

PRIVATE MEMBERS' BILLS – Contd.**The Drugs and Magic Remedies (Objectionable Advertisements)
Amendment Bill, 2012**

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): We shall now take up the Drugs and Magic Remedies (Objectionable Advertisements) Amendment Bill, 2012 by Shri Shantaram Naik.

SHRI SHANTARAM NAIK (Goa): Sir, I move:

That the Bill further to amend the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, be taken into consideration.

Sir, I am happy that I have secured a place in the ballot and thus this Bill has come up for discussion. Sir, I am tempted to read the Statement of Objects and Reasons for the simple reason; unless I read the text of my statement perhaps the House may not realise what the Bill is about. This is particularly because I am from Goa, they may be under the impression that this refers to drug issue which is there on the coastline. It has nothing to do with that. This is another issue and a very sensitive issue. I read the Statement of Objects and Reasons: "The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 is an important piece of legislation which is not being implemented in this country in its letter and spirit. The illiterate masses of this country are taken for a ride by quacks and touts who claim magical remedies for various diseases. They publicise and market their drugs which are either harmful or contain no medical ingredients. Medical remedies which include a talisman, *mantra*, *kavacha*, and any other charm of any kind which is alleged to possess miraculous powers for or in the diagnosis, cure, mitigation, treatment or prevention of any disease in human beings or animals, are claimed by certain practitioners openly either in their 'dispensaries' which they open in hotels or even on streets. Womenfolk of the country are lured to make them believe that various medical problems related to them can be cured with these 'medicines' that these quacks prescribe. Unfortunately, some practitioners blend their treatment with divine blessings thus spreading superstitions at the same time. Section 7 of the Drugs and Magical Remedies (Objectionable Advertisements) Act, 1954, as it exists today, provides in the case of a first conviction, with imprisonment which may extend to six months, or with fine or with both and in the case of subsequent conviction, with imprisonment which may extend to one year, or with fine, or with both. This gives option to the magistrate to impose a mere fine on the accused in the event of his or her conviction. Considering the damage, that, those who claim magical remedies, cause to the social fabric, the penalty clause has to be made more stringent and harsher to act as a deterrent."

I have, in this Bill, only sought to increase the penalty. The provisions of the Bill are not implemented properly. My contention is that the provisions of the Bill should be implemented in letter and spirit.

The *jadi-booti* system, which flourished in the ancient times, has relevance even today. In ancient times, the allopathic medicines were not available, treatments were not available, it was only the *jadi-booti* that cured the people. And, there is no doubt in it. Even today the *jadi-booti* is quite effective, as far as mitigating an illness is concerned. But, today, steroids are mixed in the *jadi-booti*. And, the results, obtained because of the steroids, are claimed by the quacks as the results of *jadi-booti* treatment.

Worst is, self-styled Godman practise this. One or two Godmen are already in jail. Others are prominently seen on TV channels. I don't know how TV channels allow so-called Godmen to advertise what is banned under law in this country. Secondly, it is unfortunate that these so-called Godmen lure our young girls in such a manner that they make advances on them and spoil their lives. People, in our country, are very God-fearing. They respect the concept of godman or *sadhu* or whatever it is. Even parents take their young girls to such people believing that their illness will be cured. But these godmen take advantage of such a situation. They take them to isolated places. And, you all know what happens thereafter. This is the most tragic aspect of the entire thing. One of the Godmen, in the Northern India, also teaches physical exercises. Of course, frankly speaking, people have benefited also by that. But when his popularity spread throughout the country, he took benefit of that popularity and even indulged in politics. Somehow he, ultimately, withdrew.

THE VICE-CHAIRMAN (SHR V.P. SINGH BADNORE): They are not godmen, they are fake men.

SHRI SHANTARAM NAIK: Sir, it is not that only illiterate people indulge in such thing. It is our wrong impression. I would like to admit very frankly that even the politicians, from both sides, indulge in superstitious practices that are banned under the Constitution of India. I remember, even in her Twenty-Point Programme, Late Smt. Indira Gandhi, had included the banning of superstitious practices. Our constitutional provisions also ban it. In spite of that, our politicians, I am again repeating, from all sides, go to *tantriks* and *mantriks*, especially during election times. Let somebody make an estimate, when the General Elections are announced how many of us go to such people. And, how many of us would like *tantriks* and others to do some ceremony, some ritual so that they get elected. By this, the Godmen have become so rich that it is said that one day their names will appear in the Forbes list, which is popularly the list of those people who amass vast wealth.

[Shri Shantaram Naik]

Another matter which I want to raise is also sensitive, but I cannot refrain myself from saying it. The practices regarding medicines, quacks and superstitious beliefs are all combined one. It is a wrong thing that people attach religion with this. Religion is a different thing. Everyone has got a right to practise his own religion and nobody can forbid that. But such mixtures, sometimes, give that impression. I was told that there is one temple in South India where people go with visa papers in their hands. They feel if visa papers are taken in that particular temple, then, they will be granted a visa. So, I am saying this, particularly, because you have to remove such impressions from the minds of the people, who believe that taking this and showing that in the temple will enable them to get that.

Another thing which is shocking is this. Our scientific community is considered to be much more rational. We are small politicians. Scientific community is adored in the sense that they think rationally and with sense. But when Space Research Organisation' people launch vehicles into satellites, a replica of that satellite and space launching pad is presented by them to their deity so that successful launching takes place.

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): It is just a belief, I suppose.

SHRI SHANTARAM NAIK: But that is what I am seeing. If scientific community goes to such an extent, then, there is a problem.

Another interesting aspect I would like to mention is this. We all are worried about who killed Dabholkar, an eminent nationalist person who fought against superstition, who fought against such quacks and other traders. You must be knowing about Shri Narendra Dabholkar. It is an international issue. In international magazines, newspapers, Dabholkar issue is prominently figuring and Maharashtra police is also embarrassed as to why they have not been able to catch him. Because, not only our country is watching, the world over also people are inquiring about the Dabholkar case. The other day I learnt that in the Police Commissioner's office at Pune, a *tantrik* was called by the Commissioner. The Commissioner told him, "Look here, we are not getting the killer of Dabholkar. You do something." He did something. Whatever it was, I am not going into that.

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): What was the result?

SHRI SHANTARAM NAIK: I do not know the results. So far, we have not heard that he has been caught. But, again, if people go to this extent, then, how can the police or any scientific community or literate people – lawyers, doctors, ask the people that they should not go in this manner?

Sir, I would also like to make another point. The land acquired by such alleged Godmen all over the country should be inquired into by the CBI and not by an ordinary agency, in general, irrespective of who has this thing. Everywhere, there is a land grabbed by these people. They must have taken it from the Government, private agencies, industrialists, corporate bodies, etc.

But the CBI must enquire into the land which has been amassed—I would say—by such people. They may be slightly superstitious people or they may not be superstitious also. For blood pressure, they prescribe particular mantra ‘ह्रीं.’ They advise to chant that *mantra* one dozen times and the blood pressure gets minimized. That should be done with *punchmukhi rudraksha*. For mild heart disease, they say to do it very cautiously. If you have got a mild heart disease, then chant ‘ॐ ह्रीं जुं सः’ five hundred times before and after the sunset. That will cure your problem. For diabetes, they ask to do the same mantra two hundred times. What is this? Why is somebody not enquiring into these practices? It is taking place in a land of this magnitude. We are talking of going to 21st century, we are competing with China, we are competing with US and we want to be a world power. Can these things lead us any farther? With due respect to our culture, I am saying this. We have to protect our cultural ethos, we have to protect our religious feelings. But, at the same time, we have to ensure that these petty things do not come in the way of advancement of our citizens. We have to develop a scientific temper in the minds of the people which our Constitution mentions. If scientific temper is not maintained, if we don't pursue the scientific temper, then we may perhaps not go ahead.

With these words, Sir, I would request the House to take it up for consideration.

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Is there any Member who would like to speak on this subject? It is because I have no names right now. So, we can call the Minister now. But before the Minister starts, I think, let me just say that even Shakespeare said, “The fault, dear Brutus, is not in our stars, But in ourselves, that we are underlings.”

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. HARSH VARDHAN): Sir, first of all, I would like to congratulate the hon. Member for bringing this very important issue before this august House.

This Bill was enacted even before I was born, and, honestly speaking, most of the things that you have elaborated, I will not repeat them, but I can only say that I have no reasons to disagree with the basic sentiments that you have expressed. As a matter of fact, all these things are unfortunately happening in our society. Quacks with different names,

[Dr. Harsh Vardhan]

different ways of working, are using all sorts of techniques to, in fact, mislead the people, misguide them, exploit their sentiments, emotions, raise false hopes and things like that. But in spite of the fact that I agree with what you have said, unfortunately, since 1954 when this Bill was first enacted in Parliament, I don't think anybody has seriously been punished anywhere in this country on the basis of this law.

Sir, I have to make two-three submissions before you. Firstly, there is a definite need for either amending the overall Act as such or revisiting the contents of it and how we actually implement it. Secondly, my problem is that when we put this Act into implementation or make any changes in it - if you have read the Act carefully and in detail, and I am sure you have done it - you would agree with me that the State Governments have to actually be part of the whole activity. So, if, as the Minister of Health, I agree to any amendment that has been proposed by you, I cannot do so without taking the State Governments into confidence. That is the first point. The second point is, if we were not able to punish people for six months or one year, depending on whether they have committed the crime for the first time or the second time, I really am not sure whether just saying that on the first offence we are going to punish them for one year and then on the subsequent offence for five years we would actually be able to implement it. So, I have a very humble request to make to you. And, I can say that I was also like you; I have also been thinking like this all my life. Twenty years back, as Health Minister of Delhi, I used to think, "What is this law which has never been implemented"? We see all these advertisements appearing in newspapers; if you look at some of the newspapers today, you will find so many objectionable things there. But when this law was made there was no television channel or electronic media, and now there are so many mechanisms by which people are being deceived, fleeced, or whatever you may call it. I can only promise you that if you would please appreciate...

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): Please address the Chair.

DR. HARSH VARDHAN: Yes, Sir.

If you could appreciate our problem of not being able to consult the States within the short time that was available to us, I can assure the hon. Member that we will have a relook at the whole issue and see whether we want to actually do away with this Act or put some really strong amendments into it. We would like to work on it from the Government side and rather than making small changes here in terms of punishing for one year instead of six months or five years instead of one year, we would like to radically revisit the whole law.

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): Would you refer it to the Standing Committee?

DR. HARSH VARDHAN: Sir, I feel that it would be better if he could withdraw it right now.

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): That is all right; what about the Bill that you have got otherwise?

DR. HARSH VARDHAN: At the level of the Department and our Government, we would certainly look at it most seriously, because it involves very serious and crucial issues which actually involve the health of the people, and of course, the society and the nation. So, I would be extremely grateful if the hon. Member could withdraw this Bill.

SHRI SHANTARAM NAIK: Sir, I would like to make a few points. I am happy that in principle, the hon. Health Minister agrees to the contents of the Bill. I would request the hon. Health Minister to call a meeting of Health Ministers of all the States and come up with an exhaustive Bill, complete with amendments, at a future date, but it should be implemented in its spirit. As and when you are ready with a new Bill or amendments, the Bill with those amendments can be implemented. But right now there is a need to implement this Act as it is. If that is done, that is sufficient. Then my amendment for the purpose of increasing punishment, etc., doesn't matter much. The only thing is that a fine can be imposed by courts considering the situation. The courts will obviously exercise jurisdiction to impose punishment and also imprisonment. They will do it. But kindly call a meeting of Health Ministry and ask them to implement this legislation threadbare. That will suffice. With this, I seek leave of the House to withdraw this Bill.

The Bill was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): The next Bill is Pathological Laboratories and Clinics (Regulation and Control) Bill, 2010. Hon. Member, Shri Vijay Jawaharlal Darda, is absent.

The next Bill is the Constitution (Amendment) Bill, 2011 (amendment of article 25). Hon. Member, Sardar Sukhdev Singh Dhindsa, is absent.

Now, we will take the Special Mentions. Shri Motilal Vora; absent. Shri Y.S. Chowdary; absent. Shri Vijay Jawaharlal Darda; absent. Shri Rajeev Chandrasekhar; absent.

The House stands adjourned to meet on Monday, the 14th July, 2014 at 1100 hours.

*The House then adjourned at fifty-three minutes past
four of the clock till eleven of the clock on
Monday, the 14th July, 2014.*