

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

STARRED QUESTION NO:28
ANSWERED ON:03.12.2003
MASHELKAR COMMITTEE REPORT
BHASKAR RAO PATIL;NANDIPAKU VENKATASWAMY

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the Mashelkar Committee set up on spurious drugs and drug regulatory revamp has submitted its final report to the Government;
- (b) if so, the salient features of the recommendations/observations made by the Committee;
- (c) whether the Government have since examined the report;
- (d) if so, the follow-up action taken by the Government thereon; and
- (e) if not, the time by when the Government are likely to examine the report and take a final decision in the matter?

Answer

MINISTER OF HEALTH AND FAMILY WELFARE AND PARLIAMENTARY AFFAIRS (SMT. SUSHMA SWARAJ)

(a)to(e): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 28 FOR 3.12.2003

The Expert Committee headed by Dr.R.A. Mashelkar has submitted its report to Government in two parts. An interim report was submitted in August 2003, dealing with penalties for various offences under the Drugs and Cosmetics Act, 1940. A summary of the recommendations contained in the interim report is annexed.

Government has initiated steps to bring forth a legislation for amending the Drugs and Cosmetics Act on the lines suggested by the committee.

The committee has submitted the final report to the Government in November, 2003. The report is under examination.

ANNEXURE

As regards penalties for offences provided in the Drugs and Cosmetics Act, 1954, the Committee has recommended that:

- a. The penalty for sale and manufacture of spurious drug that causes grievous hurt or death should be enhanced from life imprisonment to death. Even the penalty for manufacture and sale of spurious drugs that do not cause grievous hurt or death should also be made more severe.
- b. The offences related to spurious drugs should be made cognizable and non-bailable. The bail, if considered by the court should be granted only after a period of three months.
- c. The penalty for not disclosing the source of purchase of drugs by a dealer should be made stringent.
- d. A provision should be included in the Drugs and Cosmetics Act to enable the Central and State Governments to designate special courts for speedy trial of spurious drugs cases.
- e. A provision for compounding of offences should be included in the Drugs and Cosmetics Act.
- f. Under Drugs and Cosmetics Act, besides the Drug Inspectors, Police should also be authorized to file prosecution for offences related to spurious drugs.