

**THE DRUGS AND MAGIC
REMEDIES (OBJECTIONABLE AD-
VERTISEMENTS) BILL, 1953**

**THE MINISTER FOR HEALTH
(RAJKUMARI AMRIT KAUR):** Sir, I beg to move that the Bill to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith, be taken into consideration.

I would just like to say a few words by way of introductory remarks. In recent years there has been a great increase in the number of objectionable advertisements relating to certain diseases and these advertisements border on the obscene—in fact they are obscene—and in addition they cause the ignorant and the unwary to resort to self-medication with very harmful drugs and appliances and even to resort to quacks who indulge in such advertisements and offer treatment which causes very great harm. Therefore it was that as soon as the Constitution of India came into force, I consulted all the Governments of the States as to whether they were willing to do something which might prevent these advertisements coming into newspapers or journals or magazines or from being stuck on walls or posters, etc. because they were definitely injurious to the health of the nation, and I am glad to say that all the States have agreed to all-India legislation on this subject, and I introduced this Bill on the 2nd of December in this hon. House. No amendments have come in so far and I should like to put that down to the fact that Members are in wholehearted agreement with the Bill rather than that they have taken no interest in it. Now, the proposed legislation will extend to the whole of India except the State of Jammu and Kashmir, and where they already have existing legislation—in four or five States; perhaps it is

six, I quote from memory—then that existing legislation will be superseded to the extent that it is repugnant to the Central law. All the States have agreed that their legislation is really not sufficient to cope with this difficulty, and I do hope very much that this House will therefore lose no time in passing this measure.

MR. CHAIRMAN: Motion moved:

“That the Bill to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith, be taken into consideration.”

SHRI H. D. RAJAH (Madras): Sir, this Drugs and Magic Remedies (Objectionable Advertisements) Bill is very objectionable. The fact that it has been introduced in the House with a view to prevent certain practices does not ensure the cure that the Minister for Health seeks. First of all, I shall analyse the Bill in terms of the Constitution. Clause 9 of this Bill is repugnant to the Constitution. May I read out this particular provision in the Bill?

“Offences by Companies.—(1) If the person contravening any of the provisions of this Act is a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act 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.”

[Shri H. D. Rajah.]

The Criminal Procedure Code is the basis of evidence according to our Constitution. It is very clearly laid down in it with regard to the law of evidence that an accused cannot be used in evidence against himself. Whatever an accused is supposed to have been accused of should be proved by the prosecution and not by the defence. That is a fundamental matter on which various law courts have been exercising their right with regard to various provisions of law. Here, if he proves that he is innocent, then only can he get off from the prosecution. This will open at once the floodgates of litigation all over the country and if this is passed without due deliberations by this House, this Act will be challenged in every court of law. That is my fundamental objection to this objectionable advertisements matter. Then this is a war on superstition and faith. I wholeheartedly welcome any war on superstition and faith but in this country you see faith moves mountains. Four million people had gone to the Kumbh Mela just to have a dip in spite of their being crushed under the heavy feet of elephants and processionists.

MR. CHAIRMAN: All?

SHRI H. D. RAJAH: Not all. Some. What I am trying to say is that faith moves mountains. I can give an illustration in this House and you will be hearing it with awe and even reverence. There was an old Station Master in the Southern Railway. Throughout India if anywhere a man was bitten by a snake, the Railway authorities under the British regime had instructed all the Railways that a free wire should be sent to that man to the effect that a snake bite took place in such and such a place. And what does that snake charmer in that Railway Station do? He chants some *mantras*, tears up a cloth and puts it on a tree and the cure is effected here. Millions of cases are in the records of Government. That man is still alive.

SHRI S. MAHANTY (Orissa): Millions?

SHRI H. D. RAJAH: Yes. I am talking with authority. The Railway records will prove that they have given such an instruction to the Railway authorities that wherever a snake bite takes place and if that man chooses to send a telegram to that Station Master in that particular station, that telegram is sent by the Railways free of cost. Then again in Malabar there is a place called 'Pambu Mekad' in between Travancore and Cochin near Parur. There is an ancient family there of snake worshippers which family exists even today. If anybody in Malabar is bitten by a snake, that family is sought after and a member of that family reaches the place and he does some magic or miracle and chants some *mantras* and the snake bite is cured. What I am suggesting is that in the matter of faith which has moved mountains, we are having here 40 millions of people whose faith is not easily shattered by this stupid enactment of law. First of all we have to change the psychology of the people, carry on education among the 40 millions of our countrymen.....

AN HON. MEMBER: 40 millions?

SHRI H. D. RAJAH: 400 millions—I am sorry. Zeroes have no value to our Government. So, in this matter, I want education and propaganda and publicity by Government requesting the people to resort to proper methods of cure and a positive step on the side of opening birth-clinics, birth-control organisations, as Mrs. Munshi demanded the other day and so many other facilities for the people to avail themselves of—these are the things that must be thought of before you think of putting into jail people and punishing them for nothing. This Bill is objectionable not from the mere point of view of an imprisonment provided for in this but you are also thinking of extending the punishment from 6 months to 2 years or 1 year as the

case may be, if the offence is committed again. Then there is discrimination between a scientific medicine and an unscientific medicine. What is scientific to Miss Amrit Kaur may be unscientific to me and what is unscientific to me can be scientific to Mrs. Munshi. If I get a headache I will put a bit of dried ginger in hot water and take it and I am sure that the headache will disappear but this scientific lady, Miss Amrit Kaur.....

MR. CHAIRMAN: Rajkumari Amrit Kaur.

SHRI H. D. RAJAH: I am sorry. I don't mean any insult to her. If she gets a headache she will send her boy to bring one bottle of Saridon costing a rupee. If you punish me for taking ginger with water as taking miraculous drug, then I must go to jail permanently and not be present in this Parliament. The third matter with regard to this is this provision (Clause 2) in the Bill. This is a measure which when passed will have to be administered by the States and other parts of the Government and it must be concurred in by the various States. I don't know whether the Central Government has sounded all the States and whether their opinions have been sought. Now this private practice of medicine is as old as this country itself. Millions of Hakims, Vaidas, and mendicants are the only succour to the poor people of our villages and are they to be penalised in this way by this one stroke of the pen? I would earnestly request the Health authorities of our country to consider a hundred times before they launch upon a Bill of this nature. Fundamentally this does not make any provision for relief but it is punitive. Any law in a Welfare State must be based upon welfare, not on punitive measures. All your punitive measures in respect of human beings have been failing consistently. I entreat you not to precipitate matters. I subscribe to the elimination of mere fanatical faith or elimination of unreasonable outlook of life—

but I plead on the basis of a type of education making people understand the difficulties by propaganda and not by legislation.

With these few words I will request the hon. Minister to defer consideration of this Bill.

SHRI KISHEN CHAND (Hyderabad): Sir, I wholeheartedly welcome this Bill and am surprised that Mr. Rajah has found it fit to oppose this Bill. I fail to understand the point that he made. I sometimes feel ashamed to read newspapers and find in them advertisements relating to certain diseases which are highly objectionable. I would not like those papers to be read by young persons because they relate to certain diseases and certain cures of those diseases which should not be so obscenely stated in those papers and read by our young people.

SHRI H. P. SAKSENA (Uttar Pradesh): They have got their educative value; my hon. friend forgets that.

SHRI KISHEN CHAND: I would invite special attention to clause 3 of this Bill. If hon. Members read this clause they will notice that certain particular diseases have been specified. In clause 3 of the Bill you find: "The procurement of miscarriage in women or prevention of conception in women; or (b) the maintenance or improvement of the capacity of human beings for sexual pleasure;" and so forth. So it is not about all diseases and their cure by medicines that you deal in this Bill. If you read this Bill carefully, you will find that it is restricted to advertisements which relate to these diseases and presented in an objectionable manner. I would point out that in this Bill only the printing or publication of advertisements has been made a crime. I would go a step further and say that anything written on the walls or on the tongas should also come within the purview of this measure. You have only to examine the

[Shri Kishen Chand.]

sides of the tongas plying in Delhi. They carry such advertisements. This Bill does not cover that made of advertisement. Therefore I would like to suggest an amendment to this Bill so that even writing on the walls, or the writing on moving vehicles, publicity by neon lights or any such.....

KHWAJA INAIT ULLAH (Bihar): Please see the definition of the word "advertisement". The hon. Member will see that all these things have already been brought in there.

SHRI KISHEN CHAND: If it is already there, I am very glad. But in the Bill, I find only the printing of advertisements is mentioned. So I am afraid that it will not cover the writings on walls and.....

KHWAJA INAIT ULLAH: No even labels are included.

RAJKUMARI AMRIT KAUR: I would refer the hon. Member to the definition of "advertisement" under clause 2 where it is stated:

"(a) 'advertisement' includes any notice, circular, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting light, sound or smoke;"

SHRI KISHEN CHAND: Even here I fail to see how the writing on a wall can be brought within this definition.

RAJKUMARI AMRIT KAUR: It is a notice. Surely the word "notice" includes such posters.

SHRI KISHEN CHAND: If the Law Minister thinks that it does come within this definition of notice, then I am quite satisfied. I am very glad that it is already included in it. All I would say is that we must take particular precautions to see that this type of advertisement does not appear.

I now go to clause 4 which is slightly different. Clause 4 relates to the prohibiting of misleading advertisements relating to drugs. This clause

is not related to those diseases which are mentioned in clause 3 but relates to general diseases. You see advertisements in newspapers that there is a specific cure for malaria, leprosy, etc. An hon. Member has just now pointed out some specific for headache. In these cases also a clause stating that any advertisement relating to these drugs is also to be prohibited is not correct. We should have an agency to examine every drug from this point of view. There should be a board of experts before which every drug should be submitted and if that board comes to the conclusion that the drug is not a specific, is not a cure at all to that particular disease, or the claim made in that advertisement is unfair, in that case only that drug should be prohibited. Simply introducing a clause like clause 4 without specifying the agency which would check up whether the claim made on behalf of the drug is correct or not, will lead to a great deal of hardship, because without specifying the defects of the medicine, you are condemning it. I would submit to the hon. Minister for Health that clause 4 should be amplified and you should prescribe the agency which will examine all the drugs to find out whether those drugs are really efficacious and whether the claims made for them are true or not.

In this connection I would point out that in England and in the United States of America there is strict control of all drugs. Anyone who wants any advertisement or publicity for a drug has to apply to a board and the drug has to be submitted to that board. The board carefully examines it and in certain cases this period of examination extends to as much as ten years. After such careful study extending sometimes over a period of ten years, if it is certified that it is really genuine and that it is an efficacious drug, only then it is allowed to be sold in the market. Therefore, I would suggest that in clause 4 the agency should be prescribed for giving effect to this clause. With this suggestion, I wholeheartedly support this Bill.

SHRI RAMA RAO (Andhra): Sir, I wholeheartedly support this Bill, not only as a citizen but also as a journalist, for it puts some power into the hands of the much harassed editor. Sir, the advertisement manager of the paper comes and tells me, "Here is an excellent advertisement" and the advertisements of the nature which are sought to be controlled by this Bill are very profitable. So he tells me that he wants to put it in. But I as editor say, "No It is a fraudulent advertisement. It is an immoral advertisement. It is not going to do the slightest good to the reputation of the paper." What does the advertisement manager do? Quietly he goes to the Managing Director and both of them, being anxious to have money, overrule the editor and put in this advertisement, subject perhaps to the restrictions of the law, and the law is generally silent on these questions.

This Bill concerns doctors, manufacturers and all those engaged in the industry of the newspaper profession. To that extent, there are three parties involved. The general stipulation is that all of us are honest and are motivated in the public interest. But there is also the other fundamental postulate that the law should be administered properly and I submit that it has not been administered properly at all and the laws for food purity and drugs purity in this country are the most neglected and the most despised of all the legislations.

I now turn my attention to my hon. friend Shri H. D. Rajah. He raised a constitutional bogey. I expect that where vested interests are concerned they would always be saying something about the Constitution. God save the Constitution. Let us amend it as quickly as possible. Under the weight of the millstone we have put on our necks we find it extremely difficult to do anything to control bad medicines, to build a bridge, to dig a pit or to carry on vast irrigation schemes, without somewhere infringing on the rights of vested interests. Mr. Rajah's criticism is utterly irrelevant for the simple and obvious reason that this Bill is directed against the commercialisation of superstition. My friend

spoke of that distinguished man—Shri P. Narasayya—who used to cure snake bites. I think he is dead now. He belonged to my own town. He has, however, left behind him a disciple who is carrying on that excellent work. Shri Narasayya used to tear off his clothes lest the poor should have to spend money on cloth and he never got a pie for what he did. He went about in tatters. I don't think that man got any money or cared for money. Therefore he never went to a newspaper proprietor to advertise himself. Sir, I have clean bowled my hon. friend.

Now, this Bill is absolutely necessary in the highest interests of humanity and in the interests of national health. I was the victim once. I thought I was taking medicine for malaria and the blessed thing turned out to be something else. It was bogus. It is down right callousness to sell medicines of that kind, and Delhi is supposed to be the greatest emporium of this nefarious trade. We are sitting in Delhi. We are thinking of improving our national health. A certain amount of medication is necessary for every individual, however, healthy, but by all means let him get the best possible medicine. Generally the language we use in journalism for medicines of this nature is death in bottles. So far as newspapers are concerned, there is now going to be an advertisement code. There, as far as possible, we cut out obscene words and words that ought not to be read by decent men and decent women. The Press Commission is discussing the question of an advertisement code. The fact, however, remains that greed being one of the things with influence on human nature, some sort of State control is necessary even on the most public-minded men known as the newspaper proprietors and journalists—journalists rather than newspaper proprietors. What is exactly happening with regard to such advertisements in newspapers? An advertisement comes and we do not accept any responsibility for the quality or the genuineness of the advertisement. It may be a talisman; it may be a first class medicine; well, the newspaper does not accept responsibility but the

[Shri Rama Rao] newspaper accepts the responsibility for the news it publishes, at any rate for the best interests of the public and in a *bona fide* belief, the newspapers print news and other comments. But when it comes to the question of advertisement, what is the responsibility of the advertisement manager or the editor? Therefore, to the extent that this Bill tries to extend its operation to advertisements in newspapers it is welcome. *Thrice welcome*.

May I read with your permission Mr Chairman, an extract which I have got from a book known as the 'British Press'. In the British Medical Journal it was stated that the British Medical Association tried to eliminate patent medicine advertisements from the press but it found many proprietors loath to take any action which would result in any diminution of advertisement revenues—I am sorry I am selling away trade secrets—though a considerable measure of success had been achieved with the higher class journals and newspapers. It was also stated that before the first War several of the great daily and Sunday newspapers used to insert an advertisement of the British Medical Association, 'Secret remedies' which has showed up some of the more notorious patent medicines.

Mr Aneurin Bevan, a very distinguished friend of India, when he was the Health Minister of Britain, appointed a Committee to go into the question of spurious drugs. The Committee's findings are of the utmost importance and interest to every country including India where the British drugs are consumed in large quantities and with superstitious faith in their purity and curative efficacy. I am reading a leading article of the *National Herald*. "According to the summary of the Report, it would appear that some 5,000 proprietary patent medicines were investigated by the Committee. Of these, 650 were found to be of no medicinal value. The Medical Officer of Health agreed to advise the doctors not to prescribe these prescriptions. Only 150 proprietary products were found to be

superior to standard non-proprietary preparations but the whole range of proprietary drugs is more costly than standard preparations. They are made by most of the well-known British manufacturers. The Committee does not deny that these manufacturers make some drugs of great value but along with such drugs they also make worthless ones. Why? Presumably they are trading on their reputations and making as much profit as the traffic will bear."

Sir the genius of our country has been both manifold and prolific but the manufacture of spurious drugs just like the trade of spurious coins has become an almost major national industry. At the last session of the Associated Chambers of Commerce in Calcutta, Mr Guild produced several bottles of bogus concoctions masquerading as highly effective remedies including Aureomycin and Chloromycetin. The carton, the bottle, the label on the bottle and the label inside the carton had every appearance of being genuine. Mr Guild says that every capsule is most ingeniously covered but when these are medicinally examined, they are nothing but Soda Bicarb with some colouring material. The capsule has its characteristic yellow colouring and these medicines are advertised in newspapers. I, as editor, am partly responsible for passing these advertisements about these medicines but thank God, I am not sent to jail.

Sir Mr P. M. Nabar, Drug Controller of the Government of India speaking some time ago defined the status of pharmacists in the following words:

"The profession of pharmaceuticals bears the same relation to the medical profession as the profession of architecture to that of engineering." May I point out, Sir that the U. P. Government has passed some very progressive legislation on this subject. The U. P. Objectionable Advertisements Control Act has been in force in the State for some months past. The object of this legislation is to put a stop to indecent advertisements relating to drugs, and under this Act, registered medical practitioners who have obtained a

licence under the Act will be made responsible for publishing any advertisements, holding out or recommending to the public any drug claimed to be for the cure, prevention or relief of certain diseases.

Then some venereal diseases are mentioned. The presupposition underlying this legislation is that there will be some sort of local machinery as well as medical machinery for its proper administration, let alone the genuine desire of the State Governments to do their best to enforce these laws.

The Bill makes cognizable offences of the nature mentioned in it. It also attempts to enhance the scale of punishment. So far as the punishment is concerned, I consider that it is ridiculously small. If they are purveyors of death—more or less, it comes to that—you are giving them very light punishment, if in a moment of anger, I stab somebody, I get eight years, whereas the manufacturer of spurious drugs gets only six months. Do you call that punishment?

Sir, the thing that most pleased me in this Bill was the banning of advertisements in the newspapers of talismans and *kavachas*.

The most shameful part of Indian newspaper production is that they should, when the country is trying to march on and on from mediævalism to modernity, encourage superstition, and this is most detestable. All the time Mr. Rajah was pleading for superstition and more superstition, but I thought the primary duty of the Members of Parliament assembled here is to promote enlightenment and more enlightenment. Remember we are not against faith. Faith moves mountains. It is only faith that Mahatma Gandhi inculcated into us that is leading to success which he showed in his own time. But superstition, the most disgraceful thing and which can vitiate all faith, ought to be checked and we are here to do it.

I believe I am right in saying that for the first time indigenous medicines are sought to be brought into legisla-

tion. It has not been so before. Among the worst offenders are the manufacturers of the so called medicines giving them the glorious name of Ayurveda or Unani. I only hope, though perhaps it is not within the province of the Health Minister, that astrological advertisements also will be punished and cross-word puzzles will be penalized. I am looking forward to that day. What are the conditions under which legislation of this type will succeed? It is by producing the climate of opinion. But certainly you are not going to produce the climate of opinion if you accept the advice of my friend Mr. Rajah. You should produce a suitable machinery. My friend Mr. Kishen Chand who always makes very valuable contributions to our debates, has suggested a scheme of Medical Boards. I shall come to it a little later but let me give you an instance.

The population of U.P. is 65 millions. There is only one public analyst's office. His office is to check 25,000 samples every year. Is that possible? And, if a progressive State like the U. P. is in this condition, what happens to our Part B and Part C States. We have to strengthen our inspectorial staff and they will have to be honest if this measure is to succeed. I know of cases where the inspectors pass bad food as good. It does not matter anything to them so long as they could get a little money out of such acts. So to make such measures a success people should co-operate. What happens now is this: I buy a medicine and if I see that it is no good I throw it away, but I have not the sense of responsibility of a citizen to go to the nearest police station or to the nearest doctor and say that so and so is selling a bad medicine or that such and such a patent medicine is a real fraud and some action has got to be taken against him. So long as the consumer does not co-operate, the State cannot function effectively.

I shall now refer to a very small and minor thing, the disposal of containers and bottles. You will find

[Shri Rama Rau.]

people laboriously collecting the old Dalda tins and some old bottles of patent medicines. There must be some sort of control about the disposal of these bottles and containers because the original containers supply 60 per cent. of the material for the man who manufactures spurious drugs or spurious Dalda.

Sir, I shall now refer to the clauses of the Bill very cursorily. I am not satisfied that the distinctions are accurate or comprehensive. I want to stiffen them. It is really a case for a Select Committee. Certainly there is one clause which is not at all satisfactory. I refer to clause 3. I cannot agree with all that the Health Minister stated in connection with this Bill as in some parts it is dangerous. In some parts it does not show a sense of discrimination.

Take "the procurement of miscarriage in women or prevention of conception in women". Miscarriage may not be lawful according to the laws of India but I think it is lawful in Soviet Russia.

RAJKUMARI AMRIT KAUR: It is not lawful there.

SHRI RAMA RAO: I am sorry; I correct myself. As regard prevention of conception in women I know of cases where poor men have benefited by going in for the medicines that are advertised in the newspapers. You cannot deny it. I speak from practical experience. (*Interruption.*) Mr. Reddy is married but he is far too young.

Then I come to "the maintenance or improvement of the capacity of human beings for sexual pleasure." There are ladies in this House and I must be careful. But take a medicine like Siddha Kalpa Makaradhvaj. It is a first-class tonic. An Ayurvedic doctor prescribes it. Under this clause you will ban it, but certainly it is an Ayurvedic medicine of great fame and name.

SHRI H. D. RAJAH: Do you believe in tonics?

SHRI RAMA RAO: I believe as much in tonics as I do not believe in your interruptions.

Then I come to "the diagnosis, cure, mitigation, treatment or prevention of any venereal disease or any other disease or condition which may be specified in rules made under this Act." Mr Chairman, I remember to have read a lucid exposition of the case for advertisements of this nature in a regulated and modest manner by no less a person than Mr. K. Natarajan, a puritan among puritans, in the *Indian Social Reformer*. Venereal diseases in this country are enormous and people generally go to a doctor for Neosalvarsan. Of course there are many advertisers who will finish you, but everyone knows that most of these diseases can be cured according to the ordinary Indian medicine. Suppose a man has got a first-grade medicine for gonorrhœa, what is wrong if it is advertised? But make sure that some medical machinery will check it to find out whether really it is a genuine medicine and then allow it to go forward for advertisements. That is the right approach.

For menstrual disorders Lodhra is a very famous medicine and it is coming from the Kesari Kutiram. It is one of the most famous institutions in South India. They earn millions and give away millions in public charities over this patent medicine. Why should you penalise Lodhra? So you have got to discriminate very carefully under this Bill.

With respect to clause 4 relating to "Prohibition of misleading advertisements relating to drugs", again what is the legal machinery? What is false is a matter of fact. It is a matter of test and as pointed by Mr. Kishen Chand, no provision is made for any agency to test whether a medicine is good or bad.

THE MINISTER FOR LAW AND MINORITY AFFAIRS (SHRI C. C. BISWAS): You please look at the savings which have been provided in

clause 14 and also in clause 15. You will see that there is genuine protection for all *bona fide* cases.

SHRI RAMA RAO: Thank you, Sir.

Then I come to clause 6. What about foreign newspapers? Some of them carry very bad advertisements, I admit, but they carry excellent news and comments also.

How will you discriminate? The *New York Times* coming to India is an extremely good paper but it may carry some bad advertisement. How are you going to apply your Sea Customs Act to it?

Sir, finally I would call the attention of the Minister to what Sir David Campbell, President of the General Medical Council of Britain, said some time ago in Delhi. He urged the need for a Medical Commission generally to supervise work of this nature. Is our Government going to do anything about it? I support this Bill because this is a very good measure, and I take it merely as the beginning of legislation of this kind—mark my words; Mr. Rajah must mark the words—and I hope that legislation of this kind will be more abundantly forthcoming if we are to build up a good and virile race and if we are to lay truly and well the foundations of national health in that manner which ought to be done in a Welfare State.

DR. W. S. BARLINGAY (Madhya Pradesh):

डा० डब्ल्यू एस० बार्लिंगे (मध्य प्रदेश):

अध्यक्ष महोदय, मैं इस विधेयक का पूरी ताकत से समर्थन करने के लिये खड़ा हुआ हूँ। मुझे तो आश्चर्य इस बात पर भालूम होता है कि हमारे सामने ऐसा सुन्दर विधेयक आने पर भी कुछ लोग यहाँ खड़े होते हैं और इसका विरोध करते हैं। आज हमारे समाज की जो हालत है और अखबारों में जिस तरह से की जो विज्ञापन निकलते हैं और पचासों बातें जो चलती हैं, उनको अगर आप देखें तो आपको

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बिल्कुल शर्मिदा होना पड़ेगा। मेरी सचमुच में शिकायत तो यह है कि जो विधेयक राजकुमारी जी ने आपके सामने पेश किया है, वह पूरे तरीके से व्यापक नहीं है। यह जो क्लॉज ३ (clause 3) है, उसको और ज्यादा व्यापक बनाना चाहिये। मैं समझता हूँ कि यदि राजकुमारी जी इस पर इसके बाद सोचें तो शायद इसे और ज्यादा व्यापक बना दें।

मुझे इस सम्बन्ध में एक दो सूचनाएँ करनी हैं और वे सूचनाएँ मैं बड़े अदब से करूँगा पहली बात यह है कि इस संवन्ध में विभिन्न प्रान्तों से जो सूचनाएँ आई होंगी वे हमारे सामने रखी नहीं गई हैं। दूसरी बात यह है कि जिस विषय के बारे में यह विधेयक है उसी विषय पर भिन्न भिन्न प्रान्तों में आज भी कुछ कानून मौजूद हैं। यदि आप स्टेटमेंट आफ आब्जेक्ट्स ऐंड रीजंस (Statement of Objects and Reasons) को पढ़ेंगे, तो आपको यह पता चलेगा कि उन कानूनों में कुछ बातें ऐसी हो सकती हैं, जो इस विधेयक के विरुद्ध हों। हम लोग यह जानना चाहेंगे और हम राजकुमारी जी से प्रार्थना करते हैं कि वह इस पर जरूर प्रकाश डालें कि अगर यह कानून पास किया गया तो वे कौन सी चीजें हैं जो (supersede) हो जाती है। अगर यह जानकारी हमारे सामने पेश की जाय, तो मैं समझता हूँ कि हम लोगों के ऊपर बहुत भारी उपकार होगा।

[MR. DEPUTY CHAIRMAN in the Chair.]

दूसरी बात जो मैं बड़े अदब के साथ आपके सामने और राजकुमारी जी के सामने पेश करना चाहता हूँ वह यह है कि इस विधेयक में सेंट्रल गवर्नमेंट (Central Government) को रूल मेकिंग पावर (rule-making power) दे दी गई है। इसके साथ साथ मैं यह भी कहना चाहता हूँ कि

[Dr. W. S. Barlingay.]

यह बात नहीं है कि सेंट्रल गवर्नमेंट के ऊपर मेरा विश्वास नहीं है या सेंट्रल गवर्नमेंट के जो कर्मचारी हैं उनके ऊपर विश्वास नहीं है। ऐसी बात नहीं है। ये जो रूल्स बनाने वाले लोग हैं उनमें से बहुतेरे लोगों को मैं व्यक्तिशः जानता हूँ और मैं जानता हूँ कि वे बड़े सुयोग्य, सज्जन और लायक आदमी हैं लेकिन फिर भी मेरा अब तक का जो अनुभव रहा है उससे मैं यहाँ कहना चाहता हूँ—व्यक्तिशः किसी के खिलाफ मैं यह बात नहीं कहता लेकिन मैं यह जरूर कहूँगा—कि जैसे एक दफा रामकरण के बारे में कहा जाता था कि हमको खुद का राज्य चाहिये, स्वराज्य चाहिये, अगर अंग्रेज लोग बड़े सुबुद्ध और बड़े सयाने भी हों तब भी हमारे ऊपर राज्य नहीं कर सकते हैं चाहे हम बेवकूफ ही क्यों न हों। उसी तरह जो बात रामकरण के बारे में लागू है वही बात सब चीजों पर लागू है, और खास कर इस विषय में भी लागू होती है, जिस विषय में यह विधेयक है। मैं आयुर्वेद और होम्योपैथी के बारे में एक दो बातें आपके सामने कहना चाहता हूँ। जो विज्ञापन होंगे उनमें से कुछ ऐसे जरूर होंगे, जिनके बारे में यह कह सकते हैं कि वे आयुर्वेद विषयक हैं। जैसा कि रामाराव जी ने अभी कहा कि आयुर्वेद एक बहुत अच्छी चीज है, लेकिन आयुर्वेद के नाम से आजकल दुनिया में इतने सुपरस्टीशस (superstitions) चल रहे हैं कि उनको आयुर्वेद में रहने देना आयुर्वेद को हानि पहुँचाना है। मैं कहना चाहता हूँ कि ऐसी कई दवाइयाँ हैं, ऐसी कई औषधियाँ हैं, जिनके बारे में यदि हेल्थ मिनिस्टर (Health Minister) से पूछा जाय या जो डाइरेक्टर आफ हेल्थ सर्विसेज (Director of Health Services) है, जो कि ऐलोपैथ (allopath)

है, उनसे पूछा जाय तो वह सचमुच में कोई मत उनके बारे में प्रदान नहीं कर सकते। ऐसे विषयों के बारे में, ऐसी औषधियों के बारे में, रूल्स बनाने के पहले यदि आयुर्वेदिक बोर्ड, जो कि भिन्न भिन्न प्रान्तों में हैं, उनकी सलाह ली जाय तो उचित होगा या जो बोर्ड रूल्स बनाये वह इस तरीके से बनाया जाय कि उसमें आयुर्वेद के लोग भी हों, होम्योपैथी के लोग भी हों और जो दूसरे सिस्टम (system) हैं उनके लोग भी हों। अगर इस तरीके का बोर्ड बनाया जाय और उसके जरिये रूल्स बनाये जायें, तो मैं समझता हूँ कि यह बहुत अच्छी चीज होगी। ये सुझाव मैं राजकुमारी जी के सामने बड़े अदब से पेश करना चाहता हूँ।

एक चीज और मैं आपके सामने पेश करूँगा और वह है पेनल्टीज (penalties) के बारे में। अभी रामाराव जी ने जो भाषण दिया उसमें उन्होंने यह चीज बड़े अच्छे तरीके से आपके सामने रखी कि कानून के अन्दर जो पेनल्टीज की व्यवस्था है, वह सचमुच में बहुत कम है। मैं बड़े अदब के साथ कहना चाहता हूँ कि मैं उनसे पूर्ण रूप से सहमत हूँ। हमारे समाज में दो चीजें ऐसी हैं जिनके बारे में जो आज पनिशमेंट (punishment) दिया जाता है वह बहुत ही कम है। एक चीज है एडल्टेरेशन आफ फूड स्टपस (adulteration of foodstuffs) और दूसरी चीज है यह एडल्टेरेशन आफ ड्रग्स (drugs) मैं जानता हूँ कि मैं जो कहूँगा, उससे आप में से बहुत से लोग सहमत नहीं होंगे और मैं भी सहमत नहीं हूँगा, जब वोट देने की बात आयेगी तो मैं खुद ही अपने खिलाफ वोट दूँगा, लेकिन यह बात मैं इस वजह से कहता हूँ कि मेरे मन में जो बात है, मेरी जो फीलिंग्स (feelings) हैं, वह आपके सामने आ जाये। मेरी खुद की फीलिंग यह है कि इन चीजों के लिये अगर कोई

ठीक पनिशमेंट हो सकता है तो वह विपिग (whipping) है, और कोई दूसरा पनिशमेंट ठीक हो ही नहीं सकता। हां, जैसा मैंने अभी कहा कि मैं स्वयं इसके खिलाफ़ वोट दूंगा और इसके पक्ष में वोट नहीं कर सकता, लेकिन मेरा ख्याल है कि अगर सचमुच में कोई ठीक पनिशमेंट है तो वह विपिग है, इसके लिये और कोई दूसरा पनिशमेंट हो नहीं सकता। इसलिये मैं जो सुझाव आपके सामने पेश करना चाहता हूँ, वह यह है कि इस कानून में जो पेनल्टी की व्यवस्था रखी गई है, उसको इससे ज्यादा स्ट्रिजेंट (stingent) बनाया जाय तो कोई बुरी बात नहीं है।

इन सुझावों के साथ मैं इस विधेयक का जितनी मुझ में ताकत है ताकत उतनी से समर्थन करता हूँ।

[For English translation, see Appendix VII, Annexure No. 9¹

4 P.M.

MAJ.-GENERAL S. S. S O K H E Y (Nominated): Mr. Deputy Chairman, I would not take much of your time. I would simply like to make a few remarks. My friend, Mr. Rajah, in a short space of time, has managed to make a heap of irresponsible statements. Among others he mentioned that there was a family that lived somewhere near Cochin; he gave the exact location of that place, and said that that family had the power of curing snake bites by *mantras*. It is necessary that such a statement must be controverted on the floor of this House. I want to tell this House that during a period of 50 years in the scientific laboratories in India, and particularly at the Haffkine Institute, they have been carrying out various tests of all claims of snake bite cures. All claims have been tested and will continue to be tested further. So far we have found that when a poisonous snake bites a human being, it injects

a chemical poison. And it all depends on the quantity of the venom injected, and if sufficient amount of venom has been injected, death is going to take place unless that venom is neutralised. We have now sera which neutralise the venoms. That is the finding of science today. It must be clearly understood that today we have such chemicals which are called anti-snake venom sera, which have the capacity to neutralise snake venom completely. And those remedies are available, and I hope the Government would make use of them and make them available to the people. I do not think it desirable that such stories should go round saying that snake bite can be cured by *mantras*. *Mantras* can only lead to death. This should be very clearly understood.

I personally consider that this Bill is trying to deal with a very great evil and though I personally would not refuse support to the Health Minister, I would like to point out that this Bill is not enough to deal with the evil. As I have said over and over again, these questions are really economic questions. Our people want cheap treatment. The only way to solve the problem is for the State to make competent medical relief available to the people completely free of charge. If that is done, the evil will not be there and therefore this sort of law will not be necessary to deal with it. I therefore hope that the Government will devote their mind to this aspect of the question and will see that they increase the resources of the country and thus increase the prosperity of the country and produce more wealth in order to make medical relief available to the people in the widest sense of the term, completely free of charge.

Then Sir, another hon. friend made a most peculiar statement that just as we do not want the British rulers, similarly we do not want the scientific medicine to rule over Ayurvedic medicine. I think it is high time that we refrained from making such statements. Medicine is a science. It is neither

[Maj-General S S Sokhey]

British, nor American, nor Russian. The science of medicine belongs to the whole world. It belongs as much to us as to anybody else. To say that science belongs to a foreign country is a perfectly absurd statement. By making such a statement we not only misrepresent the thing but we deprive ourselves of the benefit of the great human advance that the world has made in the domain of medicine. I can definitely say that we have as much right to use scientific medicines as anybody else has. For example I will give you an analogy. Though it is not a perfect analogy yet it is something like this. In the earliest times we may have invented a bullock cart. But later on somebody invents a motor car elsewhere. It is not correct to say that because the motor car is invented somewhere else it becomes a foreign invention. It is a scientific invention. It is as much ours as anybody else's. And therefore if we deny ourselves the use of a motor car, we merely do something silly. We should look upon Ayurvedic medicine or homœopathic medicine, in a more enlightened manner. I therefore wish to make it perfectly clear that scientific medicine is something which has not developed from a void. It is based on the whole of human experience, it uses the Ayurvedic knowledge that has gone before. I think that if we look at scientific medicine from that point of view the perpetual bother about Ayurvedic medicine and homœopathic medicine would disappear. Let us not deprive ourselves of the use of medical science. Therefore, I would again, in the end, ask the hon. Minister for Health to realise that though we are willing to let her have these powers that she wants yet we must tell her that they are not enough. The evil is much greater and it can be met only by the Government making an effort to make competent medical aid available to the people free of charge.

Thank you, Sir

SHRI B RATH (Orissa): Mr Deputy Chairman, when I read through the

Bill, I fail to understand why magic remedies only in certain cases are prohibited. When I read clause 3 of the Bill I fail to understand why certain advertisements with regard to certain medicines are being prohibited where as other advertisements with regard to the treatment of diseases which do not come under this clause are being allowed. Sir I have a few sets of advertisements that do appear in several newspapers. I confine myself to one set of advertisements which do not come within the purview of clause 3 or clause 5. We find treatment of hernia.

SHRI C C BISWAS: May I ask my hon friend to refer to the rule making power?

SHRI B RATH: I agree with the Law Minister that this Bill is such that it can embrace everything.

If it so happens, it can embrace nothing. It is all-pervading. Sir, I have read it very carefully. Why should only these diseases be mentioned and not others? It is because the Government want to lay more emphasis on these diseases only. Here is an advertisement for the treatment of hernia. There is another about the treatment of asthma. There is another about the treatment of leucoderma. There is another for the treatment of diabetes. There is another for the treatment of cataract. There is another for the treatment of all diseases. There is another for the treatment of diseases in the stomach and the intestines. Now Sir I fail to understand how such advertisements, if they get into the press, will not lead to people in our country, who are so unfortunate as not to be able to get any medical help where there is dearth of doctors, where there is dearth of hospitals and where there is also dearth of money, being taken in by these advertisements and trying to cure themselves. Does not our Health Minister consider it necessary that these also should be prohibited? Here under the prohibited class I would consider some of the advertisements and I would like to know which should be allowed to be

printed and which should not be allowed to be printed. Here is an advertisement. "Sure birth control under family planning scheme—try 'HERBOCURA'". There is another advertisement for "Menso". There is another on 'Family Planning—Birth Control'—by Lady Dr. K. Satyavati Sterility and Fertility Specialist "This book with a Foreword by Gen. Cariappa, C-in-C. opined and appreciated by Jawaharlal Nehru, Shree Munshi and others, contains all the latest methods of birth control Birth Control medicine for life Rs 55, for two years Rs 20" There is another advertisement about birth control by Dr Atalrai I have also taken some cuttings from the local newspapers in my State whose editor is one of the Congress M P. here. Here also we find many birth control advertisements Now, I would like to know which of these advertisements should be allowed to go into the press and will be considered as genuine and which should not be allowed Because Pandit Jawaharlal Nehru's name or General Cariappa's name or Mr Munshi's name has been associated with some advertisements, shall we consider those advertisements only as genuine and others as not genuine? What is the standard? That is why I feel that we should think along different lines Why do our people go to these quacks for their assistance? It is because of the economic condition of the people Secondly, it is because people do not get adequate medical assistance even today The science of medicine and the science of surgery have not reached the remotest villages in our country and here I should like to tell the hon. Minister that in my State the Medical College cannot cater to the needs of the most pressing cases There are persons whose children have died immediately after birth because no medical assistance has been available. There are persons who suffer from tuberculosis and cannot get any medical assistance and die within the shortest possible time There are persons who have been cured but they cannot rehabilitate themselves Unless the State comes to the aid of poor persons, unless medical assistance is provided,

merely to prohibit advertisements would not produce any results. These quacks will go from place to place and will advertise in such a way that it will not become an offence under your Act, by saying, "You will get medicines which will cure many diseases. We can guarantee that all your sufferings will be alleviated without any big expenditure of money You correspond with us" Such advertisements may be in English or Bengali or in any of the local languages The Law Minister was drawing our attention to the saving clause, No 14 I would say that it is not necessary that they will advertise only in the press or on the wall They may advertise in their own notice boards That is allowed You cannot prevent it. What will happen? We will not be able to achieve even the limited objective that we have before us. So, my suggestion to the Health Minister is that this Bill is not the way to cure this evil of persons going to quacks for treatment The solution lies in the extension of medical facilities in the rural areas. If it is a question of trying to punish those who produce medicines which are not genuine, the best thing would be to ask them, before advertising, to have some type of board before whom they should send in their medicines for examination, and if they are proved to be efficacious, then only they should be given a certificate to advertise such medicines, and unless and until such certificates are issued, no newspaper should take the responsibility of printing such advertisements. and if any newspaper prints such advertisements without any certificate, then they should be punished, and if such persons without obtaining such a certificate, try to advertise or allow such medicines to be used, they should also be punished

I would also draw your attention to the fact that we have so far failed to abolish the dens of prostitutes in the big cities

We have failed so long—rather what we have done is this. The prostitutes were previously confined to certain localities in big cities and towns. Now by the action of the States they have

[Shri B. Rath.]

gone from one place to different localities and thus bring about the diseases to all parts of the towns or big cities. Instead of abolishing prostitution you have spread it throughout the town. What steps are you taking to stop prostitution which is one of the main sources of the spread of V. D., and what steps have been taken to see that persons suffering from V. D. get cured at the earliest opportunity? Now we say these are obscene advertisements. People suffering from the disease—because we consider these obscene try to conceal the disease and go to quacks. So we must remove from the mind of such persons such superstition because in the words of the Health Minister I found words of superstition. Previously our teachers or parents used to consider talk about sex as obscene. Now modern science does not consider it as obscene. It is a science to be taught to young men and women. So long as we consider such advertisements as obscene we cannot remove secretiveness from the minds of those persons and their superstition, and the society will fail to do its duty towards persons who suffer from such diseases. So I suggest that you must have V. D. Cure Clinics specially in different localities where people can go and get cheap treatment without having to go to big doctors who charge huge amounts for the curing of these diseases and failing to pay which they will suffer throughout their lives and will transfer it to their future generations. So I say that this Bill is not sufficient in itself. The Bill needs a great deal of modification, if it is to serve its useful purpose. The main targets will be those doctors or quacks and not the press or papers which take advertisements, and there must be complete check on such persons for which they must be asked to obtain certificates. The Drugs Act does not go further because it excludes Unani and Ayurvedic medicines. It says:

“.....or prepared for use in accordance with the Ayurvedic or Unani systems of medicine;”.

So the time has come when we must modify the Drugs Act and see that other medicines also come under the definition of the drug and such medicines are controlled, before they are produced. We know even such drugs our Health Minister holds high in her opinion like B. C. G. as the most successful preventive against T. B. but I know and I can pass on the name to her alone because there are high dignitaries in my State who only a month back refused to take B. C. G. whereas there was a regular campaign on behalf of the Publicity Department at Bhubhaneswar for vaccination; but when the vaccination staff went to high dignitaries they said: “This is a vaccination which is still in the experimental stage in the country from which it has been brought and as such its efficacy has not been proved and we are not going to take.” If that is the feeling in regard to B. C. G.—I don't know about its efficacy or otherwise—what will happen to other medicines? So I feel that this Bill does not go all the way to solve the problem and I would request the Health Minister at least to consider this Bill in all its aspects and that is why I request her to bring about a motion for referring it to a Select Committee where she can discuss all these matters and if she thinks that any modification is necessary, she can consider them.

SHRIMATI SAVITRY NIGAM (Uttar Pradesh):

श्री मती सावित्री निगम (उत्तर प्रदेश):

उपाध्यक्ष महोदय, मैं इस बिल का हृदय से समर्थन करने के लिये खड़ी हुई हूँ। क्योंकि इसके कारण धोखाधड़ी और ठगी ही बन्द नहीं होगी, अमृत के नाम पर विष बिकना ही बन्द न होगा, बल्कि अश्लील, भद्दे और कामुकता का प्रचार करने वाले व्यक्तियों का भी दमन होगा। इस तरह के विज्ञापन यही नहीं कि लोगों को तरह तरह के भुलावो में डालकर उनकी जेबों को खाली करा लेते हैं बल्कि साथ ही अनैतिकता और दुष्चरित्रता

प्रचार करके अनेकों मानसिक बुराइयों के गढ़ने के भी जिम्मेदार होते हैं। मैं तो यह कहूंगी कि दवाओं को बेचने के लिये ऐसे लोग तरह तरह के हथकण्डों का इस्तेमाल करते हैं। अच्छेदार झूठे वादे, गन्दी से गन्दी, बुरी से बुरी बातों का प्रचार करने से ये लोग नहीं झिझकते हैं। उनको रोकना एक माने में सचमुच देश का बहुत बड़ा कल्याण होगा।

श्रीमन, वैसे तो फूड एडल्टरेशन (food adulteration) बहुत बड़ा गुनाह है, जन स्वास्थ्य के लिये बहुत अधिक हानिकार है, किन्तु दवाइयों का एडल्टरेशन तो और भी बड़ा गुनाह होता है। इस तरह की दवाइयों के द्वारा स्वास्थ्य ही नष्ट नहीं होता बल्कि यह देखा गया है कि एडल्टरेटेड दवाओं के इस्तेमाल से अनेकों मौतें भी हो जाती हैं। यह बड़े ही अफसोस की बात है कि इस बीसवीं सदी में कुछ लोग जादू, टोना और मंत्रों द्वारा रोगों को अच्छे करने का समर्थन कर रहे हैं। यह कौन नहीं जानता कि जादू टोने के नाम पर आज से नहीं, सदियों से इस देश में तरह तरह की कुतूह्य होते आ रहे हैं और जादू टोने के द्वारा लोगों को लाभ होने वाली घटनायें ६६ फ्रीसदी झूठी होती हैं यह किसी से छिपा नहीं है। अभी श्री राजा महोदय ने साप की बातें कही। सांपों और स्नेक बाइट के क्योर (snake bite cure) के बारे में कुछ बड़ी दिलचस्प घटनायें और तर्क सुनाये। लेकिन शायद उन्हें यह पता होगा कि भारतवर्ष में ७५ फ्रीसदी सांप जहरीले नहीं होते। ऐसे लोग जो जादू टोने द्वारा साप के काटने का इलाज करते हैं, उनको झूठी प्रतिष्ठा मिल जाती है, और बहुत दिनों तक वह इस झूठी प्रतिष्ठा के नाम पर अपना व्यापार चलाते हैं और लोगों को धोखा देते हैं।

उपाध्यक्ष महोदय, मैं माननीय स्वास्थ्य मंत्री को हृदय से बधाई देना चाहती हूँ क्योंकि इस बिल के द्वारा उन्होंने देश की

एक बहुत बड़ी आरगेनाइज्ड (organised) बेईमानी, कुरीति को बन्द करने का प्रयास किया है। ऐसा लगता है कि उन्होंने समस्त महिला वर्ग की इच्छाओं को पहिचान लिया है। क्योंकि यह देखा गया है कि ऐसे शर्मनाक और गन्दे विज्ञापन अखबारों में और दूसरी जगह निकलते हैं कि उनको देखते ही शर्म से गर्दन झुक जाती है। इसीलिये अभी हाल ही में दिल्ली की समाज-सेवी बहिनों ने अश्लील चित्रों के विरुद्ध आन्दोलन आरम्भ किया है। सचमुच इस बिल के द्वारा, मैं तो यहां तक कहूंगी कि युग की एक बहुत बड़ी पुकार सुन ली गई है और समय की एक बहुत बड़ी मांग पूरी की जा रही है।

उपाध्यक्ष महोदय, श्रीकृष्णचन्द्र जी ने अपने भाषण में एक ऐसा बोर्ड स्थापित करने का जो सुझाव दिया है, जिसके द्वारा उन तमाम औषधियों का परीक्षण हो जो आजकल बहुत प्रसिद्धि पा चुकी हैं और जिनके द्वारा बहुत कुछ रोग अच्छे हो जाते हैं। यह सही है कि हमारा देश बहुत बड़ा देश है। उसकी तमाम जनता के लिये मेडीकल ऐड (medical aid) अवेलेबुल (available) नहीं है। इस तरह की दवाइयों का जनता को थोड़ा बहुत ज्ञान हो जाता है और वे उनका उपयोग करते हैं। इसलिये इस तरह के बोर्ड बनाये जाने के विरुद्ध, जिसके द्वारा कि प्रसिद्धि प्राप्त औषधियों का परीक्षण हो सके, मेरे विचार में कोई ऐतराज नहीं होना चाहिये। लेकिन अभी अभी जादू टोने और मंत्रों के सम्बन्ध में जो सुझाव दिये गये हैं, मैं माननीय स्वास्थ्य मंत्री जी से अनुरोध करूंगी कि वह इस तरह की बातों की तरफ ध्यान न दें। इस तरह के लोग देश की भोली-भाली जनता को तरह तरह के मंत्रों और जादू टोने द्वारा फंसाया ही करते हैं। उनका किसी प्रकार से भी समर्थन न किया जाना चाहिये। मैं माननीय स्वास्थ्य मंत्री जी से प्रार्थना करूंगी कि वह इस बिल में जादू टोने के सम्बन्ध में किसी प्रकार का एमेंड-

[Shrimati Savitry Nigam.]

मेंट (amendment) स्वीकार न करें।

इसके अतिरिक्त मुझे यह भी कहना है कि इसमें जो "पेनाल्टी" (penalty) रखी गई है वह सचमुच बहुत कम रखी गई है। इसका असर यह होगा कि थोड़ी "पेनाल्टी" दे कर लोग इस तरह के विज्ञापन निकालते ही रहेंगे जिससे कि उनको अधिक आर्थिक लाभ होता रहे और उनका व्यापार चलता रहे।

[For English translation, see Appendix VII, Annexure No. 10.]

SHRIMATI MONA HENSMAN (Madras): Mr. Deputy Chairman, after the wealth of information that has been given to the House on this subject, I do not propose to make a long speech. But I feel that I should say a few words in this debate or discussion because, Sir, this subject has exercised the minds of educationists all over the country for many years. This Bill might have been brought in by the Education Ministry or by the Information and Broadcasting Ministry but it has not been brought in by either of them. Sir, it has taken a woman's courage, a woman's wisdom and foresight and that of our woman Minister—the Minister for Health at the Centre to bring in this Bill today. I do congratulate her as all the others have done. I say all, for I am sure even Shri H. D. Rajah, in his heart of hearts must be congratulating her for bringing forward this Bill. While doing that, I yet feel I should make a few comments on the different points that this Bill raises in the public conscience. We, in this House, are perhaps the keepers of the public conscience, especially the women of this country. Although we ask our men to keep from us poisons of different sorts, physical, mental and anything that is detrimental, it is for us also to watch what enters the mind by suggestion and to guard against the evils that enter the mind in this insidious manner, through the suggestion, of advertisements.

And I look upon this Bill as the best weapon of attack against these insidious suggestions that creep into the mind through the eyes. We as a nation are trying to do all we can, (as far as the finances of the country permit it), in the educational and other spheres of activity to protect the mind from so many of these evils, from these maps, these charts these words that are not careless, but are carefully chosen and chosen so as to impress themselves upon the memory of men and women and even of children.

As I said, Sir, I am very glad this measure has been brought forward and I hope that the public will help in implementing its provisions. We have provided some social assistance for the people, in some form or other and I expect that the country will make use of the Health Services that have been promoted, the clinics and other institutions that have been started and we hope the people of our towns and villages will with greater confidence get themselves treated in these institutions in the future.

Clause 3 has already been referred to and I do not want to say much about it, except to say that the advertising of some of these so-called preventives or cures, is a genuine exploitation of the public mind due to which many men and women are made to pay a lot of money. We have heard from Mr. Rajah that some of these cures have been given free—cures for snake-bite and the like, but generally speaking, large bills have to be met for many of these things that are being put forward in advertisements that look so mild and weak on paper but have to be taken for a long time to be of any use, and they do a great deal of harm to the people who take them more often than not.

As regards the powers claimed for these drugs—surely we do not require a separate board as was suggested by an hon. Member to find out the real nature of these drugs. We have the Government analyst, we have our

medical schools and colleges and we have the places where the vaccines and serums are made like the Haffkine Institute in Bombay, and the Research Institute in Guindy, Madras. These should be the proper testing places for these so-called drugs. Anyway if this is not practicable, I leave it to the experts, to decide, only adding that these Boards and Committees of Enquiry and the like are being overdone. A simple advertisement or rather non-advertisement Bill of this nature should not entail so much financial backing.

Then there is clause 5 dealing with the prohibition of advertisement of magic remedies for treatment of certain diseases and disorders. This is also a very important and useful provision and will save much mental torture and trouble to the common man. Again, I am grateful to the hon. Minister for clause 10 of the Bill where it has been laid down that the jurisdiction for trying these cases shall lie only with the presidency magistrates or first class magistrates. This is very essential because these courts can command a certain amount of confidence and authority, and demand the evidence that is necessary.

Finally I congratulate the hon. Minister on the clause termed "savings" whereby a large number of books and other printed materials are protected from the penalties of this Bill. It covers a wide field of material that is not injurious to the morals of the nation.

I conclude by saying that the whole House should congratulate the hon. Minister on this Bill and should not only pass this measure but also help in, implementing the words, and intentions of this Bill into deeds. Some reference was made to illiteracy and superstition. Let me say that superstition goes hand in hand not only with illiteracy but it goes hand in hand with literacy also and it is for the literate to do the necessary propaganda for this Bill. I once

again appeal to the whole House to implement the provisions of this Bill wholeheartedly in every way.

SHRIMATI LILAVATI MUNSHI (Bombay): Sir, I join in the congratulations that have been showered upon the hon. Minister for Health for bringing forward this Bill. She richly deserves all the compliments that were paid in this House. The disgusting display of advertisements in newspapers and outside is the despair of all decent people.

Nowadays, even young children read newspapers and begin to ask questions because they do not know and it becomes very awkward. Most of these papers, I think, fall a prey to this kind of temptation because it is very paying; such advertisements are more paying probably than the others and that is why you see, Sir, that most respectable papers are publishing such advertisements.

Very strong support has been given to this Bill and so many good arguments which I had in my mind have already been advanced in support of this Bill. So, I do not think I should say very much. Authorities are quoted also and so, no further arguments are required. It was rightly said that one must distinguish between faith and superstition. I do not think there is any intention on the part of the hon. Minister to work against faith because she herself believes in faith but surely superstition is a different thing and it cannot be put in the same term as faith itself. It is not a case of faith which cures; it is only falling a prey to temptation for getting cured because it is a kind of disease about which one is ashamed to speak in public. Most of the ignorant people are not accustomed to go to a doctor and reveal their sufferings. There is a kind of social stigma attached to it and that is why these quacks are flourishing. I quite agree with Maj.-General Sokhey that medicines in such cases should be made available free.

[Shrimati Lilavati Munshi.]

The other reason why people go to quacks is that our doctors and the medicines which they prescribe are very expensive. The doctor's bill becomes enormous for a poor man and he avoids going to him. More and more of medical aid should be given to the poor people so that the purpose of bringing forward this Bill can be served.

Propaganda is also necessary because there is a kind of false shame attached to going to doctors. For that, you have to do a lot of propaganda. I do not think it is the intention of the hon. Minister to punish genuine medicines like Ayurvedic or homeopathic. I am sure that she will support whenever a genuine medicine is found. There is a board being formed for Ayurvedic and homeopathic, if I mistake not, and when the rules are prepared, proper protection will be afforded to all genuine products.

It was said that this Bill does not go far. I agree that it does not go far, it can go further but this is a step in the right direction and it can be followed up later on because it will have some educative value in the public mind when such a Bill is there and when the Minister is able to stop all the unseemly advertisements in the papers. If that is done then automatically that will lead to others.

Well, Sir, in a very excellent Hindi speech my friend Mrs. Savitry Nigam said something about the undesirable posters which are exhibited and the cinemas which are shown. I hope the other hon. Minister also will take a cue from this measure and do something to prevent that thing also.

Well, Sir, for once I agree with some of the arguments advanced by the hon. Mr. Rath but he mixed up so many irrelevant things and the value of his argument was lost to a certain extent. However, I again congratulate the hon. Minister for bringing forward this Bill and taking a step in the right direction.

SHRI T. R. DEOGIRIKAR (Bombay): Sir, I rise to support the Bill. Being a journalist, I am associated with the advertisement side of the papers and the only section against which this Bill is directed is, I find, the newspaper section. I am not sorry for that. Now the advertisement revenue of some of the newspapers would be reduced, there is absolutely no doubt about it, but I am sorry that it is not going to affect the newspapers to a great extent. It only touches a small portion of the objectionable advertisements.

Coming to the Bill itself, I am afraid the remedy suggested in the Bill will not prevent the mischief that is sought to be rooted out. I do not understand why Government should not bring forward a Bill compelling every manufacturer of medicine to submit his formula and his medicine for examination and certification to a laboratory to be set up by the Government and to be maintained by the Government. In some of the countries such laboratories do exist and unless we have such a laboratory on an all-India basis, taking the aid of allopathy, Ayurveda and homeopathy experts, I do not think we will be able to root out the evil. If we have such a laboratory and if we make such a compulsion I think a Bill like the present one will be unnecessary. If we want to cure the disease, we must go to the root of it; mere symptomatic treatment will be of no use. I feel sympathy for those who are suffering from certain diseases. Those diseases are secret and the patients are afraid to make them known. They are afraid to approach their doctors and disclose their diseases. If we go to the villages, we would find all sorts of quack remedies being resorted to. The people there are poor and ignorant. They cannot read the advertisements and they do not know what harm these quack remedies are going to have on them. Therefore, these people will not be affected by banning these advertisements. Even in the rich families these medicines are

welcome. I, therefore, suggest that not only the advertisement but the sale of these products and the practice of these quack remedies should be prevented. By banning advertisements you are not going to prevent the sale of these medicines and you are not going to stop the quack remedies that are practised everywhere. Sir, this Bill is chiefly intended to prevent the advertisements of medicines regarding diseases of women. Is that enough? I think all medicines and all advertisements that claim to cure diseases miraculously should be stopped. Diseases like tuberculosis, cancer, asthma, leucoderma, insanity, dropsy, eye diseases, baldness and others are claimed to be instantaneously cured by specific medicines. Are we going to allow these advertisements to continue? Clause 4 of this Bill is not quite clear. Who is going to decide whether a particular drug is false or true? Are you going to set up any machinery to test the genuineness or otherwise of a particular medicine?

Then again we allow a good number of foreign medicines which claim the same cures to come in. I am told the medicines which are discarded by the laboratories in foreign countries are exported into this country and are sold in our markets freely. Is it not necessary for us to stop them? These frauds are not limited only to medicines. They cover other aspects of life.

Take the case of astrology and palmistry. Of course some of our eminent men have faith in these so-called sciences. We have nothing to do if they want to ruin their lives. But why do you allow the advertisements of palmistry and astrology in the papers?

Then take the case of puzzles. There are square-word puzzles, then cross-word puzzles and other puzzles. Government is not prepared to touch these advertisements.

Then take the case of American Cotton Futures. Opening and closing rates are given every day in the newspapers and people bet heavily on them. I was surprised to see even a poor sweeper and a poor beggar going into a *pan* shop and betting on the figures. I visited one of the big cities in Bombay State and I saw the comic strips being cut and sold for one anna each in hundreds. I was told that you can trace winning figure in those cartoons. The disease has gone so deep, that unless we stop all these objectionable advertisements, our morale will not improve. This is going on in broad daylight in a country like India. We have allowed races to continue, but why allow advertisements of race tips, I cannot understand. In some of the States there is no prohibition. Still we have advertisements from foreign and our own papers about liquors. Is it not necessary for us to stop them? Our Deputy Home Minister is sitting here. He can kindly take a note of it.

Then I have got with me some two or three advertisements. All these advertisements are of a similar nature. The name of the proprietor is not given. They come from Delhi and Amritsar. One of the advertisers says: If you purchase three bottles of hair oil costing Rs. 5 you will get six wrist watches and six rings. Another advertiser competing with him says: If you purchase three bottles of hair oil costing Rs. 6/8 you will get watches worth Rs. 10,000. The advertisements are with me.

SHRI C. C. BISWAS: That raises the general question of the ethics of advertisements.

SHRI T. R. DEOGIRIKAR: Then there is one advertiser from Delhi who says: You will get a radio set for Rs. 5. Then there is another advertiser who says: You will get 300 gifts if you purchase an article worth Rs. 3.

[Shri T. R. Deogirikar.]

Then there are advertisements about mirrors and rings in which you can see not only your past, not only your present but your future also. These advertisements are allowed to be continued in this country to our shame. This is not quite proper to a civilized Government like ours. I therefore request the Government to pass an Act by which they can stop all such frauds.

Sir, in the Bill before the House I have my own doubts and I would like to refer to them.

In clause 14, sub-clause (c) Government has permitted an advertisement of a drug to be sent confidentially to a registered medical practitioner or to a wholesale or retail chemist for distribution among registered medical practitioners or to a hospital or laboratory. It seems from this clause that Government has no objection to the advertisement or to the spurious drug but they only want the agency to be shifted from newspapers to the medical practitioners or to the chemist, wholesale or retail. This is giving a new licence and a new temptation to the medical practitioners or chemist to earn some money and to demoralize them. Are you going to keep a C.I.D. or a police to watch the dealings of these medical practitioners? What guarantee is there that these practitioners will not distribute these advertisements to their customers? I therefore think that this saving clause should be amended or should be removed.

Then I come to clause 6 under which import or export of documents containing such advertisements is prohibited.

Sir, India is surrounded on one side by Pakistan, on another side by Ceylon, on a third side by Burma and Nepal and in between we have got the Portuguese and French possessions. Now the searches that are usually made of the documents that come into this country are nominal except of the political literature. Are

you going to penalise a postman who handles these documents unless you indemnify him under article 12? If we want to be very strict and very rigorous, we will have to carry out searches of the documents that come from a foreign country very rigorously. I think this clause is necessary, but I am afraid it will not be effective.

Then coming to clause 3, I am not bringing any amendment, but I think the hon. Minister will take note of what I say. In clause 3, sub-clauses (a) and (b), I want some additions to be made. At the end of sub-clause (a) I would like to add "effecting conception", and at the end of sub-clause (b) I would like to add "or removing impotency". These are essential additions, otherwise the very purpose of the Act will be defeated.

In the end, Sir, I would request the Government to put a stop to the sale of these spurious drugs and to stop the practising of quack medicines as early as possible.

Sir, I support the Bill.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Mr. Deputy Chairman, I extend my wholehearted support to the Bill brought by the

hon. the Health Minister. Sir, I think this should have been really a women's day as far as the speakers are concerned, not because a woman Minister has brought the Bill but because, Sir, I think that women have greater opportunities of observing the evil effects of badly administered drugs and also how their money goes wastefully on these wrong purchase of medicines which makes their budget short for spending on other useful and nourishing food.

Sir, we in this House are all aware of the shameful nature of advertisements which should make people blush and which has made some of the foreign writers write in their books of travel, that judging from the nature of advertisements it would

make one think that the whole country was full of ^{S.P.M.} impotents. Sir, I wonder sometimes and all of you must be wondering, what the effect of such shameful advertisements must be on adolescents. It is high time that this type of evil was stopped and I must congratulate the hon. Health Minister on making bold to bring forward such a Bill which might, to begin with, arouse some wave of unpopularity. It should be the duty of the Press to popularise this measure though it would affect their purse. It would dwindle the income which they get from these advertisements but the Press has always come to help in popularising a public cause and I am sure that they would not here fail in their duty to the public.

Sir, it has been pointed out and I would also like to lend my support to it that the Information and Broadcasting Ministry should have long ago brought in a Bill to stop the type of advertisements that are really demoralising the youth—the advertisements of cinemas in papers and through posters. Social workers and others have made frequent appeals to that Ministry but nothing has been done on the plea that the Centre has no power to legislate on this matter and that it is entirely within the sphere of the State Governments. This has been a case of the guests relying on two houses always going hungry. The Centre where there are people from all the States who are socially wide awake and can bring forward such legislation, is not prepared to take it up, because there are constitutional objections and in the States, many of them being backward for appreciating this sphere of legislation, nothing is being done. But in the meantime, every day, not every day but every hour, incalculable harm is being done. We are aware of the nature of these medicinal advertisements and how advertisements of some sort of Ram Oil etc. appear on the walls of houses. In a poor country which is so short of

newspapers, short of readable material, this is the type of literature that the young and adults get and it is doing a great deal of harm.

Sir, I feel that though the measure is not as comprehensive as it might be, in the very nature of things it cannot be expected, as it is a new measure of this kind, to cover a wider field because as I have already said even in its present nature it might arouse a little public opinion against it because people's pockets will be affected. Still, I feel, Sir, that it has gone as far enough as it could and being the first of its kind in the field we can hope and expect that in the light of our experience later on a more comprehensive Bill would be brought in. I think, Sir, that this Bill if referred to a Select Committee particularly of physicians would be capable of improvement but if that means longer time, the Health Minister could consider what is in the best interests of the country. She must have, I am quite sure, invited competent advice in the matter before drafting this Bill.

I would like, Sir, to make a few observations with regard to legislation of this kind. I have already said that the Information and Broadcasting Ministry has not shown courage to bring forward legislation at least for the Part C States which it could have. It could have kept the Children's Bill as a model, leaving it to be copied by the States. Similarly, the Home Ministry, as my hon. friend Mr. Deogirikar has pointed out, could have enacted legislation in the case of crossword puzzles etc.....

MR. DEPUTY CHAIRMAN: Please confine your remarks to the Bill.

DR. SHRIMATI SEETA PARMANAND: Yes, Sir. This is a suitable occasion to give expression to the wishes of Members who otherwise have no other occasion on which they can request other Ministries to bring forward such measures. This Bill which the hon. Health Minister has brought forward is a pointer to other

[Shrimati Seeta Parmanand.]

Ministries which always think that in cases of legislation of this kind, public opinion has to be created first and then legislation brought forward later. The hon. Minister has set an example that where the Minister is convinced that a certain thing is in the interests of the public, she has not hesitated, but has shown courage by bringing forward this Bill and expecting that public opinion would be gradually educated thereby.

With these remarks I would again congratulate the hon. Minister for bringing forward this Bill and extend my wholehearted support to it.

SHRI C. C. BISWAS: I do not think there is any occasion for referring this Bill to a Select Committee. It is a very small Bill with a definite and limited object in view. Many of the hon. Members here have tried to raise larger issues but in considering this Bill I should like them to avoid those issues. Not that they are not important. Now, the question of Drugs Act has been brought in. Various other things have also been referred to. There is no question that the State ought to provide good and proper treatment for all its citizens but that is an ideal state of things which we have got to keep in view. We cannot achieve that object merely by legislating about it. The State is fully conscious of its responsibilities in that direction and steps have been taken, steps are being taken and steps will be taken, for instance, to deal with the question of adulteration of drugs and medicines and so on, as in the case of adulteration of foodstuffs which is a very important question affecting millions of our people. All those things are there, but that does not mean that we cannot make a small beginning in another direction with a limited scope. Now, the present Bill is aimed only at certain types of advertisements of certain medicines. False claims are put forward on behalf of certain preparations, and in order to boost such bogus preparations recourse is had to advertisements on a wide scale. This

Bill seeks to step in there and stop this admitted evil, an evil which prevails on a very large scale in all parts of the country.

KHWAJA INAIT ULLAH: Who will test these false claims? There is no provision in the Bill.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI C. C. BISWAS: That is a very legitimate question—who will test these false claims. Now, as a matter of fact, it will be for the prosecution to prove that the claim made is a false claim. If that cannot be done, the prosecution will fail. You will see that some action has got to be taken and that will be taken when the prosecutor is satisfied *prima facie* that there is a case against a man. Then, of course, the man is put before a court of the Presidency Magistrate or a First Class Magistrate and the case has got to be proved. If that is not proved, he gets off. But this is an evil which has been admitted by every sensible man. I come from Bengal. I know a publication which is very widely circulated there. It is called *panjika*. It gives you astrological and astronomical information regarding every day of the year. And every Hindu refers to it—has a copy of it—big or small. If he goes out somewhere, he consults it; if there is some ceremony at the house, it is consulted. There is not one single house—this of course refers to those who can read and write—which does not possess a copy of this calendar. Therefore you do not know what a wide circulation these *panjikas* have. If you take the trouble of looking into them, you will find that half the book is filled with advertisements of a dubious character—advertisements boosting medicines which give you larger sexual power, pictures of boys and girls kissing each other with a description at the bottom saying that this is what you should do and offering a cheap and easy remedy.....

SHRI H. D. RAJAH: Why do these boys and girls require these remedies?

SHRI C. C. BISWAS: But you imagine the effect of that on your children in the house when these pictures come into their hands. I do not know what view my hon. friend may take about it. I have got little children in my house and I will hesitate to put such a book in their hands.

SHRI H. D. RAJAH: I have four in my house.

SHRI C. C. BISWAS: Therefore I feel this is an evil which has got to be checked. It is a pity that no steps were taken up till now to check it. This is the first time a Bill is introduced and as I said it has a very limited object in view. It might have covered a wider field; you might have a Bill as suggested by some hon. Members to cover all kinds of things, not only advertisements of this sort, but advertisements about crossword puzzles and so on. So long as there are credulous people, there will be others to exploit their credulity and make money out of it. This sort of thing has gone on since the birth of the human race and this will go on. They will always try to exploit the credulity of ignorant people and make money out of it. They cannot resist it and cannot help it. But there you are. That does not mean that it is not an evil against which we should take some measures. But this is only a modest attempt, not to control all kinds of advertisements, but only advertisements relating to the subjects with which the mover of the Bill is concerned, namely, medicines. Now you will kindly see the three penal clauses in this Bill, clauses 3, 4 and 5. What is the offence? What is the gist of the offence under each of these clauses? It says: "..... take any part in the publication of any advertisement....." Take clause 3 for instance. It says:

"Subject to the provisions of this Act, no person shall take any part in the publication of any advertisement....."

It says "take part in the publication of any advertisement". Clause 4 relates to misleading advertisements. There also it is said "no person shall take any part in the publication of any advertisement....." Then clause 5 says "No person carrying on or purporting to carry on the profession of administering magic remedies shall take any part in the publication of any advertisement referring to any magic remedy which directly or indirectly claims to be efficacious for any of the purposes specified in section 3". So you see that the Bill is directed against the offence of taking part in the publication of advertisements. Nothing more and nothing less. You might say that this is very inadequate and that the Bill does not go far enough. I can appreciate that argument. But let us confine ourselves to the declared objects of this Bill and confine our criticism to them.

As regards advertisements, some reference was made to the definition of 'advertisements', and a question was raised whether it would include posters. As it stands, the word 'notice' is wide enough to include posters. But if the House so desires and if there is common agreement about it, you can have an amendment like adding the words 'or posters or writing or inscription' or whatever it is, after the words 'any notice'.

Then, Sir, about the magic remedies. There is no guarantee that a magic remedy will succeed. I will just tell you a story. One man appeared before an astrologer and after holding out his palm asked him, "What about my future?" He was a Hindu. The astrologer said, "You will die in Banaras which is considered a very auspicious place for death, because it is on the banks of the holy river." After some time the man was sentenced to death, and before he was going to be executed, he was asked

[Shri C. C. Biswas.] whether he wanted to see anybody before his death. "Well", he said, "I should like to see the astrologer who had told me something three years ago." When the astrologer came, the man told him, "Didn't you examine my hand once and tell me something?" The astrologer replied, "Yes, I did." In Bengali he had said as "*Kashi prapti*". Kashi is the name of Banaras. The man then asked the astrologer, "What is it? You said I shall have *Kashi prapti*, but I am going to be hanged!". The astrologer replied, "Oh, it must be like this. When you held out your palm to me, you must have shaken your palm and that must have turned the word 'Kashi' into 'fashi'?" In the Bengali script, the letter "Ka" when the top is split reads like "fa" so according to the astrologer "Kashi" became "fashi" which means hanging. There is no guarantee if the magic fails. And if the magic fails, they give such explanations. But the question is whether you will allow all these things to continue. I think it is high time that some steps were taken to check this evil. I am not suggesting for one moment that there is no such thing as faith cure. As a matter of fact, I myself believe, in faith cure. But faith cure does not always succeed. There are certain conditions which must be satisfied before it can operate fully. Now, this Bill is aimed at advertisements which really are meant to lure people and not to cure them. We of course know cases where people offer medicines by invoking spiritual forces and the like, and sometimes these do have healing effects in some cases. But these men do not charge a single pie and do not carry on a trade.

SHRI P. SUNDARAYYA (Andhra): Is the hon. Minister supporting the Bill or.....

SHRI C. C. BISWAS: I am supporting the Bill. It is the class of men who trade in this that have got to be controlled. You have got to take action against them, and that is what is going to be done by this Bill.

Sir, there is one complaint and that is that this Bill is not drastic enough. I may point out that it is as drastic as it need be in the present situation.

Then, Sir, there is another comment. Some hon. Members have said that it may unduly interfere when on legitimate grounds it is necessary that some sorts of drugs and medicines ought to be brought to the notice of the public. I say, Sir, that if you turn to clauses 14 and 15, you will find that provision has been made for all necessary safeguards. For instance, now the State has recognised birth control. If certain registered practitioners honestly put up on a notice board, "Here is a remedy which will achieve the necessary objective", I think that ought not to come within the purview of this Bill.....

KHWAJA INAIT ULLAH: Also these cases which you have mentioned just now?

(Interruption.)

SHRI C. C. BISWAS: There are cases and cases. Such cases are *bond fide*—not with a view to make money. Here we are talking about people who exploit the poor and illiterate people. They exploit their superstitions and their credulity for ulterior purposes. It is against those people that this Bill is directed. (Interruption.) The question was asked, "Why do you specify any of the diseases which you find in (a), (b) and (c) of clause 3?" The reason is that they are the commonest forms of diseases which you find in these advertisements. Therefore those diseases have been specifically mentioned. But then there are other diseases also which you can add to the list. That is provided for in the rule making power under clause 16. I will now bring to your notice the provisions in the saving clauses. The reason why under clause 14 registered medical practitioners have been exempted from the operation of this Bill is this: They are presumed to

be sensible people, who are interested in the quality of the medicines which they deal with and so on. But if salt itself loses its flavour, you cannot find anything else to salt it with. If registered medical practitioners who are registered because they are good men, true men, of the profession, let you down, if they act dishonestly, if they act with ulterior motives, we cannot help it. That applies to the members of any profession. If a District Magistrate before whom an offender is brought, takes bribe and lets that man off, although he is guilty, what can we do? Human weaknesses are there, and if the persons who are charged with the duty of seeing that these evils do not operate, fail in their duty, we can only be sorry for it. We can do something to stop it but we cannot prevent it altogether, so long as human nature is human nature. Some *bona fide* instances were mentioned. It may be necessary to import something from outside and so on and people have got to be told, "Look here, here is this drug which is going to be imported." Provision is made for it under sub-clause (d), which says:

"any advertisement relating to a drug printed or published by the Government, or, with the previous sanction of the Government, by any other person;"

and also any advertisement which is permitted under the Drugs Act is also allowed. So far as these savings are concerned, therefore, I think they are fairly exhaustive and deal with all cases where it is necessary to provide protection.

Then there is the general power given by clause 15 to the Central Government in the public interest, to exempt anybody by notification from the provisions of this Act.

There has been a large measure of support to this Bill. Mr. Rajah was the only one who opposed it outright, I do not think that example has been followed by many hon. Members.

SHRI H. D. RAJAH: I also gave you some positive ideas. Mine was not merely a negative opposition.

SHRI C. C. BISWAS: The general feeling has been that this Bill does not go far enough—as far as it ought to go.

SHRI H. D. RAJAH: Will the Leader of the House please also reply to the constitutional point I raised?

SHRI C. C. BISWAS: Yes, about advertisements in the names of companies. If you want to proceed in strict accordance with law, then possibly all the persons who constitute the company will have to be named as defendants or accused but it is hardly possible. Therefore, what has been done is to hold the man in charge to be *prima facie* responsible. That is the presumption, and he is prosecuted, or charged; he is supposed to specially know about it—to have special knowledge of it. But it is open to him to say, "I have got nothing to do with it. I did not know anything about it." This is not casting the onus of proof on the accused. The fundamental principle of law no doubt is that an accused should be presumed to be innocent till his offence is proved. As a matter of fact, it will be for the prosecution to prove his offence, but he is given a chance to say, "I am not responsible." If you proceed against the Director or the Secretary or somebody else who is a responsible member of the company, it is always open to him to say, "I am not really liable for it. I did not give any order for the advertisement. I even said that such an advertisement should not be published. But still somebody else here has sent it to the press and the press has accepted it." They may have a defence like that. Why should it contravene the Constitution when it is provided in the Bill that it is open to a man to defend himself?

SHRI H. D. RAJAH: Am I to understand that this is not repugnant to the Constitution? Is he convinced about

[Shri H. D. Rajah.]
it? Let us get that information in a clear cut manner from him.

SHRI C. C. BISWAS: I am personally convinced that this is not against the Constitution.

Khwaja Inait Ullah:

خواجہ عنایت اللہ : جناب چیئرمین صاحب ! جس نیک خیال کے ماتحت ہماری رحمدل ہیلتھ منسٹر (Health Minister) قانون گئی ہیں اس خیال کی میں عزت کرتا ہوں اور تائید کرتا ہوں۔ مگر میں سمجھتا ہوں کہ جس خیال سے یہ قانون لایا گیا ہے ان لفظوں سے جن لفظوں میں یہ قانون بن رہا ہے ہماری ہیلتھ منسٹر صاحبہ کا خیال پورا نہیں ہوگا۔ اور اگر پورا ہو بھی رہا ہے تو بھی ہمیں کچھ سرمایہ داری کی بو اس میں سے اڑ رہی ہے۔ سب سے پہلے میں جناب ہیلتھ منسٹر صاحبہ کی خدمت میں عرض کروں گا کہ کلاز ۴ (clause 4) میں جو یہ لکھا ہے۔

“make a false claim for the drug”.

[THE VICE-CHAIRMAN (SHRI K. S. HEGDE) in the Chair.]

اس میں فالس کلیم (false claim) کو ثابت کر دے کے لئے کہن سی اتھارٹی (authority) ہوگی۔ ابھی ہمارے لا منسٹر (Law Minister) صاحب نے بتایا کہ ڈسٹرکٹ مجسٹریٹ (District Magistrate) اسکا فیصلہ کریگا۔ مجھے نہیں سمجھ میں آتا کہ

ایک مجسٹریٹ اور وکیل یا ڈاکٹر کس طرح سے یہ ثابت کر سکتے ہیں کہ کسی دوا کے متعلق اسکو بیچنے والا فالس کلیم کر رہا تھا کیونکہ بعض دوائیں ایسی ہوتی ہیں کہ دس آدمیوں پر انہیں آزمائیں تو دو پر اثر نہیں کرینگے مگر آٹھ پر اثر کر جائینگے اور جن دو آدمیوں پر اثر نہیں کرینگے تو اگر وہ کلیم (claim) کریں کہ اتنے دن دوائی کھائے ہوئے ہو گئے، اتنا پیسہ خرچ کیا لیکن ہم پر کوئی اثر نہیں ہوا۔ اور ڈسٹرکٹ مجسٹریٹ کے سامنے فالس کلیم ثابت کرنے کے لئے ایسی گواہیاں مل جائیں تو مقدمہ ثابت ہو جائیگا کہ دوا کے متعلق فالس کلیم کیا گیا ہے۔ حالانکہ دوا کوئی ایسی چیز نہیں ہے کہ ہر آدمی کو ہر دوا فائدہ کر دے۔ انگریزی دوائیں بہت سی ایسی ہیں جن کے استعمال سے بہت سے آدمی اچھے ہو جاتے ہیں اور بہت سے آدمی اس دوا کی ایک گھونٹ پی کر مر بھی جاتے ہیں اور اس حالت میں ایک فائدہ مند دوا بھی فالس کلیم کے اندر آ جائیگی۔ اس لئے میں چاہتا ہوں کہ اس قانون میں اس بات کا پورا انتظام ہونا چاہئے تاکہ کسی دوائی کے متعلق جھوٹا دعوے ثابت کیا جاسکے۔ جب ہم کوئی قانون چنتا کے فائدہ کے لئے بنا رہے ہیں تو وہ ایسا ہونا چاہئے کہ چلتا کے کسی حصہ کو بھی اس سے نقصان نہ پہونچے۔

اس میں کوئی شک نہیں کہ اس قانون کا مقصد صرف چند بیماریوں کے اشتہارات کو روکنا ہے - بلکہ میں تو یہ چاہتا تھا کہ ایسی دوائیں بکنی ہی قانوناً بند کر دی جائیں کیونکہ اگر دوائیں بکتی رہیں اور صرف ان کے لئے اشتہار نہ دئے جائیں - پھر بھی جو خراب اثر ہماری چلتا پر پڑ رہا ہے وہ تو پوتا ہی رہیگا - اگر ہماری ہیلتھ منسٹر صاحبہ ذرا دھیان دیں تو انکی سمجھ میں آجائیگا کہ جو دوائیں آج بک رہی ہیں انکے اشتہار کو بند کر دینے کے باوجود بھی وہ کانا بھوسی اور چوری چھپے سے بکا کرینگی بلکہ وہ اس صورت میں زیادہ دام میں بکینگی - کہا جائیگا کہ فلاں ڈاکٹر یا فلاں فقیر یا سنیاسی کے پاس ایسی فائدہ مند دوا ہے - مثال کے طور پر کوکین (cocaine) کو ہی لے لیجئے - جب گورنمنٹ نے کوکین بیچنے پر پابندی لگا دی تو اس کے دام کئی گنا بڑھ گئے اور چوری چھپے سیکڑوں روپیوں میں بکنے لگی - اسی طرح سے اگر اچھی دواؤں کا بھی اشتہار بالکل بند کر دیا گیا تو اس کا نتیجہ یہ ہوگا کہ جو لوگ آج کل فطرتی طور پر ان بیماریوں کو ظاہر نہیں کر پاتے ہیں اور ایسے لوگوں کو تعداد ۹۰ (نویں) فیصدی کے قریب ہے وہ لوگ ان بیماریوں کو ظاہر نہیں کرنا چاہتے ہیں اس لئے کہ ہماری سوسائٹی اسکو بہت برا سمجھتی ہے جب تک ہماری سوسائٹی اتنی اچھی

نہ ہو جائے یا دوسرے لفظوں میں اتنی بری نہ ہو جائے کہ وہ خراب سے خراب کام کو برا نہ سمجھے اس وقت تک ہلدوستانی لوگ ایسی بیماریوں کو بری نظر سے دیکھتے - اس لئے ایسی صورت میں جبکہ ہمارے یہاں اخلاقی طور پر ان بیماریوں کو چھپایا جاتا ہے - ایسی بیماری کا مریض خواہ مخواہ کسی کے بھی منہ سے سنکر کسی کوئیٹک (quack) کے پاس چلا جائیگا - اس لئے میں چاہتا ہوں کہ دواؤں کا پورے امتحان کے بعد فیصلہ کیا جائے کہ فلاں دوا واقعی بہتر ہے اور پھر ایسی مفید دواؤں کے لئے اشتہار دینے کی اجازت دیدی جائے - اشتہار محض اشتہار کے طریقے میں ہو رہا ہے نہ ہو کہ ہمارے بچوں پر اسکا کوئی اصول ایفیکٹ (immoral effect) ہے - اس بات کا یہاں ذکر ضرور ہونا چاہئیے -

ایک بات جو میں نے شروع میں کہی تھی کہ اس سے ہمیں کچھ سرمایہ داری کی بونہی ہے - میرا ایسا خیال ہے کہ اس قانون کی تمام خوبیوں کے باوجود بھی اس میں کچھ امیر لوگوں کا بھی ہاتھ ہے - آپ کہیں گے کہ غریبوں کے لئے اشتہار دینا تو ہم نے بند کر دیا ہے کیونکہ جہاں آپ نے بیماریوں کا ذکر کیا ہے وہاں کلاز ۱۲ میں آپ نے اجازت دیدی ہے کہ جو میڈیکل پریکٹیشنر (medical

practitioners) ہیں وہ اشتہار دے سکتے ہیں - میں نہیں سمجھتا کہ رجسٹرڈ میڈیکل پریکٹیشنر میں خالی ایلوپیتھی (allopathy) ہومیوپیتھی (homoeopathy) یا حکیمی ہوگی یا ویدک ہوگی یا جتنے ہمارے ہندوستانی طریقے سے دوائیں بنانے والے لوگ ہیں - وہ اس طرح کے اشتہار اپنے اپنے بورڈ (board) پر لگا سکتے ہیں اور اس اشتہار کو لگاتے وقت اس طرح کے اشتہار بھی لگا سکتے ہیں جنکا آپ نے کلاز ۳ میں اس طرح ذکر کیا ہے کہ :

“(b) the maintenance or improvement of the capacity of human beings for sexual pleasure”.

اسکا نقشہ بھی وہ سائن بورڈ (sign board) میں چھپوا کر آپ کے سامنے رکھ سکتے ہیں کیونکہ اس چیز کی آپ نے ان کو اجازت دیدی ہے - تو جب سائن بورڈ میں اس طرح کا نقشہ بنایا جا سکتا ہے تو اشتہار بند کرنے سے کیا فائدہ - اشتہار تو کبھی کبھی ہم کو پڑھنے کو ملتا ہے - مگر ایک بہت بڑا سائن بورڈ ہر روز ہزاروں نوجوانوں، بچوں، عورتوں اور بوڑھوں کی نظروں میں پڑتا دھیکتا - بھر اس قانون کا کیا فائدہ -

دوسری سب سے بری بات جو اس قانون میں مجھے نظر آرہی ہے وہ اسی کلاز کا بی (b) حصہ ہے - جس میں آپ کہتے ہیں کہ کوئی اشتہار نہ دو کسی

طرح کا اشتہار ایسی بیماریوں کی بابت مت دو - میں مانتا ہوں کہ لوگوں کو ان بیماریوں کا علاج اچھے معالجوں سے کرانا چاہئے - مگر آپ یہاں یہ اجازت دیتے ہیں

“Nothing in this Act shall apply to any treatise or book dealing with any of the matters specified in section 3 from a bona fide scientific or social standpoint; or”.

آپ کتاب لکھ سکتے ہیں، آپ تھیسس (thesis) لکھ سکتے ہیں - آپ ایسے لکھ سکتے ہیں آپ اسے کتاب کہئیے - میں کہتا ہوں کہ ۱۰ صفحے کے اشتہار چھاپ کر آپ اسے ٹریٹائز (treatise) کہئیے بلکہ دو صفحے کے اشتہار کو بھی اس میں آپ شامل کر سکتے ہیں - مگر “bona fide scientific or social standpoint” سے یہ بھی ظاہر ہوتا ہے کہ آپ کتابیں لکھائیں اس میں ننگی تصویریں بنائیں بلکہ سوشل پوائنٹ آف ویو (social point of view) سے کوک شاستر کے پوائنٹ آف ویو سے آپ چاہے جس طرح کی تصویریں بنائیں اور کہیں کہ یہ ہمارا سوشل اسٹینڈ پوائنٹ ہے - آپ کہیں گے یہ ہزاروں برسوں سے لکھا آ رہا ہے اور اسکا ہم آرٹ (art) اور لٹریچر (literature) کے طور پر پڑھتے ہیں - اسکو کون روکے والا ہے - آپ کا مجسٹریٹ فیصلہ دیکھا کہ ہاں یہ بھی آرٹ ہے یہ ایک سوشل اسٹینڈ پوائنٹ ہے -

پھر آپ نے اُنکے کہا ہے bona fide “scientific or social standpoint” کے متعلق یہاں پر ہمارے ڈاکٹر صاحب نے سائنٹفک ریسرچ (scientific research) کی بڑی زوروں سے تعریف کر دی ہے اور سارا دارومدار انہوں نے اس بات پر رکھا ہے کہ سائنٹفک ریسرچ کے معنی وہ ہیں جو آج مغربی دنیا کر رہی ہے۔ میں مانتا ہوں کہ سائنس (science) ہر ایک کی چیز ہے ایلوپیتھی بھی ہماری ہے پیتھی؟ آیوریدی اور حکمت بھی ہماری ہے۔ لیکن سوال یہ نہیں ہے کہ ہم کون راستے پر چل رہے ہیں۔ آپ چاہے ہاتھ بے کھائیں یا چھری کاغذ سے کھائیں کھا سکتے ہیں لیکن ہم کیسے کہیں کہ دونوں ایک ہی چیز ہیں۔ بیشک ہمارا رسم و رواج ہمارا تمدن اور ہماری تہذیب اپنے ملک کی الگ چیز ہے اور دوسروں کی الگ چیز ہے۔ سائنٹفک ریسرچ کے معنی ہماری سمجھ میں نہیں آئے کہ آیا بونافائیڈ سائنٹفک وہ ہے جو ایلوپیتھی والا کہتا ہے یا ہمارے اندوستانی طریقے کے علاج ہیں۔ ایلوپیتھی میں تو شراب سے دوائیاں بنتی ہیں تو انگریزی دوائی کوئی اس لئے نہیں پیتا ہے ہونکہ اس میں شراب اور اسپرٹ (spirit) ملی رہتا ہے اور اس لئے حکیم اجمل صاحب یا کوئی راجگی کی بنانی نہیں ہو سکتا اگر وہ استعمال کرنا

چاہے تو کیا وہ بونافائیڈ سائنٹفک سمجھا جائے گا یا ہمارے عوبہ بہار کے جنگلی علاقے میں تھول بجا کر جادو سے بیماری دور کرنے کا طریقہ سوشل طریقہ مانا جائیگا۔ اس لئے ہم کو اس کلاز پر سخت اعتراض ہے۔ اس کلاز کے معنی یہ ہونے کہ آپ غریبوں کو خواہ انکی دوائیں کتنی بھی مفید کیوں نہ ہوں اشتہار دینے سے روکتے ہیں اور بڑے بڑے بزنس والوں کو جو بڑی تجارت کرتے ہیں اور سرمایہ دار ہیں اشتہار دینے کی اجازت دیتے ہیں۔ کیونکہ اس کلاز ۳ کے اے (a)، بی (b)، سی (c) و ڈی (d) انہیں چار چیزوں کے متعلق ایک کتاب لکھی جا سکتی ہے۔ کون اس بات کو بتائیگا کہ بونافائیڈ سائنٹفک یا سوشل سٹینڈ پوائنٹ صحیح ہے۔ اس لئے یہ بات صاف ہونی چاہئیے کہ کون بونافائیڈ کے بارے میں فیصلہ کریگا۔ اس چیز کو میں چاہتا ہوں کہ ہماری آنریبل منسٹر صاحبہ صاف صاف ختم کر دیں۔ میں تو اس کو رکھنا ہی نہیں چاہتا۔ ایسا بھی کیا کہ امیروں کو تو اجازت ہو اور غریبوں پر بندش ہو۔ راجہ صاحب یہاں نہیں ہیں۔ وہ اعتراض کر رہے تھے کہ میں اس طرح سے اچھا ہوتا ہوں اس طرح سے اچھا ہوتا ہوں اور بیماری کا اس طرح علاج کرتا ہوں۔ سر درد کی یہ دوا کر لیتا ہوں۔ میرا ان سے کہنا ہے کہ شاید انہوں نے اس بل کو پڑھا نہیں ہے اور دیکھا نہیں ہے۔

[KHWAJA INAIT ULLAH.]

نہیں تو اس طرح کی بات نہ کرتے -
یہ بل تو صرف اشتہار کیلئے ہے - آپ
کے سر درد کے علاج کے لئے یا سانپ کے
گاتنے کے علاج کیلئے نہیں ہے - ہاں اس
کے لئے اشتہار دینا البتہ اس بل کے
ذریعہ منع ہے -

میں اس کلاز کے بارے میں ایک
بات اور کہنا چاہتا ہوں - آپ نے جو
جادو اور میجک (magic) کے لئے اس
میں پراویزن (provision) رکھا ہے
اس میں خدا کے واسطے صرف انہیں
بیماریوں کے لئے پراویزن نہ رکھا کیجئے
کیونکہ یہ بیماریاں تو صرف شہروں
میں دھلے والے لوگوں کو ہوتی ہیں -
بڑے بڑے لوگوں کو ہوتی ہیں - لیکن
اگر آپ دیہات میں جائیں اور میں
جاننا ہوں کہ آپ دیہات میں جاتے
ہیں تو آپ دیکھیں گے کہ بہت سی
غریب عورتیں جب سہار پڑتی ہیں
تو ان کا کوئی علاج نہیں ہوتا ہے -
ایک آدمی کو بلا لیا جاتا ہے اور وہ
کبھی دھول پیٹتا ہے اور کبھی جھاندر
بجاتا ہے اور گرمی کے دنوں میں بھی
اگر بخار آتا ہے تو بلد کمرے میں آگ
جلائی جاتی ہے اور دھول بجاتے جاتے
ہیں اور اگر دبا کھانے کو کہا جائے تو
کہا جاتا ہے کہ دیوی ناراض ہو جائے
گی - نتیجہ یہ ہوتا ہے کہ دو تین
دن میں وہ عورت مر جاتی ہے - تو
اگر جادو تونے کو آپ بلد کر رہے ہیں

تو صرف انہی بیماریوں کے لئے نہ
کیجئے بلکہ کھلے عام پولیس اور پبلک
مہن (public man) کو اختیار دے
دیجئے کہ جو بھی آدمی جادو تونے سے علاج
کرتا ہوا پایا جائے اسکو فوراً پولیس کے
حوالے کر دیا جائے - آج کل ہزاروں
غریبوں کی جانیں صرف اس وجہ سے
ضائع ہو جاتی ہیں کہ ان سے کہا جاتا
ہے کہ دوائی کی ضرورت نہیں ہے - کچھ
ایسے لوگ ہیں جنکو کہ آپ مہنت
کہیں یا پلندت کہیں یا اولیا کہیں
جنکا کہ ذریعہ معاش ہی یہی ہوتا
ہے - وہ ایک جگہ بیٹھے رہتے ہیں
اور پتہ لگاتے رہتے ہیں کہ کون بیمار ہو
اور ہم پہنچیں - یہاں تک کہ اگر
بچہ پیدا ہونے کی بات ہے تو اس کے
لئے بھی دھول بجا کر اور تھال بٹھا کر
علاج کرتے ہیں - اس لئے میں اپنی
رحمدل منسٹر صاحبہ سے درخواست
کروں گا کہ وہ صرف انہی بیماریوں
کے لئے ہی اسکو نہ رکھیں بلکہ سارے
ہندوستان میں حکماً اور قانوناً جادو
تونے کو بند کرادیں - اس کے لئے کوئی
الگ سے قانون لائے میں تو دقت
ہوئی اسلئے اس میں ایک کلاز مطرح
کا بڑا دیا جائے - یہ ایک بہت
تکلیف دہ اور خطرناک چیز ہے -

ان لفظوں کے ساتھ کلاز ۱۴ کے اے
اور بی کی طرف خاص توجہ دلاتے ہوئے
میں سارے بل کی تائید کرتا ہوں
اور سمجھتا ہوں کہ جس خیال سے یہ

بل بنایا گیا ہے اس خیال کو ترقی
دی جائے گی اور جو جڑی اور بوٹیوں کے
دریغے علاج کرنے کی بات ہے اسکو بھی
ترقی ملیگی -

[For English translation, see Appendix VII, Annexure No. 11.]

DR. P. V. KANE (Nominated):
Mr. Vice-Chairman, I was not first thinking of saying anything but I find—although I support the principle underlying this small measure—that there are difficulties. It goes rather too far or rather it is vague. I am drawing the attention of the House to the definition of “magic remedy”. The word mantra is there and as a Sanskrit scholar, I know that the word mantra has a very wide meaning. It may include Rig Veda; it may include chhan echu by conjurors; so, this is rather vague. Perhaps some of you do not know but there are works written about Vedic mantras which state that if you repeat a particular mantra you are cured of fever; if you repeat another mantra you are cured of rheumatism. Will that come under this or not? That is the question. Supposing it comes within the four corners of this definition then there will be a row among the religious people. They will say that you are interfering with their repetition of Rig Veda and other Vedas. We must be careful in keeping this word or we may put some other word. You may also know that there are books being published even now and one book has been published recently about the use of mantras by one Professor Gonda from Holland. He has recently published a work on Vedic mantras which cure diseases. Will this be advertisement of mantras or not? That is the question and that is why I wanted to say something.

Probably some of you have heard that there are pools and springs the waters of which are supposed to effect marvellous cures. I hope the hon.

Minister for Health knows that in South-West France there is a place called Lourdes. There is a sacred pool there supposed to cure even persons in almost a moribund condition and no less a person than the most famous surgeon Alexis Carell who was Nobel Prize winner has written a book ‘Journey to Lourdes’ and there he has shown that a case that had advanced far and in which the doctor advised against carrying the patient by train was cured by going to Lourdes and drinking the water once. Will that come under this definition or not? Look at the definitions. “‘Drug’ includes any substance, intended to be used for or in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings or animals.” The word ‘drug’ has been widely defined. Suppose somebody advertises that the water in some sacred temple is such that if you use it or drink it, however far advanced the disease may be, you will be cured. I ask: Will that come under this definition or not? What I am submitting is that you are going rather too far. This whole Bill has to be considered very carefully. What we believed at one time as scientific is unscientific now. In England they used to hang old women as witches. Now nobody believes that these are witches now. So at a particular moment a particular science was supposed to be true and all else was false. These are my observations regarding these two words ‘mantra’ and ‘substance’.

Clause 5 refers to prohibition of advertisement of magic remedies for treatment of certain diseases and disorders. Suppose a Vedic priest says: You repeat this mantra and you will be cured and he exhibits an advertisement. Will he come under this ban? Will he come under ‘any person carrying on or purporting to carry on the profession of administering magic remedies’? He is a priest and he carries on that profession. Will he be affected?

[Dr. P. V. Kane.]

Then you come across in the *Times of India* advertisements of what the stars foretell you, and the author is Naylor. Will he come under this? All these matters have to be considered.

These thoughts struck me and therefore I raised them. Otherwise I am in full agreement with the principle of the Bill. There are many things going on about drugs and various sorts of subterfuges are employed to make money out of the ignorance and credulity of the people, but this has gone on from eternity and it is very likely to go on till eternity. I am not against the principle underlying the Bill but I want the hon. Minister to look carefully into these words "mantra" and "substance" and see whether 'water' also would come under "substance" or not.

SHRI K. B. LALL (Bihar):

श्री के० बी० लाल (बिहार) : वाइस चेयरमैन साहब, मैं तो समझा था कि मुझे शायद इस पर नहीं बोलना होगा क्योंकि मेरा खयाल था कि इस बिल का समर्थन करने की जरूरत नहीं है और विरोध करना तो और भी व्यर्थ है। एसी फीलिंग (feeling) के साथ मैं बैठा हुआ था लेकिन जिस तरह बहस हुई उसमें कुछ बातें निकली और मेरे मन में भी खयाल हुआ कि मैं भी बोलू। मेरे बोलने की जो गति होगी वह वही गति होगी जिसकी तरफ डाक्टर काने साहब ने अभी रौशनी डाली है। वह बहुत विद्वान् है और उन्होंने संस्कृत और हमारे पुराने मंत्रों के महत्व के बारे में कहा। मेरा संस्कृत में ऐसा ज्ञान नहीं है और न अध्यात्म में, लेकिन मेरा यह खयाल जरूर है कि इस वक्त जिस गति से जिस ओर हमारा मुल्क जा रहा है वह एक विचित्र गति है। हम एक विचित्र चौराहे पर आ कर खड़े हुए हैं और अंग्रेजों

के जाने के बाद हमारी गति कुछ दूसरी ओर मुड़ना चाहती है लेकिन जो हमें शिक्षा मिली है और जो हमारा तौर तरीका रहा है उससे हम एक विचित्र दिशा में जा रहे हैं। कहा जाता था कि भेड़िया धसान धर्म के मानने वाले हैं सो हम भी कुछ भेड़िया धसान धर्म को ही ग्रहण कर रहे हैं और उसी ओर जा रहे हैं। मैं समझता हूँ कि भेड़िया धसान शब्द सब लोगों की समझ में आ गया होगा। इसका मतलब यह है कि जिधर एक आदमी आवाज उठाये उमी तरफ सब आवाज उठान लगे, जिधर एक भेड़ जानी है उसी तरफ सब भेड़ जान लगनी है। जैसा कि कुम्भ मेला का उदाहरण लोगों के सामने है कि कुछ लोग नागा लोगों के पैर की धूल को लने पहुँच और इतनी भेड़िया धसान हो गई कि इतनी बड़ी दुर्घटना हो गई। तो यह हालत भेड़िया धसान धर्म में है। तो यह विचार करने की बात है कि हम किस ओर जा रहे हैं, यानी जो वेस्टर्न कल्चर (western culture) है, जो वेस्टर्न तरीके की चीजें हैं उसको ग्रहण करते जायें और उसको ग्रहण करे भेड़िया धसान तरीके पर। मुझे तो ऐसा मालूम होता है कि अगर हम इस धर्म के विरुद्ध जाये तो न मालूम किस तरफ जा गिरे इसलिये जहाँ कांग्रेचूलेशंस (congratulations) की वर्षा हो रही है वहाँ अगर हम यह कहें कि इस बिल की जरूरत नहीं है तो यह एक बड़ी मुश्किल बात है। इसलिये ही मैं ने सोचा कि इस पर बोलने की जरूरत नहीं है लेकिन फिर भी जो एक दो बातें खयाल में आई हैं उनको मिनिस्टर साहिब के सामने अर्ज कर देना चाहता हूँ।

वह बात यह है कि हम इतनी तेजी से अपने मुल्क को माडरनाइज़ (modernise) करने की ओर बढ़ा रहे हैं, और इस तरह दूसरे माडर्न मुल्कों की नक़ल कर रहे हैं कि

अपनी कोई चीज नजर ही नहीं आती है । उसका नमूना अभी काने साहब ने पेश किया । काने साहब ने बहुत दबी हुई आवाज कहा कि मन्त्री श्री कवचा का भी महत्व है, इसलिये, दबी हुई आवाज में कहा कि नक्का-खाने में तूती की आवाज का क्या असर हो सकता है लेकिन असल बात यह है कि उनके इन शब्दों में भी असर था । आज कल भी ऐसे लोग हैं जो मन्त्री से, ब्रह्मज्ञान से बीमारियों को दूर कर सकते हैं । मेरे सामने एक उदाहरण है कि डाक्टर किस तरह इलाज करते हैं । एक बहुत बड़े रईस थे वह बीमार पड़े, उन्होंने एक बहुत बड़े डाक्टर को बुलाया जो कि १,५०० रुपये रोज लेते थे, उन्होंने तीन चार दिन रह कर इलाज किया और ६ हजार रुपये ले कर चले बने लेकिन कोई फायदा नहीं हुआ । तो अब ऐसी हालत में अगर कोई गरीब आदमी दूसरा इलाज बनाता है तो कहा जाना है कि तुम धूर्त हो । बजाय इसके कि यह कहे कि उसका उपयोग ठीक नहीं हुआ इधर उधर की बातें कही जाती हैं । आज भी बहुत से लोगो ने बहुत सी जगह उसका इस्तेमाल कर के फायदा उठाया है लेकिन आज हम ज्योतिषियों पर, मन्त्रों पर, हसने हैं । यह हसने की बात नहीं है । मैं तो यह समझता हूँ कि इस वक्त वह मौका है कि हम ज्योतिषियों से लाभ उठावें, ज्योतिष विद्या के ऊपर कुछ खर्च करें, कुछ दिमाग लगायें और ऐसे स्कालर्स (scholars) की मदद करें जिन्होंने कि ज्योतिष विद्या की उत्पत्ति की हो । भृगू मुनि ने जो कि ज्योतिष विद्या के गुरु माने गये हैं जितने डाइग्राम (diagrams) वगैरह बना कर छोड़ दिया उसके बाद इस विद्या में कोई तरक्की नहीं की गई । अगर उस में दिमाग लगाया जाय तो पता चलेगा कि उसका क्या असर होता है । यह भी एक बहुत इट्रीकेट साइंस (intricate science) है जिसमें कि बहुत

कुछ रिसर्च (research) करना है न कि उसको हम कर टुकरा देना है । लेकिन हम ने बाहर से ऐसी शिक्षा पाई है कि हम हस कर ही उसको टाल देते हैं ।

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Will the hon. Member confine his remarks to the Bill under discussion? You have already taken a very long time

SHRI K. B. LALL: The Bill is so wide that anything can be included in it.

THE VICE-CHAIRMAN (SHRI K. S. HEGDE): Kindly don't make it wider.

SHRI K. B. LALL: I am only touching one point I am only speaking about one point.

वाइस चेयरमन साहब फरमाते हैं कि हमें बिल के अन्दर ही चीजें चाहिए । मैं बिल के अन्दर ही बोल रहा हूँ । चूँकि यह बिल बहुत बड़ा है इसलिये मैं जो कुछ कह रहा हूँ वह इसके अन्दर आता है । इसमें कोई शक की गुंजाइश नहीं है कि जो लोग बुरे एडवर्टिजमेंट (advertisement) करते हैं उनको बाद करें, उनको रोके । जो नाजायज तरीके से फायदा उठाना चाहते हैं उनको रोकना चाहिये लेकिन इसके साथ ही एक बात पर और भी गौर करना चाहिये कि जो हमारे अन्दर यह खयाल आता है कि जो हमारी पुरानी चीजें हैं वे सब खराब हैं, यह ठीक नहीं है । अगर यह बात नहीं है तो फिर इसमें मन्त्र वगैरह का जो जिक्र किया गया है और जिस तरीके से किया गया है वह ऐसा नहीं होता । इसमें कोई शक नहीं है कि मन्त्रों और कवचों का दुर्व्यवहार हो रहा है लेकिन सिर्फ इसलिये कि कुछ लोग उसका दुर्व्यवहार करते हैं वह चीज खराब है, ऐसी भावना नहीं होनी चाहिये । कुछ लोगो के दुर्व्यवहार से वह चीज खराब नहीं हो सकती । जो लोग उसका बुरा व्यवहार करते हैं उनको

[Shri K. B. Lall.]

रोकना चाहिये लेकिन यह बात ठीक नहीं है कि इस बात पर हंसी आये और लोग कहें कि मंत्रों से भी कहीं बीमारी ठीक हो सकती है। मैं तो कहता हूँ कि मंत्रों के ज़रिये से मुर्दे भी जिलाये जा सकते हैं। एक जमाना था कि मंत्रों से मुर्दे भी जिलाये जा सकते थे, इतनी उसमें शक्ति थी। तो मेरा कहना यह है कि अगर हम उसकी तरफ ध्यान दें, उसमें अपना दिमाग लगायें तो हम आगे बढ़ सकते हैं।

[MR. DEPUTY CHAIRMAN in the Chair.]

मैं यह कहना चाहता हूँ कि आजकल हमारे समाज में जो डाक्टर हैं उनके द्वारे में भी हमें सोचना है कि हम किस जगह खड़े हैं। मेरा कहना है कि जहाँ बीमारी हो वहाँ उसको दूर करना है, इधर उधर हाथ मारने से काम नहीं चलेगा। यह जो वेनिरियल डिजीज (venereal diseases) है वह कहा से आती है इस ओर हमें सोचना है, उसका कारण क्या है इसकी ओर हमें देखना है। हमारा सामाजिक जीवन ऐसा हो गया है कि हम बेलगाम दौड़े चले जा रहे हैं। हमको यह बात दिल पर हाथ रख कर सोचनी है कि हम किस रास्ते पर जा रहे हैं, हम किस तरफ बढ़ रहे हैं। आप देखें कि जो लोग अपने को शिक्षित समझते हैं वह क्या करते हैं। आप एडवर्टिजमेंट की बात इसमें रख रहे हैं। जरा देखिये तां कि जो बड़ी बड़ी मैगजीने (magazines) हैं, जो इलस्ट्रेटेड वीकली (Illustrated Weekly) है, या और जो इसी तरह की चीज़ें हैं उसमें किस तरह की तस्वीरें होती हैं, किस तरह के एडवर्टिजमेंट होते हैं। जो खरीदने वाले हैं उनका ध्यान किस तरफ जाता है, हमें यह सोचना है। उनमें किस तरह के नक्शे खींचे जाते हैं, इसको हमें देखना

है, यही असल बात है। इसी तरह आप देखें कि सिनीमाघरों के सामने किस तरह के बड़े बड़े नक्शे खड़े किये जाते हैं। उन सब को आप पसन्द करते हैं।

6 P.M.

इस तरह के नक्शे, ऐसे बीभत्स नक्शे, किस तरह के भाव पैदा कर सकते हैं और किस बीमारी की ओर हमको ले जाते हैं, यह हमें सोचना है। हमारे समाज को जो अपनी संस्कृति है, अपनी सम्पत्ति है अगर वह इस तरह की बीभत्स चीज़ों से समाज में बीमारी लाती है, तो उनका इनाज फिर क्या होगा? इस तरह की वुल्गर (vulgar) चीज़ों का इनाज वुल्गर तरीक़ों से ही किया जाता है। मगर इसका मतलब यह नहीं है कि हम इस तरह के इनाज को सपोर्ट (support) करते हैं। इसमें कोई शक नहीं है कि इस समय जितनी भी बुराईया देश में फैली हुई है अगर उनके कारण मौजूद हैं और उनको दूर नहीं किया जाता तो वे बीमारियाँ नहीं जा सकती हैं। इसमें शक नहीं कि जैसा कि श्री बिस्वास साहब ने कहा कि यह बिल लिमिटेड (limited) है और इसका असर सिर्फ़ ड्रग्स (drugs) के ही ऊपर होगा और इस हद तक ही हम क़ानून बनाना चाहते हैं तो मेरा अदब से यह कहना है कि यह ड्रग्स के ऊपर नहीं है.....

MR. DEPUTY CHAIRMAN: You have already taken half an hour. You need not repeat the arguments.

SHRI K. B. LALL: The clock also goes against me.

MR. DEPUTY CHAIRMAN: You please wind up.

SHRI K. B. LALL: I did not see the clock.

खैर, इस बिल पर बोलने की मेरी इच्छा भी नहीं थी चूँकि ऐसी बातें सामने

आई' जो मुझे हमारी संस्कृति, हमारी सभ्यता, पुराने कलचर (culture), पुरानी सिविलाइजेशन (civilization) की दृष्टि से आपत्तिजनक प्रतीत हुई, इसलिये उनको दृष्टि म रखते हुये मुझे अपने विचार इस बिल के सम्बन्ध में प्रकट करने पड़े हैं। इस बिल के सम्बन्ध में दो चार शब्द जो मैं ने कहे है, आशा है उन पर गौर किया जायेगा। वृहस के दौरान में हमारे कुछ माननीय मेम्बरो ने यह कहा था कि अगर इस बिल पर सिलेक्ट कमेटी (Select Committee) मे गौर किया गया होता तो वहां पर इन सब बातों पर अच्छी प्रकार से विचार किया जा सकता था। जो बात श्री इनायत उल्ला और दूसरे मेम्बरो ने इस समय इस बिल के सम्बन्ध में कही है वे सब सिलेक्ट कमेटी में तब हो सकती थीं। जैसा कि मैं ने पहले कहा था कि इसका समर्थन करना उतना जरूरी नहीं है और इसका विरोध करना भी व्यर्थ है, इसलिये मैं इसका समर्थन करता हूँ।

[For English translation, see Appendix VII, Annexure No. 12.]

RAJKUMARI AMRIT KAUR: Mr. Deputy Chairman, while I am very happy that so much interest has been taken in this measure, I am somewhat surprised that it should have taken this House so long to get through what is really a very small measure. My hon. colleague, the Law Minister, has explained, I hope to the satisfaction of the House, all the points that were raised as far as the legal side of the measure is concerned. There have been requests from more than one Member for a Select Committee, and the last speaker also suggested that this Bill is being rushed through. I only wish to submit that this Bill was introduced on the 2nd December and more than two and a half months have gone by and not one single amendment or even a personal let-

ter to me to consider certain points has been sent. Therefore, I do not think that the measure is being passed in any hurry. Members of this House have had ample time to consider the provisions of this Bill and to send in amendments should they have wished to do so. I am very glad that most of the Members have supported the Bill. I had no doubt whatsoever in my mind that the women Members of this House would support it. If Members could see all the advertisements that appear in the papers—I have got only a small number on my file here—I am quite sure that they would support every provision in this Bill, and indeed many of the Members, I am glad, have done so. In fact, if there are any complaints at all, they have been to the effect that the measure does not go far enough. I would like to reply to the doubts raised by one or two of the last speakers in regard to penalising *bona fide* persons and I wish to say from the beginning that there is no bias in this Bill against any particular system of medicine or against any system of religious practices that people may wish to resort to. The measure is sought to stop advertisements and there too the scope has been limited because all the advertisements that have been brought to my notice in the last several years and which I have been wanting to check have been in regard to the subjects that have been included in the Bill and I would like to draw the attention of the Members, who have said that perhaps certain *bona fide* persons might be penalised, to what clause 16 of the Bill says:

"The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act".

Therefore rules can be made:

"In particular and without prejudice to the generality of the foregoing power, such rules may—

[Rajkumari Amrit Kaur.]

(a) specify any disease or condition to which the provision of section 3 shall apply."

There is ample coverage for Government to protect itself and particularly protect *bona fide* persons, and further:

"prescribe the manner in which advertisements of articles or things referred to in clause (c) of subsection (1) of section 14 may be sent confidentially".

As far as the saving clauses are concerned, they apply and must apply to registered medical practitioners because after all as my hon. colleague the Law Minister said we have to trust those who have been registered and who have been given the responsibility of propagating the art of healing. If any medical practitioner finds that a certain medicine has been efficacious in any of these diseases mentioned in this Bill, he has the right to send it to another medical practitioner and to the laboratory where it can be scientifically tested. I entirely agree with my colleague who is not in the House just now when he said that if we could give medical relief which we would like to, to the entire country and in particular to the villages, there would be no necessity for an Act like this. I entirely agree with him but until such time as we are able to do it—we are trying as fast as we can within our limited resources to carry medical aid and relief to the remotest corners of our land—we have to guard against the terrible amount of quackery that obtains. Many other subjects have been raised which are not relevant to the Bill. As far as spurious drugs are concerned, none is more alive to this matter than I but it is not covered by this Act. This is covered by the Drugs Act but I wish to amend that too in due course and try to see what we can do to eliminate the malpractice of adulteration or drugs. As far as adulteration of food is concerned—even that has been mentioned in the debate—the House

is aware that there is a Bill before the House of the People; it has been through the Select Committee and I hope it will soon come up to this House. So this little Act is a small measure. Its scope is limited and yet it does give enough power to the Government to see that what is sought to be done is done in a proper way without penalising anybody. There is no question of penalising the poor and helping the rich. The people who put these dreadful advertisements are obviously poor who probably have not got any other means of earning a decent livelihood and thus resort to these things. They are certainly not rich people and the papers which accept these advertisements again, I beg to submit, must be those which are not able perhaps to make both ends meet without these advertisements. I am glad to say that, by and large, first class journalists don't go in for these advertisements. Therefore, it is not a question of hitting anybody. It is only a question of trying or taking, as one hon. Member remarked, the first step in the right direction.

Another hon. Member said that there must be more education in these matters. Of course, after the passing of the Bill there is no doubt that health education should be given to the ignorant public, to the gullible public and I hope to see the formation, in the next financial year, of the Health Bureau under the Central Ministry of Health through which the necessary education will be given to the people.

I do not think there is any need to include advertisements by posters or inscription. I consulted the Law Ministry and they advise me that no amendment is necessary to amend that clause because it is not exhaustive; it is only inclusive and the wording, as it is, is wide enough to include posters, to include handbills, to include anything of that nature.

Some one suggested that the accused may not be able to prove the

case. But as my colleague the Law Minister said, according to the Indian Penal Code, the accused can prove that he did the thing in good faith. Therefore the onus is on him and the onus is equally on the prosecution to prove that it was not a *bona fide* act.

With these few words, Mr. Deputy Chairman, I move that this Bill be taken into consideration.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: Now we take up the clause by clause consideration of the Bill. There are no amendments.

Clauses 2 to 16 were added to the Bill.

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

RAJKUMARI AMRIT KAUR: Sir, I move that the Bill be passed.

THE DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI P. SUNDARAYYA: Sir, at this stage I do not want to make any long speech but only to offer a few remarks: I agree with this Bill and I wholeheartedly support it. My only complaint is that the provisions of this Bill do not go far enough. It is not enough merely banning the advertisement of certain drugs, drugs that are injurious, drugs that are spurious. It is necessary to stop the use of spurious drugs and it is necessary to stop spurious medical practitioners. This can be done without raising so much

opposition if the Government only comes with a plan of educating the Vaid and Hakims and giving them scientific training so that within their limited circle at least, they can do this useful function. Unless the Government takes immediate steps in that direction, this Bill in practice, will be nothing more than a paper Bill. You may launch a few prosecutions, but that is not going to stop this evil. So I hope the Health Minister will certainly come soon—the earlier the better—with the other legislative measures that she mentioned so that these spurious drugs etc. may be stopped. This is only a beginning and even for that it has taken us seven years after getting power in our hands. We have made a start only now.

In this connection I must say that I was rather surprised and I was filled with regret also, at the speech of the Leader of this House, when he declared that he believes in faith cure. He may believe in such cures; but I would request responsible Ministers, whatever their personal opinions may be, to keep them in their own minds and not to express them, at least as long as they occupy positions of authority; that would be better, for otherwise they would be confusing the people and giving a wrong lead to them. This is the minimum that they can do.

With these few remarks and hoping that the Minister of Health will bring the other measures also, I support the Bill wholeheartedly.

RAJKUMARI AMRIT KAUR: I have already explained that the Drugs Amendment Bill will also be brought before Parliament as soon as possible.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.