

Rep. by Act 56 of 1974, s. 2 + sch I

THE DRUGS AND MAGIC REMEDIES (OBJECTIONABLE  
ADVERTISEMENTS) AMENDMENT ACT, 1963

No. 42 OF 1963

[7th December, 1963]

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

BE it enacted by Parliament in the Fourteenth Year of the  
Republic of India as follows:—

1. This Act may be called the Drugs and Magic Remedies Short title.  
(Objectionable Advertisements) Amendment Act, 1963.

2. In section 2 of the Drugs and Magic Remedies (Objectionable Amend-  
ment of  
21 of 1954. Advertisements) Act, 1954 (hereinafter referred to as the principal section 2.  
Act),—

(i) after clause (c), the following clause shall be inserted,  
namely:—

(cc) "registered medical practitioner" means any  
person,—

7 of 1916.  
102 of 1956.

(i) who holds a qualification granted by an autho-  
rity specified in, or notified under, section 3 of the Indian  
Medical Degrees Act, 1916 or specified in the Schedules  
to the Indian Medical Council Act, 1956; or

(ii) who is entitled to be registered as a medical  
practitioner under any law for the time being in force  
in any State to which this Act extends relating to the  
registration of medical practitioners; ;

(ii) clause (e) shall be omitted.

Amendment of section 3. 3. In section 3 of the principal Act, for clause (d), the following clause shall be substituted, namely:—

“(d) the diagnosis, cure, mitigation, treatment or prevention of any disease, disorder or condition specified in the Schedule, or any other disease, disorder or condition (by whatsoever name called) which may be specified in the rules made under this Act:

Provided that no such rule shall be made except—

(i) in respect of any disease, disorder or condition which requires timely treatment in consultation with a registered medical practitioner or for which there are normally no accepted remedies, and

(ii) after consultation with the Drugs Technical Advisory Board constituted under the Drugs and Cosmetics Act, 1940 and, if the Central Government considers necessary, with such other persons having special knowledge or practical experience in respect of Ayurvedic or Unani systems of medicines as that Government deems fit.” 23 of 1940.

Amendment of section 7. 4. In section 7 of the principal Act, after the words “any of the provisions of this Act”, the words “or the rules made thereunder” shall be inserted.

Substitution of new section for section 8. 5. For section 8 of the principal Act, the following section shall be substituted, namely:—

Powers of entry, search, etc.

“8. (1) Subject to the provisions of any rules made in this behalf, any Gazetted Officer authorised by the State Government may, within the local limits of the area for which he is so authorised,—

(a) enter and search at all reasonable times, with such assistants, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed;

(b) seize any advertisement which he has reason to believe contravenes any of the provisions of this Act:

Provided that the power of seizure under this clause may be exercised in respect of any document, article or thing which contains any such advertisement, including the contents, if any, of such document, article or thing, if the advertisement cannot be separated by reason of its being embos-

sed or otherwise, from such document, article or thing without affecting the integrity, utility or saleable value thereof;

(c) examine any record, register, document or any other material object found in any place mentioned in clause (a) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

5 of 1898.

(2) The provisions of the Code of Criminal Procedure, 1898 shall, so far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

(3) Where any person seizes anything under clause (b) or clause (c) of sub-section (1), he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.”

6. After section 9 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 9A.

5 of 1898.

“9A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognizable.”

Offences to be cognizable.

7. After section 10 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 10A.

“10A. Where a person has been convicted by any court for contravening any provision of this Act or any rule made thereunder, the court may direct that any document (including all copies thereof), article or thing, in respect of which the contravention is made, including the contents thereof where such contents are seized under clause (b) of sub-section (1) of section 8, shall be forfeited to the Government.”

Forfeiture.

8. For section 14 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 14. Savings.

“14. Nothing in this Act shall apply to—

(a) any sign board or notice displayed by a registered medical practitioner on his premises indicating that treatment for any disease, disorder or condition specified in section 3, the Schedule or the rules made under this Act, is undertaken in those premises; or

(b) any treatise or book dealing with any of the matters specified in section 3 from a *bona fide* scientific or social standpoint; or

(c) any advertisement relating to any drug sent confidentially in the manner prescribed under section 16 only to a registered medical practitioner; or

(d) any advertisement relating to a drug printed or published by the Government; or

(e) any advertisement relating to a drug printed or published by any person with the previous sanction of the Government granted prior to the commencement of the Drugs and Magic Remedies (Objectionable Advertisements) Amendment Act, 1963:

Provided that the Government may, for reasons to be recorded in writing, withdraw the sanction after giving the person an opportunity of showing cause against such withdrawal."

Amendment  
of section  
15.

9. In section 15 of the principal Act,—

(i) after the words "any specified drug or class of drugs", the words "or any specified class of advertisements relating to drugs" shall be inserted;

(ii) after the words "any such drug or class of drugs", the words "or any such class of advertisements relating to drugs" shall be inserted.

Amendment  
of section  
16.

10. In section 16 of the principal Act,—

(a) in sub-section (2)—

(i) in clause (a), for the words "disease or condition", the words "disease, disorder or condition" shall be substituted;

(ii) in clause (b), the words, brackets and figure "sub-section (1) of" shall be omitted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days

which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

11. After section 16 of the principal Act, the following Schedule shall be added, namely:—

Insertion  
of a new  
Schedule.

"THE SCHEDULE

[See sections 3 (d) and 14]

S. No.      Name of the disease, disorder or condition

1. Appendicitis
2. Arteriosclerosis
3. Blindness
4. Blood poisoning
5. Bright's disease
6. Cancer
7. Cataract
8. Deafness
9. Diabetes
10. Diseases and disorders of the brain
11. Diseases and disorders of the optical system
12. Diseases and disorders of the uterus
13. Disorders of menstrual flow
14. Disorders of the nervous system
15. Disorders of the prostatic gland
16. Dropsy
17. Epilepsy
18. Female diseases (in general)
19. Fevers (in general)
20. Fits
21. Form and structure of the female bust

S. No. *Name of the disease, disorder or condition*

22. Gall stones, kidney stones and bladder stones
23. Gangrene
24. Glaucoma
25. Goitre
26. Heart diseases
27. High or low blood pressure
28. Hydrocele
29. Hysteria
30. Infantile paralysis
31. Insanity
32. Leprosy
33. Leucoderma
34. Lockjaw
35. Locomotor ataxia
36. Lupus
37. Nervous debility
38. Obesity
39. Paralysis
40. Plague
41. Pleurisy
42. Pneumonia
43. Rheumatism
44. Ruptures
45. Sexual impotence
46. Smallpox
47. Stature of persons
48. Sterility in women
49. Trachoma
50. Tuberculosis
51. Tumours
52. Typhoid fever
53. Ulcers of the gastro-intestinal tract
54. Venereal diseases, including syphilis, gonorrhoea, soft chancre, venereal granuloma and lympho granuloma."