

Bill No. XLIV of 2010

**THE DRUGS AND MAGIC REMEDIES (OBJECTIONABLE
ADVERTISEMENTS) AMENDMENT BILL, 2010**

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BILL

further to amend the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954.

Be it enacted by Parliament in the Sixty-first Year of the Republic of India, as follows:—

1. (1) This Act may be called the Drugs and Magic Remedies (Objectionable Advertisement) Amendment Act, 2010. Short title and commencement.

(2) It shall come into force, at once.

5 **2.** In the Drugs and Magic Remedies (Objectionable Advertisements) (Amendment) Act, 1954, for section 7, the following section shall be substituted namely:— Substitution of new section for section 7 of Act 21 of 1954.

“7. Penalty. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall, on conviction, be punishable—

10 “(a) in the case of a first conviction, with imprisonment which may extend to one year and fine;

 “(b) in the case of a subsequent conviction, with imprisonment which may extend to five years and fine.”

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 includes 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.

Women folk 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 Megical 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 a 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 frabric, the penalty clause has to be made more stringent and harsher to act as a detorent.

Hence this bill.

SHANTARAM LAXMAN NAIK

ANNEXURE

EXTRACTS FROM THE DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS)
ACT, 1954

(ACT No. 21 OF 1954)

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7. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall, on conviction, be punishable—

(a) in the case of a first conviction, with imprisonment which may extend to six months, or with fine, or with both;

(b) in the case of a subsequent conviction, with imprisonment which may extend to one year, or with fine, or with both.

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RAJYA SABHA

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further to amend the Drugs and Magic Remedies (Objectionable
Advertisement) Act, 1954.

(Shri Shantaram Laxman Naik, M.P.)