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Rajya Sabha passes Jan Vishwas Bill 2023 in Parliament with amendments in pharmacy regulations

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Bill proposes to amend 183 provisions to be decriminalised in 42 Central Acts administered by 19 Ministries/Departments

The Jan Vishwas (Amendment of Provisions) Bill, 2023 was passed in Lok Sabha on 27th June 2023 and Rajya Sabha on 2nd August 2023, with removal of stringent punishments such as imprisonment from some of the provisions of the Drugs and Cosmetics Act, 1940 and the Pharmacy Act, 1948.

The Jan Vishwas Bill was drafted to amend 42 laws administered by 19 ministries. The objective behind the Bill is to do away with "outdated rules" of criminal punishment and imprisonment for several minor offences.

The Bill seeks to make two amendments to the Drugs and Cosmetics Act, of 1940 — the Act that regulates the import, manufacture and distribution of drugs in India.

Currently, the Act defines four categories of offences— adulterated drugs, spurious drugs, mislabeled drugs, and Not of Standard Quality drugs (NSQs) — and lays out degrees of punishment (a combination of prison time and fine) based on the degree of offence.

Section 27(d) specifically deals with offenses of misbranding and Not of Standard Quality Drugs (NSQs), which currently require up to two years of imprisonment and a fine of up to Rs 20,000.

According to the Bill passed by the Lok Sabha, the Drugs and Cosmetics Act, 1940 will have a few provisions where the imprisonment will be substituted with provisions for penalty.

Under the Pharmacy Act, 1948, one of the amendments is to remove provisions for imprisonment for six months or fine of one thousand ruppes or both, to penalty up to Rs. 1 lakh under Section 26A. Similarly a new section will be inserted after Section 43, named as 43A to deal with adjudication of penalties.