States so that they may be able to put up the necessary analytical laboratories in all the States. Is it the desire of the Central Government, after taking powers to appoint analysts and inspectors, that they must have Central laboratories in all the States so that the recommendations made here may be met? If it is not, then it is much better to strengthen the analytical departments at the States level itself. Therefore what I feel is, the Health Ministry, instead of themselves taking up the task of administering this Act throughout the length and breadth of the country, should strengthen the State Administrations and provide them with the necessary funds and facilities for training of the staff so that the requisite number of laboratories with the requisite number of analysts and adequate number of inspectors can be set up under the States themselves.

Now, there were some other very good recommendations made by this Committee which, so far as my knowledge goes, have not yet been implemented. We are all votaries for the development of small-scale industries; I am also one of them. Now the chief defect that was pointed out in respect of the small concerns was that they had no testing facilities. They had no laboratories where they could test their products. Therefore they have recommended in page 159 that the small concerns should be made to get together and set up joint laboratories on a co-operative basis. I would like to know what progress has been made in this direction because I find from this Report that out of Rs. 35 crores worth of pharmaceutical products manufactured in the country, Rs. 27 crores worth came from large concerns and about Rs. 8 crores worth came from the small concerns. These small concerns have no testing facilities altogether. It was therefore recommended that the Government should help in the formation of laboratories on a co-operative basis where the products could be properly tested before they are put on the market. This is what is said here:

> "Whilst some of these are well-equipped and adequately staffed, a number of these are far from satisfactory and seem only to serve the purpose of window-dressing."

Now, how far has this matter of window-dressing been improved? That is what I would like to know from the hon. Minister. They have also recommended that there should be better co-ordination in the administration of the Drugs Act and the Industries (Development and Regulation) Act, 1951. Now, they have pointed out that most of the concerns are small concerns. They do not come under the mischief of the Industries (Development and Regulation) Act and they just escape altogether, because it is provided in the definition that a factory having at least fifty workers if they are using power or one hundred workers if they are not using power can only come under the mischief of that Act. I understand that this 'fifty' has been raised to one hundred and the 'hundred' has been raised to two hundred. So, none of the concerns will come under the mischief of this Act. Therefore, the Report says that in the pharmaceutical industry out of 1643 factories, only about 75 factories come under this definition. They have, therefore, recommended that the definition of 'factory' should be amended and so far as the pharmaceutical concerns are concerned, the definition of 'factory'

under the Industries (Development and Regulation) Act should have the same definition as is provided in the Factories Act, 1948, so that even concerns employing ten or more workers could come under the mischief of this Act. They have also suggested that the rules framed under the Industries (Development and Regulation) Act should also be amended suitably to cover the case of the pharmaceutical industry which is important in its character. Now, I would like to know what steps the Government have taken in this direction. They have also recommended that the licence under the Industries (Development and Regulation) Act should be granted subject to the manufacturer obtaining a licence under the Drugs Act. This is very important.

Now, Sir, I will take up the other clauses dealing with punishment. I am not averse to granting compulsory punishment of imprisonment in the case of those who have been circumventing the Drugs Act. I am one with the Minister. But I remember that in August 1954, when we were discussing this Bill, it was pointed out to us that the mischief could be entirely met if they amended the then provisions of the Drugs Act so far as punishment was concerned. What we did was to raise the punishment for the first offence from one year to three years and so far as recurring and subsequent offences were concerned, it was raised from three to five years, of course, with a proviso that there should be imprisonment or fine or both, as it exists under the present provisions. So, I would like to know how you justify that compulsory imprisonment must be provided in the Act. If there is no justification, I would take it that it is a slur upon our judiciary. What I would like the hon. Minister to tell this House is this. How many samples were taken by the different Inspectors in the last two or three years? How many of them were found defective or below standard or misbranded? And if they were found below standard or misbranded, how many of them were taken to the Court for securing conviction? In what percentage of cases that went to the Court you could succeed in getting conviction and in what percentage you could not succeed in securing conviction? Then, we must analyse in how many cases, where conviction was secured, the Court refused to give the punishment of imprisonment and only imposed a fine. You must justify the powers that you are seeking under this amending Bill. Do you think that the Courts, before whom you have filed such complaints, have let free the offenders, have not inflicted the punishment of imprisonment and, therefore, you feel that you are justified in amending the provisions as they stand today and in tying down the hands of the Courts that they must give imprisonment? What I feel is that our judiciary is quite fair. They are conscious of the responsibilities they are to discharge and I am pretty sure that if you can prove the case, you will get conviction not only of fine but also of imprisonment. My experience is that you do not take the cases to the Court I would like to know in how many cases you took the cases to Court and in what percentage convictions were secured . . .

SHRI P. N. SAPRU (Uttar Pradesh): And what the punishments were.

SHRI RAJENDRA PRATAP SINHA: Yes. Now, these Acts have proved very deterrent and have worked efficiently in other countries. Why are they not working here? Because you are not enforcing the penal provisions of this Act. My experience is not only of this Act, but of some other Acts as well. I was on the Direct Taxation Enquiry Committee and I found that ever since independence no recourse to the penal provisions had been taken under the Indian Income-tax Act. I went to England and I have got a list from there. I find that every year they took at least

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fifteen or twenty cases to Court and a large number of convictions were secured. There is no evader or the evasion in England is far less than in this country, because they know that the administration will take recourse to the penal provisions provided under the Income Tax Act of that country. Similarly, there I was looking into some of the reports. They have got a large number of convictions. So, these penal provisions have a deterrent effect upon the people concerned. We know that the country is dissatisfied. The country knows that the drug control is not working properly. After every three or four years the Minister will come here and increase the punishment. I say, have the punishment for fifteen days, but secure the conviction. Only that will work. It is not necessary to raise the period of conviction. It is a slur on our judiciary. After you had come in 1954, again you come in 1960, after six years, and ask that a compulsory punishment of imprisonment should be provided without justifying the case.

Now, Sir, I would like to make one more comment and that is regarding the powers that we are giving to the Inspectors. Here again, I am not averse to giving powers to the executive to administer the Act effectively. But I would like to warn that unlimited and vast powers are being given to this class of officials, the Inspectors, and unless we have men of calibre and character, the purpose for which we are appointing them to enforce the provisions of this Bill will not work. In the year 1955 you enhanced the powers of the Inspectors. Again you are enhancing their powers by this measure. We would like to know how the provisions of the Act worked during this period from 1955 to 1960. I looked into the Annual Report of the Health Ministry for 1959-60, and at page 137 they have stated:

> "A quarterly progress report setting out the progress on the enforcement of the Drugs Act in the States is compiled from material received from the State Drugs Control authorities and circulated to the States for their information."

Sir, I wanted to have a copy of this report so that I could have a better appreciation of the provisions of this amending measure. I asked the Librarian to get this report from the Ministry, but I could not get it till today even. I think the hon. Minister ought to have taken pains to get this circulated among the Members or at least to place a sufficient number of copies in the Library so that we could look into them and find out how this Drugs Act is being administered by the States and whether we should pass the various provisions of the Bill now before the House.

Sir, I find another interesting sentence in this report from which it appears that no appreciable improvement in the administrative set-up has been made in the States after the lapse of nearly six years when we passed the last Bill. It says in the same paragraph at page 137:

> "Except in the States of Bombay, Kerala, Madhya Pradesh and Punjab where there are whole-time State Drugs Controllers, the provisions of the Drugs Act were enforced in the remaining States by the heads of Medical and Public Health Departments who functioned as State Drugs Controllers and Licensing Authorities in addition to their own duties."

I would like to know what efforts the Central Government have made to persuade the State Governments to implement the recommendations of the Pharmaceutical Enquiry Committee, and what difficulties the State Governments were facing in implementing the recommendations of the Committee. I feel that all these facts ought to have been made available to the Members of this House before they were asked to pass this measure.

Sir, at the present moment we have the same Party ruling at the Centre and in the different States, except in

one State where there is a coalition Ministry. It should be possible for them to influence those concerned, not only at the governmental level but at the Party level, with a view to seeing that the States fall in line and improve their administration so that we are not faced w th the problem of having to denude them of their powers. Sir, we in this House represent the States, we are the custodians of the rights of the States, and we are very wary to pass any enactment which takes away unnecessarily, which takes away uncalled for, the residuary powers of the States. I would not be a party to passing an enactment on the Concurrent List without adequate justification for doing so. I know, Sir, that the Minister nas said that at the Shillong Conference of Health Ministers he got them to agree to such a measure. But I would hold the Congress Party responsible for not running this country as was envisaged by the framers of the Constitution themselves. I know that the hon. Minister, the Mover of this Bill, is a great scholar and a democrat too, and he was also a Member of the Constituent Assembly.

DR. R. B. GOUR: A rare combination.

SHRI RAJENDRA PRATAP SINHA: A rare combination, as my friend says. Before recommending to this House a measure of this nature, which I am sure must have come to him from his Ministry, he should have looked at this measure not only from the point of view of the administration but from the larger point of view of the democratic set-up of our country, of the federal structure of our country, where we want devolution of powers, where we want that the States should function more fully and strongly, by which alone our administration in this country is going to improve. I maintain, Sir, that it is not possible for us to provide an efficient, effective and honest administration only from the Centre. I am one of those who believe that State administrations should be strengthened at all levels. We should as far as possible rely upon that administration and entrust the States with responsibility instead of denuding them of all their powers and concentrating the administration and the powers at the Centre.

श्रीमती शारदा भार्गव (राजस्थान) : उपसभापति महोदय, यह जो संशोधन करने का विधेयक हमारे सामने आया है इसका मैं स्वागत करती हूं और मैं इसको बहुत महत्व का मानती हूं। यद्यपि अभी यह विधेयक आने के पहले मेरी स्वास्थ्य मंत्री जी से बात हुई थी और उन्होंने कहा कि यह बहुत छोटा सा विधेयक है किन्तु मैं इसको बहुत छोटा नहीं मानती हूं। छोटा इस बारे में मान सकती हूं कि इसमें कमी है, अथवा यह मानने के लिये मैं तैयार नहीं हूं कि यह छोटा है। मैं समझती हूं कि इस विषय के साथ मनुष्य के जीवन का संबंध है और इसलिये इस विधेयक पर जो नये संशोधन आये हैं उनसे बहुत कुछ हमारे समाज के जीवन में बढ़ोत्तरी होगी।

इससे पहले मुझे संशोधनों के बारे में कुछ ज्यादा नहीं कहना था मगर अभी हमारे विरोधी सदस्य श्री सिनहा ने बहुत कुछ इसका विरोध कर डाला। मैं इसमें तीन विशेष संशोधन मानती हूं। एक तो इसमें यह है कि केन्द्रीय सरकार का कण्ट्रोल रखा गया है और दूसरे इसमें सजा के बारे में कुछ संशोधन किया है। मैं सहमत हूं परन्तु अभी सिनहा साहब ने जिस तरह इन दोनों का विरोध किया है उससे मुझे बड़ा अफसोस हुआ। मेरा यह अनुभव है कि कभी-कभी हमारे विरोधी सदस्य विरोध करने के लिये ही विरोध करते हैं क्योंकि एक बात उन्होंने अजीब सी कही . .

ڈاکٹر راج بہادر گوڑ : آپ ہمارا وروڈھ کرنے کی خاطر وروڈھ کرتی ہیں -

†[डा० राज बहादुर गौड़] : आप हमारा विरोध करने की खातिर विरोध करती हैं।]

†[ ] Hindi transliteration.

श्रीमती शारदा भार्गव : मैं जो कह रही हूं उसको सिद्ध करके दिखाना चाहती हूं । अभी सदस्य महोदय ने यह कहा कि केन्द्रीय कंट्रोल हुआ तो देहली में बैठे हुए लोग जो दूर के क्षेत्र हैं वहां कैसे कंट्रोल करेंगे । मेरी समझ में नहीं आता कि इतने अच्छे विद्वान होते हुए वे कैसे मानते हैं कि जो कंट्रोल होगा देहली में ही बैठ कर होगा । क्या केन्द्रीय कन्ट्रोल वाले महकमे में सारे देहली के ही आदमी जा-जा कर कंट्रोल करते हैं या देहली में बैठे तार टेलीफोन से कहते हैं । आपको अच्छी तरह से मालूम है कि केन्द्रीय कन्ट्रोल के मानी यह नहीं हैं कि देहली में बैठे लोग कन्ट्रोल करेंगे । इसके मानी यह है कि केन्द्रीय सरकार इस प्रकार का कन्ट्रोल करेगी कि जितने राज्य हैं उनके अंदर अलग-अलग तरह के कन्ट्रोल न हों, अलग-अलग तरह के नियम न बनें, अलग-अलग तरह की मशीनरी न बनें और केन्द्रीय सरकार जो नियम बनाये उनका संचालन केन्द्रीय सरकार द्वारा हो । इसके मानी यह भी नहीं हैं कि जो केन्द्रीय सरकार के प्रतिनिधि होंगे वे दिल्ली से सरकेंगे नहीं, यहां से टेलीफोन से कन्ट्रोल कर लेंगे । मैं जानती हूं, और आप सब इस बात को जानते हैं, कि जहां केन्द्रीय सरकार का कन्ट्रोल होता है वहां उनके आदमी राज्यों में रहते हैं और राज्यों में अपना कंट्रोल करते हैं और सब कुछ देखभाल करते हैं । इसलिये मुझे अफसोस के साथ कहना पड़ता है कि हमारे बंधु किस तरह यह सोचते हैं कि देहली से कन्ट्रोल होगा । तो मैं तो इस संशोधन का बहुत ज्यादा समर्थन करना चाहती हूं । इसका कारण यह है कि मैं समझती हूं कि इससे एकरूपता आ जायगी, एक सा सब स्टेट्स में काम होने लगेगा और कंट्रोल करने में आसानी होगी । इसलिये मैं इस संशोधन का समर्थन करती हूं ।

दूसरा संशोधन, जिसका हमारे बंधु ने अभी विरोध किया है, सजा के बारे में है कि यह जेल की सजा कम्पलसरी क्यों कर दी गई है । क्या हमारे न्याय व्यवस्था पर इससे दोष आता है । मैं नहीं समझती कि कोई भी विधेयक हम बनाते हैं, या ऐक्ट बनाते हैं तो उसमें कोई प्राविजन रखते हैं या तब्दीली करते हैं तो उसके मानी यह होते हैं कि हम न्याय व्यवस्था को गलत बताते हैं । मैं तो यह समझती हूं कि इसमें जो पहले सजा थी उसमें यह था कि एक तो कोई मीयाद नहीं थी कि कम से कम कितनी सजा हो, दूसरे उस सजा में फाइन भी था । दोनों भी हो सकते थे, एक भी हो सकता था । जहां तक फाइन का सवाल है मैं इसके खिलाफ हूं क्योंकि इस तरह की चीजों में जिनमें कितना ही रुपया कमाया जा सकता है और कितनी ही बेइमानी हो सकती है, रुपयों में उस फाइन की पूर्ति हो जायगी क्योंकि फाइन आप कितना भी करेंगे लोग-बाग सोच लेंगे कि ठीक है हम कमा लेंगे, दवाइयों में घटियापन लाकर, घटिया चीजें बिनकार कमाई करेंगे और फिर सजा होगी तो जो रुपया होगा दे देंगे, कौन सी बड़ी बात है, अपना काम चलता रहेगा । तो मैं यह संशोधन बहुत पसंद करती हूं ।

SHRI RAJENDRA PRATAP SINHA: I merely asked what was the justification for this.

श्रीमती शारदा भार्गव : नहीं, आपने यह कहा था कि न्याय व्यवस्था पर इसमें दोष आता है ।

ڈاکٹر راج بہادر گوڑ : سوال یہ ہے کہ پچھلے قانونوں کے تحت آپ نے کتنی سزائیں دیں -

†[**डा० राज बहादुर गौड़** : सवाल यह है कि पिछले कानूनों के तहत आप ने कितनी सज़ाएं दी ।]

MR. DEPUTY CHAIRMAN: You will continue tomorrow.

The House stands adjourned till 11-00 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Wednesday, the 10th August 1960.

†[ ] Hindi transliteration.

GMGIPND—RS—391 RS—19-9-60—560