

that "Since pan masala, gutka or supari are eaten for taste and nourishment, they are all food within the meaning of Section 2(v) of the (Prevention of Food Adulteration) Act." As such, by virtue of the regulation dated 1st August, 2011 issued under the Food Safety and Standards Act, 2006, read with the judgement of the Hon'ble Supreme Court on the issue, Gutkha products are food products containing tobacco and nicotine and their manufacture, sale or storage is not permitted under law. By virtue of the same regulation, Pan Masala, if it contains tobacco and nicotine, cannot be manufactured or sold. Enforcement of this regulation, however, lies with the Commissioners of Food Safety under the State Governments, as per the provisions of Food Safety and Standards Act 2006.

Ministry of Health and Family Welfare has been regularly sending advisories to the States to implement and enforce the said regulation. The State Governments which have so far issued orders/notification to enforce implementation of the ban in accordance with the above regulation are Madhya Pradesh, Kerala, Bihar, Rajasthan, Maharashtra, Gujarat, Haryana, Chhatisgarh, Jharkhand, Mizoram, Delhi, Uttar Pradesh, Uttarakhand, Himachal Pradesh, Chandigarh and Punjab. In addition, Goa has enforced the ban through its State Public Health Act.

(c) Yes, a few States have pointed this out.

(d) and (e) There is no question of compromising with the life of millions of people. This Ministry has repeatedly advocated with the State Governments to strictly implement the ban on Gutkha in letter and spirit. Further, the Ministry has also brought to the notice of the State Governments the Judgements of the Hon'ble Allahabad High Court in the cases of M/s. Khedal Lal & Sons Vs. State of U.P. FAC 1981 (1) 262, and Manohar Lal Vs State of U.P. Criminal Revision No.318 of 1982, wherein the High Court have held that Chewing tobacco is a food article. In view of this, and the regulation dated 1st August, 2011 issued under the Food Safety and Standards Act, 2006, this Ministry has again written to the State governments to consider examining the issue for banning the sale of gutkha, pan masala, zarda or other chewable products having tobacco and nicotine, with immediate effect.

The Ministry is also trying to generate public awareness through media and outdoor campaigns.

AIIMS-like hospital in Madurai

518. SHRI T.K. RANGARAJAN: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the present status of the proposal to set up AIIMS-like Hospital in the city of Madurai;

(b) whether the required funds for setting up such a hospital has been allocated; and

(c) if not, the reasons for the same?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): (a) to (c) There is no proposal to set up an AIIMS-like Hospital in the city of Madurai under Pradhan Mantri Swasthya Suraksha Yojana (PMSSY). There is a component of upgradation of Government Medical College Institutions under PMSSY. Government of India is currently executing the upgradation of Government Medical College, Madurai in the second phase of PMSSY, at an estimated cost of Rs.150 Crore.

Denial of free treatment to poor by private hospitals

†519. SHRI MOTILAL VORA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that despite the order of the Hon'ble Supreme Court, thirty four private hospitals in Delhi neither reserved ten per cent beds for people belonging to economically weaker sections nor did they provide them free treatment facility in Out Patient Department (OPD);

(b) if so, the action taken against such hospitals by Government; and

(c) if not, the reasons therefor?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): (a) to (c) As informed by the Government of NCT of Delhi, out of the 43 identified private hospitals presently providing free treatment to the eligible category of economically weaker section patients, the achievements of 34 identified private hospitals were either less than 10% in IPD and/or 25% in OPD. These defaulter hospitals were issued notices dated 19/09/2012 by the Department of Health and Family Welfare, GNCTD. Amongst these 34 defaulter hospitals, those ten hospitals, whose free IPD achievement was less than 3.3% in the month of October, 2012 were also issued notices on 01/11/2012 by the Government of NCT of Delhi, to explain within 7 days why proceedings of contempt of court may not be initiated against them.

†Original notice of the question was received in Hindi.