

F.No.A.11035/133/2014-DFQC/DRS
Government of India
Ministry of Health and Family Welfare
(Department of Health & Family Welfare)
(Drugs Regulation Section)

Nirman Bhawan, New Delhi
Dated the 3rd February, 2020

NOTICE

Subject: Draft of the Drugs and Magic Remedies (Objectionable Advertisements) (Amendment) Bill, 2020 - regarding.

In view of the concerns raised at several quarters on implementation and effectiveness of the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 from time to time, Ministry of Health and Family Welfare, Government of India proposes to amend the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 in order to keep pace with changing time and technology. In this regard, a draft bill has been prepared, a copy of which is enclosed.

2. It has been decided to solicit suggestions/comments/objections from the public/stakeholders with regard to the said draft Bill. The suggestions/comments/objections may be forwarded within 45 days from the date of issue of this Notice by email at drugsdiv-mohfw@gov.in or by post to Under Secretary (Drugs Regulation), Ministry of Health and Family Welfare, Room No. 414A, D Wing, Nirman Bhawan, New Delhi - 110011. The suggestions/comments/objections received on the above email/address within the period of 45 days shall be taken into consideration for finalization of the notification.

Encl: Draft Bill



(R. G. Singh)
Under Secretary to the Govt. of India
Tele: 2306 3019

**The Drugs and Magic Remedies
(Objectionable Advertisements) (Amendment) Bill, 2020**

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

BE it enacted by the Parliament in the Seventy first year of the Republic of India as follows:-

Amendment of section 2.	<p>1. (1) This Act, may be called the Drugs and Magic Remedies (Objectionable Advertisements) (Amendment) Act, 2020.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>	Short title and commencement.
Amendment of section 3.	<p>2. In the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (hereinafter referred to as the principal Act), in section 2, for clause (a), the following clause shall be substituted, namely:—</p> <p>" (a) "advertisement" means any audio or visual publicity, representation, endorsement or pronouncement made by means of light, sound, smoke, gas, print, electronic media, internet or website and includes any notice, circular, label, wrapper, invoice, banner, poster or such other documents:</p> <p>Provided that label or wrapper is an advertisement only if it contains any information or claim other than provided in the rules."</p>	21 of 1954
Amendment	<p>3. In the principal Act, in section 3, in the clause (d),—</p> <p>(a) in sub-clause (ii) at the end, the word "or" shall be inserted;</p> <p>(b) after sub-clause (ii) so amended the following sub-clause shall be inserted namely,—</p> <p>"(iii) after consultation with Ayurvedic, Siddha and Unani Drugs Technical Advisory Board constituted under section 33C of the Drugs and Cosmetics Act, 1940 in respect of Ayurvedic, Siddha and Unani system of medicines."</p>	23 of 1940
Amendment	<p>4. In the principal Act, for section 7, the following section shall be</p>	

of section 7	substituted, namely:—	
	<p>“7. Penalty.— Whoever contravenes any of the provisions of this Act [or the rules made thereunder] shall, on conviction, be punishable—</p> <p>a) in the case of first conviction, with imprisonment which may extend to two years and fine upto ten lakh rupees.</p> <p>b) in the case of a subsequent conviction, with imprisonment which may extend to five years and fine upto fifty lakh rupees.”.</p>	2 of 1974
Amendment of section 8.	<p>5. In the principal Act, in the section 8 (2), for the words and figures “the Code of Criminal Procedure, 1898 (5 of 1898)”, the following shall be substituted, namely:—</p> <p>“the Code of Criminal Procedure, 1973 (2 of 1974)”</p>	
Amendment of section 9A.	<p>6. In the principal Act, in the section 9A, for the words and figures “the Code of Criminal Procedure, 1898 (5 of 1898)”, the following shall be substituted, namely:—</p> <p>“the Code of Criminal Procedure, 1973 (2 of 1974)”</p>	
	<p>7. In the principal Act, for the schedule, the following schedule shall be substituted, namely:—</p> <p style="text-align: center;">“THE SCHEDULE [See section 3(d) and 14]</p> <p><i>S. No. Name of the disease, disorder or condition</i></p> <ol style="list-style-type: none"> 1. AIDS 2. Angina Pectoris 3. Appendicitis 4. Arteriosclerosis 5. Blindness 6. Blood poisoning 7. Bronchial asthma 8. Cancer 9. Benign Tumor 10. Cataract 11. Change in colour of hair and growth of new hair 12. Change of foetal sex by drugs 13. Congenital malformations 14. Deafness 15. Diabetes 16. Diseases and Disorders of the uterus 17. Epileptic fits and psychiatric disorders 	Amendment of The Schedule

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| <ol style="list-style-type: none"> 18. Encephalitis 19. Fairness of the skin 20. Form and structure of the breast 21. Gangrene 22. Genetic disorders 23. Glaucoma 24. Goitre 25. Hernia 26. High/low blood pressure 27. Hydrocele 28. Insanity 29. Increase in brain capacity and improvement of memory 30. Improvement in height of children/adults 31. Improvement in size and shape of the sexual organ and in duration of sexual performance 32. Improvement in the strength of the natural teeth 33. Improvement in vision 34. Jaundice/Hepatitis/Liver disorders 35. Leukaemia 36. Leucoderma 37. Maintenance or improvement of the capacity of the human being for sexual pleasure 38. Mental retardation, sub normalities and growth 39. Myocardial infarction 40. Obesity 41. Paralysis 42. Parkinsonism 43. Piles and Fistulae 44. Power to rejuvenate 45. Premature ageing 46. Premature greying of hair 47. Rheumatic heart diseases 48. Heart disease 49. Sexual impotence, premature ejaculation and spermatorrhoea 50. Spondylitis 51. Stammering 52. Stones in gall-bladder, kidney, bladder 53. Varicose vein 54. Bright's disease 55. Diseases and Disorders of brain 56. Disorders of menstrual flow 57. Disorders of the prostatic gland 58. Dropsy 59. Female diseases (in general) 60. Hysteria 61. Infantile paralysis 62. Leprosy 63. Lockjaw 64. Locomotor ataxia 65. Lupus | |
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	<ul style="list-style-type: none">66. Plague67. Pleurisy68. Pneumonia69. Rheumatism70. Ruptures71. Smallpox72. Sterility in women73. Trachoma74. Tuberculosis75. Typhoid fever76. Ulcers of the gastro-intestinal tract77. Venereal-diseases, including syphilis, gonorrhoea, soft chancre, venereal granuloma and lympho granuloma.78. Pyorrhoea and sensitive teeth."	
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