



# Standing Committee Report Summary

## The Drugs and Cosmetics (Amendment) Bill, 2005

- The Standing Committee on Health and Family Welfare (2005-06) submitted its 12<sup>th</sup> Report on 'The Drugs and Cosmetics (Amendment) Bill, 2005' on December 21, 2005. The Chairperson was Shri Amar Singh.
- The Committee recommends that the Bill retain its provision of enhancing the penalty for manufacturing, selling or distributing adulterated or spurious or below standard drugs to life imprisonment instead of the death penalty (as recommended by the Mashelkar Committee). The Bill had increased the penalty to imprisonment for a minimum of ten years to life and a minimum fine of Rs 10 lakh or three times the value of drugs confiscated, whichever is more.
- The Committee recommends that penalty should be imposed on manufacturers or distributors or sellers of spurious/adulterated drugs if the drug caused prolonged illness in patients. The Bill only imposed penalty if it caused death and grievous hurt.
- The Bill states that the victim or in the case of his death his relative is liable to be compensated. It also lists the relatives who would be eligible to get compensation. The Committee notes that the deceased person's earning is the sole criteria for making a relative eligible for compensation (except for the spouse, minor legitimate son, unmarried legitimate daughter and a widowed mother). The Committee opined that dependence on the deceased person should not be the sole criteria for compensation. It can be the criteria to increase compensation.
- Definition of "relatives" includes widowed mother of a deceased person. The Committee recommends that mothers, whether widowed or not, should be compensated. It also observes that divorced/deserted sister or daughter in law should be included.
- The Committee recommends that parents of infant victims should be covered explicitly under the definition of relatives.
- The Bill deleted the provision of penalty for subsequent offences related to manufacturing, distributing or selling drugs that contravene the provisions of the law. The Committee suggests that it should not be deleted and the penalty should be suitably enhanced.
- The Bill allows police officers not below the rank of Sub-Inspectors and central or state government officers to file prosecutions for offences related to spurious drugs. The Committee states that in such cases, prior permission of the Drug Licensing Authority of the concerned area should be necessary.
- The Bill allows for compounding of offences. The Committee suggests certain pre-requisites for compounding instead of leaving it entirely to the discretion of government officers. The pre-requisites suggested are: aggrieved party's concurrence, the amount compounded should be adequate to compensate aggrieved person, the cost of litigation should be included in the sum compounded.
- Instead of designating Courts of Sessions as special courts, the Committee recommends that special courts be constituted to dispose of cases in a speedy manner.
- The Committee recommends that persons guilty of offences related to spurious drugs should be detained for a minimum period of three months.

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