

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

12.42 hrs.

DRUGS AND COSMETICS (AMENDMENT) BILL

Mr. Chairman: Dr. Sushila Nayar.

The Deputy Minister in the Ministry of Health (Dr. D. S. Raju): Mr. Chairman, Sir . . .

Shri U. M. Trivedi (Mandsaur): On a point of order, Sir. How is this Bill being moved for consideration? There is no certificate attached to it. This requires a certificate from the President. Where is that certificate?

Mr. Chairman: A certificate has been issued by the President and it has been embodied in Bulletin—Part II dated Saturday, the 2nd May. It reads:—

"Copy of letter No. F. 1-10/63-D, dated the 29th April, 1964 from Dr. Sushila Nayar, Minister of Health to the Secretary, Lok Sabha.

The President having been informed of the subject matter of the Drugs and Cosmetics (Amendment) Bill, 1964, as passed by the Rajya Sabha recommends under article 117(3) of the Constitution the consideration of the said Bill in the Lok Sabha."

Shri U. M. Trivedi: I would like to know why this certificate was not attached to the Bill itself. Under the rules it requires to be attached to the Bill. Why was it not attached?

Shri Sinhasan Singh (Gorakhpur): I wish to raise another point of order. My point of order is not about the President's recommendation for the consideration of the Bill, but my point of order is about the Bill's introduc-

tion and passage in the Rajya Sabha. Under article 117(1) read with articles 109 and 110, this Bill, which is here as passed by Rajya Sabha, should not have been introduced there. Article 109, clause (1) specifically lays down:—

"A Money Bill shall not be introduced in the Council of States."

Therefore there is no question of their considering and passing it. Article 109, clause (1) definitely lays down that Money Bills shall not be introduced there, but it has been introduced there. So, my basic objection is that this Bill which is a Money Bill could not have been introduced in the Rajya Sabha and could not have been passed there.

Shri U. M. Trivedi: That is all right. This is not a Money Bill. But was there a certificate for the Council of States under article 117(3) and why was the certificate not attached to the Bill itself?

15.45 hrs.

[**MR. SPEAKER in the Chair**]

Shri Sinhasan Singh: Sir, I was raising my point of order and the question that I have raised is, perhaps, being explained to you. There are certain Bills which relate to money matters and this Bill, the Drugs and Cosmetics (Amendment) Bill, 1964, as passed by Rajya Sabha, which is here could not have been introduced there in view of article 117(1), read with articles 109 and 110, of the Constitution. Article 109(1) reads:

"A Money Bill shall not be introduced in the Council of States."

What is a Money Bill? A long definition of a Money Bill is given in article 110. It goes on to enumerate several kinds of Bills which will be construed to be Money Bills. In the present Bill clause 5 and other clauses relate to the appointment of the Board of Directors and inspectors

[Shri U. M. Trivedi]

which will entail drawing upon the Consolidated Fund of India or withdrawing money from there. Therefore, this is a Money Bill as laid down in article 110(1) (c) which says:

"the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;"

Then, sub-clause (g) of the same clause says:

"any matter incidental to any of the matters specified in sub-clauses (a) to (f)."

Please mark the word 'incidental'. If even incidentally any of the sub-clauses (a) to (f) are covered, no such Bill could be introduced in the Council of States.

Article 117(1) specifically lays down:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States:"

Again, here also, this fact is reiterated, namely, that any Bill making any such provision shall not be introduced in the Council of States. Here also a Money Bill has been defined in clause (2)—this is only an exception—

"A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, re-

mission, alteration or regulation of any tax by any local authority or body for local purposes."

Then, clause (3) is about the consideration and passing of Bills. That also cannot be done without the previous sanction of the President. This point was raised here, namely, that it does not have the recommendation of the President and now it has been stated that it is here; so, I am not raising that point.

Mr. Speaker: We have got the recommendation under article 117(3).

Shri Sinhasan Singh: You have got the recommendation for consideration here. Originally, the Bill was introduced in the Rajya Sabha. My point is, it could not be introduced there. Even the President could not permit introduction there. My point is not that here it cannot be considered. My point is, at the initial stage when the Bill was introduced in the Rajya Sabha....

Mr. Speaker: He means to say that it is a Money Bill falling under sub-clauses (a) to (f) of article 110. This is his contention. But Mr. Trivedi says, it falls under sub-clause (3) of article 117. Mr. Sinhasan Singh does not agree with him. His contention is that it falls under article 117(1) and that it is a Money Bill. Now, what particular sub-clause of article 110 does he refer to? There are sub-clauses (a) to (f) in article 110.

Shri Sinhasan Singh: I refer you to article 110.

Mr. Speaker: Under which sub-clause?

Shri Sinhasan Singh: Article 110 is a very wide article.

Mr. Speaker: He might refer to the particular sub-clause.

Shri Sinhasan Singh: Sub-clause (c) of article 110 says:

"the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;"

Mr. Speaker: Now, he must also pay his attention to article 110(1), which says:

"For the purpose of this Chapter, a Bill shall be deemed to be a Money Bill if it contains *only* . . .

—the most important word here is
'only'—

"...provisions dealing with all or any of the following matters...."

If it contains any other provisions also, then the things become different. So far as this Bill is concerned, it has many other provisions also.

Shri Sinhasan Singh: It has. But then, Sir, you look to the sub-clause (g) which says:

"any matter incidental to any of the matters...."

Mr. Speaker: That means just connected with them, not any other thing.

Shri Sinhasan Singh: If it was not a Money Bill, the President's sanction would not have been necessary. The very fact that the President's sanction is necessary here at the consideration stage....

Mr. Speaker: There are two recommendations and they are distinct, one is under article 117(1) if it is a Money Bill and the other is under article 117(3) when it is not a Money Bill.

But the effect of it is the expenditure from the Consolidated Fund of India. Therefore, this falls under article 117(3) as has been argued by Mr. Trivedi.

Shri Simhasan Singh: I have no objection to that. That is there.

Mr. Speaker: If it falls under article 117(3), then we have got the recommendation here and then it could be introduced in any of the Houses.

Shri Sinhasan Singh: My point was this. There are two stages for a Bill. First is the introduction stage and the other is the consideration stage. Article 117(1) refers to the introduction stage and sub-clause (3) refers to the consideration and passing stage. The question is, we cannot pass any Bill which involves any expenditure even at the consideration stage without the previous sanction of the President. Sub-clause (1) refers to all the Bills which are covered in any way under article 110.

Mr. Speaker: Only the crucial point would be whether it is a Money Bill or not. If it is a Money Bill, then it must have been introduced only here in this House and not in the other House. This is the first thing.

Shri Sinhasan Singh: The word 'only' is there. I agree. But sub-clause (c) of article 110 says:

"....or the withdrawal of moneys from any such Fund;"

Mr. Speaker: The word 'only' covers all other provisions that come after.

Shri Sinhasan Singh: It is any withdrawal from the Consolidated Fund of India. That amounts to a Money Bill.

Mr. Speaker: Does the hon. Minister want to say anything about it?

Dr. D. S. Raju: I am entirely in your hands. This is a legal and constitutional point. I am entirely in your hands.

Mr. Speaker: Not in my hands.

Shri Nambiar (Tirucherapalli): If the House so desires, he will get it passed.

Shri Morarka (Jhunjhunu): It is a constitutional point.

Mr. Speaker: Mr. Sinhasan Singh has raised it earlier also. He believes in that contention of his. But I cannot agree there. If it were a Money Bill, then, of course, his objection was quite all right. But this is not a Money Bill in the definition that is given there from (a) to (f) of article 110. It falls under article 117(3). The effect of it might be the expenditure from the Consolidated Fund of India. But it does not *only* provide for the withdrawal or for taxation or other things that are described there. We have got here, for consideration and passing, the recommendation under article 117(3). We have got it all right. Therefore, I feel that we can proceed with it.

Shri U. M. Trivedi: You have said that we have got the recommendation. It has been read out also. What I say is this that in each of these Bills—several are here before me even today—a certain recommendation is with the Bill. But in this particular instance, I do not know why this recommendation is not there with the Bill.

Mr. Speaker: It is an omission, of course. It ought to be there. It ought to be printed on the Bill. I agree with the hon. Member. I hope in future it will be kept in mind. It ought to be on the Bill. The recommendation should be printed with it.

Shri S. M. Banerjee (Kanpur): Has it been obtained?

Mr. Speaker: It has been obtained.

I am told that when it has been passed by one House, then it comes separately and that it cannot be printed on the Bill. When it is passed by one House and it is transmitted to the other House, then a separate recommendation comes.

Shri U. M. Trivedi: In that case even, the recommendation ought to have been communicated to the House.

Mr. Speaker: It has to come separately.

Shri U. M. Trivedi: Even if it is separate, it ought to have been communicated to the House.

Mr. Speaker: We will see whether it is possible to print it again. But ordinarily, when it is passed by one House, we do not have it printed again unless there are great many changes made. Because it is not printed again, that recommendation also cannot be printed. Now, we can proceed with it.

Dr. D. S. Raju: I beg to move:

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, as passed by Rajya Sabha, be taken into consideration."

Mr. Speaker, Sir, The Drugs and Cosmetics (Amendment) Bill, 1964, as passed by the Rajya Sabha is now before the Members of this honourable House. The Drugs and Cosmetics Act, 1940, as it exists, does not apply to the drugs of indigenous system of medicine, namely . . . Unani and Ayurveda. Now, Sir, this amending Bill which has gone through the Select Committee and which has been recommended by the Select Committee has made certain amendments so as to bring the drugs of Ayurveda and Unani under the purview of this Act. The reason is this. The manufacture of Ayurvedic medicines has become a major industry. So far, Ayurvedic and Unani drugs were manufactured by *vaids* and

hakims for their own patients. It used to be on a small scale. Now, since it has become a major industry, millions of patients are using these drugs and so naturally it is necessary that Government should exercise the greatest care and take precautions so as to safeguard and protect the health of the people.

Sir, it has been brought to our notice several times, on several occasions, that most of these modern drugs, such as asperin, sulpha drugs and acromycine and other drugs are mixed with Ayurvedic drugs and sold as Ayurvedic medicines or distributed as Ayurvedic medicines so much so they are not protected or covered by the Drugs and Cosmetics Act. In this way, they escape. That is a very dangerous thing. Also, according to the Udupa Committee, most of the Ayurvedic drugs which should contain some very valuable ingredients such as gold, arsenic, copper, saffron and musk etc. actually do not contain them. It has even been reported that gold which goes into some preparations like *makaradwaja* and other things is taken out of it, and so, what goes out is only *makaradwaja* minus gold. These are the things which have been brought to our notice. So, it became imperative that we should bring forward this amending Bill before this House.

16 hrs.

Shri S. M. Banerjee: Are we getting pure gold in *makaradwaja* at least?

Shri Sham Lal Saraf (Nominated—Jammu and Kashmir): 14 carat.

Mr. Speaker: Is the hon. Minister likely to take some more time?

At 4 p.m., we have to take up another discussion.

Dr. D. S. Raju: If you could give me five or ten minutes more, I can introduce the Bill for consideration.

Shri S. M. Banerjee: Let him continue tomorrow. If the hon. Minister

wants to take ten minutes more, that should not be deducted from the half-an-hour allotted for the half-an-hour discussion to be raised by me. If the hon. Minister takes ten minutes, then Shri Harish Chandra Mathur would get one hour for the discussion that he wants to raise, which would mean that my half-an-hour discussion would start at 5.10 p.m. So, either the House may sit up to 5.40 p.m. today, or the hon. Minister may continue tomorrow.

Mr. Speaker: The hon. Minister may continue his speech tomorrow.

16.02 hrs.

DISCUSSION RE: INDIAN REPATRIATES FROM NEWLY INDEPENDENT COUNTRIES OF AFRICA

Shri Harish Chandra Mathur (Jalore): I beg to raise the discussion standing in my name, on the question of the Indian repatriates from the newly independent countries of Africa. I hope the House has got a full conception of the magnitude of the problem.

We have more than 3 lakhs of Indians and persons of Indian origin in these newly independent East African countries. Even in Zanzibar, we have got about 18,000 persons of Indian origin; 350 of them are Indian nationals. In Tanganyika we have got about 87,000 Indians, that is, persons of Indian origin; 5,000 are Indian nationals. In Kenya, we have got more than 1,80,000; about 7,650 of them are Indian nationals.

When we speak of the Indian repatriates, we speak with a certain background. To a person like me it is almost inconceivable why there should be conditions in which Indians should feel compelled to leave a country which they have adopted, to leave a country where they have gone and settled and contributed a considerable lot. India's association with the African countries in their free-